

Save the Date: Upcoming Workshops

Subjects and Objects of Law: A Workshop on Animals and Vulnerability

University of Leeds, Centre for Law & Social Justice, UK on May 31, 2017

A Workshop on Property, Vulnerability, and Resilience

University of Essex, England on September 22-23, 2017

A Workshop on Vulnerability and Professionalism

University of Leeds, Centre for Law & Social Justice, UK on October 27-28, 2017

A Workshop on Legal Migrations: Locating Vulnerability and Fostering Resilience in Law's Dynamism

Emory University, Atlanta GA on December 8-9, 2017

A Workshop on Autonomy and Vulnerability: An Uncomfortable Conversation

Emory University, Atlanta GA on February 23-24, 2018

Fall Presentations & Publications

Deborah Dinner

Publication

- "Beyond "Best Practices": Employment Discrimination Law in the Neoliberal Era, 92 Ind. L. J. (forthcoming 2017)

Martha Albertson Fineman

Publications

- Privatization, Vulnerability, and Social Responsibility: A Comparative Perspective, Martha Albertson
- Fineman, Ulrika Andersson, and Titti Mattson Eds., Series on Gender in Law, Culture, and Society (Routledge, 2017)
- Home Schooling: Choosing Parental Rights over Children's Interests. University of Baltimore Law Review: Vol. 26 Iss. 1, Article 3. (2016) *with George B. Shepherd

Stu Marvel

Publications

- Stu Marvel et al, Listening to LGBTQ People on Assisted Human Reproduction: Access to Reproductive Material, Services and Facilities - Book Chapter in REGULATING CREATION: THE LAW, ETHICS, AND POLICY OF ASSISTED HUMAN REPRODUCTION, Trudo Lemmens, Andrew Flavelle Martin, Cheryl Milne, and Ian B. Lee (eds.), University of Toronto Press, 2017
- Polymorphous Reproductivity and the Critique of Futurity: Toward a Queer Legal Analytic for Fertility Law - Book Chapter in New Intimacies, Old Desires: Law, Culture and Queer Politics in Neoliberal Times, Oishik Sircar and Dipika Jain (eds.), Zubaan Books, 2017

Presentations

- Reproductive Justice and Public Health: Bridging Theory and Practice - Discussant for Vulnerability in Conversation, Emory School of Law, February 2017
- Challenges Ahead: A Review of the Legal Landscape for Reproductive Health in the Southeast - Invited Speaker on Panel Organized by Planned Parenthood Southeast Young Professionals, Atlanta, GA, March 2017
- Queer Kinship and Reproductive Justice - Guest Lecturer (via Skype) in Course on Reproductive Justice taught by Dr. Carrie Baker, Smith College, Northampton, MA, March 2017
- Donor Sibs and Lateral Kinships: Queerly Reproductive Families and the Vulnerability of Kin - Invited Talk at University of Washington-Bothell, Seattle WA, April 2017
- Governing Assisted Reproductive Technology in Canada: Feminist Influences and Queer Analytics - Paper Panelist at Berkshire Conference on the History of Women, Genders, Sexualities, Hofstra University, Hempstead NY, June 2017
- Donor Sibs and Lateral Kinships: Family Rhizomes and the Materiality of Kin - Paper Panelist at Law and Society Association Conference, Mexico City, June 2017
- Vulnerability and the Human Condition: Thinking Through Autonomy in the Context of Assisted Human Reproduction - Paper Panelist at International Congress on Law and Mental Health, Charles University, Prague, July 2017

Atieno Mboya Samandari

Publication

- "Land Degradation, Climate Change & Gender: Working Paper Series" The United Nations Convention to Combat Desertification's (UNCCD) Global Land Outlook (GLO) Publication (forthcoming 2017)

Presentation

- Workshop Participant, The 4th Annual Tau Workshop for Junior Scholars in Law: Law in a Changing Society, "Advancing a Human Vulnerability Analysis Platform in Response to Climate Change," Buchmann Faculty of Law, Tel Aviv University - November 22, 2016



EMORY
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Vulnerability and the Human Condition Initiative

Feminism Legal Theory Project

Martha Albertson Fineman, Director
Rachel Ezrol, Editor

Spring 2017

Greetings from the Vulnerability and the Human Condition Initiative! We have enjoyed hosting more visiting scholars than ever before throughout the course of this academic year. We are looking forward to further developing these exciting relationships and to continued conversations on vulnerability theory across the globe.

