



BOSTON COLLEGE

THE CLOUGH CENTER  
*FOR THE STUDY OF*  
CONSTITUTIONAL DEMOCRACY

2014-2015 Annual Report



# 2014-2015 Annual Report

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THE CLOUGH CENTER FOR THE STUDY OF CONSTITUTIONAL DEMOCRACY

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# From the Director

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Welcome to the 2014-2015 Annual Report of the Clough Center for the Study of Constitutional Democracy at Boston College. As you will read in this comprehensive Report, the Clough Center had a busy year filled with conferences, workshops and other events that brought together our academic community. The Center continued to implement the vision of our friends and benefactors, Gloria and Chuck Clough, to offer our students extraordinary educational opportunities and to make Boston College a leading institution for the study of constitutional democracy in the world.

Our guests this year have included luminaries such as Jonathan Israel, Frank Michelman, Karen Dawisha, Ran Hirschl, and Roberto Unger, among many others. The topics on which our guests lectured, which ranged from Thomas Jefferson and the French Revolution to the future of comparative constitutional law, and from the relation between human rights and constitutional rights to Russia's presidential politics or the constitutional reform in Japan, speak to the Clough Center's strong interdisciplinary and global approaches. The Center also hosted a number of major international conferences this past year that explored topical themes such as the difficult choices of institutional design in constitution making around the world or historical debates about the role of law in the Third Reich. You will find in this Annual Report detailed descriptions of all the lectures, panels and conferences. More details, including video recordings of our events, are available on our website: [www.bc.edu/cloughcenter](http://www.bc.edu/cloughcenter).

This year we started a new series on "The Arts and the Culture of Democracy," which brings to Boston College leading artists, novelists, architects, poets and journalists to reflect on the role of the arts in a constitutional democracy. This series, which will continue into next year, is directed by Kim Garcia of the English Department and convened by Edward Hirsch, a leading poet and public intellectual who also serves as the president of the Guggenheim Foundation.

Our fellowship programs have continued to foster a community of thoughtful and public-spirited students. One innovation this year in our graduate programs has been a weekly invitation-only seminar in which our doctoral fellows take turns presenting their work to the other fellows and invited faculty. Our fellows' reflections on their year at the Clough Center are also included in this Report.

I would also like to thank the extraordinary team at BC's Center for Centers—Stephanie Querzoli, Michelle Muccini, Yasmin Nuñez, Susan Dunn, Ana Tejada and Monetta Edwards—for their superb work that made the Center's activities possible.

Finally, we share the sad news that one of the Clough Center's closest collaborators, Assistant Professor Jonathan Trejo-Mathys, passed away this year. Professor Trejo-Mathys, who taught in the Philosophy Department at Boston College, was one of the core faculty involved in articulating and implementing the Center's vision. He was a learned scholar and trusted friend who is already missed beyond measure. This Annual Report is respectfully dedicated to his memory.

A handwritten signature in black ink, appearing to read "Vlad Perju". The signature is stylized and fluid.

**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," *International Journal of Constitutional Law* vol. 13 (1) (2015).

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 appointment from the President of Romania to the President's Special Commission on Constitution Reform.

# 2014-2015 Center Events

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## FALL 2014

*Panel · The Arts and the Culture of Democracy*

*Paul Guyer · Community & Individuality in Aesthetic Experience*

*John Witt · Two Humanitarianisms*

*Roberto Mangabeira Unger · The Prophetic Task of Legal Thought*

*Symposium on Constitution-Making & Constitutional Design*

*Panel · The War on Japan's Pacifist Constitution*

*Panel · The Political Life of Poetry*

*Peter Schuck · Why Government Fails So Often and What Legal Education Can Do to Address the Problem*

## SPRING 2015

*Panel · Newsworthy: New Forms of Journalism, Personal Essay and Public Reflection in an Age of Entertainment*

*Haig Patapan · Dangerous Passions: The Politics of Modern Honour*

*Jonathan Israel · Thomas Jefferson and the French Revolution*

*William Phelan · In Place of Inter-State Retaliation: The European Union's Rejection of WTO-Style Trade Sanctions and Trade Remedies*

*Conference · Legally Blind: Law, Ethics, and the Third Reich*

*Nasser Rabbat · Representing the Wondrous Life of the Prophet in Islamic History*

*George Papandreou · A Conversation about the Future of Europe*

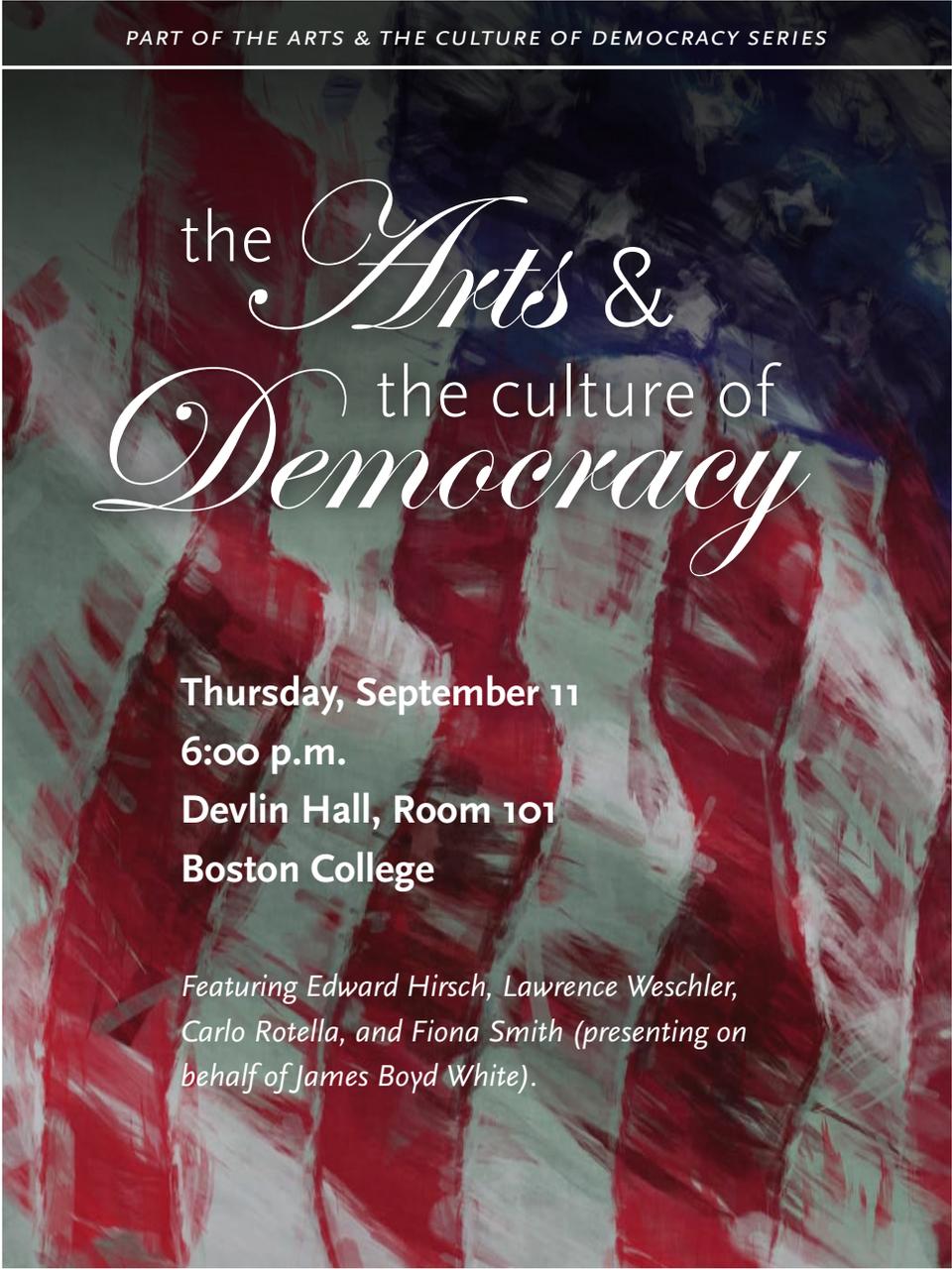
*Alice Ristroph · The Thin Blue Line from Crime to Punishment*

*Karen Dawisha · Putin*

*Frank Michelman · Constitutional Rights and Human Rights*

*Panel · Fidelity and Change in Constitutional Interpretation*

*Panel · Surveillance in a Security-Concerned Society*



the Arts &  
the culture of  
Democracy

Thursday, September 11

6:00 p.m.

Devlin Hall, Room 101

Boston College

*Featuring Edward Hirsch, Lawrence Weschler,  
Carlo Rotella, and Fiona Smith (presenting on  
behalf of James Boyd White).*

On Thursday, September 11, 2014, the Clough Center inaugurated a new lecture series on the Arts and the Culture of Democracy. This series aimed to broaden the Center's interdisciplinary perspective even further. Art uncovers truths about our lived human experience in ways that social science, however empirically grounded, cannot. Learned as he was, John Adams knew the value of art. He famously remarked, "I must study politics and war that my sons may have liberty to study mathematics and philosophy. My sons ought to study mathematics and philosophy . . . so their children might study painting, poetry, music, architecture, statuary, tapestry, and porcelain."



Art has power both to reflect and to transform the world around it. Great works of art endure because they are the most authentic representations of the cultures, peoples, and histories from which they are born. In our present democratic era where cultural and technological progress is rapidly disrupting society, art alone promises to ground us to our essential and enduring humanity. To this end, the Clough Center's lecture series aims to bring the voices of artists into our growing interdisciplinary dialogue about the meaning and nature of constitutional democracy.

For this inaugural lecture, the Center brought together a panel of diverse artist/scholars to speak broadly on the deeper connection between art and democracy, expression and political life, happiness and human achievement. First, Edwin Hirsch, Chancellor of the Academy of American Poets and one of America's foremost folklorists, spoke eloquently on the power of poetry to capture the complexity of our emotional existence.

Next, law professor Fiona Smith's presentation linked the study of language to the practice of law. Professor Smith described the lasting influence of legal and literary scholar James Boyd White, whose work used literary criticism's insights to understand problems of legal argumentation and constitutional interpretation. White's scholarship launched the "law and literature movement," and as Smith discussed candidly, deeply influenced her own scholarship on international trade regulation.

Lawrence Wechsler, a leading journalist and distinguished writer-in-residence at the Carter Journalism Institute at New York University rounded out the panel. Known for provocative works



of creative non-fiction, Wechsler chose to speak on one of his more recent books, *Vermeer in Bosnia*. Wechsler told a powerful story about his time spent in Bosnia during the civil war of the late 1990s, and his awakened appreciation for Vermeer.

Accompanied by a slide show of Vermeer's most famous works, Wechsler showed how the idyllic sense of simple country life famously portrayed in the Dutch master's paintings obscured the darker realities of a 17th century Europe torn apart by decades of violence, famine, and war. Wechsler's combination of narrative and imagery made for a powerful conclusion that left a visceral impression on the rapt audience. Following Wechsler's talk, Boston College's professor Carlo Rottella moderated a lively, informal discussion between the participants and the public.

## About the Panelists

For more information, including a video recording of the event, visit the event page at [www.bc.edu/clougevents](http://www.bc.edu/clougevents).

**Edward Hirsch** is an American poet and critic. He was born in Chicago in 1950 and was educated at Grinnell College and the University of Pennsylvania, where he received a Ph.D. in Folklore. He has received numerous awards and fellowships, including a MacArthur Fellowship, a Guggenheim Fellowship, an Ingram Merrill Foundation Award, a Pablo Neruda Presidential Medal of Honor, the Prix de Rome, and an Academy of Arts and Letters Award. In 2008, he was elected a Chancellor of the Academy of American Poets.

Edward Hirsch's first collection of poems, *For the Sleepwalkers* (1981), received the Delmore Schwartz Memorial Award from New York University and the Lavan Younger Poets Award from the Academy of American Poets. His second collection, *Wild Gratitude* (1986), won the National Book Critics Award. Since then, he has published six additional books of poems: *The Night Parade* (1989), *Earthly Measures* (1994), *On Love* (1998), *Lay Back the Darkness* (2003), *Special Orders* (2008), and *The Living Fire: New and Selected Poems* (2010), which brings together thirty-five years of poems. Hirsch is also the author of five prose books, including *A Poet's Glossary* (2014), *Poet's Choice* (2006), *How to Read a Poem and Fall in Love with Poetry* (1999), and is the editor of *Theodore Roethke's Selected Poems* (2005) and co-editor of *The Making of a Sonnet: A Norton Anthology* (2008).

Edward Hirsch taught for six years in the English department at Wayne State University and seventeen years in the Creative Writing Program at the University of Houston. He currently serves as the President of the John Simon Guggenheim Memorial Foundation and is a Chancellor of the Academy of American Poets.

**Fiona Smith** is a Professor of International Economic Law at the School of Law at the University of Warwick. She is a graduate of the University of Wales, where she received her LL.B., and the University of Leicester, where she obtained her LL.M. and Ph.D. Her research interests are in international economic law, particularly the law of the World Trade Organization (WTO). She has published widely on WTO law and is an expert on international agricultural trade, and has spoken widely about her research in the United States, Europe, and East Asia. As a consequence of her work, she was invited to become a member of the editorial board of the journal *Jurisprudence* and was also appointed as an expert on international economic law to the Research Foundation Flanders.

Smith was first introduced to James Boyd White's work when she was a Visiting Scholar at the University of Minnesota in 2008. She was inspired to use White's work as a methodology for her own work on international agricultural trade regulation, arguing that pro-environmental reforms were never fully incorporated into trade agreements due to differences in use of language between environmentalists and trade lawyers, and that this difference must be abridged. She has also edited a symposium on Law and Language published by Oxford University Press, and is currently working on a book on food security in international economic law, which also incorporates White's ideas about the power of language and the use of speech.

Smith is the Founding and now Co-Director of the WTO Scholar's Forum, an initiative designed to bring together experts on the law of the World Trade Organization to discuss topical issues.

She recently completed a two-year project entitled Food Security, Foreign Direct Investment and Multilevel Governance in Weak States with support from a grant from the Swiss National Fund. Before joining the University of Warwick, Smith previously taught at the University College of London, the University of Sheffield, and the University of Leicester.

**Lawrence Weschler** is an American author of works of creative nonfiction. He is a graduate of Cowell College of the University of California at Santa Cruz. He was a staff writer at *The New Yorker* for over twenty years and was a two-time recipient of the George Polk Award (for Cultural Reporting and Magazine Reporting) and a Lannan Literary Award. He has taught previously at Princeton University, Columbia University, the University of California at Santa Cruz, Bard College, Vassar College, Sarah Lawrence College, and New York University.

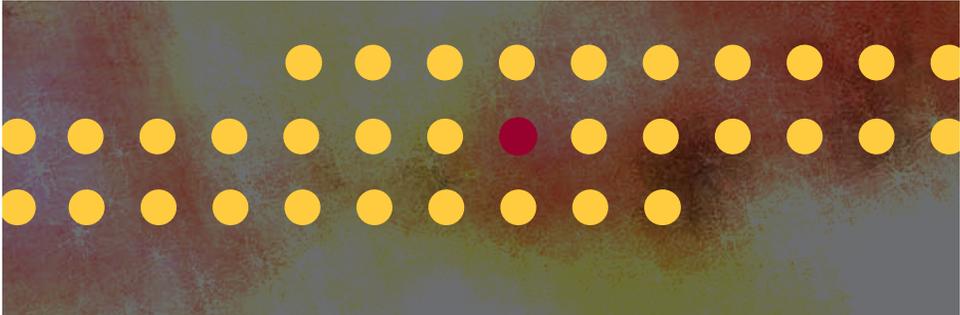
Weschler's books of political reportage include *The Passion of Poland* (1984), *A Miracle, A Universe: Settling Accounts with Torturers* (1990), and *Calamities of Exile: Three Nonfiction Novellas* (1998). His "Passions and Wonders" series currently comprises *Seeing is Forgetting the Name of the Thing One Sees: A Life of Contemporary Artist Robert Irwin* (1982), *David Hockney's Camera-works* (1984); *Mr. Wilson's Cabinet of Wonder* (1995), which was shortlisted for both the Pulitzer Prize and the National Book Critics Circle Award, *A Wanderer in the Perfect City: Selected Passion Pieces* (1998), *Boggs: A Comedy of Values* (1999), *Robert Irwin: Getty Garden* (2002), *Vermeer in Bosnia* (2004), *Everything that Rises: A Book of Convergences* (2006), which received the National Book Critics Circle Award for Criticism in 2007, and *Uncanny Valley: Adventures in the Narrative* (2011).

Weschler is currently the director emeritus of the New York Institute for the Humanities at New York University, where he has been a fellow since 1991, and is the artistic director emeritus with the Chicago Humanities Festival. He is a contributing editor to *McSweeney's*, the *Threepenny Review*, and *The Virginia Quarterly Review* and recently retired from his position as Chair of the Sundance Documentary Film Festival. He is currently a distinguished writer-in-residence at the Carter Journalism Institute at New York University.

**Carlo Rotella** is the Director of the American Studies Program and Director of the Lowell Humanities Series at Boston College. He received his B.A. at Wesleyan University and received his Ph.D. at Yale University. He regularly writes for *The New York Times Magazine* and the *Washington Post Magazine*, is a regular columnist for the *Boston Globe*, and is a commentator for WGBH FM. Rotella is also an editor of the "Chicago Visions and Revisions" series at the University of Chicago Press.

Rotella's published works include *October Cities* (1998), *Good With Their Hands; Boxers, Bluesmen, and Other Characters from the Rust Belt* (2002), and *Cut Time: An Education at the Fights* (2003), which was a finalist for the Los Angeles Times Book Prize, and *Playing in Time: Essays, Profiles, and Other True Stories* (2012). His articles and chapters have also appeared in *The New Yorker*, *Critical Inquiry*, *American Quarterly*, *The American Scholar*, *Raritan*, the *New York Times*, the *Chicago Tribune*, the *Boston Globe*, *Transition*, *Harper's*, *DoubleTake*, *Boston*, *Slate*, *The Believer*, *TriQuarterly*, and *The Best American Essays*.

Rotella has held Guggenheim, Howard, and Du Bois fellowships and received the Whiting Writers Award, the L. L. Winship/PEN New England Award, and The American Scholar's prizes for Best Essay and Best Work by a Younger Writer. He has also received U.S. Speaker and Specialist Grants from the State Department to lecture in China and Bosnia and Herzegovina. At Boston College, Rotella specializes in American Studies, urban literature and culture, American literature, and creative nonfiction writing.



# COMMUNITY & INDIVIDUALITY IN AESTHETIC EXPERIENCE

Tuesday, September 16

5:00 p.m.

McGuinn Hall, Room 521

Boston College



with Paul Guyer,  
Jonathan Nelson Professor of Philosophy and  
Humanities at Brown University

Co-sponsored by the Boston College Philosophy Department

Several large windows framed the view of the tree-lined campus, with the Boston skyline demarcating the horizon. As renowned philosopher Paul Guyer presented his “Community and Individuality in Aesthetic Experience,” the view was a constant reminder of the power of the aesthetic.



Does beauty give us better knowledge, making us better people? Or can the arts manipulate emotions, confusing our moral compass? Is art an expression of individual passion or community values?

Some philosophers think that the value of art is that it can clarify, create, and express ideas. They say that art is valuable because it gives us more or better knowledge. Others think that art is about emotions. Art can reveal emotions we would not otherwise experience. A film might give a viewer—sitting comfortably in her home—insights into the feelings of a prisoner of war. Stumbling across a particularly beautiful tree might stir a sense of wonder in the perceptive hiker.

Knowledge- and emotion-based approaches to aesthetics paint different pictures of how art can influence the moral life of a person or a community. On the one hand, you may donate to the homeless because a story gave you better knowledge of their plight, while on the other, propaganda films stir the emotions of a fascist population. Guyer argued that we should not choose between art as knowledge and art as emotion.

Just as we cannot reduce art to the purely intellectual or emotional, we should not choose between art as a product purely of community norms or individual passion. If art were always just an expression of existing community values, art could not have the innovative and transformative nature that it does. On the other hand, if art were always just an individual creating in a

vacuum, there would be no way for its meanings to reach other individuals.

How do we bring these disparate theories together to make sense of aesthetic experience? Imagine a poet struggling to find the right words to name a particular feeling in a poem. As she reads the poem to others, they clarify their own emotions in the words of the poem she reads. There is something shared in the words, a common feeling. Still, each person, as she hears the words, has a particular experience and a unique version of the common feeling that the poem has illuminated for her. Guyer argued that the poet makes us poets; she enables us to express our emotions. Knowledge- and emotion-based theories come together as we understand our own experiences in the context of the emotions of others. This is the best of art.

Because art can stir emotions and implant ideas, it has a frightening ability to attach anger and frustration to the wrong objects; this is propaganda. In the face of this reality, Guyer concluded, “Art proper is clarificatory rather than obfuscating. This cannot be stressed enough.” The best art will stir the play of imagination unique to human beings—the ability to relate the particular experience to a universal one—to find one’s own words in the words of another.

## About Paul Guyer

For more information, including a video recording of the event, visit the event page at [www.bc.edu/cloughevents](http://www.bc.edu/cloughevents).



**P**aul Guyer is the inaugural Jonathan Nelson Professor of Philosophy and Humanities at Brown University.

Having written nine books on Immanuel Kant and translated a number of the philosopher's works into English, he is widely regarded as one of world's foremost Kantian scholars. His scholarship has been particularly influential in interpreting Kant's views on aesthetics, transcendental idealism, and freedom.

Additionally, Professor Guyer has published on the history of aesthetics and modern philosophy, and on other historical figures in philosophy, including John Locke, David Hume, Georg Wilhelm Friedrich Hegel, Arthur Schopenhauer, and others.

Professor Guyer graduated *summa cum laude* from Harvard College. After receiving his Ph.D. at Harvard University with a dissertation directed by Stanley Cavell, he taught at the University of Pittsburgh, the University of Illinois-Chicago, and the University of Pennsylvania. He has held fellowships from the National Endowment for the Humanities, the John Simon Guggenheim Memorial Foundation, and the Princeton University Center for Human Values. Professor Guyer's awards include the Centennial Medal of the Harvard Graduate School of Arts and Sciences, the Franklin J. Matchette Prize of the American Philosophical Association, and the Research Prize of the Alexander von Humboldt Foundation.

# TWO HUMANITARIANISMS

Wednesday, September 17 · 3:30 p.m.  
East Wing, Room 120 · Boston College Law School

*Constitution Day Lecture  
Co-sponsored by the BC Legal History Roundtable.*

*with* **JOHN FABIAN WITT**,  
*Allen H. Duffy Class of 1960 Professor of Law,  
Yale Law School*

The Constitutional Day Lecture co-sponsored by the BC Legal History Roundtable and the Clough Center featured a keynote address delivered by John Fabian Witt, Professor of Law at Yale University. Professor Witt discussed two different threads of Humanitarianism present in today's international humanitarian law. To illustrate these different approaches, he contrasted the work of Henry Dunant and Francis Lieber.



Dunant was a Swiss businessman who wrote a book describing the 1859 Battle of Solferino between the French and Austrian armies. The book's precise account of the misery and horrors of the battlefield shifted attention from the previously emphasized honor and glory of war.

Under Dunant's humanitarian approach—highly influenced by Emmer de Vattel's Just War Theory—both sides in a conflict should follow humanitarian rules of war as a way to reduce human suffering. In order to give international humanitarian law the necessary neutrality to regulate warfare, Dunant regards suffering as a primary moral metric, excluding questions of right and wrong, justice, or any matter related to the merits of the conflict.

Dunant's ideas highly influenced several states to recognize the necessity of regulating warfare. Culminating in the First Geneva Convention in 1864, this recognition addressed the necessity of taking care of the wounded and the sick on the battlefield without regard to their nationality as well as the exclusion from conflict of ambulances and hospitals.

Professor Witt contrasted Dunant to Lieber. Lieber believed that the prevention of suffering is not a wartime objective and that war was a way to accomplish a higher end. Lieber experienced traumatic personal suffering during the Napoleonic Wars and the American Civil War. His reaction to these events committed him to the idea that a higher cause can justify the suffering caused during war.

Lieber crafted a Code of Rules for the Union Army in 1862, restating the customary international rules for warfare. In Lieber's Humanitarianism, human suffering was considered a necessary cost to protecting human civilization's greatest achievements and advancing the cause of justice. According to



Lieber, severe wars can be more humanitarian than constrained wars, because sharp wars are brief and therefore better for humanity.

According to Professor Witt, both men's visions have inherent weaknesses. Dunant's vision requires an uncomfortable moral posture that is indifferent to basic questions of right or wrong, and Lieber's philosophy allows the infliction of massive and terrible suffering to achieve sometimes questionable ends.

Professor Witt also explored the concept of proportionality: a doctrine that aims to weigh military advantage against civilian suffering to evaluate the legality of bellicose conduct. Professor Witt criticized the lack of a rule for proportionality under Lieber's conceptualization, which contains solely a necessity standard.

Professor Witt instead proposed a third view, suggesting that suffering would not be the ultimate criterion on the evaluation of war, nor would it be merely a side effect in the pursuit of some rightness claim to justice. Rather, it would be both an opportunity to consider the morality of armed conflict and an impetus for a hard look at the terrible violence that war entails. Human suffering would therefore be the focus for modern warfare decision-making. This third view or any other view needs to accommodate Dunant's and Lieber's humanitarianisms, as both contain indispensable moral values.

## About John Fabian Witt

For more information, including a video recording of the event, visit the event page at [www.bc.edu/cloughevents](http://www.bc.edu/cloughevents).



John Witt is the Allen H. Duffy Class of 1960 Professor of Law at Yale Law School, where he teaches courses in American Legal History, Torts, and History of the Laws of War.

After receiving his B.A., J.D., and Ph.D. in History—all from Yale University—Professor Witt served as a law clerk to Judge Pierre N. Leval on the United States Court of Appeals for the Second Circuit. Subsequently, he became a professor of law at Columbia University before returning to Yale in his current position.

In 2010, he was awarded a John Simon Guggenheim Memorial Foundation Fellowship to continue his project on the laws of war in American history.

Professor Witt's most recent book, *Lincoln's Code: The Laws of War in American History*, was awarded the 2013 Bancroft Prize, was a finalist for the Pulitzer Prize, was selected for the American Bar Association's Silver Gavel Award, and was a *New York Times* Notable Book for 2012. His previous works include *Patriots and Cosmopolitans: Hidden Histories of American Law* and *The Accidental Republic: Crippled Workingmen, Destitute Widows, and the Remaking of American Law*—which was awarded the 2002 Thomas J. Wilson Prize for its examination of the development of American tort law at the turn of the 20th century.

