

Course Outline

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**COURSE:** LAWS 5903X - Contemporary Topics in Legal Studies: Human Rights: Contexts and Controversies

**TERM:** WINTER 2020

**PREREQUISITES:**

**CLASS:** Day & Time: Fridays, 11:35 am – 2:25 pm  
Room: Please check with Carleton Central for current room location

**INSTRUCTOR:** Professor Christiane Wilke

**CONTACT:** Office: D499 Loeb  
Office Hrs: Tuesdays, 2:30 – 4:30  
Email: [Christiane.wilke@carleton.ca](mailto:Christiane.wilke@carleton.ca)

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### CALENDAR COURSE DESCRIPTION

A research seminar which explores a selected topic from current debates in legal studies.

### COURSE DESCRIPTION

In this course we consider theories and practices of human rights claims and human rights litigation. The focus is on the situation of migrants: offshore detention, unsafe passages, and the possibility of claiming rights where one is not wanted. Readings combine a range of primary sources with scholarly analyses. No specific technical or legal understanding of human rights is required or presumed.

### REQUIRED TEXTS

Behrouz Boochani, *No Friend but the Mountains: Writing from Manus Prison* (House of Anansi, 2019). Available at Octopus Books (116 3<sup>rd</sup> Avenue, off Bank St.).

### SUPPLEMENTARY TEXTS

All other materials will be made available through cuLearn.

## EVALUATION

### EVALUATION:

- **Presentation on class readings: 5%**
- **Participation: 5%**
- **Three analysis & response papers: 15% each (45% combined)**
- **Research paper proposal: 5%**
- **Research paper: 40%**
  
- **Class format:** This is a seminar, and we will read texts that are open to a range of interpretations and critiques. Discussions will be essential in allowing us to see and understand some of these interpretations, their background contexts, and their implications.
- In order to focus and facilitate discussion, we will have **short class presentations** (5 min., worth **5 points**). A presentation should not summarize the text. Instead, the presenter has the choice of highlighting some issues in the text that they think are interesting to discuss.
  
- **Attendance policy:** regular attendance is the key to the success in seminar classes. Students should aim to miss. No more than two classes. **If you miss four or more classes, you probably have missed so much of the material and class discussion that you should consider withdrawing from the course. If you're in this situation, please come and see me.**
  
- **Analysis & Response Papers** are short essays that offer an argument about key issues from assigned readings. You choose which question raised in or by the readings you write about. This means that your paper might reference one of the readings assigned for the week, or all of them, or some of them. You choose a question and argument that addresses a major point raised in the readings. The goal is not to summarize the readings, but to provide a critical response to them. This should all fit in 5-6 pages (double-spaced). **Response papers are due at the beginning of the class for which the reading is assigned. Papers handed in during or after class are late and will not be accepted (no exceptions).** If you are unable to print the paper or come to class, please **email** the paper to me before the beginning of the class in which it is due.
  
- The first response paper has to be submitted no later than **January 31<sup>st</sup>**. The second response paper is due no later than **February 28<sup>th</sup>**. The third response paper is due no later than **April 3<sup>rd</sup>**.
- **You cannot write a response paper on the same text that you are giving a presentation on. You cannot write more than one response per week.**
  
- The **research paper** challenges you to develop a more sustained argument in 20 double-spaced pages (12-15 pages for undergraduate students) based on readings from this class and outside research. The research paper is due on **April 14<sup>th</sup> at noon**. Over the course of the

term, you will have to submit a **paper proposal (due March 13<sup>th</sup>)**.

**Late research papers will not be accepted without a documented emergency.**

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

## SCHEDULE

### Week 1 (January 10<sup>th</sup>)

#### Introduction

### Week 2 (January 17<sup>th</sup>)

#### What are Human Rights?

Sally Engle Merry, *Human Rights & Gender Violence: Translating International Law into Local Justice* (Chicago: University of Chicago Press, 2006), 1-35.

Ben Golder, "Thinking Human Rights Through Metaphor," *Law & Literature* 31 (2019): 301-332.

Joseph R. Slaughter, "Hijacking Human Rights: Neoliberalism, the New Historiography, and the End of the Third World," *Human Rights Quarterly* 40 (2018): 735-775.

### Week 3 (January 24<sup>th</sup>)

#### Human Rights and/or Liberation

Meredith Terretta, "From Below and to the Left? Human Rights and Liberation Politics in Africa's Postcolonial Age," *Journal of World History* 24 (2013): 389-416.

Nicola Perugini and Neve Gordon, *The Human Right to Dominate* (New York: Routledge, 2015), 1-47.

Boaventura de Sousa Santos, "Human Rights as an Emancipatory Script? Cultural and Political Conditions," in Boaventura de Sousa Santos (ed.), *Another Knowledge is Possible: Beyond Northern Epistemologies* (London: Verso, 2007), 1-40.

### Week 4 (January 31<sup>st</sup>)

**[Response Paper #1 due no later than this week]**

### Human Rights and Migration

Hannah Arendt, *The Origins of Totalitarianism* [1951] (New York: Harcourt & Brace, 1979), 290-302.

E. Tendayi Achiume, "Migration as Decolonization," *Stanford Law Review* 71 (2019): 1509-1574.

Ayelet Shachar, "Bordering Migration/Migrating Borders," *Berkeley Journal of International Law* 37 (2019): 93-147.

#### Week 5 (February 7<sup>th</sup>)

### Human Rights and Migration

Itamar Mann, *Humanity at Sea: Maritime Migration and the Foundations of International Law* (Cambridge: Cambridge University Press, 2016), 1-55, 163-186.

