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WORKING GROUP ON LAW, CULTURE & THE HUMANITIES

Georgetown University Law Center

March 27-29, 1998

Conference Information Packet

Organizing Committee

Jack Balkin
Wendy Brown
Marianne Constable
Hendrik Hartog
Michael Perry
Austin Sarat
Avi Soifer
Robin West

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Friday, March 27, 1998

9:00-10:00

Room

Welcome

Gewirz-12th Floor

Robin West, Georgetown University Law Center
Austin Sarat, Amherst College

10:30-12:15

A Political Theory of Political Economy

154

Gerald Wetlaufer	University of Iowa	Chair/Commentator
Thomas Streeter	University of Vermont	Managerialism, Libertarianism, and Cyberpunk in Computer Culture: A Case Study of the Internal Politics of Neoliberalism
Gary Rowe	Princeton University	Commentator
Gerald Wetlaufer	University of Iowa	TBA

Moral Categories and Legal Values

109

Cynthia Ward	The College of William and Mary	Chair/Commentator
Leonard Kaplan	University of Wisconsin	Moral Realism and Law: A Reengagement
Sara Manaugh	University of California	Legalized Morality: The Unintended Consequences of the Harrison Narcotic Act
Eldon Soifer	University of Regina	Privacy and Hypocrisy
Bela Szabados	University of Regina	

Secret Histories

304

David Caudill	Benjamin N. Cardozo School of Law	Chair
Penelope Pether	University of Sydney	Principles or Skeletons?: Unearthing Australia's Other Constitution
Helen Stacy	Queensland University of Technology	The Struggle Against Memory and Forgetting
Terry Threadgold	Monash University	Legal Witchcraft: From Penal Colony to Pastoral Power Through Federation to Wik

10:30-12:15 - Friday, March 27th -continued*Room****Speech, Truth, and Fundamental Rights: New Perspectives
on Freedom of Expression*****101**

Susan Williams	Indiana University	Chair
Leslie Prosterman	University of Maryland	Public Forum on the National Mall: Aesthetics and the Public Good
Susan Williams	Indiana University	A Feminist Revision of the Truth Theory of Free Speech
Steven Heyman	Chicago-Kent College of Law	Righting the Balance: An Essay on the Basis and Limits of Freedom of Expression
Vincent Blasi	University of Virginia	Commentator

The "Deviating" Family**110**

Hendrik Hartog	Princeton University	Chair/Commentator
Hilary Schor	University of Southern California	Bastard Daughters and Illegitimate Mothers: Burning Down the Courthouse
Nomi Stolzenberg	University of Southern California	
Beverly Schwartzberg	Univ. of California	Grass Widows, Barbarians, and Bigamists: Extralegal Marriages and the Evidence of Law, 1850-1910
Susan Sterett	University of Denver	Cautionary Tales: International Adoption and Representations of Family

Traumatic Histories and Legal Recuperation**140**

David Luban	Georgetown University	Chair/Commentator
Lawrence Douglas	Amherst College	The Shrunken Head of Buchenwald: Representations of Atrocity at Nuremberg
Nasser Hussain	Amherst College	Law, Nation & Traumatic Histories

12:15-2:00 - Lunch

Friday, March 27th -continued

2:00-3:45

Room

Fluidity, Identity And Legal Regulation

154

Marianne Constable	University of California, Berkeley	Chair/Commentator
Jonathan Kahn	Bard College	The Self Beyond the Body: Notes on the Legal Management of Stolen Identity
Greg Pingree		Narrative and Cultural Identity in Legal Discourse
Martha Umphrey	Amherst College	The Legal Value of Social Reputation: "Passing" and the Politics of Identity

Knowing Differences

109

Penelope Pether	University of Sydney	Chair
Jonathan Morrow	Monash University	Thinking Through the Body of the Other: A Domestic Dependent Nation in Australia?
Nan Seuffert	University of Waikato	Law's Deceptions: Reading New Zealand's Treaty of Waitangi

