

KATHARINA C. HEYER

Associate Professor in Political Science, University of Hawai'i at Mānoa

Department of Political Science,
2424 Maile Way, Saunders Hall
Honolulu, HI 96822
(808) 956-7512 (voice)
(808) 956-6877 (fax)
heyer@hawaii.edu

EDUCATION

University of Hawai'i at Mānoa, Ph.D. in Political Science (2002)
Dissertation Title: "Rights on the Road: Disability Politics in Japan and Germany"
Recipient of the 2003 Law and Society Association's Best Dissertation Prize
University of Hawai'i at Mānoa, M.A. in Political Science (1993)
Smith College, B.A. in Government (1988)

PUBLICATIONS

SINGLE AUTHOR MONOGRAPH

Rights Enabled: The Disability Revolution (University of Michigan Press, 2015)

PEER REVIEWED ARTICLES AND BOOK CHAPTERS

"Prenatal Testing and Disability Rights: Challenging 'Genetic Genocide' (forthcoming) in *Studies in Law, Politics and Society*, 2017

"Rejecting Rights: the Disability Critique of Physician Assisted Suicide" 54 *Studies in Law, Politics and Society* (2011: 77-113)

"A Disability Lens on Sociolegal Research: Reading Rights of Inclusion from a Disability Studies Perspective." 32 *Law and Social Inquiry* 2007: 261-293

"The ADA on the Road: Disability Rights in Germany" 27 *Law and Social Inquiry*, 2006: 901

"From Welfare to Rights – Japanese Disability Law" *Asia-Pacific Law and Policy Journal* 1, 2000: 6

"Between Equality and Difference: The Politics of Disability Rights in Japan" *Japanstudien* 11, 1999: 105

"No One is Perfect: Disability and Difference in Japan" in *Disability in the Foreign Language Classroom*. Tammy Berberi and Elizabeth Hamilton, eds. New Haven: Yale University Press, 2007

"Rights or Quotas? The ADA as a Model for Disability Rights" In *Handbook of Research on Employment Discrimination: Rights and Realities* (Springer, 2005: 237)

ENCYCLOPEDIA ENTRIES AND EDITED VOLUMES

"Law and Disability" in *Wiley Handbook of Law and Society*, edited by Austin Sarat and Patricia Ewick, 2015

"Disrupting States: International Discourses of Indigenous Rights and Responsibilities" Co-editor with Jodi Byrd, *Alternatives* (33: 1), 2008

"People with Disabilities" in *Encyclopedia of Law and Society: American and Global Perspectives*, David Clark, ed. Sage Publications, 2007

"Integration von Behinderten in Arbeitsleben" [Integrating People with Disabilities into the Workforce]. In: Legewie & Meyer-Ohle, eds. *Japans Wirtschaft im Umbruch* [Japan's Economy in Transition]. Munich: iudicum Verlag, 1999.

BOOK REVIEWS

"Eating in Public: Intellectual Disability and the Capacity for Citizenship." Review of Stacy Simpican. *The Capacity Contract: Intellectual Disability and the Question of Citizenship*. 52 *Tulsa Law Review*, 2017: 101

Review of Bösl, Klein and Waldschmidt, eds. *Disability History: Konstruktionen von Behinderung in der Geschichte*. Review of Disability Studies (2014)

Review of Charles Foster. *Choosing Life, Choosing Death: The Tyranny of Autonomy in Medical Ethics and Law*. *Law and Society Review* 45 (1) 2011: 227

Review of Carol Poore. *Disability in Twentieth-Century German Culture*. Review of Disability Studies, 6 (3) 2010: 65

Review of Ruth Colker. *The Disability Pendulum*. Review of Disability Studies 3 (1) 2007: 65

Review of *Independent Living and Self-Help: A Snapshot of a Social Movement* (World Institute on Disability, 2003) in Review of Disability Studies, 1 (4) 2005: 89

"Creating Space, Creating Disability" Review of B. Gleeson. *Geographies of Disability. Theory and Event*, 2001.

