

THE UNITED STATES AND THE QUESTION OF RIGHTS
63rd Annual Conference of the German Association for American Studies
May 19 to 22, 2016

Keynote Lectures

Thursday, May 19
5:00 pm

Prof. Michael Dreyer

“Civil Rights from the Bench? The Supreme Court between Originalism and the Living Constitution”

Abstract: For many years, from *Brown v. Board of Education* (1954) to *Obergefell v. Hodges* (2015) minorities have looked to the Supreme Court to secure their "equal rights" and "due process". Indeed, most civil rights breakthroughs start at the Supreme Court. Yet at the same time the reach of the Bill of Rights is always controversial on the court and among court watchers. And since the Supreme Court is the "least dangerous branch" (Hamilton), controlling neither the purse nor the sword, winning at the court may be a hollow victory for a minority, if it is not backed up by politics and society. The lecture will examine the civil rights discourses in front of the highest court of the land.



Michael Dreyer is Professor for Political Theory and the History of Political Thought at the Friedrich-Schiller-Universität Jena. He is especially interested in nineteenth and twentieth Century German and American history of thought and has widely researched the political system of the US, notably the role and impact of the Supreme Court. His special interest lies in how minorities have fared in the context of legal complaints and the manner in which the relationship between minority groups and the Supreme Court has evolved over time. Another of Dreyer's fields of academic enquiry is the Weimar Republic, with a focus on its constitutional order and international impact.

He recently published various articles on the US legal system in *Handbuch Politik USA* and is currently working on a monograph, *Die Verfassung der USA. Ursprung, Entwicklung, Gegenwart*, with Werner Kremp and Markus Lang. He has published several other books, most notably *Hugo Preuß (1860-1925). Biographie eines Demokraten; Amerikaforschung in Deutschland. Themen und Institutionen der Politikwissenschaft nach 1945* (with Markus Kaim and Markus Lang); and *Weimar als politische Kulturstadt. Ein historisch-politischer Stadtführer* (with Klaus Dicke).

His essays and articles include: „Obama und die dritte Gewalt: Eine verfrühte Bilanz?“ in *Die USA am Ende der Präsidentschaft Barack Obamas*; „Der Vizepräsident im Wahlkampf“ in *Die US-Präsidentschaftswahl 2012*; „Lincoln und ‘civil religion’: Bürgerkrieg, Verfassung und die Transformation des ‘American’s Creed’“ in *Lincoln und die Religion. Das Konzept der Nation unter Gott*; „Queer Theory“ and „Minderheiten“ in *Politische Theorie und Politische Philosophie. Ein Handbuch*; „Der Supreme Court und das Rechtssystem der USA in der deutschen Politikwissenschaft“ in *Amerikaforschung in Deutschland. Themen und Institutionen der Politikwissenschaft nach 1945*; „Minorities, Civil Rights, and Political Culture. Gay and Lesbian Rights in Germany and the United States“ in *Two Cultures of Rights: The Quest for Inclusion and Participation in Modern America and Germany*; „Germany and the United States“ in *The New Germany. History, Economy, Policies*; „Politische Erziehung durch politischen Prozess. Walter Bagehot, die „teaching function“ und die USA“ in *Politik kulturell verstehen. Politische Kulturforschung in der Politikdidaktik*; „Weimar als ‚wehrhafte Demokratie‘ – ein unterschätztes Vorbild“ in *Die Weimarer Verfassung – Wert und Wirkung für die Demokratie*; „Empty bottles no more. Parteien und Verfassung in den USA“ in *Parteiendemokratie in der Bewährung*; and „Gelobtes Land und Methodentempel? Die Rolle der USA in der deutschen Politikwissenschaft“ in *Cultural Interactions. Fifty Years of American Studies in Germany*.

**Friday, May 20
9:00 – 10:30 am**

Prof. Blair L. M. Kelley

“Unabated Protest: African American Citizenship in the Era of Plessy v. Ferguson”



Abstract: Through a reexamination of the earliest protests against Jim Crow segregation, the talk will explore the struggles litigants and activists waged to defend their right to equal treatment in public accommodations during the "age of accommodation." By exploring this fight for the right to ride, the talk will explore the myriad ways that their efforts laid a groundwork for a more complex understanding of American citizenship and the modern black freedom struggle.

Blair L.M. Kelley is the Assistant Dean for Interdisciplinary Studies and International Programs for the College of Humanities and Social Sciences. She is also Associate Professor of History and is on the faculty of the Public History graduate program. Her scholarship, which has been published in scholarly journals and edited volumes, centers on the history of African American social movements. She is the author of *Right to Ride: Streetcar Boycotts and African American Citizenship in the Era of Plessy v. Ferguson*, which won the 2010 Letitia Woods Brown Best Book Award from the Association of Black Women Historians. She has taught courses on African American history, African American women's history, Civil Rights, oral history, and Katrina and the history of New Orleans.

