LCH

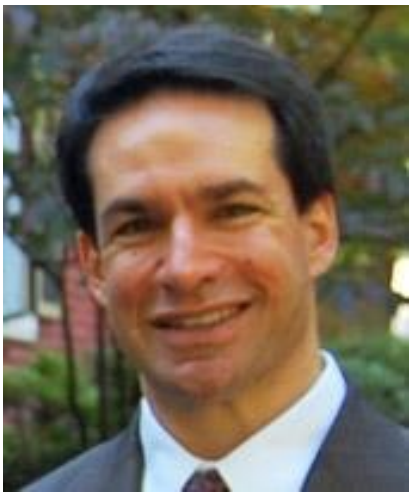
LAW, CULTURE + THE HUMANITIES

Uprooted Law: Reflecting on the Origins and Outgrowths of Law

2026 Conference

DePaul University, College of Law
DePaul Center, 1 E. Jackson, Chicago, IL 60604,
8th Floor
June 17-18, 2026

WELCOME FROM THE LCH PRESIDENT



Welcome to the 27th annual meeting of the Association for the Study of Law, Culture, and the Humanities! We are delighted to come together to celebrate more than a quarter century of intellectual community, and we look forward to the stimulating collegiality that marks our gatherings year after year.

This year's theme -- Uprooted Law: Reflecting on the Origins and Outgrowths of Law – invites us to consider questions about the law's sources, foundations, bases, and rationales, and its properties, products, effects, and consequences. What substantiates the rule of law in practice, and how does law itself mediate the difference between original and copy, present and past? How do an ensemble of methods, disciplines, movements, texts, and technologies come together to help law create the past and future? What do we follow when we follow the law? Is law what is on the books, or what is observed, or what should be observed? The English term "law" descends from the plural form of the Old Norse "lag," designating "things laid down or fixed." Yet law must be flexible enough to adjust and respond to changes. Particularly today, when the line between legal norms and norms rooted elsewhere has blurred, it is difficult to determine law's location. What is law's function in times of technological, political, and societal change? Does the law have a responsibility toward itself, and if so, who can be trusted with its observation? Given that law borrows from other areas of culture, from literature and rhetoric to the sciences and dramatic arts, the humanities are in a premier position to respond to these questions.

As we come together, we bring the depth and richness of our interdisciplinary scholarly engagements to bear on those pressing issues. I urge us, as a scholarly community, to take on these challenges, both at this conference and in communication with a broader public in desperate need of the context and analysis our members can provide.

I want to extend my deepest thanks to our DePaul University College of Law host, Greg Mark, and to Nicole Pinkey, whose assistance with coordinating the conference arrangements has been invaluable. Thanks also to our wonderful Program Committee chairs, Ralph Grunewald and Lindsay Stern; to our graduate coordinators, Aditya Banerjee and Jack Quirk; to Emma Brush and Mark Firmani for their assistance in organizing the Graduate Conference; to Melissa Ganz, Elise Wang, Almas Khan, and Geoffrey Kirsch for their work in selecting the winners of this year's awards; and to Daniel Kennedy, LCH coordinator extraordinaire, for his good nature and tireless efforts in ironing out the thousand and one wrinkles that require attention to get the program and schedule in order. I would also like to express my gratitude to Yuki Miyamoto and Anna Vaughn Clissold, at the DePaul Humanities Center, and to Nancy Marder, Director of the Justice John Paul Stevens Jury Center at the Chicago-Kent College of Law, for their financial support.

-Simon Stern, President

LCH ORGANIZING COMMITTEE

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Conference Program Committee Co-Chairs: Ralph Grunewald and Lindsay Stern
Conference Host: Gregory Mark
Awards Committee: Melissa Ganz (Chair), Elise Wang, Almas Khan, and Geoffrey Kirsch
Graduate Student Workshop Organizers: Mark Firmani, Emma Brush, and Simon Stern
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SPECIAL THANKS TO:

DePaul Humanities Center
Justice John Paul Stevens Jury Center at Chicago-Kent College of Law

2026 Conference - Uprooted Law: Reflecting on the Origins and Outgrowths of Law

What do we follow when we follow the law? Is law what is on the books, or what is observed, or what should be observed? The English term "law" descends from the plural form of the Old Norse "lag," designating "things laid down or fixed." Yet law must be flexible enough to adjust and respond to changes. Particularly today, when the line between legal norms and norms rooted elsewhere has blurred, it is difficult to determine law's location. What is law's function in times of technological, political, and societal change? Does the law have a responsibility toward itself, and if so, who can be trusted with its observation? Given that law borrows from other areas of culture, from literature and rhetoric to the sciences and dramatic arts, the humanities are in a premier position to respond to these questions.

This conference invites reflections on the origins of law in the broadest sense. What substantiates the rule of law in practice, and how does law itself mediate the difference between original and copy, present and past? How do an ensemble of methods, disciplines, movements, texts, and technologies come together to help law create the past and future? We invite reflections on these and related questions and welcome papers, roundtables, and work-in-progress sessions that help us understand law's current position by looking at it through a humanistic lens.

COVID POLICY

As part of the registration process, we ask that you confirm you have read our COVID policy and will honor it to the best of your ability. This policy is intended to safeguard the health of attendees and promote access and inclusion for everyone at the in-person conference.

We also ask that people attending the conference be vaccinated and boosted, and that attendees self-administer COVID rapid tests before attending the conference each day. Please do not attend the conference if you are symptomatic or test positive. We will not be requiring or verifying that people are vaccinated or tested. We ask you to communicate clearly with other participants about masking needs and other considerations around potential contagion. LCH requests all attendees to bring KN95 or comparable masks to the conference. We will have a limited supply of masks available.

If you should find that you have COVID within five days after attending the conference, please contact us at lch@lawculturehumanities.com so we can inform other attendees (identities will not be disclosed).

WI-FI

1) Connect to the "DePaul" wireless network, and you will be directed to the "DePaul Wi-Fi Setup" page
2) Click "DePaul Guest Wifi"
3) Select "Register" under the "Conference Guest" option
4) Enter Conference Wifi ID: lhc2026

BOOK DISPLAY

There will be a book display located near the registration desk. Feel free to bring any book of yours that you would like to have included (recent books especially – but there is no time limit). There will be an option to have the book given away at the closing reception on Thursday, with preference for early career scholars, independent scholars, and international scholars. We'd also be glad to have a flier with a discount code for your book, if your publisher offers it.

DINING OPTIONS

Lockwood Restaurant
17 East Monroe St.
Upscale dining, located in the Palmer House lobby

Cindy's
12 South Michigan Ave.
Hip rooftop bar/restaurant

The Village
71 West Monroe St.
Chicago's oldest Italian restaurant

The Gage
24 South Michigan Ave.
Drinks/meals that blend European and American influences (lovely outdoor tables)

Acanto
18 South Michigan Ave.
Italian restaurant with an outstanding Italian wine list (lovely outdoor tables)

Remington's
20 North Michigan Ave.
American restaurant with great tables for people-watching

Exchequer Restaurant & Pub
226 South Wabash Ave.
Restaurant acclaimed for pizza and ribs with a nice brewpub next door; speakeasy vibes

Tzuco
720 North State St.
Stylish, authentic Mexican cuisine with great Mexican wines

Ema
74 West Illinois St.
Mediterranean small plates with a selection of Lebanese and Israeli wines

El Che
845 West Washington Blvd.
Authentic Argentinian steakhouse; a cab/Uber/Lyft ride away from the venue

Elske
1350 West Randolph St.
Award winning Danish fare for the adventurous

Duck Duck Goat
857 West Fulton Market
Chinese restaurant for the carnivorous

Green Street Meats
112 North Green St.
Texas-style BBQ

Lou Malnati's Pizzeria
1120 North State St.
Classic Chicago deep-dish pizza spot

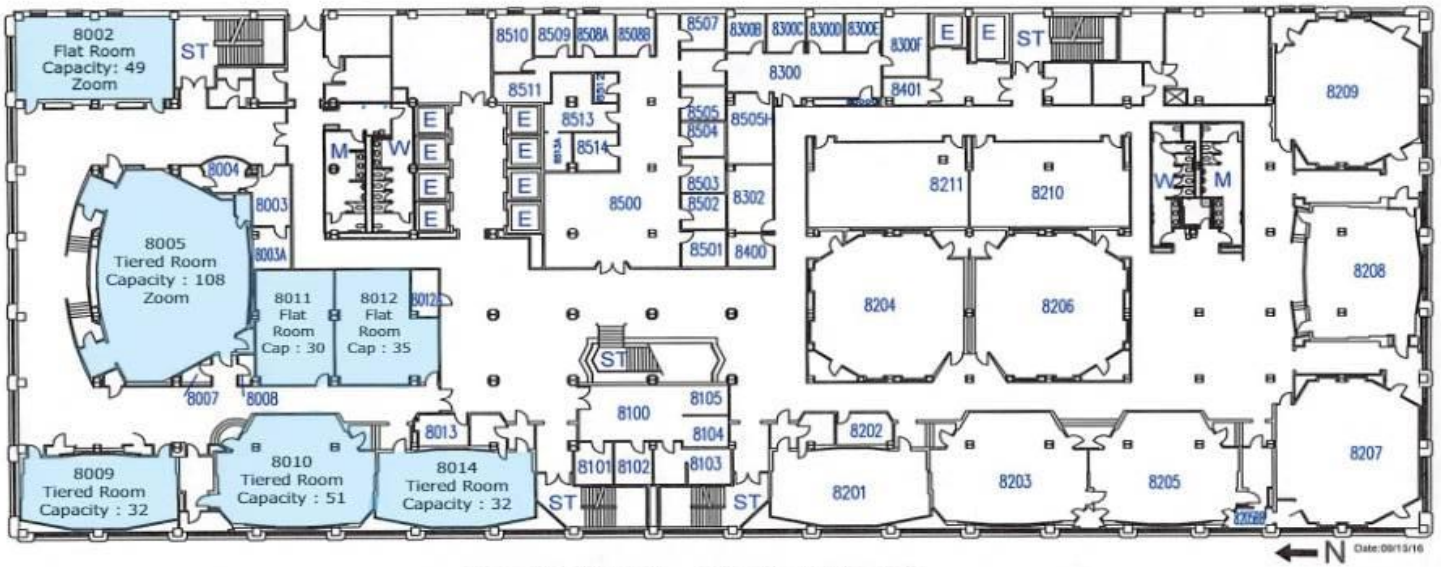
Pequod's Pizza
2207 North Clybourn Ave.
Another classic deep-dish institution

AUSTIN SARAT AWARD

Please nominate graduate student papers for the Austin Sarat Award (https://lawculturehumanities.com/the-austin-sarat-award/)! The Sarat Award is given to a graduate student for an outstanding paper presented at the annual conference. The winner's paper should represent originality in interdisciplinary thought, research, and writing in the field of law, culture, and the humanities. Although presentation of the paper at the annual conference is required, the award winner will be chosen based upon papers submitted after the annual conference. LCH covers the winner's travel and lodging for the following year's conference, at which the award is presented.

We urge you to keep an eye out for impressive graduate student contributions! Nominations can be submitted up to one week immediately following the conference by email to lch@lawculturehumanities.com. If you are not sure a paper was presented by a graduate student, email the above address and we can confirm. We accept self-nominations as well. Once we have received nominations, authors will be contacted for their papers.

DePaul Center Map



DEPAUL CENTER
EIGHTH FLOOR
1 EAST JACKSON

SCHEDULE AT A GLANCE

Tuesday, June 16, 2026

5:00 p.m – 6:30 p.m.	Keynote: Greta LaFleur, "Sex Panics and Risk Metrics: Law, Propensity, and the History of Sexuality" (DePaul Conference Center, Room 8005)
6:30 p.m. – 7:30 p.m.	Reception (lobby outside of Room 8005)

Wednesday, June 17, 2026

8:30 a.m.	Registration opens
9:00 a.m. – 10:30 a.m.	Session 1
11:00 a.m. – 12:30 p.m.	Session 2
12:30 p.m. – 2:00 p.m.	Catered lunch
2:00 p.m. – 3:15 p.m.	Session 3
3:45 p.m. – 5:00 p.m.	Session 4
5:00 p.m. – 6:30 p.m.	Awards reception (DePaul Center, Concourse Level, 1st floor - take escalators to the lower level)
6:30 p.m. –	Dinner on your own

Thursday, June 18, 2026

8:30 a.m.	Registration opens
9:00 a.m. – 10:15 a.m.	Session 5
10:45 a.m. – 12:00 p.m.	Session 6
12:00 p.m. – 1:30 p.m.	Lunch on your own
1:30 p.m. – 2:45 p.m.	Session 7
3:15 p.m. – 4:30 p.m.	Session 8
4:45 p.m. – 6:00 p.m.	Session 9

6:00 p.m. – 7:30 p.m.	Closing reception and book giveaway (DePaul Center, Concourse Level, 1st floor - take escalators to the lower level)

Please note: by using the links in the table below, you can navigate to a specific session or panel to view the abstracts of the presenters.

TUESDAY, JUNE 16, 2026

5:00 p.m. – 6:30 p.m.	**Keynote: Greta LaFleur, "Sex Panics and Risk Metrics: Law, Propensity, and the History of Sexuality" (DePaul Conference Center, Room 8005)**
6:30 p.m. – 7:30 p.m.	**Reception (lobby outside of Room 8005)**

WEDNESDAY, JUNE 17, 2026

8:30 a.m. Registration opens

9:00 a.m. – 10:30 a.m. Session 1

Room 8005	Room 8009	Room 8010	Room 8014	Room 8012	Room 8204	Virtual - Room 8002
The Uprooted University: Law, Origins, and Possibilities Chair: Alexander Lynch Michael Banerjee Angelo Brown Thomas Crocker Alexander Lynch Lisa Siraganian Adam Sitze	**Testimonial Selfhood** Chair: Jaya Jha Patricio Boyer, *Courting the Law in Performance and Politics* Alex Feldman, *On the Imaginative Origin of Trials: Martyrs, Suicides and the State* Chaya Halberstam, *Erasure, Exposure, Revenge: Susanna and the Elders and Testimonial Injustice* Ravit Reichman, *Comedy, Justice, & George Carlin's Socratic Modes*	**Sex, Gender and the Law** Chair: Naomi Mezey Margot Lipin, *"Spendidly Attired and Handsome Females:" Shoplifting, Department Stores, and Eugenic Criminality in Turn-Of-The-Century New York* Nancy Marder, *Jury Duty and American Women's Struggle for Full Citizenship in a Time of Change* Naomi Mezey, *The Law and Culture of the New Patriarchy* Ana Oliveira, *The Legal Unconscious of Sex and the Sexual Obsession of Law*	**Law & Narrative I** Chair: Etienne Toussaint Mintae Cha, *Fiction in the Courtroom and Beyond: Narrative Strategies in Annesley v. Anglesey (1743)* Joseph Hummel, *"A Talent for Humanity": Empathy and Law in Anton Chekhov's "A Nervous Breakdown"* Etienne Toussaint, *"The Price of the Ticket": James Baldwin's Rage as Afrofuturist Praxis* Joana Aguiar e Silva, *Beyond the Norm: Law and Otherness in Jon Fosse's Trilogy*	**Race & Law I** Chair: Audrey Amsellem Audrey Amsellem, *King Records v. James Brown: "Unique and Extraordinary" Services, Labor, and the Thirteenth Amendment* Zamir Ben-Dan, *Malcolm X As Legal Bogeyman* Romina Garcia, *The Language of Violence and Survival* David Lau, *About Face*	**Authors Meet Readers: New Books in Black Studies** Chair: Faith Barter Faith Barter Jeannine DeLombard Justin Mann Nicole Spigner	**Legal Epistemologies** Chair: Maidah Khalid Andrea Hilland, *Nuxalk Normativity* Maidah Khalid, *Can the Enslaved Person Speak? An Insight into Hanafī Legal Methodology* Azaufa Takunjuh Ngundem Betaah, *Forging Out Epistemological Futures for Indigeneity in Africa: Intelligent Skepticism and Critical Environmental Law*

WEDNESDAY, JUNE 17, 2026

11:00 a.m. – 12:30 p.m. Session 2

Room 8005	Room 8009	Room 8010	Room 8014	Room 8012	Room 8204	Virtual - Room 8002
Teaching Law & Literature I Chair: Simon Stern Melissa Ganz, *From First-Year Seminars to Capstone Classes: Teaching Law and Literature to Undergraduates* Ralph Grunewald, *Teaching Large Enrollment Law and Humanities Courses* Jeannine DeLombard, *Large Lecture LH (Redux)* Greta Olson, *Teaching Law and Outrage* Julie Stone Peters, *Teaching Film, Media, and Law*	**Human Rights I** Chair: Sarah Winter Sarah Winter, *From Remedies to Rights? Habeas Corpus and Inclusive Rights to Due Process* Clayton Bohnet, *Homelessness and Sovereign Power: The Streets of America* Kristen Barnes, *Law and Public Sites of Memory*	**Law-Haunted Romanticism** Chair: Mark Schoenfield Mark Schoenfield, *Embattled Questions: Cross-examination and Catechism in John Galt's* The Entail Adam Kozaczka and Clare Simmons, *John Galt's Anecdotes on the Boundaries of Law, Literature, and History* Kristin Samuelian, *The Poetics of Distraint: Jane Eyre, Famine, and Ancient Irish Civil Law*	**Law's Acquisitions: Territories and Peoples; Places and Bodies** Chair: Jothie Rajah Nick Cheesman, *Law-making Torture?* katrina quisumbing king, *From War's Violence to Law's Violence: Treaties and Late 19th Century Wars of U.S. Territorial Expansion* Jothie Rajah, *Law's Acquisitions: Possession and Dispossession in Trump's Executive Orders* Discussant: Tera Agyepong	**Law's Temporalities** Chair: Abigail Stepnitz Mia Florin-Sefton, *Retrospective Prophecy: Heredity, Legal Narrative, and the Governance of Projected Futures* Ridita Mizan, *Law as Editor of Culture: Narrative Authority and Postcolonial Time in Arundhati Roy* Abigail Stepnitz, *Making Law at the End of the World: Jurispathos and the Death of Mystification in* Juliana v. United States	**Author Meets Readers: *Before Disability: A History of American Citizenship*** Chair: Susanna Blumenthal Sari Altschuler Rabia Belt Susanna Blumenthal Benjamin Irvin Ittai Orr	**Law's Pluralistic Origins** Chair: Claudy Op Den Kamp Claudy Op Den Kamp, *First: When Copyright Law Encountered Moving Pictures* Ryan Hartigan, *Uprooted Law on the Parliamentary Floor: Haka, Reenactment, and the Re-Origination of Legal Authority* Maab Al-Rashdan, *Hierarchy Begins Here: How Satan's "I Am Better Than Him" Became Language's Oldest Wound and a Template for Oppression* Tanessa Puri, *Unwritten, Unpaid, Uncounted: How Law Loses its Origins in Everyday Fiscal Life*

12:30 p.m. – 2:00 p.m. Catered lunch

WEDNESDAY, JUNE 17, 2026

2:00 p.m. – 3:15 p.m. Session 3

Room 8005	Room 8009	Room 8010	Room 8014	Room 8204	Virtual - Room 8002	Virtual – online only
Teaching Law & Literature II Chair: Melissa Ganz Tal Kastner, *Teaching Literature as a Lawyer and Law and Literature as a Humanist* Lisa Siraganian, *Teaching Personhood in Law and Literature* Mark Firmani, *Law, Literature, and the Liberal Arts* Simon Stern, *Teaching Law and Literature at a Law School*	**Law & Gender I** Chair: Nichola McNulty Nichola McNulty, *"Peace, Peace, When There Is No Peace": Anne Brontë's Feminist Manifesto in The Tenant of Wildfell Hall* Marissa Rizzuto, *Observing the Law: A Legal and Literary Analysis of the Consequence of Perspective* Adrianne Wojcik, *Sally Brass's "Strong and Vigorous Turn' of Mind": Dickens's Prototype of a Victorian Female Lawyer in The Old Curiosity Shop*	**Legal Pluralism** Chair: Wojciech Engelking Wojciech Engelking, *Uprooted Law and Plural Orders: Early Twentieth-Century Jurisprudence on the State's "Place"* Benjamin Newman, *Reviving Private Prosecutions: Challenging the State-Centric Conception of the Criminal Norm—Reimagining Criminal Justice as a Plural Civic Enterprise* Amihai Radzyner, *When Law Becomes Contract and Custom: The Case of Rabbinical Courts in Israel*	**(An)Arche and Plasticity: Metamorphoses in Law, Science and Literature** Chair: Emile Fromet de Rosnay Emile Fromet de Rosnay, *Anarchy, Law, and Metamorphosis: Toward a Poetics of Emergence* Mark Zion, *Anarchy, Law, and Metamorphosis: Toward a Poetics of Emergence*	**Anthropologies of Legality: Authenticity, Authority, and Everyday Law** Chair: Leo Coleman Leo Coleman, *Seeking the Authority and Authenticity of Law: Legal Positivism and Legal Anthropology* William Garriott, *Law and Everyday Life, Revisited: The Case of Cannabis Legalization* Jessica Greenberg, *Everyday Forensics and Feral Legal Forms: Moving from Legal to Political Praxis and Back*	**Mediating Corporate Accountability** Chair: Godwin Daramola Cassondra Bowden, *The Unwritten Constitution: Trauma, Dignity, and the Roots of Organizational Law* Godwin Daramola, *Institutional Governance and Corporate Social Responsibility in Nigeria's Oil and Gas Sector: Legal, Cultural, and Developmental Perspectives* Zada Suhaib, *Navigating Power and Equity: A Comparative Study of Shareholder Exit Mechanisms in Delaware and Canada*	**Law & the Novel I** Chair: Sonal Rana Rafal Stronk, *"Under a Portrait of the Emperor, Because at That Time There Was an Emperor": The Periphery's Imagining of the State and Law in Jósef Wittlin's The Salt of the Earth* Sonal Rana, *The Dead Hand in Henry James's "The Last of the Valerii": Dead Hand, Thwarted Relationality, Law, Literature, and Psychoanalysis* Junggyung Song, *Law at the Margins: Legal Pluralism and Everyday Legality in Min Jin Lee's Pachinko*

WEDNESDAY, JUNE 17, 2026

3:45 p.m. – 5:00 p.m. Session 4

Room 8005	Room 8009	Room 8010	Room 8014	Room 8012	Virtual - Room 8002
Socio-Legal Fictions Chairs: Jennifer Culbert and Marianne Constable Marianne Constable, *The Rule of Law as Sociolegal Fiction* Jennifer Culbert, *Just Reflections: Photographic Evidence and Sociolegal Fiction* Tim Wyman-McCarthy, *Cooptation and Movement Law's Socio-Legal Enabling Fictions*	**Uprooted Subjects, Queer Desire** Chair: Marco Wan Swethaa Ballakrishnen, *Unnatural Lust: Queer Panic (Shame, Denials and Desire) in Postcolonial Law and Literature* Leila Neti, *Romantic Relations: English Law and Literature in the Novels of Toru Dutt* Marco Wan, *Rootedness and the Emergence of Gay Rights in Hong Kong*	**Law and Injury: Grievance, Revenge, and Power** Chair: Mary Dudas Mary Dudas, *Injuries to Masculinity* Anna-Maria Marshall, *Digging Two Graves: Revenge, Ambivalence, and the Criminal Justice System in the KDrama* Taxi Driver Claire Rasmussen, *Gender Kayfabe: Wrestling with the Sex and the Sublime*	**The (Missing) Body of Law: Inquest, Kinship and the Spectral Remainder** Chair: Tuhin Bhattacharjee Tuhin Bhattacharjee, *The Curious Case of Paraśurāma: On Dharma, Caste, and Kinship* Iqra Raza, *Habeas without Corpus: Enforced Disappearance and the Legal Form in Contemporary India* Anushka Roy, *The Missing Corpse and Coroner's Inquest : Tracing the Development of Medico-legal Death Investigation System and its Public Perception in the 19th century Colonial India*	**Crisis in French Law: Times and Spaces of Exception** Chair: Ty Blakeney Ty Blakeney, *From Napoleon to Trump: Contingency, Exception, and the Temporality of the Coup d'état* Vanessa Brutsche, *From Siege to Emergency: States of Exception in Camus's State of Siege* Chelsea Stieber, *States of Colonial Exception: Special Laws during the French Revolution*	**Law's Dangerous Others** Chair: Zoe Savitsky Aditya Banerjee, *Afterlives of the 'Alien Enemy': Immigration Enforcement and Revolutionary Terror in Early American Legal Culture* Zoe Savitsky, *The Man, the State, the Corporation: The Luigi Mangione Case as the Terrorism of the Future and the Future of Terrorism* Amber Hernandez, *Legislative Exclusion and Suppression in Bronte's* Shirley

5:00 p.m. – 6:30 p.m. **Awards reception (DePaul Center, Concourse Level, 1st floor - take escalators to the lower level)**

6:30 p.m. **Dinner on your own**

THURSDAY, JUNE 18, 2026

9:00 a.m. – 10:15 a.m. Session 5

Room 8005	Room 8009	Room 8014	Room 8012	Room 8204	Virtual - Room 8002
Law & the Novel II Chair: Ravit Reichman Mark Firmani, *Collateral Fictions: Empire and the Law of War* Jack Quirk, *Mulk Raj Anand's Unprecedented Form* Lindsay Stern, *The Art of Refusal: Thinking Big Tech with Kafka*	**The American Death Penalty: Historical Developments, Constitutional Implications** Chair: Jesse Cheng Michael Mannheimer, *Why Luigi Mangione Cannot Be Executed: An Originalist Perspective* Daniel LaChance, *Black Depictions of Capital Punishment in the Age of Legal Lynching* Jesse Cheng, *The "Character" and "Process" of Capital Punishment*	**Attenuated Causalities and Diminished Responsibility** Chair: Sharif Youssef Sharif Youssef, *Information Hurts: Poison and Misinformation in Charlotte Smith's "The Marchioness de Ganges"* Jayne Lewis, *"The Picture of the Fact": Oneiric Evidence and the Prosecution of Justine Moritz* Melissa Ganz, *"The Crowd Was the Law": Crime, Violence, and Responsibility in Dickens's* Barnaby Rudge	**Transnational Approaches to Law and Film: Narratives of Forced Displacement in Colombia, Germany and Mexico** Chair: Olga Salazar Pozos Irene Kuo, *Credibility on Trial: Reenacting the Asylum Interview in Lisa Gerig's Die Anhörung (The Hearing)* Olga Salazar Pozos, *Documentary Witnessing and the Politics of Internal Displacement in Teresa Camou's Cruz* Joseph Wager, *Me salieron tímidos and the Epic of "Postconflict" Colombia in Laura Mora Ortega's Film* Los reyes del mundo	**Uprooting Citizenship: Transnational Critiques of Belonging** Chair: Mauricio Oportus Preller Emma Brush, *Forms of Fugitivity: Javier Zamora's Solito and the Antebellum Slave Narrative* Mauricio Oportus Preller, *The Silences of Citizenship: Counter-Imaginaries of Law and Belonging in Turn-of-the-Century Argentina* Rajgopal Saikumar, *Archival Excess in Zora Neale Hurston's* Barracoon	**The Spirit of the Law: Spirituality and Legal Meaning** Chair: Reginald Oh Ronald Garet, *We hold these truths but none (Sojourner Truth & the Blessings of Liberty)* Susan Sturm, *Forging Linked Fate: Meaning Making to Build Movements* Reginald Oh, *The Spiritual Constitution: Original Spiritual Meaning & the Preamble*

THURSDAY, JUNE 18, 2026

10:45 a.m. – 12:00 p.m. Session 6

Room 8005	Room 8009	Room 8010	Room 8014	Room 8012	Room 8204	Virtual - Room 8002
Law & Culture I Chair: Zvi Rosen Samantha King, *When Law Loses Time: Governance Failure as a Problem of Observation* Zvi Rosen, *The Copyright Office at a Crossroads: Recordkeeping and the Future of the Office* Hellen Abril Torres Gonzalez, *Law as Cultural Practice: Meaning, Change, and Social Life*	**WORKSHOP: Revolt and reciprocity–what is required of us? What is revolt?** Jill Stauffer	**Law & Narrative II** Chair: Ravit Reichman Alison Hsiao, *Operation Babylift: Skies and Oceans of Legal Terror* Eileen Ying, *Oyama's Gift, or, What Was the Plot of Re-possession?*	**Law & Culture II** Chair: Yael Plitmann Eva Vaillancourt, *'Oriental Despotism' on Wheels: Traffic, Empire, and the Legal Technicality, 1900-1940* Kaitlyn Filip and Kat Albrecht, *The Courthouse in the Woods* Yael Plitmann, *Religio-legal Movements and the Spirit of Democracy in Late 19th and Early 20th Century United States*	**Free Speech and Censorship** Chair: Daniel Putnam Daniel Putnam, *A Jurisprudence of Contagion* Stephen Sudia, *Invitation to a Misreading: Literary Criticism and the Origins of Post-Soviet Russian Law* Cynthia Merrill, *Uprooting Equality, Repressing Narrative: The Supreme Court's Adjudication of the Rights of the Marginalized*	**Law and Religion** Chair: Kathryn Heard Kante Hamed, *Living Sharia in a Non-Muslim State: Informal Sharia Implementation and secularism in Côte d'Ivoire* Kathryn Heard, *Towards Rehabilitation? Religious Freedom and Retribution in the Carceral State* Ali Nazar, *The Implications of the Chain of Transmission (isnad)-ʿAnʿanah in the Development of Modern Islamic Law*	**Author Meets Readers: *Aesthetic Impropriety: Property Law and Postcolonial Style* by Rose Casey** Chair: Rose Casey Rose Casey Kirsten Anker Nicole Rizzuto Danny Shanahan

