

## Course Outline

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<b>COURSE:</b>	LAWS 5904W, Contemporary Topics in Legal Studies: <b><i>Governing Therapeutic Pluralism</i></b>
<b>TERM:</b>	Winter 2023
<b>PREREQUISITES:</b>	Open to all Legal Studies graduate students
<b>CLASS:</b>	<b>Day / Time:</b> Wednesdays, 11.35 am – 2.25 pm <b>Room:</b> Loeb Building B454. Weekly live (synchronous) seminars with the possibility of some online (synchronous) sessions, to be announced.
<b>INSTRUCTOR:</b>	Dr. Nadine Ijaz
<b>CONTACT:</b>	<b>Office hrs:</b> Online, by appointment <b>Email:</b> <a href="mailto:Nadine.Ijaz@carleton.ca">Nadine.Ijaz@carleton.ca</a> (please include the course number, LAWS5904W, in the email subject line)

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### **COURSE DESCRIPTION**

While biomedicine—a therapeutic system with European cultural origins—remains a hegemonic form of healthcare, sanctioned by governments across the globe, a diverse range of healthcare approaches that the World Health Organization (WHO) terms ‘traditional and complementary medicine’ (T&CM) are widely practised worldwide. Such approaches, many of which have pre-colonial, Indigenous cultural roots, range from acupuncture to Ayurveda, chiropractic and naturopathy, spiritual healing and meditation, herbal medicine, massage, homeopathy, and nutritional supplementation. In recent decades, some T&CM therapeutics have been increasingly taken up by conventional biomedical professionals and subject to placebo-controlled, randomized clinical trials.

In many jurisdictions, T&CM approaches are sought after—in particular by persons identifying as women—as sources of culturally-responsive healthcare that align with patients’ values; and, across much of the global South, represent the primary source of accessible healthcare. However, the governance of T&CM systems and practices—and their integration into state healthcare systems, as called for by the WHO—poses many epistemic, evidentiary and practical challenges, since the conceptual models underpinning many such approaches diverge considerably from dominant biomedical norms.

Using a series of case studies from Canada, the Americas, and other world regions, this course will examine the challenges associated with governing therapeutic pluralism – whether at the state level (via regulation of T&CM practitioners and practices, and their inclusion in state-funded health systems), in civil society (e.g., through yoga teacher trainings or doula certifications), or at the level of the individual (e.g., where parents—and their children, by proxy—opt out of state-sanctioned biomedical care).

### **REQUIRED & SUPPLEMENTARY MATERIALS**

All required materials are available on Brightspace or Ares. All materials are **required** unless otherwise indicated. Please be sure to complete review of all materials **in advance** of the assigned class session. Timely review of materials is essential for a successful seminar (and important for your course grade).

### **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/>.

**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 scheduled assignment 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/>.

**COVID-19**

On the advice and guidance of [public health authorities](#), Carleton strongly recommends [wearing a well-fitted mask](#), particularly in dense indoor public settings where physical distancing cannot be maintained. Please stay home and [report symptoms](#) via CUScreen if you are sick.

<b>Winter 2023 Semester Dates and University Closures</b>	
<b><i>Please find a full list of important academic dates on the calendar website:</i></b> <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 Reading Week. 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. Last to hand in term work.
<b>April 15-27, 2023</b>	Examination Period
<b>April 27, 2023</b>	All final take-home examinations are due on this day.

**EVALUATION**

Evaluation for this course will take the form of four primary components: Course Engagement (30%), a Group Project (15%), two Short Essays (20%), and a Take Home Exam (35%). All components include sub-components, as shown below, each of which has its own due date. **Instructions and marking criteria for graded course components will be posted to Brightspace.**

<b>Component</b>	<b>Breakdown and Details</b>	<b>%</b>
<b>Course</b>	<u>Critical Reflections</u> (5 of 6), 3% each	15%
<b>Engagement</b>	DUE: 10.30 am, Jan. 18, Jan. 25, Feb. 1 Feb. 8, Mar. 29, Apr.5. You may skip one of these six submissions. →No late submissions accepted. Submissions must reflect the week's content.	
	<u>Discussion Questions</u> (10 submissions), 0.5% each DUE: 10:30 am, Jan. 18, Jan. 25, Feb. 1, Feb. 8, Mar. 1, Mar. 8, Mar. 15, Mar. 22, Mar. 29, Apr. 5. →No late submissions accepted. Submissions must reflect the week's content.	5%

