PROGRAM IN LAW AND PUBLIC AFFAIRS
Annual Report 2007-08
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[http://lapa.princeton.edu](http://lapa.princeton.edu)
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.
DIRECTOR’S INTRODUCTION

Welcome to the Annual Report of the Program in Law and Public Affairs (LAPA). As you will see when you read through these pages, LAPA is now a program that reaches many parts of the university community with its support for law-related activities on campus. In the last few years, LAPA has seen many fundamental changes in our program as well as great progress toward a new vision of legal studies at Princeton.

First, on the “vision thing.” It is often remarked that LAPA is Princeton’s substitute for a law school, implying that LAPA provides a less comprehensive version of a “real” legal education. But, in many ways, it is an advantage for LAPA that Princeton does not have a law school whose central purpose is training lawyers. However innovative law schools may try to be, they are still required to have both a common curriculum and the central purpose of producing practicing lawyers. Because LAPA is not a law school, it can work from a very different vision of the relationship between law and the rest of a university. A law program at Princeton can offer as its main focus courses in constitutional interpretation, international law, legal philosophy, legal history, sociology of law, Islamic law, Roman law, law and economics, the rule of law – and even courses on pirates, the legal day jobs of famous writers, and the legal regulation of the Internet. This is not the typical curriculum of a law school.

What is LAPA’s vision of the role of law in the educational mission of Princeton? To put it succinctly: Law is not just a discipline of its own, but a subject that is intimately connected to other disciplines. Law both contributes crucial knowledge to Princeton’s usual subjects of study and also is better understood when seen through these disciplines. In short, law is too crucial to the way that knowledge is produced, shared and transformed to leave it out of a liberal education. Political theorists recognize how many of the basic concepts of politics – like sovereignty, rights, the state and citizenship – also have an existence in law. Historians find that some of the best archives are the ones kept by courts. Policy analysts must attend to law in proposing their ideas, and they often want these solutions entrenched in law. Engineers may wonder how their inventions will be classified and protected by patents. Literary critics can see how methods of reading taken from law can be useful for reading literature – and vice versa. Sociologists understand how much law structures the social world . . . and on through the curriculum. Law is already an integral presence in many of the subjects that Princeton offers, and LAPA encourages thinking across the disciplines to recognize and deepen their connections to law.

Moreover, law is too important to leave just to lawyers. In a professional school that trains practicing lawyers, legal education focuses on practical techniques for solving problems. Taught in a great liberal university, law becomes a central intellectual orienting point where scholars from different disciplines can meet. As Donald S. Bernstein ’75,
chair of LAPA’s Advisory Committee has pointed out, law school forces students to focus on the edges of legal rules, asking how far one can go before one crosses the line between legality and its opposites. But a liberal education in law asks instead about the central purposes and effects of legal rules, concepts and categories. So, for example, instead of advising on whether a municipality can have a Christmas display or opining on the disclosure requirements of corporate insiders toward shareholders - the sorts of questions lawyers are asked as practitioners - liberal inquiry in law can ask instead how a certain society should organize the relationship between church and state or what sorts of disclosure rules either create efficient organizations or correspond with social norms. A liberal education can ask about the nature of law, the trajectories of its history, the intellectual structures it presupposes, the ways it works in practice. Liberal inquiry in law focuses on these big-picture questions in a way that a purely professional education in law cannot. That is because the answers depend not only on technical legal knowledge, but also on understandings of normative theory, policy analysis, economic insight, historical context . . . and so on. By saying that law is too important to leave just to lawyers, LAPA commits itself to a vision of the study of law that requires the assistance of other disciplinary fields to answer legal questions, and also offers the knowledge of legal matters in the service of other disciplines.

LAPA has developed its programming with this central vision in mind. As a result, LAPA operates on the premise both that law is potentially relevant to large swaths of the university and that large swaths of the university are potentially relevant to law. As you will see in this annual report, LAPA continues to reach out to a variety of disciplines and aims to provide intellectual sparks that can brighten discussion all over campus.

This past year, LAPA has been able to expand its programming and to better realize this vision because LAPA went through a wholesale renovation of its own internal structure. Along with a completely new and newly expanded staff, LAPA moved from being a program primarily based in the Woodrow Wilson School to a program that maintained its deep and vital roots in the Woodrow Wilson School while also branching out across campus. We are particularly pleased with our stronger and deeper relationship with the University Center for Human Values. With a newly structured executive committee and with a new financial arrangement in which the Woodrow Wilson School, the University Center for Human Values, and a combination of LAPA-based endowed funds and general university support together provided the wherewithal for LAPA’s activities, LAPA has become in this past year a truly university-wide program.

In 2007–08, LAPA welcomed its eighth class of fellows to campus. Chosen from the largest pool of applicants in LAPA’s history, our world-class fellows provided Princeton with expertise that promoted strong connections between LAPA and the disciplines of sociology, religion, history and policy. LAPA seminars often went far into the evening with heated (but always friendly) debates.

During the year, our public events drew large crowds, many students associated with LAPA received both university and professional awards; our faculty continued to bring new breadth and depth to the study of law in its many forms; and our fellows constituted the core of a lively and open community. LAPA is made possible because of its large and supportive community that keeps us going. In the pages that follow, you’ll see what we were all able to do together this year.

With all best wishes,

Kim Lane Scheppele
Director, Program in Law and Public Affairs
FOR THE PROGRAM IN LAW AND PUBLIC AFFAIRS, 2007-2008 WAS A REMARKABLE YEAR IN ITS EVOLUTION AS A CENTER FOR THE MULTIDISCIPLINARY STUDY OF LAW AT PRINCETON UNIVERSITY. LAPA CONTINUED TO INTEGRATE LAW-RELATED SCHOLARSHIP, TEACHING, AND DISCOURSE INTO PRINCETON’S INTELLECTUAL LIFE. LAPA DEMONSTRATED HOW LAW IS A UNIVERSAL LANGUAGE AT PRINCETON UNIVERSITY WHILE ENERGETICALLY PURSUING AN EXPANDED MISSION THROUGH TRADITIONAL AND INNOVATIVE PROGRAMMING. SOME HIGHLIGHTS OF LAPA’S ACADEMIC YEAR ILLUSTRATE THE RANGE OF ITS ACTIVITIES:

• THE LAPA THIRD ANNUAL FACULTY RETREAT INAUGURATED THE SCHOOL YEAR WITH PRESENTATIONS BY A MULTI-DISCIPLINARY CAST OF LAPA FACULTY ASSOCIATES AS AUTHORS AND COMMENTATORS. FACULTY PRESENTERS CAME FROM THE WOODROW WILSON SCHOOL, THE DEPARTMENTS OF HISTORY, POLITICS, EAST ASIAN STUDIES, AMERICAN STUDIES, RELIGION, PHILOSOPHY, AND SOCIOLOGY, AND THE UNIVERSITY CENTER FOR HUMAN VALUES. FACULTY COLLEAGUES AND GRADUATE STUDENTS FROM MANY DIVERSE DISCIPLINES GATHERED TO DISCUSS THE ISSUES RAISED BY NEW SCHOLARSHIP AT THIS DAY-LONG PROGRAM.

• LAPA INITIATED A SET OF “PROBLEM-SOLVING WORKSHOPS,” BRINGING TO CAMPUS POLICYMAKERS WHO JOINED WITH ACADEMIC EXPERTS TO FORGE CREATIVE SOLUTIONS TO PERSISTENT POLICY PROBLEMS. IN 2007-2008, LAPA SPONSORED TWO PROBLEM-SOLVING WORKSHOPS ON THE LEGAL REGULATION OF MILITARY CONTRACTORS. THE IDEAS GENERATED IN THESE WORKSHOPS PROVIDED THE BASIS BOTH FOR PENDING LEGISLATION AND FOR THE AGENDA OF THE NEW FEDERAL COMMISSION ON PRIVATE MILITARY CONTRACTING.

“LAPA IS THE SOURCE FOR MOST THINGS LEGAL AT PRINCETON UNIVERSITY AND FOR LOTS OF INTELLECTUALLY STIMULATING AND ENJOYABLE WRESTLING WITH THE MAJOR POLICY CHALLENGES IN TODAY’S WORLD.”
—STUDENT RECRUITMENT FLYER SEEKING APPLICANTS FOR LAPA UNDERGRADUATE ASSOCIATES

“HEMINGWAY SEEMS TO HAVE GOT IT WRONG ABOUT THE ‘MOVEABLE FEAST.’ HE SURELY MUST HAVE BEEN REFERRING TO THE INTELLECTUAL LIFE OF LAPA, NOT PARIS.”
—CAROL HEIMER, LAPA FELLOW 2007-2008
• The **Law Engaged Graduate Students (LEGS)** group continued to draw students and faculty from across university departments for bi-weekly seminars. This year the Ph.D.-candidate presenters came from seven different departments including Classics, Philosophy, Near East Studies, History, Politics and Sociology.

• The undergraduates transformed their LAPA-affiliated organization into the **LAPA Undergraduate Associates**. A selective organization, the group drew applicants from all undergraduate classes and many majors. The Henderson Prize for the Best Senior Thesis went to the class valedictorian, whose studies were in Classics; Honorable Mention went to a History major.

• The four undergraduate and two graduate students awarded **Arthur Liman Fellowships in Public Interest Law** for summer 2008 internships came from a variety of academic disciplines. This year’s Liman Fellows included Ph.D. candidates in Spanish and Sociology and undergraduates in Religion, History, Political Psychology, as well as one yet to declare.

• LAPA continued its **annual seminar series** featuring LAPA’s own fellows as well as scholars from disciplines ranging from economics to philosophy. Speakers came from Yale Law School, Oxford University, the University of Toronto and elsewhere. LAPA was fortunate this year in being able to draw from the thematic group on “The Rule of Law Under Pressure” at the Institute for Advanced Study for both seminar presenters and participants.

• LAPA formally **co-sponsored 20 lectures, conferences, and panel discussions** during the academic year joining with over 15 different departments and programs to support examination of law-related issues. From the philosophical to the historical to the technological, from the Near East, South Asian, Latin American and American Studies programs (and points in between), LAPA contributed resources and expertise to the success of these events.

• LAPA inaugurated the luncheon series **“Law in the Public Interest: Not Just for Lawyers”** for the candidates for Master’s in Public Policy (M.P.P.) and Public Affairs (M.P.A.) at the Woodrow Wilson School. This series explored the role of law in policy development and advocacy with particular emphasis on the relationship of law and public service. The speakers, lawyers who have worked in public service, shared their expertise in a wide variety of domestic and international policy areas with the WWS graduate students.

• LAPA brought the long-standing national workshop known as the **“Constitutional Law Schmooze”** to Princeton by inviting top constitutional law scholars from both law schools and political science departments to join with the Princeton legal community to debate current issues associated with the exercise of executive power.
• LAPA held its *Sixth Annual Continuing Legal Education Conference* as part of the Princeton Reunions. Experts from the university and across the country considered questions at the intersection of Law and Religion. They shared their creative ideas with the large audience of Princeton alumni, area lawyers, university faculty and students in creatively rethinking the subject.

