

LAWS 3001: Women and the Legal Process



Image: *Legacy* by Catherine Yass. Displayed at the Supreme Court of the UK. <https://www.supremecourt.uk/news/new-artwork-celebrating-100-years-of-women-in-law.html>

Course Description

This course introduces students to key issues, theories and debates concerning gender, feminism and the law, primarily in Canada. Approaching law as a site of regulation and constraint, as well as a tool for feminist practice, we will consider how the law shapes and is shaped by the lives of cisgender and transgender women. We begin by unpacking the premise of “women and the law” and consider the current vitriolic legal debates about gender and attempts to use the law to exclude transgender women from public life. We will also consider who gets left out of the “women and law” conversation (e.g. pregnant transgender men). The course introduces students to a range of theoretical approaches to women and the law and examines topics ranging from incarceration; reproductive rights and “birth tourism”; human trafficking; #metoo and defamation law; law, activism and emotion; and the “decertification” of legal sex.

Learning Goals

- Students will be able to understand how law shapes and is shaped by gender. By deeply exploring case studies, students will analyze the everyday impact of gendered law and policy.
- Students will read deeply. They will develop academic reading skills and practice engaging in critical discussion about academic texts.
- By proposing and developing a specific feminist law reform, students will apply their knowledge and research skills in practical ways. They will practice evidence-based approaches to problem-solving and strengthen transferable advocacy skills.

Course:	LAWS 3001
Term:	Fall 2022
Prerequisites:	1.0 credit in LAWS at the 2000 level.
Day and Time:	Thursdays from 11:35 – 2:35. Please note that this is an online blended section. While most course content is delivered asynchronously, you will be required to occasionally attend online synchronous group discussions on <u>Thursdays from 12:00 – 1:30 pm.</u>
Room:	N/A (online)
Instructor:	Jean Ketterling
Office:	N/A
Office Hours:	By appointment, via Zoom
Email:	jean.ketterling@carleton.ca
Teaching Assistant:	TBD
Email:	TBD
Office Hours:	TBD

Calendar Course Description

How the legal process has affected the status of women. Areas of concentration within the Canadian context include the criminal law, citizenship and immigration, education, employment, and welfare and social services.

Required texts

None – all materials will be made available online via ARES.

Useful texts

You do **not** need to purchase these texts. However, they are good general resources on the topic of women and the law, and might be useful for your parliamentary brief. They will be made available via the library reserves desk, and are also available through interlibrary loan.

1. Kilty, Jennifer M. *Within the Confines: Women and the Law in Canada*. Canadian Scholars' Press, 2014.
2. Antony, Wayne Andrew, and Julie E. Dowsett, eds. *Gender, Race & Canadian Law: A Custom Textbook*. Halifax Winnipeg: Fernwood Publishing, 2016.

3. Fineman, Martha Albertson, Jack E. Jackson, and Adam P. Romero, eds. *Feminist and Queer Legal Theory: Intimate Encounters, Uncomfortable Conversations*. Routledge, 2016.
4. Comack, Elizabeth, ed. *Locating Law: Race, Class, Gender, Sexuality, Connections*. 3rd edition. Halifax: Fernwood Publishing, 2014.

Course Instruction Method

This is an online blended section. Pre-recorded lectures will be posted to Brightspace each week. Students can view lectures at their leisure. As part of the graded assignments, students will have to attend three online synchronous group discussions throughout the semester from 12:00-1:30pm. You will be able to choose which weeks work best for you. There will also be one mandatory synchronous workshop. Please review the schedule and plan ahead.

COVID-19 Protocols

This is an online course. But remember, All members of the Carleton community are required to follow requirements and guidelines regarding health and safety which may change from time to time. For the most recent information about Carleton's COVID-19 response and health and safety requirements please see the [University's COVID-19 website](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact covidinfo@carleton.ca.

Evaluation

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. *No grades are final until they have been approved by the Department and the Dean.*

Evaluation Scheme

Assignment	Percentage	Due Date
Syllabus quiz and Academic Integrity Quiz	5%	Closes September 22 at 9pm (can be completed anytime before this)
Summaries and participation in group discussion	45% (3*15%)	Choose your weeks. You must complete one reflection per module. <u>Please note that there are no extensions for this course component!</u> No exceptions! Summaries are due on the Wednesday before lecture, by 9pm. You then attend a discussion group on Thursday from 12:00-1:30pm.
Feminist legal reform and parliamentary brief workshop	5%	Synchronous online workshop on October 6 (Time TBD)
Parliamentary brief proposal	10%	October 20 by 9 pm
Parliamentary brief	35%	December 9 th by 9pm

Explanation of Assignments and Evaluation

5%	Syllabus Quiz and Academic Integrity Quiz
Read the syllabus and complete the quiz on Brightspace before September 22 at 9pm. You must get at least 80% on the quiz for the remainder of the assignment submission portals to become visible to you, but you have an unlimited number of attempts.	

