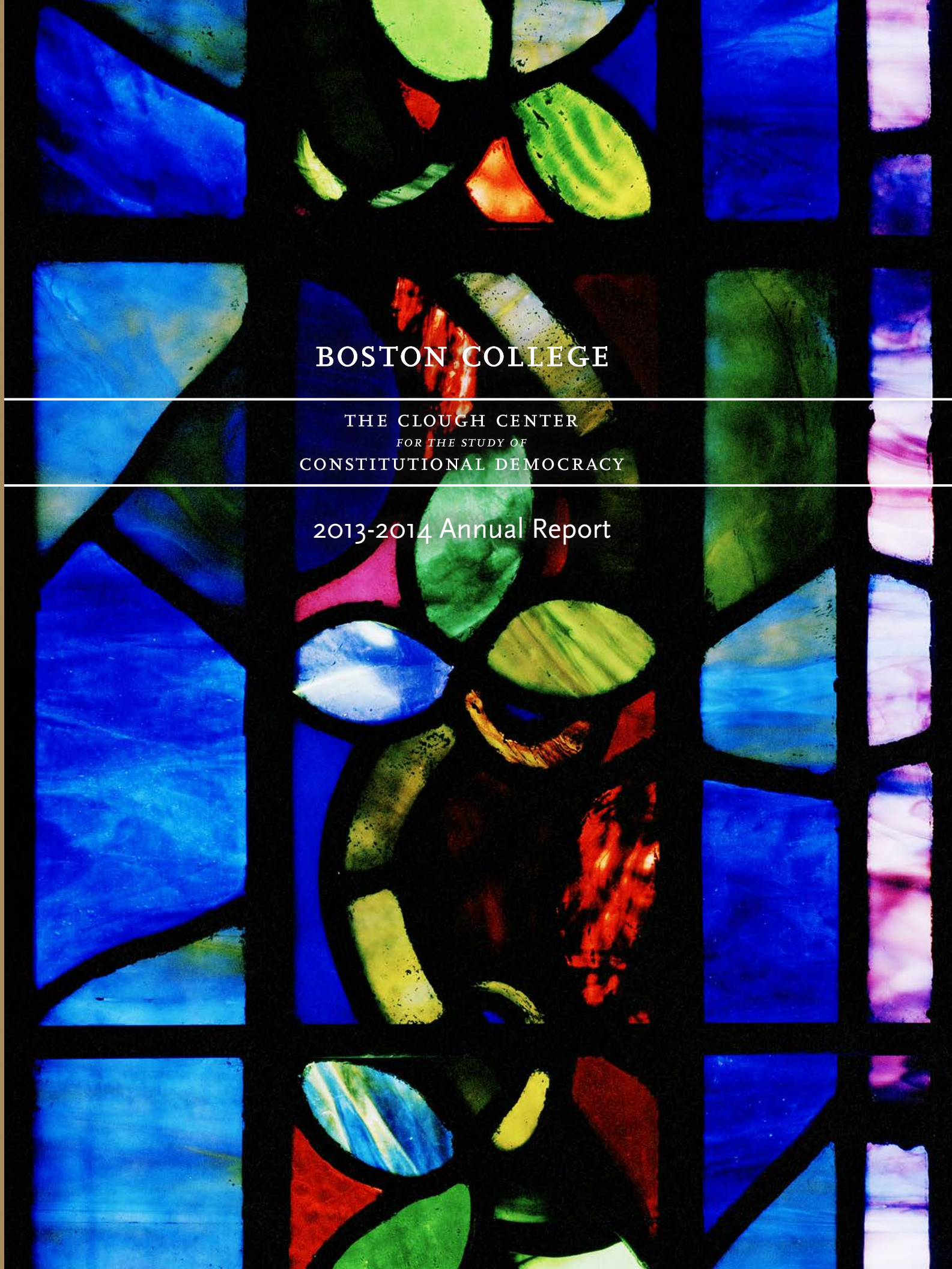

BOSTON COLLEGE

THE CLOUGH CENTER
FOR THE STUDY OF
CONSTITUTIONAL DEMOCRACY

2013-2014 Annual Report

THE CLOUGH CENTER FOR THE STUDY OF CONSTITUTIONAL DEMOCRACY

2013-2014 Annual Report

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From the Director

Welcome to the 2013-2014 Annual Report of the Clough Center for the Study of Constitutional Democracy at Boston College.

Now in its sixth year, the Clough Center has established itself as an interdisciplinary, innovative institution that seeks to reinvigorate and transform the study of the many facets of constitutional democracy. Our approach to the study of constitutionalism is holistic in nature and global in reach, as we foster original research and welcome thoughtful reflection on the promise and challenges of constitutional government in the United States and around the world. In this process, and in keeping with the vision of our benefactors and friends, Gloria and Chuck Clough, the Center offers life-changing educational opportunities to students at Boston College, at both the undergraduate and graduate levels. We aim to create a nurturing and vibrant intellectual environment for the entire academic community, and the public generally. At a time when public debate is too often distorted by the spin-room mentality, the fate of political communities committed to the ideals of freedom, dignity, and equality depends in large measure on learning the skills of civic engagement and thoughtful dialogue.

By any measure, the 2013-2014 academic year at the Clough Center has been extraordinary. We welcomed to Boston College some of the world's most distinguished scholars and organized events that explored topics ranging from Confucian constitutionalism to the ethics of economic incentives and from the future of journalism to the legacy of James Madison. The Center also provided an intellectual home for over 50 graduate and undergraduate students from across the University, an essential part of the vision that Mrs. and Mr. Clough had for this Center and the University.

As you will read in this Report, our major conferences this year covered a wide range of topics and have or will result in landmark publications. Our first conference in the fall semester explored recent worrisome developments in constitutionalism in Central and Eastern Europe. In partnership with the *International Journal of Constitutional Law*, the premier journal in the field of comparative constitutionalism, which will publish the proceedings, we invited scholars from different constitutional jurisdictions in that part of the world to put these developments in context and discuss the fate of constitutional democracy in their region. Our second conference explored the future of journalism, with particular emphasis on international reporting. Bringing to the Clough Center some of the leading foreign reporters of our time, including two laureates of this year's Pulitzer Prize in Journalism (Ewen MacAskill of *The Guardian* and Tyler Hicks of *The New York Times*), this conference explored the state of affairs in foreign news at a time when journalism as a profession is facing existential challenges. Bill Keller, *The New York Times*'s former executive editor, delivered the keynote. Another conference offered our community the occasion to celebrate 100 years since the birth of Albert Camus. The gathering at the Clough Center focused

on Camus's complex relationship with his native Algeria. The conference brought to campus some of the leading Camus scholars, including writer Adam Gopnik of *The New Yorker*. Mr. Gopnik's remarks, like all the Center's lectures and conferences, are available online free of charge on the Center's website. In the spring semester, the Clough Center partnered with the Philosophy Department at Boston College to explore the ethical, political, and aesthetic dimensions of violence. Leading philosophers Elaine Scarry of Harvard and Jeff McMahan of Rutgers delivered the keynote addresses. Finally, our last symposium of the year, organized in partnership with BC's Institute for Liberal Arts, explores the connected histories of Early Modern France and the Americas. A celebration of the creation of the New England Pole of the Institut des Amériques at Boston College, this conference featured some of the leading scholars of the French and American revolutions.

The Center continued this year its flagship initiative in jurisprudence, under the coordination of series director Paulo Barrozo. This year's Clough Distinguished Lecturers included leading philosopher Jurgen Habermas, who lectured on "Transnationalizing Democracy: The Example of the European Union." Other lecturers in this series included Cristina Lafont (Philosophy, Northwestern), Mattias Kumm (Law, Berlin and NYU), Tommie Shelby (Social Theory, Harvard), Kim Lane Scheppele (Sociology and Law, Princeton), John Finnis (Law, Oxford and Notre Dame), Robert Frost (Philosophy, Frankfurt), and Robert Pippin (Philosophy, Chicago). You will find details about this series as well as accounts of each lecture by our graduate fellows in this Annual Report. Videos of all the lectures are available on the Center's website.

The Center has also been proud to support the work of its outstanding student fellows—at both graduate and undergraduate levels—and to be a home for their intellectual explorations. Our Junior Fellows were selected from students awarded competitive Civic Internship Grants. Our Graduate Fellows are a group of accomplished doctoral students from across the University who receive summer funding to support their scholarly projects. During the academic year, Junior and Graduate Fellows are an integral part of the Center's activities. For the first time this year, the Center awarded a number of Public Interest Law Fellowships to students in the Law School who spent their summers working in public interest positions, ranging from environmental justice to criminal defense to disability rights. As in previous years, we have also made available travel grants to our students and faculty to conduct research and participate in conferences.

We remain grateful to our visionary benefactors, Gloria and Chuck Clough, for making all this possible. They knew how important a great center for the study of constitutional democracy would be to a great university. We are delighted that they remain actively involved in the life of the Center by attending events, meeting with our Fellows, and providing guidance and advice as we chart the Center's future. My personal hope is that the Center can live up to their vision and generosity as well as to the bold ambition of our University.

I would like to thank the Center for Centers staff—Monetta Edwards, Michelle Muccini, Yasmin Nuñez, Susan Dunn, and Ana Tejada—for their outstanding work. I am also very grateful to Seth Meehan (Graduate Fellows Coordinator—Fall Semester), Emilie Dubois (Graduate Fellow Coordinator—Spring Semester), Lee Hill (Junior Fellows Coordinator), and Christian Chorba (Graduate Assistant).

I hope that you will enjoy reading our Annual Report. If you would like to learn more about the Center and our programs, please do not hesitate to contact me directly at perju@bc.edu or call 617-552-0981.

VLAD PERJU
Director, Clough Center for the Study of Constitutional Democracy
Associate Professor, Boston College Law School

ABOUT THE DIRECTOR

Vlad Perju is the Director of the Clough Center for the Study of Constitutional Democracy and an Associate Professor (with Tenure) at Boston College Law School. He holds a doctorate (S.J.D. degree) from Harvard Law School, an LL.M. degree summa cum laude from the European Academy of Legal Theory in Brussels, Belgium, and two law degrees from the University of Paris 1 Panthéon-Sorbonne and the University of Bucharest. While at Harvard, he served as a Byse Fellow, a Safra Fellow at the Edmond J. Safra Foundation Center for Ethics and a Research Fellow in the Project on Justice, Welfare and Economics.

Professor Perju's primary research interests are comparative and global constitutional law, European law, international law and jurisprudence. His recent publications include "Reason and Authority in the European Court of Justice," 49 Virginia Journal of International Law *307 (2009) (awarded the 2009 Ius Commune Prize for the best article on European integration); "Cosmopolitanism and Constitutional Self-Government,"* International Journal of Constitutional Law *(I-CON) vol. 8 (3): 326-353 (2010) (selected for presentation as the best paper in constitutional law at the 2010 Yale/Stanford Junior Faculty Forum); "Impairment, Discrimination and the Legal Construction of Disability in the European Union and the United States," 44* Cornell International Law Journal *279 (2011); "Proportionality and Freedom: An Essay on Method in Constitutional Law,"* Journal of Global Constitutionalism *(Glob-Con) vol. 1(2): 334-367 (2012); "Constitutional Transplants, Borrowing and Migrations," in the* Oxford Handbook of Comparative Constitutional Law *(M. Rosenfeld & A. Sajo, eds., 2012), "Cosmopolitanism in Constitutional Law", 35* Cardozo Law Review *711 (2013), and "The Romanian Double Executive and the 2012 Constitutional Crisis", forthcoming in the* International Journal of Constitutional Law *(I-CON) (2014).*

Professor Perju was a Visiting Associate Professor at Harvard Law School in the Fall Term 2011, a Visiting Professor of the Theory of the State at the European Academy of Legal Theory in Brussels, Belgium in 2008 and 2009, and a research fellow at NYU Law School in 2009. In 2008, he received an appointment from the President of Romania to the President's Special Commission on Constitution Reform.

2013-2014 Conferences

FALL 2012

Constitutionalism in Central and Eastern Europe

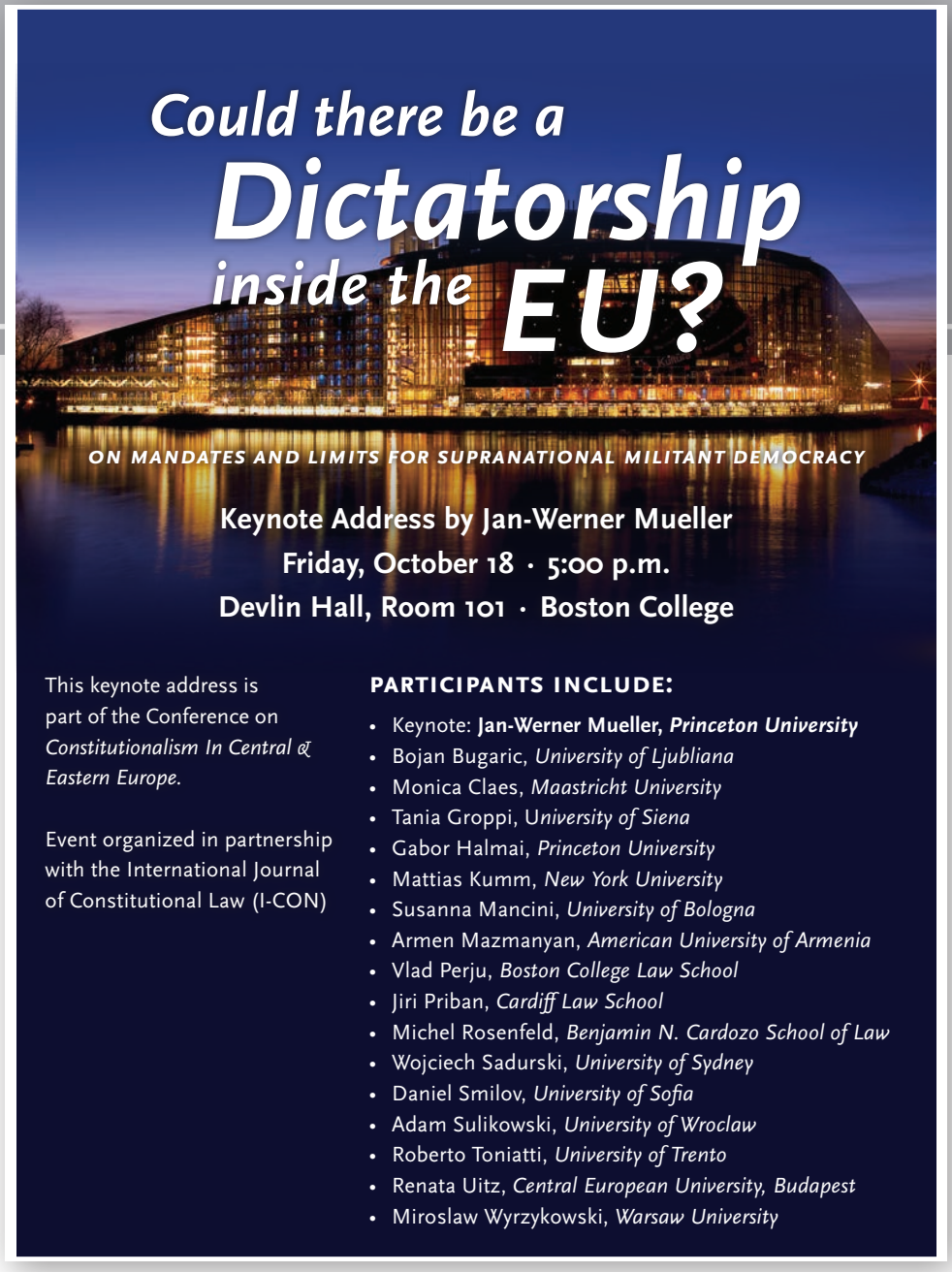
The Future of Journalism: International Reporting and the Public Good

Albert Camus and Algeria

SPRING 2013

On Violence: Ethical, Political and Aesthetic Perspectives

Early Modern France and the Americas: Connected Histories



BY NICOLE POTEAT

Jan-Werner Mueller gave a keynote address in Devlin Hall on October 18, 2013 as part of the Clough Center's Conference on Constitutionalism in Central and Eastern Europe. He spoke of possibilities for a unified governmental body in Europe and the criteria and expectations he would suggest of such a body. He began by detailing recommended criteria for allowance of nations into the unified body, and preceded to discuss its ideal role in the European Union (EU).

Jan Werner Mueller addresses the crowd during his keynote address.

Mueller suggested that the EU would benefit from having a powerfully influential central governing body whose authority was universally recognized amongst its members and whose decisions reined supreme amongst nations. This body would require fine-grained yet holistic political judgment based on a variety of criteria to be used for evaluating potential new member-states. New states should be judged in a systematic way that takes into account partisan issues and risk of instability weighed with the capacity for internal self-correction. Mueller noted that several close examples of such bodies currently exist and may have the potential to evolve into the type of body he envisions. Austria provides one precedent of related bodies that could become this over time. The Venice Committee has the type of high profile independence that could generate the necessary desired public visibility. Independence is necessary for that visibility to exist across the shared public sphere of the EU. This is important because this body must be visible enough and independent enough that, if it were to "raise an alarm" in the EU, people would heed the notice. The goal is to develop the conscious politicization of the EU.

Critics might say that it is all too typical for political scientists to suggest creating a brand new body instead of modifying existing bodies to meet peoples' needs. Why not rely on the Council of Europe, its Venice Commission, or the Fundamental Rights Agency to fill the role that Mueller sees as necessary? Because the mandates of these groups is too narrow. The Fundamental Rights Group focuses on fundamental rights, not the aforementioned holistic set of political needs. The Council of Europe suffers from a potential credibility gap, and creates a risk of member governments giving each other a break in return for leniency in kind. This type of selective isolationist behavior could lead to an approach that lacks the necessary critical eye for effective unified governance. Alternatively to these pre-existing groups, a technocratic approach would also fail due to the difficulty in translating the lived experience values of the European Union. A democratic approach would face difficulty in representing emotionally or otherwise disenfranchised groups that lack a meaningful sphere of public engagement.

This new body must establish legitimacy without solely relying on legal means. This is because the legal route brings issues of the limits of case law being generalized across diverse nations. Additionally, emergency situations often cannot be remedied by slow-moving legal solutions alone. While this may raise a concern of constitutional micromanagement, that concern is unlikely to be realized because the body must recognize that too much meddling would dilute the collective's power. Conflict about individual national values could even yield a more cohesive advisory group.

ABOUT THE AUTHOR

Nicole Poteat is a J.D. candidate at Boston College Law School and an inaugural Clough Public Interest Law Scholar.

Conference Program

FRIDAY, OCTOBER 18

10:30 AM — SESSION I

Bojan Bugaric: Crisis of Constitutional Democracy in Post-Communist Europe: "Lands In between" Democracy and Authoritarianism
Comment: Susanna Mancini

12:30 PM — LUNCH BREAK

1:30 PM — SESSION II

Daniel Smilov: Negative Constitutionalism and Populism: Friends or Foes?
Vlad Perju: Constitutional Coup, Interrupted – Tales from a Romanian Summer
Joint Comment: Mattias Kumm

3:30 PM — BREAK

3:45 PM — SESSION III

Jiri Priban: The Semantics of Constitutional Sovereignty in Post-Sovereign 'New' Europe: A Case Study of the Czech Constitutional Court's Jurisprudence
Comment: Monica Claes

4:45 PM — BREAK

5:00 PM — KEYNOTE

Jan-Werner Mueller: Could there be a Dictatorship inside the EU? On Mandates and Limits for Supranational Militant Democracy

SATURDAY, OCTOBER 19

10:00 AM — SESSION IV

Adam Sulikowski: Constitutional Engineers in Postmodern Conditions: A Polish Case
Comment: Tania Groppi

Armen Mazmanyan: Judicialization of Politics: the Post-Soviet Way
Comment: Miroslaw Wyrzykowski

About the Keynote Speaker

For complete bios of all the conference participants, please visit www.bc.edu/cloughconference.

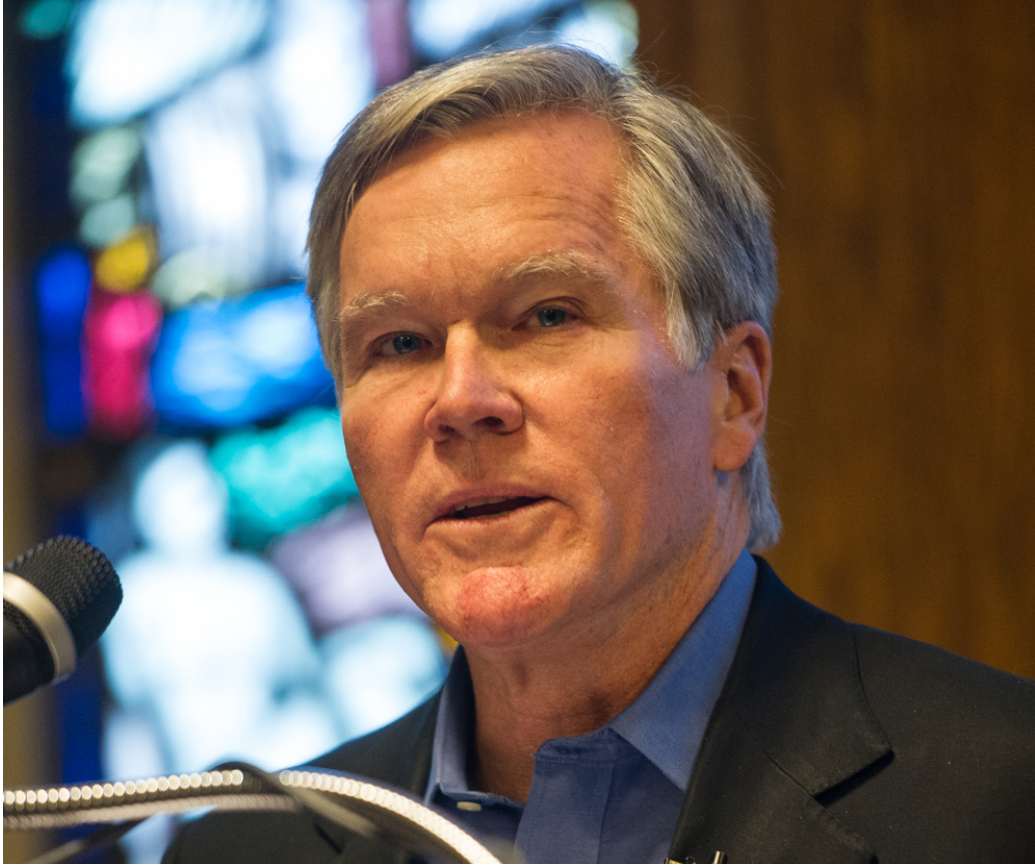
Jan-Werner Mueller studied at the Free University, Berlin, University College, London, St. Antony's College, Oxford, and Princeton University. From 1996 until 2003 he was a Fellow of All Souls College, Oxford; from 2003 until 2005 he was a Fellow at the European Studies Centre, St. Antony's College. Since 2005 he has been teaching in the Politics Department, Princeton University.

He has been a Member of the School of Historical Studies, Institute of Advanced Study, Princeton, and a visiting fellow at the Collegium Budapest Institute of Advanced Study, the Remarque Institute, NYU, the Center for European Studies, Harvard, as well as the Robert Schuman Centre for Advanced Studies, European University Institute, Florence. He has also taught as a visiting professor at the Ecole des Hautes Etudes en Sciences Sociales, Paris, and the Institut d'Etudes Politiques, Paris.

Professor Mueller is a co-founder of the European College of Liberal Arts (ECLA), Berlin, Germany's first private, English-speaking liberal arts college, for which he served as founding research director. He maintains a strong interest in international teaching and research initiatives centered on the liberal arts.

BY ANDREW HAILE

Former *New York Times* editor Bill Keller delivered the keynote speech at the Clough Center's Symposium entitled "The Future of Journalism: International Reporting and the Public Good." His speech touched on the rapidly changing nature of international journalism—a popular topic throughout the event—and asked this surprising question: "Are we in a Golden Age of international news?" His answer? "Yes, BUT." In many ways, he said, we are in a Golden Age: the consumer has more access and exposure to what's happening in the world than she ever has. Thanks to the internet, social media, and globalization, an informed citizen can instantly access information about any of the world's big stories as soon as they've broken. Google trans-



The fully-packed symposium featured journalists from around the world.

late allows immediate translation of foreign news sources. Twitter lets journalists break a scoop in the time it takes to type 140 characters. The world, it seems, has never been smaller.

There is a "But," however. Newspapers all over the world are experiencing budget crunches of the worst kind as print journalism declines. TV news outlets are devoting less and less time to international news as ideologically driven cable media focuses more and more resources on talk-radio style shows. This threatens to create echo chambers which trap consumers into hearing only what they want to hear, rather than reading stories they didn't know they might be interested in. Social media is great, but Twitter is no substitute for an experienced reporter checking facts on the ground and communicating complex concepts to readers unfamiliar with the nuances of a story. The institutional infrastructure supporting foreign journalists continues to crumble, leading to the rise of more freelancing. This discourages some young journalists from entering the field at all, and leaves those who do in greater danger of kidnapping or government interference.

Despite these cons, Keller lauded his news organization, the *New York Times*, for staying the course. Having joined the *Times* in 1984, Keller claimed to have "done just about everything" at the organization. He served as the bureau chief in Moscow during the fall of the Soviet Union, and in Johannesburg during the end of apartheid and the beginning of the presidency of Nelson Mandela. In 2003, he was named Executive Editor of the *Times*, a position he held until 2011. Now he publishes a regular Op-Ed column and writes for *New York Times Magazine*.

From this perch, he's seen a multitude of changes to the news media, and major shifts in the way the *Times* generates revenue. He reminisced about his old office on 43rd Street in Manhattan—it's now a bowling alley. For years he wrote editorials lamenting the "shameful retreat" of newspapers' coverage of international news, and watched paper after paper close their foreign bureaus.

Yet despite this, the *Times*' commitment to international news remained constant. Today, it has 31 full-time foreign bureaus, and employs an international staff that is "as big as it's ever been." Yes, in an age of declining foreign news, the *Times*' persistence in delivering high-quality international reporting has been driven by economics: less competition from other papers has been good business. Yet more than this, the *Times*' continued emphasis on international news has arisen from an institutional commitment to excellent journalism. The presence of Keller, C.J. Chivers, and Tyler Hicks (all heralded *Times* journalists) at this symposium only confirmed that.

ABOUT THE AUTHOR
Andrew Haile is a J.D. candidate at Boston College Law School and an inaugural Clough Public Interest Law Scholar.

Conference Program

MONDAY, OCTOBER 28
THOMPSON ROOM, BURNS LIBRARY

1:15 PM — OPENING REMARKS

1:30 PM — PANEL I
U.S. Correspondents Abroad
CJ Chivers, *NEW YORK TIMES*
Tyler Hicks, *NEW YORK TIMES*
Keith Richburg, *WASHINGTON POST*
Moderator: James Bennet, *THE ATLANTIC*

3:00 PM — BREAK

3:15 PM — PANEL II
International Correspondents In America
Corine Lesnes, *LE MONDE*
Ewen MacAskill, *GUARDIAN*
Christoph von Marschall, *DER TAGESSPIEGEL*
Moderator: Cullen Murphy, *VANITY FAIR*

4:45 PM — COFFEE BREAK

5:00 PM — KEYNOTE ADDRESS
Bill Keller, *NEW YORK TIMES*

5:45 PM — CLOSING

About the Keynote Speaker

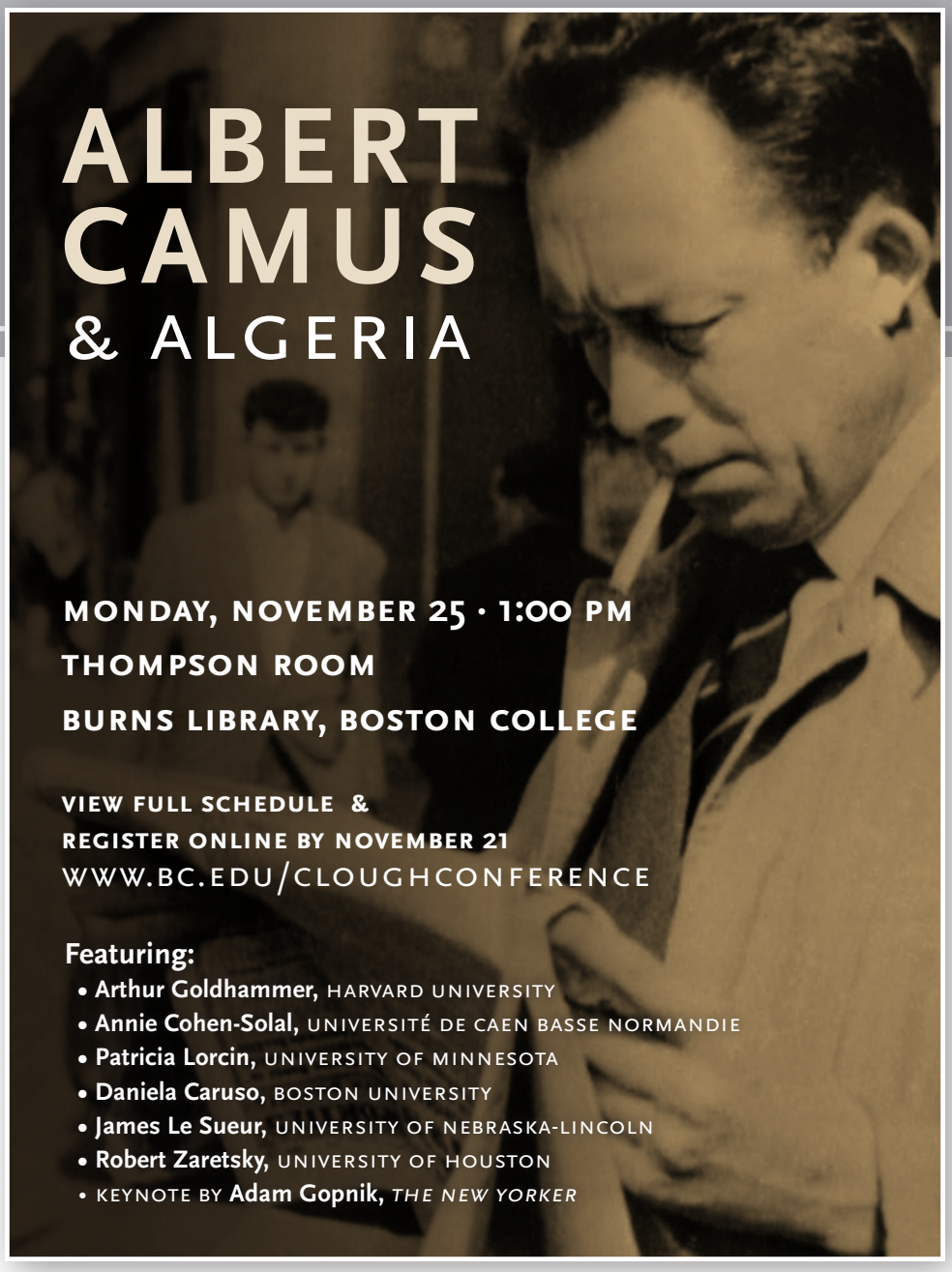
For more information, visit the event page at www.bc.edu/cloughevents.

Bill Keller was executive editor of *The New York Times* from 2003 to 2011 and was an Op-Ed columnist from 2001 to 2003 and again from 2011 to 2014. Mr. Keller joined *The New York Times* in 1984 as a domestic correspondent based in the Washington bureau, reporting variously on labor, agriculture and military affairs.

From July 2003 until September 2011, he was the executive editor of *The Times*, presiding over the newsroom during a time of journalistic distinction, economic challenge, and transformation. During his eight years in that role, *The Times* sustained and built its formidable newsgathering staff, winning 18 Pulitzer Prizes, and expanded its audience by mastering the journalistic potential of the Internet. The newsroom also participated in the creation of a digital subscription plan to help secure the company's economic future.

Before becoming executive editor, Mr. Keller had spent two years as a senior writer for *The New York Times Magazine* and an Op-Ed columnist. He served as managing editor from 1997 to September 2001 after having been the newspaper's foreign editor from June 1995 to 1997.

Mr. Keller graduated from Pomona College with a B.A. degree in 1970 and is a member of the college's board of trustees. He is the author of "The Tree Shaker: The Story of Nelson Mandela," published in January, 2008, by Kingfisher.



BY KELLY DEES

The first panel of the Albert Camus and Algeria symposium began with Arthur Goldhammer's "Algeria Is What Pains Me." Goldhammer currently works at the Center for European Studies at Harvard. The title of his talk was taken from the "Letter to an Algerian Militant," Aziz Kessous, that Camus wrote in 1955. Camus suffered from tuberculosis, so when he compared the pain that Algeria caused him to the pain of sick lungs, he was describing the pain as something born within him, an organic pain stemming from a diseased part of himself. Although it might kill him, it could never be removed, because it was as integral to sustaining his life as his own lungs.

This conference was organized to coincide with Albert Camus's 100th birthday.

This was one of Camus's representations of himself as an Algerian. He expressed this identity in a manifesto published in 1937, entitled "La culture indigène," native culture. His use of the word *indigène*, which French settlers normally used to differentiate the territory's non-French inhabitants from themselves, was a provocation. Camus reluctantly recognizes that, try as he might, he is nevertheless, by birth, not a full-fledged Algerian but un Français d'Algéri, condemned to suffer for the sins of his countrymen. Thus, Camus describes himself on the same page as a man who feels Algeria within him as viscerally as he feels his own lungs, yet he also stands apart as "a Frenchman of Algeria," as alien to Africa as he is estranged from France.

For twenty years, Camus had tried to imagine a community in which the "French of Algeria" and the "Algerians of Algeria" might live in harmony and silence that made possible the "world-love" that he experienced on the beach at Tipasa. The failure of that imagined community pained him.

In Les Noces, Camus speaks of "love," but it is a very peculiar kind of love: not love between two individuals. But the love he claims to crave is the love of the world, or by the world, which he says grew "from it"—that is, from the world—"to me" out of "harmony and silence." Camus is not professing love of the world or nature; rather, he is expressing his craving for the world to love him. He is "proudly conscious" of "sharing" the world's love with "an entire race, born of the sun and the sea, a vigorous and savory race whose grandeur comes from its simplicity."

The use of the word "race" is equally as singular. "Race" is usually intended to imply some kinship of blood, a genealogical filiation. This sense is even stronger in French, where the word also means "breed." The "race" Camus seems to have in mind is not a blood race, however, but a race that coincides with a milieu: everyone who shares the confluence of sun and sea that Tipasa symbolizes for him belongs to it. This is a convenient fiction. In this privileged enclave, this Mediterranean beach that stands for Algeria, there is no colonizer and no colonized, no "Frenchman of Algeria," or "Algerian of Algeria," but only a "vigorous and savory race."

Camus is linking not just literature, but what he calls "doctrines," meaning political ideas wrapped in social movements, to the "race" milieu, and time in which they manifest themselves. Camus means "race" not as the white or brown race but "the peoples of the Mediterranean," who inhabit the "realm of joy and smiles." This Mediterranean has transformed not only Marxism, but also Christianity. Camus also attempts to distinguish Mediterranean fascism from Teutonic fascism.

Camus's spontaneously harmonious "Mediterranean culture" born of sun and sea should be read as an antithesis to the deeply divided colony into which he was actually born. The flight we witness from a divided, contentious reality in a mythic, unified, transcendent horizon of the imagination was the fundamental movement of Camus's mind.

Next, Annie Cohen-Solal spoke with her title "Pour une approche géopolitique des relations entre Camus, Sartre et l'Algérie." Cohen-Solal was born in Algeria and is currently a Professor in Paris. She has written extensively on the life and works of Jean-Paul Sartre and compared his life to Camus. She took the point of view of geo-politics, and asked the question of how the Camus debate of Algeria can be looked at in a geopolitical view. She

wondered how Algeria became Sartre territory and not Camus, both politically and physically.

Cohen-Solal explained that Camus is someone who stops liking trouble and begins to restrain himself and his travels. Camus leaves Algeria in 1935 and goes to France and Italy in 1937. During that time, Camus was a writer deeply committed to Algeria.

