FYSM 1502P: Selected Topics in Legal Studies

Law, Sex and Gender

Part of the ArtsOne “Criminal Matters” Cluster
Fall/Winter 2012-2013

Instructor: Dr. Lara Karaian
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Class Meets: Monday 11:35-2:25 pm
Class Location: Fall UC279/Winter SP 412
Office Hours: Mondays 2:30-3:30 pm, or by appointment

COURSE DESCRIPTION:

Teenagers are trying to figure out if their “sexts” constitute child pornography; sex workers are in the midst of challenging the criminalization of prostitution related offences; and prison administrators are reviewing how best to house transgender individuals. Starting from the position that law forms a backdrop to negotiations about our sexualities and our sexed and gendered identities, this course critically considers how the law both produces and regulates our sexual subjectivities and gendered selves as good/bad, healthy/harmful, or natural/unnatural. Given that one’s sex, gender and sexuality cannot be divorced from other axes of identity, such as race, class, and dis/ability, an intersectional analysis of identity and oppression will inform our examination of criminalized sexual identities and practices. Drawing on critical race, gender, sexualities and legal theories, as well as criminal and constitutional law and cases, this course will examine a range of substantive issues including: Criminalized and Racialized Masculinities/Femininities, Prostitution/Sex Work, Pornography/“Sexting”, Homosexuality, Non-monogamy (Swingers Clubs/Polygamy), Abortion/ Sterilization, New Reproductive Technologies/Surrogacy, Sadomasochism, HIV non-disclosure, and Transgender people in prisons.

COURSE OBJECTIVES:

- Gain a substantive understanding of law’s view of itself and its relationship to our sex, gender and sexual identities
- Introduce the student to reading critical theory and legal analysis
- Introduce the student to reading black letter criminal and constitutional law, cases and factums
- Foster student’s ability to approach controversial issues, theories and texts with a critical lens and an open mind
- Develop the ability to research and write substantive analytical research papers
- Foster the ability and the confidence to think critically and out loud
- Learn how to work cooperatively in groups
- Become familiar with student services available at Carleton

REQUIRED TEXTS:

All required readings are available for purchase in the form of two course kits (one for each term) from Octopus Books located at 116 Third Avenue (off Bank Street in The Glebe). All other readings are available online via the course’s web site on cuLearn.

WEB SITE:

This course will be managed with Carleton’s cuLearn course management system. Course PowerPoint slides, announcements, grades, discussion groups and weblinks will be posted on this site. You must activate your cuLearn account by going to the following page https://www.carleton.ca/culearn/.
Student support is available via a link on the right side of the page. Only students registered in the course have access to the site. Your Username and Password to sign on are the same as those for your Connect account (make sure that your Connect account has been activated first). See https://portal.carleton.ca for instructions on how to set up your account. It is imperative that each student is able to access the course web site and that they do so frequently.

EVALUATION:
(All components must be completed in order to get a passing grade).

Participation 20% (10% per term)
Case Summary and Comment 15% (Due: Oct. 29/12)
Essay Proposal & Annotated Bibliography 15% (Due: Nov. 26/12)
Debate 20% (Winter term. See syllabus for schedule)
Research Essay 25% (Due: Mar. 24/13)
Criminology Cluster Presentation 5% (Due: April 1/13)

Letter Grade Percent
In accordance with the Carleton University Undergraduate calendar (pg. 45), the letter grades assigned in this course will have the following percentage equivalents

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Class attendance and participation – 20% (10% per semester)
Given that this is a seminar course, there will be very little in the way of formal lectures. As such your attendance and active participation are extremely important for the success of our discussions and the overall learning experience. Attendance will be taken into consideration when determining your participation mark however the bulk of this grade will be determined based on evidence that you have read the assigned material and that you’ve come to class prepared to engage in a discussion of that material. Also of importance is how actively and respectfully you listened to the contributions of others. Please keep in mind that quality of what you have to say, the degree of thought that has gone into your contribution, and the respect that you show for the views of others, is more important than how often you contribute.

Your participation mark is also based on your involvement with the Study Skills Incentive Program. 3% of your final participation mark (1.5% per term) will be based on attending 3 support service workshops per term (6 in total). These 25 minute workshops are activity based and foster skills that are invaluable for success at the university level. The sessions are organized by Learning Support Services and located in the Student Academic Success Centre, room 402 MacOdrum Library. All sessions are scheduled outside of class time.

Case Summary and Comment - 15%
This short assignment is designed to expose you to reading and understanding case law. I will provide you with an abridged Supreme Court of Canada case on a topic of relevance to our course. You will be asked to summarize and comment on the court’s reasoning. Outside research will not be required for the case comment however you will be expected to draw on course themes and concepts from the course readings preceding the assignment’s due date. In total this assignment should be approx. 5 pgs in length using a 12 point font, 1 inch margins. The case and further assignment guidelines will be distributed on September 24, 2012. The assignment is DUE: October 29, 2012.