# *The Prophetic Task of Legal Thought*

Thursday, October 16, 2014

3:30 p.m.

Barat House

Boston College Law School

Reception to follow.



with **Roberto Mangabeira Unger**,  
Roscoe Pound Professor of Law at Harvard Law School

Renowned legal scholar Roberto Mangabeira Unger gave a lecture titled “The Prophetic Task of Legal Thought” to an audience of law students and academics on October 16, 2014. Unger, presently the Roscoe Pound Professor of Law at Harvard Law School, is widely considered one of the world’s foremost public intellectuals and a leading advocate of constitutional democracy.



Unger began his lecture by reciting a series of proverbs. *A talented person is a marksman who can hit a target that others cannot hit. A genius is a marksman who can hit a target that others cannot see.* Throughout his career, Unger has played the role of the genius, advocating for sweeping changes to global societal structures and radical realignment of political power and wealth. He has not been afraid to criticize those in power when they fail to challenge the status quo. His lecture reflected this bold spirit by challenging lawyers and law students to rethink their societal role.

Legal thought, Unger argued, has a “prophetic task” in the world. “Jurists”—lawyers and judges—have a “higher calling” to marshal the law towards a higher form of life. Indeed, Unger asserted, jurists must assist humans in embodying and fulfilling their attributes that most resemble those we ascribe to God. And they must rethink how to structure and lead society in order to accomplish this.

Conventional legal thinking keeps jurists from fulfilling their prophetic role. Unger describes this as the “lesser application of

the law”: dealing with the application of the law and its interpretation within and outside the law’s adjudicative setting. This lesser task is what most people assume jurists are supposed to be doing. Yet Unger rejects this narrow way of thinking and calls lawyers and judges to engage fully their “higher calling” in a “prophetic spirit.”

Jurists may do this by focusing on a broad conception of humanity and self. We all are shaped by circumstance, context, and the social world we build and inhabit. Yet there is always more in us—people—than there is or ever can be in the social order around us. We exceed these external societal structures. Indeed, this “attribute of transcendence” defines our humanity.

This feature of humanity ought to be extended, Unger argued. Jurists must assist in this task by transforming society and reorienting life. This can be accomplished in two ways: the roles we play and our relation to the nations and states of the world. First, our role as jurists must be reimagined to reject the “lesser application of the law” and embrace the higher calling of the “prophetic task.” Second, in imagining our relationship to nations and states, we must push for an institutional order that is open to challenge and contradiction. Humans should be given the freedom to enact change in their governments; borders should be made as open as possible to allow the free flow of movement and ideas. As nations cease to be merely tribal groups based on ethnic and cultural homogeneity, they must be reimagined to be more diverse, more inclusive, and more freeing. If jurists pursue this vision in a radical fashion, they will begin to embrace their prophetic roles.

## About Roberto Mangabeira Unger

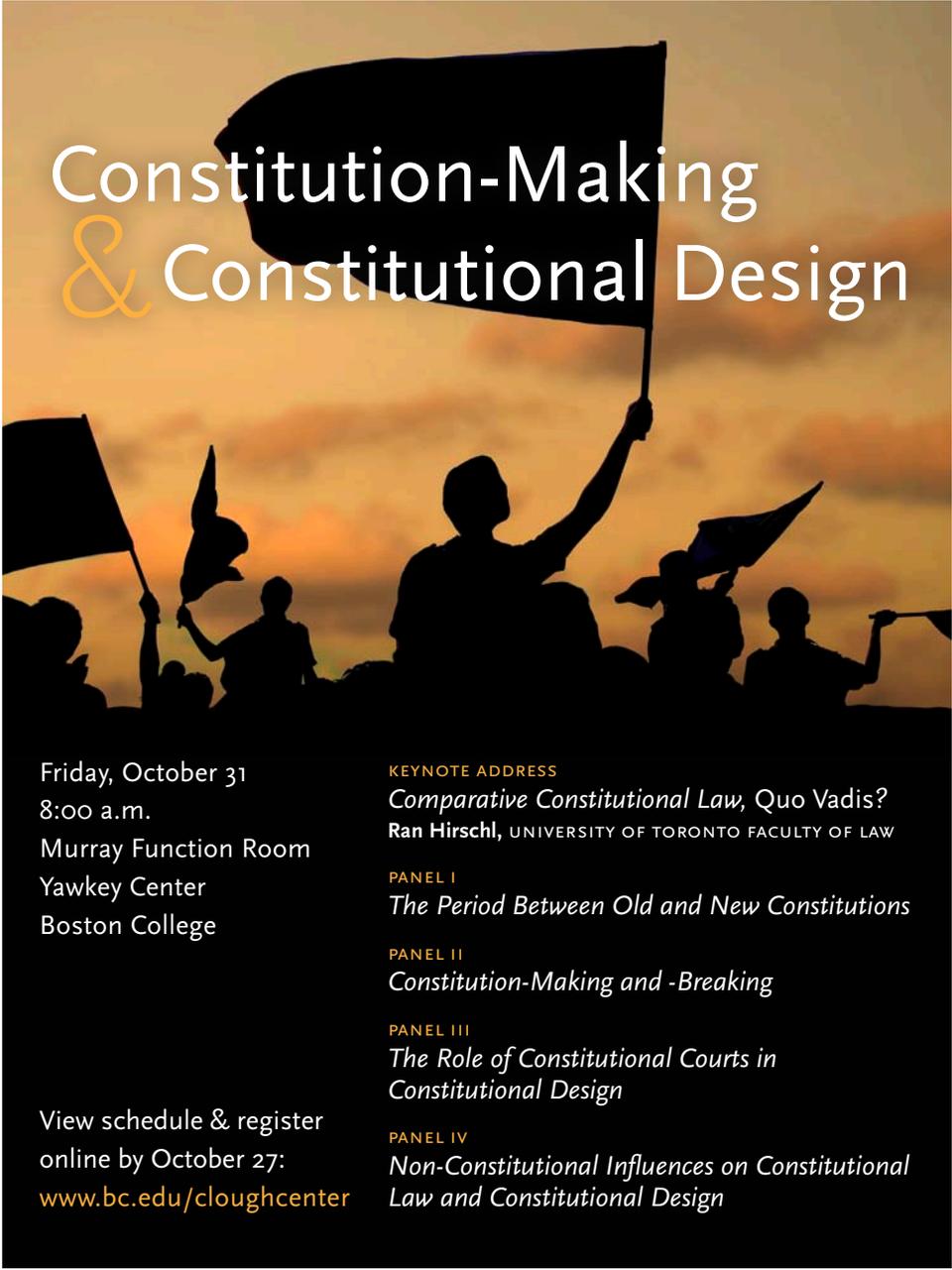
For more information, including a video recording of the event, visit the event page at [www.bc.edu/clouchevents](http://www.bc.edu/clouchevents).



**R**oberto Mangabeira Unger is a renowned theorist whose political activity helped bring about democracy in Brazil in the 1980s. Successfully bridging the gap between theory and politics in both the United States and Brazil, he is widely recognized as one of the world's leading public intellectuals.

Raised in both the United States and Brazil, Unger subsequently studied law at the Federal University of Rio de Janeiro and completed his LL.M. at Harvard Law School. Due to political upheaval in Brazil, he was invited to stay at Harvard in the S.J.D. program. Unger first received recognition with the publication of his books *Knowledge and Politics* and *Law in Modern Society* in 1975 and 1976, respectively. At the same time, he became one of the youngest tenured faculty members at Harvard Law School at just 29 years old. His scholarship—which encompasses social theory, legal thought, economics, and philosophy—has focused on how to empower humanity. Through it, Unger has emphasized the need for experimentation and revision as an alternative to institutionalized social, political, and economic activity.

Unger became involved in Brazilian politics in the 1970s, when he emerged as one of the ideological leaders opposing the country's military dictatorship. Following Brazil's democratization, he has served as an adviser to two presidential candidates, headed a state-run foundation for homeless children, and launched his own exploratory bids for the presidency in 2000 and 2006. His political activity culminated in his appointment from 2007 to 2009 as the Brazilian Minister of Strategic Affairs under President Luiz Inácio Lula da Silva, a position that allowed him to push for a broadening of the middle class through an expansion of credit to smaller producers. Since then, Unger has focused his political work on the northwestern Brazilian state of Rondônia, where he is heading efforts to modernize farming techniques and to transform education from rote learning to creative engagement.



# Constitution-Making & Constitutional Design

Friday, October 31  
8:00 a.m.  
Murray Function Room  
Yawkey Center  
Boston College

View schedule & register  
online by October 27:  
[www.bc.edu/cloughcenter](http://www.bc.edu/cloughcenter)

#### KEYNOTE ADDRESS

*Comparative Constitutional Law, Quo Vadis?*  
Ran Hirschl, UNIVERSITY OF TORONTO FACULTY OF LAW

#### PANEL I

*The Period Between Old and New Constitutions*

#### PANEL II

*Constitution-Making and -Breaking*

#### PANEL III

*The Role of Constitutional Courts in  
Constitutional Design*

#### PANEL IV

*Non-Constitutional Influences on Constitutional  
Law and Constitutional Design*

### PANEL 1: Period Between Old and New Constitutions

A distinguished group of scholars convened in the Yawkey Center at Boston College for a day-long symposium on constitution-making and constitutional design. After a warm greeting from BC Professor Richard Albert and Clough Director Vlad Perju, the day began with a panel of six professors speaking on “The Period Between Old and New Constitutions.” The professors were Joel Colon-Rios of the Victoria University of Wellington Faculty of Law; Oran Doyle, School of Law at Trinity College, Dublin;

Kate Glover, McGill University Faculty of Law; Mark Graber, University of Maryland Carey School of Law; Carissima Mathen, University of Ottawa Faculty of Law; and Ozan Varol, of Lewis & Clark Law School in Oregon.

Professor Colon-Rios kicked off the panel by discussing the transition between “old” and “new” constitutions. We live in a time of unprecedented upheaval in many countries; with that comes



the drafting and adoption of “new” constitutions. Will these nascent, often struggling democracies (Tunisia, Egypt, etc.) look to “old” constitutions from Western powers to draft their own? Or will they draw on heretofore unused sources?

Professor Doyle, discussed his theories of “thick” and “thin” constitutionalism. We have, he stated, no shared concept of what a constitution is. We do, however, have a loose sense of what constitutional law is. He suggested focusing on our shared sense of constitutional law to fuse the two strands of “thick” and “thin” constitutionalism. With democracy, he stated, there is always the possibility that the majority could make a decision to disestablish democracy—it would essentially destroy itself. To safeguard against this, many countries have developed constitutional restraints such as making constitutions difficult to amend. He ultimately argued, however, for a more minimalist approach to restraints and closed by discussing the Irish example.

Professor Glover touched on the judicial advisory procedure (JAP) in Canada over the last 35 years. The JAP allows the federal government of Canada to refer any important question of law or fact to the Supreme Court. The court has a statutory duty to hear, consider, and answer these questions to the best of its abilities. In theory, the opinion issued by the court is not binding, and has no precedential value. In practice, however, these opinions are treated as binding and have significant precedential value. She concluded with two cases studies and stated that while the JAP is not necessarily the solution for every country, it has brought significant benefits to Canada.

Professor Mathen expounded on her theory of constitutional “ruthlessness.” The constitution-making process, she stated, is by definition ruthless. Decisions are made—certain actors are included, others are cut out, power is given and taken away. She pointed out to the 1982 patriation of the Canadian constitution, and the way that some argue it was achieved by betraying Quebec.

Professor Graber followed Prof. Mathen by telling a few humorous anecdotes about his experience as the “James Madison,” or constitution-writer, of his high school. He showed that constitutions, although they can be ignored, do end up having immense practical impact on the communities they govern. He also predicted that in the future, constitutions would likely change more frequently and more rapidly, making the field of constitutional comparative law even more important.

Professor Varol closed the panel by discussing his notion of “constitutional stickiness.” By this, he meant that when constitutions are replaced or amended, the provisions that survive this process tend to “stick” for good. He discussed the many countries struggling to transition from dictatorship to democracy, and advised that the constitutional provisions that would remain in the new constitutions would likely have significant staying power—a certain timelessness.

## PANEL II: Constitution-Making and -Breaking

On October 31st, the Clough Center held “Constitutional Making and Constitutional Design,” a conference comprised of a number of panels that investigated the different elements that go into drafting constitutions. “Constitutional Making/Breaking” focused on the degrees of replacement and revision that occur when “unconstitutional constitutions” are challenged and then replaced by new paradigms of statehood.

Andrew Arato of The New School first presented on the models of democratic constitutional design and how these models work under less than ideal circumstances, ultimately outlining his theory of post-sovereign constitution making. This process, he argued, is often the most pragmatic option under bad circumstances, when constitutions fail normativity expectations and become undemocratic. If, in these cases, law is not identical to empirical science, then constitution makers must recognize the need to uphold the principles of legitimacy (broad social inclusion, equality, and transparency) in open-ended negotiations to ensure a nation’s transition from dictatorship to constitutional democracy. Key to the success of this transition is the implementation of an objective, rule-abiding roundtable, a pragmatic intern constitution, and a constitutional court to oversee how well the constitutional assembly adheres to the principles of legitimacy. Ultimately, this open-ended reformist model offers the best chance to design a democratic constitution.

Second was David Landau from Florida State University, who focused on the misunderstanding of the risks inherent to constitutional replacement and amendment. While critics often believe that either can be a threat to democracy, Landau argued that, when executed properly, both can be boons to the democratic process and its implementation. To shift this common misconception, he proposed asking non-conceptual key questions of these processes that hone in on the nature of restraint on the actors involved in constitution replacement and amendment. These questions should cover the workability of control over the constitution drafting process, the normative consequences of restraint, and the practicality of implementing these constraints. Reassessing the ex-ante and ex-post procedural and substantive restraints that can be put upon constitution making through these lenses helps clarify which constitution making processes are most effective and responsive to the publics they intend to serve.

Next, Eugene Mazo of Wake Forest University took up a broad examination of the field of constitutional law and one of its crucial blind spots. He suggested that what he calls the upstream tradition—the study of how constitutions are created—is

under-theorized and mainly composed of mental map case studies. While scholars have data on how constitution-making entities are formed and how constitutions are ratified, that data does not reveal how the framers of those constitutions come up with their ideas. This area of study is important because a better grasp of those processes would unveil the past influences, political moments, and more varied constellation of ideas that go into constitution-drafting. Such a wider perspective would help scholars understand constitutions as amalgams of existing thought rather than unique and original documents.

Lastly, Mark Tushnet spoke on the “best practices” of constitution making—those practices that correlate with expected outcomes—and why drafters don’t always adhere to these practices. If constitution makers do not operate under a veil of ignorance and know the consequences of their constitutional decisions, then choosing to reject best practices is the result of internal political demands or uncertainties. Most often, these demands or uncertainties protect the political interests of constitution makers, respond to local political needs, or arise from doubts as to the consistency of political outcomes. However, constitution makers have an obligation to execute these practices despite the internal consequences. It is the responsibility of constitutional law scholars to put pressure on constitution makers to do so.

The topics that these four panelists raised all responded to current issues in the field of comparative constitutional law and together posed an interesting question: how do you study constitution-making? Is it through linked, causal stories or through empiricist data collection and analysis? And how do these approaches affect whether scholars are solving normative constitutional problems or merely casting light on their darker parts? While there may be no certain answers, raising the questions—as this conference proved—is a good place to start.

## KEYNOTE LUNCH: Comparative Constitutional Law, *Quo Vadis?*

Influential constitutional scholar Ran Hirschl delivered the keynote address at the Clough Center’s daylong symposium on constitution-making and constitutional design on Friday, October 31, 2014. Hirschl, a professor at the University of Toronto Faculty of Law in Canada, has written three books on comparative constitutional law and is widely considered to be one of the foremost constitutional theorists in the world.

Hirschl led off the speech by asking the audience “comparative constitutional law, *quo vadis?*” or “where are you going?” Comparative constitutional law as a field has grown significantly over the past 15 years. Indeed, he stated, the field appears to have



reached a “critical mass”—we now have research courses, books, and journals. It is now one of the most vibrant and robust areas of legal scholarship.

Now that the field has reached maturity, however, Hirschl cautioned that it’s time for some reflection about where we are going. Comparative constitutional law is more than an emerging field of legal inquiry, he argued. It can be a window into the human condition itself; an effective lens through which to look at polities that concern core political identity in the world.

In order to accomplish this, however, comparative constitutional law must respond to five main challenges, Hirschl said. The first is that contemporary discussion in the field often proceeds as if there is no past—only a present and a future. Scholars often suffer from the myopia that the world of comparative constitutional law was created after 1945 with the post-war European constitutional experiments. This is, of course, absurd: there are empires long-gone, timeless intellectuals and political histories that inform our world today. Old scholars like Jean Bodin, John Selden, and Francis Bacon must be excavated and studied.

Second, comparative constitutional theorists must respond to the global South gap or the “World Series” syndrome. By this, Hirschl means the narrow focus on the West and the United States in particular. How truly comparative is a discipline that only looks at a small subset of jurisdictions? He urged the audience to look at Russia, Brazil, Nigeria, Indonesia, Bangladesh, and other major populous countries.

Third, he appealed for more interdisciplinary study in comparative constitutional law. Legal scholars must open up to the social sciences! How are we to understand the complex political dynamics that shape the drafting and amendment of constitu-

tions without some reference to the social and political context in which they evolve? To understand better, we must reference culture wars and dilemmas of national identity—and to do that we must embrace the social sciences and other disciplines outside the law.

Fourth, Hirschl argued that we need a better understanding of the “comparative” in comparative constitutional law. It’s the “comparative” element that separates it from basic constitutional law. A deeper understanding of this element is essential for the field’s renaissance to persist.

Finally, comparative constitutional law suffers an unnecessary split with constitutional public law. Traditionally, these have been considered two separate fields. Yet in the modern era, these two strands are becoming increasingly interwoven and inseparable. The traditional American doctrine of unlimited national sovereignty is just not true for the majority of polities now: transnational agencies like the WTO and the UN agencies infringe on sovereigns—no one is immune from this in today’s world. The European Court of Human Rights, he stated, is arguably the most powerful tribunal in the world today. Our teaching must reflect these realities by becoming more interdisciplinary.

### **PANEL III: The Role of Constitutional Courts in Constitutional Design**

At the Clough Center for Constitutional Democracy’s Symposium on Constitution-Making and Constitutional Design, the third panel of the day focused on “The Role of Constitutional Courts in Constitutional Design.” Ruti Teitel, Ernst C. Stiefel Professor of Comparative Law at New York Law School, moderated the panel. In her opening remarks, Teitel noted the



timeliness of the panel's topic, given that courts are increasingly intervening in debates about constitutions, as the European Court of Human Rights did recently regarding the constitution of Bosnia-Herzegovina.

The first panelist was Kevin Cope, Ph.D. student and Grotius Research Scholar at the University of Michigan Department of Political Science. Cope presented on research he is conducting with Dominic Nardi, using a statistical program translating text into data to model topics taken up when courts review constitutions. This research investigates the theory that if constitutional framers know there will be extensive court review of their work, they will use lengthier and more specific language to finalize their ideas in the constitution prior to its review. This theory was confirmed: judicial review of the constitution is correlated with an 80-word increase per topic or a 47% increase in words. This data analysis also showed that every constitution has a "unique constitutional fingerprint" that reflected intuitive expectations: for example, Saudi Arabia's constitution has little language on the topic of religious freedom and North Korea's constitution has extensive language on its basis for sovereignty. These findings suggest that topic modeling will be a helpful tool for increasing our understanding of constitutions.

The second panelist, David Fontana, associate professor at George Washington University Law School, spoke on "The Geographical Dimensions of New Constitutional Courts." Fontana argues that the geographical location of a constitutional court



affects who serves on the court and thus its result. A judicial system should be distributed geographically, with attention to representation if views in a given country tend to differ by region. Distance can increase the cost of monitoring but also affects the relationship of courts with other governmental institutions: as Fontana put it, "It's difficult to separate powers if they're across the street [from one another]."

Gábor Halmai, Visiting Research Collaborator at Princeton's Woodrow Wilson School of Public and International Affairs, gave a talk entitled "Judicial Review of Constitutional Amendments and New Constitutions in Comparative Perspective." A traditional argument for limiting the power of amendments to change a constitution has been to protect the sovereignty of future generations, allowing them input into their own governance. Halmai holds that a more important argument for limiting amendment power is to avoid the rise of autocratic power through constitutional change. For example, Germany, in recognition of its Nazi history, has constitutional provisions that can't be amended under any circumstances. Halmai urges judicial review of constitutional amendment procedures in nations where autocratic rule has previously existed or threatens to appear.

The final panelist was William Partlett, Assistant Professor at the Faculty of Law at the Chinese University of Hong Kong, who spoke on "The Law of Constitution Making." Like Halmai, Partlett addresses the possibility of self-interested groups using constitution-making processes to consolidate their power. While

Halmai recommended judicial review as a solution, Partlett focuses on legislative solutions. He recommends avoiding election laws that encourage the creation of supermajorities that could amend constitutions. Rather, laws should encourage an inclusive constitution-making body that amplifies minority viewpoints.

#### **PANEL IV: Non-Constitutional Influences on Constitutional Law and Constitutional Design**

The final panel of the Symposium on Constitution-Making and Constitutional Design, titled “Non-Constitutional Influences on Constitutional Law and Constitutional Design,” brought together scholars from law schools in Canada and the United States to discuss their work on how constitutional law can be shaped by outside influences. Boston College Law School professor Katharine Young moderated the panel.

The first panelist to speak was conference organizer Richard Albert, a professor at Boston College Law School. Professor Albert discussed how previous attempts to amend the Constitution of Canada, particularly through the Charlottetown Accord, have arguably led to a convention that could serve as a non-textual amendment requiring constitutional reform in Canada to be put to a national referendum. Professor Albert argued that the decision to put the Charlottetown Accord to national referendum did not create an unwritten amendment to the process, emphasizing that more than precedent was needed and noting that the Supreme Court of Canada has not acknowledged the requirement of national referendum as a convention for constitutional change.

Francesca Bignami, a professor at George Washington University Law School, spoke about her comparative analysis of administrative law to constitutional law and discussed how administrative law can influence constitutional law. Professor Bignami pointed to the different sources of law, processes of review, and legal institutions of both areas of law and noted how some norms of administrative law have migrated to constitutional law.

The third panelist to speak was Mohammad Fadel of the University of Toronto. Professor Fadel discussed his work on the role of Islamic law as a non-constitutional influence on constitutional law, particularly as it relates to the transition in Egypt. In his discussion, Professor Fadel described the role Islamic leaders have played in the attempts at creating a new government and constitution in post-Mubarak Egypt and differentiated between traditional and modern Islamic influences.

Professor Vanessa MacDonnell from the University of Ottawa continued the discussion through her presentation on the role of quasi-constitutional statutes in Canadian law. Professor MacDonnell examined the relationship between quasi-constitutional statutes and ordinary statutes, arguing that in situations in which the two conflict, the quasi-constitutional statute will trump given its importance and relationship to constitutional law. She discussed the “top-down” creation of these statutes as being influenced by constitutional law and functioning as implementations of constitutional law.

Russell Miller, a professor at Washington & Lee University School of Law presented on the influence of civilian law on constitutional law in Germany. Professor Miller noted the code-like structure of German constitutional law in arguing that it is most similar to a civil code and discussed the reflection of civilian law in the theory and text of the constitution. Professor Miller also emphasized the role of civil law in the constitutional court’s nature and practice.

The final speaker on the panel was Bart M. J. Szewczyk from Columbia Law School. Professor Szewczyk’s presentation focused on the recently signed Ukraine-European Union Association Agreement that requires Ukraine to adopt a large percentage of European Union law. Professor Szewczyk questioned the acceptability of incorporating an extensive amount of international law into Ukraine’s constitutional framework and discussed the role this could play in transforming legal structures in Ukraine to abide by European standards.

Overall, the final panel of the symposium presented a broad range of non-constitutional influences on constitutional law and provoked stimulating questions and discussions between presenters and audience members. The panel provided an apt close to the symposium by highlighting constitutional law’s relationship to the overall systems of government and law across various political landscapes.

