

LAWS 4904A Fall 2022
Course Outline

Department of Law and Legal Studies
Carleton University

Course: LAWS 4904A/WGST 4812/WGST 5901 Advanced Legal Topics (SEM): Feminist Controversies in Sexuality and the Law

Term: Fall Semester 2022

Prerequisites: LAWS 2908; 4th year Honours standing, and/or permission of the Department

Seminar: Three hours weekly

Date & Time: Tuesdays 2:35-5:35pm

Location: Southam 413

Instructor: Meg D. Lonergan

Email: megan.lonergan@carleton.ca

Shared Office: Loeb C560

Office Hours: Friday at noon or by appointment

Calendar Course Description:

This course is a fourth-year undergraduate seminar on the topic of feminist controversies in sex and law with an emphasis on Canadian, American, and British contexts in the post-1960s period.

Course Description:

“Feminist” approaches, perspectives, and theories represent a wide diversity of interpretations and politics; oftentimes these approaches and perspectives that conflict and clash with one another. This course will explore some of the key debates both facing and within feminism, particularly where feminism(s) intersect with sex and the law. Students will critically engage with diverse feminist perspectives, such as radical feminism, liberal feminism, sex-radical feminism, and concepts such as carceral feminism and queer theory. Topics of focus in this course include prostitution/sex work, pornography, censorship and free expression, health, harm, violence, sexual identities and practices. This course will also examine key Supreme Court rulings in the areas of sex and law in Canada and their relationship to feminist organizing and theories in Canada.

Content Warning:

Learning can, and often is, an uncomfortable process. Many of the topics and issues discussed in this course in lecture content, seminar discussions, and the required readings may be difficult, uncomfortable, polarizing, and/or produce emotional responses in some students. There are no safe spaces in the university; however, this class will make efforts to work collectively with students and the instructor to create and maintain a *safer* learning environment.

Please review topics in advance and practice self-care throughout the semester.

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Required Texts

- Felker- Martin, Gretchen. (2022). *Manhunt*. UK: Palgrave Macmillan.

You can order your book for pick up or shipping at <https://octopusbooks.ca/students>. Octopus Books is an independent bookstore located at 116 Third Avenue in Ottawa. They have ordered copies for the course, and it retails for \$23.99 plus taxes.

All other course readings will be available on Brightspace.

Learning Objectives:

During this course students will:

- Challenge and explore their beliefs and understandings about feminism and law
- Engage in a range of topics related to feminist controversies in sex and law
- Learn the diverging and diverse feminist opinions on several key debates, both historical and ongoing
- Improve their critical thinking and analytical skills
- Produce a well-written paper analyzing the assigned novel on a theme or topic of their choosing

Evaluation:

You begin a course with zero and marks are earned via completing the required course components; you do not begin the course with 100% and have marks deducted.

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.

Attendance and Active Participation: 20%

- Attendance is being present
- Active participation is asking and/or answering questions, engaging in debate and discussion
- This course is explicitly about controversial and political subject matter—you should have thoughts on the topics and material! You are not evaluated on whether your instructor or your peers agree with you or whether you even necessarily have a correct answer, rather, you are being evaluated on engaging with the course materials and themes and contributing to conversations in the course.

Reading Reflections: 20%

- Weekly reading reflections are due **via Brightspace Mondays by 11pm (the night before the class for which they are assigned)**
- Reading reflections should demonstrate a summary of the main arguments and thesis of the text, as well as questions, comments, critiques it raised for you while engaging with it
- Reading reflections are on the assigned readings, not on *Manhunt*

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- These are good opportunities to demonstrate understanding and make connections between course components and to express/ask questions you may not want to in a classroom setting¹
- These submissions should include separate title and works cited pages, should be double-spaced in size 12 Times New Roman font with standard 1 inch margins; in-text citations should be utilized (McGill, ASA, APA, or Chicago are all acceptable)

Paper Proposal: 20%

- **Due: Halloween Day by 11:59pm via Brightspace**
- Details on Brightspace

Final Paper: 40%

- **Due: December 16th by 11:59pm via Brightspace**
- Students will apply their knowledge from the course to craft an original analysis of Gretchen Felker-Martin's novel *Manhunt* (2022) with a focused thesis on a topic of their choice related to the themes of the course
- Details on Brightspace

¹ I may bring questions from these to the class for discussion but will do so anonymously.

