

ASSOCIATION FOR THE STUDY OF LAW, CULTURE, AND THE HUMANITIES

2020 CONFERENCE



PROJECTIONS: IMAGINING LEGAL FUTURITY

MARCH 7-8, 2020
QUINNIPIAC UNIVERSITY SCHOOL OF LAW
NORTH HAVEN, CT, USA

Association for the Study of Law, Culture, and the Humanities 2020 Conference Projections: Imagining Legal Futurity



Welcome to the 23rd annual meeting of the Association for the Study of Law, Culture, and the Humanities!

This year's theme, "Projections: Imagining Legal Futurity," marks a historical moment in which human, natural, and technological forces appear before our very eyes to recalibrate familiar political, social, and cultural orders. In that pressing context we invite you, as law and humanities scholars, to bring your formidable imaginations to the project of conjuring a shared, livable future and exploring the role law might play in it.

I want to extend my deepest thanks to our hosts at Quinnipiac University School of Law, and particularly to our conference local arrangements chair Linda Meyer and to Samantha Bailey, for their warm hospitality. I invite you to explore the full range of this year's program, replete as it is with challenging, insightful, and compelling projects that embody the richness of our interdisciplinary field. Once again this gathering captures the remarkable ways our intellectual community pushes the boundaries of scholarship in both law and the humanities, to the great benefit of both.

Martha M. Umphrey, President

2020 ASLCH Program Committee and Conference Chairs

Sonali Chakravarti, Wesleyan University
Jennifer Culbert (co-chair), Johns Hopkins University
Başak Ertür, Birkbeck, University of London
George Pavlich, University of Alberta
Honni van Rijswijk, University of Technology, Sydney
Martha M. Umphrey (co-chair), Amherst College
Julian Mezey Dissertation Award chair: Keally McBride, University of San Francisco
James Boyd White Award chair: Sara Kendall, University of Kent
Local arrangements chair: Linda Meyer, Quinnipiac School of Law

2020 ASLCH Organizing Committee

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Susanna Blumenthal, University of Minnesota
I. Bennett Capers, Brooklyn Law School
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Simon Stern (Secretary), University of Toronto
Martha M. Umphrey (President), Amherst College

SATURDAY, MARCH 7

Opening Announcements _____ **8:15**

Registration desk

Session 1 _____ **8:30 - 10:00**

Book Roundtable: Kamari Clarke, Affective Justice

Room: 350

Chair: Stacy Douglas

Marianne Constable
Sara Kendall
Stacy Douglas

Legal Education and New Technology/Technology, Evidence and Unfolding Cultures of Witnessing

Room: 354

Chair: Anat Leshnick

Lisa Wintersteiger, "Digital Injustice: Public Legal Education, Technology and the Democratization of Legal Knowledge"

Michele Villagran, "Phenomena of Cultural Intelligence in Academic Law Libraries"

Christina Spiesel, "What is Visual Persuasion and What Can It Contribute to Jurisprudence?"

Kelli Moore, "Allegation Escrow Technology and the Evolution of Testimonial Statements: A Media Studies and Legal Theory Concern"

Re-Imagining Fraud: The Past and Future of Deception and Truth

Room: 318

Chair: Susanna Blumenthal

Susanna Blumenthal, "Frenzied Finance: Con Artistry in the Progressive Era"

Chloë Kennedy, "Identity Recognition and the Future of Rape-by-Fraud"

Sarah Ludin, "What Puts the Protest in Protestantism? Protestation as Veridiction in Deliberative Assemblies and Civil Litigation in Reformation Germany"

The Classical World Speaks to the Future

Room: 314

Chair: Sara Ramshaw

Bernardo Piciche, "The Presence of the Law in the Italian Literature"

Stefanus Hendrianto, "Plato's Phaedrus, Technology and Public Forum"

Eirene Visvardi, "Visions of self-scrutiny and shared accountability: Greek testimony and the public transparency of desire"

Book Roundtable: Sonali Chakravarti, Radical Enfranchisement in the Jury Room and Public Life

