

Course Outline

COURSE:	LAWS 3503A – Equality & Discrimination
TERM:	Fall 2021
PREREQUISITES:	LAWS 2105 <u>or</u> LAWS 2302 <u>or</u> LAWS 2502
CLASS:	Day & Time: Wednesdays 6:05pm - 8:55pm Room: UC 231 (please check Carleton Central for up-to-date room information)
INSTRUCTOR:	Dr. Philip Alexander Steiner
CONTACT:	Office: NA Office Hrs: Virtually (by appointment) Email: Philip.Steiner@carleton.ca
TEACHING ASSISTANT:	Monisha Logan
CONTACT:	Office: NA Office Hrs: Virtually (by appointment) Email: monishalogan@cmail.carleton.ca

CALENDAR COURSE DESCRIPTION

Human rights issues and law in Canada; history and present-day experiences of discrimination; critical exploration of laws effectiveness in responding to discrimination; meaning(s) of equality and discrimination; focus on Human Rights Codes - interpretation, administration, enforcement with some reference to s.15 of the Charter.

COURSE DESCRIPTION

This course explores the themes of inequality, discrimination, and the structural reproduction of both in the context of:

- 1) foundational concepts in socio-legal, political and sociological theory;

- 2) specific historical and contemporary Canadian laws and cases; and
- 3) social contexts in which both items (1) and (2) operate.

The course introduces students to key concepts and theoretical perspectives used to consider issues of discrimination, equality and inequality, including but not limited to themes of: justice, race and racialization, colonialism, sex and sexual orientation, recognition, constructions of femininity and masculinity, poverty and class, as well as the intersection(ality) of each. Over the course of the term, students will explore various ways to understand and engage in socio-legal debates in the field of human rights, social justice, and equality – as well as consider the ways in which critical legal scholarship has, and can continue to, challenge, support, repute, and otherwise engage with both formal legal orders and the social norms such systems both reflect and encourage.

REQUIRED TEXTS

There are no required texts for this course. Each week materials will be assigned, and students are responsible for retrieving all readings (available through the library portal or made available via the online course page).

Students will be responsible viewing two Documentary films:

1. Anne Braden: Southern Patriot

Themes: Racism, US Civil Rights movement, Legal Reform, Social Activism, Allies

Cost: can be streamed through <https://www.seedandspark.com/> for pay-what-you-can membership

2. In Particular, barbara findlay

Themes: Canadian Charter, LGBTQ+ rights, Legal Reform

Cost: Can be rented (\$2.99) or purchased (\$5.99) from iTunes

STRATEGIES FOR SUCCESS IN EXTRAORDINARY TIMES

As Carleton, and the world, continue to monitor and react to changing public health guidelines, it is possible that the currently planned in-person delivery of this course will migrate to an online setting.

Should this be the case, the most crucial changes are that lecture materials will be delivered via Zoom (synchronous) and recorded and made available to students (**asynchronous**).

That said, currently this course is planned to be delivered in-person.

Regardless, it is important to acknowledge that taking a university course under the current exceptional circumstances will be different than it was before. We will all endeavor to maximize positive opportunities, there will still be foreseeable and unforeseeable challenges to overcome.

As such, this course has been organized to provide as much flexibility as possible while still acknowledging the administrative challenges and core requirements necessary to deliver a rigorous third year university level course.

Below are a number of related concrete steps students can consider to maximize their success in this course given the exceptional circumstances:

1. Keep Up with Weekly Reading/Writing

The class structure forces you to “stay on top of” the weekly readings and small written reviews. Without the normal structure associated with a normal (or typical remote) course, there is a temptation to leave work to the end. Material in this course is both challenging and cumulative – and as such is designed to be read over a longer period of time. More than ever, it is critically important to keep up with the lectures and course materials.

2. In for a Penny, in for a Pound

The course is divided into three main requirements. Up to 30% of your final grade is determined by the submission of weekly reading reviews – which are simply the written account of your notes when you do your weekly readings. The remaining 80% is broken down across two take-home style written exams/assignments (the first being worth 30%, the second being worth 40%). Like the readings and lectures, the assignments are meant to build off one another. Doing weekly reading reviews will prepare you for your first written assignment, which in turn will provide you with feedback to tackle your final take-home exam. Students are strongly encouraged to ‘eat the elephant’ one bite at a time!

3. Don’t be shy to Ask for Help (YOU ARE NOT ALONE!)

Your Teaching Assistant and I are here to help you succeed in the course. While you may feel you are “on your own”, especially if we are forced to return to a virtual learning environment, **you are not alone!** Your TAs and I want you to succeed, so you should contact us if you need to. You are also part of a “class” and you should not underestimate the value of peer support and academic community. Don’t be afraid to get to know your peers and ask (and answer) questions. This may be intimidating at first, but part of the university experience is recognizing **you are now part of a community of learning** in which we all have a shared interest in fostering understanding, disseminating knowledge, and forwarding new ideas.

