



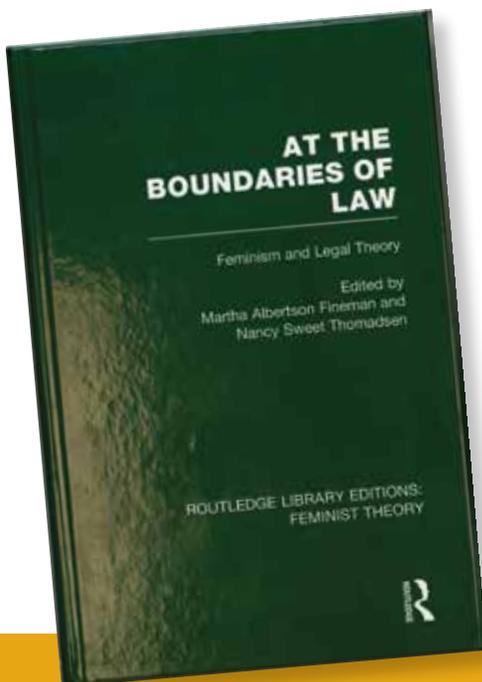
## 2012/2013 UPCOMING WORKSHOPS

- **March 1-2, 2013**  
**Contract as “Public Law” at the Intersection of Globalization and Privatization**
- **April 5-6, 2013**  
**Vulnerability and Labor**
- **June 14-15, 2013**  
**Comparative Perspectives on Privatization**  
*(in Lund, Sweden)*

All workshops are at Emory unless noted.

## At the Boundaries of Law: Feminism and Legal Theory

The first published anthology of *Feminist Legal Theory* (1991) has been reissued by Routledge Press in a Library Edition.



## The Personal and Professional Papers of Catherine G. Roraback

By: Joanna Claire Rogers

Catherine G. Roraback “Katie” (1920-2007), a prominent civil rights attorney, left her papers to Professor Martha Fineman, who subsequently donated them to the Emory Law Archives, a special collections unit of the Hugh F. MacMillan Law Library. Katie graduated from Mount Holyoke College in 1941 and from the Yale University School of Law in 1948, where she was the only woman in her class. Katie developed a civil and criminal trial practice, first in New Haven and later in Canaan,



Catherine Roraback, second from right, attends a dinner in her honor in 1968. Third from right is Thomas I. Emerson, a Yale law professor, and chief counsel for the appellants in *Griswold v. Connecticut* at the Supreme Court level.

Connecticut, where she took over her uncle’s practice upon his death in 1955. She helped to found the Connecticut Civil Liberties Union (CCLU) in 1948 and acted as legal counsel to Planned Parenthood of Connecticut. She was also active in the National Lawyers Guild, and she served on the board of the American Civil Liberties Union (ACLU).

During her 50-year career, Katie litigated several major cases, including *Griswold v. Connecticut*, which overturned a Connecticut law that banned the prescription and use of contraceptives. *Griswold* laid the foundation for the landmark abortion rights case of *Roe v. Wade* and established a constitutional right to privacy.

She also defended Ericka Huggins, a Black Panther Party member accused of conspiracy with intent to commit murder of a man thought to be an FBI informant. Huggins was freed when a mistrial was declared because the jury could not reach a unanimous verdict, voting 10-2 for acquittal.

Katie’s papers include correspondence, handwritten speeches, photographs, newspaper clippings, and memorabilia, such as awards and posters. Her involvement with the CCLU and ACLU is well documented. There is also a substantial collection of Black Panther newspapers dated between 1969 and 1971.

The Roraback Papers will be available to researchers in early 2013. The Feminism and Legal Theory Project plans to organize a conference in the fall of 2013 on reproductive rights where Katie’s important contributions to reproductive freedom will be recognized.

## PROGRAM CONTRIBUTIONS AND SCHOLARSHIP BY VHC POST DOC STU MARVEL

### VHC Post Doc Women's Studies Presentation

In November, VHC Postdoctoral Fellow, Stu Marvel, was invited to deliver a Faculty Research Seminar to the Emory Department of Women's, Gender and Sexuality Studies. Her talk, *The Infertility Trap: Reproductive Exceptionalism and the Queer Family*, was based on empirical research conducted with queer families using assisted reproductive technology [ART] in Canada. Stu's work argues that current models of medical infertility operate as a form of structural exclusion — a reproductive exceptionalism that cannot account for the needs of LGBTQ families seeking ART and must consign them to the realms of failure and loss that haunt fertility clinics. Her research aims to avoid this 'infertility trap' by centering inherently non-reproductive sexual modalities to better think through the legal and regulatory issues at play in ART for queer and heterosexual families alike.



