

Upcoming Workshops

A Workshop on Sex, Violence and Vulnerability:
An Uncomfortable Conversation
Emory University, Atlanta, GA
November 4 - 5, 2016

A Workshop on Legal Migrations,
Vulnerability, and Resilience
Emory University, Atlanta, GA
December 9 - 10, 2016



EMORY
LAW

Feminism Legal Theory Project

Martha Albertson Fineman, Director

Fall Presentations & Publications

Paula Ahumada

Presentation

- Seminar in Latin America on Constitutional and Political Theory (SELA), organized by Yale Law School, Havana, Cuba. June 2016. "Constitutional Neoliberalism. The Case of Freedom of Speech in Chile"
- Work in Progress Seminar, Leeds-Emory. England, June 2016. "Constitutional Neoliberalism and Vulnerability: An Analysis of Constitutional Rights"

Deborah Dinner

Publication

- "The Divorce Bargain: The Fathers' Rights Movement and Family Inequalities 102 Va. L. Rev. 79 (2016)

Presentations

- A Workshop on Vulnerability & Social Justice, Leeds Univ., England June 2016, "Fetal Protection, Reproductive Health and the Triumph of Autonomy"
- Law and Society Association Annual Meeting, New Orleans, June 2016
- Family Law Scholars and Teachers Conference, New Orleans, June 2016, "The Rise of the Pregnancy Disability Model: Missed Turns on the Road from Maternalism to Individual Rights"
- A Workshop on Reproductive and Sexual Justice, Northeastern School of Law, April 2016, "Missed Turns on the Road from Maternalism to Individual Rights: The Lost Promise of Reproductive Justice"

Martha Albertson Fineman

Publications

- Home Schooling: Choosing Parental Rights over Children's Interests. University of Baltimore Law Journal (forthcoming 2016) (with George B. Shepherd)
- Martha Albertson Fineman, Ulrika Andersson, and Titti Mattsson (eds.). 2017. Privatization, Vulnerability, and Social Responsibility: A Comparative Perspective. Oxon: Routledge. (forthcoming)

Mirjam Katzin

Publication

- Katzin, M (2016, May) The Human Condition, A Conversation with Martha Albertson Fineman, Eurozine, first published in Fronesis, 50-51

Stu Marvel

Publication

- The Vulnerable Subject of Rape Law: Rethinking Agency and Consent, A Response to Deborah Tuerkheimer, Rape On and Off Campus, 65 Emory L.J. 1(2015) Stu Marvel | 65 Emory L.J. Online 2035 (2016)

Presentations

- Panelist, Vulnerability and Sexual Assault - Vulnerability and Social Justice: A Vulnerability and the Human Condition Workshop, Leeds University, June 18, 2016
- Respondent, Consent, Gender Deception and Intersex Embodiment by Travis Mitchell and Penny Crofts - Critical introduction to paper, Leeds University, June 16, 2016
- Panelist, Bioethics of Vulnerability: Regulating Gamete Donation and the Rights of the Donor-Conceived Child- Paper presentation. Law and Society Association, New Orleans, June 3, 2016
- Panelist, Roundtable on Reproductive Justice - Roundtable session. Law and Society Association, New Orleans, June 3, 2016
- Invited Speaker, LGBTQ Access to Reproductive Technology - "Access is Equality: Reconceiving Reproductive Justice" annual Panel and Silent Auction, Women's Legal Aid and Action Fund (LEAF), University of Ottawa - March 14, 2016
- Academic Presentation to Faculty, The Infertility Trap: Reproductive Exceptionalism and the Queer Family - Paper presentation to Department of Gender and Women's Studies, University of Arizona - March 9, 2016
- A Workshop on Vulnerability & Social Justice, Leeds Univ., England June 2016, "Vulnerability Theory and Sexual Assault on Campus"

Atieno Mboya Samandari

Presentation

- A Workshop on Vulnerability & Social Justice, Leeds Univ., England June 2016, "Vulnerability and the Right to Development: The Endorois of Kenya Case"

Greetings from the Vulnerability and the Human Condition Initiative!
We hope you had a productive and enjoyable summer season.

We have been busy this spring and summer holding a series of events throughout the US and Europe and are looking forward to an equally exciting new year!

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 by FLT/VHC members, website information, and visiting scholar profiles.

