

Upcoming Workshops

A Workshop on Vulnerability at the Intersection of the Changing Firm and the Changing Family

Emory Law, Atlanta GA
October 16-17, 2015

Save the date: A Workshop on Children, Vulnerability and Resilience

Emory Law, Atlanta GA
December 11-12, 2015

From the call for papers: This workshop will interrogate the status of children within legal liberalism and explore how applying a vulnerability lens to childhood may transform our understanding of law's purpose and subjects alike

Fall 2015 Course Offerings

International Environmental Law & Vulnerability

(Martha Albertson Fineman, Atieno Samandari)

From the syllabus:

- This seminar will examine the development of international environmental law (IEL), focusing on the major areas of global environmental protection including climate change and biodiversity. The course will trace the evolution of IEL and explore the development of its theoretical underpinnings, including sustainable development, the "polluter pays" principle, precaution and vulnerability among others.

Law and Social Movements: Historical and Theoretical

Perspectives

(Deborah Dinner)

From the syllabus:

- This course will examine how law shapes the political imagination of social movement actors. What are the legal frameworks that have influenced social movements' identities and goals? How has rights consciousness functioned both to inspire and to constrain social change? Another set of questions will focus on the impact that social movements have on law. We will explore these theoretical issues via case studies drawn from twentieth-century U.S. history including the labor, civil rights, feminist, gay rights, and conservative movements.

Gender and Human Rights

(Stu Marvel)

From the syllabus:

- Readings will analyze the current legal discourse of the human rights of women in the context of regional, cultural and religious norms, and examine how such rights have been framed within the context of international legal instruments as well as within global governance and activism. It will survey the historical framework of contemporary 'rights culture' and explore both feminist and vulnerability theory approaches to and critiques of the language of rights.

Vulnerability Theory: Global Conversations

- With the support of Professor Fineman and the Feminism and Legal Theory Project, visiting scholar **Baoshi Wang** worked with John Allgood, an Adjunct Professor at Emory Law, to organize a Skype presentation on mediation as alternative dispute resolution (ADR) in the American judicial system for a virtual audience of lawyers in Changsha, China. The Lawyers Association of the City of Changsha participated in this exchange to promote professional development for their young attorneys. The Lawyers Association and Mediation Center in Changsha are looking forward to future collaborations with Emory Law. Next, Baoshi hopes to coordinate a presentation with Professor Fineman via a nation-wide online forum for Chinese scholars and lawyers interested in family law, gender, and domestic violence.
- As part of an Emory Global Health Initiative team, **Edison Lin (2L)** worked in Vietnam for 10 weeks with a local NGO, Centre for Creative Initiatives in Health and Population (CCIHP), based in Hanoi. As part of the cross-collaboration between CCIHP and Emory, the team gave a series of seminars to CCIHP staff and volunteers on qualitative methods and ethics. Edison gave four seminars on vulnerability theory: introducing the core tenets, looking at applied examples in the US, discussing potential applications of the theory in Vietnam, and finally, a discussion on the role of the state in relation to citizens. Participants, at the end of the seminars, were able to identify and discuss different applications of the theory and how it can be a useful tool in developing responsive approaches to health issues in society.

Publications & Presentations

Sayali Bapat, *Presentation:* *Negotiating Hierarchies: Child Protection and the Personal Law Framework in India*, Workshop at the Centre for Socio-Legal Studies, University of Oxford, June 2015.

Martha Albertson Fineman, *Publication:* Martha Albertson Fineman, *Vulnerability and the Institution of Marriage*, 64 Emory L.J. 2089 (2015). ***Presentation:*** *AALS Workshop on Next Generation Issues of Sex, Gender, and the Law*, Plenary Session: Social Safety Net. Orlando, June 2015.

Martha Albertson Fineman & Silas Allard, *Presentation:* *How Does the Concept of the "Vulnerable Subject" Clarify and/or Complicate Civil, Political, and Religious Spheres of Authority and Responsibility?* The Religion, Vulnerability, and Resilience Project: Planning Symposium, Spertus Institute for Jewish Learning, Chicago, June 2015.

Stu Marvel, *Publication:* *Stu Marvel, The Evolution of Plural Parentage: Applying Vulnerability Theory to Polygamy and Same-Sex Marriage*, 64 Emory L.J. 2047 (2015). ***Presentations:***

- Discussant on 'Economies of Desire' Panel Session, Critical Thinking about Sex, Sexuality, Gender and the Family, Harvard Law School, Boston, June 2015.
- Queer Families and Reproductive Technology -Institute for Global Law and Policy: The Conference, Harvard Law School, Boston, June 2015.
- Kinship, Identity and Reproductive Justice - 'Marginalized Identities, Inside and Outside the Family' panel session. Law and Society Association, Seattle, May 2015.

