



**Carleton**  
University

Department of  
Law and Legal Studies

THE CARLETON GRADUATE LEGAL STUDENTS  
ASSOCIATION PRESENTS:

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# SOCIOLEGAL SHIFT

## SYNERGIES & SOLUTIONS

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*THURSDAY, MAY 12TH, 2022*  
PRESENTED ONLINE VIA ZOOM

FOR MORE INFORMATION AND TO REGISTER,  
GO TO **BIT.LY/GLSACONFERENCE22** OR  
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Jonathan Carlson  
Victoria Derbyshire  
Taryn Hepburn  
Diksha Kale  
Deborah Komarnisky  
Jean Ketterling  
Megan Loneragan  
Mary McCluskey  
Georgette Morris  
Veronica Overlid  
Leah Wilson  
Hijaab Yahya

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### **ZOOM LINK DETAILS:**

**Topic: GLSA Conference**

**Time: May 12, 2022 09:00 AM – 6:00 PM Eastern Time (US and Canada)**

**Join Zoom Meeting: <https://carleton-ca.zoom.us/j/98608460379>**

## The 15h Annual Carleton Legal Studies Graduate Conference

### Land Acknowledgment

The organizers and supporters of this conference acknowledge that the land in which we gather today is the traditional and unceded territory of the Algonquin nation. The Canadian state laid claim to these territories through violent systems of colonization that resulted and continue to result in the dispossession, marginalization, and impoverishment of Algonquin people and the overexploitation of land and waters within their territory. We extend our ongoing solidarity to the Algonquin nation with our words, actions, time, skills, and resources.

### **CONFERENCE SCHEDULE**

9:00a.m. to 9:30 a.m.	<u>Opening Remarks over zoom:</u> Land Acknowledgment, Departmental Welcome Speech, and 2021/2022 Chet Mitchell Award Presentation
9:30 a.m. to 6:00 p.m.	Panels start

### **Morning Panels**

9:30 a.m. to 11:00 a.m.	<b><u>Synergies in Resistance and Reconciliation</u></b>
	<u>Chair:</u> Victoria Derbyshire Hannah Feldbloom. – <i>“Surveying Criminology Students’ Knowledge of Indigenous Topics”</i> Julia McCabe – <i>“Institutional Disregard for Indigenous Health and Wellbeing in Canada: A Case Study Analysis of the Normalized Deaths of Indigenous Women in Correctional and Care Settings”</i> Theodora Schrotter – <i>“Unsettling International Criminal Law’s History via Law and Literature”</i> Xieling Zhang – <i>“The Role of Resolution Health Support Workers: Bridging Indigenous and Western Justice?”</i>
11:15 a.m. to 12:45 p.m.	<b><u>Bodies, Spaces, and Biopolitics</u></b>
	<u>Chair:</u> Taryn Hepburn Neela Hassan – <i>“Fighting for their Daughters’ Rights to Education: A Qualitative Study of Afghan Mother in Kandahar Province, Afghanistan”</i> Saly Ruiz – <i>“The Datafication of Sexually Assaulted Bodies: The Regulation of Female Sexuality Through the Administration of Sexual Assault Evidence Kits”</i> Nikita McDavid – <i>“White Nationalism and the Biopolitics of Abortion in North America”</i> Nasya Aileen Rouse – <i>“The Bio-politics of Birth Tourism in Canada”</i>

**~Lunch Break~**  
**12:45 pm to 1:30 pm**

**Afternoon Panels**

<p style="text-align: center;">1:30 p.m. to 2:50 p.m.</p>	<p><b><u>Shifts in the International Realm and Immigration</u></b></p> <p><u>Chair:</u> Meg Lonergan</p> <p>Veronica Overlid – <i>“Migrant caravans’ moving from Central America towards the US”</i></p> <p>Elizabeth Venczel – <i>“Hunger strikes as resistance at Guantánamo Bay: An analysis of necropolitical carceral spaces”</i></p> <p>Janakan S. Muthukumar – <i>“International Law and State Behaviour”?</i></p> <p>Amy (Ji Yon) Choi, <i>“Canadian Immigration Detention in the Age of COVID-19: A Need for Oversight?”</i></p>
<p style="text-align: center;">3:05 p.m. to 4:25 p.m.</p>	<p><b><u>Enforcement and State Regulation</u></b></p> <p><u>Chair:</u> Leah Wilson</p> <p>Carly Richards – <i>“An Analysis of Collective Efficacy and Whether it is a Good Predictor of Gun Violence in Toronto Neighbourhoods”</i></p> <p>Clarissa Kurzawski – <i>“Crossover children in the juvenile justice system”</i></p> <p>Natasha Martino - <i>“An Examination of By-Law Enforcement: Municipal Law, Homelessness, and Homeless Encampments in Ontario”</i></p> <p>Michael Poon – <i>“Must Also Do: Diversity, Equity and Inclusion from Legal Education into the Canadian Armed Forces”</i></p>
<p style="text-align: center;">4:40 p.m. to 6:00 p.m.</p>	<p><b><u>Social Inequality and Belonging</u></b></p> <p><u>Chair:</u> Mary McCluskey</p> <p>Kyle Gordon Cayouette – <i>“COVID-19 and citizenship: Shifting what it means to be a citizen”</i></p> <p>Suman Mondal – <i>“Construction of Non-Hindu LGBTQIA+ Individuals in Northern India as Deviant and/or Criminal”</i></p> <p>Andrew Costa – <i>“Always Feel Bad with Us: White Supremacy and Horroristic Violence”</i></p> <p>Noora Al-Saai &amp; Maryam AlHajri – <i>“Guardianship of Women in Qatar: Between Law and Practice”</i></p>

