

Final Program

***ASSOCIATION FOR THE STUDY OF
LAW, CULTURE & THE HUMANITIES***

***University of Pennsylvania
March 7-9, 2002***

Officers

Austin Sarat, President
Marianne Constable, Secretary
Robin West, Treasurer

*Call Rachel
and Frank.*

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Anita Allen-Castellitto
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William MacNeil
Michael Perry
Sylvia Schafer
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This year's conference has been very generously funded by the Law School and the School of Arts and Sciences at the University of Pennsylvania. Special thanks go to Dean Michael Fitts of the Law School and to Dean Sam Preston of SAS. Special thanks also go to Professor Dina Schlossberg and the students in the Small Business Clinic at Penn for providing outstanding pro bono legal services to the Association.

Law, Culture & the Humanities
2002 Program

Thursday, March 7th

8:00 p.m.

FILM : "AMISTAD"

Location of Film: Penn Law School, 3400 Chestnut Street, **Silverman Hall, Rm. 240A.** On Thursday evening, please enter the Law School through the Sansom Street entrance (on Sansom Street between 34th and 36th Streets, one block from The Inn at Penn).

We are offering a special opportunity to see the movie "Amistad." This film will be a principal topic of discussion at Friday's plenary session: "SLAVES ON SCREEN: AMISTAD, REPARATIONS, AND THE POLITICS OF RACE AND REPRESENTATION.

NOTE: At the film, you can pick up conference packets, including final programs. Conference packets will also be available at The Inn at Penn at breakfast on Friday, and at the Law School, at "the Goat" on Friday and Saturday.

Friday, March 8th

7:00 - 8:00 a.m.

CONTINENTAL BREAKFAST

8:00 - 8:30 a.m.

WELCOME

Location of Breakfast and Welcome: The Inn at Penn, 3600 Sansom Streets (Between 36th and 37th Streets), Woodlands Ballroom, A and B

Welcome By: Prof. Austin Sarat, Amherst College, President ASLCH
Prof. Anita L. Allen-Castellitto, University of Pennsylvania, Local Organizer

NOTE: At breakfast you can pick up conference packets, including final programs, maps, etc. Conference packets will also be available on Friday and Saturday at the Law School at "the Goat."

Concurrent Sessions (Sessions 1.1-1.8)
Friday, March 8, 2002 8:45 -10:30 a.m.

1.1 REVENGE AND THE LAW: HISTORICAL AND CULTURAL INQUIRIES

Location: Houston Hall, Bishop White Room, 217

Roger Berkowitz, Chair	Amherst College <i>The Sufferings Of Justice: Revenge, Pain, And The Question Of Justice</i>
David H. Fisher	North Central College <i>Revenge In Law, Revenge As Literature</i>
Anthony Sebok	Brooklyn Law School <i>Revenge And Restitution In Private Law</i>
Karl Shoemaker	University of Wisconsin, Madison <i>Local Justice And The King's Peace: Vengeance, Process, And Punishment In Medieval English Law</i>
William Ewald, Discussant	University of Pennsylvania

1.2 JUDGES AND THE HUMANITIES

Location: Houston Hall, Ben Franklin Room, 218

1. Joseph P. Tomain, Chair	University of Cincinnati
5. D. Graham Burnett	Princeton University
6. James Chandler	University of Chicago
A. John Kern, III	District of Columbia Court of Appeals
2. Randall Shepard	Supreme Court of Indiana
2. Avi Soifer	Boston College Law School

1.3 LOOSE CANONS: 'MYTHS' OF OBJECTIVITY IN LEGAL THEORY AND PRACTICE

Location: Houston Hall, Golkin Room, 223

Robin Paul Malloy, Chair/Presenter	Syracuse University <i>Law And Market Economy As A System Of Signs</i>
David A. Brennan	Mercer University <i>Tax Law And The Constitution: Evaluating The Role Of Constitutional Principles In Determining The Scope Of Tax Law's Public Policy Limitations For Charities</i>
Wythe Holt	University of Alabama <i>The Myth Of The Rule Of Law, From A Modern Marxist Perspective</i>

1.4 THE POSTMODERN ARISTOTLE

Location: Houston Hall, Griski Room, 311

John T. Valauri, Chair, Presenter	Northern Kentucky University <i>Friendship And Interpretation: Toward An Aristotelian Legal Hermeneutics</i>
Larry Cat Backer	Pennsylvania State University <i>What Is A City?: Sovereign Organization In The 21st Century</i>
Francis J. Mootz III	Pennsylvania State University <i>In Praise Of Postmodern Theory</i>
Catherine Kemp/Discussant	University of Colorado at Denver

1.5 ON LAW-AND-FILM AS PEDAGOGY

Location: Houston Hall, Class of '47 Meeting Room, 314

Rebecca Johnson, Chair	University of Victoria
Ruth Buchanan	University of British Columbia
Orit Kamir	Hebrew University

1.6 RHETORICS OF RACE IN LEGAL DECISION AND ANALYSIS

Location: The Inn at Penn, St. Marks Room

Susan Sage Heinzelman, Chair/Discussant	University of Texas
Marcia B. Bordman	Gallaudet University <i>Dear Old Golden Rule Days</i>
Stephen Allister Pete	University of Natal, South Africa <i>Punishment And Race</i>
Jonathan K. Stubbs	University of Richmond <i>Beyond Us And Them: Race And Rights For The Next Millennium</i>

