

Fall 2023
Social Diversity, Gender and the Law
The University of Western Ontario
POL4203F/9734A

Professor: Caroline Dick

Email: cdick4@uwo.ca

Prerequisite(s): POL2230E or POL2530F/G.

Antirequisite(s): None

IMPORTANT NOTICE RE PREREQUISITES/ANTIREQUISITES

You are responsible for ensuring that you have successfully completed all course prerequisites, and that you have **not** taken an antirequisite course. Lack of prerequisites may not be used as a basis for appeal. If you are found to be **ineligible** for a course, you may be removed from it at any time and you will receive no adjustment to your fees. **This decision cannot be appealed.** If you find that you do not have the course requisites, it is in your best interest to drop the course well before the end of the add/drop period. Your prompt attention to this matter will not only help protect your academic record, but will ensure that spaces become available for students who require the course in question for graduation.

COURSE DESCRIPTION:

From religious minorities and Indigenous 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 various 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 are marked with a *; these readings are available in the resources section of OWL. All legal cases are either posted in the resources section or can be accessed using web links found on this course outline.

Technical requirements

Optimally, students will have reliable, high-speed internet and a computer with a microphone and/or webcam (or a smart device with these features) so that they can attend office hours via Zoom.

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 will be posted on the web site as will class announcements. Accordingly, students should check the web site regularly.

Academic Accommodation (undergraduate students)

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.

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 or as soon as you become aware that you will not be completing a course component on time. **Academic accommodation will ONLY be provided where the instructor 1) receives a recommendation from Academic Counselling or Accessible Education and 2) where accommodation is sought in a timely fashion (as soon as you realize you will not be completing a course component on time).** Students may **not** approach the instructor directly for accommodation.

Support Services

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.

Western is committed to reducing incidents of gender-based and sexual violence and providing

compassionate support to anyone who has gone through these traumatic events. If you have experienced sexual or gender-based violence (either recently or in the past), you will find information about support services for survivors, including emergency contacts at:

https://www.uwo.ca/health/student_support/survivor_support/get-help.html.

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 the start of the seminar.

AI Use Prohibited

The use of generative AI tools (such as ChatGPT, DALL-E, etc.) are not permitted in this class; therefore, any use of AI tools for work in this class may be considered a violation of the University of Western Ontario’s [Academic Misconduct](#) which may constitute a [Scholastic Offence](#). The use of unauthorized AI tools will result in: a failure to receive full grades, the need to resubmit the assignment, need to orally present the assignment in office hours, or a failure to complete the requirements of the course.

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:

https://www.uwo.ca/univsec/pdf/academic_policies/appeals/scholastic_discipline_grad.pdf

Requests for Grade Changes, Grade Bumps and Make-Up Work

Many upper-year students are in the position of having applied for graduate school, law school, scholarships or other programs. Attaining certain grade thresholds becomes a matter of some urgency for those students hoping to gain entry to these programs. As a former student who also sought entry to these programs, I do understand the desire to perform well and meet entry requirements. However, I do not entertain requests for changing grades, bumping grades or make-up work. In my view, these requests are not fair to the students who accept their grades respectfully and are competing for spots in the same programs. All students will receive the grade that they earned once assignment marks are totalled.

Evaluation

1. Critical Literature Review (CLR) 20% (*Sign up for a specific week*)
2. Critical Questions 15% (*Any week*)
3. Research Assignment 20% (*Any week other than your CLR or News Story Assignment weeks*)
4. News Story Assignment 15% (*Sign up for a specific week*)
5. Participation 30% (*Graded weekly*)

****Links to sign-up sheets for the CLR and the New Story assignments can be found in the Resources section of OWL**

1. Critical Literature Review (CLR)

Each student will sign-up for a specific seminar in which to complete a Critical Literature Review or “CLR.” Prior to writing the CLR, students will send the instructor the guiding question that will structure their CLR. **Guiding questions for the CLR must be emailed to the professor no later than 1:00 pm on the Thursday preceding the seminar. Students should also specify which authors they intend to canvas in their CLRs.** Students may not submit a CLR without sending the guiding question to the professor first; those CLRs will not be graded.

The instructor is happy to help students craft strong guiding questions and choose sound author pairings. Do not hesitate to come to office hours or send an email to discuss your CLR plan. You may also choose to provide some additional notes when you send me your CLR guiding question so that I can provide feedback.

