Fall 2017
Social Diversity, Gender and the Law
The University of Western Ontario
POL4203

Professor: Caroline Dick
Time: Tuesday 11:30-1:20 p.m.
Classroom: SSC 4103

Office: SSC 4088
Email: cdick4@uwo.ca
Office Hours: Monday 11:45-1:15 p.m.
Tuesday 1:30-3:00 p.m.

COURSE DESCRIPTION:

From religious minorities and Aboriginal peoples to feminists and gays and lesbians, Canadian social groups contend that group-differentiated rights and group-sensitive legal and constitutional interpretations are a necessary condition of equality. While the Canadian state has responded with group-specific provisions in the Charter and Constitution, as well an official policy of multiculturalism, social groups continue to press for legal concessions and the expansion of their rights. This course will examine the relationship between Canadian social groups and the law to assess how social groups employ the legal system in pursuit of equality and how they challenge laws that fail to attend to social group differences. Additionally, this course will examine how the differences that cut across social groups complicate the legal accommodation of ‘group’ differences. By assessing the legal claims of a number of social groups, this course will examine legal responses to questions of social diversity, the limits of law in addressing group-based inequalities and the effects that legal responses to social diversity can have on the most vulnerable members of social groups (often women).
Course Materials
Many of the readings are available electronically. Those that are not available electronically are marked with a *. All legal cases can be accessed using web links found in the weekly folders in the course web site.

The text of the Canadian Charter of Rights and Freedoms can be found at: http://laws-lois.justice.gc.ca/eng/const/page-15.html

Legal decisions of the Supreme Court of Canada are available electronically at: http://scc.lexum.org/decisio-scc-csc/scc-csc/en/nav.do

Lower court decisions are available electronically through the Canadian Legal Information Institute at: http://www.canlii.org/en/index.php

Learning Objectives
By the end of the course, students should be able to identify the principles of critical theory and their application to the cross-disciplinary area of law and politics. Students should also be able to engage actively with critical theory by assessing and resolving competing rights claims that are advanced by and within minority social groups.

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 UWO email account. Note, also, that grades may not be discussed via email.

Web Site
There is a web site set up for this course through OWL at https://owl.uwo.ca. The course syllabus, abbreviated case law materials and links to legal cases and turnitin.com will be posted on the web site as will important class announcements. Accordingly, students should check the web site regularly.

Turnitin
All 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 The University of Western Ontario 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.
Extensions
Extensions are not given. However, when there are genuine and unavoidable family or medical circumstances, students may seek academic accommodation, as detailed below. 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.

Academic Accommodation
If a situation should arise where a student requires accommodation because of a medical or personal issue, the student should visit his or her faculty’s Academic Counselling office so that an academic counsellor can make a recommendation for academic accommodation to the student’s Professor(s).

This procedure means that you do not provide your instructor with any details of your situation. It is your responsibility to speak with a counsellor as soon as possible after an issue arises. Academic accommodation ONLY will be provided if you speak with an Academic Counsellor and provide them with documentation of your issue, and if the issue is brought to their attention in a timely fashion.

Academic Counselling for the Faculty of Social Sciences is located at SSC 2105
Telephone: 519 661-2011
 Recorded information: 519 661-2052
 Fax: 519 661-3384
 Email: ssaco@uwo.ca

Medical Illness
Please be aware that the policies regarding medical documentation have changed. The following is an excerpt from the Policy on Accommodation for Medical Illness.

Undergraduate Students
Documentation from Family Physicians and Walk-In Clinics
A UWO Student Medical Certificate (SMC) is required where a student is seeking academic accommodation. This documentation should be obtained at the time of the initial consultation with the physician or walk-in clinic. An SMC can be downloaded here: https://www.uwo.ca/univsec/pdf/academic_policies/appeals/medicalform_15JUN.pdf

Hard copies are available from Academic Counselling in the Faculties.
Documentation from Student Health Services
Students obtaining documentation from Student Health Services should sign a “release of information.” This form authorizes Student Health Services to provide information to the student’s home Faculty. Release of information forms are available from, and can be arranged through, the student’s home Faculty Academic Counselling service.

Documentation from Hospital Urgent Care Centres or Emergency Departments
Students should request that an SMC be filled out. Students may bring this form with them, or request alternative Emergency Department documentation. Documentation should be secured at the time of the initial visit to the Emergency Department. Where it is not possible for a student to have an SMC completed by the attending physician, the student must request documentation sufficient to demonstrate that his/her ability to meet his/her academic responsibilities was seriously affected.

Learning Objectives
By the end of the course, students should be able to identify the various in-group difference that divide social minority groups. Students should also be able to evaluate and rank competing rights claims that place group members at odds with one another.

