

## Course Outline Template

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<b>COURSE:</b>	LAWS 4002 – Feminist Theories of Law
<b>TERM:</b>	Winter 2023
<b>PREREQUISITES:</b>	LAWS 2908 and fourth-year Honours standing
<b>CLASS:</b>	<b>Day &amp; Time:</b> Tuesdays, 11:35am-2:25pm (weekly) <b>Room:</b> Canal Building, Room 3400 (in person)
<b>INSTRUCTOR:</b>	Dr. Tiffany MacLellan
<b>CONTACT:</b>	<b>Office Hrs:</b> By appointment (Zoom) <b>Email:</b> tiffanymaclellan@cunet.carleton.ca

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### **CALENDAR COURSE DESCRIPTION**

The literature comprising feminist perspectives on law; theoretical bases of these perspectives; place of feminist theories within other critiques of law; significance of different feminist theories for equality theory and law reform strategies; unique contributions of the various perspectives.

### **COURSE DESCRIPTION**

Feminism is comprised of myriad schools of thought that seek to answer questions regarding the attainment of equality, agency, and emancipation from diverse and often competing footings. This diversity can be charted when we consider how various feminist theories imagine the stakes that are in play when law is leveraged to address myriad political and social concerns. In this course, students will grapple with key theoretical debates within feminism regarding law's potential to bring about social and political change. It will also identify key critiques of feminists theories of law advanced by trans, queer, Indigenous and black scholars, illuminating the limits and problems that come with overdetermining law's role in alleviating oppression.

### **REQUIRED TEXTS**

All readings associated with this course are available on Brightspace.

### **WORKING WITH INDIGENOUS KNOWLEDGE**

This course draws on Indigenous knowledge by incorporating two "Indigenous knowledge bundles" into one class (February 14<sup>th</sup>). The inclusion of this knowledge is made possible because Indigenous academics, Indigenous knowledge keepers and Teaching and Learning Services at

Carleton University have invested time and energy into preparing knowledge and delivering it to you in a culturally appropriate manner.

Indigenous knowledge has been mishandled, mis-used, and deployed – in whole or in part – by non-indigenous folks without the consent of Indigenous knowledge holders for centuries. It is imperative that all students engage all Indigenous knowledge bundle material provided in Brightspace, and in the order it is presented. We must respect the terms that come with the privilege of having access to this material.

### **EVALUATION**

**Participation (30%):** Much of the intellectual value of this course arises from in-class discussions. As this course is delivered in a seminar format, students are expected to prepare themselves by reading all materials prior to each class. The goal is to make the seminar a productive place to think through the material together, respectfully. Participation marks are earned by attending the seminar and by providing quality contributions to class discussions. As this course is organized in seminar format, all students are expected to come to class prepared.

**Reading Responses (30%):** Each student is required to produce eight reading reflections over the course of the term. Each reflection should: 1) provide an accurate summary of the author's arguments in your own words (please use citations for indirect quotes); 2) feature a description of the key concepts used to mount the argument; 3) supply a critical analysis of the argument, and; 4) include 3 open ended questions that can be posed to the class. Each reading response will be marked on a "pass/fail" basis. To "pass," students will need to speak to all four elements identified above, and have uploaded their response prior to class. Each reflection is expected to be 2 pages long (double spaced).

**Indigenous Knowledge Response Paper (20%):** This assignment requires students to fully engage the "Cultural Conceptions of the Life Cycle" and "Maternal and Child Health" Indigenous Knowledge bundles (which are available on Brightspace). Students must watch/read/listen to each part of both bundles, and then develop a response paper that addresses the following:

- **PART I 10%:** Choose one prominent concern Indigenous women face today that was identified within the "**Cultural Conceptions of Life**" bundle. Research, reference and reflect on two Indigenous-led responses to the issue you selected (500 words, double spaced, 12 point font).
- **PART II 10%:** Identify one picture presented within the "**Maternal and Child Health**" bundle. Using the bundle's lecture videos, the Knowledge Keeper interview, and one of the readings identified in the "Reading and Resources" component of the bundle, describe the meaning and relevance of the picture to maternal and child health (500 words, double spaced, 12 point font).

