

2009 Annual Conference
Association for the Study of Law, Culture and the Humanities

Organizing Committee

Keith J. Bybee, **President**, Law and Political Science, *Syracuse University*
Reginald Oh, **Secretary**, Law, *Cleveland State University*
Rebecca Johnson, **Treasurer**, Law, *University of Victoria*
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Linda Meyer, Law, *Quinnipiac University*
Francis J. Mootz III, Law, *University of Nevada*
Ravit Reichman, English, *Brown University*
Jessica Silbey, Law, *Suffolk University*
Martha Umphrey, Law, Jurisprudence, and Social Thought, *Amherst College*

Program Committee

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Anne Dailey, Law, *University of Connecticut*
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Piyel Haidar, Law, *Birkbeck College, University of London*
Sylvia Schafer, History, *University of Connecticut*

Mezey Dissertation Committee

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James Martel, *University of San Francisco*
Martha Umphrey, Law, Jurisprudence, and Social Thought, *Amherst College*

James Boyd White Committee

Eugene Garver, **Chair**, *St. Johns University*
Susan Heinzeiman, English, *University of Texas*
Frank Ravitch, Law, *Michigan State University*

SCHEDULE AT A GLANCE

REGISTRATION

All Day Friday and Saturday
Great Hall (First Floor Atrium)

WELCOME REMARKS

Friday, 8:15 am - 8:25 am
First Floor Function Room

Coffee and Tea Service

Friday and Saturday, 8:00 am - 3:30 pm
First Floor Function Room

Book Display

Friday and Saturday, 8:00 am - 4:00 pm
Great Hall

Panels

Friday and Saturday, 8:30-5:45

Plenary

Friday, 6:00 pm - 7:30 pm
First Floor Function Room

Cocktail Reception

Announcement of Mezey and White Awards

Friday, 7:45 pm - 9:30 pm
Great Hall

Brainstorming Session for 2010 Conference

Saturday, 6:00 pm - 7:00 pm
First Floor Function Room

Organizing Committee Meeting

Saturday, 7:15 pm
Faculty Dining Room

1.1 Law and Visuality: An Interdisciplinary Approach

Friday, April 3, 2009
8:30 am-10:15 am
Room: 205

Discussant Richard Sherwin
New York Law School

Panelist Barbara Maria Stafford
University of Chicago
Slow Looking. Whatever Happened to Selective Attention?

Panelist Richard Sherwin
New York Law School
Feeling Thought?: Emotion, Law, and Visual Persuasion

Panelist Bruce Hay
Harvard Law School
Visual Horror and Abortion Jurisprudence

Panelist Hassan Fancy
Fancy Barristers, P.C.
Constraining Bias: Bridging the Sciences with the Law

Friday, April 3, 2009
8:30 am-10:15 am
Room: 295

1.2 Rethinking Reparation

Chair Ariela Gross USC Law School

Panelist Sharon Stanley
University of Memphis
Rethinking the Concept of Integration

Panelist Catherine Piche
McGill Law Faculty
The Cultural Analysis of Class Action Litigation

Panelist Keith Bybee
Syracuse University
Efficiency and Incomprehensibility: The Imposition of Legal Order on Local Practice

Panelist Honni Van Rijswijk
University of Washington
The Poetics and Politics of the Past: Time and Responsibility in Tort, Trauma Theory and Literary Fiction

Friday, April 3, 2009
8:30 am-10:15am
Room: 245

1.3 Reading Women Reading Law

- Chair Maria Drakopoulou Kent
- Discussant Maria Drakopoulou Kent
- Panelist Julia Chryssostalis
Westminster
Reading Arendt Reading Schmitt: Nemes, Polis, Community
- Panelist Maria Drakopoulou
Kent
Nemos, Physis and Sexual Difference in the 17th century tradition of Natural Law
- Panelist Patrick Hanafin
Birkbeck
Voicing Embodiment, Relating Difference: Towards a Relational Legal Subjectivity

Friday, April 3, 2009
8:30 am-10:15 am
Room: 305

1.4 Responsibility and Causation

- Chair Linda Meyer
Quinnipiac University
- Discussant Linda Meyer
Quinnipiac University
- Panelist Jill Stauffer
John Jay College
I am no hero: Taylor and Critchley on Moral Motivation
- Panelist Mark Herlihy
Georgetown
Causal Explanations and Narratives of Responsibility: Re-Reading CAUSATION IN THE LAW through the Lens of Paul Ricoeur
- Panelist Jeffrey Lipshaw
Suffolk University
Law's Illusion: Scientific Jurisprudence and the Struggle with Judgment
- Panelist Eric Blumenson
Suffolk University
Liberty Lost: The Moral Stakes in Marijuana Law and Policy (with Eva Nilson)

