

## Class activities\*

Class 1 September 8

### Introduction

### Discussion Questions



- Why does the Canadian state regulate so many sexual conducts and sexual behaviour among adults?
- Why does it criminalize many of these sexual behaviours?
- Should adult sexual behaviour be confidential and off limits for the state?
- What close adult personal relationships, if any, should the state regulate? What close adult personal relationships, if any, should the state criminalize?
- Do we as individuals or as a society rely too much on Criminal Law and its institutions to deal with problems related to or involving adult personal relationships?
- Are there any other non-Criminal Law (and maybe extralegal) alternatives to deal with these issues? If so, what are these alternatives?
- Read and analyze the article “Should you ask someone permission to kiss them”. Do you think we should ask someone permission to kiss? Why or why not? If so, in what circumstances? Do you agree with the prosecution in MP Nigel Evan’s trial?
- Analyze the songs played in class.



**Class 2 September 15:**

### **Violence against women**



- What is the main thesis of the film?
- What are the three types of abuse against women mentioned in the film? Are there other types of abuse against women?

- Why does abuse against women happen? Why do some men abuse their wives/girlfriends/partners? Is it prevalent in Sault Ste. Marie?
- Is there female violence against males?
- What are some of the signs of an abusive relationship?
- Why is it difficult for some women to leave their abusive husbands? Why do some abused women believe the abuse is their fault? Why do some victims of –sexual- abuse feel ashamed?
- What can be done to stop violence against women?
- Look for news articles on spousal/partner rape from prestigious newspapers or news organizations such as The Globe and Mail, The National Post, The New York Times, and BBC. How do the media cover spousal/partner rape?
- What do you think of the legal treatment of violence against women? Should there be a specific crime? If so, how could it be defined? What changes, if any, would you make to Canadian Criminal Law to better deal with abuse and violence against women?
- What is dual charging? What happens in sexual assault cases?
- What do you think of the no-drop policy? What are the implications of this policy?

**Classes 3 and 4 January 22 and 29**

## **Stalking**

### **Discussion questions**



- What is stalking?
- Why does stalking happen?
- Do a web search and find examples of cases involving the three types of stalkers analyzed in class.
- Do you think that stalking is a frequent crime in Sault Ste. Marie? Why or why not?
- What do you think is the impact of stalking on victims?
- What do stalking victims often do in response to stalking? What are some of the methods stalkers use to stalk their victims?
- What do you think of the way the crime is structured in Canadian law? Is it too comprehensive? Too vague? Can you think of conducts that would be criminalized but should not? Can you think of conducts that should be criminalized but are not?
- If you become a victim of stalking, what steps can you take to ensure your own safety?
- Can stalking occur online? If so, can you think of examples involving adults?

## **Scenarios**

### **Video scenarios**

Analyze the following scenes. Discuss whether stalking was committed or not. Analyze every element of the crime. What type of stalker is this person?

### **Written scenarios**

1. Ever since he was a teenager, Julian has had a huge crush on Brooke Shields. He has always bought her posters, pictures, and has watched all her movies and TV shows. He even shows her videos in class whenever he has a chance. Julian has also the dubious record of being eBay's ever highest bidder for a signed photograph when he paid US\$ 275 plus shipping and handling for an 8 X 10 glossy picture signed by Brooke Shields herself –or at least, so he thinks. When Julian learned that Brooke Shields would play in a

musical (Chicago) in London, UK, he traveled to England to see the play. After the show, he waited for her outside the Adelphi Theatre –like many other fans- and asked her for her autograph.