1.7 ON THE CLAIMS OF JUSTICE, COMMUNITY & CIVILITY.

Location: The Inn at Penn, Regent Room

Andrew Norris, Chair/Discussant	University of Pennsylvania
Per Bauhn	Lund University <i>Cultural Relativism And Moral Universalism</i>
Daniel Brudney	University of Chicago <i>Self-worth, Self-determination and Alienation</i>
Jeffrey L. Johnson	Eastern Oregon University <i>Secular Natural Law And The Backward-Looking Perspective On Justice</i>
Kevin Jung	University of Chicago <i>Rethinking The Right And The Good: A Levinasian Approach To The Problem Of Justice</i>
Jeffrey Minson	Griffith University, Australia <i>A Tale Of Two Civilities: Lynch v. Donnelly As A Cameo Of America's Religious Culture War</i>

1.8 WHAT DIFFERENCE DOES THEORY MAKE?

Location: The Inn at Penn, Woodlands C or D

Bernadette Meyler, Chair/Discussant	Stanford University
Felipe Gutierrez	University of California, Berkeley <i>Law's Regulation Of Entertainment And The Social Mediation Between Facts And Norms</i>
John Krapp	Hofstra University <i>Postmodernity And The Waning Of Individual Accountability</i>
George Pavlich	University of Alberta <i>Critique's Promise Of Disquiet: Hosting The Undecidable</i>
Steven L. Winter	Brooklyn Law School <i>Was Machiavelli a Humanist?</i>

10:30 - 11:00 a.m.

BREAK

Concurrent Sessions (Sessions 2.1- 2.8)
Friday, March 8, 2002, 11:00 a.m. -12:45 p.m.

2.1 **LAW AND THE PROBLEM OF INTIMACY**

Location: The Inn at Penn, St. Marks Room

Sarah Harding, Chair	Chicago-Kent College of Law
Nancy Bentley	University of Pennsylvania
Eric Clarke	University of Pittsburgh
Gregory Pingree	Chicago-Kent College of Law

2.2 **LAW, IDENTITY, AND MEANING: TRANSITIONS AND TRANSFORMATIONS**

Location: The Inn at Penn, Regent Room

Robin Paul Malloy, Chair/Presenter	Syracuse University <i>Identity As A Complex Sign In Law And Market Economy</i>
Denis J. Brion	Washington & Lee University <i>Cultural Pluralism: Rashomon And Conceptions Of Criminality</i>
Shubha Ghosh	University of Buffalo, SUNY <i>Substantially Identical: Copyright Protection For Characters And Types And The Role Of Identity Theory</i>
Emily M.S. Houh	Northern Kentucky University <i>Invisible Women: Identity And Meaning In Poverty Law</i>

2.3 **THE DECALOGUE AND ITS CONTINUED RELEVANCE FOR AMERICAN LAW**

Location: The Inn at Penn, Woodlands C or D

Lawrence M. Joseph Co-chair/Presenter	St. Johns University <i>The Decalogue: An Anthropological Critique.</i>
Leonard V. Kaplan, Co-chair/Presenter	University of Wisconsin Law School <i>Kieslowski's Decalogue: Law's Foundation?</i>
Vincent Rinella	SCAN, Inc. <i>The Decalogue: A Postmodern Paradox</i>
David A. Skeel	University of Pennsylvania Law School <i>The Decalogue and the Proper Domain of Law</i>

2.4 TRIAL AS NARRATIVE: THE IMPACT OF RACE AND GENDER

Location: Houston Hall, Bishop White Room, 217

Susan Bandes, Co-chair/Discussant	DePaul University
Naomi Cahn, Co-chair/Presenter	George Washington University Law School <i>Finding Fault: Gendered Narratives In Nineteenth Century Divorce</i>
Anthony V. Alfieri	University of Miami Law School <i>Community Prosecutors</i>
Carol Sanger	Columbia University <i>Compelling Narrative: Judicial By-pass Hearings And The Misuse Of Law</i>
Martha Umphrey	Amherst College <i>The Woman In The Case: Inscribing And Reinscribing Evelyn Nesbit</i>

2.5

WHAT WOULD A LAW, CULTURE AND HUMANITIES CURRICULUM LOOK LIKE IN THE CONTEXT OF A LAW SCHOOL?

Location: Houston Hall, Ben Franklin Room, 218

Jeremy Paul, Chair/Presenter	University of Connecticut <i>Catch 23</i>
Paul Schiff Berman	University of Connecticut <i>Why A Cultural Analysis Of Law Is A Necessary Part Of The Traditional Law School Curriculum, Not An Alternative Approach</i>
Tom Morawetz	University of Connecticut School of Law <i>Philosophy in the Law School</i>

2.6 MEMORY AND IMAGES OF PUNISHMENT IN MEDIEVAL GERMANY

Location: Houston Hall, Golkin Room, 223

James A Brundage, Chair	University of Kansas
Madeline H. Caviness	Tufts University <i>Visual Representation Of Punishments In The Fourteenth-Century Law Books Of Soest And Zwickau</i>
Dagmar Hüpper	Westfalian Wilhelms University <i>Images Of Punishment In The Illustrated Sachsenspiegel</i>
Mitchell B. Merback	DuPauw University <i>Striking Images: On The Function Of Pain And The Role Of Memory In Late Medieval Representations Of The Martydom Of The Twelve Apostles</i>
Charles G. Nelson, Discussant	Tufts University