Friday, April 3, 2009
8:30 am-10:15 am
Room: 325

1.5 Biopolitics: Regulating the Individual

Chair Jennifer Hamilton
Hampshire College

Discussant Jennifer Hamilton
Hampshire College

Panelist
Amy Swiffen University of Alberta *Law and the Biopolitical*

Panelist JoAnne Sweeny
Queen Mary, University of London
A Cultural Account of the Interpretation of the United Kingdom's 1998 Human Rights Act

Panelist Brenna Bhandar
University of Kent Law School
Controlling interests: the salience of law in new regimes of ownership

Panelist Charles Talcott
The American University of Paris
Colonizing History: The Return of Colonial Sovereignty in Contemporary French "Memorial" Laws

Friday, April 3, 2009 8:30 am-10:15 am
Room: Faculty Dining Room

1.6 Law and Rhetoric, I

Chair Jay Mootz
University of Nevada Los Vegas

Discussant Jay Mootz
University of Nevada Los Vegas

Panelist Tom Cobb
University of Washington School of Law
Judges and the Rhetoric of Reading

Panelist Doug Coulson
University of Texas at Austin *Sophistic Historiography*

Panelist Donna Scheidt
University of Michigan
Rhetoric and Feminist Practical Reason

Friday, April 3, 2009
8:30 am-10:15 am
Room: 365

1.7 Indigenous Rights and Legal Institutions: A Comparison

- Chair Ilana Gershon
Indiana
- Discussant Bradford Morse
Ottawa
- Panelist Sindiso Mnisi
Oxford
'Right Concepts: Variations and Adaptations in the South African Constitutional Court and indigenous Communities
- Panelist Ilana Gershon
Indiana
The Difference Neoliberalism Makes: Indigenous Maori Representation and the NZ Parliament
- Panelist Sarah Sargent
Leicester
Cultural Trauma, National Identity and Social Exclusion in Guatemalan Intercountry Adoption: Implications for Conceptions of Indigenous Rights
- Panelist Caroline Brown
Chicago
Building Tribal Courts in Native Alaska

Friday, April 3, 2009
8:30 am-10:15 am
Room: Alumni Room

1.8 Roundtable: Narrative Economies: The Global Consumption of Testimony in Post-Conflict Zones

- Chair Michelle McKinley Oregon
- Panelist Kim Theidon
Harvard
- Panelist Janet Halley Harvard
- Panelist Vasuki Nesiah Brown
- Panelist Darren Rosenblum Pace

Friday, April 3, 2009
10:30 am~12:15 pm
Room: 205

2.1 Cinema in the Streets

Chair Christina Speisel
 Yale

Discussant Christina Speisel
 Yale

Panelist Becky Lentz McGill
 Alternative Media

Panelist Howard Wasserman
 FIU College of Law
 Toward a First Amendment Understanding of Public Video

Panelist Eileen Clancy I-Witness Video *From Inside, Video and Justice*

Friday, April 3, 2009 10:30 am-12:15 pm Room: 295

2.2 Roundtable: Eloquence and Reason: Creating First Amendment Culture

Chair Michelle McKinley
 Oregon

Panelist Mary Dudziak USE

Panelist Kenneth Kersch
 Boston College

Panelist Sally Merry
 NYU

Panelist Austin Sarat
 Amherst

Friday, April 3, 2009
10:30 am-12:15 pm
Room: 245

2.3 Family Law as the New Home of Feminist Legal Theory and Queer Theory?

- Chair Suzanne Kim
Rutgers Newark
- Discussant Kerry Abrams Virginia
- Panelist Maya Manian
Univ. San Francisco
Informed Consent and Abortion Decision-Making after Gonzales v. Carhart
- Panelist Holning Lau
Hofstra
Reinforcing the Sex Discrimination Argument for Same-Sex Marriage
- Panelist Suzanne Kim
Rutgers Newark
WhaVs in a Name? Language and Status in Same-Sex Marriage and Married Women's Names

Friday, April 3, 2009 10:30 am-12:15 pm
Room: 305

2.4 Narrative, Identity, and the Individual

- Chair Penelope Pether
Villanova
- Panelist Sharon Pocock
Touro
The Portrayal of the American Legal System in the Novels of Jodi Picoult
- Panelist Diana Young
Carleton
Ethics and Identity in Ang Lee's Lust, Caution
- Panelist Greg Pingree
McGeorge
Imagining Judicial Legitimacy
- Panelist Benjamin Authors
Guelph
"Reasonable Limits": Individual Rights and Democratic Societies in Contemporary Canadian Law and Literature.

