

**Carleton University
Department of Law and Legal Studies
Course Outline**

COURSE:	LAWS 3001A – Women and the Legal Process
TERM:	WINTER 2024
PREREQUISITES:	1.0 credit in LAWS at the 2000 level.
CLASS SCHEDULE & ROOM:	Wednesdays 8:35AM-11:25AM Please check Carleton Central for room location
INSTRUCTOR: (CONTRACT)	Tasha Sioufi Stansbury (she/her)
CONTACT:	Office Hrs: Virtually by appointment Email: TashaStansbury@cunet.carleton.ca
TA:	Ellen Yarr (she/her) EllenYarr@cmail.carleton.ca Office Hrs: in-person, by appointment (virtual if needed)

CALENDAR COURSE DESCRIPTION

How the legal process has affected the status of women. Areas of concentration within the Canadian context include the criminal law, citizenship and immigration, education, employment, and welfare and social services.

COURSE DESCRIPTION

This course introduces students to key issues, theories and debates concerning gender, feminism and the law, primarily in Canada. Approaching law as both a site of regulation and constraint, as well as a tool for feminist practice, the course examines topics ranging from policing, incarceration, employment and immigration, to questions of consent, sexuality and obscenity.

REQUIRED TEXTS

All articles, cases and other materials can be found either on Brightspace, as an eBook at the library or online (see “Schedule” for details).

COURSE EXPECTATIONS

This course deals with difficult and potentially triggering content including sexual assault, violence, and various forms of violence and discrimination. I will do my best to ensure that these topics are

broached with sensitivity, fairness, and justice. However, if you feel that you need to step out of the classroom during a discussion or presentation that is difficult for you, please feel free to do so.

There is no room for racist, sexist, homophobic, transphobic, or otherwise discriminatory behaviour in this class. “Debates” about individuals’ identities or group rights will not occur. We can hold discussions, ask questions, and even challenge each others’ views, without being disrespectful. Please remember that people are coming to this class from a wide variety of experiences and identities. If you have an issue with something that is brought up in class, please contact me directly.

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.

Type of Assignment	Weighting	Due Date
Attendance/Participation	15%	N/A
Op-Ed Assignment	20%	January 31
Group Presentation	10%	Chosen Week
Mini Reflection Papers (2)	30%	March 6 April 3
Take-Home Exam	25%	TBD

All written assignments are to be uploaded in the appropriate Brightspace drop-box and are due at midnight (Ottawa time).

The use of generative AI programs such as ChatGPT is not permitted for this class.

Attendance/Participation (15%)

Each class will include a short lecture by me, student presentations, and a discussion portion. You will be marked on your participation in discussions. To help me keep track of who is participating in class, I’ll be asking you to make name tags during our first class, and to keep them visibly displayed during each class.

I know that life happens and sometimes things come up that are out of our control – to accommodate this, I am giving each student **ONE** free absence. This means that you can miss a session without explanation and without penalty. If illness or other unavoidable issues cause you to miss multiple classes, please keep me advised of the situation and we can figure out a reasonable accommodation plan.

In order to complement attending the live discussion portion of the class, there will be several opportunities for class participation:

- **1) Introductory Message/Video/TikTok/Sound File (5%)** - You are required to upload a short message/video/voice message (3 mins max) that tells us your story (who are you, why you’re taking this class – basically anything you think is important for us to know).

Your file is to be uploaded on Brightspace by **January 17th**. These files will only be seen by me and **will be graded on a pass/fail basis**.

- **2) Weekly Poll Everywhere participation (10%)** – Because this is a large group, we will have to rely heavily on Poll Everywhere for participation. There will be opportunities for you to actually talk during these discussions, but there will also be times where I will ask you to put your answers in the Poll Everywhere, or use a combination for those who don't feel as comfortable speaking in classes. You aren't expected to participate every single time, but these chats will inform the direction we take on any given week so I encourage you to share your thoughts/opinions/questions when you can.