Fineman named 2015 - 2016 William Allan Neilson Professor



Martha Fineman, Robert W. Woodruff Professor of Law at Emory University School of Law, recently joined the Smith College community as the 2015-16 William Allan Neilson Professor. As part of the Neilson Lecture Series, Fineman presented three public lectures titled, Looking Beyond Gender Equality: Vulnerability, Resilience and Social Justice. All three lectures are now available for viewing online. In addition to the presentations Martha gave at Smith College, she also presented on various aspects of vulnerability theory at: Lund University, Lund, Sweden; Leeds University, Leeds, UK; the International Centre for Family Law, Policy and Practice, King's College, London, UK; and Cardiff University, Cardiff, UK.

VHC Kick-Off Lunch!

You are invited! September 23, 2016 at 12:00 p.m. in Room G575 at Emory University School of Law. Join us for an afternoon of dialogue and community building. This will be a great opportunity to learn about what the Vulnerability and the Human Condition Initiative has planned for this year. Find out how you can get involved!

Please email Rachel Ezrol to RSVP or find out more. Lunch will be provided.

Website Launch Coming Soon

VHC is getting ready to launch a new and improved web presence with updates content and features. Please contact us if your information is already on the website, but you would like to update it with new publications or a new photo, or if you are not yet on the website, but would like to be.

Research Fellow Announcement: Paula Ahumada

Paula Ahumada is a doctoral candidate at the University of Chile School of Law. She earned her LLM (2012-2013) at Duke University School of Law. Her areas of interest include legal and political theory and constitutional law, with an emphasis on the role of constitutional law in the neoliberal state. Her dissertation is focused on the relationship between collective interests and rights, particularly the designation of free speech as a constitutional right in Chile. She is also looking at how the Inter-American system of human rights has interpreted this freedom as a cornerstone of a democratic society.

While at Emory, Paula has actively participated in VHC colloquia, projects, and programming as a visiting scholar. In the Fall of 2015 and the Spring of 2016, she helped organize the reading group, "On the Origins and Development of Capitalism." This academic year, she will lead a reading group on the role of law in the neoliberal state while she continues to develop her research as a VHC fellow.



VHC Welcomes Fullbright Scholar, Amita Pitre



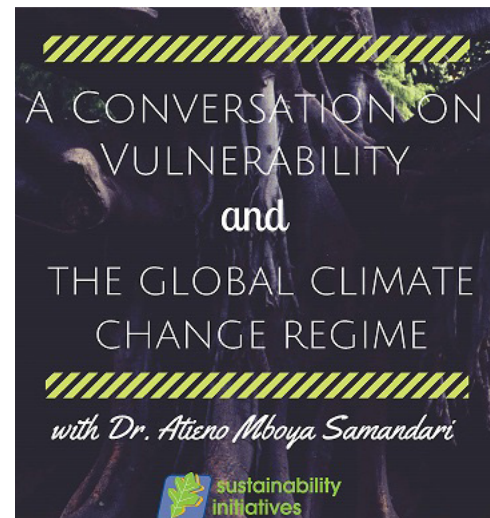
At Emory from October 2016 to June 2017

Amita 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 will look at judgements and trial court data in rape cases in order to understand how medical evidence is used in the adjudication of cases. She is also interested in looking at how women's bodies are constructed in the process of the trial and how meaning is made of medical evidence.

In Summary: A Workshop on the Environment & Vulnerability

In April 2016, the Initiative hosted a workshop on The Environment and Vulnerability at Smith College, Northampton, MA. A variety of scholars representing diverse disciplines, including law, political science, sociology, anthropology, and economics, participated. The conversations were carried out in a round-table format that encouraged lively exchange and deepened the understanding of the concepts of vulnerability and resilience. Discussions centered on how the current neoliberal approach to climate change is failing to reduce global emissions and keep global warming from precipitating dangerous climate change. Given the common global human vulnerability to environmental threats like biodiversity loss and climate change, the need to rethink the theoretical foundations of environmental law for effective regulatory responses at local, national, and international levels was emphasized.

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 January 20, 2016, the VHC student group co-sponsored a program with the Emory American Constitution Society to screen "The Right to Unite," a brief documentary film by the Alliance for Justice that tells the stories of two home care providers. This film examines the impact of the Supreme Court decision in *Harris v. Quinn* which limited home workers' right to organize, and illuminates the stakes of the Supreme Court case *Friedrichs v. California Teacher Association*. The film was followed by a discussion led by VHC faculty member and legal historian, Dr. Deborah Dinner.

The VHC student group, in conjunction with Climate@Emory and the Sustainability Initiative, organized a discussion featuring Dr. Atieno Mboya Samandari. During her presentation, she examined the current market-based approaches to climate change response and used the vulnerability analysis to ask whether those approaches could lead to a reduction of global greenhouse gas emissions to keep global warming below the original 2oC goal or the more recent 1.5oC goal.

