

SEXUAL ORIENTATION AND THE LAW¹
Law 357
Spring 2020

Faculty of Law, University of Victoria
Professors Gillian Calder and Qian Liu

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Course Outline: Sexual Orientation and the Law²
Unsettling Narratives and Queering Law
Spring 2020

I. Course Description

This seminar will be structured to use the relationship between law, gender and the diversity of sexualities to explore fundamental questions about law. The course, in both process and substance, will enable you to challenge how law regulates the lives of LGBTQ2IA folk, and the social, cultural and economic impact of this regulation. This year the course will also aim to unsettle normative assumptions about sexuality, primarily the Euro-Centrism of queer legal theory, through the inclusion of a range of voices from within and without Canada.

II. Course Objectives

- stimulate your interest in the relationship between gender, law and sexuality and theoretical approaches to law; with attention to the ways in which families are constructed as a result;
- convey basic principles that underlie and inform substantive questions of sexual identity in Canada, with attention to explanations of intersecting inequalities such as gender, race, ability, class and sexual identity;
- offer opportunities to critically examine those same principles, using a range of perspectives, with primary attention to voices from the Asian continent;
- enable you to identify key issues across substantive areas of law, and to write about those issues with attention to complex social and legal forces;
- provide you with an opportunity to examine and discuss the political forces and theoretical debates that shape the law in this area;
- challenge you to interrogate the role that legal education plays in the adequate preparation of legal advocates; and
- develop your ethical imaginations, centring the legal skills of creativity, empathy, community mobilization and collaboration.

¹ This course has benefitted from the insights of co-teachers, students, and research assistants over the past 7 years that it has been taught at UVicLaw. The imprints of others on this course runs deep.

² I really don't like the name of this course. Let's change it!

III. Instructors

Who are you and why are you teaching this course?

Qian Liu is a Ph.D. candidate at UVic Law. Writing a dissertation on the impact of state law and non-state orders on women's choices in marriage and childbearing under Gillian's supervision is only one of the reasons she is co-teaching this course. It has more to do with her identity as a queer scholar who lives with her girlfriend in Lekwungen territory, a non-traditional legal researcher who loves collecting and telling powerful stories, and a person who grew up as a pure Chinese but just discovered her Filipino heritage a few weeks ago. She hopes to contribute to this course by bringing in her experience and knowledge from the other side of the world to unsettle normative assumptions about gender, sexuality, and the law. She taught Legal Process and Contemporary Asia Pacific when she was not writing her dissertation. Pronouns: she/her

Gillian Calder has been teaching law at UVic since 2004, and has been Associate Dean for students since 2015. She teaches at the intersections of public and private law, and is fascinated by performativity. She is a scholar of amongst other things, feminist legal theories, constitutional and family law, art as law, and critical legal pedagogy. She believes that the classroom is a laboratory, and that deep learning comes from iteration and embodiment; that you can't really understand the dynamic nature of any legal concept unless you are moving yourself. Outside of this building she is a single parent, a lapsed rock climber, a lover of penguins, and the maker of the world's third best shortbread. Pronouns: she/her

IV. Administrative Details

A. Class location and Times

Tuesdays and Thursdays, 10:30 – 11:50
Room 204

B. Office Hours

Let's chat whenever it suits you about this course. To meet in person with Gillian send an email to Cheryl Lawrence (lawada@uvic.ca) and she'll find us a time. (You can also call 250 721-8152 or email: gcalder@uvic.ca). To meet with Qian, she almost lives on campus and can be reached at liuqian@uvic.ca. Feel free to email her and make an appointment.

C. Course Web-site

This course has a CourseSpaces site which will be used for posting of all extra materials handed out in class and for announcements. The website is located at: <https://coursespaces.uvic.ca/course/view.php?id=68107>

V. Materials

A. Required Materials

All reading will be from on-line materials, or handed out in class. Attached to the syllabus is a reading outline that details what the choices are for each week. Students should feel free to negotiate with the professor and with the class for readings that engage the key issues addressed. The reading outline is very likely to change.

B. Supplementary Materials

There is a world of supplementary material that can be accessed in a course such as this. Your papers, projects and community work will also diversify what extra readings will be valuable to your learning. We will be using Twitter for things we find of relevance to our course. Access to Twitter does not require an account. Follow Gillian at <https://twitter.com/gilliancalder> and search the hashtag #Law357.