## **SESSION #1**

9:30 am – 11:00 am

### **Synergies in Resistance and Reconciliation**

**Session Chair: Victoria Derbyshire**

Hannah Feldbloom, Wilfrid Laurier University

*“Surveying Criminology Students’ Knowledge of Indigenous Topics”*

Julia McCabe, Carleton University

*“Institutional Disregard for Indigenous Health and Wellbeing in Canada: A Case Study Analysis of the Normalized Deaths of Indigenous Women in Correctional and Care Settings”*

Theodora Schrotter, Cambridge Institute of Continuing Education

*“Unsettling International Criminal Law’s History via Law and Literature”*

Xieling Zhang, University of Guelph

*“The Role of Resolution Health Support Workers: Bridging Indigenous and Western Justice?”*

## **Session #2**

11:15 am to 12:45 pm

### **Bodies, Spaces, and Biopolitics**

**Session Chair: Taryn Hepburn**

Neela Hassan, University of Waterloo

*“Fighting for their Daughters’ Rights to Education: A Qualitative Study of Afghan Mother in Kandahar Province, Afghanistan”*

Saly Ruiz, Carleton University

*“The Datafication of Sexually Assaulted Bodies: The Regulation of Female Sexuality Through the Administration of Sexual Assault Evidence Kits”*

Nikita McDavid, Carleton University

*“White Nationalism and the Biopolitics of Abortion in North America”*

Nasya Aileen Rouse, Carleton University

*“The Bio-politics of Birth Tourism in Canada”*

### **SESSION #3**

1:30 pm – 2:50 pm

#### **Shifts in the International Realm and Immigration**

*Session Chair: Meg Lonergan*

Veronica Overlid, Carleton University

*Law as a site of protest: migration and refugee law in the context of the 'Central American 'migrant caravans' and other movements*

Elizabeth Venczel, Carleton University

*"Hunger strikes as resistance at Guantánamo Bay: An analysis of necropolitical carceral spaces"*

Janakan S. Muthukumar, Carleton University

*"International Law and State Behaviour"?*

Amy (Ji Yon) Choi, University of Toronto

*"Canadian Immigration Detention in the Age of COVID-19: A Need for Oversight?"*

### **Session #4**

3:05 pm to 4:25 pm

#### **Enforcement and State Regulation**

*Session Chair: Leah Wilson*

Carly Richards, Wilfrid Laurier University

*"An Analysis of Collective Efficacy and Whether it is a Good Predictor of Gun Violence in Toronto Neighbourhoods"*

Clarissa Kurzawski, Wilfrid Laurier University

*"Crossover children in the juvenile justice system"*

Natasha Martino, Wilfrid Laurier University

*"An Examination of By-Law Enforcement: Municipal Law, Homelessness, and Homeless Encampments in Ontario"*

Michael Poon, McGill University

*"Must Also Do: Diversity, Equity and Inclusion from Legal Education into the Canadian Armed Forces"*

## SESSION #5

4:40 pm – 6:00 pm

### **Social Inequality and Belonging** *Session Chair: Mary McCluskey*

Kyle Gordon Cayouette, University of Ottawa

*“COVID-19 and citizenship: Shifting what it means to be a citizen”*

Suman Mondal, Wilfrid Laurier University

*“Construction of Non-Hindu LGBTQIA+ Individuals in Northern India as Deviant and/or Criminal”*

Andrew Costa, Carleton University

*“Always Feel Bad with Us: White Supremacy and Horroristic Violence”*

Noora Al-Saai, SOAS University of London & Maryam AlHajri, University of Edinburgh