2. George Stults, the 7<sup>th</sup> Heaven star, complains to the police that he is being constantly bothered by a persistent fan. Stults reports that no matter how many times he changes his phone number or location, this woman somehow locates him. Stults feels that she must have some connection with the telephone company. He has received over a hundred telephone calls with message left on his answering machine at all hours of the day and night from this woman, known only to him as “Deborah”. The calls are frequently obscene and very suggestive. With the assistance of the telephone company, the police are able to trace the telephone calls to a Deborah Dorey, a recently fired employee, responsible for handling applications for unlisted telephone numbers.
3. Professor Gomez, a newly recruited English Literature Assistant Professor at the University of California, is madly in love with one of his students –Alyssa. He thinks that she may love him because he noticed that when he is lecturing she looks at him. He repeatedly asked her to go to his office during his office hours with any sort of excuse (share his class notes with her, explain new theories and even reveal the questions of the test). The student went to his office, but when she realized the meetings didn’t have an academic purpose she stopped going. Professor Gomez went crazy and engaged in a bizarre and obsessive pattern of behavior that included relentless e-mail messages, phone calls, “love” poems, and numerous communications that spread lies about her to other professors at the University of California. She felt afraid, vulnerable and helpless. Alyssa and her boyfriend asked Professor Gomez to stop all this. But this did not stop the Professor, who continued to pursue the student through other means, such as posting poems about her on his website, engaging in incidents of watching her in the library, and sending indirect communications through her colleagues. Professor Gomez confessed to an undercover police officer –who pretended to be a new faculty member- virtually all the alleged incidents, and admitted that an obsessive love of the student had evolved into an obsessive hatred.
4. Johnny is a popular junior who dates a lot of girls on campus. Last week, after he broke up with Maria, she started spreading a rumor that he was "lousy in bed".

5. Chester Walters advises you that for the past forty years, he has received a Christmas card from his brother Arthur. Chester hasn't spoken to his brother since the Korean war when Arthur married Chester's sweetheart while he was overseas fighting. Chester states that he never opens the cards, and sees his brother's behavior as harassment.
6. Dr. Diane Lane states that she is being bothered by the janitor at the clinic where she does volunteer work, in her neighbourhood. Dr. Lane remarks that she works late often until 9 or 10 in the evening. "Chuckie", insists on walking her home. She politely refused, but he persisted anyways. After speaking more firmly to him, she noticed that he followed her home the next night from a distance. She is now fearful of his intentions.
7. Andrea Reebok reports that her parents are being intimidated by her former boyfriend. After a short, but abusive relationship, Andrea left Keith McLean and moved to another community. Andrea feared Keith McLean would harm her when he discovered she had left him, so she left no forwarding address. This evening McLean went over to her parent's home and demanded to know where she had moved. Her parents refused to provide him with the address. McLean threatened to "make their life a living hell" until they told him. He smashed several family heirloom vases, kicked in their grandfather clock, and stormed out the door stating he would return and they would be sorry. He told them he would "kick the crap out of both of them next time."
8. At Tim's work it is common for everyone to send emails to each other. One of his co-workers sent Tim an email with pornographic pictures in it, Tim sees it and feels uncomfortable.
9. A man moved to a small community to work. He met a woman who worked in a local store but lived in an isolated farmhouse 20 minutes from town. He commented on their first meeting how frightening it must be to live as a woman alone, but that she shouldn't worry, as he was not a stalker. A few days later, he appeared at her side while she was working at the store. He met her days later at a community event that she attended with friends. Later, he arrived at her house while she was alone, preparing to go out for the evening. She invited him in but told him she had to leave soon. He talked about his repeated visits to the farmhouse when she was not there, and how glad he was to have found her at home. He spoke again of her isolated setting, and her vulnerability to attack. He accurately described her activities with her friends that day. She eased him out of her

house and fled to her friends. A mutual friend told the suspect that the woman was upset by his visit. The following morning, the suspect arrived at her door because he had left his coat at her house the night before. She did not answer. The suspect began to depart, then stopped and parked his vehicle so that it blocked her car. Then he returned to bang loudly on the door. Police were called. The suspect gave a statement to the police indicating he was new in town, single and lonely, and the woman was friendly. He had run into her accidentally at the store, and later at a community event. When he came to visit, she invited him in for a drink, and he forgot to take his coat when he left. Later he heard that she was upset with him. He visited her house the next day to find out why, but no one was at home. As he was leaving, he saw a curtain moving, so he stopped his vehicle and ran back to see if she was, in fact, at home.