2.7 INEVITABILITIES ONE: POSTSTRUCTURAL THOUGHT AND THE SOCIAL

Location: Houston Hall, Griski Room, 311

Thomas L. Dumm, Chair/Discussant	Amherst College
Jodi Dean	Hobart and William Smith Colleges <i>Zizek On Law</i>
Peter Fitzpatrick	Birkbeck College <i>Law And The Socio-logics Of Sacrifice</i>
Molly H. Mann	Unaffiliated <i>The Ethics Of Being Singular Plural</i>
Adam Thurschwell	Cleveland State University <i>Specters And Scholars: Derrida And The Tragedy Of Political Thought</i>

2.8 CORPORATIONS, STATE AND SOCIETY: SOME INTERDISCIPLINARY PERSPECTIVES ON THE CONSTITUTION AND GOVERNANCE OF CORPORATE BUSINESS

Location: Houston Hall, Class of '47 Meeting Room, 314

Sarah Wilson	University of Leeds
Other Participants	TBA

12:45/1:00 - 2:15 p.m.

CONFERENCE LUNCH

Location: Houston Hall, Hall of Flags

Concurrent Sessions (Sessions 3.1-3.9)
Friday, March 8, 2002, 2:30 - 4:15 p.m.

3.1 **THE GODS OF MODERN LAW**

Location: Houston Hall, Bishop White Room, 217

Nasser Hussain, Chair/Presenter	Amherst College <i>Gods And Humans: Political Islam, Human Rights And Contemporary Sovereignty</i>
David W. Bates	University of California <i>The Unknown God: A Political Theology Of Crisis Between The Wars</i>
James R. Martel	University of California, Berkeley <i>God's Silence And The Birth Of Law</i>

3.2 **GENDER AND PUBLIC POLICY**

Location: Houston Hall, Ben Franklin Room, 218

Mary Anne Case	University of Chicago Law School <i>What Stake Do Straight Women Have In The Same Sex Marriage/Civil Union/Domestic Partnership Debates?</i>
Joanna Grossman	Hofstra University <i>When Law Confronts Reality: The Limitations On Law's Ability To Change Workplace Culture</i>
Jill Elaine Hasday	University of Chicago <i>Virginia Revisited: How History Can Cast Light On The Constitutionality Of Sex Segregation In Public Education</i>
Linda McClain	Hofstra University <i>Some Thoughts On Marriage (E)quality And Promoting A "Marriage Culture"</i>

3.3 **WHOSE INTERESTS DOES HUCK FINN SERVE?**

Location: Houston Hall, Golkin Room, 223

J. T. Stewart, Chair/Presenter	Western Washington University <i>Huck/Twain's Jim As Cultural/Historical Orphan</i>
Julie A. Helling	Western Washington University <i>Huck Finn And The Law</i>

3.4 IN THE NAME OF THE BIG BR(O)THER: THE JURISPRUDENCE OF YOUTH CULTURE

Location: Houston Hall, Griski Room, 311

William MacNeil, Chair/Presenter	Amherst College <i>You Slay Me! Buffy As Jurisprude Of Desire</i>
Maria Aristodemou	Birkbeck College <i>A Jurisprudence of the Love Song: In The Beginning There Was A Lullaby</i>
Kirsty Duncanson	LaTrobe University, Melbourne <i>Female Bodies Performing The Law: Ronald Dworkin Goes Legally Blonde</i>
Helen Forster	University of Melbourne <i>Buffy As Uber-Babe: Putting The "Girl" Back Into Grrlpower</i>
Tarik Kochi, Discussant	Griffith University, Australia

3.5 CONSTITUTING IDENTITIES

Location: Houston Hall, Class of '47 Meeting Room, 314

Nahum Chandler, Chair	Johns Hopkins University
Anupam Chander	University of California, Davis <i>Rethinking Immigration And Multiculturalism Through Diaspora Studies</i>
Dilek Doltas	Bogazici University, Istanbul <i>Constituting Identities: The Question of Self, Fiction, and History in Autobiographical Narratives</i>
Seetal Sunga	Institutional Abuse Response Inquiry, Nova Scotia <i>The Relevance Of Identity In The Resolution Of Institutional Abuse Claims</i>

3.6 CRIME AND CRIMINALITY IN POLICY & PROCEDURE

Location: Law School, Silverman Hall, Room 147

Sylvia Schafer, Chair/Discussant	University of Wisconsin at Milwaukee
Richard Benjamin	Columbia University <i>"Typically American": White Male Youth, Identity, And Violent Crime</i>
Marianne Constable	University of California <i>Miranda's Brave New World</i>
Sara Manaugh	Columbia Law School <i>Just Desserts: The Collapse Of The Concept Of Crime</i>
Naomi Murakawa	Columbia University <i>Criminal Acts: The Determinants And Purposes Of Crime Policy In The United States</i>

