LAPA CONFERENCES

Each year, LAPA sponsors a number of conferences to highlight important topics in law and legal studies. Starting in 2003, and continuing every year since, LAPA has organized a conference jointly with Reunion in the spring, to allow returning Princeton alumni to get CLE credit. Starting in 2005, and continuing since, LAPA started a beginning-of-the-year Faculty Retreat, with papers and commentators drawn from among LAPA’s Faculty Associates.

In between these two conferences each year, LAPA typically has two or three other conferences on topics that vary year by year. The complete program of LAPA conferences from the beginning is listed below, first by year and then from September-June within each year.

2006-2007 CONFERENCES

LAPA/UCHV FACULTY RETREAT
MOUNTAIN LAKE HOUSE
57 MOUNTAIN LAKE ROAD ~ PRINCETON
SEPTEMBER 12, 2006

This is the annual start-of-the-year Faculty Retreat sponsored by the Program in Law and Public Affairs and the University Center for Human Values.

8:30 am – Continental Breakfast
9 am – Welcoming Remarks, Kim Lane Scheppele, LAPA Director
9:10 – 10:20 – Paper by Alan Patten, Politics and UCHV
   “The Justification of Minority Language Rights”
   Commentator Gideon Rosen, Philosophy and Program in Humanistic Studies
10:20-10:30 – Coffee Break
10:30-11:40 – Paper by Jennifer Widner, Politics and Woodrow Wilson School
   “Building Judicial Independence in Semi-Democracies, Africa Comparisons”
   Commentator Lawrence Rosen, Anthropology
11:40-11:50 – Coffee Break
11:50-1:00 – Paper by Paul Starr, Sociology and WWS
   “The Creative Reluctance of Liberal Statecraft”
   Commentator Robert Keohane, Woodrow Wilson School

1:00-2:00 – Buffet Lunch

2:00-3:10 – Paper by John Darley, Psychology and WWS
   “The Case for Deviant Legitimation”
   Commentator Paul DiMaggio, Sociology and UCHV

3:10-3:20 – Coffee Break

3:20-4:30 – Paper by John Borneman, Anthropology
   “Terror and the Limits of Hysterical Identification: Counter-Transference and
   Rites of Commemoration in Lebanon”
   Commentator Norman Itzkowitz, Near Eastern Studies

4:30-4:40 – Coffee Break

4:40-5:50 – Paper by Stanley Corngold, German and Comparative Literature
   “Kafka Before the Law”
   Commentator Anson Rabinbach, History

6:00 Drinks
7:00 Welcome Dinner
The conference was held on Thursday, October 12, 2006 at the Penn Law School. The program featured many distinguished speakers who were involved as experts, advisors and participants in the Iraqi constitutional drafting process.

The four keynoters were

1) **Ambassador Dennis Ross**, Director of the Washington Institute for Near East Policy; Special Middle East Coordinator in the Clinton Administration and Director of the Policy Planning Staff in the first Bush Administration;

2) **Ambassador Peter Galbraith**, Former US Ambassador to Croatia and Senior Diplomatic Fellow at the Center for Arms Control and Non-Proliferation, who has been an advisor to the government of Iraqi Kurdistan.

3) **The Iraqi Ambassador to the United States, Ambassador Samir Sumaidaie**

4) **The Iraqi Ambassador to the United Nations, Ambassador Hamid Al Bayati**.

**Program**

12 October 2006

Welcome | 10:00-10:15am | 245A

MICHAEL FITTS, Dean, University of Pennsylvania Law School

Opening Address: “The Place of Iraq in the Middle East Today”
| 10:15am-11:15am | 245A

Introduction: WILLIAM BURKE-WHITE, Assistant Professor of Law, University of Pennsylvania Law School

SPEAKER: AMBASSADOR DENNIS ROSS, Director of the Washington Institute for Near East Policy; Special Middle East Coordinator in the Clinton Administration; Director of the Policy Planning Staff in the first Bush Administration

Panel I

Bargaining and Compromise in Constitutional Drafting | 11:30am-1:00pm | 245A
Moderator: KIM LANE SCHEPPELE, Director, Program on Law and Public Affairs, Woodrow Wilson School, Princeton University and Faculty Fellow, University of Pennsylvania Law School

PANELISTS:

- ANDREW ARATO, Professor, The New School for Social Research
- SAID ARJOMAND, Professor, State University of New York, Stony Brook
- BARNETT RUBIN, Director of Studies, New York University Center for International Cooperation and former special advisor to the UN Special Representative of the Secretary General for Afghanistan, Lakhdar Brahimi
- KAROL SOLTAN, Professor, University of Maryland and former Political and Constitutional Director, UNTAET, East Timor

Luncheon Keynoter: 1:15pm-3:00pm | Levy
Introductions: KIM LANE SCHEPPELE

SPEAKER: AMBASSADOR PETER GALBRAITH, Former US Ambassador to Croatia and Senior Diplomatic Fellow at the Center for Arms Control and Non-Proliferation

SPEAKER: H.E. AMBASSADOR HAMID AL BAYATI, Permanent Representative of Iraq to the United Nations

SPEAKER: H.E. AMBASSADOR SAMIR SUMAIDAIE, Ambassador of Iraq to the United States of America

Panel II
Accommodating Pluralism in the Iraqi Constitution
| 3:15pm-5:00pm | 240A

Moderator: ROGERS SMITH, Chair, Department of Political Science, University of Pennsylvania

Panelists:

- NATHAN BROWN, Professor, George Washington University and Senior Associate, Carnegie Endowment for Int’l Peace
- NAJMALDIN O. KARIM, M.D., FACS President, Washington Kurdish Institute
- CHIBLI MALLAT, Visiting Professor, Princeton University and Director, European Law Center,
- St. Joseph’s University, Beirut; Presidential Candidate, Lebanon
- ANN MAYER, Professor, Wharton School, University of Pennsylvania
- BRENDA G. O’LEARY, Director, Solomon Asch Center for the Study of Ethnopolitical Conflict, University of Pennsylvania and Constitutional Advisor to the Regional Government of Kurdistan
FREDERIC WILLIAM MAITLAND
(28 MAY 1850 - 19 DECEMBER 1906)
CONFERENCE COMMEMORATING THE 100TH ANNIVERSARY OF HIS DEATH
DECEMBER 9, 2006
101 MCCORMICK HALL, PRINCETON UNIVERSITY
ORGANIZED BY THE DEPARTMENT OF HISTORY WITH LAPA CO-SPONSORSHIP

Session I
Presider, Stanley Katz, Princeton University
Presenter, Richard Helmholz, University of Chicago Law School,
“Maitland and the Ecclesiastical Courts”
Commentator, Janet Loengard, Moravian College

Session II
Presider, William Chester Jordan, Princeton University
Presenter, John Hudson, University of St. Andrews,
“F. W. Maitland and the Englishness of English Law”
Commentator, Julia Marvin, University of Notre Dame

Session III
Presider, Hendrik Hartog, Princeton University
Presenter, Robert Gordon, Yale University Law School,
“Maitland and His Contemporaries on the Uses of Legal History”
Commentator, Jonathan Bush, Independent Scholar
The conference was planned by a committee of colleagues and former students of Stan. It included a mix of formal and informal sessions on those themes that have been important in Stan’s professional life. Panels will explore topics in public policy, colonial history, American legal history, the history of nonprofits and philanthropy, the use of technology in teaching and scholarship, and the public humanities – all areas where Stan's work has made important contributions. The papers were presented by students of Stan or long-time friends and colleagues. The conference ended with Stan's presentation of an "Intellectual Autobiography". Each session was designed to allow a maximum of participation by the audience, almost all of whom will be students, friends, and colleagues of Stan.

The conference webpage includes streaming video of all programs. See http://lapa.princeton.edu/eventdetail.php?ID=44 for more.

Friday afternoon – February 23, 2007

Welcome –Kim Lane Scheppele, Director, Program in Law and Public Affairs, Princeton University

Panel 1: The History of Philanthropy

- Barry Sullivan, Chair, Jenner and Block
- Kathleen McCarty, City University of New York: “Transatlantic Philanthropy“
- Paul DiMaggio, Discussant, Princeton University

Panel 2: Early American History

- John M. Murrin, Chair, Princeton University
- Thomas P. Slaughter, University of Notre Dame: “When Did the American Revolution Begin?”
• Paul Finkelman, Albany Law School: “How Important Was the Zenger Case?: The Answer is "Really Important"”
• Paul Clemens, Rutgers University: “Was the American Revolution Worth It? -- And For Whom?”

Panel 3: Legal Historiography
• Rayman Solomon, Chair, Rutgers University School of Law (Camden)
• Daniel Ernst, Georgetown University: “The Politics of Administrative Law in Modern America: Controversies over Administrative Agencies in the Twentieth Century”
• Nina Dayton, University of Connecticut: “Katz as Critic”
• Morton Horwitz, Discussant, Harvard Law School

Dinner
• Welcoming Remarks: Anne-Marie Slaughter, Dean, Woodrow Wilson School, Princeton University
• A Tribute to Stanley N. Katz: Douglas Greenberg, University of Southern California

Saturday – February 24, 2007

Panel 4: The Historian's Vocation: Technology and Higher Education, a Roundtable
• Roy Rosenzweig, Chair, George Mason University
• Steven Wheatley, American Council of Learned Societies
• Charles Henry, Rice University
• Arnita Jones, American Historical Association

Panel 5: The Historian's Vocation: Teacher & Citizen, a Roundtable
• Louis P. Masur, Chair, Trinity College
• William Deverell, University of Southern California
• Jamil Zainaldin, Georgia Humanities Council
• Michael Klein, New Jersey Association of State Colleges and Universities

Lunch
• Introduction: Hendrik Hartog, Director, Program in American Studies, Princeton University
• Stan's Career: A Family Album -- Marion Katz, Derek Katz, Adria Katz

Panel 6: Topics in Legal History
• Hendrik Hartog, Chair, Princeton University

• William Wiecek, Syracuse University, “Emancipation and Equality: The Results of Slavery's Abolition under the Thirteenth Amendment”

• Michael Mayer, University of Montana, “Civil Rights and the Politics of Judicial Nomination: The Haynsworth Confirmation Battle (and Not the One You Think It Is)"

• Irwin Stotzky, University of Miami, “Constitutionalism and Democracy: Moving from Misery to Poverty with Dignity”

Closing Session:
• Introduction: Christopher Eisgruber, Provost, Princeton University
• Autobiographical Ramblings, Stanley N. Katz, Princeton University
CONSTITUTIONAL DEMOCRACY:
CREATING AND MAINTAINING A JUST POLITICAL ORDER
A WALTER MURPHY SYMPOSIUM
Walter Murphy is the McCormick Professor of Jurisprudence, Emeritus
Princeton University

March 2, 2007
2-5:30 pm
Senate Room, WHIG Hall
Co-sponsored by LAPA, UCHV and the Madison Program

The focus of the symposium was the new book by Walter Murphy, McCormick Professor of Jurisprudence Emeritus at Princeton, called Constitutional Democracy: Creating and Maintaining a Just Political Order (Johns Hopkins University Press, 2006)

In this book, Walter Murphy has brought a lifetime of insight together in one substantial volume. As always, he challenges what we thought he knew and shows us all novel ways of thinking, posing crucial constitutional questions: How can constitutions emerge from conflicting views of politics? How can constitutions be adapted to a changing political order? Today’s discussion is the first public treatment of the new work.

The Program in Law and Public Affairs, the James Madison Program in American Ideals and Institutions, and the University Center for Human Values welcomed Walter Murphy back to Princeton.

2-3:30: Panel discussion of Walter Murphy's new book
Panel moderated by Kim Lane Scheppele, LAPA director, featuring:

- Sotirios A. Barber, University of Notre Dame
- Mark E. Brandon, Vanderbilt University
- James E. Fleming, Fordham University
- Jeffrey K. Tulis, University of Texas at Austin
- Keith E. Whittington, Princeton University

3:45-4:30: Walter Murphy responds to his readers
Introduction by Stephen Macedo, Director, University Center for Human Values

4:30-5:30: Book signing and reception
A World of Legal Conflicts:
Multiple Norms in the International Legal System
31 May-1 June 2007
Princeton University
31 May – CLE conference for Princeton lawyer/alumni
1 June – workshop for speakers

Each year, LAPA holds a conference on the day before Reunion starts for our law-engaged alumni. We invite all alumni, as well as all friends of LAPA, to attend this conference.

For lawyers: The conference is available for CLE credit in all US jurisdictions for a nominal fee. The fee includes CLE registration, a CD of materials to accompany the panels, and a continental breakfast and buffet lunch on the day of the conference. Please contact Kathy Applegate to register for CLE credit for this conference. The conference will qualify for ethics CLE credits as well as for regular CLE credits.

For non-lawyers and others who those who do not need CLE credit: The conference is free. If you want to be included in the head count for meals, please also contact Kathy Applegate to record your attendance.

Our theme this year is "A World of Legal Conflicts," which is intended to focus attention on the huge variety of areas where legal and informal norms conflict, particularly where the conflicts involve international law.

As globalization has engulfed even relatively isolated activities in a world-wide web, the law has struggled to keep up with the changes. Not surprisingly, there are formal "conflicts of law" where different jurisdictions' legal norms apply simultaneously and lawyers need to sort out which laws take precedence.

But we are interested in this conference in the more subtle and pervasive situations in which cultural differences assert themselves as the world gets smaller. In particular, we have become fascinated with areas in which formal law runs up against informal norms, where it is clear that law applies but where there are multiple normative claims in a particular space, some of which do not have a formal legal pedigree at all.

Our day is organized around four panels, each with a different take on this theme. One panel looks at the current normative squeeze affecting museums, in which governments are aggressively staking legal claims to cultural property that the museums thought they had legitimately acquired, often long ago. Another panel looks at the way that transnational corporate culture has become actively self-monitoring in order to avoid legal regulation that would multiply with each jurisdiction in which the corporation does business. Still another panel focuses on the movement of persons across national boundaries – through immigration, adoption and extraordinary rendition – and asks which law applies in the interstices between national legal systems. Finally, we feature a panel in which local activist groups use international law to argue for changes in domestic law.
Each of our panels features extraordinary panelists who know about these topics at close range. Most of our panels comprise lawyers with practical experience in sorting out these conflicts as well as social scientists who have researched the “informal norms” side of these problems. Because we have expertise on both the formal law and informal norms in each of these areas, we aspire to go beyond law to the complex ethics and cultural-difference questions that no law has resolved.

The formal CLE conference will be followed the next day by an academic workshop in which the speakers will stay on to meet with Princeton faculty and graduate students interested in exploring these questions in more depth. If you are interested in attending the workshop (which will be held off campus, given all of the Reunion events), please contact LAPA Director Kim Lane Scheppele.

May 31, 2007

Panel 1: Museums, Cultural Property and International Law

This panel will deal with the controversies over the return of cultural property, as museums all over the world are getting sued to return objects in their collections that governments now say were acquired with illicit links in the chain that brought the objects to museums. These lawsuits have turned the museum world on its head, because museum curators had standards of practice that they all lived with for ages and they always thought of themselves as ethical collectors. Now they run afoul of the newly emerging standards of international law and most major museums in the world are in negotiations with various governments (particularly the Italian and the Greek governments) to work out who owns what.

Confirmed Speakers

- **Evan A. Davis**, Cleary Gottlieb in NYC
  Mr. Davis has defended major NYC museums in cultural property actions.
- **Anthony K. Appiah**, Princeton University Department of Philosophy
  Professor Appiah wrote a piece in the *New York Review of Books* last year on the interest of third-world governments in cultural property.
- **George Bustin ’70**, Partner with Cleary Gottlieb in Brussels
  Mr. Bustin will join the WWS faculty in the Fall.

Panel 2: Gentleman's Agreements and Non-State Lawmaking in International Law

This panel focuses on issues in corporate law, where corporations create best practices and "gentlemen's agreements" that allow for self-governance rather than state-based governance. Often these agreements directly contradict or operate in complete independence of the available law for settling disputes, but the reputational effects that hold up these agreements have nonetheless created a parallel system of law that is not based in the lawmaking authority either of states or international bodies.

Confirmed Speakers

- **Robert B. Ahdieh**, Emory School of Law
  Professor Ahdieh writes on unconventional regulation.
Panel 3: Transnational Movement of Persons: Adoption, Trafficking, Rendition

This panel focuses on the movement of persons across international borders in ways that invoke conflicts between national and transnational law. Adoption practices, particularly involving adoptions from the third-world to the first, have raised questions about rights of parents and the best interests of children -- but in whose legal system? Trafficking in persons has challenged international policing, particularly in cases where the domestic authorities look the other way. Extraordinary renditions, used in the global war on terror, have raised new questions about the complicity of local governments when violations of international law occur on their territories. In this panel, we will focus on which jurisdiction takes control of these situations, how transnational cooperation is negotiated and what happens when transnational institutions do not get the support of national governments.

Confirmed Speakers

- **David Abraham,** U. of Miami School of Law
  Professor Abraham works on immigration policy in the U.S. and Germany.
- **Susan Sterett,** U. of Denver, Department of Political Science
  Professor Sterett works on transnational adoption.
- **Kay Warren,** The Watson Institute at Brown University
  Professor Warren works on negotiations surrounding the international trafficking convention.
- **T. Alexander Aleinikoff,** Dean, Georgetown Law
  Professor Aleinikoff works on immigration.

Panel 4: Using International Law to Leverage Domestic Change

This panel focuses on efforts by national NGOs and other national groups to use international law to leverage domestic change. By invoking international legal norms in domestic arguments, their proponents hope to sway others in domestic legal debates, even when the international norms are not legally binding on the state in question. This panel features a number of specific case studies in which groups have done just this, some with more success than others.

Confirmed Speakers
• **Sally Engle Merry**, NYU Department of Anthropology and School of Law
  Professor Merry has done a study of women using international law to challenge inheritance rules in Hong Kong.

• **Balakrishnan Rajagopal**, International Development Group at MIT
  Professor Rajagopal has written on the Narmada dam in India, focusing on the negotiation between local and international actors.

• **Melissa A. Waters**, Washington and Lee University School of Law
  Professor Waters writes on transnational judicial dialogue.

• **Kathryn Sikkink**, U. of Minnesota Department of Political Science and School of Law
  Professor Sikkink has written about transnational norm entrepreneurs and their uses of transnational norms in domestic politics.

*Participants in this conference have been told that we will probably organize a special issue of a journal from papers presented in the workshop on 1 June.*
2005-2006 Conferences

LAPA Retreat
Mountain Lake House
57 Mountain Lake Road, Princeton
September 13, 2005
9 AM – 8 PM

8:30 am – Continental Breakfast

9 am – Welcoming Remarks, Kim Lane Scheppele, LAPA Director

9:10 – 10:20 – Christopher Eisgruber, Provost and former LAPA Director
Excerpts from The Vulnerability of Conscience
Commentator: Gideon Rosen, department of philosophy

10:20-10:30 – Coffee Break

10:30-11:40 – Steve Macedo, Politics and Center for Human Values,
“Immigration and Social Justice”
Commentator: Douglas S. Massey, Sociology and WWS

11:40-11:50 – Coffee Break

11:50-1:00 – Carol Greenhouse, department of anthropology,
“Discourse and Democracy: Some Challenges From Current Events”
Commentator: Anthony Appiah, Philosophy and Center for Human Values

1:00-2:00 – Buffet Lunch

2:00-3:10 – Gary Bass, Politics and WWS,
Commentator: Stanley Katz, WWS

3:10-3:20 – Coffee Break

3:20-4:30 – Viviana Zelizer, Sociology,
From The Purchase of Intimacy, Prologue, Chapter 1, Chapter 4
Commentator: Hendrik A. Hartog, History and American Studies

4:30-4:40 – Coffee Break
4:40-5:50 – Chuck Cameron, Politics and WWS, 
Commentator: Paul Starr, Sociology and WWS

6:00 Drinks

7:00 Dinner
The concept of constitutional patriotism has often been suggested as a solution to the question of political ‘allegiance’ within increasingly multicultural societies, and as a way of conceptualizing political integration at the supranational level. Instead of being attached to a “people” (ethnically defined) or to a particular political history, constitutional patriots identify with a set of constitutional principles as a primary form of political attachment. Figures as diverse as the head of Muslims in Bosnia Muslims and leading proponents of the European Constitution have invoked the idea of constitutional patriotism. Rarely, however, has the concept been clearly defined, while there has also been dispute as to whether it is a value in itself or a means to ensure other values such as political stability. At the same time, the concept has been shadowed by the suspicion that its is somehow ‘too abstract’, as many liberal nationalists have claimed, while other critics have argued that it is in fact indissolubly bound to its origin in a divided post-war Germany. This conference brings together both political theorists and those working on empirical studies of particular places to explore the concept and assess its value for resolving political conflict.

**Saturday, April 8, 2006**

**300 Wallace Hall**  
**Princeton University**

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<th>Time</th>
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<td>8:30 – 9:00</td>
<td>Continental Breakfast</td>
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<td>9:00 – 9:30</td>
<td>Welcoming Remarks and Introductions</td>
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<td>9:30 – 11:00</td>
<td><strong>Constitutional Patriotism: What Is It – and Is It Relevant?</strong></td>
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<td>Chair: Jan-Werner Müller, Princeton University</td>
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<td>Mattias Kumm, New York University Law School</td>
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<td>The Idea of European Constitutional Patriotism in Europe and Its</td>
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<td>Electoral Presuppositions</td>
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<td>Sandy Levinson, University of Texas School of Law</td>
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<td>Where the Constitution Goes Wrong (And How We the People Can Begin</td>
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<td>11:00 – 11:15</td>
<td>Break</td>
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11:15 – 12:45  **Philosophical, Moral and Psychological Foundations of Constitutional Patriotism**

Chair: Alan Patten, Princeton University

Arash Abizadeh, McGill University
Passion, Action, and the Myth of Concreteness

Clarissa Hayward, Institute for Advanced Study
Democracy’s Identity Problem: Is “Constitutional Patriotism” the Answer?

Ellen Kennedy, University of Pennsylvania
Constitutional Patriotism – And Then What?

12:45 – 2:00  Lunch

2:00 – 3:30  **Constitutional Patriotism and its Competitors**

Chair: Rainer Forst

Jean Cohen, Columbia University
There’s Nobody here but us Persons? A Critique of Cosmopolitan Liberalism and a Defense of Political Autonomy and Constitutional Patriotism

Jan-Werner Müller, Princeton University
Elements of a General Theory of Constitutional Patriotism

3:30 – 4:00  Break

4:00 – 5:45  **But Is It Real? Civic Loyalty and Constitutional Membership**

Chair: Robby George, Princeton University

Cindy Skach, Harvard University
Immigration, Civil Allegiance, and the Constitutional Patriot

Karol Soltan, University of Maryland
Constitutional Patriotism and Civic Loyalty

David Abraham, University of Miami School of Law
Constitutional Patriotism, Citizenship and Belonging

5:45 – 6:00  Wrap-up
6:30 Dinner – Home of Kim Scheppele
20 South Hill Road
Hopewell, NJ

Sunday, April 9, 2006

300 Wallace Hall
Princeton University

9:00 – 9:30 Continental Breakfast

9:30 – 11:00 Constitution-Making and Counter-Constitutions

Chair: John Borneman, Princeton University

Andrew Arato, The New School
Constitution Making, Modus Vivendi and Political Legitimacy: From Central Europe to South Africa, and from There to Iraq

Kim Lane Scheppele, Princeton University
Counter-Constitutions: Creating a Constitutional Nation in Post-Communist Hungary

Heinz Klug, University of Wisconsin, Madison
Constructing Constitutional Patriotism in the New South Africa?

11:00 – 11:15 Break

11:15 – 12:45 Constitutional Patriotism: Normative and Empirical Perspectives Reconsidered

Chairs: Jan-Werner Müller and Kim Scheppele

Group discussion on the following questions (taking into account the papers and discussion in the workshop):

- Is there a general philosophical account of constitutional patriotism? What precisely should be the purpose or purposes of constitutional patriotism?
- Is constitutional patriotism potentially illiberal, authoritarian, and ‘normalizing”? Or is it rather a means of empowering citizens?
- How does constitutional patriotism relate to actual constitutional architectures, and to different accounts of democracy and counter-majoritarianism in particular?
• In what historical contexts has constitutional patriotism emerged? Is there any evidence that it has ‘held deeply divided societies together’, as is sometimes claimed? Can supranational constitutions evoke ‘patriotism’?
• Is constitutional patriotism a form of ‘civil religion’?
• In what ways is constitutional patriotism superior (or inferior) to cosmopolitanism, liberal nationalism, republicanism (the French variety in particular)?

This conference will result in a special issue of the journal I-Con (Journal of International Constitutional Law). See LAPA Publications.
JURISPRUDENCE AND THE WAR ON TERROR

APRIL 22, 2006, FROM 9 AM UNTIL 6:30 PM

JEROME GREENE HALL, ROOM 102, COLUMBIA LAW SCHOOL

The conference is jointly sponsored by
Princeton University – The Program in Law and Public Affairs
Columbia Law School – Center for Law and Philosophy
The US Military Academy, West Point – Department of Law, Center for Counter-Terrorism
The Bar Association of the City of New York – Committee on Military Affairs and Justice; Committee on International Law

A seminal statement of the law of armed conflict was prepared under the leadership of Columbia Law Professor Francis Lieber and promulgated 143 years ago by Abraham Lincoln as General Orders 100: Government of the Armies of the United States in the Field (the “Lieber Code”). Since 9/11, US officials have taken positions which reflect a departure from that heritage. Some have cast this process as a struggle between Kantian traditionalists and self-described realists whose thinking follows more closely the writings of German legal theorist Carl Schmitt. This conference aims to study the historical patterns of thinking of the law of armed conflict (with a focus on the articulation of military doctrine in the United States).

All sessions were held in the main Law School building at Columbia (Jerome Greene Hall) in Room 102, on the ground floor (to the right as you enter the building). The Law School is at the corner (NE corner) of 116th and Amsterdam. Nearest subway stop is 116th and Broadway on the #1 line.

Saturday, April 22, 2006: SCHEDULE

9:00 a.m.—10:50 a.m.
Panel 1: THE IDEA OF UNCONVENTIONAL COMBATANTS
Chair: Scott Horton, Esq. (Chair, Committee on International Law, New York City Bar)

Professor Ellen Kennedy (Political Science, University of Pennsylvania)
“The Partisan”

Professor Jan-Werner Mueller (Politics, Princeton University)
“Diagnostics, Danger and Experimentalism: On the Uses of Carl Schmitt in Understanding the War on Terror”

Professor Anne Norton (Political Science, University of Pennsylvania)
“The Muselmann: Between Two Camps”
Panel 2: THE IDEA OF A FIELD MANUAL
Chair: Professor Mark Welton (International and Comparative Law, USMA West Point)

Scott Horton, Esq. (Chair, Committee on International Law, New York City Bar)
“Francis Lieber, General orders # 100, and the Kantian Foundations of International
Humanitarian Law”

Colonel Maritza Ryan (Acting Head, Department of Law, USMA West Point)
“Let the Commander Answer: The Doctrine of Respondeat Superior and the War
on Terror”

Professor Elizabeth Hillman (Law School, Rutgers University, Camden)
“Interrogation in the Korean War—The Invention of Brainwashing and the U.S.
Legal and Political Response”

Michael Mernin, Esq. (Chair, Committee on Military Affairs and Justice, NY City
Bar) “Army Field Manual on Intelligence Interrogation (FM 34-52)”

1:00 p.m.—2:00 p.m. LUNCH – KEYNOTE SPEAKER

Chair: Scott Horton
Speaker: Admiral John Hutson,
President and Dean, Franklin Pearce Law Center

2:15 p.m.—3:30 p.m.
Panel 3: MILITARY COMMISSIONS
Chair: Anthony Dworkin, Esq. (Editor, The Crimes of War Project, London)

Professor Madeline Morris (Duke Law School, and Advisor to Chief Defense
Counsel, Office of Military Commissions, Department of Defense
“U.S. Military Commissions: Without Judgment”

Commander Glenn Sulmasy (U.S. Coast Guard Academy)
“Detainees in the War on Terror: Guanatanamo Bay and Beyond”

Lieutenant-Colonel David Wallace (Department of Law, USMA West Point)
“The Jurisprudence of Military Commissions and the Rite of Exorcism”

3:45 p.m.—5:00 p.m.
Panel 4: INTERROGATION, TORTURE, AND ABUSE
Chair: Professor Jeremy Waldron (University Professor, Columbia University)

Professor Diane Amann (School of Law, University of California at Davis),
“Interrogation Paradigm, or A Prince Unclothed”
Professor Mark Welton (International and Comparative Law, USMA West Point)
“Religion and the Treatment of Detained Persons in the War on Terror”

Professor Kim Lane Scheppele (Law and Public Affairs Program, Princeton University)
“The Metastasis of Torture: Using Evidence Acquired by Force”

5:15 p.m—6:30 p.m.
Panel 5: EXECUTIVE POWER AND NECESSITY
Chair: Professor Kim Lane Scheppele (Law and Public Affairs Program, Princeton University)

Professor Jordan Paust (Law Center, University of Houston; formerly Capt., U.S. Army Judge Advocate General Corps and Faculty Member JAG School)
“At War with the Constitution and International law: Claims to Powers and Beyond the Laws”

Professor Gary Solis (Visiting Professor of the Laws of War, USMA West Point)
“The Doctrine of Military Necessity: Kriegsraison, and War on Terror”

Deborah Pearlstein, (Director, National Security Project, Human Rights First, visiting scholar, Woodrow Wilson School and Program in Law and Public Affairs, Princeton)
“Finding Effective Constraints on Executive Power: Interrogation, Detention and Torture”

Papers from this conference are being collected for a book edited by Scott Horton, tentatively committed to New Directions Press.
LAW AND MONEY
A CONFERENCE OF THE PRINCETON UNIVERSITY PROGRAM IN LAW AND PUBLIC AFFAIRS
JUNE 1, 2006
FRIST CAMPUS CENTER, MULTIPURPOSE ROOM
PRINCETON UNIVERSITY ♦ PRINCETON, NEW JERSEY

Law is very often co-mingled with money. Sometimes this is because law regulates how people spend money. Sometimes this is because law is charged with determining how much certain things are worth. At this LAPA/CLE conference, we will examine different aspects of the law-and-money connection. Some of our questions include:

- Should there be special rules for financial transactions within the context of intimate relations?
- Should there be limits on how much individuals and organizations spend in election campaigns?
- Does the “market state” make us vulnerable in new ways to security risks?
- Are punitive damages on their way out?
- How should bankruptcy proceedings evaluate assets?
- Should people be compensated as innocent victims of terrorist attacks?

These questions focus our attention on the way that money puts itself at the center of legal consideration. But is the law good at handling money? We will explore law's strengths and weaknesses as our fine team of panelists introduce us to the current issues and proposed solutions in each of these areas.

Conference Schedule

8:30 a.m. – 9:00 a.m.  Registration/Continental Breakfast

9:00 a.m. – 10:15 a.m.  Session 1: Rethinking Tort Damages

- Anthony Sebok, LAPA Fellow and Centennial Professor of Law at Brooklyn Law School
- Myriam Gilles, LAPA Fellow and Professor of Law at Cardozo Law School
- Lucinda Finley, Vice Provost for Faculty Affairs, University of Buffalo and Professor of Law at the University of Buffalo Law School

10:15 a.m. – 10:30 a.m.  Break

10:30 a.m. – 11:45 a.m.  Session 2: Valuing Assets in Bankruptcy Proceedings (Authors meet Readers session)

The Article:
"Absolute Priority, Valuation Uncertainty, and the Reorganization Bargain."
Forthcoming, Yale Law Journal

The Authors:

- Douglas Baird, Harry A. Bigelow Distinguished Service Professor of Law, University of Chicago Law School and
- Donald Bernstein ’75, Partner, Davis Polk and Wardell, New York.