Daniel Ghezelbash, Violeta Moreno-Lax, Natalie Klein, and Brian Opeskin, "Securitization of Search and Rescue at Sea: The Response to Boat Migration in the Mediterranean and Offshore Australia," *ICLQ* 67 (2018): 315-351.

#### Week 6 (February 14<sup>th</sup>)

### Technologies and Human Rights Representations

Haeden Eli Stewart, Ian Ostricher, Cameron Gokee, and Jason de León, "Surveilling Surveillance: Counter-Mapping Undocumented Migration in the USA-Mexico Borderlands," *Journal of Contemporary Archaeology* 3 (2016): 159-174.

Charles Heller and Lorenzo Pezzani, *Mare Clausum: Italy and the EU's undeclared operation to stem migration across the Mediterranean* (2018). Forensic Architecture. <https://content.forensic-architecture.org/wp-content/uploads/2019/05/2018-05-07-FO-Mare-Clausum-full-EN.pdf>

Video on the Investigation: <https://forensic-architecture.org/investigation/seawatch-vs-the-libyan-coastguard#toggle-id-3>

#### Week 7 (February 28<sup>th</sup>)

**[Response Paper #2 due no later than this week]**

### Knowledges & Litigation

Sara Dehm, "Outsourcing, Responsibility and Refugee Claim-Making in Australia's Offshore Detention Regime," in Siobhan McGuirk and Adrienne Pine (eds), *Profit and Protest in the Asylum Industry* (PM Press, 2019), pre-print.

Behrouz Boochani, *No Friend but the Mountains: Writing from Manus Prison* (House of Anansi, 2019), excerpts TBA.

#### Week 8 (March 6<sup>th</sup>)

##### Litigating Human Rights: Australia at the ICC?

GLAN & Stanford Law, Communique to the Office of the Prosecutor of the International Criminal Court under Article 15 of the Rome Statute: The Situation in Nauru and Manus Island: Liability for crimes against humanity in the detention of refugees and asylum seekers.

Barrie Sander, "The expressive turn of international criminal justice: A field in the search of meaning," *Leiden Journal of International Law* 32 (2019): 851-872.

#### Week 9 (March 13<sup>th</sup>)

##### [Research Paper Proposal due no later than this week]

##### Human Rights Claims

Raúl Diego Rivera Hernández, "Making Absence Visible: The Caravan of Central American Mothers in Search of Disappeared Migrants," *Latin American Perspectives* 44 (2017): 108-126.

Sara Dehm, "Accusing 'Europe': Articulations of Migrant Justice and a Popular International Law," in Andrew Brynes and Gabrielle Simm (eds), *International Law and Peoples' Tribunals* (Cambridge University Press, 2018), pre-print.

Ayten Gündoğdu, *Rightlessness in an Age of Rights: Hannah Arendt and the Contemporary Struggles of Migrants* (Oxford: Oxford University Press, 2015), 1-24, 164-202.

#### Week 10 (March 20<sup>th</sup>)

##### Human Rights and Humanitarianism

Didier Fassin, *Humanitarian Reason: A Moral History of the Present* (Berkeley and Los Angeles: University of California Press, 2012), 1-20, 133-157.

Jill Williams, "From humanitarian exceptionalism to contingent care: Care and enforcement at the humanitarian border," *Political Geography* 47 (2015): 11-20.

Marta Esperti, "Rescuing Migrants in the Central Mediterranean: The Emergence of a New Civil Humanitarianism at the Maritime Border," *American Behavioral Scientist* (2019), 1-20.

### Week 11 (March 27<sup>th</sup>)

#### Corporate Humanism

Anna Grear, "Challenging Corporate 'Humanity': Legal Disembodiment, Embodiment, and Human Rights," *Human Rights Law Review* 7 (2007): 511-543.

Tanya Basok Daniele Bélander and Eloy Rivas, "Reproducing Deportability: Migrant Agricultural Workers in South-western Ontario," *Journal of Ethnic and Migration Studies* 40 (2014): 1394-1413.

Anna Grear and Burns H. Weston, "The Betrayal of Human Rights and the Urgency of Universal Corporate Accountability: Reflections on a Post-Kiobel Lawscape," *Human Rights Law Review* 15 (2015): 21-44.

#### Recommended:

Ciarán O'Kelly, "Human Rights and the Grammar of Corporate Social Responsibility," *Social & Legal Studies* (2019), 1-25.

### Week 12 (April 3<sup>rd</sup>)

**[Response Paper #3 due no later than this week]**

Readings TBA

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## **ACADEMIC ACCOMMODATIONS**

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows: <https://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf>

### **Pregnancy obligation**

Please contact me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, visit the Equity Services website:

### **Religious obligation**

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, visit the Department of Equity and Inclusive Communities (EIC): <https://carleton.ca/equity/>

### **Academic Accommodations for Students with Disabilities**

If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (PMC) at 613-520-6608 or [pmc@carleton.ca](mailto:pmc@carleton.ca) for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable) [www.carleton.ca/pmc](http://www.carleton.ca/pmc)

### **Plagiarism**

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence. *More information on the University's Academic Integrity Policy can be found at:* <http://carleton.ca/studentaffairs/academic-integrity/>

### **Survivors of Sexual Violence**

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and survivors are supported through

academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: [carleton.ca/sexual-violence-support](http://carleton.ca/sexual-violence-support)

### **Accommodation for Student Activities**

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit: <https://students.carleton.ca/services/accommodation/>

### **Department Policy**

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations. <http://carleton.ca/law/current-students/>