Legal Images In American Mass Culture

304

Elayne Rapping	Adelphi University	Chair/Commentator
David Papke	Indiana University	Lawyer-Show Genres on Prime-Time Television
Richard Sherwin	New York Law School	Post Print Mass Culture and Contemporary Legal Practice
Christopher Wilson	Boston College	Beat and Badge in Joseph Wambaugh

The Possibility of Positivism

101

Anthony Sebok	Brooklyn Law School	Chair/Commentator
Roger Berkowitz	University of California, Berkeley	The Gift of Science: The 19th Century Legal Codification Movement
Anne De Moor	Somerville College	"Law and Commitment"
Linda Meyer	Quinnipiac Law School	Persuasion
George Wright	Samford University	Commentator

Children And Governance110

Sylvia Schafer	University of Wisconsin	Chair/Commentator
Gillian Brown	University of Utah	Litigious Therapeutic: Recovering the Rights of Children
Thomas D. Eisele	University of Cincinnati	The Transmission of Law and Culture: Inheriting and Inhabiting a Tradition
Alice Hearst	Smith College	Constraining Citizenship: Dependency, Immigrant Children and Orphan Trains

Reasonableness And Responsibility In Law And Literature140

Carol Sanger	Columbia University	Chair/Commentator
Florence Dore	University of California, Berkeley	Counting as Decent: The Inexorable "Obscene" in William Faulkner's Sanctuary
Stacey Margolis	Cal. Institute of Technology	The Politics of Impersonality: Adventures of Huckleberry Finn and the Rise of Tort
Andrew Weiner	University of Wisconsin	"I Crave the Law": Justice, Mercy, and the Law in <i>The Merchant of Venice</i>

4:15-6:15

Constituting and Responding to Difference154

Marian Rodriguez	Western Washington University	Chair/ Commentator
David Bricker	Oakland University	Cultural Policies from Kant?
Jody Lewen	University of California	The Violence of the Message: Mari Matsuda's "Public Response to Racist Speech: Considering the Victim's Story"
Daniel Weinstock	University of Montreal	The Normative Significance of Culture for a Theory of Social Justice

Historicising Property in Law and Literature109

Nancy Wright	University of Newcastle	Chair
Andrew Buck	University of Newcastle	A Play on Alienation: <i>King Lear</i> and the Politics of Property in Early Modern England
Mary Chan	University of New South Wales	Concepts of Property in the Case of Elizabeth Wiseman
Margreta de Grazia	University of Pennsylvania	The "Modern" in Shakespeare's Hamlet
Nancy Wright	University of Newcastle	Disputing Commodification in 17 th Century England: Lady Anne Clifford's Rhetoric of Inalienable Rights and Land

4:15-6:15 Friday, March 27th -continued

Room

Religious And Moral Commitment in Legal Life - I

304

Michael Perry	Wake Forest University	Chair/Commentator
Kif Augustine-Adams	Brigham Young University	Legal Pluralism and Identity: The Consonance and Conflict of Being Mormon and American
Stephen Feldman	University of Tulsa	Antisemitism and the Separation of Church and State
Winnifred Fallers Sullivan	Washington and Lee University	Where Church and State Meet: Amicus Briefs in Religion Cases

The Possibilities of Autonomy and Deliberation

101

Avi Soifer	Boston College	Chair/Commentator
Stephen Esquith	Michigan State University	On Jury Duty: A Defense of Democratic Deliberation
John Hill	St. Thomas University	After Freedom: Facts, Values and the Future of Personal Autonomy as a Legal Concept
Robert Justin Lipkin	Widener University	The Moral Personality of the American Constitutional Citizen
Melissa Williams	University of Toronto	Toward a Deliberative Theory of Justice Toward Groups: Five Models of Jury Impartiality