Barbara Woodhouse, *Presentation:* *Race, Biology & Best Interest: Adoption & Assisted Reproductive Technology, in Italy and the United States*, at "Doing the 'Best' for Children and Young People? Best Interests, Welfare and Well-being (article 3)", CRC Implementation Project, Edinburgh Colloquium, 9-10 June 2015.



Feminism Legal Theory Project

Martha Albertson Fineman, Director

Greetings from the Feminism and Legal Theory Project and Vulnerability and the Human Condition Initiative! Included in this issue are a profile of Deborah Dinner, Emory's newest hire who will be part of the FLT/VHC family, along with reports of activities from students, faculty, and visiting scholars.

You will also find information on the global reach of VHC, new publications and presentations by FLT/VHC members and upcoming course offerings.

Deborah Dinner, New Faculty in Vulnerability



Deborah Dinner is a legal historian whose scholarship examines the interaction between social movements, political culture, and legal change. She received a J.D. from Yale Law School in 2005, and a Ph.D. from the Department of History at Yale University in 2012. To date, Deborah's work has largely focused on the women's movement of the late twentieth century. Her dissertation focused on the legal history of what we now call work-family conflict, focusing on issues of pregnancy discrimination. Over the past couple years, she has engaged in further research, broadening the project into a book manuscript titled *Contested Labor: Social Reproduction, Work*

and Law in the Neoliberal Age. The book examines debates among feminists and anti-abortion activists, union leaders and employers, politicians and judges regarding how law should regulate the intersection of motherhood and women's labor market opposition.

The concept of vulnerability is relevant to Deborah on both intellectual and personal levels, as she explains, "it is a broad framework that unites my interests in the family, workplace, labor, and the welfare state. The idea of vulnerability poses a significant challenge to long-standing assumptions in the law about rights, free contract, autonomy, and equality. The work of the VHC, I believe, is especially important in our present political moment. It dovetails well with my growing scholarly interest in the legal history of neoliberalism and offers a perfect opportunity to combine research with advocacy."

Law in Context by Sayali Bapat, SJD Candidate (2016)



This past summer, the Centre for Socio-Legal Studies at the University of Oxford and the International Journal of Law in Context organized a workshop for scholars in the early stages of their careers. The aim was to support junior scholars in developing research projects, helping them to prepare papers ready for publication in a peer-reviewed journal.

I was lucky to be selected as one of ten junior scholars to present at this workshop. Projects and papers had to be contextually related to the relationship of law with other social science disciplines, and it offered an excellent opportunity to receive topical feedback from my peers, senior research staff at the Centre, and the editors of an international peer-reviewed journal.

I was able to travel to Oxford for the workshop thanks to the support I received from the Law School and the Vulnerability and the Human Condition Initiative. My fellow presenters included a few graduate students like myself, some postdoctoral research fellows, and some associate professors. We all came from various backgrounds and from different parts of the world. Not all of us were lawyers, and we represented different continents- North

and South America, Asia, and Europe. Conversations with this diverse group gave me a lot of interesting perspectives on my doctoral research, and the comments and questions have helped me to further develop and clarify my project. After the two-day workshop was completed, each of us was given the opportunity to have individual conversations with faculty at the Centre for Socio-Legal Studies. The individualized feedback I received has been especially useful while trying to revise and edit my paper to render it publication worthy. The editors of the International Journal of Law in Context have also invited us to send in revised drafts that may be published in a special collection; for some of us, this may be our first opportunity to get published in an international peer-reviewed journal.

Many researchers working in different parts of the world have been experiencing the limits of liberal theory and human rights law, albeit in different ways. Having detailed conversations with attendees during and after the workshop allowed me to generate real interest in the cutting-edge legal research that is being conducted by the Vulnerability and Human Condition Initiative at Emory Law. I am grateful for the generous support of Vice-Dean Ahdieh, the Law School, Professor Fineman, and the Vulnerability and the Human Condition Initiative.

Vulnerability and Religion: Emerging Conversations by Silas W. Allard

Scholars are drawing on the expertise of the Vulnerability and the Human Condition Initiative at Emory, in response to a developing interest in the disciplines of theology and religious studies around vulnerability as a theoretical and interpretive category.

