ANNUAL REPORT 2010—11
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This report was written and edited by Leslie Gerwin.

Design assistance from Jennifer Bolton, Judi Dolin and the Office of Print Services.

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PROGRAM IN
LAW
AND
PUBLIC
AFFAIRS
Annual Report 2010-2011
Princeton University’s Program in Law and Public Affairs (LAPA) explores the role of law in politics, society, the economy, and culture in the United States, in countries around the world, and across national borders. Through its programming, teaching, and research initiatives, LAPA combines the multi-disciplinary expertise of Princeton’s faculty with the knowledge provided by leading academic and practical experts on American, international, and comparative law. This extraordinary legal community provides an exciting forum for rethinking the role of law across the disciplines and for addressing the complex problems of the 21st century.
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This year, LAPA celebrated its tenth anniversary by honoring the people who have made LAPA what it is. In October 2010, ten years after the Program in Law and Public Affairs admitted its first class of fellows, we brought most of the fellows back to Princeton for an intense public conference at which the fellows presented their current work and schmoozed among Princetonians again.

Usually, one organizes a conference by picking the topic and then figuring out what people fit. But this time, LAPA picked the people – our former fellows – and designed a program around their work. The effect was magical. Fellows from year two found that they had much in common with fellows from year six – and, more generally, fellows from across LAPA’s decade of activity turned out to share more of a collective vision than they could ever have guessed. We saw before our eyes the emergence of “Law@Princeton,” a new field that exists in this special place where we have a great deal of law but no law school to pre-structure the conversation.

In fact, Law@Princeton made visible what those of us in the program have always known: that the study of law cannot be limited to professional schools. In the study of law, empirical examinations of law intersect with text-based humanistic analyses, and both are informed by normative reasoning. From economics to literary studies, across the fields of the social sciences and humanities, the emerging field of legal studies takes seriously legal doctrine – the stuff of law schools – but is not limited by it. LAPA has encouraged research that ranges from examining how law works in practice to how law might be made more just. LAPA fellows over the years have shared a passion for active engagement with the law, and that passion was on display as LAPA celebrated its 10th year at Princeton.

Each year, our new LAPA fellows come to Princeton believing that they are leaving law schools for a world of no law. But, at Princeton, they find that many faculty around the campus are thinking about and working on legal topics. From the substantial groups of legal anthropologists and legal historians, to the extraordinary community of political theorists who engage legal philosophy, to the social science community of psychologists, economists, political scientists and sociologists, to the group of literary scholars and beyond, LAPA is an interdisciplinary setting for researchers focused on law to meet, exchange ideas and hone their thoughts in the company of others. Princeton has a great deal more law-related activity than one might imagine in a community without a law school. Where else have two members of the faculty – Molly Greene from History and Daniel Heller-Roazen from Comparative Literature – published books on piracy in back-to-back years?

In fact, it may be precisely because Princeton has no law school that our community has been free to grow the way it has. We are not pushed to focus primarily on doctrinal issues. We have more faculty engaged in comparative and historical work than do most law schools. We have more faculty eager to figure out how law works in practice than do most law schools. And we have very different students – talented undergraduates and law-engaged graduate students, many of whom also have J.D.s. The combination of a vibrant faculty, passionate fellows and exceptional students means that Princeton has generated a great deal of important research about the law. LAPA has had much to celebrate – and to be grateful for -- in ten years at Princeton.

Kim Lane Schepple

As LAPA celebrated its tenth anniversary in Fall 2010, we showcased both the extraordinary breadth of scholars LAPA has attracted as fellows as well as their contributions to legal scholarship. More than three-quarters of LAPA’s ten previous fellows’ classes and four of its five prior directors attended LAW@PRINCETON, our two-day anniversary conference. As described in more detail in this report, they comprised 12 panels on subjects such as constitutions, religion, empire, globalism, Islamic law, property, terrorism and rights, among others.

Our 2010-2011 Fellows together with several distinguished visitors formed a similarly multidisciplinary cohort. The seven legal scholars who regularly plied “LAPA hall” on the fourth floor of the Woodrow Wilson School, pursued a wide range of intellectual inquiry grounded in various time periods. Mellon/LAPA Fellow Susan Longfield Karr quipped that she lived in the 16th Century as she both pursued her study of the origins of the idea of human rights and taught a freshman seminar on human rights before the French Revolution, while Anna Kirkland examined the unique contemporary American court for handling vaccine injury compensation claims. Tanya Hernandez looked globally with her work on Latin American free speech law, while Crane Fellow Elizabeth Mertz presented her ethnographic work on law school faculty and taught two seminars: one for freshmen on law and language and one for graduate students in linguistic anthropology. Microsoft/LAPA Fellow Steven Wilf taught an undergraduate American Studies seminar on intellectual property public policy while working on a new book examining the history of U.S. intellectual property law. Gordon Silverstein taught a freshman seminar on foreign policy and the U.S. constitution and used some of his new research on the topic. Visiting Scholar Janet McLean, a New Zealander, searched for the concept of the state in British legal thought. They were regularly joined by John Borrows, visiting the Princeton Canadian Studies Program; Larry Solan, visiting the Humanities Council; and Winifred Sullivan, visiting at the Institute for Advanced Study. Ruth Herz, a recently retired judge from Germany, who was drawing lessons from the drawings that a 20th Century French judge made from the bench; and Barry Sullivan, a Loyola University Chicago law professor. LAPA gatherings also welcomed returning fellow travelers George Bustin, Harry Litman, and Deborah Pearlstein. Individually and collectively, Fellows, Visitors and Fellow Travelers enriched life at LAPA and Princeton: offering courses, informally engaging with students, conversing with one another, and participating in programs or events offered by more than 20 campus departments or centers.

In its programming LAPA continued its practice of looking world-wide for cutting edge legal issues and scholars. This year Canadian Supreme Court Justice Rosalie Silberman Abella delivered The John Marshall Harlan ’20 Lecture in Constitutional Adjudication. The Donald S. Bernstein ’75 Lecture went “high tech” with Professor Yochai Benkler, a co-director of the Berman Center for Internet and Society at Harvard Law School. LAPA events offered insights into the constitutional developments in Egypt and Hungary, the international law of war, property rights in China, and the challenge to academic freedom in Wisconsin. LAPA featured talks by three noted scholars, Stanley Fish, Nathan Brown, and William Twining, and hosted leading public officials U.S. Attorney for New Jersey Paul Fishman, and Chair of the Federal Energy Regulatory Commission Jon Wellinghoff. Collaborating on programming with more than 15 of Princeton’s academic departments, centers and programs, LAPA exemplified how the study of law is indeed an interdisciplinary pursuit.

“LAPA is the crown jewel of legal studies in the United States, and perhaps across the globe. No place else offers such wide-ranging discussions across so many academic fields. The amount of work emerging from LAPA reminds us of how important setting and staking out terrain in conversations is to the completion of a serious body of written work.”

--Steven Wilf, Microsoft/LAPA Fellow

http://lapa.princeton.edu
THE PEOPLE AT LAPA

**KIM LANE SCHEPPELE**

Director

In 2010-2011, Kim Lane Scheppelle returned to LAPA from a year as the George A. Crawford Visiting Professor of Law and Robina Foundation Senior Fellow at Yale Law School. In addition to presiding over LAPA this year, she also gave the Annual Distinguished Lecture at the Washington and Lee Law School, and was scheduled to give the Eckstein Lecture in the Department of Political Science at the University of California at Irvine when an East Coast blizzard forced postponement. She was co-organizer of an Executive Seminar on “Terrorism and Human Rights” together with Martin Scheinin, UN Rapporteur on Protection of Human Rights while Fighting Terrorism and Miguel Maduro, former Advocate General at the European Court of Justice. The seminar was held at the European University Institute, Florence, Italy in March. And with Jacqueline Ross of the University of Illinois Law School and James Q. Whitman of Yale Law School, she was co-organizer of the Comparative Law Works in Progress Workshop at Yale Law School in February. A speaker on the closing plenary panel of the World Congress of Comparative Law in July 2010, Scheppelle was also the Distinguished Commentator on a lecture by Amartya Sen at the opening plenary panel at the annual meetings of American Association of International Law in March 2011 as well as a speaker on the plenary panel on terrorism and war at the Law and Society Association annual meetings in June 2011. She gave papers at meetings of the American Political Science Association; the American Society of Legal History; the Association of American Law Schools; at Yale Law School; and at the University of Minnesota Law School. In her second year as chair of the Fellows Selection Committee for the American Academy of Berlin, Scheppelle also spoke in Berlin in May 2010 at the House of World Culture during a major congress to mark the 10th anniversary of 9/11. At Princeton, Scheppelle taught a course on the Rule of Law in the Woodrow Wilson MPA program in the fall, and a large undergraduate course on the Sociology of Law in the spring. She also ran the year-long LEGS (Law-Engaged Graduate Student) seminar where Ph.D. students present their work-in-progress on law-related subjects. Her many Ph.D. students and undergraduate thesis advisees won major national grants, multiple prizes and excellent jobs. She has been deeply involved in monitoring and critiquing the new Hungarian constitution adopted in April 2011, and has briefed policymakers at the U.S. State Department on this issue.

