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Associate Professor Michael Boucai



Associate Professor Matthew Steilen

## Two young faculty chosen for prestigious scholarly forum

*Matthew Steilen and Michael Boucai represented SUNY Buffalo at Stanford*

Two associate professors at SUNY Buffalo Law School were selected to be part of the prestigious Harvard/Stanford/Yale Junior Faculty Forum, which fosters scholarship by young scholars and enables them to present papers on cutting-edge topics in the law.

Faculty members **Matthew Steilen** and **Michael Boucai** represented Buffalo at the forum, held June 27 and 28 at Stanford Law School. This year, forum organizers received over 400 articles and selected 19 for presentation at the conference. It is considered a rare honor for a school to have two faculty members selected for the forum in the same year.

The Harvard/Stanford/Yale Junior Faculty Forum, now in its 15th year, rotates among those three schools each year. Its goal is to increase the level of scholarly discourse and give junior facul-

ty the chance to experience high-level discussion of their own and others' work, as well as to build a sense of community among American legal scholars.

A jury of senior scholars selects the participants after anonymous submission and blind review of their papers. Eligible scholars have been teaching for one to seven years. The participants' presentations were followed by commentary by senior academics.

This year's forum focused on selected topics in public law and humanities.

In a morning session on "Law and the Humanities," Boucai presented his paper "Glorious Precedents: When Gay Marriage Was Radical," which will be published next year in the *Yale Journal of Law and Humanities*. The paper builds on his investigations into the historical roots of same-sex marriage in the United States, which date to the early 1970s.

"Far from betraying the liberationist politics of post-Stonewall gay activism (as is often claimed of contemporary same-sex marriage activism), these first cases were conceived within that radical ideological framework," Boucai has written. "They were designed to critique the gendered roles of 'husband' and 'wife,' promote gay visibility, and publicly affirm the moral equivalence of heterosexuality and homosexuality."

In an afternoon session on the histor-

ical foundations of Constitutional law, Steilen presented his paper "Judicial Review and Non-Enforcement at the University of Pennsylvania Journal of Constitutional Law."

The article examines the relationship between judicial review and presidents' assertions that they are justified in declining to enforce unconstitutional laws.

"This article shows that there is essentially no historical evidence, from ratification through the first decade under the Constitution, in support of a non-enforcement power," Steilen has written. "It also shows that the framers repeatedly made statements inconsistent with the supposition that the president could refuse to enforce laws he deemed unconstitutional. In contrast, during this same period the historical record contains hundreds of discussions of judicial review."

Commentators on their papers were legal historian Robert W. Gordon, of Stanford Law School, for Steilen; and civil rights and antidiscrimination expert Richard Thompson Ford, also of Stanford Law School, for Boucai.

Steilen, who is also affiliated with the Department of Philosophy in UB's College of Arts and Sciences, joined the Law School faculty in 2011, and Boucai was hired in 2012.