INVITED KEYNOTES

"Human Rights – Inclusion – Education. Interdisciplinary and Comparative Perspectives" University of Luxembourg (June 2017 - declined)

Conference on Japanese Disability Law, Loyola Law School "Employment Discrimination Law in Japan and the United States" (March 2013)

"Feminism and Disability" 2009 Pacific Rim Conference on Disabilities

CONFERENCE PAPERS

“Which Parent Wants to Say, ‘I wish my Child had Never Been Born?’ Wrongful Birth, Reproductive Choice, and the Disabled Body on Trial” 2017 Association for the Study of Law, Culture and the Humanities

Author Meets Reader Panel, *Rights Enabled: the Disability Revolution* (Author), 2016 Law and Society Association Annual Meeting

“Wrongful Birth, Genetic Gatekeeping, and Reproductive Choice: The Disabled Body on Trial” 2016 Law and Society Association Annual Meeting

“The Disability Challenge to Sociolegal Studies” 2016 West Coast Law and Society Retreat

“Prenatal Testing and Disability Rights: Challenging ‘Genetic Genocide’ (a paper honoring Adrienne Ash, 1946-2013)”, 2015 Law and Society Association Annual Meeting

“A Disability Studies Response to the Politics of Prenatal Testing” 2015 PacRim International Conference on Disabilities

Panel Chair and Discussant “Understanding Accommodation as a Civil Right” 2014 Law and Society Association Meeting

Panel Chair and Discussant: “Global and Local Responses to Disability Discrimination: Disability Law and Activism in Canada, Sweden, France, and the United States” 2013 Law and Society Association Meeting

Roundtable Chair and Participant: “What is Disability Legal Studies” 2013 Law and Society Association Meeting

“It’s About Ability” – disability human rights, the UNCRPD, and the struggle to implement inclusive education rights for children with disabilities.” 2012 Political Science Local-Global Colloquium

Panel Chair: “Global and Local Toolkits: Advocating for Real Change” 2012 Pacific Rim International Forum on Disability Rights

“Resisting Inclusive Education Rights: the CRPD in Japan and Germany” 2012 Law and Society Association International Meeting

“Global and Local Toolkits: Advocating for Real Change” (Panel Chair) 2012 Pacific Rim International Forum on Disability Rights

“Translating the UN Convention: Language and Inclusive Education Rights in Germany” 2011 Law and Society Association Meeting

Panel Chair and Discussant for “Looking for Law in All the Wrong Places: Variation in the Struggles against Discrimination” 2011 Law and Society Association Meeting

New Directions in Equality Research: “Disability Rights and Rational Discrimination” 2011 West Coast Law and Society Retreat in Los Angeles

“Resisting the Analogy: Disability Rights and the Equality Frame” 2010 Law and Society Association Annual Meeting

“Disability Rights and Social Movements: Analogizing our Struggle” 2010 Pacific Rim Conference on Disabilities

Panel Chair for: “Regional Perspectives on Disability Rights and the UN Convention” 2010 International Forum on the Rights of Persons with Disabilities

“New Developments in Disability Legal Studies” 2009 West Coast Law and Society Retreat

“Better Dead than Disabled? The Disability Movement’s Rejection of a “Right” to Die” 2008 Law and Society Association International Meeting

“Rejecting a "Right to Die" - Physician Assisted Suicide in Disability Theory and Activism” 2008 Pacific Rim Conference on Disabilities

Panel Chair for: “Women, Employment, Access and the Law” 2008 International Forum on the Rights of Persons with Disabilities

“Rejecting Rights: the Disability Response to Physician Assisted Suicide” Law and Society Association 2006 Annual Meeting.

“Disability and the Politics of Analogy” Law and Society Association 2005 Annual Meeting

“Disability Rights beyond the ADA: Discourse and Strategies in Germany and Japan” Pacific Rim Conference on Disability 2005

“Disability Rights in Japan” (invited presentation) 2005 Sho Sato Conference on Japanese Law. UC Berkeley Boalt Hall School of Law.

Great Books in Law and Society: "The Myth of Rights" Law and Society Association 2004 Roundtable

"A Review of Rights of Inclusion” Law and Society Association 2004 Author meets Reader Roundtable

"Disability Rights on the Road: the ADA in Germany" Institute for Legal Studies Colloquium, University of Wisconsin, Madison. April 2002.

