

Centre for Global Studies 3523F (sec. 550)

## Law in Global Relations and Languages of Power

Centre for Global Studies  
Huron University College

pre-requisite: 0.5 Centre for Global Studies course at the 1000-1099 level, or  
permission of the Centre for Global Studies

**September – December, 2021**  
Tuesdays, 1:30 – 2:20pm., room # W108  
Thursdays, 12:30 – 2:20pm., room # W108

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arrange an appointment)

### GENERAL COURSE INFORMATION

#### Course Description

This course is focused on a consideration of ways in which human beings establish their relations with one another in the world and with the world itself through law. In some very important ways, one might argue that human beings give to themselves a world or worlds through law, as a way of developing understanding and knowledge of themselves and others as partaking in a world or worlds with one another. Moreover, in any cultural or social tradition, law functions as an interpretive guide and fundamental language through which the unknown and difference in the world is brought into terms of understanding and knowledge. Law is something that we produce to make the world, as unlimited phenomena and encounters that go far beyond the experience of any one of us, thinkable and relatable. As a consequence, law is also formed as languages that speak to relations of power, between human beings, between humans and other beings, and between humans and the broader material world and its dynamics. Through law, we establish relations of power, as forms of respect but also as forms by which inequalities are created and formalised.

Our studies in this course will follow five phases:

First, we will consider expressions of what it means to talk about law, as an engagement with the world. In this regard, we will focus on two particular expressions of and efforts to articulate law as relations and forms of knowing. As our first example, we will learn from and think with Sylvia McAdam (Saysewahum) in her articulations and introductions to *nêhiyaw* (Cree) legal systems regarding, primarily, physical laws, particularly as sources for contemporary revitalization of *nêhiyawak* self-determination. Following this, we will study John Borrows' (Kegeedonce) articulations of Anishinabek legal traditions, as they may inform us about challenges and opportunities that Anishinabek and non-Anishinabek peoples face in developing critical understandings of and practices in building relations of a world amongst human beings today. In addition to gaining knowledge and understanding of *nêhiyaw* and Anishinabek law and legal traditions through these readings and studies, our work in this introductory portion of the course will be to gain a complex sense, through these examples, of what law is and how it functions.

Second, we will study and critically analyse the writings of three prominent and foundational thinkers to modern European traditions of law, as they pertain to knowledge on global scales: Francisco de Vitoria; Hugo Grotius; and Immanuel Kant. Writing about and engaging in important public and international debates over public and international law across the full span of the 16th through 18th Centuries, Vitoria, Grotius, and Kant were instrumental in establishing the modern universalist legal tradition that grounds itself in notions of sovereign rights of individuals and peoples. We will study key writings of theirs, in this regard, to explore how such a universalist and rights-based tradition has been formed, focusing on how modern theories and legal principles of rights are constructed on the legal exclusions of and discriminations against non-European peoples, as well as women, children, and others deemed only "passive citizens." In particular, with some help from the contemporary writing of law scholar Costas Douzinas, we will study how this universalist tradition of rights and human rights is formed in direct exclusions and efforts to erase the possibility of the traditions and legal resources exemplified in *nêhiyaw* and Anishinabek law, as represented by McAdam and Borrows.

Third, we will engage in the critical study and analysis of core mechanisms and articulations of contemporary international human rights law that have followed from the tradition established by such scholars as Vitoria, Grotius, and Kant. We will focus on core human rights conventions and treaties that are established through the context of the United Nations, addressing: fundamental human rights law; principles of de-colonisation; the rights of Indigenous peoples; the rights of refugees and stateless persons; the prevention of genocide; the elimination of racism; the rights of women; and the elimination of sexism. Through these studies, we will examine how central forms of contemporary international human rights law express the universalist European tradition of law and establish forms of inequality and powerful struggles over how the world may be known and articulated. We will raise questions about the loss of legal pluralism under this regime of rights. And, we will consider how this international universalist language of law is open to challenge and re-articulation.

Fourth, we will critically examine problems inherent to the very language of "human rights" in law, considering, via the reading provided by Roberto Esposito, how the

language of "human rights" establishes a form of law that is illusory, in that no one can actually inhabit the world that makes sense to "the human" as such. And, via our readings of a book by Ratna Kapur, we will complicate this work in important ways by considering how the language of human rights, under contemporary rights law, is especially inarticulate on questions of gender, sex, and sexuality. Of special interest, in this respect, will be our efforts to reflect on Kapur's arguments for how laws of rights could be written so as to express freedom on alternative registers to "the human."

Fifth, through a return to further writings by Borrows and his explorations of engagements between Indigenous legal traditions and those of the Canadian settler state, we will focus on how laws of freedom may be spoken and written anew, so as to be inclusive and appreciative of self-determination in law, of the determination of one's own place in the world, and of the world as a site of change and creation.