3.7 EXPERT KNOWLEDGE & GOVERNANCE PRACTICES: ANCIENT AND MODERN PERSPECTIVES

Location: Law School, Tanenbaum Hall, Room 155

Susan Silbey, Chair/Discussant	Massachusetts Institute of Technology
Peter King	Temple University <i>Insanity At Roman Law And Common Law</i>
Bronwen Morgan	University of Oxford <i>Shifting Global Communities In The Governance Of Water</i>
Clifford Rosky	Yale University <i>Law And Order, Inc.: The Privatization Of Policing, Punishment, And Military Force In The United States</i>
Edward L. Rubin	University of Pennsylvania <i>Rethinking The Metaphors of Governance</i>

3.8 WHAT DO LAWYERS DO?

Location: Law School, Silverman Hall, Room 240B

Avi Soifer, Chair/Discussant	Boston College Law School
Paul G. Haskell	University of North Carolina at Chapel Hill <i>The Behavior Of Lawyers</i>
Simon Stern	Yale Law School <i>The Case Method of Legal Fiction</i>
W. Bradley Wendel	Washington and Lee University <i>Narrativity And Lawyering Theory</i>

3.9 PROPERTY RIGHTS IN CULTURE

Location: Law School, Silverman Hall, Room 240A

Madhavi Sunder Chair/Discussant	University of California, Davis <i>Intellectual Property And Identity Politics</i>
C. Edwin Baker	University of Pennsylvania School of Law <i>Democracy And Two Illustrations Of Media Policy</i>
Michael Brown	School of Social Science <i>Beyond Rights: Heritage Protection As A Political Process</i>
Stuart Kirsch	University of Michigan <i>Property Limits</i>

4:15 - 4:45 p.m.

BREAK

Location: Penn Law School, "The Goat"

NOTE: IF YOU ARE IN HOUSTON HALL OR AT THE INN AND PENN AT 4:15 P.M., PLEASE PROCEED TO THE LAW SCHOOL FOR THE REFRESHMENT BREAK AND THE 4:45 PLENARY

Friday, March 8, 2002

4:45- 6:30

PLENARY SESSION

Location: Penn Law School, McKean Classroom, Pepper Hall Room 100

**THE POLITICS OF RACE, REPRESENTATION, AND REPARATIONS:
AMISTAD, THE HISTORICAL RECORD, AND THE ROLE OF LAW**

The plenary session this year is designed as an open discussion in which panelists and audience members can engage in a free-wheeling dialogue on a number of issues at the intersection of law, race, and culture.

Organizers: Paul Berman, University of Connecticut School of Law; Peter Fitzpatrick, Birkbeck College; and Tanina Rostain, New York Law School.

Moderator:

Jessica Silbey is an attorney in Boston, at the law firm of Foley, Hoag & Eliot LLP. She holds a Ph.D. in Comparative Literature as well as a J.D. from the University of Michigan. Her current research explores the courtroom drama as a genre of American film. She is also working on a project examining the role of filmic evidence in the courtroom: its varied uses, its admissibility, and jurists' conceptions (and assumptions) about film's persuasive and informative role in fact-finding. Other recent articles include *What Do We Do When We Do Law and Popular Culture?* and *Patterns of Courtroom Justice*.

Panelists:

Regina Austin is the William A. Schnader Professor of Law at University of Pennsylvania Law School, where she teaches Torts, Insurance, Cultural Conflict and the Intentional Tort, The Socioeconomic & Legal Status of the Working Poor, and Environmental Racism & Other Injustices. She is the author of numerous works addressing American race relations, including: *"Not Just for the Fun of It": Governmental Restraints on Black Leisure; Social Inequality, and the Privatization of Public Space; Beyond Black Demons and White Devils: Antiblack Conspiracy Theorizing and the Black Public Sphere;* and *"The Black Community," Its Lawbreakers, and a Politics of Identification*.

Susan Courtney is an Assistant Professor of English who teaches in the Film Studies Program at the University of South Carolina, where she teaches and writes on American Cinema (silent and sound), Film Theory, Gender Studies, Critical Race Studies, Film Genres, and American Studies. Her current work considers American cinema's representation and repression of interracial desire from 1903 to the mid 1970s, focusing particularly on the interrelationship between constructions of race and gender.

Annette Gordon-Reed is a professor of law at New York Law School, where she teaches Property, American Slavery and the Law, and Criminal Procedure. She is the author of *Thomas Jefferson and Sally Hemings: An American Controversy*, which examined the relationship between the third United States president Thomas Jefferson and his black slave Sally Hemings as well as the way in which the relationship previously had been presented by Jefferson's many distinguished biographers. Her most recent book is *Vernon Can Read! : A Memoir*, co-authored with Presidential confidante and long-time civil rights leader Vernon Jordan.

Alexander Pires, Jr., is a Partner with the Washington, D.C. based-law firm of Conlon, Frantz, Phelan & Pires. In 1999 he settled a \$1.2 billion civil rights class action against the USDA on behalf of 19,000 African-American Farmers, and he is one of the plaintiffs' lawyers spearheading the drive to file lawsuits seeking reparations based on the history of slavery in the United States.

