

Identity Politics in Canada
The University of Western Ontario
POL9533B
Winter 2020

Professor: Caroline Dick
Time: Tuesday 10:30 a.m.-12:20 p.m.
Classroom: SSC 4105

Office: SSC 4088
Email: cdick4@uwo.ca
Office Hours: Tues. 12:30-1:30 p.m.;
Wed. 1:30-2:30 p.m.

Course Description:

This course focusses on identity politics in the Canadian context with a view to examining the rise of group activism around identity markers and the importance of identity politics in Canadian political, social and economic life. It will do so by examining the kinds of claims that identity groups advance and responses to those claims both in Canadian scholarship and in the legal and political realms.

To this end, the course is divided into four sections. The course begins by introducing students to the rise of ‘new social movements’ and the politics of identity, as well as some of the concerns and challenges that come with organizing around shared group identities. We will also consider the different ways in which identity is employed in the discipline as well as other key concepts, such as intersectionality. In the second part of the course, attention shifts to Canadian identity politics specifically. We start with an examination of the work of Will Kymlicka, who employs identity to ground a theory of group rights. We then go on to look at specific identity groups in Canada not only to examine the kinds of claims that they advance, but to assess the adequacy of institutional responses to their claims.

While the first two parts of the course proceed from the position that identity can act as a catalyst for positive change, the third part leaves the notion of identity as a liberating construct behind to investigate the ways in which group identities can be deployed against identity groups by dominant others, including the state, to justify discrimination and exclusion. The fourth and final part of the course concludes with an examination of Indigenous politics in Canada. Here we again examine the ways in which identity is employed by scholars, courts and citizens to the detriment of Indigenous peoples, their rights and interests. We finish this section by looking at the Indigenous Resurgence movement, which offers the possibility of reclaiming Indigenous identities and nationhood without engaging the Canadian state structures that have historically asserted their power to name the content of Indigenous identity in destructive ways.

Course Materials

Many of the readings are available electronically. Those that are not available electronically are marked with a *.

Email

The Professor will respond to email and will do her best to reply within 48 hours. Emails sent on the weekend will be answered on Monday. Please do not send email messages via OWL. Do note that university policy precludes Professors from responding to email messages that were not sent from a Western email account. Note, also, that grades may not be discussed via email.

Web Site

There is a web site set up for this course at <https://owl.uwo.ca/portal>. The course syllabus, links to certain readings and legal cases, and links to turnitin.com will be posted on the web site, as will important class announcements. Accordingly, students should check the web site regularly.

Turnitin

Written assignments are subject to submission for textual similarity review to the commercial plagiarism detection software under license to the University for the detection of plagiarism. All papers submitted for such checking will be included as source documents in the reference database for the purpose of detecting plagiarism of papers subsequently submitted to the system. Use of the service is subject to the licensing agreement, currently between Western University and Turnitin.com (<http://www.turnitin.com>).

Assignments can be submitted to turnitin.com through OWL. Note that assignments have not been submitted “on time” unless they have been submitted to turnitin.com *prior* to being submitted in hard copy form at seminar. A copy of your turnitin receipt must be attached to your work.

Academic Offences (Graduate Students)

Scholastic offences are taken seriously and students are directed to read the appropriate policy, specifically, the definition of what constitutes a Scholastic Offence, at the following web site: http://www.uwo.ca/univsec/handbook/appeals/scholastic_discipline_grad.pdf

Extensions

Extensions are not given. However, when there are genuine and unavoidable family or medical circumstances, students may seek academic accommodation. If you fail to hand in an assignment but are pursuing academic accommodation, please advise your Professor of this fact.

Computer Problems

Students are expected to back up their written work and lecture/tutorial notes. Furthermore, students will be responsible for finding replacement lecture/tutorial notes where they fail to back-up their files. Extensions are not granted for computer-related problems.

Learning Objectives

By the end of the course, students should be able to identify the key themes and debates surrounding the advent of identity politics and its relevance to Canadian politics. They should also be familiar with theories that employ substantive notions of identity to ground claims for group rights and critiques of said theories. Students should also be able to demonstrate an

awareness of the way in which identity can be deployed by those with power against members of minority social groups.

Evaluation

Identity Assignment 5% (Due January 22)

Participation 20%

Critical Commentaries (x 2) 10% each

Seminar Assignment 20%

Research Proposal 5%

Research Essay 30% (Due April 7)

Identity Assignment

How is 'identity' employed in political science? Students will submit a single-spaced, one-page answer to this question, addressing different ways in which identity is conceived of in the discipline and/or different ways in which identity is employed as a research tool in the discipline.