The CLR is due *before* the class in which the readings in question are to be discussed. Critical literature reviews must include endnotes, or parenthetical (in-text) citations and a bibliography organized according to the Chicago style. All citations must include pinpoints (page/paragraph numbers). Assignments must be submitted to **Turnitin.com**. Note that late penalties do not apply to critical literature reviews because they must be submitted before the class discussion occurs.

Critical literature reviews 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 or change font size/margins to do so (double-spaced, using standard margins and 12 point font).** Staying within the page limit is a part of the assignment. **Overlength assignments will receive a substantial deduction.** Endnotes and bibliographies are omitted from the page count.

Papers must include a bibliography. Footnotes, endnotes or in-text citations are acceptable, though they must be in Chicago style format. As per the Chicago style, **cites must include pinpoints** where page numbers are available in the source being used. **Failing to format assignments in correct Chicago format will lead to deductions. Failing to provide pinpoints will result in a significant deduction.**

Content

The CLR is a challenging assignment, which most students have never encountered before. There is a sample CLR posted in the Resources section of OWL, and students are encouraged to consult that sample CLR.

The first step in completing a CLR is to identify **one** ‘guiding’ question. A guiding question is a **common question** that the authors under discussion address in their works. Guiding questions must also be questions that point to a **difference of opinion or difference in approach** between authors. It is imperative to find a guiding question that points to a difference of opinion or a debate so that students can critically assess (compare/contrast) the differences between authors.

Note that guiding questions should always be posed in question form (What is?; How are? etc.). Most of the time, CLR's will canvas the works of 2 authors. Students need not address all authors assigned for the week. However, students should not assume that a strong CLR can be written by combining any two authors. Not all author pairings will work well for the purposes of a CLR.

It is important to keep in mind that students are completing a critical literature review and not an argumentative essay. This means that you are not advancing a thesis; nor are you attempting to answer the guiding question yourself. You are offering a critical assessment of how the authors answer the guiding question.

To this end, students should focus on the *relationship* between the readings by comparing and contrasting how the authors study, approach, and answer *a common question*. The critique that students provide should be *comparative*. It is the *interplay between the readings* and how they stand *in relation to each other* that is the focus of the assignment. 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? These are the kinds of questions that students should be thinking about when fashioning their critiques. The idea is to generate critiques from inside the readings by bringing the thoughts of one author to bear on another.

CLR Structure

- i) Identify one question (**posed in question form**) to be discussed in the CLR. as well as the authors/works you will be addressing;
- ii) Set out the principal arguments (and/or approaches) of the **authors in relation to the guiding question identified**. Address each author separately. Do not offer a general summary of the readings. **Do not include any information that does not relate directly to the guiding question**. Make sure that you raise all ideas that you wish to address in the analysis section in your initial discussion of the authors;
- iii) Offer a **comparative critical assessment** of the authors' answers to the guiding question that you set out above. You should not be raising any new ideas from the readings in the analysis section; you should be reflecting on what you've already written about the authors. Your critical analysis should focus on the **substance** of the authors' answers to the guiding question, rather than things like writing style, tone, evidence. Students should also refrain from offering "blueprint" critiques (the author did not tell us how to fix the problem). **Focus on what the authors do say rather than what they do not say.**

The analysis section is the most important part of the assignment (save the guiding question and author pairing). Students should try and devote 1.5-2 pages of the CLR to the analysis section.

2. Critical Questions

The purpose of this assignment is to allow students to showcase their comprehension of the readings and, more so, their critical skills. Students will prepare **3 critical questions** about a week's set of readings. The Critical Questions assignment must be handed in prior to the seminar in which the

readings are discussed.

Critical questions are **not** general discussion questions. Critical questions are **comparative, in-depth questions that reference 2 or more authors. The purpose of a critical question is to identify differences and debates between authors or point to weaknesses in an author's argument.**

Examples of critical questions are posted in the Resources section of OWL and students are advised to study these examples.

The Critical Question assignment can be done in any week. In fact, students may find it easier to complete their critical questions in the week in which they complete a CLR. However, if you choose to hand your critical questions in along with your CLR, be sure to include references to works not tackled in your CLR. This does not mean that students may not raise the works cited in their CLRs in their critical questions. It simply means that other readings should also be included in the critical questions.

3. 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, except the weeks in which they are completing their CLR and New Story assignments. The research assignment is due before the class in which the readings the student has chosen to write about will be discussed.

The task is, first, to identify a question that runs across at least two of the assigned readings for the week. It is important to identify a question or debate that the week's readings have in common first. Second, the student will find a book, book chapter or journal article that adds a new argument about or perspective on the theme or identified. The task is to find a reading that pushes us in a new direction or approaches the issue from a different stance.