VI. Teaching Methodology, Attendance and Participation

This is a discussion-based seminar, and as such, regular attendance and active participation of students is encouraged. There will, of course, be times when your participation or your attendance will be affected due to illness, an unexpected occurrence and for other reasons. If you miss a class due to these reasons, you should feel free to come and discuss with us material that was covered in the class you were unable to attend.

An inclusive and respectful classroom environment is crucial to a positive learning experience. So is constantly challenging what “inclusive” and “respectful” means. To ensure that all students feel welcome and able to participate in class discussions, we must strive to be courteous, considerate but courageous in our use of language and examples, and the manner in which we engage with each other individually and as a group. The University and Faculty are committed to promoting, providing and protecting a positive, supportive and safe learning and working environment for all their members. But we don’t always succeed in meeting this goal. We will need to work together to ensure that all aspects of this class live up to this commitment. If you have any concerns about the climate of the class, please feel free to speak with either of us at anytime.

If you would like to discuss classroom or assignment accommodation necessitated by a permanent or temporary disability, or for other reasons, please see Yvonne Lawson, the Manager Administration and Student Services (lawmaass@uvic.ca) as soon as possible.

VII. Evaluation and Expectations

A. Overview

Evaluation will have four components: two in-class presentations (each worth 5%); a creative writing assignment (15%); a community project (15%) and a research paper/project (60%).

B. Detailed Assessment Expectations

1. In-class Participation

Nominating a Moment (5%)

Each student will be required to nominate “the most significant milestone in queer legal history in Canada.” These nominations should be 5 minutes in length, and can occur at any time throughout the year. You need only to advise us at the beginning of any class in which you would like to make their pitch. In our final class (Thursday, April 2nd) we will undertake a mapping exercise to situate the nominated moments in relation to the journey of our course and the key questions we have worked with this term.

Research Presentation (5%)

In the four classes that precede our final class you will be asked to present on the research you are doing for your final project/paper. The goal of the presentation is to reflect back to the class your research choice and findings on the intersection of law and sexual identity in the project chosen. This presentation can be done solely or in a group of any size. The presentation will be time-limited (likely 15 minutes), but can be in any form that the student chooses.

2. Creative Writing (15%)

A goal of this course is to enable you to develop your ethical imaginations, and to find creative ways to be advocates on some of the more difficult issues that people face in law. To this end, we will do a workshop on creative writing in law, and you will be asked to submit a piece of creative writing that draws on the themes presented in this course. More details will be provided at the outset of the course. **Due date: Tuesday, Feb 25th**

3. Politics of Love (15%)

A further theme of this course is understanding the way that law is shaped in our communities, and to enable students to understand their own roles of self-education, allyship and collaboration in those spaces. All students will be asked to attend an event that takes place outside of our classroom, and to design a non-textual response to how that event advances (or not) the project of queering law. Students can work in groups. More information will be provided in a detailed handout at the outset of the course. **Due date: Thursday, March 5th**

4. Research Paper/Project (60%)

All students will be required to submit a 20-25 page research paper on a question or topic that draws on the themes of the course – sexual identities and law. The aim of this paper is to apply the knowledge and insights that you have gained during the course to a topic that we have not covered in any great depth. A detailed hand-out with respect to this assignment will be circulated the week of January 20. All students will be expected to meet with Gillian and/or Qian at least once to discuss their topics, research questions and ideas. Students who wish for this to be their major paper are required to submit a 30-35 page paper, and should meet with Gillian early in the course to discuss this option.

It will be possible, and indeed welcomed, to propose a research project instead of a research paper to fulfill this aspect of the course. All students who aim to fulfill this component of the course through another medium must have their idea approved by us. Students interested in doing projects should look at this blog: <https://onlineacademiccommunity.uvic.ca/projectpedagogy/> and be thinking in advance about the connection between the argument you wish to make and your proposed medium.

The paper or project will be due two weeks from our final class: **Thursday, April 16, 2020.**

C. Page length

“Pages” mean letter-size (8 ½" x 11") paper, double-spaced, typed, with 12 point font and 1" margins. Students must use Times New Roman Font.

Any assignments that are handed in late without accommodation will be docked one grade level for each partial day beyond the due date.

