LOOKING BACK AT 2017-2018 AND LOOKING AHEAD TO THE NEW ACADEMIC YEAR
In looking back at LAPA’s successful 2017-2018 year, we focus on recent programming innovations that add new dimensions to Princeton University’s rich opportunities for legal inquiry. We are particularly pleased to feature the first LAPA symposium organized by the Law-Engaged Graduate Students (LEGS). A volunteer committee of Ph.D. candidates drew students from universities across the country, several of whom shared excerpts from their papers for this publication.

In this edition of Law@Princeton, we also highlight four recent program additions to LAPA’s annual offerings. Together, they demonstrate LAPA’s commitment to the many Princeton constituencies interested in law study. They include an undergraduate colloquium on public interest law, a workshop for faculty and visitors to discuss their work in progress, a constitutional development seminar series featuring new works by noted scholars, and a series that invites authors to discuss their recently-published books on law issues of both general and academic interest. These offerings join LAPA’s multi-faceted and interdisciplinary programming for university faculty, Woodrow Wilson’s public policy students, graduate students, and visiting scholars, as well as for the general community. Our recap also includes a farewell from the LAPA Fellows who contributed so much to LAPA and Princeton.

Finally, we look ahead to the 2018-2019 academic year by introducing our incoming LAPA Fellows and providing a preview of upcoming events. We hope to see many of our readers during the coming year.

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LEGS, an interdisciplinary collective of Princeton graduate students conceived interested in law, organized and held the first ever graduate LEGS student conference this past March under LAPA’s auspices. During the academic year, LAPA regularly convenes a LEGS luncheon seminar in which students in many disciplines gather to present and critique drafts of their law-related research. Led by Anthropology student Brandon Hunter-Pazzara, a student organizing committee undertook to develop an interactive and interdisciplinary symposium focusing on a law-based challenge. The outcome was a day-long symposium entitled “Unintended: The Promises and Perils of Criminal Justice Reform.” As the title indicates, the participants explored whether many of the current well-intentioned systemic reforms effectively address the problems plaguing the criminal justice system or the people affected or protected by it. They presented research showing that many have or are likely to produce unintended and unforeseen consequences resulting in unanticipated deleterious impacts.

The call for papers brought over thirty submissions from around the United States and overseas, from which the committee selected twelve PhD candidates from eight different universities to present as a part of three panels. All participants and attendees then engaged in a closing round table. A faculty commentator assigned to each of the panels critiqued the papers and added his or her scholarly expertise. Law Professor Jessica Eaglin, 2017-18 LAPA Fellow from Indiana University Maurer School of Law, commented on the papers presented on the first panel entitled “At the Whims of the System: the Effects of Reform on Vulnerable Communities.” Professor Naomi Murakawa, of Princeton’s Department of African American Studies and author of the acclaimed book The First Civil Right: How Liberals Built Prison America (2016), served as commentator for the panel on “Prosecutors, Policy, and Parole Officers: Examining Institutional Actors.” Sociology Professor Paul Hirschfield, of Rutgers University Program in Criminal Justice, critiqued the papers at the panel on “Civil Society and the Fight for Reform,” and actively participated in the closing roundtable discussion.

The public program attracted undergraduates, graduate students and members of the community, including attorneys and activists. Many stayed to take part in the concluding roundtable discussion.

Participants expressed their frustration that, despite years of reform efforts, there remain too many problems in what one student called “the criminal injustice system.” They agreed that the deficiencies are due to changes that are incremental and narrowly addressed to one specific problem, which occasion other challenges. Thus, the students and activists discussed ideas for looking beyond the confines of the criminal system to fashion holistic and interdisciplinary interventions subject to evaluation and adjustment to achieve the desired outcomes.

Special thanks are due to the student organizing committee, which, in addition to Hunter-Pizzare, included Joseph Avery, Heath Pearson, and EB Saldana for their creative work and dedication to this notable accomplishment. In addition to the Program in Law and Public Affairs, financial contributors included The Department of African American Studies, the Program in American Studies, The Department of Anthropology, and the Princeton Graduate School.

For the full program see http://lapa.princeton.edu/unintended
KEYNOTE: IMPLEMENTING AND EVALUATING REFORMS

Mike Lee, Supervisor of Government Affairs in the Office of the Philadelphia District Attorney delivered an informative and thoughtful lunchtime keynote address. He came prepared to discuss the research and rationale for the changes under consideration by his boss, the recently inaugurated progressive District Attorney Larry Krasner, would be implementing. Lee, who had co-founded the Philadelphia Lawyers for Social Equality, did not refrain from identifying the challenges facing those seeking to make changes throughout the system, including in the operations of the prosecutors’ office, law enforcement, and the courts. He declared that the goal is to design and operate a just and humane system that protects the public and treats those accused of committing crimes as human beings. He outlined a broad array of reforms that the District Attorney contemplated or being implemented by the DA, including the ending of cash bail for those accused of minor offenses, using alternatives to incarceration, providing more time off for law enforcement officers, and replacing intransigent prosecutors, among other ideas. He also promised that the new strategies would be monitored and evaluated with data examined to guide program improvement as well as enable adoption by other jurisdictions. Mr. Lee arrived in time to hear a paper discussion of DA Krasner’s reforms and remained after his speech to hear some additional presentations.

PARTICIPANTS ABSTRACTS & EXCERPTS

We publish below a selection of summaries from some of the participants.

