

Conference Proposal: Can Law Accept Its Limits?: The Challenge and Risk of  
Allowing Agape a Role in the Law

Linda Ross Meyer

Agape in its early use and etymology suggests a receptiveness and an openness that in the New Testament usage embraces God's unconditional love for all. C.S. Lewis, in his classic account of the Four Loves, emphasizes that humans cannot achieve agape on their own; natural loves like storge (love of family), philia (friendship), and eros (romantic love) prefigure agape, but are subject to the vices of tribalism, discrimination, and obsession, respectively. Human love cannot achieve, Lewis says, the unconditional, open and receptive love that the New Testament describes, available abundantly and to all, without divine assistance.

Since Rousseau, political thinkers have asked whether a true community on earth is possible – a social union that is not the cool arms-length libertarian society of formally equal but unconnected individuals, but one in which love binds together its members in mutual generosity and care. Again, the problem is that law must transcend human loyalties or it falls into the all-too-human dangers of the human loves above: xenophobia, elitism, and the homicidal patriotism of suicide bombers.

Rather than trying to incorporate agape into law full-bore, however, my essay would ask whether there are ways in which law can accept the possibility of some unreasonable, but agape-like, risks, by recognizing its own limits and its own finitude. For example, can law foreswear capital punishment on the ground that law cannot know the future or anticipate the possibility of grace? Can lawyers allow clients space to be gracious rather than just? Can law create opportunities for reconciliation within legal process but beyond legal rules? Can law let go of some of its own “metaphysics of universalism” to acknowledge that its remedies, both civil and criminal, are only partial and present, not total and forever? In these ways, as my previous work suggests, I believe that grace can have a place in public law, not necessarily as the instantiation of God's law on earth, but as law's recognition of its own finitude and therefore the possibility of the “beyond the law.”

My prior work that lays the groundwork for this essay includes:

“Will You Kill for Me?” in *To Kill a Mockingbird at 50: Race, Law, and Family in the American Imaginary*, Austin Sarat and Martha Umphrey, eds. (2013).

“How Lawyers Love,” 28 QLR 691 (2010).

The Justice of Mercy (Michigan, 2010).

“Law Like Love?” 18 Law & Literature 431 (2006).

Bio: Linda Ross Meyer is Professor of Law at Quinnipiac University School of Law, the former president of the Association for the Study of Law, Culture and the Humanities, and an associate editor of the Journal of Law, Culture, and Humanities. She is the author of *The Justice of Mercy*, a philosophical defense of punishment as

merciful settlement, and of numerous articles on jurisprudence, criminal law and procedure, punishment, and suffering. She also currently teaches at York Correctional Institution in Niantic, Connecticut and assists various public policy groups in Connecticut on issues of restorative justice, prison education, juvenile sentencing reform, and recidivism reduction.

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## Education

Ph.D., University of California, Berkeley, 1991  
Jurisprudence and Social Policy Program  
Mellon Fellow in the Humanities, Graduate Student Teaching

## Award

Dissertation: "Grace and Justice"

J.D., Boalt Hall School of Law, 1987  
Order of the Coif  
California Law Review, Associate Editor

B.A., University of Kansas, 1984  
With Highest Distinction, Honors in Philosophy  
Phi Beta Kappa, University Scholar, National Merit Scholar  
Watkins-Berger Scholar, Graduate Study Scholarship

## Employment

2008-11	Carmen Tortora Professor of Law, Quinnipiac University School of Law (A three-year honorary chair)
1997-present	Professor of Law, Quinnipiac University School of Law
1994-97	Associate Professor of Law, Quinnipiac College School of Law
1992-94	Assistant Professor of Law, Vanderbilt Law School
1991-92	Law Clerk to Justice Sandra Day O'Connor United States Supreme Court
1990-91	Law Clerk to Judge William A. Norris United States Court of Appeals for the Ninth Circuit
1990	Summer Associate, Farella, Braun, & Martel San Francisco
1988-89	Law Clerk to Judge Charles A. Legge

