A Workshop on Vulnerability and the Organisation of Academic Labour
October 25-26, 2019
Nottingham Trent University

Vulnerability, which arises from the fact that we are embodied beings, is the universal human condition. While this insight is important to understand how human beings are inevitably embedded within social institutions, such as the workplace and systems of education, the language of vulnerability also allows us to analyse institutional forms of organisation and operation. As human creations, our institutions are vulnerable to capture, corruption, failure and change, which can frustrate or pervert the vital role they play in regard to the wellbeing of individuals and the reproduction of society.

This workshop is interested in exploring the intersection of individual and institutional vulnerability in the context of academic labour, with special interest in legal academics, law schools, and the legal profession. We invite participants to interrogate the purpose of legal education in relation to the reproduction of democratic societies, with attention to the complex and interlinked nature of vulnerability in legal education, legal practice, and legal governance. We believe that the discipline of law, along with other social and political institutions, plays an important structural role in codifying or containing norms and values, and also in defining the roles and relationships of the professional and professional institutions within society. Framing this discussion around the legal profession is thus a useful launching pad for a broader discussion of academic labour and the neoliberalization of the academy more generally.

University-based legal education around the world is subject to serious pressures that threaten to distort its mission and undermine the resilience of its academic practitioners. Sources of resilience are degraded by many features of modern academic life. Of deep concern is audit culture, which relies upon metrics that incentivise gaming, undermine professionalism, and produce professional alienation through demands to respond to distorting and distracting metrics. Universities are also increasingly spaces of precarious employment, which both generates economic and psychological insecurity and undermines professionalism through the fragmentation of tasks. Modern workplaces are shaped by an incessant need to respond to change in the disciplinary, institutional, technological, and performative realms – a feature of reflexive modernity generally and managerialism in particular. Finally, the marketisation of education tends to perceive the legal educational mission as instrumental rather than ethically or culturally meaningful, thus adding to alienation.

Legal professional work is also impacted by forces that can degrade the resilience of practioners, which has implications for the content and design of legal education. Precarious employment, new types of sub-professional employment (para-legal positions), and the de-skilling of tasks through workplace organisation and uses of information technology have all shifted the foundation of lawyering as a profession. At the same time, there is a constant pressure to increase billing hours alongside the neglect of mentoring and development and employee wellbeing. Contemporary notions of professionalism have become increasingly narrow in focus, as market forces have transformed professional relationships into commercial transactions and contributed to the commodification of services.

How law schools and individual academics should respond to these changing life chances of their students is unclear and under-researched. On a global level, the public sphere of debate and trust in law as a fair and efficient instrument of governance is under strain in an era of rising populism – and the role of law schools and legal professionals in responding to this threat is under-theorized and under-articulated. This Workshop seeks to explore how a vulnerability focus might help us to rethink such fundamental questions of social and structural responsibility, and the mechanisms of governance required to translate these frameworks into action. We invite papers examining any of these issues, or the relationship between them, through the application of vulnerability theory.

CALL FOR PAPERS

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Issues for discussion may include:
- What roles does the law play in society?
- What is the purpose of legal education and legal scholarship? What is its value?
- What is the purpose of professionalism? What is its value?
- During a period of accelerated fragmentation within the teaching and practice of law, is it still possible to speak of a unifying conception of either legal education or 'professionalism'?
- What and whom do current conceptions of "professional ethics" promote and protect?
- What concerns should professional ethics address beyond the facilitation of lawful transactions that promote client wellbeing?
- Would a complex focus on institutional vulnerability – the vulnerability of the legal profession, law schools, and larger society – help us to more readily understand the social ramifications of professional behavior?
- What does social and structural responsibility look like across the legal profession, how could it be implemented, and what might be the implications for the education of future generations of legal professionals?
- How might we think about the position of the individual legal professional and legal educator or student as they are embedded in systems of education and practice?
- How could legal education and professionalism be redesigned to be more responsive to the social implications of the ways in which law organizes and shapes society?
- How can academics and law schools and universities resist the distorting impact of audit culture and its alienating metrics?
- Can the trend towards precarious labour in universities be reversed or ameliorated?
- What are the impacts on social mobility and diversity of intellectual perspectives in higher education that result from higher entry costs and more precarious posts for entry into academia?
- What sources of resilience exist for the academic struggling to live a professional life of integrity in the modern law school?
- Is the business (concern) of higher education a business (market driven) activity?

The workshop is being convened by:
Martha Albertson Fineman (mlfinem@emory.edu), Graham Ferris (graham.ferris@ntu.ac.uk), and Stu Marvel (smarvel@emory.edu)

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

Submissions Procedure:
Email a proposal of several paragraphs as a Word or PDF document by **Wednesday, July 17** to Stu Marvel (smarvel@emory.edu) and Graham Ferris (graham.ferris@ntu.ac.uk).

Decisions will be made by **Monday, July 22** and working paper drafts will be due **Friday, October 4** so they can be duplicated and distributed prior to the Workshop.

Workshop Details:
The Workshop begins Friday, October 25 at Nottingham Trent University. Panels continue on Saturday, October 26.

Learn more and register here.

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