### Sexuality and Justice Student Conference Emory School of Law

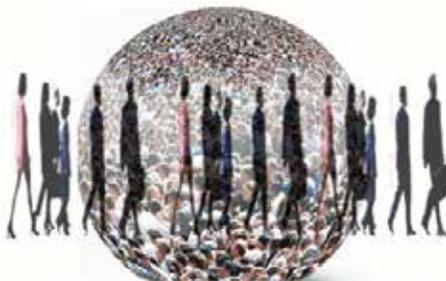
As part of an upper-year law seminar on Sexuality and Justice taught by Stu Marvel, students presented their work at an all-day conference in November. The event was attended by law students, visiting scholars and graduate students from across Emory and explored issues of sexual orientation and gender identity within a comparative law context.

## WORKSHOP WRAP-UP

### *An Uncomfortable Conversation: Vulnerabilities and Identities*

By Stu Marvel, September 14-15, 2012

The semester began with an extraordinary workshop entitled Vulnerability and Identities: An Uncomfortable Conversation. Featuring presentations by scholars including Angela Harris, Nancy Dowd, and Athena Mutua, participants explored the relationships between identity and vulnerability, particularity and universality, and substantive justice and formal equality. Multiple papers touched upon the need for universal frames such as vulnerability to surpass the limitations of anti-discrimination law, even as they worked to engage the constitutive aspect of identity categories and their role in shaping our epistemological, social and cultural understandings. Spread across two



days of lively discussion, the workshop offered complex investigations of the recent revitalization of universal approaches to the human condition, as participants applied analytics of intersectionality and identity frameworks within broader questions of systemic injustice and resilience.

## 2012-2013 FLT and VHC RELATED COURSES

### Sexuality and Justice

(Stu Marvel, Fall 2012)

This course, explored the socially constructed norms and frameworks enabling the transnational regulation of human sexuality. It offered students a strong intersectional analysis and introduction to queer, postcolonial and feminist legal theory, while providing the interpretative tools required to evaluate a host of legislative and judicial responses to gender and sexuality.

### Law and Vulnerability

(Martha Albertson Fineman & Stu Marvel, Spring 2013)

This seminar explores the relationship between law and vulnerability from both a theoretical and a practical perspective. Individuals are universally and constantly vulnerable to impairments based on biological, economic, and social status. The seminar will focus on state obligations to persons including those who are disabled, medically needy, indigent, and providers of uncompensated care.

### Feminist Legal Theory

(Martha Albertson Fineman, 2013)

This seminar explores established and emerging feminist critiques of law. The first half of the course investigates how evolving feminist concepts of difference and institutional inequality translate into legal formulations. Through exposure to critical race, queer, third wave feminist, masculinity and vulnerability perspectives, students explore how group-based discrimination is structured by institutional barriers to achievement and opportunity.

## VHC STUDENT BOARD UPDATE

The Vulnerability and the Human Condition Initiative Student Advisory Board has continued its mission to engage students in the work of VHC. The Board has maintained programs for student support, like yoga during finals, as well as academic engagement through interviews with visiting scholars. Board members are looking forward to next semester and have made plans to provide volunteer opportunities in the community and to host the second annual student workshop.

## FLT Visiting Scholars Spring Semester 2013

### Harriet Diana Musoke

September 12-24, 2012



(Senior Principal Lecturer at the Law Development Centre, Uganda)

Since graduating as Emory Law's first SJD student, Harriet has had some exciting experiences. She was appointed to a Committee of Experts to draft a Public Health manual used by the World Health Organization, a project which was completed in 2011. Currently, she is serving as a Commissioner on the Uganda Law Reform Commission, which is responsible for drafting bills and advising Parliament on proposed legislation. Harriet is directly heading an exploration of legislation on the amendment to the Succession Act and the Children's Act. She is also working on an educational book entitled *Children and the Law in Uganda: A Nutshell* that she hopes to have published early next year.