Police Discretion and Criminal Justice Reform: A Multilevel Analysis of the Impact of California’s Prop. 47 on Drug Crime Policing

Matt Barno, J.D.
University of California, Irvine, Department of Criminology, Law & Society

In 2014, California voters approved Proposition 47, a ballot reform initiative that reduced virtually all narcotics possession crimes from felonies to misdemeanors. The passage of Prop. 47 is emblematic of a larger national shift away from the punitive policies that animated mass incarceration and towards criminal justice reform initiatives that promote decarceration. A notable body of research has developed around the question of what might explain this shift in policies and attitudes towards crime, but relatively few scholars have examined how reform measures like Prop. 47 have impacted day-to-day criminal justice administration in a system that, for the last three decades, has been organized by the logic of mass incarceration.

The current study begins to explore this gap by investigating the impact of Prop. 47 on drug crime policing in California. Given the dramatic racial disparities in drug crime enforcement, sociolegal scholars have long been concerned with understanding how police discretion operates in this context. However, previous empirical studies of drug crime policing were primarily conducted at the height of mass incarceration. No previous study has examined how police discretion might operate in the context of a democratically-enacted reform initiative like Prop. 47. By substantially reducing the penalties associated with most drug offenses, Prop. 47 provided a strong motivation for local police departments in California to reduce their drug crime enforcement levels. And indeed, after climbing by more than 23% between 2011 and 2014, non-marijuana drug arrests plummeted by 8.3% statewide in the year following Prop. 47. However, the aggregate data on statewide drug arrests mask substantial variation in how local police agencies responded to Prop. 47. Although drug arrests decreased statewide, approximately 40% of city police departments in the state increased their drug arrests in the year following Prop. 47. To the extent that Prop. 47 was intended to address issues that scholars and activists have raised regarding aggressive drug crime enforcement, this variation suggests that the benefits of reform are not accruing evenly across the state.

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Electronic Home Monitoring: An Improvement or Just Another Form of Social Control?

Gabriela Kirk
Northwestern University, Department of Sociology

As incarceration in the United States has grown to largely epic proportions in recent decades, scholars, policy makers, and public officials have become somewhat united in efforts to reduce incarcerated populations. Electronic home monitoring (also known as house arrest) has been heralded as one possible solution that meets the demands of multiple stakeholders. Electronic home monitoring consists of confinement to a home or community location with an electronic ankle monitor that confirms compliance. In this project, I interviewed twenty-four individuals who spent time on electronic home monitoring in Cook County, Illinois. I argue that academics, administrators, and program participants are conceptualizing electronic home monitoring as an alternative to incarceration rather than a distinct sanction in the criminal justice system. In practice, electronic monitoring is not used as a simple replacement for incarceration but rather as a form of social control during pre-trial, probation, or parole. This framework of comparison leads us to minimize the negative impacts of this experience which have collateral consequences on employment, housing stability, and relationship ties.

The respondents in this study were so grateful that they felt it inappropriate to complain about whatever hardships they may have faced. “I mean it was somewhat restricting but I’ve been incarcerated before so I was able to balance the two. I think certain people complain about a sunny day, I’ve heard people do it.” Respondents compared their experience of electronic monitoring continually to the possibility of spending that time in jail. While nine of the respondents expressed in the interview some form of ambivalence or “no big deal” attitude, twelve respondents explicitly described Cook County jail as the absolute worst possible outcome. However, the majority of these respondents were on electronic monitoring because they were unable to post bail, on probation, or parole. Confinement in these instances is not inevitable and in the case of probation or parole it is not truly even an alternative. Despite respondent’s attitudes toward the experience, the majority of respondents lost their jobs or had to take months of unpaid time off of work. The majority of respondents was also not able to remain in their own homes while on electronic monitoring and had to move in with family members for several months. This led to loss of one’s own home as well as strain on family relationships. The experience of being on electronic monitoring lead to negative outcomes similar to those that have been found to occur after prison and jail confinement despite respondent’s overall description of their experience.

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Approaching Reform Failures Through an Abolitionist Lens

Marina Bell
University of California, Irvine, Department of Criminology, Law and Society

With attention in policy, research, and on-the-grounds efforts now moving toward rehabilitation and reentry in light of evidence demonstrating the failure of the prison experiment in America, the gravity of the reentry issue has become increasingly salient. In response, numerous initiatives have been put into place to facilitate reentry for individuals coming out of prison. However, despite these efforts, individuals attempting to reintegrate after release continue to face debilitating obstacles, with recidivism rates still comparable to what they were during the punitive era.

Researchers have offered various explanations for why this is the case. I expand on these by arguing that current reentry and rehabilitation efforts, are based on what I call the “fix-the-offender” narrative—a preoccupation with the incarcerated or formerly incarcerated individual as the target of these policies, despite extensive knowledge that there are structural as well as individual levels of crime causation. The fallacy that policies targeting the individual level can impact these structural-level problems is especially clear in the evidence-based approach, and the risk assessment technologies developed from it. I explore examples of this to show how current criminal legal reform efforts in the areas of reentry and rehabilitation exacerbate the issues they are intended to address, by operating as mechanisms for the reproduction of social oppression.