Structure

- 1) Identify a question or debate that the authors you will discuss all explore;
- ii) Succinctly summarize what the authors of two of the week's assigned readings say about the question/debate;
- iii) Introduce the new source. Students must do two things here. First, they should explain what the new source says about the question/debate identified. Second, they should explain how the new source adds something new to the week's literature.

As the instructor is familiar with the assigned readings, more space should be devoted to the new source than the required readings.

Research Assignments may not exceed **4 pages (double-spaced, using standard margins and 12 point font)**, excluding the bibliography and title page. **Staying within the page limit is a part of the assignment.** Papers that are over length will receive a substantial deduction.

Papers must include a bibliography. Footnotes, endnotes or in-text citations are acceptable, though they must be in Chicago style format. As per the Chicago style, **cites must include pinpoint**s where page numbers are available in the source being used. **Failing to format assignments in correct Chicago format will lead to deductions. Failing to provide pinpoints will result in a significant deduction.**

4. News Story Assignment

Students will sign-up to complete the News Story Assignment for a designated seminar. Links to the sign-up sheet are posted on OWL. Students may choose any week in which to complete the assignment, with one caveat: the News Story Assignment cannot be completed in the same week in which a student submits their CLR or their Research Assignment.

There are **two components** to the News Story Assignment. First, students will find one news story that provides a practical example of a theme or debate that is discussed in the week's readings. The story must come from **2018 on**, and cannot be an example of a case or story already raised in the readings.

Second, students will craft a discussion question to pose to the class. The question posed should serve two purposes. First, and most importantly, it should require the class to draw connections between the news story and the required readings. Second, the question should be capable of generating an animated class discussion.

In some/most cases, more than one student will sign up to complete the News Story Assignment in the same week. These students will work as a team to choose **one news story and pose one discussion question**. Where students complete the assignment together, they will be graded together.

Students must email the professor a link to/copy of the article, along with their discussion question, no later than 1:00 pm on the Thursday preceding the relevant seminar so that the story can be posted for the class. Note that while many newspaper stories generated by a simple google search will have limitations on viewership, most newspapers sources are available electronically through the UWO library system.

5. Weekly Participation

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.

As a seminar class, it is expected and imperative that students attend class. *Accordingly, students who miss more than two seminars from week 2 on will not pass the course or receive a course credit*. Students who find participating in class discussions challenging are encouraged attend seminar with prepared discussion questions or comments to offer the class.

Missed Classes and Participation

When possible, please alert the Professor to the fact that you will not be attending class. Students are

entitled to complete make-up work for two missed seminars. Where there is a third absence, or more, make-up work will only be provided with a recommendation from academic counselling (undergraduate students) or where there is a compelling reason warranting make-up work (graduate students). Make-up work will consist of a three-page response to a discussion question posed by the instructor (not the news story question) double spaced with in-text citations. Students should apply the question to all of the week's readings where possible.

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 effectively to discussion of the main theme; often digresses in unhelpful ways; sporadic	Actual knowledge of material is outweighed by improvised comments and remarks
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: The Difference Dilemma

*Minow, Martha. *Making All the Difference: Inclusion, Exclusion, and American Law*. Ithaca: Cornell University Press, 1990. **(19-23 and 49-53 only)**.

Cooper, Davina. "Decertification: Researching a Prefigurative Law Reform Proposal." *Legalities* 2, no. 2 (2022): 133-149.

Available at: <https://www.eupublishing.com/doi/epub/10.3366/legal.2022.0036>

Wilkinson, Sophie. "A Word of Caution for Feminist-Decertifiers? The case of France's racial disestablishment." *Dearcadh: Graduate Journal of Gender, Globalisation and Rights* 3: 83-103.

Available at: <https://aran.library.nuigalway.ie/bitstream/handle/10379/17378/Wilkinson%20C%20Article%206.pdf?sequence=1&isAllowed=y>

Week 3. September 26

Anti-essentialism and Intersectionality

TW: Please note that the Razack reading discusses the sexual assault and murder of an Indigenous woman.

Please be mindful in class discussions that there may be students in the room who have suffered violence and abuse and who find these topics triggering. Members of the class are asked to avoid raising graphic details from the readings.

Grillo, Trina. "Anti-Essentialism and Intersectionality: Tools to Dismantle the Master's House." *Berkeley Women's Law Journal* 10 (1995): 16-30. **(16-22 only)**.

Crenshaw, Kimberlé. "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics." *The University of Chicago Legal Forum* (1989): 139-67. **(139-43 only)**.

