

U.B.C. FACULTY OF LAW

Law 365

WOMEN, LAW AND FAMILY

Spring 2008

TIME: Wednesday 2:00 – 5:00 pm
PLACE: Curtis Law Building Room 179-181

INSTRUCTOR: Professor Susan B. Boyd (Chair in Feminist Legal Studies)
OFFICE HOURS: Tuesday 3:30 - 5:00 pm (or by appointment)
OFFICE: Room 233, Curtis Law Building
TELEPHONE: 604-822-6459 (leave a message in voicemail if I am not available;
I will return your call as soon as possible)

EMAIL: boyd@law.ubc.ca
COURSE WEBSITE: <http://faculty.law.ubc.ca/boyd/LAW365.html>

COURSE DESCRIPTION:

This seminar provides a forum for in-depth consideration of primarily feminist critical perspectives on the relationship between law and unequal relations within and among families. This year's focus is on gender relations and family law reform, with particular reference to British Columbia's proposed reform of the *Family Relations Act*. Issues include politics of the family and family law reform, familial ideology, dominant definitions of "family", the meaning of gendered inequality, the relevance of heterosexual norms in family law, the capacity of legal change to generate social change, ideologies of motherhood and fatherhood, and the fathers' rights movement. Comparative perspectives and empirical research on family law reforms from other common law jurisdictions, notably Australia and the United Kingdom, will be drawn on. We will also look at the ways in which legal norms are situated within their social, economic, cultural, and political contexts. Directions for change may not necessarily be found only within the legal system, but also outside or alongside it or in conjunction with law.

Students should already have taken a basic family law course or be taking it simultaneously. The seminar is geared towards the needs of graduate students as well as LL.B. students interested in advanced study of law, gender, and familial relations. The mode of evaluation in this seminar is designed to satisfy the University Calendar requirement that "A student [in the Law Faculty] must undertake, in either second or third year, at least one independent research project and submit a substantial paper (or series of papers) embodying the results of this research." This seminar also meets the Law and Society requirement.

There are *several objectives* for the seminar. By the end of the course, students should:

1. have developed a detailed understanding of some of the current policy issues and debates influencing family law developments in countries such as Canada and Australia;
2. be able to critically and analytically consider and assess family law reform developments;
3. be able to use relevant theoretical approaches to consider and assess family law developments and reform proposals;
4. be able to locate and critically engage with relevant research materials, including statutes, cases, government documents and secondary literature.

REQUIRED MATERIALS

1) The B.C. *Family Relations Act*, R.S.B.C. 1996, c. 128, available at: http://www.qp.gov.bc.ca/statreg/stat/F/96128_01.htm

2) The B.C. *Family Relations Act* reform Discussion Papers, available at: <http://www.ag.gov.bc.ca/legislation/#fra>

3) Other required readings for each class are listed below. Electronic links are given wherever possible. Copies of material not available electronically will also be placed on reserve in the Law Library under Law 365. Some material may be emailed to you directly.

N.B. Some readings may be altered after term begins, depending on the development of class discussions and student interests. Adequate notice will be given in class of additions or deletions.

EVALUATION

1. Participation & Presentation: Active seminar participation and reporting on the readings is expected of students each week. In order for the seminar discussion to work, each participant in the seminar is required to read the assigned materials each week. If you are unable to do so due to extenuating circumstances, please inform the instructor in advance and provide a written summary of the readings at the next class. Where possible, students should discuss the progress of their research papers, and what relevance the readings may have for their own research. Each student is also responsible for leading discussion of a particular topic, which ideally will be related to their research paper and preparing a handout or exercise. **15%**

2. Essay Proposal & Annotated Bibliography:

a. a 3-page typed double-spaced (maximum 750 words) proposal, including an explanation of your chosen topic, conceptual framework(s) used, and methodology, a tentative outline, and a list of 10 key bibliographic sources reflecting your research to date. Value and purpose of the research should be explained.

b. Plus an Annotated Bibliography of 5 of the key sources. Each annotation (maximum 125 words), should provide a brief summary of the author's approach and subject matter and explain why the source is useful in your own research.