**JUDI RIVKIN**

Events Manager

Judi Rivkin ‘sets the table’ for LAPA’s extensive calendar of events. This past year, she deftly managed more than 100 separate gatherings on- and off-campus, where LAPA was the sole or lead sponsor. Along with recurring events and series, these included multi-day conferences and last-minute examinations of world events. In addition, Judi assumed the role of principal liaison with the Undergraduate Associates, providing guidance in planning, and supplying materials and sustenance to make their gatherings a success. She also designed and produced LAPA’s posters, flyers, and advertisements. LAPA events continue to display both a professional style and a personal touch resulting from her extensive research of everything to do with food, venues, and new ideas.

**JENNIFER BOLTON**

Office Coordinator

Jennifer Bolton remains linchpin for all of LAPA’s activities. She admirably meets the needs of six fellows and four staff as well as all guests. Her efficiency is envied by everyone with whom she works. She also manages LAPA’s general communications, notably the weekly “This Week at LAPA,” as well as the LAPA web site. Bolton continues to enhance her technical skills. She led the effort to design the content for the LAPA Fellows Facebook 2000-2010, provided to each Fellow attending the 10th anniversary celebration. At the same time she earned a manager’s certificate, completing the required training in record time, given her many responsibilities.
DAVID A. HOLLANDER

Law and Legal Studies Librarian, Princeton University Library

David Hollander continues to offer faculty and students assistance with their legal research projects, while he works to build the University library’s ability to foster world-class legal research. He is a particularly valuable resource for fellows, providing services ranging from library tours to sharing the history of Princeton’s short-lived law school. For fellows coming from a law school, Hollander helps orient them to interdisciplinary library collections, while helping fellows from social science departments with law materials. Hollander again organized his annual “Law School Preview” for undergraduates considering attending law school. He also helps students pursue research topics that involve law, training them to use legal databases and helping them to find legal materials. This past year he again pursued an active personal research agenda and maintained a membership in the American Association of Law Libraries.

LESLEY GERWIN

Associate Director

The year proved to be another busy and productive time. In addition to working with LAPA’s talented administrative staff to plan events, Gerwin contributed to several LAPA programs, including serving as a panel moderator at the anniversary celebration and participating in the Constitutional Law Schmooze and Indicators workshops. She continued her work with the MPP/MPA students, serving as advisor to those also enrolled in a J.D. program and advising others considering law school, as well as coordinating the “Law in Public Service: Not Just For Lawyers” dinner series. In addition to teaching a Princeton undergraduate seminar in Urban Education Reform through the American Studies Program, Gerwin formally advised a number of undergraduates considering graduate studies, including offering a case analysis session as part of Law and Legal Studies Librarian David Hollander’s “Law School Preview.” Together with LAPA Executive Committee members Dirk Hartog and Paul Frymer, she helped plan two programs examining teachers unions and the teaching profession. She delivered a talk at the second program, which was held during Princeton’s Reunions. Gerwin also continued as an Adjunct Professor of Law at Benjamin N. Cardozo School of Law, where she teaches a course in public health law and policy. In addition, she gave two papers at Law and Society conferences and published her paper on public health emergencies.
LAPA FELLOWS PROGRAM

2010-2011 FELLOWS

“LAPA’s intellectual environment was the perfect combination of solitude and sociability. I was able to sit alone and catch up on the literature in a new area but also get feedback about my book project from some of the world’s most prominent scholars. The camaraderie of the other fellows made it seem like we were our own little “dream department,” which was personally and professionally fulfilling.”

--Anna Kirkland, LAPA Fellow

TANYA HERNANDEZ

My year at LAPA was a whirlwind of activity. In addition to the dynamic events that LAPA offered all year long, I had the opportunity to listen and learn at many events sponsored by the Princeton Latin American Studies Program and the Princeton Center for African American Studies. LAPA’s rich intellectual community enabled me to complete two law review articles: Hate Speech and the Language of Racism in Latin America: A Lens for Reconsidering Global Hate Speech Restrictions and Legislation Models, 32 U. Penn. J. Int’l Law 805-841 (2011); and The Value of Intersectional Comparative Analysis to the ‘Post-Racial’ Future of Critical Race Theory: A Brazil – U.S. Comparative Case Study, 43 Conn. L. Rev. (forthcoming 2011), and a significant portion of my book Racial Subordination in Latin America: The Role of the State, Customary Law and the New Civil Rights Response (under contract with Cambridge University Press). I also had the opportunity to present my research at several conferences. My favorites were those where I got to bring my research to non-academic audiences, such as the Organization of American States Regional Conference on the International Year for People of African Descent, and the City of Tallahassee Mayor’s Summit on Race, Culture and Human Relations, presentation of “Employment Discrimination in the Age of Diversity,” in addition to the New York Times, “Room for Debate” online discussion, “A Death Blow to Class Actions” analysis of the Supreme Court’s June 2011 decision in Dukes v. Wal-Mart.

SUSAN L. LONGFIELD KARR

The opportunity to serve as the Mellon/LAPA Fellow in Law and Humanities has been an incredible opportunity. Over the course of the year I have benefited from invaluable comments on my work from my fellow LAPA fellows and many Princeton faculty, students, and affiliates from a broad range of disciplines. As a historian, the year has provided me with much to think about --and too much to read-- as I continued my own research on the history and theory of natural law. I benefited from being a LAPA fellow in exactly the ways I had hoped, and then some: there is nothing quite as rewarding as a truly interdisciplinary environment where questions of law and justice are central to a broad range of discussions. Beyond the LAPA program, I was very fortunate to have had many informal meetings and conversations with a number of Princeton faculty and fellows in other programs. I was especially delighted to have been able to attend and participate in seminars and conferences offered under the auspices of ‘The History of Political Thought Project’ in the University Center for Human Values and a series of lectures reflecting on aspects of natural law and natural rights in the James Madison Program. The remainder of my time at Princeton was spent developing new research agendas; completing a paper which I presented at the Renaissance Society for America Annual Meeting in Montreal, Canada; editing a volume on Carl Schmitt, drafting a couple of article-length manuscripts that focus on different aspects of early modern humanist jurisprudence; as well as continuing to prepare my book manuscript, “On Justice and Rights: The Moral Authority of Jus Gentium” for publication. In the fall I taught a freshman seminar “From Natural Law to Human Rights?” and in the spring I participated in the Mellon Seminar on the Ethics of Reading offered by Peter Brooks.
ANNA KIRKLAND
This sabbatical year was a critical time for me to reshape my scholarly agenda and to transition from one area of expertise to another. I had been working in contemporary American antidiscrimination law, and my new project on vaccines is located at the intersection of court studies and science studies. The time right after tenure can be disorienting, and I have been extraordinarily privileged to be able to bring my new research into focus at the premier center for interdisciplinary legal scholarship in the U.S. My research career will benefit for many years to come. I’m one of only a few law and society scholars at my large home university, so being completely surrounded by other legal scholars was an intellectual opportunity I have not had since graduate school (when I didn’t appreciate it properly!). Several features of LAPA stand out as I look back over the year. I also benefited from proximity to Washington, D.C. since I was able to observe government meetings and court events and interview critical policy makers in the vaccine program and the compensation court. My eventual book will be based on access no other scholar or journalist has been able to secure.

BETH MERTZ
I had an enormously productive and intellectually stimulating year at LAPA. I leave Princeton with a reinvigorated and changed intellectual agenda, led down unexpected but promising new paths by the experiences I had here. In addition to attending LAPA seminars and events, I had the opportunity to learn from lectures and conversations with colleagues across a wide range of disciplines, from translation studies to foreign affairs. Another truly delightful part of my year was the opportunity to teach anthropology at both the graduate and freshman levels, and also to participate in a dissertation defense here. (I usually teach only in the law school.) The experience of explaining language from the ground up, starting at the beginning, helped me to re-ground myself in core concepts from my field. Participation and helping to plan for events like the Panel on Academic Freedom, the Workshop on Global Legal Regulation and Social Science Measurement, and the East Coast Anthropology Schmooze were also exciting. And it goes without saying that I also learned from my LAPA colleagues. It has been a terrific experience.

GORDON SILVERSTEIN
LAPA provided a tremendously stimulating and supportive environment, a chance to meet and learn from a wonderful set of Fellows, the opportunity to research and write a couple of articles, co-edit a new volume on comparative law (Consequential Courts: New Judicial Roles in Global Perspective) and to teach (and learn from) a wonderful Princeton Freshman Seminar I led on “Law and American Foreign Policy.” The continued centrality of constitutional debates in war, foreign policy, and emergency powers was reflected in two articles I wrote, one on “Constitutional Ambiguity” for the Annual Review of Law and Social Science, as well as an essay for the Handbook of American Foreign Policy. Firestone Library provided terrific resources as I continued research for my next major project, Why Judicial Review Happens: The DNA of Comparative Constitutionalism. And when I wasn’t writing, teaching, or learning from the stunning array of speakers and events at LAPA and across the campus, I also had the chance to lecture on Habeas Corpus at the University of Oklahoma; to serve as the Constitution Day speaker at Williams College, and give talks at Vanderbilt Law School, the University of Illinois School of Law and Brown University on my recently published book Law’s Allure: How Law Shapes, Constrains, Saves and Kills Politics.

