

“Follow the Children: Law(s) and Identities”
Professor Shauna Van Praagh

(Proposed Intensive Graduate-Level Seminar)

Participants in this course will engage in an intensive way with problems and perspectives related to identity and diversity. By selecting issues focused on children, drawn in particular from Canada with complementary comparative references (from Israel, UK, USA, France, Australia), we will explore identity-based issues raised by individuals, communities, states and institutions. Examples include the legacy of residential schools in Canada (and the calls to action of the Truth and Reconciliation Commission), the complexities of education for religious communities, and the interaction of identity and integrity in the context of child welfare, protection and placement.

Two broad themes will guide and shape discussions: the theme of ‘narrative’, whether attached to the individual or group; and the theme of ‘governance’, along with its sites and mechanisms. By the end of the seminar, participants should have been challenged to articulate complex questions related to diversity; to grapple with the promises and shortcomings inherent in the discourses of ‘legal pluralism’, ‘multiculturalism’, ‘human rights’, and ‘recognition’; and to acknowledge and appreciate, as jurists, a variety of governance possibilities embodied in legal instruments and institutions. Throughout the course, discussions will be triggered by the introduction of particular case studies – reported decisions, a potential challenge in law, or a particular legislative policy – and will focus on selected academic sources, supplemented by further relevant examples and commentary.

Sample authors: Yishai Blank, John Borrows, Angela Campbell, Margaret Davies, Michael Karyanni, Nancy Fraser, Will Kymlicka, Robert Leckey, Sally Engle Merry, Martha Minow, Charles Taylor, Shauna Van Praagh.

Sample topics: Canada’s residential schools and current indigenous child welfare policies, protection and education for ultra-religious children, human rights responses to the gender identity claims of youth, bilingualism and multilingualism – rights and realities, responses to the needs, claims and rights of refugee children.