Due Friday Feb. 29, 2008

20%

3. Research Paper: A maximum 30 typed double-spaced pages (maximum 7500 words) research paper. This paper should include critical analysis of a law reform issue raised in or related to the course. It should reflect an appreciation of the literature and themes discussed in the seminar and canvass the broader policy and legal issues relevant to the chosen topic.

Due April 23, 2008

65%

SUBMISSION OF ASSIGNMENTS

All written work is to be typed and double-spaced. Assignments should be submitted in hard copy directly to me (in class or in my office 233) or to the Fishbowl/Reception on or before the due date. Please also email the assignment to me electronically. The onus is on the student to keep a rough draft of the assignment until s/he is in possession of the graded assignment.

ACCOMMODATION RULES and PROCEDURES:

http://www.law.ubc.ca/current/academic_services/index.html

The **research papers** must be handed in to the Fishbowl, on or before **April 23, 2008 by 12 Noon**. All **extensions** must be sought from the Examinations Committee. Apply using the form on the Faculty of Law website (<http://www.law.ubc.ca/forms/index.html>). Submit it to the Chair of the Examinations Committee via Director of Student Academic Services, Susan Morin, Room 132. **Essays submitted late** without permission will be penalized: for each or any part of a day that the assignment is late, including weekends, statutory holidays and other days when the law school is closed, the student will lose 5 per cent of the maximum possible value of the assignment.

ACADEMIC OFFENCES <http://www.students.ubc.ca/calendar/index.cfm?tree=3,54,111,959>

Methods of evaluation depend, for their success and fairness, on the ethical standards of both students and instructors. Be scrupulous in avoiding the presentation of the work of others as your own. Note that it is a serious academic offence to submit “the same essay, presentation, or assignment more than once whether the earlier submission was at this or another institution, unless prior approval has been obtained.” **The Faculty of Law takes this rule very seriously.** Academically recognized practices of citation and attribution must be followed. Never quote or use an idea from another author without citing that person’s work. Familiarize yourself with the UBC Calendar rules (link above) and penalties for plagiarism and other offences. Research papers must be submitted both electronically and in hard copy. I reserve the right to use the **TurnItIn** service to verify the originality of your work.

CENTRE FOR FEMINIST LEGAL STUDIES and LECTURE SERIES

The Centre is located in Annex I outside the Law Faculty. You are welcome to use the space and resources in the Centre (there is a small library with some materials on family law) and to volunteer in the Centre. We try to keep the Centre open during lunch hours.

Check our website <http://faculty.law.ubc.ca/cfls/>

A Speaker series takes place most Wednesdays at 12:30 pm in Room 157. All are welcome.

Ask to be placed on our (e)mailing list. Cfls@law.ubc.ca 604-822-6523

I'd like to draw your attention particularly to the following CFLS lectures, which occur right before our class, at 12:30 pm on Wednesdays in Room 157:

January 23rd, Professor Fiona Kelly, “**Transforming Law’s Family: The Legal Recognition of Planned Lesbian Motherhood**”, 12:30 pm.

March 5th: Professor Audrey Macklin, “**Religious Arbitration in Ontario**”, 12:30 p.m.

SEMINAR TOPICS AND READINGS (may be altered)

Jan. 9 Introduction: Issues, topics, participants.

Review of Syllabus. Introductions of seminar participants. Interests & Expectations. Objectives and scope of the seminar. General discussion about feminism and law reform.

Margaret Davies, "Legal theory and law reform: Some Mainstream and Critical Approaches" (2003) 28(4) *Alternative Law Review* 168-171, 198.

Available electronically through UBC e-journals

Reg Graycar and Jenny Morgan, "Law Reform: What's In It for Women?" (2005) 23 Windsor Yearbook of Access to Justice 393-419.

Available electronically through UBC e-journals

Supplementary:

Martha Albertson Fineman, "Gender and Law: Feminist Legal Theory's Role in New Legal Realism" (2005) *Wisconsin Law Review* 405-431.