Op-Ed Assignment (20%)

Newspapers regularly publish opinion pieces that comment on topical domestic and international issues, crises, or problems. Op-eds are one way for citizens to contribute directly to debates in the media by publishing an informed opinion piece. It is a short essay that makes and supports one primary argument. It also addresses or refutes counterpoints to this argument. Before you begin working on this assignment, I recommend looking at the examples of op-eds posted on Brightspace.

For this assignment, you will write a 700 – 800 word op-ed (single spaced) on one specific issue relating to gender and the law in Canada.

The op-ed must be structured as follows:

- Identify one very specific issue relating to gender and the law in Canada
- Specify the forces that have generated the problem or issue
- Propose a solution and justification for that solution

No referencing is required for this assignment, but your arguments should reflect the course materials as necessary. Further information will be provided on cuLearn. This assignment must be uploaded on Brightspace by **January 31st** (see LAWS 3001 Op-ed Assignment Dropbox on Brightspace).

You are writing this reflection for a public audience. You can assume some reader knowledge but remember that your readers are not specialists. This means you should define technical terms or discuss complex concepts. Also remember that your readers are short on time and attention span. Make your points clearly and make an effort to keep your audience interested.

Group Presentation (10%)

Each group is required to do a 5-10 minute presentation on an assigned reading. Groups and presentations will be assigned during the first week of class.

Your presentation must include the following components:

- Brief summary of the reading (e.g. thesis, main arguments, evidence, etc.)
- Critical review of the reading (e.g. connections to current events, relevance/importance, etc.) Basically the “Why should we care?!” question

- Two discussion questions (Make sure these are questions that will generate discussion rather than yes/no questions)

The presentation will be marked on a PASS/FAIL basis. You will be marked as a group.

Please send me your presentation materials by **5:00 PM the day before your scheduled presentation** so that I can have any visual presentations ready to go, and include your discussion questions in the Poll Everywhere for the class. Failure to do so will result in -1% to the final grade of all members of your group.

Mini Reflection Papers (2x15 = 30%)

You will be required to submit two 4-6 pages (double spaced) on the following questions:

- 1) How did government treatment – at both the federal and provincial level – of COVID-19 reinforce and/or disrupt gendered inequalities that exist in Canadian law? What are the lingering effects? **(Due March 6th)**
- 2) How did the #MeToo movement disrupted the longstanding assumption that the criminal justice system (broadly speaking) is the best place for victims of sexual violence to seek justice? What are the implications? What has changed since the peak of the movement? **(Due April 3rd)**

These assignments are not meant to be structured like a research essay; rather, they are to be grounded in your own opinion with outside sources – both academic and non-academic – being used for context. You may use an informal tone and the first person (“I”) in your writing. Please cite things that you do reference properly (your choice of citation style) and include a bibliography.

Take-Home Exam (25%)

The final exam will cover all course material, including lecture material and readings, from the entire semester. More information on this exam will be provided closer to the end of semester.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

This course has assignment deadlines for two reasons: (1) fairness to everyone, and (2) we want to be able to stay on track. That being said, I recognize that meeting all deadlines might not be possible for everyone and as such, some flexibility is required.

All I ask is that if you find yourself falling behind, please just keep me in the loop. If you are dealing with circumstances (medical or otherwise) that prevent you from dedicating the usual amount of time to this class and you require an extension on any of the assignments, please let me know. I know that university is stressful. That being said, it is challenging for me to help you when I don’t know what is going on. This does not mean you have to divulge all personal information – you can share what you’re comfortable with. But the sooner I know that we need to figure out a reasonably adjusted game plan that enables you to complete all course requirements, the better.

