

Course Outline

COURSE: LAWS 5302 F - Feminism, Law and Social Transformation

TERM: Fall 2008/09

CLASS: **Day & Time:** Wednesday – 11:35-14:25
 Room: B454 LA (Loeb)

INSTRUCTOR: Professor Doris Buss

CONTACT: **Office:** C573 LA (Loeb)
 Office Hrs: Thursdays - 11:30-1:00 pm
 Telephone: 623-520-2600 x. 8011
 Email: doris_buss@carleton.ca

"Students with disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities for a formal evaluation of disability-related needs. Registered PMC students are required to contact the centre, 613-520-6608, every term to ensure that I receive your letter of accommodation, no later than two weeks before the first assignment is due or the first in-class test/midterm requiring accommodations. If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by November 7, 2008, for December examinations, and March 6, 2009, for April examinations." With regard to accommodations for religious obligations and pregnancy, please see http://www.carleton.ca/pmc/students/accom_policy.html

ASSIGNMENTS

- | | |
|---|-----|
| 1. Oral Book Review OR 4-6 page critical commentary | 15% |
| 2. Paper Proposal + Bibliography | 15% |
| 3. Research Paper: | 70% |

1 A & B Oral Book Review OR Critical Commentary**1a. Book Review**

Students select EITHER a book review OR a critical comment. For those opting for the book review: select a book from the list below to read and present in class (on the dates specified). The book review should be about 15-20 minutes long, followed by 10 minutes for discussion, and should provide an overview of the book, the main approach/theoretical orientation of the author, the book's main themes/arguments, and finally a discussion on the book in relation to the readings in the course, and for that week in particular. For example, how do the arguments/analysis in the book relate to the rest of the readings for that week? Do they confirm or complicate the analyses? What particular questions does the book help illuminate or, conversely, leave unaddressed? Do you think the authors of the articles you read for the class would agree/disagree with the arguments in the book? Why or why not?

book choices:

- bell hooks. *From Margin to Center*. (Southend).
- Patricia Williams. *The Alchemy of Race and Rights*
- Jane Doe. 2003. *The Story of Jane Doe: A Book about Rape* (Toronto: Random House).
- Sherene Razack. *Looking White People in the Eye: Gender, Race, and Culture in Courtrooms and Classrooms*, 1998;
- C. Manfredi, *Feminist Activism and the Supreme Court* (UBC Press 2004)
- Rebecca Johnson. 2002. *Taxing Choices: The intersection of class, gender, parenthood and the law* (UBC Press)

- Didi Herman. *Rights of Passage: Struggles for Lesbian and Gay Legal Equality*.
- Susan Boyd. 2003. *Child Custody, Law and Women's Work*. (Toronto: Oxford University Press)
- R. Robson. 1998. *Sappho Goes to Law School* (Columbia University Press)
- Dany Lacombe. 1994. *Blue Politics: Pornography and the Law in the Age of Feminism*. University of Toronto Press.
- Catherine Dauvergne. 2005. *Humanitarianism, identity, and nation : migration laws of Australia and Canada* (UBC Press). [Nov 4]
- Sherene Razack. *Dark threats and white knights : the Somalia Affair, peacekeeping and the new imperialism* (U of Toronto Press, 2004).
- Ratna Kapur. 2003. *Erotic justice: Law and the New Politics of Postcolonialism*.

1b. Critical comment

Students can select EITHER an oral book review OR write a 4-6 page commentary on ONE of the readings in a given week (sign up list to be distributed in class). An article commentary sets out the author's argument and then considers how the author's argument pertains to, challenges, reinforces, questions, complicates the course themes and particularly the RELATED themes emerging from that week's material.

In some cases, the article under review may more directly engage with readings from an earlier week. In that case, a good critical commentary will reflect on those readings. A critical commentary should NOT be a descriptive summary of one of the readings.

2. Paper proposal and bibliography [required]

This is a 3 page paper proposal that sets out the topic of your research, your main research questions, and the avenues and directions you hope to pursue. A proposal should contain a brief discussion of the background to your topic: what are the events or developments with which your paper is concerned, what developments/directions has the theoretical literature taken, where does your research fit into this background?

