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

**TERM:** Fall 2022

**PREREQUISITES:** LAWS 2105 or LAWS 2302 or LAWS 2502 and 0.5 credit in LAWS at the 2000 level

**CLASS:** Day & Time: Wednesdays 6:05pm-8:55pm  
Room: TB 236 [location is subject to change, please confirm via online system]

**INSTRUCTOR:** Dr. Philip Alexander Steiner

**CONTACT:** Office Hrs: By Appointment (virtually or on campus)  
Email: Philip.Steiner@carleton.ca

**TA:** Monisha Logan

**CONTACT:** Office Hrs: Virtually (by appointment)  
Email: [monishalogan@cmail.carleton.ca](mailto:monishalogan@cmail.carleton.ca)

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**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).

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**

**Below are a number of concrete steps students can consider to maximize their success in this course:**

### **1. Keep Up with Weekly Reading/Writing**

The class structure forces you to “stay on top of” the weekly readings and small written reviews. 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”, **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 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 12<sup>th</sup> 2022, and will be due by [4pm Friday November 4<sup>th</sup> 2022](#).

### 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 (November 30)** and will have **until the end of the scheduled examination period (December 22)** 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). **Examinations will be due by [4:00pm Thursday December 22<sup>nd</sup> 2022](#)**.

### 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 adjustments as the term progresses.**

<b>Fall 2022 Sessional Dates and University Closures</b>		
<p>Please find a full list of important academic dates on the calendar website:  <a href="https://calendar.carleton.ca/academicyear/">https://calendar.carleton.ca/academicyear/</a></p>		
<b>September 7, 2022</b>	Fall term begins.	
<b>September 7, 2022</b>	<b>Week 1</b> – Introduction	No required readings – but please download and <b>review the syllabus.</b>
<b>September 14, 2022</b>	<b>Week 2</b> – The Idea of Justice	Wenar, Leif (2004) The unity of Rawls’s work. The Journal of Moral Philosophy, 1 (3). <b>pp. 265-275.</b>
<b>September 20, 2022</b>	Last day for registration and course changes (including auditing) in fall and fall/winter courses.	
<b>September 21, 2022</b>	<b>Week 3</b> – Civil Rights (and Responsibilities)	<p>Cook, B. (2013) “Double Consciousness” in <i>McNair Scholars Journal</i>, 15, California State University, Sacramento. <b>(pages 1-18)</b></p> <p>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.</p>

<b>September 28, 2022</b>	<b>Week 4 – The Power of Law &amp; Legal Language</b>	Smart, Carol. (1989) <i>Feminism and the Power of Law</i> . (Introduction & chapter 1 – <b>pages 1-25</b> )
<b>October 5, 2022</b>	<b>Week 5 – Bias: a four-dimensional view</b>	Smith, Dorothy. <i>The Everyday World as Problematic (A Peculiar Eclipsing: Women’s Exclusion from Man’s Culture</i> <b>pages 15-43)</b> )
<b>October 10, 2022</b>	Statutory holiday. University closed.	
<b>October 12, 2022</b>	<b>Week 6 – Unspoken Assumptions and the Power of Absences</b>  *Students receive instructions for <b>Assignment #1 – Due November 4<sup>th</sup> 2022*</b>	Smith, Dorothy. <i>The Everyday World as Problematic (A Peculiar Eclipsing: Women’s Exclusion from Man’s Culture</i> <b>pages 211-226)</b> )
<b>October 19, 2022</b>	<b>Week 7 – Redistribution vs. Recognition</b>	Nancy Fraser “ <b>Redistribution or Recognition?</b> ” – 7 to 48
<b>October 24-28, 2022</b>	Fall break, no classes.	
<b>November 2, 2022</b>	<b>Week 8 – Hegemony &amp; Economic Inequality</b>	Litowitz, Douglas “ <b>Gramsci, Hegemony, and the Law</b> ” – 515-551
<b>November 4, 2022</b>	<b>Assignment #1 is due – by 4pm Friday November 4<sup>th</sup> 2022</b>	
<b>November 9, 2022</b>	<b>Week 9 – Binary Oppositions and their Unintended Consequences</b>	Kyle Kirkup - <b>The origins of gender identity and gender expression in Anglo-American legal discourse</b> - University of Toronto Law Journal, Volume 68, Number 1, Winter 2018, pp. 80-117
<b>November 16, 2022</b>	<b>Week 10 – Colonialism and its Ongoing Legacies</b>	Glen Sean Coulthard - <b>Red Skin, White Masks: Rejecting the Colonial Politics of Recognition – Chapter 3 (79-103)</b>
<b>November 23, 2022</b>	<b>Week 11 - Environmental Justice</b>	Christopher D. Stone – <b>Should Trees Have Standing: Toward Legal Rights for Natural Objects</b> – Southern California

		Law Review (450-501)
<b>November 30, 2022</b>	<b>Week 12 – Policing &amp; Violence: Symbolic and Embodied</b>	<b>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]</b>
<b>November 25, 2022</b>	Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade, in fall term or fall/winter undergraduate courses, before the official December final examination period (see examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar).	
<b>December 7, 2022</b>	<b>Week 13 – Denouement: Intersectionality, Understanding, and the Politics of Becoming</b>	Connolly, William. <b>“Suffering, Justice and the Politics of Becoming”</b> in Campbell, David and Michael J. Shapiro (eds) Moral Spaces: Rethinking Ethics and World Politics. University of Minnesota Press, Minneapolis – 1999. (pages 125-153)
<b>December 9, 2022</b>	<p>Fall term ends.</p> <p><b>Classes follow a Monday schedule (fall and fall/winter courses only).</b></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>	
<b>December 10-22, 2022</b>	Final examinations in fall courses and mid-term examinations in fall/winter courses will be held.	
<b>December 22, 2022</b>	<b>Take home examination due by 4pm.</b>	





## **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](mailto: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/>.

### **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](mailto:covidinfo@carleton.ca).