45%	Reading Reflection (Summaries + Participation in Group Discussion)
Students must complete three reflection exercises over the course of the semester (15% each). You may choose which weeks work for you, but <u>you must complete one reflection per module.</u> If you fail to submit a reflection in a module, you will receive a zero on that assignment. Each reflection has two components , you must complete both for each reflection:	

1) Written summaries for each article prepared based on the provided guidelines (see Brightspace for handout). Summaries must be **submitted by 9 pm on Wednesdays** (the day **before** lecture).

2) Participation in the synchronous group discussion from **12:00-1:30 pm on Thursdays**.

*Please note that **there are no extensions for these assignments!** This is because the lecture will be posted Thursday morning and will provide summaries of the articles, and you are expected to be at the synchronous discussion. However, you have flexibility in terms of which weeks you choose, and if you miss one week you can choose another in the module. Please plan ahead!*

Please see p.8 of this syllabus for the policy on late submissions and appealing grades.

5%	Feminist Law Reform - Participation in Synchronous Workshop
-----------	--

October 6, time TBD

You are required to attend a 1.5-hour synchronous workshop on feminist law reform and how to draft a parliamentary brief. This workshop will be an opportunity to learn more about the practice of feminist law, and to begin generating ideas for your final paper/proposal. Further details about how this component will be graded will be provided closer to the workshop.

*Please note that **there are no extensions for this workshop!** Failure to attend and participate will result in a zero. Please plan ahead and ensure you are able to attend!*

10%	Feminist Law Reform - Parliamentary brief proposal
------------	---

October 20th by 9 pm

This is a 2-page proposal for your parliamentary brief. Please use the template available on Brightspace to complete this assignment. Your proposal should provide 1-4 sentences per section (see handout); the goal is to show us – concisely and precisely – how you intend to approach your parliamentary brief.

We will discuss preparing a parliamentary brief at length during the workshop, but here are some additional resources:

Professor Anne Levesque — How to Write a Parliamentary Brief:

https://www.youtube.com/watch?v=MAKqkyQ9_sE

Guide for submitting briefs to House of Commons Committees:
<https://www.ourcommons.ca/procedure/guides/brief-e.html>

Please see p.8 of this syllabus for the policy on late submissions and appealing grades.

35%	Feminist Law Reform - Parliamentary brief
------------	--

December 9 by 9 pm

You will write a parliamentary brief about a specific feminist law reform issue. You can choose whatever issue you want, but it must be related to law and gender, and be precise and narrow enough that you can make specific law reform recommendations. The purpose of the assignment is to **inform** a Member of Parliament about the issue and **argue** for a related law reform, using clear and concise language and an **evidence-based** approach.

Your policy paper must include the following sections (these are the same as you will use for your proposal):

1. Introduction
2. Define the issue and problem
3. Context. What is the existing legal landscape? Why is reform needed? Have there been other attempts at reform? Did these work? Why or why not? What social or cultural factors exist that present challenges or opportunities?
4. Your evidence-based policy recommendation
5. Conclusion
6. Bibliography

Requirements

1. 2100-2500 words (approx. 7-8 pages).
2. This policy paper must be evidence-based. That is, you should draw on credible, and peer-reviewed sources in your analysis and recommendations.
3. You must include at least 10 credible sources. Five (5) of these must be academic, peer-reviewed sources. Remember that legal cases, grey literature, and reports do not count as peer-reviewed sources. You are still welcome to use them and they count towards your total citation count – but make sure they are from reputable sources
4. Your paper must have a cover page and bibliography (these do not count towards the word count).
5. The paper should be structured as outlined above (or similarly), with appropriate headings
6. The paper must be properly cited, using whichever academic citation style you are most comfortable with, and is most appropriate for your paper. Please identify the style on your cover page. Failing to cite is a serious academic integrity issue.
7. Grammar, syntax, and style are important in that they contribute to clarity and your ability to make your argument effectively.

Please see p.8 of this syllabus for the policy on late submissions and appealing grades.

Evaluation criteria

Proposal and Final Paper

- **Originality and Analysis.** Is the paper original, perceptive, and interesting? Is the analysis strong and compelling? Strive for creative and critical thinking.
- **Argument.** Is there a strong argumentative thesis statement? Does the author convince the reader by using sound argumentation, and relevant theories or examples? Does the author “show their work” and provide clear evidence for their claims? Are the academic sources used appropriate?
- **Relevance.** Is there a clear connection between the paper and the themes and theories covered in this class? Does the assignment conform to the guidelines set out in the syllabus (including length)?
- **Clarity.** Are the main arguments of the paper clear and strong? Does the reader know what the central question the paper is trying to answer is? Is there good flow and logic to the arguments being made?
- **Style.** Is the paper proofread and well organized? Are all the required elements present? To the best of your ability, strive for good grammar and formatting (use headings, format paragraphs well, ensure proper citation).