On June 1-2, Professor Martha Fineman and I attended a planning symposium in Chicago for the Religion, Vulnerability, and Resilience Project sponsored by the Spertus Institute for Jewish Learning and Leadership and Meadville Lombard Theological School. Nine other scholars working in theology, ethics, religious studies, and health sciences joined us. Professor Fineman and I presented together on ways in which the concepts of vulnerability and the vulnerable subject, as they have been developed at the VHC Initiative, could impact the study of religion and theology-emphasizing the importance of understanding the universal character of vulnerability as it relates to the human condition. Program directors from Spertus and Meadville have taken the conversations from this planning symposium and are now working on courses and resources

in vulnerability and resilience for clergy and other religious professionals.

This conversation is continuing in Europe. On September 6, I will travel to Heidelberg to participate in the academic conference, "Vulnerability - A New Focus for Theological and Interdisciplinary Anthropology." I will present a paper co-authored by Professor Fineman and myself that addresses the importance of vulnerability as an aspect of institutions and our lives lived in the context of institutions, when thinking about religion and theology. By being a part of these early conversations, Professor Fineman and I hope to contribute to a discourse that establishes vulnerability and resilience as critical constructs within theology and religious studies.



Vulnerability, Resilience and the Ecology of Childhood by Professor Barbara Bennett Woodhouse



Since 2012, I have been studying the ecology of childhood in the small mountain village of Scanno, Italy. Scanno serves as my petrie dish for observing how children's social and physical environments influence their development. Scanno, population 1,890, is nestled in a remote mountain area of the Abruzzi Region, about three hours drive East of Rome. Scanno dates

back to pre Roman times, but its glory years were from 1500 to 1800, when the wool from Scanno's sheep was famous throughout Italy. You will still see shepherds herding their flocks with giant white Abruzzi sheep dogs, but now the shepherds are all equipped with cell phones. So are Scanno's teenagers.

This year, Scanno is commemorating the 100th anniversary of a devastating earthquake that struck one January night in 1915, completely destroying the neighboring village known as Old Frattura and killing 120 people, mostly women and children, since the men had taken the sheep to the winter pastures in Puglia. You could argue that this sad story is not fit for consumption by elementary aged children. But Scanno's children feel a strong connection with history and public ceremonies. They play an integral role in the many religious and cultural festivals that solidify the town's identity. For the festival of San Antonio, children lead mules down from the mountain bringing fire wood to be donated to those in need. For the festival of San Martino, teenagers build three enormous bonfires on the mountains, one for each section of town. This custom predates the Christian era and exists in many cultures, as a promise that winter may be harsh but it will not last forever. Children in Scanno are a source of hope and renewal-especially as birth rates have been falling. So it is not surprising that elementary school children were given a prominent role in commemoration of the Frattura earthquake.

The fifth grade children were asked to design the commemorative poster. I visited their class after they had spent

many weeks on their beautiful drawings. They had agreed as a group that the poster must show the devastation of 1915, but they also wanted to show how New Frattura had risen out of the ruins of Old Frattura. Many of them lived in the group of stone houses that had been built in a new and seismically safer location. In preparation for the project, they talked with family members who remembered hearing accounts of the earthquake from survivors. They learned, some for the first time, about ancestors who had been orphaned by the quake and were absorbed into other families. They studied old photographs of the stricken village, visited its ruins, and read 100 year old newspaper stories. They knew it had taken more than 10 years to rehouse those who had lost their homes. But the survivors had not given up their dream of rebuilding their community which, ironically, was realized by the government of Benito Mussolini.

By some quirk of chance, on the day I was visiting their class, our conversation was interrupted by an ear-splitting siren. Instantly, at the first blast, each child dropped to the floor and scooted under a desk. On hearing a double blast, they formed an orderly line and walked quickly down the stairs. They did not giggle or whisper or stop, until they reached a piazza 200 meters from the school, far from any buildings. Mystified, I caught up with them and they explained that what I had just seen was an earthquake drill. Earthquakes are an unavoidable reality that comes with living in such a beautiful place. The children have experienced the power of seismic shifts in their own lives. Their school gym and cafeteria had been damaged by a recent tremor and only re-opened this past year. These children are exposed by necessity to their essential vulnerability but they are supported by generations of elders who nurture their resilience. The children's posters depicted what they had learned about how a community can survive and rebuild after a tragedy. As they explained their drawings to me, the common message was clear. They knew in their bones, even at 10 years of age, that we are all vulnerable. They also knew that families, neighbors, communities, working together, can rise from the ashes.

