

GENDER AND WOMEN'S STUDIES 4214
Regulating Reproduction and Families
Monday, 7-10 pm
Dr. Lori Chambers
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Office hours: Friday 10-11 am

Course Description:

We will examine the regulation of reproduction and bodily autonomy, as well as law and policy regarding the formation, dissolution, and social rights of diverse families. Particular attention will be paid to the ways in which settler law in Canada impacts Indigenous individuals, families, and communities. Although law will figure prominently in this course, students are not expected to have a developed knowledge of law prior to taking the course.

Land Acknowledgement:

As participants together in this course, we acknowledge that Lakehead Thunder Bay is located on the ancestral lands of the ᐱᐅᓂᓂᐅᓂᐅᐅᓂᐅ (Anishinabe) people, signatories to the Robinson Superior Treaty of 1850, in particular Fort William First Nation. Lakehead Orillia is located on the traditional territory of Ojibwe, Odawa, and Pottawatomi nations, collectively known as the Three Fires Confederacy. We acknowledge the history these nations hold in the areas around our campuses, and are committed to relationships with First Nations, Métis, and Inuit peoples based on the principles of mutual trust, respect, reciprocity, and collaboration. We recognize the continual commitment needed by non-Indigenous people and institutions to learn from and about Indigenous peoples and to reconcile this colonial relationship.

Required Texts:

Course materials are available online or on our D2L site. If a link is not provided in the course outline, the materials are on the content page on D2L. You may also need to purchase one of the books for the film/book review assignment.

Evaluation:

Participation:	20%	
Article Critique:	20%	Due: October 4, 2021
Book or Film Review:	40%	Due: November 15, 2021
Creative Journal:	20%	Due: November 29, 2021

Participation:

Discussions require that everyone participates (listens, speaks, and/or writes on D2L) in a meaningful and civil way. Please keep in mind that this is a scholarly environment. While there will be lots of disagreement and debate, everyone is expected to be respectful of others. This requires that we listen to and value ideas and experiences that are different from our own. Personal attacks, gender and racial slurs, disrespectful comments on

ability or sexuality, or other such behavior constitutes academic misconduct and will not be tolerated.

Please note that I understand some students are very shy about speaking in class. However, you must listen attentively. I will post questions about the readings each week, and students may respond on D2L instead of speaking in class if they are more comfortable with this approach. You may also make comments and ask questions using the chat function on zoom. Ideal engagement will involve BOTH participation in class (spoken or in the chat) and online via D2L.

Participation grades will reflect attendance, willingness to contribute to class discussions, and ability to listen respectfully to others. A full mark out of 20 will be subtracted for each absence from class for which the student does not a) provide explanation in writing or b) provide alternative evidence of reading and participation by posting on D2L. Marks will be delivered twice, in sections of 10%, in order to provide feedback for improvement.

Written Assignments:

1. Article Review

The purpose of the assignment is to analyse your chosen article to determine the main arguments presented by the author, the effectiveness of the arguments (based on evidence, sources used, and presentation) and to give your interpretation of whether or not the author achieved his or her purpose. You MUST use an article from the course outline. Please remember that to critique is not necessarily to be negative. The review should be 5-7 pages in length with standard formatting – 1 inch margins, double spaced, in Times Roman 12 point font, with page numbers.

Content of the Review:

In your introduction:

Identify the article – Give the author’s name and the title, but do NOT do this just as a list. Include the information in your intro paragraph.

Summarize the content – Briefly outline the central arguments of the article, but do not give a detailed description.

State your thesis with regard to the effectiveness of the article.

Clearly set out how your paper will prove this argument. I call this giving the reader a ‘road map’.

In the body of your essay:

Evaluate/Critique – This is the most important component of the review and should form the majority of the paper. In this section, you must critically assess (“review”) the article. Your critique should be based on issues such as:

The argument – is the argument coherent? Convincing? What assumptions underlie the argument? How does the author approach the subject?