VIII. Regulations

- A. Students should obtain and review all regulations and policies contained in the University of Victoria Calendar, 2019-2020 (“UVic Calendar”), both generally and specifically for the Faculty of Law.
- B. The assignments are due to the relevant Drop Box on the date specified in the instructions distributed with the assignment. Penalties will flow for lateness and or non-compliance with formatting and other assignment related requirements. Consult the assignment handout for specifics.
- C. Academic integrity is expected of all participants in the University Community. **Please familiarize yourselves with the University’s Policy on Academic Integrity set out in the U Vic Calendar; and on-line at:**
<https://web.uvic.ca/calendar2020-01/grad/academic-regulations/academic-integrity.html>
- D. The following breakdown of letters and percentages is the one that the University of Victoria Faculty of Law uses to determine course grades:

	Grade Point Value	Percentage Value	Narrative Description
A+	9	90-100%	An A+, A, or A- is earned by work which is technically superior, shows mastery ³ of the subject matter, and in the case of an A+ offers original insight and/or goes beyond course expectations.
A	8	85-89%	
A-	7	80-84%	
B+	6	77-79%	A B+, B, or B- is earned by work that indicates a good comprehension of the course material, a good command of the skills needed to work with the course material, and the student's full engagement with the course requirements and activities. A B+ represents a more complex understanding and/or application of the course material.
B	5	73-76%	
B-	4	70-72%	
C+	3	65-69%	A C+ or C is earned by work that indicates an adequate comprehension of the course material and the skills needed to work with the course material and that indicates the student has met the basic requirements for completing assigned work and/or participating in class activities.
C	2	60-64%	
D	1	50-59%	A D is earned by work that indicates minimal command of the course materials and/or minimal participation in class activities that is worthy of course credit toward the degree.
F	0	49 and below	F is earned by work, which after the completion of course requirements, is inadequate and unworthy of course credit towards the degree.

IX. Detailed Outline

The detailed course outline is provided separately on the course Reading List. This reading list will likely shift and change over the course of the term. Updated reading lists will be posted to our CourseSpaces site.

3 Blech. I do not like the word "mastery." Our expectation here is that your work is outstanding, it pushes boundaries, is comprehensive and inclusive, rigorous, accessible, and where relevant, of publishable quality.

Law 357: Sexual Orientation and the Law

Alternative title: **Unsettling Narratives and Queering Law**

Reading Outline

Spring 2020

Reading Strategy: for each Tuesday's class please read the assigned readings for the week. We will typically spend the Tuesday class discussing the readings and the Thursday class applying them in some form of practice.

All readings assigned (and not marked handout) are available on-line (and accessible on campus when you are signed into a computer with your netlink ID). If the link doesn't work on your home computer, search for the article name either through google, or in a database like Hein Online. #OpenAccess

Date	Topic
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We must beware of the dangers of a single story.

- John Borrows, *Law's Indigenous Ethics*, at p. 28

Pursuing their goals through human rights practice as a way of life, LGBT activists give human rights their own meanings that suggest the discourse does not necessarily impose so-called Western morality or individualism of which it is often accused. To these activists, human rights contain three essential meanings: dignity, responsibility (of the rights bearer), and social belonging. While they do draw from international human rights documents for the concept of dignity, they infuse it with local notions that stress the importance of social belonging and responsibility such that the rights bearer has to take action to earn it. ... By linking dignity to social belonging through the rights bearer's exercise of responsibility, their interpretation of human rights and the accompanying LGBT identities render human rights a collective good that is to be collectively achieved.

- Lynette Chua, *The Politics of Love in Myanmar*, at pp. 9-10.

Beginnings:	Thinking About Bodies and How to Get (at) the 'Thing'
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I wish lawyers knew the emotional and cognitive labor required to fit our queer identities and experiences into a cis/hetero framework in order to gain access to institutional systems. – Karyn Haag [permission granted]

January 7-9:	Locating ourselves in place, space, and law (week one)
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For our first week have a look at each of these pieces, briefly – and then read the three that pique your curiosity:

Dean Spade, “For Those Considering Law School” (2010): <http://www.deanspade.net/wp-content/uploads/2010/10/For-Those-Considering-Law-School-Nov-2010.pdf>

Stefanie Marotta, De-colonizing Classrooms: What image does a Eurocentric classroom conjure up for Indigenous students?