STEVEN WILF
This year I began preliminary research on my planned future book, The Beginnings of American Law: A Comparative History (with co-author Richard Ross), which is under contract with Yale University Press. I also completed three articles as well as two book reviews (listed at the end of the Annual Report). I may have a small footnote in the “Guinness Book of LAPA records.” I might have delivered the most public talks at Princeton on different topics (six— including one at a book forum on colonial legalism which I helped organize); I may have shed the most pounds in a single semester; and I possibly spent the most late night hours in my office. In addition, I taught a seminar in Intellectual Property Policy, assisted a student with a senior thesis, and I am reading chapters from a graduate student’s dissertation. There has been little cost to my writing time, but my own scholarship truly has benefited from exchanges with students. Next year I will be a fellow at the Lemelson Center for the Study of Invention & Innovation at the Smithsonian Institution.
FELLOW TRAVELERS

LAPA is pleased to host law-related visitors who come to Princeton. Visiting scholars receive a Princeton formal appointment to an academic position affiliated with LAPA or another department while special guests are distinguished lawyers or scholars—in-residence in the Princeton area.

VISITING SCHOLARS

JANET McLEAN
University Fellow at LAPA
Professor McLean writes: “I spent much of my time at Princeton progressing a book manuscript, Searching for the State in British Legal Thought (under contract with Cambridge University Press). The book examines the changing and often competing notions of the state in legal thought and how legal notions have embraced and sometimes resisted broader currents in political thought. During an enriching year, I encountered, in the works of others, many complex characterizations of statehood as understood by different disciplines— including political science, international relations, anthropology, political philosophy and history. At the LAPA seminar I presented some of my ideas about rival notions of authority in nineteenth century legal thought and how these related to the new emerging bureaucracy. A chapter about the influence of political thought on the idea of sovereignty as understood in analytical jurisprudence was presented to the New Zealand Society for Legal Philosophy at the University of Auckland. Apart from the book, I worked on a paper inspired by this year’s Constitutional Law Schmooze. Entitled “Bills of Rights and Constitutional Propriety”, it considers the importance of habit in maintaining a healthy constitution.”

DEBORAH PEARLSTEIN
Associate Research Scholar, Woodrow Wilson School
In addition to sharing her insights and research in national security and international human rights law as a participant in LAPA Fellows’ events, Pearlstein taught courses at University of Pennsylvania and Georgetown law schools. She also continued her research activities presenting at many academic conferences throughout the year. Her five-year affiliation with LAPA formally ends this year as she joins the full-time faculty at the Benjamin N. Cardozo School of Law of Yeshiva University.

LAWRENCE M. SOLAN
Visiting Professor of the Council of the Humanities and Linguistics. Visiting Fellow, Psychology, Fall 2010
Solan is the Don Forchelli Professor of Law, Brooklyn Law School where he is Director of the Center for the Study of Law, Language and Cognition. He holds a law degree and a Ph.D. in linguistics, and his scholarly works are primarily devoted to exploring interdisciplinary issues related to law, language and psychology, particularly in areas of statutory and contractual interpretation, the attribution of liability and blame, and linguistic evidence. His new book is The Language of Statutes: Laws and their Interpretation.

JOHN BORROWS
L.G. Pathy’56 Visiting Professor in Canadian Studies, Spring 2011
Borrowes is Professor and Robina Chair in Law and Society at the University of Minnesota Law School and Professor and Law Foundation Chair of Aboriginal Law and Justice at the University of Victoria Law School. Borrowes teaches in the area of Canadian and U.S. Constitutional Law, Indigenous Law, and U.S. Federal Indian Law. He is Anishinabe/Ojibway and a member of the Chippewa of the Nawash First Nation in Ontario, Canada. His book, Recovering Canada: The Resurgence of Indigenous Law, received the Donald Smiley Award for the best book in Canadian Political Science. He has published two other books and has received several awards and honors.
SPECIAL GUESTS

GEORGE BUSTIN ’70
Counselor Bustin writes: “My fourth year as a fellow traveler with LAPA was as rewarding and stimulating as my first. Aside from attending as many LAPA events as I could manage, I chaired one of the panels for LAPA’s 10th Anniversary Conference in October and represented LAPA as opening speaker in the tri-state Mock Trial competition hosted by Princeton in April this year. In addition I continued as senior counsel with my law firm, Cleary Gottlieb, and consulted on certain matters referred by the Russian Ministry of Finance; presented a paper on relations between the EU and Russia for Princeton’s European Union Program; and served as Chair of the Princeton Schools Committee responsible for interviewing undergraduate applicants to Princeton worldwide.” Bustin received the Service to Princeton Award from the Alumni council in recognition of his many contributions to the University.

RUTH HERZ
Having just stepped down from as judge at the Court of Cologne, Germany where she had served since 1974, Herz now holds an appointment as a Research Associate, Centre for Criminology, University of Oxford. She shared with the LAPA community her experience, expertise, and book project, which compiled and interpreted a unique collection of courtroom drawings. French judge, Pierre Cavellat, who was a judge for 40 years, made drawings from the bench during court session that provide a extraordinary view of judicial life. Herz, as a former judge, has a distinctive capacity to bring these drawings to the public. Her book is due out in late 2011.

HARRY LITMAN
Attorney and Professor Litman writes: I came to LAPA as a Fellow after leaving government and wound up remaining in Princeton, and getting married and having three children to boot. I have been fortunate to be able to continue my association with this remarkable program as a Fellow Traveler, and this year I again combined my time at LAPA with a visiting professorship at Rutgers-Camden Law School and a fairly active legal practice centering on the False Claims Act.

BARRY SULLIVAN
Professor Sullivan writes: “I split my time this year between being a LAPA visitor and doing my usual thing at Loyola University Chicago, where I am the Cooney & Conway Chair in Advocacy. This year I taught the Supreme Court Seminar and a course called Argument and Persuasion, which starts with Plato and Aristotle, touches on the legal realists, Breyer, Scalia, and Jeff Powell, and then ends up with an in-depth look at seven Supreme Court cases — briefs, arguments, and all. I continued work on a long-term comparative law project on democracy and transparency and worked on finishing several other projects, including a co-authored piece for the Supreme Court Review on Graham v. Florida. I greatly enjoyed my time at LAPA and particularly prized the opportunity to exchange ideas with those with expertise in other disciplines and training in other legal systems. That experience was both stimulating and helpful to the development of my own thinking in ways that probably are not yet clear even to me. LAPA is a feast, and I thoroughly enjoyed it.”
LAPA FELLOWS’ LUNCHES

“The LAPA lunches are a phenomenal feature of the program. They provide a great opportunity to sit down with leading figures from the University to learn from scholars in your and related fields, but in addition I find that some of the most enjoyable lunches are with scholars in fields I know nothing about.”

—Harry Litman, Fellow Traveler

Each Thursday, LAPA Fellows, Fellow Travelers, and staff gathered for lunch and lively discussion with a guest invited from the Princeton faculty or support community. Each shared his or her current law-related interests or expertise. LAPA is grateful for the informative and invigorating contributions of

John Borneman, Psychology, Woodrow Wilson School [WWS]
Peter Brooks, Comparative Literature, UCHV
Cathy Cuff, WWS Office of Information Technology
Christopher Eisgruber, Princeton University Provost
Paul Frymer, Politics
Anthony Grafton, History, and Council of the Humanities
Carol Greenhouse, Anthropology
Hedrick Hartog, History, American Studies
Daniel Heller-Roazen, Comparative Literature, Council of the Humanities
David Hollander, Law and Legal Studies Librarian
Stanley Katz, WWS
Robert O. Keohane, WWS
Paul Krugman, Economics, WWS
Daniel C. Kurtzer, WWS
Chuck Myers, Law Editor, Princeton University Press
Michael Oppenheimer, WWS
Christina Paxson, Dean, WWS
Anne-Marie Slaughter, WWS

... and for the contributions of special guests:

The Honorable Rosalie Abella, Justice, Supreme Court of Canada
Ruth Herz, Centre for Criminology, University of Oxford
Gábor Halmai, Hungarian Human Rights Information and Documentation Centre
Christopher Tomlins, University of California, Irvine
William Twining, University of Miami School of Law, University College London
Patrick Weil, University of Paris, Visiting Professor Yale Law School

A special Fellows LAPA field trip to the Barnes Foundation art collection in Philadelphia benefited from the art-historical expertise of Yve-Alain Bois, Institute for Advanced Study, and the legal expertise of Lorraine Sciarrara, Office of the General Counsel, Princeton University.
LAPA FELLOWS FOR 2011-2012

LAPA Fellows are selected by LAPA’s Executive Committee from a large pool of highly qualified applicants from around the world. The fellows for the coming year work in a variety of disciplines and take a variety of approaches to their scholarship.

BERNADETTE ATUAHENE is Associate Professor of Law at Chicago-Kent College of Law and a Faculty Fellow at the American Bar Foundation. She is presently writing a book about the South African Land Restitution Program, which is based on 150 interviews she conducted with program beneficiaries. She is also directing and producing a documentary film about one family’s struggle to reclaim their land. She teaches Law, Policy and International Development, Property Law, and International Business Transactions.

MICHAEL HERZ is the Arthur Kaplan Professor of Law and Director of the Floersheimer Center for Constitutional Democracy at the Benjamin N. Cardozo School of Law, Yeshiva University, where he teaches primarily in the areas of administrative, environmental, and constitutional law. He is the incoming Chair of the ABA’s Section of Administrative Law and Regulatory Practice. His current research is focused on the intersection of technology and the administrative state. He will be the Microsoft/LAPA Fellow in Law, Property and the Economic Organization of Society.