The Readers:

- Barry E. Adler, Vice Dean & Charles Seligson Professor, New York University School of Law
- David A. Skeel, Jr., S. Samuel Arsht Professor of Corporate Law, University of Pennsylvania Law School

11:45 a.m. – 12:00 p.m. Break

12:00 p.m. – 1:00 p.m. **Keynote Address: “The Market State”**

**Philip C. Bobbitt, ’71, A. W. Walker Centennial Chair in Law, University of Texas Law School;**


Bobbitt is a Fellow of the American Academy of Arts and Sciences, and a Fellow of the Club of Madrid. He has been elected a member of the American Law Institute, the Council on Foreign Relations, the Pacific Council on International Policy, the International Institute for Strategic Studies and the Executive Council of the American Society of International Law. He has served as Associate Counsel to the President, the Counselor on International Law at the State Department, Legal Counsel to the Senate Iran-Contra Committee, and Director for Intelligence, Senior Director for Critical Infrastructure and Senior Director for Strategic Planning at the National Security Council. He is a former trustee of Princeton University; and a former member of the Oxford University Modern History Faculty and the War Studies Department of Kings College, London.

1:00 p.m. – 2:00 p.m. Lunch

2:00 p.m. – 3:15 p.m. **Session 3: Paying for Care**
- Viviana Zelizer, The Lloyd Cotsen ’50 Professor of Sociology, Princeton University
- Hendrik Hartog, Class of 1921 Bicentennial Professor in the History of American Law and Liberty, Princeton University
- Mary Anne Case, Arnold I. Shure Professor of Law, University of Chicago Law School

3:15 p.m. – 3:30 p.m.  Break

3:30 p.m. – 4:45 p.m.  **Session 4: Financing Political Campaigns**

- Richard Briffault, LAPA Fellow; Vice Dean and Joseph P. Chamberlain Professor of Legislation, Columbia Law School
- Joel Gora, Professor of Law and Associate Dean for Academic Affairs at Brooklyn Law School
- Mark Alexander, Professor of Law at Seton Hall Law School
- Nathaniel Persily, Professor of Law at the University of Pennsylvania Law School and Professor of Political Science, University of Pennsylvania.

4:45 p.m. – 5:00 p.m.  Break

5:00 p.m. – 6:15 p.m.  **Session 5: Compensating Victims of Terrorist Attacks**

- Deborah Greenspan, Deputy Special Master for the 9/11 Victim Compensation Fund and Partner, Dickstein, Shapiro, Morin and Oskinsky, Washington DC.
- Kim Lane Scheppele, Laurence S. Rockefeller Professor of Public Affairs in the Woodrow Wilson School and University Center for Human Values, Director, Program in Law and Public Affairs, Princeton University

6:15 - 6:45 p.m.  Reception for Panelists and Participants
2004-2005 CONFERENCES

“Law and Society Association Conference”
September 10-12, 2004

This year, the Program Committee of the Law and Society Association was chaired by Dirk Hartog (Princeton history) and Carol Greenhouse (Princeton anthropology). LAPA hosted a meeting of the Program Committee to allow committee members to plan the conference, scheduled for Las Vegas, NV. Members of the LSA Program Committee came to Princeton, met with members of the Princeton community for a public session on the morning of September 11, and then met in closed session to work on program committee business.

Schedule:

Friday, September 10, 2004

7:00 p.m. Informal Dinner

Saturday, September 11, 2004

9:00 a.m. - 9:30 a.m. Coffee, Bernstein Gallery

9:00 a.m. - 12:00 p.m. Public Event - The State of Law and Society Research, Bowl 016

This session was a small mini-conference on the prospects for socio-legal scholarship in the 21st century. Graduate students from a variety of disciplines and other members of the Princeton community were in attendance. The first session allowed the committee members and University attendees to get to know one another and begin the conversations that will shape the actual program and the LSA planning sessions.

Invited Participants:

1. Ken Dau-Schmidt, Law, IU-Bloomington
2. David M. Engel, Buffalo
3. Lee Epstein, Political Science, Washington University (St. Louis)
4. Howard Erlanger, President, LSA, University of Wisconsin Law School
5. David Garland, Law and society, NYU
6. Risa Goluboff, University of Virginia Law School
7. Carol Greenhouse, Princeton
8. Kaaryn Gustafson, Law, UConn
9. Hendrik Hartog, Princeton
10. Lynne Henderson
11. Susan Hirsch, Anthropology, Wesleyan
12. Chantal Kourilsky-Angevin, sociology, Nanterre (Paris)
13. Stewart Macaulay, Law, UW
14. Ron Pipkin, Executive Director, LSA, U-Mass, Amherst
15. Mary Rose, Psychology, University of Texas
16. Lisa Sanchez, criminal justice, University of Illinois at Chicago
17. Jonathan Simon, JSP, Berkeley
18. Mariana Valverde, Centre of Criminology, University of Toronto

12:30 p.m. - 6:30 p.m. Planning Committee Meeting, 127 Corwin Hall – Lunch served

6:45 p.m. – 8:45 p.m. Dinner, Palmer House

Sunday, September 12, 2004

9:00 a.m. – 12:00 p.m. Planning Committee Meeting, 127 Corwin Hall – Continental Breakfast served

12:00 p.m. Conference concludes
The Conference was devoted to the critical examination of the work of Ronald Dworkin. The Conference was co-sponsored by the Princeton University Program in Law and Public Affairs, the University Center for Human Values, and the Princeton Philosophy Department.

The Conference was organized in connection with the volume of critical essays edited by Scott Hershovitz. The book is tentatively titled *Exploring Law’s Empire* and is under contract to Oxford University Press. Many of the contributors to the volume presented their essays during the Conference. Other scholars who are not contributing to the book but who have relevant expertise were invited. Ronald Dworkin was present at the event and was able to provide a unique and rewarding discussion of his many remarkable contributions to legal and constitutional theory.

Conference Sessions:

**Dworkin and Positivism**

Papers:  
- Mark Greenberg “How Facts Make Law”  
- Scott Shapiro “The ‘Hart-Dworkin’ Debate: A Short Guide for the Perplexed”  
- Nicos Stavropoulos “Principles”

Comments:  
- Gideon Rosen  
- Anthony Sebok

**Integrity in Law**

Papers:  
- Scott Hershovitz “Acting with Integrity: The Justification Horizontal Stare Decisis”  
- Stephen Perry “Associative Obligations and the Obligation to Obey the Law”  
- Dale Smith “The Many Faces of Political Integrity”  
- Jeremy Waldron “Did Dworkin Ever Answer the Crits?”

Comments:  
- Lewis Kornhauser  
- Philip Pettit

**Constitutional Jurisprudence**
Chris Eisgruber “Should Constitutional Judges Be Philosophers?”
Jim Fleming “The Place of History and Philosophy in the Moral Reading of the American Constitution”
Oliver Gerstenberg “Freedom of Conscience in Public Schools”

Comments: Samantha Besson
Larry Sager

**Ronald Dworkin’s Concluding Session**

This conference produced the following book:

**Exploring Law's Empire**
The Jurisprudence of Ronald Dworkin
Edited by Scott Hershovitz
ISBN13: 9780199274352
ISBN10: 0199274355
Hardback, 344 pages
Nov 2006

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**Introduction: The International Constitutional Judge, Stephen Breyer**
1. Should Constitutional Judges Be Philosophers?, Christopher L. Eisgruber
2. The Place of History and Philosophy in the Moral Reading of the American Constitution, James E. Fleming
4. Coherence, Hypothetical Cases, and Precedent, S. L. Hurley
5. Integrity and Stare Decisis, Scott Hershovitz
6. The Many Faces of Political Integrity, Dale Smith
7. Did Dworkin Ever Answer the Critics?, Jeremy Waldron
8. Associative Obligations and the Obligation to Obey the Law, Stephen Perry
9. Law’s Aims in Law’s Empire, John Gardner
10. How Facts Make Law, Mark Greenberg
Response, Ronald Dworkin
Despite the fact that Canada and the United States present an especially promising context for comparative constitutional scholarship, scholars have for the most part not yet exploited this possibility. The dearth of comparative Canadian-American constitutional scholarship is especially striking on the United States side of the border. Although intellectual interest in the field of comparative constitutionalism and judicial politics has been growing steadily in the United States, genuinely comparative, problem-driven or theme-oriented scholarship (as opposed to single-country studies mistakenly characterized as comparative only by the virtue of dealing with any country other the United States) is still difficult to come by. Even those American constitutional theorists who have recently begun awakening to the importance of comparative analysis tend to cast their gaze across the Atlantic to Europe rather than northward to Canada or southward to Mexico. The need for sophisticated comparative studies of North American constitutionalism remains great. The conference was aimed at addressing this scholastic lacuna. Specifically, it focuses on a number of themes:

1) The evolution of the constitutional law and politics of federalism and separation of powers in North America.
2) The impact of distinct constitutional frameworks, traditions, and jurisprudence on policy-making in Canada and the United States.
3) The accommodation of religious, ethnic, indigenous, and linguistic minorities in Canada, the United States, and Mexico.
4) “Grand” constitutional theory: The “dialogue” thesis; mechanisms aimed at mitigating the tension between constitutionalism and democracy; legislative deference to courts and the corresponding willingness of courts to address difficult questions about social morality and the structure of political institutions.
5) Toward internationalization of North American constitutionalism: supra-national quasi-constitutionalism in North America; NAFTA and/or WTO-related trade and labor dispute resolution mechanisms; constitutional dimensions of joint U.S.-Canada regulatory regimes; North American constitutionalism and the new Constitution of Europe; inter-court borrowing and receptiveness to foreign jurisprudence, etc.

**Schedule:**

**Friday, October 1, 2004**

Greetings:

Christopher Eisgruber (Princeton, Provost),

Ran Hirschl (Toronto, Political Science)

**Panel I: Constitutional Theory**
Chair:
Ayelet Shachar (Toronto, Law)

Presenters:
• Sujit Choudhry (Toronto, Law);
• Bill Eskridge (Yale, Law);
• Kent Roach (Toronto, Law);

Discussant: Mark Tushnet (Georgetown, Law):

Panel II: Comparative Federalism
Chair:
Grace Skogstad (Toronto, Political Science)

Presenters:
• Gerald Baier (UBC, Politics);
• Jorge Schiavon (CIDE, Mexico, International Studies);

Discussant: Richard Simeon (Toronto, Political Science & Law);

Panel III (1:45-3:30): Constituting Gender
Chair:
Sylvia Bashevkin (Toronto, Political Science)

Presenters:
• Leslie Goldstein (Delaware, Political Science);
• Mayo Moran (Toronto, Law);
• Linda White (Toronto, Political Science);

Discussant: Vicki Jackson (Georgetown, Law);

Panel IV: Indigenous Peoples’ Rights
Chair: Melissa Williams (Toronto, Political Science)

Presenters:
• Brian Slattery (York, Law);
• Brad Morse (Ottawa, Law);
• Raul Mejía Garza (ITAM, Mexico, Law);

Discussant: Benedict Kingsbury (NYU, Law);

Saturday, October 2, 2004

Panel V: Constitutional Legacies & Comparative Jurisprudence
Chair:
Ran Hirschl (Toronto, Political Science)

Presenters:
- Christopher Eisgruber (Princeton, Provost);
- Kim Lane Scheppelle (Princeton, Law and Public Affairs);
- Yasmin Dawood (Chicago, Political Science);

Discussant: Stan Katz (Princeton, Law and Public Affairs);

Panel VI: Supra National Constitutionalism?
Chair: Rick Halpern (Toronto, Center for the Study of the United States)

Presenters:
- Stephen Clarkson (Toronto, Political Science);
- David Schneiderman (Toronto, Law);
- Jacqueline Krikorian (Toronto, Political Science);

Discussant: Rob Howse (Michigan, Law);

Panel VII: Constitutional Borrowing
Chair: Rob Vipond (Toronto, Political Science)

Presenters:
- Ken Kersch (Princeton, Politics);
- Lorraine Weinrib (Toronto, Law);

Discussant: Mark Graber (Maryland, Political Science);

Summation and Reflections

This conference produced a special issue of I-Con: International Journal of Constitutional Law. For more on this special issue, see LAPA Publications.
The Supreme Court: Case and Controversy
LAPA Annual CLE Conference
Jadwin Hall, Room A10
May 26, 2005

America's most volatile political controversies often find their way to the Supreme Court's docket. This year was no exception. When the Court's term is done, the justices will have ruled on diverse and important issues such as corporate fraud, medical marijuana, the place of religion (specifically the Ten Commandments) in public spaces, the rights of minors in criminal justice, and the right of foreigners in the American criminal justice system. The Court's rulings on these and other cases will have an influence upon American law and politics for years to come.

At its fourth annual Continuing Legal Education conference, the Princeton University Program in Law and Public Affairs brought together leading scholars, lawyers, and policymakers to analyze the issues behind Supreme Court cases that have made headlines this year. Some speakers examined the legal merits of the cases while others will focus on the political issues and ethical principles that lie behind them. By bringing together diverse perspective on legal and policy problems, the Conference provided participants with a rich set of insights into the intersection between Supreme Court adjudication and American politics.

8:30 A.M. to 9:00 A.M.  Registration/Coffee

9:00 A.M. to 10:10 A.M.  Panel 1: Johnson v. Gomez: Racial Segregation in Prisons?
Panelists: C. Estlund, P. Frymer, J. Suk, C. Swain

10:10 A.M. to 10:25 A.M.  Break

10:25 A.M. to 11:35 A.M.  Panel 2: Ashcroft v. Raich: State Rights and Medical Marijuana
Panelists: M. Flaherty, V. Jackson, E. Magill, K. Whittington

11:35 A.M. to 11:50 A.M.  Break

Panelists: C. Eisgruber, H. Hartog, W. Sullivan, L. Underkuffer

1:00 P.M. to 2:00 P.M.  Lunch
2:00 P.M. TO 3:10 P.M.  P A N E L  4:  C R A W F O R D  v.  M A R T I N E Z  a n d  J A M A  v.  I N S :  D E P O R T A T I O N  a n d  I N D I V I D U A L  R I G H T S  

3:10 P.M. TO 3:25 P.M.  B R E A K  


4:35 P.M. TO 5:00 P.M.  R E C E P T I O N  f o r  P A N E L I S T S  &  P A R T I C I P A N T S  

Speakers at the Conference were:  

- **Linda S. Bosniak** (Professor of Law, Rutgers School of Law, Camden)  
- **James D. Cox** (Brainerd Currie Professor of Law, Duke University School of Law)  
- **Christopher Eisgruber ’83** (Provost, Laurance S. Rockefeller Professor of Public Affairs in the Woodrow Wilson School and the University Center for Human Values, Princeton University)  
- **Cynthia Estlund** (Isidor and Seville Sulzbacher Professor of Law, Columbia Law School)  
- **Martin Flaherty ’81** (Professor of Law, Co-Director, Joseph R. Crowley Program in International Human Rights, Fordham Law School)  
- **Paul Frymer** (Fellow, Program in Law and Public Affairs, Princeton University, Associate Professor of Politics, University of California Santa Cruz)  
- **Hendrick Hartog** (Class of 1921 Bicentennial Professor in the History of American Law and Liberty, Princeton University)  
- **Vicki C. Jackson**, Professor of Law, Associate Dean, Georgetown University Law Center  
- **Elizabeth Magill** (John V. Ray Research Professor, University of Virginia School of Law)  
- **Geoffrey Miller ’73** (William T. and Stuyvesant P. Comfort Professor of Law; Director, Center for the Study of Central Banks, New York University School of Law)  
- **Samuel K. Rosen ’65** (Wechsler Harwood Halebian & Feffer LLP)  
- **Kim Scheppele** (Fellow, Program in Law and Public Affairs, Princeton University; John J. O’Brien Professor of Law and Sociology, University of Pennsylvania)  
- **Hal S. Scott ’65** (Visiting Professor, Woodrow Wilson School, Princeton University; Nomura Professor and Director of the Program on International Financial Systems at Harvard Law School)  
- **Julie Chi-hye Suk** (Fellow, Program in Law and Public Affairs, Princeton University)  
- **Winnifred Fallers Sullivan** (Dean of Students and Senior Lecturer in Anthropology and the Sociology of Religion in the University of Chicago Divinity School)
● Carol Swain (Visiting Fellow, James Madison Program, Princeton University; Professor of Political Science, Professor of Law, Vanderbilt University Law School)
● Tom R. Tyler (Fellow, Program in Law and Public Affairs, Princeton University; University Professor, New York University)
● Laura Underkuffler (Visiting Professor of Law, Harvard Law School; Professor of Law, Duke University School of Law)
● Keith E. Whittington (Associate Professor of Politics, Princeton University)
● Michael J. Wishnie (Professor of Clinical Law; Acting Director, Arthur Garfield Hays Civil Liberties Program, New York University School of Law)
2003-2004 CONFERENCES

A CONSTITUTION FOR THE PEOPLE?
JUDICIAL POWER AND POPULAR SOVEREIGNTY IN AMERICAN HISTORY
BOWL 016, ROBERTSON HALL
SEPTEMBER 26, 2003


Panelists:
- Joyce Appleby (University of California, Los Angeles)
- Linda Colley (Princeton University)
- Larry D. Kramer (New York University)
- Keith Whittington (Princeton University)
- Sean Wilentz (Princeton University)
The conference focused on whether human rights norms are universal or culturally contingent. Issues about the universality of human rights norms have long prompted intense argument, and those disputes are now more urgent than ever. Conference papers are being collected for publication in a book, to be issued by Martinus Nijhoff Publishers, a subsidiary of Brill Academic Publishers. The conference consisted of six panels:

Session I – Theories of Rights
Session II – The Claims of Culture
Session III – Self-Determination and Human Rights
Session IV – Ethnic Minorities and Exploited Groups
Session V – Health, Development, and Human Rights
Session VI – Religion and Human Rights

October 24, 2003

10.00 a.m. to 10.15 a.m.  Welcoming remarks

10.15 a.m. to 11.45 a.m.  Panel 1: Theories of Rights
- Willem Doise, University of Geneva (Psychology), “Individual and Collective Rights”
- Martin Krygier, University of New South Wales (Law), “Normative Social Theory and Human Rights”
- Andras Sajo, Central European University (Legal Studies), “Human Rights Knowledge Systems”

12.00 noon to 1.30 p.m.  Lunch – Presidential Dining Room, Prospect House

1.45 p.m. to 3.15 p.m.  Panel 2: The Claims of Culture

3.30 p.m. to 5.00 p.m.  Panel 3: Self-Determination and Human Rights
- Rainer Baubock, Austrian Academy of Science (Political Theory), “The Limits of Self-Determination”
- Nicole Fritz, University of Witwatersand (Law), “Made to Order? Transitional Justice Initiatives in the Developing World”

6.00 p.m. to 6.30 p.m.  Reception, Eisenhart Lounge, Fine Tower, Princeton University

6.30 p.m. to 8.30 p.m.  Dinner, Eisenhart Lounge, Fine Tower, Princeton University

October 25, 2003

8.30 a.m. to 9.00 a.m.  Continental breakfast, Shultz Dining Room, Robertson Hall

9.00 a.m. to 10.15 a.m.  Panel 4: Ethnic Minorities and Exploited Groups
  • Daniel Bell, City U. of Hong Kong (Public and Social Administration), “Justice for Migrant Workers? The Case of Foreign Domestic Workers in Hong Kong and Singapore”
  • Benedict Kingsbury, New York University School of Law, “First Amendment Liberalism as Global Legal Architecture: Ascriptive Groups and the Problems of the Liberal NGO Model of International Civil Society”
  • John Ryle, Rift Valley Institute, “Slavery in Sudan: Tribal Values, State Strategies, and Human Rights”

10.30 a.m. to 11.45 a.m.  Panel 5: Health, Development, and Human Rights
  • Stephen Marks, Harvard University (Public Health), “Universal Rights and Local Knowledge in Cambodia”
  • David Rothman, Columbia University (Social Medicine/History), “The Controversies Over Research and Treatment for HIV Disease in Second and Third World Countries”

12.00 noon to 1.30  Lunch

1.45 to 3.15  Panel 6: Religion and Human Rights
  • Cole Durham, Brigham Young Law School, “Religious Freedom: Universal Right or Bulwark of Localism”
  • Ann Mayer, Wharton School, University of Pennsylvania, “The Internationalization of Religiously Based Resistance to International Human Rights Law”
  • Makau Mutua, SUNY Buffalo School of Law, “The Relationship Between Human Rights and Religion”

6.00 p.m. to 6.30 p.m.  Reception, Bobst Hall, Princeton University

6.30 p.m. to 8.30 p.m.  Concluding dinner, Bobst Hall, Princeton University

ALTNEULAND:
The Constitution of Europe in an American Perspective
April 28-30, 2004

The Global Law School Program at NYU, The Program in Law and Public Affairs and the Woodrow Wilson School at Princeton collaborated with I*CON (the Journal of International Constitutional Law) to sponsor a major international conference examining the draft constitution for the European Union. The conference aspired to bring together scholars from multiple disciplines and to engage constitutional theorists from both sides of the Atlantic. Rather than exploring issues specific to the European Union, the conference asked what European and American constitutional thinkers could learn from one another. The results of the Conference are being published in the Jean Monnet Working Paper Series and in a Special Issue of I*CON.

CONFERENCE PROGRAM

Wednesday April 28th 2004

Wednesday p.m. Participants arrival in New York, check in at Hotel Iroquois where appropriate
Welcome cocktails (Details to be confirmed)

Thursday April 29th 2004 – New York University School of Law

7.45am/ 8.00am: Coach departure from Hotel Iroquois

9.00am: Participants arrival at NYU, morning tea and coffee served

9.30am – 12.00am: SESSION ONE:

Commentator: A. SBRAGIA

Commentator: M. ROSENFELD

(3) Paper Giver: A. WIENER
‘Evolving Norms of Constitutionalism’
Commentator: J. DE AREILZA

12.00pm – 1.30pm: Lunch

1.30pm – 3.15pm: **SESSION TWO:**

(1) **Paper giver:** P. CRAIG
    ‘European Governance: Executive and Administrative Powers Under the New Constitutional Settlement’
    **Commentator:** G. BERMANN

(2) **Paper Giver:** W. WESSELS
    ‘A global actor in the making? The institutional provisions of the Constitutional Treaty for the Common Foreign, Security and Defence Policy’
    **Commentator:** AM. SLAUGHTER

3.15pm – 3.45pm: Coffee

3.45pm – 6.15pm: **SESSION THREE:**

(1) **Paper Giver:** G. PALOMBELLA
    ‘Who’s Europe? After the Constitution: a goal-based, reflexive citizenship’
    **Commentator:** A. SHACHAR

(2) **Paper Giver:** L. DIEZ-PICAZO
    ‘Treaty or Constitution? The Status of the Constitution for Europe’
    **Commentator:** C. EISGRUBER (L. SAGER)

(3) **Paper Giver:** O. PFERSMANN
    *The Ratification and Revision Clauses of the New Constitution* (Title to be confirmed)
    **Commentator:** I. PERNICE

6.15pm – 6.45pm: Cocktail Reception

6.45pm – 7.45pm: **Keynote Address** – D. GRIMM

7.45pm – 9.15pm: Dinner
9.15pm approx: Coach departure to Hotel Iroquois

Friday April 30th 2004 – Princeton University

7.15am/ 7.30am: Coach pick up from Hotel Iroquois
9.00am/ 9.30am: Arrival to Princeton
9.30am – 12.00pm: **SESSION ONE:**
   (1) **Paper Giver:** M. MADURO
       *The Values of Constitutionalism and the Logic of Intergovernmentalism: Majoritarianism, Constitutional Universalism and Equality in the new Constitutional Treaty*
       **Commentator:** K. BRADLEY

   (3) **Paper Giver:** N. WALKER
       *Europe's Constitutional Momentum*
       **Commentator:** P. PETTIT

   (3) **Paper Giver:** A. MORAVCSIK
       *Explaining the "New" Constitutional Settlement: Social Science Theory Confronts the Present and Future of the EU*
       **Commentator:** D. HALBERSTAM

12.00pm – 1.30pm: Lunch

1.30pm – 3.15pm: **SESSION TWO:**

   (1) **Paper Giver:** D. CHALMERS
       *Constitutional Rhetoric and the European Court?*
       **Commentator:** K. ALTER

   (2) **Paper giver:** F. MAYER
       *Competencies – Reloaded? The vertical division of powers in the EU after the new European constitution*
       **Commentator:** C. FRIED

3.15pm – 3.45pm: Coffee
3.45pm – 6.15pm:  **SESSION THREE:**

(1) **Paper Givers:** M. KUMM/ V. FERRERES COMELLA  
*The relationship between the legal order of the "constitutionalized" Union and the Member States*  
**Commentator:** M. FLAHERTY

(2) **Paper Giver:** A. SAJO  
*‘Constitution -without the constitutional moment: A look from the new member states’*  
**Commentator:** M. TUSHNET

(3) **Paper Giver:** R. HIRSCHL  
*‘Hegemonic Preservation in Action: The Political Logic of the European Constitution’*  
**Commentator:** U. HALTERN

6.15pm – 8.15pm:  Dinner

8.15pm approx:  Coach Departure to Manhattan

Invited Participants:  
- **Karen J. Alter** (Northwestern University)  
- **George A. Bermann** (Columbia Law School)  
- **Kieran Bradley** (Legislation Divison of the Legal Service of the European Parliament)  
- **Damian Chalmers** (London School of Economics)  
- **Paul Craig** (St. John’s College, Oxford)  
- **José M. de Areilza** (Instituto de Empresa)  
- **Gráinne de Búrca** (European University Institute and NYU Global Law School)  
- **Renaud Dehousse** (Institut d’Études Politiques de Paris and Notre Europe)  
- **Florence Deloche-Gaudez** (Institute d’Etudes Politiques de Paris)  
- **Luis Maria Díez-Picazo** (University Paris II)  
- **Norman Dorsen** (New York University School of Law)  
- **Michael W. Doyle** (Columbia University, School of International and Public Affairs and Columbia Law School)  
- **Christopher L. Eisgruber** (Princeton University)  
- **Victor Ferreres Comella** (Pompeu Fabra University, Barcelona, NYU Global Law School)  
- **Martin Flaherty** (LAPA Fellow and Fordham Law School)  
- **Charles Fried** (Harvard University)
• Dieter Grimm (Humboldt University Berlin, New York University School of Law, Yale Law School, and NYU Global Law School)
• Daniel Halberstam (University of Michigan Law School)
• Ulrich Haltern (Hannover University)
• Ran Hirschl (University of Toronto)
• Mattias Kumm (New York University School of Law)
• Miguel Poiares Maduro (Court of Justice of the European Communities)
• Franz Mayer (Humboldt University)
• Andrew Moravcsik (Harvard University)
• Gianluigi Palombella (University of Parma)
• Ingolf Pernice (Walter Hallstein-Institut for European Constitutional Law, Humboldt-University)
• Philip Pettit (Princeton University)
• Otto Pfersmann (University of Paris I Panthéon-Sorbonne)
• Michel Rosenfeld (Benjamin N. Cardozo School of Law)
• Andras Sajo (Central European University and NYU Global Law School)
• Alberta Sbragia (University of Pittsburgh)
• Ayelet Shachar (University of Toronto)
• Anne-Marie Slaughter (Princeton University)
• Mark Tushnet (Georgetown University Law Center)
• Armin von Bogdandy (Max Planck Institute for Comparative Public Law and International Law)
• Neil Walker (European University Institute)
• Joseph Weiler (New York University School of Law)
• Wolfgang Wessels (University of Cologne)
• Antje Wiener (Queen's University Belfast)

This conference resulted in a special double issue of the journal I-Con (Journal of International Constitutional Law). See LAPA Publications.
The Supreme Court and American Politics
Frist Campus Center, Multipurpose Room

Continuing Legal Education Conference

May 27, 2004

America’s most volatile political controversies often find their way to the Supreme Court’s docket. At its third annual Continuing Legal Education conference, the Princeton University Program in Law and Public Affairs drew together leading scholars, lawyers, and policy-makers to analyze the issues behind Supreme Court cases in the headlines. Speakers examined both the legal merits of the cases and the political issues and ethical principles that lay behind them. The Conference was organized into five panels: “Religion in the Schools,” “Terrorism and Civil Liberties,” “Campaign Finance Reform,” “International Human Rights in American Courts,” “Gay Rights & Same-Sex Marriage.” Continuing Legal Education credit was offered to all those who attended the Conference.

Conference Schedule

8.30 A.M. to 9.00 A.M. Registration/Coffee


- Chris Eisgruber, Moderator
- Marci Hamilton
- Joseph Viteritti
- Barry Lynn

10:10 A.M. to 10.25 A.M. Break


- Carol Sanger, Moderator
- Thomas Lee
- John Yoo
- Kim Lane Scheppele
- Michael S. Greco

11.35 A.M. to 11.50 A.M. Break
11:50 a.m. to 1:00 p.m. **Panel 3: McConnell v. Federal Election Commission: Campaign Finance Reform**

- Michael J. Gerhardt, Moderator
- Nathaniel Persily
- Bradley Smith
- Deborah Goldberg
- Stanley Kelley

1:00 p.m. to 2:00 p.m. **Lunch**

2:00 p.m. to 3:10 p.m. **Panel 4: Sosa v. Alvarez-Machain: International Human Rights in American Courts**

- David Sugarman, Moderator
- Beth Stephens
- Julian Ku
- Ken I. Kersch
- Michael J. Gerhardt

3:10 p.m. to 3:25 p.m. **Break**

3:25 p.m. to 4:35 p.m. **Panel 5: Lawrence v. Texas & Goodridge v. Dept. of Public Health: Gay Rights & Same-Sex Marriage**

- Christopher Eisgruber, Moderator
- Carol Sanger
- Robert P. George
- Stephen Macedo

4:35 p.m. to 5:00 p.m. **Reception for Panelists & Participants**

Speakers at the Conference were:

- **Christopher Eisgruber ’83** (Director, Program in Law and Public Affairs, Princeton University)
- **Robert George** (McCormick Professor of Jurisprudence; Director, James Madison Program in American Ideals and Institutions)
- **Michael J. Gerhardt** (Hanson Professor of Law, William & Mary School of Law)
- **Deborah Goldberg** (Director, Democracy Program, Brennan Center for Justice)
- **Michael S. Greco ’65** (Partner, Kirkpatrick & Lockhart LLP)
• **Marci Hamilton** (Paul R. Verkuil Chair in Public Law, Benjamin N. Cardozo School of Law, Yeshiva University)
• **Stanley Kelley** (Professor Emeritus, Princeton University)
• **Ken I. Kersch** (Assistant Professor of Politics, Princeton University)
• **Julian Ku** (Professor of Law, Hofstra University School of Law)
• **Thomas H. Lee** (Associate Professor of Law, Fordham University School of Law)
• **Barry W. Lynn** (Executive Director, Americans United for Separation of Church and State)
• **Stephen Macedo** *87 (Laurance S. Rockefeller Professor of Politics and the University Center for Human Values; Director of the University Center for Human Values; Director of the Program in Ethics and Public Affairs)
• **Nathaniel Persily** (Assistant Professor of Law, University of Pennsylvania School of Law)
• **Carol Sanger** (Fellow, Program in Law and Public Affairs, Princeton University, and Barbara Aronstein Black Professor of Law, Columbia Law School)
• **Kim Lane Scheppele** (John J. O'Brien Professor of Law and Sociology, University of Pennsylvania)
• **Bradley Smith** (Chairman, Federal Election Commission)
• **Beth Stephens** (Professor of Law, Rutgers School of Law – Camden)
• **David Sugarman** (Fellow, Program in Law and Public Affairs, Princeton University, and Professor of Law, Lancaster University, England)
• **Joseph P. Viteritti** (Visiting Professor, James Madison Program, Department of Politics, Princeton University, and Blanche Davis Blank Professor of Public Policy, Hunter College, CUNY)
• **John Yoo** (Visiting Professor of Law (Autumn Quarter), University of Chicago Law School and Professor of Law, University of California at Berkeley School of Law)
The goal of the conference was to draw together leading scholars from a variety of fields and disciplines – including history, law, philosophy, and sociology – to discuss issues related to religion and the law. The Conference consisted of four panels:

Session I – Religion in Litigation: Historical Studies
Session II – The Scope of Religious Freedom
Session III – Equality, Neutrality and Religious Liberty
Session IV – Religion and Democracy

The following people were invited participants:

- Fred L. Appel (Princeton University Press)
- Kathleen Applegate (Princeton University)
- Susanna Blumenthal (University of Michigan Law School)
- Patrick Deneen (Princeton University)
- Christopher Eisgruber (Princeton University)
- Stephen Feldman (University of Wyoming Law School)
- Sarah B. Gordon (University of Pennsylvania & LAPA Fellow, Princeton University)
- Carol Greenhouse (Princeton University)
- Eric Gregory (Princeton University)
- Philip Hamburger (University of Chicago Law School)
- Hendrik Hartog (Princeton University)
- Ran Hirschl (University of Toronto & LAPA Fellow, Princeton University)
- Gary Jacobsohn (Williams College)
- Barbara Bradley Hagerty (National Public Radio)
- Stanley Katz (Princeton University)
- Douglas Laycock (University of Texas Law School)
- Stephen Macedo (Princeton University)
- Fionnuala Ni Aolain (Ulster University (Northern Ireland), School of Law)
- Linda Przybyszewski (University of Cincinnati)
- Ayelet Shachar (University of Toronto, School of Law & Visiting Scholar in the Program in Law and Public Affairs)
- Steve Shapiro (American Civil Liberties Union)
- Steven Shiffrin (Cornell Law School)
- Stephen Siegel (DePaul University Law School)
- Winnifred Sullivan (University of Chicago Divinity School)
- John Wilson (Princeton University, Religion Department)
- Victoria Saker Woeste (American Bar Foundation)

The following papers were distributed and discussed:
Religion in Litigation: Historical Studies

- Linda Przybyszewski, “The Cincinnati Bible War of 1869-1872: Religious Disestablishment as a Protestant Principle”
- Stephen Siegel, “Francis Wharton’s Orthodoxy”
- Narratives in Antisemitism and Libel, 1920-1927”

The Scope of Religious Freedom

- Philip Hamburger, “More Is Less”

Equality, Neutrality and Religious Liberty

- Christopher L. Eisgruber and Lawrence G. Sager, “Proposal for a Book on Religious Liberty and the Constitution”
- Steven H. Shiffrin, “Beyond Vouchers: Religion in the Public Schools?”