<http://emergingindigenousvoices.ca/project/decolonizing-classrooms/>

Kim Brooks and Debra Parkes, “Queering Legal Education: A Project of Theoretical Discovery” (2004) 27 *Harvard Women’s Law Journal* 89-136

https://commons.allard.ubc.ca/cgi/viewcontent.cgi?article=1237&context=fac_pubs

Daniel Heath Justice, “Demanding Kinder Classrooms Doesn’t Make you a Snowflake”

<https://thewalrus.ca/demanding-kinder-classrooms-doesnt-make-you-a-snowflake/>

Jasreet Badyal, *Perry v. Schwarzenegger*: An Opportunity to “Do” Law Differently (2014) 19 *Appeal* 3-20

https://commentary.canlii.org/w/canlii/2014CanLIIDocs67#!fragment/zoupio-Tocpdf_bk_3/BQCwhgziBcwMYgK4DsDWszIQewE4BUBTADwBdoAvbRABwEtsBaAfX2zhoBMAzZgI1TMAzAEoANMmylCEAIqJCuAJ7QA5KrERCYXAnmKV6zdt0gAynlIAhFOCUAogB17ANQCCAOQDC9saTB80KTsIiJAA

And for discussion on Thursday:

<https://www.nytimes.com/2019/12/21/opinion/jk-rowling-twitter-trans.html>

The next article is the grounding for work for the weekend to be taken up on January 14th (materials will be handed out on Thursday):

Suzanne Lenon, Kara Granzow, Emily Kirbyson, Pulling the Weeds (2017):

<https://reconciliationsyllabus.wordpress.com/2017/08/23/pulling-the-weeds-by-suzanne-lenon-kara-granzow-emily-kirbyson/>

January 14-16: Dismantling Colonial Constructions of Gender: Indigenous Laws (week 2)

The Story of Pitchii, as told in John Borrows, *Freedom and Indigenous Constitutionalism*, Toronto: University of Toronto Press, 2016, pp. 209-214 (handout)

Read two of these three articles:

Val Napoleon, “Raven’s Garden: A Discussion about Aboriginal Sexual Orientation and Transgender Issues” (2002) 17(2) *Canadian Journal of Law and Society / Revue Canadienne Droit et Société* 149–171:

http://heinonline.org/HOL/Page?handle=hein.journals/cjls17&div=21&collection=journals&setas_cursor=2&men tab=srchresults

Sarah Hunt and Cindy Holmes, “Everyday Decolonization: Living a Decolonizing Queer Politics” (2015) 19(2) *Journal of Lesbian Studies* 154–172:

<http://www.tandfonline.com/doi/pdf/10.1080/10894160.2015.970975?needAccess=true>

Emily Snyder, Val Napoleon and John Borrows, (2015) 48(2) “Gender and Violence: Drawing on Indigenous Legal Resources” *UBC Law Review* 593-654

http://heinonline.org/HOL/Page?handle=hein.journals/ubclr48&div=19&start_page=593&collection=journals&set as cursor=0&men tab=srchresults

Watch this short video:

<https://www.youtube.com/watch?v=9-FNGmzUYes>

Peruse this toolkit and casebook:

Indigenous Law Research Unit, *Gender Inside Indigenous Law Toolkit*:

<https://www.uvic.ca/law/assets/docs/ilru/Gender%20Inside%20Indigenous%20Law%20Toolkit%2001.01.16.pdf>

Indigenous Law Research Unit, *Gender Inside Indigenous Law Casebook*:

<https://www.uvic.ca/law/assets/docs/ilru/Gender%20Inside%20Indigenous%20Law%20Casebook%2001.01.16.pdf>

Bonus:

Gwen (Mitikomis) Benaway, “Decolonial Love: A How-to-Guide”

<http://workingitouttogether.com/content/decolonial-love-a-how-to-guide/>

January 21-23: Dismantling Colonial Constructions of Sexuality: From an Asian Perspective (week 3)

Holning Lau, “Grounding Conversations on Sexuality and Asian Law” (2011) 44 (3) *U.C. Davis Law Review*, 773-802.