The sources – what types of sources does the author use? What are the limitations of the sources? Remember all sources have limitations. Does the author address these limitations? What are the strengths of the sources?

Content – What was the author’s objective? Is it met?

In your conclusion:

Summarize your arguments. Your conclusion should not introduce new points but should instead re-state the points you have made in the body of the review.

2. Book or Film/TV Review

For this assignment, you may review any one of the following novels, documentaries, and fictional films, or TV series:

Sterilization and Abortion

The Sterilization of Leilani Muir, Glynis Whiting, 1996.

Revolutionary Road, Sam Mendes, 2008.

Grandma, Paul Weitz, 2015.

If These Walls Could Talk I, Nancy Savoca and Cher, 1996.

Joyce Carol Oates, *A Book of American Martyrs* (Ecco 2017).

Assisted Reproduction and Family Recognition

Starbuck, Ken Scott, 2011.

Joanne Ramos, *The Farm* (Random House, 2019).

Margaret Atwood, *The Handmaid’s Tale* (McLelland and Steward, 1985).

The Handmaid’s Tale: Season 1, Bruce Miller, 2017.

Lori Chambers, *A Legal History of Adoption in Ontario, 1921-2015*. (University of Toronto Press/Osgoode Society Press, 2016).

Child Custody and Welfare

Rabbit Proof Fence, Phillip Noyce, 2002.

Dorothy Allison, *Bastard Out of Carolina* (Penguin, 1992).

Beatrice Cullerton Mosionier, *In Search of April Raintree* (Highwater Press, 1999).

Katherena Vermette, *The Break* (House of Anansi, 2016).

Lori Chambers, *Misconceptions: Unmarried Motherhood and the Ontario Children of Unmarried Parents Act, 1921-1969* (University of Toronto Press/Osgoode Society Press, 2007).

The purpose of the book or film review is to evaluate a commentary on law/social regulation of reproductive autonomy or family life. You have a choice between traditional academic works and non-traditional sources. Public understanding of these issues is deeply influenced by these more popular forms of communication and they are therefore worthy of academic consideration. If you choose a work of fiction or film to review, you must consider the central argument/purpose of the book or film and assess its potential impact on the public. Does the film/book/TV series critique current attitudes/regulations and/or present a vision of progressive change in a clear and convincing manner?

Content of the Review:

In your introduction:

Identify the book or film - do NOT do this just as a list. Include the information in your intro paragraph.

Summarize the content – Briefly outline the central /objective of the book or film but do not give a detailed description.

State your thesis with regard to the effectiveness of the book or film.

Clearly set out how your paper will prove this argument. I call this giving the reader a ‘road map’.

In the body of your essay:

Describe the Story or Argument – This should not be lengthy but should provide your reader with a precis of what happens or is argued in the book or film.

Evaluate/Critique – This is the most important component of the review and should form the majority of the paper. In this section, you must critically assess (“review”) the book or film.

Your critique should be based on issues such as:

- What is the purpose of the book or film?
- If you are reviewing a non-academic work, does the argument provide a critique or alternative vision that will be convincing for the public?
- Does the argument engage the reader or viewer?
- Are there weaknesses/problems in the argument?

- What was the objective of the author/producer? Is it met?

In your conclusion:

Summarize your arguments. Your conclusion should not introduce new points but should re-state the points you have made in the body of the review.

The book or film review should be 7-8 double-spaced, typed pages (12 pt Times New Roman with 1-inch margins). It should be submitted in advance for review.