	<u>Attendance</u> (5%) and <u>In-Class Participation</u> (5%) → <i>You may be absent for one in-class session without penalty.</i>	10%
<b>Group Project</b>	<u>Group Presentation</u> (5%) + <u>Group Project Submission</u> (10%) DUE: Presentation, in-class Feb. 15; Project Submission, 11.59 pm, Feb. 18 → <i>All group presentations must take place on February 15 (no rescheduling).</i> → <i>Late group project submissions penalized by 10% of project grade per day.</i>	15%
<b>Short Essays</b>	<u>Essay 1</u> (Governing Birth) + <u>Essay 2</u> (Governing Acupuncture) (10% each ) DUE: 11.59 pm, March 7 (Essay 1) and March 21 (Essay 2). → <i>Late essay submissions penalized by 10% of essay grade per day.</i>	20%
<b>Take Home Exam</b>	<u>Proposed Abstract &amp; Reference List</u> (5%) + <u>Final Submission</u> (30%) DUE: Abstract/Ref. List, 12 noon, April 11; Final Exam, 11.59 pm, April 27. → <i>No late submissions accepted. Passing course requires 65%+ grade here.</i>	35%

**LATE SUBMISSIONS & EXTENSIONS:** There will be no late submissions accepted or extensions granted for critical reflections, discussion questions, the group presentation or the take-home exam in this course. For other deliverables, late submissions will be levied a penalty as specified in the table above.

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).

**Note:** 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.

<u>Week, Date, Theme</u>	<b>Required Readings / Materials and Optional/Reference Materials (all are required unless otherwise indicated)</b>	<b>Assignments / Due Dates</b>
<u>Week 1</u> January 11	No required readings this week.	
<b>Introductions</b>	Optional readings / Reference materials posted to Brightspace.	
<u>Week 2</u> January 18	<ol style="list-style-type: none"> <li>Ijaz, N. &amp; Boon, H. Statutory Regulation of Traditional Medicine Practitioners and Practices: The Need for Distinct Policy Making Guidelines. <i>J. Altern. Complement. Med.</i> <b>24</b>, 307–313 (2018).</li> <li>Allen, L., Hatala, A., Ijaz, S., Courchene, E. D. &amp; Bushie, E. B. Indigenous-led health care partnerships in Canada. <i>Can. Med. Assoc. J.</i> <b>192</b>, E208–E216 (2020).</li> <li>Hollenberg, D. &amp; Muzzin, L. Epistemological challenges to integrative medicine: An anti-colonial perspective on the combination of complementary/alternative medicine with biomedicine. <i>Health Sociol. Rev.</i> <b>19</b>, 34–56 (2010).</li> <li>Keshet, Y. &amp; Simchai, D. The ‘gender puzzle’ of alternative medicine and holistic spirituality: A literature review. <i>Soc. Sci. Med.</i> <b>113</b>, 77–86 (2014).</li> </ol>	DUE: January 18, 10:30 am, Critical Reflection and Discussion Questions
<b>Critical Concepts &amp; Contexts</b>		
<u>Week 3</u> January 25	<ol style="list-style-type: none"> <li>World Health Organization. WHO Traditional Medicine Strategy 2014-2023. READ ONLY: pp. 7 – 42.</li> <li>Ijaz, N., Steinberg, M., Flaherty, T., Neubauer, T. &amp; Thompson-Lastad, A. Beyond Professional Licensure: A Statement of Principle on Culturally-Responsive Healthcare. <i>Glob. Adv. Health Med.</i> <b>10</b>, 216495612110430 (2021).</li> <li>Ashworth, M. &amp; Cloatre, E. Enacting a depoliticised alterity: law and traditional medicine at the World Health Organization. <i>Int. J. Law Context</i> 1–23 (2022) doi:10.1017/S1744552322000143.</li> <li>Video: <i>A Place to Breathe</i>. (Underexposed Films, 2020). (<b>On Ares</b>.)</li> </ol>	DUE: January 25, 10:30 am, Critical Reflection and Discussion Questions
<b>The World Health Organization &amp; Beyond</b>		
	<b>Guest: Hijaab Yahya</b>	
	<b>Optional / Reference</b> World Health Organization. <i>Report on Traditional and Complementary Medicine</i> . 2919.	
<u>Week 4</u> February 1	<ol style="list-style-type: none"> <li>Cloatre, E. Regulating Alternative Healing in France, And the Problem of ‘Non-Medicine’. <i>Med. Law Rev.</i> <b>27</b>, 189–214 (2019).</li> <li>Torri, M. C. &amp; Hollenberg, D. Indigenous Traditional Medicine and Intercultural Healthcare in Bolivia: A Case Study From the Potosi Region. <i>J. Community Health Nurs.</i> <b>30</b>, 216–229 (2013).</li> <li>Albert, S. &amp; Porter, J. Is ‘mainstreaming AYUSH’ the right policy for Meghalaya, northeast India? <i>BMC Complement. Altern. Med.</i> <b>15</b>, 288 (2015).</li> </ol>	DUE: February 1, 10:30 am, Critical Reflection and Discussion Questions
<b>Integrative, Inclusive, Tolerant &amp; Exclusive</b>		
	<b>Guest: Dr. Daniel Gallego-Perez</b>	
	<b>Optional / Reference</b> World Health Organization. <i>Benchmarks for training in traditional / complementary and alternative medicine: benchmarks for training in Ayurveda</i> . 2022.	