# Conference Program

- 8:30 AM**    **OPENING REMARKS**  
**Vlad Perju**, DIRECTOR OF THE CLOUGH CENTER AND PROFESSOR, BOSTON COLLEGE LAW SCHOOL  
 Introduced by **Richard Albert**, BOSTON COLLEGE LAW SCHOOL
- 8:45 AM**    **PANEL I: THE PERIOD BETWEEN OLD AND NEW CONSTITUTIONS**  
 MODERATOR: **Richard Kay**, UNIVERSITY OF CONNECTICUT SCHOOL OF LAW
- What is a Constitutional Transition?*  
**Joel I. Colon-Rios**, VICTORIA UNIVERSITY OF WELLINGTON SCHOOL OF LAW
- Constitutional Transitions, Conventions and Constitutionalism*  
**Oran Doyle**, TRINITY COLLEGE DUBLIN, SCHOOL OF LAW
- Navigating Constitutional Crises: The Reference Power as a Tool of Transition*  
**Kate Glover**, MCGILL UNIVERSITY, FACULTY OF LAW
- Constitutions and Constitutional Orders*  
**Mark Graber**, UNIVERSITY OF MARYLAND CAREY SCHOOL OF LAW
- Constitutional Ruthlessness*  
**Carissima Mathen**, UNIVERSITY OF OTTAWA, FACULTY OF LAW
- Constitutional Stickiness*  
**Ozan Varol**, LEWIS & CLARK LAW SCHOOL
- 10:30 AM**    **PANEL II: CONSTITUTION-MAKING AND -BREAKING**  
 MODERATOR: **Mila Versteeg**, UNIVERSITY OF VIRGINIA SCHOOL OF LAW
- Beyond the Alternative Reform or Revolution: Post-Sovereign Constitution-Making in Latin America*  
**Andrew Arato**, NEW SCHOOL FOR SOCIAL RESEARCH
- Constraining Constitutional Replacement*  
**David Landau**, FLORIDA STATE UNIVERSITY COLLEGE OF LAW
- The Upstream Problem in Constitutionalism*  
**Eugene Mazo**, WAKE FOREST UNIVERSITY SCHOOL OF LAW
- Designing Constitution-Making Processes*  
**Mark Tushnet**, HARVARD LAW SCHOOL
- 12:00 PM**    **LUNCH KEYNOTE**  
*Comparative Constitutional Law, Quo Vadis?*  
**Ran Hirschl**, PROFESSOR OF POLITICAL SCIENCE AND LAW CANADA RESEARCH CHAIR IN CONSTITUTIONALISM, DEMOCRACY AND DEVELOPMENT, UNIVERSITY OF TORONTO FACULTY OF LAW
- Introductions by **Richard Albert**, BOSTON COLLEGE LAW SCHOOL and **Eugene Mazo**, WAKE FOREST UNIVERSITY SCHOOL OF LAW
- 1:30 PM**    **PANEL III: THE ROLE OF CONSTITUTIONAL COURTS IN CONSTITUTIONAL DESIGN**  
 MODERATOR: **Ruti Teitel**, NEW YORK LAW SCHOOL
- Judicial Review and Constitutional Specificity*  
**Kevin Cope**, UNIVERSITY OF MICHIGAN, DEPARTMENT OF POLITICAL SCIENCE
- The Geographical Dimensions of New Constitutional Courts*  
**David Fontana**, GEORGE WASHINGTON UNIVERSITY LAW SCHOOL
- The Law of Constitution-Making*  
**William Partlett**, CHINESE UNIVERSITY OF HONG KONG, FACULTY OF LAW
- Judicial Review of Constitutional Amendments and New Constitutions in Comparative Perspective*  
**Gábor Halmai**, PRINCETON UNIVERSITY
- 3:15 PM**    **PANEL IV: NON-CONSTITUTIONAL INFLUENCES ON CONSTITUTIONAL LAW AND CONSTITUTIONAL DESIGN**  
 MODERATOR: **Katharine Young**, BOSTON COLLEGE LAW SCHOOL
- The Conventions of Constitutional Amendment in Canada*  
**Richard Albert**, BOSTON COLLEGE LAW SCHOOL
- The Administrative State, the Rule of Law, and Democracy: Comparative Models of Judicial Review*  
**Francesca Bignami**, GEORGE WASHINGTON UNIVERSITY LAW SCHOOL
- Paradoxes of Islamic Law and Constitutionalism*  
**Mohammad Fadel**, UNIVERSITY OF TORONTO, FACULTY OF LAW
- The Implementation of Constitutional Rights by Statute*  
**Vanessa MacDonnell**, UNIVERSITY OF OTTAWA, FACULTY OF LAW
- 4:45 PM**    *Germany's Civil Law Constitution*  
**Russell Miller**, WASHINGTON & LEE UNIVERSITY SCHOOL OF LAW
- International Institutions in Ukraine's Constitutional Change*  
**Bart M. J. Szewczyk**, COLUMBIA LAW SCHOOL
- CLOSING REMARKS**  
**Darin Johnson**, ESQ., CHIEF OF STAFF, OFFICE OF THE SPECIAL COORDINATOR FOR MIDDLE EAST TRANSITIONS (2012-2014), U.S. DEPARTMENT OF STATE  
 Introduced by **Richard Albert**, BOSTON COLLEGE LAW SCHOOL

## About the Keynote Speaker

For complete bios of all the conference participants, please visit [www.bc.edu/cloughconference](http://www.bc.edu/cloughconference).

**R**an Hirschl is Professor of Political Science and Law, and holds a Canada Research Chair in Constitutionalism, Democracy and Development at the University of Toronto. His research interests focus on comparative public law, and in particular comparative constitutional law and judicial politics. He is the author of three books: *Towards Juristocracy: The Origins and Consequences of the New Constitutionalism* (2004 & 2007); *Constitutional Theocracy* (2010)—winner of the 2011 Mahoney Prize in Legal Theory; and *Comparative Matters: The Renaissance of Comparative Constitutional Law* (2014)—winner of the 2015 APSA C. Herman Pritchett Award for the best book on law & courts, as well as over eighty articles and book chapters on comparative and transnational law, comparative constitutionalism and judicial review, the judicialization of politics, constitutional law and religion, and the intellectual history of public law published in scholarly venues such as *Comparative Politics*, *Law & Social Inquiry*, *Political Theory*, *Human Rights Quarterly*, *Constellations*, *Annual Review of Political Science*, the *Oxford Handbook of Law & Politics*, the *Journal of Political Philosophy*, *Revue Française de Science Politique*, *International Journal of Constitutional Law*, *Harvard International Law Review*, and the *American Journal of Comparative Law*.

Professor Hirschl has been a Fellow at Stanford University's Center for Advanced Study in the Behavioral Sciences, Maimonides Fellow at the Institute for the Advanced Study of Law and Justice (NYU), a Fulbright Fellow at Yale, and a Fellow at Princeton University's Program in Law and Public Affairs. He served as distinguished visiting professor of law at Harvard Law School and NYU Law School. In 2010, he received a University of Toronto award for outstanding teaching, and delivered the Annual Lecture in Law and Society at Oxford University. In 2012, he was awarded a Killam Research Fellowship—one of Canada's most prestigious research awards—by the Canada Council for the Arts, and delivered the Annual Julius Stone Address at the University of Sydney. He is an editorial board member of several leading journals, and the co-editor of a book series on comparative constitutional law and policy published by Cambridge University Press. His work has been translated into various languages, discussed in numerous scholarly fora, cited in high court decisions, and addressed in media venues from the *New York Times* to the *Jerusalem Post*. In 2014, Professor Hirschl was elected Fellow of the Royal Society of Canada—the highest academic honour in Canada.



# THE WAR ON JAPAN'S PACIFIST CONSTITUTION

Wednesday, November 5 · 12:00 p.m.  
Barat House · Boston College Law School

Space is limited. Lunch will be served.  
RSVP to [clough.center@bc.edu](mailto:clough.center@bc.edu) by 10/31.

PANELISTS:

- **Tom Ginsburg**, *Leo Spitz Professor of International Law and Professor of Political Science, University of Chicago*
- **Tokuji Matsudaira**, *Associate Professor of Law, Kanagawa University*
- **Franziska Seraphim**, *Associate Professor of History, Boston College*

The Japanese Constitution was born in the aftermath of World War II. Chapter 2, Article 9—the “Pacifism Clause”—reads: “the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as a means of settling international disputes.” Recent years have seen a resurgence of revisionism in Japanese politics. This arena was addressed from three distinct perspectives—Francisca Sarafin, who spoke of the history of the constitution and affiliated politics; Tokuji Matsudara, who spoke of internal perspective in both politics and law; and Tom Ginsburg, who spoke of the construction and maintenance of constitutions.



Professor Sarafin detailed the history of the constitution—from its predecessor in the Meiji Constitution to its anchor in the Potsdam Declaration. The Japanese Constitution was promulgated on May 3, 1947, during Allied occupation. From the 1950s until today, the debate remains unchanged, as the constitution has yet to be revised or amended. Changes in the constitution have come instead through reinterpretation. The debate over the Pacifism Clause is an old one, divided across party lines. The left wing has historically embraced the Pacifism Clause, unified in a belief that pacifism would protect Japan from reliving the horrors of World War II. For the right wing, however, Article 9 has been the subject of a conservative split rooted in the notion that it is designed to subordinate Japan.

Professor Matsudara’s approach laid out major issues in Japan’s current political climate. Current Prime Minister Abe stands at the forefront of these issues and calls for constitutional revision. Coming from the Liberal Democratic Party of Japan, some are reiterations of old arguments. New issues ring familiar to American ears: bureaucracy, the role of welfare, and desire for social and economic mobility. Any disagreement with the Prime Minister will not be coming from the Japanese courts, Matsudara points out. They have balanced individual rights, such as freedom of expression, with a very conservative interpretation of the constitution. There is a sense of urgency with Matsudara, and a belief that the Supreme Court of Japan will not rise to the defense of their constitution. What, then, is the last line of defense? According to Matsudara, it may well be the Emperor. A scholar of constitutional design, Professor Ginsburg prefaced his discussion on a reminder that all constitutions are built with some level of outside involvement. Where Sarafin highlighted the history of Japanese Constitutional revisionism and



Matsudara detailed current movements, Ginsburg outlined the process. According to Ginsburg, the biggest danger of revisionist politics is not the actual threat of revision. This suggests that current Prime Minister Abe’s revisionism is less worrisome for its likelihood of success than for other agendas it may be concealing. Some countries, like the US, have a court-based modality of constitutional change; others, like France’s Conseil d’État, have a separate entity that regularly rewrites the Constitution. Japan has no such body, and its courts are a bureaucratic entity that resists short-term political pressures. This point interplays with Matsudara’s discussion of Japanese politics: the courts are conservative, not revisionist.

The issues that permeated the discussions of the panelists highlighted a tension between the pacifism proclaimed in the document and the reality of Japanese defense. It’s a stark juxtaposition—Article 9 is one of the most deeply rooted clauses in the Constitution, but it hasn’t prevented Japan from having the third largest defense funding in the world. And while the country has forfeited the right to *declare* war, provisions like the Charter of the United Nations enables the right to *delegate* it.

## About the Panelists

For more information, including a video recording of the event, visit the event page at [www.bc.edu/cloughevents](http://www.bc.edu/cloughevents).

**Tom Ginsburg** is the Leo Spitz Professor of International Law and Professor of Political Science at the University of Chicago. He is primarily known as a scholar of international and comparative law, with a focus on constitutions and East Asia.

Professor Ginsburg holds a B.A. in Asian Studies, a J.D., and a Ph.D. in Jurisprudence and Social Policy from the University of California at Berkeley. Before entering legal academia, he worked for the Asia Foundation, served as a legal advisor at the Iran-U.S. Claims Tribunal in The Hague, and consulted with international development agencies and foreign governments on democratic governance.

Professor Ginsburg has served as a visiting professor at the University of Tokyo, Kyushu University, Seoul National University, the Interdisciplinary Center Herzliya, the University of Pennsylvania, and the University of Trento. He currently co-directs the Comparative Constitutions Project, a National Science Foundation-funded effort to analyze the constitutions of all independent nation-states since 1789. His books include *Judicial Review in New Democracies* (2003), which won the C. Herman Pritchett Award from the American Political Science Association for best book on law and courts; *The Endurance of National Constitutions* (2009); *Constitutions in Authoritarian Regimes* (2014); and *Law and Development in Middle-Income Countries* (2014).

**Tokuji Matsudaira** is an Associate Professor of Law at Kanagawa University. Professor Matsudaira received his B.A. in Law from the University of Tokyo, and an LL.M. in Asian and Comparative Law from the University of Washington School of Law. He also completed the Ph.D. program from the University of Tokyo Graduate School of Law and Politics.

Professor Matsudaira is a member of the International Society of Public Law, the Japan Public Law Association, and the Japan Association for Studies of Constitutional Law. He also serves as the coordinator of the Comparative Constitutional Law Forum for Young Scholars.

**Franziska Seraphim** is an associate professor of history at Boston College. A historian of modern and contemporary Japan, her work has focused on the contested place of Japan's empire and war in Asia in postwar politics, society, and culture.

Professor Seraphim holds a B.A. in Asian Studies from the University of California at Berkeley and an M.A., M.Phil., and Ph.D. in Japanese History from Columbia University. Since joining the Boston College faculty, she has offered several courses on Japan, Asia, and World War II, including surveys of modern Japan and topical courses on the Asia-Pacific War and Japanese society since 1945. Her seminars have focused on the Allied Occupations of Japan and Germany, the place of memory in history, and comparative and transnational history writing.

Professor Seraphim's publications include *War Memory and Social Politics in Japan, 1945-2005*; "Relocating War Memory at Century's End: Japan's Postwar Responsibility and Global Public Culture," in *Ruptured Histories: War and Memory in Post-Cold War Asia*; and "Japan," in *Encyclopedia of Genocide and Crimes against Humanity*. Currently, she is researching questions of rehabilitation and citizenship in the politics of social integration and exclusion after World War II in Japan and Germany.

THE POLITICAL LIFE OF

# poetry

Thursday, November 13 · 6:00 p.m.  
Devlin Hall, Room 101  
Boston College

Featuring Edward  
Hirsch, Eavan Boland,  
and Kevin Young.  
This event is followed by  
a book signing.

**A**t the Clough Center's symposium on November 13, three highly regarded poets discussed the relationship between the political life of a nation and its poetry, and of the poet to the state. The debate cut at some of the most important and divisive issues for artists and critics—the tension between aesthetics and politics; between the artist as above and the artist as embedded; between artistic merit and political engagement.



Edward Hirsch, acclaimed poet, professor, and current President of the Guggenheim Memorial Foundation, began by speaking of how in authoritarian societies poetry takes on a political meaning regardless of the author's intent. In every authoritarian society writing and publishing poetry that is not in service of the state is dangerous. In fact, the most powerful poetry is intensely private and personal. The reason this is so dangerous is because it represents freedom of the mind. Thus, freedom of poets is the most important thing when considering the political role of poetry; we should never ask our poets to write in a certain way. Freedom of the poet to engage how she wants is crucial.

However, poets have always entered the political fray and taken sides, even if those sides are not always the correct ones, e.g., modernists like Eliot and Pound and the Italian futurists. Poetry wants, and needs, to be connected to society. The poet writes as someone engaged in social life, as someone involved in changing the language. Even the most apolitically seeming poets are engaged in ways that they do not think themselves. James Merrill, for example, never read newspapers or engaged in social events, but the way he wrote about gay life had tremendous consequences on how we talk about gay issues. The other side would be Pablo Neruda, e.g., *Two Odes to Stalin*, in which there is no gap between his quest for social justice and the work of his art.

Eavan Boland, an Irish poet who currently directs Stanford's Creative Writing Program, spoke next. Boland started with W.H. Auden, who volunteered to fight with the Republicans against fascist Franco and who later wrote a pamphlet, "Spain," which ends by saying, "history to the defeated may say alas, but cannot help but pardon." She then spoke of Ireland, which was a nation before it became a state. It thus created the public poet, which Boland says is a mistake. W.B. Yeats was one poet who stepped out of that demand, a "national" poet who showed himself as a private human being. Poets can, and perhaps should, be politically engaged, but the political engagement of the poet has to have a private truth. That is, it has to be a personal, moral response; and it must advance complexity, not be a vehicle for a political program. Boland believes the moral ambiguity of poets is a saving grace in American and Irish poetry.

Kevin Young, a former Stegner Fellow in Poetry at Stanford and currently a Guggenheim and NEA poetry fellow, spoke last. We are a strange hybrid of personal and public, Young noted. The political is not defined by news, though it can contain it—and it can capture not just the accused but also the accuser (similar to Boland's call for moral ambiguity and complexity). Seamus Heaney does this in "Strange Fruit" by connecting the history of the Troubles in Ireland to lynching in America. Poems that are shared in a communal space allow us to listen harder; Young



cited Billie Holliday’s performance as one example. The political poem can change a silence—the silence after is different from the silence before. Young also referenced the Auden poem, “1939,” which people reached for after September 11, 2001.

All three agreed that poets who write political poems that last are not great political thinkers, but men and women who enter in with their own point of view, sometimes compelled by public events. But personal is important. Yeats felt so hurt that he felt he needed to enter into the fray; Auden felt that he had been made a representative poet and as a consequence denounced those poems. Can one return to being a personal poet after being a “representative,” public or political poet? Is there a necessary clash with the ethical and aesthetic? And can there be a “we” in poetry that responds to current events, when consensus is so difficult, so complex?

Relatedly, this is why poets under communism like Czeslaw Milosz were so powerful: the most dangerous thing he could do was speak for the I. If you come out of a society where poets are

demed to speak for a “we,” the most powerful thing poets could do is speak for the “I.” But living in a politically volatile or charged country—especially a small, closed one—adds greater immediacy to the political than, say, a poet in contemporary America. You simply cannot ignore things. A line must be walked between aesthetics and obvious political realities, something Milosz was able to do particularly well.

## About the Panelists

For more information, visit the event page at [www.bc.edu/cloughevents](http://www.bc.edu/cloughevents).

**Edward Hirsch** is an American poet and critic. He was born in Chicago in 1950 and was educated at Grinnell College and the University of Pennsylvania, where he received a Ph.D. in Folklore. He has received numerous awards and fellowships, including a MacArthur Fellowship, a Guggenheim Fellowship, an Ingram Merrill Foundation Award, a Pablo Neruda Presidential Medal of Honor, the Prix de Rome, and an Academy of Arts and Letters Award. In 2008, he was elected a Chancellor of the Academy of American Poets.

Edward Hirsch's first collection of poems, *For the Sleepwalkers* (1981), received the Delmore Schwartz Memorial Award from New York University and the Lavan Younger Poets Award from the Academy of American Poets. His second collection, *Wild Gratitude* (1986), won the National Book Critics Award. Since then, he has published six additional books of poems: *The Night Parade* (1989), *Earthly Measures* (1994), *On Love* (1998), *Lay Back the Darkness* (2003), *Special Orders* (2008), and *The Living Fire: New and Selected Poems* (2010), which brings together thirty-five years of poems. Hirsch is also the author of five prose books, including *A Poet's Glossary* (2014), *Poet's Choice* (2006), *How to Read a Poem and Fall in Love with Poetry* (1999), and is the editor of *Theodore Roethke's Selected Poems* (2005) and co-editor of *The Making of a Sonnet: A Norton Anthology* (2008).

Edward Hirsch taught for six years in the English department at Wayne State University and seventeen years in the Creative Writing Program at the University of Houston. He currently serves as the President of the John Simon Guggenheim Memorial Foundation and is a Chancellor of the Academy of American Poets.

**Eavan Boland** is an Irish poet, author of ten volumes of poetry. Born in Dublin, Ireland, she spent her childhood in London and New York, returning to Ireland to attend secondary school in Killiney and university at Trinity College Dublin. Her poetry has been influenced by her experiences as a young wife and mother and her growing awareness of the troubled role of women in Irish history and culture. Over the course of her long career, Boland emerged as one of the foremost female voices in Irish literature. Boland has taught at Trinity College Dublin, University College Dublin, Bowdoin College, and was a member of the International Writing Program at the University of Iowa.

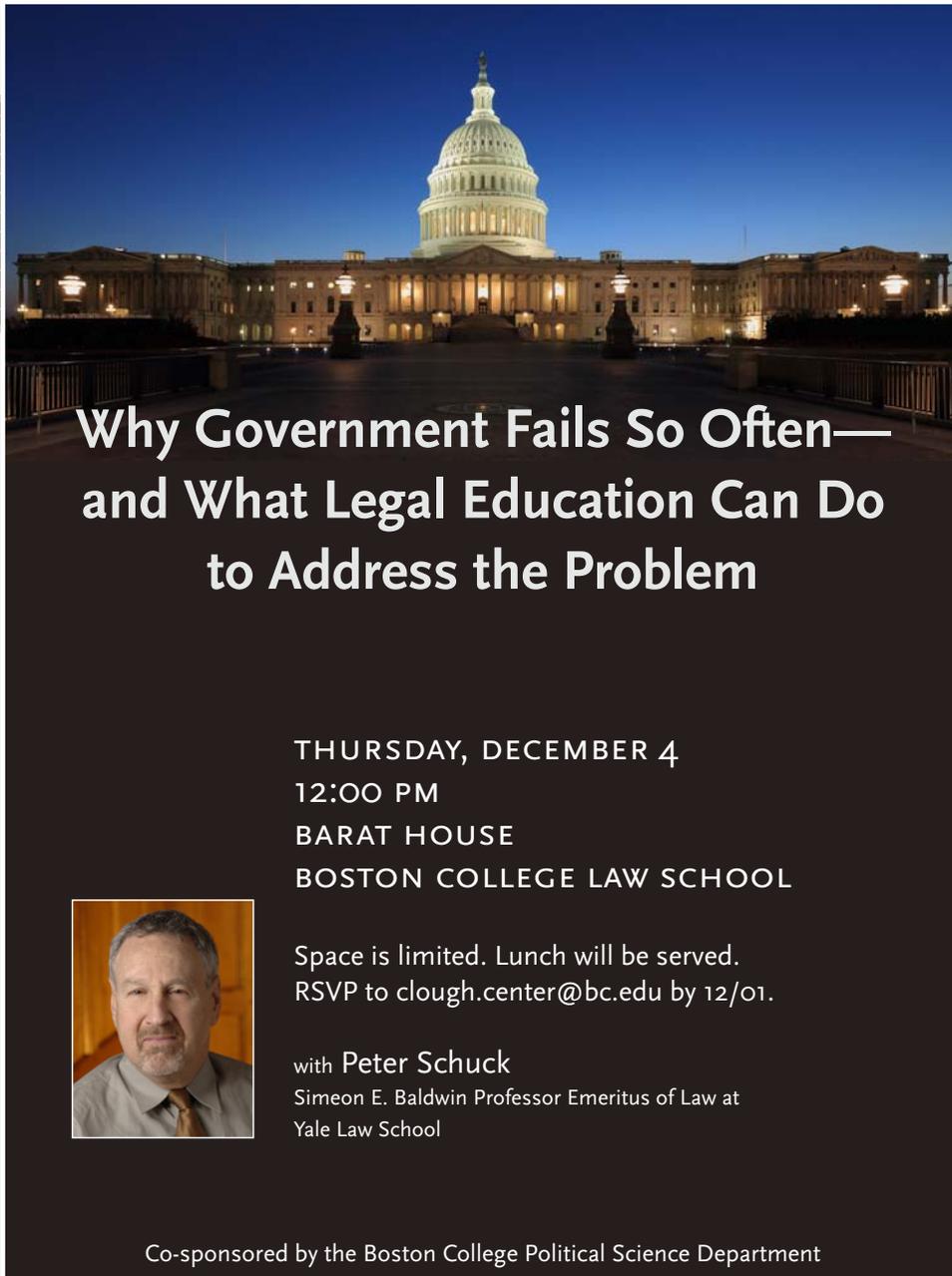
Boland's books of poetry include *Domestic Violence* (2007), *Against Love Poetry* (2001), *The Lost Land* (1998), *An Origin Like Water: Collected Poems 1967–1987* (1996), *In a Time of Violence* (1994), *Outside History: Selected Poems 1980–1990* (1990), *The Journey and Other Poems* (1986), *Night Feed* (1982), and *In Her Own Image* (1980). In addition to her books of poetry, Boland is also the author of *Object Lessons: The Life of the Woman and the Poet in Our Time* (1995), a volume of prose, and is the co-editor of *The Making of a Poem: A Norton Anthology of Poetic Forms* (2000). Her most recent prose book is *A Journey with Two Maps: Becoming a Woman Poet* (2011). A new volume of poetry, *A Woman Without a Country*, is due to be published by W. W. Norton in November 2014.

Boland has received the Lannan Award for Poetry and an American Ireland Fund Literary Award. She was poet-in-residence at the National Maternity Hospital during its 1994 Centenary and has also been the Hurst Professor at Washington University and Regent's Lecturer at the University of California at Santa Barbara. She is a tenured Professor of English at Stanford University where she is the Director of the Creative Writing Program.

**Kevin Young** is an American poet, essayist and editor. He is a graduate of Harvard University, where he obtained an A.B. in English and American Literature, and Brown University, where he obtained his MFA. Young's poetry and essays have appeared in *The New Yorker*, *The Paris Review*, *The Kenyon Review*, *Callaloo*, and many other journals and anthologies. He is also a Guggenheim Foundation Fellow, a NEA Literature Fellow in Poetry, a United States Artists James Baldwin Fellow, and was a Stegner Fellow in Poetry at Stanford University.

Young is the author of eight books of poetry and editor of seven other collections, including *Ardency: A Chronicle of the Amistad Rebels* (2011), winner of an American Book Award, and *Jelly Roll* (2003), a finalist for the National Book Award and winner of the Paterson Poetry Prize. He most recently edited *The Collected Poems of Lucille Clifton 1965-2010* and *The Hungry Ear: Poems of Food and Drink*. His non-fiction book, *The Grey Album: Music, Shadows, Lies* (2012) won the Graywolf Nonfiction Prize. Young's other poetry collections include *Books of Hours* (2014), *Dear Darkness* (2008), and *For The Confederate Dead* (2007).

In addition to the Paterson Poetry Prize, Young has been the recipient of the PEN Open Award and the 2012 American Book Award. Young is currently the Atticus Haygood Professor of Creative Writing and English and curator of Literary Collections and the Raymond Danowski Poetry Library at Emory University in Atlanta.



# Why Government Fails So Often— and What Legal Education Can Do to Address the Problem

THURSDAY, DECEMBER 4  
12:00 PM  
BARAT HOUSE  
BOSTON COLLEGE LAW SCHOOL



Space is limited. Lunch will be served.  
RSVP to [clough.center@bc.edu](mailto:clough.center@bc.edu) by 12/01.

with **Peter Schuck**  
Simeon E. Baldwin Professor Emeritus of Law at  
Yale Law School

Co-sponsored by the Boston College Political Science Department

**W**hy do so many public policies fail to make the leap from promulgation to successful implementation? The answer, according to Peter Schuck, Simeon E. Baldwin Emeritus Professor of Law at Yale Law School, is inadequate preparation on the part of the lawyers who design public policies at the theoretical level. In a dialogic talk on “Why Governments Fail So Often—and What Legal Education Can Do to Address the Problem,” Schuck drew on his own experience as a legal scholar and as a former civil servant in the Department of Health Education and Welfare (the precursor to today’s Department of Health and Human Services) to call for a closer connection between the fields of law and political science in order to improve governmental efficacy in the United States.



Schuck began with an account of his experience working at HEW during the initial implementation of civil rights statutes. He noted that the legislative priorities were clear, but their translation to specific policies in the department was not. This gap, he argued, was a common problem that often led to unintended consequences, many of which served to undermine the original intent of the law.

In support of his claims, Schuck offered two illustrative examples. The first was the dismantling of the dual system of land-grant colleges in the middle of the twentieth century. After *Brown v. Board of Education*, this parallel system of racially divided colleges (created by the Morrill Act of 1890) became untenable, and the courts ordered its discontinuation. The problem, according to Schuck, was a lack of attention to how this should occur, and the result was a rather haphazard unification of two state systems that had previously pursued distinct missions. Given the disparities of size and resources, the historically black institutions were marginalized in this process, losing a large percentage of their faculty and their students. Consequently, a straightforward and laudable policy goal (ending racial discrimination in educational opportunities) was undermined by an unclear implementation.

Second, Schuck considered the Voting Rights Act. While the act's promotion of majority-minority districts ostensibly protected the voting power of racial minorities, it also had secondary and tertiary effects on the political process. Specifically, these districts created noncompetitive seats, which limited representatives' accountability to their constituents, and they also tilted



the balance of power in other districts away from minorities' interests. Again, policy implementation unwittingly reversed policy intention.

For Schuck, these two examples highlighted the major problem behind governmental failures. Most policy decisions, he explained, are made with an immediate constituency in mind, but every policy also has impacts on other groups. By failing to attend to these second and third order ripple effects, policies that appear well thought-out in theory unravel in practice.

As a solution, Schuck promoted a revised system of legal education. Since most of the people designing policies are lawyers, Schuck argued that they should be trained in an interdisciplinary environment, with an attention to the legal system as a whole (and not just the issues in isolated cases). This process, he maintained, would create a new generation of lawyers better able to effect change through governmental action.