During World War II, from 1939 to 1945, Camus was in charge of *Combat*, an underground newspaper published by a French resistance cell. He sent Sartre to the United States, and this is when Sartre "wakes up," because he discovers the racial discrimination occurring in the United States. Sartre is supposed to be praising the United States war; but he is bored so instead talks about what he sees: racism. He accuses the United States of discrimination and reports about the tragic situation of African Americans in the United States.

Camus is more loved, embraced, and criticized in Algeria because the Algerian government has blocked all French actors, even those that helped Algeria during the revolution. However, Sartre, by adopting an Algerian girl, has also created a bond with Algeria.

Last, Robert Zaretsky spoke on his topic on "The Measure of Moderation: Camus and la pensée de midi." Zaretsky is a professor at the University of Houston's Honors College and specializes in French history. His latest book is titled, A Life Worth Living: Albert Camus and the Quest for Meaning.

There is an undeniable aspect of nostalgia to Camus's rendering of his country and its past, but this does not undermine its validity. Algeria is never far from the center of Camus's life and work. Camus tended to see his native country through his readings of ancient Greek and myth tragedy.

A notion that repeatedly appears in Camus's writing is measure or moderation; in fact, Camus was immoderate in his use of the word "moderation." This raises the question of what exactly is moderation. Is it nothing more than a disposition or characteristic, or is it instead a political position? In a sense, the word is meant for someone in a middle ground when none was thought to exist.

One cannot achieve moderation by reading and theorizing, but instead, by essay. The trial and error, working towards something, being aware at all times that everything is temporary and there is never a final stop. This is similar to the rebel, someone that resists outrage done against him but also resists the desire to become an oppressor in turn. The rebel refuses to be either a victim or an executioner. In defense of the rebel, Camus reaffirms his notion of measure: not the resolution of contraries, but the affirmation of contradiction itself and the decision to hold firm to it, come what may. The notion of measure is an affirmation of our tragic condition.

ABOUT THE AUTHORS
Kelly Dees is a J.D. candidate at Boston College Law School and an inaugural Clough Public Interest Law Scholar.

Conference Program

MONDAY, NOVEMBER 25

1:00 PM — PANEL I: Kingdom
THOMPSON ROOM, BURNS LIBRARY

Arthur Goldhammer, HARVARD UNIVERSITY
"Algeria Is What Pains Me"

Annie Cohen-Solal, UNIVERSITÉ DE CAEN BASSE NORMANDIE
"Pour une approche géopolitique des relations entre Camus, Sartre et l'Algérie"

Robert Zaretsky, UNIVERSITY OF HOUSTON
"The Measure of Moderation: Camus and la pensée de midi"

2:30 PM — COFFEE BREAK

3:00 PM — PANEL II: Exile
THOMPSON ROOM, BURNS LIBRARY

Patricia Lorcin, UNIVERSITY OF MINNESOTA
"Politics, Artistic Merit and the Posthumous Reputation of Albert Camus"

James Le Sueur, UNIVERSITY OF NEBRASKA-LINCOLN
"Albert Camus and the Anticolonials"

Daniela Caruso, BOSTON UNIVERSITY
"Law for Algeria: A European Perspective"

4:30 PM — COFFEE BREAK

5:00 PM — KEYNOTE ADDRESS
HEIGHTS ROOM, CORCORAN COMMONS

Adam Gopnik, *THE NEW YORKER*

RECEPTION TO FOLLOW

About the Keynote Speaker

For complete bios of all the conference participants, please visit www.bc.edu/cloughevents.

Adam Gopnik has been writing for *The New Yorker* since 1986. During his tenure at the magazine, he has written fiction and humor pieces, book reviews, Profiles, reporting pieces, and more than a hundred stories for The Talk of the Town and Comment.

Gopnik became *The New Yorker*'s art critic in 1987. In 1990, he collaborated with Kirk Varnedoe, the former curator of painting and sculpture at the Museum of Modern Art, on the exhibition "High & Low: Modern Art and Popular Culture," and co-wrote the book of the same name. In 1995, Gopnik moved to Paris and began writing the Paris Journal column for the magazine. An expanded collection of his essays from Paris, "Paris to the Moon," appeared in 2000. While in Paris, he also wrote an adventure novel, "The King in the Window," which was published in 2005. Gopnik has edited the anthology "Americans in Paris," for the Library of America, and has written introductions to new editions of the works of Maupassant, Balzac, Proust, and Alain-Fournier.

His most recent book, "Through the Children's Gate: A Home in New York," (2006), collects and expands his essays about life in New York and about raising two children here. It includes the essays "Bumping Into Mr. Ravioli," about his daughter's imaginary friend, and "Last of the Metrozoids," about the life of Kirk Varnedoe and the year before his death, in 2003.

Gopnik has won the National Magazine Award for Essays and for Criticism three times, and also the George Polk Award for Magazine Reporting.

On Violence:

Ethical, Political and Aesthetic Perspectives

FILM FESTIVAL:

February 20, 27, &
March 10 – 12, 2014
Boston College

CONFERENCE:

March 13 – 15, 2014
Stokes Hall, Boston College

KEYNOTE SPEAKERS:

Jeff McMahan, RUTGERS UNIVERSITY
How to Think About the Morality of War

Elaine Scarry, HARVARD UNIVERSITY
The Floor of the World

Eyal Sivan, FILMMAKER
Representation of Violence

James Bernauer, S.J., BOSTON COLLEGE
Suicidal Existence: Women, Violence, Death

Julian Bourg, BOSTON COLLEGE
Theory and Terror Since 9/11

Image: *Guernica* by Pablo Picasso (1937);
© 2013 Estate of Pablo Picasso/Artists Rights Society (ARS), New York.

View Full Schedule & Register Online at:
www.bc.edu/cloughconference

BY KIARA KHARPERTIAN

Co-sponsored by the Clough Center and BC's Philosophy Department, Jeff McMahan's talk "On Violence," delivered on March 14, 2014, offered those in the audience unfamiliar with its argumentative style and organizational rubrics a glance into academic philosophy and debate. McMahan adhered to a traditional method of parsing through a primary question through a series of hypothetical situations that broke down the primary components of that question and made those components increasingly complicated. Overall, McMahan sought to disrupt the audience's conceptions of defense and revenge; in that vein, his primary question was "Does a country

The Clough Center partnered with the Philosophy department to organize this conference.

ever have the right to defend itself against attack and against whom is that defense then permissible?"

To begin, McMahan introduced his hypothetical situation: suppose 100 lesser aggressors of Country A stood in a room and each controlled a button. When each pressed his button, 100 citizens of Country B experienced pain. The questions McMahan used this example to pose immediately showcased the intricacies of his primary question. While, he suggested, it is one thing to ask if Country B can defend itself, the flip side of that question touches on more morally suspect ground: "Are soldiers from Country A individually liable?" This question became especially difficult to answer as McMahan offered different scenarios of how the aggressors were delivering pain to their victims. In one scenario, each aggressor's button caused one citizen of the 100 extreme pain; in other, each aggressor's button contributed an imperceptible amount of pain to each of the 100 citizens, which, when all buttons were pressed, caused the total 100 citizens extreme pain.

McMahan posited that the common sense response of most countries and the international community in times of war is yes, Country B does have the right to defend itself and yes, Country A's aggressors are liable. However, as his scenarios became more complicated, the assumptions and blind spots these answers rested upon came to light. For instance, on the one hand, McMahan argued that if you could end Country A's aggression, then killing its soldiers would be justified and would be considered a lesser evil than the soldier's overall actions. But, on the other hand, in his second scenario listed above, all the soldiers are performing the same act. In that case, they are not all liable to be killed because each is only contributing to a fraction of Country B's citizens' suffering. This contradiction opened up the moral dimensions of "combined justification," in which multiple justifications for killing the aggressors are combined and weighed against the fixed harm of the victims to measure the amount of harm done across multiple outcomes.

Lastly, McMahan contextualized his hypothetical situations to offer some final complications. "During times of war, tax paying voters," he suggested, "do have some features of lesser aggressors." In other words, if those paying taxes financially support an unfair war, are they liable as contributors for the harm their country is perpetuating? The answer, of course, is no, which sheds light on the multiple contributions to aggression at hand, especially in times of war. If and how much someone is liable, McMahan thus concluded, depends on not only the degree of contribution, but also the state of the victims at the end of aggression. Moreover, in order for a person to be morally liable to be killed to prevent harm, the killing of that person must be part of an act that would significantly reduce the harm done to the victims.

While the philosophical, Socratic format of McMahan's talk was slightly difficult to grasp at first, it ultimately proved an excellent oral rubric for the topic at hand. Exploring the variety of complications that are connected to the question of wartime retribution demands a certain dexterity in thought, which McMahan deftly executed with this method.

ABOUT THE AUTHOR

Kiara Kharpertian is a Ph.D. candidate in English at Boston College and a Clough Center Graduate Fellow.

Conference Program

THURSDAY, MARCH 13

6:30 PM — ***Keynote Address by Eyal Sivan, Filmmaker***
Higgins 300

7:00 PM — ***The Specialist*** (Eyal Sivan, 1999)
Film Screening

9:15 PM — **Roundtable: *The Representation of Violence***
With Eyal Sivan (filmmaker), Peter Hanly (Boston College), and John Michalczyk (Boston College)

FRIDAY, MARCH 14

4:15 PM — **Roundtable**
Violence as Communication
by James Gillcrist, Kansas University

Drones, Risk, and Killing as Sacrifice: The Cost of Remote Warfare
by Joe Chapa, Boston College

» Stokes Hall, 203N

5:15 PM — **Coffee Break**

5:30 PM — **Welcome Remarks**

» Stokes Hall, 203N

5:40 PM — **Keynote Address:**
How to Think About the Morality of War
by Jeff McMahan, Rutgers University
Respondent: Micah Lott, Boston College

» Stokes Hall, 195S

SATURDAY, MARCH 15

9:00 AM — **Breakfast**

» Stokes Hall, 203N

9:30 AM — **Roundtable**
Violence as Communication
by James Gillcrist, Kansas University

The Biopolitics of Revenge in a Nietzschean Theory of Justice
by Blake Wilson, Binghamton University

Spaces of Revolt: Lacan, Kristeva, and the Ethics of Desire in Kara Walker's Trauma Aesthetic
by Amy Stewart, SIU Carbondale

» Stokes Hall, 203N

11:00 AM — **Coffee Break**

11:15 AM — **Keynote Address: *Suicidal Existence: Women, Violence, Death***
James Bernauer, S.J., Boston College
Respondent: Aspen Brinton, Boston College

Keynote Address: *Theory and Terror Since 9/11*
Julian Bourg, Boston College
Respondent: David Rasmussen, Boston College

» Stokes Hall, 195S

12:45 PM — **Lunch**

2:00 PM — **Roundtable**
The Violence of Promises
by Peter Antich, University of Kentucky

On the Immanent Production of Moral Technology
by Hayyim Rothman, Boston College

» Stokes Hall, 203N

Coffee Break

3:30 PM — **Keynote Address: *The Floor of the World***
by Elaine Scarry, Harvard University

3:45 PM — Respondent: Paulo Barrozo, Boston College Law School

» Stokes Hall, 195S

About the Keynote Speakers

For more information, visit the event page at www.bc.edu/cloughconference.

Jeff McMahan began his doctoral work at Oxford University under the supervision of Jonathan Glover and Derek Parfit, then completed the Ph.D. at Cambridge University under the supervision of Bernard Williams. He is the author of *The Ethics of Killing: Problems at the Margins of Life* (2002) and *Killing in War* (2009). He has several other books forthcoming from Oxford University Press, including a collection of essays called *The Values of Lives*, a book on war intended for both academic and nonacademic readers called *The Right Way to Fight*, and a sequel to his 2002 book called *The Ethics of Killing: Self-Defense, War, and Punishment*.

Elaine Scarry is the Walter M. Cabot Professor of Aesthetics and General Theory of Value at Harvard University. Her research interests include beauty and its relation to justice; mental, verbal, and material creation; citizenship and consent; the language of physical pain; 19th-Century British Novel; and 20th-Century Drama. She is the author of several works, including *Thermonuclear Monarchy* (2014), *Thinking in an Emergency* (2011), *Rule of Law, Misrule of Men* (2010), *Who Defended the Country?* (2003), *On Beauty and Being Just* (1999), *Dreaming by the Book* (1999), *Resisting Representation* (1994), and *The Body in Pain* (1985).

BY GRÁINNE MCEVOY

In his keynote address to open a two-day conference on early modern France and the Americas, co-sponsored by the Boston College Institute for the Liberal Arts, David A. Bell, Professor of History at Princeton University, made a compelling argument that the separation of society into opposing "military" and "civilian" spheres was a product of late-18th century Age of Revolutions.

The Clough Center co-sponsored this event to honor the creation of the Institut des Amériques at Boston College.

Urging his audience to "think ourselves back into the past" Bell cast the history of the Revolutionary and Napoleonic era in fresh relief. Sharing some preliminary thoughts on his new project (provisionally titled *Men on Horseback: Militarism and Charismatic Authority in the Age of Revolutions*) Bell explained that his goal has been to challenge the idea that at any time in history all societies were divided into separate military and civilian segments. In such societies military life would have had an institutional, intellectual, and cultural life that was distinct from that of non-military constituencies. Before the 1790s, Bell pointed out, the concept of a "civilian" did not exist with its modern meaning, but rather signified a type of lawyer. He reasoned that without a distinct civilian life, in the more contemporary sense of the word, a dichotomous military life could not have existed.

To illustrate the absence of this separation before the Age of Revolutions, Bell applied the modern conception of military and civilian life to two older models of social organization: the three estates of the pre-revolutionary era; and the ancient republic. He argued that while the second estate – the nobility – certainly filled the ranks of the military, many aristocrats did not serve, nor was this segment of society solely identified with military life. In the ancient republican model, every citizen was a potential soldier, ready to sacrifice his life for the cause, and so civilian and military life were two parts of an integrated whole. Neither of these two dominant models of social organization allowed Europeans to conceive of separate military and civilian spheres.

Bell traced the transition to an era in which militarism became recognized as a separate sphere in modern society through two turning points. In this narrative, leaders of republican revolutions initially expressed their fear and rejection of the standing armies that began to emerge in the 17th and 18th centuries under the control of despotic monarchies. In the North American context, Josiah Quincy expressed such anxiety about the British army in the colonies when he complained: "What a deformed monster is a standing army in a free nation." According to Bell, this critique of the existence of a permanent and separate military class was accompanied by another intellectual development in which war was imagined as fundamentally anti-civil, and against the "spirit of the age" that governed polite, commercial, and peaceful societies of the post-Enlightenment revolutionary era. Leaders of revolutionary movements in France, North America, and Haiti drew on these critiques as they overthrew aristocratic elites. Once this revolution had been achieved, however, Bell described how political and intellectual leaders came to embrace militarism as a separate, invaluable, and triumphant sphere within public life. By the end of the 18th century, he argued, these leaders saw war as a potentially redemptive force, one which rejuvenated the people and regenerated the republic through the spilling of blood. Since the nation's standing armies had been purged of aristocratic elements, new claims could be made for the legitimacy of military institutions that were separate from the republic's civilian life. Bell drew this re-imagined narrative together by arguing that Napoleon Bonaparte, as "the new mystique of war personified," was the great beneficiary of these developments. Bell's exploration of shifts in intellectual and institutional life by the 18th century constitutes a new rationale and narrative arc for understanding how the ideals of the French Revolution helped produce a charismatic, authoritarian, and militaristic emperor.

ABOUT THE AUTHOR

Gráinne McEvoy is a Ph.D. candidate in History at Boston College and a Clough Center Graduate Fellow.

Conference Program

FRIDAY, MAY 2

4:00 PM — WELCOME AND INTRODUCTIONS

Owen Stanwood, *Boston College*
Bertrand Van Ruymbeke, *Université de Paris VIII/Institut des Amériques*

4:30 PM — KEYNOTE ADDRESS BY DAVID A. BELL, *PRINCETON UNIVERSITY*

"Militarism and Charismatic Authority in the Age of Revolutions"

Chair: Thomas Dodman, *Boston College*

5:30 PM — RECEPTION

McElroy Commons, Room 237

SATURDAY, MAY 3

8:30 AM — BREAKFAST

9:00 AM — SESSION I: MISSIONS AND MISSIONARIES

Chair: Virginia Reinburg, *Boston College*
"The Recollects in New France"
Caroline Galland, *Université de Paris Nanterre*
Respondent: Leslie Choquette, *Assumption College*

10:30 AM — COFFEE BREAK

11:00 AM — SESSION II: POLITICAL ECONOMICS

Chair: Malick Ghachem, *Massachusetts Institute of Technology*
"'The Fox's Bearing…Is Better than the Lion's': A Journey Through the French Empire in the Age of John Law"
Christopher Hodson, *Brigham Young University*
Respondent: Alexandre Dubé, *Washington University in St. Louis*

12:30 PM — LUNCH BREAK

1:30 PM — SESSION III: SCIENCE AND ENLIGHTENMENT

Chair: Ourida Mostefai, *Boston College*
"Enlightenments Abroad: Classifying Tropical Nature from the Catalog to the Cabinet"
Neil Safier, *John Carter Brown Library*
Respondent: Christopher Parsons, *Northeastern University*

3:00 PM — COFFEE BREAK

3:30 PM — SESSION IV: REVOLUTIONS

Chair: Julia Gaffield, *Brandeis University*
"Some Reflections on Connecting French and U.S. Histories in the Age of Revolutions"
François Furstenberg, *Johns Hopkins University*
Respondent: Marie-Jeanne Rossignol, *Université de Paris Diderot*

About the Keynote Speaker

For complete bios of all the conference participants, please visit www.bc.edu/cloughevents.

David A. Bell is the Sidney and Ruth Lapidus Professor in the Era of North Atlantic Revolutions and professor of History at Princeton University. He is a historian of early modern France, whose particular interest is the political culture of the Old Regime and the French Revolution. He attended graduate school at Princeton, where he worked with Robert Darnton, and received his Ph.D. in 1991. From 1990 to 1996 he taught at Yale, and from 1996 to 2010 at Johns Hopkins, where he held the Andrew W. Mellon chair in the Humanities, and served as Dean of Faculty in the School of Arts and Sciences. He joined the Princeton faculty in 2010.

Bell has written three books. *Lawyers and Citizens* (1994) examined the politicization of the French legal profession in the eighteenth century, showing how spaces for radical criticism of the French monarchy first opened up within the structure of the French state itself. *The Cult of the Nation in France (*2001) argued that nationalism, as opposed to national sentiment, was a novelty of the French Revolutionary period, and that it arose both out of, and in reaction to, Christianity. The *First Total War* (2007), is a general study of the political culture of war in Europe between 1750 and 1815, which showed how an aristocratic culture of limited warfare gave way to a world in which total war was possible—and in which, between 1792 and 1815, it actually took place. His major current project is a comparative and transnational history provisionally entitled *Men on Horseback: Militarism and Charismatic Authority in the Age of Democratic Revolutions*.

2013-2014 Center Lectures

FALL 2013

Mary Sarah Bilder · Law, Culture, & Legacies of Slavery

Unconstitutional Constitutional Amendments Panel

David Kirp · The Future of America's Schools

Mattias Kumm · Cosmopolitan Legitimacy in Constitutional Democracy

Vali Nasr · American Foreign Policy in the Middle East

Quebec Secession: Constitutional, Comparative, and Historical Perspectives Panel

Cristina Lafont · Global Governance, Human Rights and the Responsibility to Protect

Charles Griswold · Exchange and Self-falsification: J.J. Rousseau and Adam Smith in Dialogue

Tommie Shelby · Punishment, Condemnation, and Social Injustice

SPRING 2014

Anne Applebaum · True Believers: Collaboration and Opposition under Soviet Totalitarianism

Kim Lane Scheppele · The International Legal Legacy of the Global War on Terror

Mark Mazzetti · The Shadow War

John Finnis · Prisoners' Votes and Judges' Powers: Foreign Parables and Home Truths

Robert Pippin · Critical Theory as Political Philosophy? Reflections on Honneth and Hegelianism

Ruth Grant · Strings Attached: Untangling the Ethic of Incentives

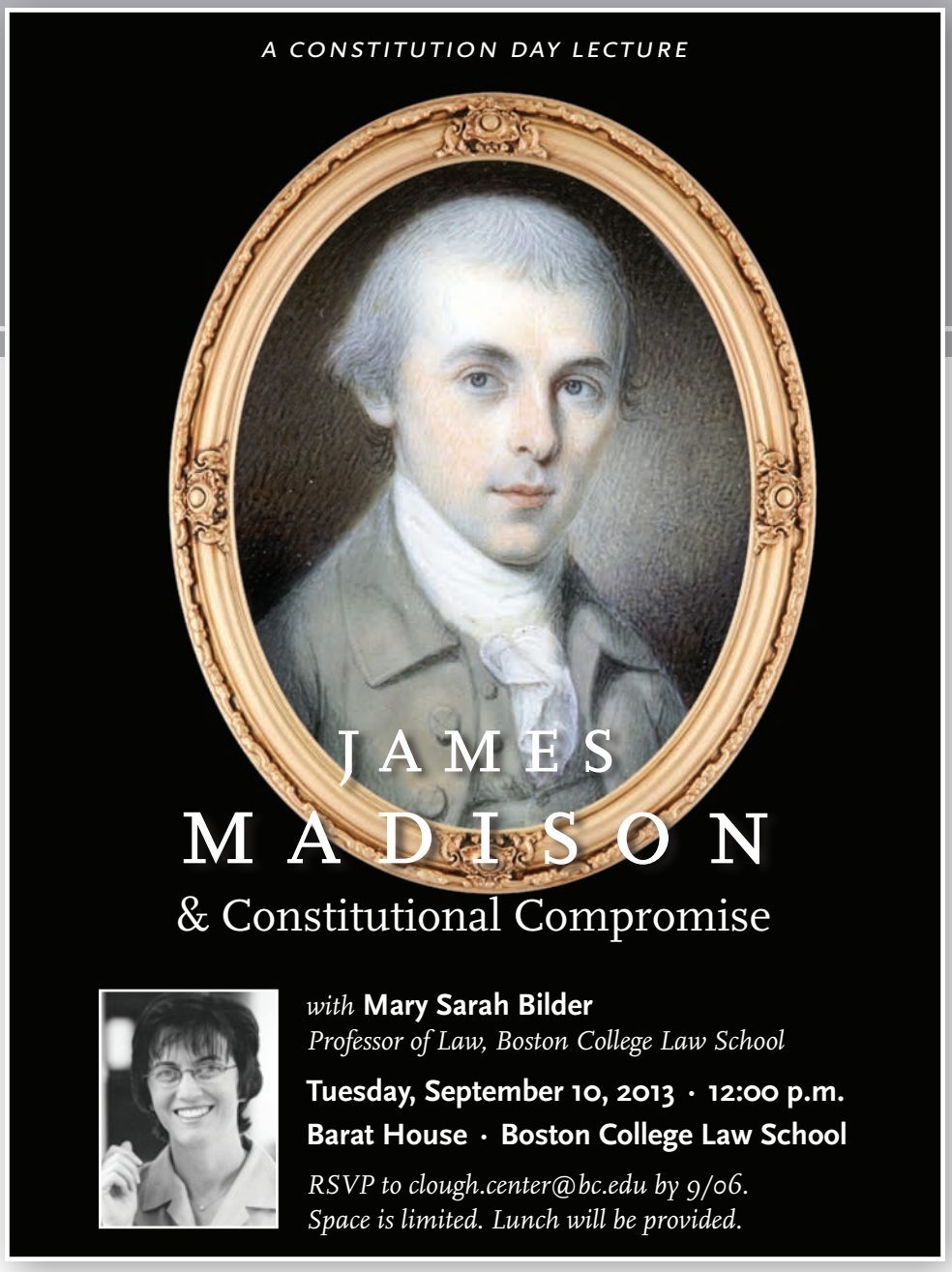
Joseph Chan · Confucianism and Liberal Democracy: Uneasy Marriage or Productive Partnership?

In the Balance: Law and Politics on the Roberts Court Panel

The Power of Money Panel

Rainer Forst · Transnational Justice and Democracy: Overcoming Three Dogmas of Political Theory

Jurgen Habermas · Transnationalizing Democracy: The Example of the European Union



BY TERE RAMOS

With the threat of a federal government shutdown looming in the horizon, BC Law professor Mary Sarah Bilder gave a lively lecture about James Madison and compromise during the Constitutional Convention.

Professor Bilder began her lecture by observing that in American political culture, we often talk about compromise as an important American political value. Americans seem to believe, she noted, "that American politics should always proceed by inevitable compromise, even if it encourages and gives voice to ever-extreme political positions." The existing rhetoric about the value of compromise as a national good could well be a result of what we are told about the

BC Law professor Mary Sarah Bilder addresses a crowd during the Constitution Day Lecture.

founding of the Constitution. Conventional stories, presented in everything from movies to children's literature, talk about how the delegates made three brilliant compromises.

Focusing on James Madison, Bilder outlined these compromises, and talked about how the story of the Convention can be shown to show a different lesson: that there are good and bad compromises, and that compromises can have more to do with individuals than inevitable forces.

Madison wasn't the only note taker at the Convention, but he left the only seemingly complete set of notes of the proceedings of the Constitutional Convention of 1787. According to Bilder, in part because of these notes, and in part because he was "the consummate American politician," James Madison turned out to be at the center of all three compromises. She then detailed how, according to her model, Madison "stood in the way" of the first compromise, can be blamed in large part for the second, and deserves credit for the third.

The first compromise was over federalism, most precisely the division of voting power in Congress. Bilder argued that historians and constitutional law experts misunderstand the nature of the conflict with small states, in that those states wanted political power that would be wrestled away by the large states if proportional representation won. James Madison, Bilder argued, wanted to block equal state suffrage more than any other commitment. Proportional representation provided freedom from

domination by Virginia politicians, whom he so despised. After two months of arguments, the Convention voted for the configuration that created our Modern Congress. In Bilder's view, we should be grateful that Madison failed; the Great Compromise ensures that large states and large cities do not completely control American politics.

The second compromise, Bilder noted, "was a bad compromise." Bilder argued that this compromise eventually brought about the Civil War. She noted that the 1787 Constitution protected slavery, without ever using the word slave. The notion that the founders had not thought about the slavery issue is misguided. South of Virginia, abolition seemed a threat to growing states' economies. Those three Southern states, she noted, pushed the other 9 or 10 to comprise on the rights and future of enslaved people. Why? Bilder placed significant responsibility on this compromise to James Madison. Madison introduced the idea of a compromise over slavery to try to win proportional representation in both branches. As a last ditch effort, he proposed constitutionalizing the regional difference over slavery. Equal state suffrage won regardless, and the 3/5 clause, rejected earlier by the Convention, was adopted. In the end, she argued, Madison was willing to sacrifice ¾ of a million people and allow the rise of southern slave power for his obsession with winning proportional representation.

The third compromise is perhaps the best known—the decision to add amendments relating to the Constitution. Bilder argued that without Madison, we would have no rights in our Constitution. When the Constitution was completed in September 17, 1787, it did not include a bill of rights, and there was no bill of rights in any of the drafts presented to the Convention. The idea was eventually proposed on September 12 when the Convention was putting the final touches on the final draft of the Constitution, and the additions were perceived as a delaying tactic. Gradually, the absence of a bill of rights became a debating point in the ratification conventions, although not the most common complaint about the Constitution, as states complained more about national funding mechanisms, than the omission of rights.

Bilder argued that once the Constitution was ratified, no one seemed to care that much about rights. At that moment, when no compromise was any longer necessary, James Madison played his important role. In Congress, he drafted and proposed amendments to be added to the Constitution.

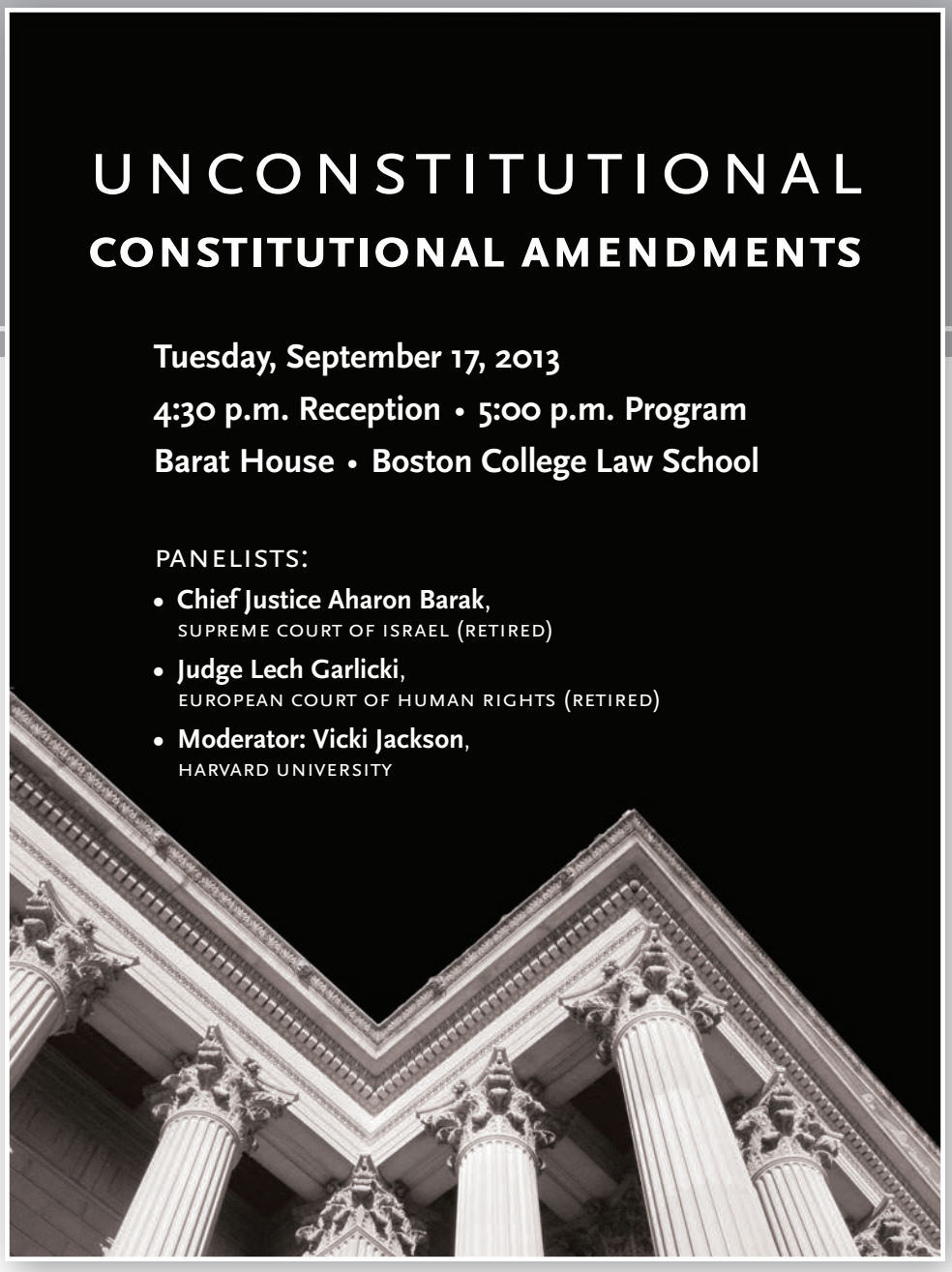
Having outlined Madison's role in the Constitutional process, Bilder left the audience with a lighthearted story to highlight the importance of Madison's bill of rights. Two hundred and twenty five years later, she said, Americans have bills of rights for patients in hospitals, for subway riders, for airplane passengers. Even fast food chains have bill of rights. In the end, Bilder concluded, individuals matter; compromises may be good, or they may be bad, but they are rarely inevitable.

ABOUT THE AUTHOR
Tere Ramos is a J.D. candidate at Boston College Law School and an inaugural Clough Public Interest Law Scholar.

About Mary Sarah Bilder

For more information, including a video recording of the event, visit the event page at www.bc.edu/cloughevents.

Professor Mary Sarah Bilder teaches in the areas of property, trusts and estates, and American legal and constitutional history at Boston College Law School. She received her B.A. with Honors (English) and the Dean's Prize from the University of Wisconsin at Madison, her J.D. (magna cum laude) from Harvard Law School, and her A.M. and Ph.D. from Harvard University in the History of American Civilization. She was a law clerk to the Hon. Francis Murnaghan, Jr., U.S. Court of Appeals, Fourth Circuit. She writes primarily in the areas of constitutionalism and the history of the Constitution, early American legal culture and the legal profession, and the history of the book and legal education. She was the Lucy G. Moses Visiting Professor at Columbia Law School in 2001 and was a visiting professor at Harvard Law School in the spring of 2008. Professor Bilder is a member of the American Law Institute, the Colonial Society of Massachusetts, the Massachusetts Historical Society, and a Fellow of the American Bar Foundation. She is member of the State Bar of Wisconsin (inactive status). She was given the Emil Slizewski Faculty Teaching Award in 2007 and was named Michael and Helen Lee Distinguished Scholar in 2009.



BY KELLY DEES

Can a constitutional democracy tolerate the idea that a duly passed and ratified amendment can ever be unconstitutional? This is the question that many nations have been grappling with in the recent years, and the panelists discussed the topic in the late afternoon on Tuesday, September 17. Although the Supreme Court in the United States has never found an amendment unconstitutional, the process has been reviewed. However, this is not an abstract problem even for such a mature democracy as the United States. When the flag burning amendments were being discussed, constitutional experts considered whether the amendments would be considered unconstitutional.

The panelist each have their turn at the podium.

The panelists included the Honorable Aharon Barak, the former President of the Supreme Court of Israel and a recipient of the Israel Prize for his legal research; Lech Garlicki, who is a judge at the European Court of Human Rights and the President of the 4th Section of the Court and who previously served as a judge of the Constitutional Tribunal; and Vicki Jackson, who is the Thurgood Marshall Professor of Constitutional Law at Harvard Law School, and is considered to be a thought leader on the subject.

In other parts of the world, there is developed jurisprudence about substantively unconstitutional amendments. The German Supreme Court in 1953 stated that it was possible that an amendment or part of the Constitution may be unconstitutional. The Indian Supreme Court has held constitutional amendments unconstitutional based on the basic structure doctrine, if the amendment would destroy the basic structure of the Constitution, it is unconstitutional.

All European Union countries have written constitutions, but each has a different procedure to amend the constitution. All the constitutions also have eternity clauses; clauses the founders of the constitutions say cannot be amended. Some of these clauses are very limited and others are very developed. However, even in Germany, where the eternity clauses are very developed, the answer of unconstitutionality is not always easy because the clauses are very general in nature. Judge Garlicki used the example of human dignity; this raises the question of what is the definition of human dignity? How did the people of yesterday define human dignity? How do the people of today define human dignity? Does that change matter?

Judge Barak stressed that whatever the court thinks; it should never dismiss a unconstitutional constitutional amendment argument because the court deems it un-judiciable. Judge Garlicki agreed, saying that courts must be ready to accept jurisdiction. In France, the court rejected such jurisdiction because it was not written clearly in the constitutional text and thus decided that the court could not extend or assume jurisdiction to this area. Many other countries also have relatively careful courts that are not powerful enough to confront political branches of government.

Judge Barak continued, explaining that this is not an issue of democracy, if the constitution is democratic, then the argument that the amendment is unconstitutional has nothing to do with democracy. The question is not a technique based on natural law; the amendment would be unconstitutional because of interpretation. Under the construction of the constitution, may there be an amendment to it that is unconstitutional? The amendment process is a way that the people of today can amend the mistakes of the past, but the people of today cannot create a new constitution in the process.

Both Judges Barak and Garlicki agreed that the most important problem is when there is no eternity clause and no implied inherency of constitutional norms. Because, if a constitution contains an amendment process, and contains no eternity provisions, the constitution should permit any change. If this is true, then such a constitution can be completely revised. Judges Barak and Garlicki agree that the Constitution should be seen as containing certain unstated essential ideas that could not be changed. Judge Barak used the example of the American people wanting the English King to be reinstated. When we look to amendment provisions of the U.S. Constitution, making this amendment would knock out the Bill of Rights. Thus, this is not an amendment; it is creating a whole new constitution. If the people of today want the English King back, then they must go the route of making a new constitution, but cannot change the current Constitution by making an amendment.

The concept of substantively unconstitutional constitutional amendments raises serious issues from the standpoint of democratic theory, raising an ultimate counter-majoritarian difficulty. However, courts must not be afraid to tackle the issue of unconstitutional constitutional amendments, and use its constitutionally given powers to ensure the protection of the constitutions.