Religion and Democracy

- Patrick J. Deneen, “Democratic Faith”
- Fionnuala Ní Aoláin, “The Frontiers of Legal Analysis: Reframing the Transition in Northern Ireland”
Globalization involves a host of economic, social, and cultural changes that create new, significant challenges for lawyers and policy-makers. People, information, products, pollutants, viruses and trends now cross borders and travel the world with astonishing rapidity. All this movement has heightened interest in transnational legal regimes, some of them new and others older but newly prominent or powerful: the World Trade Organization, the European Union, the International Criminal Court, the Kyoto Accord on Global Warming, and the North American Free Trade Agreement (NAFTA), to name only a few. These legal structures have generated intense debate—about whether global governance is possible or desirable, about which issues should be regulated at the transnational level and which left to national governments, and so on. The arguments have riveted scholars and spilled into the streets—as the violent riots over world trade policy in Seattle and Genoa vividly demonstrated. At its second annual Continuing Legal Education conference, the Princeton University Program in Law and Public Affairs brought together leading scholars, lawyers, and policy-makers to discuss several facets of globalization and the international architecture of law today. The Conference was organized into four panels: “New Federalisms, Regional Integration, and the Democratic Deficit,” “Trade, Environment, and Global Governance,” “The Role of Courts in Protecting International Human Rights,” “Terrorism and the Laws of War.” Continuing Legal Education credit was offered to all those who attended the Conference.

CONFERENCES SCHEDULE

8:30 a.m. - 9:00 a.m. Registration/coffee

9:00 a.m. - 9:15 a.m. Welcoming remarks

9:15 a.m. - 10:45 a.m. Panel 1: New Federalisms, Regional Integration, and the Democratic Deficit
  - Alfred Aman
  - George Bermann
  - Paul Craig
  - Kate McNamara
  - Andrew Moravcsik

11:00 a.m.- 12:30 p.m. Panel 2: Trade, Environment, and Global Governance
  - Sophie Meunier-Aitsahalia
• Michael Oppenheimer
• Kal Raustiala
• Saskia Sassen
• Jake Werksman

12:30 p.m. - 2:00 p.m. Lunch

2:00 p.m. - 3:30 p.m. **Panel 3: Courts, Sovereignty, and International Human Rights**
• Gary Bass
• Curtis Bradley
• Rosa Ehrenreich Brooks
• Michael Doyle
• Kathryn Sikkink

3:45 p.m. - 5:15 p.m. **Panel 4: Terrorism and the Laws of War**
• Miguel Centeno
• Fred Hitz
• Ronald Lee
• Mary Ellen O’Connell
• Anne-Marie Slaughter

Speakers at the Conference were:

• **Alfred C. Aman** (Fellow, Program in Law and Public Affairs, Princeton University, and Roscoe C. O’Byrne Professor of Law at Indiana University School of Law)
• **Gary Bass** (Assistant Professor of Politics and International Affairs, and the Elias Boudinot Bicentennial Preceptor, Princeton University)
• **George Bermann** (Walter Gellhorn Professor of Law, Jean Monnet Professor of European Union Law; Director, European Legal Studies Center)
• **Paul Schiff Berman ’88** (Professor of Law, University of Connecticut School of Law)
• **Curtis Bradley** (Professor of Law and the Hunton & Williams Research Professor, University of Virginia)
• **Rosa Ehrenreich Brooks** (Associate Professor of Law, University of Virginia School of Law)
• **Miguel Centeno** (Professor of Sociology, Princeton University)
• **Paul Craig** (Professor of English Law, St. John’s College, University of Oxford)
• **Michael Doyle** (Special Adviser to United Nations Secretary-General Kofi Annan and Assistant Secretary-General of the United Nations, Executive Office of the Secretary-General and Edwards S. Sanford Professor of Politics and International Affairs, Princeton University)
• **Christopher Eisgruber ’83** (Director, Program in Law and Public Affairs, Princeton University)
• **Frederick Hitz ’61** (Lecturer in Public and International Affairs, Princeton University)
• **Ronald Lee ’80** (Partner, Arnold & Porter)
The following articles were distributed to all participants:

◦ Alfred C. Aman, Jr., The Domestic Face of Globalization: Democracy Deficits in the U.S. and the Need To Extend the Province of Administrative Law
◦ Gary J. Bass, Milosevic in The Hague
◦ Paul Schiff Berman, The Globalization of Jurisdiction
◦ Curtis Bradley, The Costs of International Human Rights Litigation
◦ Rosa Ehrenreich Brooks, Law in the Heart of Darkness: Atrocity & Duress
◦ Michael W. Doyle, A More Perfect Union? The Liberal Peace and the Challenge of Globalization
◦ Kathleen R. McNamara, Bank on Democracy
◦ Andrew Moravcsik, In Defence of the ‘Democratic Deficit’: Reassessing Legitimacy in the European Union
◦ Andrew Moravcsik, Why is U.S. Human Rights Policy So Unilateralist?
◦ Mary Ellen O’Connell, The Myth of Preemptive Self-Defense
◦ Mary Ellen O’Connell, Pre-emption and Exception: The US Moves Beyond Unilaterism
◦ Kal Raustiala, Sovereignty and Multilateralism
◦ Saskia Sassen, States and Citizens: Any Role in Global Governance?
◦ Anne-Marie Slaughter, Building Global Democracy
◦ J.D. Werksman, Procedural and Institutional Aspects of the Emerging Climate Change Regime: Improvised Procedures and Impoverished Rules?
2001-2002 Conferences

American State Law in the 20th Century: A Legalist Reformation?
Dodds Auditorium, Robertson Hall
October 12, 2001

A panel discussion on William E. Nelson’s The Legalist Reformation, Law Politics and Ideology in New York 1920-1980, featuring:

- Daniel T Rodgers (Henry Charles Lea Professor of History, Princeton University)
- Robert C. Post (Alexander F. and May T. Morrison Professor of Law, University of California Law School)
- Reva B. Siegel (Nicholas deB.Katzenbach Professor of Law, Yale Law School)
- William E. Nelson (Joel and Anne Ehrenkranz Professor of Law, New York University School of Law)
“MILITARY JUSTICE AND TERRORISM: CIVIL LIBERTIES DURING WAR TIME”
DODDS AUDITORIUM, ROBERTSON HALL
NOVEMBER 14, 2001

A town hall meeting was organized to discuss the military order issued the previous day by President Bush. The order authorized the use of military courts to try non-citizens suspected of terrorism.

- Christopher Eisgruber (Princeton University)
- David Abraham (University of Miami Law School and a Visiting Fellow at the Davis Center in the Princeton University History Department)
- Gary Bass (Princeton University)
- Fionnuala Ni Aolain (University of Ulster, Belfast, Northern Ireland, and a Visiting Fellow in the Program in Law and Public Affairs, Princeton University)
The goal of the conference was to draw together leading legal experts on a variety of issues – criminal law, international law, immigration law, and constitutional law – to discuss some of the theoretical and practical issues raised by antiterrorism policies. The Conference consisted of four panels:

Session I – Military Tribunals, Commentator: Linda Bosniak
Session II- International Law, Commentator: Martin Flaherty
Session III – Emergency Powers, Commentator: Stephen Macedo
Session IV – Immigration and Criminal Law, Commentator: Carol Steiker

The following people were invited participants:

- Kathleen Applegate (Princeton University)
- Linda Bosniak (Rutgers School of Law – Camden & LAPA Fellow, Princeton University)
- Curtis Bradley (University of Virginia School of Law)
- Christina Burnett (Princeton University)
- Christopher Eisgruber (Princeton University)
- Martin Flaherty (Fordham Law School)
- Leon Gordenker (Princeton University)
- Oren Gross (Benjamin N. Cardozo School of Law & Visiting Scholar in the Program in Law and Public Affairs)
- Elizabeth Hillman (Rutgers School of Law – Camden)
- Frederick Hitz (Princeton University)
- Paul Kahn (Yale Law School)
- Rebecca Katz (Princeton University)
- Harry Litman (Phillips & Cohen)
- Jules Lobel (University of Pittsburgh)
- Stephen Macedo (Princeton University)
- Fionnuala Ni Aolain (University of Ulster & LAPA Fellow,
- Kal Raustiala (UCLA School of Law)
- Lawrence Sager (NYU School of Law/University of Texas School
- Peter Spiro (Hofstra School of Law)
- Carol Steiker (Harvard Law School)
- William Stuntz (Harvard Law School)
- Ruth Wedgwood (Yale Law School/John Hopkins University)
- Philip Weiser (University of Colorado Law School & LAPA Fellow, Princeton University)
The following papers were distributed and discussed:

**Military Tribunals**
- Christopher L. Eisgruber and Lawrence G. Sager, “Military Courts and Constitutional Justice”
- Elizabeth Hillman, “Chains of Command”
- Ruth Wedgwood, “Al Qaeda, Terrorism, and Military Commissions”
- Ruth Wedgwood, “The Case for Military Tribunals”
- Ruth Wedgwood, “The Rules of War Can’t Protect Al Qaeda”
- Ruth Wedgwood, “Prisoners of a Different War”

**International Law**
- Fionnuala Ni Aolain, “Inter Arma Silent Leges? – Reflections on the Laws of War Following the Events of September 11th”
- Paul W. Kahn, “Lessons for International Law from the War on Terrorism”
- Steven R. Ratner, “Jus ad Bellum and Jus in Bello after September 11”

**Emergency Powers**
- William E. Scheuerman, “Rethinking Crisis Government”

**Immigration and Criminal Law**
- Frederick P. Hitz, “Unleashing the Rogue Elephant: September 11 and Letting the CIA Be the CIA”
- Peter J. Spiro, “9/11: Insinuating Constitutional and International Norms”
- William J. Stuntz, “Local Policing After the Terror”
Over the last decade, the Internet has transformed the way people communicate with friends, perform their jobs, make purchases, pay bills, book travel, advertise services, get news, and entertain themselves. These changes have brought with them legal challenges. Judges, legislators, and attorneys must wrestle with questions about how to secure personal rights of privacy and ownership while also capitalizing on the promise of new opportunities to improve the public’s access to information. At its Conference on “The Future of Internet Regulation: Open Access, Private Rights, and Public Values,” the Princeton University Program in Law and Public Affairs brought together leading lawyers, policymakers, and academics to discuss legal responses to the Internet age. The Conference was organized into four panels: “The Architecture of the Internet,” “Fair Use and the Internet,” “Filtering and Content Regulation,” and “Privacy, Surveillance, and the Internet.” Continuing Legal Education credit was offered to all those who attended the Conference.

9:15 a.m. – 10:45 a.m., Panel 1 - The Architecture of the Internet
  • Yochai Benkler
  • Robert Willig
  • Edward Rubin
  • Philip Weiser

11:00 a.m. – 12:30 p.m., Panel 2 - Fair Use and the Internet
  • Wendy Gordon
  • Gigi B. Sohn
  • Andrew Appel
  • Steve Fuserzi
  • Christopher Eisgruber

2:00 p.m. – 3:30 p.m., Panel 3 - Filtering and Content Regulation
  • Marjorie Heins
  • Seth Waxman
  • Stanley Katz
  • Nick Allard
  • Jack Balkin
3:45 p.m. – 5:15 p.m., Panel 4 - Privacy, Surveillance, and the Internet

- Jeffrey Rosen
- Viet Dinh
- Peter Swire
- Paul Fishman
- Helen Nissenbaum
- Alex Kozinski

Speakers at the Conference were:

- Nicholas W. Allard ’74 (Partner, Latham & Watkins)
- Andrew W. Appel, (Professor of Computer Science, Princeton University)
- Jack Balkin (Professor of Law, Yale Law School)
- Yochai Benkler (Professor of Law, New York University School of Law)
- Viet Dinh (Assistant Attorney General for the Office of Legal Policy, United States Justice Department)
- Christopher L. Eisgruber ’83 (Director, Program in Law and Public Affairs, Princeton University)
- Barbara Esbin (Federal Communications Commission)
- Paul Fishman ’78 (Partner, Friedman, Kapler, Seiler & Adelman)
- Steve Fuzesi, Jr. ’70 (Vice President and Chief Counsel, Newsweek)
- Wendy Gordon (Professor of Law, Boston University School of Law)
- Marjorie Heins (Director, Free Expression Policy Project, National Coalition Against Censorship)
- Stanley Katz (Professor of Public and International Affairs, Princeton University)
- Alex Kozinski (United States Circuit Judge for the Ninth Circuit)
- Helen Nissenbaum (Associate Professor in the Department of Culture and Communication and Senior Fellow of the Information Law Institute at New York University)
- Jeffrey Rosen (Associate Professor, George Washington University Law School)
- Edward L. Rubin ’69 (Professor of Law, University of Pennsylvania Law School)
- Gigi Sohn (President, Public Knowledge)
- Peter Swire ’80 (Professor of Law, Ohio State University and Visiting Professor, George Washington University)
- Seth P. Waxman (Partner, Wilmer, Cutler & Pickering and formerly Solicitor General of the United States)
- Philip J. Weiser (Fellow, Program in Law and Public Affairs, Princeton University, and Associate Professor, University of Colorado)
- Robert D. Willig (Professor of Economics and Public Affairs, Princeton University)

The following articles were distributed to all participants:

- Andrew Appel, “Technological Access Control Interferes with Non-infringing Scholarship” (with Edward W. Felton)
- Jack Balkin, “Filtering the Internet: A Best Practices Model” (with Beth Simokne Noveck and Kermit Roosevelt)
- Yochai Benkler, “The Battle Over the Institutional Ecosystem in the Digital Environment”
- Marjorie Blumenthal, “Rethinking the Design of the Internet: The End to End Arguments vs. the Brave New World” (with David D. Clark)
- Julie Cohen, “Examined Lives: Informational Privacy and the Subject as Object”
- Wendy Gordon, “Excuse and Justification In the Law of Fair Use: Commodification and Market Perspectives”
- Marjorie Heins, Brief Amici Curiae of the Society for the Scientific Study of Sexuality”
- Marjorie Heins, “Internet Filters A Public Policy Report” (with Christina Cho)
- Helen Nissenbaum, “The Meaning of Anonymity in an Information Age”
- Helen Nissenbaum, “Protecting Privacy in an Information Age: The Problem of Privacy in Public”
- Helen Nissenbaum, “Securing Trust Online: Wisdom or Oxymoron?”
- Edward Rubin, “Languages As Networks And Power Structures: Governing the Development of XML”
- Peter P. Swire, “1.Administration Wiretap Proposal Hits the Right Issues But Goes Too Far
  a. Peter P. Swire, “If Surveillance Expands, Safeguard Civil Liberties”
- Philip J. Weiser, “Internet Governance, Standard Setting, And Self-Regulation”
The Princeton Project began with a visit to the Woodrow Wilson School by William J. Butler and Stephen A. Oxman in January 2000. They came representing the International Commission of Jurists and the American Association for the International Commission of Jurists to propose a project to formulate principles to help clarify and bring order to an increasingly important area of international criminal law: prosecutions for serious crimes under international law in national courts based on universal jurisdiction, absent traditional jurisdictional links to the victims or perpetrators of crimes. Mike Rothschild asked me to consider the idea, which had great appeal as a chance to bring scholars and jurists together to reflect on an important problem in the law, and to think about how to address it. Our hope all along has been to wed theory and practice: to study a set of difficult problems of international justice, with the goal of formulating consensus principles.

Work on this eighteen month project has been cosponsored by the Program on Law and Public Affairs, the Woodrow Wilson School of Public and International Affairs, the International Commission of Jurists, the American Association for the International Commission of Jurists, the Urban Morgan Institute for Human Rights, and the Netherlands Institute of Human Rights.

An initial draft of the Principles was discussed at Princeton University on November 10-11, 2000, by a group of leading scholars who also contributed working papers on various aspects of universal jurisdiction. The revised principles and working papers were discussed by an international group of jurists who met at Princeton, January 25-27, 2001, to refine and endorse the Principles. These meetings were open to members of the University community.

The Princeton Principles on Universal Jurisdiction — a 67-page booklet that includes a foreword by the Hon. Mary Robinson, United Nations High Commissioner for Human Rights, a commentary, and other supporting matter — were announced on July 23, 2001.

Our colleague Richard Falk describes these Princeton Principles on Universal Jurisdiction as "the most serious attempt ever made to guide national courts in meeting the challenge of crimes of state. They give judges around the world a mandate to enforce global law in the face of crimes against humanity." Five thousand copies of the Principles are being distributed to governments, non-governmental organizations, jurists, journalists, and scholars around the world. The Canadian and Dutch governments have agreed to forward the Principles to the UN, where they will be translated and distributed as a UN document.

The Principles are not intended to end the controversies that surround universal jurisdiction. I do hope that they clarify what universal jurisdiction is, and how its reasonable and responsible exercise by national courts can promote greater justice for
victims of serious crimes under international law. I am deeply grateful to Professors Richard Falk and Gary J. Bass, and to LAPA Fellow Diane Orentlicher (2000-2001), for their advice and assistance throughout this project.

In addition to chairing the project, and editing and helping write the Principles, I have edited a collection of essays on universal jurisdiction (the working papers discussed here in November 2000), and these are under review at Princeton University Press.

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**Princeton Project on Universal Jurisdiction**

**Participants, Meeting to Adopt Principles**

**January 25-27, 2001**

Adrian Arena  
Acting Secretary General, International Commission of Jurists

Lloyd Axworthy  
Director of the Liu Centre for the Study of Global Issues, University of British Columbia  
Former Minister of Foreign Affairs of the Federal Government of Canada

Gary J. Bass  
Assistant Professor of Politics and International Affairs Princeton University

M. Cherif Bassiouni  
Professor of Law and President of the International Human Rights Law Institute  
DePaul College of Law

Nicolas Browne-Wilkinson*  
Law Lord  
House of Lords of the United Kingdom

William J. Butler  
Former Chairman of the International Executive Committee of the International Commission of Jurists 1975-1990  
President of the American Association for the International Commission of Jurists

Hans Corell  
Under-Secretary-General for Legal Affairs  
United Nations

Param Cumaraswamy  
United Nations Special Rapporteur on the Independence of the Judiciary  
United Nations
E.V.O. Dankwa  
Professor of Law, University of Ghana, Chair, African Commission on Human and Peoples Rights

Richard A. Falk  
Albert G. Milbank Professor of International Law and Practice, Emeritus Professor of Politics and International Affairs, Princeton University

Tom Farer  
Dean of the Graduate School of International Studies  
University of Denver

Cees Flinteman  
Professor of Human Rights, Utrecht University  
Director of the Netherlands Institute of Human Rights and the Netherlands School of Human Rights Research

Mingxuan Gao  
Professor of Law China Law Institute

Menno T. Kamminga  
Professor of Public International Law Maastricht University

Michael Kirby  
Justice  
High Court of Australia

Bert B. Lockwood  
Distinguished Service Professor of Law  
Director of the Urban Morgan Institute for Human Rights  
University of Cincinnati College of Law

Stephen Macedo  
Laurance S. Rockefeller Professor of Politics and the University Center for Human Values, Founding Director of the Program in Law and Public Affairs (19-2001)  
Princeton University

Stephen Marks  
François Xavier Bagnoud Professor Harvard School of Public Health

Michael O'Boyle  
Section Registrar  
European Court of Human Rights

Diane F. Orentlicher
Professor of Law and Director of the War Crimes Research Office, American University
Law and Public Affairs Fellow, Princeton University, 2-2001

Stephen A. Oxman
Member of the Board of Directors, American Association for the International Commission
of Jurists
Former U.S. Assistant Secretary of State for European and Canadian Affairs

Vesselin Popovski
Professor of Law, University of Exeter

Michael Posner
Executive Director
Lawyers Committee for Human Rights

Yves Sandoz
Former Director of Principles and International Law International Committee of the Red
Cross

Jerome J. Shestack
Former President, American Bar Association
Member of the Executive Committee, International Commission of Jurists

Stephen M. Schwebel
Former President
International Court of Justice

Kuniji Shibahara
Professor Emeritus, University of Tokyo

Anne-Marie Slaughter
J. Sinclair Armstrong Professor of International, Foreign and Comparative Law; Director
of Graduate and International Legal Studies, Harvard Law School

Turgut Tarhanli
Professor of International Law, Istanbul Bilgi University

Wang Xiumei
Senior Researcher, Renmin University of China

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PRINCETON PROJECT ON UNIVERSAL JURISDICTION
ATTENDEES, MEETING OF SCHOLARS
NOVEMBER 10-11, 2000

Georges Abi-Saab
Professor of International Law, The Graduate Institute of International Studies

Gary J. Bass
Assistant Professor of Politics and International Affairs, Princeton University

M. Cherif Bassiouni
Professor of Law and President of the International Human Rights Law Institute, DePaul University College of Law

George A. Bermann
Charles Keller Beekman Professor of Law and Director of the European Legal Studies Center, Columbia Law School

Christopher L. Blakesley
(November only)
J.Y. Sanders Professor of Law at the Paul M. Hebert Law Center, Louisiana State University

William J. Butler
Former Chairman of the Executive Committee of the International Commission of Jurists, 1975-1990, and President of the American Association for the International Commission of Jurists

Lori F. Damrosch
Henry L. Moses Professor of International Law and Organization, Columbia Law School

Pablo De Greiff
Assistant Professor of Philosophy at the State University of New York at Buffalo, Laurance S. Rockefeller Visiting Fellow, 2000-2001, Princeton University Center for Human Values

Richard A. Falk
Albert G. Milbank Professor of International Law and Practice, and Professor of Politics and International Affairs, Princeton University

Cees Flinterman
Professor of Human Rights, Utrecht University, Director of the Netherlands Institute of Human Rights and the Netherlands School of Human Rights Research

Marc Henzelin
Lecturer in International Criminal Law, University of Geneva

Jeffrey Herbst
Professor of Politics and International Affairs, Princeton University

Bert B. Lockwood
Distinguished Service Professor of Law and Director of the Urban Morgan Institute for Human Rights, University of Cincinnati College of Law

Stephen Macedo
Laurance S. Rockefeller Professor of Politics and The University Center for Human Values, and Director of the Program in Law and Public Affairs, Princeton University

Martha L. Minow
Professor of Law, Harvard University

Stephen P. Marks
François-Xavier Bagnoud Professor, Harvard School of Public Health

Diane F. Orentlicher
Law and Public Affairs Fellow, 2000-2001, Princeton University, and Professor of Law and Director of the War Crimes Research Office, American University

Stephen A. Oxman
Member of the Board of Directors, American Association for the International Commission of Jurists, and Former U.S. Assistant Secretary of State for European and Canadian Affairs

Jordan Paust
Law Foundation Professor, University of Houston Law Center

W. Michael Reisman
Myres S. McDougal Professor of International Law, Yale Law School

Leila Sadat
Professor of Law, The Washington University School of Law

Anne-Marie Slaughter
J. Sinclair Armstrong Professor of International, Foreign and Comparative Law, and Director of Graduate and International Legal Studies, Harvard Law School

Chandra Sriram
Research Associate, International Peace Academy
SPONSORED COURSE LIST

Program in Law and Public Affairs

LAPA fellows generally teach one course during their year in residence; some fellows teach two. In addition, LAPA has sometimes “bought” courses from regular Princeton faculty or from Princeton visitors to ensure a regular supply of law courses in the Princeton curriculum. The listing below indicates all courses (by year) that LAPA has brought to the Princeton curriculum, either because they are taught by fellows or LAPA staff, or because they have been paid for (at least in part) by LAPA.

In 2007-2008, LAPA will sponsor the following courses (preliminary list):

FRS ???: Religion, Law, and Society

Marci Hamilton (LAPA Fellow 2007-2008)

This Freshman Seminar will explore the development of the constitutional law of religion through the lens of diversity. While it can be tempting to treat the early American era as though there was a single religion, Protestant Christianity, diversity of religion has been a constant since the founding. This diversity has posed challenges for government and religions from the inception of the United States.

The course will focus throughout on the impact of diversity in different eras, and how the perception of diversity has shaped the First Amendment’s treatment of religion. One of the themes of the course will be whether the term “minority religion” has content and whether discussion of religious liberty is advanced by talking in terms of minorities and majorities. There will also be discussion of whether and how the diversity of religious belief contributes to stability and justice within the larger constitutional system.

HIS ???: Law and the Construction of Nation-States, 1860s-1950s: Europe and the United States in Comparative Perspective

Peter Lindseth (LAPA Fellow 2007-2008)

Course Outline

Introduction:
1. Overview: From One Constitutional Settlement to Another

Part One: Institutional Structure
2. Representative Government: Elected Assemblies and Executive Power
3. The Law and Politics of Administrative Expansion and Autonomy
4. Judging the State: Administrative and Constitutional Review
5. Center and Periphery: The Nature and Limits of Sub-National Public Authority

Part Two: State and Society
6. Nationality, Citizenship, and Migration
7. International Trade and National Market Regulation
8. Industrialization and Public Law: Public-Private / Regulated-Unregulated
9. Urbanization and Its Legal Consequences
10. Public Welfare and State Intervention

Part Three: National and International Crisis
11. International Rivalry and Imperialism
12. Total War and Total State, 1914-1945
13. Postwar Constitutional Settlement(s)

Conclusion:
14. Taking Stock: Theoretical and Historiographical Reflections on a Century of Upheaval

WWS ???: Legacies Of Nuremberg: Universal Human Rights and the Re-Civilisation of Europe
Aidan O’Neill (LAPA Fellow 2007-2008).

The aim of this class is to give students an understanding of the genesis and development of human rights culture in Europe following the end of the Second World War. The class will be in two parts. The first part will deal with the historical, cultural legal and political context within which the European Convention on Human Rights falls to be placed. The second part will be concerned with the looking at some of the substantive provisions of the European Convention on Human Rights, as interpreted in the case law of the European Court of Human Rights over the past 50 years. The class has, of course, an unspoken or implicit comparative element. The insights and knowledge gained from the class as to what has been happening in Europe will, it is hoped, complement and deepen and perhaps transform the students’ understanding of how and why the US constitution (and the jurisprudence of the US Supreme Court) has developed as it has to date, and how it may yet develop in the future.
**WWS 545: The International Legal Order (Also POL555)**  
*Jeff Dunoff (LAPA Fellow 2007-2008)*

This course provides a critical examination of the appropriate roles for international law and institutions in the contemporary world. It examines a variety of systemic issues, such as the sources and scope of international law, and the role of courts in international relations, through examination of specific topic areas, including human rights, international trade and the use of force.

**SOC ???: The Sociology of Law**  
*Kim Lane Scheppele, LAPA Director*

The discipline of sociology grew in many ways out of the discipline of law. Many of the first sociologists were originally trained as lawyers; for many of the classic writers (particularly Max Weber and Emile Durkheim, but also Karl Marx and Georg Simmel), law was the obvious point of empirical reference in working out how societies functioned and how individuals and social structures interacted. When sociology made the leap from Europe (where law was the primary point of department for the field) to America (where the early practitioners were by and large not trained as lawyers), law nonetheless was of central importance. Studies of “social order” presupposed the normative integration of society and marked the absence of such integration as a core problem of both society and the new discipline of sociology. This course aims to recover the foundational role that law has played in the development of sociology by teaching an introduction to the field of sociology through the sociology of law.

**WWS 516a Topics in Law: The Rule of Law**  
*Kim Lane Scheppele, LAPA Director*

What does it mean for a state to be a “government of laws and not of men” (or women)? In this course, we will consider the role of law in government and ask: When is a state constrained by law and when it may legitimately change or ignore the law by which it is bound? We will consider moments when heads of state (or pretenders, generals or revolutionaries) have decided that there is some value more important than law and have used the rationale of expediency, war, emergency or revolution to cast law aside.

In large measure, we will proceed by negative example, considering cases from the US and elsewhere. We will examine Abraham Lincoln’s conduct during the Civil War, Franklin Roosevelt’s economic emergency, the exigencies of the Cold War, Nixonian exceptionalism, and the “war on terror” after 9/11 in the US. We will also consider comparative examples: the Russian Revolution and Stalinism, the collapse of the Weimar constitution and Nazism, coups in the name of “revolutionary legality,” and the radical breaks from communism in the “refolutions” of 1989 and beyond. In the international arena, we will look at the Nuremberg Trials and the Kosovar War, which both arguably set aside past practice in the name of higher values too. Depending on current events in the
semester when we will be meeting, we will also bring into the class relevant instances from the news. We will use a range of materials from fiction to court cases, from legal theory to political history, as we ask whether the rule of law is a value in itself, and whether there are any legitimate exceptions to it.

**WWS???: The New Regulation**  
*Rober Ahdieh (LAPA Fellow 2007-2008)*

Modern regulation is characterized by a blurring of lines between public and private competencies and this course will explore this new mix. Issues for discussion will include privatization of traditionally public functions, use of privatized modes of regulatory design (e.g., Regulatory Negotiation or “Reg-Neg”), non-coercive modes of public regulation, the role of private standard-setting consortia, and the like.

**In 2006-2007, LAPA sponsored the following courses:**

**SOC 561: Crime and Punishment**  
*Vanessa Barker (LAPA Fellow, 2006-2007)*

Why are different forms of punishment used in different eras and different places? Why do societies vary in their reliance on incarceration?