10. Amber is the new exchange student from Europe and all the guys are asking her out. Sally is very jealous and spreads the rumor that Amber is "easy" and a "slut".
11. Gaston Tooley went to The Tavern, a bar in Los Angeles, California. He drank several beers until he was completely drunk. Suddenly, he spotted Jennifer Love Hewitt having a drink with some friends. He stared at her for several minutes. Suddenly, Jennifer looked at her watch and left the bar. Gaston, who has had a crush on her since he watched her every week on Party of Five, followed her. She got into an apartment building near the bar. Gaston waited for her. Two hours later, she came out and took a taxi to her home in Beverly Hills. Gaston drove his car and followed her. When she was unlocking her door at her Beverly Hills mansion, Gaston got out of his car and asked her to marry him. She said "Go away or I'll call security". Gaston threatened to kill her if she didn't agree to take a plane to Vegas and marry him that same day.
12. Waitress, Flo Delaney, reports that she is having trouble with a regular customer. Delaney states that an older gentleman, Leo Bryan, has been coming into the restaurant everyday and has been proposing marriage to her for the past three months. At first, she felt it was kind of sweet, and hadn't taken him seriously. Leo is over twice her age (he is about 70 years old), and she has been living in a common law arrangement for the past four years. Despite telling him firmly that she was already married, Bryan remained persistent. For the last two weeks, he offered her presents, which she politely refused. Finally, his presence began to bother her and she had the manager throw him out of the

restaurant. For the past two nights, he has been parked across the street from her apartment all night. Flo is afraid Leo may rape her if she does not marry him.

## **Class 5 October 6: Sexual assault**

### **Sexual assault scenarios**

Analyze the following video scenarios. Is there a crime? Why? Why not? If so, who committed the crime? What are the elements of the crime? What is the maximum sentence for this crime? If you do not think there is a crime, why is that? Is there a defence?

### **Scenarios**

1. At a party, Homer has been talking to Marge, a young woman he met there for the first time. They seem to be having a good time; but it is clear that Marge has had too much to drink. At one point, Homer says to a friend that he is just going to get her “one more” and “that should be enough.” A few minutes later, they go to a room and have sex.
2. At a party, Homer puts Rohypnol (the so called date rape drug) in Marge’s drink. Homer and Marge have been dating for a few weeks. Marge is not that steady on her feet; and he is trying to get her to go into a bedroom with him. Homer asks Marge if she wants to have sex with him, and she says she does. Homer and Marge have sex.
3. Marge has a serious boyfriend, Homer, and he frequently comes to visit her to her college dorm. It is not a co-ed dorm; Marge asks her roommate to leave. Homer asks Marge if they want to have sex. Marge agrees.
4. Homer is dating Marge. He wants to have sex with her. Homer asks Marge’s brother if he thinks it is OK for him to get into bed with his sister. Marge’s brother says “go ahead. Marge wants to have sex with you, too”. Later that day, Homer kisses Marge. He doesn’t say anything to her, and has sex with her.
5. Homer is a university professor of nuclear engineering at Springfield University. Marge is Homer’s student. Homer seduces Marge and asks her out. Marge mentions to Homer that she has problems understanding Nuclear Chemistry. Homer tells her that he wants to



help her. He tells her to go to his house with the excuse that his office had just been painted and it was not safe to breathe fresh paint. After briefly explaining Chemistry, Homer tells Marge that he wants to have sex with her. Marge does not want to upset Homer, so she agrees.