TAYYAB MAHMUD is Professor of Law and Director of the Center for Global Justice at Seattle University School of Law, where he teaches comparative constitutional law, international law, legal theory, and legal history. He is a past co-president of the Society of American Law Teachers (SALT), and currently serves on the Steering Committee of the Board of Directors of Latina/o Critical Legal Studies, Inc. (LatCrit). His current research is focused on extra-constitutional usurpation and exercise of power in post-colonial states. While at LAPA he will be writing a history of the Pakistani Supreme Court.

MICHAEL McCANN is Gordon Hirabayashi Professor for the Advancement of Citizenship at the University of Washington and founder of that University’s Law, Society and Justice Programs for undergraduates and the Comparative Law and Society Studies for graduate students. He will be serving as President of the Law and Society Association for the 2011-2013 term. He is presently working on two books in collaboration with colleagues. One, titled, A Union by Law: Filipino Cannery Workers and the Transpacific Struggle for Equal Rights, 1921-1991, has been funded with a grant from the National Science Foundation. A second book has the working title of Legal Mobilization: On the Dialectics of Rights Politics in Historical Perspective.

ARZOO OSANLOO is Associate Professor at the University of Washington’s Law, Societies, and Justice Program and also has appointments in adjunct in the School of Law, and the departments of anthropology, comparative religion, near east languages and civilization, and women’s studies. She is currently working on a new project that considers the Islamic mandate of forgiveness, compassion, and mercy in Iran’s criminal sanctioning system, jurisprudential scholarship and everyday acts among pious Muslims.

CAMILLE ROBCIS is Assistant Professor of History at Cornell University. She has taught courses on modern French history, intellectual history, historiography, gender and sexuality, psychoanalysis, and European social and political thought. While at LAPA, Robcis will be revising her book manuscript: The Law of Kinship: Anthropology, Psychoanalysis, and the Politics of the Family in Twentieth-Century France and beginning a new project called The Return of Republicanism, about French intellectual life in the 1980s. She will be the Mellon/LAPA Fellow in Law and the Humanities.

For more about the 2010-2011 LAPA Fellows see http://lapa.princeton.edu/newsdetail.php?ID=55
"I especially enjoyed my many informal meetings and conversations with a number of Princeton faculty and fellows in other programs about the state of the art of higher education in the U.S., the history and theory of human rights, and the promises (methodological and ideological) of rethinking the history of modern political and legal thought beyond the dominant narrative that shapes and limits current scholarship."

--Susan Longfield Karr, Mellon/LAPA Fellow

**LAPA EXECUTIVE COMMITTEE**

The members of LAPA’s Executive Committee are representatives of each of LAPA’s three principal funding sources: Woodrow Wilson School, University Center for Human Values, and Princeton University. In 2010-2011, the members were:

- **Kwame Anthony Appiah**, Laurance S. Rockefeller Professor of Philosophy and the University Center for Human Values (UCHV)
- **John Darley**, Dorman T. Warren Professor of Psychology, Professor of Psychology and Public Affairs (WWS)
- **Paul Frymer**, Associate Professor of Politics, Acting Director, LAPA 2009-2010 (Univ)
- **Carol J. Greenhouse**, Professor & Chair, Department of Anthropology (Univ)
- **Hendrik A. Hartog**, Class of 1921 Bicentennial Professor in History of American Law & Liberty; Director, Program in American Studies (Univ)
- **Stanley N. Katz**, Lecturer with the rank of Professor in Public and International Affairs (WWS)
- **Melissa S. Lane**, Professor of Politics, Program in Values and Public Life (UCHV)
- **Jan-Werner Müller**, Associate Professor of Politics (UCHV)
- **Devah Pager**, Associate Professor of Sociology (WWS)

**Ex-Officio Members:**

- **Charles Beitz**, Director, University Center for Human Values, Edward S. Sanford Professor of Politics
- **Christina Paxson**, Dean, Woodrow Wilson School, Hughes Rogers Professor of Economics and Public Affairs

**LAPA FACULTY ASSOCIATES**

Faculty Associates contribute to LAPA through their teaching, research and engagement in law. They offer law-related classes throughout the Princeton curriculum, and they research and write about law, legal institutions and legal processes. They bring a wide range of disciplinary interests and specific expertise to the enterprise of legal studies at Princeton. In 2010-2011, LAPA Faculty Associates included:

- **Kwame Anthony Appiah**, Philosophy & UCHV
- **R. Douglas Arnold**, WWS & Politics
- **Orley C. Ashenfelter**, Economics
- **Gary J. Bass**, Politics & WWS
- **Leora F. Batnitzky**, Religion
- **Charles R. Beitz**, Politics & UCHV
- **Sandra L. Bermann**, Comparative Literature
- **João Biehl**, Anthropology
Professional Associates are members of Princeton's community who have academic backgrounds in law and legal studies who contribute to LAPA's intellectual life.

Alison L. Boden, Dean of Religious Life
Leslie E. Gerwin, Lecturer in Public Policy, Associate Director, LAPA
David A. Hollander, Law and Legal Studies Librarian
Beth Kiyoko “Kiki” Jamieson, Director, Pace Center
Patricia Kennedy, Lecturer, Princeton Writing Program
Clayton K. Marsh, University Counsel

Amy Lerman, Politics & WWS
Stephen J. Macedo, Politics & UCHV
Douglas S. Massey, Sociology & WWS
Denise Mauzerall, Civil and Environmental Engineering, & WWS
Tali Mendelberg, Politics
Helen V. Milner, Politics & WWS
Andrew Moravcsik, Politics & WWS
Jan-Werner Müller, Politics
Michael Oppenheimer, Geosciences & WWS
Sergei Alex. Oushakine, Slavic Languages & Literatures
Devah Pager, Sociology
Alan W. Patten, Politics
Imani Perry, African-American Studies
Philip N. Pettit, Politics & UCHV, Political Philosophy
Emily Pronin, Psychology & WWS
Bhavani Raman, History
Gideon A. Rosen, Philosophy, Humanistic Studies; Council of the Humanities
Lawrence Rosen, Anthropology
Michael Rothschild, Economics & WWS, Emeritus
Kim Lane Scheppele, Sociology, WWS, & UCHV, LAPA
Eldar Shafir, Psychology & WWS
Paul Sigmund, Politics, Emeritus
Lee M. Silver, Molecular Biology & WWS
Bradley Simpson, History & WWS
Peter Singer, UCHV
Anne-Marie Slaughter, Politics & WWS
Valerie Smith, Literature, English, & African American Studies
Paul Starr, Sociology & WWS
Ezra N. Suleiman, Politics
Lynn T. White, Politics & WWS
Keith E. Whittington, Politics
Jennifer A. Widner, Politics & WWS, Bobst Center
David S. Wilcove, WWS, Environmental Studies
Julian Zelizer, History & WWS
Viviana A. Zelizer, Sociology
“LAPA offers a unique interdisciplinary experience by uniting LAPA fellows with Princeton faculty, students and legal professionals in a continuing dialogue on matters of great public and scholarly interest. The seminars, together with regular and informal fellows’ and faculty gatherings, stimulate rigorous intellectual effort, probing discussions and an atmosphere of rich good fellowship.”

--George Bustin, Attorney/Fellow Traveler

LAPA EVENTS

LAPA SEMINARS

The LAPA Seminar is the centerpiece of LAPA’s events schedule. It is a lively and intense forum for LAPA Fellows and invited scholars to present their discussion featuring a work-in-progress. The unusual format provides for a distinguished commentator to present and critique the paper, after which the author responds. The discussion is then joined by seminar participants who include Princeton faculty, graduate students, legal academics and practitioners, members of the community, and invited guests of the author. After a public reception, a smaller group adjourns to dinner, where discussion of the paper continues. LAPA Seminars in 2010-2011 featured:

JOHN BORROWS, LG Pathy ’56 Visiting Professor in Canadian Studies, Princeton/University of Minnesota Law School/University of Victoria
Physical Philosophy: Mobility and Indigenous Peoples
Commentator: Anna Stilz, Politics, Princeton University

TANYA K. HERNANDEZ, LAPA Fellow; Fordham University School of Law
Hate Speech and the Language of Racism in Latin America: A Lens for Reconsidering Global Hate Speech Restrictions
Commentator: Imani Perry, Center for African American Studies, Princeton University

SUSAN LONGFIELD KARR, Mellon/LAPA Fellow in Law and the Humanities
‘Jus Gentium,’ Natural Rights, and Civil Liberties: Ulrich Zasius’ Critique of Arbitrary Power
Commentator: Paul Sigmund, Politics, Emeritus; Princeton University

Photo by Jud Ritter

Keith Wailoo and Anna Kirkland
Imani Perry, Tanya Hernandez and Kim Lane Scheppele
ANNA KIRKLAND, LAPA Fellow; Women’s Studies, Political Science, University of Michigan
Ruling That Vaccines Don’t Cause Autism: Credibility Struggles at the Vaccine Injury Compensation Court
Commentator: Keith Wailoo, History and Public Affairs, WWS, Princeton University