For shorter extensions (up to five days), an email is sufficient. For longer extensions and requests to modify the assignment or evaluation structure due to medical or other urgent issues, please contact the Department of Equity and Inclusive Communities (EIC): www.carleton.ca/equity

SCHEDULE

1 (JAN 10)	Topic	Introduction
	Material	Read (recommended): <ul style="list-style-type: none"> • Conaghan, Joanne. (2013) “Theorizing the Relationship between Law and Gender”, <i>Law and Gender</i>, Clarendon Law Series. Oxford Academic. • Lewis, Helen. (2020) “The Coronavirus is a Disaster for Feminism.” <i>The Atlantic</i> (March 19).
	Items Due	
2 (JAN 17)	Topic	Critical Constitutionalism
	Material	Read: <ul style="list-style-type: none"> • Monture, Patricia. (2014) “Standing Against Canadian Law: Naming Omissions of Race, Culture, and Gender,” in Elizabeth Comack (ed.) <i>Locating Law: Race/Class/Gender/Sexuality Connections</i> (3rd Ed.) Halifax: Fernwood Publishing, 68-87. <ul style="list-style-type: none"> ○ PRESENTATION GROUP: • Kirkup, Kyle. (2018) “After Marriage Equality: Courting Queer and Trans Rights,” in Emmett Macfarlane (ed.) <i>Policy Change, Courts, and the Canadian Constitution</i>. Toronto: University of Toronto Press, 378-94. <ul style="list-style-type: none"> ○ PRESENTATION GROUP: • Alyssa Clutterbuck, “Rethinking Baker: A Critical Race Feminist Theory of Disability”, <i>Appeal</i>, Vol. 20, 2015. <ul style="list-style-type: none"> ○ PRESENTATION GROUP:
	Items Due	Introductory Message/Video/TikTok/Sound File (Brightspace by midnight)

(JAN 24)	Topic	Women in the Legal Profession
	Material	<p>Read:</p> <ul style="list-style-type: none"> ● Rehaag, Sean. (2011) “Do Women Refugee Judges Really Make a Difference? An Empirical Analysis of Gender and Outcomes in Canadian Refugee Determinations.” <i>Canadian Journal of Women and the Law</i> 23(2): 627-660. <ul style="list-style-type: none"> ○ PRESENTATION GROUP: ● Dick, Caroline. (2020) “Sex, Sexism and Judicial Misconduct: How the Canadian Judicial Council Perpetuates Sexism in the Legal Realm.” <i>Feminist Legal Studies</i>. <ul style="list-style-type: none"> ○ PRESENTATION GROUP: ● Danielle Lussier. (2022) “What Do You Call an Indigenous Woman with a PhD in Law? Resisting the Subjugation of Indigenous Expertise in Legal Spheres.” <i>Canadian Journal of Women and the Law</i> 34:1, 109-145. <ul style="list-style-type: none"> ○ PRESENTATION GROUP:
	Items Due	
4 (JAN 31)	Topic	Law and the Carceral State I: Policing/Surveillance
	Material	<p>Read:</p> <ul style="list-style-type: none"> ● Lamble, Sarah. (2009) “Unknowable Bodies, Unthinkable Sexualities: Lesbian and Transgender Legal Invisibility in the Toronto Women’s Bathhouse Raid.” <i>Social & Legal Studies</i> 18(1): 111-130. <ul style="list-style-type: none"> ● PRESENTATION GROUP: ● Thompson, Debra. (2020) “The Intersectional Politics of Black Lives Matter,” in Alexandra Dobrowolsky and Fiona MacDonald (eds.) <i>Turbulent Times, Transformational Possibilities? Gender and Politics Today and Tomorrow</i>. Toronto: University of Toronto Press, 100-120. <ul style="list-style-type: none"> ● PRESENTATION GROUP: <p>Recommended:</p> <ul style="list-style-type: none"> ● Maynard, Robyn. (2017) “Law Enforcement Violence Against Black Women,” in <i>Policing Black Lives: State</i>

