

# Alma Diamond

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## ACADEMIC APPOINTMENTS

<b>University of Michigan Law School</b>	2024-2026
Faculty Fellow, Visiting Assistant Professor	
Courses Taught: Contracts, Spring 2026; Social Justice & Contract Law, Spring 2025	
<b>University of Chicago Law School</b>	2023-2024
Law & Philosophy Fellow, Lecturer in Law	
Course Taught: Advanced Topics in General Jurisprudence (with Professor Brian Leiter)	
<b>NYU School of Law</b>	2022
Instructor	
Course Taught: Legality (with Tomer Kenneth)	

## RESEARCH & TEACHING INTERESTS

**Primary:** Contracts, Torts, Jurisprudence, Constitutional Law, Comparative Law  
**Secondary:** Property, Trusts & Estates, Remedies, Copyright, Private Law Theory

## EDUCATION

<b>J.S.D. (Legal Theory), NYU School of Law</b>	2023
Dissertation: <i>The Practice and Normativity of Law</i>	
Committee: Jeremy Waldron, Liam Murphy, David Dyzenhaus	
Senior Articles Editor: NYU Law Review of Law and Social Change	
<b>L.L.M. (Legal Theory), NYU School of Law</b>	2019
Recipient: David H. Moses Memorial Prize (highest grade in cohort)	
Staff Editor: NYU Law Review of Law and Social Change	
<b>L.L.M. (Contract Law), <i>cum laude</i>, Stellenbosch University (South Africa)</b>	2015
Dissertation: <i>Remoteness and the Limitation of Contractual Damages</i>	
Committee: Jacques du Plessis & Fransica Myburgh	
Recipient: Dean's Trust Scholarship Award (merit-based tuition scholarship)	
<b>L.L.B. (Graduate Degree), Stellenbosch University (South Africa)</b>	2014
Winner of Anglophone Section: African Human Rights Moot Court Competition	
Tutor: Contract Law, Family Law, Roman Law	
<b>B.Com. (Hons): Economics, Stellenbosch University (South Africa)</b>	2011
Tutor: Microeconomics	

PUBLICATIONS

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**Published and Forthcoming Works**

“Originalism’s Dilemma: Legal Formalism, or Judicial Neutrality” 104 OREGON L. REV. [2025](#)

I show that originalist theory draws on two conflicting models of legal reasoning. One model vindicates the neutrality of judicial reasoning, the other supports the conclusion that the law never runs out. These two models are incompatible, because they conceptualize law’s formality in different ways. I argue that originalist theory has not confronted their tension; and offer a more precise framework for theorizing judicial legitimacy.

[Highly recommended](#) and [praised](#) by Professor Lawrence Solum (Virginia) on the Legal Theory Blog.

“Law in Society: Defending Hart” 31 RES PUBLICA [2025](#)

I challenge the jurisprudential view that legal reasoning is a branch of moral reasoning. I argue that jurisprudence should attend more closely to how legal institutions generate obligations through structures that have their own social history and politics: structures like contracts and constitutions.

[Highly recommended](#) by Professor Lawrence Solum (Virginia) on the Legal Theory Blog.

“Moves & Rules: Addressing the Puzzle of Social Rule-Following” 43 LAW & PHIL. [2024](#)

I address a longstanding puzzle in legal and social theory: how can rules guide behavior if they depend on the very social activity they are supposed to structure? I develop a new account of rule-following practices that clarifies how law is grounded in shared normative structures.

[Listed](#) as one of the Top 10 Downloads of the Year for 2024 by Professor Lawrence Solum (Virginia) on the Legal Theory Blog.

“Shadows or Forgeries? Explaining Legal Normativity” 37 CAN. J. LAW & JURIS. [2024](#)

I challenge the jurisprudential view that law’s normativity must be explained in terms of robust reasons for action. I argue instead that we might explain law’s normativity by focusing on the shared roles and expectations that structure legal practices. With this, I point to an alternative model for explaining the obligations of judges, officials and citizens.

[Reviewed](#) on JOTWELL by Professor Brian Bix (Minnesota).

“The Resilient Constitution” (with David Dyzenhaus) in CONSTITUTIONALISM: OLD DILEMMAS, NEW INSIGHTS (OUP) [2021](#)

We argue that all constitutions are transitional: shaped by and responsive to political transformation, rather than standing outside it. Drawing on the South African and Colombian cases, we show how courts must interpret constitutional authority in light of both legal continuity and political rupture.

