

Call for Papers for a Special Issue

International Journal of Discrimination and the Law

## COVID-19: Lessons for and from Vulnerability Theory

Editors Nicole Busby and Grace James

with Special Guest Editor Martha Albertson Fineman

**Submissions Deadline: 31 October 2020**

Manuscripts will be considered as they are received

Martha Fineman's [vulnerability theory](#) is premised on an understanding of the human condition as one of universal and constant vulnerability. As human beings, our embodied state leaves us susceptible to continuous change in our well-being and our embeddedness in social institutions and arrangements and the nature and operation of those institutions enable us, to varying degrees, to build and exercise resilience. Fineman's notion of the universal body, 'understood as prior to the social or political, as independent of existing or imagined ethical, or moral social arrangements'<sup>1</sup> provides a useful starting point for thinking about the effects of and responses to the Covid-19 pandemic across different states and within different legal contexts.

The editors of this special issue are interested in submissions which interrogate how states have historically organised their social welfare responses to vulnerability and how those social arrangements have mitigated or exacerbated the effects of the pandemic. Such insights may provide commentaries on how governmental responses should be devised and supported using the lessons learned. Rather than framing these interrogations and responses by way of a traditional non-discrimination approach which distinguishes between individuals and groups on the grounds of their perceived specific vulnerabilities, analyses should start from the perspective of our shared universal vulnerability as embodied beings. In this way we seek to explore how the corporeal manifestations of the pandemic are reflected, deflected and reproduced in and by the state in its various guises and within different contexts by way of pre-existing institutions, relationships and the arrangements that flow from them and to identify the route out of this that a vulnerability perspective offers.

Contributions are welcome which explore experiences of the pandemic within a single state, geographical region or through a comparative approach and which consider the impact of the pandemic on one area of law and/or policy (for example, family law, social security law, medical law, economic law, employment law, etc.) or across legal and policy frameworks more generally.

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<sup>1</sup> M.A. Fineman 'Reasoning from the Body: Universal Vulnerability and Social Justice' forthcoming.

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Relevant questions for consideration include:

- How has the state's historical conceptions of vulnerability impacted on its responses to the current pandemic?
- Has the focus on 'particularised bodies' limited state responses to Covid-19?
- What has the pandemic revealed about the current construction of social relationships and institutions and how might a vulnerability approach be used in response?
- What do state responses to Covid-19 tell us about the current construction of the human body in legal and policy frameworks?
- What does the pandemic tell us about the role of legal subjectivity in constructing the relationships and institutions that order society for everyone?
- What has the pandemic exposed regarding who bears the burdens for the social reproduction of society and its institutions and how might this be impacted in future?
- What might the crisis mean for reimagining the 'responsive state'?

**Suggested reading:**

M.A. Fineman 'Vulnerability and Inevitable Inequality' *Oslo Law Review*, 4 (2017), 133.

M.A. Fineman 'Vulnerability and Social Justice' *Valparaiso University Law Review*, 53 (2019) 2, 341-370.

M.A. Fineman 'Beyond Equality and Discrimination' *73 SMU Law Review Forum* 73 (2020) 51, available: <https://scholar.smu.edu/smulrforum/vol73/iss1/7/>

**How to Submit**

Contributions of between 8,000-10,00 words (including references) are welcome. Submissions should comply with the guidance available here: <https://journals.sagepub.com/author-instructions/JDI#WritingYourPaper> and will be subject to full peer review.

Submit your manuscript online by **31<sup>st</sup> October 2020** at: <https://mc.manuscriptcentral.com/ijdl>

Please feel free to contact the editors, Nicole Busby (Nicole.Busby@glasgow.ac.uk) or Grace James (c.g.james@reading.ac.uk) if you require more information.