Contemporary Legal Issues for Women  
Women’s Studies 3360  
Fall-Winter 2007-2008  
Monday, 7-10pm

Course Description

The objective of this course is to develop a critical analysis of the Canadian legal system. Using a wide variety of sources, including legislation and legislative debates, case law, jurisprudence and secondary literature, this course will explore legal issues of particular importance in the lives of women. We will study the myriad ways in which women's lives are regulated and constrained by law. The origins of systemic discrimination, future directions for legal reform, and the challenges of reconciling concepts of equality and difference in law will be discussed.

Required Texts

Students must purchase the coursepack, available at the university bookstore.  
NOTE: Most weeks we will be reading cases from the Supreme Court Reporter. These cases are NOT included in the course pack (in order to save you money). They are in the public domain and are readily available either from the Supreme Court of Canada website, [http://www.scc-csc.gc.ca/](http://www.scc-csc.gc.ca/), or in print version in the government documents section of the library. All students are expected to read the cases, despite the fact that they are not in the course pack. Cases judged before 1983 must be read in print. It is assumed students are also familiar with, and regularly consulting, the National Association of Women and the Law and the Legal Education and Action Fund sites, [http://www.nawl.ca/](http://www.nawl.ca/), and [http://www.leaf.ca/](http://www.leaf.ca/).

Evaluation

Seminar Participation:  10%  
Seminar Presentation:  10%  
Case Commentary:  20%  Due: November 26, 2007  
Article Critique:  20%  Due: February 4, 2008  
Research Paper:  40%  Due: March 24, 2008

NOTE:  
Students are expected to know the University’s policy on plagiarism and academic dishonesty. [http://calendar.lakeheadu.ca/current/contents/regulations/univregslXacdishon.html](http://calendar.lakeheadu.ca/current/contents/regulations/univregslXacdishon.html)  
Academic dishonesty will be penalized with a zero for the assignment in question, and potentially a failure of the course. It will also be reported to the Dean of Graduate Studies.

The participation grade is based upon both attendance and evidence of full preparation for class discussions. For each class missed (without explanation in writing) one full mark will be deducted from the total of 10. Attendance will be taken for all classes. It is recognized that some students are shy and hesitant to speak. The participation requirement can therefore be partially fulfilled by active listening.
All students must make formal presentations to the class. In the first two weeks of classes students will pick topics and be assigned times for such presentations. Presentations should be approximately 15 minutes in length and can involve audio-visual or other aids (although I must know in advance to ensure that equipment is available). The presentation should consist of a précis and critique of one of the articles or cases scheduled to be read by the class for the week.

The case commentary should be approximately 5 typed, double-spaced pages in length. The objective of this exercise is to practice summarizing legal arguments and to understand the importance of dissent in Supreme Court decisions. The student must select a Supreme Court case and must describe the legal reasoning of the case in succinct terms. It is highly recommended that the student select a case that is relevant to her/his research project and/or seminar presentation.

The article critique should be approximately 8 typed, double-spaced pages in length. You should begin with a statement with regard to the effectiveness of the article under review. Then provide a brief overview of the article's central arguments and methodology. The critique of the article - which should be half of the paper - should examine the strengths and weaknesses of the sources, methodology and arguments of the author. The student must find an article, to be approved in advance by the instructor. This must be an article that is not included in the coursepack. The article must be from a legal journal and students should note that it will take some time for articles to arrive if they need to be ordered through inter-library loan.

The essay, the topic of which will be determined individually for each student in consultation with the instructor, should be approximately 15 pages in length, typed and double-spaced. It is required that students use proper footnoting conventions, and that the paper be based on an extensive literature search on the student’s chosen topic. The essay must include a critique of a Supreme Court decision with regard to the topic under discussion. It is wise for the student to coordinate the case commentary, article critique and research essay assignments.

Students are reminded that late papers (for all written assignments) will be penalized 2% per day, including weekends, unless prior approval for an extension is obtained from the instructor. All written work will be evaluated based upon organization, presentation, grammar and clarity as well as content. Rough drafts of all papers can be submitted for review but must be ready for such review one week before the due date. (I will read and critique such submissions, but the final grade will reflect only the mark given on the revised paper). For your own protection, keep a hard copy of all materials submitted for this course.

NOTE:
Regulations regarding incomplete courses have become very strict. In order to meet my obligations to the university, I must receive all materials within a reasonable time frame that allows completion of marking/submission of grades by university deadlines. For this reason, any materials not submitted by April 6 will be deemed incomplete and the student will receive a grade of zero for the assignment.
Weekly Schedule and Readings

1.  September 10
   Introduction to Women and the Law

2.  September 17
   Challenging Legal Categories: Who is a Woman?
   Readings:

3.  September 24
   Challenging Legal Categories: Who is a Spouse?
   Readings:

4.  October 1
   Rights of the Spouse: Partnership Dissolution and Control of Property
   Readings:

5.  October 8
   Rights of the Spouse: Violence in the Home
   Readings:

6.  October 15
   Challenging Legal Categories: Who is a Parent?
   Readings:

7. **October 22**
   Rights of the Parent: Bodily Control During Pregnancy
   Readings:

8. **October 29**
   Rights of the Parent: Child Custody
   Readings:

9. **November 5**
   Rights of the Parent: Income for 'Dependent' Families
   Readings:

10. **November 12**
    Challenging Legal Categories: The Indian Act
    Readings:
November 19

Challenging Legal Categories: Refugee Status
Readings:

12. November 26
   **Issues in Employment: The Right to Work**
Readings:
c) Gillian Creese, “Sexual Equality and the Minimum Wage in British Columbia”, *Journal of Canadian Studies* (1992), 120-140. **Note: Case commentary is due, in class, today.**

13. January 7
   **Issues in Employment: Affirmative Action and Employment Equity**
Readings:

14. January 14
   **Issues in Employment: Harassment at Work**
Readings:

15. January 21
   **Issues in Employment: Prostitution**
Readings:
16. January 28
   Bodily Autonomy: Abortion
   Readings:

17. February 4
   Bodily Autonomy: Sexual Assault
   Readings:
   Note: Article critique is due, in class, today.

18. February 11 Bodily Autonomy: Sexual Expression
   Readings:

19. February 18
   Reading Week

20. February 25
   No class this week

21. March 3
   Equality Rights: Free Speech and Pornography
   Readings:
22. **March 10**  
Equality Rights: Free Speech and Hate Crimes  
Readings:  

23. **March 17**  
Equality Rights: Participation in Sport  
Readings:  
b) Peter Donnelly and Jean Harvey, “Class and Gender: Intersections in Sport and Physical Activity”, in Philip White and Kevin Young, eds., *Sport and Gender in Canada* (Toronto: Oxford University Press, 1999), 40-64.  

24. **March 24**  
Equality Rights: Incarcerated Women  
Readings:  
   **Note:** Research paper is due, in class, today.

25. **March 31**  
Course Wrap-Up: How Do We Make Law Work for Women?