Available electronically through UBC e-journals

Jan. 16 Perspectives on Gender Bias

These 3 readings (by a lawyer, a judge, and two academics) critically analyze some problems with current family law and also identify what 'gender bias' is:

Marie. L. Gordon, "'What, Me Biased?' Women and Gender Bias in Family Law" (2001) 19 *Can. Fam. L. Qlty* 53-108 **On reserve and will be emailed to you.**

Justice Donna Martinson, "Post Separation Parenting – Submerged Gender Issues", Paper for National Judicial Institute Conference: *Emerging Gender Issues: Why Gender Equality Still Matters*, Toronto, Nov. 28-30, 2007.

On reserve and will be emailed to you.

Angela Melville and Rosemary Hunter, "'As Everybody Knows': Countering Myths of Gender Bias in Family Law (2001) 10(1) *Griffith Law Review* 124-138.

Available electronically through UBC e-journals

This Fact Sheet offers statistical insight on the status of women in Canada:

Canadian Research Institute for the Advancement of Women, *Fact Sheet: New Federal Policies Affecting Women's Equality: Reality Check*, **available electronically at:**
http://www.criaw-icref.ca/indexFrame_e.htm (look under fact sheets)

For an example of a fathers' rights website, see: <http://www.fathers.bc.ca/index.htm>

Supplementary:

Susan B. Boyd and Claire F.L. Young, "Feminism, Law, and Public Policy: Family Feuds and Taxing Times" (2004) 42(4) *Osgoode Hall L.J.* 545-582.

Available through UBC e-journals

Jan. 23 Family Law Reform and Social Change

These readings contextualize and problematize the process and potential of family law reform exercises:

Reg Graycar "Law Reform by Frozen Chook" [2000] *Melbourne Univ. Law Review* 737-755.

Available through UBC e-journals

Mary Jane Mossman, "'Running Hard to Stand Still': The Paradox of Family Law Reform" (1994) 17(1) *Dalhousie Law Journal* 5-33.

Available through UBC e-journals

Helen Rhoades and Susan B. Boyd, "Reforming Custody Laws: A Comparative Study" (2004) 18(2) *Int. J. of Law, Policy and the Family* 119-146. **Available through UBC e-journals**

Supplementary:

John Dewar, "Family Law and Its Discontents" (2000) 14 *Int. J. of Law, Policy and the Family* 59-85. **Available through UBC e-journals**

Jan. 30 Finding Fathers in the Legal System: the Fathers' Rights Movement

These readings explore the impact of the fathers' rights movement on law and law reform:

Richard Collier, "Fathers 4 Justice, law and the new politics of fatherhood" (2005) 17 *Child and Family Law Quarterly* 511. **Available electronically through UBC e-journals**

Martha Albertson Fineman, "Fatherhood, Feminism and Family Law" (2001) *McGeorge Law Review* 1031-1050. **Available electronically through UBC e-journals**

Susan B. Boyd, "Backlash Against Feminism: Canadian Custody and Access Reform Debates of the Late Twentieth Century" (2004) 16(2) *C.J.W.L.* 255-290.

Available electronically through UBC e-journals

Supplementary:

Richard Collier and Sally Sheldon, eds. *Fathers Rights Activism and Law Reform in Comparative Perspective* (Oxford: Hart, 2006). **PTO**

Miranda Kaye and Julia Tolmie, "Discoursing Dads: The Rhetorical Devices of Fathers' Rights Groups," (1998) 22 *Melbourne University Law Review* 162 **Available electronically through UBC e-journals.**

Miranda Kaye and Julia Tolmie, "Fathers' Rights Groups in Australia and their Engagement with Issues in Family Law," (1998) 12 *Australian Journal of Family Law* 19 **Available electronically through UBC e-journals. .**

Feb. 6 Intimate Abuse and Family Law

These readings offer analysis of the impact of intimate violence, especially abuse of women and children, on family law and raise questions how to keep family violence in mind in family law reform processes.