3. Creative Portfolio

For this assignment, you must select an issue you wish to explore from the weekly course topics. You will then either: 1) collect a minimum of 5 articles or other media sources about this issue over the term; or 2) create 5 artistic or musical or dramatic responses to the issue. The objective of the portfolio exercise is to produce a series of different short writings (5 in total). The writings should engage, discuss, explore, or reflect upon ideas raised in class. Show the relevance of these ideas to the world around you in your media review, a scrap book, reflective journal, zine, web page, artwork, music, or creative writing. A complete assignment will contain 5 different pieces of writing, reflecting on the media pieces or creative pieces. Each entry should be a minimum of 250 words (1 typed, double spaced page) in length. You may incorporate any materials (clippings from the newspaper or magazines, music, stories, creative writing, artwork) into the work that you wish. Such additions do not replace, but supplement, and provide a focus for, the written work that is required in this assignment. You are encouraged to experiment and to have fun with this work. It is important to refer to specific ideas from the course. This is a reflexive exercise which must take into consideration ideas outside the realm of the personal (although relating them to personal experience is encouraged). You will be evaluated on the overall quality of your content (comprehension and depth of engagement with the course materials) and expression (quality of writing, originality, and diversity of textual formats).

The written component of the creative portfolio should be 5 double-spaced, typed pages (12 pt Times New Roman with 1-inch margins).

Expectations for all assignments:

Writing is learned through repetition. It is a process. You will not produce your best possible work the night before an assignment is due. For this reason, I urge you to submit rough drafts of all assignments. I will read, comment, and suggest changes. All assignments will be assessed on content, organization, clarity, grammar, and power of argument/persuasion. I will provide feedback as many times as you want to submit your drafts, and only the final product receives a formal grade. Make use of this opportunity to improve both your writing and your grade. It makes a big difference.

Issues for Student Information:

Academic dishonesty and plagiarism: Plagiarism is a serious academic offence. Plagiarism is the unacknowledged use of someone else's words and/or ideas. Not acknowledging your debt to the ideas of a secondary source, failing to use quotation marks when you are quoting directly, buying essays from essay banks, copying another student's work, or working together on an individual assignment all constitute plagiarism. Resubmitting material you have previously or simultaneously submitted in another course is also academic dishonesty. The minimum penalty for academic misconduct is a 0 on the assignment in question. Students might also be subject to more severe academic penalties. All students are required to know what constitutes plagiarism and how to avoid it. Please review the university guidelines at <https://www.lakeheadu.ca/academics/academic-support/skills-for-success/responsibilities>, or speak with the professor. All cases of plagiarism will be dealt with in accordance with the Code of Student Behaviour and Disciplinary Procedures approved by Senate and the Board of Governors.

Accommodations: Lakehead University is committed to achieving full accessibility for persons with disabilities/medical conditions. Part of this commitment includes arranging academic accommodations for students with disabilities/medical conditions to ensure everyone has an equitable opportunity to participate in all their academic activities. I make every effort to meet the varied needs of students. Please feel free to speak to me directly about your needs. If you are a student with a disability/medical condition you are also strongly encouraged to contact Student Accessibility Services (SAS) and to register with them as early as possible. For more information, please email sas@lakeheadu.ca or view <https://www.lakeheadu.ca/faculty-and-staff/departments/services/sas>.

Assignment due dates: All assignments must be handed in at the beginning of class on the due dates. If you have trouble meeting a due date, please discuss it with me at least one week prior to your due date. I am happy to work with you and accommodate your needs, but we must be in conversation about those needs for me to be able to meet them. Talking to me is your responsibility.

Expectations and marking: All written work will be evaluated based on organization, presentation, grammar, and clarity as well as content. Writing is a process and it is only learned through practice and repetition. It is also an important skill you can take into the workplace. Written communication can be very powerful. However, your first draft is unlikely to be the best possible work you can produce. For this reason, I strongly encourage you to submit rough drafts of papers for review. I will mark your paper as many times as you want to submit it, and only the final mark will count towards your grade.

Student Success Centre: Both speaking in public and writing are important skills we will develop together in this class. Good writing does not happen the night before an assignment is due. You should expect to spend a significant period of time, well before each due date, preparing your assignments. These are guidelines to assist:

1. Start assignments early.
2. Read the instructions for your assignment carefully and ask questions if there is anything which is unclear.
3. Seek support. I am happy to read rough drafts for all assignments in this course. You can (and should) also get writing support from the Student Success Centre.
4. Put in the time required to write, edit, revise, and re-submit. Writing is a process. And it is a skill which takes time to develop.
5. Visit the Academic Support Zone at <https://www.lakeheadu.ca/students/academic-success/student-success-centre/academic-support-zone> and make an appointment for assistance at mysuccess@lakeheadu.ca.