Room: 312

Chair: Peter Brooks

Norma Thompson

Nancy Marder

Anna Offit

Sonali Chakravarti

Technologies of Artistic Trade

Room: Library Commons

Chair: Heather Frey

Claudy Op den Kamp, "Turning Your Film into Mine: Found Footage Filmmaking and the Quotation Exception"

Karolína Menšíková, "Trademark Law as a Mirror of Society"

Brian Umana, "Ugly Acts in the Name of Beauty: On the Antiquities Trade, with a Proposed Rule for Buyers' Due Diligence" (withdrawn)

Session 2 10:15-11:45

Collective and Corporate Personhood

Room: 240

Chair: Julia Simon-Kerr

Lisa Siraganian, "The Legal and Literary Modernism of Collective Social Agents"

Clare Eby, "The Legal Fiction of Corporate Personhood Versus Real Workers in *Dukes v. Wal-Mart and The Circle*"

Evan Radeen, "Intentional States in International Law and Literature"

How Law Knows

Room: 350

Chair: Sara Kendall

Karl Shoemaker, "What the Law Does not Want to Know"

Marianne Constable, "What Would Women Do? Debates over Jury Service in the 1910s"

Linda Kinstler, "How Forensic Architecture Knows"

Jennifer Raso, "Hearing Fairly in an Age of Algorithmic Decision-Making"

Artists Modeling Legal Futures Roundtable

Room: 354

Chair: Lauren van Haften-Schick

Lauren van Haften-Schick

Nate Harrison

Michaela Brangan (withdrawn)

Kenneth Pietrobono

Amy Whitaker

Borders and Citizens

Room: 364

Chair: William Conklin

Sarah Winter, "The Legal Futurity of Habeas Corpus in Times of Political Crisis and Inequality"

Anastasia Tataryn, "Eco-techne: imagining law through eco"

Claiming, Projecting, Possessing

Room: 314

Chair: Peter Schneck

Samira Spatzek, "Private Property in Black Women's literature and Post-Slavery Black Theory"

Irina Brittner, "Possessive Poetics in Marlon James's 'A Brief History of Seven Killings: The Spatial and Textual Plotting of Post-Independent Jamaica'"

Peter Schneck, "Proprietors of Consciousness: Literary Realism and the 'Eigenwillen' of Subjective Rights"

Cedric Essi, "Scarlett O'Hara Sues Mammy's Daughter: Possessive Investments in White Supremacist Aesthetics"

On the Borders of Speech

Room: Library Commons

Chair: Leah Ferentinos

Patrick O'Callaghan, "Exploring the Value and Contours of the Right to Freedom of Thought"

Tina Botts, "Hate Speech and Human Dignity: US v. European Approaches"

Janny Leung, "Freedom of Speech and Online Genres"

Governing Time in Nineteenth Century America

Room: 312

Chair: Kara Swanson

Aaron Hall, "The Founding Rules: Slavery, Constitutionalism and the Authority of the Past"

Liat Spiro, "Temporalities of Intangible Capital: Patent Law in the Era of the First Globalization"

Daniel Platt, "Debt and the Politics of Time"

Session 3 **1:00-2:30**

Parody and Metaphor

Room: 240

Chair: Julen Etxabe

Christen Hammock, "Parodies of Law"

Niek Janssen, "A Funny Thing Happened on the Way to Decorum"

Michiel Bot, "ID Cards for Illegalized Residents: Parodying Sovereign Authority"

Julen Etxabe, "Why would legal positivists say law is like chess?"