*“Guardianship of Women in Qatar: Between Law and Practice”*



## PRESENTER ABSTRACTS

**Noora Al-Saai**, SOAS University

Doctoral Candidate, Law

**Maryam AlHajri**, University of Edinburgh

Doctoral Candidate, Sociology

*Guardianship of Women in Qatar: Between Law and Practice*

Under Islamic jurisprudence, the institution of guardianship entails the authority of male paternal family members to administer and make decisions regarding the financial and personal affairs of children and adults who lack full legal capacity. In many MENA countries, male guardianship is extended over women into adulthood only in relation to consenting to marriage. For this reason, literature on guardianship over women focuses on the issue of marriage. Under the codified Qatari law, women are affected by guardianship in two ways: firstly, in relation to their decision-making regarding their children's schooling, health, travel and the like, as the children's father is considered the main guardian. Secondly, women need their guardian's approval in order to get married.

However, in Qatari law the prevalence of disparities between written law and practice means that focusing on a purely doctrinal analysis could result in oversight and the failure to account for the nuances that constitute women's positionality in Qatar. In this paper we follow a socio-legal approach to understand the practices affecting women's positionality in Qatar vis-a-vis codified law, and to address the following main question: How does the guardianship of women in practice correspond to guardianship as formulated in Qatari law? Our preliminary results show that, in practice, guardianship over adult women is extended beyond the sphere of marriage. For example, women cannot travel on their own before the age of 25 without the approval of their legal guardian, and in many sectors they cannot work without the same. Furthermore, "guardians" may register a complaint with the police to report a female relative's absence from home.

**Amy (Ji Yon) Choi**, University of Toronto

M.A. Student, Centre of Criminology and Sociolegal Studies

*Canadian Immigration Detention in the Age of COVID-19: A Need for Oversight?*

The Canadian Border Services Agency (CBSA), created in 2003, is a federal agency responsible for immigration enforcement, border control and customs services in Canada. The purpose of the CBSA is to support and ensure national security by policing the border and regulating immigration legislation. The CBSA has full discretion over where, why and how long a detainee remains in a Canadian immigration detention centre. They are vested with power to arrest, search, seize, detain, and question travellers, migrants and refugees. Despite these extraordinary powers, the CBSA is the only major Canadian law enforcement agency without independent civilian oversight. Mistreatment of immigration detainees - through abuse in custody, denial of food and water, solitary confinement - is widely reported across Canada by legal representatives, advocates, and mental health professionals. COVID-19 pandemic has only exacerbated these abusive conditions in the immigration centres. The pandemic highlights the ongoing issues of violence, corruption, and inhumane treatment of immigration detainees. Since the onset of the pandemic, Canadian authorities have released immigration detainees at unprecedented rates, demonstrating that they have been depriving people of their liberty without the need for detention. For detainees who remained in the detention centres, COVID-19 exacerbated the discrimination and harsh conditions of the centres.

The need for an independent body of oversight is urgent to ensure accountability of the CBSA officers and protect the rights of migrants and refugees.

**Andrew Costa**, Carleton University  
PhD Candidate, Law and Legal Studies  
*Always Feel Bad With Us: White Supremacy and Horroristic Violence*

White supremacist entities like The Base operate through small, isolated two to three person cells in regions throughout the United States, Canada, and Australia. The Base thus looks to recruit white men with a Northern European heritage and a training background in militaries throughout the world to build up networks that can protect a “weakened” white population and culture undermined through multicultural policies, rampant “political correctness” and “decimated” birthrates in the white population. That prospective recruits have the desired experience serving in militaries was thus crucial in The Base building its strength through its small, leaderless cells where members have been trained with arms and explosives and know how to ration critical supplies when required. Entities like The Base look to establish a white ethnostate to both accelerate and withstand a presumed race war that will culminate in widespread societal collapse. The “chosen” that remain will then rebuild anew and help return select whites to social, political, and economic prominence. This paper asserts that the channels bringing together service members and white supremacist entities are *horroristic* because entities like The Base provide an outlet on which service members can channel wars’ totalizing violence on societies believed to be past redemption, treating all outside their inner circle as no more than inanimate matter. Warring against entire populations belies their unique, individual natures and culminates in a wholesale carnage that is believed to confirm their presumed nonhuman nature through their obliteration.

**Kyle Gordon Cayouette**, University of Ottawa  
M.A. Candidate, School of Political Science  
*COVID-19 and citizenship: Shifting what it means to be a citizen*

The COVID-19 pandemic has influenced many changes, including at social, political, and economic levels. Some changes, such as new policies to address economic pitfalls, have been more noticeable by directly supporting citizens with new programs and benefits. However, other changes have almost gone unnoticed – more so changes on systemic and structural levels of governance. One of these changes is related to shifting notions of citizenship. In this paper, I argue that by looking at the current political discourse of health promotion and protection around the COVID-19 pandemic, we can use the concept of bio-citizenship to identify a shift away from a theoretical framework of citizenship that T.H. Marshall refers to as social, civil, and political citizenship towards one that is centered around the physical body of the citizen. This shift towards biological citizenship highlights how the citizenry is increasingly creating an identity influenced by their health and ill-health. Citizenship has thus become something centred around our somatic identities, rather than being based on active participation at social, political, and civil levels.