Friday, March 8, 2002

6:30 p.m. Cocktail Reception

Location: The Great Hall, Silverman Hall, 1st Floor

7:15 p.m. Dinner

Location: Levi Center Ballroom, Silverman Hall, 2nd Floor

*****Dinner Speaker*****

Sarah Barringer Gordon
"The Mormons, Polygamy and Legal Change"

About the Speaker:

Dean Gordon is Professor of Law and History at the University of Pennsylvania, where she is also Associate Dean for Academic Affairs of the Law School. She is a graduate of Vassar (1982) and Yale Law School (1986). She holds a masters degree in religion from Yale Divinity School (1987) and a Ph.D. in History from Princeton (1995). After clerking on the 3rd Circuit Court of Appeals, for the Hon. Arlin M. Adams, she was an Associate at the law firm of Fine, Kaplan & Black in Philadelphia. Dean Gordon is the author of numerous articles, including: "Law and Everyday Death: Infanticide and the Hester Vaughn Case" (forthcoming, University of Michigan Series in Law and Everyday Life, 2002); "Blasphemy and Religious Liberty in Antebellum America" American Quarterly 52 (December 2000); "Politics, Marriage, and the Texture of History," in Women and the Unstable State in Nineteenth-Century America, Alison M. Parker & Stephanie Cole, eds. (Texas A&M University Press, 2000); "The Liberty of Self-Degradation": Anti-Polygamy, Woman Suffrage and the Law of Marriage and Divorce, Journal of American History 83 (December 1996), reprinted in Law in the West, Gordon Bakken & Brenda Farrington, eds. (Garland Publishing, 2001); "Our National Hearthstone": Anti-Polygamy Fiction and the Sentimental Campaign Against Moral Diversity in Antebellum America, Yale Journal of Law & the Humanities 8 (1996); The Creation of a Usable Judicial Past: Max Lerner, Class Conflict, and the Propagation of Judicial Titans, New York University Law Review 70 (1995).

Professor Gordon will be available to sign copies of her book, The Mormon Question : Polygamy and Constitutional Conflict in 19th Century America (Univ. of North Carolina Press, 2001) at the reception and again after her dinner talk.

Saturday, March 9th

Concurrent Sessions (Sessions 4.1 - 4. 8)
Saturday, March 9, 2002, 8:30 - 10:00 a.m.

4.1 ABORTION: LEGAL & POLITICAL PERSPECTIVES

Location: Law School, Pepper Hall, Room 101F

Hendrik Hartog, Chair/Discussant Princeton University

Sarah Burgess University of California at Berkeley
Towards A Rhetorical Critique Of Law: An Examination Of Institutional Legitimacy In Planned Parenthood Of Southeastern Pennsylvania v. Casey

Laurie Shrage California State Polytechnic University
Am I My Fetus's Keeper?: A Feminist, Social Responsibility Approach To Abortion

4.2 THE PAST & FUTURE OF PRIVACY

Location: Law School, Tanenbaum Hall, Room 155

Laura Korobkin, Chair/Discussant Boston University

Jennifer Greene University of Texas at Austin
Privacy Rules! (Or Does It?)

4.3 PROPERTY IN POLITICS AND EVERYDAY LIFE

Location: Law School, Silverman Hall Room 240A

Madhavi Sunder, Chair/Discussant University of California, Davis

Joseph Jenkins University of California, Los Angeles
Inheritance Law And Cultural Transmission: Locke's Two Treatises And The "Romance Of Property"

Sonya Katyal Fordham University
Patent Activism

Thomas Streeter University of Vermont
The Net Effect: A Case Study Of The Role Of Popular Culture In Legal Change

4.4 SCIENTIFIC DISCOURSE AND LEGAL LIFE

Location: Law School, Silverman Hall, Room 240B

Susan Silbey, Chair/Discussant Massachusetts Institute of Technology

David S. Caudill Washington & Lee University
Idealizations Of The Scientific Enterprise In Legal Discourse: Eclipsing The Role Of Culture In Knowledge-Production

Jonathan Kahn University of Minnesota

Aaron Nathan University of California, Berkeley
The Astonishing Testimony Of Doctor Brigitte Boisselier Before A Subcommittee Of The American Congress In March 2001

4.5 WHAT COUNTS? AUTHORITY AND INTERPRETATION IN DIFFERENT TEXTUAL TRADITIONS

Location: Law School, Silverman Hall, Room 147

Avi Soifer, Chair/Discussant Boston College Law School

Chaya Halberstam Yale University
Interpretive Freedom And Divine Law: Early Rabbinic Rendering Of Divine Injustice

Penelope Pether American University
Discipline And Punish: Dispatches From The Citation Manuals Wars And Other (Literally) Unspeakable Stories

4.6 THE SPECTACLE OF GENDER AT TRIAL IN THE EARLY TWENTIETH CENTURY

Location: Law School, Tanenbaum Hall, Room 122

Elizabeth Hillman, Chair/Discussant Rutger's University

Patricia L. Bryan University of North Carolina
Convicting A Woman Of Murder: Images And Representations In The 1901 Criminal Trial Of Margaret Hossack

Ariela Dubler Columbia University
Wifeliness And Whiteness: Defining Marriage And Race In The Case Of Rhinelander v. Rhinelander

Jean Marie Lutes Manhattan College
The Original Sob Sisters: Women Reporters At The Thaw Murder Trial In 1907

4.7 WHAT DOES 'RACE' MEAN AND WHY DO WE CARE?

Location: Law School, Tanenbaum Hall, Room 145

Dirk Philipsen, Chair Virginia State University
The House That Race Built--Reflections On The Role Of Race In American History