“New Directions in Inequality and Legal Consciousness Research” (invited panelist) Law and Society Association 2003 Roundtable

Panel Organizer and Chair: "From Welfare to Rights: the Global Reach of Disability Law" Law and Society Association Annual Meeting 2003

"Where is the self in self-determination? Mobilizing Mental Disability Rights in Japan." Law and Society Association Annual Meeting 2002

University of Maryland Law School Roundtable on International Disability Rights 2001 (invited participant)

The American Bar Foundation Colloquium Series 2001: "Disability Rights in Germany"

Law and Society Association 2001 Conference: "Rights on the Road: The ADA in Europe"

Western Political Science Association 2001 Conference: "The ADA on the Road: Disability Politics in Japan"

Pacific Rim Conference on Disability 2001: "A Comparison of Disability Education and Employment Policy in the United States and Western Europe."

Society for Disability Studies 2000 Conference: "Disability Rights in Germany"

Law and Society Association 2000 Conference: Panel Organizer for "Comparative Disability Rights"

Pacific Rim Conference on Disability 2000: "Focus group discussions on PSED Supports and Lifelong Learning."

Western Political Science Association 2000 Conference: "Rights or Quotas? Disability Politics in Germany"

FELLOWSHIPS, GRANTS & AWARDS

Teaching Excellence Award, University of Hawai'i College of Social Sciences, 2013

"Innovative and Sustainable Teaching Methods and Strategies to Ensure Students with Disabilities Receive a Quality Higher Education." Office for Postsecondary Education Grant (2005-2008)

Law and Society Association best dissertation prize, 2003

Law and Social Inquiry best student paper prize, 2002

American Bar Foundation Dissertation Fellowship, 2000-2002

Dissertation Research Fellowship, DIJ Tokyo (German Institute for Japanese Studies), 1998-2000

TEACHING

Undergraduate Teaching:

POLS 376 "Constitutional Law: Civil Rights and Liberties"

POLS 393: "The Politics of Health"

POLS 374 "Law, Politics and Society"

POLS 367 "Disability Law and Politics"

POLS 377 "Topics in Law & Society: Children's Rights"

POLS 377 "Topics in Law & Society: The Politics of Vulnerability"

POLS 403 "Community Internship"

Graduate Teaching:

POLS 770 "Bodies and Rights: The Politics of Legal Personhood"

POLS 660 "The Politics of Rights"

POLS 660: "Law and the Politics of Analogy"

POLS 600 "Scope and Methods of Political Science"

POLS 660 "Social Movements and the Law"

LAW 520 "Disability Law"

PROFESSIONAL AND UNIVERSITY SERVICE

National Science Foundation, Law & Social Science Program

- Grant Reviewer (2016 -)

Law and Society Association Service:

- Trustee, Law and Society Association (elected, class of 2014)
- Co-founder, “Disability Legal Studies Collaborative Research Network” – international network of disability rights scholars (2010 – present)
- Chair, Local Arrangements Committee (2012)
- Program Committee (2012)
- Graduate Student Workshop faculty (2004-2007)

University of Hawai’i Service:

- UH Graduate Council (2017 -)
- CDS University Coordinating Committee (2010 - current)
- Paper Judge, UH Honor’s Symposium (2007 - 2013)
- SERVS (Student Veterans Committee) (2013- 2015)
- Committee on Human Subjects, Social Science Institutional Review Board (2005-2008)
- CDS Representative to College of Education Senate (2005-2007)
- Center for Teaching Excellence TA Training (disability in the classroom)
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UHM Political Science Department Service:

- Graduate Chair, 2016-present
- Committees Chaired: Admission, Hiring, Grants and Awards, Teaching Liaison, Colloquium, Mentoring, Honors, Law & Society Certificate

Editorial Review Board:

- Disability Studies Quarterly, Review of Disability Studies

Academic Journal Peer Reviewer:

- Law & Society Review, Review of Disability Studies, Disability & Society, Disability Studies Quarterly, Law & Social Inquiry, Contemporary Japan, Social Science Japan Journal

Addendum: Courses Taught 2013 – 2017

2013: POLS 660 POLS 377, POLS 376, POLS 374

2014: sabbatical (2 semesters)

2015: POLS 660 , POLS 377, POLS 393, POLS 376

2016: POLS 374, POLS 376

2017: POLS 770, POLS 376

Course Descriptions:

POLS 770: Bodies and Rights: The Politics of Legal Personhood

This graduate seminar investigates two growing strands in legal and public policy scholarship: the politics of legal personhood, and the politics of life and death as it pertains to legal concepts of the body. What does it mean to be a “person” under the law and how does

the law recognize and regulate bodies? We will investigate legal claims made by different types of bodies and persons and analyze the ways movements use notions of rights and legal personhood to make their claims.

