**POL 9507A: Controversies in Canadian Legal Justice**

**Professor:** Dr. Caroline Dick

**Email:** cdick4@uwo.ca

**Seminar:** Wednesday 9:00 am-12:00 pm, Room TBA

**Zoom Office Hours:** TBA

**Course Description**

The legal and political systems are intricately connected. While courts interpret legislation crafted by elected officials, the latter are often required to respond to legal decisions nullifying legislation, creating a push and pull between the different branches of government in relation to difficult policy questions and issues of social justice. This course examines contemporary controversies in Canadian legal justice, including the treatment of Indigenous Peoples in the legal realm, judicial (mis)behaviour and its (lack of) regulation, and the legal system’s response to issues of diversity.

**Important Policies and Information**

**Scholastic 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 website: <https://www.uwo.ca/univsec/pdf/academic_policies/appeals/scholastic_offences.pdf>

**Plagiarism Detection**

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 Western University and Turnitin.com (<http://www.turnitin.com)>.

**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](http://www.uwo.ca/univsec/pdf/academic_policies/appeals/scholastic_discipline_undergrad.pdf) which may constitute a [Scholastic Offence](http://www.uwo.ca/univsec/pdf/academic_policies/appeals/scholastic_discipline_undergrad.pdf).

**Statement on Gender-Based and Sexual Violence**

Western is committed to reducing incidents of gender-based and sexual violence (GBSV) and providing compassionate support to anyone who is going through or has gone through these traumatic events. If you are experiencing or have experienced GBSV (either recently or in the past), you will find information about support services for survivors, including emergency contacts at the following website: <https://www.uwo.ca/health/student_support/survivor_support/get-help.html>

To connect with a case manager or set up an appointment, please contact [support@uwo.ca](mailto:support@uwo.ca).

**Readings**

Weekly readings are set out on the course outline and can be accessed either via the url on the syllabus or in OWL. Students are expected to come to class prepared to discuss the readings each week.

**Late Penalties**

Submissions that are received after the stated deadline will be subject to a 5% penalty per day, including weekends. No late penalty is available for the case commentary, as explained below.

**Evaluation:**

Participation 30% (Graded weekly)

Case commentary 25% (Due before the class in which the case you select will be discussed – ie. Week 4, 11 or 13)

Legislation Mapping Assignment 25% (Due Friday, October 17 at 10:00 am)

Position Paper 20% (Due Friday, November 14 at 10:00 am)

**Assignments**

**Participation 30%**

Participation grades will be assigned based on each student’s knowledge and understanding of the assigned readings, which is what student commentary should be focused on. Students will receive a weekly grade for participation on OWL as per the grading guide below.

The instructor understands that in some weeks students will have considerable work to complete for other courses. In recognition of this fact, each student’s two lowest participation grades will be dropped from the calculation, with one caveat. Zeros that were assigned for missed classes will not be dropped from the participation grade calculation. Students who attend class but do not participate will be a assigned an “N/C” (no comment) and assigned a grade of zero. These zeros may be dropped from the participation grade calculation**. In order to receive the course credit, students may not miss more than 2 seminars between week 2 and the end of the course.**

*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 |

**Legislation Mapping Assignment (25%)**

Mandatory education for newly appointed federal judges is a controversial public policy issue with a specific legislative history, starting with Rona Ambrose’s Bill C-337 in 2017.

The legislating mapping assignment has **three components**.

First, students must address the purpose of the legislative proposal. What issues was the Bill trying to address? What did the sponsor(s) of the Bill contend?

Second, students must trace the path of the Bill through the House and Senate, from the introduction of Bill C-337 in the House to royal assent.

* Tracing should cover the Bill’s path through both chambers of Parliament as well as the parliamentary committees that studied the Bill.
* This tracing exercise should include relevant dates.
* If substantive changes were made to the legislative proposal as it moved through the parliamentary process, these changes to the Bill should be noted.

Third, students must explain why certain interests either supported or opposed the amendment.

* Which interests offered submissions on the Bill and what positions did they take? Be sure to address both proponents and opponents of the proposal in this section.
* To be clear, there is no expectation that students will identify all groups that offered submissions to Parliament. The idea is to discuss a representative sample of submissions to get a sense of the competing arguments that were made in relation to the legislative proposal and the kinds of interests that advanced those arguments.