In addition to these events, the **LAPA Fellows**, who are the centerpiece of LAPA's academic community, provided a valued expert presence on the Princeton campus and around the world. In addition to their presentations at LAPA Seminars, the six fellows collectively:

• Participated as presenters in more than ten university conferences or events;

• Taught five courses, listed in four different fields, and served as guest lecturers in several other courses;

• Formally or informally advised many students on theses and dissertation research;

• Hosted 19 members of the Princeton faculty at their weekly lunches where the faculty guests came from ten different academic departments, three Woodrow Wilson School centers, and two administrative centers.

As Princeton University continues to recruit new faculty with law backgrounds and scholarly interests, LAPA provides a home for multi-disciplinary and intellectually stimulating exchanges among fellows, faculty, students and the larger community.
Kim Lane Scheppele
Director of LAPA

Coming to Princeton in 2005, Scheppele is the Director of LAPA and also the Laurance S. Rockefeller Professor of Sociology and Public Affairs in the Woodrow Wilson School and the University Center for Human Values. Her prior teaching positions included a decade at the University of Pennsylvania School of Law, where she was the John J. O’Brien Professor of Comparative Law, and twelve years at the University of Michigan, where her primary appointment was in political science. She has been a LAPA fellow, a fellow at the Internationales Forchungszentrum Kulturwissenschaften (Vienna), a senior fellow at the National Constitution Center, a faculty fellow at the Michigan Institute for the Humanities and the recipient of multiple grants from the American National Science Foundation for residential field work abroad.

Scheppele concentrates on comparative constitutional law, using ethnographic, historical and doctrinal methods to understand the emergence and collapse of constitutional systems. After 1989, she focused her attention on the transformation of the countries under Soviet domination into constitutional rule-of-law states, spending half of the years between 1994 and 2004 living in Hungary and then in Russia, studying the Constitutional Courts of each country and examining the ways in which the new constitutions have (or have not) seeped into public consciousness. Her many publications on post-communist constitutional transformation have appeared in law reviews and social science journals. Since 9/11, Scheppele has researched the effects of the international “war on terror” on constitutional protections around the world. Her book-in-progress, The International State of Emergency, explores the creation of international security law through UN Security Council resolutions and examines the effect that apparent compliance with these resolutions has had on constitutional integrity in a wide variety of democratic states.

“It is hard to imagine a better place to engage in research and scholarship. My international law scholarship was enriched by ongoing interactions with Princeton faculty. The LAPA community was fabulous: close-knit, intellectually engaged and multi-disciplinary.”

—Jeff Dunoff, LAPA Fellow 2007-08
During the 2007-2008 academic year, Scheppele maintained an active schedule. She taught a new Woodrow Wilson graduate seminar in the fall on “The Rule of Law” and in the spring offered a new 150-student undergraduate class in “Sociology of Law” (with an additional graduate section). In addition, Scheppele delivered papers at a conference organized by the Russian Constitutional Court in Moscow and at a variety of American universities (University of Pennsylvania Law School, Emory Law School, Berkeley’s Mellon Seminar Series, and the University of Washington’s Comparative Law and Society Studies program). In addition to her director’s duties, she also moderated countless LAPA events and was a principal organizer of the Faculty Retreat, the Constitutional Law Schmooze, the Workshops on a Legal Framework for Private Military Contractors and LAPA’s Continuing Legal Education Program on Law and Religion. During this academic year, she also published three new articles and a book chapter on topics ranging from emergency powers to the uses of history in constitutional drafting. In the last year, her work has been cited nearly 100 times in the law review literature alone.
Leslie Gerwin
Associate Director of LAPA

Leslie Gerwin joined LAPA in summer 2007 after an eclectic career that included academia, public policy development and advocacy, and non-profit management. The unifying theme of her professional career is her dedication to development, analysis, and advocacy of public policies to promote social justice and civic engagement. During her 11-year career as a law professor, Gerwin taught policy-related courses at three law schools (University of Miami, Tulane, and Benjamin N. Cardozo/Yeshiva University). After earning a degree in public health, Gerwin taught in two public health schools (Tulane and Louisiana State University). Her research examined the intersection of law and policymaking processes and the judicial responses to challenges involving the delegation of legislative power to or the usurpation of such power by the executive. Gerwin spent a significant portion of her career in professional advocacy and management positions in the non-profit sector and as a consultant to state and local government entities. She served as executive director of a civic organization seeking to improve intergovernmental relations among the southeastern parishes (counties) forming the New Orleans Metropolitan Area and to advocate for reforms in local government finance policies and race relations in New Orleans. She also directed the New Orleans public education fund designing initiatives to build citizen support of and involvement in public school improvement and education governance. As a public policy consultant she designed the Louisiana Adolescent Health Initiative to facilitate the establishment of comprehensive school-based health centers, which became a national model.

In addition to her administrative responsibilities at LAPA, Gerwin maintained an active academic schedule. This spring she taught a course in public health law and policy as an Adjunct Professor of Law at the Benjamin N. Cardozo School of Law. She gave several lectures including one at WWS on the status of health care in post-Katrina New Orleans and another at the Albert Einstein College of Medicine asking whether law can prevent obesity. She spoke at a conference in New Hampshire on the role of Outdoor Action in the undergraduate educational experience. At Princeton, she initiated the new program for M.P.P./M.P.A. candidates and served as coordinator of the Arthur Liman Public Interest Law Fellows Program. She also regularly participated in the LAPA and LEGS Seminars. Gerwin was a co-organizer of the Workshop on A New Legal Framework for Private Military Contractors, at which she served as a reporter of the proceedings, and the Continuing Legal Education Program on Law and Religion.

Judith Rivkin
Events Manager

Judith Rivkin joined LAPA in August 2007 after several years as Events Administrator for Princeton’s James Madison Program in American Ideals and Institutions. Rivkin returned to the Garden State late in 2001 after spending many years in Seattle. During her stay on the west coast, she was chorale administrator for the Seattle Symphony, held administrative positions in technology and medical organizations, and developed and led multiple programs in English country dance. Earlier in her career, Rivkin was employed by the New York Yankees, and served as the staff person for the Olympic Overview Commission chaired by George Steinbrenner. Rivkin’s background in public relations and media contributed to LAPA’s enhanced visibility at the University and across the country, as program visitors left Princeton with the new LAPA coffee mug and LAPA Undergraduate Associates sported new LAPA t-shirts, both of which she designed. During the spring semester, Rivkin taught English Country Dance in the Princeton Adult Education program, receiving rave reviews from participants, which included a LAPA Fellow Traveler.
Jennifer Bolton  
Office Coordinator  

The final member of the new LAPA administrative team joined in October 2007 after nearly five years in the Office of Vice President and Secretary of Princeton University in Nassau Hall. Bolton provided LAPA with a new sense of organization and efficiency and shared her extensive knowledge of University operations, which thus facilitated LAPA’s own operations. Bolton also brought an interest in and curiosity about public policy issues honed during her pre-Princeton career at the Public Policy Program of The Pew Charitable Trusts in Philadelphia. Bolton’s skills and interests enabled LAPA to provide students, faculty, fellows, co-workers, and visitors with a full range of services that enhanced all LAPA experiences and activities.

Sara Nephew Hassani  
LAPA’s “Web Empress”  

When not maintaining LAPA’s new website and “fixing broken links,” Hassani is a Ph.D. candidate in the Sociology Department at Princeton University and a 2008 Exchange Scholar at Stanford University. She is currently researching and writing her dissertation on private property insurance claims that followed the California wildfires. She also puts out web fires for LAPA, having mastered the intricacies of web design and programming as well as the art of fending off hackers. Although she recently relocated to northern California, Hassani remains an indispensable resource for LAPA’s ambitious public outreach activities.

David A. Hollander  
Law and Legal Studies Librarian, Princeton University Library  

Hollander became Princeton University’s first law librarian in 2005 after serving as the Reference/Instructional Services Librarian at the University of Miami School of Law. He holds a J.D. from Fordham University and Masters of Library Science from the Pratt Institute. As a member of the New York Bar, Hollander practiced law for three years at the New York office of Jones Day. He is an active member of the American Association of Law Libraries. Since coming to Princeton, Hollander has worked to build a world class legal research capability as well as to offer students and faculty research assistance and guidance in using both the extensive permanent collection and the computer-based data bases and resources. He has actively published articles and developed instructional information guides, including “Jewish Law for the Law Librarian,” a Center for Computer-Assisted Legal Instruction (C.A.L.I.) tutorial in U.S. Treaty Research, an examination of legal research and interdisciplinary scholarship, and a history of efforts to found a Princeton University law school. (See “LAPAn” Publications, infra.)
THE LAPA FELLOWS PROGRAM

“Sabbaticals are a great way to reinvigorate one’s scholarly pursuits. But a sabbatical spent as a LAPA fellow is something altogether different. The supportive community of fellows, the wide circle of opportunities to engage colleagues across non-law disciplines, and the Princeton surroundings as a whole, foster a wave of intellectual energy and enthusiasm to carry one forward for years to come.”

—Robert Ahdieh, Microsoft/LAPA Fellow 2007–08

Each year LAPA hosts a select group of Fellows drawn from the academy, legal practice, government and policy-making institutions. They pursue unique research projects and present their research at one of LAPA’s seminars, where the conversation focuses on a paper presented to faculty, graduate students and invited guests in the public seminar before adjourning to a seminar reception and invitational dinner, where the conversation continues. The four to five hours of discussion often produces lively debate resulting in new insights for the author as well as new understandings for all participants.

THE 2007-2008 LAPA FELLOWS

Robert B. Ahdieh ’94 was the Microsoft/LAPA Fellow in information technology, intellectual property and economic organization. A WWS graduate whose senior thesis was published as a book, Russia’s Constitutional Revolution (Penn State Press, 1997), Ahdieh is Professor of Law and Director of the Center on Federalism and Intersystemic Governance at Emory Law School. His scholarly interests focus on questions of regulatory design. Before joining the Emory faculty, he served as a trial attorney in the U.S. Department of Justice. Ahdieh taught a course on the history of the modern corporation in the Woodrow Wilson School and served as thesis advisor and second reader for several WWS students. He also delivered several talks and papers around the country based upon his research at LAPA. In the year after his fellowship, Ahdieh will visit at Columbia and Georgetown Law Schools and serve as a visitor at the Institute for Advanced Study in Princeton.
Jeffrey L. Dunoff is Charles Klein Professor of Law and Government and Director of the Institute for International Law and Public Policy at Temple University Beasley School of Law. He is currently examining the fragmentation of the international legal system and the use of constitutional discourse across different areas of international law. Dunoff has also served as the only American member of the blue-ribbon Warwick Commission on the Future of the Trade System, a Visiting Fellow at Cambridge University, and a consultant for the World Bank. Dunoff was not a stranger to Princeton as he had, for several years, taught the international public law course in the Politics Department and WWS, receiving rave reviews from students. He also taught the course during his fellowship year. In addition to authoring a leading casebook in international law, Dunoff’s writings have appeared in *The American Journal of International Law*, the *European Journal of International Law*, and the *Journal of International Economic Law*, among other publications. Dunoff leaves Princeton for a visit at Harvard Law School in 2008-2009.

