This workshop asks participants to consider the clashing values that underpin two contesting conceptions of state and individual responsibility: paternalism, including its more contemporary vision of an "ethics of care;" and liberalism, with its focus on individual liberty and increasingly neoliberal fixations on economics, efficiency, personal responsibility, and self-sufficiency. These value systems conceptualize very different distributions of responsibility for individual and societal well-being, and rest upon competing understandings of the role of the state (and the institutions it creates and monitors through law) and the individual (and his or her social or personal relationships).

Paternalism can be understood as an ethical system, arising from a patriarchal or monarchical system of governance under which the head of state (or family) is seen as appropriately concerned with and able to regulate the choices, needs, and actions of individuals within its jurisdiction. During the twentieth century, resistance to patriarchy was often a fuel to feminist theory, particularly in regard to the organization of the family. Patriarchy was seen as threatening the rights and agency of female members of the household, who were condemned to servitude in their roles as wives and mothers. Feminists argued that the distribution of rights and duties in the home was incentivized in various ways by the state and resulted in the burden of care falling on women, while simultaneously interfering with their ability to successfully compete in the market. The solution was gender equality and the rejection of gender differences. But what happens to the ethical tenets of paternalism when patriarchal social organization is routed? The acceptance of responsibility for the family that is reflected in paternalism can also be said to underlie the "ethic of care," a perspective which was commonly dismissed in the latter part of the century as merely the product of "cultural feminism." Significantly, however, the consideration of care as an ethical principle can transcend conceptions of the family (as they do in vulnerability theory) to recognize that all individuals are in need of assistance and dependent upon social relationships. Like paternalism, this stance calls into question now-dominant liberal ideals of autonomy, independence, and self-sufficiency.

Indeed, many of the basic ideals of liberalism stand in tension with a paternalism or an ethics of care that sees individuals fundamentally as dependent. Liberalism emphasizes individual liberty and glorifies autonomy and choice; its ethic is a decontextualized individualism, which in turn informs the nature of the subject envisioned in legal, economic, and political theory. In its most recent iteration, liberalism has been mobilized across the political spectrum to reorder governmental priorities and diminish the conception of state responsibility forged during eras that gave us social welfare programs, such as the New Deal and the War on Poverty. Individual or personal responsibility has been a successful rallying cry for a form of anti-dependency politics reflecting the rhetoric of neoliberalism, with its glorification of the market as the foundation of societal well-being. Progressives today are as likely as their conservative counterparts to be concerned with individual (particularly economic) rights, and suspicious of state intervention or notions of collective responsibility that might balance individual rights with concerns for societal wellbeing.

This workshop will seek to interrogate these clashing values in order to better understand their contrasting implications for law and policy. It will consider how a vulnerability approach might effectively engage with histories and policies of paternalism and liberalism. Is it possible to forge a new ethic using the idea of the universal "vulnerable subject" to reinvigorate debates about social justice and its implications for ideas of collective and individual responsibility?

CALL FOR PAPERS

A Workshop on the Clash of Values: Paternalism versus Liberalism
January 25-26, 2019
Emory University School of Law, Atlanta, GA

Issues For Discussion May Include:

- What is paternalism and how is it manifested in politics and theory? Who does it benefit? Harm?
- What is the opposite of paternalism? How is it manifested politically? Who does it benefit? Harm?
- How is "the law" conceptualized in the competing frames of liberalism and paternalism?
- How do [neo]liberalism and paternalism describe, shape, or ignore human and institutional vulnerability? How do they foster, impede, inspire, or build resilience?
- What are the tensions between individual desire for liberty and autonomy and the undeniable need for societal institutions of protection, security, and safety? How should they be resolved?
- What, if any, public values should govern social institutions like the family and the market? How should those values be determined and limited? By whom?
- What is the connection between limits on individual power and authority and limits on state power and authority within the context of social relationships, such as that of parent/child and employer/employee?
- What do "rights" provide in the way of protecting these social relationships? How can individual "rights" conflict with social or collective well-being?
- How are vulnerability and dependency stigmatized? What are the political and policy implications of stigma?
- How do divergent critical theoretical frameworks engage with the ideas of [neo]liberalism, personal responsibility, and liberty? With dependency, collective responsibility, and paternalism?
- Does feminist theory challenge, support, or redefine the tenets of paternalism? [Neo]liberalism? Ethics of care?
- Are critical political concepts such as the "carceral state" or the "welfare state" helpful or detrimental in defining the "responsive state?"
- How might we think of designated social justice movements, (Black Lives Matter, marriage equality) as reflections or rejections of [neo]liberalism? Of paternalism?
- How do these movements imagine the individual, social relationships, and institutions?

The workshop is being convened by:
*Aziza Ahmed (az.ahmed@northeastern.edu);
Martha Albertson Fineman
(mlfinem@emory.edu); and Stu Marvel
(smarvel@emory.edu).*

Vulnerability and Resilience Background Reading at:
http://web.gs.emory.edu/vulnerability/

Submissions Procedure:
Email a proposal of several paragraphs as a Word or PDF document by **Friday, November 16** to Rachel Ezrol (rezrol@emory.edu) and Stu Marvel (smarvel@emory.edu).

Decisions will be made by **Tuesday, November 20** and working paper drafts will be due **Friday, January 11** so they can be duplicated and distributed prior to the Workshop.

Workshop Details:
The Workshop begins Friday, January 25 at 5:00 PM at Emory University School of Law. Dinner follows Friday's session. Panels continue on Saturday, January 26 from 9 AM to 5 PM; breakfast and lunch will be provided.

Workshops are structured to allow for extended and meaningful participation by non-presenters and are open to the public. To attend as a registered guest, click here.

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A Vulnerability and the Human Condition Initiative Workshop