Renee Hill Virginia State University
Mapping The Maze Of Race--Reflections On The Meaning And Viability Of A Concept

4.8 HISTORIANS, PROGRESSIVES, AND THE IDEA OF IMPARTIALITY

Location: Law School, Silverman Hall, Room 245A

Alfred L. Brophy, Chair/ Presenter Indiana University School of Law
Interpreting The Tulsa Race Riot Of 1921 And Contemplating Reparations

Linda Gordon New York University
Democracy Versus Experts: The Progressive Legacy

M.N.S. Sellers University of Baltimore School of Law
Legal Historians And Social Change

Bruce Kuklick, Discussant University of Pennsylvania

10:00 - 10:30 **BREAK**

Location: Law School, Silverman Hall, Levi Center 2d Floor

Concurrent Sessions (Sessions 5.1-5.8)
Saturday, March 9, 2002, 10:30 a.m. - 12:30 p.m

5.1 **LAW AND EMOTIONS**

Location: Law School, Silverman Hall, Room 240A

Anne C. Dailey, Chair/Presenter University of Connecticut Law School
The Talking Cure: Psychoanalysis And Free Speech In The Progressive Era

Susan Bandes DePaul University
What's Love Got To Do With It?

Marjorie Silver Touro Law Center
The Emotional Lawyer

Nomi Stolzenberg University of Southern California
Anti-Anxiety Law: Uncertainties And Presumptions

Suzanne Stone Cardozo Law School
Justice, Mercy and Gender in Rabbinic Thought

Linda Mills, Discussant New York University

5.2 **FROM SINAI TO SILS-MARIA: GIVING, RECEIVING, AND SUSPENDING THE LAW**

Location: Law School, Pepper Hall, Room 101F

Thomas L. Dumm, Chair/Discussant Amherst College

Julie E. Cooper University of California, Berkeley
Moses The Modest Law-Giver

Frederick M. Dolan University of California, Berkeley
The Law Of Return

Andrew Norris University of Pennsylvania
Hegel On Evil And The Particularity Of The Will

5.3 **AUTONOMY AND FREEDOM OF EXPRESSION**

Location: Law School, Silverman Hall, Room 240B

Steven J. Heyman, Co-chair/presenter Chicago-Kent College of Law
Autonomy, Neutrality and Freedom Of Expression

Susan H. Williams, Co-chair/presenter Indiana University
Narrative Autonomy and Freedom of Expression

Susan J. Brison Princeton University
Relational Autonomy And Freedom Of Expression

Judith Lynne Failer Indiana University
The Civic Harms Of Hate Speech

Saturday, March 9th - 10:30 a.m.-12:30 p.m. continued

5.4 INEVITABILITIES TWO: THE SOCIAL AND POSTSTRUCTURAL THOUGHT

Location: Law School, Silverman Hall, Room 245A

Peter Fitzpatrick, Chair/Discussant	Birkbeck College
Larry Catá Backer	Pennsylvania State University <i>Agnus Dei: Miscausation And The Constitution Of Community</i>
Baljit Dhadha	Birkbeck College <i>Fractured Identities And The Transgressions Of Law</i>
Paul Passavant	Hobart and William Smith Colleges <i>Positivism Is Hell Or Faith And The Law</i>

5.5 USES OF THE LAW AND THE CONSTRUCTION OF LATIN AMERICAN "CIVILIZATION" IN HISTORICAL PERSPECTIVE

Location: Law School, Tanenbaum Hall, Room 122

Amy Chazkel, Chair	Yale University <i>In Search Of The One Who Got Away: Cultural History In The Judicial Archive (The Case of Rio de Janiero, Brazil, 1889-1930)</i>
Carlos Aguirre	University of Oregon <i>Citizens Or Criminals? Subalterns, Criminal Law, And The Standards Of Civilization In Late Nineteenth-Century Liman</i>
Liliana Obregon	University of Wisconsin <i>Completing Civilization: Constructing (Latin) American International Law In The Nineteenth Century</i>

5.6 JAMES AGEE'S LET US NOW PRAISE FAMOUS MEN

Location: Law School, Tanenbaum Hall, Room 155

John D. Rockefeller V, Chair/Discussant	Johns Hopkins University
Abigail Cheever	University of Richmond <i>The Products Of Performance In Let Us Now Praise Famous Men</i>
Drayton Nabers	Vanderbilt University <i>Let Us Now Praise Famous Men</i>
Matthew Sewell	Rollins College <i>James Agee And The Ethics Of Naturalism</i>

Saturday, March 9th - 10:30 a.m.-12:30 p.m. continued

5.7 HUMAN RIGHTS THEORY AND PRACTICE

Location: Law School, Tanenbaum Hall, Room 145

- Madhavi Sunder, Chair/Discussant University of California, Davis
- Mark A. Drubl Washington and Lee University
Judging Western Judgmentalism: International Law, Human Rights, And The Taliban
- Sally E. Merry Wellesley College
Rescuing Cultural Relativism: Concepts Of Culture In The Culture Of Human Rights
- Sagit Mor New York University
Group Formation And Narrative Production In One Human Rights Organization
- Ellen Rigsby St. Mary's College of California
Can Cosmopolitanism Create A Human Rights Sanctuary?
- Jill Stauffer University of California at Berkeley
What Are Human Rights?: Paradox And Utopia In Recent Theories And Theorizations