Laws, Norms, and Creative Production

Room: 354

Chair: Peter Brooks

Matthew Birkhold, "The Judicial Literary Canon"

Michael Lind Menna, "Contracting on the Fringes of the Music Industry"

Anat Leshnick, "Narratives of Legitimacy in the Production of Visual Proof: The IDF Documentation Combat Unit"

Categorizations of Settler-Colonial (In)justice

Room: 318

Chair: Matthew Unger

Amy Swiffen, "The Biopolitics of 'Indian Status'"

George Pavlich, "Theatres of Recognition at Borders to Colonial Criminal Law"

Stacy Douglas, "The Legal Material Imagination"

Matthew Unger, "Violence, Misrecognition, Place: The Skeena River Uprising and Law's Reach"

Climate Time and Place

Room: 312

Chair: Anastasia Tataryn

Kathleen Birrell, "Laws in Place: Anthropocene Encounters"

Douglas Berman, "Imagining Climate Change"

Alternative Justices/Negotiating Indigeneity

Room: 314

Chair: Deena Varner

Valeria Vázquez Guevara, "A Prologue for the Truth: Narrating Argentina's 1983 National Commission on the Disappeared"

Zeina Jallad, "In the Shadow of Legal Impossibilities: Samaritans Negotiation of Interstitial Autonomy in Palestine"

Peter Leman, "NAGPRA, Horror, and the Future of Repatriation in the U.S."

Karla Escobar, "The Battle Over Indigeneity: A Multidisciplinary Approach to Indigena (indigenous) Legal Culture in Cauca Colombia at the Beginning of the 20th Century"

Propaganda and Storytelling

Room: Library Commons

Chair: Juman Kim (withdrawn)

Chris Geyer, "The Consent of the Spectator: Celebrity, Iconography, and the Law That Never Was"

Geeta Tewari, "City Storytellers: Atlanta, Denver, and Detroit as Chapters in a New Form of Law and Policy Revolution?"

G. Alex Sinha, "Gaslighting as Propaganda: Legal and Moral Implications of Persistent Factual Misrepresentations by the Trump Administration"

Lando Kirchmair, "How legal culture can address the challenges of the 21st century?: Imagining a constitutional prohibition to tell lies for officials"

Law and Economy in the 19th Century

Room: 350

Chair: Lisa Wintersteiger

Shane Chalmers, "Utopian Law and Literature: Systematic Colonisation as Juridico-Capitalist Utopianism"

Sylvia Schafer, "L'Assistance judiciaire and the Politics of History: Re-imagining the Past and Future of Legal Aid to the Poor in Nineteenth-Century France"

Nicholas Barone, "'A home of grinding want': Paternal Citizenship and the Law in Chartist England, 1837-1848"

Session 4 **2:45-4:15**

Non-Legal Power

Room: 240

Chair: Sarah Winter

Alexander Diones, "Images of Right: Habit in Hume's Sentimental Jurisprudence"

Joana Aguiar e Silva, "Complex identities and the sovereignty of abstraction: (hermeneutic) lessons from Pirandello"

Workers Unite!

Room: 354

Chair: Panu Minkkinen

Jeffrey Feldman, "Between the General Strike and the Law: Fugitivity and the Future of Justice"

D. Caleb Smith, "Victory After The Empire Falls: Black Aluminum Workers and Two Decades of Struggle for Promotions"

Desiree Ganz, "Risky Business: Restricted Immunity for International Organizations and implications for Global Worker Rights"

Digital and Human Rights

Room: 318

Chair: Amy Swiffen

Danielle Boaz, "Digital Scholarship and Human Rights Activism: Mapping Religious Intolerance in Brazil"

Sarah-Jane Koulen, "Truth Detectives and Humanitarianism by Proxy"

Doran Larson, "From Witness to Archive: The Ethics of Digitizing First-Person Prison Testimony"

Flexibility and Law: The Role of Jury Nullification in Law and Culture/Policing of Precarious Bodies

Room: 312

Chair: Jennifer Culbert

Sarah Higinbotham, "Pious Perjury: Early Modern Jury Resistance"

Andrew Majeske, "Beyond Good and Evil: Jury Nullification in Fiction and Real Life"

Kathryn Heard, "The Religious Life of Legal Death: Capital Punishment in the Anthropocene"

Justyna Stiepanow, "Retribution Performativity as the Future of American Execution Protocols"