Evaluation
Seminar Assignment 20%
Critical Literature Review 15%
Research Assignment 15%
Essay Proposal 5% (Due November 14)
Research Essay 25% (Due December 5)
Participation 20%

Seminar Assignment
Commencing in week 3 of the course, each student will be responsible for leading the seminar. A sign-up sheet is posted on my office door. Students are strongly advised to meet with the Professor during office hours a week in advance to ensure that they are on the right track with their presentation and written work.

There are two components to this assignment. First, students will make a brief presentation to the class in which they present the content of their critical analyses. Accordingly, the content and structure of your presentation should focus on a question or debate that cuts across the week’s readings. Presenters are not to summarize the readings, and presentations may not run for more than 10 minutes (and may be shorter).

While presenters will limit their formal presentations to the content of their critical analyses, they will also address issues that were not taken up in their critical analyses by leading the class in discussion. Accordingly, the second component of the seminar assignment requires students to lead the class in discussion by posing questions that draw out themes and debates in the required readings and engaging the class around those issues. This provides presenters with a second
opportunity to showcase their own critical observations. However, in addition to being assessed on their ability to identify relevant debates, themes, and issues, presenters will be evaluated on their ability to stimulate discussion among their classmates. Presenters are welcome to introduce news stories about current events that are relevant to the week’s readings if they would like to. In most weeks, more than one student will be scheduled to present to the class. Students scheduled to present in the same seminar may choose to run the seminar jointly, though there is no requirement to do so. Nonetheless, where students scheduled for the same week choose not to work jointly, they must communicate with one another about the focus of their presentations and discussion questions in order to avoid undue repetition.

**Critical Literature Review**

Undergraduate students will write and present a critical literature review (CLR) of the weekly readings that they will present as a part of their seminar assignment. However, the CLR will be graded separately from the seminar assignment. With that said, if the content of the CLR is weak, this will impact the student’s seminar presentation grade.

Each analysis must be **no more than** 5 pages in length and will examine **at least two** of the week’s readings. **Students may not exceed the 5 page limit (double-spaced, using standard margins and 12 point font).** Staying within the page limit is a part of the assignment.

CLR’s must be handed in **before** the class in which the readings in question are to be discussed. They must include footnotes, endnotes or parenthetical citation and a bibliography organized according to the Chicago style. Assignments must be submitted in hard copy form **with a turnitin receipt attached.** Email submissions will not be accepted. Note that late penalties do not apply to critical analyses and that **no extensions will be granted.**

The purpose of the CLR is for students to identify **one central question, written in question form**, that points to a difference of opinion or difference in approach among the authors and to critically reflect on this aspect of the literature. To this end, only a **small portion** of an analysis should be devoted to summarizing or outlining the authors’ arguments respecting the central question identified. Instead, students should 1) identify one question (**posed in question form**) to be discussed in the analysis; 2) provide a very brief (comparative) outline of the principal arguments (and/or approaches) of the **authors in relation to the specific question identified;** and 3) most importantly, offer a critical assessment of the authors answers to the common question identified.

**This is not an argumentative essay in which students marshal evidence from the readings in order to advance a thesis or enter a policy debate.** Instead, students are asked to compare, contrast and critically assess how different scholars study a common question. In this respect, students should think of the assignment as a comparative **critical** literature review. Students should focus on the **relationship** between the readings by comparing and contrasting how the authors study, approach and answer a **common question**. What are the ramifications of one author’s work for another author’s work? Does one author build upon the work of another? Would one author’s work benefit from the insights of another’s work? Does one reading reveal a
fundamental flaw in another? Can we piece together a more complete answer to the question by combining the answers of several authors? These are the kinds of questions that students should be asking themselves when completing their assignments. Accordingly, the nature of the critique that students provide should be comparative. The idea is to use one reading to find weaknesses or strengths in others. It is the interplay between the readings and how they stand in relation to each other that is the focus of the assignment.

**Research Assignment**
The purpose of this assignment is to allow students to showcase their research and comprehension skills. Students may complete this assignment in any week, save the week in which they are completing their seminar assignment and CLR. The task is to find a book, book chapter or journal article that adds a new argument about or perspective on the week’s readings. Students will then submit a 3 page assignment in which they succinctly summarize the arguments advanced in the week’s assigned readings and in the new source that the student has identified. Your job will be to explain how the source that you found adds to the week’s literature. Students may not use a source that is cited in any of the week’s readings as their new source. The research assignment is due at the beginning of the class in which the readings the student has chosen to write about will be discussed. Students should attach a bibliography to the assignment and cite the readings being discussed as usual. The bibliography does not count towards the 3 page assignment stipulation.

**Research Essay and Proposal**
Students will write a 3000 word research paper to be submitted at the beginning of the last seminar of the term.