In general:

- “A” essays will have impressive detail and explanation, with strong ability to apply concepts from the texts and lecture. They will have a strong and compelling argument with evidence tailored to support the argument. They will have clear connection to class concepts. They will be very well written, thoughtful, with good flow and logic. Citation will be well done.
- “B” essays will have a strong basis, but with room for better analysis or stronger links between concepts and examples. They will have a strong argument with room to improve in terms of linking examples and evidence to the argument (i.e. explaining why evidence supports the argument). There will be a clear connection to class. They will be well written but may have some issues in terms of clarity and style. Citation will be well done.
- “C” essays will be a good start, but analytically underdeveloped. Their argument may be imprecise or vague. Evidence is provided but there may need additional explanation (i.e. it may feel like something is missing). There may be style issues including sections that are unclear or confusing. Citation has numerous issues.
- “D” essays will have weak analysis or argument, with few examples or concepts from class. Connection to the class may be weak or unclear. Style might be lacking (e.g. very unclear in sections, some stream of conscious writing).
- “F” essays will insufficient or not meet the expectations in some way. It may be lacking substantive original argument and analysis or bear no relevance to the

class (i.e. no concepts or examples, or not related to reproductive rights and justice). It may be too short, or stream of conscious writing.

Written Reflections and Group Discussion

- **Summaries Component:** For the summary component of the assignment, an excellent submission will follow the instructions provided in the handout. It will clearly and precisely identify the author's main argument and demonstrate a nuanced understanding of the main ideas and sub-arguments of the text. The summary will be well-written, precise, and not over 125 words per article.
- **Discussion Component:** The discussion component is less formal, and is meant to provide a space for students to think through and explore the weekly themes. Excellent participation will be insightful, will raise interesting questions or points, will demonstrate the student's ability to make connections between readings and across weeks, will engage creatively or critically with the material, and will bring new questions and ideas to the weekly theme. In general, we expect students to make at least 3 substantive comments or contributions to the discussion. These must go beyond surface-level comments, and should demonstrate that you've read the articles and are engaging with them in a meaningful way.

Appealing Grades

It is important that you review the feedback we provide before contacting us about your grade. To appeal a grade please wait 24 hours after receiving feedback on the assignment. We will not respond to emails sent before this period. After the 24-hour period, please send your TA a detailed explanation of your concern. If, after appealing to the TA, you are still unclear or unhappy about your grade you may the contact the instructor.

Late Penalties and Requests for Extensions

Given the ongoing challenges associated with the COVID-19 pandemic, we will aim to be generous with requests for extensions while balancing the fact that having assignments come in late does create additional work for our TA (who is also dealing with the challenges of being a student during COVID-19).

Please contact the instructor to arrange an extension. Whenever possible, this should be done in advance of the deadline. We understand that sometimes things come up and you won't be able to give us advance notice. The key message here is to communicate with us and keep us in the loop! We understand that many things can get in the way of completing work on deadline, and we will do our best to help you get your work done! You do not need to share personal

information to get an extension – you can share what you’re comfortable with, or give us the information necessary for us to connect you with relevant supports.

Reflection assignments: No late assignments will be accepted. This is because lectures will discuss the articles, so it is necessary to complete the work before the lecture. If you miss a deadline, you will need to make it up in another week. There are 11 weeks in which you can submit your 3 assignments, which should give you plenty of flexibility.

Proposal and Final Paper: Email the instructor to request an extension. Ideally, this should be done before the scheduled deadline. For extensions lasting less than 7 days, an email is sufficient, and you do not need to attach any documentation. If you require an extension over 7 days, please complete the form at the following link and submit it to the instructor prior to the assignment due date: <https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf>. Additional documentation may be required.

Penalties: Work submitted late will be penalized 5% per day, including weekends, unless an extension has been granted.

Schedule Overview

* The schedule and reading list may be subject to minor changes

MODULE 1		
Week/Date	Theme	What is due?
Week 1 Sept 8	Intro + Conceptualizing Equality	Nothing
Week 2 Sept 15	Feminist and Queer Legal Theories	You can complete your Module 1 reflection assignment this week.
Week 3 Sept 22	Intersectionality and the Law	You can complete your Module 1 reflection assignment this week
		Complete syllabus and academic integrity quiz workshop by Sept 22 at 9pm
Week 4 Sept 29	Carceral Feminism	You can complete your Module 1 reflection assignment this week
MODULE 2		
Week 5 Oct 6	Beyond Sex-Based Rights? ** Parliamentary Brief Workshop **	You can complete your Module 2 reflection assignment this week
		SYNCHRONOUS. You must attend the feminist law reform and parliamentary brief workshop. Time TBD.
Week 6 Oct 13	Queer and Trans (In)Visibility in the Legal	You can complete your Module 2 reflection assignment this week
Week 7 Oct 20	Emotions and Feminist Legal Activism	You can complete your Module 2 reflection assignment this week
		Parliamentary Brief Proposal Due by Oct 20 at 9pm
Week 8 Oct 27	<i>Reading Week – No Classes</i>	Nothing
Week 9 Nov 3	Sexual Assault Trials, #MeToo, and Defamation	You can complete your Module 2 reflection assignment this week
MODULE 3		
Week 10 Nov 10	Migration, Citizenship and “Birth Tourism”	You can complete your Module 3 reflection assignment this week
Week 11 Nov 17	Women and the Carceral State	You can complete your Module 3 reflection assignment this week
Week 12 Nov 24	Gender and the Legal Profession	You can complete your Module 3 reflection assignment this week
Week 13 Dec 1	Students’ choice – Topic TBD	You can complete your Module 3 reflection assignment this week.
Week 14 Dec 8	Final Class – Synthesis and “study hall” time to work on your final paper	Final Parliamentary Brief due Dec 9 at 9pm