**Hannah Feldbloom, Wilfrid Laurier University**  
M.A. Student, Criminology  
*Surveying Criminology Students' Knowledge of Indigenous Topics*

It is well documented that Canada has a long history of mistreating and dehumanizing Indigenous people. The Truth and Reconciliation Commission (TRC) was established to reconcile with the treatment Indigenous people have faced. In 2015, the TRC published 94 calls to action to establish a relationship between Indigenous people and settlers. Specifically, section 62 calls for education on reconciliation, section ii which calls for training/prep of post-secondary educators. While there have been some efforts to assess the effectiveness of the calls for action within the past seven years, few have been done in the field of criminology.

The goal of my research is to examine what, if any, changes to understanding and comprehension of indigenous topics have occurred in the four years since McCleary's (2019) research. McCleary was one of the first to examine the successfulness of the TRC's calls to action in Ontario by distributing surveys and interviewing social work post-secondary students on their experiences and knowledge on Indigenous topics. I want to analyze how successful the TRC is in teaching high school students' Indigenous topics based on a distributed Likert scale survey of post-secondary students enrolled in Criminology programs. I plan on distributing my surveys to a total of 150 Criminology students drawn in equal parts from three major Ontario universities (Wilfrid Laurier, Western, and York University) between the ages of 18-25. However, I do acknowledge that students come from all over the world to attend these universities, so the findings do not represent, or say anything about, the institutions. In the four years since McCleary's research, I hypothesize that I will see more positive results and a greater bridge to reconciliation.

**Neela Hassan, University of Waterloo**  
Doctoral Student, Sociology  
*Fighting for their Daughters' Rights to Education: A Qualitative Study of Afghan Mother in Kandahar Province, Afghanistan*

Historically, Afghan women have been portrayed as passive and defenseless racialized "others" in great need of liberation from the west. This hegemonic construct of the Islamic female who needs to be rescued was one of the main justifications for the American invasion of Afghanistan in 2001. This study examines the role of Afghan mothers with no formal education in facilitating and smoothening the way for their daughters and other young girls to be the first generation of women to attend school. The study draws on 18 in-depth qualitative interviews with uneducated mothers in Kandahar, a southern province of Afghanistan that was the battlefield for the Taliban and American forces for over twenty years. The findings illustrate that Afghan women negotiate space for the younger generation of females while being caught in the nexus between western military intervention, conservative culture, deteriorating security, and poor economy. Applying Foucault's concept of power and Crenshaw's framework of intersectionality in the context of Afghanistan, I argue that while Afghan women experience structural and systemic oppression at the intersection of Western imperialism and cultural barriers, contrary to the Western depiction of racialized Muslim women, Afghan women claim their rights by strategically and silently resisting the subordination and oppression that have been forced upon them for generations.

**Clarissa Kurzawski**, Wilfrid Laurier University  
MA Criminology

*Tackling Online Disinformation by Improving Transparency in Content Moderation Practices of Social Media Companies*

Crossover children is a term used to describe how children in the child protection services crossover to the juvenile justice system. There is an established care-custody pipeline between these two youth services. The existing research on crossover children is mainly focused on how child protection services and juvenile justice systems – although separate entities – too often are dealing with the same children who move from a system focused on care to a system focused on custody. There is a gap in the literature with understanding the lived experiences of those who were crossover children to prevent “crossing over” for future children in the child protection services.

This research will use a qualitative research method through semi-structured interviews of adults in correctional services. Using a retrospective approach, adults can reflect on their “crossover” experience, give voice to this group of people, and share what they felt worked well when they were children, and what did not work well for them. Gaining this perspective, the findings will help to prevent future children from the care-to-custody pipeline.

This study aims to answer the research question: How do people with lived experiences as cross-over children make sense of their transitions from child protective care to the juvenile justice system? The goals for this study are to further construct “crossover children”, analyze crossover children lived experiences, and determine how to start work on preventing the care-to-custody pipeline.