4. **Be open to new ideas and new ways of thinking (and communicating)**

Good courses ought to challenge us to think differently about what we think we already know and/or force us to find new ways to articulate our positions or experience. Consequently, they may prompt us to reflect on ourselves, our relationships with others, and the structures of the world around us. This can sometimes be an unsettling and uncomfortable process and different people react to these challenges differently. In this class the source of these challenges may be the course materials (lectures or the readings) but they may also come through interactions with your peers. Be attentive to this fact and be “generous” in your communication with others in the class.

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.

Critical Reading Reflections	30%
Written Assignment	30%
Final (Take Home) Examination	40%

Critical Reading Reflections (30%)

Each week students will be asked to complete a **2-3 page reading reflection** critically engaging with the key concepts and ideas from the assigned readings for that week. Students will be expected to demonstrate they have read and understood the assigned materials by engaging with **the key ideas/concepts** (not simply summarize the articles) from the assigned reading materials for the given week.

Critical Reading Reflections can be submitted **via Brightspace, double-spaced**, in **12pt Times New Roman font** with **standard 1” margins**, before the start of each lecture.

Reading reviews will be accepted on a pass/fail basis. Grades will be posted on cuLearn, however **papers will not be commented on week to week**. Students are, however, encouraged to bring reading reflections to meetings with the Teaching Assistant or the Instructor if they wish to discuss their writing or their understanding of a given week’s assigned materials.

Over the course of the term, students may accumulate up to 30% by completing reading reflections, with each completed reading reflection providing 3%. This means to receive full grades, students need only complete 10 reading reflections across the 13 possible weeks.

Students are strongly encouraged to keep copies of their reading reviews as study aides for their final examination. Students are also encouraged to update their own copies of such reviews, even after submitting them, to reflect any additional information/perspectives they may wish to flag for future review purposes.

Written Assignment (30%)

Students will be asked to prepare responses to provided scenarios. Each response will take the form of a short essay style paper (**5 - 7.5 pages**) which will outline an overview of the selected issue, how a critical legal approach could contribute to understanding the issue, as well as how materials already covered in class relate to the selected issue. The total assignment length (answers to both questions) will not exceed **15 pages** (excluding title page and bibliography).

Assignment instructions will be distributed Wednesday October 13th and will be **due Friday November 5th 2021**.

Final [Take Home] Examination (40%)

The final examination will take the form of a **take-home exam**. Students will prepare answers to provided questions, with answers organized in essay form - including the use of appropriate citation and bibliographic references.

Students will be asked to prepare responses to provided scenarios. Each response will take the form of a short essay style paper (**7.5 -10 pages**) which will outline an overview of the selected issue, how a critical legal approach could contribute to understanding the issue, as well as how materials already covered in class relate to the selected issue. The total exam length (answers to both questions) will not exceed **20 pages** (excluding title page and bibliography).

Students will be provided with assigned questions during **the second to last scheduled lecture (December 1st 2021)** and will have **until the end of the scheduled examination period (December 23rd 2021)** to prepare responses. The examination questions will focus on information delivered in lectures, assigned readings, and any supplementary articles or materials provided – *additional (outside) research will only be permitted with the explicit agreement of the course instructor.*

All exams must be submitted **via cuLearn, double-spaced, in 12pt Times New Roman font with standard 1" margins**. The total length of the examination answers will not exceed **20 pages** (excluding bibliography and title page). **Examinations will be due by 9:00 AM December 23rd 2021.**

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

The granting of extensions is determined by the instructor who will confirm whether an extension is granted and the length of the extension. For requests for extensions lasting less than 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>.

Extensions for longer than 7 days will normally not be granted. In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

SCHEDULE

Lecture schedule, including assigned readings and any additional changes or instructions, will be posted to the courses [Brightspace](#) page – and maintained as an evergreen document. **Students are responsible for checking the schedule on an ongoing basis – as it may be subject to change as the term progresses.**

Date	Lecture Topic	Required Readings & Scheduled Sessions
September 8 th	Week 1 – Introduction (overview of requirements and framework for the course)	No required readings – but please download and <i>review the syllabus</i> .
September 15 th	Week 2 – The Idea of Justice, critical legal studies and the examining the everyday world as problematic	Rawls, John. (1985) “Justice as Fairness: Political not Metaphysical” in <i>Philosophy & Public Affairs</i> , Vol. 14, No. 3. (pages 223-251)
September 22 nd	Week 3 – Justice and Civil Liberties: A brief historical overview	Cook, B. (2013) “Double Consciousness” in <i>McNair Scholars Journal</i> , 15, California State