Week-by-Week Schedule and Readings

* The schedule and reading list may be subject to minor changes

MODULE 1

Week 1 | Sept 8: Introduction and Conceptualizing Equality [Total Pages: 32 + 1hr listening]

DUE: Nothing

Title/Citation	Where?	# of p.
Lori Watson; The Woman Question. <i>TSQ</i> 1 May 2016; 3 (1-2): 246–253.	ARES	8
McGill, Jena, and Daphne Gilbert. "Of Promise and Peril: The Court and Equality Rights." (2017).	ARES	24
Podcast: https://onlineacademiccommunity.uvic.ca/stareindecisis/2018/03/19/episode-3-the-meta-edition-the-womens-court-of-canada/	Online via link	1 hour
<i>OPTIONAL:</i> Read one of the fictional decisions of the WCC discussed in the podcast here: https://muse-jhu-edu.proxy.library.carleton.ca/issue/12397	Online via link	
<i>OPTIONAL:</i> McPhedran, Marilou. "Equality Rights and Justice". In <i>Gender, Race & Canadian Law: A Custom Textbook from Fernwood Publishing</i> (2020): 192.	Library reserves	

Week 2 | Sept 15: Feminist, Queer and Indigenous Legal Theories [Total Pages: 38]

DUE: You can complete your Module 1 reflection assignment this week

Title/Citation	Where?	# of p.
Fineman, Martha Albertson. "Introduction: Feminist and Queer Legal Theory." In <i>Queer Legal Theory: Intimate Encounters, Uncomfortable Conversation</i> , edited by Martha Albertson Fineman, Jack E. Jackson, and Adam P. Romero, 1–6. Routledge, 2009.	ARES	6
Romero, Adam P. "Methodological Descriptions: Feminist and Queer Legal Theories." In <i>Queer Legal Theory: Intimate Encounters, Uncomfortable Conversation</i> , edited by Martha Albertson Fineman, Jack E. Jackson, and Adam P. Romero. Routledge, 2009.	ARES	20
Lindberg, Tracey. "Not my sister: What feminists can learn about sisterhood from Indigenous women." <i>Can. J. Women & L.</i> 16 (2004): 342.	ARES	12
<i>OPTIONAL:</i> Thomas, Kendall. "Practicing Queer Legal Theory Critically." <i>Critical Analysis of Law</i> 6, no. 1 (2019).	ARES	(15)
<i>OPTIONAL:</i> Culbertson, Tucker, and Jack E. Jackson. "Proper Objects, Different Subjects and Juridical Horizons in Radical Legal Critique." In <i>Queer Legal Theory: Intimate Encounters, Uncomfortable Conversation</i> , edited by Martha Albertson Fineman, Jack E. Jackson, and Adam P. Romero. Routledge, 2009.	ARES	(18)

Week 3 | Sept 22: Intersectionality and the Law [Total Pages: 39]**DUE:** You can complete your Module 1 reflection assignment this week

Last day to complete syllabus quiz and citation workshop

Title/Citation	Where?	# of p.
Cooper, Brittney. "Intersectionality." In <i>The Oxford Handbook of Feminist Theory</i> , edited by Lisa Disch and Mary Hawkesworth, Vol. 1. Oxford University Press, 2015. https://doi.org/10.1093/oxfordhb/9780199328581.013.20 .	ARES	14
Spade, Dean. "Intersectional resistance and law reform." <i>Signs: Journal of Women in Culture and Society</i> 38, no. 4 (2013): 1031-1055.	ARES	25
<i>OPTIONAL:</i> Snyder, Emily. "Indigenous Feminist Legal Theory." <i>Canadian Journal of Women and the Law</i> 26, no. 2 (2014): 365–401.	ARES	(38)
<i>OPTIONAL:</i> Rakhi Ruparelia, "Legal Feminism and the Post-Racism Fantasy," <i>Canadian Journal of Women and the Law</i> 26, no. 1 (2014): 81-115	ARES	(36)
<i>OPTIONAL:</i> Martin J. Cannon, "Race Matters: Sexism, Indigenous Sovereignty, and McIvor," <i>Canadian Journal of Women and the Law</i> 26, no. 1 (2014): 23-50	ARES	(29)
<i>OPTIONAL:</i> Dorothy Roberts (2014) Complicating the triangle of race, class and state: the insights of black feminists, <i>Ethnic and Racial Studies</i> , 37:10, 1776-1782, DOI: 10.1080/01419870.2014.931988	ARES	(8)

Week 4 | Sept 29: Carceral feminism [Total Pages: 46]**DUE:** You can complete your Module 1 reflection assignment this week