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2789971

And read one of the following:

Day Wong, (2011) 24 (3) “Hybridization and the Emergence of ‘Gay’ Identities in Hong Kong and in China,” *Visual Anthropology* 152-170.

https://s3.amazonaws.com/academia.edu.documents/54573848/hybridization_and_emergence_of_gay_identities_in_hk_and_china.pdf?response-content-disposition=inline%3B%20filename%3Dhybridization_and_emergence_of_gay_ident.pdf&X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-

[Credential=AKIAIWOWYYGZ2Y53UL3A%2F20200101%2Fus-east-1%2Fs3%2Faws4_request&X-Amz-Date=20200101T183954Z&X-Amz-Expires=3600&X-Amz-SignedHeaders=host&X-Amz-Signature=f71a52db7120bb886ea593af479f213fed07e6f3e8291c35df529e9c771580c4](https://www.tandfonline.com/doi/pdf/10.1300/J082v40n03_03?needAccess=true)

Chou Wah-Shan, (2001) 40(3) “Homosexuality and the Cultural Politics of *Tongzhi* in Chinese Societies” *Journal of Homosexuality*, 27-46.

https://www.tandfonline.com/doi/pdf/10.1300/J082v40n03_03?needAccess=true

Ioana Fotache, (2019) “Japanese ‘LGBT Boom’ Discourse and its Discontents,” <https://www.e-ir.info/2019/08/20/japanese-lgbt-boom-discourse-and-its-discontents/>

Vera Mackie, “Rethinking Sexual Citizenship: Asia-Pacific Perspectives,” (2016) 20: 143-158
<https://journals.sagepub.com/doi/full/10.1177/1363460716645786>

Siddharth Akali, “Learning from *Suresh Kumar Koushal v. Naz Foundation* through Introspection, Inclusion and Intersectionality: Suggestions from within Indian Queer Justice Movements” (2016) 31(1) *Berkeley Journal of Gender, Law & Justice* 121-182
https://heinonline.org/HOL/Page?collection=journals&handle=hein.journals/berkwolj31&id=192&men_tab=srchresults

For Thursday’s class

Interview handouts (Qian Liu, dissertation, field research).

January 28-30: Turning Binary Sex and Gender Inside Out (week 4)

Peruse these websites, compare and contrast:

Gender Unicorn: <http://www.transstudent.org/graphics>
<http://www.transstudent.org/gender>

Gender Bread: <https://www.itspronouncedmetrosexual.com/2018/10/the-genderbread-person-v4/>
<https://www.itspronouncedmetrosexual.com/articles/genderbread-person-and-genderfluidity/>

Read one of the following:

Sharon Cowan, “What a Long Strange Trip it’s Been: Feminist and Queer Travels Through Sex, Gender and Sexuality” in Margaret Davies and Vanessa Munro, *A Research Companion to Feminist Legal Theory*, (2013) pp. 105-125

http://www.research.ed.ac.uk/portal/files/14725113/What_a_Long_Strange_Trip_It.pdf

Adam R. Chang and Stephanie M. Wildman, “Gender In/Sight: Examining Culture and Constructions of Gender,” *Georgetown Journal of Gender and Law* 18, no. 43 (2017): 43–79: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2821298

Peter Jackson, “Global Queering and Global Queer Theory: Thai transgenders and homosexualities in world history” (2009) 49 *Autrepart* 15-30. https://www.researchgate.net/publication/250302825_Global_Queering_and_Global_Queer_Theory_Thai_Transgenders_and_Homosexualities_in_World_History

Listen to this podcast (45 minutes)

Gender Politics of Kpop:

<https://www.koreasociety.org/arts-culture/item/1213-gender-politics-of-kpop>

For Thursday’s class (peruse):

Gillian Calder and Sharon Cowan, “Reimagining Equality: Meaning and Movement” (2008) 29 *Australian Feminist Law Journal* 109-130.

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2345247

Watch: Judith Butler: <https://www.youtube.com/watch?v=Bo7o2LYATDc>

Middle parts: Seeing Beauty in the Complexities

[I wish lawyers knew] that our relationships aren't just like straight ones. That our cultures are profound and deep and meaningful.” – Lukas Maitland [permission granted]

February 4-6: Our Psychopomps to the World of Queerness, Transness and Law (Week 5)

Read two of the following:

Ido Katri, “Transgender Intersectionality: Rethinking Anti-Discrimination Law and Litigation” (2017) 20(1) *University of Pennsylvania Journal of Law and Social Change* 51-79: <http://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1205&context=jlasc>