I suggest that what is needed is not further attempts to improve these reforms, but an abolitionist approach. There is increasing evidence to support the notion that much of what reformists claim is wrong with the prison system is in fact intrinsic to the logic of how it is intended to work, that they are inherently and purposively stacked against the interests of vulnerable populations. Even under ideal circumstances, some scholars argue, our current system simply cannot be just, fair, or humane. In the second portion of this paper I develop an abolitionist theoretical framework through which to articulate solutions and alternatives in theory, research, and praxis.

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The Unintended Politics of Criminal Justice Reform: The Case of Washington, DC’s “Ban the Box” Law
Brandon Hunter-Pazzara, J.D.
Princeton University, Department of Anthropology

In the midst of nationwide efforts at the state and local level to pass criminal justice reform policies, “ban the box” legislation continues to serve as a key element of reform efforts. These laws, which seek to eliminate the box on housing and job applications, were devised as a means to ensure those with a criminal record would not be discriminated because of past offences. Recent research on the effects of these laws on the job market suggests they may result in a number of unintended consequences that diminish their promised effect of increasing the employment prospects for returning citizens. In this paper, I offer ethnographic research on the process undertaken by local advocates to pass “ban the box” legislation in Washington, DC. The movement to pass ban the box laws in the area of employment discrimination, and later housing discrimination, point to the careful and coordinated work carried out by returning citizens to achieve criminal justice reform. The political achievement of getting “ban the box” passed helped to usher in a criminal reform era in Washington, DC that continues to press forward.

This paper contends that the political process and the effects it has on those who participate in it remain an important but under explored element of the criminal justice reform movement, particularly as the key actors in this movement are those affected directly by the excesses of mass incarceration and police abuse. Following the development of DC’s 2014 “ban the box” legislation from its inception to its passage, this paper examines the many ways in which returning citizens engaged with the political process, fortified political alliances with policymakers, and learned to maneuver within the system in a sophisticated manner that proved successful not only in getting the legislation passed, but building the needed community support to ensure the law’s effective enforcement. Those I spoke with described attending city council meetings for the first time, lobbying legislators, sitting through long and confrontational meetings, and playing a firsthand role in the sausage making process that is the process. In thinking about the unintended consequences of legal reform, this paper insists that we consider the reform process itself as a site of analysis, taking seriously the spillover effects political engagement can have on those who take the time and effort to carry out change. This is especially important in the context of criminal justice reform, where returning citizens have led the way on almost every reform effort across the country, and yet because of continued formal and informal restrictions, remain severely marginalized from the political process. This paper attempts to show that while such marginalization poses real challenges to the returning citizen community and their efforts to win reform, it has not weakened the political claims they make to legislators, nor has it diminished their resolve.

Police and Prosecution in Philadelphia: Discretionary Criminal Justice and the Limits of Reform
Jackson Smith
New York University, American Studies Social and Cultural Analysis

Last November Philadelphia elected civil rights attorney Larry Krasner as the top prosecutor in Philadelphia. Krasner’s election was consistent with a more widespread criminal justice reform strategy to elect progressive prosecutors. This strategy hinges on what I call a “recalibration of discretion,” inasmuch as it targets the discretionary protocols through which prosecutors administer criminal justice. My paper explores the potential political limits of prosecutorial reform in Philadelphia by asking how the “recalibration of discretion” in this area is entangled with the equally significant discretion over criminal law enforcement exercised by the police. I suggest that a historical episode of police reform in Philadelphia offers signposts to deciphering the contemporary political tension between the new District Attorney’s Office (DAO) and the Fraternal Order of Police (FOP) in Philadelphia.

In 1958, Philadelphia became the first city in the nation with a Police Advisory Board (PAB). Little more than a decade later, however, the board was abolished. The local chapter of the ACLU concluded that its potential had been hampered by the minimal discretionary and budgetary authority it was granted to investigate citizen claims of police misconduct and to discipline officers. Despite these shortcomings, the most powerful enemy of the board was the local FOP, who saw the board as an infringement on police discretion. The FOP brought two lawsuits against the board, both of which resulted in curbs on its authority. The PAB, however, also faced criticism from the left, who saw it as ineffective. These critiques reflected the board’s limited jurisdiction. The measured administrative approach of the PAB ended up being no match for a police political machine that was quickly gathering steam during the late 1960s, especially considering that the board could not foster political support among the left. The board was abolished just a decade after its creation.

The local FOP continues to carry considerable political weight in Philadelphia and frequently weighed in during the recent race for district attorney. Just after Krasner’s primary victory last May, local FOP president John McNesby predicted that a November victory would undermine the discretionary authority of police officers. He suggested cops may have “to pull over to the side of the road and call the [DAO].

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This study uses multilevel modeling techniques to examine the racial, structural, and organizational factors that influenced how city police departments in California adjusted their drug crime enforcement levels in response to Prop. 47. The study thus represents the first attempt to systematically examine police discretion in the context of criminal justice reform, as well as the first attempt to account for the influence of county-level variables on city-level drug arrests. The results demonstrate that although race continues to exert a significant influence over drug crime enforcement in the context of reform, the direction of influence is often the opposite of what racial threat theory would predict. Police departments in cities with larger Black populations were generally more likely to reduce their drug arrests in response to Prop. 47, as were departments that exhibited larger Black-White drug arrest disparities prior to Prop. 47. The results therefore suggest that democratically-enacted reform measures like Prop. 47 may provide an inducement for police departments to address problematic enforcement practices developed under mass incarceration.