ABOUT THE AUTHOR

Kelly Dees is a J.D. candidate at Boston College Law School and an inaugural Clough Public Interest Law Scholar.

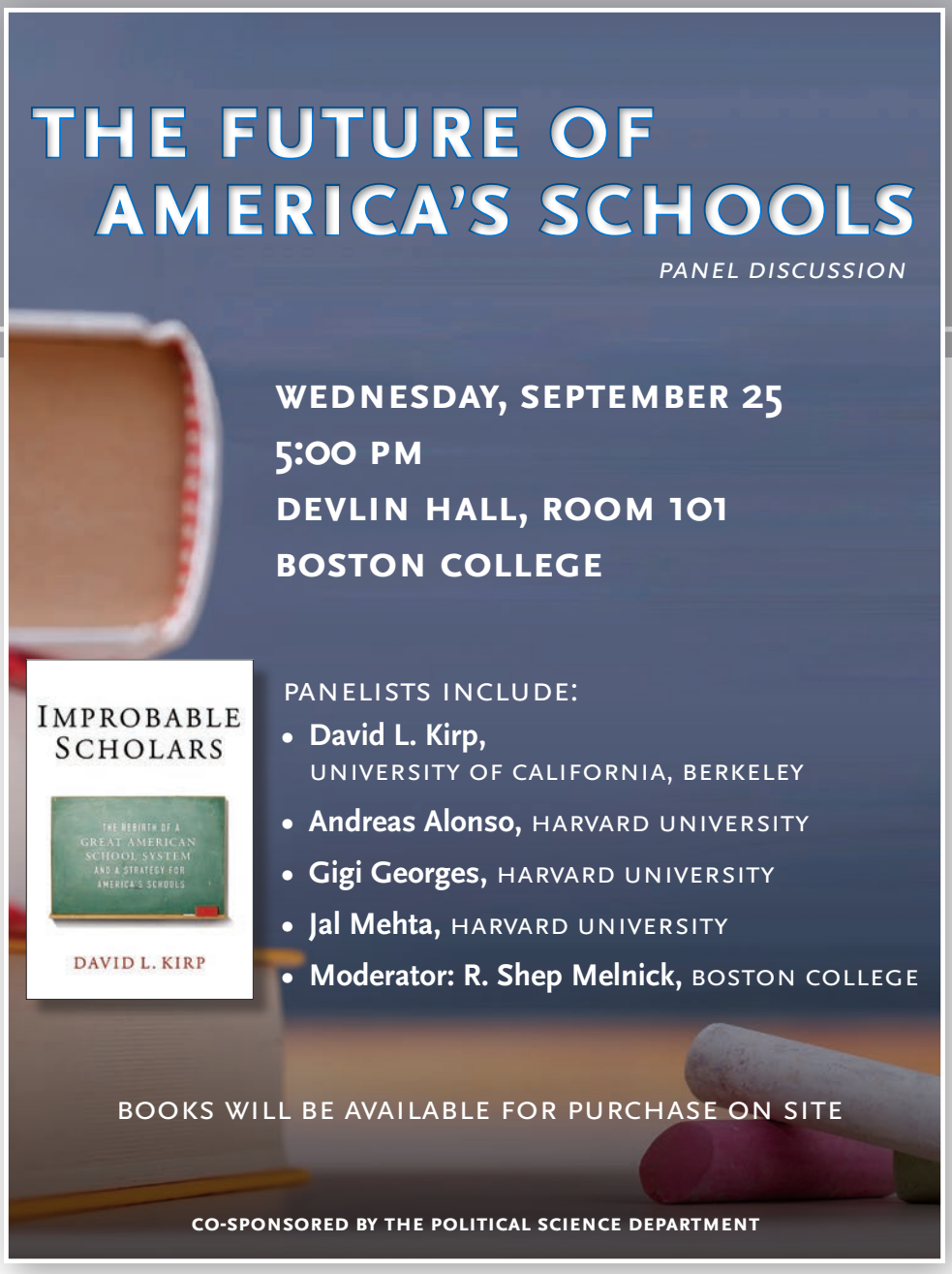
About the Panelists

For more information, including a video recording of the event, visit the event page at www.bc.edu/cloughevents.

The Honorable Aharon Barak is the former President of the Supreme Court of Israel and a recipient of the Israel Prize, widely regarded as the State's highest honor. Judge Barak graduated from the Hebrew University of Jerusalem with a degree in law and served for two years in the Israel Defense Forces. He then returned to the Hebrew University, first to pursue a doctorate in law and then to work as a professor. His career at the university culminated with his appointment as Dean of the Faculty of Law in 1974. The following year, Judge Barak not only received the Israel Prize for his legal research but also was appointed Attorney General of Israel. Before his appointment as Justice of the Supreme Court in 1978, he played an integral role in formulating the Camp David Accords between Israel and Egypt. Judge Barak went on to serve as President of the Supreme Court from 1995 to 2006. Following his retirement, he has returned to academia and now holds positions at the Interdisciplinary Center Herzliya, the Hebrew University, the Yale Law School, Georgetown University Law Center, and the University of Toronto Faculty of Law.

Lech Garlicki is a judge of the European Court of Human Rights in Strasbourg and the President of the 4th Section of the Court. He is a professor at the Chair of Constitutional Law at the University of Warsaw (Poland). Judge Garlicki served as a judge of the Constitutional Tribunal (1993- 2001). Prior to that, he practiced as an advocate. Judge Garlicki was a member of the Legislative Council of the Prime Minister and has served as the director of the Centre for American Studies at the University of Warsaw. He is the author of nearly 250 publications, including 10 monographs, in the fields of Polish and comparative constitutional law and human rights.

Vicki Jackson is the Thurgood Marshall Professor of Constitutional Law at Harvard Law School. Jackson received her B.A. summa cum laude from Yale College in 1972. She earned her J.D. from Yale Law in 1975, where she was an editor of the Yale Law Journal. She served as a clerk for Thurgood Marshall. Jackson was an associate and then partner at the firm of Rogovin, Huge & Lenzner in Washington, D.C. She served as a Deputy Assistant Attorney General in the Office of Legal Counsel at the U.S. Department of Justice. She taught and held several administrative positions at Georgetown University Law Center from 1985 to 2011. She is a prolific author and a towering scholar of constitutional thought. Her latest book is *Constitutional Engagement in a Transnational Era*.



BY SARAH WOODSIDE

David Kirp's "Improbable Scholars: The rebirth of a great American school system and a strategy for American education" (2013) is the author's contribution to the education debates raging in America. On September 25, an impressive panel tackled the question of how to fix America's broken public education system using Professor Kirp's book as a launching point. The audience was told that this was one of the most engaging books produced by an academic. The panel discussion lived up to the book. Along with Professor Kirp—Professor of Public Policy, UC Berkeley—panelists included Andreas Alonso of Harvard's Graduate School of Education, Jal Mehta of HGSE, Gigi Georges of the Innovation Strategy Initiative at Harvard's Ash Center, and moderator R. Shep Melnick of the Lynch School of Education.

Kirp began his talk saying that in this contentious moment in U.S. education, "the battle lines are drawn." There is a big divide between those who embrace charters, school closures, pay-for-performance, and other reforms, and those who don't, with massive amounts of spending being poured into both sides. However, using the research described in Improbably Scholars, Kirp embraces a less polemical, more long-term approach to the debate on system change.

Kirp's insights are grounded in his fieldwork in a third grade classroom in Union City, NJ. Why care about Union City? Because despite several variables that should have led to a broken school system—it is one of the poorest, most crowded cities in America and 30% of students are "sin papeles,"—the district not only has math and reading scores that equate to the state average, abut even more importantly, 90% of students graduate high school (the national average is 76-77%). While previously the state had been threatening to take over the district, and test scores had been the lowest in the state second only to Camden, Union City achieved an incredible turnaround. This is why we should care about Union City, and why Kirp spent day after day hanging out with third-graders, other students, teachers, parents, and city leaders. Despite the odds, he asked, how did they do it, and what can the rest of America learn from them?

The bottom line of Kirp's story is that there is no quick fix, miracle, or overnight cure for America's public schools. Union City's was a slow and steady turnaround. It started at the margins, in part with one local bureaucrat who knew the importance of literacy and bilingual education and launched a grassroots campaign to build a new system from the ground up. There was nothing new in his approach—he did things any good educator would, Kirp insisted—but it is hard to do, as it requires constant energy and commitment. It takes trust and respect, and "you cannot legislate relationships."

Other key variables that build on and support school effectiveness in Union City: The curriculum is consistent from one school to the next (so if students move around, they still keep up). The courses are well sequenced from elementary to secondary. There are regular assessments of students and teachers, collaboration among teachers, and consultants embedded in schools (not parachuted in and out). There is a strong effort to reach parents and the community, and to see parents as "co-educators." Kirp asserts, "Union City is a system of schools, not a school system," where each school has it's own personality but system administrators constantly check in and offer support. Finally, it is a "warm world" in which there is a culture of respect, a culture of "'abrasos' and high expectations."

And when Kirp looked to other successful public school systems nation-wide, the one constant he found was the system stability found in Union City. "We are an impatient society," Kirp said, but firing principals and teachers if a school does not turn around in three years is a flawed approach. "Sometimes the tortoise does beat the hare."

Kirp engaged with the panelists in interesting dialogue. Professors Melnick and Alonso asked whether there was a role for "kickstarting" and "going hard" on reforms. Professor Mehta pushed on charter schools. On a policy front, Georges asked how to scale the Union City turnaround for America's largest districts.

There is nothing wrong with a kickstart, Kirp agreed, and there are teachers, administrators, and union officials who should be fired. But the point is that polemics and money are not the answer, since wealthy districts also have failing systems. "These folks sacrifice truth and complexity for sound bites." Rather, research, reasonableness, relationships, and stability are key. While there are some great charter schools. America's 62 million students cannot all be educated in them. And the data support that the best national education systems are public. As for the largest American school districts, Kirp believes they are too big to succeed. Break them up, he advocates, if not into smaller districts, at least into catchment areas.

The tone of the debate on Wednesday night? It echoed Kirp's prescription for success: focus on research, reasonableness and relationships.

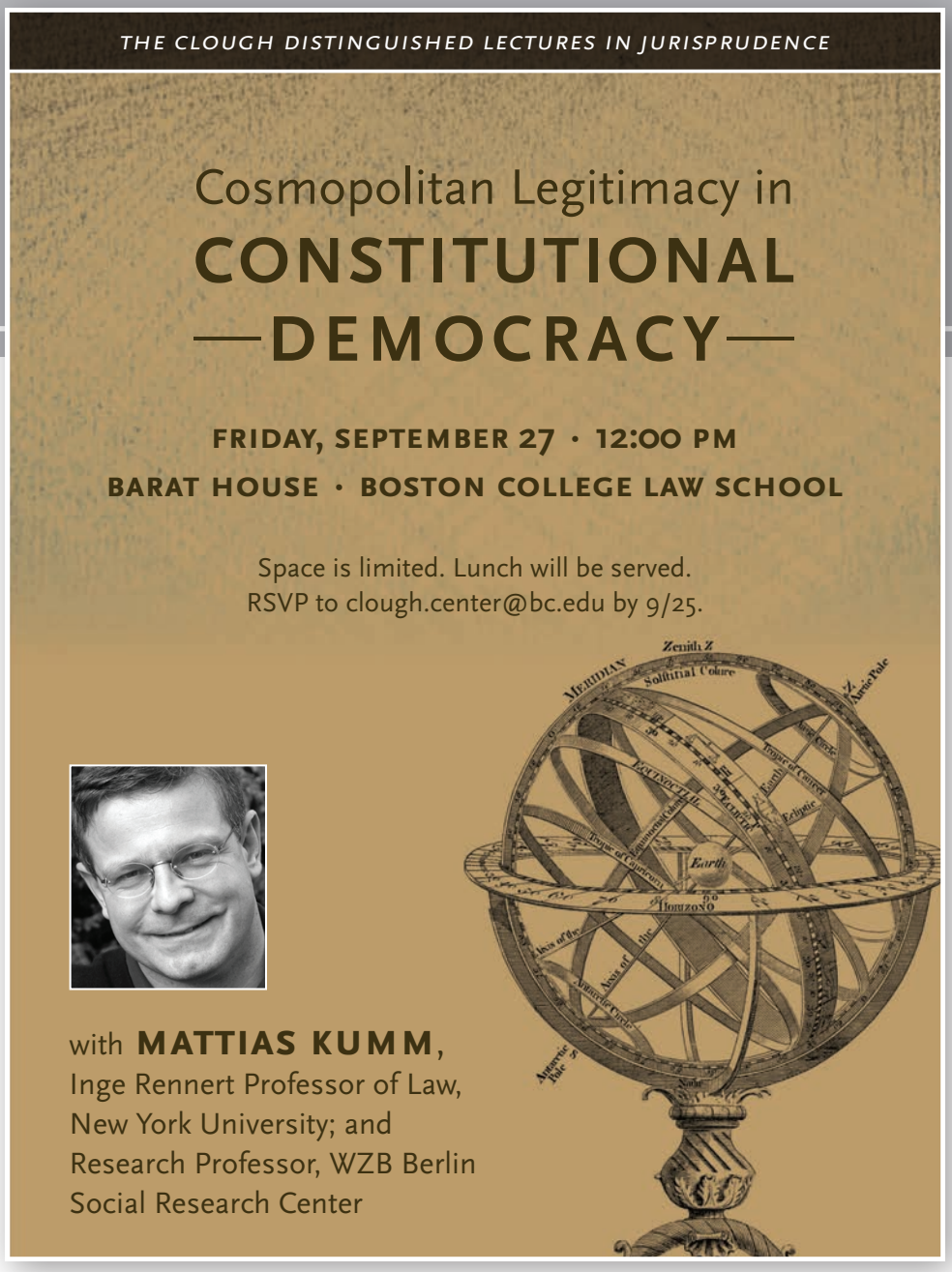
ABOUT THE AUTHOR
Sarah Woodside is a Ph.D. candidates in Sociology at Boston College and a Clough Center Graduate Fellow.

About David Kirp

For more information, including a video recording of the event, visit the event page at www.bc.edu/cloughevents.

David L. Kirp, James D. Marver Professor of Public Policy at the University of California at Berkeley, is a former newspaper editor and policy consultant as well as an academic. His interests range widely across policy and politics. In his seventeen books and scores of articles in both the popular press and scholarly journals he has tackled some of America's biggest social problems, including affordable housing, access to health, gender discrimination, and AIDS. His main focus has been on education and children's policy, from cradle to college and career.

His latest book, *Improbable Scholars: The Rebirth of a Great American School System and a Strategy for American Education*, which received starred reviews from *Publishers Weekly*, *Kirkus* and *Library Journal*, has garnered endorsements across the political spectrum. The book chronicles how a poor urban school district (Union City, New Jersey, four miles and a light year from Times Square) has transported Latino immigrant children, many of them undocumented, into the education mainstream: 90 percent of those youngsters are graduating from high school and 75 percent are going to college. It takes the reader from a third grade classroom to the district's headquarters, where the crucial if undramatic system-building gets done, and the potent politics of the community. In its final chapter, the book explores other successful school districts, showing how the lessons learned from these communities can be applied nationwide. As with his other writing, *Improbable Scholars* is aimed at a broad audience as well as policy-makers and practitioners. A *New York Times* article making this "back to basics" reform argument was the second most widely emailed article. In recent months, he has written for the *Los Angeles Times*, *Washington Post*, *American Prospect*, *The Nation*, *Slate*, *Newsweek/Daily Beast*, *San Francisco Chronicle,* and *New York Daily News*.



BY LILLIAN KHOURY

On September 27, 2013, the Clough Center welcomed Mattias Kumm, the Inge Rennert Professor of Law at New York University, for the first Clough Distinguished Lecture on Jurisprudence of the academic year. Following an introduction by the Clough Center director, Professor Vlad Perju, Professor Kumm took the podium before a full audience at Barat House to address the issue of cosmopolitan legitimacy in constitutional democracy.

The issue of cosmopolitan legitimacy in constitutional democracy comes against the backdrop of a consensus between normative theorists as to the conceptual framework used to justify the legitimacy of constitutional supremacy. In most liberal democracies, the national constitution is regarded as the ultimate point of reference for the resolution of disputes adjudicated before local courts. Normative theorists differ on the justifications for this constitutional supremacy, since neither textual nor conventional readings prove sufficient in themselves. One point of general consensus, however, unites constitutional theorists: the notion that happenings outside the boundaries of domestic practice are irrelevant to constitutional legitimacy.

Professor Kumm maintains that this self-standing justification is flawed because several justice-sensitive externalities are connected to domestic constitutional practice. The first such externality is connected to the drawing of boundaries and the claim of sovereignty that turns on the decision of who and what crosses those boundaries. Even if it is established that boundaries are valuable to self-government, the question remains how on balance those benefits relate to the burdens imposed on outsiders. Professor Kumm draws on an analogy to John Locke's argument on property. The political community is making a property claim on a territory from which it seeks to exclude others. Yet the issue turns on Locke's proviso that property claims are valid as long as there is "enough, and as good left in common for others." For the context of establishing boundaries, this proviso implies that boundaries are only acceptable if the others live in a place that provides them with their basic rights and needs. The protection of human rights is a precondition for the plausible exclusion of persons from territories through boundaries. Liberal democracies therefore have a good reason to care that human rights are respected abroad.

The second justice-sensitive externality is the question of harm imposed on others. By way of illustration, Professor Kumm cites the example of territorial invasions. Even a perfect procedural democracy may not invade another country to exploit its resources or get privileged access to its market. Regardless of the country's domestic decision-making structure, its actions would be illegitimate because they harm outsiders who did not consent to the decision to invade. Outsiders must be involved in the decision-making process in a significant manner. Domestic constitutions and laws cannot plausibly claim legitimate authority with regard to harms imposed on outsiders.

Professor Kumm differentiates these two types of justice-sensitive externalities from a third class of externalities, which are not justice-sensitive. He maintains that the existence of an externality is not a sufficient ground to claim a justice-sensitive nature.

Mattias Kumm presents the first Clough Distinguished Lecture in Jurisprudence for the academic year.

For example, while a country's decision to end economic relations with its neighbor may indeed affect and harm the neighbor, that still doesn't provide a ground for the neighboring country to claim that it ought to have a say in the internal decision-making process of the first state.

The question then turns on the relationship between the existence of those externalities and claims to legitimate authority of constitutions. Where externalities raise an issue of justice to outsiders, why not address them on a domestic legislative level? Where does the constitution come into play?

The answer depends on the origin of the authority of laws. Two bases lead individuals to subject themselves to laws. On the one hand, skepticism of one another leads to a necessity of sanctions to stabilize motivations. On the other hand, it is irrational to believe that humans will agree on everything. Institutions and procedures thus are necessary for a pragmatic resolution of issues that might otherwise give rise to disputes. Those are the same reasons for the necessity of states to subject themselves to international laws that address these justice concerns.

Professor Kumm therefore concluded his lecture with the concept that states are under a duty to support a system of international law whose purpose it is to address the issues of justice-sensitive externalities. They need to set up doctrines within their domestic constitutional structures that enable them to participate within this international law. There is thus a standing duty of all states to create the preconditions necessary for the legitimate exercise of their sovereignty and the legitimate authority of their constitutions.

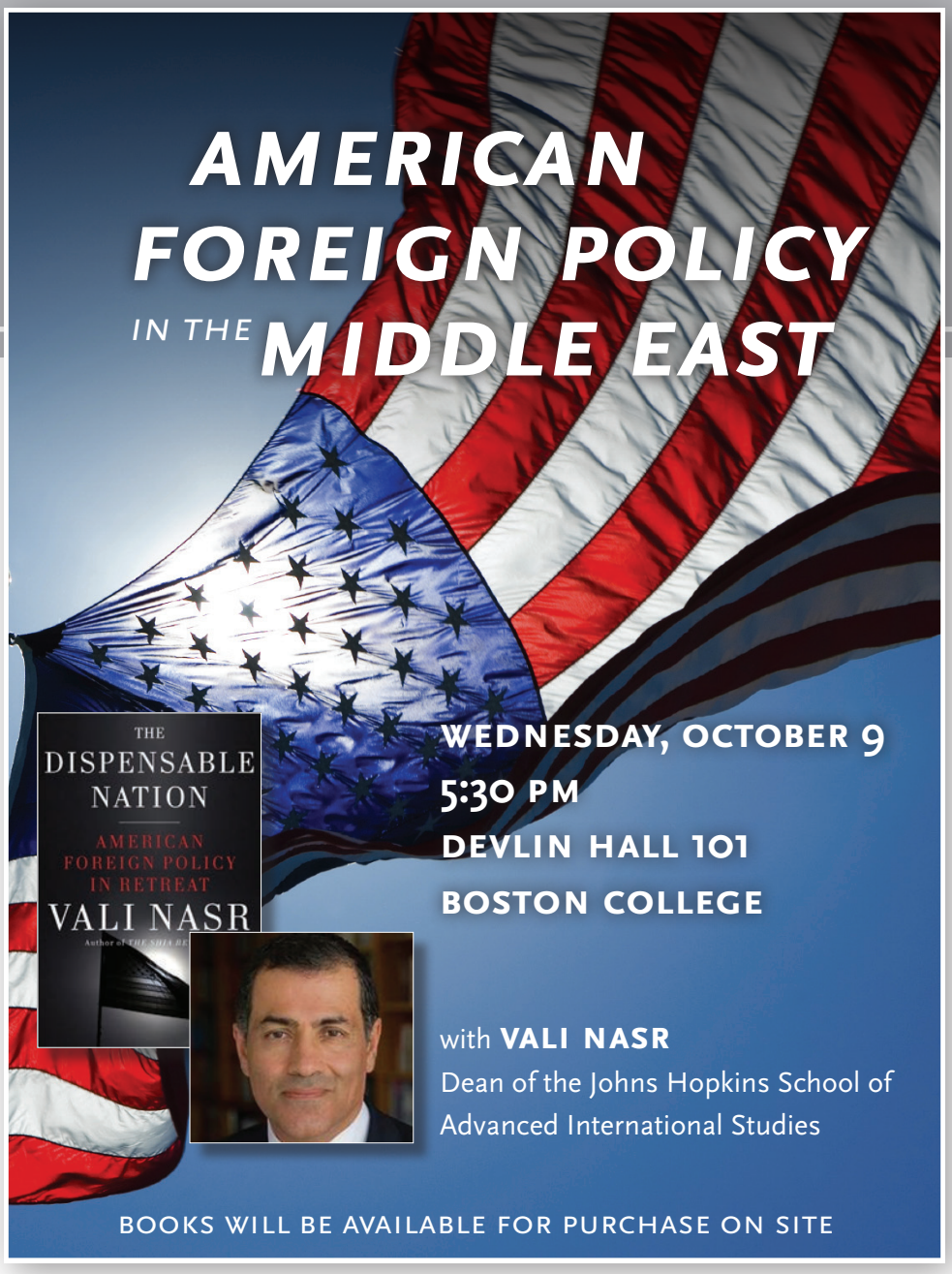
ABOUT THE AUTHOR

Lillian Khoury is a J.D. candidate at Boston College Law School and an inaugural Clough Public Interest Law Scholar.

About Mattias Kumm

For more information, including a video recording of the event, visit the event page at www.bc.edu/cloughevents.

Mattias Kumm is the Inge Rennert Professor of Law and has taught at NYU since 2000. His research and teaching focuses on basic issues in Global, European, and Comparative Public Law. He also holds a Research Professorship on "Rule of Law in the Age of Globalization" and is Managing Head of the Rule of Law Center at the WZB in Berlin and a Professor of Law at Humboldt University. He was a Visiting Professor and John Harvey Gregory Lecturer on World Organization at Harvard Law School and has taught and lectured at leading universities worldwide. Professor Kumm holds a S.J.D. from Harvard Law School and has pursued studies in law, philosophy, and political sciences at the Christian Albrechts University of Kiel, Paris I Pantheon Sorbonne, and Harvard University before he joined NYU. Professor Kumm's research and teaching focuses on basic issues in Global, European and Comparative Public Law. His work emphasizes the analytical and normative connection between laws, claims to legitimate authority and the institutional conditions under which such claims can be made plausible. Professor Kumm lives and works in New York City and Berlin.



BY GARY WINSLETT

It was only 15 years ago that Madeleine Albright famously referred to the United States as "the indispensible nation" that is required to intervene in world affairs for the betterment of global society. At the time, the United States was at such a zenith of international power, that many commentators spoke of a unipolar world and there was no question which country they were referring to as the pole. Not only was the United States able to play such a role, it was also willing. The grinding conflicts in Iraq and Afghanistan changed all that. The American populace is as war-weary as at any point since the post-Vietnam era and is generally reluctant to engage in even limited further interven-

Vali Nasr discusses his book and American foreign policy in the Middle East.

tions in the greater Middle East. Vali Nasr argues that the United States has become so eager to disentangle itself from the greater Middle East that it is now a superpower that refuses to use its power in the Middle East even when it is in its interest to do so.

Nasr contends that the Obama Administration's intention was not to focus on the Middle East, but it has been forced to remain involved. This has led to an ad-hoc approach that Nasr contends has meant that it is an open question as to whether the United States even has a clear foreign policy strategy in the Middle East. When President Obama first took office, there was a certain sense that he would set U.S. policy in the Middle East right after the mistakes of the Bush Administration. The central example of this hope was the President's speech in Cairo; given that hope and the continued presence of the U.S.-led coalition in Afghanistan, policy with regards to Afghanistan came to be perceived as a marker for U.S. policy overall in the region. The Obama Administration had two broad options: pursue a counterinsurgency strategy known by its acronym COIN and initiate an Iraq-style surge or pursue a more limited counterterrorism (CT) strategy. Nasr asserts that the administration opted for sending more troops for domestic political reasons (i.e. it did not want to publicly oppose the military brass which was in favor of a COIN strategy) but because it wanted to reduce U.S. engagement in the

region, it also set a timeline for withdrawal. This timeline meant that Middle Eastern governments began writing off the United States. He noted that among Middle Eastern policymakers there is currently a running bet as to whether the Afghan military that has been set up by the United States will outlast the one that the Soviets put in place just before their withdrawal (that military only lasted about 60 days).

According to Nasr, much of the Obama Administration's attempt to disengage from the Middle East went hand-in-hand with its attempt to pivot towards Asia in order to engage with and contain China. Nasr argues that the rebalancing policy has several problems. First, it makes the European Union feel underappreciated and abandoned. Second, the Chinese are pivoting toward the Middle East. They consider the region their near abroad and hope to promote their business interest their. There was also the fact that the pivot largely failed. Events in the Middle East, especially the ongoing Syrian civil war, have made it impossible for the United States actually to pick up and leave. Furthermore, the United States became uninterested in the Middle East at roughly the same time that the Arab Spring was creating the possibility of democratic transition. Nasr points out that while the United States and Western European states pumped 100 billion and 40 billion dollars into Eastern Europe and Mexico respectively to promote their democratic transitions, U.S. investment in the Middle East since the Arab Spring has been effectively zero. Whereas the United States used its power to promote clean elections, rule of law, stable institutions, cleaner business practices, and better trade policies to ensure relatively smooth transitions to democracy for many Latin American and Eastern European countries, it essentially left Middle Eastern countries such as Egypt to their own fates.

Finally, Nasr argued against some of the main points made by those who argue against interventionism. He asserted that the argument that the United States is busy at home is really just an argument to not do foreign policy at all. The problem with this he argues is that the United States not getting involved only allows current problems to get worse and so raises the total cost of intervening. He points to the current Syrian civil war saying that the costs of intervening today are much greater than they would have been two years ago. He went on to assert that the United States' neglect of the Arab Spring opened an opportunity for al-Qaeda, which has since metastasized and grown. He also considers the use of drone strikes to be a solution that is not scalable. Finally, the administration likes to think of policy vis-à-vis Iran as separate from its overall strategy in the region. Nasr concluded by saying that the Obama Administration is, for the most part, doing the minimum that is required of it and generally has little vision with regards to foreign policy. He argues that it is at the helm of a nation that no longer wants to be indispensible, even if that means implementing a foreign policy built around withdrawal.

ABOUT THE AUTHOR

Gary Winslett is a Ph.D. Candidate in Political Science at Boston College and a Clough Center Graduate Fellow.

About Vali Nasr

For more information, including a video recording of the event, visit the event page at www.bc.edu/cloughevents.

Vali Nasr is the Dean of the Johns Hopkins School of Advanced International Studies. He is a Middle East scholar, foreign policy adviser, and commentator on international relations whose most recent book, *The Dispensable Nation*, deals with the implications of Obama administration's foreign policy on American strategic interests. His earlier books, *Forces of Fortune and The Shia Revival*, examined the postwar sectarian violence in Iraq and the uprisings known as the Arab Spring and contributed to U.S. policy formulated in response to those events. Prior to being named SAIS dean, was a professor of international politics at Tufts University's Fletcher School of Law and Diplomacy. From 2009 to 2011, Dean Nasr was special adviser to the president's special representative for Afghanistan and Pakistan. He served on the faculties of the Naval Postgraduate School, Stanford University, the University of California, San Diego, and the University of San Diego. He was a Carnegie Scholar and a senior fellow at Harvard University's Kennedy School of Government, an adjunct senior fellow for Middle Eastern studies at the Council on Foreign Relations, and a senior fellow in foreign policy at the Brookings Institution.

He is currently a member of the U.S. Department of State's Foreign Affairs Policy Board, and a director of the Rockefeller Brothers Fund and the National Democratic Institute. He is also a life member of the Council on Foreign Relations.

BY BEN LEVINE

Fifteen years ago, one of the most important cases in Canadian history was argued to decide the future of the country, *re Secession of Quebec*. For over twenty years, many Quebecois had argued for secession from Canada and in 1995 narrowly lost a referendum to secede. Following this loss, the leader of the Parti Québécois announced his party would hold another referendum when winning conditions were right. In reaction, the Prime Minister of Canada, went to the Canadian Supreme Court for an advisory opinion.

Law professor Richard Albert moderates the panel of distinguished speakers.

On October 23, three legal scholars, including one of the Justices of the Canadian Supreme Court at the time of the decision, spoke about the history leading up to the case and the genius of the decision in the promotion of civic engagement. In closing one scholar compared the case to two of the most important decisions in the U.S. Supreme Court, which like in *re Secession of Quebec*, defined the country, *Dred Scott* and *Brown v. Board of Education*.

Professor Jamie Cameron of Osgoode Hall Law School provided the audience with a background of the secession movement. Discussing the tensions leading to the case, Professor Cameron spoke about the prior failures throughout the 1980's and 1990's to resolve the tension by amending the Canadian Constitution trying to bring Quebec back into the family of provinces. Professor Cameron provided the history and the perspective of a young academic at the time of the secession and how the tension pervaded the country. She finished by presenting the three questions posed to the court. The first, whether Quebec could secede under the Canadian Constitution; the second, did international law permit self-determination and thus could Quebec secede unilaterally; and lastly, in the event that the two laws disagreed, which law took precedent?

After the set up, Justice Frank Iacobucci discussed the Court's process in deciding the case. With the importance of the decision and the tensions involved, the Court knew if the case were not carefully decided and if one side were the loser, conflict would continue. The Court, Justice Iacobucci said, knew they would try to continue the union, but were afraid because there was no Quebecer on the Court, that they would appear partisan if they decided quickly. To qualm fears of partisanship, the Court de-

cided that only the Chief Justice would ask questions which were preapproved by the other justices. After hearing the arguments, the Court came to a decision in which there were no losers. The Court announced that although unilaterally seceding was not allowed under the Constitution, because of the referendum and because the Constitution said nothing of secession, deciding on these grounds would not be proper. Instead, the Court looked at the principles embodied in the Canadian Constitution and the history of Canada, and said that the case triggered a duty to negotiate. The court, deciding secession was truly a political question, turned the decision over to the citizens of Canada, whatever their decision would be the people would decide based on the principles of Canada.

To explain the significance of the decision and to draw parallels to the mostly American audience, professor Robert Burt of Yale Law School spoke how like the Canadian case *Dred Scott* and *Brown* were truly cases that were about how to define how we as Americans would handle our society. *Dred Scott*, Burt described was "to solve the issue of slavery for all time," which of course it didn't, but led to the Civil War. Unlike in *re Secession of Quebec* and *Brown* the Taney Court unilaterally decided the case on legal grounds. In *Brown* however, the court departed from a literal reading of the Constitution, turning away from the 14th Amendment, which "at worst was for segregation" according to Chief Justice Warren, to the values embodied in the Constitution which at its essence found segregation intolerable. Thus the Court ended segregation, but like in Canada, was not done but turned the decision of how the principles of the Constitution were to be embodied to the people in *Brown II*, telling the southern courts to solve the issue, "with all deliberate speed." Thus the U.S. Supreme Court, like its Canadian counterpart, defined the principles of the country, but it was the people who would decide how to live them.

ABOUT THE AUTHOR
Ben Levine is a J.D. candidate at Boston College Law School and an inaugural Clough Public Interest Law Scholar.

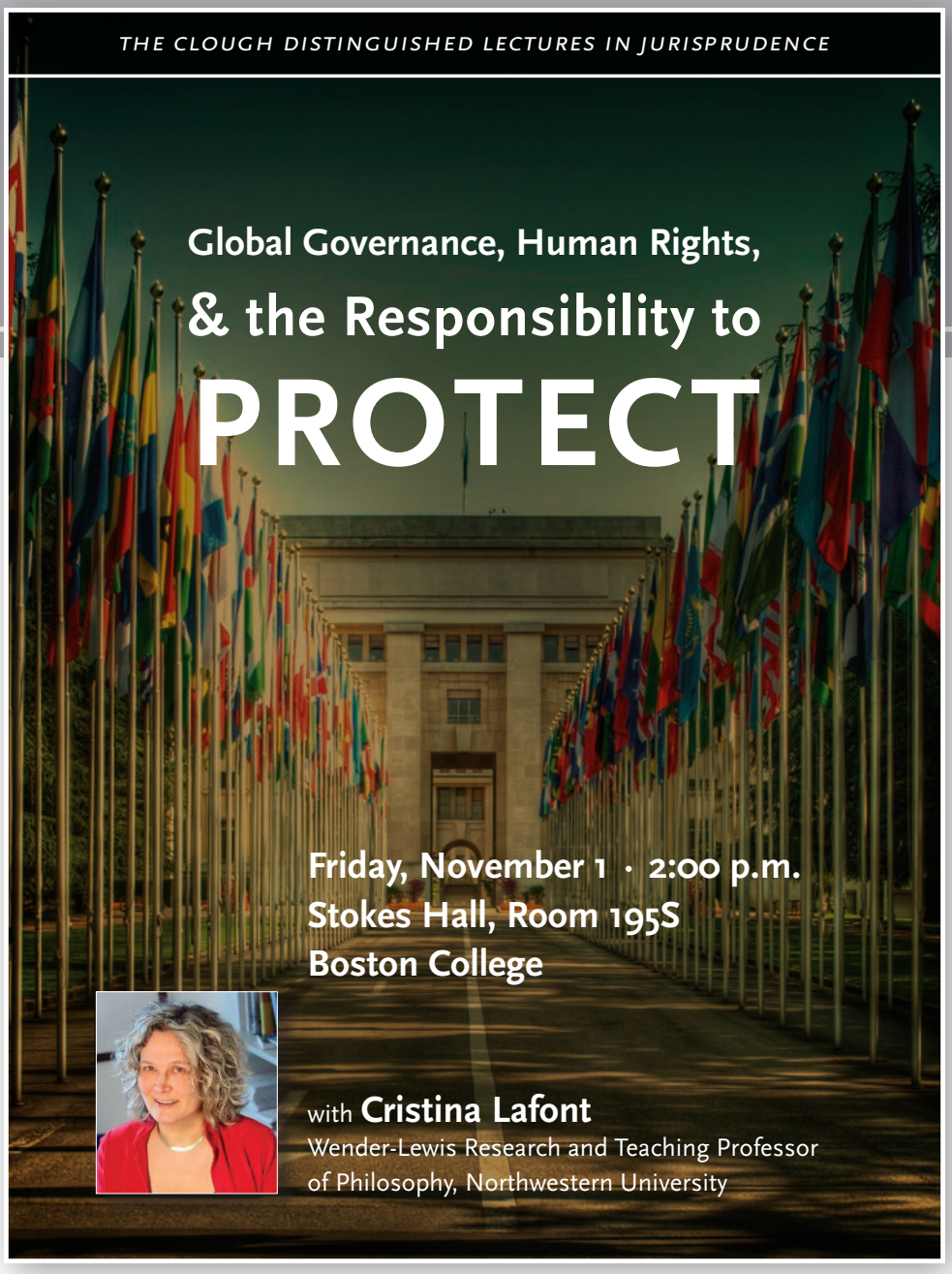
About the Panelists

For more information, including a video recording of the event, visit the event page at www.bc.edu/cloughevents.