12:00 p.m. – 1:30 p.m. Lunch on your own

THURSDAY, JUNE 18, 2026

1:30 p.m. – 2:45 p.m. Session 7

Room 8005	Room 8009	Room 8010	Room 8014	Room 8012	Room 8204	Virtual - Room 8002
Race & Law II Chair: Zamir Ben-Dan Zamir Ben-Dan, *Against Restorationism* Jared Berkowitz, *"A New Kind of Corporation": Corporate Emancipation in an Era of Constitutional Crisis, 1857-1870* Levi Craske, *"Stripes and Arbitrary Punishment": Critique of the Law of Punishment in Equiano's Interesting Narrative* Lucien Ferguson, *The Social Mobility Vision of the Fourteenth Amendment*	**Undoing Law: Speech, Language, and Narrative in the Age of Generative AI** Chair: Ralph Grunewald Ralph Grunewald, *The Cat Is Out of the Bag: Authorship, Authority, and Legal Agency in the Age of AI* Lisa Siraganian, *AI Originalism* Amanda Turnbull, *Extra-ordinary Language Philosophy: Adapting to the Algorithmic Turn in Law*	**Law & Language** Chair: Helena Whalen-Bridge Jackson Barnett, *Personhood and property: Objects as a function of memory in Yuri Trifonov's* House on the Embankment Erin Islo, *Judicial Sermons* Ali Nazar, *The Qahwa and Coffee confusion: a review of linguistic and Islamic sources between the 2nd/8th to the 12th/18th century* Helena Whalen-Bridge, *Laypersons and Legal Knowledge: Rhetorical Strategies for Incoherence*	**Legal Infrastructures of Anglophone Settler Colonialism: Frictions of Jurisdiction and Indigenous Commons** Chair: Madalen Benson Madalen Benson, *Hunting and Foraging: Art's Interrogation of Legalized Dispossession* Susanna Collinson, *"Signs of a Nation": Te Tiriti o Waitangi and the planting of common law in Aotearoa New Zealand* Will Parrish, *Fish Wars, Law, and the Commons: Indigenous Sovereignty and the Limits of Legal Recognition*	**Poetry & Law** Chair: Oladayo Koleola Oladayo Koleola, *"Of Roots and Fruits: Alter/Native Legalities, Yorùbá Norms, and Legitimacy in Nigeria (2016-2022)* Lavinia Liang, *Towards an Asian American Legal Poetics* Talia Shalev, *The Poet as Minor Character: Ideas of Literature in Law*	**Law & Gender II** Chair: Swethaa Ballakrishnen Asha Ramakumar, *Uprooted Belonging: Property, Ecology, and the Limits of Legal Identity in Virginia Woolf's Orlando* Andrew Majeske, *A Troubling Implication of Margaret Atwood's The Handmaid's Tale and Naomi Alderman's The Power*	**Rhetoric(s) of Residential Tenancies: From Paper to Politics** Chair: Patrick Garon-Sayegh John Enman-Beech, *The Rhetorical Mechanism of Contract in a Landlord-Tenant Relation* Mireille Fournier, *Rhetoric and the (Re)Making of Legal Common Sense: the Fight Against 'Renoviction'* Patrick Garon-Sayegh, *Dwelling in Contingency: Law, Rhetoric, and the Achievement of Probable Facts*

THURSDAY, JUNE 18, 2026

3:15 p.m. – 4:30 p.m. Session 8

Room 8005	Room 8009	Room 8010	Room 8014	Room 8012	Virtual - Room 8002
***Law, Narrative, and Narratology: Interdisciplinary Essays* (NYU) - Book Panel** Chairs: Greta Olson and Simon Stern Annie Kim, *Focalization, Contingency and Doubt in Judicial Narratives* Ralph Grunewald, *Silent Narrators: Narrative Agency and Police Deception* Greta Olson, *Eight Proposals for Law and Narrative* Nicole Mansfield Wright, *Freedom and the Domain of Choice: Misinformation, Slavery, and Conflicting Narratives of "Voluntary Choice"--from Religious Conversion to Case Law to Clickbait* Helena Whalen-Bridge, *The Burden of Narrative: Party Narratives and Altered Burdens of Proof in Singapore's Misuse of Drugs Act*	**Criminality & Sex** Chair: Noa Ben-Asher Noa Ben-Asher, *Gender Trouble in the Court: Recentering Sex in Transgender Rights* Tiago Ribeiro, *On Sex: Legal Origin, Legal End, and Legal Fiction*	**Law & the Senses** Chair: Kathryn Harvey Leslie Abramson, *Early Warnings: The Moving Image, Legal Interpretation, and Abuses of Modern Witness in Silent Cinema* Kathryn Harvey, *Popular Culture and Change Over Time: How We Think About Lawyers*	**Human Rights II** Chair: Leigha Crout Leigha Crout, *On Law, Power, and Reform: Constituent Resistance & the Blank Paper Protests* Drew Johnson, *What Was Asylum? Historicizing Asylum Law in the United States and its International Origins* Alexandru Gociu, *The Concept of Sustainability in the Age of Climate Litigation—the Case of Norway*	**Carceral Landscapes Roundtable** Chair: Lisa Haber-Thompson Lisa Haber-Thompson, *Air Conditioning on Death Row: Legal Definitions of Comfort and Pain* Doran Larson, *Indexing Carceral Experience* Bryan Norwood, *Profit and Reform: Landscapes of Incarceration in New South Louisiana*	**Defining Law** Chair: Jorge Fabra-Zamora Malwina Tkacz, *The Juridification of the World: Legal Positivism and the Cultural Li* Jorge Fabra-Zamora, *Law as Political Communities* Catherine Le, *The Origins of Politics: Law and Rhetoric in Carl Schmitt's Concept of the Political* Ari Niki-Tobi, *A Socio-Judicial Approach to Redefining Law in Uncertain Times* Nimisha Sinha, *Genres of Law: The Form of the Development Regime*

THURSDAY, JUNE 18, 2026

4:45 p.m. – 6:00 p.m. Session 9

Room 8005	Room 8009	Room 8010	Room 8014	Room 8012	Virtual - Room 8002
Law & Culture III Chair: Jennifer Culbert Tim Barouch, *Ethical Accountability and The Rule of Law* Emily Hoffman, *Kinship before the Law* Ali Nazar, *Outside the Books: How Lebanese Families Construct Education Beyond Legal Recognition*	**Sovereignty and Knowledge** Chair: Ralph Grunewald Dohyung (Jacob) Cha, *Docta Ignorantia for AI Governance: Medieval Epistemology Meets Productive Disalignment* Eric Oberle, *Executive Decision-Making: Bureaucratic, Lawful, Administrative, Disruptive, or Rational?* Abigail Sprenkle, *Origins within Origins: Narratives of Law by Consensus in Old English Royal Legislation*	**Transplanting and Uprooting: Law, Literature, Empire** Chair: Christine Holbo Jeannine DeLombard, *Transplanting Dignity* Christine Holbo, *Tom Sawyer in Tribal Court; Or, Inventing Traditional Case Law in Louise Erdrich's The Round House* Sharif Youssef, *"Precedent and Debasement: Gulliver's Travels, "The Drapier's Letters" and a Fiscal Theory of Satire"*	**Law's Currencies** Chair: Celeste Melgar Celeste Melgar, *The Legal Production of Cultural Worth in Panama and Costa Rica* Chantelle van Wiltenburg, *Numeric Justice*	**Philosophy and Law** Chair: Mark Hannah Mark Hannah, *Plural Authority and the Question of Following Law: Reading More's Utopia* Daniel Epstein, *The Enforcement Compulsion in Modern Legal Thought* Samantha Godwin, *An Error Theory of Law*	**Human Rights and the Carceral State** Chair: Geoffrey McDonald Elena Falletti, *The Forgotten Voice of the Enlightenment: Cesare Beccaria and American Criminal Law Today* Geoffrey McDonald, *Groundwork for the Recognition of Housing as a Human Right and Legal Entitlement* Riddhi Pandey, *Chand Roz Aur—A Few Days More: Reckoning with Protracted Incarceration in India*

6:00 p.m. – 7:30 p.m. Closing reception and book giveaway (DePaul Center, Concourse Level, 1st floor - take escalators to the lower level)

CONFERENCE PROGRAM

Tuesday, June 16, 2026

5:00 p.m. – 6:30 p.m. **Keynote: Greta LaFleur, "Sex Panics and Risk Metrics: Law, Propensity, and the History of Sexuality" (DePaul Conference Center, Room 8005)**

6:30 p.m. – 7:30 p.m. **Reception (lobby outside of Room 8005)**

Wednesday, June 17, 2026

8:30 a.m. **Registration opens**

9:00 a.m. – 10:30 a.m. **Session 1**

THE UPROOTED UNIVERSITY: LAW, ORIGINS, AND POSSIBILITIES

Room 8005

Chair: Alexander Lynch, Arkansas State University (all62@cam.ac.uk)

Michael Banerjee, UC Berkley (michael_banerjee@berkeley.edu)

Angelo Brown, Arkansas State University (angbrown@astate.edu)

Thomas Crocker, Boston College Law School (thomas.crocker@BC.edu)

Alexander Lynch, Arkansas State University (all62@cam.ac.uk)

Lisa Siraganian, Johns Hopkins University (lsiraga1@jhu.edu)

Adam Sitze, Amherst College (asitze@amherst.edu)

TESTIMONIAL SELFHOOD

Room 8009

Chair: Jaya Jha

Patricio Boyer, Davidson College (paboyer@davidson.edu)
Courting the Law in Performance and Politics
This paper explores performance art that engages legal response as part and parcel of its performative document or effect. Examining artists like Regina Galindo, Crack Rodriguez, Steven Cohen and Pavel Krisevich, I will examine how these artists understand the relationship between art and the law, and what that analysis might tell us about the nature of the law as a performative event. Rather than focusing on the nature of criminal proceedings or the mechanics of the trial structure, I will underscore the ontology of law "out in the world," as a public performance itself set into motion by symbolic action. What kind of questions do these artists raise about the limits of aesthetic interventions? How does legal engagement create a kind of testimonial self bears witness to the law while simultaneously eliciting its effects, putting its machinery in motion?

Alex Feldman, University of Haifa (bfeldman@univ.haifa.ac.il)
On the Imaginative Origin of Trials: Martyrs, Suicides and the State
Literatures, theatres and popular entertainments turn repeatedly to the trial, as a performance genre or a communal ritual, dramatizing conflict and contestation, exposing the fault lines that threaten to divide societies, and staging the accused's conviction: linking punishment to commitment. But where did this idea of the trial originate? The trial, that is, not merely as an instrument for determining guilt or innocence, but as a cultural practice tied up with the identity of the subject, with the meaning of freedom? Examining the trials of Christ and of Socrates, accounts of whose legal ordeals (in Plato's Apology and the Gospels) are both constitutive of the trial as it appears in our art and culture, and paradigmatic of the assertion of selfhood unto death. These "two cases of capital punishment, of judicial murder," writes George Steiner, are "archetypal of Western tragic art and feeling." But for Nietzsche, "the two greatest judicial murders in world history are…disguised and well disguised suicides." What has

been the legacy of these events in determining our conceptions of martyrdom in the present day, and the shape of our dramatic engagements with resistance and authority?

Chaya Halberstam, King's University College at Western University (chaya.halberstam@uwo.ca)
Erasure, Exposure, Revenge: Susanna and the Elders and Testimonial Injustice
Feminist legal scholarship has long documented how women's speech has been systematically excluded from legal knowledge. At times their testimony is literally struck from the record as legally irrelevant; at others it is heard but never treated as credible. This dynamic is especially pronounced in cases of sexual assault and harassment, when women's accounts of supposedly "private" matters strike listeners as inappropriate and immodest rather than truthful. These attitudes can be traced back to a biblical trial story Susanna and the Elders, written at least a century before the Gospels. Susanna, an innocent Judaean is accused by false witnesses, put on trial, and sentenced to death—after refusing the Elders' sexual demands. Early Church Fathers interpreted Susanna as prefiguring the virgin Mary and the virgin martyrs of early Christianity, whose chastity and silence were believed to repel sexual violation. But Susanna was neither virgin nor martyr; she is married and survives to watch the revenge-fantasy finale to her story. This paper reads the Susanna narrative as primarily a courtroom story that firmly establishes her truth in the narrative to expose how legal processes silence and retraumatize victims.

Ravit Reichman, Brown University (Ravit_Reichman@brown.edu)
Comedy, Justice, & George Carlin's Socratic Modes
In 1972, comedian George Carlin released his album Class Clown, which concluded with the now-infamous "Seven Dirty Words" routine ("Seven Words You Can Never Say on Television"). One year later, John Douglas heard the monologue broadcast on public radio while driving with his fifteen-year-old son. His subsequent complaint set in motion a legal chain reaction that carried Carlin's comedy from the radio airwaves to the Supreme Court in FCC v. Pacifica Foundation (1978). This paper examines how Carlin transformed stand-up comedy into constitutional controversy by mobilizing what might be called a Socratic register: much as Socrates converted the courtroom into a classroom in Plato's Apology, Carlin converted the comedy stage into a site of legal and philosophical inquiry. Like Socrates's teachings, moreover, Carlin's monologue tapped into a wider anxiety about speech (or rather, the erosion of limits and rules around speech) corrupting the youth. By setting law in motion, Carlin's performance suggests that law originates or takes hold not merely by chance, through accidental circumstances, but rather through provocation: law is summoned, tested, and brought into being by speech that takes risks and demands response, judgment, and a public reckoning.

SEX, GENDER AND THE LAW

Room 8010

Chair: Naomi Mezey, Georgetown Law (mezeyn@georgetown.edu)

Margot Lipin, UC Berkeley (margotlipin@berkeley.edu)
"Spendidly Attired and Handsome Females:" Shoplifting, Department Stores, and Eugenic Criminality in Turn-Of-The-Century New York
My paper examines the role of dress and appearance in the legal and cultural construction of the female shoplifter in turn-of-the-century New York. In a period when white female purity was often used as a justification for punitive and violent treatment of Black Americans within the legal system, the construction of shoplifting as predominantly white women's crime demonstrated a seemingly paradoxical dimension of racialized gender and criminality in the Jim Crow era. Rather than respectable white women's shoplifting being treated as an urgent issue itself, the legal-cultural discourse around the shoplifter created a dichotomy between the 'professional shoplifter,' and the 'amateur' who fell victim to a passing temptation. Judges, city officials, and media commentators were more concerned about the former than the latter, whom they considered part of the "dangerous classes" of the urban North, and who were typically working-class immigrants or children of immigrants. The sociocultural and legal boundary between professional shoplifters and amateurs was constructed in part based on shoplifting defendants' dress and appearance. My paper reveals how within an expanding consumer culture and changing ideas of criminality, police, jurists, reformers, and journalists used fashion to make New Yorkers legible and sort them into categories that dictated their status within the city–where they could go, what they could do, and even what rights they had.

Nancy Marder, Chicago-Kent College of Law (nmarder@illinoistech.edu)
Jury Duty and American Women's Struggle for Full Citizenship in a Time of Change
In the United States, two indicia of full citizenship are the right to vote and the right to serve on a jury. Although American women secured the right to vote in 1920 through the Nineteenth Amendment to the U.S. Constitution, their right to serve as jurors did not immediately follow. Rather, American women's path to jury service was circuitous. In the late 1880s, some states permitted women to serve as jurors, but they eventually lost that right in most of those states. In federal courts, women did not have the right to serve as jurors unless the state in which the federal court sat permitted them to serve. It was not until the passage of the Civil Rights Act of 1957 that women secured the right to serve as jurors in federal court regardless of whether the state permitted them to serve; yet even then women could be kept from serving as jurors through jury practices such as affirmative registration and gender-based peremptory challenges.

This paper explores American women's struggle to secure the right to serve on juries in both state and federal courts in a time of change. This paper is part of a larger project exploring women's efforts to serve as jurors, the arguments they made to support their claim to full citizenship, the resistance to those arguments, how the arguments played out in public debate, what they revealed about gender roles, and how remnants of this struggle remain even today.

Naomi Mezey, Georgetown Law (mezeyn@georgetown.edu)

The Law and Culture of the New Patriarchy

This paper is an exploration of a whole constellation of legal and cultural ideas that work together to define and glamorize what I am calling the "new patriarchy." The topic is timely because the new patriarchy is developing now and seeks to reverse long-standing advances in sex equality and settled understandings of women's freedom. The legal aspects of the new patriarchy are anchored in the rhetoric and effects of the Dobbs decision and the post-Dobbs landscape in which rights and mortality vary by geography, race, and wealth. Beyond abortion, the legal attacks on the right to contraception has begun, and Trump's executive orders and actions assert state control over women's bodies by framing declining birthrates as a national emergency, restricting ideas of gender, moving federal money from contraception access to "fertility awareness,' flirting with the idea of motherhood medals, and chipping away at both reproductive autonomy and women's basic status as autonomous persons. The culture of the new patriarchy is pervasive: in libraries, museums, and school curricula; across social media among pro-natalists who promote and romanticize large families, "tradwives" who extol the pleasures and virtues of traditional family roles, MAHA "momfluencers" who warn that birth control and vaccines are dangerous, and Christian family advocates who demonize working women and public school. And the manosphere continues to normalize aggressive masculinity, sexual harassment, and assault.

Ana Oliveira, Centre for Social Studies, University of Coimbra (anaoliveira@ces.uc.pt)

The Legal Unconscious of Sex and the Sexual Obsession of Law

The study of the legal status of sex has a long history in social and legal theory, showing the power of sexual invocation – as violence, freedom, self-determination, dignity, danger, etc. – as a way of claiming, justifying, or contesting legal regulation across different areas of social life. Yet one apparent paradox is that the greater the power conferred by the invocation of sex, the less capable the law appears of isolating and justifying the place it assigns to sex and the modes of its representation. When defining sexual matters and assessing their normative relevance – from criminal to labour spheres – legal practices grapple with moral, aesthetic, ethical, and political categories whose interpretation is shaped by context and attributed intention, and whose legal classification rests on unstable criteria that the law simultaneously receives from and induces in different social, epistemic, and institutional domains. Drawing on Cultural Legal

Studies, this paper examines the conditions under which sex is enunciated and evidenced in jurisdiction over people and things, problematising the formation of meaning in the mediations between legal practices and extra-lawscapes, which both inform and are reshaped by legal language and rationality. Treating sex as a privileged site for observing both law's porousness and normative reach, the paper advances the working hypothesis of a legal unconscious of sex, tracing forms of juridicity in areas previously uncharted.

LAW & NARRATIVE I

Room 8014

Chair: Etienne Toussaint, University of South Carolina (ectoussaint@sc.edu)

Mintae Cha, Notre Dame Law School(mcha2@nd.edu)
Fiction in the Courtroom and Beyond: Narrative Strategies in Annesley v. Anglesey (1743)
Annesley v. Anglesey (1743) was a cause célèbre. In a story stranger than fiction, a man named James Annesley returned from indentured servitude in America to lay claim to the Earldom and estates of his uncle, Richard Annesley, 6th Earl of Anglesey, whom he accused of usurping the inheritance. Rather than trying to reconstruct the "facts" of the case, I analyze the narrative strategies employed by the litigants. I argue that James Annesley adroitly weaved together tropes about family and nobility, both in and out of the courtroom, helped convince the jury and the public of his property claims. The Annesley trial thus demonstrates the potency of narratives in shaping legal outcomes in eighteenth-century England and Ireland.

Joseph Hummel, UNT Dallas College of Law (joseph.hummel@untdallas.edu)
"A Talent for Humanity": Empathy and Law in Anton Chekhov's "A Nervous Breakdown"
Empathy, it would seem, is under attack. Once treated as a civic and professional virtue, empathy has recently been recast by political, religious, and economic forces as something "weaponized" and socially corrosive to Western civilization. Though many of these voices do not originate in the legal profession, some do, and the anti-empathy turn reflects an agenda with legal consequence shaped, in part, by members of the bar. This presentation explores the role and limits of empathy within law through an examination of Anton Chekhov's short story, A Nervous Breakdown. Chekhov centers the narrative on a law student crippled not only by his inability to "save" the poor and downtrodden of Moscow's brothels, but by the failure of his moral perception to become a remedy. Injustice confronts him, but so, too, do forces of apathy, normalization, and indifference. As a subtle but significant meditation on empathy's relationship to the law and legal pedagogy, A Nervous Breakdown finds contemporary resonance with a legal profession that often struggles to remedy injustice when doing so runs counter to cultural norms or currents. Through examining the story's ideas on law, empathy,

and justice, this presentation aims to contribute to the growing discussion of empathy's contested place not only within the law and legal education, but within public life at large.

Etienne Toussaint, University of South Carolina (ectoussaint@sc.edu)
"The Price of the Ticket": James Baldwin's Rage as Afrofuturist Praxis
What do we follow when we follow the law? Baldwin's answer uproots foundational assumptions: we follow fictions. His claim that "the negro is a white invention" reveals race—and the legal order built upon it—as constructed rather than natural. Law does not describe reality; it creates it. From Dred Scott to Plessy to COVID-era "essential workers," legal categories name those who must be sacrificed to sustain others' comfort, naturalizing hierarchy as neutral description.
This paper argues that Baldwin's political rage constitutes a method for excavating law's origins in violence and imagining its reconstructed outgrowths. His work performs three operations: deconstructing law's claim to neutrality, demanding material reckoning for legal architectures of extraction (slavery, convict-lease, mass incarceration), and generating alternative constitutional orders grounded in radical reciprocity. Reading Baldwin alongside Octavia Butler's Parable of the Sower—where Earthseed functions as constitutional design—reveals law's location not in static texts but in ongoing struggle over who pays the price of social order. Baldwin's 1960s CORE organizing demonstrates law-making as speculative practice: using collective action to uproot existing legal categories and grow new ones. His vision connects to contemporary movements—mutual aid networks, transformative justice, cooperative governance—that treat law not as fixed inheritance but as living design.

Joana Aguiar e Silva, Universidade do Minho (jmasilva@direito.uminho.pt)
Beyond the Norm: Law and Otherness in Jon Fosse's Trilogy
This essay purports to examine Jon Fosse's Trilogy as a literary space in which the boundaries of the juridical are rendered fundamentally unstable. Through its minimalist language and pronounced ethical density, the work foregrounds the instability of fundamental legal categories such as guilt, responsibility, punishment, and justice, thereby exposing the difficulty of drawing clear boundaries between what belongs to the realm of law and what exceeds it. The trajectory of Asle and Alida unfolds at the margins of the legal order, where formal legality proves insufficient to account for experiences of poverty, violence, vulnerability, and moral ambiguity. Fosse's narrative, structured around silence, repetition, and interiority, disrupts normative clarity and challenges the assumption that law operates through fixed and determinate distinctions. Instead, the Trilogy reveals a porous space in which legal judgment, ethical responsibility, and existential suffering become deeply entangled. In this sense, literature emerges not merely as an object of legal interpretation, but as a critical site that destabilises the boundaries of the juridical itself, making visible forms of injustice and

responsibility that resist codification. The analysis goes through Fosse's Trilogy in the effort to identify a conception of justice grounded in indeterminacy, attentiveness to singularity, and an openness to what may lie beyond the limits of positive law.

RACE & LAW I

Room 8012

Chair: Audrey Amsellem, Columbia University (aa3348@columbia.edu)

Audrey Amsellem, Columbia University (aa3348@columbia.edu)
King Records v. James Brown: "Unique and Extraordinary" Services, Labor, and the Thirteenth Amendment
This paper examines the origins and afterlives of exclusive recording contracts through an unstudied case at the intersection of contract, labor, and constitutional law: King Records v. Brown (1964). Focusing on James Brown's dispute with his record label, King Records, this paper argues that mid-twentieth century recording contracts functioned as legal technologies of dispossession that convert artistic labor into alienable property while insulating record labels from constitutional scrutiny. Brown's contract granted King exclusive rights to his recording services on the grounds that his talents were "unique and extraordinary," a formulation the court later relied upon to justify a negative injunction. Although Brown explicitly invoked the Thirteenth Amendment's prohibition on involuntary servitude, the court refused to engage with these claims, treating contractual exclusivity as a neutral feature of private ordering rather than as a coercive constraint shaped by racialized music industry labor markets.
Reading the case alongside the history of Black musicians' constrained bargaining power, this paper situates exclusive recording contracts within a broader logic of primitive accumulation, through which law reinforces property regimes that uproot artists from control over their own labor and expression. The case reveals how notions of originality and uniqueness often framed as celebrations of artistic talent, are instead weaponized to legitimize asymmetrical power relations.

Zamir Ben-Dan, Temple University (zamir.ben-dan@temple.edu)
Malcolm X As Legal Bogeyman
Sixty-plus years after his assassination, human rights activist Malcolm X is still the subject of intense scholarly study both within and (mostly) without legal academia. Moreover, in an age where public confidence in American democracy is at an all-time low, calls for abolition continue to resound, calls for rewriting the Constitution grow, and skepticism in the goodness of American law deepens, Malcolm's voice matters more than ever.

This Article examines American law's historical and contemporary view of Malcolm X. Utilizing the concept of "racial gaslighting" in conjunction with the historical "Black Bogeyman" trope as the frame, this Article asserts that the American law community—lawmakers, law enforcers, the courts, attorneys, and legal academia—generally viewed and views Malcolm as a bogeyman. It profiles the actions of federal, state, and local law enforcement both while Malcolm was alive and immediately after his assassination; it surveys the jurisprudential construction of Malcolm in the decades since his death; and it reviews certain writings of legal scholars on Malcolm in the late twentieth and in the twenty-first centuries. It draws parallels between American law's villainization of Malcolm and its current war against critical race theory, a produce of Malcolm's legacy. Ultimately, it concludes that Malcolm-as-bogeyman as perceived by the American law community reflects the ugliness of American law: its steadfast commitment to racism.

Romina Garcia, New York University (rg5077@nyu.edu)

The Language of Violence and Survival

What is revealed when the law or laws are understood as a form of language? With a focus on Black women and Black mothers who identify as victims/survivors of sexual violence and/or domestic violence, this paper considers how the law and legal policies have employed language throughout the years in order to shape the experiences of violence for Black women through structures of punitivity and carcerality. This study investigates the experiences of Black women throughout U.S. history in order to examine how the mechanism of language within different forms of legal discourse have rendered Black women's experiences of violence illegible and the collateral damage that is felt today—creating what I call, a dialectical legal subject. By unpacking recently released California parole board transcripts, historical and contemporary legal cases, Mandatory Arrest laws throughout the country, and antiviolence advocacy policies in Chicago—this paper illuminates the linguistic signifiers that have paved the way and continue to consolidate the discursive forms of violence within the lives of Black women and Black mothers. Additionally, this paper explores key themes such as victim/victimhood, crime, violence, protection and safety. This paper investigates the diversity of experiences of violence among Black women and Black mothers in the United States in order to expose the intentional obscuring by the antiblack state.

David Lau, University of California, Berkeley (david.a.lau@berkeley.edu)

About Face

Literary texts have a playbook that shows the boundaries, limits, and playful re-imaginings of racialized (legal) subjectivity. "Yellow Face," by David Henry Hwang, plays with the links between law, performance, and racial subjectivity. "Yellow Face," first produced and presented in 2007, is ostensibly preoccupied with issues of Asian American racial identity. However, what

might occur when Hwang's play stages and subverts its own claims towards a representation of Asian American subjectivity? Law, and even some forms of critical race theory, seem to depend upon a stable racial subject. When happens when there is a slippage in this racial subjectivity? When the (racial) role is, in a sense, miscast? Perhaps aesthetic and literary works can point the way towards another route at looking at legal representations that skewers how representations are made, and thus, ultimately show how such representations and subjectivities might be able to be constructed, re-made, and even re-performed and played at. Efforts to fully, or comprehensively, explain what it might mean to represent Asian Americans might be elusive or even in a state of perpetual incompleteness; the face of Asian Americans is reversed, faked, real, and incomplete. Illustrations and examples, efforts to explain, might shatter, or spiral, into its many refracted faces: a constant evasion of the seeming permanence and "pinning down" in the functions of the law.

AUTHORS MEET READERS: NEW BOOKS IN BLACK STUDIES

Room 8204

Chair: Faith Barter, University of Oregon (fbarter@uoregon.edu)

Faith Barter, University of Oregon (fbarter@uoregon.edu)

Jeannine DeLombard, University of California, Santa Barbara (jdelombard@ucsb.edu)

Justin Mann, Northwestern University (justin.mann@northwestern.edu)

Nicole Spigner, Northwestern University (nicole.spigner@northwestern.edu)

LEGAL EPISTEMOLOGIES

Virtual - Room 8002

Chair: Maidah Khalid, Indiana University Bloomington (maikhal@iu.edu)

Andrea Hilland, University of British Columbia Law (hilland@allard.ubc.ca)
Nuxalk Normativity
As a Nuxalk person, I convey the Nuxalk Nation's Creation Story to demonstrate how epistemology, cosmology, and ontology interweave into a cohesive worldview that provides the normative framework from which law emerges.