5.8 HOW WE SEE/KNOW THE "OTHER" CULTURAL PRACTICES & LEGAL RESPONSES

Location: Law School, Silverman Hall, Room 147

- Hendrik Hartog, Chair/Discussant Princeton University
- N. Melina Bell University of Pennsylvania
Multiculturalism And Freedom From Unfair Class-Based Discrimination
- Sonya Katyal Fordham University
Exporting Identity
- Jackson H. Mugerwa University of Saskatchewan
Recent Developments In Supreme Court Of Canada Equality Jurisprudence: From Law To Lovelace
- Sylvia Schafer University of Wisconsin at Milwaukee
Figurations Of Equivalence In International Law: Sick Foreigners And The Conventional Language Of Reciprocity In Early Twentieth Century Europe
- Anita Silvers/Michael Stein San Francisco State University/William and Mary Law School
Protecting Genomics' Promise: The Cultural Construction Of Group Identity In Genetic Discrimination Law

12:30 - 2:00

BOXED LUNCH

Location: Law School, Silverman Hall, Levi Conference Center

Concurrent Sessions (Sessions 6.1- 6.8)
Saturday, March 9, 2:00 - 3:45 p.m.

6.1 **MAKING LEGAL SUBJECTS**

Location: Law School, Pepper Hall, Room 101F

Peter Fitzpatrick, Chair/Discussant Birkbeck College

Jan Hoffman French Duke University
Buried Alive: Slavery, Family, And Community In A Story From Northeastern Brazil

Anna R. Kirkland University of California, Berkeley
Representations of Fatness And Personhood

Kevin Noble Maillard University of Pennsylvania
Assimilating The Indian Gentleman

Ravit Reichman Yale University
"Undignified Details: The Colonial Subject of Law."

6.2 **FILM IN LAW/LAW IN FILM**

Location: Law School, Tanenbaum Hall, Room 155

Austin Sarat, Chair/Discussant Amherst College

Heather Schuster Stanford University
Super 8 1/2 And The Politics Of Genre

Jessica Silbey Foley, Hoag & Eliot L.L.P.
The Language Of Moving Pictures: Judges As Film Critics

6.3 **COMING TO TERMS WITH RELIGION AND RELIGIOUS VALUES**

Location: Law School, Silverman Hall, Room 240A

Marianne Constable, Chair/Discussant University of California

Jeffrey Brand-Ballard University of Wisconsin-Eu Claire
Law, Religion, And Secular Psychology: Competing Narratives In Interfaith Child Custody Disputes

Elizabeth Carpenter *Rawls' The Law Of Peoples: An Expansion Of The Prioritization Of Political Over Religious Values*

Joan DelFattore University of Delaware
Fade To Neutral? The Evolution Of Thought Regarding Prayer In American Public Schools

Eugene Garver St. John's University
Translating The Ten Commandments

Ruth Warat *Maimonides' Ideas About The Law: Their Application In Actual Lawmaking Problematic Within An Interdisciplinary Approach*

6.4 CRITICAL RACE THEORY AND CULTURAL STUDIES

Location: Law School, Silverman Hall, Room 240B

Frank R. Cooper, Chair	Villanova Law School
Anthony Farley	Boston College
Katherine Franke	Columbia University
Neil Gotanda	California Western Law School
Emily Houh	Northern Kentucky Law School
Ken Nunn	University of Florida
Danielle Kie Hart, discussant	Southwestern Law School

6.5 WHEN "LAW" DEMANDS DISOBEDIENCE

Location: Law School, Tanenbaum Hall, Room 122

Daniel M. Filler, Chair/Discussant	University of Alabama
John Denvir	University of San Francisco Law School <i>Tricking For Social Justice--The Case Of Martin Luther King</i>
Pnina Lahav	Boston University <i>Archetypal Trials</i>
Nancy Marder	Chicago-Kent College of Law <i>Juries, Judges & Drug Laws</i>
Allegra McLeod	Stanford University <i>Legitimizing Lawlessness</i>

6.6 WHAT IS BINDING IN THE CONSTITUTION AND IN CONSTITUTIONAL INTERPRETATION

Location: Law School, Tanenbaum Hall, Room 145

Keith Bybee, Chair/Discussant	Harvard University
Eric Slauter	University of Chicago <i>The Cultural Origins Of The Constitution</i>
Steven Wilk	University of Connecticut <i>Who Are The Romans In Dred Scott?</i>
Zehava Zevit	Harvard University <i>The Source: Legal-Political Culture And Constitutional Interpretation</i>

6.7 LITERARY CONSTRUCTIONS & LEGAL LIVES

Location: Law School, Silverman Hall, Room 147

Simon Stern, Chair/Discussant Yale Law School

Patricio Boyer Yale University
Expanding Precedent: Why Felix Cohen Read Las Casas

Alicia M. Renfroe University of Tennessee, Knoxville
'In Love And In Law': Legal Discourse In Louisa May Alcott's Work: A Story of Experience

J.T. Scanlan Providence College
Legal Thinking In Eighteenth-Century Literary London: The Example Of Samuel Johnson