MÁXIMO LANGER, UCLA School of Law
The Diplomacy of Universal Jurisdiction: The Regulating Role of the Political Branches in the Transnational Prosecution of International Crimes
Commentator: Robert O. Keohane, WWS, Princeton University

JANET McLEAN, LAPA Visiting Fellow; School of Law, University of Dundee (Scotland)
The State, the Crown, and the Public, in 19th Century Britain
Commentator: Kim Lane Scheppel, WWS, Sociology, and University Center for Human Values; LAPA Director

ELIZABETH MERTZ, LAPA Fellow; American Bar Foundation; University of Wisconsin Law School
Hearing Voices: A Study of America’s Post-Tenure Law Professors
Commentator: Peter Brooks, Andrew W. Mellon Foundation Scholar, Center for Human Values, Princeton University

GORDON SILVERSTEIN, LAPA Fellow; Political Science, University of California – Berkeley
U.S. War and Emergency Powers: The Virtues of Constitutional Ambiguity
Commentator: Paul Frymer, Politics, Princeton University

LAWRENCE M. SOLAN, Brooklyn Law School, and JOHN M. DARLEY, Professor of Psychology and Public Affairs, Princeton University
Creating Harm without Doing Wrong
Commentator: Gideon A. Rosen, Director, Program in Humanistic Studies; Philosophy, Princeton University

WINNIFRED FALLERS SULLIVAN, Member, Institute for Advanced Study; Law and Religion Program, SUNY at Buffalo Law
After Secularism: Governing through Spiritual Care
Commentator: Carol Greenhouse, Anthropology, Princeton University

STEVEN WILF, Microsoft/LAPA Fellow; University of Connecticut School of Law
Imagining and Beginning: Rethinking the Origins of American Law
Commentator: Keith Whittington, Politics, Princeton University

Faculty and graduate students at a LAPA Seminar
In October, 2010, more than 50 former LAPA Fellows from across the U.S. and around the globe joined Princeton faculty to highlight the extraordinary range of scholarship LAPA has promoted during its ten years at Princeton. The weekend included a formal program of panels as well as informal discussions over a wide range of topics. Additional information about the program can be found at http://lapa.princeton.edu/anniversary.

KEYNOTE ADDRESS:
CHRISTOPHER EISGRUBER, Princeton University Provost
Studying Law at Princeton

CONSTITUTIONAL VALUES IN THE SHADOW OF RELIGION
SALLY GORDON, Penn Law
Disestablishment and Confiscation of Church Property
MARK BRANDON, Vanderbilt Law
Family Values and Uncommon Families in the Constitutional Order
MARCI HAMILTON, Cardozo Law
Licentiousness vs. Liberty
MARY ANNE CASE, Chicago Law
Feminist Fundamentalism
Chair: PETER BROOKS, Princeton

THINKING THROUGH INTELLECTUAL PROPERTY
ELI SALZBERGER, Haifa Law School
The Philosophy and Political Economy of Intellectual Property Regulation
STEVEN WILF, Connecticut Law
The Copyright Act as a Derivative Work
CHRISTOPHER BEAUCHAMP, Penn Law
Cases, Controversies, and Parties in the Making of American Patent Law
Chair: STANLEY N. KATZ, Princeton

SHARI’A AND SECULARISM
ANITA ALLEN, Penn Law
Niqab in the Courtroom
SAID ARJOMAND, SUNY Stony Brook
Islam: Basis of the Constitution or Limitation on Government and Legislation?
TAMIR MOUSTAFA, Simon Fraser University
Liberal Rights vs. the Shari’a in Malaysian Political Discourse
Chair: NANCY MAVEETY, Tulane University

COMPETING REGULATORY SYSTEMS
ROBERT AHDIEH, Emory Law
The Visible Hand: Coordination Functions of the Regulatory State
JOHN DE FIGUEIREDO, Duke Law
The Dynamics of Deregulation
CAROL HEIMER, Northwestern/ American Bar Foundation
The Two Faces of Law: Regulating Treatment and Research in HIV Clinics
MYRIAM GILLES, Cardozo Law
Fund Administration as Precedent: Some Thoughts on the Gulf Coast Claims Facility
NOGA MORAG-LEVINE, Michigan State Law
Civil Law, Common Law, and Precautionary Regulation: A Legal Historical Perspective
Chair: PAUL FRYMER, Princeton
DISCRIMINATIONS
JULIE CHI-HYE SUK, Cardozo Law
Antidiscrimination Law and the Gender Pension Gap in Europe
JEANNINE BELL, Indiana Law
‘As Long As They Don’t Move Next-Door:’ Race, Class and Ethnic Discrimination in American Neighborhoods
TANYA HERNANDEZ, Fordham Law
Latinos and Blacks in the Workplace and Judicial Misperceptions of Inter-Ethnic Employment Discrimination
VANESSA BARKER, Stockholm University
Immigration and Social Exclusion: Roma Expulsions in Europe
PAUL FRYMER, Princeton
Can Race be a ‘Bona Fide’ Qualification for Work?
Chair: DEVAH PAGER, Princeton

NATIONAL LAW IN A GLOBAL CONTEXT
MARTIN FLAHERTY, Fordham Law
Global Separation of Powers, or, Restoring the Judiciary to Foreign Relations
TEEMU RUSKOLA, Emory Law
China’s Reception of International Law
RALF MICHAELS, Duke Law
U.S. Courts as World Courts
DIANE ORENTLICHER, American U Washington College of Law; U.S. Dept. of State
The Impact of International Criminal Tribunals on Domestic Legal Systems
MARY DUDZIAK, USC Law
Law, War, and the History of Time
Chair: GEORGE BUSTIN, Princeton

LEGAL RECOGNITION AND LEGAL PERSONHOOD
COLIN DAYAN, Vanderbilt University
Dog Law
LINDA BOSNIAK, Rutgers-Camden Law
Constitutional Personhood
SUSAN LONGFIELD KARR, LAPA
Man Qua Man
CAROL SANGER, Columbia Law
Stillbirth: Life and Death and the Problem for Law
SUSANNA BLUMENTHAL, Minnesota Law
Speculative Mania: Of Panics and Personhood in the Nineteenth-Century American Law of Contracts
Chair: HENDRIK HARTOG, Princeton

THE LEGAL CONSTITUTION OF EUROPE
PETER LINDSETH, Connecticut Law
Europe as Administrative Governance
INGOLF PERNICE, Humboldt University Law, Perspectives of Constitutionalism in the EU after Lisbon and Karlsruhe
OLIVER GERSTENBERG, Leeds Law
Constitutionalizing Socio-Economic Rights: Anything New in Europe?
AIDAN O’NEILL, QC, Matrix Chambers, London and Edinburgh
EU Law and Fundamental Rights
Chair: ANDREW MORAVCSIK, Princeton

COMPARATIVE CONSTITUTIONALISM
CHRISTINA MURRAY, Constitutional Drafting Commission of Kenya
Politicians and the Making of the 2010 Kenyan Constitution
GORDON SILVERSTEIN, Berkeley
The Cross-National DNA of Judicial Review
MALCOLM FEELEY, Berkeley
Constitutionalism and the Legal Complex
GÁBOR HALMAI, ELTE, Budapest
The Role of Transitional Constitution-Making (and Constitutional Courts) in the Consolidation of Democracy
RICHARD BRIFFAULT, Columbia Law
Citizens United and the Constitutionalization of Campaign Finance
Chair: STANLEY N. KATZ, Princeton
TERRORISM AND HUMAN RIGHTS
TOM TYLER, NYU
Policing Against the Threat of Terrorism
DAVID RUDENSTINE, Cardozo Law
The Irony of a Faustian Bargain: The Supreme Court’s State Secrets Decisions and the Rule of Law
DEBORAH PEARLSTEIN, LAPA
The Expert Executive and the Role of the Courts
FIONNUALA NÍ AOLÁIN, Minnesota Law, Exceptional Courts
JIM STAIHAR, Maryland Business School
On the Optimal Enforcement of Criminal Law
Chair: LESLIE GERWIN, Princeton

GLOBALIZATION AND ITS CHALLENGES
JEFF DUNOFF, Temple Law
Reconceptualizing the Architecture of the International Legal Order
PAUL SCHIFF BERMAN, Arizona State Law
Global Legal Pluralism
FRED AMAN, Indiana Law
The Domestic Face of Globalization
JAMIE MAYERFELD, University of Washington
Extending Checks and Balances: Why Constitutional Government Requires International Human Rights Law
LAURA DICKINSON, Arizona State Law
Outsourcing War and Peace
Chair: CHARLES BEITZ, Princeton

CONSTITUTIONAL HISTORY AND THE LEGAL STRUCTURE OF EMPIRE
CHRISTINA BURNETT, Columbia Law
Empire and Law in the America
TOM POOLE, London School of Economics, Law
The Prerogative Abroad: Law and Politics in the Colonial Context
JANET McLEAN, University of Dundee Law
Crown, State and Public - Suppressed State Traditions in British Legal Thought
WILFRID PREST, University of Adelaide
Blackstone and Constitutions
Chair: BHAVANI RAMAN, Princeton
LAPA PUBLIC EVENTS

“LAPA is an extraordinary place for the multidisciplinary and multinational study of law. For those so inclined, the only danger is intellectual over-stimulation!”