## About Peter Schuck

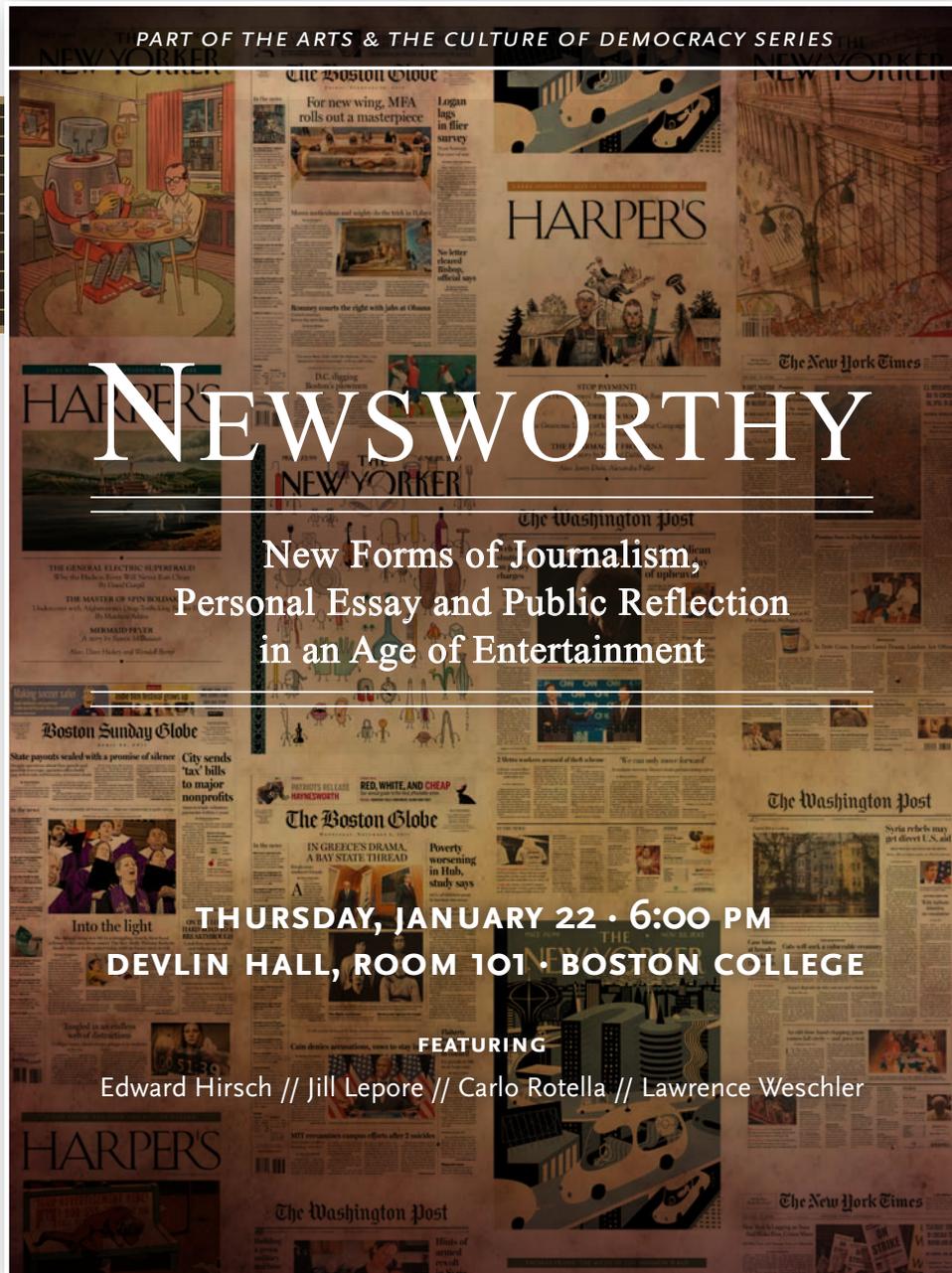
For more information, including a video recording of the event, visit the event page at [www.bc.edu/clougevents](http://www.bc.edu/clougevents).



Peter H. Schuck is the Simeon E. Baldwin Professor Emeritus of Law at Yale Law School, where he has held the chair since 1984. He has also served as Deputy Dean. His major fields of teaching and research are tort law; immigration, citizenship, and refugee law; groups, diversity, and law; and administrative law.

His most recent books include *Targeting in Social Programs: Avoiding Bad Bets, Removing Bad Apples*; *Meditations of a Militant Moderate: Cool Views on Hot Topics*; *Immigration Stories*; *Foundations of Administrative Law*; *Diversity in America: Keeping Government at a Safe Distance*; and *The Limits of Law: Essays on Democratic Governance*. He is also co-editor, with James Q. Wilson, of *Understanding America*. He is a member of the American Law Institute's advisory committee for the Restatement of Torts (Third), Basic Principles, and a contributing editor to *The American Lawyer*.

Prior to joining Yale, he was Principal Deputy Assistant Secretary for Planning and Evaluation in the U.S. Department of Health, Education, and Welfare. Professor Schuck holds a B.A. from Cornell, a J.D. from Harvard Law School, an LL.M. in International Law from N.Y.U., and an M.A. in Government from Harvard.



On January 28<sup>th</sup>, Professor Robert George lectured on the intersections between the responsibilities of public servants in a democracy and a nation's pursuit of justice and the common good. Professor George began by charting the limits of democratic rule, specifically the tension between the ideals of democracy and the liberal democratic regime that the United States's political structure encourages.



Though we often claim that, in this country, “we rule ourselves,” Professor George pointed out that this is both “a boast and a lie.” Part of this discomfort stems from the fact that “the people who rule us, rule by serving us,” creating a fundamental juxtaposition between the ability of individuals to pursue their own justice and the government’s interpretation of what shape that justice should take—in other words, a juxtaposition between individual liberty and governmentally sanctioned public service. Although this service most often takes the shape of decisions made for the common good which maintain the country’s code of justice, Professor George maintained throughout his talk that broadly conceived political justice does not always equate with privately conceived notions of justice and good. And although Professor George did not quite define the contours of that private “justice for the common good,” he did identify the victims of injustice or corruption as those most deserving of the common good.

The challenge, Professor George claimed, comes in coordinating the national and local human activity that pursues this common good. While the law should solve these coordination problems, it more often obscures them; to resist this obscurity, we should

institute a “set of conditions which enable members of communities to attain [the common good] for themselves.” Redirecting the burden of the pursuit of good and justice onto private bodies, rather than the political or public ones, foregrounds the distinction between intrinsic good and instrumental good in contemporary society. This move in turn clarifies the roles different public and private institutions should play in the pursuit of different forms of common good. Instrumental good, aligned with material gain, falls more naturally under the umbrella of political work, whereas intrinsic good is unveiled as the domain of private, religious, and familial institutions. Put simply, instrumental good, protected by the government, gives private entities the ability to define, pursue, and maintain intrinsic good. Moreover, private groups have a scope and perspective that larger public groups do not, granting them a unique ability to determine reasonable objectives for justice in their corresponding communities.

Attention to this distinction between the role of public and private bodies in pursuing the common good can thus help us to identify the qualities of successful justice, facilitated by reason, in the private realm, where Professor George argues it belongs.



“Flourishing,” he claims, is one of the most broad and primary results of justice; it is constituted by a strong familial and religious presence in a cohesive, political community that supports membership in these groups. Thus, such progress cannot be found in a community where the government overshadows the ability and reach of private bodies. Instead, Professor George argues that governments that play too strong a role in community building enterprises serve as limiting functions that become a sin against justice. As a result, the primary job of the government must be to diffuse power in such a way that it puts the resources necessary to pursuing the common good in the hands of private entities that can then apply them best to their on-the-ground communities. Correspondingly, big business and big government depart from this diffusion of power and ultimately block the public’s pursuit of its own justice. Our own socioeconomic and political structures must therefore be reevaluated because their reliance on big business and big government ultimately interferes with the pursuit of private justice and good.

Moreover, if the United States’ Constitution is our country’s template for the pursuit of the common good, then the general public’s reluctance to recognize what constitutes justice and the common good stems in part from a misunderstanding of this



document. Professor George argues that, in order to prevent tyranny and protect liberty, the ratifiers of the Constitution put juridical structures in place that created a government of limited and enumerated powers that, as a result, maintained a division of power between the federal and the state. This division and the original intention of the Constitution need to be revisited to reassess how to best protect our individual liberties as individuals and citizens. If we are to best protect the private entities that pursue their members’ common good with the greatest perspective and effectiveness, Professor George claims that we as a country must then redefine our political system to allow for greater leniency in private and state decision making.

## About the Panelists

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**Edward Hirsch** is an American poet and critic. He was born in Chicago in 1950 and was educated at Grinnell College and the University of Pennsylvania, where he received a Ph.D. in Folklore. He has received numerous awards and fellowships, including a MacArthur Fellowship, a Guggenheim Fellowship, an Ingram Merrill Foundation Award, a Pablo Neruda Presidential Medal of Honor, the Prix de Rome, and an Academy of Arts and Letters Award. In 2008, he was elected a Chancellor of the Academy of American Poets.

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Edward Hirsch taught for six years in the English department at Wayne State University and seventeen years in the Creative Writing Program at the University of Houston. He currently serves as the President of the John Simon Guggenheim Memorial Foundation and is a Chancellor of the Academy of American Poets.

**Jill Lepore** is an American essayist, writer, and historian. The Kemper Professor of American History at Harvard, she is also a staff writer at *The New Yorker*. Much of her research, teaching, and writing explores absences and asymmetries of evidence in the historical record. Her current work concerns the histories and technologies of evidence and of privacy.

Lepore received a B.A. in English from Tufts University, an M.A. in American Culture from the University of Michigan, and a Ph.D. in American Studies from Yale University. Her latest book, *The Secret History of Wonder Woman*, was published in October 2014. *Book of Ages: The Life and Opinions of Jane Franklin* (2013), which was named *Time* magazine's Best Book of the Year, was a finalist for the 2013 National Book Award for Nonfiction, and winner of the Mark Lynton Prize.

Lepore's other works include *The Mansion of Happiness: A History of Life and Death* (2012), a finalist for the Carnegie Medal for Excellence in Nonfiction, and *The Story of America: Essays on Origins* (2012), which was shortlisted for the PEN Literary Award for the Art of the Essay, and *New York Burning: Liberty, Slavery and Conspiracy in Eighteenth-Century Manhattan* (2005), a finalist for the Pulitzer Prize. During a Guggenheim Fellowship year beginning in 2015, Lepore will be working on a book called *Dickens in America*, an account of the novelist's 1842 American tour.

**Lawrence Weschler** is an American author of works of creative nonfiction. He is a graduate of Cowell College of the University of California at Santa Cruz. He was a staff writer at *The New Yorker* for over twenty years and was a two-time recipient of the George Polk Award (for Cultural Reporting and

Magazine Reporting) and a Lannan Literary Award. He has taught previously at Princeton University, Columbia University, the University of California at Santa Cruz, Bard College, Vassar College, Sarah Lawrence College, and New York University.

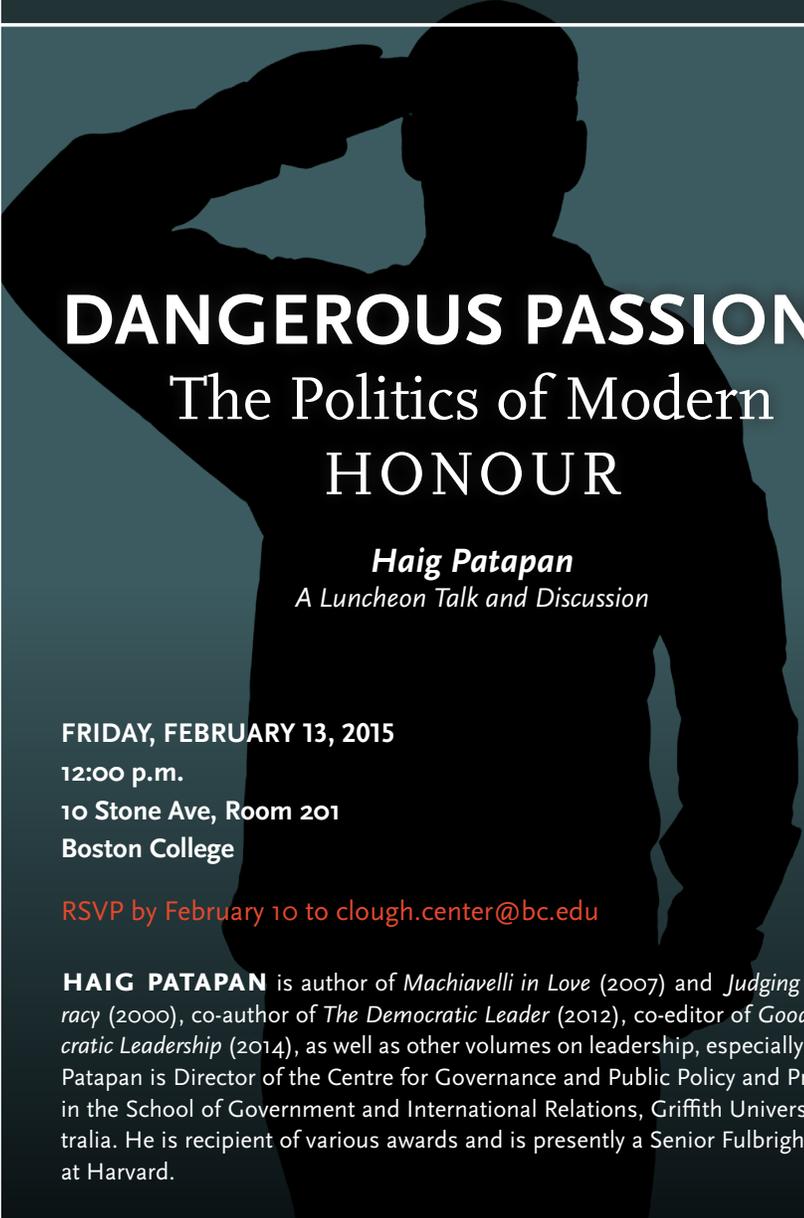
Weschler's books of political reportage include *The Passion of Poland* (1984), *A Miracle, A Universe: Settling Accounts with Torturers* (1990), and *Calamities of Exile: Three Nonfiction Novellas* (1998). His "Passions and Wonders" series currently comprises *Seeing is Forgetting the Name of the Thing One Sees: A Life of Contemporary Artist Robert Irwin* (1982), *David Hockney's Cameraworks* (1984); *Mr. Wilson's Cabinet of Wonder* (1995), which was shortlisted for both the Pulitzer Prize and the National Book Critics Circle Award, *A Wanderer in the Perfect City: Selected Passion Pieces* (1998), *Boggs: A Comedy of Values* (1999), *Robert Irwin: Getty Garden* (2002), *Vermeer in Bosnia* (2004), *Everything that Rises: A Book of Convergences* (2006), which received the National Book Critics Circle Award for Criticism in 2007, and *Uncanny Valley: Adventures in the Narrative* (2011).

Weschler is currently the director emeritus of the New York Institute for the Humanities at New York University, where he has been a fellow since 1991, and is the artistic director emeritus with the Chicago Humanities Festival. He is a contributing editor to *McSweeney's*, the *Threepenny Review*, and *The Virginia Quarterly Review* and recently retired from his position as Chair of the Sundance Documentary Film Festival. He is currently a distinguished writer-in-residence at the Carter Journalism Institute at New York University.

**Carlo Rotella** is the Director of the American Studies Program and Director of the Lowell Humanities Series at Boston College. He received his B.A. at Wesleyan University and received his Ph.D. at Yale University. He regularly writes for *The New York Times Magazine* and the *Washington Post Magazine*, is a regular columnist for the *Boston Globe*, and is a commentator for WGBH FM. Rotella is also an editor of the "Chicago Visions and Revisions" series at the University of Chicago Press.

Rotella's published works include *October Cities* (1998), *Good With Their Hands; Boxers, Bluesmen, and Other Characters from the Rust Belt* (2002), and *Cut Time: An Education at the Fights* (2003), which was a finalist for the Los Angeles Times Book Prize, and *Playing in Time: Essays, Profiles, and Other True Stories* (2012). His articles and chapters have also appeared in *The New Yorker*, *Critical Inquiry*, *American Quarterly*, *The American Scholar*, *Raritan*, the *New York Times*, the *Chicago Tribune*, the *Boston Globe*, *Transition*, *Harper's*, *DoubleTake*, *Boston*, *Slate*, *The Believer*, *TriQuarterly*, and *The Best American Essays*.

Rotella has held Guggenheim, Howard, and Du Bois fellowships and received the Whiting Writers Award, the L. L. Winship/PEN New England Award, and The American Scholar's prizes for Best Essay and Best Work by a Younger Writer. He has also received U.S. Speaker and Specialist Grants from the State Department to lecture in China and Bosnia and Herzegovina. At Boston College, Rotella specializes in American Studies, urban literature and culture, American literature, and creative nonfiction writing.



# DANGEROUS PASSIONS: The Politics of Modern HONOUR

**Haig Patapan**

*A Luncheon Talk and Discussion*

**FRIDAY, FEBRUARY 13, 2015**

**12:00 p.m.**

**10 Stone Ave, Room 201  
Boston College**

**RSVP by February 10 to [clough.center@bc.edu](mailto:clough.center@bc.edu)**

**HAIG PATAPAN** is author of *Machiavelli in Love* (2007) and *Judging Democracy* (2000), co-author of *The Democratic Leader* (2012), co-editor of *Good Democratic Leadership* (2014), as well as other volumes on leadership, especially in Asia. Patapan is Director of the Centre for Governance and Public Policy and Professor in the School of Government and International Relations, Griffith University Australia. He is recipient of various awards and is presently a Senior Fulbright Fellow at Harvard.

When it comes to “honor,” Western democrats are torn. Although we have officially abandoned the pursuit of honor as a relic of the past, we cannot really manage to do without it. Renouncing the word, we are nevertheless preoccupied with the thing itself, albeit under various other, more respectable guises—“respect,” “esteem,” “recognition,” and so on, not to mention the less respectable pursuit of “fame.” What’s more, we are torn between our egalitarian principles and our inclination to single out certain people for their accomplishments or efforts, or to get ourselves singled out. How can we make sense of these pervasive contradictions?

This was the question taken up in a Clough Center lunch event by Professor Haig Patapan. On a cold day in February, the event was well attended by a group of students and faculty members, mainly from the Political Science, Philosophy, and English Departments.

An Australian scholar based at Griffith University, Professor Patapan's research lies at the intersection of political theory and political practice, covering (for example) the politics of modern Asia, the problems of democratic leadership, and the thought of Niccolò Machiavelli. He was therefore an ideal guest for the Clough Center, to which he was invited while in Boston as a Senior Fulbright Fellow at Harvard.

In the Stone Avenue conference room, Professor Patapan made a provocative argument: that our ambivalence about honor can be explained on the basis of the political thought we have inherited from Machiavelli, the wily Italian promoter of a distinctly modern form of honor, and Thomas Hobbes, the plain-spoken English debunker of all forms of honor. But, Professor Patapan suggested, neither Machiavelli nor Hobbes can adequately account for “the depth and diversity of political ambition” that we see in the world, and so we need “a more considered reflection on the classical and pious challenge to modern honor.”

Professor Patapan's remarks ranged widely over ancient philosophy, Christianity, the political theory of John Rawls, the “great man” approach to history, contemporary international relations scholarship, and honor-fueled confrontations between passengers on the subway. As might be expected, given the range of

*“Professor Patapan suggested, neither Machiavelli nor Hobbes can adequately account for ‘the depth and diversity of political ambition’ that we see in the world, and so we need ‘a more considered reflection on the classical and pious challenge to modern honor.’”*

Professor Patapan's argument, the question-and-answer period was a freewheeling one, covering the niceties of Machiavelli's understanding of ambition, the unusual candor of MBTA chief Beverly Scott, and the significance of the increasingly common pursuit of “victim” status.

One subject of particular interest was the difficulty that political candidates now have trying to explain their motives in running for office. In a culture which is so suspicious of the pursuit of honor, and which therefore lacks a vocabulary for it, politicians can neither be open about the element of self-concern in their efforts nor persuasively deny it. Professor Patapan made some intriguing observations about the way in which politicians now speak vaguely, and perhaps evasively, of wanting to “make a difference.” On this point, as on many others, he gave us considerable food for thought.

## About Hage Patapan

For more information, including a video recording of the event, visit the event page at [www.bc.edu/clougevents](http://www.bc.edu/clougevents).



**H**aig Patapan is Director of the Centre for Governance and Public Policy and Professor in the School of Government and International Relations. His research interests are in democratic theory and practice, political philosophy, political leadership and comparative constitutionalism. He has published in the foremost political theory journals (*History of Political Thought*, *Review of Politics*, and *Political Theory*), public policy journals (co-winner of the American Society for Public Administration Mosher Award in 2007), and law journals (*Melbourne University Law Review*; *Federal Law Review*; *Sydney Law Review*). His books include *Judging Democracy* (2000), an examination of judicial politics, jurisprudence and constitutionalism; *Machiavelli in Love* (2007), a theoretical enquiry into the origins of modern political thought; and a series of co-edited books exploring the changing nature of legitimacy, law and leadership, especially in *Asia: Globalisation and Equality* (2004); *Westminster Legacies* (2005); *Dissident Democrats* (2008); *Political Legitimacy in Asia* (2011).

Professor Patapan is an authority on democratic leadership, a theme he has explored in a recent co-authored book, *The Democratic Leader* (OUP, 2012) that investigates the unique strengths and limitations of leadership in democracies, as well as the co-edited collections *Dispersed Democratic Leadership* (OUP, 2009) and *Good Democratic Leadership* (OUP, 2014)

# Thomas Jefferson & *the French Revolution*

Thursday, February 19, 2015  
5:00 p.m.  
Devlin Hall, Room 101  
Boston College



with Jonathan Israel,  
Andrew W. Mellon Professor of Modern  
European History, School of Historical  
Studies at the Institute for Advanced Study

Jonathan Israel's lecture, entitled "Thomas Jefferson and the French Revolution," grew from research into Enlightenment thought and its refraction through political revolutions, and particularly the revolution in France. Formerly of University College, London, and now a member of the Institute of Advanced Study at Princeton University, Israel has published extensively on the Enlightenment ideals of freedom, equality, and democracy. His talk on February 19, 2015, focused on the parallels between the American Revolution and the French Revolution. Israel began his talk by establishing Thomas Jefferson as part of the intellectual trajectory of the Radical Enlightenment.



For Israel, all Enlightenment thought is revolutionary based on the emphasis it puts on reason, reformism, and the fundamental changes it advocates to structures of law and authority. Nonetheless, Israel identified Jefferson's thought as part of the democratic republican point of view—the “radical” Enlightenment—based on his embrace of natural, non-hierarchical rights, and mistrust of religious authority and what Jefferson called the “aristocratic republicanism” of American revolutionaries like John Adams.

As Ambassador to France between 1784 and 1789—the years leading up to the French Revolution (1789-1799)—Jefferson became involved in French revolutionary politics and understood those politics based on the factionalism of American revolutionary and post-revolutionary debates. Jefferson initially emphasized the importance of a gradual reform of French political structures, as he did not believe that France was ready for the complete revolutionary upheaval experienced in the United States. However, over the course of 1789, Israel charted Jefferson's transition to full support of the democratic ideals of the French revolutionary left. As a result of the June 1789 creation of the National Assembly by members of the revolutionary Third Estate, Jefferson came to apply his egalitarian, anti-aristocratic philosophy to the French Revolution.

The creation of the National Assembly represented the transfer of sovereignty from the monarchy to the people, and thus created the need for a new Constitution outlining their rights. Drafting

the new Constitution revealed similar factional divisions between French revolutionaries as those existing in the United States. Jefferson's reading of these divisions underlined the growing division between moderates—constitutional monarchists who advocated enlightened monarchy—and more radical reformers like the famous Abbé Sieyès. Israel stressed the parallels between the constitutional monarchists in France and Hamiltonian and federalist politics in the United States. Moderates in France and the United States alike embraced Montesquieu and also looked to the British case as a model of constitutional monarchy. In contrast, Condorcet and radical democratic republicans in France mirrored the Jeffersonian understanding of equality among people and democratic representation.

Israel was careful, however, to delimit the comparison between the French and American Revolutions, as the American iteration never experienced the power struggle in the National Assembly that led to Robespierre's “coup d'état” in 1793 and the “authoritarian populism” of the Committee on Public Safety. Rather, in the United States, there was only the division between the moderate reformers and the democratic republicans. For the leaders of the French Revolution—the democratic republicans according to Israel—the American Revolution provided a “Bible” to a model revolution, and they thus regretted the Terror under Robespierre as did Thomas Jefferson.

## About Jonathan Israel

For more information, including a video recording of the event, visit the event page at [www.bc.edu/clougevents](http://www.bc.edu/clougevents).



Jonathan Israel is the Andrew W. Mellon Professor in the School of Historical Studies at the Institute for Advanced Study in Princeton, New Jersey. His work is concerned with European and European colonial history from the Renaissance to the eighteenth century. His recent work focuses on the impact of radical thought (especially Spinoza, Bayle, Diderot, and the eighteenth-century French materialists) on the Enlightenment and on the emergence of modern ideas of democracy, equality, toleration, freedom of the press, and individual freedom.

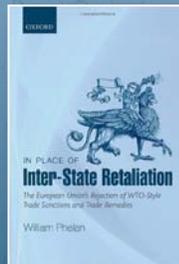
Professor Israel was made a Fellow of the British Academy in 1992, Corresponding Fellow of the Koninklijke Nederlandse Akademie van Wetenschappen (Royal Netherlands Academy of Arts and Sciences) in 1994, won the American Historical Association's Leo Gershey Prize in 2001, and was made Knight of the Order of the Netherlands Lion in 2004. In 2008, he won the Dr A.H. Heineken Prize prize for history, medicine, environmental studies and cognitive science. In 2010 he was awarded the Benjamin Franklin Medal by the Royal Society for the Encouragement of Arts, Manufactures and Commerce (RSA) for his outstanding contribution to Enlightenment scholarship.

His books include *European Jewry in the Age of Mercantilism, 1550–1750* (1985); *The Dutch Republic: Its Rise, Greatness, and Fall, 1477–1806* (1995); *Radical Enlightenment: Philosophy and the Making of Modernity, 1650–1750* (2001); *Enlightenment Contested: Philosophy, Modernity, and the Emancipation of Man 1670–1752* (2006); and *A Revolution of the Mind: Radical Enlightenment and the Intellectual Origins of Modern Democracy* (2009).