		<p><i>Violence in Canada from Slavery to the Present.</i> Halifax: Fernwood Press, 116-27.</p>
	Items Due	Op-ed Assignment Due (Brightspace by midnight)
5 (FEB 7)	Topic	Law and the Carceral State II: Incarceration and Carceral Feminism
	Material	<p>Read:</p> <ul style="list-style-type: none"> • Segrave, Marie and Bree Carlton (2010) “Women, Trauma, Criminalisation and Imprisonment...” <i>Current Issues in Criminal Justice</i> 22:22, 287-305. <ul style="list-style-type: none"> ● PRESENTATION GROUP: • Whalley, Elizabeth and Colleen Hackett. (2017) “Carceral Feminisms: The Abolitionist Project and Undoing Dominant Feminisms.” <i>Contemporary Justice Review</i> 20(4): 456-73. <ul style="list-style-type: none"> ● PRESENTATION GROUP:

6 (FEB 14)	Topic	Gendered Constructions of Obscenity/Indecency
	Material	<p>Read:</p> <ul style="list-style-type: none"> • Morton, Chantal. (2011) “When Bare Breasts are a ‘Threat’: The Production of Bodies/Spaces in Law.” <i>Canadian Journal of Women and the Law</i> 23(2): 600-626. <ul style="list-style-type: none"> ● PRESENTATION GROUP: • Jochelson, Richard and Kirsten Kramar. (2014) “Governing Obscenity and Indecency in Canada,” in Elizabeth Comack (ed.) <i>Locating Law:</i>

		<p><i>Race/Class/Gender/Sexuality Connections</i> (3rd Ed.) Halifax: Fernwood Publishing, 294-314.</p> <ul style="list-style-type: none"> PRESENTATION GROUP:
	Items Due	
FEB 21 - WINTER BREAK - NO CLASS		
7 (FEB 28)	Topic	Reproduction and the Law
	Material	<p>Read:</p> <ul style="list-style-type: none"> Gordon, Kelly and Paul Saurette. (2017) “The Future of Pro-Choice Discourse in Canada,” in Shannon Stettner et al. (eds) <i>Abortion: History, Politics and Reproductive Justice after Morgentaler</i>. Vancouver: UBC Press, 265-88. <ul style="list-style-type: none"> PRESENTATION GROUP: Karaian, Lara. (2013) “Pregnant Men: Repronormativity, Critical Trans Theory and the Re(conceive)ing of Sex and Pregnancy in Law.” <i>Social & Legal Studies</i> 22(2): 211-230. <ul style="list-style-type: none"> PRESENTATION GROUP: <p>Recommended:</p> <ul style="list-style-type: none"> Cattapan, Alana. (2018) “Who gets the frozen embryos in the divorce?” <i>The Conversation</i> (August 8). Gordon, Kelly. (2020) “Canada is seeing a rise in anti-abortion influencers” <i>Vice Media</i> (May 1).
	Items Due	

8 (MAR 6)	Topic	Mothers/Mothering
	Material	<p>Read:</p> <ul style="list-style-type: none"> • Kelly, Fiona. (2012) “Autonomous from the start: single mothers by choice in the Canadian legal system.” <i>Child and Family Law Quarterly</i> 24(3), 257-283. <ul style="list-style-type: none"> ● PRESENTATION GROUP: • Warrior Life. (2019) “Cindy Blackstock on Bill C-92 Indigenous Child Welfare.” (November 29). (PODCAST) <ul style="list-style-type: none"> ● PRESENTATION GROUP: • Roderique, Hadiya. (2020) “Can I be a Black mother in a world so dangerous to Black children?” <i>Globe and Mail</i> (September 12). <ul style="list-style-type: none"> ● PRESENTATION GROUP:
	Items Due	Mini Reflection Paper #1 Due (Brightspace by midnight)
9 (MAR 13)	Topic	Defining/Evaluating Consent
	Material	<p>Read:</p> <ul style="list-style-type: none"> • Craig, Elaine. (2020) “Feminism, Public Dialogue, and Sexual Assault Law,” in Alexandra Dobrowolsky and Fiona MacDonald (eds.) <i>Turbulent Times, Transformational Possibilities? Gender and Politics Today and Tomorrow</i>. Toronto: University of Toronto Press, 100-120. <ul style="list-style-type: none"> ● PRESENTATION GROUP: • Cossman, Brenda. (2019) “#MeToo, Sex Wars 2.0 and the Power of Law,” <i>Asian Yearbook of Human Rights and Humanitarian Law</i> (3): 18-37. <ul style="list-style-type: none"> ● PRESENTATION GROUP: <p>Recommended:</p> <ul style="list-style-type: none"> • Sheehy, Elizabeth and Isabel Grant. (2020) “Shifting responsibility away from men who become intoxicated and violent sends the message that women’s Charter rights don’t matter. This can’t stand.” <i>Policy Options</i> (July 14).
	Items Due	