To employ an abolitionist framework as I do here means to acknowledge that reforms that aim merely to make improvements will not fix a system that has been shown to be violent, racist, and oppressive to its core; it means to engage in the work of imagining alternatives to carceral institutions and our current criminal legal system. Abolition as I employ the term refers to “an aspirational ethic and framework of gradual decarceration,” where the end goal is an alternative to prisons. To this end, I examine alternative systems of justice, such as restorative, transformative, and transitional justice. I explore these alternatives as possible mechanisms through which to render systems of state control obsolete, to go beyond the current reform paradigm and biases of the criminological field, and as approaches that can open up space for directly impacted people to act as authorities on their own experience, which I argue should be the goal of all projects aiming to remedy such harms and bring about what can more rightly be called justice.

Don’t do a damn thing because you’re not going to be covered.” A few months later, McNesby objected to demonstrations at the home of an officer who had recently killed a black man fleeing a traffic stop. He called the protestors “a pack of rabid animals,” but also suggested that the perceived threat posed by the protestors against officers’ families would adversely affect the ability of officers to go to work each day. After Krasner won the general election in November, some officers expressed their outrage on social media. One officer’s comment that Krasner “doesn’t give me my arrest powers” is suggestive of the limited horizon of prosecutorial reform absent a much broader political transformation. Powerful police political organs frame police discretion as a bulwark against perceived political threats – during the 1960s, the FOP equated the PAB with communism and now McNesby paints Black Lives Matter as a “racist hate group.” Like the PAB before it, Krasner’s DAO therefore finds itself in the unenviable political position of needing to placate the police while also delivering on the promises he made to the movement that elected him.

LAPA continues to mix new programming ideas with the many longstanding mainstays of the program. These new ideas are aimed at a variety of LAPA constituencies interested in law-based scholarship as well as current law-informed controversies. The “Hot-Off-the-Press” Book Talks featured discussion with authors of recently published books involving legal themes both for academic and general audiences. The Workshops in Constitutional Development featured papers by academics researching American and comparative constitutional issues. The Work-in-Progress Faculty Workshop allows Princeton faculty and fellows to convene colleagues and graduate students to discuss drafts of scholarly work prior to submission. Finally, especially for undergraduates, LAPA convened the Liman Fellows Roundtable to examine the field of public interest law and the role of public interest lawyers.

HOT-OFF-THE-PRESS BOOK TALKS
have proven popular with Princeton and general community audiences. The lunch time series invites authors of recently published books on a legal topic to present his or her work followed by a question and answer exchange with the audience. LAPA has had the pleasure of featuring works by former Fellows, former LEGS members, Princeton faculty, and noted academics. This past year, the authors who presented their works were:

Living Emergency: Israel’s Permit Regime in the Occupied West Bank
Yael Berda *2014, Assistant Professor, Hebrew University, Department of Sociology & Anthropology; Academy Scholar, Harvard Academy for International & Regional Studies, Weatherhead Center for International Affairs, Harvard University

Congress’s Constitution: Legislative Authority and the Separation of Powers
Josh Chafetz, Professor of Law, Cornell Law School

The Hidden Rules of Race: Barriers to an Inclusive Economy
Andrea Flynn, Fellow at the Roosevelt Institute; and Dorian Warren, President, Center for Community Change Action (CCCA); Fellow at the Roosevelt Institute

Lives in Limbo: Undocumented and Coming of Age in America
Roberto G. Gonzales, Professor of Education, Harvard University

The Trouble with Minna: A Case of Slavery and Emancipation in the Antebellum North
Hendrik Hartog, Class of 1921 Bicentennial Professor in the History of American Law and Liberty, Professor of History, Princeton University

The Internationalists: How a Radical Plan to Outlaw War Remade the World
Oona Hathaway, Gerard C. and Bernice Latrobe Smith Professor of International Law, Yale Law School; and Scott Shapiro, Charles F. Southmayd Professor of Law and Professor of Philosophy, Yale Law School

About Abortion: Terminating Pregnancy in Twenty-First-Century America
Carol Sanger, Barbara Aronstein Black Professor of Law, Columbia Law School

Details and to RSVP for lunch: lapa.princeton.edu

Organized by the Program in Law and Public Affairs
CONSTITUTIONAL DEVELOPMENT SERIES provides a forum for scholars to present their insights on constitutional issues domestic, international, and comparative. Formats include workshops, faculty seminars, and talks. The inaugural programs featured:

WORKSHOP #1
Dominus before Domination: Harriet Jacobs on Property and Slavery
Desmond Jagmohan, Assistant Professor of Politics, Princeton University

Ken I. Kersch, Professor of Political Science, Boston College

WORKSHOP #2
Reconstruction and the Origins of Civil Rights
Lynda Dodd, Joseph H. Flom Professor of Legal Studies, City College, City University of New York

Derrick Bell and the Lost Cause of School Desegregation: A Reexamination
Michael Paris, Associate Professor of Political Science and Global Affairs, College of Staten Island, City University of New York

WORKSHOP #3
The Jacksonian Makings of the Taney Court
Mark Graber, University System of Maryland Regents Professor, University of Maryland Francis King Carey School of Law

Building the Administrative State: Courts and the Admission of Chinese Persons to the United States, 1870s-1920s
Carol Nackenoff, Richter Professor of Political Science, Swarthmore College; and Julie Novkov, Professor and Collins Fellow, University at Albany, State University of New York

THE WORK-IN-PROGRESS FACULTY WORKSHOP is convened as a service to Princeton faculty and visitors wishing to share a law-based draft with colleagues. The invitation-only gathering attracts colleagues and graduate students, and an occasional area expert, interested in the topic or author’s methodology. In the past two years LAPA has convened four workshops, including one this past year.