## **Learning Objectives**

Students in this course will learn to understand and interpret law primarily on the register of language, examining how legal traditions and laws are produced to establish specific bodily, social, spatial, and intellectual relations between persons and their environments in the world. Students will learn how law and laws are formed as tools for producing knowledge regarding the unknown. Students will learn how law is itself produced in relation to questions of change and the dynamics of living in a changing world.

Students will learn how dominant forms of universalist international law are grounded in European/colonial ideals of personhood that knowingly exclude, discriminate against, and undermine the power of those who resist the imposition of this ideal. Students will learn how contemporary international human rights law is structured against peoples deemed Indigenous within European legal traditions, denying the validity of the languages of law of these peoples. Students will learn how universalist human rights law is built around articulations of legal personality that cannot be lived and that specifically challenge the rights of persons differentiated in these universalisms on grounds of gender, sex, and sexuality.

Students will learn how to develop critical perspective and intellectual leverage in challenging the coloniality, racism, and sexism of contemporary international rights law. And they will learn how it is possible to productively engage in the freeing of the language of rights in non-oppressive forms.

Students will gain strong practice in critical reading and interpretation of texts. They will gain significant practice in articulating critical analyses of texts. They will gain instruction and experience in conducting scholarly research in the area of rights law.

## Methods of Class Instruction and Class Dynamics

During the three hours that we meet as a class each week over the term, the main methods of instruction will involve substantial lectures provoking class discussions. The form of this interplay will change from meeting to meeting, as needed and desired.

The key thing that is going to drive the learning process in our course is direct conversational engagements with one another. While I will spend a good amount of time each week lecturing on the texts and ideas student are to have read and studied for each week, the whole purpose of these presentations is to bring about and provoke strong, useful, and important discussions with one another over our studies. Thus, not only is it imperative that all class members attend our classes, it is absolutely crucial that everyone complete per assigned readings for each week before coming to class. Our lectures and discussions in class will not be aimed at simply covering what is already written in the assigned readings. Rather, our lectures and discussions will aim to use these readings as bases for our discourse in class, so that we may take questions, observations, challenges, and insights that are raised in these readings a great deal further. Therefore, it is expected that students in this course attend all classes, except when ill or facing a personal emergency of some sort, of course. And, all students are expected to have truly read and studied the readings that are assigned for each week, before those classes are held.

## READING MATERIALS

The majority of readings that we will be studying over the term as required readings are drawn from the following books, all of which are available for purchase at Western University's Book Store:

Sylvia McAdam (Saysewahum), *Nationhood Interrupted: Revitalizing nêhiyaw Legal Systems* (Purich Books/UBC Press, 2015).

John Borrows (Kegedonce), *Drawing Out Law: A Spirit's Guide* (University of Toronto Press, 2010).

Roberto Esposito, *Third Person*, trans. Zakiya Hanafi (Polity Press, 2012).

Ratna Kapur, *Gender, Alterity and Human Rights: Freedom in a Fishbowl* (Edward Elgar Publishing, 2018).

John Borrows, *Freedom and Indigenous Constitutionalism* (University of Toronto Press, 2016).

In addition to being available for purchase in paperback copies at the Book Store, some of the above books are also available as e-books through the Book Store. And most, if not all, of the above is also being made available in electronic format via the Course Readings tool of the CGS 3523F course OWL site.

Further readings are drawn from books written by Francisco de Vitoria, Hugo Grotius, Immanuel Kant, and Costas Douzinas. The relevant sections of their books are made available as electronic texts via the CGS 3523F course OWL site. We will also be reading and studying a wide variety of international human rights conventions and treaties, all which can also be found on our course OWL site as well as through the internet addresses provided in the reading schedule below.

## **ASSIGNMENTS AND EVALUATION**

### **Oral and Aural Contributions to the Learning Environment**

Given that so much of the learning process in this class is going to take place through dynamic discourse and debate with one another in class, in relation to required readings and problems, questions, and cases raised in the classroom, active participation in the classroom is a key assignment in this course. All students in the class are expected to make strong efforts to participate in discussions and debate in the classroom, through the term. And all students are expected to make strong efforts to contribute positively to each other's learning experiences. Thus, a significant portion of each student's final grade in this course is dependent on these efforts.

To participate and contribute successfully in our class meetings over the term, it is important that each student attempts to: respond effectively to questions posed by the professor and classmates in discussion; participate actively in class discussions, by contributing ideas, questions, observations, challenges, and points of insight; listen attentively to each other; encourage the participation of others; show respect for each other's statements, questions, and ideas; and demonstrate caring for each other's contributions and efforts to learn.

In order to participate successfully in the manners above, it is necessary for all students to keep up with required readings, having not simply reviewed these readings but to have also studied carefully and reflected on the significance of these readings. Students should come prepared to develop and respond to questions and discussions based on what we have all read and learned from the required readings.