## Working Papers

### “Contract’s Two Foreseeabilities” (Job Talk Paper)

I challenge the standard model of the foreseeability rule in contract law, which holds that courts exclude unforeseeable damages based on what parties had reason to foresee at the moment of contracting. I show that this both under-describes and distorts what courts are doing. I offer a dual model of foreseeability that identifies two distinct foreseeability tests. My model provides doctrinal clarity, guideposts for courts and practitioners, and a lesson for contract theory.

### “Bootstrapped: A (Qualified) Defence of Practice-Based Constitutional Argument”

I clarify the logic and limits of practice-based constitutional arguments, which attempt to justify constitutional norms by looking at constitutional practice. I reconstruct the jurisprudential structure of these arguments, point to their validity, and highlight their limits.

[Listed](#) as one of the Top 10 Downloads of the Year for 2024 by Professor Lawrence Solum (Virginia) on the Legal Theory Blog.

### “Publicity and the Rule of Law” (with Aziz Z. Huq)

We critique the standard understanding of the publicity requirement in the rule of law literature. It is standardly treated as a straightforward requirement of promulgation. We investigate the nature of legal knowledge, the epistemic situation of legal subjects, and the relationship between law and informal practices to complicate that standard picture.

## Web-Based Publications

*Clarifying Legal Validity* (reviewing Thomas Adams, *Criteria of Validity* MODERN LAW REVIEW (forthcoming 2025) ([JOTWELL](#)) (Feb. 12, 2025).

*Dobbs: A Guide for the Perplexed* ([SAFI](#)) (Oct., 2022).

*Revisiting Law’s Claim to Authority* (reviewing Robert Mullis, *Presupposing Legal Authority* 42 OXFORD J. L. STUD. 411 (2021) ([JOTWELL](#)) (Dec. 13).

*Between the Body and the Politic: Reading Recommendations on Epidemics, International Law, and History* ([VÖLKERRECHTSBLOG](#)) (Apr. 24).

*The Internal Point of View Restored* (reviewing Philip Pettit, *Social Norms and the Internal Point of View: An Elaboration of Hart’s Genealogy*, 39 OXFORD J. L. STUD. 229) ([JOTWELL](#)) (Nov. 8).

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## ACADEMIC PRESENTATIONS

### Invited Talks

*A Dynamic Theory of Social Obligation*  
Oxford Jurisprudence Discussion Group

June 4, 2026

*Explaining Legal Normativity*

Guest Lecture at UCLA Law's Legal Philosophy Course

Sept. 24, 2024

*Bootstrapped: A (Qualified) Defense of Practice-Based Constitutional Argument*

Faculty Workshop at Chicago-Kent College of Law

Mar. 20, 2024

*Public Legitimation*

Legal Philosophy Trident Seminar Series

Co-Hosted by Universities of Surrey, Pompeu Fabra, Torcauto di Tella

Apr. 4, 2024

*Joseph Raz, Eliminativist*

Hosted by Institute of Philosophical Research, National Autonomous University of Mexico

Mar. 11, 2024

*Moves & Rules: Addressing the Puzzle of Rule-Following*

Law & Philosophy Workshop: University of Chicago School of Law

Jan. 22, 2024

*Public Legitimation*

Cambridge University Legal Theory Discussion Group

Nov. 7, 2023

*Description & Evaluation in Legal Theory*

Julius Stone Institute of Jurisprudence, University of Sydney Law School

Jul. 19, 2023

*Practice & Normativity*

Juris North Seminar Series

Co-hosted by Aberdeen, Durham, Hull, Liverpool, Manchester, Surrey, & Westminster

Mar. 15, 2023

*The Practice Theory of Rules Revisited*

University of Edinburgh Legal Theory Reading Group

Cambridge University Legal Theory Discussion Group

Feb. 2, 2023

Nov. 1, 2022

*We are All Austinians Now: A Look at HLA Hart's Legacy in Analytic Jurisprudence*