Friday, April 3, 2009
10:30 am-12:15 pm
Room: 325

2.5 Addressing and Redressing Violence

- Chair Christiane Wilke
 Carleton
- Discussant Leora Bilsky Tei Aviv
- Panelist Christiane Wilke
 Carleton
 Migrations of responsibility: memory and judgment in the use of Roxin's theory of organized responsibility in Argentina and Germany
- Panelist Sarah Burgess
 University San Francisco
 Bodies in Question: Recognizing and Regulating Sexual Violence in Supranational Criminal Courts
- Panelist Sara Kendall
 Berkeley
 Recasting Responsibility: Joint Criminal Enterprise and the Problem of Judgment
- Panelist Natacha Osenda
 El Colegio de Mexico
 Rebuilding families, rebuilding society; the courts and the theater as two spaces to cope with the Argentine military dictatorship's appropriation of political prisoners' children

Friday, April 3, 2009 10:30 am-12:15 pm
Room: Faculty Dining Room

2.6 Law and Rhetoric II

- Chair Eileen Scallen
 William Mitchell College of Law
- Discussant Eileen Scallen
 William Mitchell College of Law
- Panelist Linder Berger
 Mercer University School of Law
 What Would Solomon Do? A Rhetorical Analysis of a Trial Judge's Meta-Story
- Panelist John Gooch
 University of Texas at Dallas
 Imagining the Law and the Constitution of Societal Order in Los Angeles Police Chief William Parker's 1965 "Crime and the Great Society" Address
- Panelist Ryan Malphurs

Friday, April 3, 2009
10:30 am-12:15 pm
Room: 365

2.7 “Plain” Language, “Common” Sense and Law

- Chair Marianne Constable
Berkeley-
- Discussant Marianne Constable
Berkeley
- Panelist Sielinde Pommer
Harvard
Reinventing Government: Common Sense in Plain Legal Language?
- Panelist Jill Anderson
University of Connecticut/Western New England
Infancy, Pathology, and Legalism: Diagnosing Errors of Statutory Interpretation
- Panelist Elton Fukumoto
Syracuse University
Should the Law be Readable to Non-Lawyers: The Plain English Movement and Its Problems
- Panelist Paul Passavant
Hobart and William Smith *Faith, Law and Critique*
- Panelist

Terry Maroney Vanderbilt *Common-sense Judging.*

Friday, April 3, 2009 10:30 am-12:15 pm Room: Alumni Room

2.8 Just Passions: Literature and the Erotic Power of Justice

- Chair Jennifer Culbert
- Discussant Martha Umphrey
- Panelist Roger Berkowitz
Bard
Dreaming of Justice: Revenge and the Beautiful in Doestoevsky's NOTES FROM THE UNDERGROUND

Panelist Jennifer Culbert
Johns Hopkins/Tulane
Shattering Law: Encounters with Love and Law in BILLY BUDD

Panelist Jon Goldberg-Hiller
University of Hawaii
A Conspiracy of Feelings: Aesthetics and Justice in Yuri Oles's ENVY

Friday, April 3, 2009 10:30 am-12:15 pm Room: Function Room

2.9 Food, Law and Culture

Chair Christopher Buccafusco University of Illinois

Discussant Christopher Buccafusco University of Illinois

Panelist Charlene Elliott
Calgary
Taste™: A cultural legal history of food and color

Panelist Richard Hyde Nottingham *Why Regulate Food*

Panelist David Caudill
Villanova
Uncertainty and Values in Food Regulation Discourse

Panelist Baylen Linnekin
American, Washington College of Law
Failures of the Finicky Food-Court Fanatics: The Center for Science in the Public Interest's Unhealthy Obsession with Frivolous Lawsuits

Friday, April 3, 2009 10:30 am-12:15 pm
Room: 355

2.10 The Indigenous Local, Biopower and the (im)possibility of Human Rights

Chair Mark Harris
LaTrobe

Discussant Stuart Motha Kent

Panelist Sherene Razack
Toronto

Death Worlds Where Bad Things Happen

Panelist Renisa Ma wani
British Columbia, Vancouver
Colonial Regimes of Life and Death: Law and the Biopolitics of State Racisms