The Creation Story holds that the Creator's four sons carved all beings in Sky World. The beings descended to earth in animal form. Later, the Creator's daughter descended to earth wearing a blanket adorned with buttons in the shape of her ancestral animal. She taught all beings that they could remove their animal cloaks to become human and continue to show their connections to their ancestral animals through symbolic representations. The Creator's daughter thus brought law to the Nuxalk people.
The Creation Story provides the theoretical basis for a collective consciousness that perceives animals as direct ancestors to human beings. The Nuxalk people have deep respect for animals who are understood to be ancestors and relatives. These Nuxalk beliefs feed into Nuxalk practices, rules, protocols, and ceremonies. Taken together, Nuxalk beliefs and practices provide a normative framework, and solidify into a cohesive legal system.
I will conclude with examples of how the Nuxalk Nation is applying to Nuxalk law to prevent and respond to ecological issues in the present day.

Maidah Khalid, Indiana University Bloomington (maikhal@iu.edu)
Can the Enslaved Person Speak? An Insight into Hanafī Legal Methodology
What is Islamic law? What is the relationship between fixity and fluidity in Islamic law? What are the aims and purposes of Islamic law and how do they differ from those of other legal systems? These key theoretical questions continue to animate the field of Islamic legal studies. In this paper, I grapple with some of these issues by tracking how Hanafī jurists dealt with the speech of enslaved persons. This paper argues that premodern Hanafī jurists neither fully empowered (nor did they fully negate) such speech. Rather, they both recognized, empowered, and discarded such speech based on topic and situation. Specifically, this paper shows that juristic concerns about maintaining cultural norms, preventing ḥaraj (difficulty), and upholding the distinction between the muʿāmalāt (lit.transactions, dealings, often translated as temporal matters) and dīyānāt (pl. of dīn, often translated religious matters) played a key role in how they thought about the utterances of enslaved persons. Broadly, this paper contends that juristic fluidity with respect to the speech of enslaved persons reveals many of the core aims and purposes of the premodern Hanafī legal tradition. It not only sheds light on key aspects of the Hanafī legal imagination, but also on juristic conceptions of the (enslaved) person.

Azaufa Takunjuh Ngundem Betaah, Brandenburg University of Technology, Cottbus-Senftenberg, Germany (ngundaza@b-tu.de)
Forging Out Epistemological Futures for Indigeneity in Africa: Intelligent Skepticism and Critical Environmental Law
Throughout ages, indigenous presence and more importantly, indigenous cosmologies, even within a world of nation states, have been considered primal. In Africa and within indigenous settings, indigenous worldviews appeal more to a cosmic vision of reality by which nature is

accorded utmost meaning. But these notions are gradually fading away, possibly because of the forceful and rising domination of liberal constructions of nature in some states. I identify two more reasons for these: crises of expert knowledge and intelligent skepticism. Notions of and substantiations of indigeneity or indigenous cosmologies are often rooted in religion and contemporary African cultures such as lived experiences, geography of religion, indigenous theories of interpretation, and traditional premises of anthropology, necessitating multidisciplinary epistemological approaches. In the context of human/indigenous rights and the environment, disciplines neither separate from nor isolate other disciplines and they do not operate in a vacuum. This contribution therefore situates indigenous worldviews and the environmental within some traditional African religions and practices. It suggests that situating the point of departure for the protection of indigeneity in interdisciplinary approaches and epistemologies and engaging in critical environmental law may be better ways of forging out the concept of indigeneity that confront disciplinary or epistemological boundaries.

11:00 a.m. – 12:30 p.m. Session 2

TEACHING LAW & LITERATURE I

Room 8005

Chair: Simon Stern, University of Toronto (simon.stern@utoronto.ca)

Melissa Ganz, Marquette University (melissa.ganz@marquette.edu)
From First-Year Seminars to Capstone Classes: Teaching Law and Literature to Undergraduates

Ralph Grunewald, University of Wisconsin-Madison (grunewald@wisc.edu)
Teaching Large Enrollment Law and Humanities Courses

Jeannine DeLombard, University of California, Santa Barbara (jdelombard@ucsb.edu)
Large Lecture LH (Redux)

Greta Olson, University of Giessen (Greta.Olson@anglistik.uni-giessen.de)
Teaching Law and Outrage

Julie Stone Peters, Columbia University (peters@columbia.edu)
Teaching Film, Media, and Law

HUMAN RIGHTS I

Room 8009

Chair: Sarah Winter, University of Connecticut (sarah.winter@uconn.edu)

Sarah Winter, University of Connecticut (sarah.winter@uconn.edu)
From Remedies to Rights? Habeas Corpus and Inclusive Rights to Due Process
Given the urgency of upholding due process protections in an eroding democratic legal order, the origins of the inclusiveness of due process rights and remedies for their violation should be clarified in the face of public confusion, and official obfuscations, about what rights are available exclusively to citizens. Focusing on the history of the common law, this paper examines how English/British jurists and historians from Coke, Blackstone, and Mansfield, to Maine, Maitland, and Atkin charted the relationship between rights and procedural remedies. By documenting the broad accessibility of the writ of habeas corpus to petitioners contesting their unlawful imprisonment, I also uncover a debate whether rights gave rise to procedural remedies for enforcing them, or whether existing forms of action determined which wrongs could be remedied. Certainly, liberty must have preceded the remedy for its unlawful restriction. But in practice, habeas corpus actions could make legal persons of enslaved people. By exploring how this reversible logic of rights and remedies has enabled judges to issue habeas corpus to any person illegally confined, no matter their legal standing or citizenship, this paper underscores the contemporary relevance of the common law argument for inclusive due process rights.

Clayton Bohnet, Cleveland State University (claytonbohnet@gmail.com)
Homelessness and Sovereign Power: The Streets of America
This paper applies 'the logic of sovereignty' developed by Giorgio Agamben in his work Homo Sacer to contemporary issues surrounding homelessness. As is shown in part one, integral to the analysis of homelessness today is the legal-philosophical concept of banishment. By looking at common usage and two enlightenment era philosophers, a working definition of banishment is developed. This allows us to support the conclusion that in both 1) the 2024 Grants Pass v. Johnson Supreme Court decision and 2) the Executive Order issued on June 27 2025 titled "Ending Crime & Disorder on American Streets," we have clear exhibitions of, what Agamben calls the biopolitical- where sovereign power acts directly upon bare life in the streets of America.

Kristen Barnes, Syracuse University (gkbarnes@syr.edu)

Law and Public Sites of Memory

The frame of my paper is memory, law, and origins. I examine how law shapes public sites of memorialization and impacts public memory. Public parks, burial grounds, and museums are expressions of law and culture. They are places of connection to origins such as the origins of the nation, or the origins of peoples and cultures, or the origins of histories. Their existence, as preserved spaces with markers of humanity like signs, symbols, names, cordons, and restrictions, attests to the effects of law. My focus is on several aspects of public sites. I consider legal mechanisms related to their creation and to their destruction. I examine community understandings, state and federal laws, executive orders, international law, municipal ordinances, and local land use regulations such as permitting, and zoning. I also explore the various roles law plays in constructing narratives, in addressing contested meanings, and in exploiting the representational value of public places. What are the connections between law and the use of public sites to protest and disseminate counternarratives, to convey narratives, myths, truths, and lies? How does law reference publicly displayed artefacts, artistic work, and historic buildings as evidence of certain historical truths and customs? I consider several examples, among them are: (1) the status of the Smithsonian in changing political times, and (2) the removal of a slavery exhibit in Independence National Park pursuant to an executive order.

LAW-HAUNTED ROMANTICISM

Room 8010

Chair: Mark Schoenfield, Vanderbilt University (mark.schoenfield@vanderbilt.edu)

Mark Schoenfield, Vanderbilt University (mark.schoenfield@vanderbilt.edu)

Embattled Questions: Cross-examination and Catechism in John Galt's The Entail

Early in John Galt's 1823 The Entail, the Leddy defends Walter, their middle child, against her husband's claim of idiocy (a charge she will later pursue in court). She declares, he "can say his questions without missing a word" for the first 79 questions of the Shorter Catechism; later, as an adult, told he must answer in court "every question," Walter asks, "Is't in the Shorter or the Larger Catechism?" Walter's mistaking the questioning as a catechism rather than the legal examination marks a meeting point of such preestablished answers or tradition with the newer antagonistic questioning that characterizes the adversarial court. The interrogatory constructions of catechism and cross-examination are heteroglossic mixes of religious and legal sociolects that help Galt chart the social formations and pressures within which characters persist. The trial itself, despite its limited purpose of showing Watty's incompetence, tilts into issues of evidence: what is a fact? the relation of communal to personal knowledge? the

stability of human identity? How these queries are understood shifts with these two different forms of questioning, catechism and cross-examination, which signal systems of value and knowledge that compete throughout the novel. These systems, moreover, remain haunted by the institutional histories out of which they emerge, and as The Entail demonstrates, such hauntings possess individuals, families, and the property that mediates the relationships between them.

Adam Kozaczka, Texas A&M International University (adam.kozaczka@tamiu.edu) and
Clare Simmons, The Ohio State University (simmons.9@osu.edu)
John Galt's Anecdotes on the Boundaries of Law, Literature, and History
Meaningful work has been done in literary studies on the use of anecdote as evidence, from the New Historicism movement that championed it to the twenty-first century study of anecdotes as 'secret histories.' Throughout, emphasis has rested on the anecdote's ability to effectively capture that which, in a Certeauvian sense, does not fit into the 'objective discourse' of what trials and history books assert 'actually happened.' In legal studies, the anecdote's treatment is less celebratory, with a number of prominent critical interventions demanding a reduction in reliance on anecdotal evidence (or of the evidentiary 'background story') in the courtroom, often presented as the tension between 'narrative construction' and 'factual accuracy.' Scottish Romantic novelist John Galt (1779-1839), who relied on anecdote and engages with evidentiary problems, wrote at a time when the boundary between literary and legal uses of anecdote was more porous than it is today. This paper considers Galt's work, especially the historical novel Rothelan (1824) and his two autobiographies (1833 & 1834), to argue that a proto-postmodern, literary antiquarian self-reflexively both championed and questioned the use of anecdote as evidence.

Kristin Samuelian, George Mason University (ksamueli@gmu.edu)
The Poetics of Distraint: Jane Eyre, Famine, and Ancient Irish Civil Law
In Jane Eyre, the heroine's semi-starved collapse outside the home of her cousins evokes the hordes of famine victims crowding England's docks in 1847, allegorizing the responsibility imposed by Union to forbid this "stranger-become-family" to perish of want at the nation's door (Ferris 4). At the same time, the transactionalism of this episode—which concludes with her redistribution of an unjust inheritance, redemption of the Riverses from bankruptcy, and restoration of their home—ultimately replaces famine as the novel's emblem for trauma and obligation. Jane's collapse on the threshold of Moor House references the practice of fasting to distrain, a form of civil action codified in medieval Irish law, in which a defendant's obligation not to allow a plaintiff willfully to starve is a means of redress. Her subsequent accession to £20,000 inverts her cousins' lateral adoption and confuses the question of who owns the distress—who is indebted to whom. The houseless Jane is in secret fact the wealth-holder. In

feeding and housing her the Riverses did not so much confer obligation as signal it. Jane's collapse on the family doorstep invokes Ireland's intermural, post-Union claim on the sovereign kingdom, then replaces it with an intramural, uniquely Irish system of adjudicating obligation. Her later conversion of inheritance into "division" (486) returns the focus sharply inland, reimagining her fast and relief as engines of bourgeois English achievement.

LAW'S ACQUISITIONS: TERRITORIES AND PEOPLES; PLACES AND BODIES

Room 8014

Chair: Jothie Rajah, American Bar Foundation (jrajah@abfn.org)

Discussant: Tera Agyepong, DePaul University & American Bar Foundation (t.agyepong@depaul.edu)

Nick Cheesman, Australian National University (nick.cheesman@anu.edu.au)
Law-making Torture?
If war is a type of law-making violence, then is torture? In this talk I address that question and weigh its significance by reading Elaine Scarry's *The Body in Pain* alongside narratives of torture by soldiers and policemen in Thailand, documented over 18 months of fieldwork. Why Scarry? Because her thesis on torture has after four decades remained relevant and controversial. In it, she argues that torture and war are analogues. Torture, she says, mimes the act of killing in warfare. It imitates its destructive capacity. Armies take territory and populations; torturers acquire everyday places and things with which to dramatise the violence of warfare on captive's bodies.
Like armies, torturers destroy in the name of civilisation. Unlike armies, they struggle today to find legal or moral grounds to defend what they do. Not torture but its prohibition is what modern law celebrates. This positive legal fact casts doubt on the claim that torture might be law-making. Nevertheless, the claim is worth pursuing. Might it be that torture persists, in Thailand and elsewhere, despite efforts to stamp it out because of its law-making role? How is law thereby made? It is not as if torture happens and law follows. Torture and law are mutually implicated. But then, what grounds are there to argue that torture might make law, rather than preserve it? The answers, I suggest, lie at the limits of modern legal order, which torture occupies, and this presentation explores.

katrina quisumbing king, Northwestern University (kqk@northwestern.edu)

From War's Violence to Law's Violence: Treaties and Late 19th Century Wars of U.S. Territorial Expansion

Clausewitz wrote, "war is nothing but the continuation of policy with other means" (1993: 77). In this formulation, war extends but does not suspend foreign policy. This paper suggests a complement: domestic policy extends the terms of war. Through treaties, extraterritorial interventions and wars reach a legitimate end and are converted into both international and domestic law. Wars and the treaties that end them generate. They remake states. They transform war's violence into new sovereign relations. They make subjects and set the terms of membership for conquered people under new rulers. This paper asks how state actors convert the violence and conquest of war into domestic policies about membership. Between 1846 and 1917, the United States expanded overland and overseas, claimed new territories, and asserted sovereignty over Indigenous peoples. At times by overthrowing foreign sovereigns and at others by purchase, the United States government and settlers imposed systems of white racial rule over the inhabitants of newly acquired places. I explore how state actors and settlers translate imperial war into domestic law, specifically by looking at the role of and consequences of treaty-making in ongoing Indian Wars on the North American continent and the acquisitions of the New Mexico Territory, Hawai'i, and Puerto Rico, Guåhan, and the Philippines.

Jothie Rajah, American Bar Foundation (jrajah@abfn.org)

Law's Acquisitions: Possession and Dispossession in Trump's Executive Orders

In the first year of his current administration, President Trump has promulgated 229 executive orders (EOs) – the largest number of EOs issued by any US president in peacetime. This paper explores acquisition in relation to law in two senses. First, many of these EOs implement the conservative Heritage Foundation's manifesto, Project 2025. Project 2025 as law's source points to how law has been acquired by other-than-public interests, and processes. What does this acquisition mean for law in relation to democracy in the US? Second, thematically, many of these EOs relate to acquisition – of territory and jurisdiction (domestic, foreign, extra-planetary, aerial); infrastructure, institutions and processes (federal architecture, permitting, and government); dominance (technology, national energy, science); resources and commodities (Venezuelan oil, American energy); and exemplary virtue (e.g. "Restoring Truth and Sanity to American History"). This paper explores how acquisition is legitimized and authorized in the Trump EOs, asking what values and community are scripted into being through these texts of law. Highlighting populism, affect, and political myth in the EOs, I ask, what does it mean for law when law's acquisitions, and acquisitions of law, sideline notions and processes of community and contestation central to law in democracies?

LAW'S TEMPORALITIES

Room 8012

Chair: Abigail Stepnitz, University of San Diego (astepnitz@sandiego.edu)

Mia Florin-Sefton, Columbia University (mcf2180@columbia.edu)
Retrospective Prophecy: Heredity, Legal Narrative, and the Governance of Projected Futures
Genetic evidence has returned to criminal court. In the past decade, defendants have increasingly invoked the "warrior gene" (Waldroup, 2014), hereditary psychiatric conditions (Yepez, 2021), and neurogenetic profiles to mitigate responsibility, with courts admitting such testimony as legitimate evidence. Once discredited after WWII, genetic determinism has reemerged in legal practice, raising pressing questions: What falls under law's jurisdiction—proof of past acts or predictions of future ones? When law borrows from genomic science, what counts as evidence?
This paper examines how hereditary explanations function as narrative technology that blurs scientific proof and legal storytelling. While framed as progressive alternatives to punishment, I argue that hereditary appeals transform ancestry into "retrospective prophecy" (Brooks)—an explanatory framework organizing criminal identity across past cause, present evidence, and future culpability. Responding to the conference's call to examine law's "origins," I trace instead how figures of biological origin operate within the American legal imaginary. From Goddard's ancestry charts (Gianini, 1914) to Laughlin's eugenic testimony (Buck v. Bell, 1927) to today's neurogenetic profiles, I show how law's authority to adjudicate past acts rests on narrative technologies predicting future ones—revealing that what we follow when we follow the law may be less "things laid down or fixed" than stories about futures yet to come.

Ridita Mizan, Illinois State University (rmizan@ilstu.edu)
Law as Editor of Culture: Narrative Authority and Postcolonial Time in Arundhati Roy
This paper approaches the origins of law as an ongoing cultural practice through which legal legitimacy is produced. It argues that law substantiates the rule of law in practice by functioning as an editor of culture, organizing narratives of harm, responsibility, and recognition through institutional methods. These practices rely on linear time, narrative coherence, and the promise of closure to distinguish past from present and lawful order from exception. Drawing on The Ministry of Utmost Happiness, the paper examines how this editorial function becomes unstable in postcolonial contexts marked by prolonged states of exception and suspended citizenship. Roy's fragmented narrative form brings colonial histories, state violence, and embodied trauma into a single narrative present, disrupting law's capacity to contain injustice within a provisionally settled past. In doing so, the novel exposes how legal authority depends on temporal selection and narrative containment, and how certain lives and histories remain

structurally illegible within legal frameworks of recognition. By reading legal practices alongside literary form, the paper analyzes what law does when it governs culture through narrative and time. Justice appears here not as a completed legal outcome, but as an ethical demand that persists beyond the limits of law's editorial capacity, revealing both the power and the fragility of law's narrative authority in the present.

Abigail Stepnitz, University of San Diego (astepnitz@sandiego.edu)
Making Law at the End of the World: Jurispathos and the Death of Mystification in Juliana v. United States
In Juliana v. United States, twenty-one young plaintiffs asked federal courts to recognize governmental obligations to a livable climate system. The Ninth Circuit acknowledged the science, accepted the existential stakes, and refused to act, not silently, but aloud. This article argues that such moments reveal something structural about law's operation. E.P. Thompson identified a constitutive paradox: for law to distinguish itself from organized violence, it must promise justice and occasionally deliver it. Robert Cover's jurispathos names the mechanism by which this paradox is ordinarily managed. Courts destroy competing legal meanings while claiming merely to apply law. I extend Thompson and Cover to a third possibility: legal forms can continue operating even as mystification fails. When structural conditions prevent law from maintaining deniability, law must speak its foreclosure; the collision between legal and material temporalities becomes undeniable; and promise and violence appear simultaneously as contradiction. Juliana exemplifies this exposure: courts acknowledge harm, concede incapacity, and proceed with foreclosure, but instead of shattering law's self-image but hollowing it out.

AUTHOR MEETS READERS: *BEFORE DISABILITY: A HISTORY OF AMERICAN CITIZENSHIP*

Room 8204

Chair: Susanna Blumenthal, University of Minnesota (blume047@umn.edu)

Sari Altschuler, Northeastern University (s.altschuler@northeastern.edu)

Rabia Belt, Stanford Law School (belt@law.stanford.edu)

Susanna Blumenthal, University of Minnesota (blume047@umn.edu)

Benjamin Irvin, Indiana University

Ittai Orr, University of Michigan (ittaiorr@umich.edu)

LAW'S PLURALISTIC ORIGINS

Virtual – Room 8002

Chair: Claudy Op Den Kamp, Bournemouth University (copdenkamp@bournemouth.ac.uk)

Claudy Op Den Kamp, Bournemouth University (copdenkamp@bournemouth.ac.uk)
First: When Copyright Law Encountered Moving Pictures
What happens when a new technology appears and existing law has no clear way to deal with it? In 1893, when inventors started registering motion pictures, the nascent U.S. Copyright Office faced exactly this problem. For nearly twenty years, there was no category for 'motion pictures.' They were registered as photographs.
During my fellowship at the Library of Congress in 2022, I identified the first motion picture ever registered for copyright. This 'first' revealed something significant: officials inventing a system in real time, trying to fit revolutionary technology into insufficient legal categories. The first five registrations I examine confirm this creative tension; they're artifacts of law finding its footing.
My forthcoming videographic monograph consists of 24 interconnected essays exploring this moment when law met cinema, interweaving historical analysis with auto-ethnographic reflections on archival research. I will present one chapter examining how these early registration practices shaped which origin stories became 'official' film history.
Through close analysis of archival documents, the chapter reveals how administrative decisions made in moments of uncertainty continue to structure our understanding of cinema's past. Using videographic criticism, I make visible the hidden infrastructures that determine cultural memory, showing how law doesn't just regulate culture. It helps construct it from the ground up.

Ryan Hartigan, University of Otago / Brown University (ryan.hartigan@otago.ac.nz)
Uprooted Law on the Parliamentary Floor: Haka, Reenactment, and the Re-Origination of Legal Authority
In 2024, politician Hana-Rāwhiti Maipi-Clarke performed a haka in protest on the floor of the Aotearoa–New Zealand Parliament. The footage quickly went globally viral, widely framed as a disruption of parliamentary order. This paper approaches the performance as a scene in which law's authority is re-originated through embodied action. It asks: what do we follow when we follow the law: written statute, institutional procedure, or the cultural performances through which law continually remakes itself?

Drawing on performance studies and legal humanities, I argue that this performance of a haka operates as an archipelagic legal practice that moves laterally across islands of genealogy, history, sovereignty, and affect within a settler-colonial legislative space. Rather than a singular interruption, the haka unfolds as a kinetic relation binding ancestral performance traditions to contemporary parliamentary procedure, exposing law's dependence on repetition, citation, and staging.

Mobilizing Dwight Conquergood's account of performance as embodied kinesis, Rebecca Schneider's theorization of reenactment, and André Lepecki's concepts of choreopolitics and choreopolicing, I situate Parliament as a colonial stage whose temporal discipline is unsettled by Indigenous choreography. The haka reactivates what parliamentary architecture seeks to consign to the past, revealing law's origins not as fixed foundations but as continuously negotiated through performative return.

Maab Al-Rashdan, The University of Waterloo (malrashd@uwaterloo.ca)

Hierarchy Begins Here: How Satan's "I Am Better Than Him" Became Language's Oldest Wound and a Template for Oppression

My paper examines how language detaches from descriptive meaning and becomes a mechanism of hierarchy, authority, and judgment that produces unequal social realities. It traces an early moment in which neutral difference is converted into evaluative superiority, arguing that this linguistic distortion constitutes a foundational template for normativity that predates modern social systems. While scholars such as Homi Bhabha, Albert Memmi, Charles Mills, and Edward Said locate this mechanism in colonial discourse and racial classification, my paper argues that it emerges earlier in sacred narratives that continue to shape moral and political imagination. In Abrahamic cosmology, the Satan–Adam narrative offers a discursive scene in which language converts factual distinction into hierarchical authority. When Satan refuses to bow to Adam (Qur'an 2:34; 7:11; 15:31; 17:61), he cites a descriptive difference—"You created me from fire and him from clay" (7:12)—and transforms it into a claim of superiority: "I am better than him" (7:12). This evaluative move converts difference into worth and asserts authority without coercion. Building on this early mechanism, I demonstrate how this linguistic pattern persists across historical contexts, shaping regimes of exclusion and inequality. By tracing this genealogy, I argue that understanding how language authorizes hierarchy is essential to dismantling the normative logics sustaining oppressive social formations.

Tanessa Puri, Jindal Global Law School, O.P. Jindal Global University (tanessa.puri@jgu.edu.in)

Unwritten, Unpaid, Uncounted: How Law Loses its Origins in Everyday Fiscal Life

This paper examines how law becomes uprooted not through rupture or reform, but through absorption into everyday life. Focusing on Indian tax law, it argues that fiscal legality migrates

from statutes, courts, and enforcement institutions into domestic routines, moral narratives, and informal practices where it continues to govern conduct while no longer appearing as "law" at all. For most legal subjects, compliance with tax obligations is not lived as fidelity to statutory text, but as participation in inherited habits of calculation, avoidance, disclosure, and justification, often shaped by gendered labour, family obligation, caste and racialized social networks, and informal economies.

Reading tax law as a cultural form rather than a technical regime, the paper treats everyday fiscal practices as sites of legal interpretation, where legal authority is sustained through repetition, affect, and silence. In these spaces, the distinction between law on the books and law in action collapses into a third register: law as atmosphere. Legal norms persist even as their textual origins recede, producing forms of obligation that are felt as moral, social, or customary rather than juridical.

By situating tax as an overlooked site of legal consciousness, the paper contributes to Law, Culture, and the Humanities by theorizing how law mediates between origin and copy, past and present, not by stabilizing meaning, but by allowing legality to disperse into ordinary life.

12:30 p.m. – 2:00 p.m. Catered lunch

2:00 p.m. – 3:15 p.m. Session 3

TEACHING LAW & LITERATURE II

Room 8005

Chair: Melissa Ganz, Marquette University (melissa.ganz@marquette.edu)

Tal Kastner, Rutgers Law School (tal.kastner@rutgers.edu)
Teaching Literature as a Lawyer and Law and Literature as a Humanist

Lisa Siraganian, Johns Hopkins University (lsiraga1@jhu.edu)
Teaching Personhood in Law and Literature

Mark Firmani, Amherst College (mfirmani@amherst.edu)
Law, Literature, and the Liberal Arts

Simon Stern, University of Toronto (simon.stern@utoronto.ca)
Teaching Law and Literature at a Law School

LAW & GENDER I

Room 8009

Chair: Nichola McNulty, Queen's University Belfast (nicholamcnulty@hotmail.com)

Nichola McNulty, Queen's University Belfast (nicholamcnulty@hotmail.com)
"Peace, Peace, When There Is No Peace": Anne Brontë's Feminist Manifesto in The Tenant of Wildfell Hall
This paper argues that Anne Brontë's Preface to the Second Edition of The Tenant of Wildfell Hall constitutes a decisive Feminist Manifesto, and a rhetorical challenge to 19th-century law. Brontë's demand to "whisper a few wholesome truths" and expose the "branches and flowers" covering society's pitfalls functions as a consciousness-raising manifesto against the legal and social concealment of violence against women. The analysis connects this rhetorical frame to the legal realities facing the protagonist, Helen Huntingdon. Under the doctrine of Coverture, Helen's legal identity and property were subsumed by her abusive husband, rendering her vulnerable to domestic violence. Helen's creative expression, through her secret painting and the subsequent sale of artwork, is a calculated act of feminist legal resistance. Helen's paintings function as covert labor and hidden property, allowing her to secretly accumulate the financial means required to assert economic autonomy, protect her child from patriarchal influence, and flee the marital home.

Marissa Rizzuto, Stony Brook University (marissa.a.rizzuto@gmail.com)
Observing the Law: A Legal and Literary Analysis of the Consequence of Perspective
The law aspires to encode a set of principles observed by and impartially applied to all who fall within its jurisdiction. But what happens when the application of the law is shaped by the perspective of each observer? This paper analyzes two works–an influential domestic violence case from 1867 and a feminist play performed in 1916– that illustrate how the law is contingent on perspective and what is being observed.
The original handwritten opinion in State v. Rhodes reveals how laws pertaining to domestic violence can be shaped by the bias of the one recording the facts upon which the law rests. Detailed analysis of edits shows how the judge reframes his account of the testimony to diminish the violence suffered by Elizabeth Rhodes, deeming them trifles. The law that entered the official record erases these revealing omissions, obscuring the far from objective thought processes that shaped this judgment.
Susan Glaspell's Trifles 1916 also illustrates how law and justice depend upon who observes. While domestic violence laws were controlled by men, Glaspell dramatizes how women's perspective produces an alternate version of justice. What the men deem as trifles, the women recognize as the very evidence that exposes the crime committed. The women deliver their

own form of justice by embracing the silence the men impose upon them. Together, these texts show the law's contingency on perspective. However, it is often what's not observed that determines where justice lies.

Adrianne Wojcik, Northern Virginia Community College (adriannew7@gmail.com)
Sally Brass's "Strong and Vigorous Turn' of Mind": Dickens's Prototype of a Victorian Female Lawyer in The Old Curiosity Shop
This paper examines how Charles Dickens conceptualizes law and gender through the figure of Sally Brass, a practical female law clerk, in The Old Curiosity Shop. Drawing on Dickens scholarship concerning legal satire and grotesque characterization, I show how the novelist portrays the destabilizing implications of female legal agency by creating his complex and often contradictory representations of Sally, an intelligent student of the law—decades before the first woman in England, Eliza Orme, earned a law degree in 1888. Sally overshadows her brother in sharpness and legal acumen, operating as an unofficial lawyer within Sampson Brass's firm. Dickens refers to her as a "[person] of great intellect" and praises her practical wisdom (ch.33). And yet, Dickens also describes Sally as unfeminine, harsh and even repulsive, and he constructs her authority through exaggeration, irony, and moral unease, revealing his imaginative struggle with women's participation in public and legal spheres. My analysis focuses on how Sally becomes a vehicle for Dickens's broader critique of legal professionalism and social transgression. By situating her within Dickens's recurring representations of law and deviant femininity, this paper offers insight into the novelist's evolving thoughts on law and gender at the time of many significant legal changes for women in Victorian England.