Included in this issue are highlights from our recent workshops, programming updates, exciting announcements, and important save the dates. You will also find information on recent presentations and publications by FLT/VHC members, website information, and visiting scholar profiles.

A Semester of Recognition: A Lifetime of Meaningful Work

On January 10, 2017, The American Bar Foundation named Martha Albertson Fineman, Robert W. Woodruff Professor of Law at Emory University School of Law, a **Life Fellow of the American Bar Foundation** in recognition of her "exemplary dedication to the highest principles of the legal profession, commitment to the welfare of society, and support for the ideals, objectives, and work of the American Bar Foundation."

In honor of Emory Law's centennial celebration, 100 individuals were recognized for having made "extraordinary contributions to the law school and the world at large." Martha was one of 100 selected honorees from Emory's past and present to be recognized with this special distinction.



In January, The Women in Legal Education Section of the Association of American Law Schools (AALS) awarded Martha the **Ruth Bader Ginsburg Lifetime Achievement Award** for "excellence in legal education."



Research Fellow, Paula Ahumada, Defends Her Doctoral Dissertation and Earns PhD!

Paula Ahumada successfully defended her doctoral dissertation, “La Configuración Constitucional de la Libertad de Expresión y el Interés Público en Chile” (The Constitutional Form of Freedom of Speech and Public Interest in Chile) on December 19, 2016, earning her doctoral degree summa cum laude from the University of Chile School of Law. Her doctoral committee was chaired by Vice Dean Dra. Maricruz Gomez de la Torre and additionally composed of Dr. Pablo Ruiz-Tagle, Dra. Liliana Galdamez and Dr. Salvador Millaleo from the University of Chile, Dr. Roberto Gargarella (University of Buenos Aires, Argentina) and Dr. Domingo Lovera (University of Diego Portales, Chile).



2016 - 2017 Fullbright-Nehru Fellow & VHC Visiting Scholar



Amita Pitre has a Master's in Public Health and is currently working towards her PhD in Women's Studies at the Tata Institute of Social Sciences in Mumbai, India. She has worked for nearly 15 years in the development sector, mostly on issues of gender and health.

Her research looks at how systemic gender, class, and caste discrimination operate within society, and is directed at making recommendations for policy change. Working with leading human rights organizations such as UNFPA (United Nations Population Fund) and Oxfam India (an Oxfam International confederate) has helped Amita develop a gender-informed framework. Her current project looks at judgments and trial court data in rape cases in order to understand how recent amendments to the law are interpreted by the courts. Amita's research also explores the ways in which these laws generate discourse on the body, sexuality, and morality.

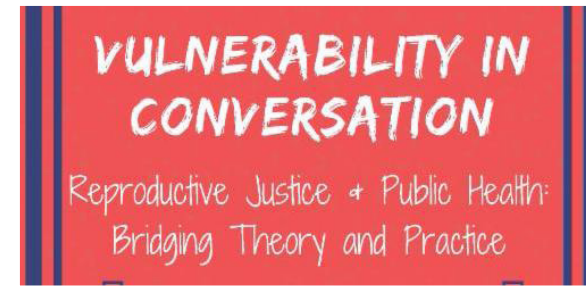
In Summary: A Workshop on the Environment & Vulnerability

On April 14-15, 2017, the VHC Initiative held an interdisciplinary workshop on “The Environment and Vulnerability: The Anthropocene in the Time of Trump” at Emory. Panelists presented on a range of topics, including theoretical approaches to the environment, climate science, climate finance, legal pathways to deep decarbonization, and environmental protection. This multidisciplinary platform made it possible for participants to discuss various conceptualizations of vulnerability within different fields and address the need to move beyond stigma when speaking of vulnerability. An appreciation of the complexity involved in societal responses to environmental issues was seen to successfully expose various layers of managing a given environmental issue, with fisheries being one such example. Participants noted that given the global interconnection of Earth's ecosystems, deeper cooperation and collaboration between countries is the way forward. Hence an ‘America First’ agenda is not only regressive in addressing environmental problems like climate change, but can also result in the United States losing its position as a global leader in the world community.