Viviane Namaste, “Undoing Theory: The ‘Transgender Question’ and the Epistemic Violence of Anglo-American Feminist Theory” (2009) 24(3) *Hypatia* 11–32: <http://onlinelibrary.wiley.com/doi/10.1111/j.1527-2001.2009.01043.x/epdf>

Paisley Currah, “The Transgender Rights Imaginary” in Fineman, Jackson and Romero, eds., *Feminist and Queer Legal Theory* (Chapter 13) pp. 245-258
https://www.researchgate.net/publication/228144998_The_Transgender_Rights_Imaginary

Read one of the following:

Lost in transition: how it really feels to be transgender in Thailand
<https://www.scmp.com/week-asia/people/article/2176820/lost-transition-how-it-really-feels-be-transgender-thailand>

Land of lady boys? Thailand is not the LGBTI paradise it appears
<https://www.scmp.com/week-asia/lifestyle-culture/article/2163544/land-lady-boys-thailand-not-gay-paradise-it-appears>

Please familiarize yourself with this case:

Case Study: Vancouver Rape Relief and Kimberley Nixon
<https://www.canlii.org/en/bc/bcca/doc/2005/2005bcca601/2005bcca601.pdf>
<http://canliiconnects.org/en/commentaries/36090>

February 11-13: Developing our Ethical Imaginations: Found Poetry (Week 6)

A series of poems and judgments will be assigned for this week’s classes, and we will work on how to strengthen our creativity as legal advocates mostly by making poems from borrowed text. Throughout the first month of the course, please collect poems and legal texts to use in these classes.

<https://reconciliationsyllabus.wordpress.com/2019/12/17/teaching-with-love-inside-and-outside-the-law-school-classroom/>

February 18-20: Reading Break

February 25-27: Not the Marrying Kind: Marriage, Formal Equality, Discrimination and Critique (Week 8)

Read two of the following:

Gillian Calder, “Review of Nicola Barker’s *Not the Marrying Kind: A Feminist Critique of Same-Sex Marriage*” (Basingstoke, UK: Palgrave MacMillan, 2013) *Canadian Journal of Family Law* 28 (2012–2013): 113-134
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2508400

Claire Young and Susan Boyd, “Losing the Feminist Voice? Debates on the Legal Recognition of Same Sex Partnerships in Canada,” *Feminist Legal Studies* 14 (2006): 213–240

http://commons.allard.ubc.ca/cgi/viewcontent.cgi?article=1006&context=emeritus_pubs

Suzanne Lenon, “What’s so Civil About Marriage? The Racial Pedagogy of Same-Sex Marriage in Canada,” *Dark Matter* May 2, 2008 <http://www.darkmatter101.org/site/2008/05/02/whats-so-civil-about-marriage-the-racial-pedagogy-of-same-sex-marriage-in-canada/>

Read one of the following:

Ming-sho Ho, “Taiwan’s Road to Marriage Equality: Politics of Legalizing Same-sex Marriage,” (2019) 238 *The China Quarterly* 482-503.

https://www.researchgate.net/publication/329843304_Taiwan's_Road_to_Marriage_Equality_Politics_of_Legalizing_Same-sex_Marriage

Denise Tse-Shang Tang, Diana Khor, Yi-Chien Chen, “Legal Recognition of Same-sex Partnerships: A Comparative Study of Hong Kong, Taiwan and Japan” (2019) *The Sociological Review* 1-17.

<https://journals.sagepub.com/doi/10.1177/0038026119858222>

Watch this:

https://www.youtube.com/watch?v=q9pOJ8Bc_g (3 minutes)

Familiarize yourself with this case:

Barbeau v. BC (AG) 2003 BCCA 251:

<https://www.canlii.org/en/bc/bcca/doc/2003/2003bccca251/2003bccca251.html>

Read:

Gillian Calder, “Guantanamo: Using a Play-reading to Teach Law,” *Canadian Theatre Review* 142 (2010): 44–49.