Marci A. Hamilton was the Martin and Kathleen Crane LAPA Fellow, a fellowship awarded to a fellow who contributes to the undergraduate curriculum. Hamilton offered a popular seminar in Law and Religion through Princeton’s Freshman Seminar program. She holds the Paul R. Verkuil Chair in Public Law at Benjamin N. Cardozo School of Law, Yeshiva University and is one of the nation’s leading church/state scholars, as well as an expert on federalism, representation and intellectual property. During her year at LAPA, Hamilton published her latest book, *Justice Denied: What America Must do to Protect its Children* (Cambridge University Press 2008). LAPA sponsored her book launch in Princeton, which was shown on C-Span2 in its Book Events series. She is also the author of *God vs. the Gavel: Religion and the Rule of Law* (Cambridge University Press 2005, paperback 2007), and *The Religious Origins of Disestablishment Principles*, 81 Notre Dame L. Rev. 1755 (2006). Current events during her fellowship year made Hamilton a sought-after expert who appeared on dozens of radio and television programs. She also wrote numerous pieces for newspapers and magazines on the issue of child sex abuse by religious officials and sects. All the while, Hamilton maintained her bi-weekly column on constitutional issues for www.findlaw.com. During her fellowship year, Hamilton initiated her research on the history of the non-endorsement test under the Establishment Clause espoused by Justice Sandra Day O’Connor (for whom she clerked). She expects to complete a major part of this project by the end of summer 2008.

Carol A. Heimer is Professor of Sociology at Northwestern University and Research Professor at the American Bar Foundation. A recipient of the Ver Steeg Award for graduate teaching and mentoring, Heimer usually teaches courses on law, medicine, and qualitative methods, as well as a seminar that probes the sociology of moral experience. During her fellowship year, Heimer concentrated on writing a book based on her recently completed field work, in which she did ethnographic observation and interviews focusing on the use of rules (broadly conceived) in HIV/AIDS clinics. She carried out this work in the U.S., Uganda, South Africa, and Thailand in the several years prior to her arrival at Princeton, with funding from a National Science Foundation grant. Based upon her field notes, Heimer wrote a substantial part of her book *The Legal Transformation of Medicine*, and she presented several papers at Princeton and elsewhere. Heimer has previously written on risk and insurance in *Reactive Risk and Rational Action* (Univ. of Calif. Press); organization theory in *Organization Theory and Project Management* (Oxford University Press); and the intersection of sociology of law and the sociology of medicine in *For the Sake of the Children* (University of Chicago Press). This latter book won both the theory and medical sociology prizes of the American Sociological Association. During her fellowship year at Princeton, Heimer was a frequent speaker in different programs on campus, and she participated in a graduate seminar in which one of her books was the assigned reading. Also during her time at Princeton, Heimer’s proposal to American Bar Foundation for her project, “The Legal Transformation of Medicine: How Rules Work in the International World of HIV/AIDS,” was approved and fully funded for next year when she returns to Chicago.
Peter Lindseth is Professor of Law at the University of Connecticut School of Law. Having earned both a J.D. and a Ph.D. in European history, Lindseth combines these interests to focus his research on the relationship between public law and the nation-state in Western Europe and North America in the 19th and 20th centuries. His work has appeared in the *Yale Law Journal*, the *Columbia Law Review*, and the *University of Toronto Law Journal*, among other publications. At Princeton, Lindseth examined 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, seeking to elaborate a specific historiographical perspective on the relationship of legal, institutional, and social change in the modern nation-state, a theme that animates much of his recent work. During his fellowship year Lindseth taught a course entitled “Law, State and Social Change 1860s-1950s” that was cross-listed in the History and Politics Departments, and he was an active participant in several of the LEGS seminars. Impressed with his input, one Ph.D. candidate invited Lindseth to sit on his dissertation defense committee. Lindseth leaves LAPA to spend the summer at the Max Planck Institute for European Legal History before becoming a Visiting Professor at Yale Law School in 2008-09.

Aidan O’Neill was the inaugural University Center for Human Values (UCHV)/LAPA Fellow in Law and Normative Inquiry. O’Neill is a Queen’s Counsel (QC), qualified to appear as counsel in Scotland, as well as in the courts of England and Wales. Over the past twenty years he has established a public law/commercial practice involving 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. Prior to his fellowship, O’Neill wrote three legal textbooks—*EC for UK Lawyers*, *Decisions of the European Court of Justice and their Constitutional Implications*, a survey of the manner in which the European Court of Justice created the conditions for a European constitution and transformed the UK constitution; and *Judicial Review in Scotland: A Practitioner’s Guide*. He also contributed chapters to a number of legal books primarily concerning issues of human rights, constitutional law and EU law. O’Neill was a most visible presence at Princeton participating in all of LAPA’s and many of the university’s programs, auditing courses, meeting with students, and teaching a seminar at WWS entitled “Legacies of Nuremberg: Universal Human Rights and the Re-civilization of Europe.” O’Neill worked on two books during his tenure at Princeton: *EU Law for UK Lawyers: the Domestic Impact of EU Law within the UK* (Second Edition) and *Politics, Power and the Papacy: Challenges for Catholics in a Democratic Age*. The 2007-08 LAPA Fellows (from left to right): Carol Heimer, Aidan O’Neill, Marci Hamilton, Peter Lindseth, Bobby Ahdieh, Jeff Dunoff.
LAPA welcomes into its community distinguished scholars and practitioners who enhance LAPA’s programs and learning opportunities. In 2007-2008, three distinguished practitioners joined LAPA, serving as a resource for students and faculty, contributing to academic and policy scholarship, and sharing their expertise with the LAPA community and beyond. Because they participate in all LAPA fellows’ events, these individuals are admiringly referred to as LAPA’s “fellow travelers.”

Robert L. Ashbaugh came to LAPA from the Office of Inspector General at the Departments of Justice (DOJ) and Homeland Security (DHS). At DOJ, he provided oversight for the conduct of investigations and program evaluations into fraud, waste, and mismanagement both at central DOJ and among its components: the FBI, DEA, Marshall’s Service, INS, and Bureau of Prisons. He worked at the DOJ as the Deputy Inspector General for nearly 25 years. In 2003, Ashbaugh moved to the newly established department of Homeland Security to set up the Inspector General’s office there, serving as Assistant Inspector General for Evaluations and Special Reviews during the first three years of the Department’s existence. Since coming to LAPA, Ashbaugh has focused his research on issues involving immigration and emergency incident management. He was a guest speaker in LAPA’s program for M.P.P./M.P.A. students, a guest lecturer in a course on National Security, Intelligence, and the Constitution, a facilitator at a Woodrow Wilson faculty event, and an advisor to many students writing papers and theses in his areas of expertise. Ashbaugh also worked with Princeton’s Immigration Reform Advocacy Group giving lectures, providing expertise, and writing op-ed pieces. He published an op-ed piece on emergency management and worked with the House Judiciary Committee as it prepared for hearings on extraordinary rendition.

George Bustin ’70 returned to Princeton from more than 20 years practicing law with Cleary Gottlieb Steen and Hamilton in its Brussels office. Among his areas of expertise are complex financial transactions and the relationship of Russia and the European Union. For more than a decade before moving to Princeton, Bustin served as legal counsel to the Russian Ministry of Finance helping Russia to reschedule and arrange prepayment of its Soviet-era debt. In the spring semester, he taught an undergraduate course at Woodrow Wilson School entitled “The European Union and Russia: Strategic Partners or Vexing Neighbors?” He twice gave presentations in the School’s European Union Program, and he advised students on theses and dissertations on a wide range of subjects. He authored an article on “European Law Developments 2007” in the American Bar Association’s summer 2008 publication of The International Lawyer. While continuing as senior counsel to his law firm, Bustin

“The atmosphere of good fellowship has been consistent and impressive.”
—George Bustin, LAPA “Fellow Traveler,” Visiting Lecturer WWS
Deborah Pearlstein joined LAPA as an Associate Research Scholar after serving as the founding director of the Law and Security Program at Human Rights First (HRF). At HRF, she led the organization’s efforts in research, litigation and advocacy surrounding U.S. detention and interrogation operations. Drawing upon her expertise in constitutional law, which also included a clerkship with Associate Supreme Court Justice John Paul Stevens and a position as senior editor and speechwriter for President Bill Clinton, Pearlstein has focused her current work on U.S. counterterrorism and national security policies, executive power, and the role of the courts. At Princeton this year, she co-taught an undergraduate seminar at WWS on International Human Rights Protection, advised a student in the Politics Department on his senior thesis, and served as a co-organizer of the LAPA workshop on a legal framework for private military contracting abroad. In addition to giving several talks in Princeton programs, Pearlstein participated as a panelist, lecturer, or commentator at more than 15 academic conferences around the U.S. and Europe this year. Her forthcoming law review articles on aspects of the war on terrorism and the uses of executive power will appear in the Connecticut Law Review, the Case Western Reserve Journal of International Law and the Creighton Law Review. Pearlstein is also a visible public commentator, writing columns for The American Prospect, serving as a regular contributor to Slate Magazine’s law blog Convictions, and testifying before Congress as it has explored U.S. detention operations.
Each Thursday, the Fellows, Fellow Travelers and LAPA staff gathered for lunch and discussion. Distinguished members of the Princeton faculty and support community were invited to initiate the conversation each week by sharing their current research interests. As is typical in “oral argument” format, participants rarely allowed the guest to complete a presentation without initiating questions and comments, making for lively sessions. The fellows and LAPA staff are grateful for the informative and invigorating contributions made by the following luncheon guests:

Kwame Anthony Appiah (Philosophy, UCHV)  Paul Krugman (Economics, WWS)  And two special guests:
Stanley Corngold (German, Comp Lit)  David Leheny (East Asian Studies)  Walter Murphy (McCormick Professor of Jurisprudence emeritus)
Cathy Cuff (WWS, OIT)  Steve Macedo (UCHV, Politics)  Scott Horton (Attorney, activist, Harper’s Magazine contributor)
John Darley (Psychology)  Nolan McCarty (Acting Dean WWS)  
Chris Eisgruber (University Provost)  Jan-Werner Müller (Politics)  
Carol Greenhouse (Anthropology)  Chuck Myers (Princeton University Press)  
Dirk Hartog (History, American Studies)  Michael Oppenheimer (STEP, WWS)  
David Hollander (P.U. Law Librarian)  Gideon Rosen (Philosophy)  
George Kateb (Politics)  Peter Singer (UCHV)  
Stanley N. Katz (WWS)  Jennifer Widner (Politics, WWS)  
Robert Keohane (WWS)  
Nan Keohane (UCHV, WWS)
Christopher Beauchamp has been named the Microsoft/LAPA Fellow. He is a historian of law, business, and technology, with a focus on the areas of intellectual property and regulation. He joins Princeton from New York University School of Law, where he was a Samuel I. Golieb Fellow in Legal History. His doctoral dissertation, entitled “The Telephone Patents,” used the history of Alexander Graham Bell’s patents to reconstruct the legal and economic contexts of intellectual property in nineteenth-century Britain and America. The dissertation received the Cromwell Dissertation Prize of the American Society for Legal History and was a finalist for both the Coleman Prize of the Association of Business Historians and the Krooss Prize of the Business History Conference. Beauchamp received his B.A., M.Phil., and Ph.D. from Cambridge University. At LAPA, he will be working on a book about patent law and litigation during the “second industrial revolution” of the late nineteenth and early twentieth centuries—a period that prefigured many of the issues vexing patent law and policy today.

