

JURISPRUDENCE SECTION NEWSLETTER, JUNE/JULY 2019

Jurisprudence Section Announcements

- AALS Annual Meeting Panel Update: The Jurisprudence Section Panels will be on Saturday, Jan. 4, from 9am to 12pm. The two panels are:
 - "Criminal Law and Shared Ethical Life":
 - Moderator: [Joshua Kleinfeld](#) (Northwestern)
 - [Erin Kelly](#) (Tufts)
 - [John C.P. Goldberg](#) (Harvard)
 - [Adriaan Lanni](#) (Harvard)
 - [David J. Luban](#) (Georgetown)
 - "Experimental Jurisprudence":
 - Moderator: [Jamie Macleod](#) (forthcoming Brooklyn Law School!)
 - [Joshua Knobe](#) (Yale)
 - [Paul H. Robinson](#) (UPenn)
 - [Roseanna Sommers](#) (UChicago)
 - [Nina Strohminger](#) (Wharton)
- Jurisprudence Section Awards: In the next newsletter, we'll open nominations for the Jurisprudence Section Awards.
- Submit a scholarship or event notice for August's Newsletter!: To make a submission, please email me (mihailis-diamantis@uiowa.edu). For Event submissions, please provide a date, title, location, and a link for more information. For Recent Scholarship submissions, please provide citation information, a link to the work, and (if desired) a *one-sentence* description.

Events

- July 7-12, [Dignity, Democracy, Diversity](#), International Association of the Philosophy of Law and Social Philosophy, University of Lucerne, Switzerland
- July 15, CFP: [Normative Business Ethics Workshop](#), Zicklin Center for Normative Business Ethics, The Wharton School, Philadelphia
- Aug. 31, CFP: [Data and Ethics](#), University of Vienna, Austria
- Sept. 1, CFP: [Mass Incarceration and Racial Justice](#), Res Philosophica Conference, Saint Louis University
- Nov. 1-2, [What is Money and How Should It Function?](#), University of Groningen, The Netherlands
- Nov. 30, [Hate Speech: What It Is and How It Works](#), Karlsruhe Institute of Technology, Germany

Recent Scholarship

- Jessie Allen, [Doctrinal Reasoning as a Disruptive Practice](#), 6 J. L. & CTS. 215 (2018)
- Jessie Allen, [Performing Justice](#), 2 EMOTIONS: HIST., CULTURE, SOC'Y 52 (2018)
- Peter Brandon Bayer, [Deontological Originalism: Moral Truth, Liberty, and Constitutional "Due Process"](#), 43 T. MARSHALL L. REV. 1 (2017): This article offers what has been needed but lacking in modern legal commentary: thorough, meticulous and timely proof that, pursuant to principles of Originalism, the Constitution—the highest law of the United States—mandates that any governmental act is unconstitutional if it is immoral.
- Rodger Citron, [Herman Melville's Billy Budd: Why This Classic Law and Literature Novel Endures and Is Still Relevant Today](#), Verdict (June 19, 2019)
- Joshua P. Davis, [Artificial Wisdom? A Potential Limit on AI in Law \(and Elsewhere\)](#), 71 OKLA. L. REV. (forthcoming 2019): In response to prospect of artificial intelligence ("AI") engaging in legal and judicial practice, and potentially displacing human beings, this Essay suggests three propositions may hold true: (1) that moral judgment is necessary at times in legal and judicial practice; (2) that the first person perspective (or subjectivity) is necessary for moral judgment; and (3) that AI is incapable of attaining the first person perspective. After briefly addressing the first two propositions, the Essay focuses on the third, exploring ways in which the best scientific accounts of various phenomena related to the first person perspective—consciousness, free will, and the unified self—seem incompatible with an internal experience of the first person perspective, particularly when it comes to decision-making.
- Stephen M. Feldman, [The Politics of the Law-Politics Dichotomy](#), 33 BYU J. PUB. L. 15 (2019)
- Stephen M. Feldman, [Postmodern Free Expression: A Philosophical Rationale for the Digital Age](#), 100 MARQ. L. REV. 1123 (2017)
- Stephen M. Feldman, [The Return of the Self, or Whatever Happened to Postmodern Jurisprudence?](#), 9 WASH. U. JURIS. REV. 267 (2017)
- Stephen M. Feldman, [The Word that Cannot Be Spoken: Notes From Jurisprudential Underground](#), 16 CONN. PUB. INT. L.J. 79 (2017)
- Steven Heyman, [The Light of Nature: John Locke, Natural Rights, and the Origins of American Religious Liberty](#), 101 MARQ. L. REV. 705 (2018)
- MICHAEL H. HOFFHEIMER, [EXAMPLES & EXPLANATIONS: CONFLICT OF LAWS](#) (Wolters Kluwer 2019)
- Michael H. Hoffheimer, [The Stealth Revolution in Personal Jurisdiction](#), 70 Fla. L. Rev. 499 (2018)
- Michael H. Hoffheimer, [The New Sister-State Sovereign Immunity](#), 92 WASH. L. REV. 1771 (2017)
- Michael H. Hoffheimer & Paul A. Dunphy, *Rousseau's Rescripting of Daphnis et Chloé for Opera*, 46 CLIO 1 (2016) (printed 2018)
- Ken Levy, [Normative Ignorance: A Critical Connection Between the Insanity and Mistake of Law Defenses](#), 47 FLA. ST. U. L. REV. (forthcoming 2019): I argue for four points. First, the 50 states are constitutionally required to provide criminal defendants with the opportunity to plead the insanity defense. Second, the core of both the insanity defense and the mistake of law defense is "normative ignorance" - that is, ignorance of the law

or the moral basis of the law. Third, given this critical intersection between the insanity and mistake of law defenses, the four states that have abolished the insanity defense may remedy this constitutional deficit by expanding their mistake of law defenses to include some version of the insanity defense. Fourth, all 50 states should expand their mistake of law defenses in two other ways as well.

- CHARLES J. REID, JR., *CONCISE HORNBOOK ON JURISPRUDENCE* (West Academic, under contract): Intended as a wide-ranging survey of the major schools of jurisprudence, including legal positivism, natural law, historical jurisprudence, and the critical movements (Marxism, critical race theory, feminist theory).