Sex, Violence, and Vulnerability: An Uncomfortable Conversation

On November 4-5, 2016, Risa Lieberwitz (Cornell) and the VHC hosted an Uncomfortable Conversation on Sex, Violence and Vulnerability. Participants used a vulnerability lens in thinking through current campus issues of sexual violence and sexual harassment, as well as uncomfortable tensions between criminal justice models and the adjudication of sexual violence claims under Title IX. Participants discussed questions of institutional, as well as individual responsibility, and looked at the theoretical limitations of language such as “victimhood” and “consent.” Discussion also addressed legal norms and sentencing standards in regard to sexual violence, as well as procedural questions that have arisen around due process, appellate review, and evidentiary standards. Finally, a variety of legal approaches were applied, including a review of empirical work on rape myths from the UK and the role of criminal law in adjudicating sexual assault on campus.

Vulnerability in Conversation



The “Vulnerability in Conversation” series encourages Emory University students to engage VHC's innovative theoretical framework and explore its relevance across a wide variety of subjects. Each program highlights a social issue through guided discussion and open dialogue. On February 20, 2017, VHC held a round-table discussion on the intersection of reproductive justice and vulnerability theory with directors of the new Center for Reproductive Health Research in the South East (RISE)

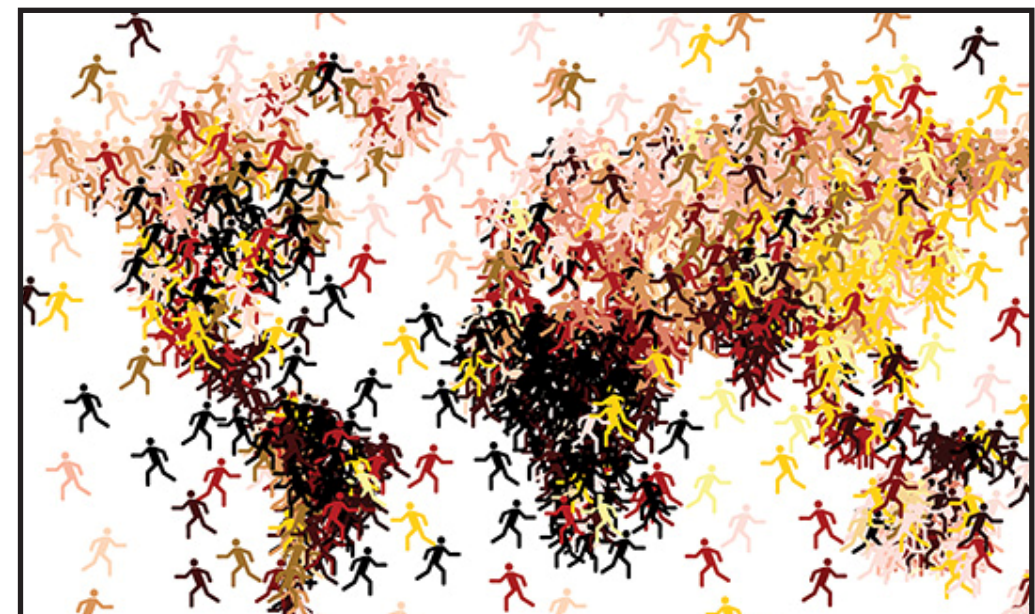
from Rollins School of Public Health. As a RISE co-investigator, and VHC visiting scholar, Rachel Rebouche facilitated the conversation. Questions posed to both RISE and VHC representatives examined the ways in which vulnerability theory's emphasis on state and institutional responsibility can help frame public health research methods and improve the provision of comprehensive services. Questions for discussion included:

- How can we build resilience in this region by supporting better reproductive health throughout the life course?
- Why focus only on biological reproduction - why not the reproduction of society as a whole, which occurs within institutions such as the family, the community, and health organizations?

Legal Migrations, Vulnerability, and Resilience: A Recap

On December 9-10, 2016, the Initiative held a workshop on “Legal Migrations, Vulnerability, and Resilience.” Suzanne Kim (Rutgers School of Law) served as a co-convenor along with Deborah Dinner and Martha Fineman. The workshop interrogated the experience of traversing borders between legal forms. Vulnerability theory recasts the paradigmatic legal subject as dynamic rather than static, as ever-evolving across the life course and also as susceptible to change. The December workshop built upon this insight to explore how individuals experience the process of legal change and how institutions function to support or hinder transitions such as the status of non-married to married, migrant to citizen, and employee to manager. Such migration exposes multiple forms of social, political, and economic vulnerability. The law may either entrench or mitigate such vulnerability.