Course Schedule

Week 1: Tuesday, September 13th

Introduction: Feminism, Sex, and Controversies

Dietz, Mary G. (2003). Current controversies in feminist theory. *Annual Review of Political Science*, 399-431.

Tomlinson, Barbara. (2010). "The labor of arguments and feminist futures," in *Feminism and affect at the scene of the argument: Beyond the trope of the angry feminist*. Philadelphia: Temple University Press, pp. 191-204.

Zembylas, Michalinos. (2015). 'Pedagogy of discomfort' and its ethical implications: The tensions of ethical violence in social justice education. *Ethics and Education*, 10(2), 163-174.

Week 2: Tuesday, September 20th

Censorship and Expression

Cosman, Brenda. (2018). Gender identity, gender pronouns, and free expression: Bill C-16 and the traction of specious legal claims. *University of Toronto Law Review*, 68(1), 37-79.

Hayden, Wendy. (2021). From Lucifer to Jezebel: Invitational rhetoric, rhetoric closure, and safe spaces in feminist sexual discourse communities. *Rhetoric Society Quarterly*, 51(2), 79-93.

Karaian, Lara. (2012). Lolita speaks: 'Sexting,' teenage girls and the law. *Crime Media Culture*, 8(1), 57-73.

Optional:

Lavery, Grace. (2019). The king's two anuses: Trans feminism and free speech. *Differences: A Journal of Feminist Cultural Studies*, 30(5), 119-151.

Week 3: Tuesday, September 27th

Identity, Intersectionality, and Difference

Ahmed, Sara. (1998). "Identifying the subject of feminism?" in *Differences that matter: Feminist theory and postmodernism*. Cambridge, Mass.: Cambridge University Press, pp. 113-118.

Tuvel, Rebecca. (2017). In defense of transracialism. *Hypatia*, 32(2), 263-278.

Manning, Jimmie., and Dunn, Jennifer C. (2018). "Rachel Dolezal, transracialism, and the Hypatia controversy," in *Transgressing feminist theory and discourse*. London: Routledge, pp. 1-13.

Recommended:

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Crenshaw, Kimberlé. (1991). Mapping the margins: Intersectionality, identity politics, and violence against women of color. *Stanford Law Review*, 43(6), 1241-1299.

Week 4: Tuesday, October 4th

The Feminist Sex Wars Part I: Radical Feminism

Dworkin, Andrea. ([1987] 2006). "Law," in *Intercourse* (20th anniversary ed.). New York: Basic Books, pp. 185-211.

MacKinnon, Catherine A. (1989). "Rape: On coercion and consent," in *Toward a Feminist Theory of the State*. Cambridge: Harvard University Press, pp. 171-183.

Raymond, Janice. (1994). "Introduction to the 1994 edition," in *The transsexual empire: The making of the she-male*. New York: Teachers College Press, pp.xi -xxxv.

Week 5: Tuesday, October 11th

The Feminist Sex Wars Part II: Sex-Radical Feminism

Moorman, Jennifer. (2017). "The hardest of hardcore": Locating feminist possibilities in women's extreme pornography. *Signs: Journal of Women in Culture and Society*, 42(3), 693-716.

Ross, Becki L. (1997). "'It's merely designed for sexual arousal': *Interrogating the indefensibility of lesbian smut," in Brenda Cossman, Shannon Bell, Lise Gotell, and Becki L. Ross's *Bad attitude/s on trial: Pornography feminism, and the Butler decision*. Toronto: University of Toronto Press, pp. 152-198

Rubin, Gayle. (1992). "Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality," in *Pleasure and Danger: Exploring Female Sexuality*. Carole S. Vance (Ed.). London: Pandora, pp. 267-293.