# IN PLACE OF INTER-STATE RETTALIATION:

*The European Union's Rejection of WTO-  
Style Trade Sanctions and Trade Remedies*



Monday, March 9 · 12:00 p.m.  
10 Stone Avenue, Room 201  
Boston College

with **WILLIAM PHELAN**  
*Professor, Trinity College Dublin*

Discussant: **KEN KERSCH**  
*Professor, Political Science*

**D**r. William Phelan's talk began by pointing to a remarkable feature of the European Union. In the European Union, retaliation is prohibited. If Germany ceases to uphold its trade obligations, France is not allowed to reciprocally stop maintaining some of its obligations. That is conceptually remarkable because retaliation or at least the prospect of retaliation underpins much of what scholars believe about how states interact with each other. In general international law, even in highly institutionalized settings such as the World Trade Organization, retaliation is considered the consequence that keeps states from shirking the obligations they have agreed to. The European



Union does not allow this kind of trade retaliation yet it maintains highly demanding trade obligations for its member states. Instead, the European Union relies on domestic courts to enforce EU law. The key question is why does the EU not use these WTO-style trade sanctions and trade remedies and instead employ domestic courts as its enforcement mechanism?

Dr. Phelan contends that the two main bodies of scholarly literature that have addressed this question cannot adequately explain the non-use of retaliatory trade remedies. According to Phelan, the scholarship on the European legal order is insufficient on this question because it pays relatively little attention to how states and policymakers interact across international lines and instead focuses too much on lawyers and the politics of the legal system. In fact, this literature rarely even mentions the lack of retaliation and does not address why interest groups, domestic policymakers, and big businesses acquiesced to national courts being granted these extraordinary juridical powers. The scholarship on enforcement and escape clauses in international trade regimes pays a great deal of attention to this retaliation but because it is so focused on incentives and interest groups, makes WTO-style retaliation out to be unavoidable even though, as the European Union makes clear, that is not automatically the case.

Though he critiques both of these approaches, Dr. Phelan glean insights from them to underpin his central argument that in the European Union domestic courts act as the enforcement mechanism that forces states to maintain their trade obligations which is based on European-level law. Domestic courts in one state thus vindicate the interests of policymakers in another state. This arrangement is predicated on a compromise. On the one hand, the state accepts domestic court enforcement but on the other hand that state's trading partners forgo the ability to retaliate against it. EU member states allowed the enforcement of EU treaty obligations by domestic courts because it depoliticizes trade issues. Relatedly, the high level of interdependence between European Union member states augments the need for a trade system built on something other than retaliation. Simultaneously, the prevalence of intra-industry trade between made trade adjustments less volatile. Finally, the growth of the welfare state in EU members cushioned the losers from international trade and thus made EU states more willing to agree to an international trade that discarded their recourse to unilaterally trade remedies.

## About William Phelan

For more information, including a video recording of the event, visit the event page at [www.bc.edu/cloughevents](http://www.bc.edu/cloughevents).



William Phelan is an Assistant Professor of Political Science at Trinity College Dublin. His research—which is centered on international relations—examines international organization, the politics of European law, and institutions such as the European Court of Justice and the World Trade Organization.

Professor Phelan's articles have been published in *International Studies Review*, *International Theory*, *European Law Journal*, *Journal of European Public Policy*, *European Law Review*, *Irish Journal of European Law*, and *Journal of Common Market Studies*. His current research project is intended to develop a generalized explanation for the constitutional effectiveness of the European Union's transnational legal order. This explanation focuses on the democratic institutions of member states and the adherence to international obligations despite the absence of bilateral sanctions.

Professor Phelan holds a Ph.D. in Political Science from Harvard University. He has previously lectured at Middlebury College and has been a resident scholar at the Minda de Gunzburg Center for European Studies at Harvard University.

# -Legally Blind-

## LAW, ETHICS, AND THE THIRD REICH

Tuesday, March 10, 2015 – Wednesday, March 11, 2015  
Heights Room, Corcoran Commons, Boston College



### - FEATURING -

**GEORGE ANNAS**

Boston University School of Public Health

**JOHN Q. BARRETT**

St. John's University School of Law

**PAUL BOOKBINDER**

University of Massachusetts Boston

**GERHARD BESIER**

SNI, Germany

**LAWRENCE DOUGLAS**

Amherst College

**ASHLEY FERNANDES**

The Ohio State University College of Medicine

**MICHAEL GRODIN**

Boston University School of Public Health

**YVONNE KOZLOVSKY-GOLAN**

University of Haifa

**RAYMOND HELMICK, S.J.**

Boston College

**DOUGLAS MORRIS**

Federal Defenders of New York, Inc.

**CHRISTOPHER PROBST**

Washington University in St. Louis, University College

**JOHN ROMEISER**

University of Tennessee

**TIMOTHY RYBACK**

Institute for Historical Justice and Reconciliation at Leiden University

**KEVIN P. SPICER, C.S.C.**

Stonehill College

**NATHAN STOLTZFUS**

Florida State University

Visit [www.bc.edu/law-reich](http://www.bc.edu/law-reich) to view the full schedule and register by March 6, 2015.

### SPONSORED BY

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**THE CLOUGH CENTER**  
FOR THE STUDY OF  
CONSTITUTIONAL DEMOCRACY

Laura and Lorenz Reibling Foundation; Fine Arts Department/Film Studies Program; Jewish Studies Program; Faith, Peace and Justice Program; Woods College of Advancing Studies; German Studies Department; Center for Christian-Jewish Learning; and the Center for Human Rights and International Justice.



### PANEL I: A Trapped Jewish Community

After a series of engaging opening remarks from Boston College and German officials, three distinguished panelists discussed the legal framework established in Nazi Germany to oppress Jews and other minorities. The panelists, Timothy W. Ryback, Raymond Helmick, S.J., and John B. Romeiser, each presented on the ways the Nazi regime essentially trapped the German Jewish community through a series of increasingly restrictive laws. The panel was moderated by Donald Fishman of BC.

Ryback's talk focused on a criminal case brought by Josef Hartinger, a German prosecutor against Nazi concentration camp officials for the killings of four Jewish prisoners in 1933. Described as an "act of courage," the prosecutor, a relatively

young man at age 40, defied the overwhelming acceptance of increasing Nazi brutality by simply doing his job: he carefully investigated a suspicious killing, came to the conclusion that Nazi guards had engaged in an unjustified, extrajudicial killing, and indicted them for murder. While this might seem unremarkable, at the time his actions were considered nearly suicidal—virtually no German official dared to oppose the growing power of the Nazi regime. After the war, he was hailed as a hero, but dismissed these compliments out of hand, saying: "I was only doing what my job required and my conscience demanded."

Following Ryback's talk, Fr. Raymond Helmick, S.J., a Boston College professor, discussed the anti-Jewish race laws that proliferated following Hitler's rise to power in 1933. In September 1935, the Reichstag, or German Parliament, held a special

session in Nuremberg to pass a raft of laws aimed at marginalizing Jews and other ethnic and religious minorities and promote the “purification” of the German population. A young Nazi lawyer, Bernhard Loesener, was called to Nuremberg to draft the laws defining the “Jewish race.” This turned out to be more difficult than expected, and Loesener and other top Nazi lawyers went back and forth over, for example, the number of Jewish grandparents one had to have, whether or not they had to be religiously practicing, and other details. Ultimately, Nazi officials settled on a definition which was later used to disenfranchise and oppress millions considered to be “Jews” under the new laws. Fr. Helmick pointed out that these laws were passed in an orderly fashion by a democratically elected legislative majority; there was no coup and no bloodshed. And yet these laws would pave the way for the worst human rights tragedy of the modern world: the Holocaust.

Finally, University of Tennessee professor John Romeiser discussed the Vichy French puppet government and the Jewish Racial Laws enacted in France from 1940-42. By 1940, France was a conquered country and divided into two territories: the “occupied zone” based in Paris under direct Nazi control and the puppet government in Vichy under the rule of Maréchal Pétain. Despite being de facto controlled by the Nazis, Vichy France did have meaningful autonomy and control over their own laws and daily life. Yet the Vichy France regime enacted, like the Nazis, a series of increasingly harsh and restrictive racial laws aimed at oppressing Jews. Romeiser made the point that these laws, while encouraged by the Nazis, were uniquely French in nature. And that should give us all pause as we point the finger at the evil Nazi regime. They were not the only oppressors in this terrible tragedy.

## **PANEL II: Nazi Racial Policies**

Dr. Paul Bookbinder examined Carl Schmitt, a pre-eminent jurist and legal theorist who was particularly significant in shaping Nazi law. Schmitt defined democracy in terms of an identity between rulers and ruled and required a homogenous society to maintain the ideal form of this kind of relationship. For Schmitt, the most important political decision is deciding who belongs to the community of friends and who is the enemy. Unity comes from the community of friends targeting the enemy. Accordingly, Schmitt approved of the Nazi regime because it operated on this friend-foe principle. Schmitt played a particularly damaging role because it was he who generated the idea that the entirety of the legal system is for the protection of the community of friends, and only them. Friends get protection of the law. Foes are existential threats to the community of friends and so place

themselves outside the protection of the law. This idea directly underpins the two-tiered system of justice that existed in Nazi Germany: one for the racially pure friends and the other for the racially impure foes. It was based on this two-tiered system that Germany’s minorities were systematically excluded from all forms of legal protection.

Douglas Morris opened his talk by discussing the suicide death of Max Alzberg, a man who was one of the most highly regarded defense lawyers of his time and whose life epitomized the success and fall of Jewish lawyers and liberal law in Germany. In the first three decades of the 20th century Jews flowed into the legal profession; 25-30 percent of lawyers in Weimar Germany were Jewish. The Reichstag Fire of February 1933 and the ensuing Nazi response created a dual state: the prerogative state, which used arbitrary power and political violence, and the normative state, which ushered in new Nazi laws that helped dislodge the legal order. Both of those were used to hound Jewish lawyers out of profession specifically and eradicate liberal law built on individual rights more generally. Morris went on to review how Jewish lawyers attempted to adapt to and defy this vicious attack on their livelihoods and their lives.

Yvonne Kozlovsky-Golan critiqued Claude Lanzmann’s 2013 film “Last of the Unjust,” which was about interviews done in 1975 with Benjamin Murmelstein, the last surviving member of the Judenrat, the “Elders of the Jews.” Murmelstein, like other Judenrat, was perceived after the Holocaust to have been collaborating with the Nazis and indeed this attitude underpins the approach the interviewer takes with Murmelstein. The interviews show that the relationship between the Judenrat the Nazis was much more complicated and much less collaborative than is commonly understood. In fact, Murmelstein had in fact been manipulated and bullied by Eichmann but was not allowed to testify at Eichmann’s trial (due to the collaboration perception) even though he was perhaps the only person who could fully convey the monstrosity of Eichmann.

## **PANEL III: Nazi Medical Policies**

On Tuesday March 10 and Wednesday March 11, the Clough Center hosted “Legally Blind: Law, Ethics, and the Third Reich;” one of the panels was “Nazi Medical Policies” and its speakers covered a wide range of issues surrounding the medical ethics and practices of the Holocaust. The panelists included George Annas, whose talk “Government Uses of Physicians (and Lawyers) for Murder and Torture: From WWII Concentration Camps to Post-9/11 Black Sites” provided a comprehensive history of the role of Nazi doctors in torture, the subsequent trials of those doc-

tors, and the ethical and legal lessons we can apply to contemporary instances of wartime torture; Michael Grodin, whose “Medical and Spiritual Resistance to Nazi Laws: Jewish Physicians and Rabbis in the Ghettos and Camps During the Holocaust” covered Jewish resistance to Nazi control in the form of health care in ghettos and concentration camps; and Ashley K Fernandez, who discussed the ethical and medical teaching the Holocaust makes possible in “Nazi Medicine and the Holocaust: Implications for Medical Education and Professionalism.”

Annas’ talk overviewed the Nuremberg Trials and focused on the rhetorical and conceptual medicalization of “the Jewish problem” as a disease, how doctors and lawyers took part in and so sanctified the torture that sought to ameliorate that disease, and, more broadly, human dignity and rights in that context. One of the most significant outcomes of the trials was that individuals could be held accountable for their actions under governmental order because obeying orders does not justify torture, especially in the case of doctors and lawyers who push new “medical” methods that, in reality, have no bearing on medicine. Here, immoral intentions skirt international laws against torture and the practices themselves erase human dignity and sense of humanity, which in turn invites further torture. Annas brought these insights to a discussion of Guantanamo Bay, as much of the rhetoric that endorses the guards’ treatment of prisoners, and the treatment itself, echoes the Holocaust. Without reviewing history and understanding the trials, he argued, we are bound to repeat it in the worst of ways.

Michael Grodin looked at how Jewish rabbis and doctors cared for Holocaust prisoners in ghettos and camps and the psychology of these rescuers in the face of such dire circumstances. One of the biggest challenges they faced was aligning Jewish religious codes with health and safety in the ghettos; for instance, doctors found abortions—which went against Jewish belief—were necessary to protect women from Nazi experiments. But because physical resistance was not possible, religious practices were used as emotional and spiritual outlets for resistance and so were widely maintained; thus, doctors and rabbis found creative ways to respond to these needs while they kept those under their care as safe and healthy as possible. Historical anecdotes, along with two short films about Nazi medical experimentation and its effects on survivors, honed in on the contemporary relevance of Grodin’s lecture: that, in wartime, the intersections between medicine and religion raise important questions about the medical ethics of issues like abortion and euthanasia.

Lastly, Fernandez explained his course on Holocaust medical ethics with an eye on how its lessons make his students better doctors; he argued that, because torture still exists, there is an

ethical imperative to support and promote the transcendent value of humans in bioethics. In particular, the Nazis’ comprehensiveness of intent, institutionalization of death, and extensive use of medicine to justify genocide indicate that the study of medical ethics always needs to recognize human loss as a tragedy in order to avoid dubious medical choices. In addition, Nazi dehumanization of Jews through medical rhetoric suggests that the antidote to negative eugenics and medical practices is education. Through that education, physicians can learn how to better treat patients they oppose on religious, ethical, or moral grounds; everyone, this history tells us, is a human who deserves sound medical care.

Together, these three lectures surveyed the contemporary, pragmatic lessons we can learn from the Holocaust’s medical practices and ethics. Those lessons, which extend beyond reviewing the horrors of wartime, open up more precise discussions about how to avoid the patterns of war and best treat patients in difficult times and situations.

#### **PANEL IV: Nuremberg and Post-war German Trials**

Sponsored by the Clough Center for Democracy, “Legally Blind: Law, Ethics, and the Third Reich” included a panel called “Nuremberg and Post-War German Trials,” which took place Wednesday, March 11, 2015 at 2 p.m. in the Corcoran Commons Heights Room. Devin O. Pendas, Associate Professor of History at Boston College, chaired the discussion.

John Q. Barrett, professor of law at St. John’s University School of Law, opened the panel with a paper entitled “Dawning, Developing Comprehension of Nazi Law-Breaking and Atrocities: Justice Robert H. Jackson on the Road to Nuremberg, 1940-1945.” Barrett shed light on the events preceding the Nuremberg trials through a focus on influential jurist and Supreme Court Justice Robert H. Jackson (1892-1954). Unlike some of his Supreme Court colleagues, Jackson approached jurisprudence through a focus on evidence, rather than using it as a tool for political gain. He worked with the Roosevelt administration to develop legal justifications for US entry into World War II.

Jackson’s argument hinged on proving that the Nazis were criminals. He referred to apparently criminal actions such as the confiscation of property, then came to adopt a new criminal term coined by lawyer Raphael Lemkin (1900-1959): “genocide.” Many Americans were not aware of the Nazi acts of genocide: Jackson’s adoption of this term helped with what Barrett describes as the “dawning, partial comprehension” of their atrocities, and set the stage for the Nuremberg trials by develop-



ing a new legal doctrine for demonstrating guilt. Later in his life Jackson dealt with Holocaust deniers by referring to the evidence presented at Nuremberg, as indeed, Barrett said, we continue to grapple with it today.

Lawrence Douglas, the James J. Grosfeld Professor of Law, Jurisprudence and Social Thought at Amherst College, presented a paper entitled “Demjanjuk in Munich.” Ivan Demjanjuk (1920-2012) was a Ukrainian prisoner of war sent by the Nazis to train East European collaborators to serve as death camp guards. Discovered in the US in the mid-1970s, Demjanjuk was extradited to Israel to stand trial upon the belief that he was “Ivan the Terrible,” a guard notorious among camp survivors for his unusual cruelty. A trial revealed that he was probably not this legendary brute, but he was nonetheless convicted in Israel, denaturalized by the US, and sent to Munich, where a German court convicted him as accessory to murder of 28,000 people at the Sobibor death camp.

While Demjanjuk’s case engaged the legal systems of three different nations (the US, Israel and Germany), Douglas focused on the response of the German legal system. Genocide was recognized as a crime by UN international law in 1948, but Germany refused to recognize it retroactively in order to prosecute Nazis. Another jurisprudential problem was the view that Hitler’s will constituted law at the time, which meant that killing others in accordance with his will was not extralegal. Douglas summarized as “crazy” the view that death camp guards violated no law in place at the time. Demjanjuk, however, was convicted after the

prosecution established that the very function of a death camp guard was to murder. Complications remain for this argument regarding the fact that Demjanjuk was a prisoner of war and may not have served voluntarily.

Nathan Stoltzfus, assistant professor of history at Florida State University, closed out the panel with a discussion of “Crimes of the Wehrmacht’s Mountain Troops in the Balkans, 1943-44.” His research debunks what he calls a “widely accepted myth” that Hitler’s mountain troops fought skillfully within legal boundaries. In fact, Stoltzfus shared that some of his contemporary students are affronted when they learn that this was not the case. Rather, in response to understandable resistance by residents of the Balkans, the Mountain Troops demonstrated “extraordinary mercilessness,” burning more than 300 villages to the ground and conducting atrocities even against children. Their actions reflect a new legal norm under Hitler in which Germans were entitled to do anything to subjugate non-Germans. To date, no one has been successfully prosecuted for these war crimes in the Balkans, but they have been brought to light in Germany and elsewhere. In fact, Italy opposed having them investigated, citing German-Italian relations.

#### **PANEL V: Nazi Anti-Religious Policies**

On Wednesday, March 11, 2015, The Clough Center for the Study of Constitutional Democracy held a symposium on Nazi Germany entitled “Legally Blind: Law, Ethics, and the Third Reich.” The fifth panel, “Nazi Anti-Religious Policies,” chaired



by James Pellechia of the Watch Tower Society, heard papers from three of the foremost scholars on German Christianity under National Socialism. Demonstrating that religious persecution was not limited to German Jews during the period of Nazi ascendancy, the panel focused on the discrimination of German Catholics, Protestants, and Jehovah's Witnesses. However, while these papers certainly discussed the Nazi's oppression of these three Christian sects, they correspondingly concentrated on the complicated ways these groups collaborated, subtly resisted, and blatantly defied the Nazi regime through both religious and non-religious practices.

The first paper of the panel, "Catholics Under National Socialism," given by Kevin P. Spicer, C.S.C., argued that while the Concordat of 1933 guaranteed the protection of the German Catholic Church under Nazi rule, individual Catholics were still forced to make spiritual decisions that oftentimes resulted in subtle forms of resistance. While history has often focused on and condemned German Catholics for their silence regarding the Nazi oppression of Jewish Germans, Spicer demonstrated that, by continuing to administer the sacraments and uphold the faith within their own parishes, Catholic bishops provided a space in which lay Catholics might be ideologically immunized from the National Socialist worldview. Their actions posed a great threat to Nazi ideology during the 1930s—a threat that the Nazi leadership both perceived and feared.

The panel's second paper, "In the Shadow of Kristallnacht: Nazi Persecution of German Protestants," by Dr. Christopher Probst, outlined the numerous ways that German Protestants collaborated with and opposed the Nazi regime. While the German Protestant Church is typically criticized for its outright collaboration with the Nazi's anti-Semitic policies, Probst demonstrated that Protestant resistance to the Nazis not only existed, but that also

took varying and sometimes counterintuitive forms. While citing the stories of famous German Protestant resisters such as Dietrich Bonhoeffer and Martin Niemöller, Probst's paper additionally outlined the little known story of Pastor Henrich Fausel, a member of the Württemberg Rectory Chain and an anti-semitic resister who challenged the traditional paradigms of collaboration and resistance. Through outlining Fausel's contradictory stances on the Jewish question, Probst showed the complex and paradoxical nature of Protestant antipathy towards Jews in Nazi Germany and the varying forms resistance took.

In the panel's third paper, "Persecution of Jehovah's Witnesses in the Third Reich and After," Dr. Gerhard Besier asserted that the Jehovah's Witnesses' passionate religiosity rendered them incapable of collaboration in any form. Persecuted not only by the Nazis but also other German Catholics and Protestants, the Jehovah's Witnesses' religious convictions nevertheless compelled them to establish a massive underground movement at great cost to themselves. Significantly, the oppression of the Jehovah's Witnesses was not an exclusive practice of the Third Reich and far preceded and outlasted the religious persecution of any other Judeo-Christian sect in twentieth century Germany. Through his sympathetic study of the Jehovah's Witnesses, Besier demonstrated that certain sects of Christianity engaged in corporate resistance to Nazi rule. Together, all of these papers inherently pointed to the fact that, despite the universal claims of Christianity, German Christians (with a few notable exceptions) often acted insularly, tending to their own missions and goals without directly challenging the Nazi treatment of their Jewish neighbors.

# Conference Program

## TUESDAY, MARCH 10

9:30 AM WELCOME AND INTRODUCTIONS  
Open: **John J. Michalczyk**, *Boston College*  
Welcome: **Interim Dean Gregory Kalscheur, S.J.**,  
*College of Arts and Sciences, Boston College*  
Greeting: **Rolf E. Schütte**, *German Consul for the  
New England States*

9:45 AM PANEL I: A TRAPPED JEWISH COMMUNITY  
Chair: **Donald Fishman**, *Boston College*  
Open: **Timothy W. Ryback**, *Institute for Historical  
Justice and Reconciliation at Leiden University*  
“First Dachau Murders 1933: Investigation and  
Prosecution”

**Raymond Helmick, S.J.**, *Boston College*  
“Racial Laws”

**John B. Romeiser**, *University of Tennessee*  
“Nuremberg Laws Applied in France”

12:00 PM LUNCH BREAK

2:00 PM PANEL II: A TRAPPED JEWISH COMMUNITY  
Chair: **Susan A. Michalczyk**, *Boston College*  
**Paul Bookbinder**, *University of Massachusetts  
Boston*  
“Our Enemies Have No Rights: Carl Schmitt and  
the Two-Tiered System of Justice”

**Douglas Morris**, *Federal Defenders of New York,  
Inc.*  
“Discrimination, Degradation, Defiance: Jewish  
Lawyers in Nazi Germany”

**Yvonne Kozlovsky-Golan**, *University of Haifa*  
“The Judenrat and the Nazi Racial Policies: Ethical  
issues in Claude Lanzmann’s *Last of the Unjust*  
(2013)”

8:00 PM CONCERT  
Pianist: **Natasha Ulyanovsky**  
Vocalist: **Monika Krajewska**

## WEDNESDAY, MARCH 11

10:00 AM PANEL III: NAZI MEDICAL POLICIES  
Chair: **Robert Maryks**, *Boston College*  
**George Annas**, *Boston University School of Public  
Health*  
“Government Uses of Physicians (and Lawyers) for  
Murder and Torture: From WWII Concentration  
Camps to Post- 9/11 Black Sites”

**Michael Grodin**, *Boston University School of Public  
Health*

“Medical and Spiritual Resistance to Nazi Laws: Jewish  
Physicians and Rabbis in the Ghettos and Camps  
During the Holocaust”

**Ashley K. Fernandes**, *The Ohio State University College  
of Medicine*

“Nazi Medicine and the Holocaust: Implications for  
Medical Education & Professionalism”

12:00 PM LUNCH BREAK

2:00 PM PANEL IV: NUREMBERG AND POST-WAR GERMAN TRIALS  
Chair: **Devin O. Pendas**, *Boston College*  
**John Q. Barrett**, *St. John’s University School of Law*  
“Dawning, Developing Comprehension of Nazi Law-  
Breaking & Atrocities: Justice Robert H. Jackson on the  
Road to Nuremberg, 1940-1945”

**Lawrence Douglas**, *Amherst College*  
“Demjanjuk in Munich”

**Nathan Stoltzfus**, *Florida State University*  
“Crimes of the Wehrmacht’s Mountain Troops in the  
Balkans, 1943-44”

4:30 PM BREAK

7:00 PM SESSION V: NAZI ANTI-RELIGIOUS POLICIES  
Chair: **James Pellechia**, *Watch Tower Society, NY*  
**Kevin P. Spicer**, *C.S.C., Stonehill College*  
“Catholics under National Socialism”

**Christopher Probst**, *Washington University in St. Louis*  
“In the Shadow of Kristallnacht: Nazi Persecution of  
German Protestants”

**Gerhard Besier**, *SNI, Germany*  
“Persecution of Jehovah’s Witnesses in the Third Reich  
and After”

## Panelists

For more information, visit the event page at [www.bc.edu/cloughevents](http://www.bc.edu/cloughevents).

**George Annas**

Boston University School of Public Health

**John Q. Barrett**

St. John's University School of Law

**Paul Bookbinder**

University of Massachusetts Boston

**Gerhard Besier**

SNI, Germany

**Lawrence Douglas**

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The Ohio State University College of Medicine

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University of Tennessee

**Timothy Ryback**

Institute for Historical Justice and Reconciliation at  
Leiden University

**Kevin P. Spicer, C.S.C.**

Stonehill College

**Nathan Stoltzfus**

Florida State University



Muhammad rededicating the Black Stone to the Ka'ba, from *Jami' al-Tawarikh* of Rashid-al-Din-1315

## Representing the Wondrous Life of the Prophet IN ISLAMIC HISTORY

Friday, March 13, 2015 • 4:30 p.m.  
Gasson Hall, Room 305 • Boston College



with **NASSER RABBAT**

Aga Khan Professor of Islamic Architecture and  
Director, Aga Khan Program for Islamic Architecture,  
Massachusetts Institute of Technology

Co-Sponsored by the Departments of History, Fine Arts, Sociology,  
Islamic Civilization and Societies, and Slavic and Eastern Languages.

Dr. Rabat opened his presentation by referencing the spate of violent acts committed by Sunni Muslims to demonstrate their outrage at the visual depiction of the Prophet Muhammad by Danish cartoonists in 2006 and by *Charlie Hebdo* more recently. Dr. Rabat argued that rather than the prohibition against depictions of the Prophet being unequivocal and clear, in reality the issue is much more complex. In fact, history is replete with visual depictions of the Prophet Muhammad done by Islamic artists. The majority of Dr. Rabat's talk examined the history of these depictions.

