

# CALL FOR PAPERS

## A Workshop on Children, Vulnerability and Resilience

December 11-12, 2015

A VHC Workshop at Emory University School of Law

Existing frameworks for analyzing law and imagining justice—including individual rights, equality, and efficiency—are modeled on an autonomous adult legal subject. What alternative frameworks might come into view if we consider childhood as central to the law and justice inquiry? We invite scholars in law as well as the humanities and sciences to consider what should be the scope, nature, and extent of the state's responsibility for the legal subject in childhood.

This workshop will interrogate the status of childhood within legal liberalism and explore how applying the emerging vulnerability approach to state responsibility may transform our understanding of both the purpose of law and the nature of legal subjectivity. Liberalism conceptualizes childhood as a temporary stage along the path to full legal personhood in which there is no expectation of the autonomy and agency granted to adult subjects. As a consequence, children are denied full legal capacity and constitutional protection until they are deemed to reach a certain level of intellectual maturity and competence. The private family is given primary responsibility for and control over the physical and emotional well-being of the child. For its part, the obligation of the liberal state is merely to ensure the minimal level of security and education necessary for children to develop the capacities of functioning citizens. Vulnerability studies, by contrast, suggests that childhood should be treated as a first stage in the continuum of the human legal persona, which covers the full life-course of the individual from birth through to old age. Children, like persons in all other stages of life depend upon family, community, civic institutions, and government to flourish. Childhood illuminates but does not exhaust the interdependence that characterizes the human condition. What is the state's responsibility during this critical stage for the development of resilience?

In recent years, historians have demonstrated that the changing legal status of children was at the center of debates about political and religious consent, social status, and democratic political theory. Psychologists have deepened our insights into how children develop social cognition, language, gender and sexual identity, and moral judgment. Advances in neurobiology highlight the harm that comes from the state's failure to support and provide services to families and, in particular, children from ages zero to five years. Although resilience can be built throughout the life span, it is not easy to recoup early deficits. How can multiple fields of academic study and interdisciplinary collaboration help scholars to promote a responsive state that addresses the vulnerable subject as a child and builds resilience across the life-course?

### **Vulnerability and Resilience Background**

Reading at: <http://web.gs.emory.edu/vulnerability>

### **Workshop Contacts:**

Martha Albertson Fineman, [mlfinem@emory.edu](mailto:mlfinem@emory.edu)

Deborah Dinner, [deborah.dinner@emory.edu](mailto:deborah.dinner@emory.edu)

### **Submissions Procedure:**

Email a proposal of several paragraphs as a Word or PDF document by October 1, 2015 to Rachel Ezrol, [rezrol@emory.edu](mailto:rezrol@emory.edu)

### **Workshop Details:**

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

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

- How has the legal construction of childhood changed over time, and whose interests have those shifts served?
- How do ideas about children's vulnerability, capacity, and resilience inform our broader understandings of citizenship?
- What roles do capacity and consent play in the prevailing construction of the liberal legal subject?
- In what ways is childhood a unique time period to foster resilience?
- In what ways has the legal construction of childhood been used to disfranchise and subordinate other groups?
- What are the limitations of a rights-based framework in meeting the needs and interests of children? Of parents? Of society? What alternatives are available and what are their strengths and weaknesses?
- How does a focus on children and childhood offer new insight into the limits of legal liberalism?
- In an era of increasing cultural fracture and libertarian impulses toward individual and family privacy, has the concept of parental rights overtaken the concept of parental responsibility and state interest in the child as a future citizen?
- What comparative models from both European and non-western contexts might inform how the United States addresses vulnerability, resilience, and state responsibility during childhood?
- What other academic fields, such as ecology, neurobiology, and developmental psychology, might inform our understanding of children's vulnerability and resilience?
- How can we understand the particular and arguably distinct challenges faced by different groups of children—low-income, immigrant, African American, disabled, and sexual minorities—without stigmatizing them as “at-risk populations,” undermining recognition of universal vulnerability?