6. Homer likes Marge. Marge has been dating her boyfriend for two years. Homer tells Marge that he is in love with her and wants to have sex with her. Marge is shocked. She politely turns him down. Homer insists. Marge is afraid Homer may become violent. She tells him “OK. Let’s”. Marge becomes still. Homer has sex with her.
7. Homer and Marge have been dating for a while. Homer and Marge have had sex several times. One night, after a party, Homer asks Marge if she wants to have sex. She agrees. After Homer initiates sex, Marge says “Please stop, you are hurting me”. Homer ignores her and continues to have sex with her.
8. Homer and Marge have been dating for a while. Marge has told Homer that she wants to be virgin until marriage. One day, Homer and Marge decided to take their relationship to the “next” level. They agreed to engage in oral sex. Both were actively enjoying this activity, when Homer placed Marge on her back and proceeded to intercourse. Marge stared blankly off and became silent.
9. Homer and Marge have been dating for three weeks. Homer went to Marge’s house. She felt that things were going too fast. Homer tells Marge, “I thought you really liked me” and “I thought this could be a special time”. Marge really likes Homer, but doesn’t want to move too quickly. Homer begins to question whether or not Marge trusts him. He also says things like, “we’ve been going out for three weeks, and it’s time you made me happy.” After some time, Marge gives in to his requests.
10. At a party in a mutual friends’ house, Homer meets Marge for the first time. Homer and Marge get drunk. They go upstairs; and they have sex.
11. Homer and Marge have been married for years. They have 3 children: Bart, Lisa, and Maggie. One night, Homer comes late from work. Marge is sleeping. Homer gets into bed and starts kissing her. He then proceeds to have sex with her.
12. Homer and Marge have been married for years. They have 3 children: Bart, Lisa, and Maggie. One night, Homer comes late from work. Marge is sleeping. Homer gets into

bed and starts kissing her. He then asks Marge if she wants to have sex. Marge is fast asleep, but she says “Yes, Homer”. Then, he proceeds to have sex with her.

13. Homer and Marge have been married for years. They have 3 children: Bart, Lisa, and Maggie. One night, Homer comes late from work. Marge is sleeping. Homer gets into bed and starts kissing her. He then asks Marge if she wants to have sex. Marge is fast asleep, but she says “Yes, Homer”. Then, Homer gently shakes her until she wakes up. He says to her “Honey, are you sure you want to have sex?” Marge says to him “of course”. Then they have sex.
14. At a party in a mutual friends’ house, Homer meets Marge for the first time. Homer and Marge get drunk. They go upstairs to a bedroom. Homer asks Marge if she wants to have sex with him. She says she does. They have sex.
15. At a party in a mutual friends’ house, Homer meets Marge for the first time. Homer and Marge go upstairs to the bedroom. Marge kisses Homer. She initiates sex. Homer is surprised, but he likes it. And they have sex.

### Campus rape culture



- What is campus rape culture? Does campus rape culture exist in SSM? If so, what can you do to fight it? Are there university prevention programs for dating violence, sexual assault, and stalking? Have you ever attended such a program and if so, was it helpful?

- Read the article “Obama Promises Government-wide Scrutiny on Campus Rape”. What is the problem? Why does the US government get involved?
- Read the articles “College rape tribunals fail students: Our view” and Rape Victims Need Title IX. What are the two main legal positions about dealing with campus rape in the US? What is your opinion? What is the value of a college tribunal to deal with campus rape?
- Discuss rape myths and how they may impact a victim’s willingness to contact law enforcement.
- What do you think about California’s recent law on campus sex? What do you think of the app Good2Go? Is it useful? Can it have any legal value?
- Discuss the St. Mary’s University (Halifax, NS) pro-rape chant during Frosh week last year? What do you think of the chant? Discuss the measures that St. Mary’s took to prevent this incident to happen again.