Crisp, Catherine. "White and Lesbian: Intersections of Privilege and Oppression." *Journal of Lesbian Studies* 18 (2014): 106-117. **(106-110 only)**.

*Razack, Sherene H. "Gendered Racial Violence and Specialized Justice: The Murder of Pamela George." In *Race, Space, and the Law: Unmapping a White Settler Society*, ed. Sherene H. Razack, 121-156. Toronto: Between the Lines, 2002. **(123-8; 136-45; 150-56 only)**.

*Williams, Toni. "Intersectionality Analysis in the Sentencing of Aboriginal Women in Canada. What Difference Does it Make?" In *Intersectionality and Beyond: Law, Power and the Politics of Location*, ed. Emily Graham, Davina Cooper, Jane Krishnadas and Didi Herman, 79-104. New York: Routledge-Cavendish, 2009.

Week 4. October 3

Women in the Legal Realm: The Utility of Law

****TW: This week's readings include discussions of cases involving (sexual) violence against women and the treatment of women who are complainants in sexual assault cases.****

MacKinnon, Catharine A. "Feminism, Marxism, Method, and the State: Toward Feminist Jurisprudence." *Signs: Journal of Women in Culture and Society* 8, no. 4 (1983): 635-58.

Armstrong, Susan M. "Is Feminist Law Reform Flawed? Abstentionists and Sceptics." *Australian Feminist Law Journal* 20 (2004): 43-62.

Hurry, Aliosha. "Defamation as a Sword: The Weaponization of Civil Liability against Sexual Assault Survivors in the Post-# MeToo Era." *Canadian Journal of Women and the Law* 34, no. 1 (2022): 82-108.

Week 5. October 10

Women as Victims: Constructions of Victimhood and their Significance

hooks, bell. "Refusing to be a Victim." In *Killing Rage: Ending Racism*. New York: Henry Holt, 1995.
<https://blackcommunityhamburg.blackblogs.org/wpcontent/uploads/sites/920/2020/10/KillingRage.pdf>

Armstrong, Megan. "From Lynching to Central Park Karen: How White Women Weaponize White Womanhood." *Hastings Women's Law Journal* 32, no. 1 (2021): 27-50.

*Kaiser-Derrick. "Pathways Through Feminist Theories: Into the System." In *Implicating the System: Judicial Discourses in the Sentencing of Indigenous Women*. Winnipeg: University of Manitoba Press, 2019 **(40-53 only)**.

*Christie, Nils. "The Ideal Victim." In *Revisiting the Ideal Victim: Developments in Critical Victimology*, edited by Marian Duggan, 11-23. Bristol: Policy Press, 2018. **(11-15 only)**

Week 6. October 17

Indigeneity and Gender: Violence and Indigenous Women

Palmater, Pamela. "Shining Light on the Dark Places: Addressing Police Racism and Sexualized Violence against Indigenous Women and Girls in the National Inquiry." *Canadian Journal of Women and the Law* 28, no. 2 (2016): 253-84. **(253-62 and 268-84 only)**

Kuokkanen, Rauna. "Gendered Violence and Practices in Indigenous Communities: The Cases of Aboriginal People in Canada and the Sámi in Scandinavia." *International Feminist Journal of Politics* 17, no. 2 (2017): 271-88.

*Balfour, Gillian. "Sentencing Aboriginal Women to Prison." In *Within the Confines: Women and the Law in Canada*, ed. Jennifer M. Kilty, 95-116. Toronto: Women's Press, 2014.

Week 7. October 24

Religious Minorities: Polygamy

Bala, Nicholas. "Why Canada's Prohibition of Polygamy is Constitutionally Valid and Sound Social Policy." *Canadian Journal of Family Law* 25, no. 2 (2009): 165-222. **(165-199 and 215-21 only)**.

Lenon, Suzanne. "Intervening in the Context of White Settler Colonialism: West Coast LEAF, Gender Equality and the Polygamy Reference." *Oñati Socio-Legal Series* 6, no. 6 (2016): 1324-1347.

Park, Shelley. "Polyamory is to Polygamy as Queer is to Barbaric." *Radical Philosophy Review* 20, no. 2 (2017): 297-328.

Week 8. October 31

Reading Week

Week 9. November 7

Deploying Identity in the Legal Realm: Assignment, Cooptation and Denial

* Leroux, Darryl. *Distorted Descent: White Claims to Indigenous Identity*. Winnipeg: University of Manitoba Press, 2019. **(21-22 and 135-176 only)**.

