

Gender, Crime, and Criminal Justice
Women's Studies 3355-FDE
2022 Fall Term
Monday, 7-10 pm zoom
Dr. Lori Chambers

Office hours: after class or by appointment; the best way to contact me is via email
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Course Description

The objective of this course is for students to develop a critical understanding of women's engagement with the Canadian criminal justice system both as victims of crime and as those accused. While women – cisgender women, transwomen, nonbinary folx – are often not protected under the law, female criminality piques the interest of the public as an activity contrary to expected gender roles. How have society, police, judicial, and correctional systems responded to crimes against women and to women's criminality? How have race and poverty interacted with perceptions of criminality? What role have women played in the policing, judging, and rehabilitation of 'criminal' women? How can we work to improve both the protection afforded to women under the law and outcomes for 'criminalized' women?

Land Acknowledgement

As participants together in this course, we acknowledge that Lakehead Thunder Bay is located on the ancestral lands of the ᐱᐅᐅᐅᐅᐅᐅ (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 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

All readings are available on D2L. You may also need to purchase a book or pay to see a movie on a streaming service in order to complete the book/film review assignment.

Evaluation

Seminar participation:	20%	
Article review	20%	Due: October 3, 2022
Book or film review	40%	Due: November 14, 2022
Creative journal	20%	Due: November 28, 2022

Participation

Discussions require that everyone participates (speaks or writes on D2L and listens) 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 in the class. This requires that we listen to and value ideas and political positions that are different from our own. Personal attacks, gender and racial slurs, disrespectful comments on ability or sexuality, or other such behavior, is unkind, constitutes academic misconduct, and will not be tolerated.

While everyone must listen attentively, I understand some students are very shy about speaking in class. 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 use the chat function in zoom as an alternative to speaking. I do not require that you leave your camera on during class.

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 provide a) explanation in writing or b) alternative evidence of reading and participation by posting on D2L. Note that this does give you considerable flexibility. Marks will be delivered twice, in sections of 10%, in order to provide feedback for improvement.

Critical Article Review

You must choose an article from the course materials for this assignment. 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. Please remember that to critique is not necessarily to be negative. Your 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 you are reviewing.

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 article.

Clearly set out how your paper will prove this argument. I call this giving the reader a ‘road map’. Then move to the critique portion of your paper which should be the majority of your work.

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 – do the writing, style, and organization detract from or benefit the article? What was the author’s objective? Is it met?

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

Film, TV, or Book Review

The purpose of the book, TV, or film review is to consider how women’s victimization and/or criminality is portrayed in popular media. How does the film, series, or book challenge or reinforce current myths and stereotypes.

Content of the Review:

In your introduction:

Identify the book or film you are reviewing.

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:

- Does the film have a social change perspective/purpose? Or alternatively, does it portray an issue in a way that will reinforce stereotypes?
- Does the story line or argument provide a critique or alternative vision that will be convincing for the public?
- Does the story or argument engage the reader or viewer?
- Are there weaknesses/problems in either the story line or 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, TV, or film review should be 5-7 double-spaced, typed pages (12 pt Times New Roman with 1-inch margins).

Students will choose one of the following books, TV shows, or films for the review. I am open to you writing about something else, but you **MUST** discuss it with me, get it approved, and ensure that I have an opportunity to watch or read your selected item.

Books

Constance Backhouse, *Colour-Coded: A Legal History of Racism in Canada, 1900-1950* (UTP and the Osgoode Society for Legal History, 1999);

Elaine Craig, *Putting Trials on Trial: Sexual Assault and the Failure of the Legal Profession* (McGill Queen's University Press, 2018);

Maggie De Vries, *Missing Sarah: A Vancouver Woman Remembers Her Vanished Sister* (Penguin, 2003);

Emma Donoghue, *Room* (Harper Collins, 2010);

Nancy Janovicek, *No Place to Go: Local Histories of the Battered Women's Shelter Movement* (UBC Press, 2007);

Chanel Miller, *Know My Name: A Memoir* (Viking Press, 2019);

Anna Quindlen, *Black and Blue* (Delta Fiction, 1998);

Amber Smith, *The Way I Used to Be* (Margaret McElderry Books, 2016);

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

Nadia Verrelli and Lori Chambers, *No Legal Way Out: R. v. Ryan, Domestic Abuse and Duress* (UBC Press, 2021).