Accordingly, we will examine different approaches to legal personhood and the policies that have evolved from our understanding of what constitutes a person with standing under the law. How has the concept of personhood expanded or contracted to include more or fewer beings, and why? Who counts as a person now, and who will count as a person in the future? We will examine movements towards expanding and contesting legal personhood status by people with intellectual disabilities, corporations, nonhuman animals, the forest, the river, the fetus, and the robot. We will pay special attention to life and death issues in these claims. Thus, how do legal regulations of life and death and our assumptions about personhood impact policy on prenatal testing, abortion, torts, aid in dying/assisted suicide, and the regulation of organs and human cells?

POLS 660: Law, Equality and the Politics of Rights

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. Our focus is both national and global.

The course begins with an examination of equal treatment analogy as deployed 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 of the 1950s? 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 human rights as case studies.

POLS 376: Constitutional Law: Rights and Liberties

This course examines the civil rights and liberties protected in the Amendments to the U.S. Constitution. It is designed to follow POLS 375 (Constitutional Law I), which covers the powers and institutions outlined in the Constitution's main articles. However, POLS 375 is not a requirement for enrolling in, or succeeding in POLS 376.

Our analysis of civil rights and liberties is guided by two central themes, "liberty" and "equality". We will examine the ways that constitutional guarantees of basic freedoms, due process and equal protection have been interpreted by the Supreme Court, and in turn, shaped social and political norms. Our approach to constitutional law will therefore go beyond the study of legal rules and precedent. This course will encourage you to think about the Supreme Court not only as an institution that creates constitutional doctrine, but also as one whose decisions are intertwined with social and political forces. To that end, we will read cases as reflections of the ways that some of the most critical and fundamental questions in our society involving government power and individual rights evolve from individual conflicts into legal rules.

We begin our discussion of liberty with the First Amendment's religious freedom cases, which test the right to freely practice one's religion against social norms defining acceptable limits of religion. We will ask: to what degree should we allow for religious exemption from generally applicable law, such as drug laws or unemployment laws? Our discussion of the First Amendment's religious establishment clause will prompt us to consider the constitutionality of school prayer, the teaching of creationism, and the presence of religious objects on public grounds. Our discussion of liberty will also include the different types of expression (speech, symbolic speech, hate speech, fighting words) that are protected and the ones that are not. Finally, it covers the right to privacy to make fundamental choices about our bodies.

Our second central theme covers civil rights legislation's basic premise of equal protection and equal opportunities. We will take a detailed look at the path that led from the Supreme Court's approval of the separate but equal doctrine to the civil rights movement's strategy to dismantle it. Then, we will trace the legacy of *Brown v. Board of Education* in the formulation of equality principles in subsequent cases regarding discrimination on the basis of sex, sexual orientation, and affirmative action. Bookmarked in between our two main themes will be our analysis of criminal justice cases the Court has decided: specifically the rights of the criminally accused pertaining to: searches and seizures, the right to counsel, the right to silence, and the right against cruel and unusual punishment.

POLS 367: Disability Law and Politics

This course examines American law and politics from a disability lens. We will look at the relationship between formal law ("law on the books") and the impact this law has on the lives of its intended beneficiaries ("law in action"). We use a disability lens to ask one of the central questions in sociolegal studies: how are law and society mutually constitutive? How do we use the law to change society and vice versa?

We begin by an examination of the ways that traditional assumptions and perceptions of disability – as a physical, mental, or even moral defect – reflected and re-enforced by law and policy. Then we look at the ways that people with disabilities have sought to challenge these assumptions and institute political and legal reforms that fundamentally changed the legal response to disability difference. A central aspect of this movement has been the fundamental

change in definition of what constitutes disability: not as a physical deficit inherent in certain bodies or brains, but rather as a relationship of differential power and privilege. Disability is to be understood as a discursive construction: a fictional “other” to an equally constructed able-bodied norm. We will focus on the development of disability law that frames disability as a civil rights issue, drawing inspiration from other rights-based social movements. Here we will pay special attention to the 1990 Americans with Disabilities Act, the world’s first comprehensive disability antidiscrimination law. We will cover specific aspects of disability rights, such as the right to an inclusive education, the right to live in the community, and the role of bioethics (forced sterilization and assisted suicide) in the movement.

