

The Anatomy of Autonomy: From Personhood to Personification

Time:

Room:

Professor Patricia Williams

Office:

Hours:

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Course Description

This course will examine what it means to be a person in the eyes of the law. We will examine the rhetorical framings that infuse our conceptions of living subjects, legal persons, non-persons and things. The line between human and subhuman, or person and thing, is given new urgency in an era when the limits of incarceration, torture, human trafficking, medical experimentation, and the right to due process often turn on newly minted connotations of words like "nature" "intention," "enemy combatant," "IQ," "underclass," "market choice," "race," "terror" or "alien." If slavery is "unthinkable" to most people today, why? How do we keep bringing the unthinkable back into being? What connection do historical taxonomies have to the contemporary perpetuation of genocide, torture, disappearance, starvation? What disconnections? What about us is truly or essentially "inalienable"?

Whom do we consider a person? whom do we label less than fully endowed? These are questions that inform some of the most urgent legal and political questions of our time. We will look at legal opinions, historical documents, as well as texts in philosophy, anthropology, linguistics, literary criticism, and popular culture.

Syllabus

First Class: I and Eye

Williams, "On Being the Object of Property," Signs: Journal of Women and History

Pinker, "My Genome, My Self," New York Times Magazine

Second Class: Self and Other

Koszyinski, "Her Body, My Baby," New York Times Magazine

"Ova Time: Women Line Up To Donate Eggs--for Money" Wall Street

Journal

Frank, "Rent-a-Womb Is Where Market Logic Leads," , Wall Street

Journal,

Greely et al., "Commentary: Towards responsible use of
cognitive-enhancing drugs by the healthy," Nature Magazine

Wanjek, "Smart Pills: The Truth About Cognitive-Enhancing Drugs,"
LiveScience.com

Third Class: The Mind's "I"

"This brain test maps the truth," The Times of India

"Stop using brain mapping for investigation and as evidence" The Hindu

"Brain test could be next polygraph," Seattle Post-Intelligencer

"India's use of brain scans in courts dismays critics" The International
Herald Tribune

Hank Greely, "Neuroscience-Based Lie Detection: The Urgent Need for
Regulation," American Journal of Law and Medicine

"DNA Tests Offer Deeper Examination of Accused Biological, Emotional
States," Washington Post

Fourth Class: The Theater of Identity

"CHP deputy insists on DNA tests for president" Hurriyet Daily News.com

Murray, "Jewish Genius," Commentary Magazine

Pollack and Williams, "Response," Commentary Magazine

Kahn, "Biotechnology and the Legal Constitution of the Self: Managing Identity in
Science, the Market, and Society," 51 HASTINGS L.J. 909 (2000)

Fifth Class: Disidentification and Role

Film; Frontline

Timerman, "Prisoner Without a Name, Cell Without a Number" (excerpt)

Edley, "The Torture Memos and Academic Freedom," Berkeley Law News

Edley, "These jobs are not for everyone," UC Berkeley News

Sixth Class: Dignity

"The Ashley Treatment: Towards a Better Quality of Life,"
www.ashleytreatment.spaces.live.com/blog

"Pillow Angel Ethics," Time Magazine, January 7 and 9, 2007

"Investigative Report Regarding the 'Ashley Treatment'" Washington
Protection and Advocacy System, May 8, 2007

"A law to bar pain for apes in Spain?" International Herald Tribune,
Saletan, "Return of the Neanderthals," Slate, November 24, 2008

Seventh Class: Being Subject

Belkin, "The High Cost of Living," The New York Times Magazine
Jefferson, "Notes on Virginia" (excerpt)
Posner and Landes, "The Economics of the Adoption Market"
Johnson, "Persons and Things" (excerpt)