6.8 LAW AND BORDERS: THE ROLE OF LAW IN DEFINING DISCIPLINARY, JURISDICTIONAL, THEORETICAL,
AND SOCIAL BOUNDARIES

Location: Law School, Silverman Hall ,Room 245A

Paul Schiff Berman, Chair/Presenter University of Connecticut
The Internet, The Nation-State, And The Social Meaning Of Legal Jurisdiction

Tanina Rostain New York Law School
Lawyers And Accountants: The Construction Of Professional Jurisdictional Boundaries

Ariela Gross, Discussant University of Southern California Law School

Naomi Mezey, Discussant Georgetown University Law Center

3:45 - 4:15 p.m. BREAK

Location: Law School, Silverman Hall, Levi Center, 2d floor

Concurrent Sessions (7.1-7.7)
Saturday, March 9, 2002, 4:15 - 6:00 p.m.

7.1 RACE & RACE CONSCIOUSNESS IN LAW AND CULTURE

Location: Law School, Silverman Hall, Room 240A

Anupam Chander, Chair/Discussant	University of California, Davis
Nadine Ehler	Macquarie University <i>Sanctioning The White Body: Law And American Racial Performativity</i>
Nancy Ehrenreich	University of Denver <i>Privilege And Its Perils</i>
Reginald Leamon Robinson	Howard University <i>The Death Of The Race Crit: Deconstructing Critical Race Theory And The End Of Race Consciousness</i>

7.2 POPULAR CULTURE AS A FACT & A POSSIBILITY IN LEGAL LIFE

Location: Law School, Silverman Hall, Room 240B

Susan Sage Heinzelman, Chair/Discussant	University of Texas
Thomas J. Cragin	Widener University <i>The Manufacture Of Divine Justice In The Parisian Popular Press</i>
Daniel M. Filler	University of Alabama <i>Direct Marketing The Law</i>
Lenora Ledwon	St. Thomas University <i>Law, Allegory And Science Fiction: Bill Corrington's Screenplays For "The Omega Man" and "Battle For The Planet Of The Apes"</i>
Philip N. Meyer	Vermont Law School <i>Teaching Artifacts From Popular Culture In A Criminal Law Course On Display</i>

Saturday, March 9th - 4:15-6:00 p.m. continued

7.3 LEGAL RESPONSES AND TRAUMATIC HISTORIES

Location: Law School, Tanenbaum Hall, Room 155

Pnina Lahav, Chair/Discussant Boston University

Klaus Mladek University of Cincinnati
*The Evil Of Banality: Arendt Versus Zizek And The Question Of Modern
Macrocriminality*

Alan S. Rosenbaum Cleveland State University
Some Philosophical & Legal Reflections On Remembering The Holocaust

Paul Safier Princeton University
*Two Perspectives On 'Victors' Justice': Kant And Hegel On International
Criminal Adjudication*

Helen Stacy Stanford University
Cultural Difference And The International Criminal Court

7.4 BODIES AND DESIRES

Location: Law School, Tanenbaum Hall, Room 145

Katherine Franke, Chair/Discussant Columbia University

Kris Hogan University of Texas
*The Infinite Plurality Of Female Genitalia, Or A Lady Who Could So Well Give
Laws To Others: Rivella As A Legal Autobiography*

Stephen R. Munzer UCLA School of Law
Inscribing The Body: Expressive Meaning, Law, Literature, And The Visual Arts

John Portmann University of Virginia
The Sex We Don't Have

Edward Stein Cardozo University
*Queers Anonymous: The Speech Of Lesbians, Gay Men And Bisexuals In
Cyberspace*

Elizabeth Wilson Harvard Law School
*Suing For Lost Childhood: The Delayed Discovery Rule And The Cultural
Construction Of Child Sexual Abuse*

Saturday, March 9th - 4:15-6:00 p.m. continued

7.5 WHEN IS VIOLENCE "JUST"?

Location: Law School, Pepper Hall, Room 101F

Hilory Schor, Chair/Discussant University of Southern California

Michael Kessler University of Chicago
Hannah Arendt: Power and Instrumental Violence

Laura Korobkin Boston University
Self-Defense And Self-Effacement In Zora Neale Hurston's "Their Eyes Were Watching God"

Joana Madeira de Aguiar Universidade do Minho
Law And Revenge

Ed Morgan University of Toronto
Invitation to a Beheading

7.6 RE-POSING COMMUNITY --DEPOSING ITS JURIDICAL GROUND

Location: Law School, Silverman Hall, Room 147

Jennifer Culbert, Chair/Speaker Johns Hopkins University
Reflections on the Violent Community

Stewart Motha Birbeck College, University of London
Community After The Deconstruction Of Its Foundation

Thanos Zartaloudis Birbeck College, University of London
A Jurisprudence Without Foundation And Ends

Nasser Hussain, Discussant Amherst College

6:15 - 6:45 p.m.

~~7.7~~ WRAP-UP DISCUSSION → Frank

Location: Law School, Silverman Hall, Levi Conference Center, Bernard Segal Moot Court Room, 245A

End of Conference

7:00 - 9:30 The ASLCH Organizing Committee Business Meeting and Dinner

**Location: La Terrasse
3432 Sansom Street (directly across the street from the Law School)**