To participate in and contribute to the learning processes of our weekly class meetings with one another, it is necessary also for students to attend the scheduled classes. Without doubt, most members of the class will need to miss a class over the term, due to illness, personal matter, or schedule conflict with an important event. However, any student who misses more than three hours of class time over the term, without academic accommodation, will be considered to be in poor attendance, and her or his grade in this component will attract a poor to failing grade as a result.

## Five Short Reading Study Assignments

At five different points in the term, you will be given a short Reading Study Assignment, in which I will ask you to write a short critical response and interpretive analysis regarding the texts assigned for reading, studying, and discussion over a particular section of the course. You will receive the question/assignment in the **Assignment** tool of our course OWL site immediately following our study and discussion of these texts in our classes. And your Study Assignment will be due 10 days later.

In these Reading Study Assignments, I will ask you to respond to a specific question or problem with respect to the ideas, arguments, issues, and problems that are raised across the texts I have assigned for you to read, study, and discuss over that particular section of the course. Each Reading Study Assignment should take the form of a short and very tightly argued essay, no less than 600 words in length (and as long as you like after that). You certainly should substantiate your observations and arguments in these essays, with references to the range of readings assigned for that week, but you should not include lengthy quotations. This short essay should be composed primarily of your own words and critical analysis, developed in a rich and dense form.

Following the format of an essay, each of your Reading Study Assignments should respond directly and substantially to the question or problem you are given and be built with direct and substantial references and engagements with the ideas, information, arguments, and problems developed in the assigned readings.

Given that these Reading Study Assignments are very short essays that are still intended to convey significant critical insight and depth of analysis and understanding, it is very important that you do not devote space in these assignments to lengthy and general introductions or conclusions. Rather, your Reading Study Assignments should begin with very brief and direct responses to the question/problem you were given. You should then focus your energies on supporting your core response with critical analysis of the texts you have read and studied for that section of the course. And, you should substantiate your analyses with a rich array of references to the texts read.

Successful Reading Study Assignments will:

- respond directly to the assigned question/problem at the very beginning, without getting lost in a lengthy introduction;
- support the initial response to the assigned question/problem with serious interpretive readings, analysis, and critical consideration of what may be learned through the full array of texts assigned for that section of the course;
- build the interpretive readings, analysis, and critical consideration of these texts with a rich array of meaningful references to these materials, but, do not clutter your writing with quotations from these materials;
- reference all textual materials in Chicago Style, *with the use of specific page numbers*;
- develop a response to the assigned question that seeks to think across the range of assigned texts studied in that section of the course;
- seek to deepen our insights into the issues, problems, and information

- addressed in the texts assigned for study in that section of the course;
- try to contribute to our understanding of the issues, problems, and information that are raised in the texts;
- identify further questions that need to be addressed.

You are required to submit your Reading Study Assignments through the Assignment tool on the OWL course site.

Each of these assignments will be graded out of eight points. So, together, your five Reading Study Assignments will count for 40% of your overall grade in the course.

The schedule for the five Reading Study Assignments is as follows:

Reading Study Assignment One (Weeks One, Two, and Three):

- assignment question distributed via OWL: September 24th
- assignment due no later than midnight: October 4th

Reading Study Assignment Two (Weeks Four, Five, and Six):

- assignment question distributed via OWL: October 15th
- assignment due no later than midnight: October 25th

Reading Study Assignment Three (Weeks Seven and Eight):

- assignment question distributed via OWL: October 29th
- assignment due no later than midnight: November 8th

Reading Study Assignment Four (Weeks Ten, Eleven, and Twelve):

- assignment question distributed via OWL: November 26th
- assignment due no later than midnight: December 6th

Reading Study Assignment Five (Weeks Thirteen and Fourteen):

- assignment question distributed via OWL: December 8th
- assignment due no later than midnight: date to be determined by Registrar, in coordination with final exam schedule (but no earlier than December 18th)

required length of Reading Study Assignments: no less than 600 words each

referencing style for Reading Study Assignments: Chicago Style

see: [https://www.chicagomanualofstyle.org/tools\\_citationguide.html](https://www.chicagomanualofstyle.org/tools_citationguide.html)

## **Research Project**

Students in CGS 3523F are required to develop an independent research project related to the themes and problems engaged in the course. There are two assignments that students are required to submit in relation to this project, a research paper proposal and a final research paper. These assignments are described below.

Students are permitted to develop their own areas of focus and problems for this independent research project. However, these should be developed well within the concerns of CGS 3523F, and these choices should be approved by the professor before developing either the paper proposal or research paper.

Specifically, students are required to develop their individual research projects around a specific question of rights in law. This focus may be developed in terms of a critical analysis of a specific form of rights law within a particular legal tradition or regime of laws. It may look into problems of articulating a matter of right within law. The focus of this research may engage in conflicts and debates over the language of rights over a specific matter in law or between laws and/or traditions. We will certainly spend time in class discussing the variety of possibilities, in this regard. And students will have considerable freedom in creatively approaching the development of this assignment. In any event, though, students are asked to engage questions of language and power in the problems and issues of rights law that they study.