This is a **research-intensive assignment**. **Extensive citation is required in all parts of the assignment.**

To help you get started, I offer two pieces of information. First, students can start their tracing with Rona Ambrose and Bill C-337, but there is considerable tracing to do from there.

Second, there were a host of submissions offered to Parliament concerning the Bill(s), which are readily available online and discussed in various parliamentary proceedings. The Hansard will also have references to some of this information, though you will find more references to the position of the government and opposition there.

This is not a conventional assignment where scholarly literature offers the answers you need. This is a research-intensive assignment. Be prepared to search the Hansard (record of the Debates of Parliament), to examine the records of relevant House (Justice and Human Rights) and Senate (Legal and Constitutional Affairs) committee meetings, and to find submissions made by organizations respecting the Bill.

**Where should you start?** See LEGIS*info* (<https://www.parl.ca/legisinfo/>)and openparliament (<https://openparliament.ca/>).

Students have **1500 words** **(double-spaced, using standard margins and 12 point font), excluding notes, bibliography and title page** in which to complete the assignment. Students **may not exceed** the 1500 word limit. Papers that are over-length will receive a **substantial deduction**. Please **provide a word count** on your title page that excludes your notes, bibliography and title page.

As mentioned above, **students must cite extensively to complete the assignment.** Students must use footnotes, endnotes or in-text citations, formatted in the Chicago style. **Where using notes, your first citation for each source must be a full citation with all publication information**, with subsequent citations using a shortened form. **Cites must include pinpoints** where page numbers or other signifiers, such as numbers in brackets, 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 failing grade.

**If you are citing the Hansard**, there are two options for pinpoints. Students may use the online version of the Hansard and provide pinpoints using the numbers found in round brackets. Alternatively, students may use the PDF version of the Hansard and cite using page numbers. **All citations must include these pinpoints**.

**If you are citing the record of a House or Senate Standing Committee**, the same rules above apply (either use numbers in round brackets or page numbers using the pdf version to provide pinpoints).

**If you are citing the ideas of witnesses who offered written submission** either to Parliament or a standing committee, you should use the page numbers from the submitted document to cite. If, on the other hand, you are gleaning information about what different interests argued from the Hansard or from the record committee proceedings, the Hansard rule noted above applies (either use numbers in round brackets or page numbers using the pdf version to provide pinpoints).

Help with citing government documents in Chicago can be found here:

<https://www.lib.sfu.ca/help/cite-write/citation-style-guides/gov-docs-chicago>

<https://guides.library.queensu.ca/gov/thematic-guides/citation#committees>

**Case Commentary 25%**

Students will complete a case commentary for the case or cases assigned in **one** of the following weeks: 4, 11 or 13. This assignment must be completed before the class in which the case and readings are discussed.Accordingly, **no extensions are available for this assignment.**

Weeks 4, 11 and 13 include a case (or two cases in week 4) that speak to the required readings for the week. This is an open-ended assignment in which students will share their thoughts, ideas, critical insights, questions and reflections about the case(s), the legal outcome(s) generated in the case(s) and the connection between the case(s) and the required readings. What do you think about the case you’ve chosen to read and the supplementary literature for the week?

Students have no more than 2000 words (double-spaced, using standard margins and 12 point font), excluding notes, bibliography and title page in which to complete the assignment. Students may not exceed the word limit. Papers that are over-length will receive a substantial deduction. Please provide a word count on your title page that excludes your notes, bibliography and title page.

Students must use footnotes, endnotes or in-text citations, formatted in the Chicago style and cite extensively. Where using notes, your first citation for each source must be a full citation with all publication information, with subsequent citations using a shortened form. Cites must include pinpoints where page numbers or other signifiers, such as numbers in brackets, 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 failing grade.

Note that standard practice is to cite legal cases using paragraph numbers (ie. *R.* v. *Kehoe*, 2021 BCSC 2472 at para. X).