Panelist Mark Harris
LaTrobe
From regulation to obliteration: the NT Emergency Declaration

LUNCH Pick up boxed lunches in First Floor Function Room

Friday, April 3, 2009

12:15 pm - 1:00 pm

Friday, April 3, 2009

1:30 pm

Function Room

Film: "Constantine's Sword" (Begins 1:30 pm) (Panel 3.9)

Friday, April 3, 2009 2:00 pm-3:45pm Room: 205

3.1 Representation of Law and Lawyers in Visual Media

Chair Panu Minkkinen
Leicester

Discussant Panu Minkkinen
Leicester

Panelist Ben Templin
Thomas Jefferson
The Marriage Contract in Fine Art

Panelist Sarah Marusek
Holyoke
Emblematic Productions of Legality: Bald Eagles, Parking Tickets, and Postage Stamps

Panelist Peter Robson
Strathclyde
The Scholarship of Television Portrayals of Lawyers

Panelist Anja Louis
Sheffield
She's Mine: Filmic Representations of Gender Violence in Spain

Friday, April 3, 2009 2:00 pm~3:45 pm Room 295

3.2 Author Meets Readers: Denise Ferreira da Silva, Toward a Global Idea of Race

Chair	Steward Motha Kent
Panelist	Elizabeth Povinelli Columbia
Panelist	Brenna Bhandar Reading
Panelist	Denise Ferreira da Silva University of California, San Diego
Panelist	Jon Goldberg-Hiller University of Hawaii

Friday, April 3, 2009 2:00 pm-3:45 pm
Room: 245

3.3 Same-Sex Marriage

Chair	Clifford Rosky Utah
Panelist	Marc Poirier Seton Hall <i>The Standardization of Legal Kinship Forms</i>
Panelist	Jason Hopkins Santa Barbara <i>Same-Sex Marriage and Opposing Views of Culture in Legal and Political Discourse</i>
Panelist	Mark Strasser Capital <i>After DOMA's Repeal</i>

Friday, April 3, 2009
2:00 pm~3:45 pm
Room: 305

3.4 Maternal/Fetal Conflict: From Infertility to Infanticide

- Chair Debra Threedy Utah
- Discussant Debra Threedy Utah
- Panelist Richard Storrow
 CUNY
 The Maternal-Fetal Conflict in Infertility
- Panelist April Cherry
 Cleveland-Marshall
 Maternal-Fetal Conflicts in Pregnancy
- Panelist Susan Ayres
 Texas Wesleyan
 Denied Pregnancies and the Problem of Neonaticide
- Panelist Joanna Grossman
 Hofstra
 Defining Discrimination: The Problem of Pregnancy

Friday, April 3, 2009
2:00 pm-3:45 pm
Room: 325

3.5 Global Law/ Universal War

- Chair Nahum Chandler Tama
- Discussant Nahum Chandler Tama
- Panelist Mark Antaki
 McGill
 The transformation of the laws of war into "humanitarian law"
- Panelist Joana Aguiar
 Minho
 Law, Literature, History and the paradoxes of reason of state: the medieval episode of Pedro e Inês de Castro in an era of globalization
- Panelist John Strawson
 East London
 The Importance of Being Legal: How Law Became Earnest.
- Panelist Victoria Ridler
 Birkbeck
 The Law of the Wild

Friday, April 3, 2009
2:00 pm-3:45 pm
Room: Faculty Dining Room

3.6 Food, Law, and Culture

Chair Amy Dillard Baltimore

Discussant Doris Witt Iowa

Panelist Aric Short
Texas Wesleyan
Faith by Itself is Dead: Local Homeless Feeding Restrictions and their Impact on the Free Exercise of Religion

Panelist Jason Smith
University of Connecticut
Food, Consumers, and the Law: The Impact of Consumer Norms on Legal Approaches to Improving Food System

Friday, April 3, 2009
2:00 pm-3:45 pm
Room: 365

3.7 Writing the Victim in International Law

Chair Michelle McKinley Oregon

Discussant Sally Merry NYU

Panelist Julietta Hua
San Francisco State
Writing the Victim: Race and Sex Trafficking

Panelist Kimberly Theidon
Harvard
Too Much Truth and No Reconciliation in Peru

Panelist Kay Warren
Brown
Human Rights and the Market in Dodies

Friday, April 3, 2009 2:00 pm-3:45 pm Room: Alumni Room

3.8 Natural Law, Objectivity, and Phenomenology

- Chair Linda Meyer
Quinnipiac University School of Law
- Discussant Linda Meyer
Quinnipiac University School of Law
- Panelist Jeffrey Johnson
Eastern Oregon
A Theory Of Secular Natural Law
- Panelist Claire McCusker
Yale Law School
Plato's Minos and the Natural Law/ Positive Law Debate
- Panelist Nir Eisikovits
Suffolk
Law's Circle
- Panelist Ethan MacAdam
Amherst
Stating the State of Nature