Life, Liberty [and the Pursuit of Happiness]: Medical Marijuana in Historical Perspective
Lewis Grossman, LAPA Fellow; Professor of Law, American University Washington College of Law

THE ARTHUR S. LIMAN PUBLIC INTEREST LAW ROUNDTABLE invited undergraduates, who had been selected as Liman Fellows to work full time as summer interns in public interest law-related service, to reflect on their experience. The discussion included LAPA Fellows, Princeton faculty, and interested students. The summer 2017 Liman participants included and their placements were:

Kabbas Azhar ’18, American Friends Service Committee, Washington, DC
Joy Dartey ’18, Children’s Defense Fund, New York, NY
Steven Gomez ’19, Asociacion Civil por la Igualdad y Justicia, Argentina
Alice Mar-Abe ’18, Public Defender Association, Seattle, WA
Jessica Quinter ’18, British Pregnancy Advisory Service, London, UK

They were joined by Maria Perales ’18, a Liman Fellow in summer 2016, who did her placement at Centro De Los Dereches del Migrante.
LAPA FELLOWS PARTING OBSERVATIONS

The conclusion of the academic year means that LAPA bids farewell to its fellows who have made valuable and unique contributions to the year’s programming while also providing a unique presence for the benefit of students and academic colleagues. They generously gave their time as commentators at conferences and seminars, guest speakers at Princeton programs and classes, advisors to students on substantive and professional matters, among other offers of assistance. They shared their expertise and scholarship with Princeton faculty, students, and public and formed an enriching community for everyone at LAPA. We provide below a parting observation in the words of each Fellow.

Aziza Ahmed, Associate Professor of Law, Northeastern University School of Law

“Overall, my time spent at Princeton was very productive and enjoyable. It was wonderful to meet the other fellows and getting to know the LAPA faculty and staff. My own work was greatly enriched by both the overlap in academic areas of interests to other fellows and Princeton faculty as well as the exposure to areas of inquiry far from my own. I’m not sure if it was planned but I also did enjoy that all of the initial talks seemed to be linked in some way to populism, constitutionalism, etc. That felt more like a sustained opportunity to learn rather than a one-off lecture.”

Celeste Arrington, Korea Foundation Assistant Professor of Political Science and International Affairs, George Washington University

“Through conversations with other fellows, Princeton faculty, and visitors, I was able to develop my research agenda and write much. I especially benefited from interacting with non-Asia specialists, who pushed me to think more about the portability of my conclusions and relevance of my research. Likewise with the experiences of engaging with non-political scientists. Thanks to the fellowship, I focused on and achieved several tasks this year: publishing journal articles (including some related to my second book), conducting two field-research trips to Korea (September) and Japan (May), and making progress on my second book manuscript. While at LAPA, I have also worked on two new articles and a book chapter.”

Jessica Eaglin, Associate Professor of Law, Indiana University Maurer School of Law

“In my case, the opportunity to discuss mass incarceration spurred the informal student advisory role that I developed throughout the year despite not teaching. It also enriched conversations with my cohort early on and offered a basis to build stronger bonds with my colleagues. . .

. . . I am heartened as I reflect on what has been a fantastic and transformative year... I found this fellowship to be enriching beyond measure.”

Lewis Grossman, Professor of Law, Washington College of Law, American University

“I have nothing but good things to say about my wonderful year at Princeton. I completed a large chunk of my book-in-progress; presented two chapters, one at a LAPA seminar and another at a LAPA workshop; participated in numerous other events in which professors and graduate students presented their own work; personally advised several graduate students; and made many new friends with whom I hope to have fruitful intellectual exchanges with in the years going forward.”

Tomasz Koncewicz, Professor of Law, University of Gdańsk

“At LAPA you never settle for the comfortable and easy ways out. Rather you always strive for understanding that our world is more than meets the eye and calls for an interdisciplinary and multi-dimensional approach. While at LAPA one has all the resources, time (and companionship) to deliver on the promise of such an ambitious agenda.”

Yüksel Sezgin, Associate Professor of Political Science, Maxwell School of Citizenship and Public Affairs, Syracuse University

“I have greatly benefited from the resources made available to LAPA fellows as well as the stimulating intellectual environment you have successfully created in the program. During my fellowship, I have primarily dedicated my time to work on my forthcoming book Making “Shari’a” and Democracy Work: The Regulation and Application of Muslim Family Laws in Non-Muslim Democracies.”

NOTE: Professor Sezgin was the Kathleen and Martin Crane Fellow. He taught a Freshman Seminar comparing judicial reform of Muslim Law in Israel and Greece.
LAPA EVENTS

LAPA SEMINARS

During the school year, LAPA hosts a bi-weekly seminar featuring the work-in-progress of the resident LAPA Fellows and five invited distinguished scholars.

