

CALL FOR PAPERS

AN UNCOMFORTABLE CONVERSATION: VULNERABILITY AND IDENTITIES

September 14 & 15, 2012

Emory University School of Law, Atlanta, Georgia

Critical legal scholars have long focused on identity, both highlighting the extent to which the law either protects or subordinates individuals based on their identity categories and also considering the ways in which identity classifications themselves are constructed and mediated by legal thought and culture. Recent movements in critical legal studies have contemplated the institutional and social conditions structuring inequality, including those that overlap with identity frameworks, such as intersectionality theory, as well as paradigms reaching beyond identity to more universal categories such as human rights, capabilities and, more recently, vulnerability. This workshop seeks to explore the relationships between identity and vulnerability, as well as those between particularity and universality, with an emphasis on the ability of these concepts to deepen existing critiques of legal liberalism and advance questions of substantive justice.

We will examine the possibilities and problems associated with organizing critical legal theory around specific identity categories such as race, gender, or sexual orientation, on one hand, and more universal categories, such as vulnerability or dependency, on the other. Central to this investigation is how we examine and evaluate the impact of both identity-based and universality-based critical theory on the state and institutions organized to provide education, social welfare, employment and training, healthcare, environmental policy, family structure, and cultural recognition. In considering the recent revitalization of purportedly universal or “post-identity” approaches, we ask how these frameworks approach systemic disparities in access, opportunity and resources differently from identities analyses. Specific areas of inquiry might include consideration of these issues and questions in the context of feminisms, critical race theory, intersectionality, queer studies, disability, poststructuralism, transnationalism, political and the “class crits” movement.

WORKSHOP CONTACTS:

Martha Albertson Fineman, Emory University School of Law, mfineman@law.emory.edu

Frank Rudy Cooper, Suffolk University Law School, fcooper@suffolk.edu

Osamudia James, University of Miami School of Law, ojames@law.miami.edu

Katie E. Oliviero, FLT Postdoctoral Fellow, Emory School of Law, koliviero@emory.edu

SUBMISSIONS PROCEDURE:

Please email a paper proposal by Tuesday, May 29th to Emily Hlavaty, FLT Program Coordinator: emily.hlavaty@emory.edu

**Various resources on vulnerability and resilience can be found on the VCH Initiative website at: web.gs.emory.edu/vulnerability/resources/Publications.html

**Decisions will be made by mid June and working paper drafts will be due September 4th so they can be distributed prior to the Workshop.

WORKSHOP DETAILS:

The Workshop begins Friday at 4PM in room 575 of Emory Law School (1301 Clifton Rd, Atlanta, GA), followed by dinner in the Hunter Atrium. Panels continue on Saturday from 9:30 AM to 5PM. Breakfast and lunch will be provided.

GUIDING QUESTIONS:

**What are the relationships between vulnerability and identity/universality and particularity?

**In what ways do both vulnerability and identity approaches inform or undermine each other?

**Do more universal approaches to critical theory simply replicate existing identity paradigms in different forms?

**Does identity enable us to think more complexly about the limits of universality? Is the reverse also true?

**What is lost or gained by a “post-identity” approach to social justice issues? By an identity-focused approach? Can they be combined?

**How do increasingly hostile majority reactions to identity-informed law and policy, like affirmative action, undermine the effectiveness of identity politics and identity-based critical theory?

**How does competitiveness over scarce resources influence the shaping of identity politics and/or appeals to universality?

**How are identity-based approaches to critical legal theory outside the US context different than within?

**Where and to what extent do identity categories magnify balkanization, thus undermining coalitions?

**How can identity categories advance social and legal organizing?

**How does the state manufacture and maintain the salience of both identity-based and universality-based critical theory?

**What does it mean to label something “post-identity”?

**Are more universal frameworks necessarily post-identity?

**When are some modes of subordination and marginalization more situational and specific and how are these related to identity? To vulnerability?