Week 6: Tuesday, October 18th

The Feminist Sex Wars Part III: Liberal Feminism

Bracewell, Lorna. (2020). Sex wars, SlutWalks, and carceral feminism. *Contemporary Political Theory*, 19(1), 61-82.

Pitzulo, Carrie. (2008). The battle in every man's bed: Playboy and the fiery feminists. *Journal of the History of Sexuality*, 17(2), 1-19.

Steinem, Gloria. (May & June 1963). "A Bunny's Tale: Part I and II." *Show: The Magazine of the Arts*.

Reading Week

Halloween: Paper Proposal Due

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Week 7: Tuesday, November 1st

Prostitution and Sex Work

Cowen, Nick., and Colosi, Rachela. (2021). Sex work and online platforms: What should regulation do? *Journal of Entrepreneurship and Public Policy*, 10(2), 284-303.

Miriam, Kathy. (2005). Stopping the traffic in women: Power, agency and abolition in feminist debates over sex-trafficking. *Journal of Social Philosophy*, 36(1), -17.

Van der Meulen Emily, and Durisin, Elya M. (2018). "Sex work policy: Tracing historic and contemporary developments," in Elya M. Durisin., Emily Van der Meulen., and Chris Bruckert (eds.)' *Red light labour: Sex work regulation. Agency, and resistance*. Vancouver: University of British Columbia Press, pp. 27-47.

Week 8: Tuesday, November 8th

Pornography

Blumberg, F. L. (2017). Obscenity and marginality. *Law and Humanities*, 11(1), 7-23.

Ost, Suzanne. (2010). Criminalising fabricated images of child pornography: A matter of harm or morality? *Legal Studies*, 30(2), 230-256.

Vera-Gray, Fiona., McGlynn, Clare., Kureshi, Ilbad., and Butterby, Kate. (2021) Sexual violence as a sexual script in mainstream online pornography. *The British Journal of Criminology*, 61, 1243-1260.

Week 9: Tuesday, November 15th

Queer Theory, Identities, and Practices

Bersani, Leo. (1987). Is the rectum a grave? *AIDS: Cultural Analysis/Cultural Activism*, 197-222.

LeFranc, Kate Moore. (2018). Kinky hermeneutics: Resisting homonormativity in queer theology. *Feminist Theology*, 2(6)3, 241-254.

Shepard, Benjamin. (2009). "Playing by different rules: DYI experiments in harm reduction," in *Queer political performance and protest*. New York: Taylor & Francis Group, pp. 134-160.

Week 10: Tuesday, November 22nd

Queer Outlaws (?)

Karaian, Lara. (2019). Relative lust: Accidental incest's affective and legal resonances. *Law, Culture and the Humanities*, 15(3), 806-825.

Lykins, Amy D., and Cantor, James M. (2013). Voraepheia: A case study in masochism and erotic consumption. *Archives of Sexual Behavior*, 43(1), 181-186.

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Walker, Allyson, and Panfil, Vanessa, R. (2016). Minor attraction: A queer criminological issue. *Critical Criminology*, 25(1), 37-53.

Week 11: Tuesday, November 29th

Reproductive Justice

Majumdar, Anindita. (2014). The rhetoric of choice: The feminist debates on reproductive choice in the commercial surrogacy arrangement in India. *Gender, Technology and Development*, 18(2), 275-301.

Nisha, Zairu. (2021). Technicization of 'birth' and 'mothering': Bioethical debates from feminist perspectives. *Asian Bioethics Review*, 13, 133-148.

Radi, Blas. (2020). Reproductive justice, trans rights, and eugenics. *Sexual and Reproductive Health Matters*, 28(1), 396-407.