United States District Court, Northern District  
of California

1985-86 Student Intern, Consumer's Union, San Francisco

#### Professional Memberships

California Bar Association, 1987-present  
Connecticut Bar Association, 2012-present  
Association for the Study of Law, Culture and Humanities  
Organizing Committee, 2007-present  
Chair, Mezey Dissertation Award Committee, 2008  
Chair, Program Committee, 2009  
President, 2010-13  
Associate Editor, Journal of Law, Culture and Humanities, 2007-present  
Vice President, Connecticut Network Against the Death Penalty, 2009  
Reviewer, Law and Social Inquiry, Law, Culture, and Humanities  
Northeast Law and Society Association.

#### Awards

Law School Faculty Scholar, 2012  
Carmen Tortora Professor, 2011  
Hooding Professor, 2012, 2013 (Honor voted by students)

#### Courses Taught:

Torts, Criminal Law, Criminal Procedure, Jurisprudence, Theories of Punishment,  
Wills and Trusts, Supreme Court Seminar, Animal Law, QU 101 (on  
campus and at York Correctional Institution), Professional Responsibility

#### Publications:

Review, Colin Dayan, "The Law is a White Dog," Law, Culture, and  
Humanities (2013).

"Suffering the Loss of Suffering," in *Knowing the Suffering of Others*,  
Austin Sarat, ed. (University of Alabama Press, 2013).

"Will You Kill for Me?" in *To Kill a Mockingbird at 50: Race, Law, and  
Family in the American Imaginary*, Austin Sarat and Martha Umphrey,  
eds. (2013)

"Suffering and Judging in the *Princess and the Pea*," 30 QLR 489  
(2012)(Carmen Tortora Professorship Symposium Issue).

*The Justice of Mercy* (University of Michigan Press, 2010).

“How Lawyers Love,” 28 QLR 691 (2010) (symposium issue).

“Last Words and Last Meals: The Meaning of Death,” in *Who Deserves to Die?: Constructing the Executable Subject* (University of Massachusetts Press, 2011)(A. Sarat & K. Shoemaker, eds.).

Review of Nir Eisikovitz, *Sympathizing with the Enemy* and Danielle Celermajer, *The Sins of the Nation and the Rituals of Apology*, *Journal of Human Rights* (2011).

“Miscarriages of Mercy?” in *When Law Fails: Making Sense of Miscarriages of Justice* (Austin Sarat, Charles Ogletree, eds., New York University Press, 2009)

“Law like love?” An essay reading and responding to Marianne Constable’s *Just Silences: The Limits and Possibilities of Modern Law* (Princeton University Press, 2005) 18 *Law and Literature* 431 (2006).

“Eternal Remorse,” in *Toward a Critique of Guilt: Perspectives from Law and the Humanities* (Matthew Anderson ed.), 36 *Studies in Law, Politics, and Society* 141 (2005).

“The Merciful State,” in *Forgiveness, Mercy, and Clemency* (AUSTIN SARAT, NASSER HUSSEIN EDS., Stanford University Press, 2007).

“Catastrophe: Plowing Up the Ground of Reason,” in *Law and Catastrophe*, Amherst Series on Law, Jurisprudence and Social Thought (Austin Sarat, ed., Stanford University Press, 2007).

“When the Rule Hits the Road,” book review of Fernando Atria, *On Law and Legal Reasoning*, 29 *Australian Journal of Legal Philosophy* 219 (2004).

“In Medias Res,” book review of Jed Rubenfeld, *Freedom and Time*, 29 *Australian Journal of Legal Philosophy* 208 (2004).

Book review: P.E. Digeser, *Political Forgiveness*, in 65 *Journal of Politics* 3 (2003).

“The New Revenge and the Old Retribution: Insights from Monte Cristo,” 31 *Studies in Law and Society* 119 (Austin Sarat and Patricia Ewick eds., 2004).