**WWS 516B: Topics in Law & Public Policy: Globalizing International Law**  
*Paul S. Berman (LAPA Fellow, 2006-2007)*

Traditionally, international law focused on only two normative systems: those promulgated by nation-states & those promulgated among nation-states. It has become clear that nation-states are not the only relevant norm-generating communities to study. Drawing upon insights from various social science and humanities disciplines, this course explores how legal norms are articulated and disseminated. Open to graduate students only.

**AMS 326: Regulation of Sexuality**  
*Mary Anne C. Case (LAPA Fellow, 2006-2007)*

This course explores the many ways in which the American legal system directly and indirectly regulates sexuality, sexual identity, and gender, and considers such regulation in a number of substantive areas of law including marriage, child custody, employment, education, and criminal law and constitutional rights such as free speech, equal protection, and due process. Departmental permission required.

**WWS 401I: Privatization and International Law**  
*Laura Dickinson (LAPA Fellow, 2006-2007)*
In recent years, governments and international organizations have hired private contractors to perform a breathtaking variety of foreign affairs functions. These contractors, working for both for-profit companies and non-profit organizations, are delivering aid, negotiating peace settlements, and fighting wars. Indeed, in the military arena, the scope of privatization is perhaps most surprising, as private actors have assumed roles considered (at least in the last 75 years) largely within the exclusive province of state bureaucracies. The U.S. government has contracted with companies to provide logistical support to troops on the battlefield, give tactical advice, and conduct interrogations. And some states, such as Sierra Leone, have employed private actors to engage in direct combat.

Such privatization potentially threatens many of the values embedded in public international law, including human dignity, human security, anti-corruption, democratic participation, and the rational provision of government services. In the domestic setting, scholars have long debated the implications of increased government use of private actors to run prisons, provide health care, manage schools, and deliver welfare. But international law scholars and policymakers have only just begun to confront the analogous trend in foreign affairs.

FRS 113: The Supreme Court and Constitutional Democracy  
*Christopher L. Eisgruber, Former LAPA Director*

Why should unelected judges be able to overrule elected legislatures? To what extent should judges draw upon their own, personal moral judgments when construing the Constitution? How should we conceive of the relationship between the Supreme Court and other political institutions? This course is a Freshman Seminar that is sponsored by LAPA and UCHV. It is open to freshmen only.

WWS 516C/NES 513: Topics in Law & Public Policy: Islamic and Middle Eastern Law  
*Chibli Mallat (LAPA Fellow, 2006-2007)*

A seminar that will provide students with a strong base in Islamic and Middle Eastern law. Topics will include a historical and geographical overview of what defines Islamic and Middle Eastern law; public law; private law; criminal law in Middle Eastern-related cases; Islam, international law, and human rights; water, environment, oil, and property. No Arabic or other Middle East language required. Open to graduate students only.

POL 364: Political Systems of the Middle East  
*Chibli Mallat (LAPA Fellow, 2006-2007)*

The course focuses on strategies of political actors in the Middle East in the light of long-term structures, cyclical patterns, and individual choices. Law will be privileged in the treatment of political systems and of crises, both domestic and international. Lectures will address enduring critical issues including legitimacy of states and rulers, political Islam, Arab-Israeli conflict, Iraq, Iran, Lebanon.
WWS 453/EGR 453: **Special Topics in Public Affairs: Patent Law and Innovation Policy**  
*Margaret Jane Radin (LAPA Fellow, 2006-2007)*

This course aims to familiarize students with patent law (its history, doctrines, and policies) and at the same time to help students understand both the collaborative process by which patent applications are developed and the adversarial processes by which patents are interpreted and enforced. Open to juniors and seniors, and WWS and EGR graduate students through department consent.

FRS 162: **Exploring the Limits of the Market**  
*Margaret Jane Radin (LAPA Fellow, 2006-2007)*

Full-page ads in campus newspapers now routinely solicit young women’s eggs in return for large sums of money. Knowledge itself is apparently becoming more and more an object of ownership and market exchange, and less and less a commons open to all. Are all aspects of our bodies, our personality, ourselves, turning into market commodities? In this seminar, we will consider three significant areas extending beyond literal market practices: market rhetoric, value incommensurability, and the double bind.

FRS 109: **What is "Law"? Law and Culture In and Outside the West**  
*Teemu Ruskola (LAPA Fellow, 2006-2007)*

What is “law”? Is it universally present in all societies? Who gets to decide who has “law,” and what are the normative implications of having, or not having, it? Is law a useful analytical category in cross-cultural comparison? How is law related to other aspects of culture and socioeconomic organization? This is a Class of 1976 Freshman Seminar in Human Values. It is open to freshmen only.

WWS 470/POL 391/CHV 470: **Special Topics in Public Affairs: Comparative Constitutional Law**  
*Kim Lane Scheppele, LAPA Director*

This course will introduce students to the variety of forms of constitutional government and the way that human rights are understood and enforced by courts around the world. It is open to juniors and seniors.

**In 2005-2006, LAPA sponsored the following courses:**

WWS516A: **Topics in Law and Public Policy: The Law of the Political Process**  
*Richard Briffault, (LAPA Fellow, 2005-2006)*
The course will examine the legal rules that structure the political process, and the political theories they reflect. Among the topics considered will be: the right to vote; legislative apportionment; including the representation of racial minorities and partisan gerrymandering; the regulation of political parties; and campaign finance reform. The readings will consist primarily of legal materials, including constitutional provisions, key federal statutes, and judicial decisions.

POL 434/NES 429: Seminar in Comparative Politics: Islam and Politics
Tamir Moustafa, (LAPA Fellow, 2005-2006)

This course will focus on the political Islamist movements that have swept much of the Middle East and North Africa since the mid-1970s. What are the origins of Islamist movements? What impact do they have on domestic politics throughout the region? Are Islamist movements compatible with democratic forms of governance? The course will explore these and other pressing questions by examining a broad range of movements, from liberal to militant Islamist trends, drawing on the experiences of countries throughout the region.

POL 981-J04: Equality and the Law
M. Elizabeth Magill, (LAPA Fellow, 2005-2006)

Students in this Fall Junior Workshop have a single, major objective: To produce a first-rate research paper. The broad topic around which such papers will be organized is legal equality but that topic is exceedingly broad. The first challenge for each student will be to choose from within this broad topic a question that is worthy of attention and can yield a paper with a supportable thesis. In order to help students do so, the course will introduce students to the text, history, and meaning of two critical sources of anti-discrimination law. One, the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution, prohibits discrimination by governmental actors (state and federal employers, state universities). The other, Title VII of the Civil Rights Act of 1964, prohibits employment discrimination by private (non-governmental) employers.

The course is intended to introduce students to some basic concepts in anti-discrimination law and to help students identify their own interests.

WWS 402I: Domestic Legal Task Force: Revising the Law on Medical Malpractice
Anthony Sebok, (LAPA Fellow, 2005-2006)

Medical malpractice litigation has come under attack in recent years by doctors, insurers, and various politicians. The critics argue that unpredictable verdicts and inflated damage awards have driven up health care costs, and have contributed to the crisis in affordable care in the United States. As a result, many states have legislated changes to their medical malpractice law, including limits on the amount of damages that medical professionals must pay if found negligent.
The task force will examine the leading criticisms of contemporary medical malpractice litigation and explore various options for reform. It will look into the empirical foundation for the claim that there is a medical malpractice insurance crisis. The task force will examine the relationship between litigation and cost of insurance as well as the effect of litigation on patient safety. It will evaluate and compare recent state reforms and review competing reform proposals from public policy institutes, academia, and advocacy groups. The task force will produce an integrated set of legislative recommendations to the Governor of a state considering whether to reform its existing “traditional” law of medical negligence.

**In 2004-2005, LAPA sponsored the following courses:**

**WWS 410E: Constitution-making in the Middle East**  
*Saïd Amir Arjomand, (LAPA Fellow, 2004-2005)*

Constitution-making and reforms of constitutional law are of great consequence for the future of that region and the world. A quarter of a century ago, Iran produced the first and only modern theocratic constitution; it had to be extensively amended in 1989 and there continues to be a constitutional crisis there. Last year, the Turkish parliament passed a number of constitutional laws to facilitate the country’s eventual entry into the European Union, and Afghanistan passed its post-Taliban constitution. An Interim Constitution for Iraq went into effect this year.

The task force will focus on four issues that are most important and problematic: Islam, ideology, pluralism and the transition to democracy. The thorny issue of the relation between Islam and modern constitutional law is best approached from a historical perspective. Only a historical perspective can help us separate the necessary accommodation of the heritage of medieval and early modern public law of the Muslim countries from contemporary Islamic ideologies and their panacea of “Islamic government.” Similarly, the tradition of legal pluralism in Islam, notably the Ottoman *millet* system, can be helpful for any effective constitutional solution to the problem of religious and ethnic pluralism, especially in Iraq and Afghanistan. Last but not least, the explicit goal of the current reform movement in Iran and of the post-Taliban and post-Saddam constitution-making in Afghanistan and Iraq has been the transition to democracy. Our perspective for tackling the last issue will be comparative. It will include an overview of the constitutional transition from fascism in Germany and Italy and from communism in the former Soviet countries; it will examine the transition from the era of ideological constitutions, with the state as agency of social transformation, to the new constitutionalism of the rule of law and human rights, with the law as the protector of civil society and the market.

**FRS 135: Crafting Constitutions**  
*Kim Lane Scheppele, (LAPA Fellow, 2004-2005)*

Our seminar will explore the constitutional aspirations of government, focusing on the crafting of constitutions from the Philadelphia Convention to the present day. Our inquiry
will center on the arguments and justifications for constitutions made in the heat of the moment. Wherever possible (that is, where translations of the relevant documents allow us to read in English), we will examine the arguments and products of constitution-writers as they were putting words to paper, before history could tell them whether they would succeed in creating functioning constitutional regimes. Our course, therefore, is part political theory and part legal history, exploring the reasons for, the arguments about, and the fads and fashions in constitution-writing over the last two centuries. Roughly half of the semester will be spent on a detailed analysis of the arguments and debates surrounding the drafting of the American constitution. Each member of the class will be assigned to represent a state or a major framer in the Philadelphia Convention, and your job will be to explain the positions of your character or state to your fellow class members as the convention proceeds. In short, we will do a role-play of the constitutional convention. We will use as our guide the major source of information we have about those days in Philadelphia: the notes taken during the convention by James Madison. By reading Madison's notes together, we can understand the ideas offered, accepted, and rejected as well as explore the dynamics of the constitutional debate.

In the second half of the course, we will examine some constitutional conventions that have taken place since that time in other places. To make our task manageable, we will look at just a few constitutional debates in just a few countries -- France, Germany, and South Africa. In these debates, as in the American case, we will focus on constitutional context and justification, on the way political leaders understood the historical moments in which they acted, and on the theoretical bases of their constitutional understandings. Our seminar will close with a consideration of the newest constitutions on the international stage -- the new constitution of Afghanistan, the interim constitution in Iraq, and the proposed constitution for the European Union. The U.S. has not had the last word in how to craft a constitution. While written constitutions were something revolutionary and new in the late 18th century when the American constitution was drafted, they are the international norm today. We will trace how written constitutions came to be the “obvious” way to accomplish a political transition over the last two centuries. New constitutions being forged in our own time show how unthinkable ideas in the 18th century have become constitutional commonplaces now.

WWS 326/ENV326: Environmental Regulation: Law, Economics, and Public Policy
David F. Bradford and Michael E. Herz

In the context of a series of policy problems, the course develops the conceptual foundations of environmental foundations of environmental regulation, including economic and non-economic perspectives on environmental degradation; the scientific predicates for and objectives of environmental benefits; the distributional effects of environmental policy; the choice of regulatory tools; the political dimensions of environmental law, including the role of various institutional actors, the allocation of regulatory authority in a federal system, and public choice explanations for environmental regulation.

FRS 158: Human Dignity in Law and Public Thought
Julie Chi-hye Suk, (LAPA Fellow, 2004-2005)

In the conflict between national security and civil liberties at the center of the U.S. government’s war on terror, human dignity has been invoked on both sides of the debate. The term “dignity” often denotes a distinct characteristic of human beings that functions as a trump against certain forms of treatment -- mass killing, torture, and humiliation -- by terrorists or by the U.S government. Human dignity is explicitly used as a premise for human rights in various international treaties as well as various countries’ constitutions. This seminar will examine the concept of human dignity in political theory and law. The idea of dignity is central to legal and theoretical understandings of human freedom, equality, and community. This seminar will attempt to define the special characteristic common to all persons that confers dignity upon them. Is dignity a proxy for reason, autonomy, or equality? If it is a characteristic universal to all human beings, can cultural or historical context shape its manifestation or value?

We will begin by exploring the development of the concept of dignity in 18th- and 19th-century political thought. While dignity originated as an aristocratic status unavailable to most people, it became universalized as a characteristic of all human beings and citizens. It came to be expressed through the ownership of property, labor, and democratic citizenship. Readings will include selections from Rousseau, Kant, Hegel, and Marx. We will then link those accounts to the ideas of self-respect, autonomy, and justice that emerged in 20th-century political thought. To what extent was the norm of human dignity shaped by the historical experiences of genocide, war, patriotism, and humiliation? Authors will include Shklar, Berlin, Rawls, Raz, and Margalit.

Finally, we will explore the role of dignity in international human rights treaties, U.S. constitutional law, and other countries’ law. Topics may include the norm against torture in international law, the legitimacy and practicability of international institutions to protect human rights, laws against discrimination and sexual harassment, the treatment of criminal suspects, the punishment of convicted criminals, and the rights to property, welfare, and citizenship in the modern democratic state.

POL 421: Law, Policy and the Workplace
Paul Frymer, (LAPA Fellow, 2004-2005)

Unless there is an exception, one can be fired from a job for "any" reason, no matter how ridiculous and without need for explanations. This course examines the exceptions that exist in the law and policy explanations for them. The primary focus is on anti-discrimination law with particular emphasis on race, gender, and disability. We will also look at unions, implied contracts, and tort-based protections. Finally, we will discuss more broadly what we want from our jobs and what kind of workplace protections we desire.

POL 431: Human Rights and Comparative Constitutionalism
Oliver Gerstenberg, (LAPA Fellow, 2004-2005)
This seminar examines the role and the possibilities of comparative analysis in constitutional interpretation. The theoretical issues will be elaborated step-by-step against a background of case law drawn from the United States, Europe, and South Africa dealing with issues such as sexual autonomy, free speech, freedom of conscience, the “horizontal effect” of constitutional rights, and socioeconomic rights.

**POL 549: Seminar in American Politics: Race and Ethnicity**  
*Paul Frymer, (LAPA Fellow, 2004-2005)*

Selected theoretical problems in American politics. This year's course examines critical questions and debates in American race and ethnic politics. Particular attention is given to theories of race and racism, as well as how race and ethnicity intersect with political and societal institutions.

**WWS 516A: Topics in Law and Public Policy: Business, Politics, and the Law**  
*John M. de Figueiredo, (LAPA Fellow, 2004-2005)*

The course focuses on how business and other interest groups attempt to influence public policy through legislatures, administrative agencies, and courts. It also examines how public and private sector managers can work with interest groups to more effectively manage their organization and public policy.

**In 2003-2004, LAPA sponsored the following courses:**

**WWS 467/ENV 467: Environmental Regulation: Law, Economics, and Public Policy**  
*David F. Bradford and Michael E. Herz*

In the context of a series of policy problems, the course develops the conceptual foundations of environmental foundations of environmental regulation, including economic and non-economic perspectives on environmental degradation; the scientific predicates for and objectives of environmental benefits; the distributional effects of environmental policy; the choice of regulatory tools; the political dimensions of environmental law, including the role of various institutional actors, the allocation of regulatory authority in a federal system, and public choice explanations for environmental regulation.

**WWS 489: Special Topics in Public Affairs: International Protection of Human Rights**  
*Anne-Marie Slaughter (Dean, Woodrow Wilson School) and Laurence Helfer (LAPA Fellow, 2003-2004)*

“International Protection of Human Rights” provides an overview of the law and politics of human rights protection. This seminar critically assesses the rules, institutions, and theories of international law that seek to guarantee basic liberties to all human beings. It emphasizes (1) specific “hot button” subjects within human rights law (such as the death
penalty, women’s rights, and lesbian and gay rights); (2) the international bodies that create, interpret, and monitor legal rules relating to these subjects; and (3) the public and private actors who seek redress for individuals whose rights have been violated.

WWS 490: Human Rights Violations and Global Justice  
David Sugarman (LAPA Fellow, 2003-2004)

The course will assess the legal, practical, and moral issues involved in using national courts to pursue criminal prosecutions for massive human rights violations by states, transnational corporations, and individuals. It will critically analyze the genesis and conduct of the Pinochet case and the precedent set by it. In investigating these matters, the course will examine the development of human rights law; the relationship between law and politics; the efficacy of human rights; the judicialization of power; and the role of NGOs, pressure groups, and activist lawyers in the globalization of justice.

POL 423: Law and Society in Environmental Disputes: Regulating Chemicals  
Noga Morag-Levine (LAPA Fellow, 2003-2004)

Examination of regulatory responses to pollution, across historical and national contexts. The seminar will build on a comparison of the evolution of legal tools governing pollution in the US, Britain and Germany to explore contemporary environmental policy questions including: Must intervention rest on proof of harm? What is the proper role of courts in overseeing administrative decision-making in this domain? What assumptions underlie alternative regulatory approaches such as technology standards or incentive-based instruments? What accounts for cross-national differences in regulatory approaches to pollution?

WWS 484: Medical Malpractice and Personal Injury Law  
Albert H. Yoon (LAPA Fellow, 2003-2004)

This course will explore the so-called 'liability crisis' in American courts. Topics to be covered will include damage awards in personal injury cases, the controversy over medical malpractice liability, compensation for acts of terrorism, the role of scientific evidence, the emergence of class actions, and the impact of punitive damages. Readings will be drawn from legal, economic, and political science literatures, and will include outside speakers from academia, the practicing bar, and policy-makers.

FRS 125: Privacy and American Law  
Anita L. Allen (LAPA Fellow, 2003-2004)

Where does the United States stand on policy? We are described as a nation of eager exhibitionists and bold voyeurs. We are said to be a surveillance society that too readily authorizes its government to collect personal data. We are criticized for permitting the business sector to profit from gathering and sharing information about individual consumers and customers.
For all the worries about inadequate respect for privacy, the United States has more privacy law than any other nation on the planet. We have constitutional provisions (most notably the first, fortieth, and fourteenth amendments), state common laws, and major statutes recently enacted by Congress. The sheer volume of our privacy law suggests great regard for privacy after all. Is the suggestion correct? What is the point of all this privacy law? What are the interests, values, and policies it serves? Exactly why are matters relating to home, family, sex, finances, health, and communications afforded formal privacy, confidentiality, and secrecy? And what about the efficiency, law enforcement, public health, and homeland security needs for disclosure and accountability?

This seminar will closely examine privacy as a paramount legal value. The concept of privacy plays a highly complex role in constitutional thought and practice. In the United States, the principle of privacy extends broadly to ideals of limited and neutral government and to moral conceptions of human beings and bearers of dignity, autonomy, or welfare interests. Privacy is implicated in state and federal laws regulating everything from abortion and assisted suicide to gay rights and illegal drug use, from libel and identity theft to areas such as school and health records, Web transactions, and cell phones.

The primary readings for this seminar will be books, articles, and legal materials that tell the fascinating story of privacy in American law. It is a story of hurt feelings, embarrassments, outrage, and crime. It is a story of moralism and paternalism, of mundane administrative convenience and extraordinary fears of disease and terrorism. The point of the seminar is not to convey the technical content of the law, but to convey the kinds of values and problems that inform and impel the law.

**WWS 486: Special Topics in Public Affairs: Law and Public Policy**
*Christopher Eisgruber (LAPA Director)*

Analysis of the role of courts in public policy. The course will examine judicial decision-making in common law, statutory, administrative, constitutional, and international law settings. It will discuss the role of precedent, jurisdiction, and other features that distinguish courts from other political institutions. Emphasis will be on American courts though some comparative illustrations will be used. The course will evaluate the capacity of courts to make effective policy with regard to topics such as products liability, prison reform, environmental quality, religious liberty and anti-terrorism measures.

**WWS 516: Topics in Law and Public Policy: Democratic Legitimacy in International Human Rights**
*Christopher Eisgruber (LAPA Director) and Martin Flaherty (LAPA Fellow, 2003-2004)*

Examines the democratic legitimacy of international human rights law. Since World War II, international law has undergone a transformation, and now holds nations accountable for how they treat each other AND how they treat individuals. The most common democratic justification for this change - that nations have delegated portions of their sovereignty through treaties - is often regarded as insufficient to justify the intrusions on internal governance that contemporary human rights standards entail. We will survey political
theory, comparative law, and evolving international practices and institutions to consider alternative justifications.

**In 2002-2003 LAPA sponsored the following courses:**

**HIS 460/AMS 460: Topics in American Legal History: American Religion and Legal Change in the Twentieth Century**  
*Sarah B. Gordon (LAPA Fellow, 2002-2003)*

This course examines the constitutional issues that have been central to religion and legal change in the twentieth-century United States. Through a series of case studies, students will learn how lawyers and religious individuals and organizations have argued that the state has invaded the rights of believers. Litigation on questions of religious liberty and separation of church and state have ranged across a broad spectrum of vital questions including drug use, evolution, military service, sexuality, animal sacrifice, school funding, Sunday closing statutes, and flag salutes.

**WWS 516: Anti-terrorism, Law, and Intelligence**  
*Christopher Eisgruber and Frederick Hitz*

The course analyzes the relationships between law and public policy; the uses of litigation to achieve policy goals; the exercises of discretion by law enforcement officials; the value of laws as social control mechanisms; and the consequences of using laws to deal with public policy problems.

**WWS 478: Democracy and Globalization**  
*Alfred C. Aman, Jr. (LAPA Fellow, 2002-2003)*

This course examines the impact of global processes on democracy and law, particularly within the United States. We explore a range of perspectives on globalization and introduce students to the basic concepts of administrative law. We focus on the potential role for law in assuring transparency and public participation in domestic and transnational forums associated with globalization. Seminar discussions are not limited to existing institutions, but are also aimed at envisioning new arenas and administrative approaches to meet the demands of democracy in a global era.

**WWS 467: Environmental Regulation: Law, Economics, and Public Policy**  
*David Bradford and Michael Herz*

The course starts with conceptual foundations of environmental regulation, including economic and non-economic perspectives on environmental degradation; the scientific predicates for and objectives of environmental regulation; the valuation of environmental benefits; the distributional effects of environmental policy; and the choice of regulatory tools. The course then takes up the political dimensions of environmental law, including
the role of the various institutional actors, the allocation of regulatory authority in a federal system, and public choice explanations for environmental regulation.

WWS 402C: Balancing Individual Liberty and National Security After September 11  
Harry Litman (LAPA Fellow, 2002-2003)

The war on terrorism has given rise to a series of dramatic legal and policy changes designed to strengthen the government's hand in investigating and prosecuting certain crimes. There is a general consensus that responding to the threat of terrorism may require new powers for the government -- and a concomitant surrender of individual liberty-- but how to recalibrate the balance between liberty and security is a matter of passionate debate. Critics charge that we have rashly granted the government new powers that are neither necessary nor prudent, while proponents of such powers argue that they are necessary to permit the government to combat the enormous and unparalleled dangers of terrorist attacks. This Task Force will delve into a number of the policy issues raised by the government’s response to September 11, with an eye towards evaluating whether we have reached the appropriate balance between liberty and security. Our analyses will be informed by the practical constraints and exigencies faced by prosecutors and investigators in the field. Topics will include the definition of terrorism, the use of military tribunals, the amalgamation of national-security and criminal-investigation functions, the use of immigration law for leverage in terrorism investigations, and proposed restrictions on freedom of the press. The Task Force will direct its report to the Assistant Attorney General for Legal Policy in the Department of Justice and the Chair of the Domestic Policy Council in the White House.

FRS 105 Supreme Court and Constitutional Democracy  
Christopher Eisgruber (LAPA Director)

The Supreme Court claims authority to interpret the United States Constitution. On the basis of that claim, the court has decided some of America’s most controversial political issues, such as abortion, affirmative action, and school prayer. Most Americans take this practice for granted, but it raises fundamental questions of political theory. Why should unelected judges be able to overrule elected legislatures? To what extent should judges draw upon their own, personal moral judgments when construing the Constitution? How should we conceive of the relationship between the Supreme Court and other political institutions? And, most radically of all, why should a democratic nation resolve moral and political debates by reference to ambiguous language in a 200-year-old document, rather than on the basis of its own best current judgments about justice?

This seminar will explore these questions in the context of three famous episodes in American constitutional interpretation: the debate about slavery prior to the Civil War; the debate about economic liberties in the early 20th century; and the debate about privacy rights and abortion in the late 20th century. We will read some historical materials, including Supreme Court opinions and excerpts from the Lincoln-Douglas debates. The primary focus of the course will, however, be on the theoretical questions raised by constitutionalism and judicial review.
In 2001-2002 LAPA sponsored the following courses:

POL 410, Citizenship  
*Linda Bosniak (LAPA Fellow, 2001-2002)*

A study of citizenship as a legal status and a political role. Topics include birthright citizenship, dual nationality, expatriation, citizenship and voting, naturalization and loyalty oaths, welfare and immigration status, and the impact of globalization on citizenship.

WWS 457: Special Topics in Public Affairs: The Challenges of Information Technology Policy  
*Philip Weiser (LAPA Fellow, 2001-2002)*

America’s economic policy has elevated a focus on the “information industries” to the top of the agenda. This seminar will discuss the nature of our information economy and the attendant regulatory issues at the forefront of information technology law and policy (e.g., telecommunications reform, the Microsoft case, the Napster litigation). Students need not bring any particular legal, policy, or technical expertise to the seminar, merely an interest in engaging in the fascinating regulatory questions raised by this dynamic sector of the U.S. economy.

WWS 467/ENV 467 Environmental Regulation: Law, Economics, and Public Policy  
*David Bradford and Richard Revesz*

This seminar will examine, from legal, economic, and public policy perspectives, a number of key provisions of the federal environmental statutes and of international agreements.

WWS 516: Law and Public Policy  
*Christopher Eisgruber (LAPA Director)*

The course analyzes the relationships between law and public policy; the uses of litigation to achieve policy goals; the exercises of discretion by law enforcement officials; the value of laws as social control mechanisms; and the consequences of using laws to deal with public policy problems.

FRS 108: Litigation, Past and Present  
*Wilfrid Prest (LAPA Fellow, 2001-2002)*

Current concerns about “hyperlexis” or excessive levels of litigation, are not unprecedented. In Elizabethan England, “multiplicity of suits” was widely regarded as a seriously disruptive social phenomenon, and often blamed on an oversupply of lawyers. Today the law is sometimes conceptualized as a means of managing social conflict by resolving differences and disputes between individuals. But now, as in the past, resort to
the law may also function to exacerbate and extend feuds, to uphold personal honor, to maximize private profit, or to further collective political and social interests.

This seminar will take a close look at some representative examples of law suits from medieval and early modern England, and some accounts of legal institutions and the experience of going to law, both as set out in the words of contemporaries and as analyzed by later historians. Particular attention will be paid to changing roles, and perceptions, of judges and legal practitioners, and to the relationship between law and social change, broadly conceived. Armed with these comparative insights, we will then move across the Atlantic to discuss the North American experience of litigation, and how this differs from those of other societies, past and present.

FRS 115: **Supreme Court and Constitutional Democracy**  
*Christopher Eisgruber (LAPA Director)*

The Supreme Court claims authority to interpret the United States Constitution. On the basis of that claim, the court has decided some of America’s most controversial political issues, such as abortion, affirmative action, and school prayer. Most Americans take this practice for granted, but it raises fundamental questions of political theory. Why should unelected judges be able to overrule elected legislatures? To what extent should judges draw upon their own, personal moral judgments when construing the Constitution? How should we conceive of the relationship between the Supreme Court and other political institutions? And, most radically of all, why should a democratic nation resolve moral and political debates by reference to ambiguous language in a 200-year-old document, rather than on the basis of its own best current judgments about justice?

This seminar will explore these questions in the context of three famous episodes in American constitutional interpretation: the debate about slavery prior to the Civil War; the debate about economic liberties in the early 20th century; and the debate about privacy rights and abortion in the late 20th century. We will read some historical materials, including Supreme Court opinions and excerpts from the Lincoln-Douglas debates. The primary focus of the course will, however, be on the theoretical questions raised by constitutionalism and judicial review.

In **2000-2001 LAPA sponsored the following courses:**

**ENG 575: From Plantation to the Penitentiary: Interpretation, Literature, and the Law**  
*Joan Dayan (LAPA Fellow, 2000-2001)*

This seminar explores the redefinition of civil life in nineteenth-century America by concentrating on how punishment, prisons, and incapacitation not only became critical to the ideology of democracy and freedom, but also shaped a genealogy of property and possession essential to what Thomas L. Dumm in *Democracy and Punishment* has called
“the American project.” We will be expanding our understanding of what constitutes this exclusive locale throughout the semester.

**FRS115: The Supreme Court and Constitutional Democracy**  
*Christopher Eisgruber (LAPA Fellow, 2000-2001)*

The Supreme Court claims authority to interpret the United States Constitution. On the basis of that claim, the court has decided some of America’s most controversial political issues, such as abortion, affirmative action, and school prayer. Most Americans take this practice for granted, but it raises fundamental questions of political theory. Why should unelected judges be able to overrule elected legislatures? To what extent should judges draw upon their own, personal moral judgments when construing the Constitution? How should we conceive of the relationship between the Supreme Court and other political institutions? And, most radically of all, why should a democratic nation resolve moral and political debates by reference to ambiguous language in a 200-year-old document, rather than on the basis of its own best current judgments about justice?

This seminar will explore these questions in the context of three famous episodes in American constitutional interpretation: the debate about slavery prior to the Civil War; the debate about economic liberties in the early 20th century; and the debate about privacy rights and abortion in the late 20th century. We will read some historical materials, including Supreme Court opinions and excerpts from the Lincoln-Douglas debates. The primary focus of the course will, however, be on the theoretical questions raised by constitutionalism and judicial review.

**FRS116: Multiculturalism and Constitutional Justice**  
*Ruth Rubio-Marín (LAPA Fellow, 2000-2001)*

Since the Cold War, the ideological conflict between communism and capitalism has been replaced with an upsurge in conflicts between ethnic and national groups. Throughout the world, we see large disputes over such issues as language rights, religious freedom, educational curricula, land claims, and immigration and naturalization policy.

Finding a solution to these conflicts is one of the greatest challenges facing democracy today. Moreover, any attempt to do so shows the need to redefine many of the assumptions that have governed political life for decades and that are central to our self-understanding as liberal democracies. As we shall see, thinking about these issues will help us realize that our traditional conceptions of liberty, equality, democracy, and justice rest on unstated assumptions that may be inapplicable in the context of our multicultural societies.

For instance, most people subscribe today to the idea of democracy. Most people accept that the political authority governing a particular community should be accountable to its citizens through periodic elections. But this principle by itself does not tell us who should be politically empowered. Some countries accept few immigrants, make clear distinctions between the rights of citizens and noncitizens, and require a high degree of cultural assimilation and the breaking of ties with other states before allowing immigrants to gain
citizenship. Other countries have more open immigration and naturalization policies and are more generous in the recognition of right entitlements to noncitizens. How can we morally assess these different attitudes? What assumptions has our liberal tradition made in order to avoid the confrontation of such issues?

Another example is language policy. Should a country have an official language? Is it fair to have only one? If so, which one? Why is it that these questions have traditionally been excluded from theories of political justice?

In this seminar we will deal with many of the writings on multiculturalism produced by political philosophers over the last decade in their attempt to find principled and fair answers to such questions. To work with concrete examples, and to analyze the complex challenges these issues pose to our moral, legal, and constitutional systems, we will examine the debates about official languages and the rights of immigrants, focusing on both U.S. Supreme Court case law and the laws of other Western democracies (Canada, Germany, and Spain) that offer contrasting perspectives.

