Fall 2013
Social Diversity, Gender and the Law
The University of Western Ontario
POL4203/9758

Professor: Caroline Dick
Office: SSC 4088
Time: Tuesday 11:30-1:20 p.m.
Email: cdick4@uwo.ca
Classroom: SSC 4103
Office Hours: Monday 12:20-1:20 p.m.
Tuesday 1:30-2:30 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

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.

Prerequisite(s): POL2230E
Antirequisite(s): None

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Antirequisite(s): None
the course web site.

The text of the *Canadian Charter of Rights and Freedoms* can be found at:  

Legal decisions of the Supreme Court of Canada are available electronically at:  

Lower court decisions are available electronically through the Canadian Legal Information Institute at:  

**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 [http://webct.uwo.ca](http://webct.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.

**Evaluation**  
Participation 20%  
Critical Analyses 30%  
Seminar Assignment 20%  
Essay Proposal 5% (Due November 12)  
Research Essay 25% (Due December 3)

**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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</thead>
<tbody>
<tr>
<td>85-100</td>
<td>Always</td>
<td>Excellent: leads debate; offers analysis and comments; always has ideas on theme of reading; takes care not to dominate; asks questions</td>
</tr>
<tr>
<td></td>
<td></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>Very Good: thoughtful comments and questions for the most part; willing, able and frequent contributor</td>
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<tr>
<td></td>
<td></td>
<td>Has done most readings; provides competent analysis of reading when prompted by others</td>
</tr>
<tr>
<td>65-74</td>
<td>Frequent</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>
</tr>
<tr>
<td></td>
<td></td>
<td>Displays familiarity with most readings, but tends not to analyze them or to relate them to the course material</td>
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<tr>
<td>50-64</td>
<td>Occasional</td>
<td>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</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Actual knowledge of material is outweighed by improvised comments and remarks</td>
</tr>
<tr>
<td>0-49</td>
<td>Rare</td>
<td>Poor: rarely speaks; parrots text or comments of others</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Little or no apparent familiarity with assigned material</td>
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Critical Analyses
Undergraduate students will write either 2 or 3 critical analyses of the weekly readings at two (or three) different seminars. Where an undergraduate student chooses to submit 3 critical analyses, only the two highest marks received will count towards his or her grade. Graduate Students will write 3 critical analyses of the weekly readings at three different seminars.

Students may choose the seminars in which to submit their critical analyses, subject to two conditions. First, students must hand in at least one critical analysis during weeks 2 through 6 of the course. Second, students must submit a critical analysis for the week in which they are scheduled to lead the seminar.

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.

Critical analyses must be handed in before the class in which the readings in question are to be discussed. Critical analyses must include footnotes, endnotes or parenthetical citation and a bibliography organized according to the Chicago style. Analyses 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 analysis is for students to identify one central question, issue, theme or debate that animates the literature and to reflect critically on this aspect of the literature. To this end, only a very small portion of an analysis should be devoted to summarizing the readings or outlining the authors’ arguments. 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 readings around the question identified, setting out the student’s own observations, opinions, critiques, and questions about the way in which the authors answer 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.

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.

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.

Research Essay and Proposal
Undergraduate students will write a 3000 word research paper to be submitted at the beginning of the last seminar of the term. Graduate students will write a 4000 word paper with the same due date. Students are free to formulate any topic that they see as relevant to the course in consultation with the Professor.

Students must seek approval of their research paper topic in week 11 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. Of course, students are welcome to discuss their essay topics with the instructor in advance of submitting the written proposal.
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, undergraduate papers should include a bibliography with no fewer than 8 academic sources. Graduate students’ papers should include a bibliography with no fewer than 10 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.

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.

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

Seminar Schedule

Week 1. September 10
Introduction to the Course

Week 2. September 17
Social Group Differences: Assimilation or Accommodation and the Difference Dilemma


Week 3. September 24
Anti-essentialism and Intersectionality


**Week 4. October 1**

**Women: The Utility of Rights**


**Week 5. October 8**

**Socioeconomic Class**


**abbreviated version available in course web site.**

**Week 6. October 15  (**LAST CHANCE TO HAND IN CA1**)  
Gays and Lesbians: Rights Claiming**


**Week 7. October 22  
Transgendered and Transsexual Individuals**


*link available in course web site.
Week 8. October 29
Racialized Minority Groups: Attending to Race in the Courtroom


*link available in course web site.

Week 9. November 5
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 cite (Australian case).

Week 10. November 12 (**ESSAY PROPOSAL DUE**)
Cultural Defences at Law


*link available in course web site.

*link available in course web site.

\textbf{Week 11. November 19
Indigenous Peoples and Gender}


*link available in course web site.


\textbf{Week 12. November 26
Religious Minorities: Faith-Based Personal Law}


\textbf{Week 13. December 3 (**RESEARCH ESSAY DUE**)
Course Wrap Up}
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.

*Reprinted by permission of the Department of History
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
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.