Films/TV series

Unbelievable, Netflix, 2019;

I Just Killed My Dad, dir. Skye Borgman, 2022;

Wentworth, Season 1, dir. Reg Watson, 2013;

Boys Don't Cry, dir. Kimberly Peirce, 1999;

Parasite, dir. Bong Joon-Ho, 2019;

On the Basis of Sex, dir. Mimi Leader, 2018;

RBG, dir. Betsy West and Julie Cohen, 2018;

The Body Remembers When the World Broke Open, dir. Kathleen Hepburn and Elle-Maija Tailfeathers, 2019; or

Orange is the New Black: Season 1, Netflix, 2013.

Creative Journal/Portfolio

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 a scrap book, reflective journal, zine, web page or creative writing. The purpose of this assignment is to encourage students to continuously engage with course ideas, topics, and texts and to explore their own responses to the readings with a variety of textual formats and styles. A complete assignment will contain 5 different pieces of writing, each a minimum of 250 words (1 typed, double-spaced page) in length. You should begin working on this assignment early in the term. If you like working with visual images, you may wish to produce a zine (a self-produced photocopied magazine). If you have technical skills, you may wish to create a website. If you prefer to focus on the written work, you may produce a reflective journal. You may incorporate any other materials (clippings from the newspaper or magazines, music, stories, creative writing, artwork) into the work that you wish. Such additions do not, however, replace the written work that is required in this assignment. You are encouraged to experiment and to have fun with this work. Any visual imagery must be accompanied by an artist's statement, explicitly connecting the image to the theme/idea you are exploring. You may critique theories, relate them to your own life, summarize arguments from the readings, or simply raise questions about the works we are exploring. There really are not any limits on the writing formats you may choose. It is important that you refer to specific ideas from the course. This is not simply a personal journal, but 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).

NOTE: For all written assignments, 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, absence of grammatical errors, and originality). I welcome the submission of rough drafts in advance of the due date. I will read, evaluate, and return your papers so that you can complete revisions in advance of final submission. Try to make use of this opportunity which is available to all students on all assignments. 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, up to and including expulsion for multiple offences. 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 differently-abled persons and those with medical conditions. Part of this commitment includes arranging academic accommodations for differently-abled students and those with 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 differently-abled student or have a medical condition that impacts your education 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: If you have trouble meeting a due date, please discuss it with me in advance of the date on which the assignment is due. I am happy to work with you if you need accommodations, but you need to communicate with me. I do not know what you need if you do not tell me.

Expectations and marking: All written work will be evaluated based on organization, presentation, grammar, and clarity as well as content. Writing is a process. It is only learned through practice and repetition. Writing is 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. Good writing does not happen the night before an assignment is due. You should expect to spend a significant period of time on each assignment. 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.

Student Success Centre: Beyond submitting rough drafts to me, you can/should also visit the Academic Support Zone at <https://www.lakeheadu.ca/students/academic-success/student-success-centre/academic-support-zone> or make an appoint for assistance at mysuccess@lakeheadu.ca if you require more assistance with your writing.

Student Health and Counselling Centre: We will be dealing with difficult material. 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

Week 1: September 12

Introduction to Gender, Crime, and Criminology

How is crime gendered? Why does gender matter to criminology?

Week 2: September 19

Violence I: Disappearing Indigenous Women

Readings:

- Sherene Razack, “Gendered Violence and Spacialized Justice”, *Canadian Journal of Law and Society* 15 92) (2000), 91-130.
- Kristen Gilchrist, “Newsworthy Victims? Exploring differences in Canadian local press coverage of missing/murdered Aboriginal and white women”, *Feminist Media Studies* 10 (4) (2010), 373-390.
- Josephine Savarese, “Challenging Colonial Norms and Attending to Presencing in Stories of Missing and Murdered Indigenous Women”, *Canadian Journal of Women and the Law* 29 (1) (2017), 157.