Title/Citation	Where?	# of p.
Whalley, Elizabeth and Colleen Hackett. (2017) "Carceral Feminisms: The Abolitionist Project and Undoing Dominant Feminisms." <i>Contemporary Justice Review</i> 20(4): 456-73.	ARES	19
Bernstein, Elizabeth. "Militarized humanitarianism meets carceral feminism: The politics of sex, rights, and freedom in contemporary antitrafficking campaigns." <i>Signs: Journal of women in culture and society</i> 36, no. 1 (2010): 45-71.	ARES	27
<i>OPTIONAL:</i> Gruber, Aya. <i>The Feminist War on Crime: The unexpected role of women's liberation in mass incarceration</i> . University of California Press, 2020.	ARES	(304)
<i>OPTIONAL:</i> Kim, Mimi E. "From Carceral Feminism to Transformative Justice: Women-of-Color Feminism and Alternatives to Incarceration." <i>Journal of Ethnic & Cultural Diversity in Social Work</i> 27, no. 3 (July 3, 2018): 219–33. https://doi.org/10.1080/15313204.2018.1474827 .	ARES	(16)

MODULE 2

Week 5 | Oct 6: Beyond Sex-Based Rights? + Parliamentary Brief Workshop [Total Pages: 57]

DUE: You can complete your Module 2 reflection assignment this week

You must attend a synchronous online workshop this week

Title/Citation	Where?	# of p.
Cooper, Davina, and Flora Renz. "If the state decertified gender, what might happen to its meaning and value?" <i>Journal of Law and Society</i> 43, no. 4 (2016): 483-505.	ARES	23
Currah, Paisley. "The Transgender Rights Imaginary." In <i>Feminist and Queer Legal Theory</i> , pp. 259-272. Routledge, 2016.	ARES	14
Karaian, Lara. (2013) "Pregnant Men: Repronormativity, Critical Trans Theory and the Re(conceive)ing of Sex and Pregnancy in Law." <i>Social & Legal Studies</i> 22(2): 211-230.	ARES	20
<i>OPTIONAL:</i> Renz, Flora, and Davina Cooper. "Reimagining gender through equality law: What legal thoughtways do religion and disability offer?" <i>Feminist Legal Studies</i> (2022): 1-27.	ARES	(27)

Week 6 | Oct 13: Queer and Trans (In)Visibility in the Legal Process [Total Pages: 37]

DUE: You can complete your Module 2 reflection assignment this week

Title/Citation	Where?	# of p.
Lamble, Sarah. (2009) "Unknowable Bodies, Unthinkable Sexualities: Lesbian and Transgender Legal Invisibility in the Toronto Women's Bathhouse Raid." <i>Social & Legal Studies</i> 18(1): 111-130.	ARES	20
Alejandra Wundram Pimentel, Mónica Leonardo Segura; Paradoxes of Visibility: The Proposed Guatemalan Gender Identity Law. <i>TSQ</i> 1 February 2018; 5 (1): 83–99. doi: https://doi.org/10.1215/23289252-4291538	ARES	17
<i>OPTIONAL:</i> Valverde, M., 2022. Bodies, Words, Identities: The Moving Targets of the Criminal Law. In <i>Modern histories of crime and punishment</i> (pp. 224-251). Stanford University Press.	ARES	

Week 7 | Oct 20: Emotions and Feminist Legal Activism [Total Pages: 58]

DUE: You can complete your Module 2 reflection assignment this week

Parliamentary Brief Proposal Due

Title/Citation	Where?	# of p.
Del Gobbo, Daniel. "Lighting a Spark, Playing with Fire: Feminism, Emotions, and the Legal Imagination of Campus Sexual Violence." <i>Dalhousie Law Journal</i> 45, no. 1 (2022): 0_1-33.	ARES	35
DeGagne, Alexa. (2018) "On Anger and Its Uses for Activism," in Janine Brodie (ed.) <i>Contemporary Inequalities and Social Justice in Canada</i> . Toronto: University of Toronto Press, 142-163.	ARES	23
<i>OPTIONAL:</i> Harris, Angelique. "Emotions, feelings, and social change: Love, anger, and solidarity in Black women's AIDS activism." <i>Women, Gender, and Families of Color</i> 6, no. 2 (2018): 181-201.	ARES	(22)

<i>OPTIONAL</i> : Katharine K. Baker, "Gender and Emotion in Criminal Law," Harvard Journal of Law & Gender 28, no. 2 (Summer 2005): 447-466	ARES	(21)
--	------	------

Week 8 | Oct 27: Reading Week – No Classes

DUE: Nothing

Week 9 | Nov 3: #MeToo and the Weaponization of Defamation [Total Pages: 62]

DUE: You can complete your Module 2 reflection assignment this week

Title/Citation	Where?	# of p.
Hurry, Aliosha. "Defamation as a Sword: The Weaponization of Civil Liability against Sexual Assault Survivors in the Post-# MeToo Era." Canadian Journal of Women and the Law 34, no. 1 (2022): 82-108.	ARES	28
Chapter 5, "Regulating Reparatively" of Cossman, Brenda. <i>The New Sex Wars</i> . New York University Press, 2021.	ARES	34
<i>OPTIONAL</i> : Snyder, Emily, Val Napoleon and John Borrows. (2015) "Gender and Violence: Drawing on Indigenous Legal Resources." University of British Columbia Law Review 48: 593-654.	ARES	(63)