Essay Proposal and Annotated Bibliography, 4 pgs – 15%
Towards the end of the course each student is required to write a research essay using both course material and outside research (see below). Students must choose their essay topic (in the Fall term) from a list of possible topics provided. NB: The research essay cannot be on the same topic covered in your debate assignment (see below). Prior to writing a research essay you will be required to develop an essay proposal and an annotated bibliography. Your proposal will outline your topic and the direction in which you hope to take your analysis. The accompanying annotated bibliography should include 4 outside scholarly sources (books, journal articles) that
you have used to prepare the proposal and that you plan on using in your research paper. More information on
how to write a proposal and an annotated bibliography will be discussed in class. As a class we will attend two
Library workshops on how to access the library's resources and conduct legal research. Details about my
expectations for the Proposal and Annotated Bibliography will be distributed in class on October 29, 2012 and will
be DUE: November 26, 2012. Proposals will be returned the following week so that you will have the benefit of
my comments for any research that you may want to do over the winter holidays.

Debate - 20%
In groups of 6 (3 students per side), students will be responsible for presenting a 30 min. debate (which covers at
least two opposing viewpoints on their given topic (related to the week’s readings). Each debate group will be
responsible for doing additional research on their topic and demonstrating which legal theories inform the
different viewpoints presented. Each group of 3 must submit a transcript of their arguments, with all their
resources cited properly, on the day of the debate. A bibliography of sources should also be provided. You will find
the debate topics and schedule embedded into the Winter course topics/reading schedule in this syllabus. The 3
group members will receive a single grade for this assignment. A portion of the grade will be based on peer
evaluation. More details on the debate will be provided in class.

Research Essay, 7-10 pgs - 25%
This persuasive research essay will be the culmination of your research and writing subsequent to the submission
of your research proposal and annotated bibliography. The essay must be 7-10 pgs. in length, double spaced, one
inch margins, not including accompanying bibliography. The Research Essay assignment will be distributed along
with the Proposal and Annotated Bibliography guidelines in class on October 29, 2012 and will be DUE: March
25, 2013. Essays will be returned on April 1, 2011, the last class of the winter term.

Criminology Cluster Presentation, 5%
The criminology cluster will involve one final joint session in which each class will present course themes.
Students will work in small groups to identify and present their theme. Presentations must not exceed 5 mins.
More details will be provided in class.

POLICIES:

(i) Contact with Instructor
I will be available for consultation with students during my office hours or by appointment. Please e-mail me to set
up an appointment outside of regularly scheduled office hours.

(ii) E-mail Policy
Every student is expected to have a Carleton e-mail address and to check it regularly. University policy dictates
that Professors will not send e-mails to students at any other addresses. When contacting me via email please
include “FYSM1502P: Brief description of your e-mail” in the subject line. Please use full sentences with proper
spelling, grammar and punctuation.

(iii) Late Penalties
Late assignments will be deducted a penalty of 3% per day (including weekends) for late work, unless prior
arrangements are made and the appropriate documentation is provided. In the case of emergencies due to sudden
illness or other circumstances, extensions of deadlines will be solely at my discretion. Late assignments can be
dropped off at the Institute of Criminology and Criminal Justice, C562 Loeb Building, during office hours. After
office hours papers should be submitted to the drop-box next to the Institute’s door where they will be retrieved
and stamped with the following day’s date.

(iv) Policy on Discrimination and Harassment
Carleton University is a community of faculty, staff and students who are engaged in teaching, learning, and
research. Its members are part of the community at large and are governed by the law common to all persons. But
membership in the academic community also entails certain rights and responsibilities. The university respects the
rights of speech, assembly, and dissent; it prohibits discrimination on the basis of race, ancestry, place of origin,
colour, ethnic origin, national origin, creed, sex, gender identity, sexual orientation, age, marital status, family
status, political affiliation or belief, or disability that is defined as such in the Ontario Human Rights Code; it
requires tolerance and respect for the rights of others; and it promotes an environment conducive to personal and
intellectual growth.
(v) Academic Dishonesty
Academic dishonesty, which includes plagiarism and cheating, is an extremely serious academic offense and carries penalties varying from failure in an assignment to suspension from the University. The University Senate defines plagiarism as “presenting, whether intentional or not, the ideas, expression of ideas, or work of others as one’s own.” This can include:
- Reproducing or paraphrasing portions of someone else’s published or unpublished material, regardless of the source, and presenting these as one’s own without proper citation or reference to the original source;
- Submitting an assignment or examination written in whole or in part, by someone else;
- Using ideas or direct, verbatim quotation, or paraphrased material, concepts, or ideas without appropriate acknowledgement in any academic assignment;
- Using another’s data or research findings;
- Failing to acknowledge sources through the use of proper citations when using another’s works and/or failing to use quotation marks;
- Handing in “substantially the same piece of work for academic credit more than once without prior written permission of the course instructor in which the submission occurs.”

REQUESTS FOR ACCOMMODATION:

Pregnancy obligation: Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: http://www2.carleton.ca/equity/

Religious obligation: Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: http://www2.carleton.ca/equity/

Academic Accommodations for Students with Disabilities: The Paul Menton Centre for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (if applicable) at http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/

FYSM 1502P Course Schedule and Readings
FALL TERM

Please note that this schedule and course readings are subject to change.