**Law, Science, and Social Movements: How Feminists Altered the AIDS Response**

Aziza Ahmed, LAPA Fellow; Northeastern University School of Law
Commentator: Melissa Murray, Alexander F. and May T. Morrison Professor of Law; University of California-Berkeley Law

**Rights Refracted: Disability Rights Diffusion and Anti-Discrimination Legislation in South Korea and Japan**

Celeste Arrington, LAPA Fellow; Korea Foundation Assistant Professor of Political Science and International Affairs, The George Washington University
Commentator: Frank K. Upham, Wilf Family Professor of Property Law, New York University School of Law

**Challenging Boardroom Homogeneity: Corporate Law, Governance, and Diversity**

Aaron Dhir, Oscar M. Ruebhausen Distinguished Senior Fellow, Yale Law School; Associate Professor, Osgoode Hall Law School, York University
Commentator: Susan Fiske, Eugene Higgins Professor of Psychology, Princeton University

**Penal Managerialism and the Rise of Recidivism Risk at Sentencing**

Jessica M. Eaglin, LAPA Fellow; Indiana University Maurer School of Law
Commentator: Naomi Murakawa, Associate Professor of African American Studies, Princeton University

**Penal Power in America: The Social Roots of Mass Incarceration**

David Garland, Arthur T. Vanderbilt Professor of Law and Professor of Sociology, New York University
Commentator: Jessica M. Eaglin, LAPA Fellow; Associate Professor of Law, Indiana University Maurer School of Law

**The Taming of American ‘State Medicine’: Freedom of Therapeutic Choice in the Progressive Era**

Lewis Grossman, LAPA Fellow; American University Washington College Of Law
Commentator: Angela N. H. Creager, Thomas M. Siebel Professor in the History of Science, Princeton University

**A Social Psychological Interpretation of the Hermeneutic of Suspicion in Contemporary American Legal Thought**

Duncan Kennedy, Carter Professor of General Jurisprudence, Emeritus, Harvard Law School
Commentator: Kim Lane Scheppele, Laurance S. Rockefeller Professor of Sociology and International Affairs, Princeton University

**The Politics of Resentment and the Constitutional Capture: Learning from Constitutional Debacles and Thinking Counter-Strategies and Narratives**

Tomasz Koncewicz, LAPA Fellow, Faculty of Law and Administration, University of Gdańsk
Commentator: R. Daniel Kelemen, Professor of Political Science and Jean Monnet Chair in European Union Politics, Rutgers University

**A Jurisprudence of Spectacular War**

Jothie Rajah, Research Professor, American Bar Foundation
Commentator: Carol Greenhouse, Arthur W. Marks ’19 Professor of Anthropology; Princeton University

**The Role of Judiciary in Reforming Islamic Law in Non-Muslim Democracies: A Comparison of Israel and Greece**

Yüksel Sezgin, LAPA Fellow; Associate Professor, Political Science, Maxwell School of Citizenship and Public Affairs, Syracuse University
Commentators: Aziza Ahmed & Celeste Arrington, LAPA Fellows

For more information on the LAPA Seminar or individual seminars, see [http://lapa.princeton.edu/lapa-seminars](http://lapa.princeton.edu/lapa-seminars)
Harvard professors Steven Levitsky and Daniel Ziblatt delivered the annual lecture entitled “How Democracies Die,” which was taken from their important and timely book about the current challenges to America’s constitutionally ordained government and the values that its leaders have traditionally embraced.

CO-SPONSORED PROGRAMS

CONSTITUTION DAY LECTURE
F%*# Free Speech: An Anthropologist’s Take on Campus Speech Debates
Carolyn Rouse, Professor and Chair of the Department of Anthropology; Director of the Program in African Studies
Cosponsored with the Program in American Studies, the Office of the Provost, and the James Madison Program in American Ideals and Institutions

WALTER F. MURPHY LECTURE IN AMERICAN CONSTITUTIONALISM
Federalism in the Era of Trump: Resistance, Reform, and Compromise
Heather Gerken ’91, Dean; Sol & Lillian Goldman Professor of Law, Yale Law School
Cosponsored with the James Madison Program in American Ideals and Institutions

AMERICAN STUDIES WORKSHOPS
Luisa Coleta and the Capuchin Friar: Slavery, Salvation, and the Adjudication of Status (Havana, 1817)
Rebecca Scott, Charles Gibson Distinguished University Professor of History and Professor of Law, University of Michigan

Amongst the Most Desirable Reading: The Dialectics of British Press Advertising, 1850-1914
Anat Rosenberg, Radzyner Law School

CONFERENCES
American Society for Comparative Law Works-in-Progress Workshop
Cosponsored with the University Center for Human Values

Law, Religion, and Complicity
Organized by the University Center for Human Values

Law and Reproductive Health Politics in an Unjust World: Perspectives from Across the Americas
Organized by the Department of Anthropology

SPECIAL PROGRAMS
 Literary Estate as Mirror of Persecution: The Restitution Case of the Yiddish Poet Naftali Hertz Kon
Tomasz T. Koncewicz, LAPA Fellow; Faculty of Law and Administration, Department of European Law and Comparative Law, University of Gdańsk; Jeffrey Shandler, Chair and Professor of Jewish Studies, Rutgers University; Ina Lancman, daughter of Naftali Hertz Kon
Cosponsored with the Department of Religion, Program in Judaic Studies, Ronald O. Perelman Institute for Judaic Studies, and Council of the Humanities