MODULE 3

Week 10 | Nov 10: Migration, Citizenship and "Birth Tourism" [Total Pages: 59]

DUE: You can complete your Module 3 reflection assignment this week

Title/Citation	Where?	# of p.
Gaucher, Megan, Lindsay Larios. 2020. "Birth Tourism and the Demonizing of Pregnant Migrant Women." Policy Options. https://policyoptions.irpp.org/fr/magazines/january-2020/birth-tourism-and-the-demonizing-of-pregnant-migrant-women/ .	Online via link	5
Nori, Mehera. "Asian/American/Alien: Birth Tourism, the Racialization of Asians, and the Identity of the American Citizen." Hastings Women's Law Journal. 27, no. 1 (Winter 2016): 87-108.	ARES	23
Freckelton, A. Could Canada Abolish Birthright Citizenship?. <i>Int. Migration & Integration</i> 23, 701–731 (2022).	ARES	31
<i>OPTIONAL</i> : Jakubowski, Lisa, and Elizabeth Comack. "Managing Canadian Immigration: Racism, Racialization and the Law." <i>Gender, Race and Canadian Law</i> (2020): 88-115.	On reserve	
<i>OPTIONAL</i> : Foster, Carly Hayden. "Anchor Babies and Welfare Queens: An Essay on Political Rhetoric, Gendered Racism, and Marginalization." <i>Women, Gender, and Families of Color</i> 5, no. 1 (April 1, 2017): 50–72. https://doi.org/10.5406/womgenfamcol.5.1.0050 .	ARES	(24)
<i>OPTIONAL</i> : Wang SH. Fetal citizens? Birthright citizenship, reproductive futurism, and the "panic" over Chinese birth tourism in southern California. <i>Environment and Planning D: Society and Space</i> . 2017;35(2):263-280. doi: 10.1177/0263775816679832	ARES	(23)

Week 11 | Nov 17: Gender and the Carceral State [Total Pages: 57]

DUE: You can complete your Module 3 reflection assignment this week

Title/Citation	Where?	# of p.
Yvonne Boyer; Ayoola S. Odeyemi; Erin Fletcher; Jade Fletcher, "Vulnerable Targets: Trans Prisoner Safety, the Law, and Sexual Violence in the Prison System," <i>Canadian Journal of Women and the Law</i> 31, no. 2 (2019): 386-412	ARES	28
Bird, Danielle. "Settler Colonialism, Anti-Colonial theory, and "Indigenized" Prisons for Indigenous Women." In <i>Building Abolition</i> , pp. 110-121. Routledge, 2021.	ARES	12
Chartrand, Vicki. "Landscapes of violence. Women and Canadian prisons." <i>Champ penal/Penal field</i> 12 (2015). https://journals.openedition.org/champpenal/9158	Online via link	17
<i>OPTIONAL:</i> Maynard, Robyn. (2017) "Law Enforcement Violence Against Black Women," in <i>Policing Black Lives: State Violence in Canada from Slavery to the Present</i> . Halifax: Fernwood Press, 116-27.	ARES	(11)
<i>OPTIONAL:</i> Chartrand, Vicki. "Inalienable, universal, and the right to punish: Women, prison, and practices of freedom." <i>Within the Confines: Women and the Law in Canada</i> (2014): 14-34.	On reserve	

Week 12 | Nov 24 : Gender and the Legal Profession [Total Pages: 44]

DUE: You can complete your Module 3 reflection assignment this week

Title/Citation	Where?	# of p.
Karin Galldin, "Using the Master's Tools: Reflections on Feminist Lawyering and Process," <i>Canadian Journal of Women and the Law</i> 32, no. 2 (2020): 288-309	ARES	23
Dick, Caroline. (2020) "Sex, Sexism and Judicial Misconduct: How the Canadian Judicial Council Perpetuates Sexism in the Legal Realm." <i>Feminist Legal Studies</i> .	ARES	21
<i>OPTIONAL:</i> Hunter, Rosemary. "Can Feminist Judges Make a Difference?" <i>International Journal of the Legal Profession</i> 15, no. 1–2 (July 2008): 7–36. https://doi.org/10.1080/09695950802439759 .	ARES	(31)
<i>OPTIONAL:</i> Rehaag, Sean. (2011) "Do Women Refugee Judges Really Make a Difference? An Empirical Analysis of Gender and Outcomes in Canadian Refugee Determinations." <i>Canadian Journal of Women and the Law</i> 23(2): 627-660.	ARES	(35)
<i>OPTIONAL:</i> Busby, Karen. "'Sex Was in the Air': Pernicious Myths and Other Problems with Sexual Violence Prosecutions." <i>Locating Law: Race/Class/Gender/Sexuality Connections</i> (2014): 257-293.	On reserve	