Students may not exceed the one-page limit, using standard margins and a 12 point font. No additional research is required; nor are students required to provide citations to works that employ identity in different ways. This is an exercise for students to think about the relationship between identity and political science. Students should be prepared to discuss their answers to the question during seminar. **This assignment need not be submitted to turnitin.**

Critical Commentaries

Twice during the term, students will submit a one-page, single-spaced critical commentary in which the student presents her or his own critical insights about the week's readings.

Assignments must be submitted at the start of the seminar in which the readings will be discussed. Critical commentaries should address at least two of the week's readings and utilize in-text citations. No bibliography is required. Students may choose any two weeks in which to submit their critical commentaries - with one exception. Students may not submit a critical commentary for the week in which they are leading the seminar. Students **may not exceed the one-page limit**, using standard margins and a 12 point font. **Critical commentaries need not be submitted to turnitin.**

Seminar Assignment

Commencing in week 2 of the course, students will be assigned seminar duties. A sign-up sheet will be posted on my office door. There are two components to this assignment. First, the student will make a brief presentation to the class to present his or her own critical views and observations about the week's readings. The purpose of the presentation is not to summarize the readings but to critically and analytically assess them in relation to one another. Presentations may run for no more than **10 minutes**, and will be timed, as is the case with conference presentations.

Second, students will craft three critical questions about the readings to further showcase their analytical skills and understanding of the readings. These questions will be provided to the professor in written form, and will also serve as discussion questions to guide the seminar. The idea here is to pose questions that draw out themes and debates in the required readings with a

view to *engaging the class around the issues identified*. If more than one student is scheduled to present to the class in the same week, they should communicate with one another about the focus of their discussion questions in order to avoid undue repetition.

Participation

Course participation constitutes a weekly assignment. Participation grades will be assigned for each week’s class and will be based on the quality of the contribution made to the seminar discussion in accordance with the guidelines below. More specifically, the grades assigned will reflect *whether a student’s contribution to class discussions demonstrates a familiarity with, and understanding of, the week’s readings*. Students who attend seminar but do not contribute to the seminar discussion will be **assigned a grade of zero** for the week. **Students who do not attend at least 9 seminars between weeks 2-13 will not pass the course or receive a course credit.** Students who find participating in class discussions challenging are encouraged to come to class with prepared discussion questions to pose to the class.

Participation Grading Guide

Grade		Discussion	Reading
85-100	Always	Excellent: leads debate; offers analysis and comments; always has ideas on theme of reading; takes care not to dominate; asks questions	Clearly has done and prepared questions on virtually all readings; intelligently uses this understanding and these questions in discussion
75-84	Almost always	Very Good: thoughtful comments and questions for the most part; willing, able and frequent contributor	Has done most readings; provides competent analysis of reading when prompted by others
65-74	Frequent	Good: has basic grasp of key concepts and occasional ideas on the main theme of the reading; arguments are sporadic and at times incomplete or poorly supported; unwilling to ask questions	Displays familiarity with most readings, but tends not to analyze them or to relate them to the course material
50-64	Occasional	Somewhat Poor: remarks in class marred by misunderstandings of key concepts; seldom contributes	Actual knowledge of material is outweighed by improvised comments and remarks

effectively to discussion of the main theme; often digresses in unhelpful ways; sporadic

0-49 Rare Poor: rarely speaks; parrots text or comments of others Little or no apparent familiarity with assigned material

Research Proposal

Students must seek approval of their research paper topics in **week 10** of the term by submitting a brief written proposal at the start of class. The expectation is that students will carry on with one of the week's themes, though they may formulate a different topic that they see as relevant to the course. The essay proposal will 1) briefly outline the suggested topic for study; 2) provide either a guiding research question or thesis statement; and 3) include an annotated, working bibliography, which identifies the central thrust of each book or article listed and its relevance to the stated research topic. Essay proposals should be a **maximum of 2 pages** (single spaced). Of course, students are welcome to discuss their essay topics with the instructor in advance of submitting the written proposal. **Essay proposals need not be submitted to turnitin.**

Research Paper

Students will write a 4000 word research paper, carrying on with the topic identified in their research proposal. The expectation is that students will carry on with one of the week's themes, though students may formulate a different topic that they see as relevant to the course in consultation with the Professor.

Essays must include footnotes, endnotes, or parenthetical citation and a bibliography organized according to the Chicago style. As a general guide, papers should include a bibliography with *no fewer than 10* academic sources. While it is acceptable to incorporate some class readings, as this is a research paper, class readings should not constitute a large percentage of a student's bibliography.

Essays must be double spaced, submitted in hard copy form with a turnitin receipt attached. Email submissions will not be accepted. Extensions only will be granted where recommended by Academic Counselling. A 2% penalty per day will be assessed to late assignments without extensions.

