



Ph.D. course University of Bergen  
Monday (3) 10 August – Tuesday 25 August 2020

# EFFECTS OF LAWFARE

Courts and law as battlegrounds for social change

DIGITAL EDITION



Venue: zoom

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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 using 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** (University of Bergen/UiB)

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

Lecturers include (tbc\*):

**Michael McCann** (University of Washington/UW), **Jackie Dugard** (Wits University), **Camilla Gianella** (CMI), **Namita Wahi** (CPR, India), **Daniel Brinks** (UT Austin), **Rachel Cichowski** (UW); **Jeroen van der Sluis** (UiB), **Sylvia Tamale** (Makerere University), **Jayna Kothary** (CLPR, India), **Sudhir Krishnaswamy** (National Law School of India), **Alicia Yamin** (Harvard University), **Rachel**

# Effects of Lawfare

## Courts and law as battlegrounds for social change

PhD course 10-21 August 2020

(sessions will be in the afternoon/early evening Norwegian time)

<p><b>3-7 August</b> Preparatory period</p>	<ul style="list-style-type: none"> <li>- reading groups</li> <li>- preliminary presentation of projects</li> </ul>
<p><b>10-15 August</b></p>	
<p><b>Introducing Lawfare</b></p> <p>Examples of (in) equality oriented legal mobilization</p>	<p><b>introductions &amp; course overview</b>  <b>Introducing Lawfare:</b> Concepts, approaches</p>
	<p><b>Social &amp; Legal mobilization</b>          Introduction to social movement theory and theories of legal mobilization</p>
	<p>Gender and sexualy, child rights</p>
	<p>Health and disability</p>
	<p>Indigenous rights</p>
	<p>Natural resources, climate</p>
	<p>International legal mobilization</p>
	<p><b>What decides how judges rule?</b>          Introduction to judicial behavior research</p>
<p><b>Research methods for studying lawfare dynamics &amp; effects</b></p> <ul style="list-style-type: none"> <li>- Examples</li> </ul>	<p><b>Studying effects of law: introduction to theory and methods</b></p>
	<p>Research Ethics and ethical ethical clearance</p>
	<p>Gendered effects of law; intersectionality</p>
	<p>(in)equality effects of Social, Rights</p>
	<p>(in)equality effects of Indigenous Rights</p>

## 17 - 21 August

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

<https://docs.google.com/document/d/1p3sPpCx9t3F59S8tmORkc-Fik7wT6GNU/edit>

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

**Daily session to discuss take-home from public sessions**

## 24-25 August

- **Student presentations of own projects**
- **Mentoring sessions** scheduled individually (can be at other times)
- **Course evaluation**