Frank Iacobucci joined Torys, LLP as Counsel in September 2004 after retiring as a Justice of the Supreme Court of Canada. As Counsel, Frank advises government and business on important legal and policy matters. His work includes guidance, advice and support to clients of Torys and members of the firm. Frank has received numerous awards, honours and other recognitions in Canada, the United States, the United Kingdom, and Italy.

Robert A. Burt is Alexander M. Bickel Professor of Law at Yale University. He has been a member of the Yale faculty since 1976 and previously served on the law and medical school faculties at the University of Michigan and the law faculty at the University of Chicago. Professor Burt has written extensively on constitutional law and biomedical ethics. His most recent book is *In the Whirlwind: God and Humanity in Conflict* (Harvard Univ. Press 2012). He has previously published Death is *That Man Taking Names: Intersections of American Medicine, Law and Culture* (Univ. of California Press and the Milbank Memorial Fund, 2002); for preparation of this book, he was awarded a John Simon Guggenheim Fellowship in 1997. He is also author of *The Constitution in Conflict* (Harvard Univ. Press, 1992), *Two Jewish Justices: Outcasts in the Promised Land* (Univ. of California Press, 1988), and *Taking Care of Strangers: The Rule of Law in Doctor-Patient Relations* (Free Press, 1979). He received a J.D. degree from Yale University in 1964, an M.A. in Jurisprudence from Oxford University in 1962, and a B.A. from Princeton University in 1960.

Professor Jamie Cameron has been a full-time member of the faculty at Osgoode Hall Law School since 1984. She holds law degrees from McGill University and Columbia University, clerked at the Supreme Court of Canada for the Hon. Justice Brian Dickson, and was on the faculty at Cornell Law School before joining Osgoode. Today, Professor Cameron is one of Canada's senior constitutional scholars, whose research and teaching interests focus on the Charter of Rights and Freedoms, freedom of expression and the press, the Supreme Court of Canada, criminal law, American constitutional law, and judicial biography. She has written extensively in these areas and has been the editor and co-editor of a dozen book collections, including the annual Constitutional Cases volumes, *The Charter's Impact on the Criminal Justice System*, *Reflections on the Legacy of Justice Bertha Wilson*, and *The Charter and Criminal Justice: Twenty-Five Years Later.*



BY AMELIA MARIE WIRTS

Do human rights interventions always disempower weaker countries? Are human rights just another guise for Western imperialism? In her November 1st Clough Center Distinguished Lecture in Jurisprudence entitled "Global Governance, Human Rights, and the Responsibility to Protect," Dr. Cristina Lafont advocated for increasing the role of the international community in protecting human rights. She set out to show that increasing international involvement in situations can strengthen weaker states against more powerful actors, whether they be other states or international organizations.

Cristina Lafont speaks as part of the Clough Distinguished Lectures in Jurisprudence.

Lafont's argument is a response to growing criticism of the principle of Responsibility to Protect (R2P), a doctrine that gives obligations and rights for the international community to intervene in the internal affairs of nation states in cases of extreme human rights violations such as genocide. This, and other aspects of international human rights policies, lead many people to the conclusion that there is a basic tension between human rights and the sovereignty of nation states. Lafont explained one key objection to international enforcement of human rights. "The fear is that the linkage of human rights law and humanitarian intervention that began after the end of the Cold War may open the door to neo-imperialist invasions of weak states by powerful ones for any reason whatsoever."

Once the global community allows for international intervention for the sake of human rights, critics argue that the vast and expansive list of human rights now recognized by the UN, including the right to fair political representation, along with aspirational rights to paid vacations, will offer endless excuses for interventions, whether those interventions are economic sanctions or military action. Since the stronger states, such as the U.S., are unlikely to be the victims of such intervention due to their economic and military power, the poorer, weaker states are left vulnerable to the interests of others.

To counter this argument, Lafont explained how more than 20 developing countries, most notably Brazil, used human rights law to force the World Trade Organization (WTO) to change one

of its key policies on pharmaceutical patents. In 1995, the WTO signed the Agreement on Trade-Related Intellectual Property Rights (TRIPS), forcing all WTO members to agree to the same laws that the United States has that govern the length of patents on important medicines such as those that treat HIV. TRIPS was supported by the U.S. and European countries who are home to many pharmaceutical companies hoping to increase profits by controlling patent law. Brazil had its own laws regarding patents that allowed the government to use cheaper generics more quickly in order to protect the right to healthcare that it assured its population in its constitution.

The TRIPS agreement made the fulfillment of this right impossible because of the huge increases in the cost of important drugs that the developing countries had already been making available to their citizens. Brazil argued that it could not take away a right that it already had given its citizens, especially a right recognized by the UN's International Covenant on Economic, Social and Cultural Rights (ICESCR). By appealing to human rights norms, Brazil and the other countries were able to pressure the WTO to change its policy. In 2005, the WTO issued an amendment exempting countries with existing laws on healthcare from the most damaging parts of TRIPS. The amendment, Lafont argued, "did not mention human rights directly. In order to justify the changes it instead appealed to the rights of sovereign states."

This is just one example of how human rights law can be used as a tool by weaker states to limit the control that international organizations and transnational corporations have over them. They can also be tools that limit the influence that powerful countries like the U.S. have over organizations like the WTO, which are set up in ways that usually benefit wealthier countries. This shows that human rights norms and sovereignty are not by nature in conflict.

But is this example enough to dispel the concern that human rights norms still can be used to justify intervention by powerful nations into the economies, policies, and even territories of weaker nations? Lafont admitted that weaker states do not always benefit. In fact we can all think of numerous examples that run counter to the model of Brazil's challenge to the WTO. Still, argued Lafont, human rights law is young, and there seem to be no other ways to check the power of stronger countries. The more entrenched human rights norms become, the more often the reach of stronger nations into weaker ones will be challenged and repelled.

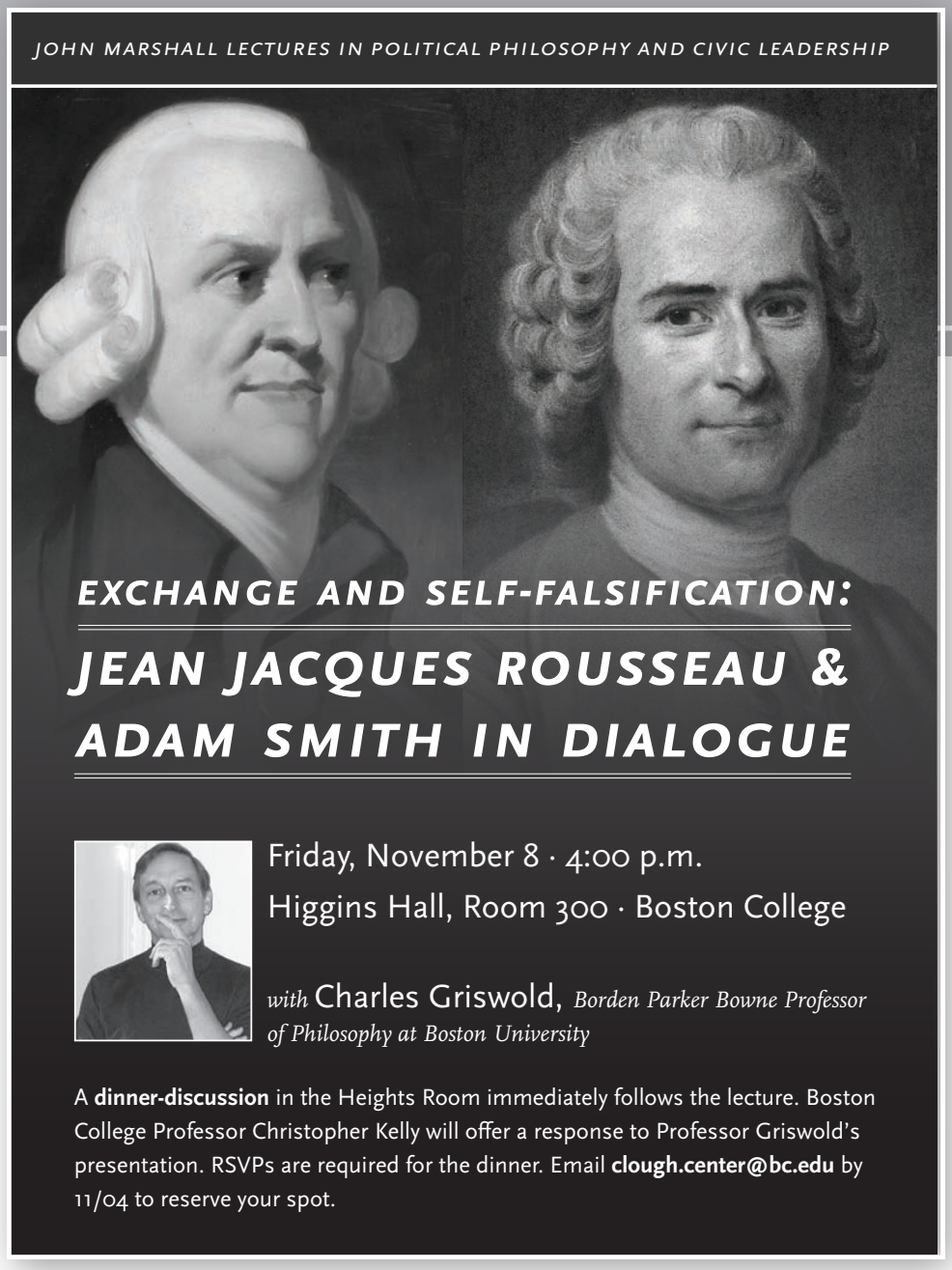
"Once you buy into the practice of human rights," she argued, "you are bound by all its norms. It becomes increasingly hard to escape." This would mean that even the most powerful states will not be able to improperly affect the lives of citizens in weaker nations. At the same time that the weaker states gain sovereignty within their borders, the stronger countries lose the power they once had to interfere.

ABOUT THE AUTHOR
Amelia Wirts is a Ph.D. candidate in the Philosophy department and a Clough Graduate Fellow.

About Cristina Lafont

For more information, including a video recording of the event, visit the event page at www.bc.edu/cloughevents.

Cristina Lafont is Wender-Lewis Research and Teaching Professor of Philosophy (Ph.D. University of Frankfurt, 1992; Habilitation University of Frankfurt, 2000). She specializes in German philosophy, particularly hermeneutics and critical theory. She is the author of *The Linguistic Turn in Hermeneutic Philosophy* (MIT Press, 1999), *Heidegger, Language, and World-disclosure* (Cambridge University Press, 2000), *Global Governance and Human Rights* (Spinoza Lecture Series, van Gorcum, 2012), and co-editor of the *Habermas Handbuch* (Metzler Verlag, 2010). She has also published numerous articles in contemporary moral and political philosophy. In 2011 she was named to the Spinoza Chair at the University of Amsterdam. One of her current research projects focuses on a defense of an ideal of deliberative democracy that could be implemented beyond national borders.



BY JOHN HUNGERFORD AND YAEL LEVIN

Does modern commercial society preclude honest or authentic life? On November 8, 2013, Boston University philosophy professor Charles Griswold addressed this topic by looking to two important—and seemingly opposed—Enlightenment thinkers, the enigmatic citizen of Geneva Jean Jacques Rousseau and the practical Scotsman Adam Smith. The evening began with Professor Griswold's lecture before an audience of Boston College students, faculty, and community members, and continued with a lively discussion over dinner. Boston College Political Science professor Christopher Kelly provided a thoughtful response to the lecture after dinner, and a conversation among Professors Griswold, Kelly, and the audience continued well into the night.

The focus of Professor Griswold's talk was on Rousseau's critique of the self-falsification made necessary by man's social existence. Self-falsification refers to the split between one's reality and the appearance of one's self. While modern society is not the root cause of man's self-falsification, it is certainly an arena in which the phenomenon is evident.

To better understand Rousseau's position and his insights about modern man's existence, Griswold figuratively put him into dialogue with his contemporary Smith. Despite Smith's reputation as a defender and promoter of the commercial republic, he is aware of the problems Rousseau identifies with modern life in commercial society, Griswold argued, and his own treatment of man's divided character is instructive in understanding and evaluating the Genevan's critique. Isolating a number of passages by each author that focus on the issue of self-falsification, Griswold carefully worked through possible ways to understand the phenomenon as Rousseau presents it, and sought to identify a potential response in Smith.

This procedure led Griswold eventually to identify in Rousseau an account of self-falsification that was deeper than the mere strategic deception that commerce might encourage. Self-falsification is inherent in man's acting out the social roles in which he finds himself. These are roles he does not choose, and in which he is inherently constrained—in other words, in which he is not free. He sees himself through the eyes of others, and finds himself having to suppress his genuine feelings and self in acting out his social role; his social existence thus requires that he not appear as he indeed is, and his life is disingenuous. The reason for this falsification is due to the social and economic conditions into which man is born, as well as his raging concern for recognition or esteem by others.

The problem with self-falsification for Rousseau seems manifold, though Griswold focused on two main concerns: man's ignorance of himself and the resulting lack of freedom; and the social justice implications of this situation. On the latter point, if one is unaware of one's true self—of one's natural sentiments, for example—one is more able to ignore and simply accept the political and social status quo, and thus assent to social injustice. On the former point, Griswold's analysis gravitated toward the perplexing question of what the genuine self is. On Griswold's reading, the genuine human self is not, as one might expect, the prelapsarian simple existence of the savage, but is freedom itself—the very indeterminance of the role we may play. Griswold sees a Sartrean possibility in Rousseau for regaining freedom: by becoming aware of our natural constraints and the choices in front of us, we can consciously shape ourselves and choose which role to assume, and through deliberate decision, regain our freedom. This is how Griswold understands Rousseau's suggestion of man's potential for "perfectibility."

Unlike Rousseau, Smith does not seem to think that there is a natural self to which one can compare the social self. Smith is moreover more sanguine about man's social existence than is Rousseau. Man's social existence makes possible and even encourages virtues; in the modern commercial republic, the bourgeoisie virtue of industriousness is rewarded, for example. Commerce, moreover, forces us to try to understand our fellow man. It is natural for man to want to be believed by others, and an anxiety about social isolation goads us into communication with one another; this is strategic—it promotes our survival—but also pleasant.

At the same time, Smith agrees with Rousseau about the constraining nature of man's social existence and the roles laid out for him. Smith's metaphor of the "invisible hand" indeed illustrates that individuals play roles in a social script, the overall logic of which they are ignorant. He also agrees that man's vanity is the cause of much disorder in his life. Smith moreover recognizes that a man can observe and judge his own actions, and attempt to bring his actions in line with his impartial judgments; to the extent that this is possible, Smith provides his own solution to the problem of a socially constrained existence, namely, self-directed internal unity. In this self-regulation, there is freedom.

Ultimately, though, Smith's conception of freedom, or solution to the ills of social existence, is insufficient for Rousseau. For

one thing, Smith's position can be understood as a quiet endorsement of the prevailing social order and economic hierarchy. Griswold also thinks that Rousseau would find Smith's internal and impartial judgments to be insufficiently objective, and rather historically and socially constrained. Smith's impartial judgment does not adequately address the strong social pressures to conformity.

Griswold concluded his talk with the ironic observation that the philosopher who presents a rather rosy picture of man's existence in modern commercial society (Smith) in fact spends much ink examining hindrances to free and fair exchange and suggesting potential remedies (for example, with his treatment of education); whereas the philosopher who is overtly critical of social existence (Rousseau) only offers alternatives that are impossible to aspire to. In other words, Smith provides more practical counsel than does Rousseau on freeing oneself from social and economic constraints.

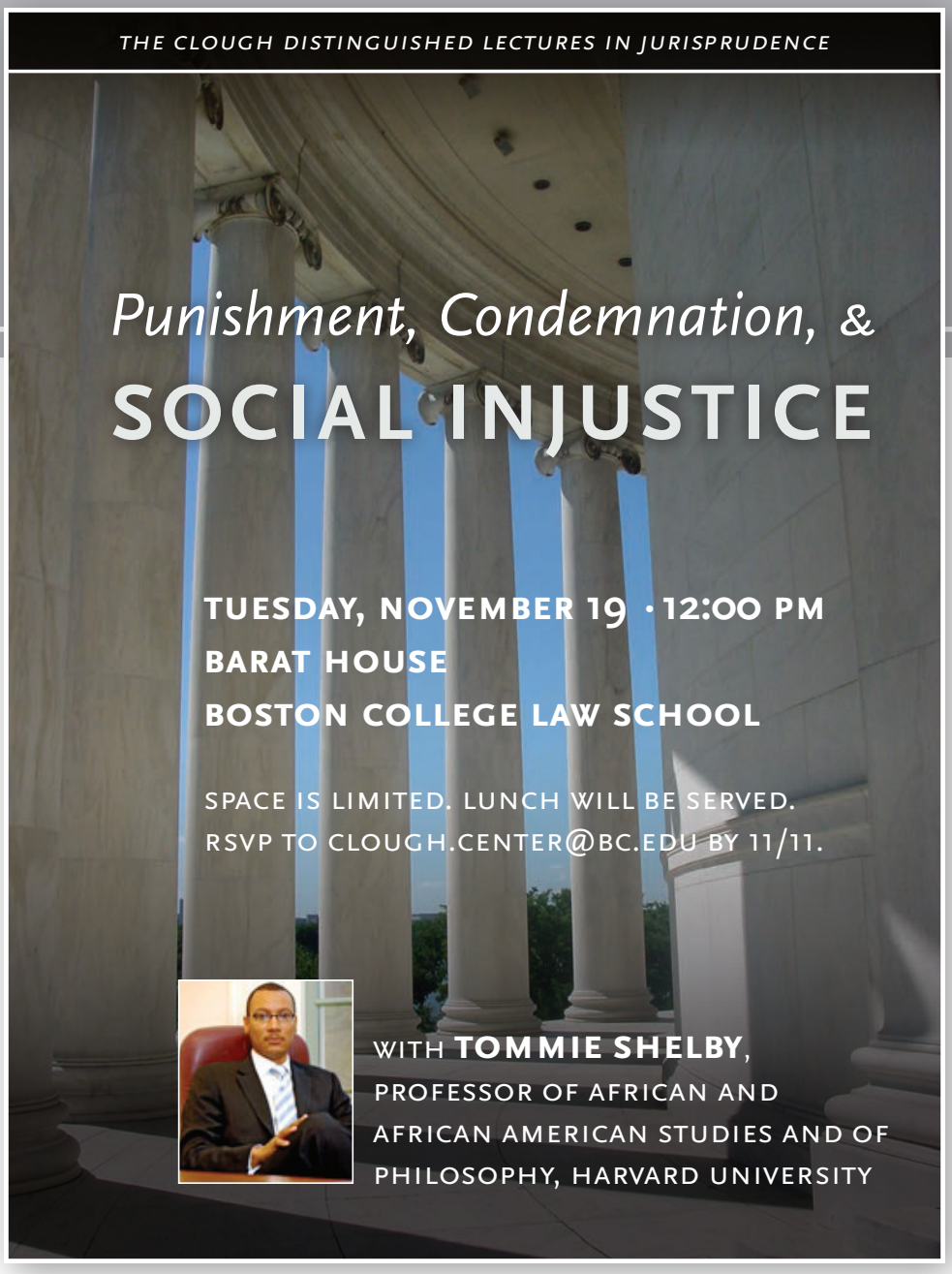
In his response to Griswold's talk, Professor Kelly pointed out that though Rousseau claims to find self-falsification problematic, as a philosopher he deliberately falsified himself throughout his writings. He moreover pointed out that while man's rage for distinction in the eyes of others is indeed the cause of his vices, it is also the cause of his virtues. This is similarly true for man's malleability and susceptibility to being shaped by external forces: man can be shaped by external forces for good as well as for ill. As such, this raises doubts as to whether freedom is Rousseau's final concern. Kelly remarked that Rousseau is greatly concerned with happiness, and there is at least the suggestion within Rousseau that happiness is possible without freedom.

ABOUT THE AUTHOR
John Hungerford and Yael Levin are Ph.D. candidates in Political Science at Boston College and Clough Center Graduate Fellows.

About Charles Griswold

For more information, including a video recording of the event, visit the event page at www.bc.edu/cloughevents.

Charles Griswold is Borden Parker Bowne Professor of Philosophy at Boston University, where he is a popular teacher as well as a wide-ranging author. His most important recent books are *Forgiveness: A Philosophical Exploration* (2007), and *Adam Smith and the Virtues of Enlightenment* (1999). Griswold also co-edited the collection, *Ancient Forgiveness: Classical, Judaic, and Christian* (2012), and has written extensively on Plato. His first book was *Self-knowledge in Plato's Phaedrus* (1986), which was followed by the edited collection, *Platonic Writings, Platonic Readings* (1988). At present his inquiries turn to the complicated proposals of Rousseau.



BY NICOLE POTEAT

On November 19, 2013 Tommie Shelby gave a lecture at Boston College Law School on "Punishment, Condemnation, and Social Injustice." He sought to address the question of how a criminal justice system ought to operate within a society that is fundamentally unjust. He hypothesized that if the basic structure of a society is characterized by serious injustices, then the state's authority to punish criminals and its moral standing to condemn crimes within its claimed jurisdiction are both compromised. Even in an unjust society, as long as the state meets certain requirements of fairness, then it may justifiably punish some criminal deviance, even some crimes perpetrated by those who are unjustly advantaged due to the makeup of the unjust society.

Tommie Shelby lectures at Boston College.

The lecture focused on the importance of addressing these theses by differentiating between a state's legitimacy, authority, and enforcement. While a legitimate enforcement right is the right to prevent harmful wrongdoing through the imposition of penalties, legitimate authority is different. It is the right to demand, on pain of penalty, that others comply with a command or rule that has been issued regardless of its content. The right to use coercion to enforce a rule is different from the right to have rules obeyed, and legitimate authority includes the right to enforce obligations in addition to the enforcement of certain natural rights (such as regulating murder). Rules that have authority preempt reasons for acting contrary to those rules. They must be obeyed because of their source, not because of their substance. However, if a state fails to meet a minimum standard of justice then it does not have the authority to make such rules.

Shelby's standard for judging the legitimacy of claims to authority is reciprocity. The duty to comply with a state's authority directly corresponds to how just that society is, and without authority, a state has no right to punish disobedience. Yet a state in an unjust society may still have the right to impose penalties for serious wrongdoing in order to provide protection for the vulnerable members of the state against unjustified aggression. This right exists because there is a difference between punishing a crime and condemning a crime. Condemnation is a public expression of strong moral disapproval. There is therefore a difference between condemning wrongful acts, and condemning disobedience of the law. Part of the justification of punishment is that penal sanctions express public condemnation of crime. But punishment is not needed to express condemnation. It can be expressed through formal conviction rather than through sentencing. Condemnation is not necessary for punishment, so unjust states may still punish even though they may lack standing to condemn. If a state enables criminal wrongdoing through its corruption or unjust status, then its standing to condemn is seriously compromised, but its enforcement rights are not.

Although an unjust state condemning crime would be hypocritical, it still has authority to punish because to not punish would only create further injustice by failing to protect the unjustly disadvantaged from further harm. Yet an unjust has likely not only created limitations for the disadvantaged but has often also created a state in which criminals act not solely due to some abstract inherent criminal nature, but rather due to different constraints or realities they experience within the unjust society. In order for punishment to be legitimate in an unjust society, it therefore must not permanently deprive offenders who have been oppressed of the public benefits of citizenship. Rather, it should provide education and rehabilitation to offenders and strive towards re-integration and reformation of its unjust society through reduction of poverty and inequality.

ABOUT THE AUTHOR

Nicole Poteat is a J.D. candidate at Boston College Law School and an inaugural Clough Public Interest Law Scholar.

About Tommie Shelby

For more information, including a video recording of the event, visit the event page at www.bc.edu/cloughevents.

Tommie Shelby holds a joint appointment with the Department of African and African American Studies. He received his B.A. from Florida A & M University (1990) and Ph.D. from the University of Pittsburgh (1998). Prior to coming to Harvard in 2000, he taught philosophy at Ohio State University (1996-2000). His main areas of research and teaching are African American philosophy, social and political philosophy, social theory (especially Marxist theory), and philosophy of social science.

Professor Shelby is the author of *We Who Are Dark: The Philosophical Foundations of Black Solidarity* (Harvard, 2005) and coeditor (with Derrick Darby) of *Hip Hop and Philosophy: Rhyme 2 Reason* (Open Court, 2005). Other recent publications include "Justice, Deviance, and the Dark Ghetto," *Philosophy & Public Affairs* (2007); "Race and Social Justice: Rawlsian Considerations," *Fordham Law Review* (2004); "Blackness and Blood: Interpreting African American Identity," with Lionel K. McPherson, *Philosophy & Public Affairs* (2004); "Ideology, Racism, and Critical Social Theory," *The Philosophical Forum* (2003); "Parasites, Pimps, and Capitalists: A Naturalistic Conception of Exploitation," *Social Theory and Practice* (2002); and "Foundations of Black Solidarity: Collective Identity or Common Oppression?" *Ethics* (2002). He is also the coeditor of the journal *Transition*.

True Believers:

COLLABORATION & OPPOSITION UNDER SOVIET TOTALITARIANISM

with **ANNE APPLEBAUM**
Author of *Gulag* and *Iron Curtain;* Winner of the Pulitzer Prize

MONDAY, FEBRUARY 3 • 5:30 PM
DEVLIN HALL, ROOM 101
BOSTON COLLEGE

BY ANDREW HAILE

Journalist and historian Anne Applebaum delivered a bracing lecture titled "True Believers: Collaboration and Opposition under Soviet Totalitarianism" to an engaged audience in Boston College's Devlin Hall on Monday, February 3, 2014. Ms. Applebaum, a columnist for the Washington Post and Slate, drew on content from her book *Iron Curtain: The Crushing of Eastern Europe 1945-1956* to speak about life in Eastern Europe under the "iron curtain" of Soviet Communism.

Author Anne Applebaum opens the spring semester with her lecture.

The lecture began with a scene of post-war East Germans singing *The Song of the Party*, the anthem of the Communist Party. Ms. Applebaum pointed out that while everyone would be singing, some would do so because they genuinely believed in the communist propaganda, and others would join in because they were "reluctant collaborators" with the totalitarian state. These collaborators, she stated, often appeared to be completely brainwashed, yet nonetheless harbored deep feelings of independence and resistance that were often manifested in creative—and secret—ways. These feelings of independence would eventually lead to the downfall of Communism, although it took decades.

Ms. Applebaum explained why the communist system was so successful in Eastern Europe, citing several centralized strategies employed by Stalin. For starters, the Red Army and its secret police were very well-equipped to take over the weakened post-war Eastern European states. They had a plan that they executed with methodic precision and great effectiveness. This plan began with the seizure of the former Nazi radio in Berlin in May 1945, from which the regime immediately began broadcasting Communist propaganda designed to reach the masses.

This widespread messaging was supplemented by focused secret police activity. Careful not to commit acts of mass violence, the secret police instead targeted individuals with the capacity to reach and inspire large groups. Priests, politicians, businessmen, popular artists and other figures seen as opposed to the regime were targeted for arrest, harassment, detention, and even murder. At the same time, the government banned virtually all independent groups of any kind. Churches, youth groups, trade unions, athletic clubs, and other groups were all eradicated, and their leaders were often harassed or sent to the gulags to send a message. Nearly overnight, all "civil society" organizations became controlled by the state. The great communist mantra applied: "everything within the state, nothing outside the state, and nothing against the state."

This takeover sparked interesting and unforeseen reactions in the daily lives of Eastern Europeans. Virtually any civic protest of any kind—factory strikes, unauthorized athletic events, religious services—became protests against the state, and no other actor. After all, there was no such thing as a protest against a factory owner; there were no factory owners! The state owned everything. This created endless opportunities for protest against the state in all manner of daily affairs, great and small. While many smaller activities were crushed by the secret police, large-scale protests—like the Polish Solidarity Trade Union, with 10 million members—threatened to bring down the entire communist regime. Thus, the state's wholesale domination of all institutional life ultimately ended up undermining its authority and grip on power.

Ms. Appleaum closed with a poignant idea: you may get people to sing the song of the party, but they will not sing it forever. You may restrict people's freedom, but human creativity will find a way to shine through. Even those who seem completely bewitched by state propaganda often harbor deep-seated longings for independence and freedom. The downfall of communism in Eastern Europe provides a telling example of this truth.

ABOUT THE AUTHOR
Andrew Haile is a J.D. candidate at Boston College Law School and an inaugural Clough Public Interest Law Scholar.

About Anne Applebaum

For more information, including a video recording of the event, visit the event page at www.bc.edu/cloughevents.

Anne Applebaum is a columnist for the *Washington Post* and *Slate*, and a historian of Central and Eastern Europe. She is the author of several books including *Gulag: A History*, which won the 2004 Pulitzer Prize for non-fiction, as well as *Iron Curtain: The Crushing of Eastern Europe, 1945-1956* which was nominated for the National Book Award in 2012 and won the Cundill Prize for Historical Literature. Her reviews appear regularly in the *New York Review of Books* and the *New Republic*, and she also writes occasional columns in the *Daily Telegraph*. She directs the program on Global Transitions at the Legatum Institute in London, and in 2012-2013 she was the Phillipe Roman visiting Professor of History and International Relations at the London School of Economics. Between 2001 and 2006 she was a member of the editorial board of the *Washington Post*. She is a former deputy editor of the *Spectator* magazine, a former political columnist for the *Evening Standard* newspaper, and a former Warsaw correspondent for the *Economist*.

BY NICOLE POTEAT

Kim Lane Scheppele's lecture focused on the international response to 9/11. She claimed the world changed in ways that United States citizens were unlikely to have fully realized because of our place in the world. What we, as Americans, do know is that after 9/11, the U.S. opened detention sites including the infamous Guantanamo Bay. They were enacting renditions in which detainees were transported by contracted planes to territories of allies so that they could be interrogated outside of U.S. laws. The U.S. admitted to practicing torture as "enhanced interrogation techniques" and publicly justified this as a necessary action instead of denying it. Torture was defined away.

Kim Lane Scheppele discusses the international response to September 11, 2001.

The U.S. with its allies, in the face of protests, and in the face of the UN, started a war against Iraq in the Spring of 2003 with no clear second resolution from the Security Council.

That, Scheppele, pointed out, is the legacy that we know. But the one with a more widespread effect is the one that we do not talk about. While the U.S. was apparently challenging the most fundamental principles of international law, it was also actually creating a whole new body of international law. This began with the passage of UN Security Council Resolution 1373, passed on September 28, 2001, and invoked by chapter VIII of the UN charter. Modeled after the U.S.'s Patriot Act, 1373 created international "general legislation," binding on all member states (without consent), for the first time. This terrorism resolution was passed with heavy influence from the U.S., and likely also by a motivation to keep the U.S. within the bounds of international law rather than maintaining a system in which it was known that the U.S. would act outside of it.

Resolution 1373 mandated that each member state take extreme and comprehensive measures to monitor and stop terrorism within its borders. The scope and level of intrusiveness into domestic legal systems is astounding. It required states to make all domestic financial transactions transparent to avoid the funding of terrorism. States had to suddenly develop the capacity to freeze assets at a moment's notice. It also radically affected states' immigration laws, as they were mandated to critically monitor those entering and leaving their borders. States had to criminalize terrorism and aiding, abetting, incitement to terrorism, and choate crimes (which not every legal system has the capacity to punish). States had to share intelligence with each other, mandating that they use their state security systems in a specific way. Finally, as a catch-all, states had to "take necessary steps to prevent the commission of terrorist acts."

A major problem with the implementation of this resolution is that the wording failed to define terrorism. Therefore, states were left to define it on their own. For example, Vietnam defined it as anything that harms the people's order. The resolution also failed to build in human rights protection to safeguard against

these exploitations of new power. All states filed reports with the U.N. reporting that they have complied with this resolution in some way. The issue, of course, comes with their definition of compliance. Vagueness and difficulty in monitoring has led to exploitation of the powers that come along with the mandate of 1373. States have practiced self-interested compliance to suit their national agendas. Scheppele pointed out that this system is similar to that of an empire, and the UN would do well to look at how empirical societies have operated, succeeded, and failed in the past as a model for how the implementation of internationally binding law might play out with such decentralized state authorities. In an empire, local leaders work back and forth between the center (the UN) and the periphery (states). They use force from the center (mandate of the resolution) to shore up their positions at home, and they use the threat of revolution from the periphery to shore up their positions against the center.

While 1373 has led to an enormous increase in international arrests for terrorist activities, Scheppele emphasizes that what matters is the details around those arrests. She points out that if we look closely, we will see that this increase is not evidence of 1373 being successful at weeding out the type of terrorist activity that the U.S. was worried about. Rather, it is a manifestation of local leaders using 1373 as a mask for increasing their own domestic power and targeting groups that they find threatening to their power. Half of the increase in arrests came from China and Turkey, two countries the U.S. was not focused on and are unrelated to the U.S. version of the war on terror. Scheppele warns that governing through emergency is common and becoming entrenched. After 9/11, the U.S. emerged as a leader in this method of governance, and they and the UN would do well to study the models of empires in the past to see why they should take a step back and reevaluate the way that international law is being implemented.

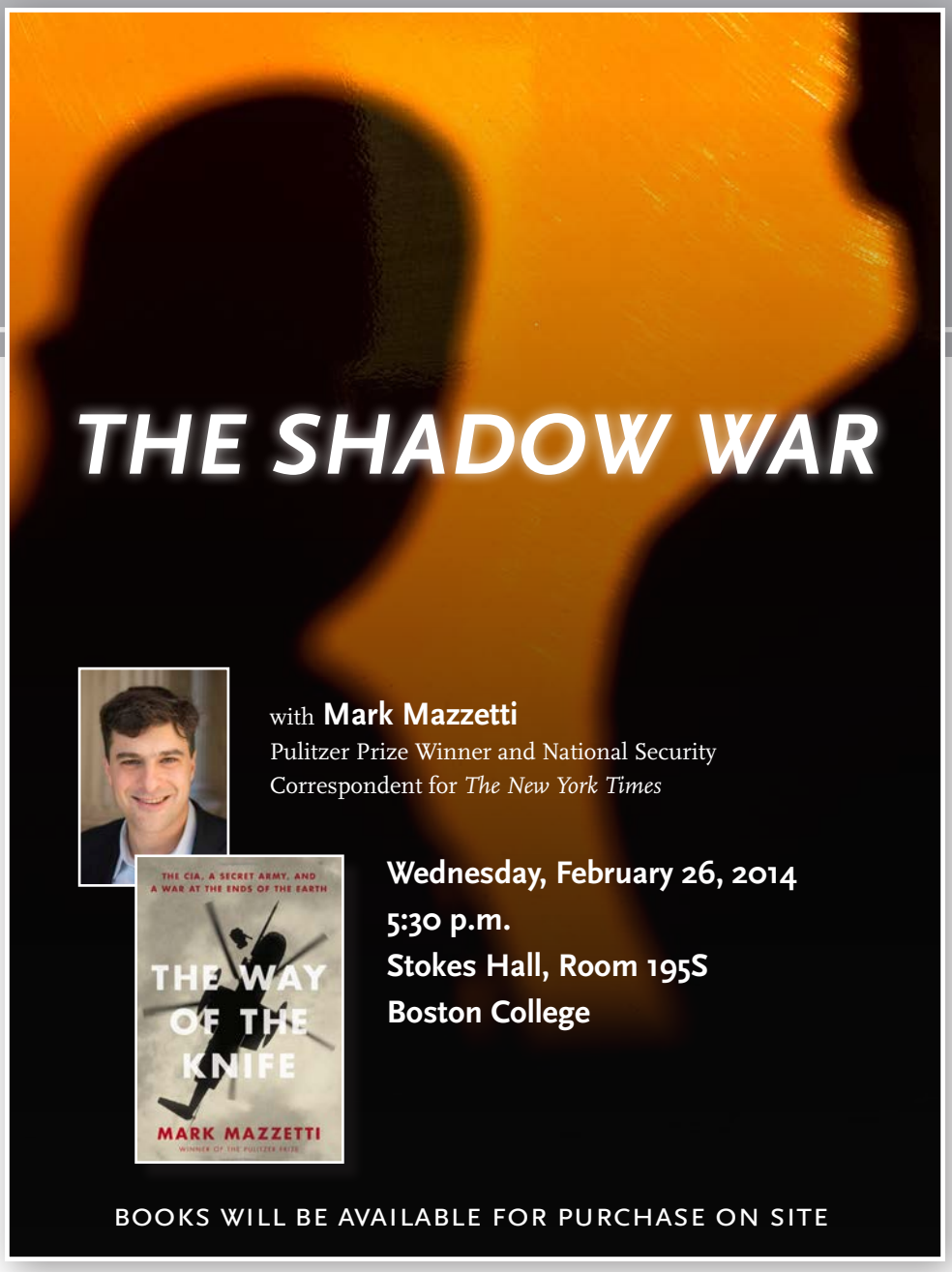
ABOUT THE AUTHOR

Nicole Poteat is a J.D. candidate at Boston College Law School and an inaugural Clough Public Interest Law Scholar.