**Natasha Martino**, Wilfrid Laurier University  
M.A. Candidate, Criminology

*“An Examination of By-Law Enforcement: Municipal Law, Homelessness, and Homeless Encampments in Ontario”*

Approximately 30,000 Canadians experience homelessness each night. The actual number of people experiencing homelessness is certainly higher, with many people making up the hidden homeless, couch surfing, or sleeping in their car to avoid emergency shelters. COVID-19 has created additional strains for people experiencing homelessness, and communities attempting to respond to homelessness. The increased visibility of homelessness and encampments during the pandemic has led to public unrest and divisiveness concerning responses to homelessness. Some municipalities have been working closely with law enforcement, including police and by-law enforcement to address homelessness in their area.

While it is evident that COVID-19 has expanded the role of law enforcement in response to homelessness, the role of by-law specifically is unknown and understudied. My exploratory research addresses this gap, investigating the by-law enforcement response to and management of homelessness and encampments across Ontario. Using mixed-methods qualitative surveys and semi-structured interviews, my research answers the following research questions: 1. How closely aligned, or “coupled” are organizational mandates to the frontline experiences of by-law enforcement officers when responding to homelessness complaints? 2. Where do by-law enforcement officers perceive the disconnect to be between the demands of their organization and the needs of the people they respond to on the frontline? A constructivist grounded theory methodology and symbolic interactionist theoretical framework was employed to understand how by-law enforcement made sense of their social environment. This research expands the knowledge on law enforcement responses to homelessness and encampments in Ontario, addressing the identified gap in the literature on by-law enforcement.

**Julia McCabe**, Carleton University

M.A. Candidate, Law and Legal Studies

*Institutional Disregard for Indigenous Health and Wellbeing in Canada: A Case Study Analysis of the Normalized Deaths of Indigenous Women in Correctional and Care Settings*

Indigenous women are subject to normalized and systemic violence within the context of colonial Canada. This paper explores how Canadian healthcare and criminal justice systems have become prime sources of Indigenous suffering and control. Specifically, I explore the normalization of institutional deaths of Indigenous women through an examination of the cases of Kimberly Squirrel, who died immediately after prison release, and Joyce Echaquan, who live-streamed the hours before her preventable and neglectful death in hospital. This paper contends that these Indigenous women, like many others, experienced a form of social deaths and became the victims of necropolitics. I argue that the historical and contemporary abuses and significant overrepresentation of Indigenous Peoples within both healthcare and criminal justice systems are forms of institutionalization that reflect the colonial urge to erase Indigenous peoples from society.

**Nikita McDavid**, Carleton University

M.A. Candidate, Law and Legal Studies

*White Nationalism and the Biopolitics of Abortion in North America*

Western liberal feminist abortion discourses center narratives of 'choice' which result in the idealization of abortion as a solution to women's poverty, gender-based violence and oppression. The idealization of abortion as a solution to gendered issues ignores other socioeconomic factors which may render abortion a necessity, rather than an empowering decision. True self-determination and reproductive justice entail much more than access to safe abortion services, and the de-stigmatization of abortion. Rather, women must also be provided with access to social services such as fully paid maternity leave, affordable/free childcare services, domestic violence services, mental healthcare, and free prenatal and post-partum care, in order to be empowered to make reproductive choices. In fact, the idealization of abortion and the choice narratives located within liberal white feminist abortion discourse may function as an agent of biopolitical control by constructing social messages and generating social norms about who should be accessing abortion services, when and for what reasons. The result is that only middle and upper class, able-bodied 'healthy' women in heteronormative relationships who are frequently coded as white, are worthy of exercising true reproductive control over their bodies. This is an exercise of biopolitical control which seeks to regulate and maintain a white nationalist state. Thus, this paper asserts that the idealization of abortion as a solution to poor women's unplanned pregnancies, when not accompanied by increased availability of social assistance for mothers, is an exercise of biopolitical power aimed at defending and upholding the supremacy of whiteness.



**Suman Mondal, Wilfrid Laurier University**

M.A. Candidate, Criminology

*Construction of Non-Hindu LGBTQIA+ Individuals in Northern India as Deviant and/or Criminal*

The Indian government systematically marginalizes and punishes non-Hindu (Muslims, Dalits, Sikhs, Christians, Adivasis) LGBTQIA+ (Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Intersex, and Asexual/Aromantic/Agender) people; directly and indirectly. Currently, in India, the Bhartiya Janata Party (BJP) has been in federal power since 2014, with the Indian National Congress Party holding the position previously. This research will examine how, and to what extent, non-Hindu LGBTQIA+ individuals in Northern India are constructed as deviant and/or criminal. While past research showcases the prejudice and discrimination amongst non-Hindus in India particularly among Muslims and Dalits, an in-depth analysis of how this discrimination is perpetuated and used is missing. This research will employ a qualitative media and discourse analysis to describe how news media frame the social and political experiences and interactions of non-Hindu LGBTQIA+ individuals in Northern India, where there is presently a large social and political presence of the BJP. A social constructionist and intersectional perspective will be employed to understand how immorality, deviance, and criminality are constructed. The goal of this research is to provide an analysis of the Indian government's media representation of non-Hindu LGBTQIA+ people, mainly as there is a dearth of information on this issue. Additionally, by understanding these constructions and revealing how they work, this research will further the goals of challenging and disrupting these discourses and enacting social, legal, and political interventions that will lead to improved rights for LGBTQIA+ individuals residing in India.