The panels were organized according to common themes. These included questions about the allocation of responsibility for the costs of migration across legal statuses; the way in which such migration produces new forms of privilege and disadvantage; the role that the boundaries between market and state plays in legal change; and the coerced or voluntary character of legal migration.



Spring Course Offering: Sexuality and Gender

This spring, Dr. Stu Marvel taught “Sexuality and Gender.” This (regularly offered) seminar aims to explore the socially constructed norms and frameworks enabling the legal regulation of human sexuality. It offers students a comparative law perspective on issues of sexual orientation and gender identity, while providing a range of critical tools including postcolonial theory, queer studies, and vulnerability theory. We look at emerging case law from common and civil law jurisdictions around the world to analyze how certain types of sexual behavior and gender identity are regulated (topics include freedom of assembly, association, and expression; freedom of religion; asylum and immigration; universality and equality), while also examining the judicial response to ‘deviant’ sexual bodies in action.

Visiting Scholars

Carrie N. Baker - January 2017

Carrie N. Baker, Associate Professor of the Study of Women and Gender at Smith College, teaches courses on gender, law, and public policy, including topical courses on sex trafficking and reproductive justice. She also offers courses in the Archives Concentration and was a founder of the Five College Program and Certificate in Reproductive Health, Rights and Justice. Carrie graduated with a degree in philosophy from Yale University and received a doctor of law degree and a master’s and doctorate from the Institute of Women’s Studies at Emory University. Her book, *The Women’s Movement Against Sexual Harassment* (Cambridge University Press, 2007), which won the National Women’s Studies Association 2008 Sara A. Whaley book prize, examines how a diverse grassroots social movement created public policy on sexual harassment in the 1970s and 1980s. The collaboration of women from varying racial, economic, and geographic backgrounds strengthened the movement by representing the perspectives and activism of a broad range of women. Based on interviews and voluminous original research, this book shows how the movement against sexual harassment fundamentally changed American life in ways that continue to advance women’s opportunities today.



Rachel Rebouche - February 2017

Rachel Rebouche is an Associate Professor at Temple University Beasley School of Law, where she teaches Family Law, Health Law, and Comparative Family Law. Prior to joining the Temple faculty, Rachel was an assistant professor at the University of Florida Levin College of Law. Her current research is in the areas of genetic testing, divorce law reform, reproductive health care, and governance feminism. Following law school, she was an associate director of adolescent health programs at the National Partnership for Women & Families (formerly, the Women’s Legal Defense Fund) and a Women’s Law and Public Policy Fellow at the National Women’s Law Center. Rachel received a J.D. from Harvard Law School, LL.M. from Queen’s University, Belfast, and B.A. from Trinity University. Prior to law school, she worked as a researcher for the Northern Ireland Human Rights Commission and the Human Rights Centre at Queen’s University, Belfast. She is the recipient of awards that include the Harry S. Truman Scholarship, George Mitchell Scholarship, and the Harvard Frederick Sheldon Fellowship.



Michael Thomson - March 2017

Michael Thomson is a Professor of Law at Leeds University and co-director of the Centre for Law & Social Justice. He is a graduate of the Universities of Southampton (LLB) and Birmingham (PhD Law). He joined the School of Law in July 2013, having previously held a Chair in Law at Keele University. His research interests span the fields of health law, children’s rights, and legal theory with a particular focus on legal embodiment. In health law, Michael has written extensively on the legal regulation of reproduction and non-therapeutic interventions on children. Currently, his work explores alternative decision-making frameworks and the pursuit of social justice in health law.