LEGAL PLURALISM

Room 8010

Chair: Wojciech Engelking, University of Warsaw (w.engelking@wpia.uw.edu.pl)

Wojciech Engelking, University of Warsaw (w.engelking@wpia.uw.edu.pl)
Uprooted Law and Plural Orders: Early Twentieth-Century Jurisprudence on the State's "Place"
States increasingly govern through norms they do not fully author: corporate compliance regimes, platform rules, technical standards, professional codes. This paper treats the resulting uncertainty about where law "is" as a jurisprudential problem: under conditions of institutional pluralism, what makes a norm law, and what becomes of the state's claim to be law's privileged site?
I address these questions through a historical reconstruction of early 20th-century pluralist jurisprudence, a formative moment for modern theoretical accounts of institutional normativity. I compare three methodological lenses. First, Santi Romano's legal pluralism,

which theorises society as composed of multiple legal orders and recasts the state as a coordinating order among them. Second, Maurice Hauriou's institutional theory, which conceptualises institutions as durable juridical forms organised around an animating "idea," explaining how legality stabilises authority over time. Third, British pluralist state theory (Figgis, Laski, Cole), which analyses the state as one power-centre among many and foregrounds intermediary associations as sites of norm-generation and jurisdictional overlap.
By recovering these jurisprudential tools in their original context, the paper clarifies how modern legal theory came to conceptualise "uprooted" law—law dispersed across organisational forms—and why these pluralist methodologies remain indispensable for analysing contemporary public–private governance.

Benjamin Newman, Hebrew University (benny.newman@mail.huji.ac.il)
Reviving Private Prosecutions: Challenging the State-Centric Conception of the Criminal Norm—Reimagining Criminal Justice as a Plural Civic Enterprise
Who holds the authority to define criminal wrongs in a fractured legal order? Modern criminal justice rests on a settled assumption: the state monopolises prosecution, presenting criminal law as a unified expression of public authority. This paper challenges that assumption by revisiting the origins of criminal prosecution and arguing for the conditional revival of private prosecutions—not to privatise punishment, but to reopen criminal law as a plural civic practice of norm-formation.
Prosecutorial monopoly has produced legitimacy failures at law's foundations. In the United States, charging discretion sustains racially skewed over-enforcement alongside persistent under-enforcement, weakening criminal law's public meaning. In England and Wales, failures exposed in the Rochdale scandals show how institutional authority can silence wrongs altogether.
The paper advances a normative and institutional account of plural initiation. Its core claim is that prosecution is not merely administrative, but a constitutive moment of public judgment: control over initiation determines which wrongs acquire legal standing and become contestable through adjudication. Treating monopoly as historically contingent rather than conceptually necessary, the paper rethinks criminal authority.
It develops a model of bounded pluralism, permitting non-state initiation within safeguards that secure legality, equality of arms, and public oversight, while restoring adjudication as a site of public reason.

Amihai Radzyner, Bar-Ilan University, Faculty of Law (radzya@biu.ac.il)
When Law Becomes Contract and Custom: The Case of Rabbinical Courts in Israel
The relationship between law and custom is usually understood as one in which custom precedes law. This lecture examines the reverse dynamic through the case of Israel's rabbinical

courts. In Israel, significant areas of family law fall under religious jurisdiction, with official courts for each recognized community. Jewish couples must divorce before the Rabbinical Court, which in many cases also adjudicates disputes over marital property.
Formally, these courts are state institutions and are bound by state law, including the civil rules governing the division of property. Yet rabbinical judges understand themselves as bound primarily by Jewish law (halakha). From their perspective, the application of civil statutes requires a halakhic justification; absent such authorization, they consider themselves unable to rule according to state law, despite exercising state authority.
The lecture analyzes the doctrinal techniques through which this tension is managed by transforming civil law into a halakhically acceptable norm. One technique reframes the statute as a private contract, based on the parties' consent to be judged according to civil law. Another treats the statute as binding custom: because most Israelis organize their marital affairs in line with civil law, this widespread practice is recognized within halakha as an implied agreement, even when it departs from traditional sources.
The lecture shows how public legislation is reconstituted as private ordering.

(AN)ARCHE AND PLASTICITY: METAMORPHOSES IN LAW, SCIENCE AND LITERATURE

Room 8014

Chair: Emile Fromet de Rosnay, University of Victoria (derosnay@uvic.ca)

Emile Fromet de Rosnay, University of Victoria (derosnay@uvic.ca) and
Mark Zion, University of Victoria (mzion@uvic.ca)
Anarchy, Law, and Metamorphosis: Toward a Poetics of Emergence
"Meaning is metamorphosis." So concludes Catherine Malabou's epilogue to *Plasticity at the Dusk of Writing.* Although Malabou's notion of plasticity would explain the dominant metamorphosis in philosophy, from writing in Derrida's sense to its neomaterialist mutation, it is worth interrogating the New Materialist assumptions subtending Malabou's work. In her recent book on anarchism (2022), Malabou proposes a theory of anarchism as plastic, one that involves continuous transformation and self-creation. Yet in basing this plasticity in biology, does she reproduce anarchism's age-old naturalism? The irony is that, while Malabou avoids fixing substance, plasticity (based on neuroscience) invites a substantialist ontology. If we were to fundamentally interrogate meaning, we would need to reconsider signification itself, something on which Malabou's concept of writing falters. Indeed, it rests upon meaning very much the way Derrida's signification does, insofar as it upholds the transcendental in the negative. What would a renewed emphasis on the linguistic and the poetic that moved beyond

"signification" and resembled anarchist "emergence" imply? That is, what is the movement from the experience of plasticity to a poetics of emergence? Is a law beyond arche possible that draws upon Malabou's plasticity without recapitulating naturalism?

ANTHROPOLOGIES OF LEGALITY: AUTHENTICITY, AUTHORITY, AND EVERYDAY LAW

Room 8204

Chair: Leo Coleman, Pratt Institute (coleman.anthro@gmail.com)

Leo Coleman, Pratt Institute (coleman.anthro@gmail.com)
Seeking the Authority and Authenticity of Law: Legal Positivism and Legal Anthropology
Anthropologists have long argued that people do not, as a rule, follow the law: when a rule seems to be generally observed it is not necessarily because "it's the law," or because it expresses a legitimate moral demand, or even because it fulfills some social function. This anthropological anti-legalism grounds law, when it is observed, in social power, and leaves open a number of questions about authority, obligations, and legitimacy (it is aligned with what Marianne Constable has called "sociolegal positivism"). An ethnographic emphases on power, negotiation, and process, however, can direct attention away from both the routine observance of law's own forms and rituals and the frequent popular appeal to legal norms and forms as sources of legitimacy, guidance, or hope. Such practices, in turn, raise questions about the social authority and institutional existence of the law, or its "concept," that are the topic of other strands of legal philosophy, especially legal positivism. Starting from David Dyzenhaus's discussion of "legality," this paper then asks when and how contemporary legal anthropologists find themselves constrained to ask questions about the authority and authenticity of law, in a given context, what materials and evidence they turn to (including infrastructures, rituals, and metacommunication about legality), and whether they arrive at answers that are aligned with or antagonistic to legal positivist claims about sources, social norms, and legitimacy.

William Garriott, Drake University (william.garriott@drake.edu)
Law and Everyday Life, Revisited: The Case of Cannabis Legalization
Anthropological studies of law have long rejected the formalism of traditional legal analysis. They have looked instead at law as something that is embedded in and emerges from everyday life. This approach has shifted attention away from those things that most explicitly announce themselves as LAW, such as courts and judges, and towards the less obviously legalistic world of habit, convention, and routine. From this perspective, law and everyday life are mutually constitutive. But what about situations where the relationship between law and everyday life is

not so stable? What occurs when law goes about trying to remake the everyday? This paper addresses this question by looking at a significant context of legal and cultural change: the movement to legalize cannabis in the United States. For almost two decades, this movement has succeeded in challenging one of the most fundamental legal and cultural ideas of the past century, the idea that cannabis (or marijuana) should be criminalized. The movement has done this, in part, by working to make things like cannabis dispensaries, cannabis consumption, and even the smell of cannabis itself, acceptable and unremarkable parts of everyday life. Looking at legalization from this perspective, this paper revisits key work from the 1990s that made understanding the relationship between law and everyday life a central concern and asks what it can and can't tell us about law's everyday-ness today.

Jessica Greenberg, University of Illinois (jrgreenb@illinois.edu)

Everyday Forensics and Feral Legal Forms: Moving from Legal to Political Praxis and Back

Increasingly, people are turning to legal forms to imagine new terrains for social justice organizing. For example, popular forensics movements take up the idea of legal evidence and documentation to hold states accountable in extra-legal fora. And these same movements also rely on legally authorized evidentiary standards to make claims to and within legal institutions, like human rights courts. These arguments rely on simultaneously maintaining connection and disconnection to the law. This raises the question about what is or is not "legal" about those forms, and what their multiple recontextualizations do to boundaries among law and politics so central to rule of law ideologies. If evidence is deterritorialized and reformulated then reterritorialized back into legal contexts at what point does this mobilization break their persuasiveness as authorized legal forms? This paper draws on a comparison of forensic evidentiary practices within human rights cases at international courts and related community-based and artistic representation. It will analyze the circulation of legal evidentiary forms across different domains of knowledge and aesthetic production (and back). I ask: how do different political and legal advocacy strategies rely on the continuity of evidence as a truth-telling form with linkages to empirical 'reality,' but discontinuity in the ethical and political orders in which that truth is narrated, witnessed and taken up.

MEDIATING CORPORATE ACCOUNTABILITY

Virtual – Room 8002

Chair: Godwin Daramola, University of Hull (Godwindaramola@gmail.com)

Cassondra Bowden, Heyoka FIre Corp (keyspeaker@proton.me)
The Unwritten Constitution: Trauma, Dignity, and the Roots of Organizational Law
The conference theme asks: "What do we follow when we follow the law?" Within organizations, written policies (the "law") often compete with "norms rooted elsewhere"—specifically, norms rooted in survival and unaddressed trauma. This presentation argues that the true locus of governance in any collective is not the employee handbook, but the nervous system of its culture. When the origin of law is separated from the human need for dignity, the result is "uprooted law"—systems that demand compliance but fail to secure belonging. Using a trauma-informed lens, this paper examines how unacknowledged trauma creates a "shadow constitution" of defensive behaviors that override official policy. I propose that to legitimate the rule of law in a diverse society, we must first address the "outgrowths" of exclusion. By centering dignity as the primary jurisprudential constant, leaders can reintegrate the "legal" with the "human," transforming abstract compliance into tangible cultural connection.

Godwin Daramola, University of Hull (Godwindaramola@gmail.com)
Institutional Governance and Corporate Social Responsibility in Nigeria's Oil and Gas Sector: Legal, Cultural, and Developmental Perspectives
This paper explores how law, institutions, and culture shape corporate responsibility and sustainable practices in Nigeria's oil and gas sector. Blending socio-legal theory, institutional economics, and postcolonial perspectives, it examines how formal rules clash or connect with local customs and informal norms to drive or derail corporate actions and community wellbeing.
Focusing on the Niger Delta, the study reveals how fragmented institutions, colonial-era governance hangovers, and recent reforms hinder CSR enforcement. It digs into the stories and struggles over development, environmental justice, and accountability voiced by companies, communities, and activists.
Using legal analysis, ethnographic fieldwork, and comparisons, the paper challenges narrow economic views of CSR. It shows how law and culture together shape development paths in resource-rich areas, pointing toward fairer, more inclusive governance.
Tied to the conference themes, it highlights law's cultural role, narratives in regulation, and scholarship's power to bridge global-local tensions in today's political economy.

Zada Suhaib, University of Barcelona (s.mofti777@gmail.com)

Navigating Power and Equity: A Comparative Study of Shareholder Exit Mechanisms in Delaware and Canada

Minority shareholder exit right is often treated as technical safeguards triggered by discrete corporate events. Yet across jurisdictions, exit mechanisms perform a far more consequential governance function. They determine whether minority investors are locked into corporate relationships marked by asymmetrical power or afforded a meaningful avenue of release. This Article interrogates the function of shareholder exit rights through a comparative analysis of two paradigmatic but sharply contrasting models: Delaware's appraisal remedy under Section 262 of the Delaware General Corporation Law and Canada's oppression remedy under Section 241 of the Canada Business Corporations Act.

Delaware's appraisal regime embodies a procedural conception of exit. It confines dissenting shareholders to post-transaction valuation disputes, tethered to formal merger events and governed by market-based assumptions of fairness. Canada's oppression remedy, by contrast, reflects a substantive and relational approach. It empowers courts to intervene either before or after corporate misconduct where conduct violates reasonable shareholder expectations, granting judges wide remedial discretion, including forced buyouts, to recalibrate power within the firm.

This Article challenges the prevailing assumption that procedural certainty necessarily promotes investor protection. It argues instead that Delaware's valuation-centered framework frequently underprotects minority shareholders.

LAW & THE NOVEL I

Virtual – online only

Chair: Sonal Rana, Rutgers University (sonal.rana@rutgers.edu)

Rafal Stronk, University of Warsaw (r.stronk@wpia.uw.edu.pl)

"Under a Portrait of the Emperor, Because at That Time There Was an Emperor": The Periphery's Imagining of the State and Law in Józef Wittlin's The Salt of the Earth

Józef Wittlin's novel The Salt of the Earth (1935) was regarded in its time as one of the most significant literary pacifist manifestos (Wiegandt 1991). Wittlin offered European culture an original vision of war, understood primarily as a painful intra-state struggle between the center and the periphery (Bakuła 2022).

The center subjugates the periphery through law. By sending subjects to fight on the fronts of the Great War, Austro-Hungarian officials set in motion a complex administrative machinery that searches for, classifies, and processes individuals according to criteria of military usefulness. Wittlin combines precise normative awareness (references to laws, decrees, and

military regulations) with legal realism, revealing how the traits of state representatives affect the effectiveness of law. This comprehensive narrative is contrasted with the perspective of Piotr Niewiadomski, an illiterate Hutsul who perceives participation in the war as loyalty to Emperor Franz Joseph, who 'personally summons him to the front'.
In my paper, I outline these differences and perceptual paradoxes and relate them to Wittlin's broader oeuvre, marked by skepticism toward the development of civilization, including technological progress. The Salt of the Earth serves as a starting point for reflection on legal and political awareness and its role in shaping codes of subordination and loyalty on various "peripheries" (class-based, geographical, cultural) in relation to diverse "centers".

Sonal Rana, Rutgers University (sonal.rana@rutgers.edu)
The Dead Hand in Henry James's "The Last of the Valerii": Dead Hand, Thwarted Relationality, Law, Literature, and Psychoanalysis
A dead hand haunts Henry James's "The Last of the Valerii." The (dis)union of Martha, an American expatriate, and Camillo Valerio, an Italian Count, forms the nucleus of this tale of thwarted relationality. Attracted to Camillo's foreignness, specifically the "patrimonial marbles" that adorn his villa, Martha seeks to refurnish the Count's estate using her "pretty fortune," ridding her own wealth of the "impertinent odor of trade" (5, 13). Rarely, if ever, do nuptials complement both parties this fairly. During a search of buried antiquities in their garden, however, a Juno-like statue is found, perfectly intact except for a broken-off hand, which is subsequently purloined by the Count. The very unearthing of the Roman goddess of matrimony and fertility becomes the cause of reproductive stagnation. The Count's obsession with Juno deprives his marriage of sexual commitment and filial futurity. The dead hand, then, symbolizes a thwarting of legal, marital, and religio-cultural bonds. In legal discourse specifically, the term "dead hand" refers to a complication in inheritance: when the influence of a long-dead relative dictates what a beneficiary is allowed to do to enjoy the benefits of promised endowments, they are deemed to be under the control of a dead hand–much like the Count is himself. My essay contributes to the critical discussions of frustrated legacies in the early short fiction of James through an interdisciplinary lens involving psychoanalysis and legal studies.

Junggyung Song, Duke University (junggyung.song@duke.edu)
Law at the Margins: Legal Pluralism and Everyday Legality in Min Jin Lee's Pachinko
This presentation reconsiders the origin of law not as a written code or homogenous system but as a question of recognition and observance of conflicting orders. Law in everyday life functions in the context where state law, family rules, moral orders, and practices for survival coexist, and only a subset of these selectively acts as law. To analyze how norms function as law under particular social conditions, this presentation explores Minjin Lee's Pachinko as a case study. This text reveals the conditions in which state law does not rule the characters' daily

judgements with consistency through the legal status of Koreans under the Japanese Colonial rule and their unstable nationality in postwar Japan. At the same time, Pachinko narratively presents the conditions in which Japanese law grants Joseon people with formal legal belonging alone. In this context, norms and practices of colonial Koreans and postwar Zainichi Koreans enable them to detour and rework the legal limits. This presentation does not reduce these to issues of identity or heterogeneity. Rather, it concentrates on how laws act in the form of experience and practice, as Sally Engle Merry presents with her approach of legal pluralism as lived law. Such analysis shows that law is not unitary but a practice that is contingently invoked and observed. In this way, this investigation does not treat the origin of law as a foundation but as an effect of moments when legal force works and slips.

3:45 p.m. – 5:00 p.m. Session 4

SOCIO-LEGAL FICTIONS

Room 8005

Chairs: Jennifer Culbert, Johns Hopkins University (jculbert@jhu.edu) and
Marianne Constable, UC Berkeley (constable@berkeley.edu)

Marianne Constable, UC Berkeley (constable@berkeley.edu)
The Rule of Law as Sociolegal Fiction
In contrast to "legal fictions," whose pretense to reality receives attention from legal scholars and literary critics, sociolegal fictions are often taken for granted although they too manifest themselves in practices of language and discourse. This paper explores the rule of law in a regime of positive law as sociolegal fiction; it suggests that in the context of legal positivism, the rule of law is a particular sort of linguistic practice — it is to positive law as J.L.Austin's "felicity conditions" are to illocutionary speech acts or performative utterances. In other words, the rule of law establishes or names the conditions of "success" of positivist legal enactments.

Jennifer Culbert, Johns Hopkins University (jculbert@jhu.edu)
Just Reflections: Photographic Evidence and Sociolegal Fiction
This paper explores how images, in particular photographs, are used to establish the reality of socio-legal facts, truths or knowledge. The status of photographs as witnesses of historical events, their capacity to capture and establish facts as well as their use as evidence to validate claims about the past, has been (and continues to be) a topic of intense debate. A photograph necessarily excludes what is not contained in its frame. In addition, what is included may be

arranged or composed. What is more, what appears may also reveal what cannot or will not be shown. In fact, what appears may be able to appear only by virtue of what withdraws or remains hidden. Hannah Arendt insists on this last point, and so her controversial essay "Reflections on Little Rock," as myopic as it may be, illuminates one manner in which socio-legal facts are fictioned.

Tim Wyman-McCarthy, Columbia University (tw2468@columbia.edu)
Cooptation and Movement Law's Socio-Legal Enabling Fictions
This paper examines socio-legal fictions in contemporary formulations of "movement law," focusing on how legal scholars, movement lawyers, and civil society organizations imagine relationships to social movements in ways designed to avoid cooptation. Movement law is increasingly framed as legal engagement that supports grassroots struggle without subsuming it, positioning legal expertise as enabling rather than governing political action. Yet this aspiration depends on a set of narratives, images, and propositions about social movements that are not simply descriptive but function as socio-legal fictions: claims treated as true in order to make particular forms of action possible.
Central to this imaginary is an understanding of cooptation as a moral and political danger, depicted as corruption or contamination to be vigilantly avoided through restraint, deference, and proceduralized humility. How do movement lawyers and scholars narrativize movements as autonomous, authentic, and epistemically privileged political actors, while imagining legal actors as neutral instruments, facilitators, or infrastructural supports? What resources do these fictions offer to elite actors seeking to situate themselves within progressive change without appearing to direct or discipline it? And does the ethical posture for legal engagement with movements enabled by these socio-legal fictions authorize or foreclose a wide range of solidaristic action?

UPROOTED SUBJECTS, QUEER DESIRE

Room 8009

Chair: Marco Wan, University of Hong Kong (mwan@hku.hk)

Swethaa Ballakrishnen, University of California Irvine School of Law (sballakrishnen@law.uci.edu)
Unnatural Lust: Queer Panic (Shame, Denials and Desire) in Postcolonial Law and Literature
In this paper, I use two main texts – Meena Kandasamy's Book of Desire and Temporary People by Deepak Unnikrishnan – as sites to understand new waves of postcolonial narratives in literature and the exits they might offer for those embedded in legal conditions that are hostile to the particularities of their lived experience. Particularly, I am interested in reading these

texts to understand how new voices in postcolonial literature about shame and non-action in the contexts of body and desire could excavate new kinds of queer possibility beyond binary logics of progress and regression. As other readings of archives from these regions caution, external lenses of dichotomy do not do justice to nuance inherent in contextual readings. This inquiry joins a broader scholarly tapestry of inquiry regarding postcolonial readings of freedom and possibility in sites that look like hostile to minority inhabitants. Especially in contexts where queer desire is blatantly illegal and sought to be rehabilitated by the state in the face of meaningful resistance, this research seeks to ask how the postcolonial gaze could shift where we see legal capacity and limits.

Leila Neti, Occidental College (lneti@oxy.edu)

Romantic Relations: English Law and Literature in the Novels of Toru Dutt

Born one year before the Sepoy Rebellion of 1857, Toru Dutt came of age during a period of rising anticolonial sentiments in India. As one of a small number of Indians who travelled to England and France, Dutt's novels reveal a variety of influences, from English Romanticism and sentimentalism to Indian nationalism. Both Bianca: Or, the Young Spanish Maiden and The Diary of Mademoiselle D'Arvers grapple with questions of women's rights and desires within the context of these literary and political traditions. The novels offer a unique opportunity to view the tensions and complicated relationships between literary and legal narratives of the nineteenth century, notably through the perspective of a young Indian woman residing in Europe. Themes of romance, women's agency, sexual desire, social and familial duty, and repression have legal as well as literary resonance. This paper reads the two novels in conversation with both nineteenth-century English and Indian marriage and property laws.

Marco Wan, University of Hong Kong (mwan@hku.hk)

Rootedness and the Emergence of Gay Rights in Hong Kong

This paper takes the emergence of gay rights in postcolonial Hong Kong as a case study for exploring the idea of rootedness. Critics of gay rights in the city, and in Asia more generally, have long characterized those rights as a kind of Western import and an intrusion into Asian culture. I will examine the gay activists' efforts to combat this notion in the early days of Hong Kong's retrocession from Britain to China. I will first contextualize the emergence of gay rights as part of a wider shift in the societal understanding of Hong Kong identity. I will then take my cue from studies of law and visual culture to show how visual images of, and deployed by, the activists contributed to changing representations of homosexual subjects as people who are rooted in the city.

LAW AND INJURY: GRIEVANCE, REVENGE, AND POWER

Room 8010

Chair: Mary Dudas, Trinity College (mdudas@trincoll.edu)

Mary Dudas, Trinity College (mdudas@trincoll.edu)
Injuries to Masculinity
Standing is a relatively recent legal doctrine that allows litigants to demonstrate "injury in fact" in order to press legal claims. In the context of a burgeoning conservative legal movement, the rise of 'history and tradition' originalism, and the masculine grievance politics of the Trump / MAGA coalition, claims about injury are also an opportunity to articulate an emerging but contested politics of masculine injury and state remedy on the right. My paper explores recent arguments about standing, or injury in fact, offered by litigants and judges that develop a gendered account of injury (injuries to masculinity). I argue that the authors of the briefs and opinions that I consider strive to articulate a version of masculinity that will reconcile the disparate factions of MAGA and the conservative legal movement but also to refigure the kinds of repair to masculine injury the state can offer. That is, these accounts of injury not only serve as legal arguments but are meant to rally a faction and articulate demands on the state that are politically mobilizing. I focus on reproductive rights cases broadly understood: Dobbs, Moyle v. US, Missouri, Kansas, Idaho v. FDA, FDA v. Alliance for Hippocratic Medicine, Silva v. Noyola, City of Eunice v. Torres, Deanda v. Becerra, and Whole Woman's Health v. Jackson.

Anna-Maria Marshall, University of Illinois, Urbana-Champaign (amarshll@illinois.edu)
Digging Two Graves: Revenge, Ambivalence, and the Criminal Justice System in the KDrama Taxi Driver
KDrama is a popular South Korean cultural export, offering a lens for understanding Korean legal culture, particularly institutions associated with criminal justice. In stark contrast to "copaganda" in the United States, KDramas suggest that Koreans have a more ambivalent relationship to police and prosecutors. Revenge dramas, in particular, tell stories about vulnerable people victimized by the more powerful. Moreover, when KDrama victims turn to the criminal justice system, they find corrupt and incompetent police and prosecutors who target the wrong offenders, imprison the innocent, and let the guilty go free. In these stories, revenge and vigilantism are the only alternatives for crime victims seeking justice.
In this paper, I use the KDrama Taxi Driver to examine this ambivalence vengeance as an alternative to criminal justice system. The main characters of Taxi Driver are survivors of violent crime directed at their close family members, dissatisfied with the way the criminal justice system handled the perpetrators' trials. They band together to deliver vengeance for other victims of violence where the police and prosecutors seemed indifferent or even hostile to the

victims. Yet they learn the limitations of vigilantism and seek out the help of police and prosecutors who – unlike many of their colleagues – are committed to addressing harm. Thus, Taxi Driver's narratives of revenge unfold like a plea for a criminal justice system more attentive to the needs of victims.

Claire Rasmussen, University of Delaware (cerasmus@udel.edu)
Gender Kayfabe: Wrestling with the Sex and the Sublime
On his first day in office President Trump signed an Executive Order "Protecting Women from Gender Ideology and Restoring Biological Truth to the Federal Government." The order declared "The erasure of sex in language and policy has a corrosive impact not just on women but on the validity of the entire American system" calling for federal law and language to reflect two biological sexes, male and female. The legal dictat seems at odds with the decidedly artificial aesthetcs of gender on display elsewhere in the Trump regime. From the cosmetically altered Mar-a-Lago faces to muscled Trumps appearing in AI slop images, over-the-top, exaggerated performances of gender dominate in the image conscious content creation engine of the administration and its followers. This paper reads these displays of gendered excess within the conservative tradition of the sublime, described in Burke as an aesthetic experience that overwhelms the senses, inspiring awe and horror, "the strongest passion" with the power to sublimate or transform the subject. These exaggerated forms of masculinity and femininity are meant to leave no room for interpretation. Looking at the staged gender kayfabe (the scripted conflict of professional wrestling) between Trumpian and trans theories of gender I argue the gendered sublime is not a return to a law of biological sex differences reflecting a natural order but an enactment of law as domination, overwhelming with the undeniable power of gender excess.

THE (MISSING) BODY OF LAW: INQUEST, KINSHIP AND THE SPECTRAL REMAINDER

Room 8014

Chair: Tuhin Bhattacharjee, DePaul University (tbhatta1@depaul.edu)

Tuhin Bhattacharjee, DePaul University (tbhatta1@depaul.edu)
The Curious Case of Paraśurāma: On Dharma, Caste, and Kinship
The Mahābhārata narrates, among other stories, the strange circumstances of the birth of Paraśurāma—whose fetus was transferred to a different womb across a generation in an ancient spin on time-travel. This paper examines the myth of Paraśurāma's birth alongside the practice of niyoga, a common custom of paternal surrogacy in ancient India. I argue that the

birth of Paraśurāma draws attention to the performative construction of origins, to the fact that familial genealogies are determined not simply by what one might consider to be obvious biological relations, but instead through (re)enactments of a set of social relations—in themselves historically contingent—that work to consolidate their intelligibility. In the case of niyoga, these enactments, while supplying the cohesive force required to make the child's relation to the legal father binding, simultaneously worked to preclude possible proprietary claims made by the biological/surrogate father. In a Brahminical society where the construction of patrilineal origins was of crucial importance in order to protect the family line from the "impurities" of other castes, niyoga rendered the father's identity phantasmatic, doubtful, slippery. This paper demonstrates how caste, in the origin story of Paraśurāma, works as a linchpin whose breach disrupts the very foundations by which kinship laws become recognizable and social hierarchies are sustained.

Iqra Raza, University of Houston (qraraza10@gmail.com)

Habeas without Corpus: Enforced Disappearance and the Legal Form in Contemporary India

This paper reads Shahnaz Bashir's 'The Half Mother' as a form produced and organized around the demand for proof and the systematic conversion of that demand into bureaucratic opacity. In contexts of enforced disappearance, legality gets relocated into paperwork without access, and procedures that transform grief into an evidentiary burden borne by the living. I argue that 'The Half Mother' formalizes this relocation by staging a world in which the missing person is made to "appear" only as trace, through administrative repetition, and the spectral circulation of names and documents that never culminate in adjudication.