Students must seek approval of their research paper topic in week 10 of the term by submitting a brief written proposal at the start of class. The essay proposal will 1) 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. 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.

Essays are due at the start of the final seminar (ie. before class commences). 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 8 academic sources. While it is acceptable to incorporate some class readings into the essay, as this is a research paper, class readings should not constitute a large percentage of the student bibliography. Students are welcome to write their papers by building on either the critical literature review or the research assignment, but are not obliged to do so.

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

**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 orally 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 and 12 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

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

Seminar Schedule

Week 1. September 12
Introduction to the Course

Week 2. September 19
Social Group Differences: Assimilation or Accommodation and the Difference Dilemma


Week 3. September 26
Anti-essentialism and Intersectionality


Week 4. October 3
Women: The Utility of Rights


Week 5. October 10
Socioeconomic Class


**abbreviated version available in course web site.

Week 6. October 17
Gays and Lesbians: Rights Claiming


**Week 7. October 24**

**Transgendered and Transsexual Individuals**


**Week 8. October 31**

**Judicial Impartiality and Contextualized Judging**

*link available in course web site.


**Week 9. November 7**

**Ethnocultural Groups (Cultural Autonomy v. Gender Equality)**


*The Queen v. GJ*, [2005] NTCCA 20 (Court of Criminal Appeal of the Northern Territory). (paras. 2-5 and 9-38 only).

*link available in course web site (Australian case).*

**Week 10. November 14** (**ESSAY PROPOSAL DUE**)  

**Cultural Defences at Law**


*link available in course web site.


*link available in course web site.

**Week 11. November 21**  

**Indigenous Peoples and Gender**

*link available in course web site.


**Week 12. November 28
Religious Minorities: Faith-Based Personal Law**


**Week 13. December 5 (**RESEARCH ESSAY DUE**)
APPENDIX TO UNDERGRADUATE COURSE OUTLINES
DEPARTMENT OF POLITICAL SCIENCE

Prerequisite checking - the student’s responsibility
"Unless you have either the requisites for this course or written special permission from your Dean to enroll in it, you may be removed from this course and it will be deleted from your record. This decision may not be appealed. You will receive no adjustment to your fees in the event that you are dropped from a course for failing to have the necessary prerequisites."

Essay course requirements
With the exception of 1000-level courses, most courses in the Department of Political Science are essay courses. Total written assignments (excluding examinations) will be at least 3,000 words in Politics 1020E, at least 5,000 words in a full course numbered 2000 or above, and at least 2,500 words in a half course numbered 2000 or above.

Use of Personal Response Systems ("Clickers")
"Personal Response Systems ("clickers") may be used in some classes. If clickers are to be used in a class, it is the responsibility of the student to ensure that the device is activated and functional. Students must see their instructor if they have any concerns about whether the clicker is malfunctioning. Students must use only their own clicker. If clicker records are used to compute a portion of the course grade:
• the use of somebody else’s clicker in class constitutes a scholastic offence,
• the possession of a clicker belonging to another student will be interpreted as an attempt to commit a scholastic offence."

Security and Confidentiality of Student Work (refer to current Western Academic Calendar (http://www.westerncalendar.uwo.ca/)
"Submitting or Returning Student Assignments, Tests and Exams - All student assignments, tests and exams will be handled in a secure and confidential manner. Particularly in this respect, leaving student work unattended in public areas for pickup is not permitted."

Duplication of work
Undergraduate students who submit similar assignments on closely related topics in two different courses must obtain the consent of both instructors prior to the submission of the assignment. If prior approval is not obtained, each instructor reserves the right not to accept the assignment.

Grade adjustments
In order to ensure that comparable standards are applied in political science courses, the Department may require instructors to adjust final marks to conform to Departmental guidelines.

Academic Offences
"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/pdf/academic_policies/appeals/scholastic_discipline_undergrad.pdf
Submission of Course Requirements

ESSAYS, ASSIGNMENTS, TAKE-HOME EXAMS MUST BE SUBMITTED ACCORDING TO PROCEDURES SPECIFIED BY YOUR INSTRUCTOR (I.E., IN CLASS, DURING OFFICE HOURS, TA'S OFFICE HOURS) OR UNDER THE INSTRUCTOR'S OFFICE DOOR.

THE MAIN OFFICE DOES NOT DATE-STAMP OR ACCEPT ANY OF THE ABOVE.