FRS 161: Who Owns the Past?
David Rudenstine (LAPA Fellow, 2000-2001)
We understand the past through lenses crafted in the present. But our perception of the past helps shape the contours of the very lenses we use to comprehend it. Thus, our conception of the past is far more than merely a story of a people or a civilization. It is a distinctive ingredient composing the present; it is a statement not only about who we were, but who we are, and who we might become. Accepting the integration of the past with the present helps explain why disputes over cultural heritage – native American artifacts, classical Greek and Roman remains, art looted by the Nazi regime – are so ferocious.

Who Owns the Past? will inquire into the host of questions that haunt efforts to settle disputes over cultural heritage. For example, why do we care about artifacts that may be hundred or thousands of years old? How does one think about ownership of objects such as the Elgin Marbles in the British Museum, or Schliemann’s Treasures from the Second City of Troy, now in Russia, or the twelve-ton meteor at the American Museum of Natural History in New York in light of contemporary property law when the objects never had an owner in a modern legal sense? How is the interest in having one’s past near at hand to be balanced against the interest in enhancing understanding across historical and cultural divides? What are the moral, ethical, and legal dimensions of these disputes, and how should these considerations affect contemporary policies and practices of the world’s great museums as well as collectors and dealers? What, if any, limitations and controls should nations impose upon the exportation of their cultural heritage? And, more generally, to what extent can we today right every past wrong, assuming that every past taking was a wrong?

The course will explore these issues by initially examining important general questions through selected readings, and then by reviewing several case studies using historical and legal materials to reveal the complex debate over the facts, moral and ethical issues, and legal claims.
LAPA FELLOWS

Each year, LAPA brings a group of residential fellows to the campus to join the lively community of law-engaged faculty and students at Princeton. LAPA fellows work on a major research project while they are in residence and participate actively in LAPA seminars and activities. Most LAPA fellows also teach.

Program in Law and Public Affairs 2007-2008 fellows will be:

Robert B. Ahdieh, Associate Professor of Law, Emory University School of Law, Microsoft-LAPA Fellow
Jeffrey L. Dunoff, Charles Klein Professor of Law & Government and Director, Institute for International Law & Public Policy at Temple University Beasley School of Law
Marci A. Hamilton, Paul R. Verkuil Chair in Public Law at the Benjamin N. Cardozo School of Law, Yeshiva University, Martin and Kathleen Crane Fellow in Law and Public Affairs
Carol A. Heimer, Professor of Sociology at Northwestern University and Senior Research Fellow, American Bar Foundation.
Peter Lindseth, Professor, University of Connecticut School of Law
Aidan O’Neill, Queen’s Counsel (QC) and counsel in Scotland, England and Wales, inaugural University Center for Human Values (UCHV)/LAPA Fellow in Law and Normative Inquiry

Robert B. Ahdieh is an Associate Professor of Law at Emory University School of Law and he will be the Microsoft-LAPA Fellow in 2007-2008. A graduate of Princeton University's Woodrow Wilson School of Public and International Affairs and Yale Law School, he served as a law clerk on the U.S. Court of Appeals for the Ninth Circuit, before his selection as an Honor's Program trial attorney in the Civil Division of the U.S. Department of Justice. While still in law school, he published what remains one of the seminal treatments of the constitutional transformation of post-Soviet Russia: Russia's Constitutional Revolution - Legal Consciousness and the Transition to Democracy. His work has also appeared in the Michigan Law Review, the NYU Law Review, and the Southern California Law Review, among other journals. His scholarly interests revolve around questions of regulatory design. His particular emphasis has been the nature and utility of various non-traditional modes of regulation. These include non-coercive forms of state regulation, the influence of groups on the formation and evolution of contracting and other social norms, and other mechanisms of market coordination. He has explored these issues in a variety of transactional areas, including contracts, corporate and securities law, and international trade. While at Princeton, he will work on a book entitled The New Regulation.
Jeffrey L. Dunoff is Charles Klein Professor of Law & Government and Director, Institute for International Law & Public Policy at Temple University Beasley School of Law. His scholarship focuses on public international law, international regulatory regimes, and interdisciplinary approaches to international law. He is coauthor (with Steven Ratner and David Wippman) of a leading casebook, *International Law: Actors, Norms, Process* (Aspen), and his writings have appeared in the *American Journal of International Law, European Journal of International Law, Journal of International Economic Law* and other publications. He has a B.A. from Haverford College, a J.D. from NYU School of Law, and an LL.M. from Georgetown University Law Center, where he served as a Ford Foundation Fellow in Public International Law. In 2005, he was a Visiting Fellow at the Lauterpacht Research Centre for International Law at Cambridge University. While at Princeton, he will work on a book entitled *Ruling the World? Constitutionalism, International Law, and Global Governance*, and continue his work on international economic law and international dispute settlement.

Marci A. Hamilton is one of the nation’s leading church/state scholars, as well as an expert on federalism and representation and she will be the Crane Fellow at LAPA in 2007-2008. Professor Hamilton holds the Paul R. Verkuil Chair in Public Law at the Benjamin N. Cardozo School of Law, Yeshiva University, and is the author most recently of *Good vs. the Gavel: Religion and the Rule of Law* (Cambridge University Press 2005), and *The Religious Origins of Disestablishment Principles*, 81 Notre Dame L. Rev. 1755 (2006). She is also a columnist on constitutional issues for www.findlaw.com, where her column appears every other Thursday. Professor Hamilton is frequently asked to advise Congress and state legislatures on the constitutionality of pending legislation and to consult in cases involving important constitutional issues. She is the First Amendment advisor for victims in many clergy abuse cases involving many religious institutions, including the federal bankruptcies filed by the Portland Archdiocese and the Spokane Diocese. She also represents a number of cities and neighborhoods challenging the constitutionality of the Religious Land Use and Institutionalized Persons Act. She was lead counsel for the City of Boerne, Texas, in *Boerne v. Flores*, 521 U.S. 507 (1997), before the Supreme Court in its seminal federalism and church/state case holding the Religious Freedom Restoration Act unconstitutional. Professor Hamilton clerked for Associate Justice Sandra Day O’Connor of the United States Supreme Court and Judge Edward R. Becker of the United States Court of Appeals for the Third Circuit. She received her J.D., magna cum laude, from the University of Pennsylvania Law School where she served as Editor-in-Chief of the University of Pennsylvania Law Review. She also received her M.A. in Philosophy and M.A., high honors, in English from Pennsylvania State University, and her B.A., summa cum laude, from Vanderbilt University. While at Princeton, she will begin a new project on the history, theory, and utility of the Supreme Court’s doctrine under the Establishment Clause that invalidates government action that “endorses” particular religious viewpoints.

Carol A. Heimer is Professor of Sociology at Northwestern University and Senior Research Fellow at the American Bar Foundation. She received her BA from Reed College and her PhD from the University of Chicago. Heimer has written on risk and insurance (*Reactive Risk and Rational Action*), organization theory (*Organization Theory and Project Management*), the sociology of law and the sociology of medicine (*For the*
Sake of the Children, winner of both the theory and medical sociology prizes of the American Sociological Association). A recipient of the Ver Steeg Award for graduate teaching, she usually teaches courses on law, medicine, and qualitative methods, though a recent seminar delved into the sociology of moral experience. During her year at Princeton, she will write a book from her NSF-funded comparative study of the role of law in medicine. In recent years, American medicine has been "legalized” as relatively informal regulation by professional peers has been supplanted by an increasingly rule-based system. By no means confined to the US, this rule-based regulation has diffused widely, sometimes freely adopted by medical workers eager for the legitimacy conferred by American medical science, at other times imposed on foreign scientific colleagues by American funding agencies and research organizations. The Legal Transformation of Medicine will be grounded in ethnographic work and interviews on the use of rules (broadly conceived) in HIV/AIDS clinics in the US, Uganda, South Africa, and Thailand.

Peter Lindseth is Professor at the University of Connecticut School of Law, where he has taught since 2000. His research focuses on the relationship between public law and the nation-state in Western Europe and North America, primarily in the nineteenth and twentieth centuries. His work has appeared in the Yale Law Journal, the Columbia Law Review, and the University of Toronto Law Journal, among other publications. He holds a B.A., magna cum laude in history, and J.D. from Cornell, and a M.A., M.Phil., and Ph.D. in European history from Columbia, where he was also Managing Editor of The Columbia Journal of European Law. At Princeton, Lindseth will work on a project comparing European and American debates in public law (particularly constitutional and administrative law, but also aspects of public international law) from the 1870s to the 1930s. His aim is to elaborate a specific historiographical perspective on the relationship of legal, institutional, and social change in the modern nation-state, one that animates much of his recent work. Lindseth’s approach echoes elements in structuration theory in sociology and historical institutionalism in political science, combining functional, political, and cultural dimensions, while also touching on issues raised in recent legal-historical discussions of popular constitutionalism and the relationship of law to historical memory.

Aidan O’Neill is a Queen’s Counsel (QC) and is qualified to appear as counsel in Scotland, as well as in the courts of England and Wales and he will be the inaugural University Center for Human Values (UCHV)/LAPA Fellow in Law and Normative Inquiry. He practises law in both jurisdictions, and over the past twenty years has established a public law/commercial practice involving a significant element of legal advice and court appearances on issues of European law, particularly in the fields of human rights, private international law, commercial contract, and employment and discrimination law. He has appeared as senior counsel before the European Court of Justice, the Judicial Committee of the Privy Council, the House of Lords, the Court of Session (Inner and Outer House), and the High Court of England & Wales. Since taking silk in Scotland in 1999 he has maintained a strong profile in discrimination and employment law issues, while his practice has continued to develop in the area of judicial review, (notably in relation to prisoners’ rights) as well as in issues of constitutional law post-devolution. He has a particular interest in the inter-relationship between EU law, human rights law and domestic
Vanessa Barker, Assistant Professor of Criminology, Florida State University
Paul Schiff Berman, Professor, University of Connecticut School of Law
Mary Anne Case, Arnold I. Shure Professor of Law, University of Chicago, Martin and Kathleen Crane Fellow in Law and Public Affairs
Laura Dickinson, Associate Professor, University of Connecticut School of Law
Katherine M. Franke, Professor of Law and the Director of the Center for the Study of Law and Culture, Columbia Law School
Chibli Mallat, Jean Monnet Professor of European Law, St. Joseph University, Beirut
Margaret Jane Radin, William Benjamin Scott and Luna M. Scott Professor of Law, Stanford Law School, Microsoft-LAPA Fellow
Teemu Ruskola, Professor of Law, American University, Washington, D.C.

Vanessa Barker is Assistant Professor of Criminology at Florida State University. She received her B.A. in English Literature from the University of California, Santa Barbara and her Ph.D. in Sociology from New York University. She teaches and writes in the sociology of law, the comparative study of penal sanctions, and political sociology. Her research on the politics of punishing in the American states has been published in *Punishment and Society*, reprinted in the *International Library of Essays in Law and Society*. She has received awards from the Law and Society Association and the Political Sociology section of the American Sociological Association. While at Princeton, she will begin a new project on comparative penal sanctions in Europe. She will examine the extent to which Sweden and the UK use the criminal law and penal sanctions in response to increased immigration, pressures of European integration, and crime. She will investigate how and why these responses are shaped by culturally distinct legal traditions and political institutions as well as by global trends.
Paul Schiff Berman is Professor at the University of Connecticut School of Law, where he has taught since 1997. His research focuses on the intersection of international law, conflict of laws, cyberspace law, and the cultural analysis of law. His recent scholarship, which discusses the multiple effects of globalization on the interaction among legal systems, has been published in the University of Pennsylvania Law Review, the Texas Law Review, the Columbia Journal of Transnational Law, and other journals. He is also the author (with Patricia L. Bellia and David G. Post) of Cyberlaw: Problems of Policy and Jurisprudence in the Information Age. While at Princeton, he will work on a new book entitled Law Beyond Borders. He earned his A.B., summa cum laude, from Princeton University in 1988 and his J.D. in 1995 from New York University School of Law, where he served as Managing Editor of the NYU Law Review and received the University Graduation Prize for the graduating law student with the highest cumulative grade point average. He has served as law clerk to then Chief Judge Harry T. Edwards of the United States Court of Appeals for the District of Columbia Circuit, and for Associate Justice Ruth Bader Ginsburg of the United States Supreme Court.

Mary Anne Case is Arnold I. Shure Professor of Law at the University of Chicago and she will be the Crane Fellow at LAPA in 2006-2007. Her scholarship to date has concentrated on the regulation of sex, gender and sexuality, although she also has done work on other aspects of constitutional and comparative law and on the early history of feminism. A graduate of Yale College and the Harvard Law School, she studied at the University of Munich and litigated for Paul, Weiss, Rifkind, Wharton and Garrison before joining the faculty of the University of Virginia, where she rose to become Professor of Law and Class of 1966 Research Professor. She returned to her native New York City as a Visiting Professor of Law at N.Y.U. during the academic year 1996-7 and again in the spring of 1999. In the spring of 2004, she was a Bosch Public Policy fellow at the American Academy in Berlin, studying the application of the German abortion laws. While at Princeton, she will continue her work on the role of the state in marriage.

Laura Dickinson is Associate Professor at the University of Connecticut School of Law. A graduate of Harvard College and Yale Law School, she subsequently served as a senior policy adviser to Harold Hongju Koh, Assistant Secretary of State for Democracy, Human Rights and Labor at the U.S. Department of State. She also served as a law clerk to Justices Harry A. Blackmun and Stephen G. Breyer on the U.S. Supreme Court, and to Judge Dorothy Nelson of the U.S. Court of Appeals for the Ninth Circuit. Her work on transitional justice, legal responses to terror, foreign affairs privatization, and the interrelationship between international and domestic law has been published in the American Journal of International Law, the Southern California Law Review, the Yale Journal of International Law, the William & Mary Law Review, and in books published by Harvard University Press, Stanford University Press, and Transnational Publishers. At Princeton, she will work on a book that focuses on the increasing privatization of military functions, foreign aid, and diplomacy, the impact of such privatization on the efficacy of international human rights law, and the possibility that alternative mechanisms (such as contract, tort, and trust) could be used to help ensure accountability over private actors working abroad under government contracts.
Katherine M. Franke is Professor of Law and the Director of the Center for the Study of Law and Culture at Columbia Law School. Her scholarship is interdisciplinary in nature, seeking to explore the significance of legal subjectivity and consciousness in light of insights drawn from ethnographic, historical and literary studies. She has recently completed a book entitled Subjects of Freedom which maps the contours of rights-acquisition for recently emancipated Black people in the immediate post-bellum period in the U.S. Other writings have addressed issues of sexual harassment, sexuality as governance, and law and identity more generally. She teaches Feminist Legal Theory, Critical Legal Thought, Law & Culture and Gender Justice. In addition to her work at Columbia she teaches a course in Contemporary Legal Problems at a medium security women's prison and serves on the editorial board of GLQ: A Journal of Lesbian and Gay Studies. While at Princeton, she will begin a new project exploring the notion of the human that animates humanitarian projects in sites such as refugee camps in Darfur, freed men and women in civil war "contraband camps" and Palestinian refugee camps in Jordan.

Chibli Mallat is the EU Jean Monnet Chair of European Law and Director, European Union Center, St. Joseph’s University, Beirut, Lebanon. He is also a candidate for the Presidency of Lebanon and principal in the Mallat Law Offices, Beirut. Before returning to his native Lebanon in 1996, he was Director of the Centre of Islamic and Middle Eastern Law (CIMEL) in the School of Oriental and African Studies (S.O.A.S.) at the University of London. He is the author of Introduction to Middle Eastern Law (forthcoming, Oxford University Press, 2007); Presidential Choices (Beirut, 1998); Democracy in America (Beirut, Nahar, in Arabic 1998); The Middle East into the 21st Century (Garnet, 1996) and The Renewal of Islamic Law: Muhammad Baqer As-Sadr, Najaf, and the Shi’i International (Cambridge University Press, 1993). In addition, his articles in English, French and Arabic have been published in academic journals around the world and he served as a joint general editor for five volumes of the Yearbook on Islamic and Middle Eastern Law. In his law practice, he is perhaps best known for bringing the case of Victims of Sabra and Shatila v. Ariel Sharon et al. under the law of universal jurisdiction in Belgium, where he won a judgment against the accused before a change in Belgian law removed the jurisdiction of the court. As a democratic activist, he was involved with the Iraqi opposition to Saddam Hussein, even spending time in an Iranian jail after organising international monitoring of the first free elections ever in Iraq, in May 1992. He is a frequent op-ed contributor in newspapers ranging from the Daily Star (Lebanon) to the New York Times.

Margaret Jane Radin is William Benjamin Scott and Luna M. Scott Professor of Law at Stanford Law School and she will be the Microsoft-LAPA Fellow in 2006-2007. She received her A.B. from Stanford University, her M.F.A. from Brandeis University in History of Music, and her J.D. from the University of Southern California. She also received an honorary LL.D. from IIT/Chicago-Kent School of Law. One of the country’s major property theorists, Radin currently specializes in contract, intellectual property, and the jurisprudence of cyberspace. She is a former director of Stanford Law School’s Program in Law, Science and Technology and the founder of its Center for E-Commerce. Radin is the co-author of a casebook, Internet Commerce: The Emerging Legal Framework.
(Foundation Press 2d ed. 2006), and the author of CONTESTED COMMODITIES (Harvard University Press 1996) and REINTERPRETING PROPERTY (University of Chicago Press 1993). Her many articles focus primarily on the limits of markets; the rule of law; and the philosophical underpinnings of property and contract, most recently as they are evolving in the networked digital environment. While at Princeton, Radin will work on a book about the role of contract in the online world, as well as a project aiming to illuminate core issues of patent law by juxtaposing them with issues in the philosophy of language.

Teemu Ruskola is Professor of Law at American University in Washington, D.C. He has a B.A. and M.A. (East Asian Studies) from Stanford University and a J.D. from Yale Law School. In 2002-03, he was awarded a Charles A. Ryskamp Research Fellowship with the American Council of Learned Societies. His publications address questions of legal theory from multiple perspectives, historical as well as comparative, frequently with China as a vantage point. His articles—appearing in American Quarterly, Michigan Law Review, Stanford Law Review, Social Text, and Yale Law Journal, among other places—explore the intersection of corporate and family law in China, "legal Orientalism" and the methodological problems of comparative law, and the history and politics of American sovereignty in the Asia-Pacific. At Princeton, he will examine the history of the introduction of Western international into China as well as the theoretical implications of that process for the politics of international law more generally.

Program in Law and Public Affairs 2005-2006 fellows were:

Richard Briffault, Vice Dean and Joseph P. Chambelain Professor of Legislation, Columbia Law School

Myriam Gilles, Professor of Law, Benjamin N. Cardozo School of Law

Elizabeth Magill, John V. Ray Research Professor, University of Virginia School of Law

Tamir Moustafa, Assistant Professor of Political Science, University of Wisconsin - Madison

Anthony J. Sebok, Centennial Professor of Law, Brooklyn Law School

Richard Briffault is Vice-Dean and Joseph P. Chamberlain Professor of Legislation at Columbia Law School. His primary areas of teaching, research and writing are state and local government law and the law of the political process. He received his B.A. from Columbia University, and his J.D. from Harvard Law School. He is the co-author of a casebook, State and Local Government Law; author of Balancing Acts: The Reality Behind State Balanced Budget Requirements; and author of Dollars and Democracy: A Blueprint for Campaign Finance Reform, the report of the Commission on Campaign Finance Reform of the Association of the Bar of the City of New York. He is also the author of numerous law review articles on local government law, state-local relations, campaign finance reform, and voting rights. While at Princeton, he will work on a book on campaign finance regulation.

Myriam Gilles is a Professor of Law at Benjamin N. Cardozo School of Law in New York City. She received an A.B. in History and Literature from Harvard College and a J.D. from
Yale Law School. Her areas of interest include tort and litigation reform; class action practice; and civil rights and structural reform litigation. Her articles have appeared in the Columbia Law Journal, the California Law Review, and other scholarly journals. In 2004, she was a visiting professor at the University of Virginia Law School. While at Princeton, she will explore the concept of entrepreneurial litigation in contemporary American legal practice by considering the ways in which entrepreneurship influences substantive legal doctrine and procedure, effects the way lawyers are perceived by the public, provides a target for litigation reformers, and blurs the traditional lines between plaintiffs’ and defendants’ counsel.

Elizabeth Magill is the John V. Ray Research Professor at the University of Virginia School of Law. She earned a B.A. in history at Yale University in 1988 and a J.D. at the University of Virginia School of Law in 1995. Before entering law school, she worked for four years as a Legislative Assistant to U.S. Senator Kent Conrad. Following law school, she clerked for the Honorable J. Harvie Wilkinson of the U.S. Court of Appeals for the Fourth Circuit and then for The Honorable Ruth Bader Ginsburg of the U.S. Supreme Court. She joined the Virginia faculty in 1997. Her research interests are in constitutional law and administrative law. Her scholarship in constitutional law is about separation of powers theory and law and her scholarship in administrative law is focused on agency behavior and judicial controls on that behavior. Her work has been published in the University of Chicago Law Review, the University of Pennsylvania Law Review, and the Virginia Law Review. Her most recent article, “The Revolution that Wasn’t,” is about the Rehnquist Court’s separation of powers jurisprudence and will soon be published in the Northwestern University Law Review. While at Princeton, she will start a book project on the environmental, health and safety, and consumers’ rights regulatory revolution of the 1960s and 1970s and its implications for public law. At Princeton, she will be the Martin and Kathleen Crane Fellow in Law and Public Affairs.

Tamir Moustafa is Assistant Professor of Political Science at the University of Wisconsin-Madison. He received his B.A. at the University of California, San Diego, and his M.A. and Ph.D. at the University of Washington. He teaches and writes in the areas of comparative law and society, religion and politics, and politics of the Middle East. His dissertation, Law Versus the State: The Expansion of Constitutional Power in Egypt, received best dissertation awards from the American Political Science Association, the Western Political Science Association, and honorable mention from the Middle East Studies Association. While at Princeton, he will complete a book on judicial politics in Egypt and begin work on a new project focusing on clashes between religious law and secular law in the Middle East and beyond.

Anthony J. Sebok is Centennial Professor of Law at Brooklyn Law School. He teaches Torts, Jurisprudence, Comparative Products Liability and Remedies. He received a B.A. in Philosophy from Cornell University, an M.Phil. in Politics from Oxford University, a J.D. from Yale Law School, and a Ph.D. in Politics from Princeton University. He is the author of Legal Positivism in American Jurisprudence (1998) and coauthored Tort Law: Responsibilities and Redress (2004) with John Goldberg and Benjamin Zipursky. His articles on jurisprudence and torts have appeared in various journals, including the
Michigan Law Review, the Southern California Law Review and the Vanderbilt Law Review. In 2004 he co-edited a symposium for the Boston University Law Review on the jurisprudence of slavery reparations. He was a Berlin Prize Fellow at the American Academy of Berlin in 1999 and the DAAD Visiting Professor of Law at the Freie Universität of Berlin in 2001. While at Princeton, he will study the political theory and jurisprudence of “mass restitution” litigation and compare it to the law of mass compensation and the law of civil penalties.

Program in Law and Public Affairs 2004-2005 fellows were:

Saïd Amir Arjomand, Professor of Sociology, State University of New York at Stony Brook
John M. de Figueiredo, Associate Professor, Sloan School of Management at the Massachusetts Institute of Technology (MIT)
Paul Frymer, Associate Professor of Sociology and the Law and Society Program, University of California, San Diego
Oliver H. Gerstenberg, Reader in European Union Law and Jurisprudence, Leeds University, England
Kim Lane Scheppele, John J. O'Brien Professor of Law and Sociology, University of Pennsylvania
Julie Chi-hye Suk, Law Clerk to the Honorable Harry T. Edwards, U.S. Court of Appeals for the D.C. Circuit
Tom R. Tyler, University Professor, New York University

Saïd Amir Arjomand is Professor of Sociology at the State University of New York at Stony Brook. He earned his Ph.D at the University of Chicago in 1980. He was the founder and first President of the Association for the Study of Persianate Societies (1996-2002) and Editor of International Sociology (1998-2003). He edited a special double issue of that journal on “Constitutionalism and Political Reconstruction” (March 2003). He has held appointments at St. Antony’s College, Oxford, 1982-83; the Institute for Advanced Study in Princeton, 1984-85; Sociology and Development Studies, University of California, Berkeley, 1989; the Swedish Collegium for Advanced Study in Social Sciences, 1998; and the Divinity School of the University of Chicago, 1993-94. His article, "Constitutions and the Struggle for Political Order: A Study in the Modernization of Political Traditions," European Journal of Sociology (1992), won the Section’s Award for the Best Essay in Comparative and Historical Sociology in 1993. His books include The Shadow of God and the Hidden Imam (1984), The Turban for the Crown: The Islamic Revolution in Iran (1988), and Rethinking Civilizational Analysis (Edited with Edward Tiryakian, in press). At Princeton, he will be the inaugural Martin and Kathleen Crane Fellow in Law and Public Affairs.

John M. de Figueiredo is an Associate Professor at the Sloan School of Management at the Massachusetts Institute of Technology (MIT), a Faculty Research Fellow at the National Bureau of Economic Research, and the John M. Olin Visiting Senior Fellow in Law and Economics at Harvard Law School. He earned an A.B. from Harvard University,
Paul Frymer is Associate Professor of Sociology and the Law and Society Program at the University of California, San Diego. He teaches and writes in the areas of political institutions, elections and representation, race and civil rights, labor and employment, and law and society. He received an MA and PhD in political science from Yale University, and a BA and JD from UC Berkeley. He is the author of Uneasy Alliances: Race and Party Competition in America (Princeton University Press), and his recent articles include “Political Parties, Representation, and Federal Safeguards,” in Northwestern University Law Review; “Instrumental Affirmative Action: Law and the New Significance of Race in America,” in Connecticut Law Review; and “Acting When Elected Officials Won’t: Federal Courts and Civil Rights Enforcement in U.S. Labor Unions, 1935-85,” in the American Political Science Review. While at Princeton, he hopes to complete a book on civil rights enforcement in labor unions.

Oliver H. Gerstenberg is a Reader in European Union Law and Jurisprudence at Leeds University, England. He has earned a Dr. iur. from the Johann Wolfgang Goethe-University Frankfurt am Main. He is author of Buergerrechte und Deliberative Demokratie (Frankfurt/M.: Suhrkamp 1997) and of numerous articles dealing with issues of European constitutionalism, private law, and comparative constitutionalism. He has been a John F. Kennedy Fellow at the Minda de Gunzburg Center for European Studies at Harvard University and a Jean Monnet Fellow at the European University Institute, Florence. While at Princeton he is planning to complete a book on comparative constitutionalism tentatively entitled "What Constitutions Can Do (but Courts Sometimes Don't): The Impact of Constitutional Rights (and Human Rights) on Private Law."

Kim Lane Schepple is John J. O'Brien Professor of Law and Sociology at the University of Pennsylvania. She received an A.B. degree from Barnard College and an M.A. and Ph.D. in sociology at the University of Chicago. Her primary field is comparative constitutional law and she has spent nearly half of the last decade working under three different grants from the National Science Foundation in post-socialist countries undergoing constitutional transformations. While at LAPA, she will finish her book based on this research called How Constitutions Work: Rethinking Constitutional Theory through Constitutional Ethnography. Professor Schepple also works on the subject of constitutions under stress, most recently writing about post-9-11 responses in comparative perspective. Her book Legal Secrets won special recognition from the American Sociological Association and, in earlier form, a dissertation prize from the American Political Science Association. She has won numerous teaching awards, both at the
University of Pennsylvania and at the University of Michigan, where she taught political science for 12 years.

**Julie Chi-hye Suk**, Law Clerk to the Honorable Harry T. Edwards of the U.S. Court of Appeals for the D.C. Circuit. Her primary areas of interest are antidiscrimination law, comparative law, international law, and political theory. She received an A.B. in English and French Literature from Harvard College, a J.D. from Yale Law School, and a D.Phil. in Politics from the University of Oxford, where she was a Marshall Scholar. She has recently published, with Judith Resnik, “Adding Insult to Injury: Questioning the Role of Dignity in Conceptions of Sovereignty” (in *Stanford Law Review*). While at Princeton, she will work on an article comparing conceptions of corrective and distributive justice in the antidiscrimination laws of the United States, United Kingdom, and France, as well as an article considering the export of antidiscrimination and pluralism norms to multiethnic developing societies.

**Tom R. Tyler** is a University Professor at New York University. He teaches in the Psychology Department and the Law School. He earned his B.A. in Psychology from Columbia University and his Ph.D. in Social Psychology from UCLA. His research focuses on the dynamics of authority in legal, managerial, and political settings. In particular, he studies the role of judgments about the justice of procedures in shaping people’s reactions to rules and decisions made by authorities. His books include: *The Social Psychology of Procedural Justice* (1988); *Why People Obey the Law* (1990); *Trust in Organizations* (Co-edited, 1996); *Social Justice in a Diverse Society* (1997); *Cooperation in Groups* (2000); *Cooperation in Modern Society* (Co-edited, 2000); *Social Influences on Ethical Behavior in Organizations* (Co-edited, 2001); and *Trust in the Law* (2002). While at Princeton he will write a book exploring the role of social motivations in shaping people’s compliance with rules in work settings. This study is part of a larger project examining whether views about the legitimacy of rules and policies influence people’s cooperation with authorities and institutions.

**Program in Law and Public Affairs 2003-2004 fellows were:**

**Anita L. Allen**, Professor of Law and Philosophy, University of Pennsylvania  
**Martin Flaherty**, Professor of Law, Fordham Law School, New York City  
**Laurence R. Helfer**, Professor of Law, Loyola Law School, Los Angeles, California  
**Noga Morag-Levine**, Assistant Professor of Political Science, University of Michigan  
**Carol Sanger**, Barbara Aronstein Black Professor of Law, Columbia Law School  
**David Sugarman**, Professor of Law at the Law School of Lancaster University, England  
**Albert H. Yoon**, Assistant Professor of Law, Northwestern University

**Anita L. Allen** is Professor of Law and Philosophy at the University of Pennsylvania. She is a graduate of New College and served on its Board of Trustees. She earned her M.A. and Ph.D. in Philosophy from the University of Michigan and her J.D. from Harvard. A nationally-known expert on the law and ethics of privacy, Allen is the author of *Why
Privacy Isn’t Everything: Feminist Reflections on Accountability in Private Life (2003) and Privacy Law: Cases and Materials (2 ed. 2002) (with R. Turkington). She has authored more than seventy articles and is widely recognized for her scholarship in the areas of jurisprudence, legal philosophy, law and literature, women’s rights, and race relations. While at Princeton, she will work on a book tentatively entitled After Privacy: Preference Regulation in the Liberal State. The book will assess the role government should play in regulating privacy -- including secrecy, modesty and confidentiality -- through education, incentives, and prohibitions.

Martin Flaherty is Professor of Law and Co-Director of the Joseph P. Crowley Program in International Human Rights at Fordham Law School in New York. His research focuses on Human Rights, Constitutional Law, and Legal History. He earned his A.B. from Princeton, his M.A. and M.Phil. from Yale (in History) and a J.D. from the Columbia Law School. He clerked for Judge John Gibbons and Justice Byron White. At Fordham, he founded the Crowley Program, through which he has led fact-finding missions to Turkey, Hong Kong, Mexico, and Malaysia. His recent publications include "History Right?: Historical Scholarship, Original Understanding, and Treaties as ‘Supreme Law of the Land,”'' (in the Columbia Law Review) and Presumed Guilty? Criminal Justice and Human Rights in Mexico (2001). While at Princeton, he will complete a book on the role of history in American constitutional interpretation. He will also begin a new project addressing the democratic legitimacy of the international human rights movement.