Identity and History

Room: 314

Chair: Shane Chalmers

Lisset Pino, "Perverting History: Rice v. Cayetano's Erasure of the Fight for Native Hawaiian Self-Determination"

Salman Hussain, "Liberal Governmentality and the Limits of Equality: The Khwajasara Politics of Identity, Legibility and Dispossession in Pakistan"

Juman Kim, "Not Eligible Yet Still Fitted?: Asian Race and Naturalization in American Political Thought and Jurisprudence Before *Ozawa* and *Thind*" (withdrawn)

Laura Lane-Steele, "Adjudicating Identity: Proving Identity When Self-Identification Is Not Enough"

Reimagining Technology

Room: Library Commons

Chair: James Martel

Vanessa Pooudomsak, "International Law in Wonderland: Technology's Gleaming Silver Lining for the Laws of War"

Dustin Marlan, "Dystopian Personality Rights"

Heather Frey, "Envisioning Alternative Futures for Academic Research: Ownership, Access, and Prestige"

The Future of Legal Subjectivity

Room: 350

Chair: Sara Ramshaw

Brian Nail, "Imagining the End of Settler Sovereignty: Literary Conceptions of Self-Mastery, Vulnerability, and Post-Colonizing Legal Subjectivity"

Samuel Kimball, "A We that is Not a Person—Corporate, National, or Otherwise: Displacing the Auto Immunitary Logic of Sacrificial Sovereignty"

Sara Ramshaw, "Rainbow Family: Machine Listening, Improvisation and Access to Justice in Family Law"

Session 5 **4:30-6**

Ceremonial Courtroom

President's Remarks, Awards, and Plenary Address

Plenary Address: Jack M. Balkin, "Saving the Digital Public Sphere"

Jack M. Balkin is Knight Professor of Constitutional Law and the First Amendment at Yale Law School. He is the founder and director of Yale's Information Society Project, an interdisciplinary center that studies law and new information technologies. He also directs the Abrams Institute for Freedom of Expression, and the Knight Law and Media Program at Yale. Professor Balkin is a member of the American Academy of Arts and Sciences, and founded and edits the group blog Balkinization. He is the author of over 130 articles and the author or editor of twelve books. His most recent books are *Democracy and Dysfunction* (with Sanford Levinson), and *Living Originalism*.



2020 James Boyd White Award: Patricia J. Williams



Patricia J. Williams holds a joint appointment between the School of Law and the Department of Philosophy and Religion in the College of Social Sciences and Humanities at Northeastern University. She is also director of Northeastern's Law, Technology and Ethics Initiatives. She has published widely in the areas of race, gender, literature, and law. Her books, including *The Alchemy of Race and Rights*, illustrate some of America's most complex societal problems and challenge our ideas about socio-legal constructs of race and gender. Williams' current research raises core questions of individual autonomy and identity in the context of legal and ethical debates on science and technology. A prolific author of essays, book reviews and articles for leading journals, popular magazines and newspapers, she is a MacArthur Fellow, a member of the American Philosophical Association, and a contributing editor and columnist for the *Nation*.

2020 Julien Mezey Dissertation Awards: Emily Prifogle and Elizabeth Rule

Emily Prifogle (PhD, History, Princeton; JD, Berkeley), for her dissertation *Cows, Cars, and Criminals: The Legal Landscape of the Rural Midwest, 1920-1975*

Elizabeth Rule (PhD, American Studies, Brown University), for her dissertation *Reproducing Resistance: Gendered Violence and Indigenous Nationhood*

ASLCH Annual Reception **6-7:30**

Library

Reception immediately following the plenary and awards, featuring music by **John Thomas**. John is a freelance writer, Quinnipiac Law Professor, and a "gigging guitarist still striving for mediocrity." He is the author of *Kalamazoo Gals: A Story of Extraordinary Women & Gibson's 'Banner' Guitars of WWII* (2013).