2017 ADLAI STEVENSON AWARD PRESENTATION AND LECTURE
Peace Processes and Human Rights Advocacy: Is There A Contradiction?
Honoree and Speaker Daniel C. Kurtzer, former U.S. ambassador to Israel and Egypt, and S. Daniel Abraham Professor in Middle Eastern Policy Studies, Princeton University
Organized by the United Nations Association of the United States of America, Princeton-Trenton chapter, and cosponsored with the Woodrow Wilson School of Public and International Affairs
STUDENT PROGRAMS

LAW ENGAGED GRADUATE STUDENTS (LEGS)
SEMINARS
Presentation of works by doctoral students and post-doctoral fellows

What if Surrogacy Was Work?
Sharon Bassan, UCHV / WWS-OPR

The Curious Case of Revd. John Ellis: Church, Property and State in the Early American Republic
Min Tae Cha, UCHV / WWS-OPR

Colonization, Duplication, Evasion: The Institutional Strategies of Autocratic Legalism
Will Freeman, Politics

Taxis, Uber and Myth Making in the Maya Riviera
Brandon Hunter, Anthropology

Sharpening the Focus: The Consequences of the Supreme Court’s Practice of Deciding Questions Rather Than Cases
Ben Johnson, Politics

Fire and Federalism in the Age of Jackson
Jane Manners, History

Regulatory Change and Organizational Identity in the Transformation of American Finance
Sophia Li, Sociology

Renouncing Power, Resisting Change: Judges, Path Dependence, and European Integration
Tommaso Pavone, Politics

Party to the Suit: The ACA & the Wagner Act
James Sasso, Politics

From Rule of Law to Rule of Man: German Jurists Encounter the “Gap,” 1794-1949
Katharina Isabel Schmidt, History

First-Moving Courts
Sepehr Shahshahani, Politics

LAW IN THE PUBLIC SERVICE: NOT JUST FOR LAWYERS
Off-the-record dinner discussions between public policy students and policy makers and scholars

Life After DACA: Navigating Uncertain Terrain
Roberto G. Gonzales, Harvard University

Judges and Policy Makers
The Honorable Deborah T. Poritz, Chief Justice (ret.), Supreme Court of the State of New Jersey

The Rule of Law at Home and Abroad: Not Just for Lawyers and Judges
James R. Silkenat, World Justice Project

The Right to Vote, but Nobody to Vote For: Partisan Gerrymandering in 2017 and Beyond
Sam Wang, Professor of Molecular Biology and the Princeton Neuroscience Institute, Princeton University

Fighting Inequality in the Trump Era
Dorian Warren, President, Center for Community Change Action (CCCA); Fellow at the Roosevelt Institute and Andrea Flynn, Fellow at the Roosevelt Institute

For more information on all of LAPA’s past programming visit the events archives at http://lapa.princeton.edu

Students and faculty at LAPA reception
LAPA hosts dinner for policy students with N.J. Chief Justice (ret.) Deborah Poritz
LAPA WELCOMES 2018-2019 FELLOWS

Full biographical information is available at:
http://lapa.princeton.edu/fellowships/fellows

Amna Akbar, Associate Professor of Law, Moritz College of Law, The Ohio State University

Amna Akbar studies policing and social movements. Her scholarship explores the intersections of national security and criminal law, and the potential of social movements to transform our thinking about law, law enforcement, and law reform. At LAPA she will continue her study of contemporary racial justice movements with anti-capitalist commitments. In particular, she will focus on these movements’ analytic frameworks – which forward a critique of the United States rooted in the global history and contemporary realities of people of color, and a radical vision for a new tomorrow – and how they challenge and expand thinking on race, law, and law reform.

Jay Butler, Assistant Professor of Law, William & Mary Law School

Jay Butler is an expert in private and public international law. His scholarship highlights intersections between corporations and frameworks of global governance and seeks more generally to destabilize long-held, but problematic assumptions in international law. He currently teaches International Business Transactions, Contracts and Extraterritorial Jurisdiction. At Princeton, he will further explore the corporate origins of the modern state and the implications of this background for current processes of international lawmakers.

Elizabeth Sepper, Professor of Law, Washington University School of Law

Elizabeth Sepper is a nationally recognized scholar of public accommodations, religious liberty, and health law. Her recent work focuses on legal theoretical and policy debates related to the antidiscrimination obligations of public accommodations—that is, businesses, social service providers, and membership organizations that are open to the public—under federal, state, and local laws. Her article on the issue of religious objections to gay rights, “Doctoring Discrimination in the Same-Sex Marriage Debates,” has won multiple awards. At LAPA, she will work on a book project she calls Sex in Public: Public Accommodation Law from the Civil War to the Bathroom Wars, tracing how sex shaped the aims and application of antidiscrimination law throughout U.S. history. Professor Sepper is this year’s Kathleen and Martin Crane Fellow.

Yukiko Koga, Assistant Professor of Anthropology, Hunter College, City University of New York

Yukiko Koga specializes in the areas of political economy, legal anthropology, history and memory, post-colonial and post-imperial relations, and transnational East Asia (China and Japan). She is the author of Inheritance of Loss: China, Japan, and the Political Economy of Redemption after Empire (University of Chicago Press, 2016), which explores how the introduction of the market-oriented economy in China created new dynamics concerning the contested yet under-explored past for both Chinese and Japanese. Her current project examines the generational transmission of unaccounted-for pasts stemming from Japanese imperialism in East Asia within the transnational legal sphere. At LAPA, she will work on her book-in-progress, entitled Post-imperial Reckoning: Transnational Legal Redress in East Asia, which is an ethnographic, historical, and legal exploration of a series of collective lawsuits filed by Chinese victims of Japanese imperial violence against the Japanese government and corporations.