### Angela Campbell

January 21-27, 2013



(Professor at McGill University's Faculty of Law, Canada)

Angela's research and teaching interests lie in the areas of family law, health law, criminal law, wills and estates and children and the law. She is a member, and former convener, of McGill's Research Group on Health and Law. She is also a member of the McGill Centre for Human Rights and Legal Pluralism and an associate member of the McGill Centre for Research on Children and Families. Between 2008 and 2012 she served as the Director of the McGill Institute of Comparative Law. Angela earned her B.A. (Hons), B.C.L. and LL.B. degrees from McGill University, pursuant to which she completed her LL.M. at Harvard Law School as a Frank Knox fellow and a Langdon H. Gammon fellow. Prior to becoming a law professor at McGill, she clerked for The Honourable Mr. Justice Frank Iacobucci at the Supreme Court of Canada and taught at the University of Ottawa's Faculty of Law (Common Law).

While at Emory, Angela will be developing and refining her current research, which is funded by the Social Sciences and Humanities Research Council of Canada. This work focuses on law's conceptions of and responses to women's choices made in connection with socially and morally controversial lifestyles, and draws on the examples of polygamy, paid surrogacy and prostitution as case studies.

### Browne C. Lewis

March 21-27, 2013



(Leon & Gloria Plevin Professor of Law and the Director of the Center for Health Law & Policy at Cleveland-Marshall College of Law)

Browne teaches Biomedical Ethics and the Law, Estates & Trusts and Real Property. She writes in the areas of bioethics, environmental, family and reproductive law. Browne clerked for the Honorable Daniel Wozniak, Chief Judge of the Minnesota Court of Appeals. She has practiced in the areas of environmental, elder, family, housing and probate law. In the summer of 2012, Browne was a visiting researcher at the Foundation Brocher in Geneva, Switzerland. In the summer of 2013 she will be a Visiting Scholar at the Hasting Center and at Yale University's Interdisciplinary Center for Bioethics. She has written on surrogacy and physician assisted suicide. In July 2012, New York University Press published her book, which is entitled *Papa's Baby: Paternity and Artificial Insemination*. While at Emory, Browne will work on her article, "Arrogance, Avarice and Anguish: Addressing the Ethical and Legal Consequences of Posthumous Reproduction."

### Alice Margaria

March to April 2013



(European University Institute, Italy)

Alice Margaria is a PhD candidate at the Department of Law of the European University Institute. Her current research investigates how human rights tools have been employed to adjust outmoded legal concepts for evolving family forms and practices. More specifically, her doctoral thesis considers and critically analyzes how the jurisprudential activity of the European Court of Human Rights has contributed to outlining the contours of the rights and responsibilities of fatherhood.

Now accepting 2013 Visiting Scholar applications

Our Visiting Scholars Program hosts scholars and graduate students from around the world. Visiting Scholar residence ranges from a week to a year or more. Scan the QR code for more information.



## SJD STUDENT RESEARCH UPDATE

## Controversy Unveiled: The Feasibility of Shariah Courts in Uganda

By Zahara Nampewo, SJD Candidate, Emory Law School

To Western society, ‘Shariah courts’ elicit a repugnant image of floggings, executions and gender injustice, a depiction totally incompatible with Western standards of justice.

It is a wonder therefore that Islamic followers in Uganda (approximately 12.1% of the total population according to the 2002 national census) are pushing for the establishment of Shariah courts in the country. The Ugandan constitution guarantees freedom of religion and the establishment of Shariah courts. However, since the adoption of the constitution in 1995, the enabling statute has yet to be enacted by Parliament. Although some semblance of Shariah courts exist, they are few and only operate informally.

There is a growing drift internationally toward having Shariah courts operating alongside other judicial bodies, which is evident in countries such as Britain, Indonesia, India and Nigeria. It is no surprise, therefore, that Ugandan Muslims have shown an interest in the matter. The merits of having these courts in place cannot be disregarded. They follow simple rules of evidence, circumvent complex legal proceedings and have the capacity to facilitate speedy justice, aspects



Zahara Nampewo

that would be of benefit in the Uganda where the general court system is slow, and where few litigants are literate or can afford lawyers.

Shariah courts have been accused of arbitrariness and discrimination, however. What is important therefore is to ensure a balance between justice and fairness for all groups on the one hand, with the right to religious freedom on the other. The establishment of these courts should take lessons from other jurisdictions in which they already exist. Since the proposal for Shariah courts in Uganda is to handle cases of marriage, divorce, inheritance of property and guardianship, controversies such as supremacy of law should be clearly outlined. For instance under Shariah, fathers receive sole custody when children reach seven years of age, regardless of family circumstances. Thus, in *Hosain v. Malik* (1996) an American court in Maryland awarded full custody of a daughter to her father, enforcing a court order from Pakistan, an Islamic country that follows Shariah law, and disregarding the internationally recognized legal standard of “the best interests of the child.” Uganda must be mindful of legal complexities that may occur with the implementation of Shariah law.