PART 1: Introduction to Identity Politics

Week 1: January 7

Introduction to the Course

Week 2: January 14

The Rise of Identity Politics: Critics and Responses

Weir, Lorna, "Limitations of New Social Movement Analysis. *Studies in Political Economy* 40 (1993): 73-102. **(73-88 only)**

Fraser, Nancy. "From Redistribution to Recognition? Dilemmas of Justice in a 'Post-Socialist' Age." *New Left Review* 212 (1995): 68-93.

Coombs, Mary. "Interrogating Identity." Review Essay: *Notes of a White Black Woman: Race, Color, Community*, by Judy Scales-Trent. *Berkeley Women's Law Journal* (A Collaborative Work with the African-American Law and Policy Report) (1996): 222-49.

Jenson, Jane. "Naming Nations: Making Nationalist Claims in Canadian Political Discourse." *Canadian Review of Sociology and Anthropology* 30, 3 (1993): 337-58.

Week 3: January 21

Identity and Intersectionality **One-Page Identity Assignment Due**

Combahee River Collective. "Combahee River Collective Statement," 1977.

https://americanstudies.yale.edu/sites/default/files/files/Keyword%20Coalition_Readings.pdf

Grillo, Trina. "Anti-Essentialism and Intersectionality: Tools to Dismantle the Master's House." *Berkeley Women's Law Journal* 10 (1995): 16-30.

Crenshaw, Kimberlé. "On Intersectionality." <https://youtu.be/-DW4HLgYPIA> **(1:54-4:04; 5:46-9:02; 12:09-14:40; 21:30-24:40 only)**

Part II: Canadian Identity Politics

Week 4: January 28

Theoretical Contributions: Will Kymlicka

* Kymlicka, Will. *Liberalism, Community and Culture*. Oxford: Oxford University Press, 1989.

- Ch. 8 - "The Value of Cultural Membership." (162-181).
- Ch. 9 - "Equality for Minority Cultures." (182-205).

* Kymlicka, Will. *Multicultural Citizenship*. Oxford: Clarendon Press, 1995.

- Ch. 8 - "Toleration and its Limits." **(164-170 only)**

See also the notes outlining Kymlicka's Group Hierarchy

*Phillips, Anne. *Multiculturalism without Culture*. Princeton, New Jersey: Princeton University Press, 2007. **(11-25 only)**

Week 5: February 4
Ethnicity/Multiculturalism

- * Ryan, Phil. *Multicultiphobia*. Toronto: University of Toronto Press, 2010.
 - “Introduction.”(3-12 only)
 - Ch. 1 -“Classics of Multicultiphobia.” (31-38 only)

- * Abu-Laban, Yasmeen, and Christina Gabriel. “Multiculturalism and Nation-Building.” In *Selling Diversity: Immigration, Multiculturalism, Employment Equity and Globalization*. Peterborough: Broadview Press, 2002. (105-117 only)

- Banting, Keith, and Will Kymlicka. “Canadian Multiculturalism: Global Anxieties and Local Debates.” *British Journal of Canadian Studies* 23, 1 (2010): 43-72.

- * Thobani, Sunera. “Multiculturalism and the Liberalizing Nation.” In *Exalted Subjects: Studies on the Making of Race and Nation in Canada*. Toronto: University of Toronto Press, 2007.

Week 6: February 11
Racialization

- * Backhouse, Constance. *Colour-Coded: A Legal History of Racism in Canada, 1900-1950*. Toronto: University of Toronto Press, 2001. (1-17 only)

- Thompson, Debra. “Is Race Political?” *Canadian Journal of Political Science* 41, no. 3 (2008): 525-47.

- * Razack, Sherene H. “What Is to Be Gained by Looking White People in the Eye?” Toronto: University of Toronto Press, 1998.

- * Razack, Sherene H. “Gendered Racial Violence and Spacialized Justice: The Murder of Pamela George.” In *Race, Space, and the Law: Unmapping a White Settler Society*, ed. Sherene H. Razack, 121-56. Toronto: Between the Lines, 2002.

Week 7: February 18
READING WEEK

Week 8: February 25
Trans Politics

* Wilchins, Riki. "Deconstructing Trans." In *GenderQueer: Voices from Beyond the Sexual Binary*, ed. Joan Nestle, Clare Howell, and Riki Wilchins, 55-63. New York: Alyson Books, 2002.

* Namaste, Viviane. *Sex Change, Social Change: Reflections on Identity, Institutions and Imperialism*. Toronto: Women's Press, 2005. **(1-33 only)**

Mandlis, Lane R. "Human Rights, Transsexed Bodies, and Health Care in Canada: What Counts as Legal Protection?" *Canadian Journal of Law and Society* 26, 3 (2011): 509-29.