About Kim Lane Scheppele

For more information, including a video recording of the event, visit the event page at www.bc.edu/cloughevents.

Kim Lane Scheppele is the Laurance S. Rockefeller Professor of Sociology and International Affairs in the Woodrow Wilson School and the University Center for Human Values as well as Director of the Program in Law and Public Affairs at Princeton University. She joined the Princeton faculty in 2005 after nearly a decade on the faculty of the University of Pennsylvania School of Law, where she was the John J. O'Brien Professor of Comparative Law. Scheppele's work focuses on the intersection of constitutional and international law, particularly in constitutional systems under stress. After 1989, Scheppele studied the emergence of constitutional law in Hungary and Russia, living in both places for extended periods. After 9/11, Scheppele researched the effects of the international "war on terror" on constitutional protections around the world. Her many publications on both post-1989 constitutional transitions and on post-9/11 constitutional challenges have appeared in law reviews, social science journals, and multiple languages. In the last two years, she has been a public commentator on the transformation of Hungary from a constitutional-democratic state to one that risks breaching constitutional principles of the European Union.



BY ANDREW HAILE

Journalist for the *New York Times*, Mark Mazzetti gave a lecture entitled "The Shadow War" on February 26, 2014, to an audience of students, professors, and community members at Boston College's Stokes Hall. Mazzetti recently published "The Way of the Knife: The CIA, a Secret Army, and a War at the Ends of the Earth," which details the CIA's transformation from a spy agency to an "international killing machine." He won the 2009 Pulitzer Prize with the *New York Times* for his brilliant writing and for reporting under frequently perilous conditions.

Mazzetti began his talk with a brief history of the CIA's "cyclical" history. At and after its inception, the CIA operated almost entirely out of the public eye, and engaged in numerous paramilitary operations: assassinations, high-level political "meddling," efforts at regime change in countries as diverse as Cuba and the Congo. Once the public found out about these types of practices, however, the CIA was reined in. In the 1970s, revelations about unilateral CIA paramilitary tactics led to the formation of the Church commission, which recommended a number of reforms to the CIA's authority and mission. President Ford signed a ban on targeted assassinations and the CIA soon reverted to a more intelligence and analysis-oriented role.

This CIA—what Mazzetti calls the "Church generation CIA"—existed up until the attacks of September 11, 2001. These attacks changed everything, and in the months following 9/11 the Bush Administration greatly expanded both the scope and authority of the CIA. It soon resumed the character of the pre-Church era, with a mission to target and kill American enemies abroad—including, in a few cases, American citizens. Soon the CIA combined with the Pentagon to wage what Mazzetti calls the "Shadow War."

The Shadow War, Mazzetti asserts, is being waged largely outside of the traditional battlefields where the U.S. has been entangled for the last decade, Iraq and Afghanistan. Increasingly, it is being waged in countries like Pakistan, Yemen, and Somalia. Unlike other American wars, the leaders of the Shadow War are lawyers, not military leaders. The meetings where decisions are made are largely filled with Obama administration, Pentagon, and CIA lawyers, all of whom define the contours of what is legal and what is not. Because these meetings are strictly confidential—and practically all CIA operations are classified, for that matter—they receive very little public scrutiny. Leaks and investigative journalism about President Obama's "kill list" and other extrajudicial killings have sparked some debate over the legality and morality of the CIA's new prerogatives, but other than that this paramilitary infrastructure remains out of the public eye.

Mazzetti is trying to change this. While he does not appear to have an overtly political agenda, he has spent much of his time at the *New York Times* uncovering the secrets of the Shadow War and making them known to the public. He predicts that this type of warfare will become increasingly commonplace in the years to come, as the legal architecture of the drone program and targeted killings becomes more entrenched. Mazzetti noted that both Congress and the President have largely championed this type of warfare—for political and practical reasons—and thus it is unlikely to go away anytime soon. For the American taxpayer, this presents an urgent and timely question about how we use our resources, engage our enemies, and make the world a safer and more peaceful place.

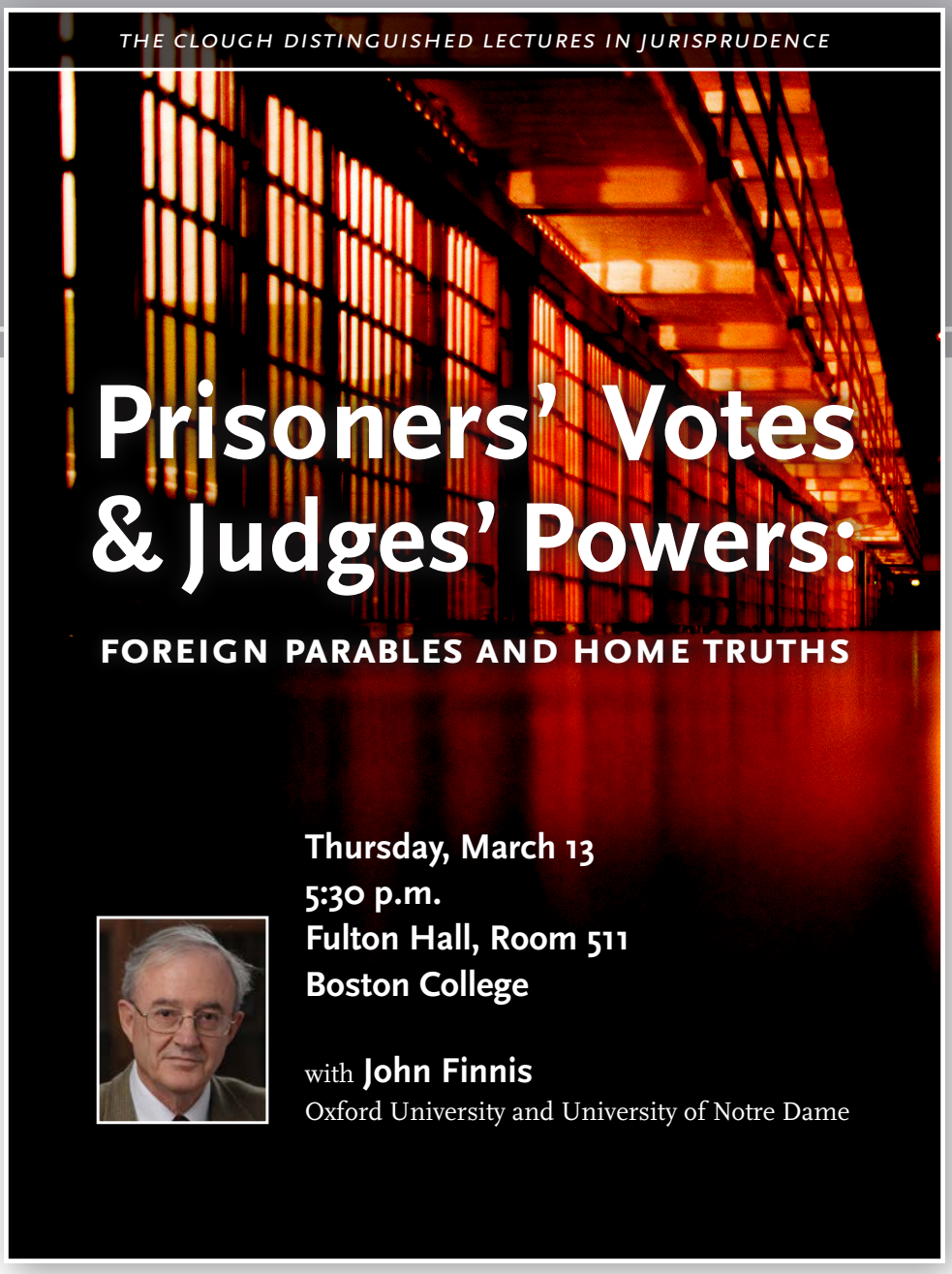
ABOUT THE AUTHOR

Andrew Haile is a J.D. candidate at Boston College Law School and an inaugural Clough Public Interest Law Scholar.

About Mark Mazzetti

For more information, including a video recording of the event, visit the event page at www.bc.edu/cloughevents.

Mark Mazzetti is a national security correspondent for *The New York Times,* where he has covered national security from the newspaper's Washington bureau since April 2006. In 2009, he shared a Pulitzer Prize for reporting on the intensifying violence in Pakistan and Afghanistan and Washington's response, and he has won numerous other major journalism awards, including the George Polk Award (with colleague Dexter Filkins) and the Livingston Award, for breaking the story of the CIA's destruction of interrogation videotapes. Mazzetti has also written for the *Los Angeles Times*, *U.S. News & World Report*, and *The Economist*. He lives in Washington, D.C. with his family.



BY ANDREW HAILE

Oxford professor John Finnis gave a lecture entitled "Prisoners' Votes and Judges' Powers: Foreign Parables and Home Truths" in Fulton Hall on March 13th, 2014. Mr. Finnis, a renowned moral philosopher and constitutional lawyer, has taught law for decades at numerous institutions, including Oxford, the University of Notre Dame, and the University of Malawi. While he acknowledged that his constitutional scholarship is deep and wide-ranging, he conceded that the constitutional issue that he has recently been researching—the practice of states disenfranchising prisoners—was a smaller issue, "closer to home."

Mr. Finnis began his address on prisoner disenfranchisement by touching on the issue of the United Kingdom's "bill of rights." Notably, the UK does not really have a Bill of Rights—certainly not one comparable to the United States' first ten amendments—but at various junctures there has been political support for creating one. He pointed out that the UK would be better off without any Bill of Rights, like Australia, and formerly like Canada (who enacted a national bill of rights a few decades ago). Mr. Finnis then used his view about the bill of rights to bolster his view that decisions challenging prisoner disenfranchisement were unfounded and baseless.

For starters, Mr. Finnis disagreed sharply with a recent decision by the European Court of Human Rights (ECHR) in Strasbourg, France, Hirst v. United Kingdom, that held that the UK was violating the European Convention by disenfranchising prisoners. He pointed out that the European Convention was only a treaty, which did not have binding effect in the UK unless Parliament gave it that effect (which, he claimed, it had not). Mr. Finnis then went on to critique the reasoning behind the ECHR ruling, noting that the British policy on prisoner voting was not a blanket ban, and had a number of compelling policy reasons that justified it. He then went on to talk about several other decisions addressing prisoner disenfranchisement, arguing that denying prisoners the right to vote does not undermine democratic values.

Indeed, Mr. Finnis spoke with great force and opinion that prisoners have violated the social contract, and deserve punishment. They have brought their disenfranchisement upon themselves, he pointed out. To hold otherwise—as the ECHR and other courts have done—is to essentially have contempt for democratic society. It says to the law-abiding citizens that "you do not count for very much." These men and women, according to Mr. Finnis, have earned the right to participate in a democratic society through voting and performing other civic duties; prisoners have forfeited that right.

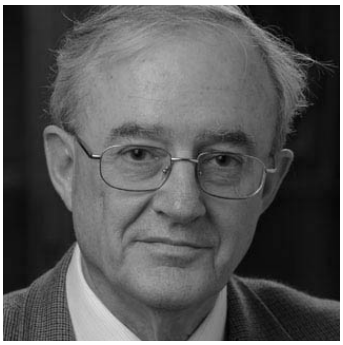
Mr. Finnis criticized a number of national court rulings, including ones in Canada and Australia. He pilloried both their logic and style, even at one point decrying the Australian high court's "rushed" and "careless" opinion that criticized denying prisoners the right to vote. In his view, Mr. Finnis seemed to disagree with any attempt by courts to give prisoners the vote when they had been denied it, using phrases like "astonishing ineptitude," "cramped and sophistical rhetoric," and "bland statements." He did not assent to the ECHR's view that in the 21st century, legal norms and democratic values favored inclusion over exclusion, and argued that prisoners had willingly forfeited the right to be included in society when they chose to commit a crime and violate the social contract. His speech displayed his own conviction about the topic and the depth with which he had engaged the issue of prisoner disenfranchisement and the recent court rulings critiquing it.

ABOUT THE AUTHOR

Andrew Haile is a J.D. candidate at Boston College Law School and an inaugural Clough Public Interest Law Scholar.

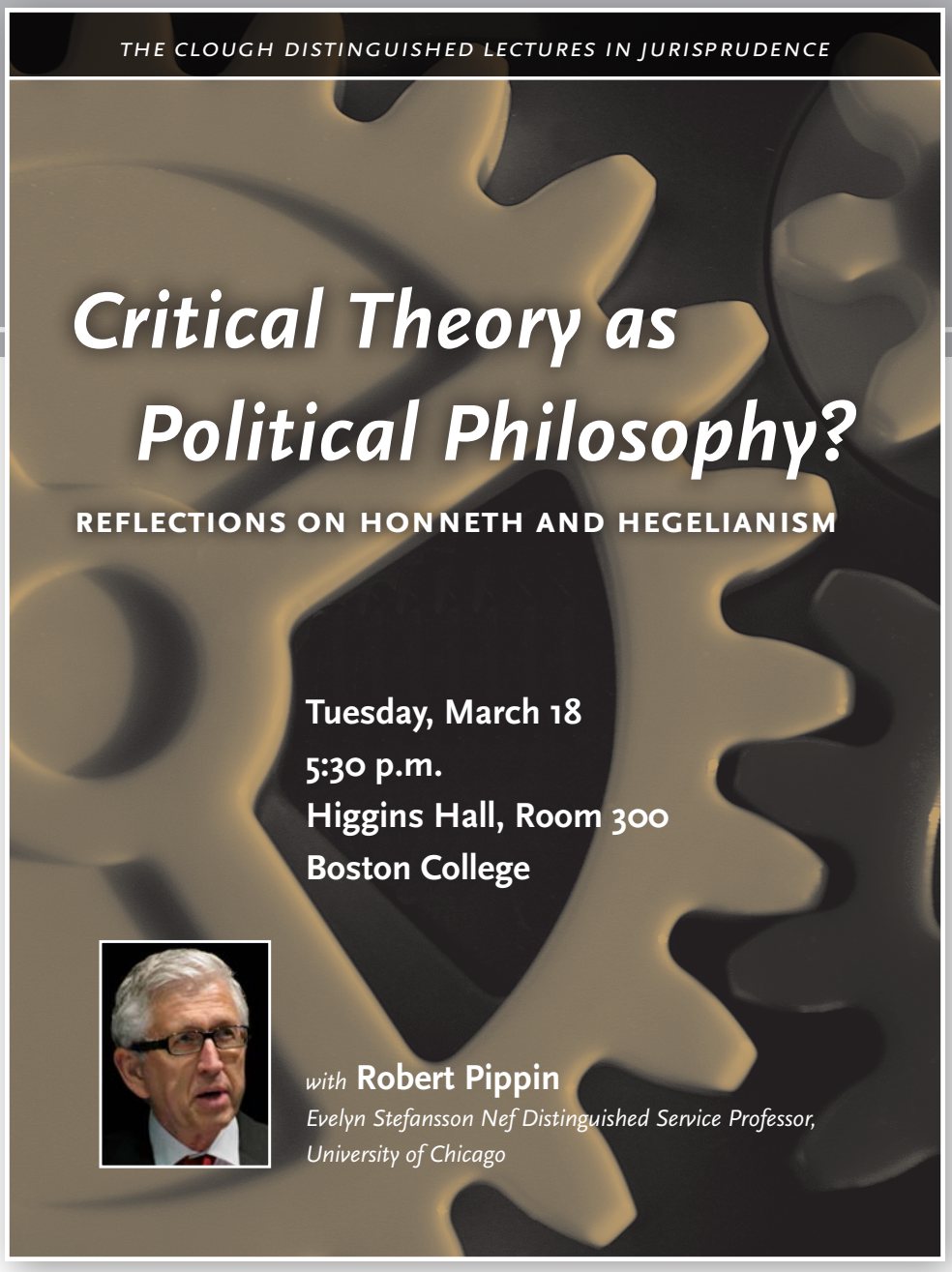
About John Finnis

For more information, including a video recording of the event, visit the event page at www.bc.edu/cloughevents.



John Finnis is a professor of law at both Oxford University and the University of Notre Dame. His work centers on legal scholarship and the philosophy of law, and he teaches courses on jurisprudence, political theory, and constitutional law. He is a fellow of the British Academy and a member of Gray's Inn.

Professor Finnis earned an L.L.B. from Adelaide University in 1961 and a doctorate from Oxford University as a Rhodes Scholar in 1965. He has previously taught law at the University of California at Berkeley, the University of Malawi, and Boston College Law School. He has published widely in legal theory, moral and political philosophy, moral theology, and history. He is the author of *Natural Law and Natural Rights* (1980), *Fundamentals of Ethics* (1983), *Aquinas: Moral, Political and Legal Theory* (1998), and *The Collected Essays of John Finnis* (2011).



BY AMELIA WIRTS

What does love have to do with politics? If you come from some traditions of political theory, not much. But for Critical Theorists, love is just one form of recognition that is a part of our social lives, and political relationships have the same basic form. Dr. Robert Pippin explained how we can use recognition as a tool for understanding political freedom in his lecture on "Critical Theory as Political Philosophy? Reflections on Honneth and Hegelianism" at Boston College on March 18. In front of philosophers, law scholars, political scientists, and economists, Pippin argued that we need to return to metaphysics if we are to understand the role of recognition in political life.

Robert Pippin is introduced by Professor Susan Shell, chair of the Political Science Department at Boston College.

While English-speaking political philosophers have focused on individual rights and the authority of the state to coerce, the European tradition has split between those who are skeptical of the idea that reason can play any part in politics at all and those who inherit some of the ideas of Hegel and Marx, including the Critical Theorists. Pippin, as an English-speaking Hegelian, wants to bring the insights of the Critical Theorists to bear on American-style philosophy.

So what does Critical Theory say about love and politics? For Hegel, love is the paradigmatic moment of recognition. Romantic love is a matter not only of recognizing one's lover as loveable, but also of believing that he recognizes you as lovable. In order for the whole thing to get off the ground, you must love the other person, recognize the other person as someone worthy of recognizing you as lovable, and believe that she in fact recognizes you as lovable. This mutual recognition of the other as lovable is the beginning of human freedom. There are other levels of recognition as well, and Axel Honneth, a Critical Theorist, has developed these out of Hegel's writings on recognition.

We must be recognized as legal persons—human beings worthy of respect just because we are humans—in order to file taxes, get passports, or have a right to freedom of expression. Honneth describes this recognition as respect. We must be recognized by our colleagues as good at our jobs in order to take pride in our work (and we must recognize our colleagues as good enough for their recognition to matter!). When mutual recognition arises around particular skills or character traits we share in projects with others, Honneth calls this esteem.

Through the concept of recognition, Critical Theory has given political philosophy an important tool for understanding human freedom. Honneth argues that in order to be free, human beings need recognition from other human beings of their freedom. At the same time, the human being needs to recognize the other human beings as being free in order for their recognition of her freedom to be meaningful. This can all sound rather abstract, but recognition is a part of our everyday lives—love, legal respect, and personal esteem are the three ways that this manifests in our lives.

Pippin steps into this discussion, arguing that the Critical Theorists, especially Honneth, cannot argue that recognition is an essential part of human freedom without appealing to Hegel's metaphysical ideas—ideas about the nature of reality and human rationality. Often, contemporary Critical Theorists dismiss Hegel's metaphysical ideas because they include controversial ideas about the necessity of human progress, as well as some typically 19th Century troubling ideas about race and gender.

Before Pippin explained what Honneth is missing from Hegel, he showed what central aspects of political theory Honneth has already taken from Hegel's thought. Pippin argues that Honneth's key claim is that "What is essential to human beings is that they have histories and not natures." While English-speaking philosophy focuses on rights and justice that are timeless and reliant on theories of what is essentially human, Critical Theorists take from Hegel the idea that human beings are historically situated. Justice, rights, and other political concepts must also be historically situated. Human beings do not have definitive natures, but develop within the social structures that they live. Thus, what constitutes just relationships between people today will depend a great deal on what kind of social institutions exist today.

Critics of Critical Theory argue that since we always understand justice as historically situated, it is hard to have any normative criticism. How can we say say that some kind of institution is unjust if there is no definitive idea of justice? Couldn't we just say that this is 'justice' as it is in our own time? If there is no notion of justice or what human beings should be that is not historically situated, it seems that we cannot account for injustice. How can we claim that love, legal respect, and esteem are essential if there is no essential human nature? The goal is to enable human freedom, but human freedom itself is a historically contingent ideal, not an unchanging essentialist one. Pippin argues that this is why Honneth and other Critical Theorists need to bring in Hegel's metaphysics.

Pippin argues that we should understand the logic of mutual recognition as the basis of human rationality. Human nature is not essential and unchanging throughout time, but its changing and unfolding has a certain form to it; that form is recognition. Once we understand that Hegel's metaphysics is about the logical form of human rationality, we will see that it is from this perspective that we can understand love, respect, and esteem. It is also from this perspective that we can challenge the injustice of social and political institutions that undermine them.

ABOUT THE AUTHOR

Amelia Wirts is a Ph.D. candidate in the Philosophy department and a Clough Graduate Fellow.

About Robert Pippin

For more information, including a video recording of the event, visit the event page at www.bc.edu/cloughevents.

Robert Pippin is the Evelyn Stefansson Nef Distinguished Service Professor at the Department of Philosophy of the University of Chicago.

Working primarily within the German philosophical tradition, Professor Pippin has written extensively on self-consciousness, conceptual change, freedom, and issues within political philosophy. He is a leading scholar of several philosophers, including Georg Wilhelm Friedrich Hegel, Immanuel Kant, Friedrich Nietzsche, Marcel Proust, Hannah Arendt, Leo Strauss, and Henry James. Notably, however, his scholarship also extends to both ancient philosophy and critical theory, and his works have explored several interdisciplinary subjects, such as literature, modern art, and film.

Professor Pippin holds a B.A. from Trinity College and a Ph.D. from Pennsylvania State University. Currently a fellow of the American Academy of Arts and Sciences and a member of the American Philosophical Society, he has also been an Alexander von Humboldt fellow and a fellow at the Wissenschaftskolleg zu Berlin. Among others, his books include *Hegel's Idealism: The Satisfactions of Self-Consciousness* (1989), *Modernism as a Philosophical Problem: On the Dissatisfactions of European High Culture* (1991), *Nietzsche, Psychology, and First Philosophy* (2011), and *Hollywood Westerns and American Myth: The Importance of Howard Hawks and John Ford for Political Philosophy* (2013).

JOHN MARSHALL LECTURES IN POLITICAL PHILOSOPHY AND CIVIC LEADERSHIP

STRINGS ATTACHED

UNTANGLING THE ETHICS OF INCENTIVES

Friday, March 28 · 4:00 p.m.
Higgins Hall, Room 300
Boston College

with Ruth Grant, *Professor of Political Science and Philosophy at Duke University*

A **dinner-discussion** in the Faculty Dining Room immediately follows the lecture. Boston College Interim Provost Joseph Quinn will offer a response to Professor Grant's presentation. RSVPs are required for the dinner. Email **clough.center@bc.edu** by 3/24.

BY MICHAEL FRANCZAK

Dr. Ruth Grant holds dual appointments as Professor at Duke University's Departments of Political Science and Philosophy, and has written on a wide range of historical issues of political philosophy. Her *John Locke's Liberalism* was, in her words at the talk, an attempt to "take seriously" Locke's claim about liberalism, as opposed to interpretations of Locke as based in "bourgeois" or "Hobbesean" value systems. She has moved away from more historical studies in an attempt to address more directly questions of ethics in public policy. Professor Grant drew from her most recent work, *Strings Attached: Untangling the Ethics of Incentives*, for her Clough lecture, which explored the relationship between ethics and power in incentives in public policy.

Ruth Grant addresses a crowd as part of the John Marshall Lectures in Political Philosophy and Civic Leadership.

Grant argued that much of behavioral economics—that part of the field interested in the bounds of rationality in economic agents—has obscured an essential component of new public policy that seeks to "incentivize" positive behavior through carrot and stick. For instance, the British government now has an official behavioral insights team that crafts public policy through the use of positive and negative incentives. In the U.S., public schools have been offered financial incentives to raise test scores, resulting in teachers giving students the answers in advance, and some schools have even initiated pay-for-grades schemes.

Behavior economics is relatively new, but two sides have emerged on the incentives debate. One side, which Grant labels the "moralists," care most about the quality of members of a society. In other words, they want people to do the right thing for the right reason, and feel that incentives erode or ignore that component of human behavior when viewing human beings as almost like test subjects to be manipulated. The "Mandevillians," taking their name from the turn-of-the-19th century political economist Bernard Mandeville, argue that the means matter less than the ends. For them, the moralists are "soft-headed, irrational" and "sacrifice outcomes for moral perfection." The moralists in turn regard Mandevillians as reductionist cynics who ignore human possibilities and dynamics. To take an example: moralists worry that giving people money to donate blood will cause altruism to disappear, while Mandevillians care little about altruism: they want to make sure that enough blood is donated, and do not trust the innate altruism of humanity to meet this need.

Some incentives are obviously bad, e.g., NFL coaches giving bonuses to players who hit opponents so hard that they are carted off of the field. But others are more ambiguous. To name a few examples mentioned by Dr. Grant: is it "wrong" to have incentives such as tax deductions for charity, paying students for good grades, or reducing prison sentences for promises to donate organs?

According to Grant, there are two approaches to incentives. One is the typical economic point of view. If the exchange is voluntary, it will only take place if both sides think they will benefit; and if both sides benefit, and chose to do so voluntarily, then it is ethical. This raises a problem: if I offer money to customs to overlook my smuggled goods, both of us may benefit, but this is not an ethical transaction. Therefore, "voluntariness" cannot be the only measure of ethics.

The second approach is put forward by Grant: that of power. Incentives are a way of getting one person to do something they otherwise wouldn't do, putting their transaction beyond a typical exchange. Incentives are thus a form of power, and should be compared to coercion or persuasion. Their ethical dimensions should also be judged as such.

Grant began her project by looking at how the concept of incentives had evolved throughout history. She found that by 1943 in America, it had a very different meaning than prior. Before, it meant "stirring up passions," or "motivating." But it evolved from and with 1) the "scientific management" of Taylorism and 2) the theories of behaviorist psychologists such as John Watson and his protegé, B. F. Skinner. Both approaches assumed that humans are malleable, passive subjects whose behavior can be controlled by the environment in which they are in; put them in the right environment, and they will adapt accordingly. This, she found, was very different from traditional economics. Indeed, nowhere in Smith do we find such talk; the automatic forces of the market provide incentives for those with motivation, and for those without, well, that's their "choice." "Incentive pay" at the time it was introduced was very controversial; Grant reminded the audience of the first 10 minutes of Charlie Chaplin's 1936 film "Modern Times," which was a satire of Taylorism. It also led to great labor unrest, seen as another tool in the manager's toolbox with which to manipulate or oppress workers.

Yet, Grant noted that we are motivated by much more than "incentives." That is, we also have motivation per se. Thinking only in terms of incentives—or our new verb, "to incentivize"—is thus to narrow our set of options for public policy in often harmful ways.

Grant distinguishes between extrinsic and intrinsic motivations for incentives. For instance, paying kids to get good grades: there is an extrinsic motivation that is immediate and that produces good short term results on rote learning tasks. However, this ignores—or even has a strong negative effect—on the long term goal of intrinsic motivation that is essential for long-term educational, professional, and moral progress.

Grant also focuses on power in incentives. The lack of focus on this dynamic has obscured much of our thinking about what are "good" and "bad" incentives. These must be judged case by case. For instance, in the U.S. one has the right to a trial by one's peers per the 6th Amendment. Plea-bargaining, however, which was only introduced by the Supreme Court in 1970, has resulted in only about 30% of cases going to trial, the other 70% accepting pleas. This might be seen as a voluntary exchange in the economics model—the defendants must prefer the deal, otherwise they wouldn't accept it—but Grant contends that this means the outcome is always wrong: either an innocent person pleads guilty, or a guilty person does not receive the punishment he or she deserves. There is also power involved in the psychological state of the dependent, who is kept lock-and-key before trial. This is the difference between the "power" and "trade" approaches, and in this case, produces a strong critique of this incentive.

On the other hand, one can consider the idea of paying participants for drug trials. This has been highly controversial. Some pure moralists say only using volunteers is okay, but that they shouldn't be paid. But, the trade approach notes, it's hard to maintain this in the face of the need to get people to participate in important trials. Questions arise, such as, is it okay to offer large sums of money to destitute people to participate in these trials? Critics say it is paternalist and coercive: more choices do not always mean more freedom. Grant argued that it could be both unethical and voluntary. The question is, whether the attempt to recruit with incentives is a reasonable, responsible use of power by the medical profession for whether the benefits of the tests outweigh the ethical questions raised or ethical costs incurred.

Yet, the question remains: Why doesn't extrinsic motivation simply add on to intrinsic motivation? The answer, for Grant, is that people understand incentives to be insulting where intrinsic motivations are present. It may seem benign to offer people choices, but it also implies that you might not do the right thing otherwise. She cited an experiment in Britain where people were sent letters asking to donate blood: one set was sent with the promise of money, the other appealed to altruism. Those who gave the most were the ones who receive the letters promising no financial compensation for their good deed.

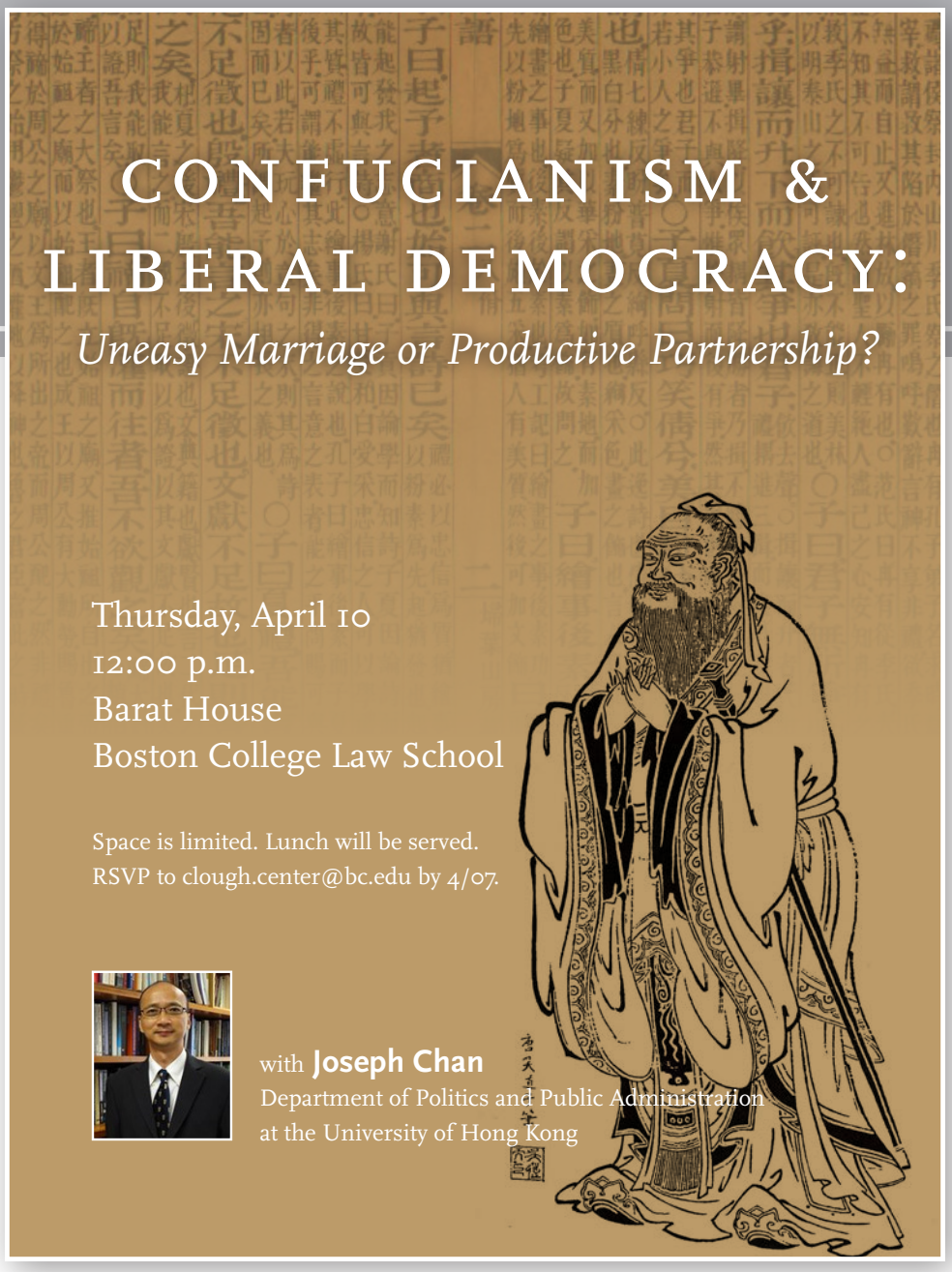
People want to be treated as independent agents capable of making judgments and doing the right thing. Behavioral economics is beginning to address this more fully, but governments here and across the Atlantic seem far too starry-eyed in their embrace of an early twentieth century management concept wrapped in a rhetorical cloak shielding the ethics and efficacy of this apparent public policy novelty.

ABOUT THE AUTHOR
Michael Franczak is a Ph.D. candidate in History at Boston College and a Clough Center Graduate Fellow.

About Ruth Grant

For more information, including a video recording of the event, visit the event page at www.bc.edu/cloughevents.

Ruth Grant is a Professor of Political Science at Duke University, specializing in political theory with a particular interest in early modern philosophy and political ethics. She is the author of *John Locke's Liberalism* and of *Hypocrisy and Integrity: Machiavelli, Rousseau and the Ethics of Politics*. She is also the editor of two collections of essays; *Naming Evil, Judging Evil* and *In Search of Goodness*. Her most recent book is *Strings Attached: Untangling Ethics of Incentives*. Her work originally focused on the historical study of liberal thought and has moved increasingly toward contemporary ethics. Her articles have appeared in a variety of journals including *APSR*, *Political Theory*, *Journal of Politics*, and *Politics and Society*. She has received fellowship awards from the National Endowment for the Humanities, the American Council of Learned Societies, the National Humanities Center, and the Russell Sage Foundation, and a teaching award from Duke University.



BY NICOLE POTEAT

Joseph Chan gave a lecture in Boston College Law School's Barat House on April 10, 2014. Chan discussed the subject of his new book *Confucian Perfectionism: A Political Philosophy for Modern Times*. The book, and Chan's lecture, focus on Confucianism's modern relevance for democracies. He began by acknowledging that historically, people have viewed the two in contrast to one another. Confucianism is traditionally viewed as being about moral leadership, hierarchy, and virtues. On the other hand, democracy is typically seen as being about equality, rights, and citizens' participation.

Center director Vlad Perju introduces Joseph Chan to a large crowd.

Chan suggests that Confucianism need not be seen as so different from democracy. Rather, it can provide an invaluable framework for the form and function of democracies. Democracy can be understood in light of the Confucian ideal through the Confucian service conception of authority. Through this lens, political authority must be justified by its service to the well-being of the people. There is no natural or fundamental moral right to power. The relationship between ruler and ruled is one of trust and mutual commitment in which the rulers win the hearts of the people and the people voluntarily submit themselves.