Week 13: Students' Choice – Topic TBD by vote in first week

DUE: You can complete your Module 3 reflection assignment this week

Title/Citation	Where?	# of p.
TBD		
TBD		

Week 14 | Dec 8: Final Class – Synthesis and "study hall" time to work on your final paper

DUE: Final Paper due Dec 9 at 9pm

Appendix 1: Class Policies

1. Content Note

In this course we cover a range of subjects that may be emotionally difficult, upsetting, or (re)traumatizing for you to read about or discuss. While I encourage you to engage with topics that are simply intellectually difficult, there may be times where it is appropriate for you to opt-out of a discussion or reading. Please review the topics in advance and contact the instructor if you have concerns or questions. Alternative readings may be assigned if you opt-out of assigned readings, in consultation with the student. I encourage you to communicate with the instructor or TA early and often about any concerns you have.

2. A Note on Reading

This course involves a lot of reading, and engagement with dense or difficult texts and theories (although the number of pages/week falls well within the department's guidelines). This is purposeful. One of our central goals in this class is to create space for deep reading and critical engagements with text. This is a key academic skill, that is easily transferable to other contexts. I know that the reading load is heavy and that some texts are difficult. I do not expect you to understand everything perfectly. I do expect you to read the texts and attempt to understand them as best you can, and to come prepared with questions about what you don't understand. To support this goal, assignments and lecture are structured to help you understand and engage with the reading material. Writing summaries help you develop academic reading skills. Group discussions help with comprehension and critical engagement. In addition, the lecture will provide a breakdown of key ideas in each article. I encourage you to find strategies that help you meet this course objective as well. For example, you may want to organize a study group that talks through the articles each week, or you may choose to attend group discussions even on weeks where you are not being graded.

3. Childcare obligations and other forms of care work¹

Carleton University does not have an explicit policy on children in the classroom or childcare obligations. Nonetheless, I feel that it is important to have something in place, particularly given that many of us are still working/learning from home where our care work may particularly demanding and overlap with our academic work. This is my personal approach for this class:

- Breast- and bottle- feeding children are welcome in class as necessary.
- Unforeseen gaps in childcare or other care responsibilities happen. Please contact me if childcare obligations will interfere with your attendance.
- I understand that parenting or other care work can be a large barrier to completing academic work. While I maintain the same standards for all students in the class, regardless of parenting or caretaker status, I am happy to discuss accommodations that can help you to balance your care work while still completing all components of the course. Please contact me in advance of deadlines to discuss.

¹ With thanks to Dr. Melissa Cheyney (<https://studentlife.oregonstate.edu/childcare/family-friendly-syllabi-examples>)

4. Technology and Digital Etiquette

During the synchronous components of the class, I ask that you limit digital distractions as much as possible (e.g., try to avoid multitasking by scrolling through other websites, checking your email, etc.). The format of the discussion groups will require you to be “present” and to actively participate. In general, we expect you to have a functioning microphone so that you can discuss your ideas with others during the discussion. Having your camera on is not necessary but can help to create a positive discussion space. Of course, technological issues arise; in these cases, you can participate in discussion groups using the chat function. If, due to a disability, the discussion format means that you require accommodation, please ensure you contact the PMC according to the procedure outlined on p.19. I will follow up with you to arrange accommodation after I receive communication from the PMC.

4. Questions about the course

Please post any questions about course material to the discussion forum on Brightspace. If you have a question, it’s likely others do as well, and posting questions to the forum is helpful for everyone! Of course, if your question is personal in nature, please email the instructor or TA directly.

5. Emails and Announcements

We (the instructor and TA) will communicate with you in two ways: through your Carleton email and through announcements on Brightspace. **You are responsible for checking your email on a daily basis.** You should ensure you’re receiving email or SMS notifications about Brightspace announcements (<https://carleton.ca/brightspace/students/customizing-notification-settings/>)

Please communicate with us via email, using your Carleton email account. You can expect to receive responses to your email with 48 hours. If you don’t receive a response in that timeframe, please feel free to send a gentle reminder. Please note that I do not check my email after 6 pm on weekdays or on weekends (and that weekends do not count towards the 48-hour turnaround time). If an urgent matter arises (e.g., you are unable to submit an assignment on time) please send an email right away so we have a timestamped record of the issue, even if the issue arises outside of work hours.

6. Office Hours

Office hours are time outside of class for instructors and students to meet one-on-one (generally these meetings last between 15-25 minutes). Attendance is completely optional. You can attend office hours if you have questions, want to discuss a reading, have feedback or concerns, or want to talk about something else. This semester, office hours are happening over Zoom (link will be provided on Brightspace). You can login at any time and will be added to the waiting room. The instructor will admit students one at a time. If you are unable to make the scheduled office hours, please send the instructor an email to arrange an alternative time.

7. Reusing your own work

In this class, it is expected that all of the work you submit is new and written expressly for this class. Re-submitting work from another class will be considered to be a violation of the academic integrity policy.