A Workshop on Vulnerability & Social Justice: Recap

The VHC co-hosted a workshop in partnership with the Centre for Law and Social Justice at the University of Leeds School of Law, UK from June 17-18, 2016. Participants explored the language of "vulnerability" and "social justice" - terms which have seen increasing circulation in recent years - as starting points to advance progressive change. A range of scholars from across Europe, North America, Latin America and East Africa came together for two full days of lively discussion. Papers generally addressed the central questions of how best to understand the relationship between vulnerability and social justice and the role of the responsive state in promoting both individual and institutional resilience. Specific topics included exploration of the concepts of embodiment, corporeality, neuroscience, workfare, the 'entrepreneurial self,' and disability, as well as comparing the visions of justice contemplated by human rights models and the vulnerability approach. Questions of how best to restructure institutional mechanisms and the state's response to human vulnerability in an age of austerity were also at the fore.

Vulnerability Fellow Travels to Boston

Stu Marvel was a visiting scholar at Northeastern University's program for Women, Gender and Sexuality Studies in the Spring and Summer of 2016. While at Northeastern, she delivered a guest lecture to the 'Reproductive Rights' class at the law school, presented a Visiting Fellow talk to the WGSS program, and was invited by the Department of Urban Studies and Planning at the Massachusetts Institute of Technology to lead a discussion within their 'Gender Identities, Space and Exclusion' series. She also co-convened a vulnerability workshop on Reproductive and Sexual Justice at Northeastern Law and chaired a session for the Northeastern spring 'Sex, Gender and the Carceral State' symposium. Finally, Marvel launched a new research project interviewing LGBT families in Massachusetts and Georgia about their experiences with reproductive technology. She also conducted a series of interviews in Boston and the surrounding areas for this project.



VHC's Commitment to Sustainability



The Center for Faculty Development and Excellence (CFDE) awarded Dr. Atieno Mboya Samandari a grant to further her cultivation of an energetic learning environment for students. Using this grant, Dr. Samandari participated in a two day University-wide Sustainability Workshop, during which she developed a curriculum on Law, Sustainability and Development. This resource will soon be available on the CFDE web site.

Mark Your Calendar: October 7 Vulnerability in Conversation

Vulnerability in Conversation: Sexual Violence, Domestic Abuse, Rape Culture, and Vulnerability

On October 7, 2016 from 1:30 - 3:30 p.m., the Vulnerability and the Human Condition Initiative will host a conversation on sexual violence, domestic abuse, rape culture and vulnerability in G575. We invite students from across campus to come and join us in viewing these important issues through a vulnerability lens, as we consider the law's troubled relationship with sex and violence. VHC Research Fellow and WGSS visiting Assistant Professor Stu Marvel will lead the discussion. All are welcome!

Fall Course Offerings

Law and Vulnerability - Martha Albertson Fineman, Atieno Mboya Samandari

While vulnerability can never be eliminated, society through its institutions confers certain "assets" or resources, such as wealth, health, education, family relationships, and marketable skills on individuals and groups. These assets give individuals "resilience" in the face of their vulnerability. This seminar will invite students to engage in law and policy discussions to explore how society is currently structured, allowing certain individuals and groups to operate from positions of entrenched advantage or privilege, while others are disadvantaged in ways that seem to be invisible to policy makers and politicians.

International Environmental Law and Vulnerability - Martha Albertson Fineman, Atieno Mboya Samandari

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 stages in the evolution of IEL and explore the development of the theoretical underpinnings of the regime, including sustainable development, the "polluter pays" principle, precaution, and vulnerability among others. We aim to understand the current trajectory of the development of international environmental law and discuss possible frontier approaches that can advance global cooperation for conserving and protecting Earth's environment.

Family, the State & Vulnerability - Deborah Dinner

This seminar uses history and theory to examine the changing legal regulation of the family via both public and private family law. The seminar takes the concept of universal human vulnerability as a starting point for analysis. The family serves both as a site where human beings' experience of vulnerability and as a societal mechanism for responding to individuals' vulnerability. As the nature of American capitalism evolved over the course of the twentieth century, families and the state adapted to the ways in which a dynamic economy affected the vulnerability and resilience of families. We will evaluate the efficacy of various legal responses.