Friday, April 3, 2009

4:00 pm-5:45 pm

Room: 205

4.1 Emotion and the Practice of Law

- Chair John Stannard
Queens University
- Discussant Terry Maroney Vanderbilt
- Panelist David Capper
Queens
Undue Influence and the Abuse of Emotional Relationships
- Panelist Heather Conway
Queens
Grief and Grievances: the Emotional Discourses of Family Burial Disputes
- Panelist

Terry Maroney Vanderbilt *Emotion-Driven Judging*

Friday, April 3, 2009 4:00 pm-5:45 pm

Room: 295

4.2 Crime, Detention, and Sovereign Decision

- Chair Roger Berkowitz Bard
- Discussant Roger Berkowitz Bard
- Panelist Richard Bailey
Sydney/Birkbeck
"Objects of international compassion": resistance and exception in Australian refugee law
- Panelist Mark Niles
American, Washington College of Law *Pre-Crime in Fiction and Fact*
- Panelist Seantel Anais
Carleton
Spaces of Terminal Exception: Biopolitics, Bare Life, and Unmediated Violence

Friday, April 3, 2009
4:00 pm-5:45 pm
Room: 245

4.3 CANCELLED: Roundtable: Out of the Ashes, 9-11

Friday, April 3, 2009
4:00 pm-5:45 pm
Room: 305

4.4 The Return of the Repressed: Political Theology in Law, Politics, and Culture

- Chair Diana Young Carleton
- Discussant Rueban Balasubramaniam
Carleton
- Panelist Peter Swan
Carleton
A world that denies the gods; the gods make mad: Religiousness in the Social-Legal Theory of Roberto Mangabeira Unger
- Panelist Clint Curie
Carleton
Ernst Bloch and the Hopefulness of Human Rights
- Panelist Craig McFarlane Carleton

Robots Against Post-Politics: Regarding Cylons, Terminators and Walter Benjamin

Panelist Zoran Oklopčić
Carleton
Against Popular Sovereignty: In Praise of Meekness as a Political Virtue

Friday, April 3, 2009
4:00 pm-5:45 pm
Room: 325

4.5 The Interdisciplinary Teaching of Law in the Liberal Arts: Roundtable

Chair Eric Craig Sapp Stanford University

Panelist Reginald Learnor Robinson Howard University

Panelist Lief Carter
Colorado College

Friday, April 3, 2009
4:00 pm-5:45 pm
Room: Faculty Dining Room

4.6 Food, Culture, and Law III (Roundtable)

Panelist Amy Dillard
University of Baltimore

Panelist Penelope Pether
ViHanova

Panelist Elizabeth Williams
Southern Food and Beverage Museum

Panelist Doris Witt
University of Iowa

Friday, April 3, 2009 4:00 pm-5:45 pm
Room: 365

4.7 Reading Trials

Chair Bernadette Meyler Cornell

Discussant Bernadette Meyler
Cornell

Panelist Rex Ferguson
Glasgow

The Good Soldier and The Guilty Narrator

Panelist Marianne Constable

Berkeley

The Justification is Perfect: Chicago Husband-Killing and the New Unwritten Law, 1906

Panelist Kathryn Balsley

Stanford

The Performance of Justice in Latin Literature

Panelist Bennett Capers

Hofstra

The Trial of Peter Grimes.

Friday, April 3, 2009 4:00 pm-5:45 pm Room: Alumni Room

4.8 Lacan avec Law, Culture, and Humanities

Chair Paul Passavant Hobart-Smith

Discussant Maria Aristodemou
Birkbeck

Panelist Maria Aristodemou
Birkbeck
Does The Letter of The Law Always Arrive at Its Destination?

Panelist Jodi Dean
Hobart-Smith
Lacan's Drive as a Political Concept

Panelist William McNeil
Griffith
Bleak House as Legal Theory

Friday, April 3, 2009 4:00 pm-5:45 pm Room: Function Room

4.9 Constantine's Sword: Religion, Law and Violence

Chair Linda Meyer Quinnipiac

Discussant Terry Aladjem

Panelist Catherine Kellogg
Alberta

Panelist Mattio Taussig
Buffalo