--Barry Sullivan, LAPA Visitor

NAMED LECTURES

THE JOHN MARSHALL HARLAN ’20 LECTURE IN CONSTITUTIONAL ADJUDICATION

The Honorable Madam Justice ROSALIE SILBERMAN ABELLA, Supreme Court of Canada

Global Justice: The Power and the Pity

Past Harlan Lecturers: Associate U.S. Supreme Court Justice Sandra Day O’Connor; Justice Dieter Grimm, Federal Constitutional Court of Germany; Judge Leonie M. Brinkema, U.S. District Court, Eastern District of Virginia; Associate U.S. Supreme Court Justice Ruth Bader Ginsburg; and the Honorable Stuart Rabner ’82, Chief Justice of the Supreme Court of New Jersey.

THE SEVENTH ANNUAL DONALD S. BERNSTEIN ’75 LECTURE

YOCHAI BENKLER, Berkman Professor of Entrepreneurial Legal Studies; Faculty co-director, Berkman Center for Internet and Society, Harvard Law School

Degrees of Freedom

Past Bernstein Lecturers: Judge Richard Posner, U.S. Court of Appeals, 7th Circuit; Kenneth Roth, Human Rights Watch; Robert Post, Yale Law School; Cass R. Sunstein, University of Chicago Law School; Israeli Supreme Court President Dorit Beinisch; and Jack M. Balkin, Yale Law School.
PANEL DISCUSSIONS

The New Hungarian Constitution: The Long Goodbye to Liberal Democracy?

ANDREW ARATO, Sociology, New School University
ERIKA KISS, University Center for Human Values, Princeton University
JAN-WERNER MÜLLER, Politics, Princeton University
KIM LANE SCHEPPELE, Woodrow Wilson School, Sociology, UCHV, Princeton University
Moderator: STANLEY N. KATZ, Woodrow Wilson School, Princeton University

Academic Freedom: Wisconsin and Beyond

ANTHONY GRAFTON, History, Council of the Humanities, Princeton University; President, American Historical Association
STANLEY N. KATZ, Woodrow Wilson School, Princeton University
JOAN W. SCOTT, School of Social Science, Institute for Advanced Study; former chair, Committee on Academic Freedom and Tenure, American Association of University Professors
Moderator: PETER BROOKS, Comparative Literature and UCHV, Princeton University

Academic Freedom panelists: Anthony Grafton, Stanley Katz, Joan Scott, Peter Brooks
TALKS AND LECTURES

Egypt’s Constitutional Revolution?
NATHAN J. BROWN, Professor of Political Science and International Affairs, Georgetown University

The Fugitive in Flight: Faith, Liberalism, and Law in a Classic TV Show
STANLEY FISH, Author, Visiting Professor, Benjamin N. Cardozo School of Law

Globalisation and legal scholarship
WILLIAM TWINING, Visiting Professor, University of Miami School of Law

The Burqa Ban: Has France (and Europe) Become Islamophobic?
PATRICK WEIL, University of Paris

Cosponsored with the EU Program; the Program in Contemporary European Politics and Society; and the PIIRS Luce Project on Migration, Participation, and Democratic Governance in the U.S., Europe, and the Muslim World

BOOK FORUM

Freedom Bound: Law & the Colonizing of British North America
CHRISTOPHER TOMLINS
Author; University of California-Irvine, Law; American Bar Foundation

Discussants:
LINDA COLLEY, History, Princeton University
RACHEL St. JOHN, History, Harvard University; Davis Center for Historical Studies Fellow, Princeton University/School of Historical Studies, IAS 2010-2011
STEVEN WILF, University of Connecticut Law School; Microsoft/LAPA Fellow, Princeton University, 2010-2011

Moderator: KIM LANE SCHEPPELE, LAPA Director
Cosponsored with the Colonial Americas Workshop, Program in American Studies, and the 18th Century Colloquium
INVITATIONAL EVENTS

SIXTH ANNUAL LAPA FACULTY RETREAT

To mark the beginning of the academic year, LAPA convenes faculty, fellows, and graduate associates for a day-long discussion of faculty members’ law-related work-in-progress. Distributed in advance, each paper is presented by an author’s colleague from another department. Following the author’s response, discussion ensues among all participants. The Retreat provides the occasion for introducing new Princeton faculty and academic visitors, including the LAPA Fellows, to the broader Princeton community.

In 2010, the Retreat featured:

Doug Massey, Sociology and Woodrow Wilson School
The Past and Future of American Civil Rights
Commentator: Hendrik Hartog, History and American Studies

Susan Fiske, Psychology
Compare: Envy and Scorn Divide Us
Commentator: Paul DiMaggio, Sociology and WWS

Melissa Lane, Politics and UCHV
Founding as Legislating: the Figure of the Lawgiver in Plato’s ‘Republic’
Commentator: John Cooper, Philosophy

Bhavani Raman, History
The Duplicity of Paper: Forgery, Perjury, and Attestation in Early Colonial Madras
Commentator: Kim Lane Scheppelle, WWS, UCHV

Bhavani Raman and Kim Lane Scheppelle
FOURTH ANNUAL PRINCETON “CON LAW SCHMOOZE”

Each December, LAPA invites distinguished constitutional law scholars from law schools and political science departments to join in an intense and illuminating day-and-a-half discussion on a topic of general and pervasive importance in the field. The 2010 theme examined the concept of “Invisible Constitutions.” LAPA hosted more than 25 scholars from Princeton and across the country. Led by LAPA Director Kim Lane Scheppele, the organizers included Jack Balkin, Yale Law School; Mark Graber, University of Maryland; Sandy Levinson, University of Texas, and Mark Tushnet, Harvard Law School.

For more information: http://lapa/eventdetail.php?ID=412

GLOBAL LEGAL REGULATION AND SOCIAL SCIENCE MEASUREMENTS: BALANCING CRITIQUE AND PRAGMATISM

This one-day workshop was designed to serve as the beginning of an ongoing conversation about questions of law, metrics, methods, and policy, which will help chart new paths for interdisciplinary translation. Conceived by LAPA Fellow Elizabeth Mertz, and Sally Merry, NYU, they were joined by Princeton co-organizers João Biehl, Carol Greenhouse and Kim Lane Scheppele. More than 20 scholars from Princeton and other institutions participated.

For more information: http://lapa.princeton.edu/eventdetail.php?ID=476

SIXTH ANNUAL COMPARATIVE LAW WORKS IN PROGRESS WORKSHOP

This unique forum enables comparative law scholars to gather for a sustained and in depth discussion of scholarly work prior to its publication. In addition to LAPA sponsors included: the American Society of Comparative Law, Yale Law School, and University of Illinois College of Law. Yale University hosted the invitational event. LAPA will host the event at Princeton in 2012. For more information: http://lapa/eventdetail.php?ID=4

CRIME AND PUNISHMENT WORKSHOP

Under the leadership of Princeton Sociology Professor Devah Pager, Princeton faculty and graduate students meet for a monthly dinner to hear talks by visiting faculty or papers in progress by graduate students and faculty, and to discuss “half-baked” research ideas.

MELLON SEMINAR IN LAW AND THE HUMANITIES

THE ETHICS OF READING AND THE CULTURES OF PROFESSIONALISM

LAW, PSYCHOANALYSIS, AND IDEAS OF HUMAN AGENCY

Cosponsored with UCHV and the Department of Comparative Literature

This innovative seminar for Princeton students and faculty was developed and taught by Peter Brooks, Mellon Visiting Professor, and co-taught by Martin Stone, Professor of Law, Benjamin N. Cardozo School of Law. It is funded by the Mellon Foundation.

Guest speakers examined issues raised by the intersection of law and psychoanalysis in the understanding of human action and motive. They included: Amy Adler, NYU Law School; Judith Butler, University of California-Berkeley; Anne Dailey, University of Connecticut School of Law; Carol Gillian, NYU School of Law; Bruce Hay, Harvard Law School; Juliet Mitchell, University of Cambridge; Susan Schmeiser, University of Connecticut School of Law; and Jeannie Suk, Harvard Law School.

For more information: http://www.princeton.edu/~ereading/


EVENTS COSPONSORED BY LAPA

“LAPA is truly a gift to the intellectual community of law-and-social science scholars, bringing new groups together each year to spark new synergies in our field. ...I leave Princeton with a reinvigorated and changed intellectual agenda, led down unexpected but promising new paths by the experiences I had here.”