**Janakan S Muthukumar, Carleton University**

Incoming M.A. Student, Law and Legal Studies

*International Law and State Behaviour*

In February 2022, the Journal on the Use of Force and International Law published an editorial on Russia's invasion of Ukraine and an article on the February 2021 American airstrike in Syria. In their own contexts, both publications analyzed the legitimacy of the armed attacks. In other words, the authors – as in any other ad bellum case studies – attempted to create a sense of understanding to recognize state behaviour within the contemporary interpretation of the international legal framework. The scholars recognized that states prioritize political and strategic interests and often defy established international norms.

In a series of discussions on the defiance and resistance to the authority of international law, international legal scholars examined the relationship between international law and state behaviour from different theoretical perspectives. In that line of research, this paper investigates the relationship from a rationalist approach and examines the compliance model. In the end, the paper questions whether understanding the connection between international law and state behaviour – and, by large, the international legal system – can benefit from having a fresh perspective: examining the standpoint beyond epistemological distinctions.

Following an introduction to the functionality of international law, part two of the article provides an introduction to the rationalist approach. Part three evaluates to what extent the rationalist approach put forward a theory of international law and state compliance. Part four focuses on international law beyond epistemological differences. It evaluates whether such an arrangement may open possibilities to rethink the fundamental nature of international law: from being unenforceable to being recognized based on good faith.

**Veronica Overlid**, Carleton University  
PhD Candidate, Legal Studies

*Law as a site of protest: migration and refugee law in the context of the 'Central American 'migrant caravans' and other movements*

Between 2018 and 2019, 'migrant caravans' moving from Central America towards the US attracted vast political and media attention. Although relatively small compared to the around 400,000 people that yearly attempt to cross the Mexico-US border (París Pombo and Montes 2020), the caravans challenged several tensions in international refugee law by organizing in groups and refusing to abide by established (and legal) channels for movement.

Some scholars have argued, both with regard to successive caravans in the context of North America as well as migration movements in general, that irregular migration is a form of civil disobedience (Frank-Vitale & Núñez Chaim, 2020; Rocha, 2017), a resistance movement protesting capitalism and borders (Varela Huerta & McLean, 2019), or a movement towards decolonization (Achiume, 2019). In each conceptualization, protest is a core organizing principle.

In this paper, I analyze various instances of refugee protests, both in Central and North America as well as in Europe and its border regions. I examine whether the concept of protest (protesting borders, protesting law) could reveal alternative understandings of the way in which refugee law operates both at the policy and law-making level as well as on the ground. Such a lens might be useful as it enters into the heart of the 'struggle for refugee law': between refugees on the one hand, and those attempting to address the displacement (with all their conflicting interests) on the other.

**Michael Poon**, McGill University  
Doctoral Candidate, Faculty of Law

*Those Who Teach Must Also Do: Diversity, Equity and Inclusion from Legal Education into the Canadian Armed Forces*

Diversity, Equity and Inclusion (DE&I) initiatives have become a priority for many organizations within Canada. In legal academia it has become both a procedural and substantive imperative, as it grapples with meaningful integration of these considerations, and appropriate adaptation to current social and technological challenges. This paper sketches selected considerations in implementing DE&I within legal education and transplants them into Canadian Armed Forces (CAF) engagements with DE&I implementation, with a focus on the transmission of legal norms and values in a non-legal environment and teaching context, using an explicitly socio-legal orientation. Drawing from legal education literature highlighting the challenges and opportunities within the university, and key insights regarding DE&I implementation's history and current developments within the CAF derived by scholars in a themed- 2020 conference, I argue that a process of translation and adaptation of legal education practices and engagement with DE&I into the CAF context will provide valuable insights into both communities of practice and transform and be transformed in the process, in particular with developing key concepts, solidifying abstract concepts and challenges, leveraging case study and simulation techniques, exploiting remote and hybrid pedagogical tools, and furthering legal education engagement outside the academy.