Laurence R. Helfer is Professor of Law and Lloyd Tevis Fellow at the Loyola Law School in Los Angeles. His research focuses on International Law, Human Rights, and Intellectual Property. Helfer earned a B.A. from Yale University, a J.D. from the NYU School of Law, and an M.P.A. from Princeton University’s Woodrow Wilson School. He clerked for Chief Judge Dolores K. Sloviter. Helfer’s many articles include “Overlegalizing Human Rights: International Relations Theory and the Commonwealth Caribbean Backlash Against Human Rights Regimes” (in the Columbia Law Review) and “Designing Non-National Systems: The Case of the Uniform Domain Name Dispute Resolution Policy” (in the William & Mary Law Review). At Princeton, he will work on a project about “Exit, Escape and Commitment in International Governance.” He will analyze the mechanisms that enable states to denounce or derogate from their treaty commitments, and investigate how those mechanisms affect the structure of international governance.

Noga Morag-Levine is Assistant Professor of Political Science at the University of Michigan. She studies courts and regulatory politics, with a focus upon environmental policy. She earned an A.B., M.A., and PhD. (in Jurisprudence and Social Policy) from the University of California at Berkeley. She holds a law degree from Hebrew University of Jerusalem. Her first book, Chasing the Wind: Regulating Air Pollution in the Common Law State (Princeton University Press, forthcoming), traces the continuity of the contemporary American air pollution regime with the regulatory tradition of the common law, in contrast to the civil law-inspired pollution control regimes of continental Europe. While at Princeton, she will write an article comparing the evolution of air pollution regulation in England and the United States. She will also continue her research on the
influence of nuisance law on the treatment of air pollution "hotspots" under the Clean Air Act.

Carol Sanger is the Barbara Aronstein Black Professor of Law at Columbia Law School. She teaches and writes in several fields, including Contracts, Family Law, and Feminist Jurisprudence. She earned her A.B. from Wellesley College and her J.D. from the University of Michigan. She received the Columbia University Presidential Teaching Award in 2001. She has chaired the Association of American Law Schools' Sections on Family Law, Immigration Law, and (most recently) Contracts. Sanger is a co-editor (with E. Allen Farnsworth and William Young) of Cases and Materials on Contracts (6th ed. 2001). She has published many book chapters and articles, including “Placing the Adoptive Self” (in Nomos XLIV) and “Separating from Children” (in the Columbia Law Review). While at Princeton, she will write a book that examines how maternal decisions to separate voluntarily from children are regarded as a matter of cultural inquiry and as a matter of law.

David Sugarman is Professor of Law at the Law School of Lancaster University, England and a Fellow of the Royal Historical Society. He holds a law degree from Hull University and completed graduate work in law at Cambridge University and Harvard Law School. His publications address law in history, the legal profession, law and globalization, corporate governance, legal education and human rights. They include 10 books (sole authored books, edited and co-edited books and special issues of law reviews) and over 60 articles and essays. Recent publications include "The Pinochet Case (in The Modern Law Review) and "From Unimaginable to Possible: Spain, Pinochet and the Judicialization of Power" (in Journal of Spanish Cultural Studies). At Princeton, he will work on the effort since 1973 to bring Augusto Pinochet to justice in Chile, Argentina, Spain, Belgium, Switzerland, France, the Netherlands, Germany, Italy, Britain and the USA, and its implications.

Albert H. Yoon is an Assistant Professor of Law at Northwestern University. His research interests include Tort Reform, Corporate and Securities Law, Federal Judicial Structure, and the role of Political Parties in Federalism. He received a B.A. from Yale University, and a J.D. and a PhD. in Political Science from Stanford University. After clerking for Judge R. Guy Cole, he was a Robert Wood Johnson Fellow at the University of California at Berkeley. Yoon's recent articles include “Mandatory Arbitration and Civil Litigation: An Empirical Study of Medical Malpractice Litigation in the West” (in the American Law and Economics Review) and “Love’s Labor’s Lost: Judicial Tenure Among Lower Federal Court Judges, 1945-2000” (in the California Law Review). While at Princeton, he will be completing a book-length empirical study that analyzes tort reform from the perspectives of law, economics, and political science.

Program in Law and Public Affairs 2002-2003 fellows were:
Alfred C. Aman, Roscoe C. O'Byrne Professor of Law, Indiana University School of Law, Bloomington
Mary L. Dudziak, Judge Edward J. and Ruey L. Guirado Professor of Law and History at the University of Southern California
Sarah B. Gordon, Professor of Law and History, University of Pennsylvania
Ran Hirschl, Assistant Professor of Political Science, University of Toronto
Harry Litman, former United States Attorney for the Western District of Pennsylvania
Linda Przybyszewski, Associate Professor of History, University of Cincinnati
Kal Raustiala, Acting Professor, UCLA Law School

Alfred C. Aman is a Phi Beta Kappa graduate of the University of Rochester with a bachelor of arts in political science in 1967. He earned his J.D. in 1970 from the University of Chicago Law School, where he served as executive editor of the Law Review. Following his graduation, he clerked for the late Elbert Parr Tuttle, senior judge of the Fifth Circuit Court of Appeals, in Atlanta. Aman joined the law firm of Sutherland, Asbill and Brennan (of Atlanta and Washington, D.C.) in 1972. In 1977, he joined the faculty of the Cornell Law School, where he taught until 1991, leaving to become dean at Indiana University School of Law–Bloomington. Aman has continued to teach and write throughout his deanship, and has held appointments as Fulbright Distinguished Chair in Comparative Constitutional Law at the University of Trento, Italy; Visiting Professor of Law at the University of Paris; and Visiting Fellow of Wolfson College, Cambridge, England. A specialist in constitutional and administrative law, Aman has published a monograph on globalization (Administrative Law in a Global Era, Cornell University Press), a treatise and casebooks on administrative law, and numerous articles and essays. Aman will soon begin work on a book dealing with globalization and democracy. He plans to return to Bloomington following his Princeton fellowship as a member of the law faculty where, in 1999, he was named Roscoe C. O’Byrne Professor of Law.

Mary L. Dudziak is the Judge Edward J. and Ruey L. Guirado Professor of Law and History at the University of Southern California. She received a bachelor of arts in sociology from the University of California, Berkeley, in 1978, a J.D. from Yale Law School in 1984, and a Ph.D. in American studies from Yale in 1992. She was a judicial law clerk for Judge Sam J. Ervin, III, on the United States Court of Appeals for the Fourth Circuit. Dudziak began her teaching career at the University of Iowa College of Law in 1986. In 1997 she began teaching at the University of Southern California Law School. She is the author of Cold War Civil Rights: Race and the Image of American Democracy (Princeton University Press, 2000), and has written extensively on civil rights history and American legal history. She was awarded the Phi Kappa Phi Faculty Recognition Award at USC in 2002 for Cold War Civil Rights. Upcoming projects include a book on constitutional politics in Kenya in the years leading up to independence in 1963, including the role of Thurgood Marshall in writing the Kenyan bill of rights, and an edited interdisciplinary collection based on an upcoming symposium: September 11 as a Transformative Moment.

Sarah B. Gordon is a legal historian who specializes in the history of religion in America. She is a professor of law and history at the University of Pennsylvania, where she teaches
property, religious history, and courses on church and state. She has published work on blasphemy, women’s suffrage, law and literature, and is the author of *The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth Century America* (University of North Carolina Press, 2002). Gordon holds a bachelor’s degree from Vassar College, a J.D. and a Masters in Divinity from Yale, and a Ph.D. in history from Princeton. While at Princeton, she will begin work on a new book project, investigating the litigation practices of religious organizations in the twentieth century, and their important role in the tectonic shift in the understanding of what it means to exercise freedom and bear rights. She also will teach a course: “Resurgence and Rebirth: American Religion and Legal Change in the Twentieth Century.”

**Ran Hirschl** is an assistant professor of political science at the University of Toronto. His primary areas of interest are comparative public law, constitutional rights, and judicial politics. He holds a bachelor’s, master’s, and an LL.B. from Tel-Aviv University, as well as a master of arts, master of philosophy, and a Ph.D. from Yale University. He has published extensively on comparative constitutional law and politics in journals such as *Law & Social Inquiry, Comparative Politics, Human Rights Quarterly, American Journal of Comparative Law, University of Richmond Law Review, Stanford Journal of International Law, and Canadian Journal of Law and Jurisprudence*; as well as in several acclaimed edited volumes. While at Yale and at the University of Toronto he received several fellowships and awards, including a Fulbright Scholar nomination and a Canada Social Science and Humanities Research Council Grant. While at Princeton, he will be completing a book entitled *Towards Juristocracy: A Comparative Inquiry into the Origins and Consequences of the New Constitutionalism* (Harvard University Press, forthcoming).

**Harry Litman** is the immediate past United States Attorney for the Western District of Pennsylvania. He received his bachelors from Harvard University and his J.D. from the University of California, Berkeley, where he was editor-in-chief of the Law Review. Following law school, he served as a law clerk to Judge Abner Mikva, Justice Thurgood Marshall, and Justice Anthony Kennedy. He thereafter worked in private practice in Pittsburgh and then became a federal prosecutor in the Northern District of California. From 1993-1998, he was Deputy Assistant Attorney General in the Department of Justice, Office of Policy Development. He became United States Attorney in 1998 and served in that position until 2001. In July 2000, he was nominated to a federal judgeship on the United States District Court. He has been an adjunct professor at the law schools of the University of California, Berkeley, Georgetown University, and the University of Pittsburgh, and he has published a number of articles on criminal law, federalism, and constitutional interpretation. While at Princeton, he will be working on a theoretical article on prosecutorial discretion and an empirical article analyzing arrests for drug crimes, and he will also teach a seminar on the nature and scope of the federal criminal law.

**Linda Przybyszewski** is an associate professor of history at the University of Cincinnati. She received her Ph.D. from Stanford University in 1989. Her primary area of interest is the legal and intellectual history of the United States. She has written on the right to privacy, civil rights law, and gender issues. She is the author of *The Republic According to John Marshall Harlan* (University of North Carolina Press, 1999) and the editor of *Some
Memories of a Long Life, 1854-1911 by Malvina Shanklin Harlan (Modern Library, 2002). Her current book project is entitled A Brooding Omnipresence: The Role of Religious Faith in American Legal Thought, 1829-1940. While at Princeton, she will be focusing on the history of the teaching of international law in the academy in the United States and the general population’s view of international law and the peace movement.

Kal Raustiala is an acting professor at UCLA Law School. His research focuses on the links between law and international relations, including regulatory cooperation, international agreements, compliance, and sovereignty. He holds a bachelor’s in political science from Duke University, a Ph.D in political science from U.C. San Diego, and a J.D. from Harvard Law School. Raustiala has been a research fellow at the Brookings Institution in Washington DC, an assistant professor at Brandeis University, and is a member of the Council on Foreign Relations. He is co-editor of The Implementation and Effectiveness of International Environmental Commitments (with D.G. Victor and E. Skolnikoff, 1998). At Princeton, he will explore the influence of changes in interdependence and globalization on domestic legal doctrines of territoriality and sovereignty, as well as the ways in which international institutions challenge domestic sovereignty and democracy. He will also be a visiting professor in the Politics Department, teaching courses on public international law and global environmental cooperation.

Program in Law and Public Affairs 2001-2002 fellows were:

Linda Bosniak, Professor of Law at Rutgers Law School
Fionnuala Ní Aoláin, Professor of Law at the University of Ulster
Wilfrid Prest, Professor of History at the University of Adelaide
Gil Seinfeld, Law Clerk to the Honorable Guido Calabresi of the U.S. Court of Appeals for the Second Circuit
Nicos E. Stavropoulos, University Lecturer in Legal Theory at the University of Oxford and Fellow of Mansfield College
Phil Weiser, Associate Professor of Law and Telecommunications and Executive Director of the Silicon Flatirons Telecommunications Program at the University of Colorado

Linda Bosniak, Professor of Law at Rutgers Law School. She has published extensively on the subjects of immigration, citizenship, and nationalism in law and political theory. Professor Bosniak holds a B.A. from Wesleyan University, an M.A. in Latin American Studies from the University of California at Berkeley, and a J.D. from Stanford Law School. Before joining the Rutgers faculty, she practiced law at Rabinowitz, Boudin, a civil rights and labor law firm in New York. While at Princeton, she will write a book entitled Citizenship, Globalization, and the Scope of Political Solidarity, which will examine the question of citizenship's changing relationship with the nation-state at a time of increasing globalization. She also will teach an upper-level undergraduate course on "Citizenship."

Fionnuala Ní Aoláin, Professor of Law at the University of Ulster. She has written numerous articles in the fields of international law and international human rights law. She is the author of The Politics of Force: Conflict Management and State Violence in Northern
Ireland (Blackstaff Press, 2000). Professor Ni Aoláin received an LL.B. from Queen's Law Faculty in Belfast and a Ph.D. from Queen's University. She has worked for the International War Crimes Tribunal and was nominated by the Irish government to sit on the Human Rights Commission created in the Irish Republic on the basis of the Good Friday Agreement. At Princeton she will work on a book about the theoretical and comparative aspects of emergency laws entitled Law's Vanishing Point: An Analysis of Law and Crisis.

**Wilfrid Prest**, Professor of History at the University of Adelaide. His primary area of interest is the social history of law and lawyers. His most recent book is Albion Ascendant: English History 1660-1815 (Oxford University Press, 1998), and he has edited the forthcoming Wakefield Companion to South Australian History. He holds a B.A. from the University of Melbourne and a D.Phil. from the University of Oxford, where he was a Rhodes Scholar. Professor Prest has taught at John Hopkins University and St. Andrews University, Scotland, and he recently held a fellowship at the National Humanities Center. While at Princeton, he will be completing a book on civil litigation in post-Restoration England and pursuing research for a full-length biography of William Blackstone. He also will teach a freshman seminar: "Lawyers and Litigation, Past and Present."

**Gil Seinfeld**, Law Clerk to the Honorable Guido Calabresi of the U.S. Court of Appeals for the Second Circuit. His primary areas of interest are federal courts and civil procedure. He received an A.B. in Government from Harvard College and graduated magna cum laude from Harvard Law School. He has published a case comment exploring the intersection of the Free Speech and Establishment Clauses of the First Amendment and is completing a piece on constructive waiver of the Eleventh Amendment immunity. At Princeton he will be working on two projects: one examines state legislative reactions to the U.S. Supreme Court's reinvigorated federalism jurisprudence, the other assesses different versions of the canon of constitutional avoidance.

**Nicos E. Stavropoulos**, University Lecturer in Legal Theory at the University of Oxford and Fellow of Mansfield College. He received a law degree from the University of Athens, an LL.M. degree from the University of London, and a D.Phil. degree from the University of Oxford. Before joining the Oxford Law Faculty in 1999, he practiced law in Athens and served for two years as Special Adviser to the Prime Minister of Greece. He is the author of Objectivity in Law (Clarendon Press, 1996). His teaching and research focus on the philosophy of law, with particular emphasis on the bearing of philosophy of language and mind on legal theory. Dr. Stavropoulos will be a Fellow during the fall semester, when he will be writing a book on the nature of legal concepts.

**Phil Weiser**, Associate Professor of Law and Telecommunications and Executive Director of the Silicon Flatirons Telecommunications Program at the University of Colorado. His primary areas of scholarship include telecommunications policy and federalism, as well as the intersection of telecommunications regulation, antitrust, and intellectual property. He holds a B.A. from Swarthmore College and a J.D. from New York University. Professor Weiser joined the Colorado law faculty in 1999. Previously he served as senior counsel for telecommunications policy to the U.S. Assistant Attorney General for Antitrust and as Clerk to Associate Justice Byron White of the U.S. Supreme Court. At Princeton he will
develop a model for the appropriate regulation of information platforms, integrating the
approaches of telecommunications regulation, antitrust, and intellectual property law. He
also will teach a course on "The Challenges of Information Technology Policy."

Program in Law and Public Affairs 2000-2001 fellows were:

Joan Dayan, Regents Professor of English at the University of Arizona
Christopher Eisgruber, Professor of Law at New York University
Gábor Halmai, Professor at the Lóránd Eötvös School of Law in Budapest and Director of
the Hungarian Human Rights Information and Documentation Centre
Diane Orentlicher, Professor of Law and Director of the War Crimes Research Office at
American University
Ruth Rubio-Marín, Professor of Constitutional Law at the University of Sevilla
David Rudenstine, the Dr. Herman George and Kate Kaiser Professor of Constitutional
Law at the Benjamin N. Cardozo School of Law, Yeshiva University

Joan Dayan, Regents Professor of English at the University of Arizona. Her primary areas
of scholarship include American Studies, comparative Caribbean cultural history, and
Religion. She is the author of Fables of Mind: An Inquiry into Poe's Fiction (Oxford
University Press, 1987) and Haiti, History, and the Gods (University of California Press,
1995). She has published numerous articles on race and romance in the Americas, as well
as on Haiti's literature, legal history and religious practices. Professor Dayan holds a B.A.
from Smith College and a Ph.D. in Comparative Literature from the City University
Graduate Center. At Princeton, she will complete her book on prisons and the law, Held in
the Body of the State, and teach a graduate seminar: "Legal Slaves and Civil Bodies:
Interpretation, Literature, and the Law."

Christopher Eisgruber, Professor of Law at New York University. He has published
numerous articles on the Constitution and has recently completed a book entitled
Constitutional Self-Government. His primary areas of scholarship include constitutional
law, religious liberty, and political theory. Professor Eisgruber joined the NYU faculty in
1990 after clerking for Justice John Paul Stevens on the United States Supreme Court and
Judge Patrick Higginbotham of the United States Court of Appeals for the Fifth Circuit. He
holds an A.B. in Physics from Princeton University, a J.D. from the University of Chicago
and a Master's Degree in Politics from Oxford University, where he was a Rhodes Scholar.
At Princeton, he will be writing a book about constitutional law and the ethical character of
liberal democratic citizenship. He will also teach a freshman seminar: "The Supreme Court
and Constitutional Democracy."

Gábor Halmai, Professor at the Lóránd Eötvös School of Law in Budapest and Director of
the Hungarian Human Rights Information and Documentation Centre. He has published
extensively in English, German and Hungarian, on problems related to human rights,
judicial review, freedom of expression and freedom of association. Professor
Halmai holds an LL.M. and a Ph.D. from Budapest University. He spent two years at the
University of Cologne in Germany as a Humboldt Fellow, and five months at the
University of Michigan as a Fulbright Fellow. In 1997 he became a Doctor of the Hungarian Academy of Sciences, and in 1998 he was awarded the Soros Foundation's István Bibó Prize in social sciences. At Princeton, he will write a casebook on comparative approaches to human rights enforcement.

Diane Orentlicher, Professor of Law and Director of the War Crimes Research Office at American University. Professor Orentlicher's scholarship has focused on the problems of accountability for mass atrocities, transitions to democracy, and the relationship between ethnic identity and political participation. She is co-editor, with Louis Henkin, Gerald L. Neuman and David W. Leebron, of Human Rights (Foundation Press, 1999). Professor Orentlicher holds an A.B. from Yale University and a J.D. from Columbia Law School. At Princeton, she will write a book that explores recent developments in international criminal law, including the Spanish/British proceedings against former Chilean President Augusto Pinochet and the preparations for an international criminal court.

Ruth Rubio-Marín, Professor of Constitutional Law at the University of Sevilla. Her interests include immigration, minority rights, gender and constitutional law. She is the author of Immigration as a Democratic Challenge (Cambridge University Press, 2000) and co-author of Igualdad y Mujer: la norma y su aplicación (Equality and Women: the Rule and its Application, Instituto Andaluz de la Mujer, 1999). Professor Rubio Marín has also published articles in English and Spanish dealing with nationality, citizenship, and human rights. She holds a law degree from the Sevilla Law School and a Ph.D. in Law from the European University Institute in Florence. At Princeton, she will write a book entitled Language and Postnational Citizenship. She will also teach a freshmen seminar on constitutional justice and multicultural issues.

David Rudenstine, the Dr. Herman George and Kate Kaiser Professor of Constitutional Law at the Benjamin N. Cardozo School of Law, Yeshiva University. He is the author of the Pulitzer Prize nominated The Day the Presses Stopped: A History of the Pentagon Papers Case (California University Press, 1996). He holds a B.A. and a M.A.T. from Yale University and a J.D. from New York University School of Law. Before joining the law faculty in 1979, Professor Rudenstine spent two years in Uganda with the Peace Corps, worked as a legal services attorney, directed a study of the New York parole system, and spent five years doing civil liberties litigation at the New York Civil Liberties Union. At Princeton, he will write a book entitled Trophies for the Empire: The Tale of the Parthenon Marbles, which will be a history of the dispute between Greece and Britain over Lord Elgin's taking of the Parthenon marbles in the nineteenth century. He will also teach a freshman seminar: "Who Owns the Past."
LAPA fellows spend the bulk of their time at Princeton researching and writing on their own agenda. One measure of LAPA’s success might be the quality and quantity of publications that LAPA fellowships have encouraged. Toward that end, you will find reproduced below a list of the articles and books published by LAPA fellows as the result of their work while resident in Princeton.

A note on methodology: this is an imprecise list. While we ask fellows to report what they have done during their LAPA year when they write year-end reports, not all fellows have given actual citations to their work, especially given that many publications are in draft at the time that they leave. Some year-end reports were more detailed than others. Moreover, some research begun at LAPA produces publications long after the person leaves. What I have tried to do in compiling this list is to compare “exit letters” with recent c.v.s for all fellows to see what publications are reasonably attributable to LAPA. As a result, one may sometimes find attributed to LAPA on this list a book that was published years after someone was a LAPA fellow. That attribution resulted from statements in the exit letters to the effect that research for a book on that topic occupied at least some of the fellow’s year. In addition, I have listed articles that appeared while the person was in residence in Princeton, usually because the exit letters indicated that they were still finishing, cite-checking or proofing articles in press when they arrived. In some cases, we have been unable to obtain current c.v.s for former fellows, and in those cases, I am even less certain that I got the attribution of publications absolutely correct. Finally, especially for the recent cohorts of fellows, work begun at LAPA is still in progress and so there will no doubt be more publications (particularly books) attributable to LAPA once more time has passed.

All that said, however, this should give some measure of LAPA’s impact in the world of law-related publications.
FELLOWS 2006-2007

Books

The Globalization of International Law
edited by Paul Schiff Berman
Ashgate Publishing
ISBN 0754624129
Publication Date January 2006

'International law' is no longer a sufficient rubric to describe the complexities of law in an era of globalization. Accordingly, this collection situates cross-border norm development at the intersection of interdisciplinary scholarship on comparative law, conflict of laws, civil procedure, cyberlaw, legal pluralism and the cultural analysis of law, as well as traditional international law. It provides a broad range of seminal articles on transnational law-making, governmental and non-governmental networks, judicial influence and cooperation across borders, the dialectical relationships among national, international and non-state legal norms, and the possibilities of 'bottom-up' and plural law-making processes. The introduction situates these articles within the framework of law and globalization and suggests four important ways in which such a framework enlarges the traditional focus of international law. This book, therefore, provides a crucial reference for scholars and practitioners seeking to understand the varied processes of norm development in the emerging global legal order.

Law and Society Approaches to Cyberspace
edited by Paul Schiff Berman
Ashgate Publishing
ISBN 0754624935
Forthcoming September 2007

During the past decade, the rise of online communication has proven to be particularly fertile ground for academic exploration at the intersection of law and society. Scholars have considered how best to apply existing law to new technological problems but they also have returned to first principles, considering fundamental questions about what law is, how it is formed and its relation to cultural and technological change. This collection brings together many of these seminal works, which variously seek to interrogate assumptions about the nature of communication, knowledge, invention, information, sovereignty, identity and community. From the use of metaphor in legal opinions about the internet, to the challenges posed by globalization and deterritorialization, to the potential utility of online governance models, to debates about copyright, free expression and privacy, this collection offers an invaluable introduction to cutting-edge ideas about law and society in an online era. In addition, the introductory essay both situates this work within the trajectory of law and society scholarship and summarizes the major fault lines in ongoing policy debates about the regulation of online activity.
International Law and Society: Empirical Approaches to Human Rights
edited by Laura Dickinson
Ashgate Publishing
ISBN 0754626113
Forthcoming July 2007

Scholars of international human rights law are largely unfamiliar with law and society scholarship, while the study of international human rights has remained at the margins of the law and society movement. International Human Rights: Empirical Approaches to Human Rights seeks to bridge this gap by presenting the work of a growing number of academics who are adopting a range of empirical approaches to international human rights. Drawn from the fields of anthropology, sociology, political science and law, the studies featured in this volume use a variety of qualitative and quantitative methods to analyze core issues of international law and human rights, such as compliance, the development of norms and the role of social movements.

International Law Stories
co-edited by Laura Dickinson (with John E. Noyes)
Foundation Press
Forthcoming 2007

Introduction to Middle Eastern Law
by Chibli Mallat
Oxford University Press
ISBN 0-19-923049-8
Publication Date June 2007

This book provides an introduction to the laws of the Middle East, defining the contours of a field of study that deserves to be called 'Middle Eastern law'. It introduces Middle Eastern law as a reflection of legal styles, many of which are shared by Islamic law and the laws of Christian and Jewish Near Eastern communities. It offers a detailed survey of the foundations of Middle Eastern Law, using court archives and an array of legal sources from the earliest records of Hammurabi to the massive compendia of law in the Islamic classical age through to the latest decisions of Middle Eastern high courts. It focuses on the way legislators and courts conceive of law and apply it in the Middle East. It builds on the author's extensive legal practice, with the aim of introducing the Middle Eastern law's main sources and concepts in a manner accessible to non-specialist legal scholars and practitioners alike.

Articles


FELLOWS 2004-2005


Paul Frymer, "Race, Labor, and the 20th Century American State", in Politics and Society.


FELLOWS 2003-2004


Martin Flaherty, “Rawls, Rights, and Reality,” in *Universal Human Rights And Bulwarks Of Localism* (Christopher Eisgruber and Andras Sajo, eds. 2005)


Carol Sanger (ed.), *Family Law Stories* (Foundation Press, forthcoming 2007) (fifteen newly commissioned essays on the back stories of significant state and federal Family Law cases)


Carol Sanger and Deborah Rhode, “Asserting Rights in the 21st Century” in *Gender and Rights* (Sanger and Rhode, eds., Dartmouth/Ashgate, 2005).


David Sugarman "Will Pinochet ever answer to the people of Chile?" *The Times* 14 September (Law Section) p.10 (2004).


FELLOWS 2002-2003


Kal Raustiala, Police Patrols and Fire Alarms in the NAFTA Environmental Side Agreement, 26 *Loyola Los Angeles International And Comparative Law Review*, 2004 (Symposium issue on NAFTA)


Translated into Italian in *Agricoltura, Istituzioni, Mercati: Rivista De Diretto Agroalimentare E Dell Ambiente*, (Sommario 2/2004)


excerpted in *Making Law Work: Environmental Compliance And Sustainable Development* (Durwood Zaelke, Et Al, Eds, 2005)

Kal Raustiala, Compliance, International Relations, and International Law, in *The Handbook Of International Relations* (Walter Carlsnaes, Thomas Risse, and Beth Simmons, eds., 2002) (with Anne-Marie Slaughter)
FELLOWS 2001-2002


Wilfred Priest, 'Law Reform and Legal Education in Interregnum England', *Historical Research* (London, Institute for Historical Research) 57 (2002), 112-122


Phil Weiser, “The Imperative of Harmonization Between Antitrust and Regulation,” 698 PLI/Pat 73-88 (2002)
FELLOWS 2000-2001


Gábor Halmai (ed.), *The Constitution Found?* (2000), (in English and Hungarian) containing two chapters written by the editor.

Gábor Halmai and Gabriella Cseh, *The Right to Communication* (Új Mandátum, 2002). (In Hungarian)


Gábor Halmai, “The Law on Parties in Hungary.” Published in German in volume on The Law on Parties in European Comparison.

Gábor Halmai, “Does Hungary Need an Anti-Discrimination Law?” Published in Hungarian in Festschrift for Ottó Bihari.
Gábor Halmai, “Who is the Main Protector of Fundamental Rights in Hungary?” Published in English in *Systems of Justice in Transformation: Central European Experiences*.


LEGS is an interdisciplinary graduate student group that attracts graduate students from politics, sociology, economics, history, anthropology, philosophy and the Woodrow Wilson School. Sessions of the group are devoted either to a presentation of student papers or to a workshop with visiting speakers who share their research strategies with the group.

2006-2007 Law Engaged Graduate Student (LEGS) Seminars

FALL SEMESTER 2006

October 11, 2006, Ambassador Peter Galbraith, Author of "The End of Iraq", Informal Student Session


November 13, 2006, Sara Nephew Hassani, Sociology PhD student, "Of Coase, Cattle, and Natural Gas in Wyoming’s Powder River Basin"

November 27, 2006, David Glick, Politics PhD student, “Copying to Compose Compliance: Behavioral Decision Making, Policy Borrowing, and Legal Impact in Higher Education”

December 1, 2006, Scott Horton, Partner at Patterson, Belknap, Webb and Tyler, Discussion on the Military Commissions Act of 2006

December 11, 2006, Kevin Woodson, PhD student in sociology, "We Could Have Told You That! Skepticism About Litigation in the Legal Thought of Ralph Bunche, W.E.B. DuBois, and Roger Baldwin in the 1930s"

SPRING SEMESTER 2007

February 19, 2007, Andreas von Staden, WWS PhD student, “Shaping Human Rights Policy in Europe: Assessing and Explaining Compliance with the Judgments of the European Court of Human Rights”

March 5, 2007, Laura Weinrib, History PhD student, "A Test-Case of Vital Importance': United States v. Dennett and the Sex Side of Civil Liberties"


April 2, 2007, Rob Hunter, Politics PhD student, "Problems of Change and Continuity in Law and Politics"
April 16, 2007, Barbara Buckinx, Politics PhD student, "Reducing Domination at the Global Level: Republican Remedies"

May 7, 2007, Christina Burnett, WWS/History PhD student, "The Constitutionalization of the Subject: Citizens, Nationals, and American Empire"

2005-2006 Law Engaged Graduate Student (LEGs) Seminars

FALL SEMESTER 2005

September 27 – Organizational Meeting (reading: Karl Llewellyn, Bramble Bush)


November 8, 2005 -- Stephen Griffin, Rutledge C. Clement, Jr. Professor of Constitutional Law, at Tulane University, “Constitutional Theory Transformed”

November 28, 2005 -- Laura Stark, PhD candidate in Sociology, “Morality in Science: Evaluating Research in the Age of Human Subjects Regulation”

December 12, 2005 -- Asli Bali, PhD candidate in Politics, “Scapegoating the Vulnerable: Preventive Detention of Immigrants in America’s ‘War on Terror’”

SPRING SEMESTER 2006

February 13, 2006 -- Lisa Hajjar, Professor of Legal Studies, UC Santa Barbara, “Doing Field Work in Dangerous Places”

March 6, 2006 -- Wendy Espeland, Professor of Sociology, Northwestern, “Doing Elite Interviews on Sensitive Subjects”

March 27, 2006 -- Richard Brooks, Professor of Law, Yale Law School, “Do Corporations Have a Race?”

April 3, 2006 -- Deborah Becher, PhD candidate in Sociology, “The Daily Life of Eminent Domain”

April 25, 2006 -- Walter Murphy, McCormick Professor of Jurisprudence, Emeritus – Princeton’s legendary professor reminisces on his career in public law.

May 8, 2006 -- Nancy Maveety, Tulane University, “The Choral Court.”
2004-2005 Law Engaged Graduate Student (LEGS) Seminars

- Radha Iyengar "The Impact of Mandatory Arrest Laws on Intimate Partner Violence"
- Emily Zackin "One of the Boys: How Title VII Suits Changed the Consciousness of Working Women"
- Tom Clark "War and Judicial Deference to the Executive Branch at the Courts of Appeals"
- Mitra Sharafi "Entrusting the Faith: Parsis and the Law of Zoroastrian Trusts in Bombay Presidency, 1887-1907"
- Bart Szewczyk "Establishment and Expansion of a Republican Empire"
LAPA PUBLIC LECTURES AND WORKSHOPS

In addition to LAPA’s regular seminar series and conference events, LAPA also sponsors or cosponsors public lectures, informal workshops and other events that are not part of a regular series. Those events are listed here, from the most recent back to LAPA’s beginnings.