Saeidzadeh, Zara. "Transsexuality in Contemporary Iran: Legal and Social Misrecognition." *Feminist Legal Studies* 24 (2016): 249-72. (Skim)

Part III: Deploying Identity Against the 'Other'

Week 9: March 3
Disability in the Context of Sexual Assault

* Devlin, Richard, and Dianne Pothier. "Introduction: Toward a Critical Theory of Dis-Citizenship." In *Critical Disability Theory: Essays in Philosophy, Politics, Policy, and Law*, ed. Dianne Pothier and Richard Devlin. Vancouver: UBC Press, 2006. **(1-18 only)**

Razack, Sherene H. "From Consent to Responsibility, from Pity to Respect: Subtexts in Cases of Sexual Violence Involving Girls and Women with Developmental Disabilities." *Law and Social Inquiry* 19, 4 (1994): 891-922.

Benedet, Janine, and Isabel Grant. "Hearing Sexual Assault Complaints of Women with Mental Disabilities: Consent, Capacity and Mistaken Belief." *52 McGill Law Journal* (2007): 243-89.

Week 10: March 10
Citizens and State Actors: Cooptation and Stereotype Construction

* Leroux, Darryl. "After Powley: Anti-Indigenous Activism and Becoming 'Métis' in Two Regions of Quebec." In *Distorted Descent: White Claims to Indigenous Identity*. Winnipeg: University of Manitoba Press, 2019.

* Faulkner, Ellen. "Sexualities and Difference: The Victimization of Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) People in Canada." In *Diversity Crime and Justice in Canada*, 2d ed., ed. Barbara Perry, 256-84. Don Mills: Oxford University Press, 2016.

Rehaag, Sean. "Patrolling the Borders: of Sexual Orientation: Bisexual Refugee Claims in Canada." *McGill Law Journal* 53 (2008): 59-102.
https://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=3225&context=scholarly_works

* Razack, Sherene H. *Casting Out: The Eviction of Muslims from Western Law and Politics*. Toronto: University of Toronto Press, 2008. Pages tba. You will not be reading the entire book.

PART IV: Indigenous Politics

Week 11: March 17

Avigail Eisenberg: Theorizing about Indigenous Identity

Eisenberg, Avigail. "The Politics of Individual and Group Difference in Canadian Jurisprudence." *Canadian Journal of Political Science* 27, 1 (1994): 3-21.

Eisenberg, Avigail. "Diversity and Equality: Three Approaches to Cultural and Sexual Difference." *The Journal of Political Philosophy* 11, 1 (2003): 41-64. **(50-62 only)**

Green, Joyce. "The Difference Debate: Reducing Rights to Cultural Flavours." *Canadian Journal of Political Science* 33, 1 (2000): 133-44.

* Dick, Caroline. "Eisenberg's Theory of Identity-Related Interests." In *The Perils of Identity: Group Rights and the Politics of Intragroup Difference*. Vancouver: UBC Press, 2011. **(99-107 only)**

Week 12: March 24

The Constitutional Rights of 'Aboriginal Peoples'

Pfefferle, Brian R. "The Indefensibility of Post-Colonial Aboriginal Rights." *Saskatchewan Law Review* (2007): 393-423. **(393-416; 422-3 only)**

Ladner, Kiera and Caroline Dick. "Out of the Fires of Hell: Globalization as a Solution to Globalization – An Indigenist Perspective." *Canadian Journal of Law and Society* 23, no. 1-2 (2008): 63-91. **(65-82 only)**

*Green, Joyce. "Balancing Strategies: Aboriginal Women and Constitutional Rights in Canada." In *Making Space for Indigenous Feminism*, 2d ed, ed. Joyce Green. Black Point, NS: Fernwood Publishing, 2017.

Turpel, Mary Ellen. "Aboriginal Peoples and the Canadian Charter: Interpretive Monopolies, Cultural Differences." *Canadian Human Rights Yearbook* 6 (1989-1990): 1-45.

Week 13: March 31

Indigenous Resurgence: Rejecting the Liberal Rights Paradigm

* Coulthard, Glen Sean. *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*. Minneapolis: University of Minnesota Press, 2014. (Chapter 1 and Conclusion)

Cornthassel, Jeff. "Re-envisioning Resurgence: Indigenous Pathways to Decolonization and Sustainable Self-determination." *Decolonization: Indigeneity, Education and Society* 1, 1 (2012): 86-101.

<http://www.decolonization.org/index.php/des/article/view/18627/15550>

Alcantara, Christopher, and Caroline Dick. "Decolonization in a Digital Age: Cryptocurrencies and Indigenous Self-Determination in Canada." *Canadian Journal of Law and Society* 32, 1 (2017): 19-35.

*Turner, Dale. *This Is Not a Peace Pipe: Towards a Critical Indigenous Philosophy*. Toronto: University of Toronto Press, 2006. (106-113 only).

April 7 **Research Papers Due**