**Carly Richards**, Wilfrid Laurier University

M.A Candidate, Criminology

*An Analysis of Collective Efficacy and Whether it is a Good Predictor of Gun Violence in Toronto Neighbourhoods*

Gun violence is a growing problem in Canada, having increased by 42 per cent since 2013, largely because of increases in Toronto (CBC Docs, 2020). There has also been a growing amount of concern regarding the use of firearms in homicides, despite Canada's relatively strict gun laws (Kamal & Burton, 2018; Butters, Sheptycki, Brochu & Erickson, 2011; Lawson, 2012). To date, much of the research available on gun violence originates in the United States where there are several dramatic differences from Canada regarding guns (CBC Docs, 2020; Beck, Zusevics & Dorsey, 2019; Hoskin, 2011; Lemieux, 2014). Because of differences in gun culture, in the prevalence of guns and in the regulation of guns, it is difficult to generalize firearms research in the United States to the Canadian context.

In my MA thesis I am exploring the concept of collective efficacy and whether it is able to accurately predict the gun violence rate in Toronto's 140 neighbourhoods. As Toronto is not only a major contributor to the overall gun violence rates in Canada, but also is diverse and contains varied neighbourhoods with differing levels of social supports, using Toronto-centered data will allow me to draw more accurate conclusions about the gun violence in Toronto, and perhaps more broadly Canada as a whole. I am examining the data quantitatively by conducting a multiple regression analysis. Some of the correlates I am using to measure collective efficacy are ethnic diversity, mobility rates, family disruption, economic status, employment rates and educational attainment. I chose to use publicly available data such as census data as well as various datasets from the City of Toronto's open data portal because it allows me to use a much larger and more diverse set of data than I would have been able to gather.

**Nasya Aileen Rouse**, Carleton University

M.A. Candidate, Law and Legal Studies

*The Bio-politics of Birth Tourism in Canada*

This paper examines the intersection of citizenship, race, and biopolitics in the context of birth tourism in Canada. Birth tourism refers to the practice of expectant mothers travelling to another country for the [alleged] purpose of giving birth in that country for their child to acquire citizenship. This presentation asks: how are Canadian immigration policies and anti-birth tourism discourse contributing to the regulation of pregnant non-resident women and their unborn children? Through this case study, I will examine how the Canadian state discerns birth tourism and birthright citizenship. I show that citizenship is constructed into three subsets; namely rights, status, and duties, and explore how, through these subsets, concepts of "worthiness" and "deportability" become engrained in Canadian immigration law and society. By looking at how the pregnant migrant body is regulated and scrutinized, I will demonstrate how these notions of "worthiness" and "deportability" contribute to the regulation of women who are alleged to participate in the practice of birth tourism. Lastly, I will utilize the concept of biopolitics to examine how immigration law and the regulation of pregnant non-resident mothers in Canada are entrenched in racist and xenophobic perceptions of the Chinese body. Thus, influencing how the Canadian society promotes the introduction of anti-birth tourism laws and the abolition of birthright citizenship.



**Saly Ruiz, Carleton University**  
M.A. Candidate, Law and Legal Studies  
*The Datafication of Sexually Assaulted Bodies: The Regulation of Female Sexuality  
Through the Administration of Sexual Assault Evidence Kits*

A Sexual Assault Evidence Kit (SAEKs) consists of tools employed by specialized medical experts to document the collection of forensic evidence to assist in the investigation of a sexual assault. This paper employs Michael Foucault's three elements of disciplinary power namely hierarchical observation, normalising judgements, and examination, to explore how SAEKs act as technologies of social control that construct victim narratives in ways that privilege scientific knowledge. I describe how SAEKs lead to the observation of victims from both an external and internal spatial orientation, meaning that a victim's body is externally documented through mechanisms such as photographing visible injuries, and internally through the collection of blood samples. I argue that this unique form of scientific observation systematically 'datafies' the victimized body, producing "good"; and "bad"; victim categories and creating truths regarding sexual violence and female sexuality. The "good" victim becomes a normative standard against which all victims are measured. In contrast, the "bad" victim defies socially acceptable standards of female sexuality and becomes a target of regulation, echoing historic moral hygiene campaigns. As such, this paper argues that the truths produced through the administration of SAEKs should be understood as disciplinary instruments in the regulation of female sexuality.

**Teodora Schrotter, Cambridge Institute of Continuing Education**  
*Unsettling International Criminal Law's History via Law and Literature*

I link Literature with International Criminal Law ('ICL') to unsettle the linear historical trajectory of ICL. The question I explore is not what types of histories international criminal tribunals produce when analysing atrocities, but instead, what type of story is being told about the field of ICL from a historical prism and what is left out.

ICL is viewed as a linear, chronological trajectory of main historical events marking the evolution of the field in time: the 1945-1946 Nuremberg Trials, the creation of the two ad-hoc tribunals, the ICTY and the ICTR, in 1993 and in 1994, respectively, and the establishment of the International Criminal Court in 1998. Focusing solely on this linearity of pivotal events obscures other stories to be told about ICL, primarily those closer to the ordinary people. I hence use the book *Waiting for Hitler: Voices from Britain on the Brink of Invasion* to disrupt the historical linearity of ICL via personal diaries of people living in 1930s Britain under a threat of German invasion. The book thus works as literary artifact, archiving personal stories 'from *that* period about *those* people' (Taha, 2022).