Mark Brandon is Professor of Law and Political Science at Vanderbilt University, where he is also Director of the Law School’s Program in Constitutional Law and Theory. His scholarship focuses on problems of constitutionalism. He is the author of a book, Free in the World (Princeton University Press), on American slavery and constitutional failure. He has also written on secession, federalism, limits to the amending power, and war in the American constitutional order. He received his Ph.D. from Princeton University, M.A. from University of Michigan, and J.D. from University of Alabama. His current scholarship investigates relations among family, law, and constitutional order in the United States. The project studies the ways in which family might participate in creating, maintaining, and changing a constitutional order, how the order might try to shape or use family, and how effective law can be in achieving either goal. At LAPA, Brandon will be writing a book based upon this research.

“We are delighted that LAPA is developing an international reputation. In the coming year, LAPA will assemble a class of fellows with diverse backgrounds who have as much to contribute to their own academic fields as to each other’s research interests.”

—LAPA Director Kim Lane Scheppele, in press release announcing new Fellows
Malcolm M. Feeley has been named the Martin and Kathleen Crane Fellow in recognition of his distinguished teaching career and his plans to teach an undergraduate course in the Woodrow Wilson School. He holds the Clare Sanders Clements Dean’s Chair in the Jurisprudence and Social Policy at the UC Berkeley School of Law. Since 1984, he has been associated with the Jurisprudence and Social Policy Program in the School of Law at UC Berkeley. From 2005 to 2007, Feeley was the President of the Law & Society Association, and he currently serves as co-editor, with Jonathan Simon, of the journal *Punishment & Society*. The author or editor of numerous books and articles on the judicial process and the criminal justice system, Feeley received the ABA’s Silver Gavel Award for best book in law for his 1979 book *The Process is the Punishment*. His most recent books are (with Edward Rubin) *Judicial Policymaking and the Modern State* (Cambridge); (with Terry Halliday and Lucien Karpik) *Fighting for Political Freedom: Comparative Studies of the Legal Complex and Political Liberalism* (Hart), and (with Ed Rubin) *Federalism: Political Identity and Tragic Choice* (Michigan). Feeley has taught at NYU, Yale (where he was a Russell Sage Post Doctoral Fellow in Law and the Behavioral Sciences) and Wisconsin, and he has been a fellow in the Guggenheim Criminal Justice Program. He has also held several visiting positions abroad, including in Jerusalem, Cologne, Milan, Bologna, and Kobe. Feeley received his Ph.D. in Political Science in 1969 from the University of Minnesota. He is currently involved in a trio of historically oriented studies on the criminal process. The first of them, a comparative historical study of women accused of crime in the eighteenth century, is near completion. The others explore the importance of privatization in the development of the prison, and the origins and antecedents of plea bargaining. He plans to work on these projects during his tenure at LAPA.

Christina Murray is Professor of Human Rights and Constitutional Law at the University of Cape Town, where she is currently Head of the Department of Public Law and Deputy Dean of the Law Faculty. Between 1994 and 1996 she served on a panel of seven experts advising the South African Constitutional Assembly in drafting South Africa’s ‘final’ Constitution. Since then most of her work has focused on constitution making, constitutional design, and the implementation of new constitutions. In South Africa, she has primarily worked with the national treasury (implementing the fiscal elements of the new decentralized system of government), with the national Parliament, and nine provincial legislatures. She has also advised other nation’s constitutional development processes, including work in Kenya, Indonesia, Kyrgyzstan, Southern Sudan, and Bolivia. Among her most recently published work is a book, edited with Michelle O’Sullivan, *Advancing Women’s Rights: The First Decade of Democracy* (2005) as well as papers on traditional leadership, federalism and international relations in South Africa, the executive under South Africa’s constitution, and ethnicity in South Africa’s constitutional design. At Princeton, Murray will be writing a book on constitution-making processes from a comparative constitutional law perspective.

Ingolf Pernice is a Professor and holds the Chair for Public Law, International and European Law at the Humboldt-Universität of Berlin, where for the past two years (until March 2008) he was the Dean of the Faculty of Law. Formerly, he was a member of the Legal Service of the European Commission and served as the legal advisor to the European delegation in their negotiations in preparation for the Rio Summit 1992, including the Framework Convention of Climate Change. From 1997 to 2001 he served as a member of the European Forum for Environment and Sustainable Development. Pernice founded and directed the Walter Hallstein-Institut for European Constitutional Law of the Humboldt-Universität of Berlin, and he advised the German government in the preparation of the Treaty Establishing a Constitution for Europe. After specializing in European antitrust and environmental law in practice, Pernice devoted his academic research to more general questions of legal philosophy, constitutional law and, in particular, European constitutional law. His publications include a book (in French), commentaries (in German) and numerous articles in German, French and English on how to conceptualize the relationship of national and European law. In October 2006, Pernice was awarded a doctor honoris causa by the New Bulgarian University, Sofia. At LAPA he will be examining multilevel constitutionalism as a theoretical pattern for a global law system.

http://lapa.princeton.edu
Noah Zatz is Acting Professor of Law at the UCLA Law School and joins LAPA after a year as a Visiting Assistant Professor at the University of Chicago Law School. His main scholarly interests are in employment and labor law, welfare and poverty law, work/family policy, and feminist legal theory. Zatz’s research primarily explores how and why the law distinguishes work from other activities and differentiates market and nonmarket modes of organizing labor. His publications in this area have analyzed the idea of “work” under welfare work requirements, the application of labor and employment law to prison labor and other paid work that is organized outside traditional labor markets, and feminist perspectives on prostitution as sex work. Before entering law teaching, Zatz was awarded a Skadden Fellowship to support his public interest work at the National Employment Law Project in New York City. Zatz received his A.B. summa cum laude from Cornell University in 1994, his M.A. from Cornell University in 1996, and his J.D. from Yale Law School in 1999. He clerked for Judge Kimba M. Wood of the United States District Court for the Southern District of New York and then for Judge Guido Calabresi of the United States Court of Appeals for the Second Circuit. While at LAPA, Zatz will investigate how contemporary anti-poverty policy’s roots in a family wage model of the household economy have rendered child-care invisible both as a component of household need and as a form of valuable work to develop new approaches to means-testing and work requirements that are responsive to this critique.
PRINCETON FACULTY AT LAPA

LAPA EXECUTIVE COMMITTEE

LAPA’s new look this year included a by-laws change that enlarged the Executive Committee to include representatives of each of LAPA’s sponsoring organizations. The new Executive Committee, chaired by LAPA Director Kim Scheppele, not only selected the fellows, but provided guidance and support for LAPA’s expanding mission. For the 2007-2008 academic year, the members were:

From Woodrow Wilson School
- John Darley, Dorman T. Warren Professor of Psychology, Professor of Psychology and Public Affairs
- Stanley N. Katz, former LAPA Director and Lecturer with the rank of Professor in Public and International Affairs
- Jennifer A. Widner, Professor of Politics and International Affairs; Director, Bobst Center for Peace and Justice

From University Center for Human Values
- Kwame Anthony Appiah, Laurance S. Rockefeller University Professor of Philosophy and the University Center for Human Values
- Jan-Werner Müller, Associate Professor of Politics
- Gideon A. Rosen, Professor of Philosophy; Director, Program in Humanistic Studies; Chair, Council of the Humanities; Director, Stewart Seminars in Religion

From the University
- Carol J. Greenhouse, Professor of Anthropology and Chair, Department of Anthropology
- Hendrik A. Hartog, Class of 1921 Bicentennial Professor in the History of American Law and Liberty, Professor of History, Director, Program in American Studies
- Viviana A. Zelizer, The Lloyd Cotsen ’50 Professor of Sociology

Ex-Officio Members
- Christopher Eisgruber, Provost, Princeton University
- Stephen A. Macedo, Director, University Center for Human Values
- Nolan McCarty, Acting Dean, Woodrow Wilson School
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 also frequently attend LAPA events, participate in LAPA workshops and constitute a vibrant law-engaged community at Princeton. Ranging across virtually all departments of the humanities and social sciences and beyond, LAPA Faculty Associates bring a wide range of disciplinary interests and specific expertise to the enterprise of legal studies at Princeton. The 2007-08 Faculty Associates included:

Kwame Anthony Appiah, Laurance S. Rockefeller University Professor of Philosophy and the University Center for Human Values
R. Douglas Arnold, William Church Osborn Professor of Public Affairs in the Woodrow Wilson School; Professor of Politics
Orley C. Ashenfelter, Joseph Douglas Green 1895 Professor of Economics
Gary J. Bass, Associate Professor of Politics and International Affairs, Woodrow Wilson School
Leora F. Botnitzky, Professor of Religion
Charles R. Beitz, Edwards S. Sanford Professor of Politics
Sandra L. Bermann, Professor of Comparative Literature; Chair, Department of Comparative Literature
João Biehl, Professor of Anthropology
John W. Borneman, Professor of Anthropology
D. Graham Burnett, Associate Professor of History
Charles Cameron, Professor of Politics and Public Affairs, Woodrow Wilson School
Margot Canaday, Assistant Professor of History
Miguel A. Centeno, Professor of Sociology and International Affairs, Woodrow Wilson School
John M. Cooper, Stuart Professor of Philosophy, Chair, Program in Classical Philosophy
Stanley A. Corngold, Professor of German and Comparative Literature
Wolfgang F. Danspeckgruber, Director, Liechtenstein Institute on Self-Determination; Lecturer in Public and International Affairs, Woodrow Wilson School
John M. Darley, Dorman T. Warren Professor of Psychology, Professor of Psychology and Public Affairs, Woodrow Wilson School
Christina Davis, Assistant Professor of Politics and International Affairs, Woodrow Wilson School
Paul J. DiMaggio, Professor of Sociology and Public Affairs, Woodrow Wilson School
Mickey Edwards, Lecturer in Public and International Affairs, Woodrow Wilson School
Christopher L. Eisgruber, Provost; Laurance S. Rockefeller Professor of Public Affairs in the Woodrow Wilson School and the University Center for Human Values
Edward W. Felten, Professor of Computer Science and Public Affairs, Woodrow Wilson School; Director, Center of Information Technology Policy
Patricia Fernandez-Kelly, Senior Lecturer in Sociology
Susan T. Fiske, Professor of Psychology, Chair, Institutional Review Panel for Human Subjects
Aaron L. Friedberg, Professor of Politics and International Affairs, Woodrow Wilson School
Robert P. George, McCormick Professor of Jurisprudence and Professor of Politics; Director, James Madison Program in American Ideals and Institutions
Carol J. Greenhouse, Professor of Anthropology; Chair, Department of Anthropology
Emilie M. Hafner-Burton, Assistant Professor of Politics and International Affairs, Woodrow Wilson School
Elizabeth Harman, Assistant Professor of Philosophy and the University Center for Human Values
Hendrik A. Hartog, Class of 1921 Bicentennial Professor in the History of American Law and Liberty; Professor of History; Director, Program in American Studies
Daniel Heller-Roazen, Professor of Comparative Literature
Walter H. Hinderer, Professor of German
G. John Ikenberry, Albert G. Milbank Professor of Politics and International Affairs, Woodrow Wilson School
Harold James, Professor of History and International Affairs, Woodrow Wilson School
Beth Kiyoko Jamieson, Director, Pace Center; Lecturer in Politics
William Chester Jordan, Dayton-Stockton Professor of History
George Kateb, William Nelson Cromwell Professor of Politics, Emeritus
Stanley N. Katz, Lecturer with the rank of Professor in Public and International Affairs, Woodrow Wilson School
Nannerl O. Keohane, Laurance S. Rockefeller Distinguished Visiting Professor of Public Affairs and the University Center for Human Values
Robert O. Keohane, Professor of Public and International Affairs, Woodrow Wilson School
Kevin M. Kruse, Associate Professor of History
David Leheny, Henry Wendt III ’55 Professor of East Asian Studies
David E. Lewis, Assistant Professor of Politics and Public Affairs, Woodrow Wilson School
Jason M. Lyall, Assistant Professor of Politics and International Affairs, Woodrow Wilson School
Stephen J. Macedo, Laurance S. Rockefeller Professor of Politics and the University Center for Human Values; Director, University Center for Human Values
Douglass S. Massey, Henry G. Bryant Professor of Sociology and Public Affairs, Woodrow Wilson School
Tali Mendelberg, Associate Professor of Politics
Sophie Meunier, Associate Research Scholar, Woodrow Wilson School
Helen V. Milner, B.C. Forbes Professor of Public Affairs; Professor of Politics and International Affairs, Woodrow Wilson School; Director, Center for Globalization and Governance; Chair, Department of Politics
Andrew Moravcsik, Professor of Politics and International Affairs, Woodrow Wilson School
Jan-Werner Müller, Associate Professor of Politics
Walter F. Murphy, McCormick Professor of Jurisprudence, Emeritus
Katherine S. Newman, Malcolm Stevenson Forbes, Class of 1941 Professor of Sociology and Public Affairs, Woodrow Wilson School
Michael Oppenheimer, Albert G. Milbank Professor of Geosciences and International Affairs, Woodrow Wilson School; Acting Director of the Program in Science, Technology and Environmental Policy, Woodrow Wilson School
Serguei Alex Oushakine, Assistant Professor, Department of Slavic Languages & Literatures
Devah Pager, Associate Professor of Sociology
Alan W. Patten, Associate Professor of Politics; Chair, Fund for Canadian Studies
Philip N. Pettit, Laurance S. Rockefeller University Professor of Politics and the University Center for Human Values; Director, Program in Political Philosophy
Emily Pronin, Assistant Professor of Psychology and Public Affairs, Woodrow Wilson School
Gideon A. Rosen, Professor of Philosophy; Director, Program in Humanistic Studies; Chair, Council of the Humanities; Director, Stewart Seminars in Religion
Lawrence Rosen, William Nelson Cromwell Professor of Anthropology
Michael Rothschild, William Stuart Tod Professor of Economics and Public Affairs, Woodrow Wilson School
Jesse M. Rothstein, Assistant Professor of Economics and Public Affairs, Woodrow Wilson School
Kim Lane Scheppele, Laurance S. Rockefeller Professor of Sociology and Public Affairs and the University Center for Human Values; Director of LAPA
Eldar Shafir, Professor of Psychology and Public Affairs, Woodrow Wilson School
Tamsin K. Shaw, Assistant Professor of Politics
Lee M. Silver, Professor of Molecular Biology and Public Affairs, Woodrow Wilson School
Peter Singer, Ira W. Decamp Professor of Bioethics in the University Center for Human Values
Anne-Marie Slaughter, Dean, Woodrow Wilson School; Bert G. Kerstetter ’66 University Professor of Politics and International Affairs, Woodrow Wilson School
Paul E. Starr, Stuart Professor of Communications and Public Affairs in the Woodrow Wilson School; Professor of Sociology and Public Affairs, Woodrow Wilson School
Ezra N. Suleiman, IBM Professor in International Studies; Professor of Politics
Jessica Luce Trounstine, Assistant Professor of Politics and Public Affairs, Woodrow Wilson School
Lynn T. White, Professor of Politics and International Affairs, Woodrow Wilson School
Keith E. Whittington, William Nelson Cromwell Professor of Politics
Jennifer A. Widner, Professor of Politics and International Affairs, Woodrow Wilson School; Director, Bobst Center for Peace and Justice
David S. Wilcove, Professor of Ecology and Evolutionary Biology and Public Affairs, Woodrow Wilson School; Director, Program in Environmental Studies
Viviana A. Zelizer, The Lloyd Cotsen ’50 Professor of Sociology
LAPA EVENTS

“The various events on the LAPA schedule throughout the year—the LAPA seminars, the LAPA faculty retreat, and others—were all a wonderful chance to see law for what it really is: a crossroads, not just in a scholarly way but also in a social and philosophical sense, where various ideas and forces meet and do battle/seek compromise over basic norms and institutions that shape/are shaped by social, intellectual, and political life.”

—Peter Lindseth, LAPA Fellow 2007-2008

LAPA SEMINARS

The LAPA Seminar provides a forum for lively and intense discussion of a work in progress by a distinguished legal scholar. Paper authors include LAPA fellows and invited faculty from other universities. LAPA seminars have a distinctive format: the paper is presented by a knowledgeable colleague rather than the author. The author then responds to this presentation before the discussion is opened to audience participation. Invited seminar participants include Princeton faculty, graduate students, legal academics and practitioners in the community, and guests designated by the author. The hour-and-a-half presentation and discussion in the formal seminar is followed by a reception. A smaller group of invitees then adjourns to dinner where discussion of the paper continues.

The 2007-2008 schedule of seminars featured:

Brian Tamanaha, Chief Judge Benjamin N. Cardozo Professor of Law, St. John’s School of Law and Member, Institute for Advanced Study

*The Realism of the ‘Formalist’ Age*

Commentator: Keith Whittington, William Nelson Cromwell Professor of Politics, Princeton University
Jeffrey Dunoff, LAPA Fellow and Charles Klein Professor of Law and Government and Director of the Institute for International Law and Public Policy at Temple University Beasley School of Law

Constitutional Conceits: The WTO “Constitution” and the Discipline of International Law
Commentator: Kristen E. Boon, Associate Professor of Law, Seton Hall Law School

Patrick Macklem, William C. Graham Professor of Law, University of Toronto, and Member, Institute for Advanced Study
What is International Human Rights Law? Three Applications of a Distributive Account
Commentator: Anne Norton, Laurence S. Rockefeller Fellow, University Center for Human Values, Princeton University and Professor of Political Science and Comparative Literature, University of Pennsylvania

Peter Lindseth, LAPA Fellow and Professor, University of Connecticut School of Law
National Democracy / Supranational Delegation
Commentator: Gráinne de Búrca, Professor of Law, Fordham Law School

John Gardner, Old Dominion Fellow in the Humanities Council, Princeton University and Professor of Jurisprudence, University of Oxford
Commentator: Gideon Rosen, Professor of Philosophy and Director of the Program in Humanistic Studies, Chair of the Council of the Humanities, and Director of the Stewart Seminars in Religion, Princeton University

Aidan O’Neill, UCHV / LAPA Fellow and Queen’s Counsel, Edinburgh and London
Politics, Power and the Papacy: Challenges for Catholics in a Democratic Age
Commentator: Philip Pettit, Laurence S. Rockefeller University Professor of Politics and Human Values, Princeton University

Suzanne Last Stone ’74, Professor of Law, Benjamin N. Cardozo School of Law and Director of the Center for Jewish Law and Contemporary Civilization, Yeshiva University
Pictures of God, Pictures of Law
Commentator: Arnd Wedemeyer, Assistant Professor, Department of German, Princeton University
Marci Hamilton, LAPA Fellow and Paul R. Verkuil Professor in Public Law, Benjamin N. Cardozo School of Law

**Challenging the Vatican in Court: The Child Sex-Abuse Cases**

Commentator: Catherine J. Ross, Professor of Law, George Washington University

Carol Heimer, LAPA Fellow, Professor of Sociology, Northwestern University and Senior Research Scholar, American Bar Foundation

**Expertise and Flexibility in Medicine and Law (What Happens when HIV Guidelines are Hardened by Law)**

Commentator: Charles L. Bosk, Professor of Sociology and Medical Ethics, University of Pennsylvania.

Robert B. Ahdieh ’94, LAPA Fellow and Professor of Law and Director of the Center on Federalism and Intersystemic Governance at Emory Law School

**International Law, Foreign Affairs, and the Federal State: Lessons from Coordination**

Commentator: Paul Schiff Berman, Jesse Root Professor of Law, University of Connecticut School of Law

**SPECIAL LAPA/DEPARTMENT OF SOCIOLOGY SEMINAR**

Robert Ellickson, Walter E. Meyer Professor of Property and Urban Law Yale Law School

**Unpacking the Household: Informal Property Rights Around the Hearth**

**SPECIAL SEMINAR**

Faculty discussion with Cass Sunstein, Third Annual Donald S. Bernstein ’75 Lecture

**The Influence of Politics and Political Affiliation on Judicial Decision Making**

Cass Sunstein (left) with Donald S. Bernstein ’75 (right).
PUBLIC LECTURES, CONFERENCES, AND PANELS

The John Marshall Harlan '20 Lecture in Constitutional Adjudication

JUDGE LEONIE M. BRINKEMA

Terrorism Cases in Civilian Courts: Balancing the Powers of Government

Established to honor the Princeton graduate who served on the U.S. Supreme Court from 1955 until 1971 and the eighth Princetonian to serve on the Court, the Harlan Lecture provides the occasion to bring to campus a distinguished judge. This year’s lecture featured the Federal District Court Judge who became one of the country’s leading experts on terrorism threats by presiding over the trial of Zacarias Moussaoui. In her remarkable lecture, Judge Brinkema described how her strong commitment to the rule of law guided her in balancing the country’s national security interests with the due process rights of the only person tried and convicted in a U.S. court for participation in the 9/11 plot.