**Position Paper 20%**

Students will complete a position paper based on the literature in week 8. Position papers must be written using course readings. **External sources may not be incorporated into position papers**, though students are free to incorporate course readings from other weeks into their assignments.

Position papers are an opportunity for students to do a deep dive into a debate that was introduced in the lecture. Accordingly, position papers **must include information and details not taken up in class**. **Students must also cite extensively, using pinpoints.** Students are expected to examine both sides of the debate and, ultimately, to position themselves in that debate with a clear thesis statement and argumentation. There is no right answer to the question posed; this is a contentious debate with compelling arguments on each side.

* This is not an argumentative essay in which students advance an argument from start to finish. While there **should be a thesis statement in the introduction**, students should **lead with the authors**, identifying the debate going on in the literature by discussing the specific perspectives of at least 2 opposing authors.
* **This is not an op ed or stream of consciousness assignment.** Your paper and position must be grounded in the academic literature and supported with citations to that literature.
* Given the limited space and the need to explain all ideas that are raised in detail, students will need to limit the arguments and counter arguments raised.
* From a space perspective, you may find it helpful to begin with the side you intend to disagree with. Following that, you can unpack the position you do agree with so you can start to build your case.
* While we are interested in finding and discussing the major debate going on between the authors, ultimately, students must position themselves in the debate.

**Students may not cite the lecture.** **Students who type up their lecture notes and add some citations should expect to fail the assignment.** **All citations must include pinpoints.**

Students have no more than 1250 words excluding notes, bibliography and title page (12 font; standard margins, double-spacing) to complete the assignment and may not exceed the word limit. Papers that are over-length will receive a substantial deduction. Please provide a word count on your title page that excludes your notes, bibliography and title page.

Papers must include a bibliography. Footnotes, endnotes or in-text citations are acceptable, though they must be in Chicago style format. Where using notes, your first citation for each source must be a full citation with all publication information, with subsequent citations using a shortened form. 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.

**The Question: Legal Ethics and Guilty Client (Week 8)**

Abbe Smith argues that the principles of zealous advocacy support the introduction of sexist stereotypes in sexual assault cases if it is advantageous to the defendant to do so. This is especially true when defending racialized minority defendants who face stereotyping in the legal realm and disproportionately high rates of incarceration. David Tanovich opposes Smith’s brand of zealous advocacy in large part because sexual assault crimes are plagued by low reporting, low conviction rates and judicial failures to uphold rules meant to protect the complainant and the justice system.

*Do you agree with Smith’s ‘unmitigated zeal’ position when it comes to defending* ***racialized minority clients in sexual assault trials****? Does your answer change where counsel knows their client is guilty?*

**Seminar Schedule**

**Week 1. September 10**

**Introduction**

**Part I: Indigenous Peoples and the Legal System**

**Week 2. September 17**

**The Constitutional Rights of Indigenous Peoples and Indigenous Resurgence**

Dick, Caroline. “Culture, Identity and the Constitutional Rights of Aboriginal Peoples.” In *The Perils of Identity: Group Rights and the Politics of Intragroup Difference*. Vancouver: UBC Press, 2011.

Borrows, John. “Challenging Historical Frameworks: Aboriginal Rights, the Trickster and Originalism.” *Canadian Historical Review* 98, no 1 (2017): 114-35.

Alfred, Taiaiake. *Peace, Power, Righteousness: An Indigenous Manifesto*. Toronto: Oxford University Press, 1999. **(55-60 only)**

Corntassel, Jeff. “Re-envisioning Resurgence: Indigenous Pathways to Decolonization and Sustainable Self-determination.” *Decolonization: Indigeneity, Education and Society* 1, no. 1 (2012): 86-101.

**Week 3. September 24**

**The Disproportionate Incarceration of Indigenous People**

Roberts, Julian V., and Andrew A Reid. “Aboriginal Incarceration in Canada since 1978: Every Picture Tells the Same Story.” *Canadian Journal of Criminology and Criminal Justice* 59, no. 3 (2017): 313-345. (**313-326 only**)

Canada. Office of the Correctional Investigator. “Indigenous People in Federal Custody Surpasses 30%: Correctional Investigator Issues Statement and Challenge.” Press Release. January 21, 2020. <https://www.canada.ca/en/public-safety-canada/news/2020/01/indigenous-people-in-federal-custody-surpasses-30-correctional-investigator-issues-statement-and-challenge.html>

Gorman, Wayne K. “The Sentencing of Indigenous Offenders in Canada.” *Court Review* 54, no. 2 (2018): 52-59.

