

Alma Diamond

University of Texas School of Law, 727 E Dean Keeton St., Austin, TX 78705
 alma.diamond@law.utexas.edu

ACADEMIC APPOINTMENTS

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

RESEARCH & TEACHING INTERESTS

Primary: Contracts, Remedies, Jurisprudence, Constitutional Law, Private Law Theory
Secondary: Trusts & Estates, Property

EDUCATION

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

PUBLICATIONS

Published and Forthcoming Works

“Contract’s Two Foreseeabilities” ALA. L. REV. [2026](#)

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.

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

I show that theories of judges as “lawfinders” draw 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 adequately 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

“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.

“Bootstrapped: A (Qualified) Defense 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.

“A Dynamic Theory of Social Obligation”

I argue that we should understand social obligations as forms of relationship between members of particular communities. This allows me to argue against two conflation in jurisprudence: (1) conflating moral obligations and social obligations; and (2) conflating legal obligations and social obligations. The aim is to provide new tools for thinking about goodness and right in the context of legal practices.

Web-Based Publications

Can Law Speak Against Itself? (reviewing Manish Oza, *Can We Legally Revise the Highest Rule?* 13 LEG. TH. (2025)) ([JOTWELL](#)) (Jun. 29, 2026).

Clarifying Legal Validity (reviewing Thomas Adams, *Criteria of Validity* MOD. L. REV. (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).

ACADEMIC PRESENTATIONS

Invited Talks

The University of Toronto Faculty of Law, Legal Theory Workshop	2027
Fordham School of Law, Law & Philosophy Colloquium	2027
<i>Failed Hart Transplants</i> Law & Language Workshop, University of Western Ontario	Sept. 25, 2026
<i>A Dynamic Theory of Social Obligation</i> The Collective: Discussion Series	Sept. 17, 2026
Oxford Jurisprudence Discussion Group	Jun. 4, 2026
Jurisprudence Workshop, Autonomous Technological Institute of Mexico (ITAM)	May 29, 2026
University of Virginia School of Law Legal Theory Workshop	Mar. 10, 2026
<i>Contract's Two Foreseeabilities</i> Michigan State University College of Law Faculty Workshop	Oct. 8, 2025
<i>Explaining Legal Normativity</i> Guest Lecture at UCLA Law's Legal Philosophy Course	Sept. 24, 2024
<i>Bootstrapped: A (Qualified) Defense of Practice-Based Constitutional Argument</i> Faculty Workshop at Chicago-Kent College of Law	Mar. 20, 2024
<i>Public Legitimation</i> Legal Philosophy Trident Seminar Series Co-Hosted by Universities of Surrey, Pompeu Fabra, Torcuato di Tella	Apr. 4, 2024
<i>Joseph Raz: Eliminativist</i> Hosted by Institute of Philosophical Research, National Autonomous University of Mexico	Mar. 11, 2024
<i>Moves & Rules: Addressing the Puzzle of Rule-Following</i> Law & Philosophy Workshop: University of Chicago School of Law	Jan. 22, 2024
<i>Public Legitimation</i> Cambridge University Legal Theory Discussion Group	Nov. 7, 2023
<i>Description & Evaluation in Legal Theory</i> Julius Stone Institute of Jurisprudence, University of Sydney Law School	Jul. 19, 2023
<i>The Practice Theory of Rules Revisited</i> University of Edinburgh Legal Theory Reading Group	Feb. 2, 2023
Cambridge University Legal Theory Discussion Group	Nov. 1, 2022
<i>We are All Austinitians Now: A Look at HLA Hart's Legacy in Analytic Jurisprudence</i> Guest Lecture at Technische Universität Braunschweig	Jul. 19, 2022

Paper Presentations

<i>A Dynamic Theory of Social Obligation</i> Michigan Law School Junior Faculty Forum	Oct. 11, 2025
<i>Law in Society: Defending Hart</i> General Jurisprudence Workshop, hosted by USC Gould School of Law	Jun. 6, 2025
<i>Dimensions of Foreseeability</i> Michigan Junior Scholars Conference Cambridge Legal Theory Discussion Group	Apr. 24, 2025 Feb. 19, 2025
<i>Contract & Alienation</i> SAFI Annual Conference, Glasgow School of Law	Sept. 11, 2024
<i>Pious Fictions: Legal Change and Judicial Constraint</i> University of Chicago Law School Work in Progress Workshop	Jun. 20, 2024
<i>Contract & Alienation and Public Legitimation</i> LSA Annual Meeting	Jun. 6, 2024
<i>Bootstrapped: A (Qualified) Defense of Practice-Based Constitutional Argument</i> National Conference of Constitutional Law Scholars Chicagoland Junior Scholars Conference. Loyola University School of Law	Feb. 23, 2024 Oct. 7, 2023
<i>Joseph Raz: Eliminativist</i> Society of Legal Scholars Conference: Plural Visions of Law. York Law School	May 11, 2023
<i>Public Legitimation</i> Discussion Series hosted by The Collective: Women in Legal Philosophy	Apr. 11, 2024
<i>Shadows or Forgeries?</i> Humboldt University Berlin Graduate Workshop	Feb. 17, 2023

Moderator

<i>Legality and Plans: A Conversation with Scott Shapiro</i> NYU School of Law, Center for Law & Philosophy	Apr. 11, 2022
<i>Judicial Review and Democracy: A Conversation with Jeremy Waldron and Roberto Gargarella</i> NYU School of Law	Oct. 19, 2021

Discussant/Commentator

Commentator: <i>Rethinking Relational Loss</i> by Sania Anwar Michigan Junior Scholars Conference	Apr. 25, 2025
Discussant: <i>Is and Ought in Constitutional Law</i> 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, Kristjánsson & 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* (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

OTHER RELEVANT EXPERIENCE

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: Editor, Legal-Phi (2026-present); Board Member, Philosophy and Legal Theory Research Network, 2024-present; Member, Metanormative Connectedness Research Project (2025); US Ambassador for SAFI Network (2019-2025); 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.