### **Research Paper Proposal**

The final assignment required of students in this course is the writing of a research paper assignment. For instructions pertaining to this research paper, read below. In preparation for writing the research paper, though, each student is also given the assignment of preparing and writing a significant paper proposal. In this paper proposal, students should aim to present the following:

- a clear and detailed description of the scope and field of analysis to be studied and examined in the research paper;
- a clearly and richly articulated research question;
- a presentation and discussion of the rationale behind the research question, indicating the importance and value of taking up this question;
- an outline of the approaches and lines of analysis/study to be developed in the research paper;
- a statement indicating the scholarly objective of the research paper;
- an annotated bibliography of the research sources reviewed so far (at least eight sources), including such things as: articles in peer-reviewed academic journals; academic books; documents of law; and traditional expressions of law.

Students may use sources assigned for reading in the course, but students must include at least eight additional sources beyond those drawn from readings assigned for study in this course.

The paper proposals will be evaluated in terms of: how effectively and appropriately you establish a scope and field of analysis that relates to the objective of the research paper assignment; how effectively you establish a serious research question and support this research question with an effective and appropriate rationale; how well you establish the importance of this research project and outline an appropriate approach to fulfilling its objectives; how well you identify and establish appropriate objectives for this research paper; how well you establish a strong basis of research

materials for the fulfillment of the paper; and the quality of writing and style of presentation.

Required length of Paper Proposal: 500 - 800 words, plus annotated bibliography.

Number of scholarly and primary sources referenced in proposal and annotated bibliography: no less than eight

Style of reference and bibliography: Chicago Style  
see: [https://www.chicagomanualofstyle.org/tools\\_citationguide.html](https://www.chicagomanualofstyle.org/tools_citationguide.html)

Due date of paper proposal: no later than midnight, November 12th

Manner of submission: via the Assignment tool of the OWL course site

### **Research Paper**

You are required to write and submit a major research paper that seeks deep insight and understanding of the topic, problem, or question developed in your paper proposal. In the development of these research paper projects, students should aim to focus on a key issue or point of contestation related to a problem in rights law, as indicated above in the description of the paper proposal assignment.

A large part of the work of these projects should be put into the development of a serious problem or question that ought to be addressed in terms of the focus of interest. In this respect, you should aim to express a high degree of understanding of the stakes of the problems you are addressing in your paper. And you should anchor your paper around a clearly articulated and significant thesis statement that responds directly and substantially to the research question and that provides a direct guide for the arguments of the body of the paper to follow. The body of the paper should indeed be formed as a series of arguments that each directly support the thesis statement and that are built from direct consideration, examination, and critical assessment of the evidence and insights that are derived from the research materials from which the student draws. Finally, the paper should end with a conclusion reflecting on the significance of and implications following the success of the thesis around which the paper is built.

Research papers will be evaluated in terms of: the pertinence of the project to the concerns and aims of the course; the significance and value of the research problem around which the paper is built; the clarity and significance of the thesis statement presented, as a direct response to the research question; how well the thesis is supported by clearly articulated and developed lines of argument and analysis; how well the lines of argument and analysis are supported by analytical engagement with research materials, the studies and ideas of others, and critical evaluation of these things and other evidence; the success of the paper in supporting the thesis; the soundness of the conclusion that is reached; the significance and value of the research materials that are drawn on in building the paper; and the quality of writing and style of presentation.

Students may use texts assigned for study in CGS 3523F as sources in their research papers. However, they must still engage and consult at least 12 substantial scholarly sources in addition to texts drawn as sources from the assigned readings.

Also, please note, this research paper assignment will be subject to review for plagiarism via the Turnitin.com tool.

- number of substantial sources to be engaged, referenced, and included in the bibliography: a minimum of 12 sources
- required length of research paper: no less than 2,500 words, plus bibliography
- Style of reference and bibliography: Chicago Style  
see: [https://www.chicagomanualofstyle.org/tools\\_citationguide.html](https://www.chicagomanualofstyle.org/tools_citationguide.html)
- due date of research paper: no later than midnight December 8th
- manner of submission of research paper: via the Assignment tool on OWL site

## **EVALUATION OF ASSIGNMENTS AND GRADING**

### **Marking/Grade Point Scale**

All grades achieved in course assignments and requirements are presented in numerical form along with letter-grade equivalents, with respect to the following grading system:

- 90 – 100 (A+) excellent and extraordinary in meeting and exceeding at least most requirements;
- 80 – 89 (A) exceptionally accomplished work, exhibiting well-developed critical skills, and an approach that is highly thoughtful, credible, insightful, and grounded in appropriate and solid analysis and /or research
- 70 – 79 (B) good to very good work, displaying strong analysis, effective approaches, and demonstrating a high degree of success in meeting requirements for the assignment;
- 60 – 69 (C) competent work, meeting basic requirements, with some significant weakness;
- 50 – 59 (D) fair work, minimally acceptable but not fulfilling all requirements;
- 0 – 49 (F) unsatisfactory work, not meeting basic requirements

Final grades will be calculated on a combination of grades achieved by students in their assignments. The distribution of the components adding to a final grade in this course is as follows:

- |  |     |
|--|-----|
| – oral & aural contributions to learning environment | 10% |
| – five short reading study assignments (8% each)     | 40% |
| – proposal for research paper                        | 10% |
| – research paper                                     | 40% |

Significant improvement in the quality of students' assignments over the course of the term *may* be taken into consideration in the calculation of their final grades.

A Note on Due Dates/Times of all written assignments: All written assignments in this course are due no later than the days and times indicated above. Any assignment submitted after the due date and time and specified for it will be considered late and, normally, will not be accepted for grading. However, of course, it is understood that personal problems, health issues, or accidents can make it difficult to complete and submit assignments on time. And, if genuine issues of this sort arise, assignments will be accepted late without penalty. Please note, though, that late assignments will be accepted and graded only where students have received written permission from the Professor or received a recommendation for Academic Accommodation.

## CLASS & READING SCHEDULE

### Forming Worlds of Life and Living through Languages of Law

#### **Week One: September 9th**

readings: Sylvia McAdam (Saysewahum), *Nationhood Interrupted*

- "Disclaimer," p. 16
- "*tawâw niwâhkômâkanak*," p. 17
- "Introduction: *ahâw...pîhtokwêk*," pp. 21–26
- "Chapter Two: Soulflame," pp. 27–36
- "Chapter Three: *manitow wiyinikêwina*," pp. 37–63
- "Chapter Four: The Promised Land," pp. 64–76

#### **Week Two: September 14th & 16th**

readings, Sept. 14th: Sylvia McAdam (Saysewahum), *Nationhood Interrupted*

- "Chapter Five: Rebuilding Indigenous Nationhood," pp. 77–85
- "Chapter Six: Idle No More," pp. 86–96

readings, Sept. 16th: John Borrows (Kegedonce), *Drawing Out Law*

- "Preface: *N'gii-pawaudjige*," pp. ix–xiv
- "Part One: MINOKMI Issues: The First Hill," pp. 3–72

#### **Week Three: September 21st & 23rd**

readings, Sept. 21st: John Borrows (Kegedonce), *Drawing Out Law*

- "Part Two: NEEBIN Individuals: The Second Hill," pp. 75–123

readings, Sept. 23rd: John Borrows (Kegedonce), *Drawing Out Law*

- "Part Three: TIKWAUKIK Institutions: The Third Hill," pp. 127–186
- "Part Four: BEEBON Ideas: The Fourth Hill," pp. 189–231

### Colonialisms of the Legal Universalism of Right

#### **Week Four: September 28th & 30th**

readings, Sept. 28th: Francisco de Vitoria, "On the American Indians," in Vitoria, *Political Writings*, ed. Anthony Pagden and Jeremy Lawrance (Cambridge University Press, 1991), pp. 231–292

readings, Sept. 30th: Hugo Grotius, *The Freedom of the Seas*, trans. Ralph Van Deman Magoffin, ed. James Brown Scott (Oxford University Press, 1916), pp. 1–79.

#### **Week Five: October 5th & 7th**

readings: Immanuel Kant, "The Metaphysics of Morals," in Kant, *Political Writings*, trans. H. B. Nisbet, ed. Hans Reiss (Cambridge University Press, 1991), pp. 131–175.

#### **Week Six: October 12th & 14th**

readings: Costas Douzinas, *Human Rights and Empire: The Political Philosophy of Cosmopolitanism* (Routledge–Cavendish, 2007)

- "1. The end of human rights?," pp. 3–33
- "2. Identity, desire, rights," pp. 34–50
- "3. The many faces of humanitarianism," pp. 51–89
- "4. The politics of human rights," pp. 90–110

### Impositions of Imperialist Internationalism through Laws of Rights

#### **Week Seven: October 19th & 21st**

readings, October 19th:

- "International Convention on Civil and Political Rights (1966/76)," <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>
- "International Convention on Economic, Social, and Cultural Rights (1966/76)," <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

readings, October 21st:

- "Declaration on the Granting of Independence to Colonial Countries and Peoples (1960)," <https://www.ohchr.org/EN/ProfessionalInterest/Pages/Independence.aspx>
- "United Nations Declaration on the Rights of Indigenous Peoples (2007)," [https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP\\_E\\_web.pdf](https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf)
- "Convention and Protocol Relating to the Status of Refugees (1951/67)," <https://www.unhcr.org/protection/basic/3b66c2aa10/convention-protocol-relating-status-refugees.html>
- "Convention Relating to the Status of Stateless Persons (1954)," <https://www.unhcr.org/protection/statelessness/3bbb25729/convention-relating-status-stateless-persons.html>
- "Convention on the Reduction of Statelessness (1961)," [https://www.unhcr.org/ibelong/wp-content/uploads/1961-Convention-on-the-reduction-of-Statelessness\\_ENG.pdf](https://www.unhcr.org/ibelong/wp-content/uploads/1961-Convention-on-the-reduction-of-Statelessness_ENG.pdf)

**Week Eight: October 26th & 28th**

readings, October 26th:

- "Convention on the Prevention and Punishment of the Crime of Genocide (1948)," <https://www.ohchr.org/en/professionalinterest/pages/crimeofgenocide.aspx>
- "International Convention on the Elimination of All Forms of Racial Discrimination (1966)," <https://www.ohchr.org/en/professionalinterest/pages/cerd.aspx>
- "International Convention on the Suppression and Punishment of the Crime of Apartheid (1973)," [https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.10\\_International%20Convention%20on%20the%20Suppression%20and%20Punishment%20of%20the%20Crime%20of%20Apartheid.pdf](https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.10_International%20Convention%20on%20the%20Suppression%20and%20Punishment%20of%20the%20Crime%20of%20Apartheid.pdf)

readings, October 28th:

- "Convention on the Political Rights of Women (1953)," [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtsg\\_no=XVI-1&chapter=16](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtsg_no=XVI-1&chapter=16)
- "Convention on the Elimination of All Forms of Discrimination against Women (1979)," <https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>

**Week Nine: Reading Week****Understanding the Impersonal Language in Human Rights Law:  
Freeing Ourselves from the Language of Rights****Week Ten: November 9th & 11th**readings: Roberto Esposito, *Third Person: Politics of life and philosophy of the impersonal*, trans. Zaiya Hanafi (Polity Press, 2012).

- "Introduction," pp. 1–19
- "1. The Double Life: The Machine of the Human Sciences," pp. 20–63
- "2. Person, Human, Thing," pp. 64–103.

**Week Eleven: November 16th & 18th**readings: Ratna Kapur, *Gender, Alterity and Human Rights: Freedom in a Fish Bowl* (Edward Elgar Publishing, 2020)

- "Introduction," pp. 1–24
- "1. Liberal freedom in a fishbowl," pp. 27–47
- "2. Precarious desires and the pursuit of rights," pp. 55–79
- "3. Freedom, women's rights and the rise of the sexual security regime," pp. 85–111

**Week Twelve: November 23rd & 25th**readings: Ratna Kapur, *Gender, Alterity and Human Rights: Freedom in a Fish Bowl* (Edward Elgar Publishing, 2020)

- "4. Alterity, gender equality and the veil," pp. 120–146
- "5. Despair, redemption and the turn away from human rights," pp. 151–175
- "6. Seeking freedom through alternative registers," pp. 180–203
- "7. Freedom from the fishbowl," pp. 210–235
- "Epilogue," pp. 239–251

### **Renewing Law in Languages of the Determinations of Selves With Others**

#### **Week Thirteen: November 30th & December 2nd**

readings, November 30th: John Borrows, *Freedom and Indigenous Constitutionalism* (University of Toronto Press, 2016)

- "Introduction," pp. 3–18
- "1. Physical Philosophy: Mobility and Indigenous Freedom," pp. 19–49

readings, December 2nd: John Borrows, *Freedom and Indigenous Constitutionalism* (University of Toronto Press, 2016)

- "2. Civil (Dis)Obedience, Freedom, and Democracy," pp. 50–102
- "3. Indigenous Freedom and Canadian Constitutionalism," pp. 103–127

#### **Week Fourteen: December 7th**

readings: John Borrows, *Freedom and Indigenous Constitutionalism* (University of Toronto Press, 2016)

- "4. (Ab)Originalism and Canada's Constitution," pp. 128–160
- "5. Legislation and Indigenous Self-Determination in Canada and the United States," pp. 161–180
- "6. Aboriginal and Treaty Rights and Violence against Women," pp. 181–204
- "Conclusion," pp. 205–214



### **Appendix to Course Outlines: Academic Policies & Regulations 2021 - 2022**

#### **Prerequisite and Antirequisite Information**

Students are responsible for ensuring that they have successfully completed all course prerequisites and that they have not completed any course antirequisites. Unless you have either the requisites for this course or written special permission from your Dean to enroll in it, you may be removed from this course and it will be deleted from your record. This decision may not be appealed. You will receive no adjustment to your fees in the event that you are dropped from a course for failing to have the necessary prerequisites.