Reading the novel alongside contemporary disputes over burial and belonging in India, where even death becomes a site at which community membership is negotiated, withheld, or posthumously rewritten; this paper treats the corpse (present or absent) as law's privileged object and simultaneously, its most unstable anchor. Enforced disappearance produces a scene in which the family is compelled to keep law in motion without ever receiving law's recognition. The "half mother" then emerges as a figure of compelled legal labor, forced to translate intimate knowledge into admissible form while confronting the state's ability to indefinitely defer visibility and accountability.

I read Bashir's narrative to argue that the novel makes legible the genres through which law manufactures uncertainty as governance, turning the missing subject into a spectral remainder.

Anushka Roy, University of Houston (roytithi31@gmail.com)

The Missing Corpse and Coroner's Inquest : Tracing the Development of Medico-legal Death Investigation System and its Public Perception in the 19th century Colonial India

This paper examines how procedures like autopsy and other forensic tests that violated the sanctity of the body of the colonised and interfered with the funerary practices came to be a

part of quotidian dealings of the colonised Subject with the colonial State in 19th C India. I explore the issue of surveillance of the native bodies (alive or dead), and the anxieties that riddle the state surrounding deaths in the Indian colony through a close reading of the legislative proceedings surrounding the Coroner's Bill introduced by Fitzjames Stephens alongside the debates in the metropole regarding the post of coroner, and the vernacular medical journals that populated the print media in the 1870s. The deliberations and correspondences regarding the Coroner's Act of 1871 bring to light the colonial anxieties about the 'missing corpse', while medical journals shaped the popular culture around the anatomical body and its perceptions. By focusing on the corpse that haunts the imperial power, I deconstruct the language that produces the colony as a state of exception, contrasting it with the debates from the Coroner's court in the metropole. Finally, I look at the complexity of Necropolitics in the racialised arena of the colony where death was endowed with a political constituency, especially when it intersected with different forms of empire building.

CRISIS IN FRENCH LAW: TIMES AND SPACES OF EXCEPTION

Room 8012

Chair: Ty Blakeney, Northwestern University (ty.blakeney@northwestern.edu)

Ty Blakeney, Northwestern University (ty.blakeney@northwestern.edu)
From Napoleon to Trump: Contingency, Exception, and the Temporality of the Coup d'état
How do states manipulate temporality to legitimize extraordinary powers that would normally go beyond the bounds of this law? This paper examines the temporality of authoritarian coups by placing Victor Hugo's Histoire d'un crime (1877) in dialogue with current democratic backsliding in the United States under Donald Trump. Hugo's memoir of Louis-Napoléon's 1851 soft coup highlights how authoritarian power operates through the temporality of the fait accompli: by projecting a predetermined future, the regime inhibits collective resistance in the present. Hugo counters this narrative by restoring the "bleeding reality" of contingency, depicting the coup as an event whose outcome was not inevitable and whose unfolding depended on countless fragile, uncertain moments. His detailed, day-by-day account becomes both testimony and resistance, a form of juridical deposition preserving the possibility of future justice. Turning to ICE's illegal actions in Chicago in 2025, the paper argues that recognizing and documenting our own "bleeding reality" is similarly crucial. Localized violence, media capture, and the slow normalization of authoritarian practices make the present feel foreclosed. Yet acts of witnessing—recording abuses, circulating information, creating counter-archives—can disrupt the logic of inevitability and open space for alternative futures. By revisiting Hugo's analysis, the paper proposes a framework for understanding and resisting authoritarian temporality today.

Vanessa Brutsche, University of Utah (vanessa.brutsche@utah.edu)

From Siege to Emergency: States of Exception in Camus's State of Siege

This paper explores siege and emergency as states of exception in French law through the lens of a 1948 work of theater by Albert Camus, The State of Siege, a peculiar allegory of a city invaded by a dictatorial figure named The Plague. Though it is typically seen as a failed adaptation of Camus's famous novel The Plague (1947), I read the play as a political theorization of the conditions under which a city may be transformed into a space of radical confinement and oppression: a concentration camp. In post-1945 France, Camus's reflection on crisis, authoritarian power, and the law was intended as a warning that the era of fascism in Western Europe was not closed.

I frame Camus's work within a genealogy of exception in French law from the late-18th century to the present. When Camus composed his play in the wake of WWII, the state of siege was the main French law of exception, before the state of emergency was created in 1955 in the context of the Algerian War of Independence. The 21st century has seen a proliferation of states of emergency in France, in response to uprisings against police brutality in marginalized suburbs (2005), followed by terrorist attacks (2015) – after which much of the emergency legislation was codified into constitutional law (2017) – and the Covid pandemic, resulting in the conjunction of securitarian and sanitary measures that characterize the legal frameworks of emergency in France today, for which Camus's reflection presents a renewed relevance.

Chelsea Stieber, Tulane University (cstieber@tulane.edu)

States of Colonial Exception: Special Laws during the French Revolution

France's overseas territories have always been governed by special laws—from the 1685 Code Noir that regulated slavery in France's colonies to special authorization to sell and use the banned pesticide chlordecone in the Antilles in the late 20th century. Indeed, while French republican universalism promotes the idea of a unified regime of rights and protections for all, the reality is of a continuous regime of post/colonial exception.

This paper focuses on a particularly salient period of conflict between republican ideals and colonial realities by charting the granting and revocation of rights to enslaved and free people of color in the Antilles during the revolution. In the early years, colonists in the Antilles insisted that special laws were necessary to maintain "order" (read: slavery and the productive plantation economy) in the colonies. When the Directory enshrined emancipation in the 1795 constitution, they did by abolishing the practice of colonial exceptionality: "The colonies are an integral part of the Republic and are subject to the same constitutional law." Conversely, when the Consulate declared in 1799 that "the republic is indivisible" but that "the government of the colonies is determined by special laws," it was a clear signal that slavery and inequality were back on the table. Sure enough, just a few years later in 1802 Bonaparte moved to legalize existing slavery in the republic and reestablish it where it had been abolished.

LAW'S DANGEROUS OTHERS

Virtual – Room 8002

Chair: Zoe Savitsky, Osgoode Hall Law School, York University (zoesavitsky@osgoode.yorku.ca)

Aditya Banerjee, Harvard University (adityabanerjee@g.harvard.edu)
Afterlives of the 'Alien Enemy': Immigration Enforcement and Revolutionary Terror in Early American Legal Culture
Before there was the "criminal illegal alien," in 1790s America, there was the "alien enemy." In the wake of the French and then Haitian Revolutions, American political culture was gripped by fears that radical ideas would flow in from abroad, destabilizing the fledgling Republic. The Alien and Sedition Acts, passed in 1798 in response to rising tensions with France, allowed for the detention and removal of so-called alien enemies, who were thought to harbor allegiances and ideals at odds with what we might call 'national security' today. These suspicions of dangerous foreigners were more explicitly racialized following the Haitian Revolution, with a series of laws enacted in the early nineteenth century to detain, restrict, and remove free Black people, particularly through casting them as 'foreign'-aligned.
These anxieties about the dangerous outsider, the enemy 'other' of the nascent nation-state, permeated diverse aspects of early American culture, from law and politics to popular print. This paper considers print ephemera such as broadsides, newspapers, and political poetry alongside legal historical sources, exploring how the figure of the 'enemy alien' emerged as not only a legal construction, but importantly also a broader cultural one. It considers the afterlife of the 'alien enemy' both as legal precedent—the 1798 Alien Enemies Act is still in effect—and as a cultural marker of the dangerous 'other,' now reframed through the "criminal illegal alien."

Zoe Savitsky, Osgoode Hall Law School, York University (zoesavitsky@osgoode.yorku.ca)
The Man, the State, the Corporation: The Luigi Mangione Case as the Terrorism of the Future and the Future of Terrorism
In December 2024, one man shot another outside a hotel in New York City. The case against the shooter, who was allegedly motivated by anger about the callous greed of the American healthcare system, became a critical and surreal testing ground for the law's unstable and ever-evolving definition of "terrorism." This paper brings critical theory, history, fiction, and law together to describe the "legal technologies" that allowed a prosecutor to charge the alleged shooter with "terrorizing" corporations, CEOs, workers, an industry, investors, and the government through a corporation; places those charges in their legal, social, and technological context; and explores why this case was not an aberration, but a harbinger, of the rapidly-changing future of terrorism in the United States.

Amber Hernandez, Texas A&M International University (amber.hernandez@tamiu.edu)

Legislative Exclusion and Suppression in Bronte's Shirley

In Charlotte Brontë's historical novel, Shirley (1849), she provides a fictional account of a Luddite attack based on an actual Luddite raid on a mill owned by William Cartwright in 1812. Brontë's inspired story narrates the historical event through a female narrator, providing some reconciliation to a historically silenced group of voices that have always been a part of history. Set within the Industrial Revolution in England, Shirley provides social critique on how lower-class men and middle-class women are treated unequally by the patriarchal and capitalist society that reduces their significance and power in a culturally unique region of England. The Luddite riot that Brontë uses to place the novel within a specific historical period is part of the same that led to new anti-machine-breaking laws in England. These laws had severe consequences and likely influenced the decline of the Luddite movement. Another point of interest are the Turnpike Acts that affected the use of private roads now controlled by mill and landowners, as evidenced near the end of the novel when Caroline Helstone is caught using a private road. This paper analyzes the consequences of such new legislation practiced within northern England and the implications of such legislation by investigating the ways in which it polices, protects, and oppresses those within Shirley. Such analysis demonstrates that legislation can be used to both attack and protect, and its significant role in cultural history.

5:00 p.m. – 6:30 p.m. Awards Reception (DePaul Center, Concourse Level, 1st floor - take escalators to the lower level)

6:30 p.m. – Dinner on your own

Thursday, June 18, 2026

9:00 a.m. – 10:15 a.m. Session 5

LAW & THE NOVEL II

Room 8005

Chair: Ravit Reichman, Brown University (Ravit_Reichman@brown.edu)

Mark Firmani, Amherst College (mfirmani@amherst.edu)
Collateral Fictions: Empire and the Law of War
In this paper, I argue that studying fiction can help us excavate the relationship between international law and state violence in our contemporary moment. Through my reading of Sinan Antoon's novel, The Book of Collateral Damage (2018; published in Arabic as Fihris in 2016), I demonstrate how the International Humanitarian law doctrine of collateral damage relies on narrative mechanisms for its legitimacy. These mechanisms erase the specificity of individual Iraqi civilians killed during the invasion and occupation, subsuming them into an anonymous mass whose deaths—deemed collateral to purportedly legitimate military aims—fail to interrupt the exercise of U.S. state violence. While the logic of collateral damage long has sustained imperial power, its naturalization as a moral operation largely remains unchallenged in liberal theories of international law. Turning to fiction illuminates the moral inadequacy of the doctrine of collateral damage and offers paths beyond it. Antoon's formally innovative novel, I argue, restores Iraqi civilians to a central, rooted position in international legal discourse and practice, challenging the erasure that licenses their death and destruction. Such restoration, I posit, destabilizes both the purported moral stability of this particular doctrine as well as the purported moral integrity of the international legal system as a whole.

Jack Quirk, Brown University (jack_quirk@brown.edu)
Mulk Raj Anand's Unprecedented Form
This paper considers the different modes of representation in law and the novel by looking at Mulk Raj Anand's 1935 protest novel Untouchable (1935) The novel follows an "outcaste" protagonist whose lived experience is largely determined by caste discrimination and who remains largely excluded from political and legal recognition. Anand's is a notable early example of literature that ventures Dalit subjectivity in the aim to draw attention to law's silence in the face of normative exclusion and discrimination supported by custom, religion, and law. Anand offers a form of literary recognition, providing a kind of entitlement that the law

denies. While the sentimental imperative of literary recognition of legal rights privation has its merits, I caution that the narrator risks falling into perpetrating the same kind of discrimination as those he wishes to critique, revealing a limit at the politics of representation in which literature and law are at odds. Much of the critical attention on Anand thus far has focused on the author's leanings, his founding and membership of the Indian Progressive Writers Association, or his relationship with the Bloomsbury Group. My paper instead looks at the convergence of modernist novelty with legal critique. How literature, like law, can be thought to distinguish its own precedents while remaining beholden to them.

Lindsay Stern, Texas State University (lindsay.stern@txstate.edu)

The Art of Refusal: Thinking Big Tech with Kafka

In considering conflicts playing out digital realms, judges have often applied rules developed in physical space to regulate cyberspace. A pretext for this trend can be found in the discussion that led to the passing of section 230, a provision of the Communications Decency Act shielding social media platforms from liability. In that discussion on August 4, 1995, congressperson Zoe Lofgren dismissed the idea that platforms should be held accountable using a metaphor: Opposing Section 230, she said, "is not the right way. Really it is like saying that the mailman is going to be liable when he delivers a plain brown envelope for what is inside it. It will not work. It is a misunderstanding of the technology." But how far can the implied equivalence between physical space and cyberspace go, and how might literature illuminate the distinction? In Kafka's unfinished manuscript The Castle, the story of a land surveyor frustrated by nebulous and elusive forces from fulfilling his professional mission, the focus of the novel drifts from the alleged protagonist — K. — to the intimate family dramas of his messenger Barnabas, a mailman. Anticipating Marshall McLuhan's assertion that "the medium is the message," the increasing narrative authority exerted by Kafka's messenger culminates in a new hero: Amalia, Barnabas's sister. Unlike K., Amalia refuses the confusion and homogenization promoted by "the castle," illuminating new alternatives to compliance.

THE AMERICAN DEATH PENALTY: HISTORICAL DEVELOPMENTS, CONSTITUTIONAL IMPLICATIONS

Room 8009

Chair: Jesse Cheng, DePaul University College of Law (jesse.cheng@depaul.edu)

Michael Mannheimer, Northern Kentucky University (mannheimem1@nku.edu)
Why Luigi Mangione Cannot Be Executed: An Originalist Perspective
The second Trump administration's insinuation of itself into matters once deemed local has sparked a resurgent interest among progressives in federalism and localism. Yet one area that has been all but ignored is the administration's robust invocation of the federal death penalty in States that have abolished capital punishment. The Trump Justice Department has in one year filed ten notices of intent to seek the death penalty in such cases, matching the number filed by the Obama Justice Department during his entire eight years in office.
From an originalist perspective, such prosecutions are highly dubious. The Eighth Amendment to the Constitution forbids the federal government from inflicting "cruel and unusual punishment." Volumes have been written about what those words mean. But the core, irreducible public meaning of that term at the Founding has been overlooked: a punishment by the federal government is "cruel and unusual" if it is not authorized by the State where the criminal conduct occurred. This understanding is supported when one considers (1) the political and legal philosophies of the Anti-Federalists, those who demanded that a Bill of Rights be adopted and (2) the use of the term "cruel or unusual" in near contemporaneous state ratifications of a confederal impost during the Articles of Confederation period. Accordingly, there is a solid case to be made that the infliction of the federal death penalty in non-death-penalty States violates the Eighth Amendment.

Daniel LaChance, Emory University (dlachance@emory.edu)
Black Depictions of Capital Punishment in the Age of Legal Lynching
As the term "legal lynching" entered public discourse in the 1920s, it called attention to the disproportionate imposition of the death penalty on African Americans across the country, and especially in the South, where they represented a majority of those executed. Popular culture had long focused disproportionately on the experience of condemned white men, often portraying them as protagonists in spiritual dramas—embodiments of courage, conscience, and transcendence whose deaths were tragic, yet dignified. In the 1920s and 1930s, Black writers, journalists, and musicians countered these sentimental portrayals of death at the hands of the state. Instead of glorifying executions as moments of personal triumph, they laid

bare the racial cruelty of the system and recast the violence masked by white cultural representations as biopolitical acts of racial control.

Jesse Cheng, DePaul University College of Law (jesse.cheng@depaul.edu)
The "Character" and "Process" of Capital Punishment
U.S. Supreme Court Justice Clarence Thomas has long expressed his objection to a line of cases that has afforded capital defendants the right to introduce expansive forms of sentencing mitigation evidence. Under the "original meaning" of the Eighth Amendment, he argues, the prohibition against cruel and unusual punishments "relates to the character of the punishment, and not the process by which it is imposed." The mitigation cases, the argument goes, reflect the improper judicial regulation of capital sentencing procedure ("process"), even though the Eighth Amendment originally spoke to the substantive nature ("character") of torturous or barbaric punishment methods: racking, gibbeting, drawing and quartering, and the like. This presentation explores whether the historical record supports Justice Thomas's analytical distinction between character and process, and concludes that it does not.

ATTENUATED CAUSALITIES AND DIMINISHED RESPONSIBILITY

Room 8014

Chair: Sharif Youssef, University of Pennsylvania (smyoussef@gmail.com)

Sharif Youssef, University of Pennsylvania (smyoussef@gmail.com)
Information Hurts: Poison and Misinformation in Charlotte Smith's "The Marchioness de Ganges"
This presentation discusses the non-actuarial origin of moral hazard, an ancient tradition stemming from Roman Law and centering around poison narratives. Richard Epstein locates the origin of moral hazard in the ancient world, indirectly tracing it to commentaries on the ancient Roman civil code, the Lex Aquilia, which developed increasingly complex accounts of causality to charge perpetrators for misidentifying ingested poison as medicine. One element that makes this origin so thought-provoking is that it argues the appearance of moral hazard prior to the discovery of actuarial modes of thinking: "The perpetrators deceived the victim who ingested the poison believing it to be medicine." In this story, the law of murder could only contemplate the most brute force direct physical accounts of murder at first –a knife wound, a strangling, a beating –, and eventually encountered a transformative crisis, say, a rash of poisonings, that forced jurists to imagine that information—including its misrepresentation, omission, or even infodumps—could be employed to deadly effect. A flourishing of eighteenth-century poison narratives, starting with Charlotte Smith's "The Marchioness de Gange" (1787) revisit the

transactional imbalance of poison, invariably via a threat to get a woman to sign away her rights via some legal document or another, to empower a new discourse about domestic abuse.

Jayne Lewis, University of California, Irvine (jelewis@uci.edu)

"The Picture of the Fact": Oneiric Evidence and the Prosecution of Justine Moritz

Particularly when it came to property crimes, dreams figured surprisingly often in 18th-century trial testimony under rationalizing English law. They also cluster on the periphery of Mary Shelley's nightmare-driven exploration of the assignment of criminal responsibility under a visually-grounded (thus always potentially hallucinatory) justice system in her 1818 novel Frankenstein. I first examines the dream's status as what Bentham's Rationale of Judicial Evidence (1827) characterized as "the picture of the fact"—a "false fact presented under the guise of a real one"—in a period of prestige's migration from spectral to circumstantial evidence. In numerous 18th-century trial records, dreams are mentioned by witnesses and defendants alike; their tenuous if not arbitrary relationship (indeed frequent irrelevance) to actual verdicts entwines with their ability to advance an evidentiary logic that privileges visual 'information' and potentially mistakes effect for cause, setting the stage for Bentham's deleterious "picture of the fact." This logic scripts the first of two trials in Shelley's novel. The innocent Justine Moritz is executed for the murder of Victor Frankenstein's brother, partly on the basis of a "picture" that the killer, Frankenstein's creature, plants in the folds of her "apparel" while she sleeps. Shelley intimates Victor's own responsibility for William's death. But what is responsible for Justine's? Oneiric evidence may tell.

Melissa Ganz, Marquette University (melissa.ganz@marquette.edu)

"The Crowd Was the Law": Crime, Violence, and Responsibility in Dickens's Barnaby Rudge

In *Barnaby Rudge* (1841), Charles Dickens reconstructs the Gordon Riots of 1780 while highlighting the intersection of public and private violence. The novel appeared near the end of a decades-long campaign to reform England's extensive set of capital statutes, known as the Bloody Code. But the criminal law would continue to evolve over the course of the nineteenth century. This paper argues that the novel highlights the lingering effects of the riots and England's vindictive criminal code while contributing to the emergence of a modern capacity-based conception of criminal responsibility that grounds punishment in individual agency and intent. Dickens's critique of the retributive model is evident in his portrait of the hangman and riot leader, Mr. Dennis, who rejoices in the opportunity to "work [people] off" but proves a coward when faced with his own execution. Members of the violent mob deserve punishment, Dickens suggests, as do conniving men like George Gordon and his fawning servant Mr. Gashford. But Dickens shows more understanding for impoverished individuals like Hugh as well as the titular Barnaby Rudge, who is nearly executed for his involvement in the riots even though he does not understand the nature or consequences of his acts. Through his account of

these cases as well as innovative plotting and formal experiments, Dickens contributes to debates about criminal justice that preoccupied thinkers in his own day and that remain of concern today.

TRANSNATIONAL APPROACHES TO LAW AND FILM: NARRATIVES OF FORCED DISPLACEMENT IN COLOMBIA, GERMANY AND MEXICO

Room 8012

Chair: Olga Salazar Pozos, DePaul University (osalaza5@depaul.edu)

Irene Kuo, Wake Forest University (kuoi@wfu.edu)
Credibility on Trial: Reenacting the Asylum Interview in Lisa Gerig's Die Anhörung (The Hearing)
Asylum adjudication hinges on a fundamental conflict: legal recognition depends on narrative coherence, yet accounts of forced displacement often resist linear storytelling. Within this gap, credibility assessment serves as a critical mechanism through which states determine who deserves protection. In this paper, I examine Lisa Gerig's documentary Die Anhörung (2022) as a cinematic intervention into the Swiss asylum process. Gerig stages reenactments of asylum interviews, depicting the hearing as a legal space where credibility is produced and challenged through mediating factors such as translation and formulaic questioning that demand narrative coherence under conditions of trauma. I argue that the film foregrounds the asylum system as a performative regime requiring applicants to conform to legally legible narrative forms. The film's minimal visual approach mirrors the abstraction of the legal process and disrupts viewer expectations of documentary authenticity. By withholding biographical background and national origin, Gerig shifts attention toward the structural conditions under which legal recognition is granted or denied. As the film centers rejected applicants who intervene in the hierarchical structure by questioning asylum officials, it invites viewers to consider the forms of evidence asylum law demands. Through an analysis of Gerig's formal strategies, I demonstrate how the film reframes forced migration not as a crisis of borders, but as a crisis of listening.

Olga Salazar Pozos, DePaul University (osalaza5@depaul.edu)
Documentary Witnessing and the Politics of Internal Displacement in Teresa Camou's Cruz
Although no official statistics exist, UNHCR estimates that between 2008 and 2025, more than 500,000 people in Mexico have been internally displaced due to events of violence linked to the ongoing War on Drugs. In 2019, the federal government formally recognized internal displacement as a public issue, noting the disproportionate impact on Indigenous communities. Yet the federal bill introduced in 2020 remains unapproved, leaving the country without a national framework for prevention, protection, or comprehensive assistance—aside from

limited state-level initiatives. Even if passed, the proposed law exhibits a significant blind spot: its limited engagement with the specific historical, cultural, and territorial conditions shaping Indigenous experiences of displacement.

In this context, it is crucial to examine the political implications of this legislative void and the representational practices through which displacement becomes perceptible. This study turns to Cruz (2019), a documentary by Teresa Camou that explicitly seeks to intervene in public and legislative debates. Following a Rarámuri family displaced after multiple episodes of mass violence, the film deploys audiovisual testimony, acousmatic sound, and the juxtaposition of pre and post-displacement landscapes to construct a cinematic vocabulary of dispossession.

Joseph Wager, Southern Illinois University (joseph.wager@siu.edu)

Me salieron tímidos and the Epic of "Postconflict" Colombia in Laura Mora Ortega's Film Los reyes del mundo

In 2016, the Colombian government ended the longest running conflict in the Western Hemisphere, embarking on an ambitious transitional-justice project. As a result of this conflict, the number of internally displaced persons is estimated to be as high as seven million. This paper focuses on Laura Mora Ortega's award-winning film Los reyes del mundo (The Kings of the World; 2022), which explores the understudied realities of forced movement. In the film, five unhoused teenagers set out to reclaim the land stolen from one member's grandmother during the armed conflict. The film follows the rollout of the Victims' Law (Ley de Víctimas), praised by the Colombian Government as a tool for "healing the wounds of decades of armed conflict." This law creates mechanisms for returning the displaced to their land, though it establishes differing windows, specifically post-1991 for the return of lands, the year when Colombia's current constitution was implemented. Los reyes del mundo, I argue, interrogates the intertwining foundations of the 1991 Constitution, the years of the armed conflict, and the transitional-justice process in the struggle for a new "national story" in the aftermath of massive displacement. I hold that the film's striking color palette, use of domestic spaces, and (rare) voiceovers redound to an examination of the ideological underpinnings of the politics of representation in postconflict Colombia.

UPROOTING CITIZENSHIP: TRANSNATIONAL CRITIQUES OF BELONGING

Room 8204

Chair: Mauricio Oportus Preller, Northwestern University
(mauricio.oportus@northwestern.edu)

Emma Brush, Amherst College (ebrush@amherst.edu)
Forms of Fugitivity: Javier Zamora's Solito and the Antebellum Slave Narrative
This paper explores the surprising resonances between Javier Zamora's 2022 memoir Solito, which recounts the author's migration from El Salvador to the United States as a nine-year-old boy, and the antebellum slave narrative. The parallels between the contemporary migration narrative and the antebellum slave narrative generate insights in both directions: into the literary and political work of the slave narrative on the one hand and the connections between the laws of slavery and contemporary U.S. immigration policy on the other. In response to scholars who diminish the slave narrative for its "plainness, facticity, and dictated forms" (Sekora 488), first, I argue that the genre's plain style and formal constraints were the source of its potency on behalf of the abolitionist movement, not against the wishes of its narrators but in line with them. The use of similar tropes in Solito sheds light on the kindred ambitions of the slave narrative—to deploy the story of one's own fugitivity as an expression of self that reveals the constraints and injustices of the world in which it is contained. The recurrence of this narrative template in the twenty-first century, moreover, indicates some of the ways in which the laws and policies governing slavery have been refigured in the modern era to control the mobility of refugees, asylum seekers, and other migrants. I conclude by reflecting on the potency of self-narrative more broadly and the ways it challenges the law at its extremity.

Mauricio Oportus Preller, Northwestern University (mauricio.oportus@northwestern.edu)
The Silences of Citizenship: Counter-Imaginaries of Law and Belonging in Turn-of-the-Century Argentina
This paper explores turn-of-the-century critiques of citizenship in Argentina through the work of writer and diplomat Lucio Mansilla (1831–1913), centering on his last published essay A Country Without Citizens (1907). Written against the backdrop of increasingly exclusionary and violent immigration policies following the Law of Citizenship of 1902, the text offers a meditation on belonging that destabilizes prevailing notions of national enfranchisement, citizenship, and legal personhood. Here, I will read Mansilla's critique of citizenship in relation to An Expedition to the Ranquel Indians, a chronicle Mansilla wrote 40 years before in which he recounts his experiences as an envoy of the Argentine state among the Ranquel community. In doing so, my presentation will argue that Mansilla's early reflections on Indigenous governance—particularly the "forms of law" and notions of political belonging he encountered

among the Ranquel—provide an alternative legal imaginary that he later reworks to expose and contest the racialized and exclusionary logics of Argentine statecraft. By staging this juxtaposition, my goal is to illuminate the counter-narratives Mansilla advances against dominant legal and political discourses that entrenched marginalization throughout the nineteenth century, thereby contributing to a critique of citizenship by attending to how literary and cultural texts unsettle the boundaries of legal belonging.

Rajgopal Saikumar, Bard Early College (rajgopal.saikumar@gmail.com)
Archival Excess in Zora Neale Hurston's Barracoon
Zora Neale Hurston's Barracoon (1931/2018), a biography of Oluale Kossola (1840-1935), the last known of the Middle Passage survivors, read with Margaret Brown's documentary film Descendent (2022) presents us with an archive of "obstinacy." The obstinate is an enduring presence, a mode of survival, coded as opacity and intransigence, which gets taken up and reimagined in the contemporary as a form of jurisgenesis.

THE SPIRIT OF THE LAW: SPIRITUALITY AND LEGAL MEANING

Virtual – Room 8002

Chair: Reginald Oh, CSU College of Law (R.Oh@csuohio.edu)

Ronald Garet, University of Southern California (rgaret@law.usc.edu)
We hold these truths but none (Sojourner Truth & the Blessings of Liberty)

Susan Sturm, Columbia Law School (ssturm@law.columbia.edu)
Forging Linked Fate: Meaning Making to Build Movements

Reginald Oh, CSU College of Law (R.Oh@csuohio.edu)
The Spiritual Constitution: Original Spiritual Meaning & the Preamble

10:45 a.m. – 12:00 p.m. Session 6

LAW & CULTURE I

Room 8005

Chair: Zvi Rosen, UNH Franklin Pierce School of Law (zvi.rosen@law.unh.edu)

Samantha King, Independent Researcher (kinginsightsgroup@gmail.com)
When Law Loses Time: Governance Failure as a Problem of Observation
Contemporary legal systems often present governance as stable even as operational control erodes. This paper examines governance failure not as a breakdown of rules or intentions, but as a failure of observation over time. Law can continue to function formally while losing its ability to register the conditions it is meant to govern.
Rather than collapsing abruptly, governance failure develops through gradual shifts in how information is recorded and interpreted. Documentation proliferates. Procedures remain intact. Oversight persists in name. Yet the relationship between recorded legality and lived practice quietly diverges. What law observes becomes increasingly representational rather than operational. By the time failure becomes visible through scandal, litigation, or enforcement, institutions have already preserved legitimacy by narrowing what can be seen.
This paper approaches governance failure as a cultural process in which legal artifacts, silence, and delay stabilize continuity while obscuring correction. It argues that governance collapses not through rule violation alone, but through the loss of institutional self-observation.