Week 12: Tuesday, December 6th

Course Wrap Up and Paper Workshop

Adams, Felicity., and Emmerich, Fabienne. (2021). Nurture, pleasure and Read and Resist!: Abolition feminist methodology for collective recovery? *Feminist Legal Studies*, 29, 399-410.

Hoffman, Lauren P. (2017). Working towards everyday social justice action: Exploring liquid modernity, material feminisms, care of the self, and parrhesia. *Journal of Critical Thought and Praxis*, 6(1), 1-17.

Final paper due: December 16th by 11:59pm via Brightspace

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Suggested *Manhunt* reading milestones

293 pages total

Week 1: Pages 1-30

Week 2: Pages 31-76

Week 3: Pages 77-96

Week: Pages 97-136

Week 5: Pages 137-171

Week 6: Pages 172-211

Paper Proposal is due Halloween day by midnight

Week 7: Pages 212-238

Week 8: Pages 239-264

Week 9: Pages 265-293

Week 10: *Review comments on paper proposal and begin drafting*

Week 11: *Develop working draft of paper*

Week 12: *Paper workshop*

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Late Penalties and Extension Policy:

Please be sure to ask for extensions as far in advance as is foreseeable. Asking in advance demonstrates organization and planning. Sometimes unforeseeable things do happen, of course, so please let me know if situations arise and you need accommodations.

Assignments submitted late without notice and extensions will be penalized 5% per day. Assignments more than 7 days late may not be accepted.

Email Correspondence and Etiquette:

I endeavor to respond to all emails within 72 hours. If I have not replied to your email sent between Monday and Friday within that timeframe, please do not hesitate to send a follow-up email. Emails should be of a polite and professional tone.

Important Dates

- Tuesday, September 13, 2022: Last day for registration for early fall term courses.
- Tuesday, September 20, 2022: Last day for registration for full fall, late fall term and fall/winter term courses.
- Friday, October 21, 2022: Last day of early fall term classes.
- ***Tuesday, November 15, 2022: Last day for academic withdrawal from Fall courses.**
 - ***Note** this is much earlier than past years and thus increases importance of early feedback/assessments (see FPA regulations for more details).
- **Friday, December 9, 2022: Last day of late and full fall term classes. Classes follow a Monday Schedule.**
- Formally scheduled full and late summer term 2022 deferred final examination will take place from September 23-25, 2022.
- October 29-30, 2022 & November 5-6, 2022: Final examinations in early fall undergraduate courses will be held.
- December 10-22, 2022: Final examinations in full fall and late fall term courses and mid-term examinations in fall/winter courses will be held. Examinations are normally held all seven days of the week.

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

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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.

Intellectual Property

Classroom teaching and learning activities, including lectures, discussions, presentations, etc., by both instructors and students, are copy protected and remain the intellectual property of their respective author(s). All course materials, including PowerPoint presentations, outlines, and other materials, are also 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 are not permitted to reproduce or distribute lecture notes and course materials publicly for commercial or non-commercial purposes without express written consent from the copyright holder(s).

Audio and video recording in lecture is strictly prohibited without the written consent of the instructor.

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:

Emergency Resources (on and off campus): <https://carleton.ca/health/emergencies-and-crisis/emergency-numbers/>

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>

Statement on Pandemic Measures

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 should follow Carleton's [symptom reporting protocols](#).

Masks: Masks are no longer mandatory in university buildings and facilities. However, we continue to recommend masking when indoors, particularly if physical distancing cannot be maintained. We are aware that personal preferences regarding optional mask use will vary greatly, and we ask that we all show consideration and care for each other during this transition.

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Vaccines: While proof of vaccination is no longer required to access campus or participate in in-person Carleton activities, 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.

Requests for Academic Accommodations

Please include the following text, provided by Equity and Inclusive Communities, on all course outlines, and read it at the beginning of your first few classes to remind students. For details, see Section 8 above, and the [Instructors' Guide to Academic Accommodation](#).

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 ([click here](#)).

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).

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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>

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.

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