SUNDAY, MARCH 8
DAYLIGHT SAVINGS TIME

Session 6 **8:30-10:00**

Data and the Self

Room: 240

Chair: Jennifer Raso

Deena Varner, "Technologies of Permanence, Temporalities of Justice, and the Right to Be Forgotten"

Julia Simon-Kerr, "Credit & Credibility: Social Worthiness Through Parallel Lenses"

Body Partings

Room: 354

Chair: Jennifer Culbert

Panu Minkkinen, "Eat me like a cannibal?": anthropophagy as cultural criticism"

Joshua David Michael Shaw, "Confronting Jurisdiction with Antinomian Bodies: Death, Burial and Post-Mortem Donative Practices in the Common Law's Lawscape"

Dan Priel, "Law and Digestion: A Brief History of an Unpalatable Subject"

Laura Ramirez, "Actuarial Desires: Pain, Insurance, and the Body"

Ideals of Bias-Free Justice

Room: 350

Chair: George Pavlich

Corinne Blalock, "Critique and the Emerging Law and Political Economy Movement"
(withdrawn)

William Conklin, "The Phenomenal Third"

Michal Malanik, "The enigmatic keystone of legal decision-making process"

Place and Space

Room: 312

Chair: Lisa Haber-Thomson

Jessica Smith, "Storied place: Identity, belonging, and the legal fiction of registration"

Laura Ricciardi, "Legality & Monumentality: Imagined Past, Legislated Future" (skype)

Yasmeen Chism, "Tracing Black Movements: Displacements in North Carolina's Piedmont"

Demarcations of Difference: Gender Politics in International Contexts

Room: 314

Chair: Naomi Mezey

Olufemi Ilesanmi, "Wither Rights, Duty and the Responsibility to Protect? A Meta-Legal Inquiry in Counter Terrorism and the Ontological (In)security of the Muslim Girl-Child in a 21st Century Western World"

Tanya Serisier, "Speaking Out: Feminism, Rape and Narrative Politics"

Lori Anne Heckbert, "Reducing the Gender Gap in Domestic Responsibilities: A Proposed Legal and Policy Framework"

Judicial Opinions as Literature

Room: Library Commons

Chair: Susanna Blumenthal

Donna Scheidt, "Literature as Legal Authority: Judicial References to Billy Budd, An Inside (the Law) Narrative"

Talia Shalev, "Poetry's Self-Evidence and the Inarticulate Premises of Common Law"

Erin Sheley, "The Confrontation Clause after Crawford and the Dignitary Interest in Subjectivity"

Julie Kidder, "Authority, Authenticity, & Author: Judicial Opinions and the Fourth Wall"

Environments of Justice

Room: 318

Chair: Douglas Berman

Jennifer O'Connor, "Of Course: On Food, Feminism, and Law"

Shazny Ramlan, "Epistemic Secularism and the State of International Environmental Law"

Catherine Hardee, "The Law on Two Wheels"

Session 7 10:15-11:45

Art and Law in the Age of Mechanical Reproduction

Room: 354

Chair: Jennifer Culbert

Jared Stark, "The Work of Law in the Age of Biological Mechanical Reproducibility"

Christina Spiesel, "Bystander Video in Two Courts: The Court of Law and the Court of Public Opinion" (withdrawn)

Ximena Benavides, "Social Movements, Constitutional Change and the Arts"

Rights, Robots, and Clones

Room: 318

Chair: Jennifer Raso

Abhivardhan, "The Cultural Persona of Artificial Intelligence: An Analysis of Anthropological Challenges to Public Communication" (withdrawn)

Emilia Jocelyn-Holt, "The New 'Other': Human Cloning, Organ Donations and Ishiguro's Warning in 'Never Let Me Go'"

Alejandro Lorite Escorihuela, "The Right to Deny Rights: Dignity, Vulnerability and Robot Rights"

Roundtable on Practicing Law and the Humanities

Room: 350

Chair: George Pavlich

Naomi Mezey

Karl Shoemaker

George Pavlich

Consent, Vulnerability, Exploitation

Room: 314

Chair: Yasmeen Chism

Samantha Godwin, "Taxonomies of Consent and Exploitation"