Zvi Rosen, UNH Franklin Pierce School of Law (zvi.rosen@law.unh.edu)
The Copyright Office at a Crossroads: Recordkeeping and the Future of the Office
The U.S. Copyright Office stands at a critical juncture. The ongoing litigation over the Register's firing has forced a reckoning about the Office's institutional identity. A bill introduced in 2025 would reorganize the Office as an independent executive agency, severing its centuries-old placement within the Library of Congress.
This institutional relationship has profoundly shaped the Office's operations—including its approach to records management. The Office has long functioned with Library of Congress-style informality: requesting additional information for approximately 15% of applications, then treating this correspondence as ephemeral material to be discarded after 20 years. This made sense when the Office served primarily as the Library's acquisition arm rather than administering a modern regulatory system.
The AI era has exposed this approach's inadequacy. For registrations containing disclaimed AI-generated material, the Office has created works whose legal scope depends on exclusions

often documented only in correspondence destined for destruction—despite copyright terms extending to life-plus-70 or 95 years.
As AI disclaimers proliferate, a form of prosecution history estoppel is emerging in copyright law, where registration-stage representations limit claim scope. The Copyright Office's institutional reform presents an opportunity to modernize recordkeeping practices accordingly.

Hellen Abril Torres Gonzalez, UNIPUEBLA (torreshellen130@gmail.com)
Law as Cultural Practice: Meaning, Change, and Social Life
This paper examines the structural and social transformations of law by approaching it as a cultural and interpretive practice rather than a fixed system of rules. It argues that law evolves in response to social needs and changing forms of collective life, shaped by political, economic, cultural, and symbolic forces.
Moving beyond strictly norm-centered conceptions, the paper advances a humanistic understanding of law as a process of meaning-making. Law emerges through historically contingent sources such as legislation, judicial interpretation, and customary practices, all of which are embedded in social narratives, values, and forms of life. From this perspective, law operates as a mediating structure between continuity and change, tradition and transformation.
The paper further considers law's institutional role in resolving conflict and producing authority and legitimacy within shifting cultural contexts. Designed for roundtable discussion, the contribution invites interdisciplinary dialogue on how law negotiates social change while sustaining shared understandings of order and justice. The paper concludes that law fulfills a permanent social function as a cultural practice embedded in historically changing forms of life.

WORKSHOP: REVOLT AND RECIPROCITY–WHAT IS REQUIRED OF US? WHAT IS REVOLT?

Room 8009

Jill Stauffer, Haverford College (jstauffe@haverford.edu)
Leanne Simpson reminds us that "reciprocity isn't about giving back what you want, it is about giving back what is needed or what has been asked of you." You can plan in advance for the inevitability of helping and needing help, but you simply do not have the capacity to know in advance everything that will be asked of you. I'm going to use this observation as the basis for a meditation on what revolt is. What does it mean when any of us move against something? What impels us—and what might keep us standing still instead?

This session will be structured as a workshop in which I will invite attendees to brainstorm various aspects of revolt and reciprocity, with the hope that we will collaboratively come up with definitions and plans.

As Levinas reminds us, the fact that I didn't get to choose whether I would be affected by other people implants in me an unchosen responsibility, and I might revolt against that, claiming time and safety for myself. I might revolt against that in part because if I didn't get to choose this responsiveness than it is effectively infinite, and I am not capable of infinity. But that sets the stage for a further revolt, in which I stand up in the face of what seems beyond my capacity, do what I can, and possibly discover that I am capable of more than what I knew.

Both Simpson and Levinas help us pull the rug out from under our settled thoughts, and that, I hazard, is where revolt begins.

LAW & NARRATIVE II

Room 8010

Chair: Ravit Reichman, Brown University (Ravit_Reichman@brown.edu)

Alison Hsiao, University of California, Davis (hsiao.alison@gmail.com)
Operation Babylift: Skies and Oceans of Legal Terror
How does Indochina refugee legislation impact the affective geographies of Vietnamese American literature? How do symbolic and material world building interact across genres to reveal communal experiences of loss that US law disavows? To answer these questions, I read Lê Thị Diễm Thúy's novel The Gangster We Are All Looking For with Operation Babylift, an informal presidential directive from Gerald Ford, to evacuate Vietnamese children during the fall of Saigon in April 1975. While US governmental documents emphasize the benevolence of the nation in a war of their own making, the literary representations of Vietnamese refugee experience tell another story: one of coercion and kidnapping, as families were ripped apart by this operation and other evacuation efforts on military ships and planes, tearing kinships across the sky and ocean. As an interdisciplinary scholar trained in ethnic studies and literary studies, I use close reading methods grounded in Queer of Color Critique to read the translation of affect across legislative documents including the order itself, press conferences, and congressional memos, to Lê's novel to show how the patriarchal discourse of US refugee legislation restrained the refugee community through the expectation of debt, as well as how the community's own envisioning of ideals like freedom and liberty moved beyond state structures.

Eileen Ying, University of Pennsylvania (eying@sas.upenn.edu)

Oyama's Gift, or, What Was the Plot of Re-possession?

In 1948, the U.S. Supreme Court ruled in Oyama v. California that Fred Oyama, a Japanese American college student, had full right to the farmland purchased in his name fourteen years earlier by his immigrant father Kajiro. The case mounted the first significant legal challenge to nearly a century of restrictions on leasing and landownership by resident "aliens" from Asia. Yet while it seems to resolve the problem of the legal outcast, it does so not through a direct address, but through a strange, roundabout discussion—a story, really—of fathers and sons, gifts, guardianship, and the mark of familial love.

This paper returns to Oyama in order to probe the boundary between law and narrative, here vanishingly thin. Following Sylvia Wynter, it plays on the relationship between "plot" as a parcel of land and "plot" as a system of narrative consequence to connect the question of property to that of literary representation. How does the structural dispossession of the Alien Land Laws get rescripted as a domestic drama? What is the plot of plot ownership in an era in which the fantasy of limitless land has decidedly unraveled? Oyama, I argue, signals a broader disappearance of property from our received accounts of Asian racialization while also showing us where to retrieve it. And it reveals, in its unusually verbose justification, the vital importance of narratives of racial development—bildungsromane, we could say—to the nation's claim to land in the so-called "Pax Americana."

LAW & CULTURE II

Room 8014

Chair: Yael Plitmann, University of California, Berkeley (yaelplitmann@law.berkeley.edu)

Eva Vaillancourt, Princeton University (ev2527@princeton.edu)

'Oriental Despotism' on Wheels: Traffic, Empire, and the Legal Technicality, 1900-1940

This paper uses early twentieth-century sources from across the British Empire to explore what was, at that time, a new legal experience: the traffic violation. Before the arrival of the modern automobile at the turn of the century, streets in both metropolitan and colonial cities had been mostly empty of legal prescriptions for HOW to move. Over the next several decades, however, a host of new rules sprung up to dictate ordinary road users' traffic behavior: the speed limit, the red light, the white line, the stop sign, the turn signal, et al. This transnational development sparked virulent debate between officials and elites about the value and purpose of "the legal technicality." Does driving five miles over the speed limit on an empty road make you a criminal? Should police and judges distinguish between truly dangerous driving and the "merely technical" offense? This paper uses street-level evidence from five British imperial cities to situate that conversation in a colonial context, where its deeper political implications were

especially stark. As colonial administrators struggled to police white drivers with a racialized state apparatus, they came to question whether their accustomed vision of technical rules – i.e. as a discretionary social instruments, levers for managing sensitive relationships – was workable in a modernizing, multiracial city. In so doing, they began to reformulate the place of law itself in colonial rule.

Kaitlyn Filip, Chicago State University (kfilip@csu.edu) and
Kat Albrecht, University of Tulsa College of Law (kat-albrecht@utulsa.edu)
The Courthouse in the Woods
You are housesitting for your estranged uncle at a cabin deep in the woods. The forecast calls for a storm, but you're not that worried because surely, he has a flashlight somewhere. As it gets later, you start hearing a 'knock, knock, knock' coming from the basement. Going down there would be a terrible choice; it's not like you've never seen a horror movie before. No way are you going down there.
Except you totally would.
We analyze the dynamics of familiar horror tropes and archetypes to understand how they correspond with the locked-in choices present in the American legal system. The story of horror as a genre is one about a lack of agency where what seem like life-or-death choices often don't matter at all. We argue that the law functions the same way. The legal system, theoretically constructed in such a way to serve the public, functions in practice as a wildly constrained set of options that profoundly limit the choices that individuals are able to make. Putting horror as a genre and law as a system in conversation allows for a new understanding of both.
We move through the dynamics of genre and the legal system in three parts including considerations of legal actors and horror character types, legal institutions and help seeking, and legal and genre consequences. We conclude with a little optimism (or sequel bait) with a consideration of how horror and the legal system offer hope and comedy even in the darkest of cases.

Yael Plitmann, University of California, Berkeley (yaelplitmann@law.berkeley.edu)
Religio-legal Movements and the Spirit of Democracy in Late 19th and Early 20th Century United States
This paper uses an overlooked military court trial of a conscientious objector and his counsel to trace a religious movement that swept New England between 1912 and 1922, shedding new light on broader questions of law and religion in twentieth-century American history. On April 30, 1918, Philip Grosser, a Russian-born Jew, was sentenced by a Boston court-martial to thirty years of hard labor, following a two-week trial. Grosser was a World War I conscientious objector, but the exact nature of his objection would determine his legal treatment; legal privileges often extended to religious objectors, but not to political ones. Yet for Grosser and

his counsel, Dr. Charles Fleischer, founder of Boston's "religion of democracy," the two were one and the same. The political and the religious were merged in a new vision about the religiousness of the American democratic order. Centering on Fleischer's experimental religion and how its principles were brought to bear on Grosser's trial, this paper illuminates an early twentieth-century attempt to spiritualize and radicalize American legal and political arenas. Analyzing previously unexamined archival materials, I reconstruct the movement's narratives, doctrinal frameworks and practices to show how followers forged a 'religio-democratic subject,' a new type of spiritual citizen bound by a sacred commitment to a shared democratic order. The trajectory of this movement highlights the conditions under which modern legal categories engender religious ideas and transform them, teasing out an underexplored duality: law as a central expression of the divine-human relationship and a positive ruleset claiming exclusive legal authority. In so doing, this history also intervenes in the legal development of American conscientious objection, challenging the prevailing narrative of the secularization of the peace movement.

FREE SPEECH AND CENSORSHIP

Room 8012

Chair: Daniel Putnam, Ropes & Gray (daniel.putnam@ropesgray.com)

Daniel Putnam, Ropes & Gray (daniel.putnam@ropesgray.com)

A Jurisprudence of Contagion

In 303 Creative v. Elenis, 600 U.S. 570 (2023), the U.S. Supreme Court ruled that requiring a wedding website designer who opposes same-sex marriage to offer her services to same-sex couples would violate her First Amendment compelled speech rights. This holding broke new ground. As Justice Sotomayor explains in dissent, 303 Creative ruptures the long-standing principle that generally applicable laws forbidding discrimination in public accommodations pose no cognizable First Amendment problem. As such, 303 Creative raises a question. Might there be something about requiring associational or commercial interaction with sexual minority individuals as such which provokes heightened concerns about compelled speech on the part of the modern Court? This paper argues "yes." Specifically, through a close reading of Hurley v. Irish-American Gay, Lesbian, and Bisexual Group of Boston, Inc., 515 U.S. 557 (1995) and its progeny, I identify two implicit principles in American compelled speech jurisprudence: presence as speech, according to which the presence of a sexual minority individual inherently communicates a "pro-gay" message, and speech as transmission, according to which social proximity to a sexual minority individual exposes one to a peculiar risk of having that message attributed to oneself. Drawing on cultural history, queer theory, and doctrinal exegesis, I

excavate the jurisprudence of contagion and place it in the broader landscape of American law and culture.

Stephen Sudia, Carnegie Mellon University (ssudia@andrew.cmu.edu)
Invitation to a Misreading: Literary Criticism and the Origins of Post-Soviet Russian Law
The White Book (1967) was a samizdat collection of court proceedings, newspaper articles, letters, and essays related to the trial of Andrei Sinyavsky and Yuli Daniel, two Russian writers imprisoned on charges of anti-Soviet propaganda for publishing satirical literature outside the USSR. Compiled by the dissident writer and activist Aleksandr Ginzburg, The White Book served as a source of both legal and literary debate centered on the nature of Russian tradition, culture, and spirituality. This essay examines the way that literary criticism in The White Book was used as a legal defense advancing a narrative of Russian society rooted in unique values yet also prepared to embrace liberal democracy. I compare this strategy with contemporary Russian legal discourse, in which "traditional values" alone serve as the foundation of law and national identity. Indeed, members of Russia's Diplomatic Academy of the Ministry of Foreign Affairs have gone so far as to state that Russia has one of the only contemporary governments in which narratives of traditional values are reflected in normative legal acts, including the Constitution. By navigating the tension between Russian law in literature and Russian law as literature, I aim to show how interpretations of cultural values that informed the origins of a post-Soviet Russian legal system rejecting totalitarianism have been reappropriated in service of an authoritarian nationalist project.

Cynthia Merrill, UCLA School of Law (merrill@law.ucla.edu)
Uprooting Equality, Repressing Narrative: The Supreme Court's Adjudication of the Rights of the Marginalized
Recent Supreme Court rulings have significantly diminished equality for historically marginalized groups—in the guise of enforcing competing constitutional rights or even equality itself. In 303 Creative v. Elenis, First Amendment speech protections defeated equality goals of public accommodations law. In Students for Fair Admissions v. Harvard, the Court invoked equal rights to outlaw universities' efforts to ameliorate historical inequalities. Presented through absolutist precedential narratives, creating a semblance of inevitability and neutrality, the decisions uprooted longstanding legal and cultural commitments to equality through purported fidelity to well-rooted constitutional law. In fact, the decisions both dislocated and created law—attempting to create constitutional memory—by repressing competing historical and legal narratives. Drawing on postmodern narrative theory, this paper argues that such narrative tactics both replicate and legitimize cultural dynamics of inequality. And they are spreading. Such tactics were displayed on the Court's emergency docket in Noem v. Vasquez

Perdomo, overruling an injunction prohibiting immigration officers from stopping individuals based on factors including race and language. Although the Court did not produce an opinion, Justice Kavanaugh's concurrence repressed history of racial discrimination in favor of "common sense," asserted (without discussion) controlling precedent, and took cover under claims of judicial restraint.

LAW AND RELIGION

Room 8204

Chair: Kathryn Heard, Whitman College (heardk2@whitman.edu)

Kante Hamed, Indonesian International Islamic University (kanteh097@gmail.com)
Living Sharia in a Non-Muslim State: Informal Sharia Implementation and secularism in Côte d'Ivoire
This research explores the practical and "bottom-up" application of Islamic law within the secular, postcolonial context of Côte d'Ivoire. While scholarly attention often centers on state-led Sharia implementation in Muslim-majority countries, this study addresses a significant gap by examining Sharia as a "living law". It focuses on how Sharia operates through informal, non-state mechanisms in a region where Muslims constitute a substantial portion of the population (approximately 42.5%) but the state remains officially secular.
The study investigates the coexistence of formal state law—rooted in French civil traditions—and informal religious practices. The primary research questions examine what "implementation" means to the Ivorian Muslim community and how informal mechanisms, such as community-based arbitration and local religious leaders, support Sharia adherence without state enforcement. Central to this analysis is the role of organizations like the Superior Council of Imams, Mosques and Islamic Affairs (COSIM) and the Islamic Development Council (CODIS), which act as mediators between religious identity and secular citizenship.
Adopting a multi-theoretical framework grounded in the Sociology of Law and Legal Pluralism, the research utilizes Eugen Ehrlich's concept of "living law" to analyze norms that exist in social practices rather than formal legal codes. Methodologically, the study employs an ethnographically-informed qualitative design.

Kathryn Heard, Whitman College (heardk2@whitman.edu)
Towards Rehabilitation? Religious Freedom and Retribution in the Carceral State
In this paper, I examine the role of religion in increasing the felt nature of retribution in the carceral state. More precisely, I interrogate how the rhetoric of "religious freedom" softens the shortcomings of the state in providing rehabilitative support for those it deems guilty of criminal wrongdoing even as it authorizes and enacts forms of punishment that may otherwise

run counter to constitutional ideals. This argument emerges from close readings of first-person interviews conducted with prison chaplains and formerly incarcerated persons, which serve as sites within which to reconstruct a phenomenology of religiously-inflected retribution; these sites, on my reading, demonstrate the myriad ways in which religion serves not as a mechanism for the achievement of a rights-based freedom, but rather as an everyday tool through which the carceral subject is psychically constituted, subtly surveilled, and physically subordinated. I conclude that the state, in harnessing the redemptive ideals of prisoners' religious beliefs and promulgating them through its religious programming, enacts a peculiar form of material and metaphysical violence of those within its care – even as the legal locus of such violence is occluded.

Ali Nazar, Carleton University (alinazar@cmail.carleton.ca)

The Implications of the Chain of Transmission (isnad)-ʿAnʿanah in the Development of Modern Islamic Law

ʿAnʿanah refers to a mode of ḥadīth transmission in which a narrator reports a statement using the formula "ʿan fulān" ("from so-and-so") without explicitly stating direct hearing from the previous transmitter. This form of transmission emerges early in Islamic history as a major methodological concern, because it raises questions about the continuity and reliability of the chain of transmission (isnād). Classical scholars recognize that ʿanʿanah does not automatically imply a break in transmission, but they also acknowledge its potential use for concealing missing links (tadlīs).

As a result, debates over ʿanʿanah play a central role in the development of ḥadīth criticism and directly affect the production of Islamic law. Since legal rulings (aḥkām) rely on prophetic reports, disagreements over the acceptability of ʿanʿanah lead to different legal conclusions among scholars and legal schools. Some authorities require explicit proof of direct hearing (samāʿ), while others accept ʿanʿanah under conditions such as contemporaneity and the established reliability of the narrator.

These methodological differences contribute to legal plurality within Islamic jurisprudence and demonstrate that uncertainty and critical evaluation are historically embedded in Islamic legal reasoning. ʿAnʿanah therefore illustrates how Islamic law develops through careful negotiation between trust, doubt, and scholarly judgment, rather than through uncritical transmission of reports.

AUTHOR MEETS READERS: *AESTHETIC IMPROPRIETY: PROPERTY LAW AND POSTCOLONIAL STYLE* BY ROSE CASEY

Room 8002

Chair: Rose Casey, West Virginia University (rose.casey@mail.wvu.edu)

Rose Casey, West Virginia University (rose.casey@mail.wvu.edu)

Kirsten Anker, McGill University (kirsten.anker@mcgill.ca)

Nicole Rizzuto, Georgetown University (nr381@georgetown.edu)

Danny Shanahan, Stanford University (dhshan@stanford.edu)

12:00 p.m. – 1:30 p.m. Lunch on your own

1:30 p.m. – 2:45 p.m. Session 7

RACE & LAW II

Room 8005

Chair: Zamir Ben-Dan, Temple University (zamir.ben-dan@temple.edu)

Zamir Ben-Dan, Temple University (zamir.ben-dan@temple.edu)
Against Restorationism
Sixty-plus years after his assassination, human rights activist Malcolm X is still the subject of intense scholarly study both within and (mostly) without legal academia. Moreover, in an age where public confidence in American democracy is at an all-time low, calls for abolition continue to resound, calls for rewriting the Constitution grow, and skepticism in the goodness of American law deepens, Malcolm's voice matters more than ever.
This Article examines American law's historical and contemporary view of Malcolm X. Utilizing the concept of "racial gaslighting" in conjunction with the historical "Black Bogeyman" trope as the frame, this Article asserts that the American law community—lawmakers, law enforcers, the courts, attorneys, and legal academia—generally viewed and views Malcolm as a bogeyman. It profiles the actions of federal, state, and local law enforcement both while

Malcolm was alive and immediately after his assassination; it surveys the jurisprudential construction of Malcolm in the decades since his death; and it reviews certain writings of legal scholars on Malcolm in the late twentieth and in the twenty-first centuries. It draws parallels between American law's villainization of Malcolm and its current war against critical race theory, a produce of Malcolm's legacy. Ultimately, it concludes that Malcolm-as-bogeyman as perceived by the American law community reflects the ugliness of American law: its steadfast commitment to racism.

Jared Berkowitz, University of Chicago (jsberkowitz@uchicago.edu)

"A New Kind of Corporation": Corporate Emancipation in an Era of Constitutional Crisis, 1857-1870

Corporations were a disruptive force in nineteenth century American law and political economy. As legal persons they enjoyed the ability to buy, sell, and sue—just like ordinary human beings. However, where and how they would exercise this privilege was undefined. In nineteenth century America liberty did not automatically follow personhood. As litigants, corporations forced judges to reckon with the nature of citizenship, the meaning of personhood, and the civil rights incidental to these categories. Race, racism, and the future of chattel slavery permeated this debate. This paper links Civil War discourse with the history of corporations. Between 1857 and 1870 and series of state and federal court decisions transformed the status of corporations. Federal courts infused these institutions with legal and political capital that redefined the conceptual scheme of personhood. At the same time, judges continued to narrow the privileges of free Black Americans—constraining the rights of natural persons. The gulf between individual and corporate liberty, on the eve of the Civil War, was so vast, that abolitionists began to instruct free African Americans to seek freedom through incorporation. By the 1870s, the status of corporations had transformed from a dependent political sub-sovereign (a creature of the state) into an independent rights-bearing legal actor—a thriving creature of capitalism. Consequently, a "new kind of corporation" was born.

Levi Craske, UC Davis (lcraske@ucdavis.edu)

"Stripes and Arbitrary Punishment": Critique of the Law of Punishment in Equiano's Interesting Narrative

This paper examines how Olaudah Equiano's 1789 seminal Interesting Narrative offers us a cogent critique of the logic of punishment resting at the core of law. While existing scholarship has explored law's failure to protect free Black subjects in the 18th century Atlantic world, I argue that Equiano's text offers a more fundamental critique of the framework of law by dismantling punishment's constitutive logic: the causal relationship between transgression and retribution. Through a literary analysis of select key passages, I demonstrate how Equiano's narratival and grammatical interventions reverse conventional cause-and-effect sequencing.

The text's strategic omission of "prompting causes" in some scenes, provision of them in others, and reversal of narrative order embodies his intervention: punishment as a legal logic in Atlantic slavery necessarily locates the original violence away from the law and the slaveowner and necessitates post-hoc fabrications for justification. Rather than directly engaging with concepts of criminality and innocence versus guilt, Equiano sidesteps the legitimacy of crime as a category altogether. His rhetorical strategies offer crucial insights for contemporary abolitionist thought by refusing to dignify punishment's supposed causality. An engagement with his text through this lens raises important questions around punishment as a stable legal category and provides strategies for reading law's foundational logics of violence.

Lucien Ferguson, Chicago-Kent College of Law (lferguson3@illinoistech.edu)

The Social Mobility Vision of the Fourteenth Amendment

Current scholarship and case law assumes that Fourteenth Amendment rights are exclusively governed by “history and tradition.” This approach reflects broader contemporary attitudes about the positive nature of American law and formal character of constitutional rights. During Reconstruction, however, many Americans took a different view. Steeped in traditions of republican political thought and free labor ideology, those who framed the Fourteenth Amendment conceived of its protections as delimited by a now-forgotten fundamental value: social mobility, or the principle that every individual is entitled to equal economic opportunities. Whether discussing citizenship, privileges or immunities, due process, or equal protection, Framers across the political spectrum converged on the assumption that, at a minimum, Fourteenth Amendment must afford every person a fair shot at transcending their ascriptive economic conditions. Recovering these ideas enables new understandings of our constitutional past and can clarify or resolve a number of emerging doctrinal controversies in Fourteenth Amendment jurisprudence. This history also points toward a different way of framing these disputes, one focused less on positivism and formalism and more on deeply rooted, American conceptions of economic justice.

UNDOING LAW: SPEECH, LANGUAGE, AND NARRATIVE IN THE AGE OF GENERATIVE AI

Room 8009

Chair: Ralph Grunewald, University of Wisconsin-Madison (grunewald@wisc.edu)

Ralph Grunewald, University of Wisconsin-Madison (grunewald@wisc.edu)
The Cat Is Out of the Bag: Authorship, Authority, and Legal Agency in the Age of AI
When judges allow large language models (LLMs) to process thousands of pages of legal documents, it has become clear that artificial intelligence has entered the realm of judicial decision making and the legal discourse more broadly. This development raises not only practical concerns about accuracy and bias, but also deeper jurisprudential questions about judicial agency, authorship, and legal authority. Legal judgment has traditionally been understood as a human practice grounded in interpretive responsibility and reason giving. How does the use of AI systems—particularly LLMs, predictive analytics and recommendations—reconfigure these foundational assumptions? Or, more pointedly, is it still the judge who is speaking in a decision?
Drawing on legal theory and concepts of narrative agency and authorship, this paper argues that AI alters the conditions under which judicial authority is exercised and recognized. Rather than viewing AI as a neutral instrument, it must be understood as a socio technical actor that shapes norms of reasoning, accountability, and legitimacy. Adding a comparative perspective will make this clear, as U.S. American judges exercise authority through authored interpretation, making AI far more disruptive to judicial agency in the United States than in civil law systems. The legitimacy of the judiciary and legal profession will ultimately depend not only on transparent professional ethics but also on a deeper engagement with the humanities.

Lisa Siraganian, Johns Hopkins University (lisa.siraganian@gmail.com)
AI Originalism
What do current, problematic conceptions of AI in law owe to originalism? This talk examines that question with particular attention to the work of AI legal theorists who both consider themselves originalists, but also ones who do not yet have accepted certain originalists premises. The goal will be to test the hypothesis that originalism has overspread its boundaries and is now impacting the way thinkers are grappling with LLMs and other AI output.

Amanda Turnbull, Te Piringa Faculty of Law, University of Waikato
(amanda.turnbull@waikato.ac.nz)

Extra-ordinary Language Philosophy: Adapting to the Algorithmic Turn in Law

Law and language are inextricably linked. Whether law's infrastructure is oral, sign language, handwritten, typed, or machine-generated, law is articulated through language. Without language, there is no law. However, advanced AI algorithms such as Large Language Models do things differently with words than do human beings. Indeed, there are unintended consequences associated with the rise of new language modes, including novel forms of harm that alter law's relationship with language including technology-facilitated gender-based violence (TFGBV) and technology enabled environmental damage (TEED). This paper will explore several aspects of law's altered relationship with language as we adapt to the Algorithmic Turn.

LAW & LANGUAGE

Room 8010

Chair: Helena Whalen-Bridge, National University of Singapore Faculty of Law
(lawhwb@nus.edu.sg)

Jackson Barnett, University of Illinois Chicago (jbb2@uic.edu)

Personhood and property: Objects as a function of memory in Yuri Trifonov's House on the Embankment

This paper examines the value of personal property when it acts as a function of memory. The majority of U.S. state courts award only the market value of converted property to its owner, disregarding the indexical, sentimental value of personal property. Visible in this approach is treatment of law as a subject of economic analysis rather than economics as a subject of law. What if approaches to valuation of personal property outside of economics align more with our values? This paper aims to integrate the term "index" from the field of semiotics into law as a tool to aid in the valuation of converted property. Defined by Charles Peirce, a philosopher who shared an early-career intellectual environment with Oliver Holmes, an index is when there is a perception of direct continuity between a sign and an object. For example, a souvenir is an index because it is a sign that refers to an experience. To illustrate the indexical nature of property, this paper takes a close reading of the novella House on the Embankment (1976) by Yuri Trifonov—who is lauded as a Soviet Chekov. House on the Embankment primarily follows the recollections of Vadim Glebov, a fictional literary critic in the Soviet Union, who, after running into a classmate from 25 years ago, reflects back on his boyhood and young manhood in the 1930s and 1940s. When memories are blurred for Glebov, what remains imperishable are trivia: the patch on a jacket or the furniture in a room—indexes.

Erin Islo, Northeastern University (e.islo@northeastern.edu)

Judicial Sermons

The practice of including opinions with orders denying en banc review has exploded in recent years. In this paper, I analyze these increasingly partisan and fiery nonprecedential opinions in the context of the shifting political and legal landscape in the United States. Though en banc review is ostensibly a procedure to maintain consistency and accuracy in the controlling law within a circuit, dissentals, concurrals, and commentals ("denial ops") are more frequently written as though intended for a particular political audience, reading as judicial sermons rather than analysis of the law. From auditions for higher court seats to demonstrating legal arguments for parties in future or ongoing litigation, the often-inflammatory tone of these opinions illustrates the disintegration of the norms of judicial independence and collegiality. This paper analyzes the changing language of "denial ops," the significance of 'judicial sermons,' and what these shifts signal about legal norms and procedures, many fundamental to the rule of law, in the federal judiciary.