Week 3: September 26

Violence II: Sexual Assault

Readings:

- Elaine Craig, “The Ethical Obligations of Defence Counsel in Sexual Assault Cases”, *Osgoode Hall Law Journal* 51 (2) (2013-2014), 427-468.

- Isabel Grant and Janine Benedet, “The ‘Statutory Rape’ Myth: A Case Law Study of Sexual Assault against Adolescent Girls”, *Canadian Journal of Women and the Law* 31 (2) (2019), 266-292.
- Jodie Murphy, Lori Chambers, Karen McQueen, Alexa Hiebert, and Ainsley Miller, “Sexual Assault: Indigenous Women’s Experiences of Being Disbelieved by Police”, *Violence Against Women*, April 14, 2021: DOI: <https://doi.org.10.1177/10778012211013903>.

Week 4: October 3

Violence III: Intimate Partner and Familial Violence

Readings:

- Nadia Verrelli and Lori Chambers, “*R. v. Whynot (Stafford)*: The Forgotten Predecessor to *R. v. Lavallee*”, in *Rethinking Feminist History and Theory*, ed. Julia Smith and Lisa Paseolli (Toronto: University of Toronto Press, forthcoming 2022).
- Lori Chambers and Nadia Verrelli, “A Missed Opportunity: The Investigation into the RCMP in Matters Related to *R. v. Ryan*”, *Canadian Journal of Law and Society* 32 (1) (2017), 117-136.
- Lori Chambers and Nadia Verrelli, “Paternal Filicide and Coercive Control: A Review of the Evidence in *Cotton v. Berry*, *University of British Columbia Law Review* 51 (3) (2018), 671-704.

NOTE: Article review is due today.

Week 5: October 10

Reading Week

Week 6: October 17

Violence IV: Hate Crimes

Readings:

- Wanda Wieggers, “Feminist Protest and the Regulation of Misogynist Speech: A Case Study of *The Saskatchewan Human Rights Commission v. Engineering Students’ Society*”, *Ottawa Law Review* 24 (1992), 366-435.
- Abbee Corb, “Hate and Hate Crime in Canada”, in ed. Nathan Hall, Abbee Corb, Paul Giannasi and John Grieve, *The Routledge Handbook of Hate Crime* (Routledge, 2014), 163-173.
- “Hate Crime in Canada”, Canadian Race Relations Foundation, 12 March 2020: <https://www.crrf-fcrr.ca/en/news-a-events/articles/item/26823-hate-crime-in-canada>.
- Brooke Taylor, “Rights aren’t a competition: Anti-trans hate is on the rise in Canada, activists and advocates say”, *CTV News* 30 July, 2021: <https://www.ctvnews.ca/canada/rights-aren-t-a-competition-anti-trans-hate-is-on-the-rise-in-canada-activists-and-advocates-say-1.5530155>.

Week 7: October 24

Morality Offenses I: Criminalizing Sex

Readings:

- Lara Karaian, “Lolita Speaks: ‘Sexting’, Teenage Girls and the Law”, *Crime, Media, Culture* 8 (1) (2011), 57-73.
- L. Karaian and K. VanMeyl, “Reframing Risque/Risky: Queer Temporalities, Teenage Sexting and Freedom of Expression”, *Laws* 4 (1) (2015), 18-36: <http://www.mdpi.com/2075-471X/4/1/18>.
- Andrea Ritchie, “Crimes Against Nature: Challenging Criminalization of Queerness and Black Women’s Sexuality”, *Loy. J. Pub. Int. L.* 14 (2012-2013), 355.

Week 8: October 31

Morality Offenses II: Sex Work

Readings:

- Lauren Sampson, “The Obscenities of this Country: *Canada v. Bedford* and the Reform of Canada’s Prostitution Laws”, *Duke Journal of Gender, Law and Policy* 22 (1) (2014-2015), 137-172.
- Andrea Starling and Emily van der Meulen, “We Are Not Criminals: Sex Work Clients in Canada and the Constitution of Risk Knowledge”, *Canadian Journal of Law and Society* 33 (3) (2018), 291-308.
- Tara Lyons, Andrea Krusi, Leslie Pierce, Thomas Kerr, Will Small and Kate Shannon, “Negotiating Violence in the Context of Transphobia and Criminalization: The Experiences of Trans Sex-Workers in Vancouver, Canada”, *Qualitative Health Research* 28 October 2018: <https://doi.org/10.1177/1049732315613311>.

