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## CALL FOR PAPERS

### A Workshop on Legal Transitions and the Vulnerable Subject: Fostering Resilience through Law's Dynamism

December 8-9, 2017

Emory University School of Law, Atlanta, GA

There is a widespread perception that we live in a moment of change that is unprecedented in its scope and pace. Climate change, mass movements of dislocated persons, technological innovation, shifts in recognition of sexual and gender diversity, and new information networks challenge identities, institutions, and political coalitions. The law plays a critical role in creating and responding to change. A significant dimension of individuals' and groups' experience of change involves transformation in legal regulation. Relationships previously outside the law may gain recognition; the social insurance of risk may shift dramatically; entire legal status categories may disappear. As the law transforms, individuals and groups also transition across legal boundaries.

Vulnerability theory provides a framework for how understanding how individuals and groups experience change, as they transition across legal categories. Vulnerability theory seeks to shift our understanding of law's paradigmatic subject, from a static and autonomous one to a dynamic and socially embedded subject. The legal subject is not a universal adult but rather an evolving being who traverses across the life course from childhood to agedness, experiencing periods of heightened biological and derivative dependency along the way. Furthermore, both individuals and multiple social groupings are constantly susceptible to change in their ecological, economic, social, and political environments. Social institutions, including law, may form to promote human resilience—the capacity to adapt to change.

The purpose of this workshop will be to investigate how individuals' and groups' transitions between legal status categories expose vulnerability and also offer opportunities for fostering resilience. While legal scholarship often examines static legal categories, explaining how and why these categories privilege and advantage various individuals and groups, the movement of individuals and groups across legal categories itself deserves analysis. These transitions across legal categories—for example, from contracting strangers to corporate partners, non-married to married couples, employee to manager, insured to uninsured, incarcerated to released, or undocumented to documented—involve transformations in individual identity, relational dynamics, social networks, and institutional forms. The way in which law facilitates transitions itself will affect individuals' and groups' experience of legal change, as injurious or empowering, fair or unjust.

We invite papers that consider three main themes centered in the relationship between legal transition, vulnerability, and resilience. First, papers might consider how the movement between legal status categories transforms both individual and group identities and relationships. How does the process of change, itself, variously expose vulnerability and generate resilience? Second, papers may consider how legal categories and institutions change when law requires them to open their boundaries to individuals who do not conform to traditional norms. In this manner, the movement across legal status categories not only changes those in the process of transition but also fosters dynamism in institutions. Third, papers might examine how transitions in individuals' and groups' legal statuses reveal challenges and opportunities for achieving the just distribution of social, economic, and other benefits and advantages. How should law allocate the costs and benefits generated by the movement across legal status categories?

We intend the workshop to cover a variety of topics ranging from corporate to family to healthcare to criminal law, among other arenas, and encourage the participation of scholars working in related historical, sociological, economic and other fields.

### **Issues For Discussion May Include:**

- How does the transition between legal status categories affect people, families, communities, and entities across a range of socio-legal axes?
- What differences in transitions between legal status categories inhere depending on who is transitioning—individuals, entire communities, or corporate entities?
- How are these differences informed by what is being sought or avoided?
- What happens to existing legal categories in processes of legal transition?
- How do those who undergo legal transitions change the institutions and categories they inhabit?
- What dynamism exists within legal frameworks as these legal transitions occur?
- How does this dynamism, in turn, affect legal transition processes?
- To what needs does the process of legal transition give rise, and how are these needs affected by socioeconomic factors?
- How might we allocate responsibility for costs and burdens of legal transition?
- How are status positions constructed and inhabited outside law and what opportunities and risks do these statuses entail?
- How does the process of becoming a subject of law discipline social forms, and how do individuals and groups reorganize their social relationships as their legal statuses shift?
- What impacts do the processes of legal transition on the relationships that people, communities, and entities have with one another, other social groups, and the state?
- How do legal transition experiences differ depending on how transitions arise—whether they are seen as voluntary or coerced? Isolated, or numerous and repeated?
- How we might understand the process of legal transition itself as a dynamic response to human and institutional vulnerability?
- How does the law respond to individuals and groups engaged in the process of transitioning between legal forms?
- How does legal regulation of the legal transition process variously reproduce, entrench, or construct vulnerability and resilience?
- What shared questions of theory and methodology can ground interdisciplinary approaches to legal transitions?
- Are there alternative metaphors to legal transition that may better capture the questions of risk, protection, autonomy, dependency, and equality that arise from the movement across boundaries of legal forms?

The workshop is being convened by:

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### **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 **July 21, 2017** to Rachel Ezrol, [rezrol@emory.edu](mailto:rezrol@emory.edu).

Decisions will be made by **August 4, 2017** and working paper drafts will be due **November 15, 2017** so they can be duplicated and distributed prior to the Workshop.

### **Workshop Details:**

The Workshop begins Friday, December 8 at 4PM at Emory University School of Law. Dinner follows Friday's session. Panels continue on Saturday, December 9 from 9 AM to 5 PM; breakfast and lunch will be provided.