#### **Pandemic Contingency**

In the event of a COVID-19 resurgence during the course that necessitates the course delivery moving away from face-to-face interaction, all remaining course content will be delivered entirely online,

typically using a combination of synchronous instruction (i.e., at the times indicated in the timetable) and asynchronous material (e.g., posted on OWL for students to view at their convenience). Any remaining assessments will also be conducted online at the discretion of the course instructor. In the unlikely event that changes to the grading scheme are necessary, these changes will be clearly communicated as soon as possible.

### **Student Code of Conduct**

Membership in the community of Huron University College and Western University implies acceptance by every student of the principle of respect for the rights, responsibilities, dignity and well-being of others and a readiness to support an environment conducive to the intellectual and personal growth of all who study, work and live within it. Upon registration, students assume the responsibilities that such registration entails. While in the physical or online classroom, students are expected to behave in a manner that supports the learning environment of others. Please review the Student Code of Conduct at: <https://huronatwestern.ca/sites/default/files/Res%20Life/Student%20Code%20of%20Conduct%20-%20Revised%20September%202019.pdf>.

### **Attendance Regulations for Examinations**

A student is entitled to be examined in courses in which registration is maintained, subject to the following limitations:

- 1) A student may be debarred from writing the final examination for failure to maintain satisfactory academic standing throughout the year.
- 2) Any student who, in the opinion of the instructor, is absent too frequently from class or laboratory periods in any course will be reported to the Dean of the Faculty offering the course (after due warning has been given). On the recommendation of the Department concerned, and with the permission of the Dean of that Faculty, the student will be debarred from taking the regular examination in the course. The Dean of the Faculty offering the course will communicate that decision to the Dean of the Faculty of registration.

Review the policy on Attendance Regulations for Examinations here:

[https://www.uwo.ca/univsec/pdf/academic\\_policies/exam/attendance.pdf](https://www.uwo.ca/univsec/pdf/academic_policies/exam/attendance.pdf).

### **Statement on Academic Offences**

Scholastic offences are taken seriously and students are directed to read the appropriate policy, specifically, the definition of what constitutes a Scholastic Offence, at the following website: [https://www.uwo.ca/univsec/pdf/academic\\_policies/appeals/scholastic\\_discipline\\_undergrad.pdf](https://www.uwo.ca/univsec/pdf/academic_policies/appeals/scholastic_discipline_undergrad.pdf). The appeals process is also outlined in this policy as well as more generally at the following website: [https://www.uwo.ca/univsec/pdf/academic\\_policies/appeals/appealsundergrad.pdf](https://www.uwo.ca/univsec/pdf/academic_policies/appeals/appealsundergrad.pdf).

### **Turnitin.com**

All required papers may be subject to submission for textual similarity review to the commercial plagiarism detection software under license to the University for the detection of plagiarism. All papers submitted for such checking will be included as source documents in the reference database for the purpose of detecting plagiarism of papers subsequently submitted to the system. Use of the service is subject to the licensing agreement, currently between The University of Western Ontario and Turnitin.com (<http://www.turnitin.com>).

### **Statement on Use of Electronic Devices**

It is not appropriate to use electronic devices (such as, but not limited to, laptops, cell phones) in the classroom for non-classroom activities. Such activity is disruptive and distracting to other students and to

the instructor, and can inhibit learning. Students are expected to respect the classroom environment and to refrain from inappropriate use of technology and other electronic devices in class.

### **Statement on Use of Personal Response Systems (“Clickers”)**

Personal Response Systems (“clickers”) may be used in some classes. If clickers are to be used in a class, it is the responsibility of the student to ensure that the device is activated and functional. Students must see their instructor if they have any concerns about whether the clicker is malfunctioning. Students must use only their own clicker. If clicker records are used to compute a portion of the course grade:

- the use of somebody else’s clicker in class constitutes a scholastic offence
- the possession of a clicker belonging to another student will be interpreted as an attempt to commit a scholastic offence.

### **Academic Consideration for Missed Work**

Students who are seeking academic consideration for missed work during the semester may submit a self-reported absence form online provided that the absence is **48 hours or less** and the other conditions specified in the Senate policy at

[https://www.uwo.ca/univsec/pdf/academic\\_policies/appeals/accommodation\\_illness.pdf](https://www.uwo.ca/univsec/pdf/academic_policies/appeals/accommodation_illness.pdf) are met.

Students whose absences are expected to last **longer than 48 hours**, or where the other conditions detailed in the policy are not met (e.g., work is worth more than 30% of the final grade, the student has already used 2 self-reported absences, the absence is during the final exam period), may receive academic consideration by submitting a Student Medical Certificate (for illness) or other appropriate documentation (for compassionate grounds). The Student Medical Certificate is available online at

[https://www.uwo.ca/univsec/pdf/academic\\_policies/appeals/medicalform.pdf](https://www.uwo.ca/univsec/pdf/academic_policies/appeals/medicalform.pdf).

