



Call for Symposium Papers

Lenahan (Gonzales) v. United States of America: Domesticating International Law

Submission of Abstracts due: **January 13, 2012**

Symposium on April 17, 2012 at American University Washington College of Law

Sponsored by:

American University Journal of Gender, Social Policy & the Law

Women and the Law Program

The American University Washington College of Law's *Journal of Gender, Social Policy & the Law* and Women and the Law Program invite symposium papers analyzing the Inter-American Commission on Human Rights' recent decision in *Lenahan (Gonzales) v. United States of America*, Case No. 12.626. While other international cases have situated domestic violence as a human rights violation, *Lenahan v. United States* is the first individual complaint by a victim of domestic violence to be brought against the United States for a failure to enforce a mandatory protective order.

The Inter-American Commission on Human Rights' decision in favor of Ms. Lenahan confirms a state responsibility, rooted in international law, to protect individuals from so-called private violence. The decision of the Inter-American Commission stands in stark contrast to the U.S. Supreme Court's ruling on the same facts in the case of *Castle Rock v. Gonzales*, 545 U.S. 748 (2005), in which the Court held that Ms. Lenahan's constitutional rights had not been violated because individuals do not have personal entitlement to police enforcement of a protective order.

The organizers welcome papers from scholars and practitioners (sorry, no student papers) exploring the multiple dimensions of these cases, including implications both in the United States and abroad. Potential topics could include, but are not limited to:

- Will *Lenahan (Gonzales) v. USA* affect the issuance or police enforcement of domestic violence protective orders in the United States or other nations?
- If the case creates new rights or duties, how should advocates go about invoking them? What are the potential limits, pitfalls or unintended consequences of various approaches?
- Are members of some communities more likely to invoke discourses legitimated by this case than are others (e.g., women of color, Native American women, LGBT, or male survivors of violence?)
- How does the *Lenahan* decision influence ongoing debates regarding the use of international law, in particular human rights treaties, in courts in the United States?
- How will the recommendations made by the Commission affect the relationship between the United States and the Inter-American Commission on Human Rights or other international bodies?
- What are the broader theoretical implications of the decision? For example, what does this case tell us about the evolution of various discourses (criminalization, victimhood, etc.) in the context of domestic violence policy and jurisprudence? Does receptivity to those discourses vary, for example, between international or domestic settings? Does this case alter the discursive landscape?

- Do these rulings foreclose alternative responses or theoretical approaches to the question of “private” violence? Does the *Lenahan* decision problematize the private nature of domestic violence, if a state response to such violence can be compelled? Does the case alter our understanding of the “private sphere” in contexts beyond domestic violence?
- How does *Lenahan* fit in with or compare to other international law decisions raising similar or related questions? What can the United States learn from the implementation of similar Inter-American Commission or other international body recommendations in other nations, such as those implemented in Brazil in the wake of *Maria Da Penha Maia Fernandes v. Brazil*?
- What is the relationship among *Lenahan*, *Castle Rock*, and other recent cases regarding the enforcement of domestic violence protective orders, including *Robertson v. U.S. ex rel. Watson*, in the United States? Are there discernable trends in the development of jurisprudence in this area?
- Is *Lenahan* a useful tool for advocates attempting to use human rights principles to argue for passage of legislation in State or local bodies? How do arguments based in human rights discourse play out in the context of budget measures reducing enforcement of protective orders or even decriminalizing domestic violence?
- Does the case raise useful pedagogical lessons or models for clinical faculty supervising student attorneys in similar claims?

This Symposium celebrates the 20th anniversary of the *American University Journal of Gender, Social Policy & the Law*. Since its inception, the *Journal* has published papers addressing social and political equality under the law, as well as articles focused on the unique role of gender in the development and administration of the law.

Since 1984 the American University Washington College of Law’s Women and the Law Program has promoted the integration of women’s rights and gender studies into legal education, practice and doctrine by encouraging the development of feminist legal thought, educating emerging legal scholars in gender studies, creating supportive networks of feminist scholars, practitioners and activists, and disseminating scholarly and teaching materials that integrate gender into the study of law in specific contexts.

Instructions for submission:

- Abstracts of 500 words or less are due via the online proposal submission system at <http://www.wcl.american.edu/go/lenahan/> by **Friday, January 13, 2012**.
- Participants will be notified of their selection by **January 27, 2012**.
- Full draft paper will be due (for private circulation to discussants and the *Journal* only) on **April 2, 2012**.
- Panelists will present papers at American University Washington College of Law, in Washington, DC on **April 17, 2012**.
- The *Journal* will strongly consider each timely final submission for publication in an upcoming volume dedicated to the symposium. Final submissions for publication are due to the *Journal* by **July 2, 2012**.
- Limited travel assistance funds may be available for some participants who do not have institutional travel support. Please indicate in your submission if you are requesting financial assistance for travel.