Past Harlan Lecturers:

- Associate Justice Sandra Day O’Connor, Supreme Court of the United States
- Judge Dieter Grimm, Federal Constitutional Court of Germany

BOOK PANEL: CHRISTOPHER L. EISGRUBER

The Next Justice: Repairing the Supreme Court Appointments Process

Celebrating the publication of the book by Princeton Provost and former LAPA Director, Christopher Eisgruber, LAPA brought together distinguished legal scholars to examine both Eisgruber's thesis that the Supreme Court appointments process is broken as well as his bold proposals for fixing it. Panelists included Michael Dorf, Columbia Law School, David Yalof, University of Connecticut, and Ron Klain, former Chief of Staff and Counselor to Attorney General Janet Reno and Associate Counsel to President Clinton.
**The Fourth Annual Donald S. Bernstein ’75 Lecture**

**CASS R. SUNSTEIN**

**Political Judging**

The Bernstein Lecture is given annually to promote the application of legal thinking to the solution of important public problems. This year, Professor Cass Sunstein, the Karl N. Llewellyn Distinguished Service Professor of Jurisprudence at the University of Chicago Law School, demonstrated how the voting records of Democrat-appointed and Republican-appointed federal court judges differ, based upon his assessment of more than 30,000 judicial votes. Having shown that political affiliation correlates with differences in outcomes of cases, Sunstein then addressed what a rule-of-law state might do to ensure the even-handed application of the law. His enlightening address also provided intriguing clues about how judges as human beings respond to pressures to conform, including the pressures to adopt extremist positions.

**Past Bernstein Lecturers:**  
- Judge Richard Posner, Seventh Circuit Court of Appeals  
- Kenneth Roth, Executive Director, Human Rights Watch  
- Professor Robert Post, Yale Law School

**BOOK TALK: MARCI A. HAMILTON**

**Justice Denied: What America Must do to Protect its Children**

Kathleen and Martin Crane/LAPA Fellow Marci Hamilton discussed her new book *Justice Denied: What America Must Do to Protect Its Children*, which examines the defects in the American legal system. Hamilton’s book details how the law fails to protect children from sexual predators and offers some remedies. The event was recorded by C-Span and aired as part of its Book TV series.

**SPECIAL EVENT: TONY KELLY**

**The Lockerbie Bombing Case: A Miscarriage of Justice?**

Professor and Director of the Centre for Human Rights at University of Strathclyde (Glasgow) and solicitor for the man convicted of the bombing of PanAm Flight 103, Tony Kelly discussed the new evidence that led the Scottish Criminal Cases Review Commission to rule that the case deserves to be reviewed again. In doing so, Professor Kelly raised difficult questions about how governments draw inferences from incomplete evidence in cases of suspected terrorism.
SIXTH ANNUAL CONFERENCE OF CONTINUING LEGAL EDUCATION

Law and Religion

Over 100 Princeton alumni, faculty, students, and practicing lawyers attended the 2008 LAPA CLE Conference that explored whether the United States can be a religious and constitutional country at the same time. Provost Christopher Eisgruber delivered the opening address exploring whether the separation of church and state is a “myth, mandate or mistake.” The day ended with a debate between Professor Robert George, McCormick Professor of Jurisprudence and Director of the James Madison Program in American Ideals and Institutions at Princeton, and Aidan O’Neill, University Center of Human Values/LAPA Fellow and Queen’s Counsel in Edinburgh and London. They sparred over whether having five Catholic Supreme Court Justices was a cause for concern or celebration. The program also featured panels of distinguished legal experts who examined recent constitutional controversies over religious liberty, federally funded faith-based initiatives, and comparative perspectives on the legal rights of minorities. Panelists included: Robert Ahdieh (LAPA Fellow, Emory), Alan Brownstein (UC Davis), Felice Gaer (Jacob Blaustein Institute for Advancement of Human Rights), Richard Garnett (Notre Dame), Marci Hamilton (LAPA Fellow, Cardozo), Michael Karayanni (Hebrew University and IAS), Sanford Levinson (University of Texas), Dominique Ludvigson (former Counsel for the White House Office of Faith-Based and Community Initiatives), Stephen Macedo (Princeton), Jeffrey Rosen (George Washington University), Kim Lane Scheppele (Princeton), Lawrence Sager (University of Texas), and Laura Underkuffler (Duke).
INVITATIONAL ACADEMIC SYMPOSIA

THIRD ANNUAL LAPA FACULTY RETREAT

LAPA again marked the beginning of the academic year by convening its faculty, fellows, and graduate associates for a day-long discussion of their law-related work-in-progress. In five sessions over the course of an entire day, faculty presented and commented upon colleagues’ papers across disciplinary lines. The LAPA retreat provides an opportunity not only to learn about the cutting-edge work of faculty colleagues, but also offers a forum for introducing academic visitors, including the LAPA fellows, to the broader LAPA community.

The morning sessions focused on American public law and its historical development. It featured the following papers:

**Keith Whittington** (Politics), *Judicial Review of Congress before the Civil War*;
Commentator: **Dirk Hartog** (History, American Studies)

**Margot Canaday** (Society of Fellows, History), *A New Species of Undesirable Immigrant*: Perverse Aliens and the Limits of the Law, 1900-1924;
Commentator: **Kim Lane Schepppele** (WWS, UCHV)

The afternoon sessions featured papers with an international focus:

**Leora Batnitsky** (Religion), *From Politics to Law: Modern Jewish Thought and the Invention of Jewish Law*;
Commentator: **Gideon Rosen** (Philosophy, Council for the Humanities)

**Emilie Hafner-Burton** (Politics, WWS), *Democratization and Human Rights Regimes* (co-authors Edward Mansfield and Jon Pevehouse);
Commentator: **David Leheny** (East Asian Studies)

**Robert Keohane** (WWS), **Stephen Macedo** (Politics, UCHV) and **Andrew Moravcsik** (Politics, WWS), *Democracy-Enhancing Multilateralism*;
Commentator: **Harold James** (History, WWS)
THE FIRST ANNUAL PRINCETON “CON LAW SCHMOOZE”

For more than two decades, constitutional law professors and political scientists have gathered annually for a day and a half of scholarly discussion on a topic of current importance in the field and to the nation. In December 2007, Princeton became the new site of the legendary “Con Law Schmooze,” attracting more than 25 leading scholars to examine issues of executive power. Given the new centrality of this topic since 9/11, participants challenged one another to rethink core ideas of executive power both from American and comparative perspectives. Prior to the opening discussion, “schmoozers” lunched with members of LAPA’s Undergraduate Associates, who were thrilled to meet the leading thinkers in constitutional law scholarship.

PROBLEM SOLVING WORKSHOP: A NEW LEGAL FRAMEWORK FOR PRIVATE MILITARY CONTRACTORS

Representatives from the uniformed military, Departments of State and Justice, civilian employees of the Department of Defense, members of the contractor community, NGO representatives, and academic experts assembled at Princeton in January 2008 to continue an off-the-record discussion of issues involving the use of private contractors alongside soldiers in combat operations. The earlier workshop in June 2007 produced a “sense of the meeting” report on contractor accountability. This report received widespread attention from policymakers and members of the media as they sought to understand news stories of misconduct by contract interrogators, security personnel, and ancillary service providers in Iraq and Afghanistan. Legislation passed by the House of Representatives in fall 2007 was inspired in large measure by LAPA’s June 2007 workshop. In the follow-up session in January 2008, the invited participants expanded their inquiry to examine issues associated with defining inherently governmental functions, working out frameworks for contractor regulation and accountability, strengthening oversight and clarifying chain-of-command issues. A number of participants in this workshop testified before Congress on related matters and were involved in setting the agenda for the Webb-McCaskill Commission on Wartime Contracting. The conference was organized by Kim Lane Scheppele, Leslie Gerwin, Deborah Pearlstein, and Laura Dickinson, University of Connecticut School of Law, whose forthcoming book Privatizing War and Peace, was written while she was a fellow at LAPA.
CO-SPONSORED EVENTS
Conferences

THE LIMITS OF CONSTITUTIONAL DEMOCRACY

Leading scholars of constitutionalism and politics examined the timely and important themes of failure and success in constitution making and the limits of constitutional democracy. In so doing they also honored Walter Murphy, longtime McCormick Professor of Jurisprudence, now Emeritus, at Princeton University and the publication of his seminal book, Constitutional Democracy: Creating and Maintaining a Just Political Order (The Johns Hopkins University Press, November 2006).

Papers and commentaries at the conference were presented by Sotirios A. Barber, University of Notre Dame; Joseph M. Bessette, Claremont McKenna College; Mark E. Brandon, Vanderbilt University; James W. Ceaser, University of Virginia; Daniel Deudney, Johns Hopkins University; Mary L. Dudziak, University of Southern California; Christopher L. Eisgruber, Princeton University; John A. Ferejohn, Stanford University and NYU Law School; James Fleming, Boston University; Robert P. George, Princeton University; Mark A. Graber, University of Maryland; William Harris, University of Pennsylvania; Ran Hirschl, University of Toronto; Gary Jacobsohn, University of Texas at Austin; Ellen Kennedy, University of Pennsylvania; Benjamin A. Kleinerman, Michigan State University; Sanford Levinson, University of Texas at Austin; Stephen Macedo, Princeton University; John McGinnis, Northwestern University; Jan-Werner Müller, Princeton University; Walter Murphy, Princeton University, Emeritus; Ralf Poscher, Ruhr-Universität, Bochum; Kim Lane Scheppele, Princeton University; Ian Shapiro, Yale University; Cindy Skach, Harvard University; Rogers M. Smith, University of Pennsylvania; Paul Starr, Princeton University; Jeffrey Tulis, University of Texas at Austin; Mark V. Tushnet, Harvard University; Adrian Vermeule, Harvard University; Keith E. Whittington, Princeton University; Jennifer Widner, Princeton University; and Mariah Zeisberg, University of Michigan.

LAPA co-sponsored the conference with Princeton’s University Center for Human Values, the James Madison Program in American Ideals and Institutions, and the Mamdouha S. Bobst Center for Peace and Justice.
THE CONTRIBUTIONS OF WILLIAM H. REHNQUIST TO AMERICAN CONSTITUTIONAL JURISPRUDENCE

To honor the memory and public service of Supreme Court Chief Justice William H. Rehnquist, LAPA joined with the James Madison Program in American Ideals and Institutions to invite a distinguished group of legal scholars to evaluate Chief Justice Rehnquist’s work as a constitutional thinker.

Robert F. Nagel, University of Colorado Law School gave a paper on “Federalism as a Constitutional Principle” with commentaries by Charles J. Cooper, Cooper & Kirk, PLLC and R. Shep Melnick, Boston College. Stephen F. Smith, University of Virginia School of Law, gave a paper on Chief Justice Rehnquist’s views on constitutional criminal procedure, with Akhil Reed Amar, Yale Law School and Stephen Shulhofer, New York University School of Law as commentators. In the final session, Richard W. Garnett, University of Notre Dame Law School, gave a paper on Chief Justice Rehnquist’s views on the religion clauses, with Donald L. Drakeman, Princeton University, and Kent Greenawalt, Columbia University as commentators.

