



Digital/hybrid Ph.D. course University of Bergen (AORG908)
2 – 23 August 2021

EFFECTS OF LAWFARE

Courts and law as battlegrounds for social change

General track and ~~Child rights special track~~

DIGITAL EDITION



Venue: zoom

We experience an accelerating juridification and judicialisation of societies and politics. In all parts of the world and at all levels, from the global to the local, increasingly complex webs of legal norms and institutions regulate our societies and lives. Courts and law have become increasingly important as arenas for political struggles. Constitutional reforms and international treaties aim to transform social dynamics from above, among others through new and stronger protection of citizens' rights, while individuals and groups engage in legal mobilization from below to seek justice for their cause. In either case dense networks of international activists and experts are ready to engage with and aid local actors, creating a dense global network of actors, legal norms, and adjudicative institutions. In this context, it is urgent to better understand law as a political field. Does this turn to rights and law have a transformative potential? Does it provide institutional spaces for the voices of marginalized groups to be heard and tools that can provide political leverage? Or does it, rather demobilize and depoliticize struggles in ways that exacerbate unequal power-relations and marginalization dynamics? These are urgent issues on which there are deep disagreements in the literature. The course offers an introduction to the scholarly debates on the potential and limits of law as an instrument of social change, and opportunities to engage with some of the foremost scholar in the field, and international research projects currently seeking more compelling answers to these questions.

The course combines

- real-time **online seminars** specifically designed for the course
- individual and group **mentoring sessions** with relevant researchers
- group work
- **Digital (hybrid) public seminars** that form part of **the Bergen Exchanges on Law & Social Transformation (BeEx2021)** 16-20 August. Those able to be physically present in Bergen can join the BeEx2021 seminars live, the rest can join as participants in the online webinar.

Children's rights, inequality & autocratization dynamics are BeEx2021 focus areas. We will discuss the centrality of law in struggles over the protection, priority and agency of children in societies across the globe, including in heated battles over child protection and what are the child's best interest, and in the context of COVID-19 decision-making and priorities. We will examine how law entrenches – and is used strategically to address – inequalities in areas such as **indigenous rights to land**, and access to **water** and **health care**. We will scrutinize the mounting battles over **gender equality** – and the significance of gender on the bench. And we will explore different facets of the **legalized struggles over democratic governance**.

The course will have one **general track**, drawing empirical examples from across a range of social and legal fields, and one track with a special focus on **child rights**. In the Child Right Track we focus on the universally ratified UN Convention for the Rights of the Child and how a supra national convention is understood and implemented in nation states. On a global scale, there is a long way to go before the CRC has gained the influence and impact that we hope for. There are huge variations for the worlds 2.2 billion children in how nation states protect their rights. Whereas some focus foremost targets their focus on preventing child exploitation others are concerned with how to implement children as participants in all parts of society.

There is a relatively short compulsory reading list for the course. In addition, the students are required to compile an additional reading list of at least 500 pages (from the recommended reading list of their respective tracks). The supplementary list should be submitted before the start of the course and is required to get the course credits.

Students will receive 3 ECTS if they:

- participate in the course (80% of the sessions)
- submit a paper abstract (150-300 words) and an additional reading list

- give a presentation of their own work

Students are awarded an additional 7 ECTS if they submit a paper (4,000-6,000 words by 15 October 2020. (the paper must be related to the course and can form part of the PhD thesis).

Postdoctoral researchers and MA level students will be accepted if space permits. The PhD course is free of charge and open to applicant from Norwegian and international institutions.

Course leaders: **Siri Gloppen and Marit Skivenes** (University of Bergen/UiB)

Course Coordinators: **Lara Cortes and Giedre Cassaite** (CMI/LawTransform)

Lecturers: See lecture overview below, but note that list of presenters is still to be confirmed.

Effects of Lawfare

Courts and law as battlegrounds for social change

General track and Child rights special track

PhD course (2) 9-23 August 2021

(Times and lecturers for the different sessions are to be confirmed*)

2 — 6 August PRE-COURSE module		
	<ul style="list-style-type: none"> - plenary meeting with presentations of students Monday 2 August (video of presentations to be circulated to course leaders) - group-work on reflection note to be submitted by Monday 9th (organized by tracks) - preliminary presentation of student projects in the reading groups 	
Individual mentoring session will be scheduled during the course		
9 – 13 August, daily 15:00 – 18:00 (19:00)		
Digital student-only module – general and tracks		
Monday: Introducing Lawfare		
	introductions & course overview Introducing Lawfare: Concepts, approaches Introduction to social movement theory and theories of legal mobilization	Siri Gloppen
	Legal mobilization - meet the author:	Michael McCann
	International legal mobilization - meet the author:	Rachel Cichowski

Tuesday: Courts as Battlegrounds and Actors

	What decides how judges rule? <ul style="list-style-type: none"> - Introduction to judicial behaviour research, - judicial discretion - traditions of judicial interpretation 	Siri Gloppen Eirik Holmøyvik
	Judicial selection and judicial independence <ul style="list-style-type: none"> - meet the author 	Andrea Castagnola
	Gender and Judging <ul style="list-style-type: none"> - meet the authors 	Ruth Rubio Marin and Elin Skaar

Wednesday: Effects of lawfare

	Conceptualizing effects of law	Dan Brinks
	Studying effects of law: introduction to theory and methods	Dan Brinks (& Langford video)
	Studying backlash meet the authors	Adrian Jjuuko and Tom Keck
	Research ethics – ethical clearance	Camila Gianella

Thursday & Friday– by tracks

General track

Thursday: Socio-legal research methods in practice

	Surveys and survey experiments <ul style="list-style-type: none"> - meet the authors 	Leo Arriola Malcolm Langford
	Qualitative field work and analysis	Siri Gloppen and Rachel Sieder
	Computational text analysis <ul style="list-style-type: none"> - meet the author 	Fiona Shen-Bayh

Friday: Researching effects of law and lawfare – by track

	Autocratic lawfare in Africa <ul style="list-style-type: none"> - meet the authors 	Thalia Gerzo Siri Gloppen Nic van de Walle
	Abortion rights lawfare <ul style="list-style-type: none"> - meet the authors 	Marta Machado & Satang Nabaneh
	Land rights in plural legal context <ul style="list-style-type: none"> - meet the authors 	Rachel Sieder, Jackie Dugard & Namita Wahi
	Water Rights <ul style="list-style-type: none"> - meet the authors 	Dan Brinks Arkaja Singh Bruce Wilson

Child Rights track

	Conceptualization and implementation of children's rights	Marit Skivenes Elaine Sutherland
	Balancing of children's rights vs. parental rights and other rights	Conor O'Mahony Jill D. Berrick,
	The changing relationship between the family and the state	Katrin Kriz Lesley-Anne Barnes
	The functioning and workings of child protection systems worldwide	Macfarlane, Karl Harald Søvig,
		Marius Emberland Asgeir Falck-Eriksen

16 – 20 August, daily 15:00 – 18:00 (19:00)

BERGEN EXCHANGES ON LAW & SOCIAL TRANSFORMATION

- See separate program -

(hybrid seminars – in person for those who are in /can come to Bergen)

Thursday 19 August, 18:00 - 19:00: Course evaluation, prepare panel

Monday 23 August 15:00 - 18:00: Project Presentations (by track*)