All students pursuing academic consideration, regardless of type, must contact their instructors no less than 24 hours following the end of the period of absence to clarify how they will be expected to fulfill the academic responsibilities missed during their absence. **Students are reminded that they should consider carefully the implications of postponing tests or midterm exams or delaying submission of work, and are encouraged to make appropriate decisions based on their specific circumstances.**

Students who have conditions for which academic accommodation is appropriate, such as disabilities or ongoing or chronic health conditions, should work with Accessible Education Services to determine appropriate forms of accommodation. Further details concerning policies and procedures may be found at: <http://academicsupport.uwo.ca/>.

### **Policy on Academic Consideration for a Medical/ Non-Medical Absence**

#### **(a) Consideration on Medical Grounds for assignments worth *less than 10%* of final grade: Consult Instructor Directly and Contact Academic Advising**

When seeking consideration on **medical grounds** for assignments worth *less than 10%* of the final course grade, and if the student has exceeded the maximum number of permissible Self-Reported absences, the student should contact the instructor directly. The student need only share broad outlines of the medical situation. The instructor **may** require the student to submit documentation to the academic advisors, in which case she or he will advise the student and inform the academic advisors to expect documentation. If documentation is requested, the student will need to complete and submit the [Student Medical Certificate](#). The instructor may **not** collect medical documentation. The advisors will contact the instructor when the medical documentation is received, and will outline the severity and duration of the medical challenge as expressed on the Student Medical Certificate and in any other supporting documentation. The student will

be informed that the instructor has been notified of the presence of medical documentation, and will be instructed to work as quickly as possible with the instructor on an agreement for accommodation.

**(b) Consideration on Non-Medical Grounds: Consult Huron Support Services/Academic Advising, or email [huronsss@uwo.ca](mailto:huronsss@uwo.ca).**

Students seeking academic consideration for a **non-medical** absence (e.g. varsity sports, religious, compassionate, or bereavement) will be required to provide appropriate documentation where the conditions for a Self-Reported Absence have not been met, including where the student has exceeded the maximum number of permissible Self-Reported. All consideration requests must include a completed [Consideration Request Form](#). Late penalties may apply at the discretion of the instructor.

Please review the full policy on Academic Consideration for medical and non-medical absence at: [https://www.uwo.ca/univsec/pdf/academic\\_policies/appeals/accommodation\\_illness.pdf](https://www.uwo.ca/univsec/pdf/academic_policies/appeals/accommodation_illness.pdf). Consult [Huron Academic Advising](#) at [huronsss@uwo.ca](mailto:huronsss@uwo.ca) for any further questions or information.

**Support Services**

For advice on course selections, degree requirements, and for assistance with requests for medical accommodation, students should email an Academic Advisor in Huron's Student Support Services at [huronsss@uwo.ca](mailto:huronsss@uwo.ca). An outline of the range of services offered is found on the Huron website at: <https://huronatwestern.ca/student-life/student-services/>.

Department Chairs, Program Directors and Coordinators are also able to answer questions about individual programs. Contact information can be found on the Huron website at: <https://huronatwestern.ca/contact/faculty-staff-directory/>.

If you think that you are too far behind to catch up or that your workload is not manageable, you should consult your Academic Advisor. If you are considering reducing your workload by dropping one or more courses, this must be done by the appropriate deadlines. Please refer to the Advising website, <https://huronatwestern.ca/student-life/student-services/academic-advising/> or review the list of official Sessional Dates on the Academic Calendar, available here: <http://www.westerncalendar.uwo.ca/SessionalDates.cfm>.

You should consult with the course instructor and the Academic Advisor who can help you consider alternatives to dropping one or more courses. Note that dropping a course may affect OSAP and/or Scholarship/Bursary eligibility.

Huron Student Support Services: <https://huronatwestern.ca/student-life/student-services/>  
 Office of the Registrar: <https://registrar.uwo.ca/>  
 Student Quick Reference Guide: <https://huronatwestern.ca/student-life/student-services/#1>  
 Academic Support & Engagement: <http://academicsupport.uwo.ca/>  
 Huron University College Student Council: <https://huronatwestern.ca/student-life/beyond-classroom/hucsc/>  
 Western USC: <http://westernusc.ca/your-services/#studentservices>

**Mental Health & Wellness Support at Huron and Western**

University students may encounter setbacks from time to time that can impact academic performance. Huron offers a variety of services that are here to support your success and wellbeing. Please visit <https://huronatwestern.ca/student-life-campus/student-services/wellness-safety> for more information or contact staff directly:

Wellness Services: [huronwellness@huron.uwo.ca](mailto:huronwellness@huron.uwo.ca)  
Community Safety Office: [safety@huron.uwo.ca](mailto:safety@huron.uwo.ca)  
Chaplaincy: [gthorne@huron.uwo.ca](mailto:gthorne@huron.uwo.ca)

Additional supports for Health and Wellness may be found and accessed at Western through, <https://www.uwo.ca/health/>.