Ali Nazar, Carleton University, (alinazar@cmail.carleton.ca)

The Qahwa and Coffee confusion: a review of linguistic and Islamic sources between the 2nd/8th to the 12th/18th century

My research on the term qahwa—traced through linguistic, medical, and legal sources from the 8th to the 18th century—uses the coffee prohibition debates to explore a central question of this conference: Where is law located when language, custom, and authority collide? For centuries, qahwa meant "wine," a meaning preserved in dictionaries and inherited by jurists. Yet early medical texts also used qahwa to describe coffee as a stimulant. When coffee spread socially in the 15th–16th centuries, this semantic overlap triggered a legal crisis: was coffee prohibited because it shared the name of wine, or permitted because its effects differed? The dispute drew in rulers, jurists, Sufis, physicians, and ordinary people, revealing that law did not arise solely from texts but from negotiations across politics, language, and social practice. The controversy shows how law borrows from other domains to define the very objects it regulates, and how legal meaning shifts in moments of cultural change. By examining the qahwa debates, this paper argues that law's authority is neither fixed nor self-contained; it emerges through humanistic interpretation, historical memory, and the struggle to reconcile inherited categories with new realities.

Helena Whalen-Bridge, National University of Singapore Faculty of Law (lawhwb@nus.edu.sg)

Laypersons and Legal Knowledge: Rhetorical Strategies for Incoherence

Approaches used by legal systems for unrepresented parties contain a fundamental conflict. Persons are held responsible for understanding the law and legal procedure, but ultimately this is an impossible task for those untrained in the law (Bhatia 1983; Weber 1968[1922]). The need

to hold laypersons responsible for legal knowledge but also recognize their ignorance is managed rhetorically in different ways, but one example occurs in the interrogation of criminal suspects that some jurisdictions conduct without counsel. This paper examines the video footage of an extended criminal interrogation in Japan in which the suspect asserted the right to silence, and explores how investigatory language ultimately reflects an incoherent approach to legal knowledge.

LEGAL INFRASTRUCTURES OF ANGLOPHONE SETTLER COLONIALISM: FRICTIONS OF JURISDICTION AND INDIGENOUS COMMONS

Room 8014

Chair: Madalen Benson, University of California, Santa Cruz (mcbenson@ucsc.edu)

Madalen Benson, University of California, Santa Cruz (mcbenson@ucsc.edu)
Hunting and Foraging: Art's Interrogation of Legalized Dispossession
Some critical legal, settler, and Indigenous studies scholars make widespread analogies that claim every place within the geographical purview of settler colonialism as sites of dispossession. Meanwhile, and perhaps in spite of the far-reaching impact of dispossessive legal regimes, Indigenous Nations, peoples, and networks continue to maintain memory-based connections with place not wholly defined by the terms of dispossession, retaining multiple, overlapping notions of the commons in any given locale. In this presentation, I will address tensions between dispossessive state power, and Indigenous (inter)national movements through analyses of contemporary land-based art and the Canadian settler state legal mechanisms that lurk at their edges. First, I discuss hunting as place-based resurgence that counters treaties as dispossessive mechanisms in Duane Linklater (Omaskêko Cree) and Brian Jungen's (Dane-z̲aa) 50-minute silent film, "Modest Livelihood" from 2012. Second, I address the process of land claims disputes by looking at Mike MacDonald's (Mi'kmaq) "Seven Sisters" from 1989, a seven-channel video work made while the artist supported Gitxsan and Wet'suwet'en Nations in preparing testimonial video documentation for their hallmark land claims dispute. My analyses of these two interconnected cases include a critical reflection on the enshrinement of rights rhetoric in case law, and the potential disjunctures between law and justice that result on both Crown and Treaty lands.

Susanna Collinson, University of California Santa Cruz (scollinson@ucsc.edu)

"Signs of a Nation": Te Tiriti o Waitangi and the planting of common law in Aotearoa New Zealand

Te Tiriti o Waitangi/The Treaty of Waitangi might be described as a meeting point of legal systems —tikanga Māori, and the common law of the British Crown. In the story told by the New Zealand nation state, this document gave British sovereignty over the islands of Aotearoa, and the right to establish jurisdiction. It is therefore framed as being 'before', rather than part of the (common) law. But while ToW is 'before' the settler-colonial common law, tikanga Māori already had established its norms and jurisdiction at the time when te Tiriti was signed. Te Tiriti is therefore 'part' of tikanga as the first law of this place in a way that indicates why it maintains a fundamental incommensurability for the New Zealand nation-state, continually disrupting its authority. This paper takes up Shaunnagh Dorsett and Shaun McVeigh's proposition that jurisdiction gives us the "form and shape of law." Employing art historical methodology, I analyze the physical documents of te Tiriti o Waitangi / the Treaty of Waitangi as a material instantiation of jurisdiction, through their display as part of national memory institutions in Aotearoa New Zealand's capital city of Pōneke / Wellington, including their disruption through artistic interventions by groups such as Aotearoa Liberation League and Te Waka Hourua. I argue that this type of 'defacement', calls settler colonial jurisdiction into question, and acts as a reminder of the legally pluralistic foundations of Aotearoa New Zealand.

Will Parrish, University of California Santa Cruz (wparrish@ucsc.edu)

Fish Wars, Law, and the Commons: Indigenous Sovereignty and the Limits of Legal Recognition

During the 1960s and 1970s, Indigenous fishing communities in the U.S. Pacific Northwest defended their livelihoods from violent persecution by state conservation agencies. Drawing on historiography, archival research, and participant interviews, this paper positions the Pacific Northwest "Fish Wars" as a confrontation between multiple conceptions of the commons: those of Indigenous fishing peoples and state-backed conservation regimes. In Washington State, conservation agencies criminalized treaty-protected Native salmon fishing, framing it as an excessive, ecologically destructive, and racially inequitable use of a common stock. In response, Indigenous fishers asserted counter-conceptions of the commons along two interrelated axes. First, they challenged the state's claim to define and enforce the law governing the commons – a struggle over who has authority to decide what counts as lawful. Second, they contested the very ontology of the commons, understanding salmon as both relatives embedded within a distinct moral, political, and legal order and as treaty-protected economic assets – a struggle over what the law should encompass. The state eventually conceded significant ground on the first question. Yet, because existing jurisprudence recognizes Indigenous fishers primarily as managers within a state-sanctioned conservation

framework, the Fish Wars also invites reflection about how the law shapes who — and what — counts as legitimate in the governance of the commons.

POETRY & LAW

Room 8012

Chair: Oladayo Koleola, University of Ibadan (law.lit.dayo@gmail.com)

Oladayo Koleola, University of Ibadan (law.lit.dayo@gmail.com)
"Of Roots and Fruits: Alter/Native Legalities, Yorùbá Norms, and Legitimacy in Nigeria (2016-2022)
What do we follow when we follow the law, especially when courts continue to operate but lose the power to command ethical trust? This paper develops a "roots-and-fruits" account of legality and legitimacy through Nigeria's crisis of judicial authority between 2016 and 2022. It argues that legality is not sustained by procedure alone: legitimacy grows from deeper normative roots—indigenous ethical expectations about office, trust, and moral character—and becomes visible in its fruits, including public recognition and moral authority. When institutional performance severs itself from those roots, a condition of uprooted law emerges, marked by procedural continuity alongside legitimacy collapse.
The paper centers on Niyi Osundare's poem "My Lord, Tell Me Where to Keep Your Bribe" as a juris-literary intervention into this crisis. This poem is no mere cultural commentary, it mediates an alter/native legality: a normative practice simultaneously alternative to formal adjudication and native in its Yorùbá jurisprudential grammar. Through satire and moral accusation, the poem performs public judgment, preserves ethical memory, and reopens questions legal processes sought to close.
Drawing on Yorùbá indigenous norms and related literary responses, the paper treats cultural production as socio-legal evidence of legal consciousness and jurisgenesis. It concludes by arguing that legitimacy repair requires ethical formation reconnecting legal training to the law's normative roots.

Lavinia Liang, Harvard Law School/EDNY/Skadden (lavinialiang77@gmail.com)
Towards an Asian American Legal Poetics
The contemporary Asian American literary canon features a number of prominent lawyers-turned-authors. Among them are award-winning fiction writers Charles Yu, Ken Liu, Min Jin Lee, and poet Monica Youn. What is striking about this group is that, except for Youn, these writers do not write about the law.
As such, Youn's work stands out. Scholars continue to question what a legal poetics can be. Alexandra Roberts looked at "law-related poetry." Birte Christ and Stefanie Mueller posited

that poetry “has been underrepresented” in law and literature studies. And Naomi Mezey analyzed “shared inheritances and shared forms of imagination” between poetry and court opinions.

What is interesting about a potential Asian American legal poetics is the added question of legibility. This is a constant concern in Asian Anglophone literature; critic Jane Hu writes about the “inscrutable voices” of Asian characters. And in her collections Blackacre (2016) and From From (2023), Youn uses obfuscation to write about Asian families under cover of Greek myth. Perhaps Youn’s most notable poem is one critics have dubbed “the Twinkie poem.” The poem plays on the Asian American notion of being “yellow on the outside and white on the inside,” as Twinkies are. The poem is already on the nose; then, Youn wrote an essay totally deconstructing the poem. In doing so, she adopts a new stance towards those questions of legibility that plague this burgeoning body of work, and opens up new paths forward.

Talia Shalev, Boston University (taliashalev@gmail.com)

The Poet as Minor Character: Ideas of Literature in Law

This paper considers the poet as a minor character in imagined origin stories of American constitutional values. In doing so, I turn to opinions written in the early 1970s by U.S. Supreme Court Justices William Douglas and John Marshall Harlan. Each alights on poetry in the course of arguing for the impropriety of policing particular behaviors. I explore the tension between two ideas that surface in their writing: (1) the notion, in Douglas’s opinion, that certain poets (e.g. Walt Whitman) are valuable to American law because they exemplify a national character foundational to the law; and (2) the implication, in Harlan’s opinion, that poets are valuable not in their representativeness, but because of a capacity for singularity. In the first instance, the life of the poet and the subject of his work function as evidence of an inarticulate constitutional principle. In the second, a conception of poetry as lyric makes it possible to aestheticize and thereby ascribe value to the poet’s acts of self-expression, even when these are unrelatable to many. Despite these differences, for both Douglas and Harlan, what a poet does seems to matter more than what a poet writes. I outline some frames in which we might weigh the significance of this shared value and point to broader conversations about the role law plays in sustaining ideas about literature and literature in sustaining ideas of law.

LAW & GENDER II

Room 8204

Chair: Swethaa Ballakrishnen, University of California Irvine School of Law (sballakrishnen@law.uci.edu)

Asha Ramakumar, University of Michigan (aaramdur@umich.edu)

Uprooted Belonging: Property, Ecology, and the Limits of Legal Identity in Virginia Woolf's Orlando

In her acknowledgments to Orlando (1928), Virginia Woolf credits the barrister C.P. Sanger — author of the celebrated analysis of property law in Wuthering Heights — for his expertise on "the law of real property, without which this book could never have been written." Yet Orlando's property lawsuit has received no sustained attention from law and literature scholars. This paper argues it is structurally essential to the novel's critique of legal epistemology.

After Orlando's transformation from man to woman, English law requires proof she is the "same person" who previously held title to her ancestral estate — demanding fixed, continuous identity as a precondition for property rights. She wins but is impoverished by the process. What restores her, materially and existentially, is not the legal victory but the publication of The Oak Tree, a poem she buries at the roots of the actual oak on her land, calling those roots "the backbone of the world."

Woolf stages a contest between two ontologies of belonging: a legal-proprietary mode requiring state mediation and singular identity, and an ecological mode constituted through embodied, creative connection to the natural world. The law asks who owns this land; the novel asks who belongs to it. Drawing on ecofeminist epistemology and embodied knowledge scholarship, this work-in-progress examines how Orlando reveals property law's inadequacy to account for identity, transformation, and belonging — as urgent now as in 1928.

Andrew Majeske, John Jay College of Criminal Justice (ajmajeske@gmail.com)

A Troubling Implication of Margaret Atwood's The Handmaid's Tale and Naomi Alderman's The Power

Feminist thought seeks to find ways to move the needle measuring the societal power imbalance in favor of women. Atwood's The Handmaid's Tale illustrates why this needle desperately needs to be moved in favor of women. Alderman's The Power imagines how society might transform itself if the needle shifted to a power imbalance that decidedly favors women. (this topic requires assuming a gender binary)

My paper will explore a disturbing implication veiled behind the reduction of societal relations to analyses of power that are reliant ultimately on the way the hard sciences conceive of power

over nature. What is disturbing, if we consider just Alderman's The Power, is that the fictionalized victory of women over men presented in this novel (by virtue of an overwhelming physical attribute) could conceivable be employed to justify the normalization of a patriarchal status quo in our non-fictional world. This issue is worth pursuing since the normalization of the patriarchal status quo appears to be the opposite of the destination towards which the novel aims. A fundamental legal issue raised by this reevaluation of power is should our conception of law change in the direction of conceiving of law more as the ancients did (in terms of "way" or "custom"), and away from the modern conception of law as rules that must be followed ultimately because they are backed by the coercive power of the state (with its monopoly on violence)?

RHETORIC(S) OF RESIDENTIAL TENANCIES: FROM PAPER TO POLITICS

Virtual – Room 8002

Chair: Patrick Garon-Sayegh, Université de Montréal (patrick.garon-sayegh@umontreal.ca)

John Enman-Beech, University of Alberta Faculty of Law (jenmanbeech@gmail.com)

The Rhetorical Mechanism of Contract in a Landlord-Tenant Relation

How to rent a room? And what happens once you do? I consider both the pre- or non-legal context, ie landlords and tenants, and lawyers legalizing such contexts, because (it turns out) many of the same considerations apply to both. This paper presents contract rhetorically, as a set of argument forms. Contract doctrine is understood as a parsimonious method of structuring relationships and resolving disputes, and a similar logic underlies the non-legal context. The re-iteration of characteristic rhetorical performances in turn produces the normativity of the contractualised everyday. This project represents a novel application of rhetoric to law—viz., to explain specific rules.

The bulk of my presentation will comprise a rhetorical analysis of a hypothetical landlord-tenant dispute based on empirical studies in this area. I have two open questions about my approach. First, it is not obvious why argumentative effectiveness would dominate other considerations in the development of doctrine. Second, it is not obvious why doctrine would reflect the rhetorical situation of 'pre'-legal disputants, rather than or in addition to those of the lawyers and especially judges who make it. I conclude with some depressing notes on what this implies about the normativity produced by contractual performances as technomaterially embedded, which I term the normativity of resignation.

Mireille Fournier, University of Ottawa, Faculty of Law (fournier.mireille@gmail.com)
Rhetoric and the (Re)Making of Legal Common Sense: the Fight Against 'Renoviction'
Can legal rhetoric provide its own theory of legal change? Borrowing from poststructuralist literary theory and (French) sociology of controversies, I propose a framework to understand how public controversies bring about changes in legal interpretations. First, controversies widen the scope of possible narratives and arguments in legal discourse. Second, controversies prompt the accumulation of certain narratives in public discourse, and their dissemination. They contribute to making some assumptions more widely held and create new "legal common sense". One can thus explain changes in fundamental assumptions of law, visible in formal legal discourse. A public controversy tied to the housing crisis, around the practice of renoviction, will provide an example. The practice of landlords evicting tenants under the pretext of altering a housing unit used to be allowed by the Civil Code. « Renoviction », a pejorative term coined by tenant advocates around the years 2000s-2010s, got translated into formal pleadings regarding abuse of right and bad faith. Since 2020, judges at the Quebec Administrative Tribunal on Housing, have used this term to summarize the position of complainants, and have further used it as a term governing their analysis, while awarding substantial damages to claimants. The repetition and dissemination of this word through public discourse altered the legal common sense around the law of housing, denouncing a practice that on its face appears legal.

Patrick Garon-Sayegh, Université de Montréal (patrick.garon-sayegh@umontreal.ca)
Dwelling in Contingency: Law, Rhetoric, and the Achievement of Probable Facts
How does law relate to evidence and fact? And what do the relations between law, evidence, and fact teach us about law's origins and locations? This paper proposes answers to these questions by closely observing the trial and viewing it as "the central institution of law as we know it" (James Boyd White). I argue that the trial discloses much about law's constitutive relations to evidence and fact. I argue further that these relations locate law in the realm of rhetoric (Chaïm Perelman) which, in turn, entails the contingent and the probable. Drawing on both classical and contemporary rhetorical theory, I sketch the interrelations between these crucial notions. I defend a thick view of contingency as the scene (Kenneth Burke) of rhetoric, and a counterpart of probability. Probability, of course, is today a touchstone of civil evidence law doctrine, following which facts are to be found on the balance of probabilities. These lessons are fleshed out by discussing how the trial's "consciously structured hybrid of languages" (Robert P Burns) act as rhetorical devices through which trial participants bring out and then resolve interpretive tensions implicit in a concrete, practical situation. Facts, then, are rhetorical achievements of the trial's languages and practices, and thus evidence law. My theoretical exposé is illustrated using concrete factual controversies taken from landlord-tenant law cases.

3:15 p.m. – 4:30 p.m. Session 8

LAW, NARRATIVE, AND NARRATOLOGY: INTERDISCIPLINARY ESSAYS (NYU) - BOOK PANEL

Room 8005

Chairs: Greta Olson, University of Giessen (Greta.Olson@anglistik.uni-giessen.de) and **Simon Stern**, University of Toronto (simon.stern@utoronto.ca)

Annie Kim, University of Virginia School of Law (akim@law.virginia.edu)
Focalization, Contingency and Doubt in Judicial Narratives
Nearly twenty years since Peter Brooks' call for a narratology of the law, scholarship on the most influential form of written legal narrative–found in appellate judicial opinions–remains thin. We continue to lack a shared vocabulary, much less a robust interpretive framework, for studying these legal narratives. Theorists in recent years have even questioned whether judicial narratives should be analyzed as narratives because they typically lack narrative techniques such as the production of narrative desire and suspense.
This paper concludes that we can and should study narratives within appellate opinions precisely because they tend toward undernarration and low narratorial visibility. We can do so by examining appellate opinions that incorporate robust narratives: U.S. Supreme Court and Circuit Court of Appeals decisions on qualified immunity for police officers in excessive force claims, which turn on complex, pre-trial allegations. Doing so, we find that judicial narratives that navigate certainty and doubt through a range of strategies: shifting focalizers, including a strategy I call contingent focalization; reported "evidentials" that suggest stances of both high and low epistemic commitment; and variable tense and tempo that further serve to reinforce either belief or skepticism. These elements affect narratorial visibility, as well, which carries broader implications for judicial accountability.

Ralph Grunewald,
Silent Narrators: Narrative Agency and Police Deception

Greta Olson, University of Giessen (Greta.Olson@anglistik.uni-giessen.de)
Eight Proposals for Law and Narrative
"Law, Narrative, and Narratology: Interdisciplinary Issues" (NYU 2026) moves beyond the assumption that the legal significance of narrative can be equated with the presentation of "the facts of the case." The volume's title references the explicit attention contributors pay to

structural narrative analysis, cognitive narratology, and theories of scalar narrativity, while attending to areas that have received little notice in narrative terms, such as qualified immunity and the pretrial phases of civil and criminal litigation. A major innovation concerns the volume's emphasis on narrative perspective and focalization. Further, Law, Narrative and Narratology examines historical uses of narrative forms and devices. The volume takes a consciously comparative approach to the intersections of law, narratology, and narrative, with half of the contributors working on or in systems based on codified law. "Law, Narrative and Narratology's" range of legal perspectives and analytical objects allows contributors to explore a wider array of narratological issues than was possible in previous scholarship.

Nicole Mansfield Wright, University of Colorado – Boulder (Nicole.Wright@Colorado.Edu)
Freedom and the Domain of Choice: Misinformation, Slavery, and Conflicting Narratives of "Voluntary Choice"--from Religious Conversion to Case Law to Clickbait

Helena Whalen-Bridge, National University of Singapore Faculty of Law (lawhwb@nus.edu.sg)
The Burden of Narrative: Party Narratives and Altered Burdens of Proof in Singapore's Misuse of Drugs Act

CRIMINALITY & SEX

Room 8009

Chair: Noa Ben-Asher, St. John's Law (benashen@stjohns.edu)

Noa Ben-Asher, St. John's Law (benashen@stjohns.edu)
Gender Trouble in the Court: Recentering Sex in Transgender Rights
In U.S. v. Skrmetti, the Supreme Court upheld Tennessee's ban on transgender healthcare for minors (SB1) while exposing a consequential phenomenon: even the six-Justice majority cannot agree on what "sex" means or whether gender identity exists. The Justices deployed four competing definitions of "sex" and split between two approaches: Gender Identity Preservation, which maintains gender identity as a legal category, and Gender Identity Erasure, which denies its existence entirely. This Article diagnoses Skrmetti's "Gender Trouble": a definitional chaos that fractures the Court's emerging transgender rights jurisprudence and may shape pending cases including West Virginia v. BPJ (sports participation), conversion therapy litigation (Chiles v. Polis), and military service challenges.
The Court's Gender Trouble emerges at a time when conservative legal and political actors are waging an orchestrated campaign to redefine "biological sex" and erase gender identity from laws and policies, displacing medical expertise with legislative authority. Trump's executive

orders have declared war on what they brand “gender ideology,” positioning transgender existence itself as fraudulent.
This Article charts a new course for transgender rights. Rather than defending gender identity, a concept vulnerable to erasure and pathologization, transgender rights advocacy should recenter “sex” itself. This reframing rests on three principles: sex defies singular definition, sex is mutable, and

Tiago Ribeiro, Center for Social Studies - University of Coimbra (tiagor@ces.uc.pt)
On Sex: Legal Origin, Legal End, and Legal Fiction
This communication is focused on legal representation and justification of sex as a matter of concern. The formalization of sex as an object of jurisdiction cannot be conceived outside the mystery – and the awareness – that there is an act that can produce an effect, and that this effect is the creation of life. So the law has become the guardian of the procreative maneuver (intercourse) and classified the subject according to its position in that encounter (men and women), distributing expectation and responsibility through contractual (marriage) and repressive (crime) tools. It turns out that deep and sharp transformations in sexual knowledge and technology created material conditions to (1) free sex from procreative consequences and to (2) free procreation from sexual origin. In this communication, my aim is to explore how this second axis is projected in Michel Houellebec's Possibility of an Island. With a strong essayistic vein, this novel speculates on the triumph of cloning and eternalization of life, opening declared and implicit frames to question the place of law in this process. The end of death and the end of sex are two major phenomena responsible for the collapse of a chain of social connections, and therefore the extinction of meaning in the human condition. This horizon paves the way for a legal imagination of sex imbued with the nostalgic counterpoint of a time when sex, for better or for worse, was a source of bonds, that is, of social vitality.

LAW & THE SENSES

Room 8010

Chair: Kathryn Harvey, Chicago-Kent College of Law (kbharvey@u.northwestern.edu)

Leslie Abramson, American Bar Foundation (labramx@gmail.com)
Early Warnings: The Moving Image, Legal Interpretation, and Abuses of Modern Witness in Silent Cinema
Today, as we grapple with highly partisan interpretations of videos chronicling the catastrophic collisions taking place on the streets of Minneapolis & elsewhere in America, construals publicly posing as legal determination, we are facing the latest iteration of modern perils identified in early cinema. As silent films policed the law’s predicaments in determining the truth, they

framed issues of the moving image's witness, point of view, & the literal & figurative observation of the law. I will examine how Good Morning, Judge(1921) farcically exhibits the troubling dialectics between documentary & distortedly parsed images in the context of the law. Shifting between visual & (intertitles') lexical third- & first-person perspectives of a roadway clash winding up in court, this procedural displays the problems of visual reinterpretation as testimony. As those on the witness stand recount a car crash in colliding flashbacks, Good shows the dangers of how the mechanism for establishing truth becomes one(encouraged by lawyers & judge)for creating criminal re-visions. The trial constitutes a vaudeville of images whose producers stage personal agendas resulting in a verdict absolving the culprit. Ultimately, in the clash between actual & fictive documentation, the law is literally chased off the screen. Good thus exhibits modern reinterpretive abuses of moving images in the courts of law & public opinion, a yet-highly relevant early warning regarding the dynamics of bearing witness.

Kathryn Harvey, Chicago-Kent College of Law (kbharvey@u.northwestern.edu)
Popular Culture and Change Over Time: How We Think About Lawyers
In 1977, the Supreme Court held that states had to allow attorneys to advertise in some form and could not ban it completely. In the fifty years since, personal injury attorneys have become the most likely to advertise. This section of the bar has historically been looked down upon by established attorneys, as their ways of recruiting clients have often gone beyond the bounds of what the profession considered acceptable. But personal injury attorneys advertise due to the nature of their practice, as they have few repeat clients and are unable to compete much on price. Consequently, they must set themselves apart in other ways, often through a memorable television commercial or billboard. Many of those amusing, or, depending on who you ask, embarrassing, actions, have helped make the public more aware of lawyers and have helped cement their role in popular culture. My work looks at the history of this development and also how various sectors of the bar have responded to the public's perceptions.

HUMAN RIGHTS II

Room 8014

Chair: Leigha Crout, DePaul University College of Law (lcrout@depaul.edu)

Leigha Crout, DePaul University College of Law (lcrout@depaul.edu)
On Law, Power, and Reform: Constituent Resistance & the Blank Paper Protests
This Article analyzes the 2022 Blank Paper Protests in the People's Republic of China as an example of constituent resistance, or the expression of political will under conditions of repression. In doing so, it argues that where formal or traditional modes for democratic

participation such as elections are no longer available, a demos might express their constituent power (or constitution-building power) to shape their governance by means of informal, grassroots mobilization.
The Blank Paper Protests constitute one of the largest nationwide movements since the Tiananmen Square pro-democracy movement in China. Without clear organization or intent, these community events transformed into national platforms for political petitions and expressions of discontent with China's government, taking place both online and offline. Vigils became demonstrations, soliciting massive participation throughout Mainland China as well as many ethnically Chinese communities living abroad.
Rather than focusing on exceptional moments of regime transition, this Article examines how the gradual, dialogic interactions of civil society actors shaped governance in China through the adoption of political narratives that instigate significant legal and policy change.

Drew Johnson, University of Michigan (drewdj@umich.edu)
What Was Asylum? Historicizing Asylum Law in the United States and its International Origins
In the United States, asylum seekers were not always jailed. The protracted spectacle of militarized immigration enforcement actions since 2025 has tended to occlude this fact. Decades ago, the United States codified certain obligations to refugees and asylum seekers, and these obligations have proven perennially inconvenient to the political project of mass exclusion and deportation. It is noteworthy not just that legislation extending refugee and asylum protections was passed in the United States, but that that legislation closely mirrored the language developed by the United Nations. Decisions over who merits humanitarian protection, and protection from whom, are conditioned by international relations and domestic politics which index changing global notions of friend and foe. Accordingly, the concept of asylum itself bears historicizing. Though it took decades to realize, the passage of the Refugee Act of 1980 in the United States is closely linked to the multinational mid-century movement for universal human rights. In this essay, I examine the drafting of the 1951 United Nations Convention Relating to the Status of Refugees, the passage of the Refugee Act of 1980 in the United States, and the interval between the two. I argue that present day tensions between state sovereignty and individual human rights claims were prefigured in these antecedents.

Alexandru Gociu, Trinity College Dublin - School of Law (gociua@tcd.ie)
The Concept of Sustainability in the Age of Climate Litigation—the Case of Norway
Historically, since the oil discovery Norway created a model that aimed at a sustainable development by enacting strict petroleum regulatory framework focused on controlled, slow and safe oil exploitation, but also investing in the transition process to renewable sources of energy. However, there is a paradox as Norway is the 7th largest exporter of emissions. In this context a distinction must be made between weak and strong sustainability. The idea of

sustainability embedded in the Norwegian regulatory framework was one where both natural resources and human capital predicated on the use of resources should be maintained long-term, and for future generations ('weak sustainability'). Given the global climate emergency, environmental NGOs promoted in the Norwegian court system the notion of 'strong sustainability' where ecological protection and human capital are not substitutable, and preference is given for the former in a case (People v Arctic Oil) dismissed by the Supreme Court the case in 2020. In this context in 2024 the Oslo District Court delivered a judgment in new case (North Sea Fields Case) finding the approvals of three oil and gas fields invalid and ruling in favor of a strong sustainability. On 14 November 2025 the Borgarting Court of Appeal confirmed the judgment during the appeal proceedings. This paper charts what extent the new court decision will change how the concept of sustainability is reflected in the Norwegian legal system.

CARCERAL LANDSCAPES ROUNDTABLE

Room 8012

Chair: Lisa Haber-Thompson, Mount Holyoke College (lhaberthomson@mtholyoke.edu)

Lisa Haber-Thompson, Mount Holyoke College (lhaberthomson@mtholyoke.edu)
Air Conditioning on Death Row: Legal Definitions of Comfort and Pain
In 2013 three people held on Louisiana State Penitentiary's death row sued the Department of Corrections, claiming that summer heat without air conditioning had produced dangerous living conditions and thus had violated their eighth amendment rights. Local news outlets were quick to pick up the story: how, it was asked, could air conditioning—framed, of course, as an optional luxury—be demanded by those convicted of murder? The case, and the public discourse surrounding it, demonstrate how legal instruments are used to reiterate recurring ideologies regarding pain and punishment.
Recent cases like these highlight a different kind of parallel between plantation and prison than that which has been made explicitly legible through the penitentiary's architectural forms located at this site of enslavement. And yet, I argue that legal arguments regarding conditions of confinement rehearses old narratives tying together comfort, pain, and criminality that can be traced through a long history of racialized legal practice in the US. Angola, a site that is both exceptional and exemplary of larger trends in American penal practice, puts focus on specific ways that prison architecture has been used to define the distinction between "comfort" and minimum standards of living, and—most fundamentally—which people deserve only the latter.