<u>Week 5</u> February 8 <b>Hegemonic, Elite &amp; Subaltern</b>	<ol style="list-style-type: none"> <li>1. Attewell, G., Hardiman, D., Lambert, H. &amp; Mukharji, P. Agendas. in <i>Medical Marginality in South Asia: Situating Subaltern Therapeutics</i> (Taylor &amp; Francis Group, 2012).</li> <li>2. Ijaz, N. The reluctant and the envious: Therapeutic subalternity and the practice of homeopathy in North America. <i>Soc. Sci. Med.</i> <b>311</b>, 115310 (2022).</li> <li>3. Caulfield, T. Don't legitimize the witch doctors. National Post (2013).</li> <li>4. Gray, B. How Should We Respond to Non-Dominant Healing Practices, the Example of Homeopathy. <i>J. Bioethical Inq.</i> <b>14</b>, 87–96 (2017).</li> </ol> <p>No additional readings this week.</p>	DUE: February 8, 10:30 am, Critical Reflection and Discussion Questions
<u>Week 6</u> February 15 <b>Group Presentations</b>	In-class group presentations.	DUE: February 18, 11:59 pm, Group Project submissions
READING BREAK		
<u>Week 7</u> March 1 <b>Governing Birth I: Midwifery</b>	<ol style="list-style-type: none"> <li>1. Paterson, S. Feminizing obstetrics or medicalizing midwifery? The discursive constitution of midwifery in Ontario, Canada. <i>Crit. Policy Stud.</i> <b>4</b>, 127–145 (2010).</li> <li>2. Nestel, S. Delivering Subjects: Race, Space, and the Emergence of Legalized Midwifery in Ontario. <i>Can J Law Soc</i> <b>15</b>, 187–216. (2000)</li> <li>3. Churchill, M. E. <i>et al.</i> Conceptualising cultural safety at an Indigenous-focused midwifery practice in Toronto, Canada: qualitative interviews with Indigenous and non-Indigenous clients. <i>BMJ Open</i> <b>10</b>, e038168 (2020).</li> <li>4. Francis, A. Ontario court upholds pay equity ruling for midwives. Toronto Star (2022). --&gt; Please also read article hyper-linked in first paragraph under 'pay equity for midwives'.</li> </ol>	DUE: March 1, 10:30 am, Discussion Questions
	<b>Optional / Reference</b>	
	Ontario (Health) v. Association of Ontario Midwives, 2022 ONCA 458	
<u>Week 8</u> March 8 <b>Governing Birth II: Doula Care</b>	<ol style="list-style-type: none"> <li>1. Doenmez, C. F. T. <i>et al.</i> Heart work: Indigenous doulas responding to challenges of western systems and revitalizing Indigenous birthing care in Canada. <i>BMC Pregnancy Childbirth</i> <b>22</b>, 41 (2022).</li> <li>2. Cancelmo, C. M. Protecting Black mothers: How the history of midwifery can inform doula activism. <i>Sociol. Compass</i> <b>15</b>, (2021).</li> <li>3. Video: BC Friendship Centres (2021). Pass the Feather – Why Indigenous Doula / Birthwork?</li> <li>4. Video: HuffPost (2019). These Doulas Are Delivering Support for Black Mothers.</li> </ol>	DUE: March 8, 10:30 am, Discussion Questions  DUE: March 7, 11:59 pm, Governing Birth Essay.
<u>Week 9</u> March 15 <b>Governing Acupuncture I</b>	<ol style="list-style-type: none"> <li>1. Aikawa, L., Yoshizumi, A. M., Shirassu, M. M. &amp; Koike, M. K. Rapid acupuncture for musculoskeletal pain in the emergency room of the Hospital Servidor Publico Estadual, Brazil: A quasi-experimental study. <i>J. Integr. Med.</i> <b>18</b>, 313–318 (2020).</li> <li>2. World Health Organization. WHO Benchmarks for the Training of Acupuncture. (2021).</li> <li>3. Ijaz, N., Zhang, Q., Welsh, S. &amp; Boon, H. Safety, Effectiveness, and Professional Judgment: A Survey of Training-Related Perspectives Among Physiotherapists Who Practise Acupuncture in Ontario. <i>Physiother. Can.</i> e20200116 (2022) doi:10.3138/ptc-2020-0116.</li> </ol>	DUE: March 15, 10:30 am, Discussion Questions