Chan points out that democratic elections are Confucian in nature because their purpose is to select those who are public-spirited and trustworthy and to make explicit the people's endorsement and support of those who are elected. He cited to comparisons of Chinese intellectuals like Wang Tao and American founders like James Madison, whose views could be compared through their written work. The two viewpoints turned out to be remarkably parallel as both focused on the sympathetic understanding of government and its people within Confucian and democratic lenses, respectively.

However, Chan noted that in nonideal situations, not every voter or politician will possess the virtue and ability necessary for achieving an ideal political relationship. The realities of democracy also bring the problem of elections that may induce highly antagonistic rivalry among candidates, and politicians who make politically motivated short-term promises to win elections.

Chan suggested a solution to cope with the political realities of democracy that prevent it from fulfilling the ideals of Confucianism in its current state. He stated that democracy must be supplemented with a strong ethical foundation and alternative institutions. Confucian resources can be drawn on to supply these. Confucianism focuses on the common good, which can be carried into elections. If someone thinks their opponent can be more effective, they should yield to him. This precept must be accompanied by a moral teaching to cultivate character and the practice of rituals. The focus should be on human virtues rather than those of a citizen. Finally, Chan proposes an alternative institution to act as an oversight body within governmental systems. Its membership should be composed of those elected by their direct peers or whomever knows them best. They should consist of people who have the most expertise and experience in running government and are known to be people of good character. This board could operate in a number of ways, either advising, having veto power, or simply overseeing. Chan believes that the presence of such an institution would promote mutual respect and the development of the common good without the present failures of the electoral systems associated with democracies.

ABOUT THE AUTHOR

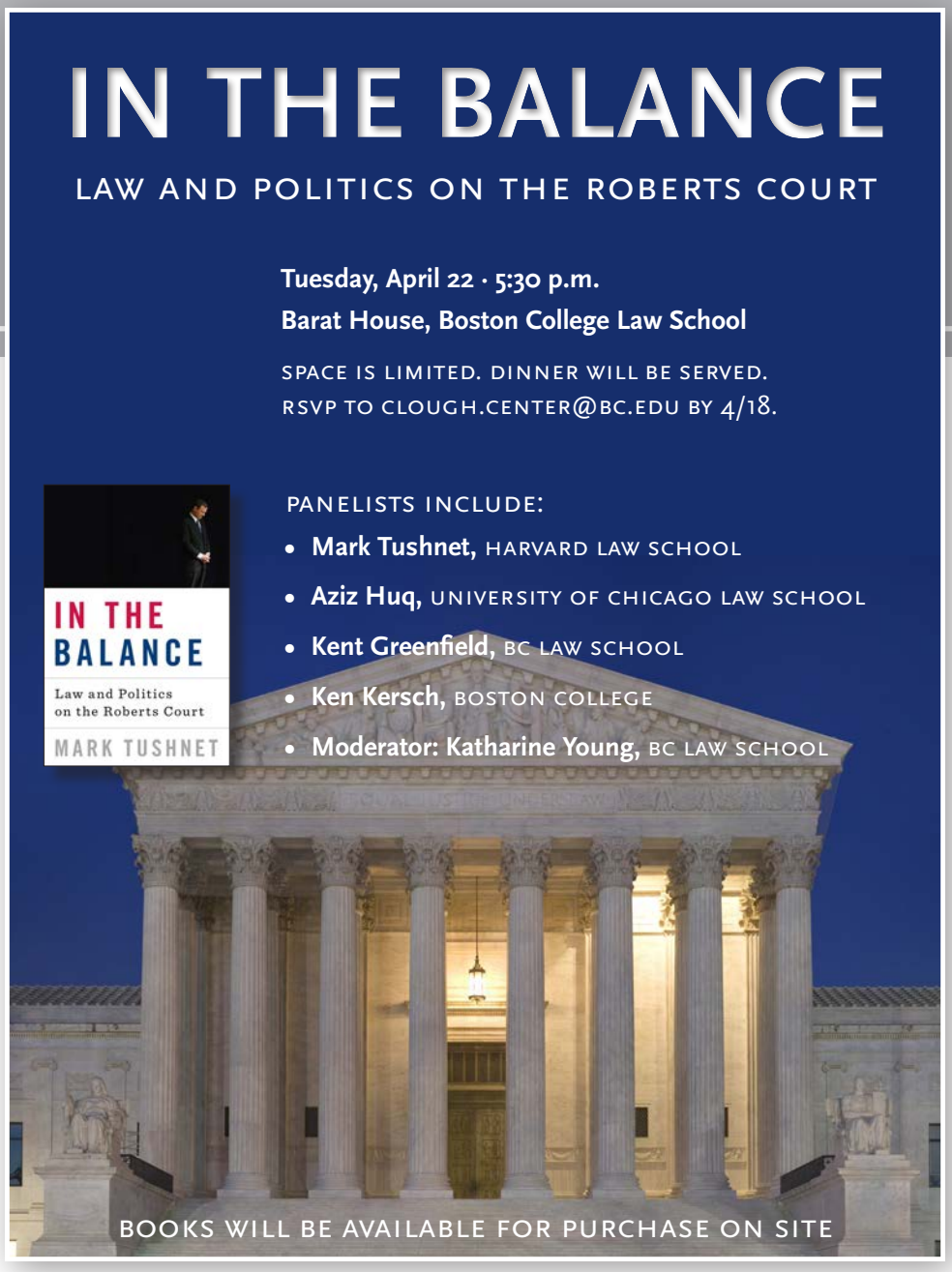
Nicole Poteat is a J.D. candidate at Boston College Law School and an inaugural Clough Public Interest Law Scholar.

About Joseph Chan

For more information, including a video recording of the event, visit the event page at www.bc.edu/cloughevents.

Joseph Chan is the head of the Department of Politics and Public Administration at the University of Hong Kong. He earned his undergraduate degree in political science at the Chinese University of Hong Kong, his M.S. at the London School of Economics, and his D.Phil. at Oxford University.

Professor Chan researches in the areas of contemporary liberalism, political philosophy, and civil society. Specifically, he has concentrated on the ways in which Confucian political thought can mix with liberal democratic traditions and the implications for this on human rights, social justice, and civil liberty. Decoupling democratic institutions from their typical foundation in liberal political philosophy and individual sovereignty, he advocates that they can be grounded on Confucian principles in such a way that democratic governance and participation are strengthened, not hindered. In this way, the spirit of the Confucian ideal can address modern social and political challenges. He explores these issues in his book *Confucian Perfectionism: A Political Philosophy for Modern Times* (2014).



BY MAY KHOURY

On April 22, 2014, the Clough Center for the Study of Constitutional Democracy hosted a panel to discuss Harvard Law Professor Mark Tushnet's recently publication, "In the Balance: Law and Politics on the Roberts Court." In addition to Professor Tushnet, the panel included Professor Aziz Huq from the Univeristy of Chicago Law School, Professor Kent Greenfield from Boston College Law School, and Professor Ken Kersch from Boston College. It was moderated by Professor Katharine Young.

Panelists engage in a lively discussion focusing on Mark Tushnet's book *In the Balance*.

Professor Young opened the panel by noting the various "balances" in the Supreme Court under Chief Justice John Roberts as highlighted in Professor Tushnet's work. One, as the title of the work suggests, is the balance between law and politics. Another is the partisan balance between five Republican nominees and four Democratic nominees on the Supreme Court, and the way it guides their opinions. Still another is the intellectual balance between Justices as a driving force of the doctrinal vision of the Court. In examining these various "balances," Professor Tushnet makes compelling predictions and assessments of the Roberts Court, relying on a detailed analysis of Court decisions on topics ranging from the Affordable Care Act to affirmative action, abortion, and campaign finance.

Professor Huq focused on the idea that the law produced by the Supreme Court is a join function of law and politics. Such an idea is in contrast with standard internalist accounts of judicial review as a pure function of law, in which judges operate like umpires. Three themes emerge in Professor Tushnet's work that emphasize this notion: the imperfect vectors of politics, the imperfect hold of legal rules, and a species of politics that is glimpsed at throughout the book. This balance of law and politics appears not only in interactions between the Justices, but also in interactions between the Supreme Court and lower federal courts. In a parting word of caution, Professor Huq recognized that the wide audience to whom the book is addressed necessitates drawing attention to idiosyncrasies and personal narratives, but noted that it may be that we do well not to understand the court as nine personalities, but rather as a complex multi-part institution.

Noting that the wide-ranging aspect of the book allows each panel member to narrow in on his area of expertise, Professor Greenfield took up the subject of corporations, asking the question of whether or not the Roberts Court is particularly pro-business. For the most part, he argued, the Roberts Court's pro-business attitude is a continuation of past courts, except perhaps with regards to the First Amendment, in which the

Court is more distinctly pro-business than its predecessors. The three innovations he highlighted were a greater protection for commercial speech, a court more protective of political speech coming from corporations, and more protection of corporate religious conscience. Professor Greenfield concluded by agreeing with Professor Tushnet: the best response to this shift is not one of opposition. Rather it should be a political response, in making corporations more like citizens.

Professor Kersch's discussion revolved around the implications of Professor Tushnet's decision to posit a Kagan-Roberts opposition on the Court as the main intellectual axis of the Court. Was this choice a sign of something deeper, he asked, such as the death of the conventional understanding of constitutional theory? It is quite possible that we are now entering a world in which the counter-majoritarian difficulty is not the central problem anymore. The result is that the issue has shifted from the conception of the good judge to a debate on whether or not the modern welfare system is legitimate. The center of gravity there is in campaigns and elections, rather than judicial activism and restraint. This shift, Professor Kersch maintained, highlights the intellectual changes happening in the Roberts Court that are concurrently positive and problematic, with older judges speaking a different language than the more recent additions.
In conclusion, Professor Tushnet thanked the panel for their input on his work, and responded to the major themes raised. Recognizing that a book written with a broad audience in mind demands a story told in individual terms, he nonetheless noted that this is also a reflection of the functioning of the Supreme Court itself. It is an institution composed of a very small number of individuals, and idiosyncratic variations can make wide differences. The characterization of individuals is therefore appropriate given the nature of the institution. With the recent addition of several Justices, followers of the Court have much to delight in analyzing.

ABOUT THE AUTHOR
May Khoury is a J.D. candidate at Boston College Law School and a Clough Center Graduate Fellow.

About the Panelists

For more information, including a video recording of the event, visit the event page at www.bc.edu/cloughevents.

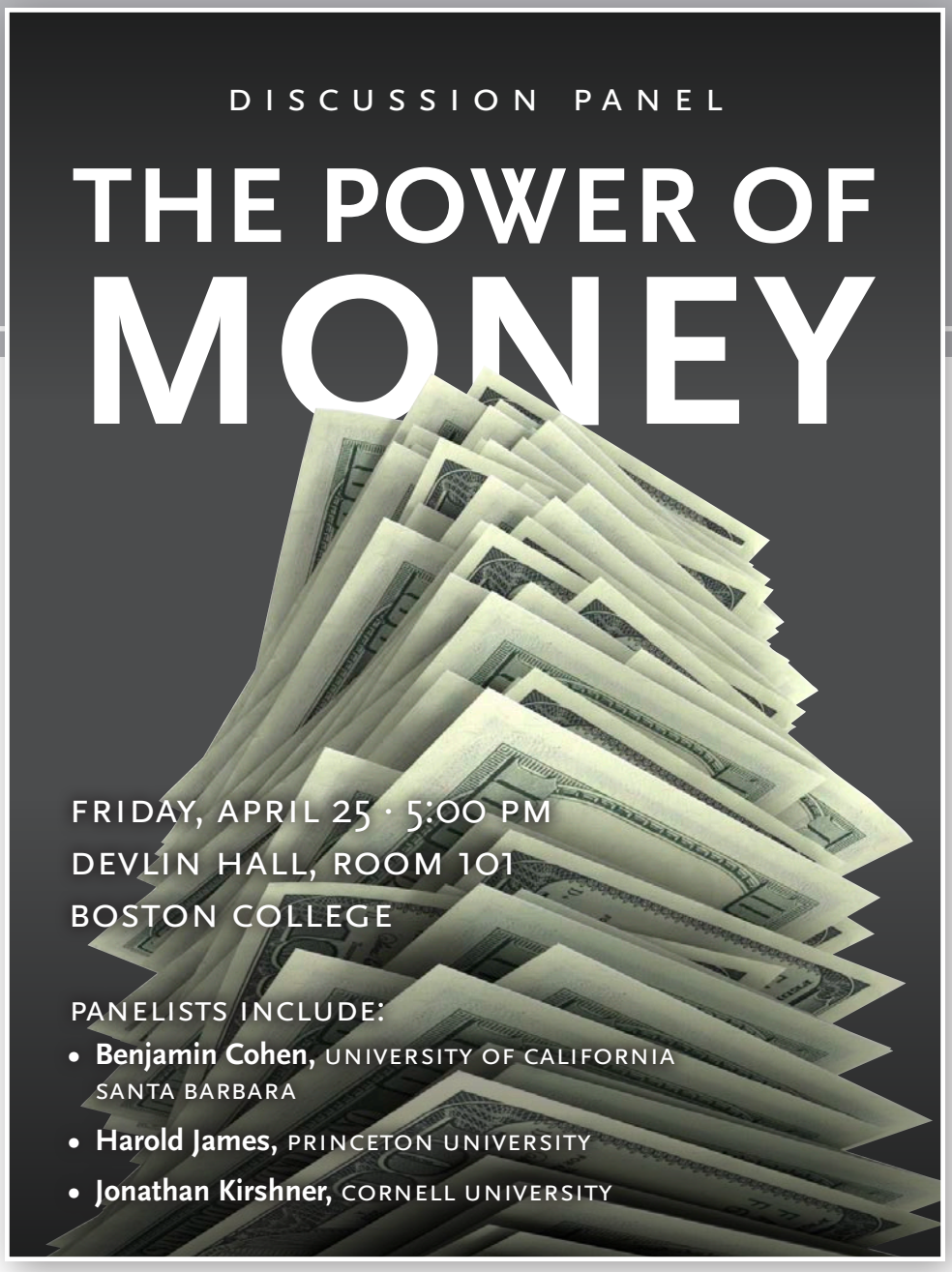
Mark Tushnet is William Nelson Cromwell Professor of Law at Harvard Law School. Professor Tushnet, who graduated from Harvard College and Yale Law School and served as a law clerk to Justice Thurgood Marshall, specializes in constitutional law and theory, including comparative constitutional law. His research includes studies examining (skeptically) the practice of judicial review in the United States and around the world. He also writes in the area of legal and particularly constitutional history, with works on the development of civil rights law in the United States and (currently) a long-term project on the history of the Supreme Court in the 1930s.

Aziz Huq is Assistant Professor of Law and Herbert and Marjorie Fried Teaching Scholar at the University of Chicago Law School. He earned his B.A. summa cum laude in International Studies and French from the University of North Carolina at Chapel Hill in 1996 and his law degree from Columbia Law School in 2001, where he was awarded the John Ordronaux Prize. He clerked for Judge Robert D. Sack of the U.S. Court of Appeals for the Second Circuit (2001–02) and Justice Ruth Bader Ginsburg of the Supreme Court of the United States (2003–04). After clerking he worked as Associate Counsel and then Director of the Liberty and National Security Project of the Brennan Center for Justice at NYU School of Law. He has also been a Senior Consultant Analyst for the International Crisis Group. His research and teaching interests include constitutional law, national security and counterterrorism, federal jurisdiction, legislation, human rights, and comparative constitutional law.

Kent Greenfield is Professor of Law and Law Fund Research Scholar at Boston College Law School, where he teaches and writes in the areas of business law, constitutional law, decision-making theory, legal theory, and economic analysis of law. He is the past Chair of the Section on Business Associations of the American Association of Law Schools. In addition, he is the author of the book "The Myth of Choice," published in 2011 from Yale University Press, Prunsoop Publishing (in Korean), and BiteBack Publishing (UK). *Kirkus Reviews* stated in its review: "The author deftly debunks prevailing dogma about the infallibility of free markets, especially important during a time when, as he reports, one in seven Americans are poor." He is also the author of the book "The Failure of Corporate Law" published by University of Chicago Press. The book has been called "simply the best and most well-reasoned progressive critique of corporate law yet written," and the Law and Politics Book Review said that "it merits a place alongside Berle and Means, [and] Easterbrook and Fischel."

Ken Kersch is associate professor of political science at Boston College, with additional appointments in the university's history department and law school. His primary interests are American political and constitutional development, American political thought, and the politics of courts. Kersch is the recipient of the American Political Science Association's Edward S. Corwin Award (2000), the J. David Greenstone Prize (2006) from APSA's politics and history section, and the Hughes-Gossett Award from the Supreme Court Historical Society (2006). Professor Kersch has published many articles in academic, intellectual, and popular journals. He is the author of *The Supreme Court and American Political Development* (2006) (with Ronald Kahn), *Constructing Civil Liberties: Discontinuities in the Development of American Constitutional Law* (Cambridge, 2004), and *Freedom of Speech: Rights and Liberties Under the Law* (ABC-Clio, 2003). He is currently completing a book entitled *Conservatives and the Constitution: From Brown to Reagan* (Cambridge University Press).

Katharine Young joined the Boston College Law School faculty as Associate Professor in July 2013. Before coming to Boston College, she was an Associate Professor at the Australian National University, and has been a Visiting Assistant Professor at Boston University and a Byse Teaching Fellow at Harvard Law School. Her fields of expertise are economic and social rights, comparative constitutional law and international human rights law. Professor Young's recent book, *Constituting Economic and Social Rights* (OUP, 2012), is published in the *Oxford Constitutional Theory* series. Other recent publications have appeared in the *Harvard Human Rights Journal*, the *Harvard Law Review Forum*, the *International Journal of Constitutional Law*, the *Australian Year Book of International Law*, and the *Yale Journal of International Law*.



BY NICOLE POTEAT

Professor Benjamin Cohen and Professor Jonathan Kirschner addressed a large crowd on the Boston College campus. Their presentation was held on April 25, 2014, and the topic of the talk was "The Power of Money." Benjamin Cohen is the Louis G. Lancaster Professor of International Political Economy at the University of California, Santa Barbara and specializes in the political economy of international money and finance. Jonathan Kirshner is the Stephen and Barbara Friedman Professor of International Political Economy in the Department of Government at Cornell University. The two political economists analyzed the historical development of global currencies, especially since World War II.

Dr. Cohen began his discussion by laying out several basic assumptions on which his contribution would rely. First, he said, currencies compete with each other. This competition includes non-state currencies. Second, competition defines the geography of money, or, "GOM." Third, the GOM is hierarchical and exists in a space that Cohen referred to as a currency pyramid. Fourth, this hierarchy implies varying degrees of influence. This influence is in fact power. The most powerful top currencies include the U.S. dollar, which has exorbitant privilege, the euro, the yen, and a few others. The least powerful are also the most numerous. These are "junk currencies".

In the first decades after World War II, from the 1940s to 1960s, money was effectively "territorial." Few countries allowed exchange of domestic currency for foreign currency. Each government had a national currency which was the only one that could serve as legal tender within its borders. There was little difference between the legal domain of states and the domain of their currencies. In the 70's and 80's as globalization increased, deterritorialization occurred. Currencies were no longer confined to the territory of their own issuing state. Currency substitution became more widespread. For example, informal dollarization became common due to accelerating inflation and reduced barriers to currency competition. By the 1990s the contraction contention had become quite popular, predicting formal dollarization and monetary unions. Argentina, for example, had hyperinflation in which they went through four currencies in less than a decade. Pesos were created as a direct exchange unit for the dollar. The euro was another model that countries could use to come together and form monetary unions. Both of these examples were methods of joining currency values (the contraction contention).

Formal dollarization has actually occurred in only a small number of relatively poor countries. A small number of countries have actually adopted the currency of another country and there is little prospect for more countries doing this in the future. Similarly, monetary unions have not really developed beyond the realm of the euro despite some talks within other regions. The only other monetary unions aside from the euro pre-date it and are relics of colonial eras. So there has actually been very little change in the geography of money. This can be explained by the decrease in inflation, and instead, a rise in deflation. With so little inflationary pressure there is little pressure to substitute



Professors Benjamin Cohen and Jonathan Kirshner discuss the power of money.

foreign currencies for domestic ones. Additionally, examples of failure such as Argentina's experiment of adopting a foreign currency have discouraged others from following suit. The euro has demonstrated the difficulty in maintaining a monetary union without a political union.

Currencies allow countries control and independence. They allow for independent policies and domestic control. Governments do not want to give up their currencies because they allow massive flexibility. Cohen anticipates that because of this, most state currencies will remain in existence, with possible exceptions in the case of extreme crises. The degree of competition amongst currencies will remain intense. The hierarchy of the currency period will also persist. But, some relative positions may shift. The yen for example, may go down, and the yuan may go up, perhaps eventually challenging the dollar. The biggest unknown is the challenge of non-state currencies. There are many forms of money that do not originate from states. Digital currencies like bitcoin are on the rise and present a new player in the question of global currencies. They may one day challenge the role of state money and result in a great change in the distribution of power in the world.

Dr. Kirschner's presentation began with the overall claim "the management of money is always and everywhere political." This is because monetary policy is the primary tool through which money is managed internationally. The later discussion of the development, utilization, and revision of monetary policy profoundly reflected this first assertion. Professor Kirschner pointed out that every choice about money privileges some interest over others. Nations represent their interests through monetary policy. As money is politics, inevitably international money is international politics. Standing on this logic, Kirschner deduced that as long as states jockey for power on the international playing field, international monetary policy will reflect their positional struggle. Further, state currencies exist as instruments of state power and reflect the power held by any one state individually or several states in relationship to one another.

Because state currencies are instruments of the state, they can be used as extensions of state power. Simply, states can use currencies for action. They can serve as weapons, and, even when they do not, they always represent state interest. States routinely seek to advance their interests through three typologies of monetary power. First, states often manipulate the value of their own currency. States purchase and sell currency on the exchange market in order to influence the value of the domestic currency in relation to foreign currencies. Nations also seek to hold other states as monetary dependents in order to decrease the ability of foreign states to take up autonomous monetary policy. Finally states employ strategic disruptions of currency production and exchange as a third method designed to increase their relative economic influence over other states.

These three typologies of monetary policy and control would not exist without the dependence of political power on economic livelihood. Economic strength is connected directly and intangibly to the actionable and reputational strength of national currency.

ABOUT THE AUTHOR

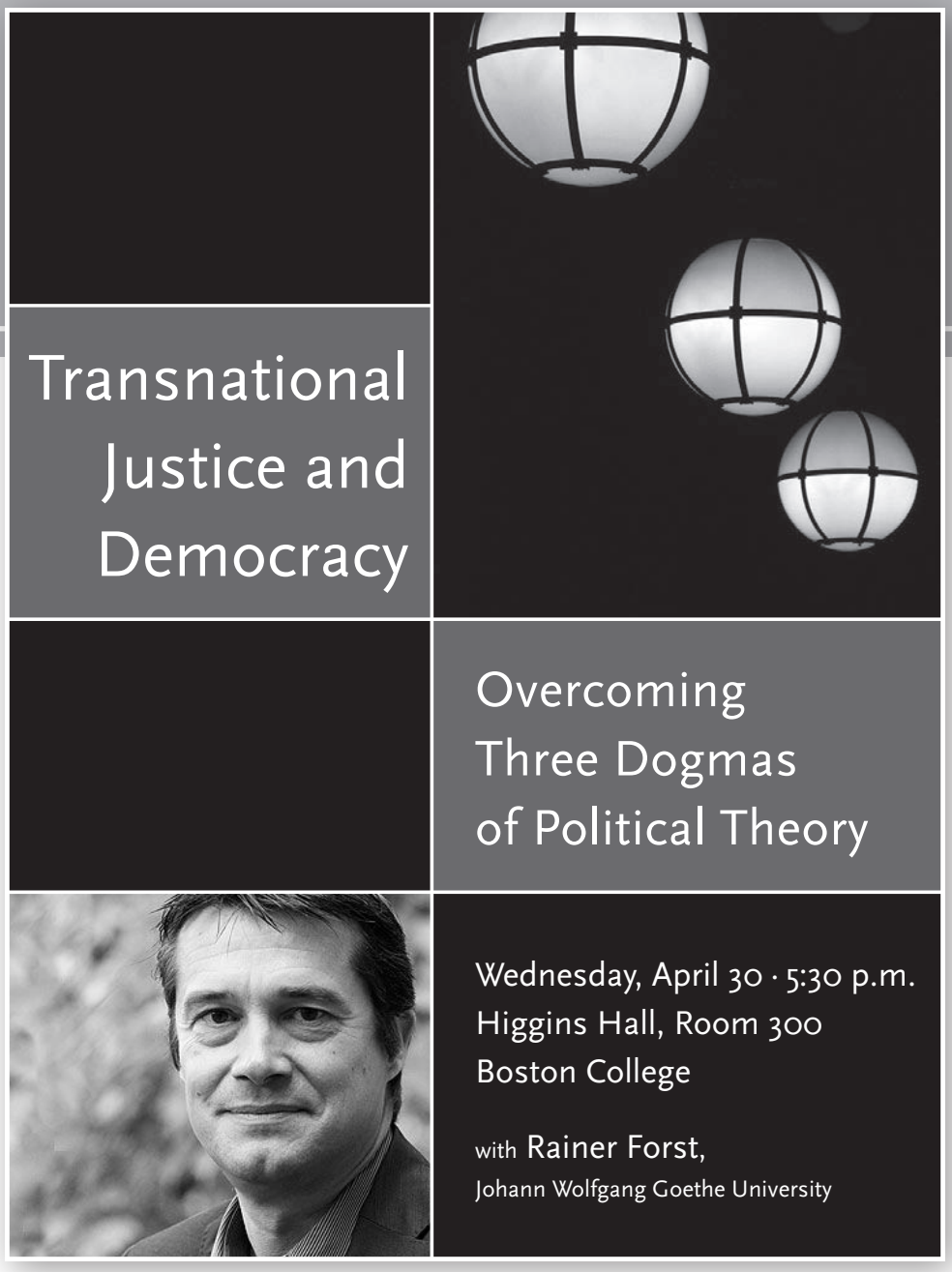
Nicole Poteat is a J.D. candidate at Boston College Law School and an inaugural Clough Public Interest Law Scholar.

About the Panelists

For more information, including a video recording of the event, visit the event page at www.bc.edu/cloughevents.

Benjamin J. Cohen is Louis G. Lancaster Professor of International Political Economy at the University of California, Santa Barbara, where he has been a member of the Political Science Department since 1991. He was educated at Columbia University, earning a Ph.D. in Economics in 1963. He has worked as a research economist at the Federal Reserve Bank of New York (1962-1964) and previously taught at Princeton University (1964-1971) and the Fletcher School of Law and Diplomacy, Tufts University (1971-1991). A specialist in the political economy of international money and finance, he serves on the editorial boards of several leading academic journals and is the author of fourteen books, including most recently *Advanced Introduction to International Political Economy* (2014). He has won numerous awards and in 2000 was named Distinguished Scholar of the year by the International Political Economy Section of the International Studies Association.

Jonathan Kirshner is the Stephen and Barbara Friedman Professor of International Political Economy in the Department of Government at Cornell University. He is the author of *Currency and Coercion: The Political Economy of International Monetary Power*, and *Appeasing Bankers: Financial Caution on the Road to War*, which won the best book award from the International Security Studies Section of the International Studies Association. He has also edited the volumes *Monetary Orders: Ambiguous Economics, Ubiquitous Politics* and *Globalization and National Security*; and is the co-editor (with Eric Helleiner) of the volumes *The Future of the Dollar*, and *The Great Wall of Money: Power and Politics in China's International Monetary Relations*. His most recent books include *Hollywood's Last Golden Age*, and *American Power after the Financial Crisis*. From Cornell University Kirshner is a recipient of the Provost's Award for Distinguished Scholarship, and the Stephen and Margery Russell Distinguished Teaching Award.



BY MATT HARRIS

What is justice? How does justice relate to democracy? And how does their relationship fit with conceptions of transnational justice? On April 30, 2014, professor Rainer Forst, of Johann Wolfgang Goethe University in Frankfurt, came to Boston College to discuss how transnational democratic forums of justification could advance the cause of transnational justice.

Rainer Forst addresses the crowd at his Clough Center lecture.

Forst began by discussing the relationship between democracy and justice. He introduced the "three dogmas of political theory" that create problems for transnational justice. These dogmas are (1) the incompatibility of democracy and justice; (2) that only a state constitutes a context of justice; and (3) that democracy presumes a demos in a state. Forst said that by explaining these dogmas, we can create a theory of transnational justice.

Forst then presented an overview of theories of justice. First, he discussed the goods oriented view of justice. This theory of justice is concerned with what each person receives, and leads to comparisons between the goods that different people possess. Forst contrasted this view to a distributive theory of justice. Under this theory, justice is concerned with how each person receives goods. This view is concerned with who determines the structures of production and distribution of goods, and treats society as a way to distribute goods.

Advocating for the distributive view of justice, Forst was concerned with the procedures of how goods are distributed. These procedures of justification were a major focus of his conception of justice. This is because it is through procedural means that people can address structural problems that create injustice. Unlike mere benevolence, such as giving money to the poor, distributive methods of justice incorporate a political understanding. This political understanding allows for justice to be applied to the structures of society, not just individuals.

Forst then explored how a distributive theory of justice related to power in society. He said that power is the most important good of justice. The power to make changes is what distinguishes subjects of justice from mere recipients of goods. Subjects of justice can decide how goods are distributed in society, while recipients of goods are subject to others. He also addressed concerns about domination. Forst suggested thinking about domination structurally. He said there is no domination if there is a place to raise critique or question justifications. This view of domination is about structure and procedure, not about freedom of justice. Forst then discussed the supreme principle of a normative order, which he called "general and reciprocal justification." This is the power of people to determine and allocate the goods and rights of their society.

Forst next discussed how democracy appears in a distributive theory of justice. He defined democracy as the practice of obtaining equality and freedom in a mutually justifiable way. Democracy is thus the practice of political justice.

Finally, Forst applied this framework of justice to a transnational context. He first addressed Rawls' proposal that justice requires a context of social cooperation. Rawls thought that outside of these contexts, cooperation is much weaker, and that a well ordered society can only be obtained in a tight network. Forst then addressed a communitarian view of transnational justice. This view locates justice in the state, so it is not useful for addressing transnational contexts.

Forst then defined justice as a man-made force used to banish arbitrariness. He said justice is needed whenever arbitrariness is present. Justice cannot presuppose that its institutions are already in place. If justice requires a way to banish arbitrariness, the institutions that could banish arbitrariness may not yet exist. Domination, however, may be present without corresponding institutions. This means that there does not need to be an existing global structure for transnational justice to exist.

Forst concluded that, because justice does require a social context or political institutions, we do not need one worldwide society or worldwide state to find transnational justice. Instead, Forst suggested we look at states as the main agents of structural justification. Since there are weaker and stronger states, we should examine how the weaker states can achieve justificatory power to challenge the stronger states. The states that are subject to forms of transnational domination must be able to participate.

Forst suggested that the best way to do this would be by establishing regional structures of justification. If domination is present in a region, these structures would allow participants to generate justificatory power and force those with power to justify themselves. These regional structures of justification would use democracy as a way of fighting toward justice.

ABOUT THE AUTHOR

Matt Harris is a J.D. candidate at Boston College Law School and an inaugural Clough Public Interest Law Scholar.

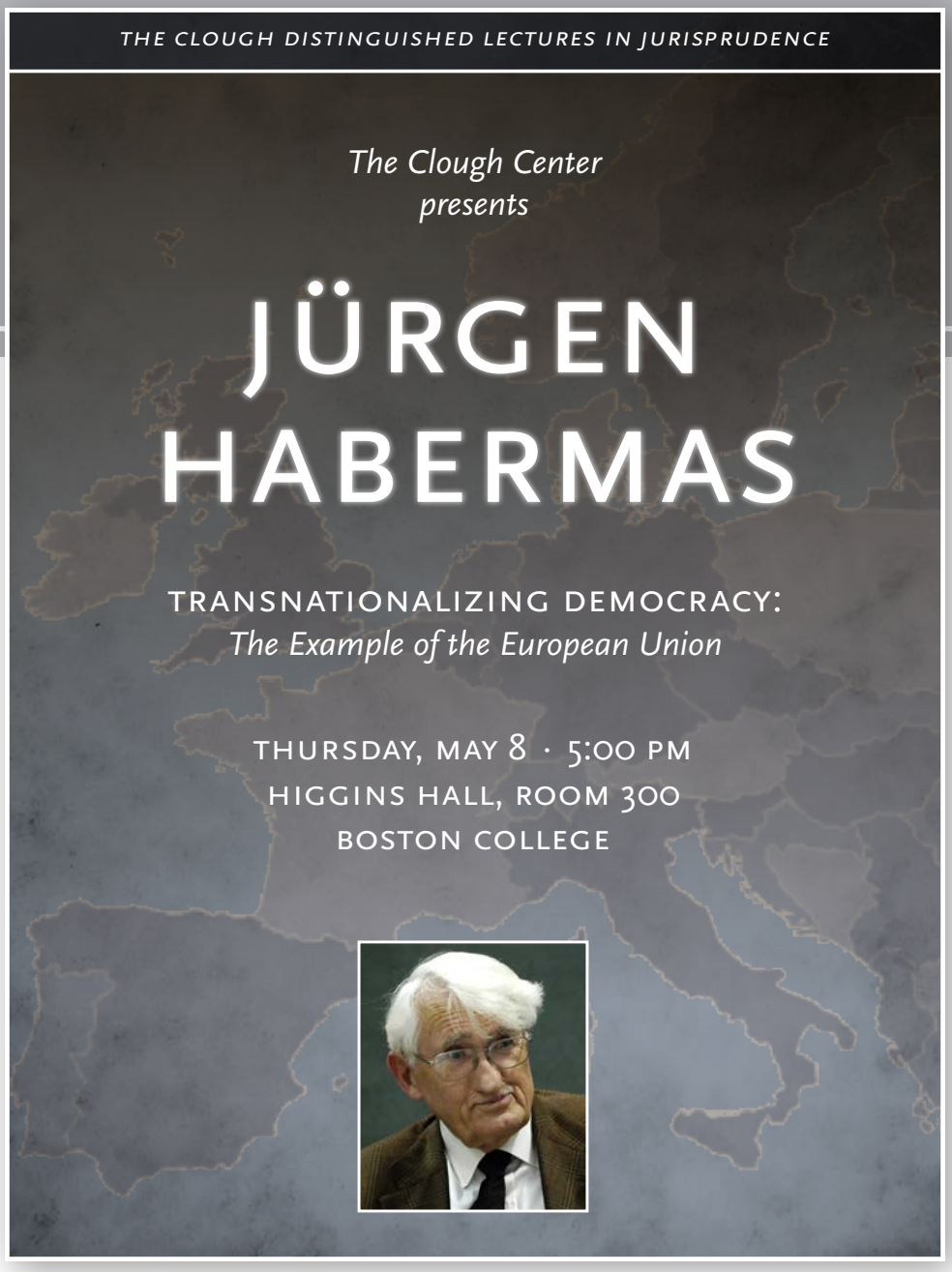
About Rainer Forst

For more information, including a video recording of the event, visit the event page at www.bc.edu/cloughevents.

Rainer Forst is Professor of Political Theory and Philosophy at Johann Wolfgang Goethe University and director of the Normative Orders Research Institute in Frankfurt, Germany. Typically identified with the Frankfurt School of critical theory, he was awarded the 2012 Gottfried Wilhelm Leibniz Prize—the highest honor awarded for research in Germany—for his contributions to political theory and philosophy.

Professor Forst's interdisciplinary work has focused on morality, justice, tolerance, and democracy and has included pragmatist and normative perspectives. Notably, his works have described the moral basis of human rights and have advocated a transnational conception of justice.

His career extends to both the United States and Europe. After studying under John Rawls at Harvard University, he received his doctorate under the supervision of Jürgen Habermas in 1993. Since then, he has held teaching positions at the Free University Berlin, Dartmouth College, and the New School for Social Research, as well as fellowships with NYU, the German Research Foundation, and the Institute for Advanced Studies of Goethe-University at Bad Homburg near Frankfurt, which he helped co-found. Professor Forst's publications include *Contexts of Justice* (2002), *Toleration in Conflict* (2003), *The Right to Justification* (2012), and *Justification and Critique* (2013).