10 (MAR 20)	Topic	Legal Parameters of Female Sexuality
	Material	<p>Read:</p> <ul style="list-style-type: none"> Valverde, Mariana. (2018) “Canadian Feminism and Sex Work Law: A Cautionary Tale,” in Elya M. Durisin, Emily van der Meulen and Chris Bruckert (eds.) <i>Red Light Labour: Sex Work Regulation, Agency, and Resistance</i>. Vancouver: UBC Press, 247-55. <ul style="list-style-type: none"> PRESENTATION GROUP: Khan, Ummni. (2016) “Let’s Get it On: Some Reflections on Sex-Positive Feminism.” <i>Women’s Rights Law Reporter</i> 38: 346-354. <ul style="list-style-type: none"> PRESENTATION GROUP:
	Items Due	
11 (MAR 27)	Topic	Gendered, Racialized, and Sexualized Violence
	Material	<p>Read:</p> <ul style="list-style-type: none"> Snyder, Emily, Val Napoleon and John Borrows. (2015) “Gender and Violence: Drawing on Indigenous Legal Resources.” <i>University of British Columbia Law Review</i> 48: 593-654. <ul style="list-style-type: none"> PRESENTATION GROUP: Bakht, Natasha. (2015) “In Your Face: Piercing the Veil of Ignorance about Niqab-Wearing Women.” <i>Social & Legal Studies</i> 24(3): 419-41. <ul style="list-style-type: none"> PRESENTATION GROUP:
	Items Due	
12 (APR 3)	Topic	Women, Labour and the Law
	Material	<p>Read:</p> <ul style="list-style-type: none"> Hastie, Bethany. (2019) “Workplace Sexual Harassment and the ‘Unwelcome’ Requirement: An Analysis of BC Human Rights Tribunal Decisions from 2010 to 2016.” <i>Canadian Journal of Women and the Law</i> 32(1): 61-84. <ul style="list-style-type: none"> PRESENTATION GROUP:

		<ul style="list-style-type: none"> Fudge, Judy. (2018) “Justice For Whom? Migrant Workers in Canada,” in Janine Brodie (ed.) <i>Contemporary Inequalities and Social Justice in Canada</i>. Toronto: University of Toronto Press, 69-86. <ul style="list-style-type: none"> PRESENTATION GROUP:
	Items Due	Mini Reflection Paper #2 Due (Brightspace by midnight)
TAKE HOME EXAM: DUE DATE TBD		

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 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, including the unauthorized use of generative AI tools (e.g., ChatGPT);
- 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 quotation 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.

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.

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>

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

Please contact 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 about the accommodation policy, visit the [Equity and Inclusive Communities \(EIC\)](#) website.

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, please go to: <https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances/>

Academic Accommodations for Students with Disabilities

If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (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 as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable) <https://carleton.ca/pmc>

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 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. <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit: <https://students.carleton.ca/services/accommodation/>

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/current-students/>

****Bonus:** If you have read through this entire syllabus and email me by January 17th with a photo of your pet (or of your favourite animal if you don't have a pet), you will receive a bonus 3% on your final research paper.**