Due: February 17<sup>th</sup> at 5pm via Brightspace.

**Final Paper (20%):** Drawing on the theory, concepts and literature slated for this course, students are required to compare and contrast two artistic representations incorporated into Carleton University Art Gallery's exhibition "Drawing on Our History." On March 7<sup>th</sup>, the class will view the exhibition together, yet you are encouraged to re-visit the gallery, as needed, in order to make your selections. The paper is expected to be 2000 words, double spaced. A final paper workshop will take place in class on April 4<sup>th</sup>.

Due: April 11<sup>th</sup> at 5pm via Brightspace.

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.

**All components must be successfully completed in order to receive a passing grade.**

#### **LATE PENALTIES AND REQUESTS FOR EXTENSIONS**

Assignments submitted after the due date will be accepted at the cost of 3 marks per day.

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**

### **January 10: Introduction**

The first part of this class will be used to provide an overview of the course and correlative assignments. Students will also identify the readings that they will be required to respond to through-out the semester.

### **January 17<sup>th</sup>: Charting the Scene**

Levit, Nancy., and Robert R. M. Verchick. (2006) "Feminist Legal Theories" in *Feminist Legal Theory : A Primer*. New York University Press (New York): 11-39.

Thomas, Tracy A., The Long History of Feminist Legal Theory (November 30, 2020). in *The Oxford Handbook of Feminism and Law in the United States* (Deborah L. Brake, Martha Chamallas & Verna L. Williams eds. Forthcoming Oxford Univ. Press).

### **January 24<sup>th</sup>: Radical Feminism + Law**

MacKinnon, Catharine (1989) "Sexuality," in *Toward a Feminist Theory of the State* (Cambridge: Harvard University Press): 126-154.

[LEAF Factum for: \*R. v. Butler\*, \[1992\] 1 S.C.R. 452.](#)

### **January 31<sup>st</sup>: Anti-Essentialist Feminism + Law**

Rubin, Gayle (1984) "Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality," in Carol Vance (ed.) *Pleasure and Danger: Exploring Female Sexuality* (Boston: Routledge, 1992): 267-319.

Khan, Ummni (2009) "A Woman's Right to Be Spanked: Testing the Limits of Tolerance of S/M in the Socio-Legal Imaginary." *Law & Sexuality* 18 (2009): 79– 120.

### **February 7<sup>th</sup>: Rights and Their Limits**

Smart, Carol (2002) "The Problem of Rights," in *Feminism and the Power of Law*. Hoboken: Taylor and Francis (New York): 138-159.

Brown, Wendy. "Suffering the Paradox of Rights," in Brown, Wendy, and Janet E. Halley. *Left Legalism/left Critique*. Durham: Duke University Press, 2002: 420-434.

### **February 14<sup>th</sup>: Indigenous Knowledge + The Body + Ritual**

Lindberg, Tracey. "Not My Sister: What Feminists Can Learn About Sisterhood from Indigenous Women." *Canadian Journal of Women and the Law* 16.2 (2004): 342–352.

During this week, you are required to work independently through all aspects of the following Carleton University Collaborative Learning Bundles (which are available on the course's Brightspace):

**Bundle:** **Cultural Conceptions of the Life Cycle**  
 Collaborators: Ojistoh Kahnawahere Horn and Knowledge Keeper Louise McDonald  
 Recording Date: Ojistoh Kahnawahere Horn: November, 2018 in Akwesasne  
 Louise McDonald: December, 2018 in Akwesasne

**Bundle:** **Maternal and Child Health**  
 Collaborators: Ojistoh Kahnawahere Horn and Knowledge Keeper Katsi Cook  
 Recording Date: Ojistoh Kahnawahere Horn: November, 2018 in Akwesasne  
 Katsi Cook: April, 2018 in Akwesasne

Indigenous Knowledge bundle reflections are due via Brightspace February 17<sup>th</sup> at 5pm.