Ministry of Attorney General Discussion Paper, *Family Violence*:
<http://www.ag.gov.bc.ca/legislation/#fra>

C. Humphries and R. K Thiara, 'Neither justice nor protection: women's experiences of post-separation violence' (2003) 25 *Journal of Social Welfare and Family Law* 195.
Available through UBC e-journals

Maria Eriksson and Marianne Hester, "Violent Men as Good-Enough Fathers? A look at England and Sweden" (2001) 7(7) *Violence Against Women* 779-798. .
Available through UBC e-journals

Linda Neilson, "Putting Revisions to the Divorce Act Through a Family Violence Filter: The Good, the Bad and the Ugly" (2003) 20(1) *Can. J. Fam. L.* 11-56. .
Available through UBC e-journals

Linda Neilson, "Assessing Mutual Partner-Abuse Claims in Child Custody and Access Cases" (2004) 42(3) *Family Court Review* 411-38.
Available through UBC e-journals

Supplementary:

Cynthia L. Chewter, "Violence Against Women and Children: Some Legal Issues" (2003) 20(1) *Can. J. Fam. L.* 99-178. **Available through UBC e-journals**

Walter S. DeKeseredy, "Tactics of the Antifeminist Backlash against Canadian National Woman Abuse Surveys" (1999) 5(11) *Violence against Women* 1258.
Available through UBC e-journals

Feb. 13 Non-Adversarial Processes: who do they work for?

These readings address the major trend to try to move more family law disputes into mediation and other non adversarial processes.

Ministry of Attorney General Discussion Paper, *Family Violence*:
<http://www.ag.gov.bc.ca/legislation/#fra>

Ministry of Attorney General Discussion Paper, *Cooperative Approaches to Dispute Resolution*
<http://www.ag.gov.bc.ca/legislation/#12>

Rosemary Hunter, “Adversarial Mythologies: Policy Assumptions and Research Evidence in Family Law” (2003) 30(1) *Journal of Law and Society* 156-176
Available through UBC e-journals

D. Greatbatch and R. Dingwall, ‘The marginalization of domestic violence in divorce mediation’ (1999) 13 *International Journal of Law, Policy and the Family* 174
Available through UBC e-journals

R. Field, ‘Using the feminist critique of mediation to explore “the good, the bad and the ugly” implications for women of the introduction of mandatory family dispute resolution in Australia’ (2006) 20 *Australian Journal of Family Law* 45.
Available through UBC e-journals

Liz Trinder and Joanna Kellett, “Fairness, Efficiency and Effectiveness in Court-Based Dispute Resolution Schemes in England” (2007) 21(3) *International Journal of Law, Policy and the Family* 322-340. **Available through UBC e-journals.**

Supplementary:

Zoe Rathus, “Shifting the Gaze: Will past violence be silenced by a further shift of the gaze to the future under the new family law system?” (2007) *Australian Journal of Family Law* 87 **Available through UBC e-journals**

Carl Edward Bertoia, “An Interpretative Analysis of the Mediation Rhetoric of Fathers’ Rights: Privatization Versus Personalization” (1998) 16(1) *Mediation Qrtly.* 15

Feb 20 Reading Week (no classes)

Feb. 27 What is the Family? Definitions of Spouse

These readings question the relevance of marriage and marriage like relationships in family law and ask how ‘spouse’ should be legally defined. We also begin to examine the BC government Discussion Papers on the reform of the *Family Relations Act*:

Family Relations Act, s. 1 “spouse”

Ministry of Attorney General Discussion Paper, *Time Limits and Definitions*
<http://www.ag.gov.bc.ca/legislation/#13>

Linda C. McClain, “Love, Marriage, and the Baby Carriage: Revisiting the Channelling Function of Family Law” (2007) 28 *Cardozo Law Review* 101 – 151.
Available through UBC e-journals

Martha Albertson Fineman, “Why Marriage?” (2001) 9 *Virginia J. of Social Policy & the Law* 239-271. **Available through UBC e-journals**

Brenda Cossman and Bruce Ryder, “What is Marriage-Like Like? The Irrelevance of Conjugalities” (2001) 18(2) *Can. J. Fam. L.* 269-326.
Available through UBC e-journals

Claire Young and Susan Boyd, “Losing the Feminist Voice? Debates on the Legal Recognition of Same Sex Partnerships in Canada” (2006) 14 *Feminist Legal Studies* 213-240.
Available through UBC e-journals

Supplementary:

Hester Lessard, ‘Charter Gridlock: Equality Formalism and Marriage Fundamentalism’ (2006) 33 *Supreme Court Law Review* (2d) 291 **On Reserve.**