Active inside the academy and out, Kelley has been a guest on NPR's *Here & Now*, MSNBC's *Melissa Harris Perry Show* and *Countdown with Keith Olbermann*, *Democracy Now*, and WUNC's *The State of Things*. She has also provided expert commentary for the *New York Times*, *The Washington Post*, *The Melissa Harris Perry Show*, and *The Associated Press*. She has written for the online edition of *The Washington Post*, *TheRoot.com*, *TheGrio.com*, *Ebony.com*, *Salon.com*, and *Jet Magazine*. Kelley produces and hosts a podcast called *Historical Blackness*. She also has more than 23,000 followers on Twitter.

Kelley received her B.A. from the University of Virginia in History and African and African American Studies. She earned her M.A. and Ph.D. in History, and graduate certificates in African and African American Studies and Women's Studies at Duke University. She is a proud resident of Durham, North Carolina where she lives with her husband and two children.

Friday, May 20
11:00 – 12:30 pm

Prof. Leti Volpp

“Refugees Welcome? Migration, Citizenship and the Question of Rights”

Abstract: In this lecture, Leti Volpp will consider the relationship between migration, citizenship and rights by focusing upon a particular sign, its transatlantic circulation, and contestation as to its meaning. The sign, with the warning “CAUTION” above the silhouette of a running man, woman, and female child, was created in 1990 as a traffic sign by the California Department of Transportation in order to deter drivers from hitting pedestrians crossing freeways near border checkpoints in Southern California. In the United States, the sign is correlated with illegal immigration. The symbol of immigrants running re-emerged under the banner of “Refugees Welcome” in Europe, as seen in football stadiums and train stations across Germany in late August, 2015. Tracing this image’s circulation and its transformations demonstrates how dramatic events in recent months have shaped immigration and refugee policies in both the United States and Germany. This investigation also sheds light on the triangulated relationship between the illegal immigrant and the refugee, a relationship shaped by racialization, territoriality, and a dissimilar access to rights, whether as humans, or noncitizens.



Leti Volpp is the Robert D. and Leslie Kay Raven Professor of Law at Berkeley Law, where her research focuses on questions of immigration and citizenship. She is currently a Visiting Professor affiliated with the Amerika-Institut of Ludwig-Maximilians-Universität München, and has served as Faculty for the Osnabrück Summer Institute on the Cultural Study of Law. Her numerous honors include two Rockefeller Foundation Humanities Fellowships, a MacArthur Foundation Individual Research and Writing Grant, and the Association of American Law Schools Minority Section Derrick A. Bell, Jr., Award. Her most recent publications include “The Indigenous As Alien” in the *UC Irvine Law Review* (2015), “Saving Muslim Women” in *Public Books* (2015), “Civility and the Undocumented Alien” in *Civility, Legality, and Justice in America* (Austin Sarat, ed., Cambridge University Press, 2014), “The Boston Bombers” in *Fordham Law Review* (2014), “Imaginations of Space in Immigration Law” in *Law, Culture and the Humanities* (2012), the edited symposium issue “Denaturalizing Citizenship: A Symposium on Linda Bosniak’s *The Citizen and the Alien* and Ayelet Shachar’s *The Birthright Lottery*” in *Issues in Legal Scholarship* (2011), and “Framing Cultural Difference: Immigrant Women and Discourses of Tradition” in *Differences: A Journal of Feminist Cultural Studies* (2011). She is also the editor of *Legal Borderlands: Law and the Construction of American Borders* (with Mary Dudziak) (Johns Hopkins University Press, 2006). Her earlier work includes the much cited “The Citizen and the Terrorist” in *UCLA Law Review* (2002), and “Feminism versus Multiculturalism” in the *Columbia Law Review* (2001).

Saturday, May 21
09:00 – 10:30 am

Prof. Joseph Slaughter

“Hijacking Human Rights: Neoliberalism and the End of the Third World”

Abstract: Over the past decade, a new historiography of human rights has identified the 1970s as the crucial period when human rights discourse gained traction globally. Most of the historians working in this mode adopt a North Atlantic perspective on the history and concept of human rights; they relegate stories and struggles outside the U.S. and Europe to minor, inconsequential, or irrelevant uses of the languages of human rights. The story of the West’s reduction of human rights to a limited set of individual civil and political protections against state abuses in the 70s cannot be told without recognizing the dramatic foreclosure of other more radical visions of human rights that still obtained in the Third and Fourth Worlds: national self-determination, economic redistribution, and social and cultural security. If the 1970s was the decade of human rights, it was also the decade of hijackings, many of which were undertaken in the name of those broader struggles. As I argue in this lecture, however, none of those airline hijackings was quite as effective as the neo-liberal hijacking of human rights.