Week 9: November 7

Criminalization of Poverty

Readings:

- Dorothy Chunn and Shelley Gavigan, “From Welfare Fraud to Welfare as Fraud: The Criminalization of Poverty”, *Criminalizing Women*, 197-218.
- Sarah Hamill, “Caught Between Deference and Indifference: The Right to Housing in Canada”, *Canadian Journal of Human Rights* 7 (2018), 67.
- Leah Hamilton and James Mulvale, “‘Human Again’: The (Unrealized) Promise of Basic Income in Ontario”, *Journal of Poverty* 23 (7) (2019): <https://doi.org/10.1080/10875549.2019.1616242>.

Week 10: November 14

Criminalizing Race I: Indigenous ‘Criminality’

Readings:

- Joan Sangster, “Criminalizing the Colonized: Ontario Native Women Confront the Criminal Justice System, 1920-1960”, *Canadian Historical Review* 80 (1) (March 1999), 32-60.
- Irina Ceric, “Beyond Contempt: Injunctions, Land Defenses, and the Criminalization of Indigenous Resistance”, *South Atlantic Quarterly* 119 (2) (2020), 353-369.
- Michaela McGuire and Danielle Murdoch, “(In)-justice: An exploration of the dehumanization, victimization, criminalization, and over-incarceration of Indigenous women in Canada”, *Punishment and Society* 17 March 2021: <https://doi.org/10.1177/14624745211001685>.

NOTE: Film/book review is due today.

Week 11: November 21

Criminalizing Race II: Black ‘Criminality’

Readings:

- Clayton Mosher, “Minorities and Misdemeanors: The treatment of black public order offenders in Ontario’s criminal justice system, 1892-1930”, *Canadian Journal of Criminology* 38 (4) (1996), 413-430.
- Salina Abji, “Punishing Survivors and Criminalizing Survivorship: A Feminist Intersectional Approach to Migrant Justice in the Crimmigration System”, *Studies in Social Justice* 14 (1) (2020), 67-89.
- Patrina Duhaney, “Criminalizing Black Women’s Experiences of Intimate Partner Violence in Canada”, *Violence Against Women* 21 September 2021: <https://doi.org/10.1177/10778012211035791>.

Week 12: November 28

Incarceration

Readings:

- Rai Reece, “Carceral redlining: White supremacy is a weapon of mass incarceration for Indigenous and black peoples in Canada”, Yellowhead Institute 25 June 2020: <https://yellowheadinstitute.org/wp-content/uploads/2020/06/carceral-redlining-r-r-eece-yellowhead-institute-brief-pdf>.
- Charissa Crepault and Jennifer Kilty, “Mainstream Media and the F-Word: Documentary Coherence and the Exclusion of Feminist Narrative in *The Fifth Estate* Coverage of the Ashley Smith Case”, *Canadian Journal of Law and Society* 32 (2) (2017), 269-290.
- Amy Matychuk, “*Boulachanis v. Canada*: Transgender Inmate Moved to Women’s Prison”: https://ablawg.ca/wp-content/uploads/2019/07/Blog_AM_Boulachanis.pdf.
- David Tanovich, “The Charter of Whiteness: Twenty-Five Years of Maintaining Racial Injustice in the Canadian Criminal Justice System”, *Supreme Court Law Review* (2008), 655-686.

NOTE: Creative journal is due today.

Week 13: December 5
Working in the Legal System
Readings:

- Noel Semple, “Male, Pale and Stale: Diversity in Lawyers’ Leadership”, *Canadian Journal of Law and Society* 31 (3) (2016), 405-428.
- Marisa Silvestri, “Disrupting the Heroic Male Within Policing”, *Feminist Criminology* 13 (3) (2018), 309-328.
- Constance Backhouse, “The chilly climate for women judges: Reflections on the backlash from the *Ewanchuk* case”, *Canadian Journal of Women and the Law* 15 (1) (2003), 176-193.