Rehaag, Sean. "Patrolling the Borders: of Sexual Orientation: Bisexual Refugee Claims in Canada." *McGill Law Journal* 53 (2008): 59-102. **(61-79 only)**

Available at: https://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=3225&context=scholarly_works

R. v Kehoe, 2021 BCSC 2474.

Available at: <https://www.canlii.org/en/bc/bcsc/doc/2021/2021bcsc2474/2021bcsc2474.html?searchUrlHash=AAAAAQAFa2Vob2UAAAAAAAAQ&resultIndex=1>

R. v. Humaid, 2006 ON CA 12287

Available at: <https://www.canlii.org/en/on/onca/doc/2006/2006canlii12287/2006canlii12287.html>

If you're running out of time, read the case headnote (abstract).

Week 10. November 14
Sex Wars

Simpson, Jessica and Sarah Smith. "I'm Not a Bloody Slave, I Get Paid and if I Don't Get Paid Then Nothing Happens': Sarah's Experience of Being a Student Sex Worker." *Work, Employment and Society* 33, no. 4 (2019) 709–18.

Sweet, Victoria. "Rising Waters, Rising Threats: The Human Trafficking of Indigenous Women in the Circumpolar Region of the United States and Canada." *The Yearbook of Polar Law Online* (2015): 162-88.

Mitchell, Gregory. "Evangelical Ecstasy Meets Feminist Fury: Sex Trafficking, Moral Panics, and Homonationalism during Global Sporting Events." *GLQ: A Journal of Lesbian and Gay Studies* 22. No. 3 (2016): 325-57.

Week 11. November 21
(Trans)Women in Sport

Burke, Michael. "Trans women participation in sport: a commentary on the conservatism of gender critical feminism." *International Journal of Sport Policy and Politics* 14, no. 4 (2022): 689-696.

McClearn, Jennifer. "'If you let me play': girl's empowerment and transgender exclusion in sports." *Feminist Media Studies* 23, no. 4 (2023): 1361-1375.

For those who interested, here is Nike's 'Dream Further': <https://www.youtube.com/watch?v=XJbCaaujr8A>

Knox, Taryn, Lynley C. Anderson, and Alison Heather. "Transwomen in elite sport: scientific and ethical considerations." *Journal of Medical Ethics* 45, no. 6 (2019): 395-403.

Travers, Ann and Jillian Deri. "Transgender inclusion and the changing face of lesbian softball leagues." *International Review for the Sociology of Sport* 46, no. 4 (2011): 488-507.

Week 12. November 28
Ethnoracialized Groups: Culture in the Courtroom

****TW: Please note that this week's readings include discussions of cases involving (sexual) violence against women and girls as well as homicide****

The first reading will be either Rudrappa OR Parekh. I have asked the library to procure a copy of the Parekh reading and will announce which reading we will proceed with during the term.

*Rudrappa, Sharmila. "Law's Culture and Cultural Difference." In *Body Evidence: Intimate Violence against South Asian Women in America*, edited by Shamita Das Dasgupta, 181-194. New Jersey:

Rutgers University Press, 2007.

OR

*Parekh, Bhikhu “Cultural Defence and the Criminal Law.” In *Criminal Law and Cultural Diversity*, ed. Will Kymlicka, Claes Lernestedt and Matt Matravers, 104-118. London: Oxford University Press.

*Okin, Susan Moller. “Is Multiculturalism Bad for Women?” In *Is Multiculturalism Bad for Women?* ed. Joshua Cohen, Matthew Howard and Martha C. Nussbaum, 9-24. New Jersey: Princeton University Press, 1999.

Lawrence, Sonia N. “Cultural (in)Sensitivity: The Dangers of a Simplistic Approach to Culture in the Courtroom.” *Canadian Women of Journal and the Law* 13, no. 1 (2001): 107-36.

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

Available at: https://supremecourt.nt.gov.au/_data/assets/pdf_file/0005/769667/2005NTCCA20-R-v-GJ-22-Dec-2005.pdf (Australian case).

Week 13. December 5
Catch-Up (if needed)

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/handbook/appeals/scholoff.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.

Note: Information excerpted and quoted above are Senate regulations from the Handbook of Scholarship and Academic Policy. <http://www.uwo.ca/univsec/handbook/>

Students registered in Social Science should refer to <http://counselling.ssc.uwo.ca/> <http://counselling.ssc.uwo.ca/procedures/havingproblems.asp> 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.

Plagiarism

"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/handbook/>

PLAGIARISM*

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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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.