You are also required, in addition to the 3 page proposal, to annotate 3 sources (ie books or academic journal articles) that you have used in preparing your proposal or that you might use in your research paper. Each annotation should be about 2 paragraphs long, and set out the author's main focus, argument and approach, and why you think this will be useful to your research.

3. Research paper

This should be about 15-20 pages long (and no more than 25) on a topic to be agreed with me. It must be typed and double-spaced.

MATERIALS

Materials, unless otherwise noted, have been compiled into a reading pack and are for sale at *Octopus Books*, 116 3rd Avenue, Ottawa, ph: 233 2589.

SCHEDULE AND READINGS**Sept 10 Introduction to Course****Sept 17 Feminist Methods**

- Susan Glaspell, "A Jury of Her Peers" in T. Brettel Dawson, *Women Law and Social Change*, 4th ed. Pp. 4-12;
- Katherine T. Bartlett, "Feminist Legal Methods", excerpted in D. Kelly D. Kelly Weisberg, ed. *Feminist Legal Theory Foundations*. Philadelphia: Temple University Press, 1993, pp. 550-66.
- Dorothy Chunn and Danny Lacombe. 2000. Introduction. In *Law as a Gendering Practice*. Ed. D. Chunn and D Lacombe. Toronto: OUP.
- Reg Graycar, 1997. "Hoovering as a Hobby and Other Stories: Gendered Assessments of Personal Injury Damages" *University of British Columbia Law Review* 31: 17-35.

Sept 24 Feminist Methods, II

This week we will look at a Supreme Court of Canada decision and its rethinking by the Women's Court of Canada (see Majury, below). The type face for the extracts of the original SCC decision in Gosselin is very small and I apologise. If you have difficulties, you can find the decision on-line at the SCC website under 2002, vol 4. As you are reading the two different decisions in Gosselin, consider whether or not you think the WCC decision is a 'feminist' rewriting? What makes it feminist (if anything)? How radical (or not) is the idea of the WCC?

- Vanessa Munro, *Law and Politics at the Perimeter: Re-Evaluating Key Debates in Feminist Theory*, Chapter 1: "The Development and Dilemmas of Feminist Theory, pp. 11-39
- Diana Majury. 2006. "Introducing the Women's Court of Canada", *Canadian Journal of Women and the Law* 18: 1-12.
- *Gosselin v. Quebec (A.G.)*, Gwen Brodsky, Rachel Cox, Shelagh Day, and Kate Stephenson, *CJWL* 18: 189-221; 224-229;
- *Gosselin v. Quebec (A.G.)*, 2002 SCC 84 (extracts).

Oct 01 Race and Difference in Feminist Thought

**Book Review: bell hooks. *From Margin to Center*. (Southend)
Sherene Razack *Looking White People in the Eye***

- Constance Backhouse, *Colour-Coded: A Legal History of Racism in Canada, 1900-1950*, chapter 1 "Introduction";
- Teun A. van Dijk, 2002. "Discourse and Racism" in D. T. Goldberg and J Solomos, eds. *A Companion to Racial and Ethnic Studies*.
- Kimberle Crenshaw. 1991. "Mapping the margins: Intersectionality, Identity politics and violence against women of color," *Stanford Law Review* 43: 1241-1279.
- Sherene H. Razack. 2002. 'Gendered Racial Violence and Spatialized Justice' in Sherene Razack, ed. *From Race, Space and the Law: Unmapping a White Settler Society* (Toronto: Between the Lines), pp. 123-156.

Oct 8 Race, Culture and Difference

- Leti Volpp. 2001. "Feminism versus Multiculturalism" *Columbia Law Review* 101: 1181;
- Natasha Bakht, 2008. "Veiled Objections: Facing Opposition to Niqab in Courtroom Settings", draft, April 2008;
- Carolyn Evans, 2006. "The 'Islamic Scar' in the European Court of Human Rights", *Melbourne Journal of International Law* 7;
- Lieve Gies. 2006. "What Not to Wear: Islamic Dress and School Uniforms", *Feminist Legal Studies* 14: 377-389.

Oct 15 Religion and Polygamy

- Angela Campell, 2005. "How have policy approaches to polygamy responded to Women's experiences and rights?" in *Polygamy in Canada: Legal and Social Implications for Women and Children*. Status of Women Canada: Ottawa.
- West Coast Leaf, *Women's Equality and Religious Freedom Project*, Advisory Committee Report, 2006 (excerpts).
- Reading TBA

Oct 22 Human Rights, Equality and *The Charter of Rights and Freedoms*

Book Review: Rebecca Johnson. 2002. *Taxing Choices: The intersection of class, gender, parenthood and the law* (UBC Press)
 Didi Herman: *Rights of Passage: Struggles for Lesbian and Gay Legal Equality*.