“Burns v. Received View,” 28 *Law & Social Inquiry* 533 (2003)(book review symposium issue).

“Herbert Morris and Punishment,” 22 Quinnipiac Law Review 109 (2003) (symposium issue).

“Unruly Rights,” 22 Cardozo L. Rev. 1 (2000).

“Why Barbara, Celerant, Darii and Ferio Flunked out of Law School,” 34 John Marshall L. Rev. 77 (2000)(symposium issue).

“Are Constitutional Rights Personal?” 6 Legal Theory 405 (2000)(symposium issue).

“Forgiveness and Public Trust,” 27 Fordham Urban Law J. 1801 (2000)(symposium issue)

“Between Reason and Power: Experiencing Legal Truth,” 67 U. Cinn. L. Rev. 727 (1999)(symposium issue).

“Is Practical Reason Mindless?” 86 Geo. L.J. 647 (1998).

“Why Me?” 16 Quinnipiac Law Review 299 (1997)(symposium issue).

“Just the Facts?” 106 Yale L.J. 1269 (1997)(book review).

“When Reasonable Minds Differ,” 71 N.Y.U. L. Rev. 1467 (1996).

“Nothing We Say Matters”: Teague and New Rules, 61 U. Chi. L. Rev. 423 (1994).

“Pretrial Criminal Procedure,” in The Oxford Companion to American Law (2001).

“Nietzsche,” in The Philosophy of Law: An Encyclopedia Garland Publishing (1999).

Book Review: The Law of the Other: The Mixed Jury and Changing Conceptions of Citizenship, Law, and Knowledge by Marianne Constable, 26 Cumb. L. Rev. 177 (1995).

Criminal Procedure: Cases and Comments, Fifth Edition James B. Haddad, Linda R. Meyer, James B. Zagel, Gary L. Starkman & William J. Bauer (1998)(and supplements through 2000).

Editor, Rules and Reasoning: Essays in Honour of Frederick Schauer (Hart Publishing, 1999).

## Presentations:

"Defense Ethics," at 1993 Advocacy Institute, Office of the Federal Public Defender, M.D. Tenn.

"Bias in the '90s" at Tennessee Lawyers' Association for Women May 1, 1993.

"Justice and Mercy" at Cumberland School of Law, Colloquium on Law, Religion and Culture, April 25, 1994, and at Vanderbilt Law School Faculty Workshop, May 10, 1994.

"The Supreme Court" at "Law Day," sponsored by Quinnipiac Women Law Students Association, Fall 1994

"When Reasonable Minds Differ," at Faculty Colloquium, University of Connecticut, October 31, 1995.

"Persuasion and Authority: A Comparison of Jane Austen and Joseph Raz," Law, Culture and Humanities Conference, Georgetown Law Center, Washington D.C., March 27, 1998.

"Between Reason and Power," response to Anthony Kronman Robert S. Marx Lecture, University of Cincinnati School of Law, March 1999.

"Unruly Rights," Columbia Law School Symposium on Rights and Rules, October 29-30, 1999.

"Why Barbara, Celerant, Darii and Ferio Flunked out of Law School," Law and Philosophy Panel, Centennial Writing Conference, John Marshall Law School, November 4-5, 1999.

"Forgiveness and Public Trust," Fordham Law School Symposium on Forgiveness in the Law, January 28, 2000.

"Herbert Morris and Punishment," Quinnipiac Law School Conference on Philosophy and Law

"Burns v. Received View," reviewing Robert Burns, A Theory of the Trial (1999), Law and Society Conference, Vancouver, B.C., June 29, 2002.

“The Return of Revenge,” Law, Culture and Humanities, NYU, New York, March 8, 2003.

“Catastrophe, Law and Responsibility,” Seminar Series, Department of Law, Jurisprudence, and Social Thought, Amherst, September 17, 2003.

