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).
The Justice of Mercy (Michigan, 2010).

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:


“Shearing 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)


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


Presentations:


"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.


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


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


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


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


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


“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.


Editorials:
http://www.nytimes.com/2007/03/04/opinion/nyregionopinions/04CTmeyers.html
http://www.washingtonpost.com/wp-dyn/content/article/2005/07/02/AR2005070200062.html

Personal

Hobbies:

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.