--Beth Mertz, Katherine and Martin Crane LAPA Fellow

CONFERENCES

TEACHERS UNIONS AND THE FUTURE OF THE TEACHING PROFESSION

Diane Ravitch, Professor of Education, New York University
“Understanding the History of Teachers Unions.” (Keynote Address)
Panelists: Marjorie Murphy, History, Swarthmore College; Pedro Noguera, Education, New York University; Morgaen Donaldson, Education Leadership, U. Conn/Research Affiliate, Harvard Project on the Next Generation of Teachers; Timothy Daly, President, The New Teacher’s Project; Bret D. Schundler, former Commissioner of Education, State of New Jersey.
Organized by Hedrick Hartog, Paul Frymer, and Leslie Gerwin
Convened by the Program in American Studies. Additional cosponsors included the Center for African American Studies and the Program in Teacher Preparation

COLONIES AND POSTCOLONIES OF LAW

Lauren Benton, New York University
“Justice by Despots: Patterns of Imperial Legal Politics” (Plenary Speech)
Panel topics: Courting Destiny: Judges and Political Change; Law and Capital; Competing Legitimations: Religious Law and Colonial Authority; Border Crossing;
Organized by graduate students Nurfaridzilah Yahaya and Rohit De
Sponsors: LAPA, Dept. of History, Additional cosponsor the Graduate School of Arts and Sciences

HISTORICAL LEGACIES IN COMMUNIST AND POSTCOMMUNIST EURASIA: STATE EXECUTIVES, PROPERTY, LAW, AND GEOPOLITICS SINCE THE 1970S

Organized by Steven Kotkin and Mark Beissinger
Cosponsored with the Princeton Institute for International and Regional Studies [PIIRS], the Woodrow Wilson School of Public and International Affairs, the Davis Center for Historical Studies, the Bobst Center for Peace and Justice

ANIMATING MODERATION: A WORKSHOP UNDER THE AUSPICES OF THE PROJECT IN THE HISTORY OF POLITICAL THOUGHT

Organized by Jan-Werner Müller
Cosponsored with the University Center for Human Values
http://uchv.princeton.edu/lectures_seminars/political_thought/am_schedule.php
PUBLIC LECTURES

PRINCETON ENVIRONMENTAL INSTITUTE

JON WELLINGHOFF, Chair, Federal Energy Regulatory Commission
Energy Plans, Policies, and Futures- How One Federal Agency is Influencing Your Energy Future
Cosponsored with the Program in Science, Technology and Environmental Policy (STEP)

THE 10TH ANNUAL WALTER F. MURPHY LECTURE IN AMERICAN CONSTITUTIONALISM

JEFFREY TULIS, University of Texas at Austin
Constitutional Decay and the Politics of Deference
Cosponsored with the James Madison Program in American Ideals and Institutions

CONSTITUTION DAY LECTURE

JUDGE DENNY CHIN, United States Court of Appeals, Second Circuit
The Constitution in a Time of War: The Trial of Minoru Yasui
A reenactment and discussion
Cosponsored with Program in American Studies, the Center for African American Studies
Office of the Provost, the Department of English, and The James Madison Program

AMBASSADOR CHRISTIAN WENA WESER, Permanent Representative of Liechtenstein to the United Nations
Challenges to the International Criminal Court in a Changing World Order
Cosponsored with the Liechtenstein Institute on Self-Determination

CHARLES L. HOWARD ’72, Author of The Organizational Ombudsman: Origins, Roles, and Operations—A Legal Guide
Bridging the Gap . . . Creating a Fair and Impartial Culture
Cosponsored with the Ombuds Office, and the Office of Audit and Compliance

PANEL DISCUSSIONS AND WORKSHOPS

RULE OF LAW DEVELOPMENT IN CHINA
Featuring: Amy Gadsen, University of Pennsylvania Law School, former Special Advisor for China in the U.S. State Department, Bureau of Democracy, Human Rights, and Labor; Jacques Delisle, University of Pennsylvania Law School; Yanfei Ran, Chinese legal practitioner; Susan Pologruto, USAID Rule of Law Advisor for China, Office of Democracy and Governance. Moderator: Evans Revere ’76, Visiting Lecturer, former Principal Deputy Assistant Secretary of State for East Asian and Pacific Affairs
COSPONSORED EVENTS (CONTINUED)

ROUND TABLE ON DEPORTATIONS AND NATIONAL SECURITY
Featuring: Ted Alden, Council on Foreign Relations; Amy Gottleib, American Friends Service Committee, Immigration Committee; Anastasia Mann, Eagleton Institute of Politics, Rutgers University; Douglas Massey, Woodrow Wilson School, Princeton; Alejandro Portes, Center for Migration and Development, Princeton; Julia Preston, Visiting Research Scholar, Program in Latin American Studies; New York Times correspondent

Cosponsored with Center for Migration and Development, Latin American Legal Defense and Education Fund, Program in Latin American Studies, Program in Latino Studies, and University Center for Human Values

WORKSHOPS IN AMERICAN STUDIES
Cosponsored with the Program in American Studies
• THE HONORABLE DENNY CHIN, U.S. Court of Appeals Second Circuit
  From Megan’s Law to Bernie Madoff: A Conversation with Judge Denny Chin ’75
• NICHOLAS PARRILLO, Yale Law School
  Against the Profit Motive: The Transformation of American Government, 1780-1940
• STEVEN WILF, Microsoft/LAPA Fellow; University of Connecticut School of Law
  Intellectual Property and Social Movements in 19th Century America

COLONIAL AMERICAS WORKSHOP
Cosponsored with Center for Collaborative History, Program in American Studies
DAVID KONIG, Washington University in St. Louis:
Jefferson and the Law

PROGRAM IN ETHICS AND PUBLIC AFFAIRS SEMINAR
Cosponsored with University Center for Human Values
SARAH SONG, University of California, Berkeley:
The Significance of Territorial Presence and the Rights of Noncitizens

SCIENCE AND GLOBAL SECURITY SEMINAR SERIES
Cosponsored with the Program on Science and Global Security, MacArthur Foundation
JOHN BURROUGHS, Lawyers Committee on Nuclear Policy:
Nuclear Weapons and Compliance with International Humanitarian Law

CENTER FOR MIGRATION AND DEVELOPMENT COLLOQUIUM SERIES
Cosponsored with the Center for Migration and Development and the EU Program
PATRICK WEIL, University of Paris:
Denaturalization Processes in France, the United Kingdom and the United States
LAPA STUDENT PROGRAMS

GRADUATE PROGRAMS

“For those who study law and politics, LAPA provides a non-stop academic (and gastronomic) feast! An extraordinary chance to write, to teach, and to learn from an outstanding group of Fellows, a stunning faculty, and an even more stunning array of Princeton graduate and undergraduate students.”

--Gordon Silverstein, LAPA Fellow

LAW-ENGAGED GRADUATE STUDENTS (LEGS)

LAPA provides a gathering place for graduate students, including Princeton Ph.D. candidates, and masters’ students with or in the process of earning a law degree, from across the campus to share their interest and research in law-related areas. In addition to informal gatherings and participation in LAPA events, LEGS seminars provide students with a place to present their work to fellow graduate students and faculty. In 2010-2011, graduate student presenters were:

**Philip Wallach**, Politics
Policy Responses to the Financial Crisis and the Rule of Law

**Matthew Axtell**, History
American Steamboat Gothic

**Daniel Mark**, Politics
A Critique of Joseph Raz’s Theory of Authority

**Jessica Flanigan**, Politics
Liberalism and Medical Treatment

**Nurfadzilah Yahaya**, History
Colonial Development of Islamic Family Law in the British Straits Settlements and the Netherlands Indies

**Rohit De**, History
The Republic Without a ‘Pub’ is a Relic: Prohibition and Everyday Life of Constitutional Law in the Indian Republic (1949-1962)

**Avani Sood**, Psychology
The Plasticity of Harm in the Service of Punishment Goals: An Experimental Demonstration

Special Program:
**Kim Lane Schepple and Paul Frymer**
Thinking Outside the Disciplinary Box
Graduate students gather for a dinner discussion with NYU Law School Professor Frank Upham (far left). The policy students are often joined by Princeton faculty, LAPA Fellows, and other graduate students.

LAW IN THE PUBLIC SERVICE— NOT JUST FOR LAWYERS

For a fourth year, LAPA continued this program, which enables public policy students to engage in off-the-record discussions with policy practitioners and scholars, examining legal issues and the role of law in developing and implementing public policy. This year’s guests and the topics of conversations included:

THE HONORABLE PAUL J. FISHMAN ’78, U.S. Attorney, District of New Jersey
The Role of U.S. Attorneys

THE HONORABLE ROSALIE SILBERMAN ABELLA, Justice, Supreme Court of Canada
Informal conversation

MAJOR JOHN C. DEHN, Assistant Professor, Department of Law, U.S. Military Academy
The Laws of War in Comparative Perspective: Past, Present, and Implications for the Future

CHRISTINA MURRAY, Professor of Constitutional and Human Rights Law, University of Capetown
Making the New Kenyan Constitution

FRANK K. UPHAM ’67, Wilf Family Professor of Property Law, NYU School of Law
Why Economists Misunderstand the Relationship between Property Rights and Economic Growth
LAPA UNDERGRADUATE ASSOCIATES

Princeton undergraduates interested in law and public policy have opportunities to explore these issues and others with legal scholars, practitioners, and LAPA fellows. LAPA’s undergraduate group attracts students from all undergraduate classes and many different concentrations. In 2010-2011, student coordinators Sophie Chen Jin ’11 and Craig Matthews ’11 transferred the leadership to George Maliha ’13, Kahyun Park ’13, and civic engagement chair Caroline Jo ’13.