Suzanne Lenon, “Marrying Citizens! Raced Subjects?” (2005) 17(2) *Canadian Journal of Women and the Law* 405. **Available through UBC e-journals**

Friday, Feb. 29th Essay Proposal & Annotations Due

March 5 What is the Family? Defining Legal Parenthood

These readings address the complex question of who is a child’s legal parent and the relative weight that bio-genetic ties and social parenting ought to have:

Family Relations Act, s. 1 “parent”, s. 1(2), s. 27, s. 34

Ministry of Attorney General Discussion Paper: *Legal Parenthood*
<http://www.ag.gov.bc.ca/legislation/#10>

Susan B. Boyd, “Gendering Legal Parenthood: Bio-Genetic Ties, Intentionality and Responsibility” (2007) 25(1) *Windsor Yearbook of Access to Justice* 63-94.
Available through UBC e-journals

Fiona Kelly, *Submission to the Ministry of Attorney General Justice Services Branch (Civil and Family Law Policy office) Family Relations Act Review (Defining Legal Parenthood, Chapter 10)* (Dec. 2007). **On Reserve & will be emailed to you.**

A.A. v. B.B. and C.C., 2007 ONCA 2.

Supplementary:

Carol Smart, "Secrets and Lies", in C. Smart, *Personal Life: New Directions in Sociological Thinking* (Cambridge: Polity Press, 2007), pp. 108-132. **On reserve.**

Trociuk v. British Columbia (Attorney General) [2003] 1. S.C.R. 835

Hester Lessard, "Mothers, Fathers, and Naming: Reflections on the Law Equality Framework and *Trociuk v. British Columbia (Attorney General)* (2004) 16(1) C.J.W.L. 165. **Available through UBC e-journals.**

Fiona Kelly, "Nuclear Norms or Fluid Families? Incorporating Lesbian and Gay Parents and their Children into Canadian Family Law" (2004) 21(1) *Can. J. Fam. L.* 133-178. **Available through UBC e-journals.**

March 12 Trends in Law Reform and Child Custody: The Rise and Rise of Shared Parenting

Family Relations Act, s. 24 and Part 2 generally.

Ministry of Attorney General Discussion Paper: *Parenting Apart*
<http://www.ag.gov.bc.ca/legislation/pdf/Chapter6-ParentingApart.pdf>

Helen Rhoades, "The Rise and Rise of Shared Parenting Laws: A Critical Reflection" (2002) 19(1) *Can. J. Fam. L.* 75-113. **Available through UBC e-journals.**

Martha Shaffer, "Joint Custody, Parental Conflict and Children's Adjustment to Divorce: What the Social Science Literature Does and Does Not Tell Us" (2007), 26 *Can. Fam. L. Qlty* 286. **Available through UBC e-journals**

Carol Smart, "Equal shares: rights for fathers or recognition for children?" (2004) 24(4) *Critical Social Policy* 484-503. **Available through UBC e-journals**

Rae Kaspiew, 'Violence in contested children's cases: An empirical exploration' (2005) 19 *Australian Journal of Family Law* 112. **Available through UBC e-journals**

Supplementary:

Elizabeth Hughes, "The Language and Ideology of Shared Parenting in Family Law Reform: A Critical Analysis" (2003) 21 *Can. Fam. L. Quarterly* 1.

B. Neale, J. Flowerdew, and C. Smart, 'Drifting Towards Shared Residence?' (2003) 33 *Family Law* 904

Peter G. Jaffe, Claire V. Crooks, and Nick Bala, *Making appropriate parenting arrangements in family violence cases: applying the literature to identify promising practices*, Research Report for the Department of Justice Canada
<http://www.justice.gc.ca/en/ps/pad/reports/2005-FCY-3/index.html#01>

March 19 Enforcing Access Responsibilities

Family Relations Act, s. 128(3)

Ministry of Attorney General Discussion Paper, *Meeting Access Responsibilities*
<http://www.ag.gov.bc.ca/legislation/pdf/Chapter7-AccessResponsibilities.pdf>

Helen Rhoades, "The 'No Contact Mother': Reconstructions of Motherhood in the Era of the 'New Father' (2002) 16 *Int. J. L. Policy and the Family* 71-94
Available electronically through UBC e-journals.