BY MAY KHOURY

Jürgen Habermas began his presentation by introducing the term "transnationalizing" as a process that aims to create supranational democracy. This process is not supposed to enjoy a monopoly on the use of force. Instead, it leaves enforcement to its member states. The question Habermas posed is whether such a union can satisfy the concept of democracy and its standards of legitimacy. States, he said, are entering systemic relationships that permeate boundaries. People and politicians, however, still cling to the nation state. But an increasing number of international organizations have gained international influence. These bodies have created treaty regimes that escape from democratic control. The alternative to this system is to create supranational entities.

Habermas argued that the sovereign debt crisis of the Eurozone resulted in the European Central Bank presenting a credible simulation of joint liability. But joint economic government must also be established. Thus far European culture has confined itself, leaving austerity measures to affected countries. The Council imposes conditions on national governments that amount to treating citizens of democratic polities like they are actually minors. Economic constraints lean in favor of putting the European Council and Parliament in charge of making joint decisions on federal guidelines for fiscal, economic and monetary issues. But certain governments, for example Germany, lack the courage to do this. The crisis management in Europe has necessitated a self-empowerment of the European Union, which has extended its scope of action at the cost of national parliaments and consequently exacerbated the shortcomings of legitimacy.

A look at international history only complicates the situation. Democratic standards have meant that self-determination lead entities to be subject only to the laws that they enacted for themselves through a democratic process. This procedure owes the legitimacy of its force to public participation and the linking of political decisions with public opinion and parliamentary deliberation. The French revolution implemented such a design in the form of a unitary state, as opposed to a federation of states like in the United States.

International law, and the principle of state law and national constitutionalism must be integrated in all federations. But currently the legal side of this integration remains superficial. As the federalist papers said, people have to pool their sovereignties in order for there to be an alliance of member states with democratic characteristics and construction preserved. For this reason, the international legal principle of the equality of states serves a different function than it does in international law. That purpose is to ensure the equality of states. In international law, the principle of equality of states guarantees an equal standing of state governments. Within a federal state, the same principle projects the impact of democratic rights of peoples of each state onto the federal government. Thus, the entire citizenry of the European Union regards itself as the core constitutionalizing subject. From a legal point of view, the alternative was decided in favor of the federation. Europeans should harmonize the equality of states with the equality of citizens by turning them into a bicameral system with a corresponding division of powers. However, it is not the case that each individual state can do this, so the first thing needed is the normative subordination of states to the federal level.

Today, citizens of Europe do not want to fulfill either of these conditions. People who formed the United States were basically immigrants, whereas in Europe citizens have been living there for longer. Nationalism confuses two forms of solidarity. We should not confuse the informal solidarity that forms in political communities with the legally constituted form of civic solidarity. Conflicts continue to flare up in Europe over old regional ethnic boundaries in times of conflict. This can lead to the disintegration of solidarity. We should not draw hasty parallels between these old conflicts and the new roles that states are playing to block the union. Contrary to ethno-national identities, a high level of political inclusion has developed.

A lack of trust is not primarily an expression of xenophobic self-isolation against foreign nations, but reflects the normative achievements of nation states. National citizens believe they owe their living conditions to the democratic functioning of their states. Habermas warns against paternalistic superstates so that states can remain the guarantor of those achievements. The lack of a European people is not the main obstacle to join policy-making. It just requires European-wide communication within a common European public sphere. It does not have to be a new sphere, just an open one. It could be media, but it must be trusted through reporting on the issues of other countries.

European citizens want a union to assume the form of a supranational policy that can act effectively as well as in a democratically legitimate way. They want to embark on this transnationalization of democracy while retaining the same level of justice and freedom. A transnational body must allow the hierarchical relationship of member states to remain intact in the federal context. Habermas suggests a balanced authority composed of the entire citizenry of Europe and the people of each state, allowing equal consideration for the principle of equality of states and of citizens. The original democratic legitimation is shifted from the level of the constitution-building process to the meta-level of justification for the peculiar composition of the constituting authority. The willingness of both sides to corroborate opens a new dimension reminiscent of the Federalist Papers. Now, the best we can hope to do is shed light on two competing objectives whose proponents say are non-negotiable. Citizens could satisfy their double allegiance by acting as though they participated in the constitution-building process. If this shared intention of both parties can be reconstructed, then the last remaining gap in the chain of legitimation could be closed.

The creation of a supranational democracy cannot be understood as the traditional two-stage process of which a constitutional democracy is the product. Instead, a three-stage model in which the existence of democratically constituted nation-states is already presupposed is more suitable. This allows citizens to preserve historical achievements but also allows a supranational government to serve as an additional sovereign.

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About Jürgen Habermas

For more information, including a video recording of the event, visit the event page at www.bc.edu/cloughevents.

Jürgen Habermas is a sociologist and philosopher closely identified with critical theory and pragmatism. One of the world's leading intellectuals, he has received wide recognition both for his contributions to philosophy and for his commentaries on contemporary political issues.

Born in Düsseldorf, Germany, in 1929, Habermas was deeply affected by World War II and its aftermath. The revelation of the atrocities of the Third Reich through the Nuremberg Trials had a lasting impact on his political and philosophical views by provoking him to be skeptical of authority. After studying at the universities of Göttingen, Zürich, and Bonn, Habermas earned a doctorate in philosophy in 1954. Two years later, he began a habilitation under the critical theorists Max Horkheimer and Theodor Adorno at the University Frankfurt am Main Institute for Social Research. He later completed his habilitation under Wolfgang Abendroth at the University of Marburg before beginning his teaching career. From 1961 to 1994, Habermas held positions at several German universities; he served as "extraordinary professor" of philosophy at the University of Heidelberg, the chair of philosophy and sociology at the University of Frankfurt am Main, and the director of the Max Planck Institute in Starnberg.

Closely associated with the Frankfurt School of social theory, Habermas is perhaps best known for his scholarship on communicative rationality, the public sphere, linguistic intersubjectivity, and the philosophical discourse of modernity. He first gained extensive public attention in Germany for his first book, *Structural Transformation and the Public Sphere* (1962), which detailed the social history of the development of the bourgeois public sphere. He later explored political philosophy and critical-social analysis in *Toward a Rational Society* (1970) and *Theory and Practice* (1973). In his magnum opus, *The Theory of Communicative Action* (1981), Habermas criticized the rise of the welfare state, corporate capitalism, and mass consumption as responsible for the rationalization of public life. This rationalization, he argued, resulted in the deterioration of boundaries between public and private life. Furthermore, through the replacement of participatory democracy with representative democracy, it led to the widespread disfranchisement of citizens.

2013-2014 Global Visitors

FALL 2013

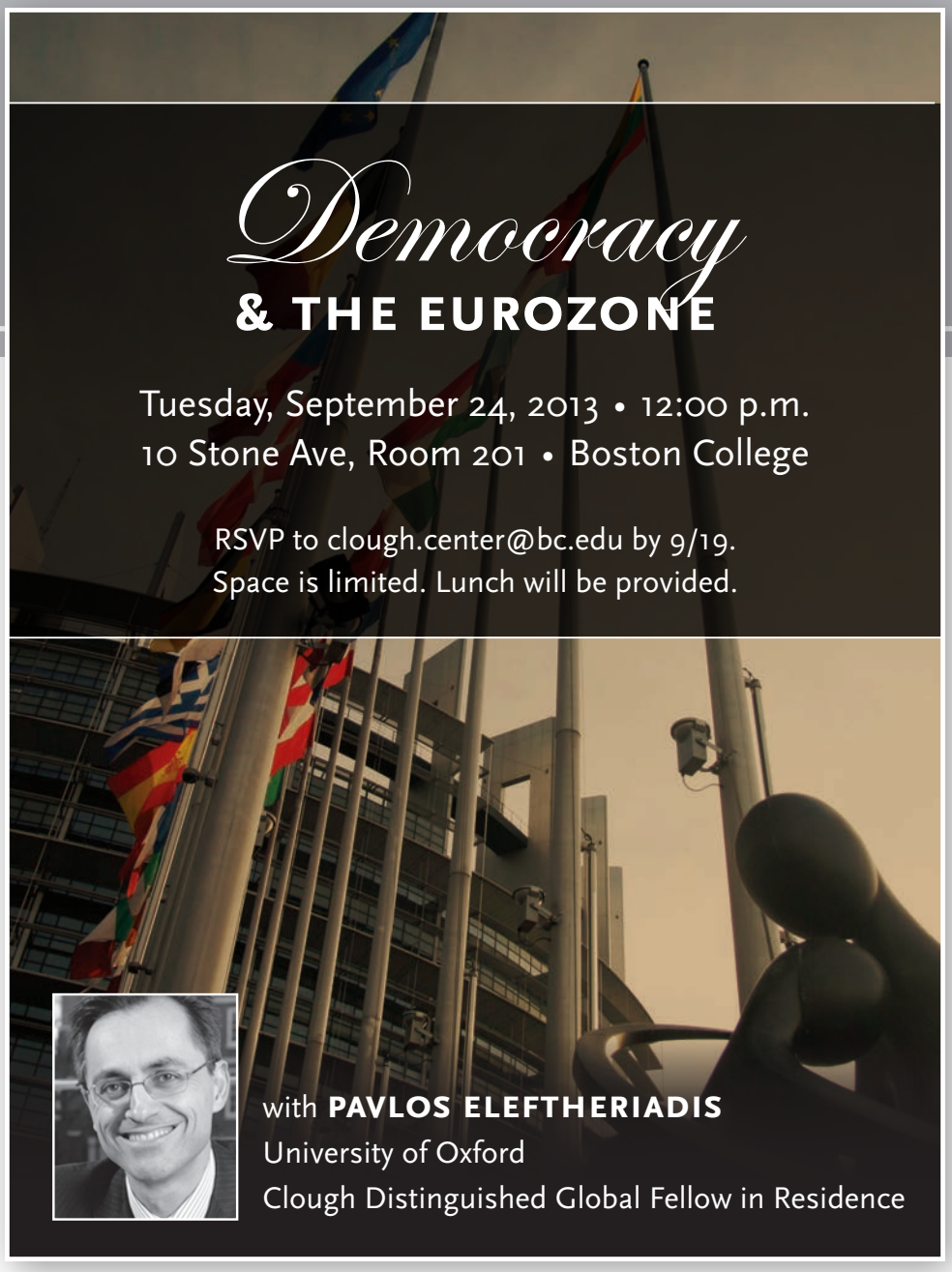
Pavlos Eleftheriadis · Democracy and the Eurozone

Stein Ringen · What is Power?

Dimitry Kochenov · A Real Citizenship beyond the State: The New Phase of the European Experiment

SPRING 2014

Paul Nolte · Fuzzy Democracy: Political Change and Public Discourse in the "West" and Beyond Since the 1970s



BY JONATHAN HODDENBAGH

The ongoing fiscal crisis in the Eurozone has revealed a number of flaws in the institutional design of the currency union as a whole. Upon joining the Euro, member countries cede control of monetary policy to the supranational European Central Bank, while fiscal policy remains in the hands of sovereign national parliaments.

In his lecture to Clough Graduate Fellows on September 24, 2013, Oxford legal scholar Pavlos Eleftheriadis argued that the disconnect between a federal, pan-European monetary policy and myopic, country-specific fiscal policy, is not simply a matter of economic importance, but of democracy itself. What does democracy mean in the context of a currency union? How can the Euro maintain democratic legitimacy if its institutions are neither accountable nor representative? Will the Euro survive if it does not address the democratic deficit it is currently facing?

Drawing from his paper on "Democracy and the Eurozone," Eleftheriadis used a mix of legal theory, philosophical principle, historical examples and personal anecdotes from his own interactions with policy-makers and lawyers involved in the European integration project to address these questions in a convincing manner. He suggested that much of the difficulty could be traced back to a fundamental misunderstanding about the very nature of democracy.

In the collective theory of democracy, the people are "anterior to and above the constitution" in the words of German constitutional lawyer Carl Schmitt. The people must have a direct say in the affairs of the state, where the idea of self-government is paramount. This is a majoritarian view of democracy. On the other hand, as Eleftheriadis asserts, the substantive equality theory of democracy "requires a political community which is commited to deliberation and treats both in its procedures and in its outcomes all its members as worthy of equal respect."

Eleftheriadis pointed out that under the first view, the collective self-government view of democracy, European institutions do not face a democratic deficit because there is no "European polity" to which these institutions must account. Under the collective view the primary concern is how pan-European institutions interact with sovereign, domestic, elected governments. A specific example is the German constitutional court's ruling against the bailout package for periphery countries: ceding powers to a supranational body with no explicit democratic accountability is unconstitutional in a collective framework. For Eleftheriadis, this concept of democracy is too narrow and does not allow for a full consideration of the role of representation and accountability in the political realm.

In contrast, under the second view, the substantive equality theory of democracy, there is room for European institutions to interact with sovereign, domestic, elected governments. The democratic legitimacy of these interactions stems not from the will of the people as such, but rather from the degree of

Pavlos Eleftheriadis (below) shares his thoughts over a lunch discussion.

representation and accountability of the institutions in question. As Eleftheriadis says, "How does a more sophisticated view of egalitarian democracy help us understand the European Union? I believe that the EU respects both representation and accountability, but it does so as an international organisation, a union of peoples, not as a federal state." Although this may be true at the EU level, in his lecture Eleftheriadis emphasized the challenge for the Eurozone in particular to maintain both representation and accountability, as the seeds of the crisis have required a number of emergency measures which fall short of these two facets of democratic legitimacy.

On the whole, Eleftheriadis argued in favor of the egalitarian conception of democracy as opposed to the collective theory. Under the egalitarian view, he believes that "the Union can become more democratic without seeking to become a democracy." If governments and citizens of the Eurozone countries fail to coalesce around a substantive egalitarianism, the road ahead is much darker and the potential for disunion much greater.

ABOUT THE AUTHOR:
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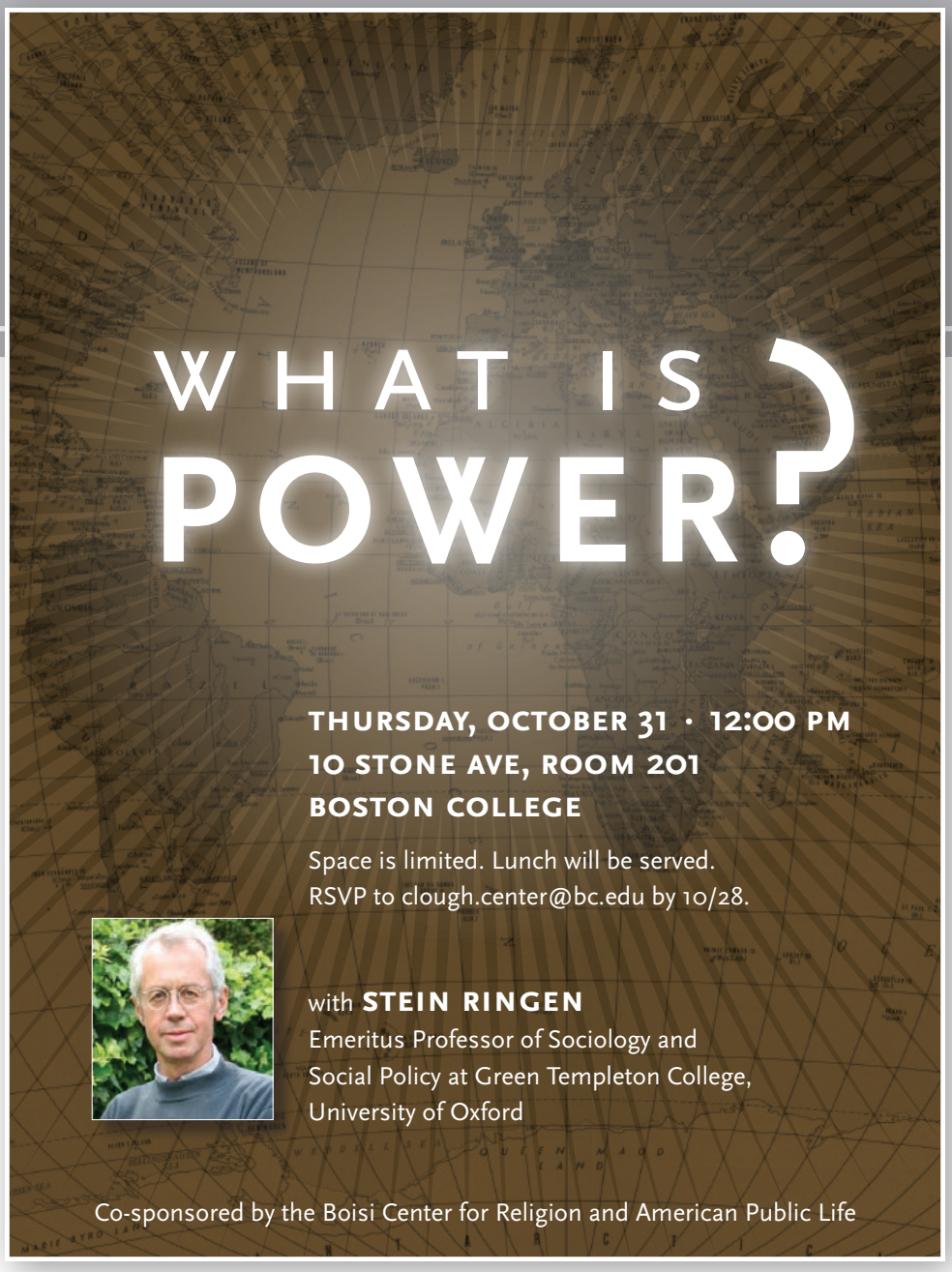
About Pavlos Eleftheriadis

For more information, including a video recording of the event, visit the event page at www.bc.edu/cloughevents.

Pavlos Eleftheriadis is University Lecturer in the Faculty of Law and Fellow and Tutor in Law at Mansfield College. He teaches and publishes in the philosophy of law, constitutional law, and European Union law. He is also a barrister in England.

Before joining Oxford he was a lecturer at the London School of Economics. He has been a visiting professor of European Law at Columbia University and a visiting fellow in Hellenic Studies at Princeton. He was awarded the Bodossaki Prize for Law in 2005. He is the co-editor of the collection of essays *The Philosophical Foundations of European Union Law* (Oxford University Press, 2012) and the managing editor of the loose-leaf encyclopedia D. Vaughan and A. Robertson (eds.), *The Law of the EU, vols. 1-6* (Oxford University Press, 2007-2013). He has been an active commentator on the Eurozone crisis in the press.



BY MICHAEL FRANCZAK

"Power" has not suffered a lack of explanations. From the classical period to the Renaissance to our own times, humanists and social scientists have provided varied and clashing interpretations of what power is and how it should be used.

The most widely cited definition of power comes from the sociologist Max Weber—that is, the ability to carry out one's will without resistance, or, one's ability to get things done. Stein Ringen, Professor of Sociology and Public Policy at Oxford University and former Norwegian government official and United Nations consultant, disagrees. In fact, Ringen disagrees with, or at least finds incomplete, most all definitions of power. In Professor Ringen's talk at the Clough Center, he sought to clear up some of this confusion by giving his own definition—what he characterized as "Machiavelli for democracy."

Ringen's main contention with how people have theorized power is that they conflate power with its use. That is, power itself is a thing; it can be identified; it is a priori; and you either have it or you do not. For governments, power rests in the office—this is the source of power. The devil is in the details—how the road to effecting a given outcome is complicated, first by the decision-making process within the government, and second by its implementation with the public. It is in the second phase where that outcome will most likely be compromised, both from the government officials doing the implementing, and the public, which has significant power in its own right in choosing to comply or lend the government's plans legitimacy. From Vaclav Havel's "power of the powerless" to the current Obamacare website debacle, one can clearly see how it can be much easier for those in power to make a decision than it is to execute it successfully.

So how, then, does a government get things done? According to Ringen, after the decision-making process is complete (and assuming that it was relatively competent and a good policy was produced), a government needs both sound administration (Obamacare) and a population buying what the government is selling (Havel). It is in the latter where the government has both the most latitude and the most resistance. A government needs something to attract obedience, to persuade others that its policy is wise, just, and in the public interest. But first, the public must be willing to even be persuaded. They have to give the government 1) authority and 2) legitimacy.

Authority is related to, but distinct from, power. When a powerful person speaks, people listen because that person is powerful. However, authority from power alone—remember, power rests in the office itself and is a priori—is resented, as it ultimately rests on force. Authority from legitimacy is something else entirely. It is the art of ruling, of creating Machiavelli's "natural affection" through charisma and trust. For instance, no matter how hard Gordon Brown tried, he could not convince the public that he was a likeable, charismatic person. Likewise, Tony Blair was full of charisma, but in the end lost the public's trust after revelations about his complicity in the manipulation of intelligence leading up to the Iraq War.

To summarize, a government's ability to get things done is shaped by three influences: one, power itself, which comes with the office; two, the use of power, "that great variable" which renders great power useless in the wrong hands and smaller powerful useful in the right; and three, authority from legitimacy, which is the greatest asset of all. Power sits at both ends, making government just as much a people business as it is a power business. With Congress facing approval ratings of 12%, perhaps governments get the people they deserve, and not the other way around.

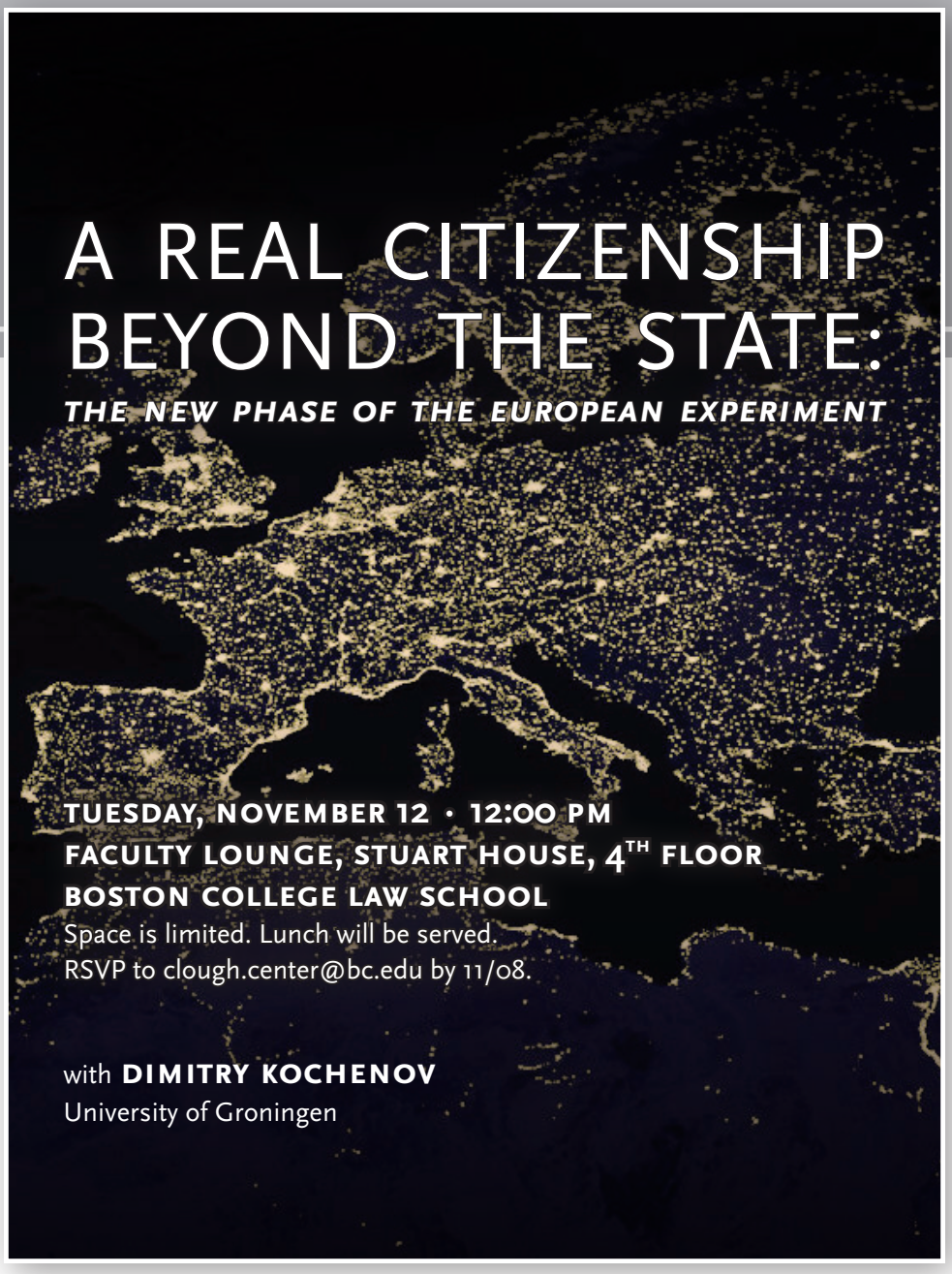
ABOUT THE AUTHOR
Michael Franczak is a Ph.D. candidates in History at Boston College and a Clough Center Graduate Fellow.

About Stein Ringen

For more information, including a video recording of the event, visit the event page at www.bc.edu/cloughevents.

Stein Ringen is Emeritus Professor of Sociology and Social Policy at Green Templeton College, University of Oxford. He was Professor of Welfare Studies at the University of Stockholm and has held visiting professorships and fellowships in Paris, Berlin, Prague, Brno, Barbados, Jerusalem, Sydney, and at Harvard University. He has been Assistant Director General in the Norwegian Ministry of Justice, a consultant to the United Nations, and a news and feature reporter with the Norwegian Broadcasting Corporation. His books include *What Democracy Is For: On Freedom and Moral Government* (2007), *The Korean State and Social Policy: How South Korea Lifted Itself from Poverty and Dictatorship to Affluence and Democracy* (co-authored, 2011) and *The Possibility of Politics: A Study in the Political Economy of the Welfare State* (1987, 2006).

A new book, *Nation of Devils: Democracy and the Problem of Obedience*, is published by Yale University Press in 2013. He is a visiting professor at Richmond, the American International University in London and Adjunct Professor at Lillehammer University College in Norway.



BY JOHN LOUIS

On Tuesday, November 12, 2013 the Clough Center welcomed Dimitry Kochenov, Professor of EU Constitutional Law at the University of Groningen, to Boston College Law School. Kochenov spoke on the notion of a "citizenship beyond the state" and the role of the European Court of Justice (ECJ) in forging this expanded concept of citizenship. Kochenov argued that the notion of EU citizenship could become a "transformative concept" leading to a new understanding of the state. A transnational concept of citizenship, he argued, could alter the "essence of EU federalism."

Dimitry Kochenov addresses the audience after an introduction from Center Director Vlad Perju.

Kochenov began his talk by outlining the purposes of the European Union (EU). According to Kochenov, the EU was created to serve the broad ends of peace, security, prosperity, and a better life for all. To secure these ends the EU's constitutional structure provided a number of tools: the common market, political union, and a defense union. Of these tools, only the common market proved successful such that "one tool is now the only tool."

Kochenov doubted that the common market alone could remain sufficiently strong to promote the EU's broader purposes, and asked "should the market remain the only tool?" He argued that citizenship offers another potential path for integration. But for the EU to move beyond the market, the idea of EU citizenship must move beyond the state.

For much of the EU's history member states have claimed exclusive prerogative to define citizenship. Most EU residents lack access to the ECJ. The problem is one of jurisdiction. Certain "factual constellations" have been brought "into EU law" only in cases with implications for the common market. Cross-border disputes, therefore, have traditionally been necessary to gain access to EU courts. As Kochenov explained, "EU law protects you only if you take a bus."

For many years the ECJ resisted using the concept of EU citizenship to enlarge its jurisdiction. The EU court followed the mantra that "EU citizenship was not meant to enlarge the scope of EU law." As a result, the ECJ consistently held that EU citizenship existed only as a derivative of citizenship in a member state. However, Kochenov argued that recently the ECJ has "moved away from this mantra." Recent cases have defined a more expansive concept of EU citizenship that is slowly eroding cross-border, common market limitations. The result of these cases has been a gradual expansion of the concept of citizenship, and with that the ECJ's jurisdiction.

Most recently, in the McCarthy Family case the ECJ reaffirmed "two ways to activate EU law." In addition to the "common market" EU law could be activated "by the essence of the rights of EU citizenship." While the McCarthy Family case confirmed a broad concept of EU citizenship, the ECJ ruled against the family and argued that EU citizenship did not "grant a right to family reunification." Nevertheless, the ECJ's move towards a transnational concept of EU citizenship carries with it the promise of increased jurisdictional access to EU law.

The ECJ may have taken only cautious initial steps forward, but such steps signal the potential promise that EU citizenship may become a tool for greater European integration. There is much the court has not said. What rights are protected by EU law? Where should these rights come from? Are they to be found in EU treaties? Can they be taken from the EU Charter of Fundamental Rights? The ECJ has not yet answered these questions, yet the court's defense of "citizenship beyond the state" suggests that these political questions may soon become judicial questions.

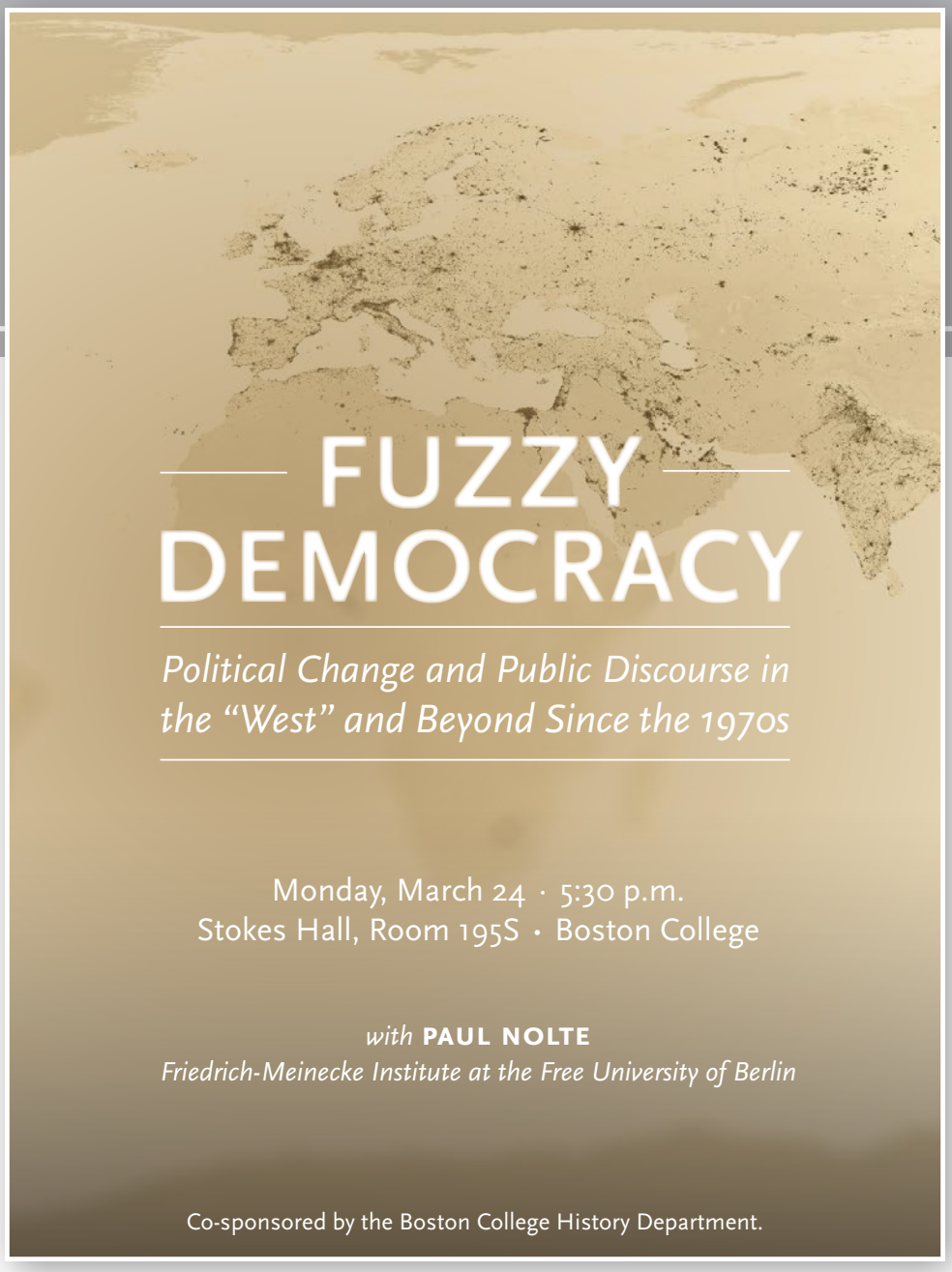
ABOUT THE AUTHOR

John Louis is a Ph.D. candidate in Political Science at Boston College and a Clough Center Graduate Fellow.

About Dimitry Kochenov

For more information, including a video recording of the event, visit the event page at www.bc.edu/cloughevents.

Dimitry Kochenov holds a Chair of EU Constitutional Law at the Department of European and Economic Law at the University of Groningen. His research focuses on the essential foundations of EU law to go beyond the Treaty text: justice, equality and respect—as well as on the broad implications of EU citizenship and legal principles for the evolution of the essence of the European legal space. He is engaged in the study of the systemic consequences of the growing role of the individual in the context of the EU legal order; the development of the application of EU law in the overseas territories of the Member States and EU external relations law most broadly conceived. His books include *The Enforcement of EU Law against the Member States* (2015 (forthcoming)), *Europe's Justice Deficit?* (2014), and *EU's Shaping of the International Legal Order* (2013).



BY LILLIAN KHOURY

On March 24, 2014, the Clough Center joined forces with the Boston College History Department to welcome for a lecture Professor Paul Nolte of the Friedrich-Meinecke Institute at the Free University of Berlin. Professor Nolte's talk was entitled "Fuzzy Democracy: Political Change and Public Discourse in the 'West' and Beyond Since the 1970s" and examined the evolving narrative on democracy in the Western Hemisphere.

Paul Nolte presents his thoughts on evolving democracy in the Western Hemisphere.

Professor Nolte's inquiry into narratives comes against a backdrop of a global search for democracy. From the Arab Spring to reform across Eastern Europe and Asia, the entire world appears to be on a similar track to establish democratic values in its local systems. Nevertheless, as Professor Nolte states, the West is undergoing a sense of crisis and decline with respect to democracy. This discontent has articulated itself in social movements and protests across the West. Quoting John Dewey, Professor Nolte states that the current feeling is that "optimism about democracy is today under a cloud."

What, then, is the future of democracy? Progress and the fulfillment of an original promise? Structural crisis and transformation? Or is this all just a crisis in discourse? Professor Nolte argues that the world is not witnessing the last years of democracy, but rather the opposite: an increasing dynamism for democracy, and an increase to the adaptability of democracy to different social and cultural circumstances. Consequently, there is a need to historicize notions of democracy and develop new narratives beyond fulfillment of an original promise, resilience, and decline.

The 1970s proved to be a turning point for Western societies that impacted, among other areas, conceptions and narratives of democracy. Following World War II, the classical idea of democracy, articulated most notably by Joseph Schumpeter, Ernst Fraenkel, and Stein Rokkan, defined democracy as a core of an electoral system, a market model, and a pluralist competition for limited-time officeholding. In the 1970s, that conception made way for a post-classical conception that shifted representative democracy to a participative one, self-interest to advocacy democracy, and democracy as government to a way of life. The situation that arose is one of blurred boundaries, of "fuzzy democracy." This "fuzziness" comprises basic features of de-constitutionalization, de-territorialization, and a lost *telos* for democracy. A meta-negotiation is thus required to reconcile the various layers of democracy as it emerged in the past thirty years.

The lecture concluded with a query as to whether there is still a common Western narrative of democracy. Professor Nolte stated that it is becoming more difficult to place European and American narratives of democracy in the same framework, especially given that different issues are at stake in each case. For the United States, political discourse is more firmly grounded in classical patterns, and examines notions of the nation-state, elections and institutions, access to the ballot-box, and dysfunctionality in the separation of powers. Whether Europe, which no longer employs this discourse, is lagging behind or further advanced in exploring the post-modern narratives is a matter for future debate.

ABOUT THE AUTHOR
Lillian Khoury is a J.D. candidate at Boston College Law School and an inaugural Clough Public Interest Law Scholar.

About Paul Nolte

For more information, including a video recording of the event, visit the event page at www.bc.edu/cloughevents.

Paul Nolte is a historian, journalist, and professor at the Friedrich-Meinecke Institute at the Free University of Berlin. His work focuses on contemporary history, comparative politics, and eighteenth to twentieth century German and American social history.