Hermeneutics And Law

110

George Wright	University of Wisconsin	Chair/Commentator
Robert Miner	University of Notre Dame	Equity and the Ars Interpretandi in the Jurisprudence of Giambattista Vico
Francis Mootz III	Western New England	Natural Law After the Interpretive Turn
George Taylor	University of Pittsburgh	Metaphor as the Origin of Meaning: The Challenge of Ricoeur's Hermeneutics

6:30 - Reception

Gewirz-12th Floor

Saturday, March 28, 1998

8:30-10:00

**Connections and Disconnections Between Law,
Psychiatry and Psychoanalysis**

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Lawrence Douglas	Amherst College	Chair/Commentator
Jose Brunner	Tel-Aviv University	Freud and the Rule of Law: A Critique of the Use of Psychoanalytic Categories in Legal Philosophy

Valorizing Law in Film: "The Man Who Shot Liberty Valence"

342

Thomas Dumm	Amherst College	Chair
Thomas Dumm	Amherst College	Law, Sovereignty, and Secret Sacrifice: A Reading of "The Man Who Shot Liberty Valence"
Paul Gudel	California Western	Myths of the Origin of Law: "The Man Who Shot Liberty Valence"

When Law Makes Exceptions

344

Nancy Marder	University of Southern California	Chair/Commentator
Lisa Rodensky	Boston University	Law, Language, and the Challenges of Excuse
Karen Weisman	University of Toronto	The Sublime of Outrage: The Law of Provocation and the Discourse of Romanticism

Writing Law and Laws About Writing

109

Richard Ross	University of Chicago	Chair/Commentator
Susan Glover	Trinity College	Writing the Law of the Land
Simon Stern	University of California, Berkeley	Ghost Writing and Copyright Law

Forms of Fascism/Fascist Forms

110

David Abraham	University of Miami	Chair/Commentator
Ruth Ben-Ghiat	Fordham University	Screening Memory: Film and the Fascist Past in Italy, 1945-50
Richard Weisberg	Yeshiva University	French Catholic Hermeneutics and the Downfall of Justice

Lawyerland: A Reading

140

Lawrence Joseph	St. John's University	
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Saturday, March 28th - continued

10:30-12:30

Room

Criminal Trials As Cultural Events

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Michael Millender	University of Florida	Chair/Commentator
Ann Kibbey	University of Colorado at Boulder	Purity and Danger in the Ramsey Murder Case
William Lewis	Drake University	Race Trials: The Rhetoric of Victimage in America's
John Louis Lucaites	Indiana University	Rhetorical Consciousness
Harriet Murav	University of California, Davis	The Beilis Blood Libel Trial and the Culture of Apocalypse
Jessica Silbey	University of Michigan	Filmed Trials and Filmic Trials: Questioning the Witness

Feminist Agency

342

Tracy Higgins	Fordham Law School	Chair
Tracy Higgins	Fordham Law School	Feminist Theory, Social Construction, and the Problem of Agency
Kathryn Abrams	Cornell Law School	Themes of Agency in "Leaving Las Vegas"
Katherine Franke	Fordham Law School	Putting Sex to Work
Linda McClain	Hofstra University	Constructions of Female Agency in Romance, Sociology, and Feminist Legal Theory

The World We Are Making: Cultural Criticism Of Modern Legal Fiction

344

Judy Cornett	University of Tennessee	Chair
Nancy Cook	Cornell Law School	Interactive Reading
Wylene Dunbar		Reading from Margaret Cape
Michael Hoffheimer	University of Mississippi	Representing and Repelling Capital Punishment in Arnold Bennett's, <u>The Old Wives Tale</u>
Kathryn Temple	Georgetown University	Cornwell's Carnavalesque: Law, Literature, and the Body in Popular Fiction

Transitions To Democracy and Law's Representation

109

Ruti Teitel	New York Law School	Chair
David Luban	Georgetown University	Eichmann and Jerusalem and the Problem of Political Justice
Robert Post	University of California, Berkeley	Narratives of Reconstruction
Reva Siegel	Yale University	Status-Narratives: Representing and Repressing History in Anti-Discrimination Law
Ruti Teitel	New York Law School	Law As Ritual of Political Passage

