

## CALL FOR PAPERS

### A Workshop on Theorizing the State: The Resources of Vulnerability

December 5-6, 2014

Emory University School of Law, Atlanta, GA

Growing economic inequality is increasingly identified as the defining challenge of our time, but there is little agreement on an approach to this problem, let alone a solution. Although recent political upheavals such as the Occupy Movement lacked an adequate account of the state's role in addressing inequality, President Obama seemed to concede some margin of state responsibility by calling on government institutions to adopt policies to ameliorate poverty. Legions of others, however, argue that individual (as contrasted with societal) economic well-being is not a public responsibility, but a private and personal one, better handled by the individual or within the family. Certainly the prevalent rhetoric of neo-liberalism makes the claim for state responsibility difficult to articulate persuasively. Is it possible to develop a compelling rhetoric of collective responsibility, defining what it means to have a "responsive state," while also remaining attentive to individual agency? What we now call "vulnerability and the human condition theory" is attempting to do just that.

Vulnerability theory grew out of the discussions and debates explored by the Feminism and Legal Theory Project over the past 30 years. In particular, insights about institutional arrangements, the role of law in the creation of social roles and identities, and the gendered nature of socially productive work in both "public" and "private" contexts have formed the foundation. This approach to and language of social justice focuses carefully on the institutions and mechanisms of structural disadvantage and inequality. In developing a counter-narrative to neo-liberal philosophy through the creation of the universal "vulnerable subject," vulnerability theory calls for a more responsive and responsible state in which ensuring the well-being of individuals and society is a shared task. Vulnerability analysis examines institutions—the structures, ideologies, and social relationships that provide resilience to individuals and institutions over the course of their lifetimes, often in ways that differently privilege some while disadvantaging others. Significantly, the theory posits that while individuals are inherently reliant upon institutional arrangements and practices, they are not the only vulnerable entities.

Humanly created and controlled social structures, ideologies, and social relationships, including "the state," are also vulnerable to negative forces that can lead to their corruption, decay, capture, and decline. But, just as the vulnerability of individual human beings can also lead to generative experiences, social entities can respond to vulnerability in positive and productive ways.

This workshop will critically examine the promise and danger of viewing the state as central to and responsible for the generation of individual and institutional resilience. We invite a broad array of perspectives on theorizing the state. *The workshop is being convened by: Martha Albertson Fineman, Kathy Abrams, June Carbone, Linda McClain, and Eileen McDonagh.*

#### Issues For Discussion May Include:

- What and who is 'the state' and in what ways is it vulnerable?
- To whom does the nation state have responsibility?
- What domestic resources does the US have for justifying and building a responsive state? Past social movements? The Progressive Era? Constitutional traditions?
- Are there alternative threads in history or contemporary international social welfare policies that can be used to argue for a responsive state? If so, how can/should they be employed in the present American context?
- How does the current focus on economic inequality offer opportunities for new approaches to the role of the state?
- What connection is there between family inequality and other forms of inequality? How should a responsive state address these forms of inequality?
- Does the law have a coherent theory of the state? Several theories? Are these in competition or complementary? What about the disciplines of political science, economics, philosophy, or history?
- How is the state positioned differently when we use a vulnerability based approach rather than a human rights approach?
- What theories of the state underlie recent social protests about economic inequality?
- What are the dangers of relying upon the state to address vulnerability?
- What are the lessons from and answers to questions about the state arising from "governance feminism" critiques?
- How should the state be constructed to best address universal, shared vulnerability?
- If not the state, what alternative institutions can/will respond to vulnerability and how?

**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 September 29, 2014 to Yvana Mols, [ymols@emory.edu](mailto:ymols@emory.edu)

Decisions will be made by October 6 and working paper drafts will be due November 17 so they can be duplicated and distributed prior to the Workshop.

#### Workshop Details:

The Workshop begins Friday at 4PM in Room 575 of Gambrell Hall, Emory Law. Dinner follows Friday's session. Panels continue on Saturday from 9 AM to 5 PM; breakfast and lunch will be provided.