Attendance Regulations for Examinations

EXAMINATIONS/ATTENDANCE (Sen. Min. Feb.4/49, May 23/58, S.94, S.3538, S.3632, S.04-097) A student is entitled to be examined in courses in which registration is maintained, subject to the following limitations: 1) A student may be debarred from writing the final examination for failure to maintain satisfactory academic standing throughout the year. 2) Any student who, in the opinion of the instructor, is absent too frequently from class or laboratory periods in any course will be reported to the Dean of the Faculty offering the course (after due warning has been given). On the recommendation of the Department concerned, and with the permission of the Dean of that Faculty, the student will be debarred from taking the regular examination in the course. The Dean of the Faculty offering the course will communicate that decision to the Dean of the Faculty of registration.

Medical Policy, Late Assignments, etc.

Students registered in Social Science should refer to http://counselling.ssc.uwo.ca/procedures/having_problems/index.html for information on Medical Policy, Term Tests, Final Examinations, Late Assignments, Short Absences, Extended Absences, Documentation and other Academic Concerns. Non-Social Science students should refer to their home faculty’s academic counselling office.

University Policy on Cheating and Academic Misconduct

Plagiarism: Students must write their essays and assignments in their own words. Whenever students take an idea, or a passage from another author, they must acknowledge their debt both by using quotation marks where appropriate and by proper referencing such as footnotes or citations. Plagiarism is a major academic offence." (see Scholastic Offence Policy in the Western Academic Calendar).

Plagiarism Checking: "All required papers may be 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 The University of Western Ontario and Turnitin.com (http://www.turnitin.com )."

Multiple-choice tests/exams: "Computer-marked multiple-choice tests and/or exams may be subject to submission for similarity review by software that will check for unusual coincidences in answer patterns that may indicate cheating."

Note: Information excerpted and quoted above are Senate regulations from the Handbook of Scholarship and Academic Policy. http://www.uwo.ca/univsec/academic_policies/index.html
In writing scholarly papers, you must keep firmly in mind the need to avoid plagiarism. Plagiarism is the unacknowledged borrowing of another writer's words or ideas. Different forms of writing require different types of acknowledgement. The following rules pertain to the acknowledgements necessary in academic papers.

A. **In using another writer's words, you must both place the words in quotation marks and acknowledge that the words are those of another writer.**

You are plagiarizing if you use a sequence of words, a sentence or a paragraph taken from other writers without acknowledging them to be theirs. Acknowledgement is indicated either by (1) mentioning the author and work from which the words are borrowed in the text of your paper; or by (2) placing a footnote number at the end of the quotation in your text, and including a correspondingly numbered footnote at the bottom of the page (or in a separate reference section at the end of your essay). This footnote should indicate author, title of the work, place and date of publication, and page number.

Method (2) given above is usually preferable for academic essays because it provides the reader with more information about your sources and leaves your text uncluttered with parenthetical and tangential references. In either case words taken from another author must be enclosed in quotation marks or set off from your text by single spacing and indentation in such a way that they cannot be mistaken for your own words. Note that you cannot avoid indicating quotation simply by changing a word or phrase in a sentence or paragraph which is not your own.

B. **In adopting other writers' ideas, you must acknowledge that they are theirs.**

You are plagiarizing if you adopt, summarize, or paraphrase other writers' trains of argument, ideas or sequences of ideas without acknowledging their authorship according to the method of acknowledgement given in 'A' above. Since the words are your own, they need not be enclosed in quotation marks. Be certain, however, that the words you use are entirely your own; where you must use words or phrases from your source, these should be enclosed in quotation marks, as in 'A' above.

Clearly, it is possible for you to formulate arguments or ideas independently of another writer who has expounded the same ideas, and whom you have not read. Where you got your ideas is the important consideration here. Do not be afraid to present an argument or idea without acknowledgement to another writer, if you have arrived at it entirely independently. Acknowledge it if you have derived it from a source outside your own thinking on the subject.

In short, use of acknowledgements and, when necessary, quotation marks is necessary to distinguish clearly between what is yours and what is not. Since the rules have been explained to you, if you fail to make this distinction your instructor very likely will do so for you, and they will be forced to regard your omission as intentional literary theft. Plagiarism is a serious offence which may result in a student's receiving an 'F' in a course or, in extreme cases in their suspension from the University.

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Adopted by the council of the Faculty of Social Science, October, 1970; approved by the Dept. of History
August 13, 1991*
Accessibility at Western: Please contact poliscie@uwo.ca if you require any information in plain text format, or if any other accommodation can make the course material and/or physical space accessible to you.

SUPPORT SERVICES
The Registrar’s office can be accessed for Student Support Services at http://www.registrar.uwo.ca

Student Support Services (including the services provided by the USC listed here) can be reached at: http://westernusc.ca/services/

Student Development Services can be reached at: http://www.sdc.uwo.ca/

Students who are in emotional/mental distress should refer to Mental Health@Western http://www.uwo.ca/uwocom/mentalhealth/ for a complete list of options about how to obtain help.