This year’s social events included an opening dinner with the LAPA Fellows; an informal luncheon and conversation with the constitutional law professors prior to the commencement of LAPA’s Con Law Schmooze; and a year-end get-together, which this year was a sponsored study break. Other events included:

Lunchtime discussions with LAPA Fellows:

TANYA HERNANDEZ, Life as a Public Interest Lawyer (and ways to make it financially feasible!)
SUSAN LONGFIELD KARR, The Rule of Law in the West: Why law comes to hold the moral authority that it does and the development of Western Rights Traditions
ANNA KIRKLAND, The Courts’ Role in the Controversy Over the Mercury Compound Thimerosal in Children’s Vaccines
ELIZABETH MERTZ, On Law School Reform
STEVEN WILF, On Intellectual Property Law

Afternoon tea and conversations with:

JUSTICE ROSALIE SILBERMAN ABELLA, Supreme Court of Canada
NATHAN BROWN, Professor of Political Science and International Affairs, The George Washington University; senior associate, Carnegie Endowment for International Peace
MICHAEL GERHARDT, Simon Ashe Distinguished Professor in Constitutional Law and Director of the Center for Law and Government, University of North Carolina School of Law; and ROBERT P. GEORGE, McCormick Professor of Jurisprudence, Princeton University.

Cosponsored with the James Madison Program in American Ideals and Institutions

Law School Preview

Law and Legal Studies Librarian David Hollander organized this program to enable undergraduates to experience “the study of law.” LAPA Directors Kim Lane Scheppele and Leslie Gerwin each taught a session exploring the process of case analysis.
THE ARTHUR J. LIMAN FELLOWS IN PUBLIC INTEREST LAW

Created by the Liman Family Foundation in honor of Arthur Liman’s long and distinguished career in public interest law, and established at Princeton through the generosity of Emily Liman ’85, this fellowship program enables Princeton students to spend an eight-to-ten-week summer internship serving the needs of individuals and causes that might otherwise go unrepresented. Through a competitive application process, LAPA selected four Princeton undergraduates and two graduate students for the summer 2011 fellowship, based upon their demonstrated commitment to public service. The Liman Fellows and their placements were:

Undergraduates:

KRISSIA ILDEFONSO ’12, Workers Legal Rights and Farmworker Projects Legal Services of New Jersey

LAURA PEDERSEN ’12, Office of Immigration Litigation, U.S. Department of Justice

ZAYN SIDDIQUE ’11, Red Hook Community Justice Center, Brooklyn New York

ERIC STERN ’11, Land use law project, Office of NY City Council Member Brad Lander

Graduate Students (Ph.D. Candidates)

VINAY SITAPATI, 1st year Politics, Centre for Policy Research, Dharam Marg, Chanakyapuri, New Delhi, India

JUSTIN SIMEONE, 2nd year Politics, Center for Human Rights and Global Justice, NYU Law School

THE J. WELLES HENDERSON ’43 SENIOR THESIS PRIZE

Endowed by Judge Arlin M. Adams to honor his friend, J. Welles Henderson, on his 85th birthday, this prize carries a cash award for the best senior thesis on a law-related subject. LAPA awarded the 2011 Prize to co-winners:

HANNAH JANE KATZ, Sociology
Policing Adolescence: Personal Empowerment Among Youth Who are Stopped by the Police for Questioning

ZAYN SIDDIQUE, Woodrow Wilson School
The Quiet Struggle: Judicial Independence and the Modern Middle East
A BRIEF HISTORY OF LAPA

From its beginning in 1999 as an intellectual home to Woodrow Wilson School’s public policy students pursuing law degrees at American law schools and a program providing one-year fellowships to distinguished legal scholars, LAPA has grown to become the center of Princeton’s multidisciplinary legal inquiry and scholarship.

There are few Princeton programs, centers, or departments with which LAPA has not collaborated on programming. Its roster of Faculty Associates exceeds 80 members whose home departments range from Anthropology and Astrophysics to Sociology and the Woodrow Wilson School. Applicants for its fellowship program regularly come from numerous countries on six continents. LAPA’s programming has evolved to serve several constituencies, with dedicated programming for Princeton faculty, graduate students, and undergraduates, as well as for the general community and legal scholars. Biweekly LAPA Seminars (the heart of the LAPA program) and the Law Engaged Graduate Student (LEGS) Seminars provide opportunities for intense examination of legal issues, and attract faculty and students from across the campus. MPP/MPA students at the Woodrow Wilson School host policy makers and scholars to explore the role of law in decision making. Undergraduates have the opportunity to explore law as an academic discipline through programming, meetings with legal scholars, and informal interaction with LAPA fellows.

LAPA’s two named lectures: the John Marshall Harlan ’20 Lecture in Constitutional Adjudication and the Donald S. Bernstein ’75 Lecture, have attracted distinguished jurists from the high courts of the United States, Germany, Israel, Canada, and New Jersey, as well as legal scholars from the nation’s top law schools. LAPA’s public lectures and programs draw distinguished scholars and public officials who examine the legal dimensions of current issues on the public policy agenda. Its academic conferences have included collaborations with several institutions, such as New York University Law School, the Rutgers University Center for Race and Ethnicity, University of California-San Diego Department of Politics, and Yale Law School.

LAPA-sponsored inquiries have contributed to legal research and jurisprudence, beginning with the publication of the oft-cited Princeton Principles on Universal Jurisdiction in 2001, and continuing with the collaboration of scholars, military personnel, practitioners, and contractors which resulted in General Principles for a Legal Framework Governing Military Contractors and proposed congressional legislation. Several LAPA conferences also provided the basis for special issues of I•Con: The International Journal of Constitutional Law and edited volumes.

In 2007, LAPA secured its place as a university-wide program when the Woodrow Wilson School, the University Center for Human Values, and the Princeton University general fund assumed equal shares of LAPA’s annual funding. Since its inception LAPA has prospered under the enlightened leadership of five directors or acting directors: Stephen Macedo, founding director; Christopher Eisgruber ’83, the first permanent director, later named University Provost; Kim Lane Schepele, currently in her second term as director; and acting directors Stanley N. Katz (2004-05), and Paul Frymer (2009-10).
“LAPAn” PUBLICATIONS 2010-2011

During the past year, LAPA staff and fellows have produced the following publications:


Leslie E. Gerwin, The Challenge of Providing the Public with Actionable Information in a Crisis (in preparation)


Susan Longfield Karr, On Justice and Right: The Moral Authority of Ius Gentium (in preparation)

Anna Kirkland, Against Health: How Health Became the New Morality (Editor with Jonathan Metzl) (2010)

Anna Kirkland, How Do I Bring Diversity?: Race and Class in the College Admissions Essay, 45 LAW AND SOCIETY REV. 103 (2011): (with Ben Hansen)


Anna Kirkland, The Legitimacy of Vaccine Critics: What’s Left after the Autism Hypothesis? JOURNAL OF HEALTH POLITICS SOCIETY AND LAW (in preparation)

Anna Kirkland, Credibility Battles in the Autism Litigation (in preparation)

Janet McLean, Searching for the State in British Legal Thoughts (under contract with Cambridge University Press)

Janet McLean, Bills of Rights and Constitutional Property (in preparation)

Elizabeth Mertz, Comparative Anthropology of Law, in COMPARATIVE LAW AND SOCIETY (D. Clark, ed.) (2011) (with Mark Goodale)

Elizabeth Mertz, Undervaluing Indeterminacy: Legal Translations of Social Science, DePaul Law Rev. (forthcoming)

Elizabeth Mertz, Social Science and the First Apprenticeship: Moving the Intellectual Mission of Law Schools Forward -- JOURNAL OF THE LEGAL WRITING INSTITUTE (forthcoming)


Deborah Pearlstein, *The Soldier, the State, and the Separation of Powers* (draft to be submitted for publication August 2011).


Kim Lane Scheppele, *Administrative State Socialism and its Constitutional Aftermath*, in COMPARATIVE ADMINISTRATIVE LAW (Susan Rose-Ackerman and Peter Lindseth, eds. (2010))


Steven Wilf, *Copyright and Social Movements in Late Nineteenth-Century America*, 12 THEORETICAL INQ. L. 123 (2011)

Steven Wilf, *Law/Text/Past*, IRVINE LAW REV. (forthcoming)


Steven Wilf, *Review of David Daub’s Ethics and Other Writings*, LAW & HISTORY REV. (forthcoming)

The Program in Law and Public Affairs is cosponsored by the Woodrow Wilson School of Public and International Affairs, the University Center for Human Values, and Princeton University.

Princeton University is an equal opportunity/affirmative action employer. LAPA invites applications for its Fellowships from women and members of under-represented minorities. Information about applying for a LAPA fellowship may be found on the LAPA website at http://lapa.princeton.edu/fellowships.php.

Nondiscrimination Statement

In compliance with Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and other federal, state, and local laws, Princeton University does not discriminate on the basis of age, race, color, sex, sexual orientation, gender identity, religion, national or ethnic origin, disability, or status as a disabled or Vietnam-era veteran in any phase of its employment process, in any phase of its admission or financial aid programs, or other aspects of its educational programs or activities. The vice provost for institutional equity and diversity is the individual designated by the University to coordinate its efforts to comply with Title IX, Section 504 and other equal opportunity and affirmative action regulations and laws. Questions or concerns regarding Title IX, Section 504 or other aspects of Princeton’s equal opportunity or affirmative action programs should be directed to the Office of the Vice Provost for Institutional Equity and Diversity, Princeton University, 321 Nassau Hall, Princeton, NJ 08544 or telephone (609) 258-6710.

This report was written and edited by Leslie Gerwin.

Design assistance from Jennifer Bolton, Judi Rivkin and the Office of Print Services

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