Student Health and Counselling Centre: We will be dealing with difficult material, and self-care is very important. Please monitor your well-being, keep me informed if you need accommodations, and seek help as needed. For assistance and counselling with personal and/or medical issues, please visit the Student Health and Counselling Centre. Phone 343-8361. <http://healthservices.lakeheadu.ca/>.

Weekly Schedule for Lectures and Readings:

1. September 13

Introduction: Why Study the Regulation of Reproduction, Reproductive Technologies, and Families?

2. September 20

Involuntary Sterilization

Readings:

Human Rights Watch, "Sterilization of Women and Girls with Disabilities", November 10, 2011: <https://hrw.org/news/2011/11/10/sterilization-women-and-girls-disabilities>.

Karen Stote, "The Coercive Sterilization of Aboriginal Women in Canada", *American Indian Journal of Culture and Research* 36 (3) (2012), 117-150.

Erika Dyck, "Revisiting Eugenics: Science, Gender and Body Politics", *Canadian Bulletin of Medical History* 31 (1) (2014), 165-187.

3. September 27

Birth Control

Readings:

Power to Decide: <https://powertodecide.org/what-to-do/access/birth-control-access>.

Christabelle Sethna, "The Evolution of the Birth Control Handbook", *Canadian Bulletin of Medical History* 23 (2006), 89-118.

Christabelle Sethna, "The University of Toronto Health Service, Oral Contraception and Student Demand for Birth Control", *Historical Studies in Education* 17 (2) (2005), 265-292.

4. October 4

Autonomy during Pregnancy

Readings:

Melanie Randall, "Pregnant Embodiment and Women's Autonomy Rights in Law", *Saskatchewan Law Review* 62 (1999), 515-542.

Sue Kraske, Kate Yung, Bec Jenkinson and Ann Catchlove, "Maternity Care Providers' Perceptions of Women's Autonomy and the Law", *BMC Pregnancy and Childbirth*, April 4, 2013:
<https://bmcpregnancychildbirth.biomedcentral.com/articles/10.1186/1471-2393-13-84>.

Lara Tessaro, Alana Cattapan, Jennie Haw, and Roxanne Mykitiuk, "Toxic Conceptions: The Assessment and Regulation of Male-Mediated Transgenerational Effects of Chemical Exposures", *Canadian Journal of Women and the Law* 31 (2) (2019), 346-385.

NOTE: Article Review assignment is due today.

5. October 11

NO CLASS – READING WEEK

6. October 18

Abortion and Abortion Tourism

Readings:

Center for Reproductive Rights: <https://reproductiverights.org/>.

Christabelle Sethna and Stephen Hewitt, "Clandestine Operations", *Canadian Historical Review* 90 (3) (2009), 463-496.

Jocelyn Downie and Carla Nassar, "Barriers to Abortion Through a Legal Lens", *Health Law Journal* 15 (2007), 143-173.

7. October 25

Reproductive Technologies

Readings:

Policy Options, "Should We Publicly Fund IVF in Canada":

<https://policyoptions.irpp.org/magazines/april-2019/publicly-fund-ivf-canada/>.

Vanessa Gruben, "Women as Patients, Not Spare Parts: Examining the Relationship between the Physician and Women Egg Providers", *Canadian Journal of Women and the Law* 25 (2) (2013), 249-283.

Rachel Johnstone, "How Much is that Gamete in the Window? Embryos, Policy, and the Law" 32 (1) (2020), 140-161.

8. November 1

Surrogacy and Reproductive Tourism

Readings:

Huffpost, "Does Reproductive Tourism Treat Women Like Cattle?":

https://www.huffingtonpost.ca/dr-raywat-deonandan/reproductive-tourism_b_2039343.html.