Panel Discussions

The Opportunity of Crisis: Integrating the University of Alabama

This screening of the documentary Crisis: The Making of a Presidential Commitment and the panel that followed celebrated the 45th anniversary of the historic racial integration of the University of Alabama in June 1963. Panelists included the filmmakers Bob Drew and D.A. Pennebaker and two public officials featured in the film: former U.S. Attorney General Nicholas Katzenbach, who served as Deputy Attorney General under John F. Kennedy, and John Doar, who was the prosecutor for the Mississippi Burning Trial. Princeton Professors Valerie Smith and Sean Wilentz moderated the panel. The event was co-sponsored with the Program in American Studies, and the Center for African American Studies.

Global Experiences in Constitution Writing: Latin America in Comparative Perspective

Moderated by Yash Pal Ghai, of the Constitution Advisory Support Unit of the United Nations Development Program in Nepal, the panelists included Andres Torrez Villa-Gomez, Professor at Universidad Católica Boliviana and Executive Director of the National Constituent Assembly and Autonomy Council, Bolivia; and Ruben Ignacio Zamora Rivas, Professor of Political Science at National University of El Salvador and Adviser at the Somali Democratization Program. The event was co-sponsored with the Mamdouha S. Bobst Center for Peace & Justice.
“Church & State Separation Anxieties” (Program for television’s Dan Rather Reports)

The panel, moderated by Dan Rather, featured Christopher Eisgruber, Provost of Princeton University, Richard W. Garnett, Associate Professor at Notre Dame Law School, Holly Hollman, General Counsel for the Baptist Joint Committee, and Michael McConnell, federal judge on the United States Court of Appeals for the Tenth Circuit.

The panel was co-sponsored by LAPA, the Woodrow Wilson School, the University Center for Human Values, the Center for the Study of Religion, and the Department of Religion.

Book Panel: Paul Starr Freedom’s Power: The True Force of Liberalism

An “all-star panel” gathered to celebrate the publication of Paul Starr’s most recent book, Freedom’s Power (Basic Books, 2007). Paul Starr is the Stuart Professor of Communications and Public Affairs in the Woodrow Wilson School and Professor of Sociology at Princeton. Panelists included E.J. Dionne, Jr., columnist for the Washington Post and Senior Fellow in Governance Studies at the Brookings Institution; James Ceaser, Henry Professor of Politics, University of Virginia, and James Madison Program Spring 2008 Visiting Fellow; Jennifer Hochschild, Henry LaBarre Jayne Professor of Government and Professor of African and African American Studies, Harvard University; and Peter Berkowitz, Tad and Diane Taube Senior Fellow at the Hoover Institution, Stanford University. LAPA Director Kim Lane Scheppel moderated the panel, which was co-sponsored by the James Madison Program in American Ideals and Institutions.
Public Lectures

A complete description of each program is provided on LAPA’s website at http://lapa.princeton.edu

Jacques Semelin, CERI-CNRS, Paris
Understanding Massacre? Exploring the Genocidal Process: Holocaust, Rwanda, Bosnia
Co-sponsored with the Program in European Cultural Studies

Christian Delage, Université de Paris-VIII and the Ecole des Hautes Etudes en Sciences Sociales, Paris
Nuremberg: The Nazis Facing Their Crimes
Film Screening & Discussion with the Director
Co-sponsored with the Program in European Cultural Studies, the Department of History, and the Program in Judaic Studies

Kathryn Hendley, University of Wisconsin at Madison
Russia and the Rule of Law: The Putin Legacy
Co-sponsored with the Program in Russian and Eurasian Studies, Bobst Center for Peace and Justice, and PIIRS

Mary Ann Glendon, Harvard Law School
Importing Legal Ideas
Walter F. Murphy Lecture in American Constitutionalism
Co-sponsored with the James Madison Program in American Ideals and Institutions

James M. Pettifer, Conflict Studies Research Centre of the Defence Academy, UK, and Princeton Program in Hellenic Studies
Kosovo and Future Balkan Stability
Co-sponsored with The Princeton Kosovo Workshop

Osama Siddique, Department of Law and Policy, Lahore University of Management Sciences, Pakistan
Pakistan in Crisis: Law, Power and Politics under Pervez Musharraf
Presented by Pehchaan-Pakistanis at Princeton and co-sponsored with the Program in South Asian Studies, the Department and Program in Near Eastern Studies, the International Center, and the Global Issues Forum

Ronald S. Sullivan Jr, Harvard Law School
Criminal Justice Today: The Intersection Between Race and Criminal Prosecution in the American Legal System
The First Annual Thurgood Marshall Lecture
Presented by the Princeton National Black Law Students Association and co-sponsored with Rockefeller College, the Center for African American Studies, University Projects Board, Office of the Dean of Undergraduate Students, and the Carl A. Fields Center
Nancy Fraser, New School for Social Research
Abnormal Justice
Commentator: Kim Lane Scheppele, LAPA Director
Program in Ethics and Public Affairs (PEPA) Seminar
Co-sponsored with PEPA, a joint venture of the University Center for Human Values and the Woodrow Wilson School

Carol Heimer, LAPA Fellow, Northwestern University, Senior Research Fellow at the American Bar Foundation
Clinical Guidelines and the Politics of Health: Financing HIV Treatment
Co-sponsored with Department of Sociology

Jonathan Zittrain, Oxford University
The Future of the Internet - and How to Stop It
Co-sponsored with the Center for Information Technology at Princeton

Frank Michelman, Harvard Law School
Socioeconomic Rights in Constitutional Law: Explaining America Away
Commentator: George Kateb, Politics, Princeton
Cosponsored with PEPA, the Program in Ethics and Public Affairs

Lisa J. Laplante, Praxis Institute for Social Justice and Institute for Advanced Study
Bringing Justice Home: The Human Rights Trial of Former Peruvian President Alberto Fujimori
Co-sponsored with Program in Latin American Studies

Invitational Event
Cass Sunstein, University of Chicago Law School, and Samantha Power, John F. Kennedy School of Government, Harvard University
Informal discussion for Princeton Faculty and invited guests
Co-sponsored with the University Center for Human Values
LAPA STUDENT PROGRAMS

“I have enjoyed getting to know the students, both those who have been taking the class I taught and the LAPA-associated graduate students who have dropped round for informal discussion on their dissertations and other research.”

—Aidan O’Neill, UCHV/LAPA Fellow 2007-2008

LAW-ENGAGED GRADUATE STUDENTS (LEGS)

The Law-Engaged Graduate Student (LEGS) group brings together graduate students who are conducting research in or are otherwise engaged with law-related issues. Many of Princeton’s Ph.D. students come to prepare themselves for the law school teaching market having already received law degrees. Other Ph.D. students choose law-related topics for their research and value a community of scholars interested in law to orient them in legal inquiry. LAPA organizes the LEGS group to give students a place to present their work, meet law-related faculty from all over campus and learn the norms of legal writing, publishing and career-making.

This year, LAPA assisted departments in recruiting law-oriented graduate students by holding a LAPA brunch on the day when most Ph.D. students came for campus visits. Since LAPA began participating in graduate student recruitment, the number of graduate students with law-related interests has been increasing. Incoming students now see that they do not need a university with a law school to have a densely intellectual legal community. In fact, by focusing on graduate education that is not purely professional in nature, LAPA can better prepare students for academic careers in law-related subjects.

During the school year, LAPA convened bi-weekly seminars to enable interested students to find one another, to present their work, and to enhance their educational experience through interdisciplinary contact. Because LAPA’s new structure this past year enables it to reach out campus-wide, LAPA can now facilitate discussions among students from a wide variety of disciplines which explore new developments and opportunities for legal studies at Princeton.
The LEGS Seminars in 2007-2008 featured the following presentations:

Emily Zackin, Politics Ph.D. candidate
The American Positive Rights Tradition: Constitutionalizing Labor Rights in U.S. States

Grégoire Mallard, Sociology Ph.D. candidate

Deborah Becher, Sociology Ph.D. candidate
Negotiating the Un-negotiable: What Makes a Government “Taking” for Private Development Legitimate?

Arudra Burra, Philosophy Ph.D. candidate
The Indian Civil Service and the Raj: 1919-47

Jessica Flanigan, Politics Ph.D. candidate
Electoral Vulnerability and Judicial Independence

Rob Hunter, Politics Ph.D. candidate
The Elusive Sovereign: The Search for a Theory of Constitutional Self-Government

Maribel Morey, History Ph.D. candidate
Reflections on Little Rock, 1957-1959: Writing as a Fellow Traveler of the Legal Process School

Intisar Rabb, Near Eastern Studies, Ph.D. candidate
Legal Maxims in Islamic Law: The Islamic Rule of Lenity

Kellam Conover, Classics Ph.D. candidate
The Democracy in Danger: Dorodokia and the Rise of the ‘Crop of traitors’ 378-322 BCE

The Return of Walter Murphy
Discussion of the new book, Constitutional Democracy: Creating and Maintaining a Just Political Order, and new agendas for research in the law and politics field, with the Princeton Emeritus professor.
M.P.P./M.P.A. PROGRAM: LAW IN THE PUBLIC SERVICE—NOT JUST FOR LAWYERS

Inaugurated in the 2007-2008 academic year, this program provided an opportunity for Woodrow Wilson candidates for Master’s in Public Policy and Public Affairs to meet with practicing lawyers, to examine current legal issues within the speaker’s expertise, and to explore how lawyers and non-lawyers work together to enhance their search for solutions to pressing public policy issues. The luncheon sessions featured:

Scott Horton on “Torture Wars” looking at current government policies and at proposed congressional action, based on research he has been doing with Harper’s magazine.

Robert Ashbaugh on “Potomac Fever: Not an STD: An Insider’s View of Law and Social Sciences in Government Service” explaining the role of the inspector generals’ offices at the Departments of Justice and Homeland Security.

Deborah Pearlstein on “Human Rights NGOs and Domestic Policy Change - A Post 9/11 Approach to Law and Security” offering a perspective based upon her service as Director of the U.S. Law and Security Program at Human Rights First.

Jonathan Fredman in a private off-the-record conversation with Assistant Deputy Director of National Intelligence for Special Programs and the former Chief Counsel for the Counter-Terrorism Center at the Central Intelligence Agency, on current issues involving national security and counterterrorism law.

Nick Grono, Deputy President (Operations), International Crisis Group, on “The Role of International Justice in Preventing and Resolving Deadly Conflict.”
This year, the Princeton undergraduates interested in law-related issues reorganized the LAPA Student Forum to create the LAPA Undergraduate Associates. Over 50 students applied for membership from all four classes and a wide variety of disciplines. They were rewarded with opportunities to interact with leaders in the field of law and public affairs at student-only luncheons and dinners and special invitations to LAPA events. Led by seniors Philip Levitz ’08 and Pauline Yeung ’08, the Undergraduate Associates developed an Executive Committee to train new leaders and to engage in longer range planning. In the coming year, LAPA is looking to sponsor a student-organized academic conference, a field trip, and web publications, among other undergraduate-only special events.

In 2007-2008, LAPA Undergraduate Associates events included:

Dinner with the LAPA Fellows gave Undergraduate Associates the opportunity to meet and talk about legal issues, law school, and Princeton with LAPA fellows.