### **Dating Violence Discussion questions:**

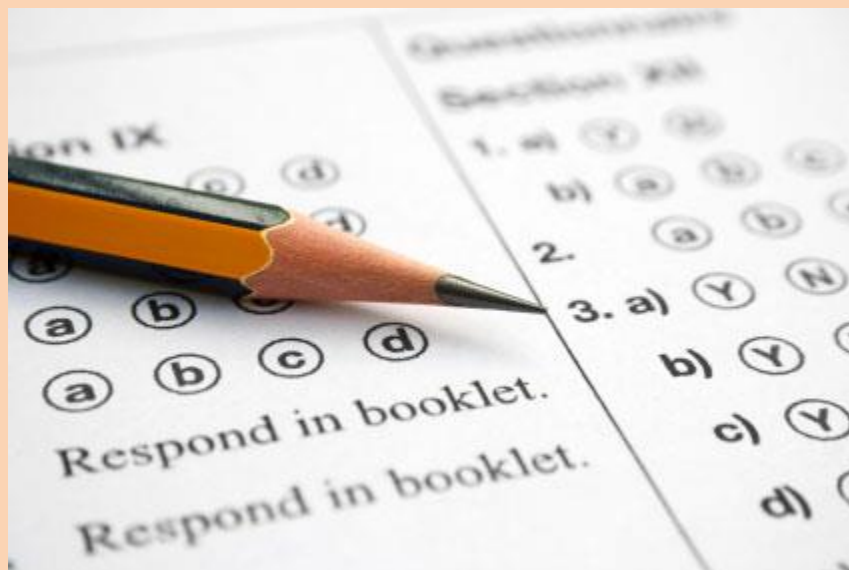


### **Dating violence**

- What is dating violence?
- What are the signs of dating violence?
- What are the consequences of dating violence? Why does it occur?

- Is it always a crime? What crimes can dating violence involve?
- What is the connection, if any, between alcohol and dating violence? Is alcohol misuse an issue on campus?
- In a relationship where there is dating violence do you question why the couples stay together? Why do they stay together or why do they break up?
- Can relationship control ever be a good thing? Why or why not?
- How personality traits such as jealousy, hypermasculinity, and anger impact the various forms of interpersonal violence. Is jealousy in a relationship helpful or harmful?

### **Class 7 October 27 TEST**



### **Class 8 November 3**

## **Bigamy, Polygamy, and Adultery**

### **Discussion questions**



### **Bigamy and Polygamy**

- 1) What are some of the reasons for criminalizing bigamy and polygamy?
- 2) Do you agree with criminalizing bigamy in our present society? Why? Why not?
- 3) Who practices polygamy? Why?
- 4) BC Chief Justice held that “women in polygamous relationships are at an elevated risk of physical and psychological harm. They face higher rates of domestic violence and abuse, including sexual abuse.” Are these valid reasons to criminalize polygamy?
- 5) Why is polygamy a crime when three consenting adults agree to live together in a conjugal union? What are the advantages, if any, of polygamy?
- 6) Do you agree with the criminalization of polygamy? Why? Why not?
- 7) What Charter rights, if any, may be infringed by the criminalization of polygamy and bigamy?

### **Bigamy**

#### **Prosecution**

- Florencia reported Julian’s actions before the police and the prosecution. She said “We have been married for over 10 years. I am not a lawyer, but I think that this is bigamy. This must be a crime. I want you to beat the crap out of him in court for marrying that mother\*\*\*ker.”
- What crime, if any, did Julian commit?
- Analyze section 290 of the Canadian Criminal Code.

- Find and analyze Canadian judicial decisions on bigamy.
- Find and analyze three legal articles discussing the crime of bigamy in Canada.
- Write a short report with all this information. Include the findings from the cases and articles. Incorporate them in your memo. Discuss the crime of bigamy in Canada and whether Julian has committed this crime or any other crime.
- Prepare the opening arguments for the trial. You may not read from any notes when delivering the opening argument.

### **Defence**

- Julian hired your firm, a prestigious SSM Law Firm to handle his Criminal Law defence.
- What crime, if any, did Julian commit? What, if any, are possible defences?
- Analyze section 290 of the Canadian Criminal Code.
- Find and analyze Canadian judicial decisions on bigamy.
- Find and analyze three legal articles discussing the crime of bigamy in Canada.
- Write a short report with all this information. Include the findings from the cases and articles. Incorporate them in your memo. Discuss the crime of bigamy in Canada and whether Julian has committed this crime or any other crime.
- Prepare the opening arguments for the trial. You may not read from any notes when delivering the opening argument.