Grania Sheehan et al., "Divergent Expectations and Experience: An Empirical Study of the Use of Children's Contact Services in Australia" (2007) 21(3) *Int. J. L. Policy and the Family* 275-309. **Available electronically through UBC e-journals**

Alison Perry and Bernadette Rainey, "Supervised, supported and indirect contact orders: research findings" (2007) 21 (1) *Int. J. L. Policy and the Family* 21-47.
Available electronically through UBC e-journals.

Supplementary:

Jonathan Cohen and Nikki Gershain, "For the Sake of the Fathers? Child Custody Reform and the Perils of Maximum Contact" (2001) 19 *Can. Fam. L. Qlty* 121.

March 26 Relocation

Ministry of Attorney General Discussion Paper, *Relocating Children*
<http://www.ag.gov.bc.ca/legislation/pdf/Chapter14-RelocatingChildren.pdf>

Susan B. Boyd, "'Child Custody, Relocation, and the Post-Divorce Family Unit: *Goertz v. Gordon* at the Supreme Court of Canada" *Canadian Journal of Women and the Law* 9.2 (1997): 457-468 **Available electronically through UBC e-journals**

D.A. Rollie Thompson, "Ten Years After *Gordon*: No Law, Nowhere," 35 *Reports of Family Law* (6th) 307.

Merle H. Weiner, "Inertia and Inequality: Reconceptualizing Disputes over Parental Relocation" (2007) 40(5) *UC Davis Law Review* 1747-1834

Available electronically through UBC e-journals.

April 2 Economic Issue #1: Spousal Support

Family Relations Act, Part 7, esp. ss. 89-93

Ministry of Attorney General Discussion Paper, *Spousal and Parental Support*

<http://www.ag.gov.bc.ca/legislation/#11>

Miriam Grassby, “Two income Couples: Presumption of Need for the Lower Income Spouse” (2004) 20(2) *Can. J. Fam. Law* 321-366

Available electronically through UBC e-journals

Susan Boyd and Cindy Baldassi, “Marriage or Naught?: Marriage and Unmarried Cohabitation in Canada”, in *Caring and Sharing in Domestic Relationships* edited by S. Wong and A. Bottomley (Hart Publishing, forthcoming) **Will be emailed to you.**

Supplementary:

Carol Rogerson, “*Miglin v. Miglin* 2003 SCC 24; ‘They Are Agreements Nonetheless’” (2003) 20(1) *Can. J. Fam. L.* 197-228. **Available electronically through UBC e-journals**

April 9 Economic Issues #2: Matrimonial Property

These readings address the role of matrimonial property division, married and unmarried relationships, and its relationship to domestic contracts.

Family Relations Act, Part 5.

Ministry of Attorney General Discussion Paper, *Division of Family Property*

<http://www.ag.gov.bc.ca/legislation/pdf/Chapter2-Property.pdf>

Belinda Fehlberg, “‘With All My Worldly Goods I Thee Endow?’: The Partnership Theme in Australian Matrimonial Property Law” (2005) 19(2) *Intern. J. of Law, Policy & the Family* 176-193 **Available electronically through UBC e-journals**

Martha Shaffer, “Domestic Contracts, Part II: The Supreme Court’s Decision in *Hartshorne v. Hartshorne*” (2004) 20(2) *Can. J. Fam. Law* 261-290.

Available electronically through UBC e-journals

Heather Conway and Philip Girard, “‘No Place Like Home’: The Search for a Legal Framework for Cohabitants and the Family Home in Canada and Britain” (2004-2005) 30 *Queen’s Law Journal* 715 at 719.

Available electronically through UBC e-journals

Hester Lessard, ‘Charter Gridlock: Equality Formalism and Marriage Fundamentalism’ (2006) 33 *Supreme Court Law Review* (2d) 291 **On Reserve.**

Hartshorne v. Hartshorne 2004 SCC 22 (make sure to read dissent)

Essay and Term Paper Grades

All written assignments will be graded in light of the following criteria. If you would like additional clarification, see me for further explanation of your mark.