Lunch with LAPA Fellow Aiden O’Neill enabled participants to learn concepts of parliamentary democracy and hear a Queen’s Counsel’s view of the American Constitution.

Lunch with prominent Constitutional Law Professors prior to the commencement of the Constitutional Law Schmooze allowed students to engage in informal discussion with some of the country’s leading legal scholars.

Dinner with Jonathan Fredman ’79, Assistant Deputy Director of National Intelligence for Special Programs, examined the legal issues that confront the CIA.

Lunch with Judge Leonie Brinkema, U.S. District Court, Eastern District of Virginia, provided a first-hand account of the role of the courts in trying terrorism cases.

Lunch with Walter Murphy explored a wide array of issues about the study of law at Princeton, legal scholarship, and his work on constitutionalism.

Tea with Associate Supreme Court Justice Antonin Scalia, a joint activity with the James Madison Program Undergraduate Fellows, allowed students to meet with and hear from the Justice in a small and informal setting.

The End-of-the-Year Ice Cream Extravaganza provided an opportunity to recognize outgoing and incoming student leaders and to distribute LAPA’s stylish Undergraduate Associates T-shirts.
The Liman Program enables Princeton students to spend eight to ten weeks during the summer in an internship serving the needs of people and causes that might otherwise go unrepresented. Through a competitive application process, LAPA selected four undergraduates and two graduate students to serve as Liman Fellows during the summer of 2008. The students began their program by participating in the Eleventh Annual Liman Public Interest Program Colloquium at Yale Law School, where they joined with advocates, scholars, government officials and fellows from the other five participating schools to explore “Liman at the Local Level: Public Interest Advocacy and American Federalism.”

The Liman Fellows Program was created by the Liman Family Foundation in honor of Arthur Liman’s long and distinguished career in public interest law. It was established at Princeton through the generosity of Emily Liman ’85. Based at Yale Law School where Arthur Liman had been a student, the program also has undergraduate fellows at Barnard, Brown, Harvard, Spelman, and Yale. While Yale Law School also has an active Liman Fellows program for law students, Princeton is the only university to have a summer Liman Fellows Program for graduate students.

The 2008 Arthur Liman Fellows and their placements were:

- **Felipe Cala**, 1st Year Ph.D. Student in Spanish and Portuguese Language and Cultures, International Center for Transitional Justice (New York)
- **Michelle Phelps**, 1st Year Ph.D. Student in Sociology, Prison Visiting Project, Correctional Association of New York
- **Mark Zaichen Jia ’10**, Alliance for Justice (Washington, DC)
- **Lawrence Kornreich ’09**, Religion, Legal Action Center (New York)
- **Emily Kathryn Stehr ’08**, History, Thelton E. Henderson Center for Social Justice (University of California Berkeley Law School)
THE J. WELLES HENDERSON PRIZE, CLASS OF 1943, 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.

This year’s winner was Zachary Squire, Department of Classics, who received the Henderson Prize for his thesis “Property and the Conception of the State in Cicero.” Squire was also named the class valedictorian. The LAPA citation explaining his award began:

Zachary Squire has written an extraordinary senior thesis on the idea of private property in Cicero’s philosophical works and its relationship to both law and state. In this novel and stunningly persuasive reading of Cicero, Cicero becomes the first thinker on record to argue that the main and primary purpose of the state is to protect and encourage the basic and fundamentally free functioning of private property.

Honorable Mention was awarded to Jon di Cristina, Department of History, for his thesis “Blood It Defileth the Land: Conservative Christianity and Capital Punishment in the United States.” The first paragraph of his citation read:

Jon di Cristina has written an elegant senior thesis, “Blood It Defileth the Land,” which weaves together diverse literatures to understand conservative religious mobilization around capital punishment in the United States. The thesis makes sense of the complicated relationships among conservatism, religion and law by reversing the usual understandings of their interconnection. Instead of arguing that religion has shaped American conservatism which then has put pressure on law (the usual view), di Cristina argues instead that American conservatism has profoundly shaped the religious commitments of both Catholics and evangelicals, and that this joint conservative enterprise has found a particularly effective target for expression in the campaign around capital punishment.
As LAPA prepares to mark the tenth anniversary of its founding, it is proud that it has planted deep roots at Princeton, which have made it a vital and popular part of the University’s academic life. LAPA began in 1999 when Woodrow Wilson School (WWS) Dean Michael Rothschild and University Center for Human Values (UCHV) Director Amy Gutmann created an academic legal center on the Princeton campus to serve several functions: 1) provide an “intellectual home” to Princeton students who were pursuing a Juris Doctor (J.D.) degree at a law school while jointly studying for a Master’s in Public Affairs (M.P.A.) degree at Princeton; 2) add law and public policy courses to the WWS curriculum; and 3) convene scholars and students across the many campus disciplines that involve law for collaboration, discussion and programs.

In its short history, LAPA has had an array of distinguished directors. LAPA’s first director, Professor Stephen Macedo, initiated the Fellows program, with the first “class” arriving for the 2000-2001 academic year. He also inaugurated the LAPA Seminar, still the heart of LAPA’s regular programming. From its inception, LAPA established a tradition of ambitious programming involving sponsoring or co-sponsoring a variety of distinguished speakers and informative conferences. Macedo also immediately raised LAPA’s profile by initiating a project resulting in the publication of the Princeton Principles on Universal Jurisdiction. Macedo left the LAPA directorship to become Director of Princeton’s University Center for Human Values.

In spring 2001, LAPA recruited Professor Christopher Eisgruber from New York University Law School as its next director. As Eisgruber welcomed the second class of LAPA fellows, he launched a major publicity campaign to bring LAPA and its activities to the attention of national and international academic audiences. Eisgruber also increased LAPA’s presence in the WWS curriculum, inaugurated the tradition of holding a continuing legal education conference for alumni preceding the annual spring reunions, and expanded LAPA’s ambitious programming with the addition of the John Marshall Harlan ’20 Lecture in Constitutional Adjudication. Associate Justice Sandra Day O’Connor of the U.S. Supreme Court delivered the first Harlan Lecture. LAPA’s enhanced visibility significantly increased the number of applicants for LAPA fellowships. Martin and Kathleen Crane endowed a LAPA Fellowship to provide support for a visiting fellow who contributes to the university’s undergraduate curriculum and Donald S. Bernstein ’75 established a named lectureship to bring legal knowledge to bear on important public issues. Three years after his arrival Eisgruber was named the university’s Provost, requiring LAPA to initiate another search for a new director.

In the 2004-2005 academic year, Professor Stanley N. Katz served as Acting Director. Katz continued LAPA’s schedule of exciting programming, succeeding in bringing several distinguished speakers to Princeton under LAPA’s auspices, including Judge Dieter Grimm of the Federal Constitutional Court of Germany to deliver the Harlan Lecture, and Judge Richard Posner of the Court of Appeals for the Seventh Circuit to deliver the inaugural Donald S. Bernstein ’75 Lecture. At year’s end, LAPA received a gift from the Microsoft Foundation to fund a fellowship in the study of law, property and economic organization.
The search for a new director concluded with the hiring in 2005 of Professor Kim Lane Scheppele, at that time the John J. O’Brien Professor of Comparative Law and Sociology at the University of Pennsylvania. While maintaining LAPA’s high level of programming, Scheppele introduced new elements to LAPA’s portfolio of projects. To launch the academic year, Scheppele organized a day-long faculty retreat to showcase faculty research projects and to provide a forum for extended discussion and collegial interaction. She also reached out to involve more Princeton faculty in LAPA, increasing the number of faculty associates from about 30 to approximately 80 during her first year. Working with graduate students, Scheppele launched the Law-Engaged Graduate Students (LEGS) group to provide an interdisciplinary “space” for reading, meeting, and discussing each other’s work. She also oversaw the development and launch of LAPA’s new website. At the end of the 2006-2007 academic year, Scheppele implemented LAPA’s expansion into a university-wide program in consultation with WWS, UCHV and the University Provost. As a consequence, as detailed in this report, this past year LAPA was able to increase its public programming, implement new initiatives, enhance further its visibility both at Princeton and in the international legal-academic community, and enable LAPA to become a resource for all students at Princeton.

During the past nine years, LAPA has developed a highly visible profile as a unique academic center for research, discussion, and educational programming centered on issues of law and public affairs, both contemporary and historical. With this promising start, LAPA is poised to bring the study of law to Princeton students at all levels and to support the law-related work of university faculty. Princeton’s law-engaged community continues to reach out to the larger audience of citizens and policymakers who seek to identify solutions to today’s complex problems and to make legitimate and informed decisions. LAPA is thus not just another law school; LAPA embodies a new vision for the role of law and legal studies in a great university.
LAPA and “LAPAn” PUBLICATIONS

2007-2008

LAPA’s Symposium on Constitutional Patriotism

Growing out of a LAPA-Sponsored conference during the 2006-2007 academic year, a special issue of the International Journal of Constitutional Law (I*Con) published participants’ papers Constitutional Patriotism. The contributors were:


David Abraham, Constitutional Patriotism, Citizenship, and Belonging, INT J CONSTITUTIONAL LAW 2008 6: 137-152.

Publications by LAPAns


Robert Ahdieh, The (Misunderstood) Genius of American Corporate Law, GEO. WASH. L. REV. (forthcoming 2009) – [Article will be subject of symposium, with original article, responses, and counter-responses published in two issues of journal]


Marci A. Hamilton, *The Story Behind the Supreme Court’s Creche Cases* (Forthcoming)


Marci A. Hamilton and Marge Markey, *Victims in Law; Statutes of Limitation Must End so Sexual Abuse Victims Not Predators are Helped*, THE TIMES UNION, October 28, 2007, El.


Peter L. Lindseth (with Alfred C. Aman and Alan C. Raul), Oversight, in EUROPEAN UNION ADMINISTRATIVE LAW (George Berman ed., ABA Section of Administrative Law and Regulatory Practice (forthcoming).


Aidan O’Neill, POLITICS, POWER AND THE PAPACY: CHALLENGES FOR CATHOLICS IN A DEMOCRATIC AGE (forthcoming)

Deborah Pearlstein, Form and Function in the National Security Constitution, 41 Conn. L. Rev 2008 (forthcoming)


Deborah Pearlstein, Avoiding an International Law Fix for Terrorist Detention, CREIGHTON L. REV (forthcoming)


Deborah Pearlstein, Book Review: Michael Otterman, American Torture: From the Cold War to Abu Grab and Beyond, INTERNATIONAL AFFAIRS 47 (Jan 2008)


Kim Lane Scheppele and Jan-Werner Müller, Constitutional Patriotism: An Introduction. Introduction to Special Issue of I-CON: INTERNATIONAL JOURNAL OF CONSTITUTIONAL LAW on Constitutional Patriotism based on a LAPA Conference (Kim Lane Scheppele and Jan-Werner Müller, eds.), Spring 2008.


The Program in Law and Public Affairs is co-sponsored 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 underrepresented minorities. Information about applying for a LAPA fellowship may be found on the LAPA website at http://lapa.princeton.edu/fellowships.php

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This report was written and edited by Leslie Gerwin.

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