
COURSE: **LAWS 3503B – Equality & Discrimination**

TERM: **Winter 2023**

PREREQUISITES: **(0.5 credit from LAWS 2105, LAWS 2302, LAWS 2502) and 0.5 credit in LAWS at the 2000 level.**

CLASS: **Day & Time: Wednesdays 6:05pm-8:55pm**
Room: NA (Virtual Lectures via Zoom)

INSTRUCTOR: **Dr. Philip Alexander Steiner**

CONTACT: **Office Hrs: By Appointment (virtually or on campus)**
Telephone: NA [please use email]

TA: **Taryn Hepburn**

CONTACT: **Office Hrs: Virtually (by appointment)**
Email: tarynhepburn@email.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, ability/ableism, poverty and class, as well as the intersection(ality) across and between them. 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 course page on BrightSpace).

Additionally, students will be asked to screen some documentary materials, which will be available for rent or purchase through a variety of online platforms at a nominal cost. Details will be provided in class.

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 our context changes. That said, presently, this course is being delivered virtually with real-time lectures presented via Zoom during scheduled timeslots (**synchronous**) but also recorded and made available to students for future viewing (**asynchronous**).

While virtually delivery and online collaboration tools have advanced considerably over the past few years, 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.

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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 predictability associated with a normal learning context, there can be 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 70% 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 **Brightspace**, 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 12 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 February 15th 2023, and will be due by [4pm Friday March 3rd 2023](#).

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 ()** and will have **until the end of the scheduled examination period** 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 Brightspace, 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). Instructions will be provided during the last lecture of the term (April 5th 2023) and **examinations will be due by [4:00pm Thursday April 27th 2023](#)**.

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).

Winter 2023 Lectures, Sessional Dates and University Closures

Please find a full list of important academic dates on the calendar website:

<https://calendar.carleton.ca/academicyear/>

January 9th 2023	Winter term begins.	
January 11th 2023	Week 1 – Introduction	No required readings – but please download and review the syllabus.
January 13th 2023	Last day for registration and course changes (including auditing) in early winter courses	
January 18th 2023	Week 2 – The Idea of Justice	Rawls, John. (1996) <i>Political Liberalism</i> , first lecture, (pages 3-46)
January 25th 2023	Week 3 – Civil Rights (and Responsibilities)	Cook, B. (2013) “Double Consciousness” in <i>McNair Scholars Journal</i> , 15, California State University, Sacramento. (pages 1-18) Sartre, Jean-Paul, Preface to Fanon’s “Wretched of the Earth” – On the complicity of the French (and other) citizens who do not speak out against injustice.
February 1st 2023	Week 4 – The Power of Law & Legal Language	Smart, Carol. (1989) <i>Feminism and the Power of Law</i> . (Introduction & chapter 1 – pages 1-25)
February 8th 2023	Week 5 – Bias: a four-dimensional view	Smith, Dorothy. <i>The Everyday World as Problematic (A Peculiar Eclipsing: Women’s Exclusion from Man’s Culture</i> pages 15-43)
February 15th 2023	Week 6 – Unspoken Assumptions and the Power of Absences *Students receive instructions for Assignment #1 – <u>Due March 3rd 2023.</u>	Smith, Dorothy. <i>The Everyday World as Problematic (A Peculiar Eclipsing: Women’s Exclusion from Man’s Culture</i> pages 211-226)
February 22nd	Winter Break – No Classes	
March 1st 2023	Week 7 – Redistribution vs. Recognition	Nancy Fraser “ Redistribution or Recognition? ” – 7 to 48
March 3rd 2023	First Assignment Due by 4pm	
March 8th 2023	Week 8 – Hegemony & Economic Inequality	Litowitz, Douglas “ Gramsci, Hegemony, and the Law ” – 515-551

<p>March 15th 2023</p>	<p>Week 9 – Binary Oppositions and their Unintended Consequences</p> <p>Last day for academic withdrawal from full winter, late winter, and fall/winter courses.</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>March 22nd 2023</p>	<p>Week 10 – Colonialism and its Ongoing Legacies</p>	<p>Glen Sean Coulthard - Red Skin, White Masks: Rejecting the Colonial Politics of Recognition – <u>Chapter 3 (79-103)</u></p>
<p>March 29th 2023</p>	<p>Week 11 - Environmental Justice</p>	<p>Christopher D. Stone – Should Trees Have Standing: Toward Legal Rights for Natural Objects – Southern California Law Review (450-501)</p>
<p>April 5th 2023</p>	<p>Week 13 – Denouement: Intersectionality, Understanding, and the Politics of Becoming</p> <p>*Students receive instructions for their take-home examination, which is <u>due by 4pm April 27th 2023.</u></p>	<p>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)</p>
<p>April 12th 2023</p>	<p>Fall term ends.</p> <p>Classes follow a <u>Friday schedule</u> (fall and fall/winter courses only).</p> <p>Last day for final take-home examinations to be assigned, with the exception of those conforming to the examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar.</p> <p>Last day for handing in term work and the last day that can be specified by a course instructor as a due date for term work for full and late fall courses.</p>	
<p>April 15-27 2023</p>	<p>Final examinations in fall courses and mid-term examinations in fall/winter courses will be held.</p>	
<p>April 27th 2023</p>	<p>Take home examination due by 4pm.</p>	

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 adjustments as the term progresses.

University and Departmental Policies

DEPARTMENT POLICIES AND REGULATIONS

Please review the following webpage to ensure that your practices meet our Department's expectations, particularly regarding standard departmental protocols and academic integrity requirements: <https://carleton.ca/law/student-experience-resources/>.

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/>.

ACADEMIC ACCOMMODATIONS

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 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. Read more here: <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/>.