10:30 -12:30 Saturday, March 28th - continued

Room

Anxiety, Authority And Interpretation In Constitutional Law

110

Judith Failer	Princeton University	Chair/Commentator
Peter Brandon Bayer	St. Thomas University	The Emotional Dynamics of Constitutional Decision Making
Willy Forbath	University of Texas	Interpreting the Relationship Among the Histories of Alternate Constitutional Traditions
Eugene Garver	Saint John's University	Narrative, Rhetorical Argument, and Ethical Authority
Carl Landauer	Charles Schwab & Co., Inc.	Deliberating Speed: Totalitarian Anxieties and Post-War Legal Thought

12:30-2:15 - Lunch

2:15-4:00

Victim Narratives: Three Perspectives

337

Nan Goodman	University of Colorado	Chair
Nan Goodman	University of Colorado	Suicide, Dialogue, Agency
Elizabeth Robertson	University of Colorado	"Raptus" and Female Autonomy in Medieval England
Marianne Wesson	University of Colorado	Victimhood, Narrative Urgency and Capital Punishment in the Oklahoma City and Unabomber Cases

Exemplary Strategies:

Law, Memory And Culture In The Early Modern Period

342

Bradin Cormack	Stanford University	Co-Chair
Katherine Royer	Stanford University	Co-Chair
Bradin Cormack	Stanford University	Custom and Statute: Allegory, Exemplarity and Ireland
Katherine Royer	Stanford University	A Capital Example: Law and Penance in Early Modern Execution Narratives

Imperial Moments

344

Nasser Hussain	Amherst College	Chair/Commentator
Alice Bullard	Georgia Institute of Technology	The Status of Law in "Primitive" Culture
Sally Engle Merry	Wellesley College	Law and the "Civilizing Process" in Nineteenth Century Hawaii
Sinkwan Cheng	California State University at San Marcos	"Human Justice" versus "Indian Lawlessness" in Forster's A Passage to India
Farida Majid		Macaulay: Victorian Liberalism and Colonial Law, Education and Secularism

2:15-4:00 Saturday, March 28th - continued

Room

Law And Embodiment

109

Eileen Scully	Princeton University	Chair/Commentator
Joan Dayan	University of Arizona	Dead in Law: The Unnatural Body and Civil Death
Alan Hyde	Rutgers University	Law as Discourse: The Construction of the Body in Legal Texts
Sarah Jain	University of California, Santa Cruz	Inscription Fantasies and Interface Erotics

Religious And Moral Commitment In Legal Life - II

110

Michael Perry	Wake Forest University	Chair/Commentator
David Anderson	George Washington University	Based on the Law But Beyond the Law: The Core of Communitarian Theory of Moral Inspiration
Eric Blumenson	Suffolk Law School	Is the Human Rights Claim Inherently Religious?
Natalie Dohrmann	University of Chicago	How to Obey a Story: Law and Narrative in Early Jewish Exegesis

Rethinking What Law Has To Say To Literature
And What Literature Has To Say To Law

140

Naomi Mezey	Georgetown University	Chair/Commentator
Klaus Mladek	University of California, Santa Barbara	The Law's Violent Stories: Kafka, Benjamin and the Arms of the Legal Apparatus
Dick Schneider	Wake Forest	Fiction and Fact: Poe's "The Mystery of Marie Roget"
Vassills Lambropoulos	Ohio State University	What Does the Law and Literature Movement Understand as "Literature"?
Perry Hodges	Indiana University	Witches Before the Law: The Afterlife of a Myth

4:30-6:15

Construing Justice:
Contributions To A Cultural Psychology Of Argumentation At Trial