Kaiser-Derrick, Elspeth. “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)**

Gorman, Wayne K. “The Impact of Anti-Black Racism on the Sentencing of ‘Black Offenders’ in Canada: What Is the Correct Approach?” *Court Review* 58, no. 1 (2022): 42-47.

*R*. v. *Sharma*, 2022 SCC 39. (Skim)

<https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/19540/index.do>

**Week 4. October 1**

**Pretendians and the Legal System**

\*\*TW: This week’s readings include discussions of cases that graphically describe (sexual) misconduct perpetrated against girls\*\*

Leroux, Darryl. *Distorted Descent: White Claims to Indigenous Identity*. Winnipeg: University of Manitoba Press, 2019. (**21-22 *Powley* test and 135-213**)

Warik, Jason. “Indigenous scholar says he was rejected by University of Sask. over lack of documentation.” *CBC News*. June 9, 2022.

<https://www.cbc.ca/news/canada/saskatoon/real-carriere-rejected-university-saskatchewan-documentation-1.6482089>

*R.* v. *Kehoe,* 2021 BCSC 2474. <https://www.canlii.org/en/bc/bcsc/doc/2021/2021bcsc2474/2021bcsc2474.html?resultId=176dd900aea942aeb6d7ac0e3dd73d0b&searchId=2025-07-18T14:17:46:907/0e31f6259f684536936f04d32979bf39>

*R*. v. *Legault*, 2024 BCPC 29. <https://www.canlii.org/en/bc/bcpc/doc/2024/2024bcpc29/2024bcpc29.html?resultId=3e83f14eec9c4104a857c9da9c749369&searchId=2025-07-18T14:16:12:504/9b512ec51f884b00aed604c712dcdc47>

**Week 5. October 8**

**Jury Selection and Jury Bias: The Colton Boushie Controversy**

Roach, Kent. *Canadian Justice, Indigenous Injustice: The Gerald Stanley and Colten Boushie Case*. Montreal and Kingston: McGill-Queen’s University Press, 2019. (**pages** **3-5 and Chapters 5 and 7 only**)

Hogg, Keith. “Seeing Justice Done: Increasing Indigenous Representation on Canadian Juries.” *Appeal: Review of Current Law and Law Reform*. 26 (2021): 51-70.

Davison, Charles B. “The Quest for Representative Juries in the Northwest Territories.” *Northern Review* 50 (2020): 195-206. (**201-204 only**) <https://thenorthernreview.ca/index.php/nr/issue/view/53>

Maeder, Evelyn and Susan Yamamoto. “Social Identity in the Canadian Courtroom: Effects of Juror and Defendant Race.” *Canadian Journal of Criminology and Criminal Justice* 61, no. 4 (2019): 22-44. (**Skim**)

Ewanation, Logan and Evelyn Maeder. “Let’s (not) talk about race: Comparing mock jurors’ verdicts and deliberation content in a case of lethal police use of force with a white or Indigenous victim.” *Psychology, Crime and Law* (2023): 1-31. (**Skim**)

**Part II: Judges and Defence Counsel**

**Week 6. October 15**

**Judicial Misconduct and its Regulation**

\*\*TW: This week’s readings include discussions of cases that graphically describe (sexual) violence against women and the treatment of female complainants in sexual assault cases\*\*

Morton, F.L. and Dave Snow eds. “Judicial Independence, Ethics and Discipline.” In *Law, Politics and the Judicial Process in Canada*, 4th ed. Calgary: University of Calgary Press, 2018. **(199-228 only)**

Dick, Caroline. “Sex, Sexism and Judicial Misconduct: How the Canadian Judicial Council Perpetuates Sexism in the Legal Realm.” *Feminist Legal Studies* 28, no. 2 (2020): 133-53**.**

Dick, Caroline. “The Ascent of the Canadian Judicial Council: Bill C-9 and the Move Towards Judicialized Governance.” *Canadian Journal of Political Science* 57, no. 1 (2024): 195-214.