Here is the message that accompanied their poster:



The Earthquake Seen Through Our Eyes

In our picture we wanted to represent an eye, divided in half. In one part is Frattura struck by the earthquake in 1915. Underneath we have drawn the Frattura of 2015. We wanted our poster to represent the memory of the

centennial of the earthquake. Where we showed the earthquake we colored it in black and white and we put the clouds above with lightning to show the destruction and death. In the part where we showed the new houses, we painted the houses with bright colors and we made the sun shine brightly to show the reconstruction and the return to life of the village.

It seems to me that children in Scanno are both more protected and less coddled than many children in the rest of the developed world. They are not coddled or isolated from reality with an illusion of in-vulnerability. Instead, they are taught that the response to vulnerability is resilience and that resilience comes from solidarity. They also know that they are part of history as well as part of the future. This is knowledge that will stand them in good stead as they face the challenges of life on this planet.

One of the basic principles of the U.N. Convention on the Rights of the Child (CRC) is the importance of children's participation. We need to involve children and hear their voices if we are to arrive at an ecologically sound definition of their

Visiting Scholars

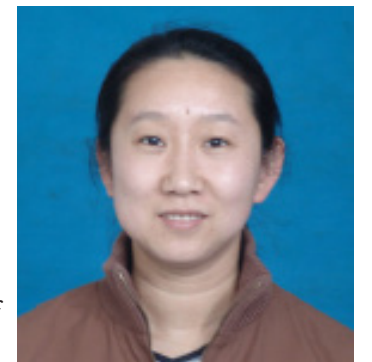


Quansheng Chen: *At Emory April- October, 2015*

Professor Chen is a nationally recognized environmental law scholar in China. She has been granted "special subsidies from China State Council for outstanding experts" since 1997 for her outstanding achievements in legal research. She is also the vice chair of the China Environment & Resources Research Committee. Chen served as the Dean of Fuzhou Law School from 2001-2008, has been the director of the Environmental Law Research Center in Fuzhou Law since 2001, and has supervised PhD candidates since 2006. Chen's scholarly interest over the past years has revolved around the philosophical foundations of environmental law. She has published eight books and dozens of articles. She has also received awards for her writing, including two first prize awards in Social Science from Fujian Province and one third prize award from the Chinese Ministry of the Judiciary. During her stay at Emory Law School, Chen will explore vulnerability theory and its implications for Chinese environmental law. Chen will also avail herself of this visiting opportunity to develop a better understanding of U.S. environmental theory, law, and policy.

Zhang Qi: *At Emory August 2015- August 2016*

Zhang Qi is a lecturer at Jilin University Law School's Center for Jurisprudence Research (JRC), one of the key national research institutes ratified by the Chinese Ministry of Education. Her research centers on rethinking the concept of social equality in transformative China. She argues for an alternative notion of equality that is both non-individualistic and historical. While at Emory, Qi will specifically focus on equality and transition in China. Social transition in China refers to the decline of the welfare system alongside the rise of the market economy, socialist public ownership, and privatization. The characteristics of transition in China shape the complexity of its subjects, modeling a particular relationship of citizen and state. Her research will show that both traditional concepts of socialist equality and current concepts of equality are based on an inadequate notion of liberal individualism. Thus, it is essential to develop a more desirable concept of equality in order to describe the complex subject and justify government action. Qi will apply this theoretical framework to the politics of land expropriation.



needs and rights-one that sees children not as isolated autonomous beings but as human organisms embedded in family, school, community and culture. The CRC Implementation Project, in which I participated this year, is a multinational working group that convenes annually to focus on various articles of the Children's Rights Convention. This year's gathering explored "the best interest of the child." This vague and amorphous concept is incorporated into many of the articles of the CRC. It expresses a universal value, yet it plays out differently from context to context and from culture to culture.

This year, the workshop was hosted by Stirling University in Edinburgh from June 8th to 11th. Papers were presented by anthropologists, legal scholars, psychologists and historians. My paper focused on different approaches to defining the "best interest of the child" as illustrated by differences in Italian and U.S. interpretations of the roles of race and gender selection in laws regulating intercountry adoption and assisted reproductive technology (ART). Cambridge University Press plans to publish a book gathering the papers in one volume. Several of the participants, in addition to myself, highlighted Emory's Vulnerability and the Human Condition Initiative and proposed vulnerability theory as an essential tool in reimagining "rights" in a more organic and less conflictual frame. The CRC, in common with Vulnerability Theory, recognizes a positive "duty" on the part of government to partner with individuals and communities in promoting human well-being and building systems that foster resilience. It recognizes rather than stigmatizes our shared condition of vulnerability and gives us tools to create a world fit for children. It echoes the voices of the youth delegates to the UN Special Session on Children, who told the General Assembly back in 2002, "We want a world fit for children because a world fit for us is a world fit for everyone."