8. Working together

I encourage you to discuss readings and assignments with your colleagues and to share ideas and concepts in the interest of furthering your learning. You may even want to meet to discuss the readings and how you will approach your summaries. However, all assignments must be written individually in your own voice and words, unless previously discussed with the instructor. Failure to follow this policy may be considered a violation of academic integrity. Please email your TA or instructor if you have questions about this.

9. Appealing grades, late penalties, and extensions

Please see p.8 of this syllabus for the policy on late submissions and appealing grades.

10. Informal course feedback

During the semester there will be two opportunities for providing informal feedback to the instructor and TA. You can complete these via Brightspace. All feedback will be anonymous. While participating is optional, we strongly encourage you to complete the short survey. We take your feedback seriously and will adjust the course this year or in the future based on your experience.

11. Copyright.

All classroom activities, lectures and course materials (including all lectures, PowerPoint presentations, handouts, videos, and similar material) made by the instructor, TA, or guest speaker are protected by copyright and remain the intellectual property of their respective author(s). Students registered in the course may take notes and make copies of course materials for their own educational use only. Students may not reproduce or distribute lecture notes and course materials publicly for commercial or non-commercial use or allow others to reproduce or distribute their notes or course materials for commercial or non-commercial purposes, without the instructor's express written consent.

12. Plagiarism

The University Academic Integrity Policy defines plagiarism as *“presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one’s own.”* This includes 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. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations. Examples of plagiarism include, but are not limited to:

- any submission prepared in whole or in part, by someone else;
- using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another’s data or research findings without appropriate acknowledgement;

- submitting a computer program developed in whole or in part by someone else, with or without modifications, as one's own; and
- failing to acknowledge sources through the use of proper citations when using another's work and/or failing to use quotations marks.

Plagiarism is a serious offence that cannot be resolved directly by the course's instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of "F" for the course or even suspension or expulsion from the University. More information on the University's Academic Integrity Policy can be found at: <https://carleton.ca/registrar/academic-integrity/>

Appendix 2: Carleton University Academic Accommodations

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows: <https://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf>

1. Pregnancy obligation

Please 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 accommodation regarding a formally-scheduled final exam, you must complete the Pregnancy Accommodation Form ([click here](#)).

2. 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 [click here](#).

3. 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). <https://carleton.ca/pmc>

4. Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/studentssupport/svpolicy/>

5. Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor 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. <https://carleton.ca/senate/wpcontent/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit: <https://students.carleton.ca/services/accommodation/>

6. Statement on Student Mental Health

As a university student you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you. Here is a list that may be helpful:

Carleton Resources:

- Mental Health and Wellbeing: <https://carleton.ca/wellness/>
- Health & Counselling Services: <https://carleton.ca/health/>
- Paul Menton Centre: <https://carleton.ca/pmc/>
- Academic Advising Centre (AAC): <https://carleton.ca/academicadvising/>
- Centre for Student Academic Support (CSAS): <https://carleton.ca/csas/>
- Equity & Inclusivity Communities: <https://carleton.ca/equity/>

Off Campus Resources:

- Distress Centre of Ottawa and Region: (613) 238-3311 or TEXT: 343-306-5550, <https://www.dcottawa.on.ca/>
- Mental Health Crisis Service: (613) 722-6914, 1-866-996-0991, <http://www.crisisline.ca/>
- Empower Me: 1-844-741-6389, <https://students.carleton.ca/services/empower-me-counselling-services/>
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

7. Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations: <https://carleton.ca/law/student-experience-resources/>.

COVID Update

It is important to remember that COVID is still present in Ottawa. The situation can change at any time and the risks of new variants and outbreaks are very real. There are [a number of actions you can take](#) to lower your risk and the risk you pose to those around you including being vaccinated, wearing a mask, staying home when you're sick, washing your hands and maintaining proper respiratory and cough etiquette.

Feeling sick? Remaining vigilant and not attending work or school when sick or with symptoms is critically important. If you feel ill or exhibit COVID-19 symptoms do not come to class or

campus. If you feel ill or exhibit symptoms while on campus or in class, please leave campus immediately. In all situations, you must follow Carleton's [symptom reporting protocols](#).

Masks: Carleton has paused the [COVID-19 Mask Policy](#), but continues to strongly recommend masking when indoors, particularly if physical distancing cannot be maintained. It may become necessary to quickly reinstate the mask requirement if pandemic circumstances were to change.

Vaccines: Further, while proof of vaccination is no longer required as of May 1 to attend campus or in-person activity, it may become necessary for the University to bring back proof of vaccination requirements on short notice if the situation and public health advice changes. Students are strongly encouraged to get a full course of vaccination, including booster doses as soon as they are eligible, and submit their booster dose information in [cuScreen](#) as soon as possible. Please note that Carleton cannot guarantee that it will be able to offer virtual or hybrid learning options for those who are unable to attend the campus.

All members of the Carleton community are required to follow requirements and guidelines regarding health and safety which may change from time to time. For the most recent information about Carleton's COVID-19 response and health and safety requirements please see the [University's COVID-19 website](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact covidinfo@carleton.ca.