*“...because most of the people in non-Arab speaking places could not read the Quran and understand its meaning, they needed the images to understand the major stories and messages of the Quran.”*

Muslims of the formative period did not seem to mind the visual depictions in general and they valued images as a means of conveying and simplifying stories for religious instruction. In this way, these depictions functioned much as stain-glass windows did in medieval Europe. Dr. Rabat asserted that this may partially explain why visual depictions of the Prophet became more common among non-Arab speaking peoples; because most of the people in non-Arab speaking places could not read the Quran and understand its meaning, they needed the images to understand the major stories and messages of the Quran.

However, the early images were not of the Prophet himself. The first known illustration of the Prophet is from early 13<sup>th</sup> century. This tradition carries through to the 16<sup>th</sup> century. These depictions typically reflected rulers' understanding of the most fitting way to show Muhammad. This is similar to the way the European artists in the Middle Ages would depict Jesus as a king. Likewise, the visualizations were influenced by depictions in other religions including Christianity, Zoroastrianism, and Buddhism.

Depictions of the Prophet frequently showed Muhammad's divinity. They told stories from key parts of Muhammad's life such as the revelation, the flight to Medina, and the ascension in Jerusalem. Many early works focused on pre-revelation aspects of Muhammad's life such as his reputation as a fair and trusted arbiter and businessman. Later, phantasmagoric pictures, especially under Timurids, showed many aspects of the night journey including Muhammad's meeting with other prophets.

Starting in the 17<sup>th</sup> century, the Prophet was depicted with a veil over his face or with some other obstruction. At that time, the artful presentation of words known as hilye became popular, especially in Arab lands, as they were seen as having talismanic properties. Today, the verbal description of the likeness of the Prophet has taken on ceremonial characteristics. The emotional impact of this is augmented with dramatic performances of sheikhs and background music. When depictions of Quranic passages involving the Prophet are made today, they generally now carry signifiers of the Prophet, which suggest to the viewer that they should imagine the Prophet in that location. Dr. Rabat ended his talk by pointing out that all of these visualizations were not meant to be defiance of a prohibition but rather were measures of devotion and that the current attitudes are hardened, ahistorical, and rest on a dubious hadith.

## About Nasser Rabbat

For more information, including a video recording of the event, visit the event page at [www.bc.edu/cloughevents](http://www.bc.edu/cloughevents).



**N**asser Rabbat is the Aga Khan Professor and the Director of the Aga Khan Program for Islamic Architecture at MIT. An architect and a historian, his scholarly interests include the history and historiography of Islamic architecture, art, and cultures, urban history, modern Arab history, contemporary Arab art, and post-colonial criticism.

Professor Rabbat has published more than 100 scholarly articles. His most recent books are: *Mamluk History Through Architecture: Building, Culture, and Politics in Mamluk Egypt and Syria* (2010), which won the British-Kuwait Friendship Society Prize in Middle Eastern Studies, 2011, *al-Mudun al-Mayyita: Durus min Madhih wa-Ru'an li-Mus-taqbaliha* (The Dead Cities: Lessons from its History and Views on its Future) (2010), an edited book, *The Courtyard House between Cultural Reference and Universal Relevance* (2010), and *al-Naqd Itizaman: Nazarat fi-l Tarikh wal 'Uruba wal Thawra* (Criticism as Commitment: Viewpoints on History, Arabism, and Revolution) (2014).

Rabbat worked as an architect in Los Angeles and Damascus. He was a visiting professor at the École des hautes études en sciences sociales (EHESS), Paris (2009) and the Ludwig-Maximilians-Universität, Munich (2007). He regularly contributes to a number of Arabic newspapers such as *al-Hayat* and *al-'Arabi al-Jadid* on current political and cultural issues and serves on the boards of various cultural and educational organizations. He also consults with international design firms on projects in the Islamic World and maintains several websites focused on Islamic architecture and urbanism.

THE CLOUGH CENTER  
FOR THE STUDY OF CONSTITUTIONAL DEMOCRACY  
PRESENTS  
A SPECIAL EVENT, BY INVITATION ONLY, WITH

**GEORGE PAPANDREOU**  
FORMER PRIME MINISTER OF GREECE

TUESDAY, MARCH 17, 2015

5:00 PM COCKTAIL RECEPTION  
CONNOLLY HOUSE

**A CONVERSATION ABOUT THE FUTURE OF EUROPE**

On Tuesday, March 17, the Clough Center had the honor of hosting George Papandreou for a reception and talk. In addition to a long career as an academic, parliamentarian, and cabinet minister, Mr. Papandreou was the prime minister of Greece for two crucial years during Europe's sovereign debt crisis.

Mr. Papandreou was trained as a sociologist but comes from a long line of politicians. Both his father and grandfather served as Prime Minister, among other positions. In his talk Mr. Papandreou recalled the consequences of his family's commitment to democracy under successive authoritarian governments. He experienced them firsthand when, as a young child, members of the ruling junta entered his home and placed a gun to his head, threatening to kill him if his father did not reveal himself. This instilled a lifelong commitment to liberal values that he sees as both universal and central to the European project. An *idiotès*, or private person, was not his fate.

The theme of Mr. Papandreou's talk was integration—political, economic, and ideological. All three are necessary for the European project, yet have been under great strain since the sovereign debt crisis and global recession. Old stereotypes such as a “hardworking” north and “lazy” south have been revived, even though they have no basis in fact. Strong countries question why they should help the weak; creditors and debtors doubt the benefits of economic integration. Democracy requires new engagement when a leader is accountable not only to his or her own people, but also to capital markets, international financial institutions, and powerful creditor countries. But having a common stake in politics and economics is what sustains peace, and

it is what is at the core of the European project, from the Treaty of Rome to Maastricht to Lisbon, and the 2012 decision to award the European Union the Nobel Peace Prize. The values are there; what we need is creative thinking to realize them, and to prevent Europe from succumbing to revived nationalism. Mr. Papandreou has been at the forefront of those efforts and is currently involved in reform proposals to make democracy work better for smaller EU states.

Clough fellows were then able to ask questions. One questioner wondered whether there was a danger in Mr. Papandreou's call for a new “patriotism of values” (echoing Habermas's Clough lecture), since one country's definition of liberty or freedom could vary so much from another's. Mr. Papandreou reaffirmed his belief that these values are inherent in the European project and remain strong, but also that they do not belong to one culture or continent. He expanded on this when speaking about his experience as Foreign Minister, when he recalled explaining to his Iranian counterpart that when the Greeks invented democracy, there were twelve gods and no Christianity or Islam!

Mr. Papandreou was also asked two questions about Turkey. He admitted concern over Turkey's drift toward anti-liberal politics under Erdogan, but emphasized that Turkey joining the EU would be a positive thing—why not have another state commit to the EU's values, he argued. Integration promotes accountability. He also discussed a number of initiatives he undertook as foreign minister, such as organizing earthquake aid to Turkey and agreeing publicly not to go to war over Serbia. When we focus on what is dividing us, he argued, we ignore all that we can agree on, which is substantial. That is how trust and understanding is formed, and that is how positive and progressive statecraft is conducted.

## About George Papandreou

For more information, including a video recording of the event, visit the event page at [www.bc.edu/cloughevents](http://www.bc.edu/cloughevents).



**G**eorge A. Papandreou is Former Prime Minister of Greece, current President of Socialist International, a Member of the Hellenic Parliament and former President of the Panhellenic Socialist Movement (PASOK). He served as the 11th Prime Minister of Greece from October 6, 2009 – November 11, 2011, after PASOK's victory in the October 2009 national elections. As Prime Minister of Greece, George Papandreou has been at the forefront of the global financial crisis and through complex and difficult negotiations, he managed to avoid his country's

bankruptcy, whereas he also applied a series of structural reforms to modernize his country. For this reason he was named as one of Foreign Policy magazine's Top 100 Global Thinkers in 2010 for "making the best of Greece's worst year."

As Foreign Minister from 1999–2004, he was widely praised for his diplomatic bridge building. He successfully negotiated better relations with former rival Turkey. He played a key role in the negotiations that led to Turkey's EU candidacy in 1999 and Cyprus's entry into the European Union in May 2004.

George Papandreou was born in Saint-Paul, Minnesota in the United States. At that time, his father and former Prime Minister of Greece, Andreas Papandreou was a Professor of Economics in the University of Minnesota. His mother is Margaret Chant from Elmhurst, Illinois. He is the grandson of George Papandreou, also a former Prime Minister of Greece. The Papandreou Family's roots are in Kaletzi, a mountain village in the district of Achaia, in Greece's Peloponnese region.

After earning a bachelor's degree in Sociology from Amherst College in Massachusetts, USA (1970-1975), Papandreou obtained his master's degree in Sociology of Development from London School of Economics in the United Kingdom. He attended postgraduate studies in Stockholm and at Harvard University's Center for International Relations.

Over his career, Papandreou has worked in the USA, Sweden and Canada. He speaks English, French and Swedish.

## THE THIN BLUE LINE from Crime to Punishment



*Alice Ristroph, Professor of Law  
Seton Hall University School of Law*  
Thursday, March 26 · 12:00 p.m.  
Barat House · Boston College Law School  
~ refreshments available ~

On March 26<sup>th</sup>, the Clough Center welcomed Alice Ristroph to Boston College for a talk entitled *The Thin Blue Line from Crime to Punishment*. The lecture focused on a lack of attention to policing within the philosophy and theory of law. At a time of widespread concern over the use of police power, Ristroph argued this limitation leaves scholars without adequate resources to evaluate and critique the criminal justice system. She also suggested some ways that our frameworks for thinking about criminal justice change when we trace the thin blue line from crime to punishment through the work of the police.



For Ristroph, criminal law theory could examine core questions about policing that recur across jurisdictions: questions about, for example, their authority to search homes, use deception, use force and so on. But more than that, the scope of police authority is an important dimension of things already on the agenda of criminal law theory. That is, she does not simply say policing should be added on as a separate sphere of study. Instead, Ristroph argues policing is already central to foundational issues facing the philosophy of criminal law.

Take the core question of the study of criminalization—what should be treated as criminal? For Ristroph, this cannot be answered without attention to policing. This is because of the intrinsic relationship between changes in law and the scope of police power: whenever a decision is made to address some social ill through criminal law, the power and authority of police is also expanded.

If we believe that criminal law should be justifiable in democratic way, there is a need to consider the social and political costs of criminalization. Many of the costs come through policing. Policing not only is intrusive but also does not require prior juridical approval. Officers can search, detain and arrest based on their own judgment. Many who receive this attention resist, triggering even greater authority, and when people flee or resist arrest, physical force can result. So when you criminalize a given type of conduct, police are empowered to monitor and look for violations, to detain people, and to search them or their property.

This highlights the intersection between police authority and the scope and substance of criminal law. In the case of many minor offenses, where formal punishments may be negligible, the strongest normative argument in opposition is the expanded police authority those offences produce.

Ristroph argues that integrating policing to the philosophy of criminal law also shifts how scholars theorize the justifications for punishment. Traditionally, theories of normative justification neglect the investigation against the wrong doer—in Ristroph's terms, the thin blue line connecting crime and punishment. It is taken-for-granted that punishment is 'out there,' and the question is how this gets justified in normative terms. To the extent that the conditions of punishment are questioned, guilt is treated as necessary and sufficient. The question asked is: if the defendant is guilty, what are appropriate normative justifications for punishment?

Ristroph argues that sound normative reasoning widens the necessary conditions for legitimate punishment and introduces a focus on policing. That is, there is a need to consider the process through which the perceived wrongdoing is investigated by the police. This opens a new question: was that policing legal and constitutionally permissible? If we treat punishment as a choice, and examine the conditions under which that choice may be justified, normative criminal law theory should devote more attention to compliance with rules for good policing as conditions for legitimate punishment.

As a broad public conversation unfolds about the scope and power of police, Alice Ristroph's intervention into the philosophy of criminal law could hardly be more timely. It provides important intellectual tools for those interested in the role of law in American society.

## About Alice Ristroph

For more information, including a video recording of the event, visit the event page at [www.bc.edu/clouchevents](http://www.bc.edu/clouchevents).



Alice Ristroph teaches and writes in the fields of criminal law and procedure, constitutional law, and political theory. In these fields, she is interested in the intersections of authority, law, and physical violence. She is currently completing a book about efforts to use the law to reduce or regulate state violence. Her scholarship has appeared in numerous journals, including the *Yale Law Journal*, the *California Law Review*, and *Constitutional Commentary*. She was appointed the Eileen Denner Research Fellow in 2010. Professor Ristroph joined the Seton Hall faculty

in 2008 after serving as Associate Professor at the University of Utah S.J. Quinney College of Law. Before she began to teach law, Professor Ristroph was an associate in the litigation department of Paul, Weiss, Rifkind, Wharton & Garrison in New York City. She has a J.D. and a Ph.D. in political theory from Harvard University.

# PUTIN

Tuesday, April 7, 2015 at 5:00 p.m.  
Devlin Hall, Room 101  
Boston College

with Karen Dawisha  
Miami University in Ohio

**PUTIN'S  
KLEPTOCRACY**  
WHO OWNS RUSSIA?  
KAREN DAWISHA

**D**r. Dawisha, a professor of political science at Miami University in Ohio, began her talk by drawing attention to the systematic embezzlement, fraud, and personal enrichment of Putin and his inner circle, which she documents in detail in her new book, *Putin's Kleptocracy*. For example, while he was head of the St. Petersburg Committee for Foreign Liaison between 1991 and 1996, Mr. Putin was accused of issuing permits to export raw materials in exchange for badly needed food that never reached the city. According to opposition figures, some \$100 million worth of raw materials simply disappeared. Dr. Dawisha puts these in context by discussing many similar incidents where party and KGB officials used funds to bail out friendly companies rather than buy food for the winter.



Dr. Dawisha contends that even though there was some optimism during the second wave of democratization in the 1990's that Russia, too, would democratize, the Kremlin never intended to rotate power among the elites. Based on a document she found in 2000 detailing a plan for dismantling any kind of political reform, she argues that this effort to close any political space was there from the very beginning. In fact, according to Dr. Dawisha the opposite has taken place; the regime has become an embodiment of Putin's power. She then details how once Putin gained power, he built an interlocking group of aides around him. His power drew from the "nexus" of these different worlds: the Moscow based elites, the KGB, various liberal economists, and businessman. In this sense, Putin was the only politician "to have a foot in all these circles," according to Dr. Dawisha.

Dawisha's book begins in the late 1980s with revelations about the Communist Party's accumulation of currency accounts and the KGB's role in taking control of that money as the Soviet Union collapsed. According to Dawisha, the KGB provided the most important financial and political source of support in Putin's swift ascent to head the FSB, the Russian Federal Security

Service. Moreover, she contends that the reason Yeltsin supported him as well was because Putin was willing to do anything to cover up the corruption charges held against Yeltsin's family. Drawing on her research, Dr. Dawisha also discusses the role of the private security firm Zolotov Baltik Escort in securing Putin's hold on power. It was not by chance, she says, that Zolotov, Putin's personal bodyguard for 14 years, became the Deputy Interior Minister in charge of riot police.

Finally, when asked why Cambridge University Press backed out of publication in Britain, she answered: "I exposed Putin and his inner circles thievery in my book. The University Press feared lawsuits in Britain. Thankfully, we have the First Amendment in the United States."

## About Karen Dawisha

For more information, including a video recording of the event, visit the event page at [www.bc.edu/clouchevents](http://www.bc.edu/clouchevents).



**K**aren Dawisha is the Walter E. Havighurst Professor of Political Science in the Department of Political Science at Miami University in Oxford, Ohio, and the Director of the University's Havighurst Center for Russian and Post-Soviet Studies. She received her Ph.D. from the London School of Economics in 1975 and taught at a number of British and American Universities before coming to Miami with her husband Adeed in 2000. Since coming to Miami, in addition to establishing the Havighurst Center, she has continued to do research and teaching in the areas of post-communist transitions and Russian politics.

areas of post-communist transitions and Russian politics.

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## CONSTITUTIONAL RIGHTS AND HUMAN RIGHTS

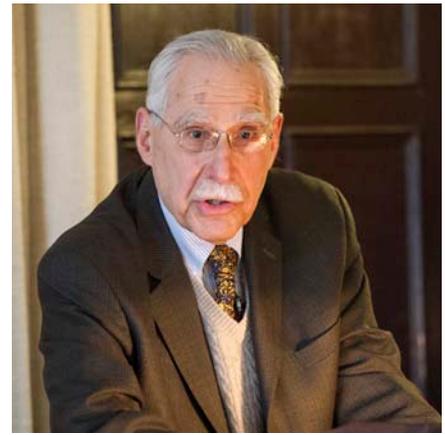
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THURSDAY, APRIL 9 · 3:30 PM  
BARAT HOUSE  
BOSTON COLLEGE LAW SCHOOL

With **Frank Michelman**,  
Robert Walmsley University Professor, Emeritus  
Harvard Law School



If anyone can lead an audience through an imaginative deliberation about constitutional and human rights, it is probably Frank Michelman. After all, the U.S. Supreme Court has quoted him in more than one decision, and he offered extensive advice on the development of South African constitutional jurisprudence. It was probably not just an academic exercise for him when he asked the audience the following question: If you were creating a bill of rights for a democratic society, what would you include? Would you try to have each human right that you believe in protected by the imprimatur of the constitution?



If you believe in human rights, and especially if you are particularly interested in the protection of a certain group of human rights, your answer is probably yes. But Michelman argued that even if you believe in human rights that precede legal institutions, you should not try to have these rights constitutionalized.

That is because constitutions play important roles in modern political communities. They provide the legal and normative framework that will control the creation of lower laws, but they are also expressive of the ideals and commitments of a people and a national identity. Perhaps most centrally for the question at hand, constitutions legitimize a country's legal institutional structure. Legitimacy means that even in the face of disagreement about individual policies, the law deserves to be respected and followed. Failures of legitimacy threaten the basic stability of a society and strip citizens of the sense of being ruled by reasons that they can share.

Thus, in the midst of central disputes about values—for example the much-discussed Indiana law that allows religious businesses to refuse services based on religious reasons—we need a commonly recognized standard of legitimacy. It is the constitution that provides this standard.

Because of this legitimating function, Michelman argued that the rights in the constitution must fit a 'Goldilocks' standard. They cannot be so thick with moral underpinnings that all the members of society cannot reach consensus on them, like including ideas from a specific religion. On the other hand, they cannot be so thin with abstraction that most citizens won't recognize themselves in the values. Michelman argues that a mere right to freedom of conscience is too abstract to gain wide consensus in the US, and that is why discussions of conscience are almost always embodied as rights to freedom of religious expression. So, for us, freedom of religion meets the goldilocks standard of a 'just right' right for political legitimation.

Human rights are not supposed to provide legitimation for individual nations, nor are they supposed to express national values. They are broader and thinner, more like freedom of conscience. This means that they are unable to gain the kind of consensus that thicker (but not too thick) rights can because more members of society can recognize them as important values that matter in their own lives. This acceptance of the constitution is absolutely necessary if it is going to perform the important task of legitimating the political order, stabilizing the society throughout disputes about individual policies.

## About Frank Michelman

For more information, including a video recording of the event, visit the event page at [www.bc.edu/clougevents](http://www.bc.edu/clougevents).



Frank Michelman is Robert Walmsley University Professor, Harvard University, where he has taught since 1963. He is the author of *Brennan and Democracy* (1999), and has published widely in the fields of constitutional law and theory, comparative constitutionalism, South African constitutionalism, property law and theory, local government law, and general legal theory. Professor Michelman is a fellow of the American Academy of Arts and Sciences and a past President (1994-95) of the American Society for Political and Legal Philosophy. He has served

on the Committee of Directors for the annual Prague Conference on Philosophy and the Social Sciences, the Board of Directors of the United States Association of Constitutional Law, and the National Advisory Board of the American Constitution Society. In 2005, Professor Michelman was awarded the American Philosophical Society's Phillips Prize in Jurisprudence and, in 2004, the Brigham-Kanner Property Rights Prize.

DISCUSSION PANEL

# *Fidelity & Change in Constitutional Interpretation*



Tuesday, April 21, 2015 · 5:00 p.m.  
Barat House  
Boston College Law School

FEATURING:

- Jack Balkin  
YALE UNIVERSITY
- Katharine Young  
BOSTON COLLEGE
- James Fleming  
BOSTON UNIVERSITY
- Lawrence Solum  
GEORGETOWN UNIVERSITY

On April 21, the Clough Center sponsored a panel discussion at Barat House on “Fidelity and Change in Constitutional Interpretation.” Bringing together three eminent legal scholars, and moderated by a fourth, the panel considered competing theories of legal interpretation in both the U.S. domestic context and international comparative perspective. At the crux of the discussion was a debate about the compatibility of originalism and living constitutionalism.



James Fleming of Boston University School of Law opened the evening by inviting the panelists to address the ways in which originalism could be fading into living constitutionalism today. Yale Law School’s Jack Balkin responded by insisting that the two theories have completely elided in practice, ever since Antonin Scalia—the nation’s most well-known originalist—declared that the focus of constitutional interpretation was on the original accepted meaning of the text among its initial audience rather than the original intention of its authors. Lawrence Solum of Georgetown University Law Center agreed, asserting that most of today’s originalists are willing to permit changes that go beyond strict textual fidelity.

Responding to these points, Boston College Law’s Katharine Young challenged the premises, suggesting that the question of fidelity ought to include more than just originalism and living constitutionalism. Citing the South African experience, Young proposed the possibility of a transformative constitutionalism that sought change as a form of fidelity to that constitution’s original parameters. Balkin and Solum each acknowledged the South African case, but generally saw it as an illustration of the ways in which originalism can permit dynamic interpretations.

The South African example prompted Fleming to steer the conversation toward a directly comparative question, asking the panelists whether or not originalism was a distinctly American phenomenon. Balkin distinguished between the academic theo-

ries of originalism, the (conservative) politics of originalism, and the “cultural trope” of originalism, in order to suggest that there might be U.S. roots for the first two types but not for the more universal cultural trope of a return to the sources. Solum added that the academic theory had roots in Australian jurisprudence, but Young cautioned that the view hardly held the same preeminence among legal theorists in Australia as it seems to have commanded in the United States.

Turning to practical matters, Fleming then invited the panelists to explore the flexibility of originalism by asking them whether or not an originalist could defend a constitutional right to same sex marriage. Solum argued for this possibility, although he insisted that in the U.S. context, originalists would have the greatest success with an argument relying on the Privileges and Immunities Clause of the Fourteenth Amendment rather than on the Equal Protection Clause. Young and Balkin generally agreed with the assertion that an originalist might find a way to defend same sex marriage, but each wondered whether or not this would do damage to the internal coherence of originalism as a theory of interpretation.

The panel ended with audience questions addressing the democratic presuppositions of constitutional interpretation, the originalism (or lack thereof) in the legal theory of Ronald Dworkin, and the natural law, providing an enlightening evening for all in attendance.

## About the Panelists

For more information, visit the event page at [www.bc.edu/cloughevents](http://www.bc.edu/cloughevents).

**Jack Balkin** is Knight Professor of Constitutional Law and the First Amendment at Yale Law School and the founder and director of Yale's Information Society Project, an interdisciplinary center that studies law and new information technologies, as well as the director of the Knight Law and Media Program and the Abrams Institute for Free Expression at Yale. Professor Balkin received his Ph.D. in philosophy from Cambridge University, and his A.B. and J.D. degrees from Harvard University. He is a member of the American Academy of Arts and Sciences and founded and edits the group blog Balkinization. His books include *Living Originalism*; *Constitutional Redemption: Political Faith in an Unjust World*; *The Constitution in 2020* (with Reva Siegel); *Processes of Constitutional Decisionmaking* (5th ed. with Brest, Levinson, Amar, and Siegel); *Cultural Software: A Theory of Ideology*; *The Laws of Change: I Ching and the Philosophy of Life*; *What Brown v. Board of Education Should Have Said*; and *What Roe v. Wade Should Have Said*.

**Katharine Young** joined the 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 appear 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.

Professor Young completed doctoral and masters studies in law (the S.J.D. and LL.M.) at Harvard Law School and legal studies at Melbourne University and at the University of Heidelberg. She has been a Fellow at Harvard University's Project on Justice, Welfare and Economics, the Edmond J. Safra Center for Ethics and the Weatherhead Center for International Affairs. Professor Young has professional legal experience in Melbourne, New York, in the United Nations and in an NGO in Accra, Ghana. She served as Clerk for The Hon Michael Kirby AC CMG at the High Court of Australia. At Boston College, she teaches Contracts and Human Rights and Global Poverty.

**James Fleming** received his J.D. magna cum laude from Harvard Law School and a Ph.D. in Politics from Princeton University. He practiced litigation at Cravath, Swaine & Moore before becoming a law professor. During the 1999-2000 year, he was a Faculty Fellow in Ethics in the Harvard University Center for Ethics and the Professions.

