

POLS 660 (fall 2015): The Politics of Rights
Wednesdays, 1:30 – 4:00 p.m

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Course Description:

This course examines the significance, application, and reach of the equality principle in American law and social movements and its extension into international human rights doctrine. How do social movements use the law as a tool for social change and how does the law change social movements? What is gained and what is lost when movements deploy notions of rights and equal treatment in their legal and political work? We will read the work of central scholars the law and society field that investigate the role of the law in either promoting or hindering social change; and the ways that power relations shape and are shaped by legal institutions, processes and meanings.

The course is divided into three parts. The first part examines the use of equal treatment analogy in American social movements, using race, sex, and sexual orientation as examples. We look at the political and legal development of the equal treatment mandate and antidiscrimination law and then investigate the ways identity-based social movements have used legal analogies in their legal and political activism. How do these movements appropriate and modify legal frames of equal treatment and equal opportunities first shaped by the civil rights movement? Where has the analogy to race-based equal treatment been effective, and where has it failed?

The second part analyzes movements that deploy equal rights while simultaneously pointing to the weaknesses of the civil rights analogies. Here we will focus on disability rights and animal rights; two movements that problematize the use of the equal rights frame and that point to the politics of vulnerability as alternative frames. This section also considers the neoconservative turn to rights talk as a way to respond to the perceived threat of the proliferation of rights discourse. This politics of rights and resentment closely monitors the legitimate and illegitimate uses of the civil rights frame.

The final section of the course follows the ways the equality doctrine is represented in international human rights law. How does international law conceptualize notions of equality and equal treatment that promise to transcend some of the limitations of the American application? We will examine the construction of global norms of equal treatment and substantial equality and then follow the ways that global norms become active in local contexts? We will look at gender violence, inclusive education rights, the sustainable food movement, and indigenous rights as case studies.

The course will contribute to your professionalization in two ways. First, you will learn some of the basics of legal research and legal interpretation. This is a useful analytical and research tool even for those students who may not consider their work as based in law. Second, we will use different forms of writing assignments to practice submitting abstracts, peer reviewing drafts, and presenting papers at professional

conferences. Our final project as a class will be a “mock conference” in which you will act as paper presenters, panel chairs, and discussants.

This course counts as an elective for the **International Cultural Studies Graduate Certificate** (<http://manoa.hawaii.edu/internationalculture/>)