Since finishing his Ph.D. in 1993, he has worked as an assistant professor at Bielefeld University, a German Kennedy Memorial Fellow at Harvard University, and a professor of history at Jacobs University Bremen. Currently, he is the president of the Evangelical Academy in Berlin and the executive editor of the Journal of Historical Social Science, which focuses on socio-critical analysis.

Professor Nolte's books include *Generation Reform* (2005), *Risky Modernity: the Germans and the New Capitalism* (2006), and *What is Democracy? Past and Present* (2012). His work has attracted significant attention in Germany for its focus on middle class issues, regulation, the welfare state, and economic stagnation.

Clough Junior Fellows

The Junior Fellows Program (JFP) provides a wide variety of opportunities for undergraduate scholarship pertaining to the study of constitutional democracy. The JFP hosts members-only events and discussions, providing a unique forum for intellectual discourse. Additionally, Junior Fellows have privileged access to private events sponsored by the Clough Center, enabling undergraduate students to interact first hand with some of the most distinguished political science scholars in the country. The 2013-2014 Junior Fellows are:

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Eric Ciulla
Elizabeth Blesson
Emily Belic
Thomas Killeen
Karen Lam
Lucas Levine
Mabel Lee
Tesia Mancosky
Elinor C. Mitchell
Omeed Alerasool
Andrea Pessolano
Chrissy Raymond
Rebecca Kim
Sarah Bertin

CLASS OF 2016

Alexander Hawley
Eleanor Baer
Matt Beckwith
Daniel Cosgrove
Francesca Malvarosa
Johann Friedl
James Cody
Kathryn Weston
Nathan Schwan
Sarah Schmidt
Sean Sudol
Yantong Li
Yong Lee

Clough Graduate Fellows

The Clough Center welcomes Boston College graduate students conducting research on any aspect of constitutional democracy to participate in its Graduate Fellow Program. The Center appoints Fellows from among graduate students in the social sciences (Economics, Political Science, Psychology, Sociology) and the humanities (Classical Studies, English, History, Philosophy, Theology), as well as the other professional schools.

The program fosters an interdisciplinary dialogue among graduate students studying the issues of constitutional democracy, broadly understood, in the United States and the world. In addition to its other objectives, the program offers a forum for Fellows from an array of disciplines to present research and receive critical feedback from other graduate students.

The 2013-2014 Graduate Fellows are:

RACHEL BALL

History, Ph.D. Candidate

Rachel M. Ball is a doctoral candidate in the History Department, and is currently writing her dissertation titled "Marathi Films, Marathi Manoos: Understanding Regionalism in the Age of Indian Nationalism, 1932-1960." It explores the role films played in the rise of a popular regional identity in mid-twentieth century western India, particularly in the Marathi-speaking state of Maharashtra. From 2010 to 2012, Rachel conducted research on a Fulbright-Nehru Fellowship with additional summer support from the Clough Center for the Study of Constitutional Democracy. Rachel will continue her Marathi training this summer through the American Institute of Indian Studies.

EMILIE DUBOIS

Sociology, Ph.D. Candidate

Emilie Dubois is a doctoral student in the Sociology Department at Boston College. Previously, she studied early American history at the College of William & Mary and Columbia University. While at Boston College, Emilie has studied the imprint that collective American cultural identity leaves on everyday economic life. As part of this research, Emilie is a member of the MacArthur Foundation's Connected Learning Research Network (CLRN). Emilie will continue work on a book project titled *Hacksters*, which will challenge the popular assault on hipsters by arguing that their stylized lives have transferrable substance.

MICHAEL FRANCZAK

History, Ph.D. Candidate

Michael Franczak is a first-year Ph.D. candidate in the Department of History, where he was awarded a Presidential Fellowship. His senior thesis, "Multilateralism with an American Face: The United States, Great Britain, and the Formation of the Postwar Economic Order, 1941-1947," won the John A. Williams Award for Best Thesis in U.S. History, and received an honorable mention for the University's Shapiro Library Research Award. At Boston College, Michael is studying international history, economic history, and the history of American foreign relations.

ROSALIA GRECO

Economics, Ph.D. Candidate

Rosalia Greco is a Ph.D. student in the Economics department and her research focuses on Political Economy, Cultural Economics and Applied Economics. She holds a B.A. in Economics and Public Policy Evaluation from the University of Palermo, an M.S. in Economics and Social Sciences from Bocconi University, and an M.A. in Economics from Boston College. Rosalia is interested in the economic consequences of the interaction between politicians and voters, and in the effects of institutions and culture on economic outcomes. Her current research studies the relationship between fiscal austerity and electoral turnover.

DAVID HARKER

Sociology, Ph.D. Candidate

Dave Harker is a doctoral candidate and teaching fellow in the Sociology Department at Boston College. His research explores the potential benefits and limitations offered by engagement in voluntary service activities, particularly service learning. Dave's research focuses specifically on service learning as a form of volunteering because it has emerged as one of the most popular mechanisms to promote and teach about civic responsibility in American universities. As part of his research, Dave has conducted participatory observation and in-depth interviews with a number of college students currently engaged in long-term volunteer service at a variety of sites.

JONATHAN HODDENBAGH

Economics, Ph.D. Candidate

Jonathan Hoddenbagh is a Ph.D. candidate in the economics department at Boston College. His research interests are broadly in the fields of international macroeconomics and international finance, macroeconomics and trade. Jonathan's dissertation focuses on policy challenges arising from the global financial crisis and the eurozone crisis, with a particular emphasis on international monetary and fiscal policy cooperation. Jonathan also studies optimal monetary policy within an international context. Prior to his time at Boston College, Jonathan studied at Queen's University in Kingston, Ontario, as a Canadian Merit Loran Scholar and a Canada Graduate Scholar, receiving a B.A. (Hons.) and M.A. in economics.

JOHN HUNGERFORD

Political Science, Ph.D. Candidate

John Hungerford is a Ph.D. student at Boston College in the Department of Political Science where he focuses in Political Theory. John received his B.A. at Kenyon College in Political Science and Physics and a Master's in Liberal Studies from St. John's College. His main research interest is in ancient Greek political philosophy. John's hope is to understand not only the original political teaching of the ancients, but also what exactly led to its eventual rejection, what the best case for such a rejection is, and whether it is adequate. The broad question he seeks to answer is whether and how nature can serve as a guide for determining the best regime. His more specific research subject is

Aristotle's understanding of the place of friendship in politics and what he means by his claim that "man is a political animal," and how his answer to this question sets his political teaching apart from modern alternatives.

CONOR KELLY

Theology, Ph.D. Candidate

Conor Kelly is a Ph.D. candidate and Flatley Fellow in theological ethics at Boston College. He holds a Bachelor of Arts in history and theology and a Master of Theological Studies in moral theology from the University of Notre Dame. Conor's dissertation focuses on theological virtue ethics and moral discernment in ordinary life with a special attention to work and leisure. Broadly, though, his doctoral research interests concern the ways in which theologians and ethicists can provide resources for everyday ethical evaluations. During his appointment as a Clough Graduate Fellow, Conor will be working on a research project that explores contemporary political gridlock in the United States through the lens of structural sin.

KIARA KHARPERTIAN

English, Ph.D. Candidate

Kiara Kharpertian is a Ph.D. candidate in the English Department at Boston College. Kiara earned a B.A. from Mount Holyoke College and an M.A. from New York University. Kiara studies American literature with an emphasis on contemporary American fiction and literature of and about the American West. Broadly, she is interested in the environmental, cultural, and geopolitical intricacies of place and how these issues register as literary habits and tensions. Currently, she is at work on her second doctoral exam, "Writing the West: Cultural Politics, Labor, and the Land, 1850-1970," which reads literature that grapples with the politics surrounding land management, ownership, and cultivation as a series of texts that respond to and disrupt racialized class and labor patterns.

MAY KHOURY

Juris Doctor Candidate

May Khoury is a member of Boston College Law School's class of 2015 and attended Harvard University as an undergraduate. She is particularly interested in legal history, philosophy, and comparative and international law, and enjoys exploring the law through an interdisciplinary lens. As President of the International Law Society for the 2013-2014 academic year, she hopes to introduce additional opportunities for students to engage with the law on a broader scale and across borders. After law school, May plans on pursuing a career in international arbitration. Before that, however, she will be joining Medtronic's legal team in Switzerland this summer.

MATTHEW KRUGER

Theology, Ph.D. Candidate

Matthew Kruger is a Ph.D. candidate in the History of Christian Life and Thought program in the Theology department at Boston College. His research is focused on questions of identity, ethics, reflexivity, and practices of formation and education, and his dissertation is a study of the theories and practices of human formation and development as found in Thomas Aquinas. The project employs methodological questions offered by Michel Foucault and Pierre Hadot in order to describe the development of an identity or self in Thomas, and the practices associated with that development. Matt holds a B.A. from Tufts University and an MDiv from Harvard Divinity School. He is a priest in the Episcopal Church, and served as the Assistant Vicar of the Old North Church in Boston through August of 2013.

YAEL LEVIN

Political Science, Ph.D. Candidate

Yael Levin is a Ph.D. Candidate in the Political Science Department at Boston College, with a focus on political theory. She received her B.A. from the University of Chicago with a concentration in philosophy. Her goal is to further explore the intersection between politics and ideas. Yael's specific area of focus is the extent and limits of religious freedom in a liberal society, and the foundations upon which our religious freedom rests. Her dissertation project concerns the philosophical foundations of Lockean religious freedom. As part of the project, she is also examining the philosophy and political thought of Charles S. Peirce.

AMY LIMONCELLI

History, Ph.D. Candidate

Amy Limoncelli is a fourth-year Ph.D. student in the History Department at Boston College, studying the political and cultural history of postwar Great Britain. She is particularly interested in themes of internationalism, global consciousness, and Britain's role in the world in the context of postwar changes and decolonization. Amy's dissertation research concerns Great Britain's changing role in the world after the Second World War, focusing on the implications of British decolonization and the postwar rise of international institutions on Britain's role in the world and global consciousness in British society. Amy received her undergraduate degree in History and Public Policy at the College of William & Mary.

JOHN LOUIS

Political Science, Ph.D. Candidate

John Louis is a Ph.D. candidate in the Department of Political Science at Boston College. He holds a B.A. in political science and economics from Hampden-Sydney College. John researches primarily in the areas of American political development and comparative politics with a particular focus on 19th century state building and infrastructural development. His dissertation project studies the development of financial and transportation infrastructure in early America with a particular focus on the interaction between political institutions, legal regimes, and economic development.

LIAM MARTIN

Sociology, Ph.D. Candidate

Liam Martin is a Ph.D. candidate in the Sociology Department. His dissertation research examines how the prison experience follows people upon release, and the social processes contributing to cycles of imprisonment, release, and return. Liam is engaging in fieldwork with the people most directly affected by the prison system. He teaches at Norfolk State prison, and last year, spent three months living at a halfway house doing participant-observation and life history interviews with former prisoners. He is currently planning a return to the house.

GRÁINNE MCEVOY

History, Ph.D. Candidate

Gráinne McEvoy is an advanced doctoral candidate in the Department of History at Boston College. Her dissertation is entitled "American Catholic Social Thought and the Immigration Question in the Restriction Era, 1917-1965." It examines how Catholic social thinkers developed a distinctive philosophy on immigration and engaged in a long campaign for reform of federal immigration policy. Gráinne has presented her work at graduate and professional conferences in Boston, Toronto, San Francisco, Chicago, and Cork, Ireland.

SETH MEEHAN

History, Ph.D. Candidate

Seth Meehan is a Doctoral Candidate in History at Boston College. He earned a B.A. in Theology from Georgetown University and a M.A. in History from Boston College. Seth's dissertation, "Resisting Denominationalism: Congregational Laity and Church Disestablishment in Massachusetts, 1780-1850," considers some of the theological consequences of the separation of church and state. The American Catholic Association awarded Seth the Peter Gilday Prize for his article "From Patriotism to Pluralism: How Catholics Initiated the Repeal of Birth Control Restrictions in Massachusetts," which appeared in *The Catholic Historical Review*. Seth's work has also appeared in *The New York Times* and the *Archivum Historicum Societatis Iesu* as well as *Boston College Magazine*. He is the co-author and managing editor of a forthcoming illustrated history of Boston College.

SHANNON MONAGHAN

History, Ph.D. Candidate

Shannon Monaghan is a member of the Ph.D. program in History at Boston College. Broadly, her research focuses on transnational and transcultural modern European history, with a particular interest in the First World War and interwar period. She has written and presented on the impact of the First World War on the development of the Irish Free State, as well as the impact of the war on the French government's administration in newly re-acquired Alsace in the years following the conflict. Shannon's doctoral research centers on the intersection of democratic politics and population engineering in Western Europe during the 1920s.

JESSE TUMBLIN

History, Ph.D. Candidate

Jesse Tumblin is a Ph.D. candidate in the History Department at Boston College. He is interested in the relationship between war, identity, and the evolution of the state. His dissertation examines the making of Empire-wide defense policy in the British Empire of the early twentieth century and how that process structured the national evolution of colonies and Dominions. Jesse's work hopes to contribute to our understanding of the twentieth century's extraordinary violence and powerful, centralized states. Jesse received his B.A. in History from the University of Tennessee.

PAUL VAN ROOY

Philosophy, Ph.D. Candidate

Paul Van Rooy is a Ph.D. candidate in the Philosophy department at Boston College working on his dissertation: "Social Cooperation and Egalitarianism: Must Public Reasons Liberalism Include an Egalitarian Principle of Distributive Justice?" Paul's research interests are in moral and political philosophy, and particularly the relation between value pluralism, rational justification, and political legitimacy in the liberal political tradition. His dissertation seeks to develop and defend a liberal theory of legitimacy that is both non-perfectionist and egalitarian. Paul holds a B.A. in philosophy from John Carroll University, and an M.A. in philosophy from Boston College.

GARY WINSLETT

Political Science, Ph.D. Candidate

Gary Winslett is a Ph.D. candidate in the Boston College Political Science Department and is specializing in International Relations. His research interests are centered on how domestic factors shape a state's foreign policies in ways that cannot be adequately explained by international systemic factors alone. Specifically, his doctoral research focuses on how domestic competition between political parties influences the foreign policymaking process. Gary received a Bachelor's Degree in Political Science and a Bachelor's Degree in Economics from the University of Florida.

AMELIA WIRTS

Philosophy, Ph.D. Candidate

Amelia Wirts is a Ph.D. candidate in the Philosophy Department at Boston College. She received her B.A. in Philosophy and Communication Studies from the University of Oregon. Her work focuses on the moral and political justifications for coercive laws in pluralistic liberal democracies, with special attention to balancing the demands of gender, race, and class equality with the demands of liberty. As a part of this project, she will be pursuing a law degree alongside her Ph.D. in philosophy at Boston College Law School. She currently works as the managing editor of Philosophy and Social Criticism.

SARAH WOODSIDE

Sociology, Ph.D. Candidate

Sarah Woodside is a doctoral student in Sociology at Boston College. Her dissertation research focuses on social entrepreneurship and how social ventures navigate the two inherent imperatives of revenue generation and social mission achievement. Sarah examines how the current economic context supports the rise of social ventures. Sarah holds a B.A. from McGill University in Middle East Studies and Political Science, a B.Ed. from the University of Toronto, and an M.A. from the University of Massachusetts Boston.

The Graduate Fellows Program at the Clough Center will be entering its fourth year with a roster of 22 graduate students from the departments of Sociology, Political Science, English, History, and Theology. The 2014-2015 Graduate Fellows are:

WHITNEY ABERNATHY
History, Ph.D. Candidate

TIMOTHY BRENNAN
Political Science, Ph.D. Candidate

PETE CAJKA
History, Ph.D. Candidate

TIM CAREY
Theology, Ph.D. Candidate

LAUREN DIAMOND BROWN
Sociology, Ph.D. Candidate

EMILIE DUBOIS
Sociology , Ph.D. Candidate

MICHAEL FRANCZAK
History, Ph.D. Candidate

ELISE FRANKLIN
History, Ph.D. Candidate

PERIN GOKCE
Political Science, Ph.D. Candidate

JOHN HUNGERFORD
Political Science, Ph.D. Candidate

CONOR KELLY
Theology, Ph.D. Candidate

KIARA KHARPERTIAN
English, Ph.D. Candidate

YAEL LEVIN HUNGERFORD
Political Science, Ph.D. Candidate

AMY LIMONCELLI
History, Ph.D. Candidate

JOHN LOUIS
Political Science, Ph.D. Candidate

LIAM MARTIN
Sociology, Ph.D. Candidate

HEATHER PANGLE
Political Science, Ph.D. Candidate

SCOTT REZNICK
English, Ph.D. Candidate

JESSE TUMBLIN
History, Ph.D. Candidate

KATE WARD
Theology, Ph.D. Candidate

GARY WINSLETT
Political Science, Ph.D. Candidate

SARAH WOODSIDE
Sociology, Ph.D. Candidate

Travel Grants

The Clough Center awards a limited number of ad hoc grants to faculty, undergraduate, and graduate students during the academic year to enable qualified scholars to travel and undertake work related to the Center's mission. Such work includes travel for attendance at conferences, research, and other relevant endeavors. During the 2013-2014 academic year, travel grants were awarded to:

MALIA ALLEN
American Sociological Association Annual Meeting · San Francisco, CA

RACHEL BALL
"South Asia in the Long 1930s" Conference
Leiden University, The Netherlands

PETER CAJKA
Research trip to Washington, DC

TIMOTHY CAREY
Research trip to Nairobi, Kenya

DAVID COTE
Notre Dame Student Peace Conference
South Bend, IN

SOTHAVY DOEUR
Research trip to Cambodia

MICHAEL FRANCZAK
Society for U.S. Intellectual History Conference
Irvine, CA

ELISE FRANKLIN
Berkshires Conference on Women's History
Toronto, Canada

JON HODDENBAGH
Northern Finance Association Conference
Quebec City, Canada

FIDELE INGIYIMBERE
Diversity in Organizations, Communities and Nations Conference · Vienna, Austria

TATE KRASNER
Catholic Engagement on Nuclear Disarmament Colloquium · Stanford University

GRAINNE MCEVOY
American Historical Association's Annual Meeting
Washington, DC

SETH MEEHAN
Society for U.S. Intellectual History Annual Conference
University of California-Irvine

ADAM RATHGE
Research trip to Washington, DC

CHRISTOPHER PINTO
Institute for Cultural Diplomacy and Iman Foundation's Conference on "Cultural Diplomacy" · Berlin, Germany

JESSE TUMBLIN
World War I Conference · Sunderland, UK
British Association of Canadian Studies Conference
London, UK

AMELIA WIRTS
Seminar on "The Sources of Pluralism – Metaphysics, Epistemology, Law and Politics" · Istanbul
Conference on Philosophy and Social Science · Prague

Civic Internship Grants

Consistent with the Center's mission to support students committed to service to others, the Clough Center provides grants to Boston College undergraduates for what would be otherwise uncompensated part-time or full-time work on behalf of government, non-profit, or other civic organizations during the summer. The 2013 Civic Internship Grants that have been awarded to:

DIANE BERNABEI '14

Diane Bernabei is a senior at Boston College double majoring in Political Science and Islamic Civilizations and Societies. Diane received the Clough Center's Civic Internship Grant to further her career in politics and pursue an internship in NY State Senator, Kristen E. Gillibrand's Manhattan Office. During her internship she worked with the office's Outreach Director focusing on issues including Women in Business, Immigration, and Latino Issues.

SARAH BERTIN '15

Sarah Bertin is a junior double majoring in Political Science and Islamic Civilizations and Societies at Boston College. Sarah interned for the American Foreign Policy Council in Washington, D.C. As an intern, Sarah was in charge of special events planning, such as arranging discussions between American statesmen and their counterparts in other nations and providing logistical support for foreign delegations by ensuring a smooth transition from their home country to their short visit abroad. In addition, she provided editorial assistance in publications and had the opportunity to write editorial pieces and co-author a wide range of articles dealing with foreign policy.

ELIZABETH BLESSON '15

Elizabeth Blesson is a Human Development Major in the Lynch School of Education, with minors in Organizational Studies and Hispanic Studies. Elizabeth had the opportunity to serve as an associate for the Urban Education Leadership Internship Program, UELIP, which is a pioneering force in education reform for the District of Colombia Public Schools. Along with advisors from DCPS, she worked with interns from the nation's top universities on a number of education reform projects to contribute to key initiatives in human capital, special education, and curriculum and instruction, amongst others.

DANIEL RYAN COSGROVE '16

D. Ryan Cosgrove is a sophomore at Boston College where he is a double major in Mathematics and Economics. Ryan had the opportunity to intern under District Court Judge Robert C. Roth. By sitting in on hearings, he learned about the rules and processes of the legal system and, through interactions with attorneys, gained first-hand perspective into the lawyering profession. He further assisted in administrative duties to keep the Court running efficiently, perform judicial research, and facilitate the processing of paperwork.

ELIZABETH GAVIN '14

Elizabeth Gavin is a senior majoring in English and Political Science. Over the summer, she interned at the Office of Civil Rights within the State Department, which allowed her to gain firsthand experience working to effect change and make a tangible difference. Previously, after an honors seminar in Paris, she returned to Boston to intern for her congressman, problem-solving, drafting constituent and corporate responses, and assisting the staff with the concerns of the district. This experience increased her awareness that no matter how many problems are solved, there are always gaping holes and constituents that are in desperate need of some help

CHRISTOPHER GRIMALDI '15

Christopher Grimaldi is a junior at Boston College majoring in Political Science and minoring in Management & Leadership. He interned for New Jersey Governor Chris Christie's Office of Communication and Press at the State House in Trenton. Working alongside the Governor's Press Secretary and Deputy Press Secretaries for a second consecutive year, his efforts were dedicated to serving as a medium between the Christie Administration and the media. Christopher played a role in constructing press releases and taking part in preparations for press. Other research projects focused on the media, both on the state and national level.

ANDREW IRELAND '15

Andrew is a senior at Boston College majoring in Biology and minoring in International Studies. Last summer, Andrew interned in the Office of Conservation and Water, part of the Bureau of Oceans and International Environmental and Scientific Affairs at the U.S. Department of State in Washington, D.C. He was involved in planning events, composing written materials, and publicizing initiatives relating to sustainable forestry, biodiversity preservation, and water conservation. His main focus during his time at the Bureau was on wildlife trafficking and conservation issues in Southeast Asia.

REBECCA KIM '15

Rebecca Kim is majoring in Applied Psychology and Human Development with a concentration in Community, Advocacy, and Social Policy; and double-minoring in Hispanic Studies and International Studies. Rebecca interned at The Supply Education Group, a nonprofit organization based in New York as their Chapters & Research Support intern. Half of her responsibilities involved a great deal of work with high school and college chapters, recruiting and connecting with universities, assisting and planning for the Chapters Summer Conference, and strategizing for events and chapter growth. The other half of her responsibilities involved program and slum research. These included assisting in program curriculum design, providing feedback and responses for research programs, and arranging meetings with program coordinators/managers.

SAMANTHA KOSS '14

Samantha Koss is a member of the Boston College Class of 2014, majoring in International Studies, with a concentration in Political Science and a minor in Economics. During the summer, Samantha served as a research intern for the Bureau of Politics and Economics of the State Department at the U.S. Embassy in The Hague, the Netherlands, for ten weeks. Her duties included attending international conferences and symposia on behalf of the State Department, as well as writing weekly reports on research projects that explore topics of political and economic interest to the State Department and the United States.

LUCAS LEVINE '15

Lucas Levin is majoring in International Studies with a focus on Political Science at Boston College. Lucas interned in the San Francisco office of Senator Dianne Feinstein. Senator Feinstein has

served California for over twenty years and has recently been the leading voice in the campaign for gun control. His work with the Senator included administrative and clerical duties such as answering phones and processing constituent correspondence, but he was also responsible for researching policy issues, drafting letters and attending meetings with the Senator and community leaders.

NARINTOHN LUANGRATH '14

Narintohn Luangrath is an International Studies major concentrating in Political Science. She furthered her interest in forced migration issues by interning at Georgetown University's Institute for the Study of International Migration (ISIM). Narintohn worked on ISIM's Crisis Migration Project examining different kinds of forced migration scenarios; her research focused on migrants currently unprotected under the 1951 United Nations Refugee Convention. Narintohn produced background papers on forced migration due to crises in the following countries: Libya, Japan, Thailand, and the United States.

FRANCESCA MALVAROSA '16

Francesca Malvarosa is a sophomore in the Carroll School of Management concentrating in Finance and Italian. She spent her summer working at the Massachusetts State House in Boston as a legislative intern for Representative James Dwyer. As part of her responsibilities Francesca processed constituent inquiries, as well as handled clerical and administrative duties. She drafted press releases and researched potential legislation, and has also attended weekly intern seminars hosted by speakers such as former governors, representatives, and senators.

BRIDGET MANNING '15

Bridget Manning is a junior in the College of Arts and Sciences at Boston College, with a major in Sociology and minors in Ethics and International Social Justice. In the summer of 2012, Bridget was fortunate to intern for United Planet in Romania. She was a volunteer coordinator in Romania, at one of the many international destinations for United Planet volunteers. This past summer, as a Program Advisor in the Boston office of United Planet, Bridget spent her time communicating with potential volunteers, conducting pre-departure trainings, and maintaining volunteer records.

DAMIAN MENCINI '14

Damian Mencini is a double major in Political Science and History. Damian interned for the Center for Strategic and International Studies (CSIS) in Washington D.C. to further pursue his interest in International Security. Specifically, Damian worked for the Transnational Threat Project (TNT), a group in CSIS's International Security program, which assesses the impact of terrorism and organized crime around the globe. Damian analyzed and researched the organizational structure and motives of Islamic militant groups in the Middle East. In addition, Damian examined the political impact of terrorist organizations in Southeast Asia and trace their global strategic goals.

ALEXANDRA MOSCOVITZ '15

Alex Moscovitz is majoring in Sociology and Environmental Studies at Boston College. Last summer, Alex worked for CSI as a Project Manager and Mentor to the students that come through the institute's programs. She spent a majority of the time in two villages, Munoz and Ascension, working with community members to create a local briquette-producing business, exploring new areas for the project, distributing stoves, educating families on their usage, collecting feedback, and writing a research paper. She also supervised a few other sites and while away from the sites, she taught students and held discussions to talk about what they learned from their experience.

ANDREA PESSOLANO '14

Andrea Pessolano is a senior studying Political Science and Faith, Peace, and Justice. She served as an intern in the office of Iowa Senator Tom Harkin in Washington D.C. during the summer. As an intern, Andrea joined a policy team working with legislative correspondents researching education, healthcare and other important issues that pertain to Senator Harkin's various committees. She also attended Senate hearings and briefings to observe our government at work. Additionally, she assisted with constituent requests.

ELIZABETH POWERS '14

Elizabeth Powers is a senior studying International Studies and English. She worked with the Department of State as an intern with the Office of the Special Representative for Global Intergovernmental Affairs. The Office serves as a connection between U.S. state and local leaders and their counterparts abroad. Over the summer, Elizabeth conducted research, prepare briefing materials and briefing books for events, attended meetings with the Special Representative, and assisted with correspondence and meetings.

KELLY RIDDLE '14

Kelly Riddle is a senior at Boston College, double majoring in political science and communications with a minor in women and gender studies. She served as an intern in the Office of Congresswoman Elizabeth Esty (D-CT) in Washington, D.C. As an intern, Kelly was responsible for a variety of tasks, including researching legislation, corresponding with constituents, and compiling information for Congressional hearings. She learned about the legislative process and the many other functions of a congressional office as a result of this internship. Kelly wants to work in or around government and is looking forward to learning more about how it operates.

MICHAEL SARABIA '14

Michael Sarabia is studying economics at Boston College. He had the opportunity to intern in the Congressional Office of Joaquin Castro (D-TX) in Washington D.C. His responsibilities for the summer varied depending on legislation but mostly consisted of background policy research with written and oral presentations, attending legislative hearings and reporting testimony given, corresponding with the media and constituents, tracking the progress of bills and associated voting records, and providing assistance during special events. Michael was exposed to domestic, foreign, social, and fiscal policy and the accompanying legislative process that will enact tangible change from Texas to the Middle East.

MADELINE WALSH '14

Madeline is a senior, double majoring in International Studies and Economics. Upon completion of her study abroad semester in Barcelona, Spain, she traveled directly to Washington, D.C., to return to the U.S. State Department for a summer internship with the Office of Global Women's Issues (GWI). The office is an initiative of Secretary Hillary Rodham Clinton, whose mission has been to secure the rights of women globally, specifically with respect to socio-economic advancement, heath, education, and security. As a returning intern, Madeline was excited to see projects through to completion and to help wherever needed to continue the important work the office does for women.

Public Interest Law Scholar Grants

Consistent with the Center's mission to support students committed to service to others, the Clough Center provides grants to Boston College first and second-year law students for uncompensated public interest work, in the United States or abroad, during the summer. The 2014-15 Public Law Scholar grants have been awarded to:

MARY PAT BROGAN

Mary Pat Brogan, is a member of Boston College Law School's class of 2016. She graduated from the University of Notre, earning a Bachelor of Arts in History and in English. This summer, Mary Pat will be working at the National Juvenile Defender Center in Washington, D.C. as a summer law clerk. The mission of the National Juvenile Defender Center is to promote justice for all children by ensuring excellence in juvenile defense. Mary Pat's work researching best practices in juvenile defense and sharing that research with practicing juvenile defenders will serve this mission and help to improve the consistent quality of representation that juveniles receive.

ROBERT DUNLAP

Robert Dunlap is a member of BC Law's class of 2015. He received a Bachelor of Arts in English and Political Science at Duke University. In the fall of 2014, as part of a semester in practice program, Robert has accepted an offer to work as an intern at the U.S. Mission to the European Union's Executive Office. In that capacity, he will work directly with the chief legal counselor to analyze recent decisions of the European Court of Justice and to better understand the implications of recent developments in the European legal order. In particular, he will help to analyze the legal implications of the European Union's response to the crisis in Ukraine, the development of a General Data Protection Regulation, and the negotiation over the Transatlantic Trade and Investment Partnership.

SHANNYN GAUGHAN

Shannyn Gaughan is a member of Boston College Law School's class of 2015. She graduated from Princeton University with an A.B. in Anthropology and a certificate in French Language and Culture. At BC Law, Shannyn is a member of the Gender Violence Awareness Coalition and a co-chair of the Law Student Association Bar Associations Committee. In addition, Shannyn is a Staff Writer and Managing Editor of the Boston College Law School Journal of Law and Social Justice. This summer 2014, Shannyn will serve as a 3:03 certified student attorney at the Harvard Legal Aid Bureau. Her work will focus primarily in the Bureau's Family Law Department, where she will represent clients in matters of divorce, child custody, restraining orders, and alimony.

GRAHAM MARKIEWICZ

Graham Markiewicz is a member of Boston College Law School's class of 2016. He graduated from the United States Military Academy at West Point, where he majored in Mandarin Chinese. He was commissioned as a Second Lieutenant in the U.S. Army, and spent five years serving in the military in a broad-spectrum capacity, which took him on two tours to Afghanistan. This coming summer, Graham will be interning at the International Criminal Tribunal for the former Yugoslavia, having received a placement with the Office of the Prosecutor. Graham hopes to be able to continue this vein of work, holding leaders accountable for human rights abuses and preventing atrocities before they occur.

ALAINA SULLIVAN

Alaina Sullivan (Lainey) is a member of Boston College Law School's class of 2015. She received her B.A. at Boston College, where she majored in Sociology and English, with a focus on American Studies. After graduating, Lainey served as a 2009 Teach For America Corps Member in Houston, Texas. Lainey is currently a rising 3L student in the Law School concurrently pursuing a Masters in Higher Education with the Lynch School of Education. This summer, Lainey is working at the U.S. Department of Education in the Office for Civil Rights Headquarters, in Washington, D.C. Lainey will serve as an intern to the Secretary of the Office for Civil Rights, in the Front Office.

Academic Law Scholars

The Clough Center provides grants to Boston College Law Students of exceptional academic ability and accomplishment who are enrolled in any of the Law School's degree programs. The 2014-15 Academic Law Scholar grants have been awarded to:

CLAUDIO FERREIRA FERRAZ

A native of Brazil, Claudio Ferreira Ferraz graduated from Law School of the Federal University of Espírito Santo in 1994. As a lawyer, since the beginning of his career Claudio has been practicing mining law, acting as the legal adviser of the Brazilian Center of the Ornamental Stones Exporters. He is a specialist in Tax Law, with a degree awarded by Getúlio Vargas Foundation, and also holds the degree of Master of Laws (concentration in civil procedure/class actions) from the Federal University of Espírito Santo. After earning his LL.M. degree at Boston College, Claudio plans to join a doctoral program to focus on issues involving mining activities and environmental protection.

SAM GOTTSTEIN

Sam Gottstein is a member of BC Law's class of 2015. He received his B.A. in history from Yale University in 2010, after which he served as a legislative aide to two Alaska State Senators. Sam spent his 1L summer with the Oil, Gas, and Mining section of the Alaska Department of Law, and is looking forward to his upcoming judicial externship with Federal District Court Judge Timothy Burgess in Anchorage this summer. Sam sits on the Executive Board of the Boston College Law Review, serving as Executive Notes Editor. Sam intends to return home to Anchorage to pursue a legal career in both the public and private sectors.

JOHN STERN

John Stern is a third year law student at Boston College Law School. While at Boston College, John has studied First Amendment issues in connection with a doctoral program he is concurrently pursuing at Yale University, with a particular focus on U.S. Supreme Court establishment clause jurisprudence. John is interested in the intersection between the Court's treatment of the Establishment Clause—as well as religion in the public square generally—with classical liberal political theory and historic religious accounts of political theology and public religion.

AMELIA WIRTS

Amelia Wirts is working on a joint degree in philosophy and law at Boston College. After receiving a B.A. in philosophy and a B.S. in communication studies from University of Oregon, she began her Ph.D. in philosophy. As an ABD doctoral candidate, she will take the next three years studying law before returning to the philosophy department to finish her dissertation. Amelia's dissertation will focus on the ways that public justification of laws that offer remedies for gender-based oppression work to curtail this oppression not only through deterrence, but also by changing the background norms that reinforce sexist oppression.

Clough Law Fellows

The Clough Center provides a Fellows membership to Boston College Law Students who are enrolled in any of the Law School's degree programs. The 2014-15 inaugural Clough Fellows in the Law School are:

ERICA CORAY

Erica Coray is a member of Boston College Law School's class of 2016. She is interested in human and civil rights issues, particularly related to the LGBTQ community and violence against women, both domestically and internationally. This summer, Erica is working as a Rappaport Fellow in Law and Public Policy in the office of City Councilor Michelle Wu working on addressing LGBTQ youth homelessness and transgender rights in the city.

HANNAH MARIE FARHAN

Hannah Marie Farhan is a member of BC Law's class of 2016. She comes from a background in medieval history, technology, and elementary education. She is particularly interested in legal history, philosophy, and comparative law. This extends to current constitutional issues, educational issues, and new concerns in technology and policy. This summer, Hannah Marie will be working as a legal intern for Sonus Networks and will be doing legal research with Professor Greenfield.

ANDREW HAILE

Andrew Haile is a third-year Boston College law student. Andrew is an Articles Editor for the *Boston College Law Review*. In the future, he plans to pursue a career as a public defender. In summer 2014, Andrew will be working at the Committee for Public Counsel Services in its Roxbury/Dorchester District Court division. As a certified student-attorney, he will represent indigent criminal defendants at all phases of the criminal process.

NICOLE POTEAT

Nicole Poteat is a member of Boston College Law School's class of 2015. Nicole strives to become a more effective legal actor and gain the necessary tools to enact the kind of legal advancements that her earlier work sought to address. This summer, she will work at Goldman Sachs in New York as a Securities Division Compliance Senior Summer Analyst. In the fall, she will complete a semester in practice at the Boston law firm of Stern, Shapiro, Weissberg & Garin.

SAJID SHAHRIAR

Sajid Shahriar is a member of the Boston College Law School Class of 2016. Sajid enjoys approaching the study of law with an eye toward public policy, legal history, philosophy, and comparative and international law. Sajid's work focuses on the long-term political and legal effects of the Affordable Care Act on both the domestic and international stage from a from human rights perspective. After law school, he likely plans to pursue a career in health law or international law, though he remains open.

People

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