

## The Politics of Rights

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Jeremy Bentham called them “nonsense upon stilts” but at the beginning of the twenty-first century, the discourse of rights has never been more pronounced or contested. Around the globe, people mobilize -- and in courts, lawyers argue -- on behalf of human, civil, political, ethnic minority, aboriginal, women’s, gay, alien, children’s, transgender, corporate, (sub)national, environmental, and animal rights. Some of these are established rights that advocates seek to expand for those previously excluded from their ambit. Others are new rights. At the same time, the abrogation of such rights as habeas corpus and the use of so-called “enhanced interrogation techniques” by governments in established as well as new democracies in the decade since September 11 have engendered new alliances of progressives and rule of law liberals to defend the restoration and refurbishment of rights. Movements to expand, create, defend, and entrench rights into national and international law generate counter-claims, put rights under pressure and, some argue, problematically privilege courts, legal and centralized national institutions over other more democratic or popular mechanisms of policy formation and self-governance. We propose that the discipline bring its empirical and normative lenses to reflect on the domestic, comparative, and international dimensions of the complex politics of rights.

We invite panels and papers that address, from a variety of theoretical and empirical perspectives, the theme of how rights are defined, contested, contracted or expanded, enshrined into law, and rolled back. We are particularly interested in research that illuminates the domestic, comparative, international, and theoretical (both critical and normative) contexts and implications of the politics of rights.

First, we encourage panels and papers that consider the origins of movements to extend rights. Have the advance of democracy and the broadening of citizenship served to advance rights claims for subordinated groups? In what ways have greater economic, political, and cultural integration broadly associated with globalization shaped the politics of rights in countries with different normative traditions, political and legal institutions, and economic constraints? Are rights-oriented politics meaningful for the global poor? Are rights a resource or a hindrance to those engaged in battles on behalf of social justice? How have the boundaries of human and civil rights expanded in recent decades to include guarantees of physical security, political representation, social rights, and a clean and healthy environment? How may they yet contract?

Second, we invite research and reflection on the contests for and defense of rights. How do activists mobilize to advocate for new rights or the expansion of old ones? When do they seek redress in the arena of politics and when do they move their struggles to the domain of law? How do rights-oriented movements contribute to the politicization of the judiciary and/or the judicialization of politics? When are claims made in the venue of national state institutions and when do activists seek out international or regional sites?



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How are rights-centered politics marked by tensions between human rights, with their universal aspirations, and identity politics, which argue for rights on behalf of specific, historically disenfranchised groups? What impact have new and old media had on contests over rights? How might weak judicial institutions and the fragile rule of law in emerging democracies constrain rights-centered politics? How do international courts set their agendas and enforce their rulings?

Third, we hope that scholars will engage conflicts among rights as well as the dynamics of rights under pressure. What happens when the economic rights of corporations – to property, to “free speech,” and to act freely and efficiently in markets – conflict with social, political, and human rights around the world – to live free of environmental contaminants, to participate in truly competitive elections, and to have access to land? How are property rights balanced against other rights under neoliberalism? How do states respond to such principles as the “responsibility to protect,” which attenuates state sovereignty with the goal of averting genocide and saving lives? What are the implications for rights-based politics of recent populist movements in the United States and other established democracies that make use of proposition balloting and referenda to restrict or delimit the expansion of minority rights? What are the implications as well of the proliferation of hybrid regimes around the world that stage elections but impose illiberal restrictions on civil and political rights? How are these conflicts about rights framed and adjudicated by particular institutions such as courts, electoral actors, and professional legal and advocacy organizations? How are rights framed in struggles among stakeholders, which include corporate and private interests, grass roots and astro-turf activists, and governmental and non-governmental organizations?

Fourth, what are the costs and benefits of thinking in a rights-centered way about political issues? Are we helped by the idea of rights when thinking about issues of state security, the right to self-defense, and the civil and human rights of those accused of threatening public security? How might the focus on rights drive out of our political vernacular powerful alternative concepts like *res publica*, or the common good? Or how might rights-centered politics work to promote some kinds of institutional arrangements over others, such as courts over commons, private over collective property, or procedural versus participatory politics? Do the politics of human rights attenuate or enhance institutions and practices of state sovereignty? What are the gender politics of rights? Are the politics of reproduction and sexuality well or ill affected by their scripting in terms of rights (as in the right to marry, the right to life, and reproductive rights)? Political theorists critical of liberalism and some political scientists have argued that rights promote a certain kind of subject -- an autonomous individual who is incapable of sustaining political community. Are such claims supported by historical and comparative research?

In sum, we hope that a dialogue within and across the whole range of theoretical, substantive, and methodological approaches of our discipline will shine some light on a range of issues of pressing concern in the world today. We encourage division heads to think through the ways that this theme speaks to their subfields and we invite them to collaborate with us in designing theme panels and round table discussions that take up the



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issues highlighted by this theme. We also welcome creative efforts to promote work across subfields and divisions.