### **New York**

- You are the members of a very prestigious law firm in New York. You have been consulted to give expert testimony about New York law on bigamy and other crimes which Julian may have committed.
- What crimes, if any, did Julian commit in New York?
- Analyze article 255 of the New York Penal Code.

- Find and analyze legal articles and web sites discussing the crime of bigamy and other related crimes in New York.
- Write a short report with all this information.
- Prepare your expert witness testimony for the trial in Canada. Expert witnesses may prepare slides with the information. But they need to testify without reading.

### **Comparative Criminal Law**

- You are the members of a very prestigious international law firm. Julian has hired you to help him with his case.
- First, he wants you to find countries where bigamy is not criminalized.
- Second, since public opinion influences the outcome of most trials, Julian would like you to prepare a survey to find out what people think of the criminalization of bigamy in Canada. Go out and interview ten people (other students, faculty, staff, etc.). Include the results in your report.
- Write a short report with all this information.
- Prepare your expert witness testimony for the trial in Canada. Expert witnesses may prepare slides with the information. But they need to testify without reading.

### **International Law Firm**

- You are members of a very prestigious international law firm. Julian has hired you to help him with his case.
- First, he wants you to find countries where bigamy is not criminalized.
- Second, since public opinion influences the outcome of most trials, Julian would like you to prepare a survey to find out what people think of the criminalization of bigamy in Canada. Go out and interview ten people (other students, faculty, staff, etc.). Include the results in your report.

- Write a short report with all this information.
- Prepare your expert witness testimony for the trial in Canada. Expert witnesses may prepare slides with the information. But they need to testify without reading.

## **Class 9: November 10: Marriage and Divorce**

### **Scenarios**

1. Homer and Marge married 5 years ago. Although they did not get along well, neither cheated on the other and neither of them was ever physically or emotionally abusive. Over a year ago, they agreed to split up. But since they could not afford to rent another house, they agreed that Marge would sleep in the bedroom and that Homer would sleep on the couch. Each carries on with their everyday life. They don't do anything together, except for an occasional meal once or twice a month. They have separate bank accounts. And they pay the bills 50/50. Can they apply for divorce?
2. Homer and Marge have been married for less than a year. Marge suspects that Homer is cheating on her. Homer wakes up at night to text and talk on the phone. He is overprotective of his phone, and does not let Marge answer it. Homer comes back from work very late almost every day. He usually smells of alcohol and woman's perfume. Sometimes, Homer comes home wearing a different set of clothes than the one he wore in the morning when he left for work. Last week, Homer told Marge that he was going to play pool with Fat Tony. Marge called Fat Tony to ask if Homer was with him. Fat Tony told Marge that he had not seen Homer for months. Marge wants to file for divorce on grounds of adultery. Can her application for divorce be successful? Can she apply for divorce on other grounds? Why or why not?
3. Homer and Marge had been married for 10 years. Homer worked on a nuclear plant. And Marge stayed at home, doing house work and raising their three children. They both agreed to divorce. Homer earns a net salary of \$ 48,000 a year. He pays \$ 1500 in child support (\$500 per child until each reaches 18). Marge sues Homer for spousal support. She claims \$ 1000 a month for life. Marge argues that she cannot get a meaningful job. Because she has custody of their children, she cannot go back to school, either. She says



that by the time their baby is 18, she will be too old to go to school and that even if she does she will be too old to compete with young graduates once she finishes school. Is she entitled to get spousal support? What would be your decision?