Rakhi Ruparelia, "Giving Away the 'Gift of Life': Surrogacy and the Canadian Assisted Human Reproduction Act", *Canadian Journal of Family Law* 23 (2007), 11-53.
Lisa Ikemoto, "Reproductive Tourism: Equality Concerns in the Global Market for Fertility Services", *Law and Inequality* 27 (2009), 294.

9. November 8

Adoption

Readings:

UAB Institute for Human Rights, "Orphan Fever: The Dark Side of International Adoption": <https://sites.uab.edu/humanrights/2018/03/13/orphan-fever-the-dark-side-of-international-adoption/>.

Lori Chambers, "Newborn Adoption: Birth Mothers, Genetic Fathers and Reproductive Autonomy", *Canadian Journal of Family Law* 26 (2) (2010), 339-394.

Lori Chambers, "Indigenous Children and Provincial Child Welfare: The 'Sixties Scoop'", in *Aboriginal History in Canada*, eds. Kristin Burnett and Geoff Read. Second edition (Don Mills: Oxford University Press, 2016).

10. November 15

Family Recognition

Readings:

CNN, "Three dads, a baby, and their legal battle to get their names added to a birth certificate": <https://www.cnn.com/2021/03/06/us/throuple-three-dads-and-baby-trnd/index.html>.

Lori Chambers, "In the Name of the Father: Children, Names and the Law in English Canada", *University of British Columbia Law Review* 43 (1) (September 2010), 1-45.

Donna Bouchard, "The Three-Parent Decision: A Case Commentary on *A.A. v. B.B.*", *Saskatchewan Law Review* 70 (2007), 459-478.

NOTE: Book or Film Review assignment is due today.

11. November 22

Family Dissolution, Division of Property and State Support

Readings:

Michael Lista, "The Tobacco Tycoon", *Toronto Life*, April 8, 2019:

<https://torontolife.com/life/ken-hill-six-nations-tobacco-tycoon-worlds-craziest-child-support-case/>.

Lori Chambers, "Women's Work, Relationship Breakdown and the Division of Farm Property", *Canadian Journal of Law and Society* 25 (1) (spring 2010), 75-96.

Brian Egan and Jessica Place, "Minding the Gaps: Property, Geography, and Indigenous People in Canada", *Geoforum* 44 (January 2013), 129-138.

12. November 29

Child Custody

Readings:

Constance Backhouse, "Shifting Patterns in Nineteenth-Century Canadian Custody Law", in *Essays in the History of Canadian Law Volume*, ed. David H. Flaherty

(Osgoode Society for Legal History and the University of Toronto Press, 1981), 212-248.

Andrew Woolford and James Gacek, “Genocidal Carcerality and Indigenous Residential Schools in Canada”, *Punishment and Society* 18 (4) (2016).

Lori Chambers, Deb Zweep and Nadia Verrelli, “Paternal Filicide and Coercive Control: Reviewing the Evidence from *Cotton v. Berry*”, *University of British Columbia Law Review*.

NOTE: Creative Portfolio assignment is due today.

13. December 6

Child Support

Readings:

Lori Chambers, “Social Workers, Courts and the Implementation of the *Children of Unmarried Parents Act*”, in *Essays in the History of Canadian Law Volume 10: A Tribute to Peter Oliver*, eds. Jim Phillips, R. Roy McMurtry and John Saywell. (Osgoode Society for Legal History and the University of Toronto Press, 2008).

Brenda Cossman, “Parenting Beyond the Nuclear Family: *Doe v. Alberta*”, *Alberta Law Review* 45 (2007) 501-513.

Lori Chambers and Kristin Burnett, “Jordan’s Principle: The Struggle to Access On-Reserve Medical Care for High Needs Indigenous Children in Canada”, *American Indian Quarterly* (2) (spring 2017), 101-124.