<https://muse.jhu.edu/article/380637/pdf>

Watch:

<https://www.youtube.com/watch?v=UowpM8QleTc> or any of the highlights here:

<https://www.youtube.com/playlist?list=PL109BC7495D0B2BD9>

Endings: The Significance of an Ethical Imagination to the Practice of Law

I sure wish some lawyers knew that for trans and non-binary folks every time a form is filled with a legal name that isn't a used name, or there is a new human to interact with, or a new office to go to, or a door to step through that the entire process of having to explain oneself (pronouns, why names and gender might not 'match up', history, why

gender expression might change from day to day) starts all over again... and it's exhausting and sometimes scary. I wish lawyers knew that when outlining various steps to legal processes they gave info about when names, IDs, etc. will have to be provided – and I wish that when possible for them to front load some of this info (for example, explaining to an admin person what name to use) that they asked consent to take on this labour. – Alyx MacAdams [permission granted]

March 3-5: The Politics of Love and Queer Activism (Week 9)

Read:

John Borrows, “Nitam-Miigiwewin: Zaagi’idiwin (Gift One: Love), Love: Law and Land in Canada’s Indigenous Constitution” in *Law’s Indigenous Ethics* (Toronto: University of Toronto Press, 2019) at 24-49 (handout)

Lynette Chua & David Gilbert, “Sexual Orientation and Gender Identity Minorities in Transition: LGBT Rights and Activism in Myanmar,” (2015) 37 *Human Rights Quarterly* 1-28.
<https://muse.jhu.edu/article/569666>

Read one of:

Baden Offord, “Queer Activist Intersections in Southeast Asia: Human Rights and Cultural Studies,” 37 (2013) 335-349.
<https://www.tandfonline.com/doi/full/10.1080/10357823.2013.792781>

Why Laws In Asia Need To Catch Up With The LGBTQ Movement
<https://generationt.asia/ideas/asian-law-lgbt-movement>

LGBT progress in Asia met with conservative pushback
<https://asia.nikkei.com/Spotlight/Asia-Insight/LGBT-progress-in-Asia-met-with-conservative-pushback>

March 10-12: The Politics of Love in Southeast Asia: Social Movement and Legal Responses (Week 10)

We will be participating in a CAPI Roundtable with the author, Lynette Chua, on Thursday, March 12th from 10:30 – 12:30 in Room 150.

In preparation we will each read the introduction and/oconclusion to *The Politics of Love in Myanmar*, and one of the five chapters. Our class on March 10th will be spent discussing the work and preparing for the roundtable.

March 17: Poverty, Law and Sex Work (Week 11)

Peruse:

LGTBQ Street-Involved Youth: <http://www.homelesshub.ca/resource/no-safe-place-go-lgbtq-youth-homelessness-canada-reviewing-literature>

Street-Involved People in Victoria: <https://www.homelesshub.ca/community-profile/victoria>

Resources from Chez Stella: <http://chezstella.org/en/guides-infosheets/>

“Rentboy wasn’t my ‘brothel.’ It was my tool to stay alive in this economy of violence,” *The Guardian* September 1, 2015 <https://www.theguardian.com/commentisfree/2015/sep/01/rentboy-online-brothel-tool-economy-sex-work>

Read:

The Homophobia and Transphobia Experienced by LGBT Sex Workers
https://www.nswp.org/sites/nswp.org/files/bp_homophobia_transphobia_mpaact_nswp_-_2018.pdf

Lisa Rofel, “The Traffic in Money Boys,” (2010) *Positions: East Asia and Cultures Critique* 18: 425-458.

<https://muse.jhu.edu/article/393901/pdf>

March 19-31: Four Research Workshops

These classes will be used to workshop the projects and papers that the class is creating, and furthering the use of performative and alternative pedagogies for the learning and practice of law. Reading will be minimal, but these classes will be focused on your ethical imaginations, community connections and collaboration.

April 2: Conclusions

Our final class will work to pull the threads of this course together and map the learning we have done.

Other materials:

Andrea Smith, (2010) “Dismantling Hierarchy, Queering Society,” 25 (4) *Tikkun*: 60-61

<https://read.dukeupress.edu/tikkun/article/25/4/60-61/99893>

Bruce MacDougall, "The Legally Queer Child" (2003) 49 *McGill Law Journal* 1057-1091

http://lawjournal.mcgill.ca/userfiles/other/1983-MacDougall_UPDATED_VERSION_WITHOUT_ERRATA_.pdf

Brunei to punish gay sex and adultery with death by stoning

<https://www.cnn.com/2019/03/27/asia/brunei-anti-lgbt-stoning-law-intl/index.html>