The final part of the course part examines “law in action.” What difference does disability law make in the lives of people with disabilities? We will rely on personal narratives and memoirs written by people with disabilities, speaking about how they experience life in the presence or absence of disability rights.

POLS 393: The Politics of Health

This course interrogates the politics of health and health care law. How does contemporary thinking about health – as a right, a commodity, or a desired state of being - impact efforts to regulate access to health care? What is the role of the law in defining what is health, who gets to have it, who needs to pay for it, and who decides? Why has health care become such a uniquely contentious issue in American law and politics?

This course is a seminar in law and politics, using health care as a lens through which we will analyze the working of the law in defining, mitigating, and reflecting central questions in American politics. We will focus our attention to the American experience with health care in explicit comparison to the health care solutions proposed by other industrialized countries. We begin with an analysis of the Affordable Care Act (ACA): the politics of its passage, the legal challenges, and the ways it reflects American traditions of the role of the state in regulating markets and behaviors. Next we draw comparisons to other countries’ approaches to regulating health care, looking at a variety of models and legal arrangements that share similar goals but adopt radically different methods. While we may consider other countries’ as models for the American system, we will also look at ways that U.S. approaches to mental health have spread to other countries and impacted legal categories for diagnosis, care, and entitlement. The final part of the course is dedicated to the study of specific issues and controversies in American health care: (1) Regulations of Pregnancy & Prenatal Testing; (2) The politics of Nutrition and Obesity; (3) Abortion Rights and Policies; (4) Vaccinations and Public Health; (5) Death and Dying.

POLS 374: Law, Politics & Society (coslisted with SOC 374)

This course explores the ways law shapes society and society shapes law. It takes as a starting point the belief that law does not simply exist on its own, independent of influences by people, politics, and social institutions. Rather, law reflects the context in which it is made and used. Law also comes in many forms. It is not simply what is in leather-bound volumes in a lawyer’s office. Nor is law simply what the U.S. Supreme Court says. In this course we will see law as constituted in many forms and places: on the streets, in individual exchanges, in cultural practices, in the media, and in our classroom. Over the course of the semester, we will think about a variety of perspectives about the law: law as protection, law as violence, law as social order, law as a means to justice, and law as a

way to shape an identity.

POLS 377: Topics in Law and Society

This Topics course examines the tension between “equality” and “justice” in American law and politics. Does equal treatment always result in justice for marginalized and disenfranchised groups? How do these groups deploy rights talk in their struggles for equal opportunities and social justice? This course will focus on both the power and the limitations of the equal rights doctrine in the legal mobilization of social movements. We will focus especially on the ways that the mobilization of rights often entails a conflict with other forms of rights. Thus, the articulation of one person’s rights can lead to the formation of a right that directly counters it, posing unique political dilemmas of right-versus-right. For example, the articulation of abortion rights as a Constitutionally protected privacy interest led to a political struggle for fetal personhood rights.

We will examine a variety of these rights-versus rights struggles, beginning with gay marriage rights that are being countered by religious conservatives as violations of their religious freedom. Our next section examines the disability challenge to the equal rights paradigm: how do we advocate for equal treatment in education while taking special needs into account? Three case studies follow: first, the struggle between maternal rights and fetal rights, as well as the arguments for and against prenatal testing and selective abortion. The second is the political struggle surrounding legislation providing a right to a “death with dignity.” Finally, we will examine arguments for animal rights and legal personhood. Throughout our readings, which come primarily from legal journals, we will read “first person” accounts of scholars who have contemplated the impact of these rights struggles on their lives. Thus, we will read Kenji Yoshino’s personal account of gay marriage in *Hollingsworth v. Perry*; Ruth Colker’s deliberations on equal treatment for students with disabilities, Harriet McBryde Johnson’s encounter with disability rights and death with dignity, and Jonathan Foer’s struggle with eating animals.