4. Fred and Wilma married as soon as they finish their BA in Philosophy. They both wanted to go to graduate school. They agreed that Fred would go to Law School and that Wilma would work and support her husband. Once he finished Law School, it would be her turn to do a Ph.D. in Philosophy and Fred would support her. After Fred finished Law School, they divorced. Wilma wants Fred to pay spousal support until she finishes her Ph.D., which she estimates will take her 7 years (2 years to do an M.A. and 5 years to complete her Ph.D., including her thesis). Fred wants to pay only for 3 years. He argues that she supported him during 3 years only. You are the judge. What would be your decision about spousal support?
5. Fred and Wilma had been married for 4 years when they decided to get a divorce. Fred had always worked to provide financial support for the family. Wilma has a \$2 million savings account that she had inherited from her parents. She had never touched this money during the course of the marriage. Wilma claims \$ 500 in spousal support from Fred until she goes back to school and finishes her BA program, which she quit when they got married. You are the judge. What would be your decision about spousal support?
6. Fred and Wilma filed for divorce. They have no children. They don't agree on how to divide their property. They have a house worth \$100,000. They also own a car worth \$ 5,000, and electronics and furniture worth 20,000. Fred has a Rolex watch which his father gave to him before he married Wilma. How would you divide the property?
7. Fred and Wilma filed for divorce. They have one child aged 3. They don't agree on how to divide their property. They lived in Fred's house which he had bought before they got married. The house is worth \$200,000. They also have \$ 100,000 in savings at Bedrock National Bank. Wilma never worked. The savings all came from Fred's salary. How would you divide the property?
8. Fred and Wilma filed for divorce. They have no children. They don't agree on how to divide their property. Fred is a famous movie star. He made \$ 1,000,000 a year. Wilma stayed at home. But she did not have to do any house work, as the couple had several employees (maid, housekeeper, gardener, cook, etc.). Their assets total \$ 5,000,000. How

would you split their assets? Also, Wilma claims \$ 100,000 a year in spousal support for life. She argues that Fred had asked her not to go to school because he did not want journalists and photographers to report on his wife's studies and grades. As a result, Wilma has no education and no work experience.

9. Fred and Wilma had been married for 4 years. They have a 3-year old child. They own a house worth \$50,000 and have other assets worth \$ 100,000. Fred had an extramarital affair. Wilma filed for divorce on the grounds of adultery. She wants to have sole custody of the child and wants to keep all the assets, including the house.
10. Fred and Wilma filed for divorce. They have a 3-year old child. Wilma has sole custody of the child. They don't agree on how to divide their property. They have a house worth \$100,000. They also have \$ 200,000 in debt which is all in Fred's name. This debt was incurred entirely during the marriage and for expenses related to the marriage. How can they divide their property? What about debt?

### **Adultery**



1. What is adultery?
2. What are some of the causes of adultery? Why do some people cheat on their significant others? What are some of the consequences of adultery?
3. Do men cheat more than women? Why or why not?
4. What are some signs of a cheating spouse/boyfriend/girlfriend?
5. Is sleeping with someone other than your girlfriend/ boyfriend as serious as cheating on a spouse? Should cheating on a girlfriend/boyfriend be legally regulated? What do you consider cheating in a dating relationship?

6. Do you agree with the legal treatment of adultery in Canada? Do you think it should be criminalized?
7. What messages do we get from society/media about adultery?
8. Do social media encourage cheating/adultery? Do social media sites make cheating easier? If so, how?
9. AshleyMadison.com, is a Canadian website which describes itself as the market leader in the infidelity business. Its motto is: “Life is short. Have an affair.” What do you think of this site? Is it legal in Canada? If so, should it be prohibited?
10. Foreign organizations, such as solo enterprises or small companies in Russia and Japan offer grooms and brides for sale. Is it morally wrong to buy a marriage partner from these organizations, assuming that the transaction is voluntary and the spouse to be agrees to marry the client? Should this be illegal? Why or why not?
11. Select a country other than Canada and the United States. Do an online search on the legal and social treatment of adultery in that country.
12. Analyze the video just shown in class from a legal perspective. Are there grounds for divorce? Why or why not? Is there polygamy (defined as any kind of conjugal union with more than one person at the same time, whether or not it is by law recognized as a binding form of marriage, conjugal union).



### Microteaching



- Teach a class about legal aspects of marriage in Canada. Include a class activity.
- Teach a class about grounds for divorce in Canada. Include a class activity.