Joseph Slaughter is Associate Professor of English and Comparative Literature at Columbia University. He specializes in literature, law, and socio-cultural history of the Global South (particularly Latin America and Africa) and is especially interested in the social work of literature - that is, the myriad ways in which literature intersects (formally, historically, ideologically, materially) with problems of social justice, human rights, intellectual property, and international law. His honors include a Guggenheim Fellowship, Public Voices Fellowship, Lenfest Distinguished Faculty Award. His book *Human Rights, Inc.: The World Novel, Narrative Form, and International Law* (Fordham UP, 2007), which explores the cooperative narrative logics of international human rights law and the Bildungsroman, was awarded the 2008 René Wellek prize for comparative literature and cultural theory. His essay, “Enabling Fictions and Novel Subjects: The Bildungsroman and International Human Rights Law,” was honored as one of the two best articles published in *PMLA* in 2006-7. He was elected to serve as President of the American Comparative Literature Association in 2016.

His essays and articles include: “World Literature as Property” in *Alif: Journal of Comparative Poetics*; “However Incompletely, Human” in *The Meanings of Human Rights: Philosophy, Critical Theory, Law*; “‘It’s good to be primitive’: African Allusion and the Modernist Fetish of Authenticity” in *Modernism and Copyright*; “The Enchantment of Human Rights; or, What Difference Does Humanitarian Indifference Make?” in *Critical Quarterly*; “Vanishing Points: When Narrative Is Not Simply There” in *The Journal of Human Rights*; “‘A Mouth with Which to Tell the Story’: Silence, Violence, and Speech in the Narrative of Things Fall Apart” in *Emerging Perspectives on Chinua Achebe*; “Master Plans: Designing (National) Allegories of Urban Space and Metropolitan Subjects for Postcolonial Kenya” in *Research in African Literatures*; “Introducing Human Rights and Literary Form; Or, the Vehicles and Vocabularies of Human Rights,” co-authored with Sophia A. McClennen, in *Comparative Literature Studies*; and “A Question of Narration: The Voice in International Human Rights Law” in *Human Rights Quarterly*. Slaughter is a founding co-editor of *Humanity: An International Journal of Human Rights, Humanitarianism, and Development*. He is co-editing a volume of essays, *The Global South Atlantic*, that explores some of the many social, cultural, political, and material interactions across the oceanic space between Africa and Latin America that have made it historically (im)possible to imagine the South Atlantic as a coherent region. He is currently working on two monographs, *Pathetic Fallacies: Essays on Human Rights, Humanitarianism*, and *The Humanities and New Word Orders: Intellectual Property and World Literature*.

Sunday, May 22
09:30 – 11:00 am

Prof. Susan Herman

“On Balancing Liberty and National Security”



Abstract: What can EU countries learn from the American experience with big surveillance post-9/11? The President of the American Civil Liberties Union will discuss, from an insider point of view, the relevant history (the USA PATRIOT Act, the impact of Edward Snowden’s revelations, and the Apple dispute about availability of back doors and encryption), law, politics, and myths about the costs and benefits of surveillance. Possible differences between the American and European contexts will be considered.

Susan N. Herman holds a chair as Centennial Professor of Law at Brooklyn Law School, where she currently teaches courses in Criminal Procedure and Constitutional Law, and seminars on Law and Literature, and Terrorism and Civil Liberties. She writes extensively on constitutional, criminal procedure, and national security topics for scholarly and other publications, ranging from law reviews and books to periodicals and on-line publications. Her most recent book, *Taking Liberties: The War on Terror and the Erosion of American Democracy* (Oxford University Press 2011), winner of the

2012 IIT Chicago-Kent College of Law/Roy C. Palmer Civil Liberties Prize, was published in an updated paperback edition in March 2014. Herman was elected President of the American Civil Liberties Union in October 2008, after having served as a member of the ACLU Board of Directors and Executive Committee, and as General Counsel.

Herman has discussed constitutional law issues on radio, including a variety of NPR shows, and on television, including programs on PBS, CSPAN, NBC, MSNBC, and a series of appearances on the *Today in New York* show. In addition, she has been a frequent speaker at academic conferences and continuing legal education events organized by groups such as the Federal Judicial Center and the American Bar Association, lecturing and conducting workshops for various groups of judges and lawyers, and at non-legal events, including speeches at the U.S. Army War College and many schools and universities. She has also participated in Supreme Court litigation, writing and collaborating on *amicus curiae* briefs for the ACLU on a range of constitutional criminal procedure issues, including *Riley v. California*, the recent case establishing that cell phones may not be searched without a search warrant.

Herman received a B.A. from Barnard College as a philosophy major, and a J.D. from New York University School of Law, where she was a Note and Comment Editor on the N.Y.U. Law Review. Before entering teaching, Professor Herman was *Pro Se* Law Clerk for the United States Court of Appeals for the Second Circuit, and Staff Attorney and then Associate Director of Prisoners' Legal Services of New York.