Lynda Dodd, Joseph H. Flom Professor of Legal Studies and Political Science at The City University of New York-City College

Professor Dodd’s teaching and research focuses on American political and constitutional development, constitutional law and theory, jurisprudence, and civil rights litigation. Her forthcoming book, Taming the Rights Revolution: The Supreme Court, Constitutional Torts, and the Elusive Quest for Accountability (Cambridge University Press), examines the political and legal debates regarding civil rights litigation under Section 1983, from its origins in the Civil Rights Act of 1871 to the Roberts Court era. As a LAPA fellow she will be completing a new book project entitled Sisterhood of Struggle: Alice Paul, the National Woman’s Party, and the Campaign for the Nineteenth Amendment.
SAVE THE DATES: LAPA FALL SEMESTER PROGRAMS

We provide this sneak peek at some of LAPA's fall public programming. We invite you to subscribe to our This Week at LAPA, an email listing of LAPA and law-related activities emailed each Monday during the school year. To subscribe, email LAPAeven@princeton.edu.

LAPA SEMINARS

September 24 - KAREN TANI, University of California Berkeley School of Law; Visiting Professor, Columbia Law School, Training the Citizen-Enforcers of Disability Rights, 1978-1982

October 8 - GUY-URIEL CHARLES, Duke University School of Law and Duke Law Center on Law, Race and Politics RAP: Racism as Pathology

October 22 - COREY ROBIN, Brooklyn College and CUNY Graduate Center, Invisible Man: The Black Nationalism of Clarence Thomas’s Jurisprudence

November 5 - KENDALL THOMAS, Columbia Law School and Center for the Study of Law and Culture, Critical Race Brown

December 3 - AMNA AKBAR, LAPA Fellow, Moritz College of Law, The Ohio State University, The Problem of Policing

HOT OFF THE PRESS BOOK TALKS: Law-Related Talks given by the Author

October 15 - LIBBY S. ADLER, Northeastern University School of Law, Gay Priori: A Queer Critical Legal Studies Approach to Law Reform

November 9 - RICK HASEN, University of California-Irvine School of Law, The Justice of Contradictions: Antonin Scalia and the Politics of Disruption

December 5 - BRETT FRISCHMANN, Charles Widger School of Law, Villanova Law School, Re-engineering Humanity

SPECIAL PUBLIC EVENT

October 16 - JOHN MARSHALL HARLAN ’20 LECTURE IN CONSTITUTIONAL ADJUDICATION

Full Court Press IV: The Supreme Court, the Media, & Public Understanding

JESS BRAVIN, Supreme Court correspondent, The Wall Street Journal

MARCIA COYLE, Chief Washington Correspondent, National Law Journal

JED SHUGERMAN, Fordham University School of Law Moderated by LESLIE GERWIN, Program in Law and Public Affairs

CONSTITUTIONAL DEVELOPMENT SERIES

September 28 - Slavery and the Constitution: Two New Books, Two Views PAUL STARR, Sociology and WWS, and SEAN WILENTZ, History

Invitation Only

October 10 - Yemen’s Peace Process: Towards Federalism, Chaos or Destruction? ZAID AL-ALI, International IDEA (Tunis)

CO-SPONSORED EVENTS

October 4-5 - Conference DOMESTIC VIOLENCE: THE LIMITS AND POSSIBILITIES OF A CONCEPT

Organized by Barbara Nagel, Department of German

October 12-13 - Conference BETWEEN PRIVATE AND PUBLIC: A CELEBRATION OF PROFESSOR DIRK HARTOG

October 18 - Asian American Studies Lecture Series PROTECTING THE NATION FROM ‘HONOR KILLINGS’: BANNING IMMIGRATION IN THE TIME OF TRUMP

Leti Volpp ’86, University of California-Berkeley School of Law

120 Lewis Library | 4:30 PM

October 19-20 - Conference INTERNATIONAL LAW WEEKEND: WHY INTERNATIONAL LAW MATTERS

Fordham Law School, 150 W. 62 St, NY

Free to Princeton University Students by Registration

November 26 - Annual Walter F. Murphy Lecture in American Constitutionalism RICHARD EPSTEIN, New York University Law School; University of Chicago Law School, Emeritus

4:30 PM

Organized by the James Madison Program in American Ideals and Institutions

November 28-29 - Tanner Lectures on Human Values THE PRESIDENT WHO WOULD NOT BE KING: EXECUTIVE POWER AND THE CONSTITUTION

Michael McConnell, Stanford Law School, and the Hoover Institution

101 Friend Center | 4:30 PM

Organized by the University Center for Human Values

November 29 - CSDP American Politics Colloquium LEGACIES OF LOSING IN AMERICAN POLITICS

Jeffrey Tulis, University of Texas at Austin

12:00-1:20 PM | 300 Wallace Hall

Organized by the Center for the Study of Democratic Politics

Open to Faculty, Fellows, and Graduate Students Only
The Program in Law and Public Affairs (LAPA) explores the role of law in politics, society, the economy, and culture in the United States, countries around the world, and across national borders. Through its programming, teaching, and research initiatives, LAPA combines the multidisciplinary 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.