

AMINTAPHIL 2022 Conference on *Protecting Democracy, Liberty, and the Common Good*
(Call for Papers updated 5/19/2022)

October 6-8, 2022

Rollins College, Orlando, Florida (Please note the change of venue.)

Due Date: July 30, 2022

We invite submissions for the 2022 biannual conference of the American Association of Legal and Social Philosophy (AMINTAPHIL) on the topic of *Protecting Democracy, Liberty, and the Common Good*. Suggestions for specific paper topics have been developed by the Program Committee and are listed below.

AMINTAPHIL is an interdisciplinary society of philosophers, legal theorists, political scientists, and economists who are interested in normative questions about justice, society, the economy, and democracy. It is affiliated with the International Association for the Philosophy of Law and Social Philosophy (IVR), which meets biannually in years opposite to AMINTAPHIL meetings. All members of AMINTAPHIL gain membership in IVR.

AMINTAPHIL conferences follow a distinctive format, in which “principal papers” are submitted and distributed in advance. “Comment papers” are then submitted, also in advance of the conference, and the meeting proceeds in discussion format. Attendees are expected to read the papers prior to the conference. The Program Committee will group papers on related themes into distinct sessions for the conference, and all sessions are plenary (i.e., there are no breakouts). This conference format lends itself to gaining deep, multi-faceted and multi-disciplinary perspectives on the chosen topic, and engaging in rich dialogue with other attendees. All on-topic submitted papers are included in the conference, and selected papers are published in a subsequent, peer reviewed volume of essays by Springer.

AMINTAPHIL members are eligible to submit papers. (Membership information is online at <http://www.pdcnet.org/amintaphil>.) Principal papers, due by July 30, 2022 should be no more than 5500 words, and should begin with a brief abstract; comment papers will be due by September 5, 2022 and should be no more than 2200 words. All members of AMINTAPHIL will be notified when principal papers are available for download. Submit papers to Win-Chiat Lee at leew@wfu.edu with the subject line: “AMINTAPHIL 2022 submission.”

Please direct inquiries to:

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Local Host: Eric Smaw, ESMAW@rollins.edu

Suggested Topics

The following is a list of topics and sub-topics for the AMINTAPHIL 2022 conference. The list serves to provide suggestions and give more definition to the general topic of the conference. It is not intended to be either exhaustive or exclusive. Nor is it intended to be the template for the final program of the conference or the grouping of papers and commentaries into sessions.

- **Structuring Democratic Institutions towards the Common Good:**
 - Is America's two-party political system inclined to give rise to purposeless divisiveness from which no viable path towards reconciliation and sound laws and policies is likely to emerge?
 - Has the traditional ideological divide given way to some new isms, such as what-about-ism, both sides-ism, vigilantism?
 - Is the United States practice of democracy, a winner-take-all electoral system, legitimate, sound and sustainable, and are Americans of all walks of life well served by it?
 - Is education sufficient for reproducing democratic ideals in successive generations? Or, is more required of government given the dangers of misinformation, radicalization, etc., on the internet, where research has shown misinformation crowds out good information?

- **Civil Liberty and National Security in Times of Emergency:**
 - What are the necessary conditions for the state to exercise its prerogative power – i.e., place restrictions on civil liberties?
 - Does the Covid crisis meet the conditions for the exercise of state prerogative power?
 - Did the attack on the Capitol on January 6th meet the conditions for the exercise of state prerogative power?
 - What is the bright-line between the legitimate exercise of state prerogative power and state tyranny?
 - Are internment, torture, extra-judicial killing, etc., legitimate uses of the state prerogative power in times of emergency?
 - What is the proper balance between civil liberties and national security in times of emergency?
 - What is the appropriate response from the citizenry when the state acts beyond its authority in exercising the prerogative power in times of emergency?