337

Philip Meyer	Vermont School of Law	Chair
Anthony Alfieri	University of Miami	Race Trials
Neal Feigenson	Quinnipiac College	Social and Cognitive Psychology in Closing Arguments
Philip Meyer	Vermont School of Law	Converting Arguments into Stories

Remembering The Crimes Of The State

342

Anthony Pereira	New School	Chair/Commentator
Renee Hill	Virginia State University	Justice After Genocide
Mark Sanders	Columbia University	Ambiguities of Witnessing: Testimonial Literature, Human Rights, and South Africa's Truth and Reconciliation Commission
Philip Stevens	Temple University	Forgive But Not Forget: Witnessing and Punishment in South Africa

Roundtable On Legal Theory: History, Philosophy, Aesthetics And Post Modernism In Property Law And Rhetoric

344

Joan Williams	American University	Chair
Jamie Boyle	American University	TBA
William W. Fisher	Harvard Law School	TBA
Laura Underkuffler	Duke University	Philosophical Perspectives on Property Theory

Sex And Sexual Violations In Law And Literature

109

Robin West	Georgetown University	Chair/Commentator
Leigh Buchanan Bienen	Northwestern University	The Diction of Incest Statutes
Amy Greenstadt	UC Berkeley	Rape and the Meaning of Consent in English Renaissance Law and Literature
Carrie Menkel-Meadow	Georgetown University	Scarlet Letters: What's Right in Love, Sex, Employment and Morality?
Vicki Schultz	Yale University	Reconceptualizing Sexual Harassment

Social Theory Of Honor

110

Jack Balkin	Yale University	Chair/Commentator
James Whitman	Yale University	Enforcing the Right to Respect
Gregory S. Alexander	Harvard Law School	Commentator

Sunday, March 29, 1998

8:30-10:15

Room

Between Love And Law

210

Alon Kantor	Purdue University	Chair
Alon Kantor	Purdue University	Levinas' Simulacrum: The Jouissance of Law
Pithamber Polsani	University of Arizona	Homer Simpson Is No Antigone: The Problem of Lawful Love
Ramon Soto-Crespo	University of Wisconsin	Amnesiac Subject: The Writing of the Law
Diane Rubenstein	Purdue University	Commentator

The Genealogy Of Race And Citizenship

220

Ken Mack	Princeton University	Chair/Commentator
Nahum Chandler	Duke University	Originary Displacement
Brook Thomas	University of California, Irvine	A Law and Literature Approach to Citizenship
Mark Weiner	Yale University	Race, Citizenship and Culture in American Law

The Moral Discourse Of Family Law:

344

Historical And Contemporary Perspectives

Jana Singer	University of Maryland	Chair
Naomi Cahn	George Washington University	The Moral Complexities of Family Law
J. Herbie DiFonzo	Hofstra University	Covenant Marriage and the Limits of Law
Mary Shanley	Vassar College	Revisioning the Family in Law and Political Theory
June Carbone	Santa Clara University	Commentator

Ways of Telling Legal Events

492

Austin Sarat	Amherst College	Chair/Commentator
Susan Bandes	DePaul University	Anecdote, Narrative, and Systemic Governmental Misconduct
Peter Brooks	Yale University	The Overborne Will
Patricia Ewick	Clark University	Desired Disturbances: Stories and Strategies of Resistance to Legal Authority
Susan Silbey	Wellesley College	

8:30-10:15 Sunday, March 29th - continued

Room

The Right to Privacy: A Roundtable

588

Annabelle Lever	University of Rochester	Chair
Judith DeCew	Clark University	TBA
Patricia Boling	Purdue University	TBA

10:45-12:15

Plenary:

Traditions & Trajectories in Law, Culture & the Humanities

Gewirz-12th Floor

Hendrik Hartog	Princeton University	Moderator
Jack Balkin	Yale Law School	TBA
Marianne Constable	University of California, Berkeley	TBA
Austin Sarat	Amherst College	TBA
Robin West	Georgetown Law Center	TBA