March 28, 2019

Legal History Workshop: Karl Shoemaker

Time: 12:00pm - 1:20pm
Location: Faculty Lounge

Professor Shoemaker from University of Wisconsin Law School will present his paper “The Devil's Justice”.

Abstract: “Among the most underappreciated aspects of the devil’s medieval career is that he was once the lead plaintiff in the world’s most spectacularly ambitious lawsuit. He lost. He was defeated by the arguments of a woman, the Virgin Mary. The bitter defeat was amplified by the fact that the judge in the case was the very same person the devil had accused of violently despoothing him of the human souls whose ownership was in dispute. In hindsight, the loss might be what social scientists call overdetermined. The venue for the suit – heaven – and the day of the trial – Good Friday – were certainly not auspicious. Nonetheless, the devil initiated his lawsuit supremely confident that he would prevail. His confidence rested upon his belief that both the applicable laws and the overarching principles of justice were entirely on his side.

It was that the lawsuit contained the “preposterous” image of a woman serving in the role of lawyer. Perhaps worst of all, the outcome of the case did not turn solely on rational legal argumentation – the give and take of reasons and responses - but also, as we will see below, upon the tears of an emotionally overwrought woman. Serious scholars, he stressed, would not waste time with the text. Let’s revisit these judgments.”

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