Robert C. Post, David Boies Professor of Law at Yale Law School
Third Annual Donald S. Bernstein ’75 Lecture
May 3, 2007, 4:30 pm

Robert C. Post joined the Yale faculty as the first David Boies Professor of Law. He focuses his teaching and writing on constitutional law, and is a specialist in the area of First Amendment theory and constitutional jurisprudence. Before coming to Yale Law, he had been teaching since 1983 at the University of California, Berkeley, School of Law (Boalt Hall).


Post was a law clerk to Chief Judge David L. Bazelon of the United States Court of Appeals for the District of Columbia Circuit and for Justice William J. Brennan Jr. of the United States Supreme Court. Prior to joining the Boalt Hall faculty, Post was an associate in the firm Williams & Connolly in Washington, D.C., serving in its litigation section. He served as general counsel to the American Association of University Professors 1992-1994 and to Governor Wilson's Independent Panel on Redistricting in 1991.

Post has been honored with the Koret Israel Prize and with fellowships from the Guggenheim Foundation and the American Council of Learned Societies. He received the 1998 Hughes-Gossett Award for best article in the Journal of Supreme Court History. He is councilor and librarian of the American Academy of Arts and Sciences, of which he is a
fellow, and is a member of the American Law Institute. He is a trustee of the National Humanities Center, on the executive committee of the American Council of Learned Societies, and on the editorial board of *Representations*.

Post earned his B.A. summa cum laude from Harvard University, a J.D. from Yale Law School where he served as note editor of the Yale Law Journal, and a Ph.D. in the History of American Civilization from Harvard.

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**Scott Long, Human Rights Watch**

“The International Silence of the LGBT Community”

Public Lecture co-sponsored by LAPA/PIIRS/LGBT

April 18, 2007

Scott Long, director of the LGBT rights program for Human Rights Watch, will speak about ongoing efforts to break the silence for lesbian, gay, bisexual and transgender persons around the world. Long has been a long-time human rights activist. Beginning in the early 1990s, while living in the former Soviet bloc, he gathered detailed information on Romania's mistreatment of gays and lesbians, and led over forty missions to Romanian penitentiaries, reporting extensively on conditions there. He has worked closely with many LGBT groups in Eastern Europe and elsewhere, as well as with human rights groups including the Romanian Helsinki Committee. In 1993, he conducted the first fact-finding mission on the situation of gays and lesbians in Albania. He is the author, among other articles and reports, of *Public Scandals: Sexual Orientation and Criminal Law in Romania*, co-published by the International Gay and Lesbian Human Rights Commission and Human Rights Watch, and has edited and contributed to recent reports on gay and lesbian parenting, and on the use of sexuality to target women's and feminist organizing worldwide. He holds a Ph.D. from Harvard University; he has taught as a visiting professor at the University of Budapest, and for two years was a Senior Fulbright Professor of American Literature at the University of Cluj-Napoca, Romania.

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**Kenji Yoshino,**

Deputy Dean for Intellectual Life and Professor of Law, Yale Law School

"The End of Civil Rights?: The Supreme Court's Rejection of Identity Politics"

Moffett Lecture, Co-sponsored by UCHV and LAPA

April 5, 2007

Kenji Yoshino is professor of law and deputy dean for intellectual life at Yale Law School. The author of *Covering: The Hidden Assault on our Civil Rights*, Yoshino was educated at Harvard, Oxford, and Yale Law School. He is a specialist in constitutional law, antidiscrimination law, and law and literature and he has published work in a wide variety of academic journals, including the *Columbia Law Review, Michigan Law Review, Stanford Law Review,* and *Yale Law Journal*. His writing has been featured in *The Boston*

Oona Hathaway, Yale Law School
“International Law and Domestic Authority”
Seminar Co-sponsored by LAPA/Center for Global Governance
April 2, 2007

Oona A. Hathaway is an Associate Professor of Law at Yale Law School. She earned her B.A. at Harvard University and her J.D. at Yale Law School. Before joining the faculty at Yale, she served as a law clerk for Justice Sandra Day O’Connor and for D.C. Circuit Judge Patricia Wald, held fellowships at Harvard University's Carr Center for Human Rights Policy and Center for the Ethics and the Professions, and served as an Associate Professor at Boston University School of Law. Her current research focuses on how international law shapes countries’ behavior. Her recent articles include Revisionism and Rationalism in International Law, Between Power and Principle: An Integrated Theory of International Law, The Cost of Compliance, and Do Human Rights Treaties Make a Difference? A 2004 Carnegie Scholar, she is working on a book on the promise and limits of international law.

Robert Gordon,
Chancellor Kent Professor of Law and Legal History, Yale Law School
“The Legal Profession, 1870-2000”,
Seminar co-sponsored by LAPA/American Studies
February 22, 2007

Robert Gordon is the Chancellor Kent Professor of Law and Legal History at Yale Law School. His subject areas are contracts, American legal history, evidence, the legal profession, and law and globalization. Prior to coming to Yale, he taught at The University of Wisconsin and Stanford. Professor Gordon has an A.B. and J.D. from Harvard.

Peter W. Galbraith,
Senior Diplomatic Fellow, Center for Arms Control and Nuclear Nonproliferation; former US Ambassador to Croatia.
"The End Of Iraq: How American Incompetence Created A War Without End",
Public Lecture Co-sponsored by LAPA/WWS
October 10, 2006
Peter W. Galbraith served as the first US Ambassador to Croatia and has held senior positions in the US Government and the United Nations. He is the author of the critically acclaimed book, *The End of Iraq: How American Incompetence Created a War Without End* (2006). Currently, he is the Senior Diplomatic Fellow at the Center for Arms Control and Non-Proliferation and a principal at the Windham Resources Group LLC.

Walter F. Murphy,  
McCormick Professor of Jurisprudence Emeritus at Princeton University  
“The Constitution, Dead or Alive?”  
Constitution Day Event  
Public Lecture Co-sponsored by the Madison Program/LAPA  
September 19, 2006

Walter F. Murphy, McCormick Professor of Jurisprudence Emeritus at Princeton University, is among the most distinguished constitutional scholars of the 20th century. A decade after joining the Princeton faculty, he was named the McCormick Professor of Jurisprudence, succeeding Woodrow Wilson, Edward S. Corwin and Alpheus T. Mason in one of the nation’s most prestigious endowed chairs. Professor Murphy is the recipient of numerous honors, including the Lifetime Achievement Award from the American Political Science Association, Law and Courts Section, and the Chicago Foundation for Literature Award in 1980 for his novel, *The Vicar of Christ*. He is a fellow of the American Academy of Arts and Sciences, and a senior fellow of the Italian Academy for Advanced Study in America. He is the author of *Wiretapping on Trial, Elements of Judicial Strategy*, and *Congress and the Court*, as well as works of fiction exploring important political and religious themes, including *Upon This Rock: The Life of St. Peter* and *The Roman Enigma*. Professor Murphy earned a Purple Heart, Distinguished Service Cross, three Battle Stars, and a Presidential Unit Citation for his service in the U.S. Marine Corps during the Korean War. He earned a Ph.D. from the University of Chicago.

President Carl Baudenbacher,  
Court of Justice of the European Free Trade Association (EFTA),  
“Judicial Dialogue among the European Supreme Courts:  
The European Court of Justice, the European Court of Human Rights and the European Free Trade Association Court”  
Public Lecture,  
September 18, 2006

Professor Carl Baudenbacher presides over the EFTA court, which hears disputes between European Union member states and the near-EU members (Iceland, Norway, Lichtenstein). He is also a Professor at the University of St. Gallen in Switzerland. The
author of more than 40 monographs and edited collections, Professor Baudenbacher has written on a wide range of subjects - from European competition (antitrust) and intellectual property law to comparative constitutional law. He lectures on the role of courts in international law, on business law and on judicial globalization.

Scott Horton, Partner, Patterson Belknap, Webb and Tyler LLP and Chair, International Law Committee, Bar Association of the City of New York, “Defending American Journalists in the Criminal Courts of Iraq” Informal Workshop with Students May 12, 2006

Scott Horton is a partner with the law firm of Patterson, Belknap, Webb & Tyler LLP in New York. Scott completed his legal studies at the Universities of Munich and Mainz in Germany and took his J.D. degree from the University of Texas in Austin in 1981. He has been active with human rights matters throughout his career, having represented Andrei Sakharov and Elena Bonner in proceedings contesting the regime of internal exile which was imposed upon them by Soviet authorities, as well as several other Russian, Czech, Armenian and Azerbaijani dissidents. He has worked with the Lawyers Committee for Human Rights, Human Rights Watch and the International League for Human Rights (of which he is now president). Scott is a member of the Council on Foreign Relations and chairs the Committee on the CIS of the Association of the Bar of the City of New York. He is the author of over one hundred publications, largely on issues of legal reform and development in nations of the former Soviet Union.

Kenneth Roth, Executive Director, Human Rights Watch, “Are Human Rights a Necessity or a Hindrance for Fighting Terrorism?” Second Annual Donald S. Bernstein ’75 Lecture, May 1, 2006

Kenneth Roth is one of the truly outstanding voices of our time, speaking up for human rights. As the executive director of Human Rights Watch, a post he has held since 1993, he has conducted human rights investigations around the globe, devoting special attention to issues of justice and accountability for gross abuses of human rights, standards governing military conduct in time of war, the human rights policies of the United States and the United Nations, and the human rights responsibilities of multinational businesses. He has written over 80 articles and chapters on a range of human rights topics in such publications as the New York Times, the Washington Post, Foreign Affairs, the International Herald Tribune, and the New York Review of Books. He also regularly appears in the major media and speaks to audiences around the world. Previously, Roth was also a federal prosecutor for the U.S. Attorney's Office for the Southern District of New York and the Iran-Contra investigation in Washington. He also worked in private practice as a litigator.
In his years as executive director of Human Rights Watch, the organization has quadrupled in size, while greatly expanding its geographic reach, and adding special projects devoted to refugees, children's rights, academic freedom, international justice, AIDS, gay and lesbian rights, and the human rights responsibilities of multinational corporations. Human Rights Watch is now the largest U.S.-based international human rights organization. It investigates, reports on, and seeks to curb human rights abuses in some 70 countries.

Kenneth Roth, Executive Director of Human Rights Watch,  
Informal Discussion with Students interested in Careers in Human Rights Work  
May 1, 2006

Jack Greenberg, Professor of Law, Columbia Law School  
and former Executive Director of the NAACP Legal Defense Fund  
“Brown v. Board of Education and Kafka”  
Public Lecture  
April 4, 2006

Jack Greenberg, as legal counsel for the NAACP Legal Defense Fund argued, along with Thurgood Marshall, a number of the historic civil rights cases before the U.S. Supreme Court, including Brown v. Board of Education. Greenberg served as assistant counsel from 1949 to 1961 for the NAACP Legal Defense and Educational Fund before taking over for Thurgood Marshall as director-counsel from 1961 to 1984. Since 1984, he has been a member of the faculty at Columbia University Law School and was the dean of Columbia College from 1989 to 1993. Throughout his career, Greenberg has remained active in civil rights and human rights causes.

In 2001 Greenberg was among 28 distinguished Americans honored by President Bill Clinton with Presidential Citizens Medals at a White House ceremony. President Clinton said of Greenberg, “In the courtroom and the classroom, Jack Greenberg has been a crusader for freedom and equality for more than half a century.” Greenberg has been the recipient of many other awards, including the American Bar Association Thurgood Marshall Award in 1996, and an Honorary Doctor of Laws from Howard University in 2004.

Greenberg has remained active as a founder or board member of a number of organizations. He was a founding member of the Mexican-American Legal Defense and Education Fund. Greenberg has served as a board member of the Asian American Legal Defense and Education Fund, Human Rights Watch and NAACP Legal Defense and Educational Fund.
Among Greenberg’s many publications are *Crusaders in the Courts: How a Dedicated Band of Lawyers Fought for the Civil Rights Revolution* (Basic Books, 1994), a history of the NAACP LDEF (the book received the ABA’s Silver Gavel Award) and, most recently *Brown v. Board of Education; Witness to A Landmark Decision* (2004).

**Benno Wagner (University of Siegen, Germany), Stanley Corngold (comparative literature, Princeton), Jack Greenberg (Columbia Law School)**

**Roundtable Discussion**

“Kafka Before the Law” April 4, 2006

In his day job, Franz Kafka was a lawyer. In particular, he worked for the Workmen’s Accident Insurance Institute of the Kingdom of Bohemia. Professor Benno Wagner, Professor at the University of Siegen, unearthed Kafka’s office writings and has just published a multi-volume annotated set of these writings in German. He, together with Princeton Professor Stanley Corngold and Columbia Law Professor Jack Greenberg are publishing a one-volume set of these papers in English with critical commentary.

The roundtable discussion, with all three coauthors and coeditors present in Princeton, will examine the connections between Kafka’s office writings and Kafka’s novels, stories and autobiographical writings. These connections are based on Kafka’s real involvement in the practice of Austro-Hungarian law; on his concern with issues of social justice (“The Man who Disappeared,” a.k.a. Amerika) and interpersonal judgment (“The Judgment”); on his fictional constructions of legal issues (“The Trial” and such stories and parables as “Before the Law” and “On the Question of the Laws”); and on his conception of a certain law as a metaphysical category of highest authority (“My ultimate aim,” Kafka wrote, is to “strive to answer to a supreme tribunal”).

**Wendy Espeland, Associate Professor of Sociology, Northwestern University,**

“Rankled by Rankings: How Law Schools React to Being Rated”

Public Lecture – LAPA Student Forum Event

March 6, 2006

Professor Espeland works in the areas of organizations, culture, and law. Her book, *The Struggle for Water: Politics, Rationality and Identity in the American Southwest* was awarded the Best Book Prize by the Culture Section of the American Sociological Association, the Rachel Carson Award from the Society for the Social Studies of Science, and the Louis Brownlow Book Award from the National Academy of Public Administration. The talk she will be giving is part of a larger project on the effects of commensuration, the process of translating qualities into quantities. In it she investigates how media rankings have influenced higher education, how efforts to measure homosexuality have shaped gay and lesbian politics, and the commensurative practices
necessary in order to transform air pollution into a commodity that is traded on futures markets.

**Dieter Grimm in Residence as Distinguished Visitor.**
**February 22-24, 2006**

Dieter Grimm is President of the Wissenschafskolleg in Berlin and is a former Justice of the Federal Constitutional Court of the Federal Republic of Germany. During his stay in Princeton, he participated in the following events:

- LAPA lunch with LAPA fellows
- Jan-Werner Müller/Ezra Suleiman class in European Politics
- Joint Graduate Seminar, Woodrow Wilson School, (joint meeting of two graduate seminars, one taught by Jan-Werner Müller and Andy Moravcsik about global governance and the other taught by Kim Lane Schepppele about history of constitutionalism).

**Dieter Grimm** was born in Kassel in 1937. He studied Jurisprudence and Political Science in Frankfurt, Freiburg, Berlin, Paris, and Harvard, completed both juridical state examinations, holds a Master of Laws from Harvard University, and earned his Dr. jur at Frankfurt University with a thesis on "Solidarity as a Legal Principle". He earned his habilitation in Frankfurt in 1979 in German and Foreign Public Law, Modern Legal and Constitutional History, Legal Theory, and Political Science. From 1967 to 1979, he was a Research Lecturer at the Max Planck Institute for European Legal History in Frankfurt and, from 1979 on, Professor for Public Law at Bielefeld University, where he was also Director of the Center for Interdisciplinary Research for a time. From 1987 to 1999, Dieter Grimm was a Judge on the Federal Constitutional Court and there, in the First Senate, was responsible for the fields of freedom of opinion, the press, and broadcasting; freedom of assembly; and freedom of association, personal rights, data protection, and commercial law. In 1996, he was appointed Distinguished Member of the Global Law Faculty at New York University Law School and, in 1999, was awarded the Major Federal Service Cross with Sash and Star. Since January 1, 2000, he has been Professor of Public Law at the Humboldt University of Berlin and a Permanent Fellow of the Wissenschaftskolleg zu Berlin. He was appointed Rector of the Wissenschaftskolleg in October 2001.

**Kenneth Feinberg, Special Master, 9/11 Victim Compensation Fund; President, the Feinberg Group.**

“The 9/11 Victim Compensation Fund - Private Pain and Public Compensation”
Public Lecture Co-sponsored by WWS/LAPA
**February 20, 2006**

**Kenneth Feinberg** is a Washington D.C. attorney specializing in mediation and alternative dispute resolution. Appointed Special Master of the U.S. Government's September 11 Victim Compensation Fund, Feinberg developed and promulgated regulations governing
the administration of the Fund and oversaw all aspects of the program, including evaluating applications, determining appropriate compensation and disseminating awards.

Feinberg previously served as administrative assistant and chief of staff for U.S. Senator Ted Kennedy and as a U.S. Attorney in the Department of Justice. He has served as Court-Appointed Special Settlement Master in several high profile cases including: Agent Orange product liability litigation, asbestos personal injury litigations and diethylstilbestrol (DES). DES is a drug, a synthetic estrogen that was developed to supplement a woman's natural estrogen production.

Feinberg was also one of three arbitrators who determined the fair market value of the Zapruder film of the Kennedy assassination and was one of two arbitrators who determined the allocation of legal fees in the Holocaust slave labor litigation. He is listed in "Profiles in Power: The 100 Most Influential Lawyers in America" (National Law Journal, April 4, 1994; June 12, 2000) and was named "Lawyer of the Year" by the National Law Journal (December, 2004). He is the author of numerous articles and essays on mediation, mass torts and other matters. Feinberg received his J.D. from New York University School of Law.

Henry Shue, Senior Research Fellow, Merton College, Oxford University
Informal Workshop “Torture in Dreamland”
February 16, 2006

Henry Shue is the author of Basic Rights (2d ed, Princeton University Press, 1996) and of many articles on issues in public ethics, including the theory of human rights, global warming and environmental ethics, international justice, and the morality of war. He is Professor of Politics and International Relations at Oxford University and Senior Research Fellow at Merton College. He completed the Ph.D. in Philosophy at Princeton.

Bill Keller, Executive Editor, New York Times,
“American Media: Still The Fourth Estate?”
Public Lecture Co-Sponsored by WWS/LAPA
November 14, 2005

Bill Keller was named executive editor of The New York Times in July 2003. Previously Mr. Keller had been an Op-Ed columnist and senior writer for The New York Times Magazine as well as other areas of the newspaper since September 2001.

Before that, he served as managing editor from 1997 to September 2001 after having been the newspaper's foreign editor from June 1995 to 1997. He was the chief of The Times bureau in Johannesburg from April 1992 until May 1995.
Prior to that, he had been a Times correspondent in Moscow from December 1986 to October 1991, the last three years as the newspaper's bureau chief. In 1989, he won a Pulitzer Prize for his coverage of the Soviet Union. Mr. Keller joined The New York Times in 1984 as a domestic correspondent based in the Washington bureau.

Before coming to The Times, Mr. Keller had been a reporter for The Dallas Times Herald since 1982. From 1980 until 1982, he was a reporter for the Congressional Quarterly Weekly Report in Washington, covering lobbyists and interest groups. He was a reporter for The Portland Oregonian from 1970 to 1979.

Mr. Keller graduated from Pomona College with a B.A. degree in 1970 and completed the Advanced Management Program at The Wharton School of the University of Pennsylvania in 2000. He is currently a member of the board of trustees of Pomona College.

Mark Danner, Staff Writer, The New Yorker, "American Torture, Human Rights, Power and the Press After Abu Ghraib" Public Lecture Co-sponsored by WWS/LAPA November 9, 2005

Mark Danner, longtime staff writer at The New Yorker and contributor to The New York Review of Books, is the author of three books: The Massacre at El Mozote: A Parable of the Cold War; The Road to Illegitimacy: One Reporter's Travels Through the 2000 Florida Recount; and Torture and Truth. Danner's work has been honored with many awards, including a National Magazine Award, three Overseas Press Awards, and an Emmy. In June 1999, he was named a MacArthur Fellow. He is Professor of Journalism at the University of California at Berkeley and Henry R. Luce Professor of Human Rights and Journalism at Bard College. He divides his time between Berkeley and New York.

Juan Guzmán Tapia, Dean of the Law School, Universidad Central de Chile, and former Chief Judge of the Court of Appeals, Santiago. “Reflections on the Prosecution of General Augusto Pinochet” Public Lecture Co-sponsored by LAPA/PIIRS/PLAS/UCHV October 21, 2005

When Chilean Dictator Augusto Pinochet left detention in Britain and returned to Chile in March 2000, many thought he would remain forever beyond the reach of justice. Judge Juan Guzmán had other plans. Within 72 hours, Guzman moved to strip Pinochet’s immunity from prosecution, initiating a series of prosecutions that continue today. Twice—in 2000 and again in 2004—Guzman succeeded in indicting Pinochet. Though in both cases superior courts declared Pinochet mentally unfit for trial, Judge Guzman’s work has
given new hope to Pinochet’s victims, helped strengthen the rule of law in Chile, and inspired victims of tyranny the world over to seek justice against human rights violators who once seemed immune to judicial accountability. Guzman retired from the Santiago Court of Appeals in April 2005, and was recently appointed dean of the law school at Central University in Santiago. His memoir, En el borde del mundo: Memorias del juez que procesó a Pinochet, is now a best seller in Chile.

Guzman’s legal work also resonates well beyond Chile and gives hope to victims of tyranny the world over that their oppressors can be held accountable. On the same evening, the 2005 Letelier-Moffitt Domestic Award goes to Barrios Unidos for their dedication to anti-gang violence in our cities.

President Jutta Limbach,  
Former President German Federal Constitutional Court  
and current President, Goethe Institute.  
“The European Union: Market or Democracy: Thoughts on Europe’s Constitutional Crisis”  
Public Lecture,  
October 11, 2005

Justice Limbach was President of Germany’s Constitutional Court from 1994-2002. In that role, she presided over what has become one of the most highly respected courts in the world as its first woman president. The “Limbach Court” faced many challenges, addressing constitutional issues arising out of German unification and answering constitutional questions about the role of German jurisprudence in an increasingly federal Europe. And, as always, the Court served up a steady stream of important human rights judgments. The jurisprudence of the Federal Constitutional Court is taught widely throughout the world and has served as a model particularly among newly emerging democracies.

Justice Limbach trained first to be a lawyer, passing the two state exams before starting an academic career as a professor of law. Her first doctorate concentrated on corporate law; her second focused on legal sociology. She was a Professor at the Free University of Berlin for nearly two decades before she became Senator for Justice from the State of Berlin and a member of the joint constitutional commission of the Bundestag and Bundesrat. Her election to the Constitutional Court in 1994 began her extraordinary tenure as the institution’s first woman president at a pivotal time for the new Germany in a new Europe. She left the Court in 2002 when she was elected president of the Goethe-Institut, her present position.

William Eskridge,
John A. Garver Professor of Jurisprudence at Yale Law School
“Nordic Bliss:
Scandinavian Registered Partnerships and the Same-Sex Marriage Debate”
Public Lecture Co-sponsored by LAPA/UCHV
October 10, 2005

Professor William N. Eskridge, Jr. is the John A. Garver Professor of Jurisprudence at Yale Law School. His primary legal academic interest has been statutory interpretation. Together with Professor Philip Frickey, he developed an innovative casebook on Legislation. In 1990-95, Professor Eskridge represented a gay couple suing for recognition of their same-sex marriage. Since then, he has published a field-establishing casebook, three monographs, and dozens of law review articles articulating a legal and political framework for proper state treatment of sexual and gender minorities. The historical materials in the book on Gaylaw formed the basis for an amicus brief he drafted for the Cato Institute and for much of the Court's (and the dissenting opinion's) analysis in Lawrence v. Texas (2003), which invalidated consensual sodomy laws. His most recent book is Gay Marriage: For Better or For Worse? (with Darren Spedale). Professor Eskridge received his B.A., summa cum laude, from Davidson College, his masters in History from Harvard, and his J.D. from Yale.

State of the European Union
Workshop co-sponsored by PIIRS/European Union Center/LAPA
September 16, 2005

Judge Richard Posner,
Federal Court of Appeals for the Seventh Circuit
Preventing Surprise Attacks: Intelligence Reform in the Wake of 9/11
First Annual Donald S. Bernstein '75 Lecture
March 8, 2005

Following his graduation from Harvard Law School, Judge Posner clerked for Justice William J. Brennan Jr. From 1963-65, he was assistant to Commissioner Philip Elman of the Federal Trade Commission. For the next two years he was assistant to the solicitor general of the United States. Prior to going to Stanford Law School in 1968 as associate professor, Judge Posner served as general counsel of the President's Task Force on Communications Policy. He first came to the Law School in 1969, and was Lee and Brena Freeman Professor of Law prior to his appointment in 1981 as a judge of the U.S. Court of Appeals for the Seventh Circuit. He was the chief judge of the court from 1993 to 2000.

Judge Posner has written a number of books, including Economic Analysis of Law (6th ed., 2003), The Economics of Justice (1981), Law and Literature (2d ed. 1997), The Problems of Jurisprudence (1990), Cardozo: A Study in Reputation (1990), The Essential Holmes
(1992), Sex and Reason (1992), Overcoming Law (1995), The Federal Courts: Challenge and Reform (1996), Law and Legal Theory in England and America (1996), The Problematics of Moral and Legal Theory (1999), Antitrust Law (2d ed. 2001), Law, Pragmatism, and Democracy (2003), Catastrophe: Risk and Response (2004), Preventing Surprise Attacks: Intelligence Reform in the Wake of 9/11 (2005), as well as books on the Clinton impeachment and Bush v. Gore, and many articles in legal and economic journals and book reviews in the popular press. He has taught administrative law, antitrust, economic analysis of law, history of legal thought, conflict of laws, regulated industries, law and literature, the legislative process, family law, primitive law, torts, civil procedure, evidence, health law and economics, law and science, and jurisprudence. He was the founding editor of the Journal of Legal Studies and (with Orley Ashenfelter) the American Law and Economics Review. He is an Honorary Bencher of the Inner Temple and a corresponding fellow of the British Academy, and he was the President of the American Law and Economics Association 1995 - 1996 and the honorary President of the Bentham Club of University College, London, for 1998. He has received a number of awards, including the Thomas Jefferson Memorial Foundation Award in Law from the University of Virginia in 1994, the Marshall-Wythe Medallion from the College of William and Mary in 1998, the 2003 Research Award from the Fellows of the American Bar Foundation, also in 2003 the John Sherman Award from the U.S. Department of Justice, the Learned Hand Medal for Excellence in Federal Jurisprudence from the Federal bar Council in 2005, and, also in 2005, the Thomas C. Schelling Award from the John F. Kennedy School of Government at Harvard University.

Justice Dieter Grimm, 
former Justice of the Federal Constitutional Court of Germany 
and current Rector, Wissenschaftskollege, Berlin 
“In Order to Form a More Perfect Union: American and European Constitutionalization -- A Parallel?”
Second Annual John Marshall Harlan ’20 Lecture in Constitutional Adjudication, 
March 3, 2005

Dieter Grimm was born in Kassel in 1937. He studied Jurisprudence and Political Science in Frankfurt, Freiburg, Berlin, Paris, and Harvard, completed both juridical state examinations, holds a Master of Laws from Harvard University, and earned his Dr. jur at Frankfurt University with a thesis on "Solidarity as a Legal Principle". He earned his habilitation in Frankfurt in 1979 in German and Foreign Public Law, Modern Legal and Constitutional History, Legal Theory, and Political Science. From 1967 to 1979, he was a Research Lecturer at the Max Planck Institute for European Legal History in Frankfurt and, from 1979 on, Professor for Public Law at Bielefeld University, where he was also Director of the Center for Interdisciplinary Research for a time. From 1987 to 1999, Dieter Grimm was a Judge on the Federal Constitutional Court and there, in the First Senate, was responsible for the fields of freedom of opinion, the press, and broadcasting; freedom of assembly; and freedom of association, personal rights, data protection, and commercial
law. In 1996, he was appointed Distinguished Member of the Global Law Faculty at New York University Law School and, in 1999, was awarded the Major Federal Service Cross with Sash and Star. Since January 1, 2000, he has been Professor of Public Law at the Humboldt University of Berlin and a Permanent Fellow of the Wissenschaftskolleg zu Berlin. He was appointed Rector of the Wissenschaftskolleg in October 2001.

Panel Discussion:
“Freedom in a Time of Fear: Civil Liberties, National Security, and the Prosecution of Suspected Terrorists”
LAPA co-sponsored with Students for Liberty and Security.
May 5, 2004

Moderator:
Christopher L. Eisgruber, LAPA Director
Panelists:
Linda Greenhouse (Supreme Court Correspondent, The New York Times);
Michael Ratner (President of the Center for Constitutional Rights); and
Ronald Rotunda (George Mason University).

Panel Discussion:
The Legacy of Justice Harlan: A Conversation with His Clerks
November 18, 2003

Panelists:
Norman Dorsen (Stokes Professor of Law, New York University School of Law; former President, American Civil Liberties Union);
Marvin Gray ’66 (partner, Davis Wright Termaine LLP);
Kent Greenawalt (University Professor, Columbia Law School);
Thomas Stoel ’62 (Environmental Attorney and Consultant; Co-Founder of the Natural Resources Defense Council)

Justice Sandra Day O’Connor,
Associate Justice of the United States Supreme Court
First Annual John Marshall Harlan ’20 Lecture in Constitutional Adjudication,
“A Legacy of Respect:
The Constitutional Jurisprudence of the Second Justice Harlan”
November 17, 2003

Justice O’Connor was born in El Paso, Texas, on March 26, 1930. She grew up on her parents’ sprawling cattle ranch, the Lazy B. She majored in economics at Stanford University and graduated magna cum laude in 1950. She continued her education at
the Stanford Law School. She excelled there, completing the program in two years (it ordinarily takes three) and graduating third in the class. While at the Law School, she met and married her husband, John O’Connor.

Few law firms were willing to hire women in the 1950s, and, despite her brilliant performance at Stanford, O’Connor found that many doors were closed to her after her graduation. She eventually took a job as deputy county attorney in San Mateo, California, thereby beginning a long career in public service.

After practicing law for a few years in California, Germany (on an American army base) and Arizona, O’Connor took five years off from legal work to raise her three young sons.During that time, she was actively involved in volunteer work.In 1965, she returned to legal practice as an Assistant Attorney General for the state of Arizona.She served in the Arizona State Senate from 1969 to 1975, when she ran successfully for a judgeship on the Maricopa County Superior Court.In 1979, she was appointed to the Arizona Court of Appeals.

In 1981, President Ronald Reagan nominated Justice O’Connor to the United States Supreme Court. When the Senate confirmed her later that year, she became the 102nd justice, and the first woman, to serve on the Court.

Justice O’Connor has authored a number of landmark opinions, including the decision last June in the University of Michigan Law School affirmative action case, *Grutter v. Bollinger* (2003). She has recently published two books, an autobiography entitled *Lazy B: Growing Up On a Cattle Ranch in the American Southwest* (with H. Alan Day), and a collection of essays about the law entitled *The Majesty of the Law: Reflections of a Supreme Court Justice*.
Institutions, the Program in African-American Studies, and the Woodrow Wilson School)

William M. Wiecek,
Congdon Professor of Law and Professor of History,
School of Law, Syracuse University,
"Race, Property, and Law: Shelley v. Kraemer - In Retrospective"
Public Lecture
March 12, 2003

Professor Wiecek practiced law in New Hampshire and taught legal and constitutional history at the University of Missouri-Columbia for sixteen years before coming to Syracuse. He has written or edited seven books, as well as numerous articles and chapters, on slavery and its abolition, republicanism, nineteenth-century constitutional development, nuclear power, and the United States Supreme Court.