September 10: Introduction/Overview of Course

Overview of the course, evaluation method and policies.
Introduction to Sex, Gender, Sexuality and Law


September 17: Law, Justice and the Canadian Legal System

September 24: Criminology Cluster Group Lecture: Craig McFarlane, “The Sociology of Violence”

***CASE SUMMARY AND COMMENT ASSIGNMENT DISTRIBUTED***


October 1: Criminal Law and the Definition of Crime


Understanding Precedent and Stare Decisis- In class exercise.

LIBRARY INSTRUCTION: INTRODUCTION TO LIBRARY & FINDING LEGAL JOURNALS
(MacOdrum Library, Room 102)
Note: Due to the limited number of computers in the lab students are encouraged to bring their own lap tops if they have one.

October 8: NO CLASS (Statutory Holiday).

October 15: Charter of Rights and Freedoms


In-class Workshop on Reading Supreme Court of Canada Decisions

October 22: Liberal and Radical (Dominance) Feminist Legal Theory


October 29: Criminology Cluster Group Lecture: Jillian Crabbe, “The Rise and Fall of Delinquency”

***CASE SUMMARY AND COMMENT ASSIGNMENT DUE***
***RESEARCH ESSAY, PROPOSAL & ANNOTATED BIBLIOGRAPHY ASSIGNMENT DISTRIBUTED***

Readings TBA

November 5: Critical Race and Postmodern Feminist Legal Theory


Kate Sutherland, “From Jailbird to Jailbait: Age of Consent Laws and the Construction of Teenage Sexualities” William and Mary Journal of Women and the Law, Spring 2003, 313-349.

November 12: Lesbian, Gay and Queer Legal Theory

***SIGN UP FOR DEBATE TOPIC***


November 19: Critical Gender, Masculinities and Law


November 26: Critical Gender and Transgender Legal Theory

***ESSAY PROPOSAL & ANNOTATED BIBLIOGRAPHY ASSIGNMENT DUE***
***DEBATE GROUPS ANNOUNCED***
Emi Koyama and the Survivor Project, “Guide to Intersex and Trans Terminologies”


In-class Video: Episode 1 of Transgeneration (2006) 30 mins.

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December 3: Criminology Cluster Group Lecture: Lara Karaian, “Sexual Expression or Self-Exploitation?: Canada’s Extra/Legal Response to Teenage Sexting”

***ESSAY PROPOSAL & ANNOTATED BIBLIOGRAPHY ASSIGNMENT RETURNED***


FYSM 1502P Course Schedule and Readings

WINTER TERM

Please note that this schedule and the readings are subject to change.

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January 7: Sexual Assault, ‘sexomnia’ and skinny jeans(?)


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January 14: Reproductive Autonomy: Contraception, Sterilization and Abortion


In-class Video: The Sterilization of Leilani Muir, Glynis Whiting, 1996. 47 mins.

January 21: Reproductive Autonomy: New Reproductive Technologies and Surrogacy
***DEBATE #1: FREEDOM OF CHOICE VS. EXPLOITATION***


In-class Video: Law and Order SVU, “Inconceivable”

January 28: Criminology Cluster Film Screening and Discussion: “Attack the Block” (2011) (dir. Joe Cornish.)


February 4: Adult Pornography and Child Pornography
***DEBATE #2: “OBSCENITY VS. EXPRESSION”***


February 11: Prostitution/Sex Work
***DEBATE #3: DECRIMINALIZATION VS. CRIMINALIZATION***
**Guest Speaker:** Elizabeth Kennedy, owner of a Member’s Only Private Hostess Lounge

“Sex Work: 14 Answers to your Questions.” (2007)

www.chezstella.org


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**February 18-22 ***WINTER BREAK. NO CLASSES***

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February 25: Criminology Cluster Guest Lecture (TBA) & Information Session on How to Read your Student Audit

Speaker from the Centre for Academic Success, and Marilyn Ginder, administrator in the Institute of Criminology and Criminal Justice

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March 4: Law and “The Family”: Gay Marriage, Polygamy and Swingers Clubs

***DEBATE #4: POLYGAMY IS CRIMINAL vs POLYGAMY SHOULD BE DECriminalized***


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March 11: Decriminalizing Homosexuality / Policing Gay and Lesbian Bathhouses


In-class Video: Milk, (2008) Staring Sean Penn and James Franco (45 min. excerpt)

March 18: Sadomasochism (S/M) & the Criminalization of HIV Non-Disclosure
***DEBATE #5: CRIMINALIZE NONDISCLOSURE OF HIV vs DON’T CRIMINALIZE***

Guest Speaker: Ummni Khan, Department of Law, Carleton


Isabel Grant, “The Boundaries of the Criminal Law: the Criminalization of the Nondisclosure of HIV” (Spring, 2008) 31 Dalhousie Law Journal, 123-150. (Excerpts, to be assigned)

March 25: Transgender Individuals & the Criminal Justice System

***FINAL RESEARCH PAPER DUE***


April 1: Final Cluster Event

***RESEARCH ESSAYS RETURNED***

The end!
(The end of the course, not the learning process. Learning never ends!)

ENJOY YOUR SUMMER!