Janani Umamaheswar, "'Changing the channel': Hybrid masculinity in a men's prison"

Sudeshna Chatterjee, "The State and sex work: mapping sovereign exception through securitization"

Legal Science Fictions

Room: Library Commons

Chair: Michiel Bot

David Gurney, "Dystopias, Real and Imagined: How the Shadow of Dystopian Art Makes Us Hesitate to Address Real Dystopian Problems"

Fareed Ben-Youssef and Deena Varner, "Forging Anonymity and Belonging: Global Citizenship in Michael Winterbottom's 'Code 46'"

Diana Young, "Rights and the Post-Human in Science Fiction Films"

Robert Brown, "AfroFuturism, Reparations and the Law of Online Markets: Reimagining Derrick Bell's Space Traders"

Self and the Social Contract

Room: 312

Chair: Erin Sheley

Guilherme Vilaça, "The Legal Subject and Legal Consciousness in Robert Walser's *The Robber* and Ismail Kadare's *Broken April*"

Jack Quirk, "Consider Yourself: Literature, the Self, and the Social Contract"

Session 8 **1:00-2:30**

Art, Affect and Response

Room: 240

Chair: Fareed Ben-Youssef

Zoran Kuzmanovich, "Digital Signatures of Grief and Intent"

Barry Collins, "Human Rights Cinema and the Politics of Pity"

Meg Lonergan, "Feeling Reel: Affect, Victimization and Violence in Explicit Media"

Marett Leiboff, "The Frankfurt Auschwitz Trials and Peter Weiss's *The Investigation* as Theatrical Jurisprudence"

Roundtable on The Good Fight

Room: 350

Chair: Patricio Boyer

Nomi Stolzenberg

Naomi Mezey

Ravit Reichman

Chaya Halberstam

Law and Governance in an Illusionary Sea

Room: 354

Chair: Steven Winter

Patricia Williams, "The Politics of Fear"

Wendy Parmet and Jeremy Paul, "Post-Truth Won't Set Us Free: How 'Fake News' Cripples Public Health, Democracy, and Community Well-Being"

Steven Winter, "The Empty Signifiers of Constitutional Law"

Neoliberal Legality

Room: 318

Chair: Stacy Douglas

Nica Siegel, "Law, Economy, and Action"

Fernando Loayza, "The quiet dictatorship"

Brie McLemore, "BBQ Becky and the Ideal Citizen: Policing as a Tool for Gentrification"

Phenomenology of Prison

Room: 312

Chair: Erin Frymire

Sophie Angelis, "Limits on Prison Futures: An Architectural Perspective"

Lisa Haber-Thomson, "Architecture and the Eighth Amendment: On prisons, climate change, and legal personhood"

Erin Frymire, "Touring the Prison: Rhetorics of Memory and Public Consciousness"

Rachel Goldberg, "Prison Hunger Strikes as Speech Acts"

Blurred Lines, Bent Legality

Room: 314

Chair: Daniel LaChance

Leah Ferentinos, "Evolving Notions of Political Corruption Through a Historical Lens"

Rafi Reznik, "Hobbes v. Heller"

Kenneth Pietrobono, "Governance by Inability: The Space Beyond the Sovereign"

Book Roundtable: The Oxford Handbook of Law and Humanities

Room: Library Commons

Chair: Cheryl Suzack

Allison Tait

Cheryl Suzack

Jessica Silbey

Sex, Gender, Space, Time

Room: 364

Chair: Daniela Gandorfer

Shaun Ossei-Owusu, "Law vs. Leisure: Nightlife and the Limits of Anti-Discrimination Law"

Noy Naaman, "The Temporality of Parental Determination: Bridging the Gap Between the Self and Legal Identification of Same-Sex Couples Undergoing ARTs (A Case Study of Israel)"

Shoshana Paget, "Queering Law: The Appropriation of Interpellation and Accusation in Lawrence v. Texas"

Wrap-Up and Farewell 2:45-3

Ceremonial Courtroom