Professor Wiecek has completed a manuscript history of the United States Supreme Court from 1941 to 1953, covering the chief-justiceships of Harlan Fiske Stone and Fred Vinson, for the Holmes Devise History of the Supreme Court of the United States. He has taught courses in legal and constitutional history, constitutional law, property, race and law, corporations, civil procedure, and Roman law. He has experimented with the use of electronic casebooks in the classroom. He holds a joint appointment as Professor of History in the Maxwell School of Syracuse University. Professor Wiecek received the University Scholar/Teacher of the Year Award in 1997 and in 2001 the Chancellor's Citation for Exceptional Academic Achievement, the university's highest academic award. He was profiled in the Winter 1999-2000 issue of the Syracuse University Magazine.

Lawrence G. Sager,
New York University School of Law
and Visiting Professor of Law at the University of Texas Law School,
"The Supreme Court and Congress:
Notes Toward A Sensible Division of Constitutional Labor"
March 12, 2002

Professor Sager teaches at New York University School of Law, where he is the Robert B. McKay Professor and Co-Founder of the Program in Law, Philosophy & Social Theory. He has also taught at Harvard, Princeton, Boston University, UCLA, and the University of Michigan. Dean Sager is the author or co-author of dozens of articles, many now classics in the canon of legal scholarship.
James Lindgren,  
Northwestern Law School,  
"Counting Guns in Early America"  
February 26, 2002

James Lindgren is a leading scholar in the growing movement of New Legal Empiricists. Most of his current projects examine the roles that viewpoint diversity plays in American society and the history of guns in probate records. He is an influential scholar in the area of blackmail and extortion. He has also done important scholarship in legal education, law reviews, criminal law, and trusts and estates. He is a cofounder of the Section on Scholarship of the Association of American Law Schools and the chair of its Section on Social Science and the Law.

Richard J. Goldstone,  
Justice of the Constitutional Court of South Africa,  
former Chief Prosecutor of the United Nations International Criminal Tribunals for the former Yugoslavia and Rwanda 1994-1996,  
“Confronting the Past: Is the Truth Commission Model Always Appropriate?”  
April 23, 2001

LAPA Seminars

Since its founding, LAPA has run a biweekly seminar featuring presentations by fellows and faculty speakers from the Princeton campus and elsewhere. For each LAPA seminar, a paper is distributed in advance, and all attendees are expected to read it. LAPA seminars start by having a commentator briefly summarize the paper and offer some questions/criticisms to get the session going. The author then has the right of first response before the seminar opens to the floor for questions and commentary. LAPA seminars typically continue the discussion of the paper over dinner with fellows and invited guests. Occasionally, when LAPA cosponsors a seminar with another group, LAPA defers to their format and there may not be a commentator.

2006-2007 Princeton University Seminar in Law and Public Affairs

FALL SEMESTER

September 25: Vanessa Barker
Florida State University & LAPA Fellow, Princeton University
Commentator: Katherine Newman, Malcolm Stevenson Forbes, Class of ’41 Professor of Sociology and Public Affairs, Princeton University

October 9: Margaret Jane Radin
Stanford Law School & LAPA Fellow, Princeton University
“The Crisis in Contract”
Commentator: Jay M. Feinman, Distinguished Professor of Law, Rutgers-Camden Law School

October 23: Reva Siegel
Yale Law School
Commentator: Joan Wallach Scott, Professor, Institute for Advanced Study

November 6: Katherine Franke
Columbia Law School & LAPA Fellow, Princeton University
“Freed-dom”
Commentator: Hendrik Hartog, Class of 1921 Bicentennial Professor of the History of American Law and Liberty
November 20: Teemu Ruskola
American University Law School & LAPA Fellow, Princeton University
“Law’s Empire: The Legal Construction of ‘America’ in the District of China”
Commentator: Lawrence Rosen, Anthropology Department, Princeton University

December 4: Valerie Hans
Cornell Law School
“Science in the Jury Box: Do Jurors Understand mtDNA Evidence?”
Commentator: John Darley, Warren Professor of Psychology and Public Affairs, Princeton University

SPRING SEMESTER

January 24: Wibren van der Burg
Tilburg University and UCHV Visitor, Princeton
“Essentially Ambiguous Concepts and the Hart-Fuller-Dworkin Debate”
Commentator: Gideon Rosen, Professor of Philosophy, Princeton University

February 12: Chibli Mallat
Université Saint-Joseph and LAPA Fellow, Princeton University (also a PIIRS and UCHV fellow, a Distinguished Visitor in the Bobst Center and a Visiting Professor in the Woodrow Wilson School)
“Middle Eastern Law: A World Legal Family”
Commentator: William Ewald, University of Pennsylvania School of Law

February 26: Jennifer Nedelsky
University of Toronto
“Reconceiving Rights: A Relational Approach”
Commentator: Margaret Jane Radin, Microsoft/LAPA Fellow, Formerly Stanford Law School, Soon to be of Michigan Law School

March 12: Deborah Pearlstein
Visiting Scholar, Princeton University; formerly director of U.S. Law and Security Program for Human Rights First
“The Constitution and Executive Competence in the Post-Cold War World”
Commentator: Martin Flaherty, Fordham Law School, Former LAPA Fellow

March 26: Jamie Mayerfeld
University of Washington & UCHV Fellow, Princeton University
“Should We Reject International Human Rights Law on the Grounds That It Is Undemocratic?”
Commentator: Charles R. Beitz, Edwards S. Sanford Professor of Politics, Princeton University

April 9: Paul Schiff Berman
University of Connecticut School of Law & LAPA Fellow, Princeton University
“Global Legal Pluralism”
Commentator: Sally Engle Merry, Professor of Anthropology and Law and Society, New York University

April 12: Christopher Eisgruber
Provost, Princeton University and former LAPA Director
“Umpires, Ideologues, and Justices: How to Evaluate Supreme Court Nominations”

April 16: Mary Anne Case
University of Chicago Law School & LAPA Fellow, Princeton University
“On Feminist Fundamentalism”

April 23: Laura Dickinson
University of Connecticut School of Law & LAPA Fellow, Princeton University
“Public Law Values and the Privatization of Foreign Affairs”

FALL SEMESTER

September 26: Marianne Constable
Professor of Rhetoric, University of California, Berkeley & Member, Institute for Advanced Study 2005-2006
“Brave New Words: The Miranda Warning as Speech Act”
Commentator: John Borneman, Professor of Anthropology, Princeton University

October 17: Hendrik Hartog
Class of 1921 Bicentennial Professor in the History of American Law and Liberty, Princeton University
“Someday All This Will Be Yours: Aging Parents, Adult Children, and Inheritance in the Modern Era”

October 24: John L. Comaroff
Harold H. Swift Distinguished Service Professor of Anthropology and Social Sciences in the College, University of Chicago
“Ethnicity, Inc.”
Commentator: Carol Greenhouse, Professor of Anthropology, Princeton University

November 7: Stephen Griffin
Rutledge C. Clement, Jr. Professor in Constitutional Law, Tulane University School of Law
“Trust in Government as a Constitutional Problem”
Commentator: Stephen Macedo and Christopher Karpowitz, University Center for Human Values, Princeton University

November 21: Richard Briffault
Vice-Dean and Joseph P. Chamberlain Professor of Legislation at Columbia Law School & LAPA Fellow, Princeton University
“Buckley Revisited: Campaign Spending Limits and the Constitution”
Commentator: Larry Bartels, Donald E. Stokes Professor in Public and International Affairs, Princeton University

December 5: Susan Rose-Ackerman
Henry R, Luce Professor of Jurisprudence, Yale Law School
“Public Participation in Hungary and Poland: Government Policymaking and the Role of Civil Society”
Commentator: Jan Gross, Norman B. Tomlinson '16 and '48 Professor of War and Society, Princeton University
December 8: Kent Greenawalt  
University Professor, Columbia University and Columbia Law School  
“Religion and the Exemption Strategy”  
(LAPA/PEPA seminar cosponsored with UCHV)

December 15: Nancy Maveety  
Associate Professor of Political Science, Tulane University & WWS-LAPA Fellow, Princeton University  
“The Rehnquist Era and the Court’s Commentators”  
Commentator: Charles Cameron, Professor of Politics and Public Affairs, Princeton University

SPRING SEMESTER

February 13: Lisa Hajjar  
Associate Professor of Legal Studies, University of California, Santa Barbara  
“International Humanitarian Law and ‘Wars on Terror’: A Comparative Analysis of Israeli and American Doctrine and Policies”  
Commentator: Deborah Pearlstein, Visiting Scholar, Woodrow Wilson School for Public and International Affairs, Princeton University, Director of the U.S. Law and Security Program, Human Rights First

February 27: Martin Krygier  
Professor of Law and Director of the European Law Centre University of South Wales & Fellow, Center for Advanced Study, Palo Alto 2005-2006  
Commentator: Philip Pettit, Laurence S. Rockefeller Professor of Politics and University Center for Human Values, Princeton University

March 13: Anthony J. Sebok  
Centennial Professor of Law, Brooklyn Law School & LAPA Fellow, Princeton University  
“Punitive Damages: From Myth to Theory”  
Commentator: Gideon Rosen, Professor of Philosophy, Princeton University

March 27: Richard Brooks  
Professor of Law, Yale Law School  
“Race and Uncertainty”  
(cosponsored with the Sociology Department)

April 6: Bernie Grofman  
Professor of Political Science and Adjunct Professor of Economics, University of California at Irvine  
“Voting Rights Act, Minority "Influence," and Partisan Gerrymandering”  
(cosponsored with CSDP)
April 10:  **Myriam Gilles**  
Professor of Law, Benjamin N. Cardozo School of Law & LAPA Fellow, Princeton University  
“Exploding the Class Action Agency Costs Myth: The Social Utility of Entrepreneurial Lawyers”  
Commentator: **Peter Huang**, James Beasley Law School, Temple University & Institute for Advanced Study 2005-2006

April 17:  **Tamir Moustafa**  
Assistant Professor of Political Science, University of Wisconsin-Madison & LAPA Fellow, Princeton University  
“The Ambiguities of Domination: Law and Resistance in Authoritarian States”  
Commentator: **Jennifer Widner**, Professor of Politics and International Affairs, Princeton University

April 24:  **Elizabeth Magill**  
John V. Ray Research Professor, University of Virginia School of Law & LAPA Fellow, Princeton University  
“Health, Safety, Consumers, and the Environment: The Structure of a Legal Revolution”  
Discussant: **Paul Starr**, Professor of Sociology and Public Affairs, and Stuart Professor of Communications and Public Affairs, Princeton University
2004-2005 Princeton University Seminar in Law and Public Affairs

FALL SEMESTER

September 20: Jay M. Feinman
Rutgers School of Law – Camden
“Un-making Law: The Classical Revival in the Common Law”
Commentator: John de Figueiredo, LAPA Fellow, Princeton University; Sloan School of Management at the Massachusetts Institute of Technology

October 4: Annelise Riles
Cornell Law School
“Property as Legal Knowledge: Means and Ends”
Commentator: Carol Greenhouse, Professor of Anthropology, Princeton University

October 18: Julie Chi-hye Suk
former Law Clerk to the Honorable Harry T. Edwards, U.S. Court of Appeals for the D.C. Circuit & LAPA Fellow, Princeton University
“Antidiscrimination Law in the Administrative State: The United States and Britain”
Commentator: Oliver Gerstenberg, Leeds University & LAPA Fellow, Princeton University

November 8: Paul Frymer
University of California, Santa Cruz & LAPA Fellow, Princeton University
"Race, Labor, and the Twentieth-Century American State"
Commentator: Julie Chi-hye Suk, former Law Clerk to the Honorable Harry T. Edwards, U.S. Court of Appeals for the D.C. Circuit & LAPA Fellow, Princeton University

November 22: Tom R. Tyler
New York University & LAPA Fellow, Princeton University
“Legitimacy and Cooperation: Why Do People Help the Police Fight Crime in Their Communities?”
Commentator: Paul Frymer, University of California, Santa Cruz & LAPA Fellow, Princeton University

December 6: Jennifer Widner
Professor of Politics and International Affairs, Princeton University
“Constitution Writing and Conflict Resolution in Africa”
Commentator: Saïd Amir Arjomand, State University of New York at Stony Brook & LAPA Fellow, Princeton University

SPRING SEMESTER
January 31:  Kim Lane Schepple  
University of Pennsylvania & LAPA Fellow, Princeton University  
“Hypothetical Torture in the ‘War on Terrorism’”  
Commentator:  Charles Beitz, Professor of Politics, Princeton University  

February 14:  Saïd Amir Arjomand  
State University of New York at Stony Brook & LAPA Fellow, Princeton University  
“Islam and Constitutionalism: The Significance and Peculiarities of Twentieth-Century Iran”  
Commentator:  Michael Doran, Near Eastern Studies, Princeton University  

March 7:  John M. de Figueiredo  
Sloan School of Management at the Massachusetts Institute of Technology & LAPA Fellow, Princeton University  
“Lobbying with Endogenous Costs: Theory and Evidence”  
Commentator:  Larry M. Bartels, Donald E. Stokes Professor in Public and International Affairs, Princeton University  

March 28:  Owen M. Fiss  
Sterling Professor of Law, Yale Law School  
“The War Against Terrorism and the Rule of Law”  
Commentator:  Kim Lane Schepple, University of Pennsylvania & LAPA Fellow, Princeton University  

April 4:  Nicola Lacey  
The London School of Economics and Political Science  
“Philosophy and the Social Sciences in Legal Theory: the Legacy of HLA Hart”  
Commentator:  Philip Pettit, Laurence S. Rockefeller University Professor of Politics and the University Center for Human Values, Princeton University  

May 2: Oliver H. Gerstenberg  
Leeds University & LAPA Fellow, Princeton University  
"Is International Law Really Antidemocratic? Some Thoughts on the Debate Over The Reception of 'Foreign' Legal Materials Within 'Domestic' Constitutional Discourse"  
Commentator:  Ruti Teitel, Professor of Comparative Law, New York Law School

FALL SEMESTER

September 18:  Frederick Schauer  
Harvard University  
Commentator:  Christopher Eisgruber, Director, Program in Law and Public Affairs

September 29:  John J. Donohue  
Stanford Law School  
(co-sponsored by Industrial Relations Section)

October 13:  Daniel Shaviro (Center for Health and Wellbeing)  
New York University School of Law  
“Medicare’s Social Insurance and Risk Prevention Purposes”  
Commentator:  Albert Yoon, Northwestern University & LAPA Fellow, Princeton University  
(co-sponsored by Center for Health and Wellbeing)

November 3:  Laurence R. Helfer  
Loyola Law School & LAPA Fellow, Princeton University  
“Regime Shifting: The TRIPS Agreement and New Dynamics of International Property Lawmaking”  
Commentator:  Jeff Dunoff, Temple University

November 24: Carol Sanger  
Columbia Law School & LAPA Fellow, Princeton University  
“Compelling Narrative: Judicial By-Pass Hearings and the Misuse of Law”  
Commentator:  David Sugarman, Lancaster University Law School, England & LAPA Fellow, Princeton University

December 1:  Noga Morag-Levine  
University of Michigan & LAPA Fellow, Princeton University  
“On Hotspots and Legal Injury: From Aldred’s Case to the Locality Doctrine and Pollution Bubbles”  
Commentator:  Hendrik Hartog, Class of 1921 Bicentennial Professor of the History of American Law and Liberty

SPRING SEMESTER

February 9:  Mark V. Tushnet  
Georgetown University Law Center
“Social Welfare Rights and the Forms of Judicial Review”
   Commentator: **Martin Flaherty**, Fordham Law School & LAPA Fellow, Princeton University

**February 23:**
   **Albert H. Yoon**  
   Northwestern University & LAPA Fellow, Princeton University  
   “The Golden Brethren: The Political Economy of Senior Federal Judges”  
   Commentator: **Orley Ashenfelter**, Princeton University

**March 8:**
   **Katherine Van Wezel Stone**  
   Cornell Law School  
   “Legal Regulation of the Changing Contract of Employment”  
   Commentator: **Noga Morag-Levine**, University of Michigan & LAPA Fellow, Princeton University

**March 29:**
   **David Sugarman**  
   Lancaster University Law School & LAPA Fellow, Princeton University  
   “Pursuing Pinochet: A Global Quest for Justice”  
   Commentator: **Laurence Helfer**, Loyola Law School & LAPA Fellow, Princeton University  
   (co-sponsored by Program in Latin American Studies)

**April 12:**
   **Martin Flaherty**  
   Fordham Law School & LAPA Fellow, Princeton University  
   “Judicial Globalization in the Service of Self-Government”  
   Commentator: **Anita Allen**, University of Pennsylvania Law School & LAPA Fellow, Princeton University

**April 26:**
   **Anita L. Allen**  
   University of Pennsylvania Law School & LAPA Fellow, Princeton University  
   “Racial Privacy – A Perplexing New Concept for American Law”  
   Commentator: **Carol Sanger**, Columbia Law School & LAPA Fellow, Princeton University

FALL SEMESTER

September 23: Paul Robinson
Northwestern University
“Criminal Law as an Instrument of Behavioral Control”
Commentator: Christopher L. Eisgruber, Director, Program in Law and Public Affairs

September 30: Linda Przybyszewski
University of Cincinnati & LAPA Fellow, Princeton University
Commentator: Sarah B. Gordon, University of Pennsylvania School of Law & LAPA Fellow, Princeton University

October 14: Mary Anne Case
University of Chicago Law School
“What Stake Do Heterosexual Women have in the Same-Sex Marriage/Domestic Partnership/Civil Union Debates?”
Commentator: Beth Kiyoko Jamieson, Politics, Princeton University

October 21: Bernard Harcourt
NYU School of Law/University of Chicago Law School
“From the Ne’er-Do-Well to the Drug-Courier Profile: The Actuarial in Criminal Law”
Commentator: Harry Litman, Visiting Fellow, Program in Law and Public Affairs

November 11: Elisabeth Hilbink
Woodrow Wilson School & Society of Fellows, Princeton University
“The Origins and Impact of ‘Judges for Democracy’ Groups in the Civil Law World: (A Preliminary Inquiry based n the Italian and Spanish Cases)”
Commentator: Andrew Moravcsik, Department of Government, Harvard University and Department of Politics, Princeton University

November 25: Mary Dudziak
University of Southern California & LAPA Fellow, Princeton University
Commentator: Kevin Kruse, Department of History, Princeton University

December 9: Janet Halley
Harvard Law School
“A Map of American Feminist Legal Thought: Sexual-Subordination
Feminism, its Derivatives, and its Contestants”
Commentator: Mary Dudziak, University of Southern California & LAPA
Fellow, Princeton University

SPRING SEMESTER

February 10: Kal Raustiala
University of California Los Angeles Law School & LAPA Fellow
“Globalization, Territoriality, and the Constitution”
Commentator: Dean Anne-Marie Slaughter, Woodrow Wilson School

February 24: Ran Hirschl
University of Toronto & LAPA Fellow
“Constitutionalization and Judicial Interpretation of Rights: Lessons From
Four ‘New Constitutionalism’ Countries”
Commentator: Alfred Aman, Indiana University School of Law,
Bloomington, & LAPA Fellow, Princeton University

March 10: Paul Starr
Sociology Department, Princeton University
“American Law and the Making of Modern Communications”
Commentator: Lawrence G. Sager, Alice Jane Drysdale Sheffield Regents
Chair in Law, University of Texas School of Law

March 31: Harry Litman
former United States Attorney for the Western District of Pennsylvania &
LAPA Fellow
“Pretexual Prosecution”
Commentator: Ran Hirschl, Assistant Professor of Political Science and
Law, University of Toronto and & LAPA Fellow, Princeton University

April 14: Alfred C. Aman
Indiana University School of Law, Bloomington & LAPA Fellow
“The Domestic Face of Globalization: Democracy Deficits in the U.S. and
the Need To Extend the Province of Administrative Law”
Commentator: Kal Raustiala, Acting Professor of Law, University of
California, Los Angeles & LAPA Fellow, Princeton University

April 28: Howard Chang
University of Pennsylvania Law School
“Risk Regulation, Public Concerns, and the Hormone Dispute: Nothing to
Fear But Fear Itself?”
Commentator: Michael Rothschild, William Stuart Tod Professor of
Economics and Public Affairs, Woodrow Wilson School, Princeton
University
May 5: Sarah B. Gordon
University of Pennsylvania & LAPA Fellow, Princeton University
“Catholics, Protestants, and Legal Activism at Mid-Century”
Commentator: Linda Przybyszewski, Professor of History at the University of Cincinnati & LAPA Fellow, Princeton University

FALL SEMESTER

September 25: Christine Jolls
Professor of Law, Harvard Law School
“Antidiscrimination and Accommodation.”
Commentator: Christopher L. Eisgruber, Director, Program in Law and Public Affairs

October 2: Daniel Kahneman
Psychology Department & Woodrow Wilson School, Princeton University
David Schkade
McCombs School of Business, University of Texas at Austin & Visiting Research Scholar, Center for Health and Well-Being, Princeton University
“Predictably Incoherent Judgments”
Commentator: Nicos E. Stavropoulos, University Lecturer in Legal Theory at the University of Oxford & LAPA Fellow, Princeton University

October 16: Jack Goldsmith
University of Chicago Law School
“Reining in the Net: How National Governments are Placing Borders on Cyberspace, and Making it a Better Place”
Commentator: Philip Weiser, Professor of Law at the University of Colorado at Boulder & LAPA Fellow, Princeton University

November 6: Ted Eisenberg
Cornell Law School
“Explaining Death Row’s Population and Racial Composition”
Commentator: Henry S. Farber, Hughes-Rogers Professor Economics, Princeton University

November 20: Nicos Stavropoulos
University Lecturer in Jurisprudence, Oxford University & LAPA Fellow, Princeton University
“Interpretivism”
Commentator: Mark Greenberg, Assistant Professor of Philosophy, Princeton University

December 4: Wilfrid Prest
History Department, University of Adelaide & LAPA Fellow, Princeton University
“Blackstone as Architect: Constructing the Commentaries”
Commentator: Stanley N. Katz, Professor in Public and International Affairs, Woodrow Wilson School, Princeton University
SPRING SEMESTER

February 5:  Phil Weiser  
University of Colorado Law School & LAPA Fellow, Princeton University  
“The Internet, Innovation, and Intellectual Property Policy”  
Commentator: Oren Gross, Visiting Professor at the Benjamin N. Cardozo School of Law and Visiting Scholar in the Program in Law and Public Affairs

February 19: Linda Bosniak  
Rutgers (Camden) Law School & LAPA Fellow, Princeton University  
“Divided Citizenships”  
Commentator: Alan Patten, Assistant Professor of Political Science at McGill University

March 5: Carol Greenhouse  
Anthropology Department, Princeton University  
“A Short Course in the Anthropology of Law”  
Commentator: Fionnuala Ni Aolain, Faculty of Law, University of Ulster & LAPA Fellow, Princeton University

April 9: Carol Rose  
Yale Law School  
“Who is Responsible for Fundamental Rights? Some Perspectives from the Present and the Past”  
Commentator: Linda Bosniak, Professor of Law at Rutgers University—Camden & LAPA Fellow, Princeton

April 23: Fionnuala Ni Aolain  
Faculty of Law, University of Ulster & LAPA Fellow, Princeton University  
“Fluid Boundaries – The Relationship between Emergencies and the Laws of War”  
Commentator: Charles Beitz, Professor of Politics, Princeton University

May 7: Gil Seinfeld  
LAPA Fellow, Princeton University  
“Commerce Clause Jurisprudence and the Problem of Pretextual Legislation”  
Commentator: Keith Whittington, Assistant Professor of Politics, Princeton University

FALL SEMESTER

September 19: Hendrik Hartog
Class of 1921 Bicentennial Professor of History and American Law and Liberty, Princeton University
“Man & Wife in America: A History.”
Commentator: Joan Dayan, Regents Professor of English at the University of Arizona & LAPA Fellow, Princeton

October 3: Keith Whittington
Assistant Professor of Politics and John Maclean Jr. Presidential Preceptor
“Constitutional Theory and the Faces of Power.”
Commentator: George Kateb, William Nelson Cromwell Professor of Politics
Acting Director of the University Center for Human Values

October 10: Frank Dobbin
Professor of Sociology, Princeton University
“Case Law and Corporate Politics: The Spread of Harassment Policies”
Commentator: Melissa Williams, Associate Professor of Political Science at the University of Toronto and Visiting Professor for Distinguished Teaching at the University Center for Human Values

November 7: Gábor Halmai
Professor of Law, Budapest University & LAPA Fellow, Princeton
“The Hungarian Approach To Constitutional Review: The End of Activism After Ten Years’ Practice of the Hungarian Constitutional Court?”
Commentator: Elisabeth Hilbink, Wilson-Cotsin Fellow in the Society of Fellows Lecturer in Public and International Affairs, Woodrow Wilson School

November 28: John Darley
Dorman T. Warren Professor of Psychology
“Why Do We Punish? Deterrence and Just Deserts as Motives for Punishment.”
Commentator: Pablo De Greiff, Assistant Professor of Philosophy at the State University of New York at Buffalo and Laurance S. Rockefeller, Visiting Fellow at the University Center for Human Values

December 5: Joan Dayan
Regents Professor of English at the University of Arizona & LAPA Fellow, Princeton
“Legal Slaves and Civil Bodies.”
Commentator: **Corey Brettschneider**, Graduate Prize Fellow, University Center for Human Values

**SPRING SEMESTER**

**February 6:** **Allen Buchanan**  
Professor of Philosophy at the University of Arizona  
“From Nuremberg to Kosovo: The Morality of Illegal International Legal Reform.”  
Commentator: **David Welch**, Visiting Fellow, Center for International Studies and Associate Professor of Political Science, University of Toronto

**February 20:** **Ruth Rubio-Marín**  
Professor of Constitutional Law, Universidad de Sevilla & LAPA Fellow, Princeton University  
“Engendering the Constitution: The Spanish Experience.”  
Commentator: **Ayelet Shachar**, Visiting Fellow, Institute for Advanced Study and Assistant Professor of Law, University of Toronto

**March 6:** **Kim Lane Scheppelle**  
Professor of Law and Sociology, University of Pennsylvania  
“Constitutional Interpretation After Regimes of Horror.”  
Commentator: **Gábor Halmai**, Professor of Law, Budapest & LAPA Fellow, Princeton University

**April 5:** **David A. Skeel**  
University of Pennsylvania Law School  
“Ideology and the Rise and Dominion of American Consumer Bankruptcy Law”  
(co-sponsored by the Program in Political Economy)

**April 10:** **Christopher L. Eisgruber**  
Professor of Law, New York University School of Law & LAPA Fellow, Princeton University  
Commentator: **David Rudenstine**, Professor of Law, Yeshiva University & LAPA Fellow, Princeton University

**April 19:** **John Ferejohn**  
Stanford University/New York University  
“Deliberative Institutions.”  
Commentator: **Pasquale Pasquino**, CNRS, Paris/New York University

**May 1:** **Lawrence Rosen**  
Professor of Anthropology, Princeton University  
“The Idea of Justice in Islamic Society and Law.”
Commentator: **Akbar Ahmed**, Visiting Professor of Anthropology, Visiting Fellow in the Council of Humanities, and Former High Commissioner of Pakistan to Great Britain

**May 8: Diane F. Orentlicher**
Professor of Law at the Washington College of Law, American University & LAPA Fellow, Princeton University
“Victims’ Justice: Nuremberg to Pinochet.”
Commentator: **Richard Falk**, Albert G. Milbank Professor of International Law and Practice
LAPA STUDENT FORUM

LAPA runs an occasional Student Forum for undergraduates interested in law to speak with invited guests, fellows and members of the Princeton faculty.

2006-2007 LAPA Student Forum Events

October 4, 2006, Student Forum Introductory Meeting, LAPA Fellows

October 10, 2006, Jamie M. Mayerfeld, Laurance S. Rockefeller Visiting Fellow, University Center for Human Values, The Detainee Treatment Bill: An Informal Discussion & Call to Action

March 27, 2997, Deborah Pearlstein, Associate Research Scholar, Woodrow Wilson Shcool of Public and International Affairs. “Executive Power in the ‘War on Terrorism’”

April 17, 2007. Chibli Mallat, LAPA Fellow, Visiting Professor at the Woodrow Wilson School of Public and International Affairs and St. Joseph’s University, Beirut.


2005-2006 LAPA Student Forum Events

October 18, 2005, Undergraduates meet the LAPA Fellows: Fred Aman, Richard Briffault, Myrian Gilles, Tamir Moustafa and Tony Sebok

November 8, 2005, Stephen Griffin and Nancy Maveety, both from Tulane University, talk about Hurricane Katrina

March 6, 2006
Wendy Espeland, Associate Professor of Sociology, Northwestern University, “Rankled by Rankings: How Law Schools React to Being Rated”

2004-2005 LAPA Student Forum Events

- Program in Law and Public Affairs Fellows
• **Julie Chi-hye Suk** (former Law Clerk to the Honorable Harry T. Edwards, U.S. Court of Appeals for the D.C. Circuit and LAPA Fellow) “Foreign and International Law in U.S. Judicial Decisionmaking”
• **Stephen Macedo** (Princeton University) “Constitutional Democracy and Inequality”
• **Stanley Katz** (Acting Director of LAPA and Director of the Princeton University Center for Arts and Cultural Policy Studies)
• **Federal Judge Stein** (Southern District of New York)
• **Judge Philip S. Carchman** (New Jersey Superior Court/Appellate Division) “The Decision Making Process in the Appellate and Supreme Courts”
• **Gideon Rosen** (Princeton University) "Law and Morality"

2003-2004 LAPA Student Forum Events

• **Christopher Eisgruber** (Director, Program in Law and Public Affairs) “The Supreme Court and the New Federalism”
• **Robert Jervis** (Columbia University) “Honesty in Politics”
• **Floyd Abrams** (Cahill, Gordon & Reindel) “The First Amendment and Campaign Finance Reform”
• **Carol Sanger** (Columbia University and LAPA Fellow) “Intimate Mergers: The Disappearing Borders of Contract and Family Law”
• **Mickey Edwards** (John F. Kennedy School of Government, Harvard University) "Considering the Expansion of Democracy in America"
• **Clayton Marsh** (Office of the General Counsel, Princeton University) "IT/Copyright Issues on Campus"
• Panel presented by **Christopher Eisgruber** (Director, Program in Law and Public Affairs), **Linda Greenhouse** (Supreme Court Correspondent, The New York Times), **Michael Ratner** (President of the Center for Constitutional Rights), **Ronald Rotunda** (George Mason University) "Freedom in a Time of Fear: Civil Liberties, National Security, and the Prosecution of Suspected Terrorists"

2002-2003 LAPA Student Forum Events

• **Frederick Hitz** (Woodrow Wilson School, Princeton University) “USA Patriot Act”
• **Sean Wilentz** (History Department, Princeton University) “Post-midterms Prospects about the Judiciary”
• **Alfred Aman** (Indiana University School of Law) “Globalization and Domestic Law”
• Lawrence Sager (University of Texas School of Law) and Lorraine Sciarra (Senior University Counsel, Princeton University) “Affirmative Action”
• Sarah B. Gordon (University of Pennsylvania) “Mormon Polygamy and Constitutional Law
• Anne-Marie Slaughter (Dean of the Woodrow Wilson School, Princeton University) "What Lawyers Can Do in the Present Crisis"

2001-2002 LAPA Student Forum Events

• Richard Pildes (New York University School of Law) “Constitutionalizing Democratic Politics”
• Mark Greenberg (Philosophy Department, Princeton University) "Search and Seizure"
• Robert George (Politics Department, Princeton University) “Religion and the Constitution”
• Harry Litman (former United States Attorney for the Western District of Pennsylvania) “Prosecutorial Discretion”