O’Brien, Abby. “Top Ontario court officials faced discipline behind closed doors over ‘racist’, ‘bereft’ comments.” *CTV News*. September 2, 2023. <https://www.ctvnews.ca/toronto/article/top-ontario-court-officials-faced-discipline-behind-closed-doors-over-racist-bereft-comments/#:~:text=Two%20top%20Ontario%20court%20officials,and%20an%20accused%20Indigenous%20person>.

**Week 7. October 22**

**Judicial Education: Mandatory Education or Ideological Indoctrination?**

\*\*TW: This week’s readings include discussions of cases that graphically describe (sexual) violence against women and the treatment of female complainants in sexual assault cases\*\*

*R.* v *Rhodes*, Corrected Reasons for Judgment, October 12, 2010, MBQB, Transcript of Conviction, 1, <https://feministlegalforum.files.wordpress.com/2011/11/rhodes-transcript-conviction.pdf>.

Cairns-Way, Rosemary and Donna Martinson. “Judging Sexual Assault: The Shifting Landscape of Judicial Education in Canada.” *The Canadian Bar Review* 97 (2019): 367-402**.**

Savard, Megan, and Annamaria Enenajor. Submission on Behalf of the Criminal Lawyers’ Association of Ontario to the Standing Senate Committee on Legal and Constitutional Affairs Studying Bill C-3. Criminal Lawyers’ Association (Ontario). Accessed December 30, 2022. (**1-8, covering II-IV only**)

<https://sencanada.ca/content/sen/committee/432/LCJC/Briefs/CriminalLawyersAssociation_e.pdf>

Cairns-Way, Rosemary and Donna Martinson. “Including Public Stakeholders in Judicial Education: The Politics of Judicial Accountability.” *Canadian Bar Review* 103, no. 1 (2025): 267-297.

**Week 8. October 29**

**Legal Ethics: Defence Counsel in Sexual Assault Trials**

\*\*TW: This week’s readings include discussions of cases that graphically describe (sexual) violence against women and the treatment of female complainants in sexual assault cases\*\*

Smith, Abbe. “Defending Defending: The Case for Unmitigated Zeal on Behalf of People Who Do Terrible Things.” *Hofstra Law Review* 28, no. 4 (2000): 925-62. **(925-934 and 948-961 only)**

Smith, Abbe. “Representing Rapists: The Cruelty of Cross Examination and Other Challenges for a Feminist Criminal Defense Lawyer.” *American Criminal Law Review* 53, no. 2 (2016): 255-310. **(283-292 only)**

Craig, Elaine. “The Ethical Obligations of Defence Counsel in Sexual Assault Cases.” *Osgoode Hall Law Journal* 51, no. 2 (2014): 427-467.

Tanovich, David M. "Whack No More: Infusing Equality into the Ethics of Defence Lawyering in Sexual Assault Cases," *Ottawa Law Review* 45, no. 3 (2013-2014): 495-526. (**498 to note 60 on 508; 511-517 and 524-525 only)**

Video: Georgetown Law Professor Abbe Smith on why she represents guilty people: <https://www.youtube.com/watch?v=lq2kDeO0naw&t=330s>

**Week 9. November 5**

**No Class**

**Week 10. November 12**

**Legal Ethics: The Guilty Client (The Bernardo/Homolka murders)**

\*\*TW: This week’s readings include discussions of cases that graphically describe (sexual) violence against women\*\*

Hutchinson, Allan C. “Putting Up a Defence: Sex, Murder and Videotapes.” In *In Search of the Ethical Lawyer: Stories from the Canadian Legal Profession*, ed., Adam Dodek and Alice Woolley, 40-54. Vancouver: UBC Press, 2016.