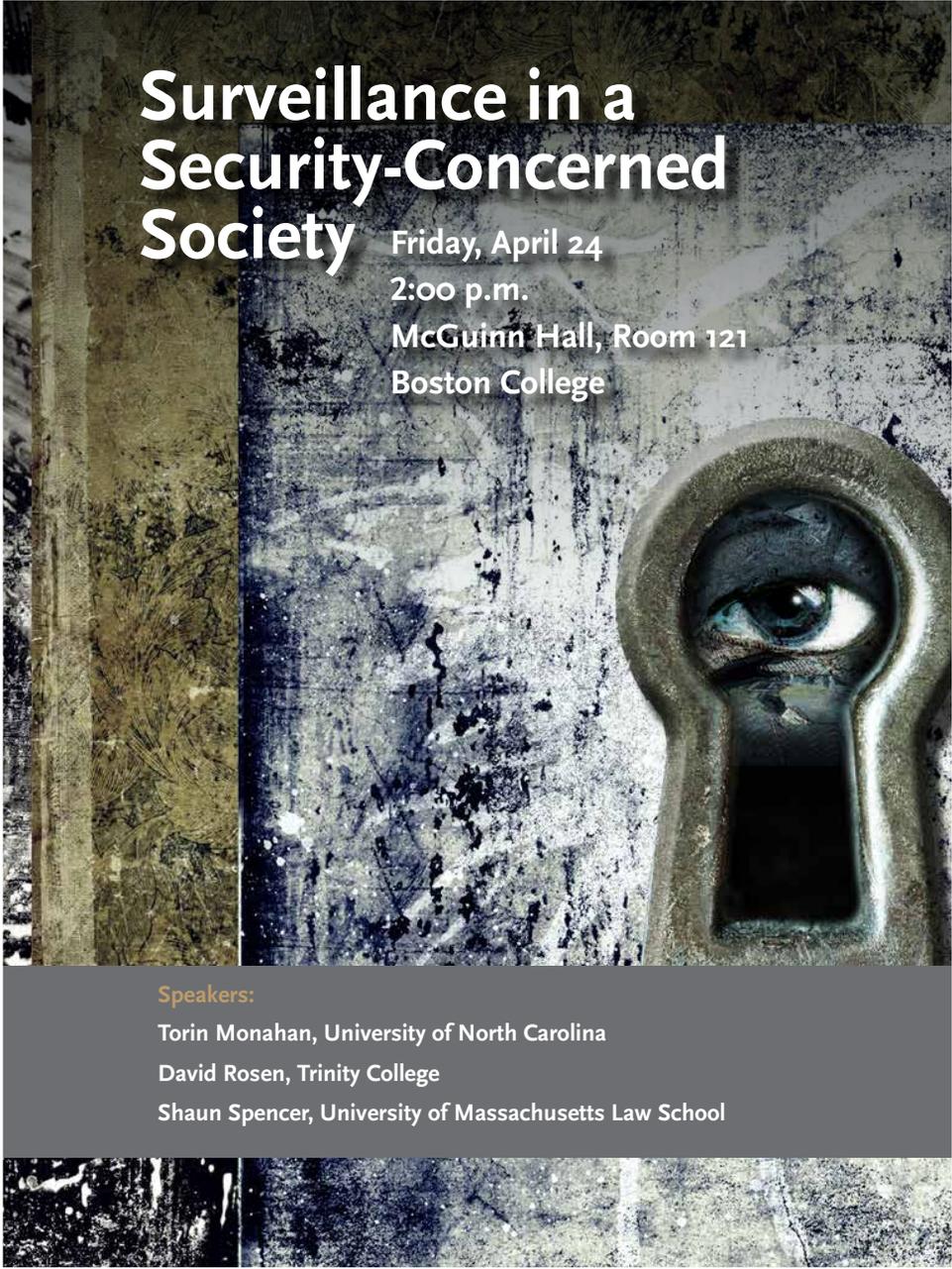
Since coming to Boston University School of Law in 2007, Professor Fleming has organized conferences entitled *The Most Disparaged Branch: The Role of Congress in the 21st Century*, *Justice for Hedgehogs: A Conference on Ronald Dworkin's Forthcoming Book*, *Justice: What's the Right Thing To Do? A Symposium on Michael Sandel's Recent Book*, *Originalism and Living Constitutionalism* and *On Constitutional Obligation and Disobedience*. He is organizing a major conference tentatively entitled "America's Political Dysfunction: Constitutional Connections, Causes, and Cures," to be held at Boston University in November 2013. All have been (or will be) published in *Boston University Law Review*. He is Faculty Advisor to *Boston University Law Review*.

Before joining the faculty of Boston University School of Law, Fleming was the Leonard F. Manning Distinguished Professor of Law at Fordham University School of Law. While at Fordham, he organized or co-organized many conferences in constitutional theory, including *Fidelity in Constitutional Theory*, *The Constitution and the Good Society*, *Rawls and the Law* and *A New Constitutional Order?*, together with *Theories of Constitutional Self-Government*, *Integrity in the Law* and *Theories of Taking the Constitution Seriously Outside the Courts*, all published in *Fordham Law Review*. He also co-edited (with BU Law Professor Linda C. McClain) a symposium on *Legal and Constitutional Implications of the Calls to Revive Civil Society*, published in *Chicago-Kent Law Review*. In 2007, *Fordham Law Review* published a symposium on *Minimalism versus Perfectionism in Constitutional Theory*, focusing on Professor Fleming's book, *Securing Constitutional Democracy*, along with Cass R. Sunstein's book, *Radicals in Robes*.

**Lawrence Solum** is an internationally recognized legal theorist, who works in constitutional theory, procedure, and the philosophy of law. Professor Solum received his J.D. magna cum laude from Harvard Law School and received his B.A. with highest departmental honors in philosophy from the University of California at Los Angeles. While at Harvard, he served as an Editor of the Harvard Law Review. After graduation, he worked for the law firm of Cravath, Swaine, and Moore in New York, and then clerked for Judge William A. Norris of the United States Court of Appeal for the Ninth Circuit.

Professor Solum was the John E. Cribbet Professor of Law and Professor of Philosophy at the University of Illinois. He was a member of the law faculty of the University of San Diego, where he received the Thornes Prize as Best Teacher. He also taught at Loyola Marymount University and has been a Visiting Professor of Law at Boston University, at the University of Southern California, and, before joining the faculty, at Georgetown Law.

Professor Solum served as a White Paper Author for the Committee on Alternative Court Structures of the Commission on the Future of the California Judiciary, and he has also served the Association of American Law Schools (AALS) twice as Chair of the Jurisprudence Section, as Chair of the Section on Constitutional Law, as Chair of the Section on Law and Interpretation, as Chair of the Committee on Scholarship, and as a Member of the Committee to Review Scholarly Papers.



# Surveillance in a Security-Concerned Society

Friday, April 24

2:00 p.m.

McGuinn Hall, Room 121

Boston College

## Speakers:

Torin Monahan, University of North Carolina

David Rosen, Trinity College

Shaun Spencer, University of Massachusetts Law School

Once a year, the Clough Graduate Fellows organize an academic panel to discuss a particular topic. Having decided to make surveillance the theme for 2015, the Fellows invited three of America's leading academics on the subject: Torin Monahan (Professor of Communication Studies at the University of North Carolina), Shaun Spencer (Professor of Law at the University of Massachusetts School of Law), and David Rosen (Professor of English at Trinity College). The panel was a great success, in large part because it brought together three quite different thinkers, each of them offering a new perspective on the limitations and dangers of the modern surveillance state.



Professor Monahan's prepared remarks centered on the technology that is now routinely deployed by police around the country through the Department of Homeland Security's "fusion centers." These are counter-terrorism organizations that are designed to co-ordinate data sharing among state and local police, intelligence agencies, and private companies. In addition to explaining why these centers were created and what they actually do, Professor Monahan offered insights gleaned from dozens of interviews with fusion center directors and analysts, emphasizing the ways that local police cultures get mixed in with the more general counter-terrorism mission. He also stressed the dangers of "zones of opacity" which may invite abuses of power or shield agents from accountability.

Next, Professor Spencer guided us through the history of constitutional debate surrounding surveillance, and in particular through the Supreme Court's evolving doctrine on wiretapping and privacy. He pointed out that intense fears about the surveillance state did not begin in the twenty-first or even the twentieth century, but were present also in the mid-nineteenth century. In fact he argued that there has been a history of "pendulum swings" between governmental overreach and reform, as dictated by the ebb and flow of politics. But he also suggested that the



contemporary situation may be different from anything yet seen because of the massive aggregation of data that is now possible.

Lastly, Professor Rosen explained how a scholar of literature thinks about questions of surveillance. He began by expressing some impatience with the hackneyed use of a few literary metaphors and images—"Big Brother" above all—in security debates. But he also noted the prevalence of surveillance as a theme in twentieth-century fiction, including that of Joseph Conrad, JRR Tolkien, Yevgeny Zamyatin, Philip D. Dick, and Margaret Atwood. Professor Rosen drew a distinction between "empathetic" surveillance, which seeks to understand and predict behavior, and "coercive" surveillance, which seeks to influence behavior. And, in contrast to the other two speakers, he emphasized the capacity of individuals to resist and elude authority.

The speakers fielded a range of questions from the audience. Although there was some healthy disagreement among the panelists, they found common ground in the view that what presents itself as neutral or scientific monitoring always depends upon debatable moral and political assumptions. As Professor Rosen put it, "The word 'algorithm' has a magical quality to it, and yet someone has to write that algorithm."

## About the Panelists

For more information, visit the event page at [www.bc.edu/cloughevents](http://www.bc.edu/cloughevents).

**Torin Monahan** is a professor of Communication Studies at the University of North Carolina. His book *Surveillance in the Time of Insecurity* won the Surveillance Studies Book Prize in 2011. Dr. Monahan has written two other books on the topic, has coauthored two more, and Monahan is an associate editor of the leading academic journal on surveillance, *Surveillance & Society*. He is currently overseeing an NSF-funded project, which investigates the data-sharing practices of the Department of Homeland Security “fusion centers,” sites oriented toward the provision of national security.

**David Rosen** is a Professor of English at Trinity College. He and Aaron Santesso recently authored a widely-acclaimed book titled *The Watchman in Pieces: Surveillance, Literature, and Liberal Personhood*, which won Modern Language Association’s James Russell Lowell Prize. He has also written as well as a number of scholarly articles on surveillance from a literary perspective.

**Shaun Spencer** is a Professor of Law and the Director of Legal Skills and the University of Massachusetts School of Law. He has previously taught at Harvard Law School as well as Boston College Law School. He is an expert in privacy law and has authored numerous academic articles on privacy and surveillance, including most recently an examination of how the law treats the privacy of information entitled “The Surveillance Society and the Third-Party Privacy Problem.”

# Clough Graduate Fellows

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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, Sociology) and the humanities (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 2014-2015 Graduate Fellows are:

**WHITNEY ABERNATHY**, *History, Ph.D. Candidate*

Whitney Abernathy is a Ph.D. candidate in the History Department at Boston College focusing on nineteenth-century French empire. She received her B.A. in history from the University of Georgia in Athens, Georgia and her M.A. in history from Georgia State University in Atlanta, Georgia. Her research concentrates on the relationship between liberal democracy, colonialism, and religion within the works of Alexis de Tocqueville, spotlighting Christianity's paradoxical role in the construction of contemporary French political and social institutions. The recent debates regarding the position of Muslim women wearing headscarves in France's emphatically secular society have demonstrated the enduring and perhaps surprising centrality of religion to critical questions concerning universal republicanism, the politics of democracy, and post-colonial relations with racial "others" in contemporary France. As such, while France's most historically celebrated cultural fixtures such as universal republicanism and its colonial manifestation, the mission civilisatrice, have been characterized as distinctly secular entities with their ideological and political roots in the First and Third French Republics, her research suggests that these cultural institutions were also fundamentally shaped by beliefs about Christianity held and espoused by public figures, particularly Tocqueville, during the French conquest and colonization of Algeria in the mid-nineteenth century.

Tocqueville, a secular liberal and resolute supporter of the separation of Church and state, explicitly utilized universal Christian principles to underpin France's claims to moral preeminence within Europe while justifying colonial and geopolitical aims even as he simultaneously invoked France's close ties to Christianity to contribute to the racialization of cultural difference in French Algeria. Reevaluating the ideological foundations of French universalism and republican imperialism

changes how we comprehend the function of religion in France as well as Christianity's role in the construction of a French colonial (and even post-colonial) identity. As one of the leading commentators on France's mid-nineteenth century imperial undertakings and central figures of modern political thought, Tocqueville's observations prove an effective lens by which to accomplish this objective. By examining Tocqueville's views on religion in conjunction with the language used by the French government and Armée d'Afrique during the invasion and occupation of Algeria, this project demonstrates that Christianity, far from becoming less central to French identity and political life over the course of the nineteenth century, was—and is—a critical element to understanding the development of French democratic universalism, the mission civilisatrice, and the republican imperial project as they were conceptualized at the zenith of France's empire in the late nineteenth and early twentieth centuries.

**TIMOTHY BRENNAN**, *Political Science, Ph.D. Candidate*

Timothy Brennan is a Ph.D. student in political science. He grew up in Sydney, Australia, and received a bachelor's degree in politics and philosophy from the University of Melbourne. His main area of interest is the moral and political thought of the Enlightenment. At the moment he is working on the debate between Montesquieu and Rousseau over the popularization of the arts and sciences, particularly in Montesquieu's *Persian Letters* and Rousseau's *Discourse on the Arts and Sciences*. He is also interested in American political philosophy.

**PETE CAJKA**, *History, Ph.D. Candidate*

Pete Cajka is a historian of religion in America with interests in social, political, and intellectual history. He has a bachelor's degree from the University of Dayton (2008) and a master's from Marquette University (2010). Both degrees are in history. He arrived at Boston College in the fall of 2010 and is currently a Ph.D. candidate in the History Department. His research has been supported by the American Catholic Historical Association, a Boston College History Department Manning/Gelfand Summer Research Fellowship, the Catholic University of America Archives, the Boston College Center for Christian-Jewish Learning, and the Boston College Center for Human Rights and International Justice.

Pete's dissertation is a history of the moral theories and lived experiences of "conscience" in America after 1945. It attempts to explain why Americans embraced the "primacy of conscience" during and after the 1960s. Beginning in 1963 and exploding after 1968, a cross-section of religious and secular Americans (Catholics, Protestants, Jews, and Human Rights Activists) assigned conscience a new pride-of-place in moral theory and they made conscience paramount to their lived experiences of Sixties-style protest, human rights advocacy, declarations of human dignity, spiritual discernment, and ethical reflection. Intellectuals moved conscience to the center of legal and theological analyses; activists used conscience claims to energize politics; and everyday Americans turned to conscience as a new moral compass. Pete's research carries this analysis through the 1970s and 1980s, up to the end of the Cold War in 1991.

This "turn to conscience" produced substantive results significant to the history of Constitutional Democracy in the United States. The turn to conscience signaled a "legitimation crisis" in American democracy, but this dissertation warns that it cannot be reduced to a negation of power or be interpreted merely as a libertarian impulse. Americans were attempting to replace one set of authorities with a new authority, one internal to the self. Explaining the turn to conscience will help scholars to understand how and why Americans replaced Great Society liberalism of the 1960s with new sources of authority. His dissertation also sheds light on contemporary debates about conscientious objection, claims of conscience in contemporary health care, the politics of religious freedom,

and human rights. This project draws on primary sources from over a dozen archives from across the United States, including the University of Notre Dame, the Library of Congress, the Center for Jewish History, Princeton Theological Seminary, and the Swarthmore College Peace Collection.

**TIM CAREY**, *Theology, Ph.D. Candidate*

Tim Carey is a Ph.D. candidate in Comparative Theology at Boston College where he studies Muslim-Christian relations in sub-Saharan Africa. His approach to Theology is deeply rooted in a commitment to inter-religious dialogue, human rights, and social justice as reflected in his professional domestic and foreign experience in the non-profit educational sector.

Tim graduated from Yale University in 2003 with a degree in Political Science, and began teaching in the Theology and History Departments at the Kent School in Kent, Connecticut. During this time and concurrent with his teaching commitment, he pursued a Master's degree in Muslim-Christian Relations and Islamic Studies from Hartford Theological Seminary, which he was awarded in 2007. His thesis at Hartford Seminary focused on the development of Islamic law in Nigeria during colonialism.

After leaving the Kent School and Hartford Seminary, Tim lived in Arusha, Tanzania where he worked for a fledgling non-governmental organization which aimed to provide quality education for orphaned and abandoned children throughout northern Tanzania. As Program Director with this organization, he was primarily responsible for planning curricula and scheduling instructional periods, establishing a teacher training program for instructors in Arusha, and overseeing the construction of several major construction facilities at the organization's affiliate orphanages.

Tim has spent the majority of the past decade studying the interaction between Muslim and Christian communities both here in the United States and abroad, and his academic interests include the dynamic between religion and culture, which is a central theme in his studies as well as his own personal experience. Tim's research at Boston College examines how Muslim and Christian leaders in Kenya and Tanzania are responding to the HIV/AIDS pandemic from a religious standpoint, and how these religious leaders can affirm the inherent dignity of the individual suffering from the disease while also trying to make sense of the negative impact of HIV/AIDS on the broader society. Key figures in his work include David B. Burrell, Wilfred Cantwell Smith, Hans Küng, Abdullaziz Sachedina, and Abdullahi an-Na'im.

Tim's dissertation considers how the inter-religious Muslim and Christian response to HIV/AIDS in East Africa can be seen as a model for a contemporary inter-religious engagement. It also examines the respective Sunni Muslim and African Catholic responses to the HIV/AIDS pandemic in Nairobi, Kenya as a case study for practical inter-religious dialogue. Situated in the Muslim and Catholic discourse of compassion, mercy, and justice, the project explores how religious communities attempt to make sense of the disease in terms that synthesize indigenous and foundational Abrahamic religious understandings of HIV/AIDS.

Tim has been a representative on the Jesuit Advisory Board for Inter-Religious Dialogue, as well as serving as Director of the annual Engaging Particularities Conference at Boston College which brings young scholars in the field of Comparative Theology together in a collegial atmosphere to present their work. Tim and his wife Alexina reside in Ipswich, Massachusetts.

**LAUREN DIAMOND BROWN**, *Sociology, Ph.D. Candidate*

Lauren Diamond Brown is a Ph.D. candidate in the Sociology Department at Boston College. Her areas of interest are medical sociology, gender and feminist studies, and qualitative methodology. Her first area exam titled "Beyond the Nature/Medical Binary: The Unassisted Childbirth Experi-

ence”, adds complexity to previous understandings of natural birth through an in-depth study of unassisted birth, which is planned homebirth without the presence of a doctor, midwife or professional birth attendant. Her findings show that even the most extreme alternative to the medical model of birth is a hybrid practice where women are able to transcend oppressive aspects of medicine but not completely reject it; instead, they adopt a narrative that provides them agency to draw from medical and natural birth practices to create their desired experience. She is currently working on her second area exam, which investigates how obstetrician-gynecologists make clinical decisions in labor and delivery. Her preliminary data include two important findings: that the decision-making process varies across different organizational models of care, and that doctors rely on relational decision-making. Relational decisions are variable as opposed to standardized and determined through interaction, where perception, interpretation, and the relationship between provider and patient are factors in medical decisions. Her paper will analyze relational decision-making in labor and delivery across a range of different organizational models of maternity care. For her dissertation Lauren will further investigate how the organization of doctors’ work affects the practice of medicine for both the physician and the patient, with a particular focus on the growing trend to rationalize medical work.

**EMILIE DUBOIS**, *Sociology, Ph.D. Candidate*

Emilie Dubois is a doctoral student in economic and organizational sociology at Boston College. Her focus is on consumer behavior, economic exchange, and emerging marketplaces. She has spent the past three years working for the MacArthur Foundation alongside Juliet Schor. Together they have investigated the emergence of collaborative consumption within sustainability and peer marketplaces through quantitative and qualitative research projects. Emilie directed case studies on the Greater Boston Time Trade Circle, the Community Connections TimeBank of the Visiting Nurses Service of New York, Airbnb, Taskrabbit, and RelayRides. The results of this research are available in print from Yale University Press, *Journal of Consumer Culture*, and MacArthur Foundation. Emilie works with unconventional data. They range from the ethnographic field notes on the culture and norms of exchange in a Cambridge barter club to Airbnb’s rental transaction records. She has taught on topics ranging from consumer behavior to multivariate statistics to undergraduate, M.B.A. and Ph.D. students at Boston College, Simmons University, and Framingham State University.

**MICHAEL FRAN CZAK**, *History, Ph.D. Candidate*

Michael Franczak is a third-year Ph.D. candidate in the Department of History, where he was awarded a Presidential Fellowship. He was born in 1990 in Detroit, MI. In 2011 he received a B.A. with high distinction and highest honors in History from the University of Michigan, Ann Arbor. His senior thesis, “Multilateralism with an American Face: The United States, Great Britain, and the Formation of the Postwar Economic Order, 1941-1947,” supervised by Professor Ronald G. Suny, examined the political economy of the Anglo-American creation and implementation of the main institutions and arrangements for postwar international finance, trade, and development. His thesis 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. His publications include entries in the *Encyclopedia of American Imperialism and Expansionism* (ABC-CLIO), the *Encyclopedia of American Military History* (Facts-on-File), and essays on the historical background of and pedagogical strategies for teaching about the Holocaust, to be included in a forthcoming memoir project by Dr. Irene Butter, Professor Emeritus of Public Health at the University of Michigan. He has given presentations on international trade and finance at the Mid-Atlantic Conference on British Studies (March 2013 and 2014, Lehman College, Bronx, NY), the Northeast Conference on British Studies (October 2013, UConn-Storrs), the Society for Historians of U.S. Intellectual History (November 2013, UC-Irvine), and the Symposium on Moral Economies (March 2014, UNC-Charlotte). He has been a Clough Center Graduate Fellow since September 2013.

At Boston College Michael is studying economic history with Professor Prasannan Parthasarathi, international history with Professor James Cronin, and the history of American foreign policy with Professor Seth Jacobs. He is currently preparing a paper titled “Asia’ at Bretton Woods: India, China, and Australasia in Comparative Perspective” for a symposium marking the 70th anniversary of the Bretton Woods conference, to be held at the Roosevelt Study Center, Middleburg, the Netherlands (September 2014). Michael draws from newly available material to argue for a reinterpretation of select developing and commodity-producing countries’ views at Bretton Woods, which he argues deserve more credit for their novelty and prescience than they have been given by both the institutions’ architects and their subsequent interpreters. The symposium is part of a wider project between the RSC and the School of Oriental and African Studies, University of London, on ‘the UN at 70’. His essay will be published as part of an edited collection following the symposium.

In addition to international economic institutions, Michael is interested in the intellectual history of capitalism, the connections between U.S. foreign policy and economics, and the political economy of globalization. He looks forward greatly to continuing his participation in the Clough Center’s intellectual and professional activities.

**ELISE FRANKLIN**, *History, Ph.D. Candidate*

Elise Franklin is a doctoral candidate in the History department. Her dissertation, “Associational Life, Social Aid, and Decolonization in France and Algeria, 1954-1979,” focuses on the process of decolonization through para-state associations. She argues that France’s one hundred and thirty year colonial relationship with Algeria did not appear evenly or immediately. Rather, she calls attention to social service associations in order to understand France’s continued colonial posturing even as it shifted to a politics of aid over the course of the Algerian War of Independence (1954-1962) and in the context of the so-called “thirty glorious years” of economic expansion (1945-1975). Her research draws on gender analysis and social and intellectual historical methods to analyze the trajectory of French and Algerian state and para-state officials as well as their clients during the collapse of French colonialism, and later, the collapse of the immigration between the two nations. The often ignored yet protracted social ties between the two countries shaped their policies on economic development, welfare, and immigration during this period and led to the endangerment of all three by the time Francois Mitterand became the first Socialist president of the Fifth Republic in 1979.

Elise received her Bachelor of Arts in French language and literature from Barnard College, Columbia University in 2009 and a Masters in History from Boston College in 2013. She is a Boston College Presidential Scholar, and has spent the past academic year (2013-2014) as a visiting student at the Ecole Normale Supérieure in Paris, France, where she conducted archival and oral historical research for her dissertation. Her research has been funded by the Clough Center for Constitutional Democracy, the Society for French Historical Studies, the American Historical Association, and the Social Science Research Council’s Dissertation Proposal Development Fellow program.

**PERIN GOKCE**, *Political Science, Ph.D. Candidate*

Perin Gokce graduated from Bilkent University in Ankara, Turkey, and completed a master’s degree in International Relations at Boston University focusing on political economy and the Middle East. Her Master’s thesis explored the rise of political Islam in Turkey, with a particular focus on economic factors and demographic changes, and analyzed the policies pursued by the Islamist Justice and Development Party with respect to political and social reform since it assumed power in November 2002. Before coming to Boston College for a Ph.D. in Comparative Politics in the Political Science Department, Perin worked for the Turkish Consulate General in Boston, and part-time for a research project on social movements in the Middle East based at the Harvard Kennedy School.

Perin's research interests include social movements and democratization, immigration, ethnic politics and identity with a regional focus on the Middle East but also including Muslims in Western Europe. Over the summer, she will be conducting field research among Turkish immigrant communities in Vienna, Austria on ethnic identity and immigrant integration. Austria is an interesting case because while it is home to 200,000 Turks, it is still one of the most restrictive countries in Europe in terms of granting citizenship and political rights to immigrants. There is also a significant presence of far-right anti-immigrant parties, which often leads to the adoption of legislation that can be discriminatory against immigrants. Against this background, Perin is interested in the underlying institutional reasons accounting for the challenges associated with the structural integration of Turkish immigrants. The primary focus of her research will be on integration into the labor market and in the area of education. However, her work will also take into account other aspects of integration, including the interplay of social and cultural integration with more structural factors. Perin's project will explore how Austrian state policies towards immigrants have evolved overtime to accommodate this seemingly challenging group of newcomers and how the home countries of immigrants, in this specific case Turkey, have responded to the needs of their citizens' abroad.

Perin is also interested in the civic participation of Turkish immigrant communities, and whether the strong associational life and dense social networks among Turkish immigrants has a spillover effect into increased political trust and political involvement in the host society. A related question of interest is how, if at all, Turkish immigrants make claims to local and state governments in demanding access to services and resources. In answering these questions, she will incorporate a variety of primary and secondary sources into her research, including interviews with immigration officials in Austria and representatives of Turkish associational groups as well as Turkish diplomats. Furthermore, she will also draw on comparisons between Western European countries who have also received labor migrants from Turkey, in order to explore if there are additional insights to be gained from a cross-country comparison for a broader understanding of the integration of Turkish immigrants.

**JOHN HUNGERFORD**, *Political Science, Ph.D. Candidate*

John Hungerford recently concluded his third year as a Ph.D. student at Boston College in the Department of Political Science where he focuses in Political Theory. His main research interest is in ancient Greek political philosophy, an interest acquired as a freshman in college when he was first confronted by the Socratic question "what is justice?" A question he never thought to ask because he had always taken for granted that such questions – questions about virtue – were outside the scope of science, such that one could not hope to arrive at a definitive answer to them. The immediate and obvious importance of these questions, however, made it clear that this assumption must be questioned. He is currently trying to understand the relation of nature to moral and political questions in Aristotle's thought.

**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, where his undergraduate thesis explored the concept of personhood in theology and law. His doctoral coursework has ranged across bioethics, sociology of religion, systematic theology, and social ethics. In the fall of 2012 he passed comprehensive examinations in scriptural ethics and family life, the theology of grace, ancient and medieval ethics, modern philosophical and theological ethics, contemporary philosophical and theological ethics, and sexual ethics. He has delivered conference presentations on a variety of topics ranging from the role of moral intuitions in ethical discernment to the development of Catholic social teaching

and the possibilities of Augustinian political realism. He published an article on the hookup culture that was honored as a co-recipient of the 2012 Elisabeth Schüssler Fiorenza New Scholar Award from the Journal of Feminist Studies in Religion.

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 research interests explore the ways in which theologians and ethicists can provide resources for everyday ethical evaluations. In keeping with the tradition of Plato and Aristotle, which understood ethical training as a means of refining self-control, he envisions this work complementing the Clough Center's commitment to the study of self-governance. Additionally, during his appointment as a Clough Graduate Fellow, Conor will continue working on a research project that examines the question of contemporary political gridlock in the United States through a theological lens. As part of this project, Conor will be completing a paper critiquing the 2010 Citizens United Supreme Court decision in light of Reinhold Niebuhr's understanding of "collective egotism," and he will present this paper at the annual meeting of the Society of Christian Ethics in January 2015.