Sarah Brown - April 2017

Sarah Brown is an Associate Professor at the School of Law, University of Leeds and has been in her current post since 2006. She is a member of both the School’s Centre for Business Law and Practice and Centre for Law & Social Justice. Sarah is a qualified solicitor. Having completed her training in London, she worked in private practice and in the financial services industry before entering academia. Since joining the School of Law, Sarah’s research and publications have focused on consumer credit regulation, more specifically, unfairness in consumer credit transactions, over-indebtedness, and protection of small business. Her most recent project has entailed comparative work in personal insolvency across the EU. Sarah is interested in comparative aspects of all issues relating to consumer credit and its regulation. She is currently particularly interested in how vulnerability is viewed and how policy responses are reflected in regulatory consumer protection initiatives within the context of credit relationships. Through engaging with scholars involved in the Vulnerability and Human Condition Initiative at Emory, Sarah sought to develop her own insights into vulnerability within the context of consumer credit relationships and to further her research into the responses of United States consumer protection policy and regulation in comparison with recent regulatory responses in the UK.



Visiting Scholars Continued

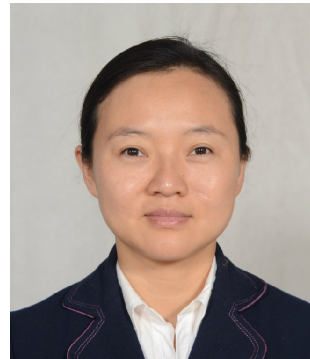
Julia Teebken - April 2017 - May 2017

Julia Teebken is a PhD candidate at the Graduate School of East Asian Studies and the Environmental Policy Research Centre at Freie Universität Berlin. During her M.A. program “Ethics, Peace and Global Affairs” at American University in Washington D.C., Julia developed a focus on international climate ethics. Back to local levels, Julia’s dissertation aims to compare how subnational governments in China and the U.S. deal with who have been labelled “socially vulnerable” populations in light of climate change. In particular, Julia is interested in the aspect of recognitional justice as part of adaptation planning and/or disaster risk reduction frameworks. With high degrees of social vulnerability, Jinhua city in Eastern Zhejiang province and Metro Atlanta in the state of Georgia serve as her case studies. After an initial research phase in China from January-April 2017, Julia returned to the U.S. to conduct field research and the second round of interviews in metro Atlanta. At VHC, Julia engaged in exploring human vulnerability and the underlying socio-political factors that lead to disproportionate (climate) affectedness within a society, as well as the roles state institutions (can) play. Julia will use Vulnerability Theory to critically question the suitability of the Social Vulnerability Paradigm as a way to increase community resilience to climate change.



Hui Wang - January 2017 - January 2018

Hui Wang is a lecturer of law at the College of Humanities and Law, South China Agricultural University, in Guangzhou, China. She has been an Amicus Curiae of the Guangzhou Juvenile Court since 2008, and a mediator at the Tianhe District Court of Guangzhou since September 2014. Her current research focuses on juvenile welfare legislation, with an emphasis on child protection rights. She has published several articles in Chinese academic journals which take a closer look at migrant children’s education rights, welfare law, and custody law. The goal of her project is to demonstrate the need for a government that effectively responds to the rights of children through the creation and implementation of child welfare legislation, while also acknowledging the role of Chinese society in hindering such objectives. While at Emory, Hui intends to apply a vulnerability theory framework to her research, and to further explore vulnerability theory within a Chinese socio-legal context.



Stephen R. Goodwin - March 2017 - February 2018

Stephen R. Goodwin has been an assistant professor in the Department of Political Science and International Relations at Yeditepe University in Istanbul, Turkey since 2006. He is a specialist in Balkan societal reconstruction, serving as a part-time consultant in this area. After receiving his PhD from the University of Edinburgh in 2005 where he wrote his dissertation on nation building and peace building in post-war Bosnia-Herzegovina, Stephen completed a post-doctoral research fellowship at Marmara University in Istanbul. Prior to his post-graduate study in the United Kingdom, he spent more than a decade in the NGO sector as an active participant in post-communist social reconstruction in Poland and Germany. Soon after the signing of the Dayton Accord (1995) brought a measure of stability to the Balkans, he shifted his focus to peace-building, reconstruction, and humanitarian aid in Bosnia-Herzegovina, Macedonia, and Kosovo. His published works cover issues ranging from civil restoration, religious cohesion in times of conflict, perspectives of nationalism, peace building, and inter-religious dialogue between Muslims and Christians. Stephen’s current research seeks to examine the dynamics of conflict zones vis-à-vis the limitations of the 2005 UN norm of a sovereign state’s Responsibility to Protect its own citizens.



Protecting Academic Freedom: What’s Wrong with Civility?