Carrie Sandahl, "Queering the Crip or Crippling the Queer? Intersections of Queer and Crip Identities in Solo Autobiographical Performance" (2003) 9(1-2) *GLQ: A Journal of Lesbian and Gay Studies* 25-56

<http://glq.dukejournals.org/content/9/1-2/25.full.pdf+html>

David A.B. Murray, "Who Is Takatāpui? Māori Language, Sexuality and Identity in Aotearoa/New Zealand," (2003) 45(2) *Anthropologica* 233-

<https://www.jstor.org/stable/pdf/25606143.pdf>

David K. Seitz, "Limbo life in Canada's waiting room: Asylum-seeker as queer subject" (2017) 35(3) *Society and Space* 438-456

<http://journals.sagepub.com/doi/pdf/10.1177/0263775816667074>

Decolonizing the Classroom: A Conversation with Girish Daswani (2019)

<https://culanth.org/fieldsights/decolonizing-the-classroom-a-conversation-with-girish-daswani>

Dependent visa case gives Hong Kong's gay community reason to hope

<https://www.scmp.com/week-asia/opinion/article/2162255/dependent-visa-case-gives-hong-kongs-gay-community-reason-hope>

Explained: gay rights, LGBTQ and same-sex marriage in Asia

<https://www.scmp.com/week-asia/explained/article/3001296/explained-gay-rights-lgbtq-and-same-sex-marriage-asia>

Flowerboys and the appeal of 'soft masculinity' in South Korea

<https://www.bbc.com/news/world-asia-42499809>

Gay rights around the world: the best and worst countries for equality

<https://www.theguardian.com/world/2013/jul/30/gay-rights-world-best-worst-countries>

Gender Creative Kids

<http://gendercreativekids.ca/news/>

How the Boys of K-pop Influenced My Trans Identity

<https://www.glaad.org/amp/k-pop-influenced-my-trans-identity>

Kyle Kirkup, “Indocile Bodies: Gender Identity and Strip Searches in Canadian Criminal Law,” *Canadian Journal of Law and Society* 24 (2009): 107-125
<https://kylekirkup.files.wordpress.com/2013/01/kirkupindocile.pdf>

Manpreet (Preeti) Dhaliwal, “Re-embodying jurisprudence: using theatre and multimedia arts-based methods to support critical thinking, feeling and transformation in law”
<https://dspace.library.uvic.ca/handle/1828/8025>

Masami Tamagawa, “Coming Out of the Closet in Japan: An Exploratory Sociological Study,” (2018) 14 *Journal of GLBT Family Studies*, 488-518
<https://www.tandfonline.com/doi/full/10.1080/1550428X.2017.1338172>

Nicole LaViolette, “Coming Out to Canada: The Immigration of Same-Sex Couples Under the *Immigration and Refugee Protection Act*” (2003) 49 *McGill Law Journal* 969-1003
<https://www.law.utoronto.ca/documents/globalization/Laviolette-PaperOct26.pdf>

Saskla E. Wieringa, “Gender Variance in Asia: Discursive Contestations and Legal Implications,” 14 (2010): 143-172
<https://journals.sagepub.com/doi/10.1177/097185241001400202>

Queers with Disabilities blog: <http://queerswithdisabilities.tumblr.com/>

Robert McRuer, “Disabling Sex: Notes for a Crip Theory of Sexuality” (2010) 17(1) *GLQ: A Journal of Lesbian and Gay Studies* 107-117
<http://glq.dukejournals.org/content/17/1/107.full.pdf+html>

Why? by Bob Flanagan
<https://thierryjaspart.wordpress.com/2013/08/25/why-by-bob-flanagan/>

Who Gets to Donate Blood?

<http://www.cbc.ca/comedy/experts-see-fast-effective-homophobic-solution-to-critical-canadian-blood-shortage-1.4181915>
<https://blood.ca/en/eligibility-criteria-trans>
<https://blood.ca/en/men-who-have-sex-men>

Hong Kong Prisons and Trans Folk

<https://www.scmp.com/news/hong-kong/law-crime/article/2000881/transgender-womans-detention-hong-kong-all-male-prison>
<https://www.scmp.com/news/hong-kong/law-crime/article/1821259/transgender-woman-takes-hong-kong-police-prison-officers>
<https://www.scmp.com/lifestyle/article/1994926/transgender-prisoners-hong-kong-suffer-sexual-assault-denial-hormones>