Video: Getting to know Karla Homolka – the Fifth Estate. <https://www.youtube.com/watch?v=6RCn1i5CwT8&t=122s>

McGillvray, Anne. “‘A moral vacuity in her which is difficult if not impossible to explain’: Law, psychiatry and the remaking of Karla Homolka.” *International Journal of the Legal Profession* 5, no. 2/3 (1998): 255-288. **(255-269; 274 only)**

Kilty, J. M., & Frigon, S. “Karla Homolka—From a Woman *In Danger* to a *Dangerous* Woman: Chronicling the Shifts.” *Women & Criminal Justice*. 17, no. 4, (2006): 37–61.

**Part III: The Legal Management of Diversity Issues**

**Week 11. November 19**

**Gendered Violence: Voluntary Extreme Intoxication**

\*\*TW: This week’s readings include discussions of cases that graphically describe (sexual) violence against women\*\*

Lawrence, Michelle S. “Voluntary Intoxication and the *Charter*: Revisiting the Constitutionality of Section 33.1 of the *Criminal Code*.” *Manitoba Law Journal* 40, no. 3 (2017): 391-423. **(392-395; 405-407 and 420-423 only)**

Ashley, Florence. “Nuancing Feminist Perspectives on the Voluntary Intoxication Defence.” *Manitoba Law Journal* 43, no. 5 (2020): 65-94. (**66-75 and 79-85 only**)

Froc, Kerri A. and Elizabeth Sheehy. “Last Among Equals: Women’s Equality, R v Brown, and the Extreme Intoxication Defence.” *University of New Brunswick Law Journal* 73 (2022): 268-300. **(268-272; 275-284; 287-291 and 295-98 only)**

Dick, Caroline. “Et Tu, Brute? Self-Induced Extreme Intoxication and Gender-Based Violence.”

*R*. v. *Barrett*, 2025 BCPC 94.

<https://www.canlii.org/en/bc/bcpc/doc/2025/2025bcpc94/2025bcpc94.html?resultId=4b6b5bf75f604d6fb2b7be968c5e9193&searchId=2025-07-18T14:25:29:428/4a418d92578d4bb39d48d7362a207b4d>

**Week 12. November 26**

**Religious Minorities: Polygamy v. Polyamory**

Lenon, Suzanne. "Monogamy, marriage, and the making of nation." In *Disrupting queer inclusion: Canadian homonationalisms and the politics of belonging*, ed. OmiSoore H. Dryden and Suzanne Lenon, 82-99. Vancouver: UBC Press, 2015.

Matthew, Maxime D. “If More Mormons Attended University, Would Canada Be Okay with Polygamy? Unpacking Literatures of Social Exclusion in Canada's Continued Criminalization of Polygamy.” *Canadian Journal of Family Law* 35, no. 2 (2023): 1-51.

Strassberg, Maura Irene. “Distinguishing Polygamy and Polyamory Under the Criminal Law.” In *Families – Beyond the Nuclear Ideal*. Eds Daniela Cutas and Sarah Chan. New York: Bloomsbury, 2012.

Patel, Sharifa. “Citizenship and monogamy in Canada: the case of the Shafia family murders.” *Citizenship Studies* 26, no. 2 (2022): 167-183.

**Week 13. December 3**

**Consent: The Hockey Canada Trial**

\*\*TW: This week’s readings include discussions of cases that graphically describe (sexual) violence against women\*\*

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. (**648-55 only**)

Macdonald, Michael. “Appeal court orders new trial for Halifax taxi driver acquitted of sex assault.” *CTV News*. January 31, 2018.<https://www.ctvnews.ca/canada/article/appeal-court-orders-new-trial-for-halifax-taxi-driver-acquitted-of-sex-assault/>

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)**

Video: “How the Issue of Consent has been raised in the Hockey Canada Trial.” *The Globe and Mail*. June 18, 2025.

<https://www.google.com/search?q=hockey+canada+sexual+assault+facts&rlz=1C1CHBF_enCA1020CA1020&oq=hockey+canada+sexual+assault+facts&gs_lcrp=EgZjaHJvbWUyBggAEEUYOTIHCAEQIRigAdIBCDU0NDdqMGo3qAIAsAIA&sourceid=chrome&ie=UTF-8#fpstate=ive&vld=cid:b37f093c,vid:b99S7JEtS08,st:0>

*R*. v. *McLeod*, et al., 2025 ONSC 4319.

Posted on OWL