First, I present the traditional linear historical account in ICL and its missgivings. Second, what a non-linear trajectory might contribute. Third, the movement of law and literature is illustrated. Fourth, the literary artifact aids in imagining a non-linear history of ICL constituted by fragmented accounts of people under a threat of invasion.

**Elizabeth Venczel**, Carleton University  
M.A. Candidate Law and Legal Studies

*Hunger strikes as resistance at Guantánamo Bay: An analysis of necropolitical carceral spaces*

Guantánamo Bay detention camp is an American detention facility located on the coast of Guantánamo Bay in southwestern Cuba, constructed in 2002 and used to house suspected terrorists captured by U.S. forces in the Middle East. Since its inception, there has been worldwide controversy over alleged violations of the legal and human rights of detainees at the detention camp. Since its inception, various types of hunger strikes have also been occurring at Guantánamo Bay. Despite the extreme pain and suffering that force-feeding causes, this tactic has been used at the detention center, which consists of non-consensually and aggressively feeding an individual who is refusing food in order to regain power and control over them. This research paper examines hunger strikes enacted by persons who are incarcerated at Guantánamo Bay to propose that hunger striking is a form of resistance and that the act of force-feeding serves as the State's response to this resistance. I explore how an individual comes to the decision to begin a hunger strike; how carceral regimes react and respond to hunger strikes; and how force-feeding is used as a tool to reinforce power and control over prisoners' lives and inevitably, their deaths. Specifically, I argue that Guantánamo Bay operates as a necropolitical space where some prisoners must take their lives into their own hands through self-mutilating acts such as hunger striking; that the State thus loses its power over the prisoners; and that it responds through force-feeding to regain and maintain its power..

**Xieling Zhang**, University of Guelph  
M.A. Candidate, Criminology and Criminal Justice Policy

*The Role of Resolution Health Support Workers: Bridging Indigenous and Western Justice?*

The Independent Assessment Process (IAP), compensatory, out-of-court adjudicative process, was a component of the Indian Residential School Settlement Agreement to address the serious harms Survivors endured. The IAP provided Resolution Health Support Workers (RHSWs) for Survivors throughout the process, where many survivors found that RHSWs prepared them for the process and aided in their healing. Despite the important role of RHSWs and Indigenous organizations in helping Survivors access the IAP, we know little about their work. This project pursues the following questions: 1) How did Indigenous organizations facilitate access to the IAP? 2) What barriers did Indigenous organizations and RHSWs face? 3) What strategies did they use to overcome those barriers? Anti-colonial research resists the foundations and assumptions of colonization, and intersectionality demands careful attention to how systems of power shape people's experiences. The theoretical perspectives reveal how multiple systems shaped how Survivors learned about and accessed the IAP. Through semi-structured interviews, the project seeks to understand how RHSWs tried to translate the legal settlement into an accessible process. By exploring how Survivors accessed information regarding the IAP, and the role of Indigenous organizations and RHSWs in facilitating this access, we can better understand the role of Indigenous organizations and actors in bridging Survivors' access to compensation and the settler colonial Canadian state's tools of justice. This can create important knowledge for how other settlements meant to redress colonial harms are communicated and accessed. Ultimately, I seek to advance procedural justice within reconciliatory processes.

## MESSAGE FROM THE ORGANIZER

On behalf of Mary McCluskey, *the 2022 Graduate Legal Studies Organizer*, I would like to extend my gratitude to a number of individuals and groups for making this year's conference another great success.

To the Graduate Legal Studies Association committee members, thank you for taking the time out of your schedules to assist with the planning and taking on tasks leading up to the conference. Without the generosity of your time and assistance, this conference would not be a success – thank you.

To the faculty at Carleton University, thank you for supporting this student-led conference for another year. A special thanks goes to Heather Crooks, the communications coordinator, who helped behind the scenes with the preparation and navigation of the conference. I greatly appreciate your time.

To the presenters, thank you once again for providing us with your research passions and rich ideas. I am grateful for your attendance and ability to keep student-led conferences a success. Graduate student conferences are essential in being able to connect with other peers and academics and learn from one another. Hope you all consider presenting again next year.

To Carleton University, and the Department of Law and Legal Studies, once again we thank you for your continued support and funding opportunities to keep the graduate conference success. I have enjoyed my role as organizer for the 15<sup>th</sup> annual legal studies conference, and I look forward to what next year's conference may bring.

Sincerely,

Mary McCluskey