POLS 770 Graduate Seminar in Public Policy (CRN 89322)
Fridays 9:30 – noon, Saunders 624

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Office hours: TR 9:00 – 11:00 am and by appointment

Bodies and Rights: The Politics of Legal Personhood

This 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 study 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? Are fetuses persons? Are corporations persons? Are chimps persons? 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, and the fetus.

We will pay special attention to life and death issues in these claims. Thus, how does the legal regulation 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?

Both MA and Ph.D. students are invited to participate in this seminar and will be invited to adjust writing and research requirements to suit their individual needs. The majority of our reading consists of journal articles from a variety of disciplines: law, political theory, disability studies, social movement studies, feminist studies, and bioethics. All of these will be available on the class Laulima website. We will read four books in their entirety:

• Ruha Benjamin. People's Science: Bodies and Rights on the Stem Cell Frontier (Stanford University Press 2013)


**Required Readings:** All readings are posted on the “Resources” tab on the course Laulima website. We read an average of 4 articles or book chapters per meeting. Most of the readings are Law Review articles that use a lot of citations, so think twice before you hit the “print” button. Be sure to bring either printed or electronic copies of the reading to class.

**Course Requirements:**

1. **Attendance and Participation**
   
The success of this course depends on your timely attendance and participation in class discussion. Please come to class having read all assigned readings and be prepared to engage with them and your colleagues. Our weekly discussions are key moments to engage with each other, listen carefully and respectfully, demonstrate that you have thought about the readings, and develop our own ideas. Please let me know in advance of any circumstances that may prevent you from coming to class on time.

2. **Discussion Leader**

   Everybody will have an opportunity to launch and lead the discussion for one class. This means that you come prepared with a summary of what you found to be the most pertinent and useful aspects of the reading and then launch our discussion. Your launch should address the following: (1) brief background on the author and research agenda (2) what central questions does the article ask and answer? (3) why is the question important? How have others sought to answer it? (4) how does this connect with other articles we are reading? (5) what have you learned? How does this inform/challenge your research?

Prepare your launch carefully, using whatever teaching technique you wish. Use of slides or other presentation software is discouraged, but you can use visuals, outlines, or other innovative media if you keep them short and useful.

3. **Memo of Intent**

   By the third week of the semester (January 27) you will compose a one to two-page memo to me explaining what your goal for this semester is. Hopefully this is beyond “to learn something about law and public policy”. Instead, I want you to think about how you might connect law, legal research, and an attention to public policy and the politics of rights with your larger research agenda. Ask yourself how learning about the law might inform the issues you are interested in without necessarily requiring you to change your current research project. Start by briefly explaining what your research interests are, and pose a question that you’d like to think about over the course of the semester. The aim of this memo is to set some goals for your work this semester and to begin a dialogue that may continue over the course of your graduate career.

5. **Writing Assignments and Mock Conference**

   There are two options to fulfill the writing requirement for this course.

   **First Option (Analytical Paper):** The first option consists of an analytical paper that

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compares and contrasts at least three movements towards legal personhood we have studied in this class. Use the assigned readings and reflect on the legal strategies and political choices of these movements. Then select at least two additional readings for each movement and expand you analysis of these movements.

Second Option (Research Paper): The second option consists of a 20-30 page research paper on a topic of your choice, based on the readings and discussions we have had in class, and focused around your memo of intent. In this option we will simulate the process you would go through to if you were to present a paper at an academic conference: you will first submit a paper proposal, outlining your question and ways you seek to answer it. Then you will compile a list of sources used for your thesis, with a brief description of each source. I will place you in writing groups in which you will comment on each other’s first drafts. You will revise your paper and present it at our mock conference at the end of the semester. After your discussant’s feedback you have the option to revise the paper again before you hand in your final copy.

a. Paper Proposal: due week 9
b. Annotated Bibliography: due week 11
c. First Draft: due week 13
d. Peer Feedback in writing groups: due week 14
e. Conference Presentation: week 16
f. Final Paper: due May 5 (week 17)

Plagiarism Policy: Plagiarism is taking another person’s words or ideas without crediting them. Anything cut and pasted from a website without quotation marks and proper citation is plagiarism. Copying anything from a book or journal without quotation marks and proper citation is plagiarism. Submitting a paper (or significant parts of a paper) to two different courses is considered plagiarism as well. Plagiarism is cheating, the equivalent of academic theft. Because trust and attribution are central to the current nature of the academic profession, there is no excuse for plagiarism. Turning in a paper with plagiarized parts will result in a failing grade for the course.

Disability Access: If you are a student with a documented disability, please talk to me about ways to make the class accessible to you. You should also contact the KOKUA office that coordinates disability-related accommodations on campus (956-7511), located on the ground floor of the Student Services Center.

Reading Schedule

The following is our reading schedule for the semester. I may adjust it as we find or flow as a class.

week 1 (January 13): Introduction to the course and to each other

week 2 (January 20): Theoretical Foundations: legal personhood, Constitutional thinking, the construction of normal bodies, disability studies

• Simi Linton. “Reassigning Meaning” (2006) in *Claiming Disability*

**week 3 (January 27)** Legal Personhood and Political Citizenship: who is part of the *polis?*

• Memo of intent due in class

**week 4 (February 3): The Politics of Life, Prenatal Testing and conflicts with Disability rights**

• Alison Piepmeier. (2013). The Inadequacy of "Choice": Disability and What’s Wrong with Feminist Framings of Reproduction. *Feminist Studies, 39*(1), 159

**week 5 (February 10): Reproductive Rights, Abortion bans, and movements towards Fetal Personhood**


**week six (February 17): Challenging disability in the courts: Tort law, wrongful birth, and wrongful life**

• Anna Kirkland. “Credibility Battles in the Autism Litigation” 2012 Social Studies of Science


**week 7 (February 24): Death and Dying; Aid in Dying Legislation, autonomy in the dying process**


**week 8 (March 3): Children as legal actors and rights holders**

• Sue Ruddick. At the Horizons of the Subject: Neo-liberalism, Neo-conservatism, and the rights of the child. Part One: From ‘knowing’ fetus to ‘confused’ child.” *Gender, Place, Culture*, 2007.


**week 9 (March 10): Animal Rights and Political Theory**


**week 10 (March 17): Animal Rights and Legal Personhood**

• Taimie Bryant. “Sacrificing the Sacrifice of Animals: Legal Personhood for Animals, the Status of Animals as Property, and the Presumed Primacy of Humans.” 2008 *Rutgers Law Journal*


**week 11 (March 24): Legal Personhood for Trees and Rivers**


• TBA

**week 12 (March 31) Spring Break**

**week 13 (April 7): Corporate Personhood**


• Stuart Kirsch. “Imagining Corporate Personhood” PoLAR 2014 (8 pages)

**week 14 (April 14): Stem cell research: rights of bodies**

• Ruha Benjamin. *People’s Science: Bodies and Rights on the Stem Cell Frontier* (Stanford 2013)

**week 15 (April 21): Rights of the Dead: brain death, organ donation**


**week 16: April 28 mini-Conference: Presentation of research papers (last day of class)**