<p><u>Week 10</u> March 22 <b>Governing Acupuncture II</b></p>	<p>4. Ijaz, N. &amp; Boon, H. Safety as 'Boundary Object': The Case of Acupuncture and Chinese Medicine Regulation in Ontario, Canada. in <i>Complementary and Alternative Medicine</i> (eds. Brosnan, C., Vuolanto, P. &amp; Danell, J.-A. B.) 193–213 (Springer International Publishing, 2018).</p> <p>1. Green, G., Bradby, H., Chan, A. &amp; Lee, M. "We are not completely Westernised": Dual medical systems and pathways to health care among Chinese migrant women in England. <i>Soc. Sci. Med.</i> <b>62</b>, 1498–1509 (2006).</p> <p>2. Audio: Phan T. Deprofessionalize Acupuncture. (2020).</p> <p>3. Video: Lindstrom B. Community Acupuncture: The Calmest Revolution Ever Staged.</p>	<p>DUE: March 22, 10:30 am, Discussion Questions</p> <p>DUE: March 21, 11:59 pm, Governing Acupuncture Essay</p>
<p><u>Week 11</u> March 29 <b>Governing Yoga</b></p>	<p><b>Guests: Dr Tyler Phan; Lisa Rohleder</b></p> <p>1. Shearer, M. Mantras and Monetization: The Commodification of Yoga and Culture. <b>21</b>, 40 (2022).</p> <p>2. Singh, R. B. Yoga as Property: A century of United States yoga copyrights, 1937-2021. <i>Denver Law Rev.</i> <b>99</b>, 725–762.</p> <p>3. Van Puymbroeck, M., Miller, K. K., Dickes, L. A. &amp; Schmid, A. A. Perceptions of Yoga Therapy Embedded in Two Inpatient Rehabilitation Hospitals: Agency Perspectives. <i>Evid. Based Complement. Alternat. Med.</i> <b>2015</b>, 1–7 (2015).</p>	<p>DUE: March 29, 10:30 am: Critical Reflection and Discussion Questions.</p>
<p><u>Week 12</u> April 5 <b>Governing Children's Wellbeing</b></p>	<p>1. Hanrahan, M. &amp; Wills, B. Makayla's Decision: The exercise of Indigenous rights and the primacy of allopathic medicine in Canada. <i>Can. J. Native Stud.</i> <b>35</b>, 207–223 (2015).</p> <p>2. Gray, B. &amp; Brunger, F. (Mis)understandings and uses of 'culture' in bioethics deliberations over parental refusal of treatment: Children with cancer. <i>Clin. Ethics</i> <b>13</b>, 55–66 (2018).</p>	<p>DUE: Wednesday April 5, 10:30 am: Critical Reflection and Discussion Questions</p>
<p><u>Week 13</u> April 12 <b>Take-Home Exam Workshop</b></p>	<p>No additional readings this week.</p> <p>NOTE: This in-class session will be your <b>final</b> opportunity to consult or communicate with Dr. Ijaz about any aspect of the exam.</p>	<p>ASSIGNED: Take home exam (essay). DUE: Tuesday April 11, 12 noon, Proposed abstract and reference list for take-home exam (essay). No late submissions accepted.</p>
<p><u>Exam Period</u> April 15 - 27</p>		<p>DUE: April 27, 11:59 pm, Take home exam (essay) due. No late submissions accepted.</p>