- Teach a class about legal aspects of spousal support in Ontario. Include a class activity.
- Teach a class about legal aspects of division of property in Ontario. Include a class activity.
- Teach a class about legal aspects of divorce in a US state. Include a class activity.
- Teach a class about legal aspects of divorce in a European country. Include a class activity.
- Teach a class about legal aspects of marriage and dissolution of marriage in Saudi Arabia. Include a class activity.

## **Class 11: November 24**

### **Prostitution and Pornography**

#### **Prostitution**

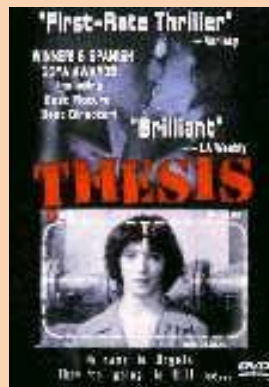


1. What did the Supreme Court of Canada hold in *Canada (Attorney General) v. Bedford*, 2013 SCC 72, [2013] 3 S.C.R. 1101?
2. Briefly summarize the law before Bedford.
3. Do a web search of Bill C-36 on prostitution in Canada. Summarize the bill.
4. What does the new law mean for prostitutes? What does it mean for clients?
5. What are the problems with Bill C-36?
6. Is Bill C-36 complying with the Supreme Court's decision in Bedford? Do you think Bill C-36 could violate the Charter? Why or why not?

## Discussion questions

- What are some of the arguments for the criminalization of pornography?
- What are some of the arguments against the criminalization of pornography?
- What is your opinion of the Supreme Court's Butler decision?
- Should governments regulate sexual morality?
- Is there a connection between watching pornography and being violent?
- What should be an appropriate legal treatment of pornography?
- Do you agree that the Butler test should not apply to gay and lesbian pornography? Why do you think that Criminal Justice officers focus on attacking gay and lesbian pornography?

## Scenarios



- Prof. Chris Smith subscribes to a pedagogical theory known as Visual Pedagogy, which believes in the importance of developing media literacy in the college classroom. As usually, he shows videos to illustrate his ideas and to foster debate. When teaching pornography and obscenity in his Crime and Punishment class, he showed sexually explicit videos taped from Playboy TV for students to identify whether these videos are legal and what Feminist Criminologists would think about them.

- For this same class, Prof. Chris Smith also showed a sexually explicit video depicting a man that choked his female partner to death. Is this video obscene? Is Julian committing the crime of showing obscene material?
- The Indiana Congress in the US adopted a law that employs the feminist definition of pornography as the “sexually explicit subordination of women.” Thus, all materials that show sexually explicit subordination of women are prohibited. Is this law constitutionally valid in the US? What if Parliament in Ottawa adopted the same law? Would it be constitutionally valid in Canada?
- The book *Querelle* by prestigious author Jean Genet, narrates the story of a sailor on the cargo ship *Le Vengeur*. Querelle is also a thief, a prostitute, an opium smuggler, and a serial killer. While he technically kills for money, his real motive for murder is the sheer, liberating pleasure of it; he kills to feel alive. He views crime as the highest form of creative expression. While he is sexually drawn to other men, he is more aroused by power than by people. Sex, for him, is an act of either domination or submission rather than pleasure or love, and so his partners are objects existing for the sole purpose of enacting his sadomasochistic fantasies of power and punishment.
- In a scene from the sitcom *Married with Children*, Bud has sex with a rubber doll. The doll is fully naked.
- The movie *Thesis*, directed by Oscar-winner Alejandro Amenabar, tells the story of Angela, a university student that writes her thesis on film violence. While doing research for her thesis, Angela finds a snuff movie in which a young girl is raped, tortured, and killed. The director shows this movie in its entirety. Amenabar wants his audience to

reflect on why sex and violence are so fascinating and whether it is morally correct to show violence in movies.

\*Except for newspaper articles and court cases, all class activities are hypothetical and fictitious. Any resemblance to actual persons, institutions, or events is purely coincidental. All activities are meant to facilitate the discussion and study of Law. They are not meant to advocate for or promote any crime or unlawful action.