My intention is to avail a legal discourse of the feasibility of Shariah courts in Uganda. My work aims to examine matters such as the place of Shariah within the Uganda legal system, codification of Shariah, legal validity of judgments, appeal system, capacity of personnel and infrastructure, as well as the place of non-Muslims.



## NEW SJD STUDENTS

### Abeer Alubaidi

(Umm Al-Qura University, Saudi Arabia)

Abeer Alubaidi received her undergraduate degree in the “Holy Book and Prophet Mohammad Science” from Umm

ALQura University, Saudi Arabia and her LLM from The University of Baltimore School of Law. She will undertake comparative research on the differences between women’s rights in Shariah law and international conventions.



### Bandar Ghaleb Bakhshwin

(King Abdul-Aziz University, Saudi Arabia)

In the spring of 2012 Bandar became the first recipient of an Emory LLM with a concentration in Vulnerability and The Human Condition.

As an SJD student this year, he will undertake the study of International Family Law, with special emphasis on comparing Islamic family law with Western family law and the significance of conflict of laws rules.



### Atieno Mboya Smandari

(University of Nairobi, Kenya)

Atieno is an international lawyer with degrees from Georgetown University Law Center and the University of Nairobi. Originally

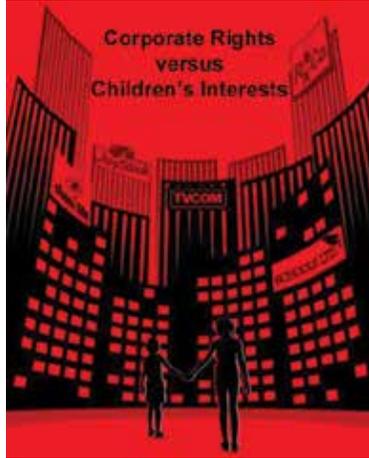
from Kenya, Atieno has worked in several African countries on issues relating to women and children’s rights. Her scholarly interests lie at the intersection of law, poverty and development, with a research focus on gender equality, human vulnerability, climate change and the institutional distribution of global power.



## Visit to Vancouver

Martha Albertson Fineman was the Cecil H. and Ida Green Distinguished Visiting Professor at Green College at the University of British Columbia this past fall. Fineman presented four lectures and workshops during her month-long stay, including the Ericson Lecture. Green College's Academic Committee selects outstanding scholars from nominations received from the campus community.

Her lectures included "The Eclipse of Public Education, Parental Rights and Corporate Power" and "Vulnerability and the Human Condition: A Different Approach to Equality." She also organized a workshop on "Corporate Rights Versus Children's Interests" in which a dozen scholars from around the globe presented papers.



## Feminist Legal Theory Makes Headlines in China

*Chinese Social Sciences Today*

The article "Feminist Legal Theory Focusing on Equity and Justice: An Interview with Professor Martha Albertson Fineman of Emory Law School" explored the strengths of a feminist analysis.



## Vulnerability and the Human Condition (VHC) The Message is Spreading Globally



Professor Fineman's work has led to connections throughout the world.



### SOCIAL MEDIA

The VHC Initiative has launched a **Facebook** page and **Twitter** feed. Stay connected with upcoming events, news and updates and other opportunities.

- [www.facebook.com/VulnerabilityAndTheHumanCondition](http://www.facebook.com/VulnerabilityAndTheHumanCondition)
- [twitter.com/VHCInitiative](https://twitter.com/VHCInitiative)

## Update from Northern Ireland

**Ilan Grapel 13L** *"I was a research fellow at the Transitional Justice Institute (TJI) at the University of Ulster, in Belfast, Northern Ireland. My research included studies of constitutionalism in post-conflict societies and the duty to prosecute under international law. In addition to this research, the fellowship allowed me to study the nexus between gender theory and conflict at TJI's annual summer school."*



**Jason H. Kang 13L** *"This summer, I worked with the Centre for Children's Rights at Queen's University-Belfast. The Centre gave me the opportunity to engage in work concerning international law and policy, and to interact with children's rights experts from across the world. I could not have asked for more interesting or exciting work."*

**Katie Skeehan 13L** *"My experience working in the Office of the Lord Chief Justice in Northern Ireland this summer was fantastic — I wish I could do it again! The variety of legal work, opportunities to observe the political process, and interactions with different court operations made for an internship that was both challenging and exciting."*