Guest Lecture at Technische Universität Braunschweig

Jul. 19, 2022

**Paper Presentations**

*Law in Society: Defending Hart*

General Jurisprudence Workshop, hosted by USC Gould School of Law

Jun. 6, 2025

*Dimensions of Foreseeability*

Michigan Junior Scholars Conference

Cambridge Legal Theory Discussion Group

Apr. 24, 2025

Feb. 19, 2025

*Contract & Alienation*

SAFI Annual Conference, Glasgow School of Law

Sept. 11, 2024

*Subversion, Restoration, or Legislation?*

AALS Junior Scholar Work-in-Progress Session

Aug. 27, 2024

*Pious Fictions: Legal Change and Judicial Constraint*

University of Chicago Law School Work in Progress Workshop

Jun. 20, 2024

*Contract & Alienation and Public Legitimation*

LSA Annual Meeting

Jun. 6, 2024

*Bootstrapped: A (Qualified) Defence of Practice-Based Constitutional Argument*

National Conference of Constitutional Law Scholars

Feb. 23, 2024

Chicagoland Junior Scholars Conference. Loyola University School of Law

Oct. 7, 2023

*Joseph Raz: Eliminativist*

Society of Legal Scholars Conference: Plural Visions of Law. York Law School

May 11, 2023

*Public Legitimation*

Discussion Series hosted by The Collective: Women in Legal Philosophy

Apr. 11, 2024

*Shadows or Forgeries?*

Humboldt University Berlin Graduate Workshop

Feb. 17, 2023

**Moderator**

*Legality and Plans: A Conversation with Scott Shapiro*

NYU School of Law, Center for Law & Philosophy

Apr. 11, 2022

*Judicial Review and Democracy: A Conversation with Jeremy Waldron and Roberto Gargarella*

NYU school of Law

Oct. 19, 2021

**Discussant/Commentator**

Commentator: *Rethinking Relational Loss* by Sania Anwar

Michigan Junior Scholars Conference

Apr. 25, 2025

Discussant: *Is and Ought in Constitutional Law* by Stephen Sachs

Co-organized by the Notre Dame Program on Constitutional Structure and The Center for the Constitution and the Catholic Intellectual Tradition at the Catholic University of America

Jan. 11, 2025

Discussant: *Realism and Customary Law*

Book Symposium for Endicott, Krisjánsson & Lewis eds., *The Philosophical Foundations of Precedent*, Notre Dame Law School

Oct. 30, 2024

Commentator: *Law, Morality, Games, How Much Normativity Does Law Need*

Legal Philosophy Workshop 2024, hosted by University of Michigan

Jun. 13, 2024

Discussant: *Roundtable on Justice for Animals*

Hosted by Heidi M. Hurd & Michael S. Moore at the University of Illinois

Feb. 28-Mar. 2, 2024

Discussant: *General Jurisprudence and Legal Doctrine*. (Selected from Open Call for Papers)

Panel Discussion presented by the Jurisprudence Section at the AALS Annual Conference

Jan. 5, 2024

Discussant: *Roundtable on Legal Reasoning & Adjudication Symposium*

University of Wisconsin Law School

May 18, 2023

Commentator: *The Long Arc of Legality* by David Dyzenhaus

NYU Law School

Nov. 4, 2022

Discussant: *The Resilient Constitution. Book Launch: Constitutionalism—Old Dilemmas, New Insights*  
Oxford University Press

May 7, 2022

Commentator: *Kelsen's Contribution to Contemporary Philosophy of International Law*  
NYU IILJ History and Theory Workshop

Mar. 3, 2021

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OTHER RELEVANT EXPERIENCE

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Contributing Editor: JOTWELL Jurisprudence Section, 2024-present

Reviewer: Legal Theory; Canadian Journal of Law and Jurisprudence; Oxford Journal of Legal Studies; Journal of Legal Philosophy; Journal of Ethics and Social Philosophy; Transnational Legal Theory; Constellations; Stellenbosch Law Review; Routledge.

Research Assistantships: Roderick M. Hills (2020); Richard Brooks (2019); David Dyzenhaus (2018).

Teaching Assistantships: Contract Theory Colloquium (Richard Brooks) (2020).

Institutional Citizenship: Board Member, Philosophy and Legal Theory Research Network, 2024-present; Member, Metanormative Connectedness Research Project (2025); US Ambassador for SAFI Network (2019-present); Co-Chair, NYU African Law Association (2019-2021); Research Fellow, NYU Meltzer Center for Diversity, Inclusion, and Belonging (2020).

Committee Service: NYU Law academic careers faculty-staff committee, NYU Law visiting doctoral student selection committee.

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REFERENCES

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**Richard R.W. Brooks**

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