		University, Sacramento. (pages 1-18) Documentary Film #1
September 30 th 2021 – Last day to withdraw from Winter courses with full fee adjustment		
September 29 th	Week 4 – The Power of Law, Legal Language, and the unequal weight of experience	Smart, Carol. (1989) <i>Feminism and the Power of Law</i> . (Introduction & chapter 1 – pages 1-25)
October 6 th	Week 5 – Bias, Gender and General Implications	Smith, Dorothy. <i>The Everyday World as Problematic</i> (A Peculiar Eclipsing: Women’s Exclusion from Man’s Culture pages 15-43) Smith, Dorothy. <i>The Everyday World as Problematic</i> (A Peculiar Eclipsing: Women’s Exclusion from Man’s Culture pages 211-226)

October 13 th	<p>Week 6 – Ableism, Assumptions and the Power of Absences</p> <p>*Students receive instructions for Assignment #1 – <u>Due November 5rd 2021</u>*</p>	<p>Nussbaum, Martha “Frontiers of Justice: disability, nationality, species membership” – Chp 3 - 155 – 223.</p> <p>Jason Whitesel “Intersections of Multiple Oppressions: Racism, Sizeism, Ableism, and the “Illimitable Etcetera’s” in Encounters with Law Enforcement” in Sociological Forum, Vol 32, No 2 June 2017, pp. 426-433</p>
October 20 th	<p>Week 7 – Equality (Redistribution vs. Recognition)</p>	<p>Nancy Fraser “Redistribution or Recognition?” – 7 to 48</p>
October 27 th	<p>Fall Break - Classes are suspended.</p>	
November 3 rd	<p>Week 8 – Class, Economic Inequality and Internalized ‘Objectification’</p>	<p>Litowitz, Douglas “Gramsci, Hegemony, and the Law” – 515-551</p>
<p>November 5th *Assignment #1 Due*</p>		
November 10 th	<p>Week 9 – Trans Equality</p>	<p>Kyle Kirkup - The origins of gender identity and gender expression in Anglo-American legal discourse - University of Toronto Law Journal, Volume 68, Number 1, Winter 2018, pp. 80-117</p> <p>Documentary Film #2</p>

November 17 th	Week 10 – Colonialism and First Nations	Glen Sean Coulthard - Red Skin, White Masks : Rejecting the Colonial Politics of Recognition – <u>Chapter 3 (79-103)</u>
November 24 th	Week 11 - Environmental Justice	Christopher D. Stone – Should Trees Have Standing: Toward Legal Rights for Natural Objects – Southern California Law Review (450-501)
December 1 st	Week 12 – Policing & Violence: Symbolic and Embodied *Students receive instructions for take home examination*	Final Report - CHAIRPERSON-INITIATED COMPLAINT AND PUBLIC INTEREST INVESTIGATION INTO THE RCMP’S INVESTIGATION OF THE DEATH OF COLTEN BOUSHIE AND THE EVENTS THAT FOLLOWED [pages 1-49]
December 8 th	Week 13 – Denouement: Intersectionality, Understanding, and the Politics of Becoming	Connolly, William. “Suffering, Justice and the Politics of Becoming” in Campbell, David and Michael J. Shapiro (eds) Moral Spaces: Rethinking Ethics and World Politics. University of Minnesota Press, Minneapolis – 1999. (pages 125-153)
December 10 th	Last day of Winter Term Classes	
December 23 rd	*Take-Home Examination Due*	

COVID-19 PREVENTION MEASURES

All members of the Carleton community are required to follow COVID-19 prevention measures and all mandatory public health requirements (e.g. wearing a mask, physical distancing, hand hygiene, respiratory and cough etiquette) and [mandatory self-screening](#) prior to coming to campus daily.

If you feel ill or exhibit COVID-19 symptoms while on campus or in class, please leave campus immediately, self-isolate, and complete the mandatory [symptom reporting tool](#). For purposes of contact tracing, attendance will be taken in all classes and labs. Participants can check in using posted QR codes through the cuScreen platform where provided. Students who do not have a smartphone will be required to complete a paper process as indicated on the [COVID-19 website](#).

All members of the Carleton community are required to follow guidelines regarding safe movement and seating on campus (e.g. directional arrows, designated entrances and exits, designated seats that maintain physical distancing). In order to avoid congestion, allow all previous occupants to fully vacate a classroom before entering. No food or drinks are permitted in any classrooms or labs.

For the most recent information about Carleton's COVID-19 response and required measures, please see the [University's COVID-19 webpage](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact covidinfo@carleton.ca

Please note that failure to comply with University policies and mandatory public health requirements, and endangering the safety of others are considered misconduct under the [Student Rights and Responsibilities Policy](#). Failure to comply with Carleton's COVID-19 procedures may lead to supplementary action involving Campus Safety and/or Student Affairs.

ACADEMIC ACCOMMODATIONS

Academic Accommodation

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

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

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](#).

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).

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 where 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/equity/sexual-assault-support-services>

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 will be provided to students who compete or perform at the national or international level. 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: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism 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, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence. More information on the University's Academic Integrity Policy can be found at: <https://carleton.ca/registrar/academic-integrity/>.

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<https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit:

<https://students.carleton.ca/services/accommodation/>.

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/>.