LAW AND EMOTION IN COMPARATIVE PERSPECTIVE

Yeshiva University Center for Jewish Law and Contemporary Civilization at Benjamin N. Cardozo School of Law

Jacob Burns Institute for Advanced Legal Studies, Benjamin N. Cardozo School of Law

April 27–28, 2014

Sunday, April 27

9:00–9:30: Breakfast

9:30–45: Welcoming Remarks

9:45–11:45: Law, Emotions, and Values

Marion Holmes Katz (Associate Professor of Middle Eastern and Islamic Studies, New York University): “Sentiment and Social Order: Ḥayā’ (Shame) as an Ethical Emotion in Islamic Legal Thought”

Yonatan Brafman (Doctoral Candidate, Department of Religion, Columbia University): “Prayer and ‘Genuine Needs’: Halakha (Jewish Law) as Affective Critique According to Soloveitchik”

11:45–11:55: Break

11:55 – 12:55: Law, Emotions, and Values (continued)

Emily Kidd White (J.S.D. Candidate, New York University School of Law): “Till Human Voices Wake Us: The Role of Painful Emotions in the Adjudication of Dignity Claims”

12:55–1:50: Lunch
1:50–3:50: *The Limits of Law’s Entanglement with Emotion*

**Susan Bandes** (Centennial Distinguished Professor of Law, DePaul University): “Remorse, Demeanor, and the Consequences of Misinterpretation: The Limits of Law as a Window into the Soul”

**Eva Cantarella** (Professor Emerita of Roman Law and Ancient Greek Law, University of Milan): “Emotions and the Rule of Law: Anger in Courts and Verdicts, Past and Present”

3:50–4:00: Refreshments

4:00–5:00: *The Limits of Law’s Entanglement with Emotion (continued)*

**Adiel Schremer** (Professor of Jewish History, Bar-Ilan University): “Emotions at Work: Brotherhood, Solidarity, and the Rabbinic Construction of the Commandment of Return of Lost Property”

**Monday, April 28**

8:30–9:00: Breakfast

9:00–11:00: *Compassion, Mercy, and the Pursuit of Justice*

**Haim Shapira** (Senior Lecturer, Bar-Ilan Law Faculty): “Mercy in the Court of Justice: Theoretical Analysis and a Jewish Legal Perspective”

**Suzanne Last Stone** (Professor of Law, Cardozo Law School; University Professor of Jewish Law and Contemporary Civilization, Yeshiva University): “On Mercy: Rabbinic Reflections on King David’s Treatment of the Gibeonites”

11:00–11:10: Refreshments
11:10–12:10: *Compassion, Mercy, and the Pursuit of Justice (continued)*

**Terry Maroney** (Professor of Law, Vanderbilt Law School): “Compassion as an Element of Judicial Wisdom”

12:10 – 1:10: Lunch

1:10 – 3:10: *The Place of Emotion in Ritual Law*

**Angela Kim Harkins** (Associate Professor of Religious Studies, Fairfield University; Marie Curie International Incoming Fellow, University of Birmingham [2014-2016]): “The Strategic Arousal of Emotion in the Second Temple Experience of the Law in Ezra’s Penitential Prayer (Ezra 9)”


3:10–3:20: Refreshments

3:20–4:20: *The Place of Emotion in Ritual Law (continued)*

**Joshua Schwartz** (Doctoral Candidate, Department of Hebrew and Judaic Studies, New York University): “I Sing to God with All That I Can’: Emotional Exhaustion and the Obligation to Pray in the Writings of Rabbi Nachman of Bratslav”

4:20 – 5:15: *Summation Remarks and Closing Discussion*

**Ari Mermelstein** (Assistant Professor of Bible, Yeshiva University), Summation Remarks