

CALL FOR PAPERS

A Workshop on Sex, Violence and Vulnerability: An Uncomfortable Conversation

November 4-5, 2016 • Emory University School of Law, Atlanta, GA

American universities are under increasing pressure for their management of sexual assault and sexual violence on campus. As of late 2015, the Department of Education Office for Civil Rights was investigating 175 cases involving sexual violence at 146 postsecondary schools. Such investigations are being conducted under the auspices of Title IX - a relatively modest sex equality provision from the Education Amendments of 1972 – which has now morphed into the primary mechanism through which claims of sexual violence are to be adjudicated for all college students in the nation. As a result, what Jeannie Suk calls a vast “sex bureaucracy” has emerged in recent years, aimed at responding to student claims and federal investigators alike. At the same time, sexual violence which occurs outside campus walls is addressed by a system of criminal law which faces its own serious limitations. Urgent calls for rape law reform are longstanding, and the American Law Institute is currently in the midst of major revisions to its Model Penal Code on sexual assault and related offenses.

This workshop aims to use a vulnerability lens to explore this troubled landscape, and analyze the law’s varied responses to sexual violence, sexual harassment and the creation of hostile environments. While it is common to designate victims of sexual violence as ‘vulnerable’ and think of individuals or categories of people (such as women, minorities, children, sex workers) as ‘vulnerable groups’, might this figuring also have conceptual or theoretical limitations? By tracking questions of consent, criminality and sexual agency through a vulnerability lens, we can move away from the ‘vulnerable victim’ model to engage issues of resilience and institutional responsibility. Rather than focusing on the special vulnerability of female victims or victims of color, for example, we might instead analyze the ways in which our social and legal order has produced expectations for intimate relations. The vulnerability analysis can also help shed light on tensions between the criminal justice approach to rape and sexual assault, and the growing awareness of and attentiveness to ‘rape culture’ emerging from college campuses, as well as other institutionalized locations where sexual violence occurs, including prisons, brothels, places of employment, schools, churches and places of worship, and domestic spaces. Of particular importance here is our understanding and application of social metaphors such as harm, consent, agency, responsibility and autonomy. Papers which seek to apply vulnerability theory to think through questions of sex and violence within these and other institutional contexts are warmly welcomed.

The workshop is being convened by:

Martha Albertson Fineman (mlfinem@emory.edu),

Risa L. Lieberwitz (rl15@cornell.edu) and

Stu Marvel (smarvel@emory.edu)

Vulnerability Background Reading:

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

Submissions Procedure:

Email a proposal of several paragraphs as a Word or PDF document by **September 9, 2016** to Rachel Ezrol, rezrol@emory.edu. Decisions will be made by **September 12, 2016** with working paper drafts due **October 19, 2016**.

Workshop Details:

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

Issues For Discussion May Include:

- How is sexual violence defined? Should definitions take into account differences between sexual assault and other forms of sexual harassment?
- What analytical tools are most useful in thinking through questions of sexual violence and sexual harassment? How have these tools changed over time?
- Do categories such as race and gender adequately address our awareness of and responses to sexual violence? How might a focus on sexual violence as a raced and gendered problem also work to limit or distort our analysis?
- How is vulnerability to sexual violence produced differently across spaces, places, and relationships? Within universities? Prisons? Schools? Churches? Homes?
- What are the relative strengths and weaknesses of the criminal justice approach? The Title IX approach? What other alternatives might exist?
- How does the language of ‘victim’ and ‘perpetrator’ shape our understandings of both sexual violence and the proper legal response?
- In what ways does the language of affirmative consent help or hinder us in addressing sexual violence?