Human rights and human vulnerability theory are both concerned with the achievement of social justice and the role of the State in this endeavor. Their approaches to the State, however, are markedly different. Human rights in today's neoliberal climate advocates for a "restrained State" while human vulnerability theory calls for a "responsive State". We are pleased to announce a workshop on human rights and human vulnerability, bringing in dialogue the work of Professor Michael Perry on human rights and Professor Martha Albertson Fineman on human vulnerability.

International human rights doctrine and dicta present a moral code to guide governmental actions and individual lives. Where sanctioned by law, international human rights are a confluence of law and a descriptive morality that underpins a liberal understanding of what it means to be human living in relation to other human beings. This descriptive morality is the content of human rights that are recognized by international law. There is also a normative morality that refers to codes of conduct that "would be put forward by all rational people."

The distinction between descriptive and normative morality "suggests different methods and modes of analysis, distinguishing projects of concrete or textual assessment from those undertaken in a more abstract or ambiguous manner. Difficult questions have been raised about imposing unitary or universal moral or ethical standards given the diversity that exists across human beings, as well as the myriad of cultures and political arrangements that have been constructed across time and space. The human rights paradigm is one approach to grappling with these questions.

Another approach is found in the human vulnerability paradigm, which, like human rights, is concerned with the rules governing human beings and the societies in which they live. However, vulnerability theory argues that a concern with rights focuses on the individual as an entitled and independent actor and consequently tends to "obscure[] the continuous and basic role the state plays in society as a whole, as well as the ways in which it defines the lives of all individuals within it." Vulnerability theory views a robust and active state as essential to both the wellbeing of the individual and the reproduction of society. Vulnerability theory concedes the inevitability of law, as well as some form of governing authority, while also appreciating the potential of the state as a unique mechanism for the construction of a just society. While it is a critical theory, vulnerability theory is distinguished from other "progressive" approaches that seem unable to move far beyond a focus on an oversimplistic notion of an abusive or punitive state in that it recognizes the necessity for and the inevitability of governance and law, as well as the positive potential this represents. The foundational question under vulnerability theory is what it means to be human. This contrasts with the foundational approach of human rights, which focuses on the (descriptive) meaning of rights.

The workshop will be organized into panel sessions engaging with these two concepts – human rights and human vulnerability, including the liberal subject of human rights, the vulnerable subject of human vulnerability theory, and defining what constitutes a "responsive state." We are interested in a broad range of approaches and scholarly reflections on the human being as a vulnerable subject, the human being as a subject of rights, the human being as the embodiment of morals and the state as a source and arbiter of rights and morals.

A Workshop on Constructing an Ethical or Moral Approach to State Responsibility
March 31 – April 1, 2023
Emory University School of Law

Issues for discussion may include:

- Are human rights a function of shared values or a function of the exercise of power?
- Do human rights legitimize the idea of the state and does this matter? Is such legitimacy, if true, also valid for human rights as a moral or ethical paradigm?
- What factors should determine the role of the state regarding pressing moral issues of our time e.g. poverty eradication, gender justice, refugeeism, and others?
- How effective is the concept of rights to promoting understanding of state responsibility? How effective is the concept of vulnerability in doing this?
- How effective is the concept of rights to delivering a comprehensive and universal vision of social justice? What about the concept of vulnerability?
- Why have conceptions of individual autonomy remained so resilient?
- What is the proper role of the state in responding to rising problems like climate change and income inequality in the face of neoliberal hegemony?
- How does a focus on the human being and universal physical vulnerability throughout the life-course broaden our understanding of state responsibility?
- What role does the state play in the human rights arena as compared with the human vulnerability arena?
- What distinctive role does law (as opposed to politics or culture) play in the construction of morality?

The workshop is being convened by:
Martha Albertson Fineman (mlfinem@emory.edu)
Michael Perry (mjperry@emory.edu); and
Atieno Mboya Samandari (asamand@emory.edu).

Vulnerability & Resilience Background Reading:
http://web.gs.emory.edu/vulnerability/

Submissions Procedure:
Email an abstract (of up to 500 words) as a Word or PDF document by **January 2, 2023,** to Mangala Kanayson (mkanays@emory.edu).

Working paper drafts will be due **March 17, 2023,** so they can be duplicated and distributed prior to the Workshop.

Workshop Details:
The Workshop begins **Friday, March 31** at 10:00 AM at Emory University School of Law in Atlanta, GA. Panels continue **Saturday, April 1** from 9 AM to 5 PM. Participants may attend in person or via Zoom.

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