Professor Risa Lieberwitz (Cornell) visited Emory University on April 4, 2017, to host a series of conversations across campus about Title VII, Title IX, and academic freedom. The VHC co-sponsored an afternoon round-table discussion led by Professor Lieberwitz entitled “Protecting Academic Freedom: What’s Wrong with Civility?” with a response prepared by Emory Law Professor, Julie Seaman.

Discussion ranged widely across “civility” policies/codes on university campuses, and included engagement with the implications of law and university policy on academic freedom and free speech rights of faculty and students.

VHC-SJD End-of-the-Year Gathering!



(In the photo: Amita Pitre, with fellow visiting scholars Hui Wang, Julia Teebken, Stephen Goodwin, Sarah Brown, and Program Coordinator, Rachel Ezrol)

A Presentation and A Potluck

The Vulnerability and the Human Condition Initiative and the SJD graduate student group organized an afternoon of scholarship, dialogue, community building, and food.

Amita Pitre, Fulbright-Nehru Fellow and VHC visiting scholar, presented her work, “Raising of Age of Consent in India: A Vulnerability Analysis.” Following Amita’s presentation and subsequent discussion, students, faculty, and staff enjoyed the food, culture, and company of their peers.

Spring Student Symposium

A Vulnerability and the Human Condition Initiative

Spring Student Symposium

- (LEARN)ing to Serve: A Vulnerability Analysis of Service-Learning and Civic Engagement in Higher Education | James Rolland
- The Vulnerability of Civil Discourse: Communicative Action as a Vulnerable Social Institution | P.J. Kachmar
- Pushing the Boundaries: Characterizing Ecosystems as “Vulnerable Subjects” to Combat the International Environmental Crisis | Matthew Ady
- Pregnancy and the Responsive State: Keep Your Laws on My Body? | Jennifer Hickey
- “Gay International”: Vulnerability and Resilience within the United Nations | Nicole Schladt

Monday, April 3 at 2:00 - 4:00 PM
Emory University School of Law, G575
E-mail rezrol@emory to RSVP
*Refreshments will be served

EMORY UNIVERSITY | Vulnerability and the Human Condition Initiative

Fall 2016 seminar students from “Law and Vulnerability” and “International Environmental Law and Vulnerability” were invited to present their vulnerability theory-centered research projects on April 3, 2017 for a symposium modeled after our workshop panels. The five 20-minute presentations were followed by a Q&A, during which those in attendance were able to offer feedback and insight, creating a platform for constructive dialogue.

VHC Affiliates Present at Emory

Fall 2016 Presentations

“Family Planning Models: The Challenge of Abusive and Neglectful Parents”

A Paper and Presentation by Carter Dillard (Animal Legal Defense Fund)

Discussion led by Stu Marvel

October 28, 2016

“The Pitfalls of Competitive Vulnerability”

A Paper by Charisa Smith (Hastie Fellow, Wisconsin Law School)

Discussion led by Falguni Sheth

November 7, 2016

Spring 2017 Presentations

“The Movement against the Commercial Sexual Exploitation and Trafficking of American Youth”

A Paper by Carrie N. Baker (Smith College)

January 23, 2017

“Embodied Integrity, Shaping Surgeries, and the Profoundly Disabled Child”

A Presentation by Michael Thomson (Leeds University)

March 27, 2017

“Raising of Age of Consent in India: A Vulnerability Analysis”

A Paper and Presentation by Amita Pitre (Fulbright-Nehru Fellow and VHC Visiting Scholar)

May 3, 2017

The Role of Lawyers in Addressing Climate Change



On Friday, April 28, 2017, VHC Postdoctoral Fellow, Atieno Mboya Samandari, attended the First National Conference of Lawyers Committed to Addressing the Climate Emergency, which was held at American University Washington College of Law, one day before the climate march in Washington D.C. Presentations and discussion by leading lawyers and academics covered a variety of topics including: the role of states in climate leadership; the need to recognize that climate change is as much a question of democratic accountability and social equity as it is one of carbon pollution; the fact that virtually everything in society is built around predictable weather systems; the urgency of the need to counter misinformation campaigns that are being waged on climate change; and the need to educate lawyers and policymakers on the far-reaching impacts of climate change. The conference ended with plans in place to address the climate emergency by forming a lawyers committee which would develop a strategic plan to support the goals set out by the U.S. under the Paris Agreement.