A

Uncommon. The 'A' paper has a perceptive and incisive thesis, richly developed, and an organization to match. Many sources are employed in developing the key argument and the views of several major authors are compared and contrasted. 'A' papers usually reflect an original synthesis of the best literature on the subject and often reflect the writer's ability to think critically beyond the existing categories of debate. A much deeper, more nuanced understanding of the subject matter is in evidence throughout the paper. Stylistically there are very few, in any, errors in grammar or punctuation. The writing style is individualized and interesting but without being intrusive. The writing is characterized by skillful transitions between paragraphs and arguments, and by well-chosen vocabulary and variety in sentence structure. Technical terminology is used appropriately, not ostentatiously. In format (citations and bibliography) the paper is virtually flawless.

B

Above average. The 'B' paper has a clearly presented and conceptually defensible argument. In comparison with 'A' papers, while the bibliography is well-developed, the writing does not reflect as well-developed an ability to compare and contrast intellectual approaches, or to deepen or broaden an existing analytic method as it has been applied to a specific research problem in the relevant academic literature. 'B' papers reflect a generally accurate understanding of most of the relevant points in a given academic debate, but do not go beyond depiction of the debate towards new, critical insights. The body of the essay is well organized and provides adequate support for the elaboration of the argument. There may be problems with minor elements of grammar, punctuation and composition. The style is somewhat individualized. The paper is coherent, with appropriate diction and some variety in sentence construction. The format, although not flawless, is superior.

C

Standard. In the 'C' paper, the thesis is correct and adequately expressed, while the development of the argument and presentation of evidence is sufficient to support the claims being made. The paper reflects a clear effort of having read much of the relevant academic literature on a given topic or problem, but may suffer from notable gaps in research or comprehension of issues. 'C' papers often reflect only a single intellectual approach or perspective on the issue under review. Problems with grammar, mechanics, and composition are apparent but do not interfere with the presentation of the argument unduly. The style is not individualized, yet the direction is generally suitable and sentence patterns are usually correct. Citation style and bibliographic format are reasonably accurate.

D

A bare pass. Usually reflects an inadequate level of research, weak comprehension of issues and little intellectual effort by the student. The work is replete with problems and errors in grammar, spelling, punctuation and format, but either (a) the ideas and concepts presented and analyzed are

strong enough to salvage the paper from the 'F' category, and/ or (b) the paper represents a qualitative improvement over earlier and failing work, which the instructor wishes to recognize.

F below 50

Failing grade. The 'F' paper either has no thesis or a thesis which is insupportably vague, broad or inaccurate. The topic chosen by the writer is often either (a) superficial and analytically inconsequential, or (b) far too broad and ambitious to be handled in a term research paper. Bibliographic research is woefully inadequate. Understanding of key issues is poor to non-existent. Development of the argument is poor; the evidence in support of the major theme is unreliable, unconvincing or inaccurate. In grammar, mechanics and composition errors abound. Essay organization is confused or illogical. Inappropriate diction and frequent sentence errors characterize the writing style.

Assessment of Course Participation (15 % of final grade)

13-15 Outstanding

Demonstrates high level of critical reading of, and engagement with, assigned material; continually encourages and supports others; outstanding leadership, critical contribution and interpersonal skills; volunteers, facilitates the learning of others; near 100% punctual attendance and on-time assignment completion.

11-12 Very Good

Demonstrates critical reading of assigned material; provides leadership and active support of other students; regular and punctual attendance; assignments completed on time; positive attitude and high level of effort.

9-10 Adequate

Works well with others, occasionally willing to contribute to class discussion; only 2-3 classes non-punctual/non-attendance without satisfactory explanation; completes assignments on time; satisfactory effort and attitude.

6-8 Minimal

Contributes little during classes; more than 2-3 classes non-punctual/non-attendance without satisfactory explanation; an assignment not completed on time; motivation and initiative low; minimal level of effort.

3-5 Poor

Absent or near-absent contribution and support during class; poor punctual and attendance record; assignments not completed on time; attitude, participation and effort do not meet acceptable standard.

15% of the grade in this course is based on the student's participation in class discussions, presentation, etc.. You have the opportunity to offer your own assessment of your participation and then suggest a fair grade for this section of the course. I will take your assessment into account when making my own assessment. Please use the form on the other side to assess your participation.