“Mercy in the Military,” at Law, Culture and Humanities Conference, University of Connecticut, Hartford, panel on Clemency, March 12, 2004.

Author Meets Readers, “Mercy on Trial” by Austin Sarat, Law, Culture, and Humanities Conference, Syracuse Law School, March, 2006

Author Meets Readers, “Just Silences” by Marianne Constable, Law, Culture, and Humanities Conference, Syracuse Law School, March, 2006

Comment on Louis Seidman, at Constitutional Theory Conference, University of Pennsylvania, April, 2006.

Miscarriages of Mercy, at working group conference for Miscarriages of Justice, Harvard University School of Law, November 2006.

“The Meaning of Death: Last Words, Last Meals, at Law Culture and Humanities, Georgetown

“Last Words, Last Meals,” Conference on “Who Deserves Death?” Amherst, October 2008.

“The Justice of Mercy,” Buchmann Faculty of Law, Tel Aviv University, May 26, 2009, Workshop for Law and Political Theory

“The Ignominious or More Painful Parts,” Human Rights in the United States, University of Connecticut, October 23, 2009.

“The Justice of Mercy,” Pearl Lecture Series in Philosophy and Public Affairs, Suffolk University, November 5, 2009.

“Miscarriages of Mercy?” at *Confronting Legal Injustice/Imagining Legal Justice*, Charles Hamilton Houston Institute for Race and Justice, Harvard University, November 6, 2009.

“How Lawyers Love,” at Conference on Law and Love, Quinnipiac University School of Law, October 2009.

“Grace in Disgrace,” at Conference for the Association for the Study of Law, Culture, and Humanities, April 2010, Brown University.



Commentator, Junior Scholar Session (on Noa Ben-Asher, “Legalism and Decisionism in Crisis,” Pace Law School), Northeast Law and Society Conference, Amherst, October 1, 2010.

“The Justice of Mercy,” at Liman Workshop, Yale Law School, February 7, 2011.

“The Justice of Mercy: Language, Being-With, and the Failure of Retribution,” Speaker Series on Peace, Justice and Human Rights, Haverford College, February 23, 2011.

Author Meets Author Session, ASLCH Conference, March 2011, UNLV

“Will You Kill for Me?” Conference on the 50<sup>th</sup> Anniversary of the film, “To Kill a Mockingbird,” Amherst, September 2011.

“Suffering and Judging in *The Princess and the Pea*,” Carmen Tortora Lecture, Quinnipiac University School of Law, October 14, 2011.

“Suffering the Loss of Suffering,” Johns Hopkins University, February 24, 2012.

“What is Suffering?” University of Alabama, March 30, 2012.

“Enchantment, Disenchantment, Re-enchantment,” Northeast Law and Society Meeting, Amherst, January 10, 2013. Keynote.

“Suffering the Loss of Suffering,” Association for the Study of Law, Culture and the Humanities, London, March 22, 2013.

Editorials:

<http://www.nytimes.com/2007/10/28/opinion/nyregionopinions/28CTmeyers.html>

<http://www.ctlawtribune.com/getarticle.aspx?ID=37746>

<http://www.ctlawtribune.com/getarticle.aspx?id=38652>

<http://www.nytimes.com/2007/03/04/opinion/nyregionopinions/04CTmeyer.html>

<http://www.washingtonpost.com/wp-dyn/content/article/2005/07/02/AR2005070200062.html>

Personal

Hobbies:

Writing for children (2003 Tassy Walden Award for best middle grade novel by unpublished CT author: "The First Quest of Match, the Whining Dragon," 2006 Tassy Walden Award for best young adult novel by unpublished CT author: "She Who Sings, Prays Twice." Also available: "Jones and the Great Act," and "The Recipe Box." Coming soon: "Seeking Q."

Tennis, singing, kayaking, hiking, backpacking, birdwatching, tutoring kids.

Married to Jeff Meyer, mother of two (quirky and remarkable) children, one large dog of unknown origin, and one stray cat.