- **Rebuilding Democracy, Constitutional Convention, and Changes to the Constitution:**
 - Should legislation be passed that repositions the Department of Justice to be in the same relationship to the Executive Branch as the Federal Reserve Bank is, the better to indicate the separation that until recently has existed mostly as a matter of norms between the Office of the President and the administration of justice?
 - Are new needs to limit free speech emerging, and should free speech itself be better clarified in our legal system?
 - Is the Supreme Court becoming more 'political' and so stand in need of reform? Does the Senate's advise and consent process need to be reformed?

- The problem of rural and/or ‘Red State’ overrepresentation in the Senate, which represents states, not population, is already enormous, and is likely to become even larger in the future, and this problem is irrespective of whether the filibuster were to be abolished.
 - Is there any principled justification for an anti-democratic upper legislative chamber that is structured in this way?
 - While the 17th Amendment to the Constitution – “The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote” – prohibits any diminution in each state’s representation in the Senate, could it be amended again to allow for additional representation for reason of share of national population, for example?

- **Dismantling Discrimination, Disenfranchisement, and Strengthening Democracy:**
 - How should the threshold be set for determining a voting rights abridgment under the Thirteenth Amendment (“The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.”), and is it primarily statistical, a violation of a local statute, grounded in the intent of the legislating body, an application of the relevant historical record, some combination, or something else?
 - Should the filibuster be abolished entirely, or relaxed so that certain legislation affecting fundamental rights such as voting would only need a simple majority vote?
 - Should Washington, DC, Puerto Rico, Guam and other groups of islands in the Pacific, and the U.S. Virgin Islands be granted statehood, or remain as they are, territories whose citizens receive courtesy representation in Congress and do not have the right to vote in American elections?
 - In Chief Justice John Roberts’ decision in *Shelby v. Holder* 570 U.S. 529 (2013), he suggested that times have changed sufficiently to remove the threat of federal preclearance, established in the 1965 Voting Rights Act, in those districts that have a history of voting discrimination, chiefly on account of race.
 - Was he right in his assessment and, if not, what new legislation needs to be passed?
 - Is there institutional discrimination and disenfranchisement against minority groups in the U.S. and, if so, how can it be dismantled?
 - Should the police be ‘defunded’, abolished, or remain as they are? Are there better alternatives to policing or some of the duties currently the responsibility of police departments?
 - Is America moving toward a new form of (self-) segregation?
 - Gerrymandering as a practice against principle:

- Was the (conservative majority) of the Court right to declare this a political question, one that could not be addressed judicially without opening up unanswerable questions about what constitutes a "fair" congressional district map?
 - Conversely, is there something to the claim that single-member districts in our winner-take-all political system are inherently unjust, in the sense that they always end up effectively disenfranchising minority groups (at least relative to systems with at-large districts or non-geographically based districts)?

- **Governing Social Media, Determining its Responsibility to Truth, Reason, and Democracy:**
 - Recently, in an effort to restore decency and accountability to our political discourse and to informatively label the speech of members of Congress, a news anchor in Colorado (<https://www.yahoo.com/entertainment/cruel-false-bigoted-lauren-boebert-085825043.html>) suggested a standard for the media to use – ‘cruel, false, and bigoted’ – so that news broadcasters do not amplify the messages in the news of the day.
 - Does mainstream media alongside social media have a duty to truth, reason, and democracy to label or even censor certain messaging?
 - Is mainstream alongside social media complicit in a wider harm done to the public when it fails to apply such standards?
 - It is claimed of 47 U.S.C. §230 of the Communication Decency Act that it protects free speech on the internet, while critics argue that it goes too far in shielding social media providers from responsibility for what is posted on their platforms. Does the law need to be changed the better to hold social media accountable for foreseeable abuses of the public good?
 - Does the State have a role to play in alerting the public to information pollution?
 - ...in educating the public as to the distinction between misinformation and disinformation?
 - ...in patrolling disinformation and alerting the public to the role of hostile State actors promoting destabilization via social media?