

Lakehead University POLI 4150 WDE 2022: Equality and the Law

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Introduction:

This is a senior seminar class devoted to examining the ways that different kinds of questions about equality have thus far intersected with the laws primarily in North America. We will review important court cases, decisions, and effects as well as investigate the ways that the law has been limited in its ability to bring about social and political equality. Along the way, we will also consider a few classic texts that provide eloquent supplications for a greater substantive equality among us in our democratic states. As a senior class seminar course, you will be expected to take the lead in raising questions in some class meetings and otherwise to participate in the discussion and show strong familiarity with the assigned readings.

Readings:

Many of our readings will be available through the following sites:

For U.S. Court Cases:

<https://www.oyez.org/>

<http://www.law.cornell.edu/supct/search/>

For Canadian Court Cases:

<http://scc.lexum.org/decisia-scc-csc/scc-csc/en/nav.do>

<https://scc-csc.ca/case-dossier/index-eng.aspx>

<https://www.canlii.org/en/index.html>

Other readings will be made available to you in the course content page on our course link site or as links in lecture materials offered. I will be adding some readings as we go along 😊

Requirements:

1. Seminar leadership and participation (40%): You will have at least one opportunity to co-lead a seminar discussion. In every other seminar, you will be expected to contribute to the discussion by answering questions and offering comments of your own on the readings and ideas under consideration. The success of our learning experience in the course will depend on your being prepared for each class and upon your ongoing participation in the discussions. I plan to offer you a seminar progress grade at about halfway through the term.

2. Term Essay (30%): By about three weeks into the term, I will introduce an essay assignment which will require you to choose among our class themes an issue for further analysis. Details about this requirement will be set out and explained in class and posted on our course link.

3. Final Exam (30%): This will be assigned during the university exam period. You will have at least three days to complete the assignment. Details will be communicated to you in the last class of the term.

Topics and Readings

Note on Class Readings

The readings from this course can involve complicated ideas and difficult arguments. Moreover, the presentation of these ideas and arguments sometimes takes forms that may not be familiar to students. Students should therefore read the assigned texts carefully, slowly, and several times in order to grasp their content. Additions and changes to this reading list may still be made; I will offer you advanced notification of this.

1. January 11th and 13th: Introductions...to the course and to each other. The constitutional context of provisions for equality. The role of the courts.

Read (13th): U.S. **Bill Of Rights** (and subsequent amendments)
Canadian **Charter of Rights and Freedoms** (selected sections)
Canada's Court System
U.S. Supreme Court Procedures

2. January 18th and 20th: American foundations.

Read (18th): Jefferson, *Declaration of Independence* (1776)
American Founders on Slavery (overview)
Constitution of the United States (sections alluding to slavery)

Read (20th): John Calhoun, *Oregon Bill Speech* (1848)
John Calhoun, *A Disquisition on Government* (1851)
Lincoln, *Lyceum Address* ("The Perpetuation of our Political Institutions") (1838)

3. January 25th and 27th: Slavery.

Read (25th): U.S. Supreme Court (SCOTUS), *Dred Scott v. Sandford* (1857)
Frederick Douglass, *Speech On the Dred Scott Decision* (1857)
Lincoln, *Speech on the Dred Scott Decision* (1857)
Read (27th): Lincoln, *House Divided Speech* (1858)
Lincoln (*selections from speeches, letters, and debates*)

4. February 1st and 3rd: Racial Equality

Read (1st): SCOTUS, *Plessy v. Ferguson* (1896)
SCOTUS, *Brown v. Board of Education* (1954)
Martin Luther King, *Letter from Birmingham Jail* (1963)
Read (3rd): SCOTUS, *University of California v. Bakke* (1978)
SCOTUS, *Fisher v. University of Texas at Austin* (2013)
SCOTUS, *Ricci v. DeStefano* (2009)

5. February 8th and 10th: Gender.

Read (8th): SCC, *Edwards v. Canada* (1930)
SCC, *Brooks v. Canada Safeway LTD* (1989)
SCC, *British Columbia v. BCGSEU* (1999)
Read (10th): SCC, *Native Women's Assn. of Canada v. Canada* (1994)
SCC, *Centrale des syndicats du Québec v. Québec* (2018)

6. February 15th and 17th: Abortion; Sexual Activities.

Read (15th): SCOTUS, *Griswold v. Connecticut* (1965)
SCOTUS, *Roe v. Wade* (1973)
SCC, *R. v. Morgentaler* (1988)
Read (17th): SCOTUS, *Bowers v. Hardwick* (1986)
SCOTUS, *Lawrence v. Texas* (2003)
SCC, *Egan v. Canada* (1995)
SCC, *Canada v. Bedford* (2013)

7. March 1st and 3rd: Marriage; Gender Preference

- Read (1st):** SCC, *Reference Re Same-Sex Marriage* (2004)
SCOTUS, *Obergefell v. Hodges* (2015)
- Read (3rd):** SCC, *Vriend v. Alberta* (1998)
SCOTUS, *Bostock v. Clayton County, Georgia* (2019)

8. March 8th and 10th: Religion; Special Considerations

- Read (8th):** SCC, *Roncarelli v. Duplessis* (1959)
SCOTUS, *Engel v. Vitale* (1962)
SCOTUS, *Lemon v. Kurtzman* (1971)
SCOTUS, *Christian Legal Society v. Martinez* (2010)
SCOTUS, *Fulton v. City of Philadelphia* (2021)
- Read (10th):** SCC, *Eaton v. Brant County Bd. Of Ed.* (1997)

9. March 15th and 17th: Freedom vs Equality?

- Read:** SCOTUS, *United States v. Virginia* (1996)
SCOTUS, *Masterpiece Cakeshop v. Colorado Civil Rights Commission* (2018)
SCC, *Law Society of British Columbia v. Trinity Western University* (2018)

10. March 22nd and 24th: Citizenship Rights

- Read:** SCC, *Andrews v. Law* (1989)
SCC, *Law v. Canada* (1999)
SCC, *Weatherall v. Canada* (1993)
SCC, *R v. Patrick* (2009)
SCC, *R v. Tse* (2012)

11. March 29th and 31st: Indigenous peoples; nations/races within states

- Read (29th):** SCC, *R v. Kapp* (2008)
SCC, *R v. Sparrow* (1990)
SCC, *Tsilqot'in Nation v. B.C.* (2014)
- Read (31st):** SCOTUS, *Korematsu v. US* (1944)
SCC, *Reference Re: Persons of Japanese Race* (1946)

SCC, *Mclvor v. Canada* (2009)
SCOTUS, *Adoptive Couple v. Baby Girl* (2013)

12. April 5th and 7th: Contemporary issues (especially as arising from the pandemic); final exam preparation

Read: TBA

Academic Honesty

Academic honesty is expected of all Lakehead University students. Cheating, collusion, and plagiarism will not be tolerated. Students are expected to make themselves fully familiar with Lakehead's policy in this area. Although all these policies will be enforced in full, it is worth emphasizing the following:

Plagiarism involves presenting another's work, ideas, theories, or interpretation as one's own.

To avoid plagiarism, writers should always:

1. Put quotation marks around any passages/sentences from sources
2. Paraphrase material completely; changing (with the help of a thesaurus) or rearranging a few words or the tense of a verb is not paraphrasing.
3. Give accurate and complete citations for all material *including paraphrased material.*
4. Avoid borrowing entire arguments or approaches to a subject from another writer. Make it 'original' while staying faithful to the assignment parameters.