



Ph.D. course University of Bergen,
Faculty of the Social Sciences

Monday (3) 10 August – Tuesday 25 August 2020

EFFECTS OF LAWFARE

Courts and law as battlegrounds for social change

DIGITAL EDITION



law & inequality

Venue: zoom

We experience an accelerating juridification and judicialization 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 scholars 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
- **public webinars/seminars** that form part of **the Bergen Exchanges on Law & Social Transformation (BeEx2020)**. The BeEx2020 will be on a smaller scale than non-Covid19-years with 1-3 sessions per day in the afternoons. These which will be combined live and online seminars.

The overarching focus of the BeEx2020 is **Law & Inequality**, discussing strategic use of law to address inequalities in areas such as: **gender; migration, land, water, climate, health and knowledge systems**. There will also be sessions relating to **legalized struggles over democratic backlash**.

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. 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, but 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 applicants from Norwegian and international institutions.

Course leaders: **Siri Gloppen** (UiB) and **César Rodríguez-Garavito** (NYU School of Law)

Course Coordinator: **Giedre Casaite** (CMI/LawTransform)

Lecturers: **Rachel Cichowski** (University of Washington) **Camila Gianella** (CMI); **Jayna Kothari** (CLPR Bangalore) **Thomas M Keck** (Syracuse University), **Malcolm Langford** (University of Oslo), **Marta Machado** (FGV Sao Paulo); **Rachel Sieder** (CIESAS Mexico), **Marit Skivenes** (UiB), **Namita Wahi** (CPR Delhi) **Bruce Wilson** (University of Central Florida),

University of Bergen PhD course 10-25 August 2020

Effects of Lawfare

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(sessions are in the afternoon/early evening Norwegian time)

<p>3-9 August</p> <p>Preparatory period</p>	<ul style="list-style-type: none"> - reading groups - reflection notes on core readings to be submitted by Sunday 15 August
<p>10-14 August</p>	
<p>Introducing Lawfare</p> <p>&</p> <p>Research methods for studying lawfare dynamics & effects</p>	<p>Monday 10 August 15:00 - 18:00</p> <p>introductions & course overview Presentations of course participants (remember to prepare your 2 min presentation for the video - this will be very useful for the different course leaders to get to know you a bit in advance)</p> <p>Introducing Lawfare: Concepts, approaches Siri Gloppen</p>
	<p>Tuesday 11 August 15:00 - 17:00</p> <p>Social & Legal mobilization Introduction to social movement theory and theories of legal mobilization César Rodríguez-Garavito</p> <p>17:15 - 19:00 What decides how judges rule? Introduction to judicial discretion and behavior <i>Family life for Children in State Care. An Analysis of the European Court of Human Rights' Discretionary Reasoning</i> Marit Skivenes</p>
	<p>Wednesday 12 August 15:00 - 15:45 Author-meet-reader session Bruce Wilson <i>Legal opportunity structures and social movements: The effects of institutional change on Costa Rican politics</i> & <i>Overcoming the limits of legal opportunity structures: LGBT rights' divergent paths in Costa Rica and Colombia.</i></p> <p>16:00 - 16:45 Author-meet-reader session</p>

	<p>Thomas M. Keck <i>Beyond backlash: Assessing the impact of judicial decisions on LGBT rights</i></p> <p>17:00 - 19:45 Research Ethics Camila Gianella and Marta Machado</p> <p>19:15 - 20:00 Author-meet-reader session Rachel Cichowski <i>The European court of human rights, amicus curiae, and violence against women.</i></p>
	<p>Thursday 13 August 15:00 - 16:45 Studying effects of law: introduction to theory and methods César Rodríguez-Garavito</p> <p>17:15 - 19:00 Methods for studying effects of law Malcolm Langford</p>
	<p>Friday 14 August 15:00 - 16:30 Webinar: PluriLand - Contestations over land in plural legal regimes</p> <p>16:45 - 17:45 Author-meet-reader sessions Rachel Sieder <i>"To speak the law": Contested jurisdictions, legal legibility and sovereignty in Guatemala</i></p> <p>18:00 - 19:00 Author-meet-reader sessions Namita Wahi <i>The legal regime and political economy of land rights of Scheduled Tribes in Scheduled Areas of India</i></p>
<p>17 - 21 August</p>	

The course will follow the **Bergen Exchanges on Law & Social Transformation (2020 Limited Edition - 1-3 daily seminar/webinars)**

For details on events and times see separate **BeEx2020** program.

Throughout the week you will work in groups to discuss - for each of the days - what you found to be the main insights (or points that you disagree with). A 5 page group reflection note on the full #BeEx2020 should be submitted by Sunday 23rd August

24-25 August

Monday 24 August 15:00 - 19:00

- **Student presentations of own projects**

Tuesday 24 August 15:00 - 19:00

- **Student presentations of own projects**
- **Course evaluation**

Each of you should prepare

- **a 5 minute oral presentation of your project and**
- **comments to the project presentations of two of your colleagues - based on the project abstracts in the file register, (to be assigned)**
- **Mentoring sessions** will be scheduled individually (can be at other times)