### **February 21<sup>st</sup>: Winter Break, No class**

### **February 28<sup>th</sup>: Critical Race Theory + Women + The Law**

Razack, Sherene H. "Race, Space, and Prostitution: The Making of the Bourgeois Subject." *Canadian journal of women and the law* 10, no. 2 (1998): 338–376.

Cruz, Ariane. "Beyond Black and Blue: BDSM, Internet Pornography, and Black Female Sexuality." *Feminist studies* 41, no. 2 (2015): 409–436.

### March 7<sup>th</sup>: Representations

During this class we will visit the Carleton University Art Gallery to view “Drawing on Our History.” This exhibition was curated by Heather Igloliorte, Alice Ming Wai Jim, Anna Khimasia, Alexandra Kahsenni:io Nahwegahbow, Kosisochukwu Nnebe, Danielle Printup, Heather Anderson and Sandra Dyck.

We will consider artistic works that aim to generate discussions about the impact of colonization on Inuit gender identity (Kablusiak), mis/representations of black women (Sharon Norwood) and Inuit women (Gayle Uyagaqi Kabloona), 2SLGBTQ+ awareness (Saige “Nalakwsis” Mukash), and more.

### March 14<sup>th</sup>: Transgender Critiques

Dean Spade, “Preface” and “What’s Wrong with Rights?” in *Normal Life: Administrative Violence, Critical Trans Politics, and the Limits of the Law*. South End Press, New York (2002): 7-17, 79-100.

Khan, Ummni (2007) “Perpetuating The Cycle of Abuse: Feminist (mis)use of the Public/Private Dichotomy in the Case of Nixon v. Rape Relief,” *Windsor Review of Legal and Social Issues* 23: 1-16.

### March 21<sup>st</sup>: Marsha P. Johnson & Sylvia Rivera

Sylvia Rivera Law Project, “In Solidarity – Fall 2018):

[https://issuu.com/sylviariveralawproject/docs/in\\_solidarity\\_fall\\_2018?utm\\_medium=referral&utm\\_source=srlp.org](https://issuu.com/sylviariveralawproject/docs/in_solidarity_fall_2018?utm_medium=referral&utm_source=srlp.org)

Film viewing and discussion: *The Death and Life of Marsha P. Johnson* (2017) Directed by David France)

### March 28<sup>th</sup>: Eco Feminism + Environmental Justice

Lane, Pauline. “Ecofeminism Meets Criminology.” *Theoretical criminology* 2, no. 2 (1998): 235–248.

Scott, Dayna Nadine. “‘Gender-Benders’: Sex and Law in the Constitution of Polluted Bodies.” *Feminist legal studies* 17, no. 3 (2009): 241–265.

**April 4<sup>th</sup>: Final Paper Workshop**

In this class we will review the elements of a great paper final paper, discuss expectations, and review style guides.

**April 11<sup>th</sup>: Concluding Thoughts**

Carleton University, "Sexual Violence Policy": <https://carleton.ca/secretariat/wp-content/uploads/Sexual-Violence-Policy.pdf>

Final Papers are due at 5pm via Brightspace.

<b>Winter 2023 Sessional Dates and University Closures</b>	
<i>Please find a full list of important academic dates on the calendar website:</i> <a href="https://calendar.carleton.ca/academicyear/">https://calendar.carleton.ca/academicyear/</a>	
<b>January 9, 2023</b>	Winter term begins.
<b>January 20, 2023</b>	Last day for registration and course changes (including auditing) in full winter and late winter courses.
<b>February 20, 2023</b>	Statutory holiday. University closed.
<b>February 20-24, 2023</b>	Winter break. No classes.
<b>March 15, 2023</b>	Last day for academic withdrawal from full winter, late winter, and fall/winter courses.
<b>April 7, 2023</b>	Statutory holiday. University closed.
<b>April 12, 2023</b>	Winter term ends. Last day of full winter, late winter, and fall/winter classes.
<b>April 15-27, 2023</b>	Final examinations in full winter, late winter, and fall/winter courses will be held. Examinations are normally held all seven days of the week.
<b>April 27, 2023</b>	All final take-home examinations are due on this day.

## **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/>.