Doran Larson, The American Prison Writing Archive (dlarson@hamilton.edu)

Indexing Carceral Experience

The American Prison Writing Archive is the largest and first fully-searchable digital archive of non-fiction essays and poems written by incarcerated people bearing witness to their current conditions and criminal legal system involvement. Over the past five years, students, volunteers, and this author have curated an index of essays, from among over 4200 works, on the most commonly addressed subjects described by writers inside. This paper will introduce audience members to: the process of building the index, the twelve major topic headings and their subcategories, and the potential of the APWA index to serve scholars, the broad public, attorneys, sentence mitigators, lawmakers and others in both cutting through popular myths about incarcerated people, and to enable concrete change in practice. If time allows, panel attendees will be guided in exploring the Index.

The paper will both explicitly and implicitly reveal what one outgrowth of law is in its translation into concrete and steel.

Bryan Norwood, The University of Texas at Austin (bryan.norwood@utexas.edu)

Profit and Reform: Landscapes of Incarceration in New South Louisiana

The Louisiana State Penitentiary at Angola comprises 18,000 acres of land wedged between a bend in the Mississippi River and several small lakes. The cell blocks, workrooms, infirmaries, guard quarters, and other structures that sprawl across this vast correctional landscape are built on the grounds of seven former plantations, including one from which the prison takes its colloquial name. In antebellum Louisiana, the plantation system blanketed Angola's landscape with chattel slavery. On a common view, the State Penitentiary that developed on this site over the twentieth century is a landscape of slavery by another name. This temporally bifocal vision is remarkably powerful, but also dangerous in the way that it collapses historical differences and risks reifying categories of criminality and race. This paper turns away from the comparison of plantation and prison to instead give an account of the transformation between the two. It traces stories about the literal bricks, lumber, and cotton that moved in and out of the Angola site in the years between Reconstruction and mid-twentieth century prison reform. Accounting for the relationship between plantation and prison not as a parallel or re-instantiation but rather as one of material change, this paper argues for, as Katherine McKittrick suggests, a history of mimicry rather than twining.

DEFINING LAW

Virtual – Room 8002

Chair: Jorge Fabra-Zamora, University at Buffalo School of Law (jorgefab@buffalo.edu)

Malwina Tkacz, Trnava University in Trnava (malwina.a.tkacz@gmail.com)
The Juridification of the World: Legal Positivism and the Cultural Limits of Law
Contemporary societies are increasingly experiencing the "juridification of the world," where law expands into more areas of social, political, and personal life. The paper examines how legal positivism — the view that legal validity derives from social facts and authoritative enactments rather than moral content —facilitates this process, transforming law from a culturally and ethically grounded practice into a procedural and technocratic institution. Drawing on Italian political philosopher Vittorio Possenti, it situates juridification at the intersection of law, culture, and the humanities, analyzing how legal norms interact with ethical, cultural, and social practices. By adopting an interdisciplinary approach that combines legal theory and political philosophy, the paper examines the effects of juridification on democratic governance, public trust, and moral legitimacy. It argues for a reorientation of legal thought that resists excessive juridification and reaffirms the role of the common good in legal and political life.

Jorge Fabra-Zamora, University at Buffalo School of Law (jorgefab@buffalo.edu)
Law as Political Communities
This article outlines an account of law capable of explaining the legal systems of contemporary states as well as putative forms of non-state legal phenomena like indigenous and customary law, international law, and transnational legal orders. This theory liberally draws on central insights from the twentieth century's most influential legal theories while criticizing their application to non-state contexts. My central claim is that law concerns a distinctive type of group that I call normative political communities or polities, namely, large, autonomous, norm-constituted groups whose members use intense forms of social pressure to ensure conformity to norms regulating a broad range of political and moral issues. This account reconstructs the legal domain as a constellation of normative orders constituting state and non-state polities.

Catherine Le, Harvard University (catherinele@fas.harvard.edu)
The Origins of Politics: Law and Rhetoric in Carl Schmitt's Concept of the Political
This paper examines how law, rhetoric, and their shared reliance on interpretive power are politically weaponized in Carl Schmitt's "Concept of the Political. It argues that "The Concept of the Political," which infamously characterized all politics as the friend-enemy distinction, pulls together the many strands of Schmitt's Weimar-era thought. The work takes his decisionist conceptualization of sovereignty, condemnation of pluralist interpretive power, and concept of

a "supralegal" type of political authority sourced in social division, and relies on an epistemology of rhetorical and interpretative absolutism to combine them into a what he called a "concrete ordering" of political life. As employed by Schmitt, law, rhetoric, and politics are not three distinct forces, but rather mutually-reinforcing "outgrowths" of each other that can combine in unexpectedly powerful (and dangerous) ways.

Ari Niki-Tobi, A.T.Socio-Judicial Consulting (atsjconsulting@gmail.com)

A Socio-Judicial Approach to Redefining Law in Uncertain Times

Law has outgrown its perceptions from history as originally seclusive with the interests/views of a few, into a more inclusive concept of majority view/interests. However, sometimes especially in these uncertain times of technological, and societal changes, engulfed in democratic mishaps, government shutdowns, diversity, equity, inclusion, artificial intelligence– indeed "it is difficult to determine law's location" and function, as law is sometimes used and applied as an instrument of oppression. As a humanitarian concept, law shouldn't be defined solely from a legal perspective, because law's interdisciplinary functions borrows/needs other factors that embodies its socio-legal features to impact social change. Thus, interconnected collaborations with culture, the sciences and social sciences creates a more humanely inclusive law that is fair and equitable, for positive policy and institutional impacts, especially in judicial decision-making. In chapter two of my book –The Act of Judging in Nigeria, I said judges define law's function in society by incorporating predominant culture/principles in judging to achieve the law's purpose in society through interpreting/extending or adapting an old rule to new situations. Although judges define the law from the books/statutes, a socio-judicial approach (Coined from my socio-judicialism theory) posits that judges should interpret and define the law from "what is observed, or what should be observed." Accordingly, this presentation, which argues that law can be an instrument of oppression, posits that law should be more dynamic and emphatic. It introduces my unique socio-judicialism theory and explains the judge's role in redefining law with a socio-judicial approach "through a humanistic lens."

Nimisha Sinha, Binghamton University (nsinha1@binghamton.edu)

Genres of Law: The Form of the Development Regime

In this paper, I read law in and through the material, discursive, and legal technologies fundamental to what Wolfgang Sachs terms the "the age of development." Working through the textual archives of the 'UN Development Decades' and subsequent efforts towards Sustainable Development, I argue that the practical and theoretical ambit of 'soft law'—the quasi-legal aspiration to law which is not legally binding but cannot be reduced to "mere moral and political directives" (Thürer)—can be significantly expanded through a literary critical approach.

This paper treats the development regime as distributed across policy documents, norms, metrics, and rhetoric rather than anchored in enforceable statutes. I treat these texts as literary in how they build and organize worlds; that is, my paper considers the possibility of reading the development regime as a world-organizing genre that organizes space (through practices such as land development), time (by projecting developed futures) and knowledge. Read this way, development documents appear as 'uprooted legal forms' in which legal authority is constructed through fictive subjects, utopian imagination, and self-legitimating narratives. This exploration is supported by a reading of Robinson's Ministry for the Future to think about law's authority, location, and function in the particular context of ecological crisis.

4:45 p.m. – 6:00 p.m. Session 9

LAW & CULTURE III

Room 8005

Chair: Jennifer Culbert, Johns Hopkins University (jculbert@jhu.edu)

Tim Barouch, Georgia State University (tbarouch@gsu.edu)
Ethical Accountability and The Rule of Law
This paper argues that the whistleblower – frequently framed as an outlaw – contains key resources for reinventing the rule of law amidst contemporary democratic crises. Building on the provocation in the conference call that the law might have a responsibility to itself, it offers the whistleblower as a trusted observer, performed through their rhetorical practices. The "rule of law" in the United States is grounded in a tension between a procedural mode of institutional decision-making and a substantive will of the people. The former provides an autonomous, predictable arbiter of conflict and the latter supplies a contingent spirit that permits the people to "see themselves" in the law (Habermas, 1996). Whistleblowers' efforts at establishing ethos are attempts to restore the rule of law in a polity broken by corruption and injustice. The paper draws on an understanding of ethos that is at once connected to situational performance (Cicero, 1942; Kjeldsen and Hess, 2025), constitutive of a broader democratic community (Garver, 2004) and driven by practices of justification (Amossy, 2001). Using examples from rhetorical strategies of well-known whistleblowers, it highlights their ethical appeals beyond self-interest, justifications for popular sovereignty in the face of deception and injustice, and emotional appeals to transcend their assumed institutional role. The current moment may call for whistleblowing as a way forward through quasi-legal practices of contention.

Emily Hoffman, Columbia University (eh2827@columbia.edu)

Kinship before the Law

Invoking the strong tradition of parental autonomy in American jurisprudence, Antonin Scalia writes in his dissent to Adoptive Couple v. Baby Girl (2013), "It has been the constant practice of the common law to respect the entitlement of those who bring a child in to the world to raise that child. We do not inquire whether leaving a child with his parents is 'in the best interest of the child.' It sometimes is not; he would be better off raised by someone else. But parents have their rights, no less than children do." Nevertheless, every day, a great many children are removed from their parents' custody in child welfare proceedings in the U.S.; these families are overwhelmingly poor and disproportionately Black and Native. Based on long-term ethnographic research in family courts in Oklahoma, this paper addresses how law positions itself relative to the kinship relation. "Kinship before the Law" invokes the double valance of this positioning: kinship is both figured as anterior to the law, that which is before and thus outside of the law's determination, and subject to it, that which the law can legitimately summon, judge, and transform. The paper offers a reading of the family court—a procedurally informal administrative court which nevertheless stages the aesthetics of legal formality—as a space in which the relative priority of blood and law are anxiously negotiated. The delineation of what is proper or exterior to the law is instantiated and contested in the everyday.

Ali Nazar, Carleton University (alinazar@cmail.carleton.ca)

Outside the Books: How Lebanese Families Construct Education Beyond Legal Recognition

This paper examines homeschooling in Lebanon as a case that reveals the instability and ambiguity of law in practice. Although homeschooling lacks legal recognition and is technically prohibited, many families actively adopt it, creating educational structures outside the formal system. Drawing on qualitative findings from parents and educational stakeholders, the study shows how legal authority is negotiated in the absence of explicit legislation. Parents rely on cultural norms, pedagogical beliefs, religious values, and practical needs rather than written law, while state actors acknowledge the practice informally and call for future regulation. This gap between law "on the books" and law "on the ground" raises core questions posed by the conference: What do individuals follow when legal norms are unclear, missing, or misaligned with lived realities? How does society construct its own normative orders when formal law remains silent? By exploring the Lebanese homeschooling context, this paper argues that the law's location is not fixed within statutes but emerges through social practice, cultural meaning, and institutional negotiation.

SOVEREIGNTY AND KNOWLEDGE

Room 8009

Chair: Ralph Grunewald, University of Wisconsin-Madison (grunewald@wisc.edu)

Dohyung (Jacob) Cha, Boston University (research.dohyung@gmail.com)
Docta Ignorantia for AI Governance: Medieval Epistemology Meets Productive Disalignment
This essay argues that AI "alignment" is less a technical safety goal than a jurisprudential problem: how law and legal culture stabilize normativity amid epistemic opacity and rapid socio-technical change. Alignment discourse presumes "human values" can be formalized and imposed through design constraints or governance protocols. But legal normativity is not a static object to be encoded; it is a contested achievement produced through interpretation, procedure, and public dispute. When "alignment" is elevated to a regulatory telos, it risks false precision. Building on Benjamin Bratton's critique, this essay develops "productive disalignment" as a legal-humanistic alternative. It does not celebrate normlessness; it names a disciplined non-identity between system outputs and pre-specified expectations that preserves space for surprise, critique, and revision. To make this intelligible within legal reasoning, I turn to Nicholas of Cusa's docta ignorantia: a cultivated recognition that finite knowing proceeds by approximation rather than exact equivalence. Transposed into AI governance, learned ignorance reframes alignment from an absolute demand into a proportional and revisable practice, and clarifies why explainability cannot replace judgment but must invite it. Here I contribute to law and humanities by treating AI alignment as a cultural genre of control and by offering learned ignorance as a resource for designing accountable institutions capable of governing uncertainty.

Eric Oberle, Arizona State University (eoberle@asu.edu)
Executive Decision-Making: Bureaucratic, Lawful, Administrative, Disruptive, or Rational?
Is executive power part of bureaucracy, or its opposite? Is an executive decision one governed by the rules of office, or an expression of mercy or élan that transcends the rigidity of technically conceived law? This foundational question of legal philosophy—concerning separation of powers and the autonomy of the individual decision-maker—raises a further problem: is executive authority defined primarily by institutional design, or by a broader cultural disposition about when argument and citation must give way to action?
This paper examines administrative law and its relationship to cultural conceptions of executive power since World War I. It argues that twentieth-century literary and cinematic engagements with war fostered a paradoxical distrust not of rationality itself, but of the bureaucracy—the "deep state"—that administers modern warfare. As a result, executive power has been uprooted and transformed from a guarantor of equal protection and due process into a fantasy

of arbitrary authority and executive immunity. Through readings of Paul Fussell, George Orwell, and Joseph Heller alongside H.L.A. Hart, Max Weber, Carl Schmitt, Albert Sachs, Roberto Unger, and Clayton Christensen, the paper traces how "executive action" as a bounded duty to "take care" has given way—reflected in Supreme Court jurisprudence from Humphrey's Executor to Trump v. Slaughter—to a conception of authority vested personally in the office-holder.

Abigail Sprenkle, Florida State University (asprenkle@fsu.edu)
Origins within Origins: Narratives of Law by Consensus in Old English Royal Legislation
This paper analyzes prefaces of Old English royal law codes to reconsider how these documents narrativized their origins as the collaborative efforts of rulers and their witan or "wise ones." While scholarship has traditionally viewed the functions of the witan as ceremonial and pre-Norman Conquest English law in general as "customary" rather than innovative, Stefan Jurasinski has recently put forward evidence that witans might have had a much more active role in interpreting and selecting laws. Building on his analysis, I argue that alongside the real functions of advisors and witnesses, prefacing law with an acknowledgement of the witan showcases how early English kings appealed to the heterogenous origins of their subjects. The imagined past of rule by consensus evolved alongside attempts to consolidate the diverse kingdoms of migrants from Northern Europe, and then later to incorporate Danish settlers, into an overarching political identity. By citing a witan, early English kings acknowledged the hybridity of Britain and thus legitimized their own claims to power over increasingly broad swaths of the island. This argument challenges the understanding that early medieval identity-building was always oriented towards homogenization and instead proposes that pre-Conquest kings developed legal tropes to confirm and expand their power by recognizing how their fractured and comingled past reflected their contemporary moment.

TRANSPLANTING AND UPROOTING: LAW, LITERATURE, EMPIRE

Room 8010

Chair: Christine Holbo, Arizona State University (christine.holbo@asu.edu)

Jeannine DeLombard, University of California, Santa Barbara (jdelombard@ucsb.edu)
Transplanting Dignity
Both the Articles of Confederation and the U.S. Constitution prohibit "titles of nobility," which eighteenth-century law dictionaries refer to as "dignities." Federalist 39 cited this provision as "the most decisive" proof "of the republican complexion of this system." Of course, during this period, as Sharon Block has shown, Americans increasingly understood complexion not so much humorally, as a manifestation of character, but phenotypically, as a reference to the skin color that, was becoming "privileged as the sign of racial identity in literary, legal, and public arenas."

Indeed, this paper argues, nineteenth-century novelists like Herman Melville and Mark Twain incongruously applied titles of nobility to their plebeian, white characters to question whether Americans had democratized or merely racialized the Old World's hereditary status hierarchy. From the Pequod's Anglo-American "Knights" and their "Squires" of color, to the Duke and King who hijack Huck and Jim's raft, Melville and Twain ironized the "democratic dignity" at the core of what Frederick Douglass called the "skin aristocracy in America."

Christine Holbo, Arizona State University (christine.holbo@asu.edu)

Tom Sawyer in Tribal Court; Or, Inventing Traditional Case Law in Louise Erdrich's The Round House

This paper views Louise Erdrich's 2012 novel The Round House in a double perspective. The Round House is a novel about the way gaps and redundancies in jurisdictions, traditions, and authorities makes justice unachievable and the transmission of law impossible. An indictment of the limits of tribal sovereignty and the epidemic of missing and murdered women on tribal lands in the period between Oliphant v. Suquamish and the VAWA Reauthorization Act of 2013, the novel also explores the challenge faced by 20th century tribal lawyers of making a usable body of legal doctrine out of the history of American Indian case law. At the same time, Erdrich's is a novel of audacious literary uprooting, a meta-reflection on cultural appropriation which takes Mark Twain's The Adventures of Tom Sawyer as the unlikely base text over which to write a novel about the trauma inflected on reservation families and communities through violence against women. The two levels of analysis are intertwined as intertext becomes text. While Erdrich's resetting of Twain's tale of lost boys and maturation before the law critiques its perpetuation of fantasies of white female purity and frontier violence, it also draws on Twain's uneasy fable of trespass and legitimation to reflect on the impure origins of law and narrate a history of modern tribal law that, in a Nietzschean mode, understands the modern expansion of tribal courts and sovereignty claims as at once invented and true, confabulated and authentic.

Sharif Youssef, University of Pennsylvania (smyoussef@gmail.com)

"Precedent and Debasement: Gulliver's Travels, "The Drapier's Letters" and a Fiscal Theory of Satire"

This paper reads Gulliver's Travels through Swift's "The Drapier's Letters," a series of seven pamphlets that Swift wrote under the pseudonym of the Drapier, and which he published two years before the Travels. These pamphlets exhort Irish shopkeepers, consumers, and the Irish Parliament to unite in resistance to the introduction of William Wood's clipped ("corrupted") coins into Ireland. I examine the numerous invocations of the "Case of the Mix't Monies" (1604), an Elizabethan case that set a precedent inconsistent with Wood's contract. In "The Case of the Mix't Monies," the crown stipulated limits on royal prerogative over monetary policy. Yet, its decision to grant Wood his patent treated this prerogative as absolute. It also

persuaded Swift that precedent in British common law does not apply in Ireland, or is not applied with ethical principle in Ireland, which was apparently subject to capricious royal dictates. The "Case of the Mix't Monies" is not simply a trivial academic obsession of Swift's; it is central to the enterprise of Gulliver's Travels, which was published in 1726, the year after the final "Drapier's Letters." It is out of Swift's attack on precedent—or rather his dramatization of tyrannical attacks on precedent—and his outcry against imperialist monetary policy that he develops the bitter humor behind Gulliver's Travels, its juxtaposition of incompatible scales and its comedy of intercultural incomprehension.

LAW'S CURRENCIES

Room 8014

Chair: Celeste Melgar, CM Art Advisory (mcelestemelgar@gmail.com)

Celeste Melgar, CM Art Advisory (mcelestemelgar@gmail.com)
The Legal Production of Cultural Worth in Panama and Costa Rica
Prices, exhibitions, and long-term market circulation are not the main sources of cultural value in environments where art markets are immature, thin, or institutionally underdeveloped.This essay makes the case that in these situations, cultural property law serves as the main method of valuation, giving items national significance, meaning, and importance before they are recognised on the market. The study looks at how export and heritage laws actively create cultural value in the absence of developed art markets by comparing Panama and Costa Rica. One of the few stable systems for articulating cultural value in Panama is the legal system, which functions within a transit economy shaped by free trade zones and a weak domestic art infrastructure. In Costa Rica, the state is positioned as a primary arbiter of cultural significance, determining artistic value apart from market demand, thanks to stringent export regulations and a robust heritage discourse. In both situations, the law anticipates and creates market value rather than reacting to it.
This paper reframes cultural property law as a type of cultural infrastructure rather than just a regulatory tool by emphasising the role of law in valuing cultural objects where markets are still developing. It illuminates the performative power of law in creating cultural value in the context of constrained market development by demonstrating how it acts as a mediator between national narratives and speculative futures the market.

Chantelle van Wiltenburg, Yale Law School (c.vanwiltenburg@yale.edu)
Numeric Justice
Judges are reluctant to "reason to a number." Courts have observed that "legal 'tests' do not have the precision of mathematical formulas". Despite this expressed aversion to mathematics,

however, numbers are a curiously immutable feature of judge-made law. From the quantification of damages to imposing a criminal sentence to notorious assertions of constitutional law, judges often express themselves in numeric terms. In translating justice numerically, what is gained and what is lost?

This project is a study of what I term "numeric justice"—the ways in which judicial numbers structure and instantiate legal outcomes. As I will show, adjudication demands more than mere reasoned elaboration; it compels arbitrary choices. This does not, however, consign judging to an indiscriminate "slot machine". Numeric justice has its own distinct logic, capacities, and limits, which judges instinctually understand but rarely articulate. These boundaries, I posit, center on the distinction between interpreting the law and implementing the law: whereas legal interpretation is antagonized by the totalizing, close-textured character of a number, implementation tolerates imperfect, particularized numeric elaboration. Ultimately, the anxieties and necessities engendered by numeric justice map onto the judiciary's broader project: mediating the boundary between the universal and the particular, the timeless and the time-bound, and contending with the messy, contested, application of law to life.

PHILOSOPHY AND LAW

Room 8012

Chair: Mark Hannah, Arizona State University (mark.hannah@asu.edu)

Mark Hannah, Arizona State University (mark.hannah@asu.edu)

Plural Authority and the Question of Following Law: Reading More's Utopia

Using More's Utopia as a site of inquiry, this paper examines what it means to follow legal authority as a rhetorical practice. In sixteenth-century English legal culture, this practice took shape amid multiple, overlapping sources of legal authority, most visibly in the coexistence of common law and chancery as distinct but intersecting modes of legal judgment. Rather than treating this tension as a static institutional divide, the paper approaches it as a discursive arena wherein material conflicts, e.g., jurisdiction, remedy, and authority, were negotiated through rhetorical constructions of authority. Law, in this view, is followed not simply as doctrine or rule but through competing appeals to equity, conscience, precedent, and tradition.

Legal authority is approached here as a rhetorical rather than purely institutional phenomenon, with attention to how authority is articulated, tested, and negotiated in practice. Drawing on More's legal career and humanist training, the analysis focuses on moments in Utopia's dialogue where matters bearing legal consequence surface, including disputes over judgment, obligation, punishment, and governance. In examining these exchanges, the paper traces how authority appears as multiple through competing appeals to equity, conscience, and precedent,

without treating the dialogue as a comprehensive theory of law. Read in this light, Utopia can help illuminate what it means to follow law when authority is plural rather than singular.

Daniel Epstein, University of Chicago (danielepstein@uchicago.edu)

The Enforcement Compulsion in Modern Legal Thought

When modern political thinkers placed law at the center of their projects, they invested a great deal of hope therein; law would rationalize the state's monopoly on legitimate violence to facilitate peace and progress. And yet, in practice, modern law has often brought with it considerable unfreedom, epitomized especially in a vicious American carceral state that looks little like the dreams of law's great champions.

How can we understand this contradiction? This paper aims to diagnose and critique what I call the "enforcement compulsion" in modern legal thought. By this I mean that the conceptual and normative architecture of canonical modern legal theories tends to commit them to a practical equation between law and enforcing violence and incline them to its exercise. The paper traces the enforcement compulsion and its negative effects through a paradigmatic survey of modern legal theory, guided by critical readings of Jean-Jacques Rousseau, Immanuel Kant, and Jürgen Habermas. In doing so, it identifies four characteristic pathologies the enforcement compulsion has helped produce and reinforce in modern legal thought: 1) internal enmity, or, the requirement of an abject outgroup, 2) remoteness, or, an alienated relation to law's normativity, 3) myopia, or, a narrow and rigid approach to solving social and political problems, and 4) cynicism, or, a tendency to regard enforcing violence as inevitable and spare it from criticism even where it seems to conflict with principle.

Samantha Godwin, Yale University (samantha.godwin@yale.edu)

An Error Theory of Law

In law and politics, its normal to claim that "P is legal" for some proposition in question. Despite debate in metaethics over whether there any moral facts it is taken for granted that at least some legal claims are propositional and true. I consider an alternative: people make propositional statements about the content of law, but the truth value of such statements is always false. This is to propose an "error theory of law" parallel metaethical error theory. Propositions about legal content can seem true because they invoke one of several seemingly real objects:

1 Legal reasons offered by officials recognized as legitimate rules governing human conduct within a: rules legal positivists recognize as the content of laws given their sources, structures, or institutional recognition.

2 Rules that have a legitimate institutional origin conforming to non-legal moral requirements, and/or the requirements of a coherent or properly functioning institutional practices: the sort of rules that natural law theory and legal interpretivism understand to be the contents of law.

3 The predicted behavior of state officials or those acting in anticipation of official acts: rules legal realists and CLS took to be legal contents.
I argue the grounds of legitimacy the 1st and 2nd sorts of rules refer to are traceable only to facts that are not recognized as legitimate and the 3rd sort of "rules" are not distinctly legal in the sense of the proposition that "Q is legal" is normally claimed.

HUMAN RIGHTS AND THE CARCERAL STATE

Virtual – Room 8002

Chair: Geoffrey McDonald, University of Massachusetts Law School (gmcdonald@umassd.edu)

Elena Falletti, Carlo Cattaneo University-LIUC (efalletti@liuc.it)
The Forgotten Voice of the Enlightenment: Cesare Beccaria and American Criminal Law Today
The Enlightenment introduced new philosophical approaches to law and punishment, and Cesare Beccaria was one of its most influential voices. In On Crimes and Punishments, Beccaria rejected cruel corporal punishments, torture, and the death penalty, arguing that they were ineffective in preventing crime. He believed that punishment should not be retributive but deterrent, proportionate to the offense, prompt, and certain. According to Beccaria, only mild but inevitable punishments could discourage criminal behavior, while violence and arbitrariness weakened the authority of the law. He also promoted public trials and the protection of the accused, breaking with religious and divine conceptions of punishment.
Beccaria's ideas were widely read in both Europe and America and significantly influenced the Founding Fathers of the United States. Principles such as legality, due process, and the prohibition of cruel punishments reflect his legacy. However, this influence appears increasingly distant in contemporary American constitutional criminal law. The persistence of the death penalty, harsh sentencing policies, mass incarceration, and a system focused more on severity than certainty suggest a departure from Beccaria's rational and preventive model of punishment. This summary highlights the contrast between Beccaria's Enlightenment ideals and modern U.S. penal practices, questioning whether his teachings survive only in theory while being largely disregarded in practice.

Geoffrey McDonald, University of Massachusetts Law School (gmcdonald@umassd.edu)
Groundwork for the Recognition of Housing as a Human Right and Legal Entitlement
This Article demonstrates that the unconditional ideal of a human right to housing – and the concomitant manifestation of this ideal in the legal entitlement to housing assistance – must be instantiated in public policy to eradicate the scourge of homelessness in the United States.
Part I addresses the ongoing, and worsening, epidemic of homelessness in the United States.
Part II selectively reviews the evolving understanding of human rights from ancient Greek

philosophy, through the Enlightenment, to the present. Part III evinces that the inherited tradition of human rights discourse has been unable to establish a universal human right to housing. This section of the Article further suggests that the received tradition might be enhanced by focusing on the foundation of law – beyond the positive laws – in the immutable domain of morality and justice. Specifically, this section of the Article argues that whatever is genuinely needed for human existence to be capable of flourishing, and respected in its inherent dignity, also constitutes a fundamental, inalienable human right. Moreover, this section demonstrates that a human right to housing is indispensable in this regard and that such a right is not violative of modern property law. Part IV suggests ways in which current policies may be changed to end homelessness in the United States, in light of the emergent human right to housing.

Riddhi Pandey, Geneva Graduate Institute (riddhi.pandey@graduateinstitute.ch)
Chand Roz Aur—A Few Days More: Reckoning with Protracted Incarceration in India
Chand roz aur – a few days more, is drawn from an Urdu poem by the Pakistani poet Faiz, which has found renewed life, and is borrowed, adopted, and recycled in countless ways to reckon with long-term, in most cases pre-trial, incarceration in Indian prisons. The phrase is representative of the ample and ambiguous assurances that are given, received, and repeated over and over again when incarceration is protracted and ridden with countless uncertainties. Methodologically, the ethnography in this paper draws on a patchwork of fieldwork encounters (public meetings, personal interviews) and diverse materials (print and digital media, social media, prison memoirs). It focuses on how extended periods of incarceration are experienced and navigated by those imprisoned and by their loved ones, or in cases of bail, how the indefinite incrimination that remains firmly etched on oneself until the often lengthy trials conclude. It uses counting as a point of departure by examining the counting of the time that incarcerated persons spend in prison, and the recounting of numerous injustices that they endure. For those who are incarcerated and for their loved ones, counting is a way of subverting carceral violence and a form of care that emerges from the helplessness imposed by carceral restrictions. Through and alongside counting, the paper delves into notions of waiting and repetition that are strongly present in everyday carceral life and expands on experiences of carceral temporality.

6:00 p.m. – 7:30 p.m.	**Closing reception and book giveaway (DePaul Center, Concourse Level, 1st floor - take escalators to the lower level)**