



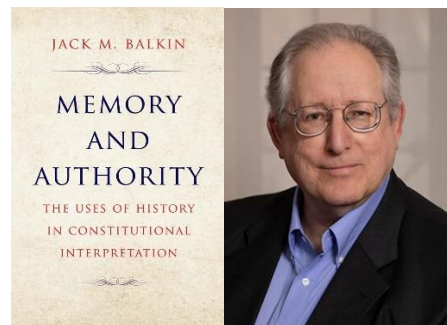
Law and Interpretation Section, AALS

Newsletter for Fall 2023, Part I

Dear Colleagues,

We are delighted to send you a two-part newsletter for the Law and Interpretation Section of the AALS. This part includes links to some interesting and important recent scholarship being published in law and interpretation. The other part, to be distributed separately, encloses the final information concerning our Section's extended program on "The Use and Misuse of History: The Roberts Court and Its Constitutional Revolution," to be held at the AALS annual meeting on Saturday, January 6, 2024, 8:00 a.m.-11:40 a.m.

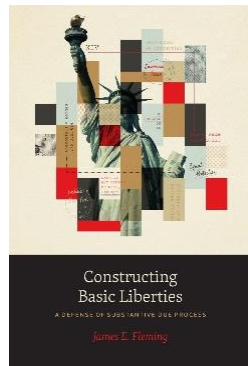
Co-Chairs James E. Fleming (Boston University), jfleming@bu.edu, and
John M. Kang (University of New Mexico), kang@law.unm.edu



Prof. Jack M. Balkin (Yale Law School) has authored *Memory and Authority: The Uses of History in Constitutional Interpretation* (Yale, forthcoming 2024). This book is one of the two centerpiece books for our Section's extended program on "The Use and Misuse of History: The Roberts Court and Its Constitutional Revolution," to be held at the AALS annual meeting on Saturday, January 6, 2024, 8:00 a.m.-11:40 a.m.



Prof. Perry Dane (Rutgers Law School) has published “The Nagging in Our Ears and Original Public Meaning,” 106 *Marquette Law Review* 767 (2023) and “Luminous and Obscure’: Into the Depths of Constitutional Meaning” in *Canopy Forum*.



Prof. James Fleming (Boston University School of Law) has published *Constructing Basic Liberties: A Defense of Substantive Due Process* (Chicago, 2022).



Prof. Jonathan Gienapp (Stanford University, Dept. of History) has authored *Against Constitutional Originalism: A Historical Critique* (Yale, forthcoming 2024). This book is one of the two centerpiece books for our Section's extended program on "The Use and Misuse of History: The Roberts Court and Its Constitutional Revolution," to be held at the AALS annual meeting on Saturday, January 6, 2024, 8:00 a.m.-11:40 a.m.



Prof. Richard Heppner (Duquesne School of Law) has published "[Rooted: Metaphors and Judicial Philosophy in *Artis v. District of Columbia*](#)," 56 *Indiana Law Review* 329 (2023).



Prof. Joel Johnson (Pepperdine School of Law) has published "[Vagueness and Federal-State Relations](#)," 90 *University of Chicago Law Review* 1565 (2023).



Prof. John Kang (University of New Mexico School of Law) has authored “First Amendment Fetishism,” 2024 *Utah Law Review*__ (forthcoming 2024) and [“Why the Actual Malice Test Should be Eliminated,”](#) 50 *Florida State University Law Review* 513 (2023).



Prof. Susan Keller (Western State College of Law) has published “Doing Things with the Language of Law and Gender: Using Speech Act Theory to Understand the Meaning and Effect of the Gender Identity Backlash,” 24 *Nevada Law Journal*__ (forthcoming 2024) and [“Gender-Inclusive Bathrooms: How Pandemic-Inspired Design Imperatives and the Reasoning of Recent Federal Court Decisions Make Rejecting Sex-Separated Facilities More Possible,”](#) 23 *Georgetown Journal of Gender and the Law* 35 (2022).



Prof. Reva Siegel (Yale Law School) has published “[The History of History and Tradition: The Roots of *Dobbs*’s Method \(and Originalism\) in the Defense of Segregation](#),” 133 *Yale Law Journal Forum* 99 (2023), “[How ‘History and Tradition’ Perpetuates Inequality: *Dobbs* on Abortion’s Nineteenth-Century Criminalization](#),” 60 *Houston Law Review* 901 (2023), and “[Memory Games: *Dobbs*’s Originalism as Anti-Democratic Living Constitutionalism—and Some Pathways for Resistance](#),” 101 *Texas Law Review* 1127 (2023).