Queer and Feminist Legal Theory - Stewart Marvel

This course will explore central aspects of the American legal system from a queer and feminist perspective and ask how we might approach questions of gender, race, sexuality, and ability in relation to social justice. We will look both at critical scholarship and legal cases as we develop a set of methodological tools to help us better understand the operation of our systems of governance, as well as the role of law and policy in maintaining and/or challenging social hierarchies. Topics will include questions of equality, difference, subordination, (anti)essentialism, bodily autonomy, racial justice, transgender rights, employment, violence, the family, reproductive freedom, and vulnerability.

Visiting Scholars

Nkolika Ijeoma Aniekwu - At Emory November 2016 through January 2016

Nkolika Ijeoma Aniekwu is an Associate Professor of Law at the Department of Public Law, Faculty of Law, University of Benin, Benin City, Nigeria. She teaches Legal Methods, Reproductive Health Law, and Advanced Research Methods at undergraduate and post graduate levels. Her publications include journal articles, works in progress, conference papers and text books on customary law, health law, legal research methodologies, international human rights, and post-colonial feminist theories. Most of her research works have focused on the linkages of regional municipalities with universal institutions, and the ways national legal systems negotiate human rights protection in different cultural, political, and social environments. She is the current editor of the forthcoming NIALS Journal of Health Law and Policy at the Nigerian Institute of Advanced Legal Studies, Lagos, Nigeria.



Suzanne Kim - At Emory Fall 2016

Suzanne A. Kim is a Professor of Law and Judge Denny Chin Scholar at the Rutgers School of Law in Newark, NJ where she teaches courses in Family Law, Civil Procedure, and Sex Discrimination. Her scholarship examines interconnections involved in the socio-legal regulation of gender, family, sexuality, intimacy, race, ethnicity, class, culture, and work. Her research offers meaningful insights into how the law affects and perpetuates social hierarchies and focuses on how that informs legal perception, response, and norms related to questions of social identity and status. She has been a visiting scholar at Columbia Law School's Center for Gender and Sexuality Law and also taught at Fordham Law School. From 2007 to 2009, Suzanne served as an appointed member of the New Jersey Supreme Court Committee on Minority Concerns. She is delighted to be a visiting scholar at the Vulnerability and the Human Condition Initiative. She looks forward to working on her current book project on experiences of same-sex couples in marriage.

Janet Delgado Rodríguez - At Emory November through December 2016

Janet Delgado is a PhD candidate in Philosophy at the University of La Laguna, Spain. She earned Bachelor's degrees in both Nursing Studies and Philosophy before receiving two Master's degrees; one in Bioethics and the second in Theoretical and Practical Philosophy. Her research interests include vulnerability, bioethics, relational autonomy, care, consent, and public health. She is currently an Associate Professor of Nursing at the Faculty of Health Sciences within the University of Laguna. She is also working as a nurse in the Neonatal and Pediatric Intensive Care Unit at the Canary University Hospital. During her time at Emory, Janet hopes to work towards redefining vulnerability as it is currently understood in bioethics discourse to the more inclusive concept employed by VHC.



Charisa Smith - At Emory October 2016 through November 2016

Charisa Smith is the 2015-2017 Hastie Fellow at the University of Wisconsin Law School. Her work focuses on the state's impact on the intimate lives of families and children. Her recent articles have addressed the legal treatment of parents with mental disabilities and the efficacy of the current juvenile justice system. Her forthcoming work focuses on statutory responses to the domestic sex trafficking of minors, the legal treatment of "sexting" and cyberbullying by children, and discrimination in special education law. Charisa applies lessons from psychological, anthropological, and human rights literatures in articulating theoretical frameworks that can improve the law's effect upon society and the economy. She also incorporates Vulnerability Theory and other critical theories to address the limits of those literatures and to argue for a more egalitarian purposing of law and public systems.

Holloway Sparks - At Emory August 2016 through May 2017

Holloway Sparks earned her PhD in Political Science from the University of North Carolina at Chapel Hill and came to Emory from Penn State University in 2004. Her research interests include feminist theory, political theory, and American political thought, with an emphasis on the influence of gender, sexuality, race, and class on democratic participation and political protest in the United States. She is the author of *Dissident Citizenship: Gender and the Politics of Democratic Disturbance* (Oxford University Press, forthcoming 2017), which builds on case studies of the U.S. civil rights and welfare rights movements to theorize the neglected role of gender in public struggles over democratic dissent. Her current book project, *Enraged: Gendering the Democratic Politics of Anger*, investigates the democratic and political challenges posed by anger in the public sphere and includes case studies on the gendered and racialized politics of anger in the Tea Party, the 2016 Presidential election, the U.S. gun control debate, and recent battles over food stamps and the minimum wage.