- Vanessa Munro, *Law and Politics at the Perimeter: Re-Evaluating Key Debates in Feminist Theory*, Chapter 3, "On Reform and Reforming Rights";
- Melina Buckley, *Transforming Women's Future: A 2004 Guide to Equality Rights Theory and Law*, West Coast Leaf, excerpts.
- Davina Cooper. 2001. "Like Counting Stars? Re-Structuring Equality and the Socio-Legal Space of Same-Sex Marriage", in R. Wintemute and M. Andenaes, eds. *Legal Recognition of Same-Sex Partnerships: A Study of National, European and International Law*. Oxford: Hart Publishing.
- Claire Young and Susan Boyd. 2006. "Losing the Feminist Voice? Debates on Legal Recognition of Same Sex Partnerships in Canada", *Feminist Legal Studies* 14: 213-240.

Oct 29 Sexual Violence and Legal Knowledge

Book Review: C. Manfredi, *Feminist Activism and the Supreme Court* (UBC Press 2004)
 Jane Doe. 2003. *The Story of Jane Doe: A Book about Rape* (Toronto: Random House).

- Karen Busby, "Not a Victim until a Conviction is Entered": Sexual Violence Prosecutions and Legal 'Truth', in Elizabeth Comack, ed. *Locating Law*.
- Carol Smart. 1989. *Feminism and the Power of Law*. New York and London: Routledge, ch. 2.
- Rosemary Hunter. "Law's (Masculine) Violence: Reshaping Jurisprudence" *Law and Critique* 17: 27-46.

Nov 5

Prostitution

Book Review: Dany Lacombe, *Blue Politics: Pornography and the Law in the Age of Feminism*. University of Toronto Press.

- Melissa Farley. 2004. "Bad for the Body, Bad for the Heart": Prostitution Harms Women Even if Legalized or Decriminalized", *Violence against Women* 10 (10): 1087-1125;
- John Lowman, "Submission to the Subcommittee on Solicitation Laws of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness";
- Nussbaum, Martha. 2006. "Whether from Reason or Prejudice": Taking Money for Bodily Services", in J. Spector, ed. *Prostitution and Pornography: Philosophical Debate about the Sex Industry*.
- Terri Jean Bedford, *Amy Lebovitch, Valerie Scott v. Canada*.

Nov 12

Migration and Trafficking

Book Review: Catherine Dauvergne. 2005. *Humanitarianism, identity, and nation : migration laws of Australia and Canada* (UBC Press).

Ratna Kapur. 2003. *Erotic justice: Law and the New Politics of Postcolonialism*

- Ratna Kapur. 2005. "Cross-Border Movements and the Law: Renegotiating the Boundaries of Difference" in K. Kempadoo, *Trafficking and Prostitution Reconsidered: New Perspectives on Migration, Sex Work, and Human Rights*
- Jacqueline Berman. 2003. (Un) popular Strangers and Crises (Un) Bounded: Discourses of Sex-Trafficking' *European Journal of International Relations* 9: 37-86.
- Daiva Stasiulis and Abigail B. Bakan. *Negotiating Citizenship: Migrant Women in Canada and the Global System* (Toronto: University of Toronto); Chapters 2 and 3.

Nov 19

Gender, Sexuality and the International

Book Review: Sherene Razack. *Dark threats and white knights : the Somalia Affair, peacekeeping and the new imperialism* (U of Toronto Press, 2004).

- Dianne Otto. 2007. "Making Sense of Zero Tolerance policies in peacekeeping sexual economies" in Munro and Stychin, eds. *Sexuality and the Law: Feminist Engagements*.
- Kate Bedford. 2005. "Loving to Straighten Out Development: Sexuality and 'EthnoDevelopment'", *Feminist Legal Studies* 13: 295.
- Anne Orford. 1999. Muscular Humanitarianism: Reading the Narratives of the New Interventionism" *European Journal of International Law* 10: 679-711.

Nov. 26

Student Presentations