Throughout his graduate studies, Conor has also pursued various forms of service to his sponsoring universities. During his final year at Notre Dame he served as an assistant rector in Fisher Hall, joining in the oversight of a dorm of 175 men. At Boston College he has worked as a research assistant at the Boisi Center for Religion and American Public life, aiding in the planning of two major conferences for the university's sesquicentennial celebration. One, on "Religion and the Liberal Aims of Higher Education," drew a distinguished group of panelists and presenters in November 2012, and the other, on "Religious Diversity and the Common Good," did the same in November 2013. He is now a research assistant for the Fall 2014 issue of C21 Resources, a biannual publication of Boston College's Church in the 21st Century Center. For the 2014-2015 academic year he will be teaching a core class on Catholicism for the theology department.

**KIARA KHARPERTIAN**, *English, Ph.D. Candidate*

Kiara Kharpertian is a 6th year doctoral student in the English department and a 4th year Clough fellow. She focuses on American literature from 1850 to the present and is primarily interested in literature of the American West. Her studies look closely at literary representations of class, labor, and space; specifically, her dissertation explores the way literature navigates the spatial texture of the American West's confusing, prolonged, and still occurring transition between relative "openness" and "closedness" by way of the literary patterns and habits that accompany class and labor. Broadly, she argues that literary depictions of class are a function of labor in particular Western ecological and urban spaces. Ultimately, her dissertation argues that ambivalence and anxiety toward spatial development and socioeconomic structures shape how citizens of the West navigate and define their senses of self and relationships to their work, as well as larger political policies and public institutions.

In the past, Kiara has completed doctoral exams on migration in contemporary American Western fiction and on cultural politics and space in historical and literary American Western texts. She is also interested in the role of popular culture and popular texts in the classroom and the way academia and academic writing can productively incorporate the popular. Among others, she has taught classes on American literary space and the Wild West in American fiction. When she's not locked in the library, you can probably find Kiara rock climbing or riding her pony Tindur.

**Yael Levin Hungerford**, *Political Science, Ph.D. Candidate*

Yael Levin Hungerford is a Ph.D. Candidate in the Political Science Department at Boston College, with a focus on political theory. Her work is concerned with the liberal political order, religious freedom, and modern epistemological skepticism. She is writing a dissertation on the status of truth

and knowledge and the political thought of Charles S. Peirce. Among other things, she is interested in determining the extent to which Peirce's modest skepticism can answer the critics of Lockean liberalism. Locke built his political project similarly on a modest skepticism, which has come under attack by postmodern critics who claim that the Lockean system ultimately unravels according to its own logic. Yael's dissertation is examining Peirce's attempt to define a meaning of truth in the face of extreme skepticism, and from her evaluation of his attempt, will explore whether Peirce can ultimately bolster Lockean skepticism and the liberal political order. Yael earned an A.B. in philosophy from the University of Chicago.

**AMY LIMONCELLI**, *History, Ph.D. Candidate*

Amy Limoncelli is a fifth-year doctoral candidate in the History department at Boston College, studying modern Britain and international history. Her dissertation, "Great Britain and the Rise of an International Civil Service, 1945-1975," examines Great Britain's role in shaping postwar international organizations including the United Nations, the World Bank, and the International Monetary Fund. British officials had a prominent role in the early years of these organizations, including the hosting of the United Nations Preparatory Commission and the first year of United Nations meetings at temporary headquarters in London. Moreover, Great Britain contributed the second-highest rate of international civil servants to many of these organizations in the ensuing three decades, second only to that of the United States.

Her dissertation compares the views of British officials in the Foreign Office with those of the British nationals who joined the international civil service in a variety of roles. It argues that British officials encouraged a high rate of participation in the international civil service in the hope that this would strengthen Britain's global influence, while British members of the international civil service shared a mix of ideological and practical reasons for their work. It also examines the ideology behind the international civil service and British influences upon and responses to that ideology. Although international civil servants were by definition loyal to the goals of their organization rather than their home country, British officials hoped that high representation would help reshape Britain's postwar and post-imperial role through technical, administrative, and humanitarian "expertise." British involvement in the international civil service did not only help redefine Great Britain's world role, it also helped to shape the development of the international organizations themselves. The dissertation examines where British international civil servants made the biggest contributions and how this affected each group's understanding of the British role in international organizations. It also illustrates how Britain's role within these organizations changed from 1945 to 1975, as ideas of the meaning of an international civil service developed to identify more specific responsibilities.

Amy received her Bachelor of Arts in History and Public Policy from the College of William and Mary in 2010, and a Masters in History from Boston College in 2013. She was the recipient of a Council for European Studies Pre-Dissertation Fellowship in 2012 to fund a summer of archival research in the United Kingdom, and has presented her research at conferences in Washington, D.C, Philadelphia, Baltimore, and Edinburgh. She spent the 2013-2014 academic year researching in archives in London, Oxford, New York, and Washington, DC, funded by a Dissertation Fellowship from the Boston College History Department. This is her third year as a Clough Center Graduate Fellow.

**JOHN LOUIS**, *Political Science, Ph.D. Candidate*

John Louis is a Ph.D. Candidate in Political Science at Boston College. His dissertation *States Building: Constitutional Structure, Political Culture, and the Bottom-up Origins of U.S. Infrastructural Development* evaluates two key episodes of U.S. infrastructure politics from a historical perspective. Taking an interdisciplinary approach, John's research uses modes of analysis from legal history

and economics as well as political science. The dissertation examines the ways in which America's constitutional structure interacted with civil society activist and finance capital to pattern processes of infrastructural development in both the early 19th and early 20th centuries. Comparing the outcomes of these cases, John hopes to uncover not only the origins of America's infrastructure policy, but also to discover solutions for addressing our nation's current infrastructure crisis.

John regularly presents his research at major political science conferences, and participates in the Boston Area Public Law Colloquium. During the 2013-2014 academic year John served as a Teaching Fellow in the Political Science department. His teaching interests include American Public Law, Constitutional Law, American Political Development, Democracy in America, and the Modern State.

**LIAM MARTIN**, *Sociology, Ph.D. Candidate*

Liam Martin is a Ph.D. candidate in the Sociology Department at Boston College. His work draws on a range of approaches for engaging with the people and communities most affected by the prison system. Liam's doctoral research has involved nine months living in a halfway house for men leaving prison and jail – spread over three separate stays – and life history and follow-up interviews with a network of former prisoners established while living at the house. Using this ethnographic approach, he examines how the prison experience follows people after they leave, the forces and processes that push people back toward prison, and the strategies of former prisoners rebuilding their lives while facing often extreme forms of social exclusion. Liam also teaches college courses inside Framingham and Norfolk state prisons through the Boston University prison education program.

**HEATHER PANGLE**, *Political Science, Ph.D. Candidate*

Heather Pangle is currently a Ph.D. student in Political Science at Boston College. She completed her doctoral coursework primarily in political theory and American politics. Her doctoral research will focus on themes and questions of freedom, equality, and political legitimacy. She is currently studying these topics in the context of a comparison between ancient Persian and Athenian imperialism, and in an investigation of the foundations of modern liberal democracies.

The first project compares the imperialism of democratic ancient Athens and despotic ancient Persia, asking how the Persians and Athenians justified and understood empire. This requires investigating their opinions about what makes political rule seem desirable, what makes ruling seem justified to those who rule, and how it is that rulers legitimate or justify their rule to others. The second project addresses questions about the foundations of modern liberal constitutional democracies and their compatibility with religion. It looks at the development of major positions in the 19th and 20th centuries about whether liberal democracy needs supra-rational foundations, and whether such positions were influenced by the gradual Christian acceptance and endorsement of democracy. During this period, Christians – especially Catholics – who had generally been wary of liberal democracy since its philosophical birth in the Enlightenment became some of its strongest advocates, while secular defenders and promoters of liberal democracy who had historically been likely to understand the advance of liberal democracy as a victory against religious establishments were increasingly to be heard doubting the adequacy of liberal democracy's secular theoretical foundations. This research will likely develop into a doctoral project that outlines some of the intellectual and religious causes of these changes.

**SCOTT REZNICK**, *English, Ph.D. Candidate*

Scott Reznick is a doctoral candidate in English. He specializes in nineteenth-century American literature and is particularly interested in the way that literature explores, imagines, and shapes the culture of American democracy. His research interests include American Romanticism, transcen-

dentalism, literary realism and naturalism, and political oratory. He recently completed a doctoral exam entitled “Slavery and American Literature” that explored how writers, poets, orators, and politicians confronted the problem of slavery by examining, and often reinterpreting, the nature of the relationship between the individual and the democratic community. By focusing on the intersection between literature, history, and moral and political philosophy, he aims for a new understanding of the “politics” of American literature and the ways that literature can enable a deeper understanding of American politics.

**JESSE TUMBLIN**, *History, Ph.D. Candidate*

Jesse Tumblin is a Ph.D. candidate in the History Department at Boston College who 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. It explores new definitions of national sovereignty, observable within the British Empire, that came to typify international norms after World War I. These were predicated upon the projection of military force, an issue that remains salient in the present day.

**KATE WARD**, *Theology, Ph.D. Candidate*

Kate Ward is a doctoral candidate and Flatley Fellow in theological ethics at Boston College. Her articles have appeared in *New Theology Review*, *Journal of Religious Ethics and Theological Studies*, and she is the coeditor of *Hungering and Thirsting for Justice: Real-Life Stories by Young Adult Catholics* (ACTA Publications, 2012.) Kate’s dissertation, “Wealth, Poverty and Inequality: A Christian Virtue Response,” engages a range of sources from across the Christian tradition to describe the effects of both wealth and poverty on virtue formation, arguing that growing societal inequality has a previously neglected moral impact.

In addition to working on this major project, Kate will use her time with the Clough Center to complete an article using Reinhold Niebuhr’s understanding of power to further conversation about the role of taxes in public life.

**GARY WINSLETT**, *Political Science, Ph.D. Candidate*

Gary Winslett earned a Bachelor’s Degree in Economics and a Bachelor’s Degree in Political Science from the University of Florida in 2009. He is currently a Ph.D. Candidate in Political Science specializing in International Relations. His research focuses on International Political Economy and the politics of trade. When he is not researching and teaching, he enjoys travelling with his wife and skiing.

His doctoral research examines the politics of international cooperation over regulatory trade barriers. As the global economy becomes more deeply interconnected, how governments manage the competing demands to reap the benefits of international trade while upholding their citizens values and preferences is becoming one of the central dilemmas for constitutional democracies. His research focuses on this very question within the context of the political of international cooperation on regulatory barriers to trade. Successive round of international trade negotiations through the General Agreement on Tariffs and Trade (GATT) and the World Trade Organization (WTO) have reduced tariff barriers on non-agricultural goods to just a small fraction of what they were in the late 1940s. As tariff barriers to trade have receded in importance, non-tariff barriers have become increasingly significant for international trade and different states’ trade policies. A particularly important subset of those non-tariff barriers is regulatory barriers; these are domestic regulations that still function to limit international trade. These kinds of regulatory barriers occur in a number

of policy areas ranging from labor and environmental standards to intellectual property rights on pharmaceuticals to antitrust regulation. In essence then, how constitutional democracies govern themselves is now inextricably linked to the global economy and how other states govern themselves.

His dissertation starts with an observation. Governments can and have chosen a diverse array of policy routes to cooperate over these regulatory barriers to trade. At times, they have chosen to internationalize their domestic regulations with seemingly little regard for the trade consequences. One example of this is the United States' Foreign Corrupt Practices Act. Another policy route that states have chosen is to harmonize their regulations through a formal treaty. An example of this is the World Health Organization Framework Convention on Tobacco Control. A third policy path is to coordinate policies through an international organization. The Trade Related Aspects of Intellectual Property Rights (TRIPs) through the WTO is an example of this. A fourth route is to have trans-governmental cooperation between regulators. An example of this how U.S. and E.U. regulators coordinate decisions with regards to business merger review. A fifth path is indirect international regulation through private actors. An example of this is the regulations written and enforced by the International Accounting Standards Board. The last path is no path at all. In some areas, states cannot come to any agreement with each other over different approaches to a given set of regulations. The ongoing dispute between the U.S. and the E.U. over genetically modified organisms in agriculture are an example of this. His central research question is when do states choose each these different paths and why.

**SARAH WOODSIDE**, *Sociology, Ph.D. Candidate*

Sarah Woodside's dissertation research focuses on social entrepreneurship and how social ventures navigate the two inherent imperatives of revenue generation and social mission achievement. While theories of constitutional democracy assume that the state is the guarantor of citizens' rights, in the current global economic context, both states and markets have failed to perform as their defenders suggested they should. Social ventures have, in some measure, been created to take up the slack. Sarah examines how the current economic context supports the rise of social ventures. Social ventures are not-for-profit, for-profit, or hybrid organizations that use business methods to achieve a social mission. The current economic context is one in which their operating strategy—to use business methods that capitalize on market exchange—aligns with the dominant economic paradigm. She looks at whether, in the face of high need and weakened government institutions, social ventures emerge not just out of altruism but also out of necessity.

She also considers whether social ventures can meet the needs of all sectors of society even as these organizations sit at the intersection of the goals of social mission achievement and revenue generation. Using an institutional logics framework, she looks at how social ventures negotiate the tensions that emerge between these two goals. By focusing on how tensions and conflicts are resolved within social ventures, we can see whether the rights and safeguards of constitutional democracies, while relocated to intraorganizational sites, are being honored or not.

She is also interested in the role of beneficiaries in social ventures and they may help to facilitate the broad social venture aims of democracy and social justice.

Sarah holds a B.A. from McGill University (Montreal) 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 in Dispute Resolution. She is currently a doctoral student in Sociology at Boston College and has been a Clough Fellow since 2013.

## CLOUGH CENTER SPOTLIGHT

# Clough Graduate Workshop

The Clough Graduate Workshop offers a forum for Clough Graduate Fellows, from an array of disciplines, to present research and receive critical feedback from other graduate students. After meeting on a weekly basis for the duration of the spring semester, participants were asked to share their experience with the workshop. These are their thoughts.

### **WHITNEY ABERNATHY**, *History*

This spring I had the opportunity to present my paper Alexis de Tocqueville: Civil Religion, Race, and the Roots of French Universalism: 1830-1857 at the Clough graduate workshop. While I have had papers workshopped in the past by fellow graduate students and faculty within the History Department, the interdisciplinary nature of the Clough workshop was extremely beneficial for my project. It provided me with outside perspectives and ideas from my colleagues in political science, sociology, theology, English, and philosophy. Because I am looking at the language of Tocqueville and his thoughts on religion and democracy from a historical point of view, it was useful to hear broader questions that focused on the nature of religion, the function of religion within contemporary democracies, and the role of empire in the construction of French metropolitan political institutions. This workshop challenged me to move beyond the scope of my own discipline and encouraged me to consider my own use of certain terms and methods.

Most of all, my colleagues' critiques of my writing and the paper's structure was helpful due to the fact that I am eventually planning on turning this draft into an article. It has become apparent to me over the course of this semester that all of our various disciplines approach the writing process differently. As a result, I have become more convinced than ever that we have a lot to learn from each other simply in the ways that we convey our own empirical data and ideas. The Clough workshop has been one of the most enriching experiences of my graduate career thus far.

### **TIM BRENNAN**, *Political Science*

Since my research project on Thomas Jefferson's "earth belongs to the living" letter had to do with several academic fields, the Clough Graduate Workshop was an ideal forum. To begin with, my argument was strongly criticized by a political science student who suggested that I had overstated the Founding Fathers' attachment to the doctrine of popular sovereignty. She rightly pointed out that the Founders were highly suspicious of democracy, and she therefore prompted me to clarify the distinction between popular sovereignty and simple majoritarianism. Next, a member of the English Department zeroed in on a part of my argument that was not sufficiently clear, and a history student wondered whether it might be useful to add some information about Jefferson's idiosyncratic hopes for an agrarian republic. Meanwhile, one of the sociologists, seconded by two historians, strongly suggested that I make more of the tension between the Framers' commitment to popular sovereignty, on the one hand, and the existence of slavery and tight restrictions on voting, on the other.

The three other main student contributions all came from political scientists. First, it was suggested to me that I present my article more as an attack on the "Yale Law School" approach to popular constitutionalism, and less as an analysis of twentieth century constitutional development. Second, I was advised that I should clarify the importance of the Commerce Clause in modern Supreme Court doctrine. Third, a fellow political theorist suggested that I might have exaggerated the strength of my case against holding a new convention.

# Clough Graduate Workshop Schedule

**JAN 13** Yael Hungerford  
*A Liberal Arts Education in a Modern Republic*

**JAN 20** Lauren Diamond Brown  
*Rationalized Patient-Centered Care*

**JAN 27** Conor Kelly  
*Citizens United in Collective Egotism*

**FEB 3** Kiara Kharpertian  
*Dissertation Chapter 3: "You've Got to Keep Control Over Every Square Inch of Soil": Mexican-Anglo Labor Relations in "The Squatter and the Don" and "The Plum Plum Pickers"*

**FEB 10** John Louis  
*Conflict over Construction: Internal Improvements and the Consociational Constitution*

**FEB 17** Perin Gokce  
*The Voting Diaspora: Implications for Transnational Political Activism*

**FEB 24** Tim Brennan  
*Periodic Constitutional Conventions: Did Jefferson Have a Case?*

**MAR 10** Liam Martin  
*To Go Straight or Return to the Street? Life After Prison in an Old Industrial City*

**MAR 17** Amy Limoncelli  
*Redefining a Role: The British in the United Nations, 1945-1970*

**MAR 24** Kate Ward  
*A Niebuhrian Approach to Taxation as Constraint of Power*

**MAR 31** Elise Franklin  
*Disintegrating the Social Aid Network: Algerian Family Migration after the Oil Crisis in France, 1968-1979*

**APR 7** Tim Carey  
*Notions of Justice in Muslim and Catholic Responses to HIV/AIDS in Kenya*

**APR 14** Whitney Abernathy  
*The Roots of Secular Christianity in French Algeria*

**APR 21** Gary Winslett  
*How National Regulations Became the Primary Barrier to International Trade*

**APR 28** Amelia Wirts  
*Democratic Legitimacy in Administrative Law*

**MAY 4** John Hungerford  
*What Does It Mean that Politics Requires Force?*

**MAY 12** Michael Franczak  
*Multilateralism, Nationalism, and Imperialism: British Foreign Economic Policy, 1944-54*

**MAY 16** Pete Cajka  
*The Conscience in American Liberalism, 1939-1963*

Finally, Professor Vlad Perju suggested that I cut out a particular quotation from Justice Scalia that opened up a large and controversial issue I had not adequately addressed. He also drew my attention to the fact that the average lifespan of a constitution around the world has proved to be about nineteen years—so perhaps Jefferson's idea was more far-sighted than even he anticipated.

Overall, this was an extremely useful exercise for me. In one way or another, I have incorporated all of the suggestions into subsequent drafts.

## **LAUREN DIAMOND BROWN**, *Sociology*

I have gained valuable insights into my work and grown as a scholar through participating in the Clough writing workshop. It is the opportunity to dialogue with scholars from multiple fields and to challenge each other intellectually that I value most about the workshop. The graduate workshop has improved my analytical skills and expanded by creative thinking. The feedback I received from other fellows during my presentation is responsible for important changes I made to my paper. Furthermore, participating in the thoughtful critique of other people's work has exposed me to a variety of writing styles, ways to formulate an argument, new types of research questions, and how to think about my work in the wider democratic context. Clough workshop discussions reveal taken-for-granted assumptions of my sociological perspective and raise questions outside those canonical to my field. The experience of being 'in the hot seat' as a presenter also has been useful for learning to think on my feet, communicate, and defend my ideas to critical intellectuals.

**ELISE FRANKLIN**, *History*

I set two goals for my presentation at the Clough Center's Graduate Fellows Workshop: first, to conduct a conversation about my chapter in a way that would help fellows from other disciplines perceive what I understand as the stakes of my dissertation, and second, to use the critique and comments from other fellows in order to craft this chapter into a self-contained article. In responding to critiques about my chapter, I hoped to demonstrate the contemporary relevance of my research topic on French decolonization and Algerian immigration. As a historian, it is easier to explain my topic in terms of historiography and my conversations with the literature. However, I was much more successful in explaining my work to the other fellows when I was able to speak to my dissertation's specific interventions in the broader context of our interdisciplinary interests in citizenship, democracy, and integration. Indeed, each workshop I have attended has helped me to think about framing my questions and comments more broadly. While I am still in the process of transforming my chapter into an article, the suggestions from the other fellows—and particularly those from fellows from other disciplines—have helped me to see the areas of my chapter that were unclear or underdeveloped. Moreover, this conversation has allowed me to strengthen the chapter as part of the whole dissertation.

**PERIN GOKCE**, *Political Science*

The graduate workshop has offered me an invaluable experience to present my work and receive rigorous feedback from a group of very smart and engaged scholars. The interdisciplinary makeup of the group brings in refreshing perspectives that are hard to come across in our own departments. Comments on improving on my theoretical framework and on how to better place my work within a scholarly debate were especially helpful and helped put things in perspective. The workshop is also a great place to pitch new research ideas and gauge people's interest. Through these workshops, I've also benefited from reading dissertation chapters or articles for publication, which have helped me think through how to integrate archival work and interviews into my own writing. There is no doubt in my mind that thinking critically and asking questions about other people's works has also helped me grow as a scholar. Overall, I think the workshop has been a great success for both presenters and participants.

**JOHN HUNGERFORD**, *Political Science*

The graduate workshop this year has been very helpful for several reasons. First, the opportunity to read and discuss papers from other disciplines and subfields has given me a greater familiarity with the landscape of academia, acquainting me with many of the premises, methods, and intellectual habits of other approaches to studying the world. Second, it has helped me understand how to present my own ideas more clearly. The experience of reading papers from outside my own field has shown me how easy it is to assume an extensive common ground between oneself and one's reader, a tendency which has the effect of narrowing the audience that can plausibly be benefited by one's contribution. Finally, it has helped me think more strategically about my writing and scholarship. Much of the feedback has helped illuminate what reviewers might consider when they receive an essay for publication, and what sorts of elements of writing and research ought to be emphasized or cut back to make it most desirable to publishers.

I would add that the new format, which formalized the workshop and made it more regular, has greatly improved the experience. It has made it both more serious and more comfortable, and has allowed us to learn more from each paper and each discussion.

**Yael Levin Hungerford**, *Political Science*

I found it very helpful to present on my work before the Clough Center Graduate Fellowship Seminar these past two years. For one thing, having to summarize my work and present it to a broader audience than I otherwise would have a chance to address was a helpful exercise in itself. While the most helpful student feedback I received was from those students in my own subfield, it was also a useful experience to field questions from those from outside my field; being asked questions I had not expected has helped prepare

me for presenting my work to audiences outside of Boston College. Finally, I was very glad to make the acquaintance of and receive feedback from professors from outside my department; by speaking with scholars from different but related fields, I was able to see my topic from a new angle, which has proven very helpful to me as I wrap up my dissertation.

**KATE WARD**, *Theology*

I presented work at the Clough Graduate Fellows meeting on March 24, 2015. The essay I presented is a work in progress entitled “A Niebuhrian Approach to Taxation as Constraint of Power.” I first drafted it as a seminar paper and am revising it for eventual publication in a theology journal. Drawing on the work of U.S. Protestant theologian Reinhold Niebuhr (1892-1971), I show that Niebuhr’s understanding of the tendency of groups to concentrate and misuse power allows for an understanding of taxes as constraint of power. Such an understanding of taxes could help Christians and other concerned citizens who argue for robust taxation in part to control the power of the wealthy over the poor in today’s unequal societies.

The Clough graduate fellows demonstrated an impressive ability to understand and critique my argument even though few of them were familiar with the field of theology (as evidenced by the fact that few had heard of Niebuhr, who is well-known among theologians.) I have remarked on this ability on the part of the fellows in all our previous gatherings but was especially able to assess it when we were operating on my turf. There is no better evidence that this is a truly interdisciplinary group—we are truly talking together and not past one another when we provide feedback on each other’s work.

The fellows provided helpful feedback on what I did effectively in the structure and mechanics of the essay, and encouraged me to adapt the argument for a broader audience, which I had not considered. Much of their most useful feedback centered on bringing the argument to a broader audience and how I might do that. It was reassuring that scholars outside my field thought this work might be of interest or even of benefit to laypeople outside the field of theology. Professor Diane Rehm from the BC Law School was kind enough to attend the meeting and shared some invaluable references on ways of construing taxation within the legal field. That was exactly the feedback I had hoped for as I continue to revise this essay for a scholarly audience. Precisely the reason I chose this work in progress to share at the Clough seminar is that I knew I did not know much about ways of understanding the purpose of taxation in other fields, and hoped the Clough community might be able to help me fill the gaps in my knowledge. For this I am especially grateful.

**GARY WINSLETT**, *Political Science*

At the Clough Graduate Fellows Writing Workshop, I was able to present and get critiques of one of my dissertation chapters on the intersection of trade and regulation. I found the exercise immensely helpful because I was able to get comments from a range of disciplinary perspectives. For example, several historians pushed me to emphasize further the substantive significance of my findings. One of the theologians’ comments helped me think through how to better engage with a competing explanation to my own. Professor Perju helped me see which aspects of my findings in that chapter merit further discussion. Since then, I have implemented essentially all of the comments and critiques that I received. I believe this has made the chapter much stronger.

I also appreciated and benefitted from the fast-paced question and answer format of the workshop. As I will be entering the job market soon, and faculty position job interviews involve these kinds of question and answer sessions on the applicant’s research, this workshop was excellent practice. Furthermore, when you only have a moment to assemble an answer to a question, you become very self-aware of which areas of your argument are strong and which need bolstering.

I have also benefitted from these workshops by being able to read research from multiple fields. Seeing how sociologists, historians, and political scientists respectively think about causation, change over time, and concept formation has broadened my range in terms of thinking through various means of explanation.

# Clough Junior Fellows

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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 2014-2015 Junior Fellows are:

## CLASS OF 2015

Ormeed Alerasool  
Olivia Appicelli  
Emily Belic  
Jonathan McGraw Bentley  
Sarah Bertin  
Elizabeth Blesson  
Tyler P Carroll  
Christopher Chersi  
Eric Ciulla  
Jeremy Fryd  
Christopher Grimaldi\*  
Eleanor Hildebrandt  
Abigail Horgan\*  
Laura Huggard\*  
Alice Kennedy  
Thomas Killeen  
Rebecca Kim\*  
Karen Lam  
Julia Lamberti8  
Mabel Lee  
Lucas Levine  
Tesia Mancosky\*  
Zachary Malnik  
Bridget Manning  
Deanna McWeeney

Elinor Mitchell  
John Moroney\*  
Alex Moscovitz  
Adam Murray  
Andrea Pessolano  
Brandan Ray\*  
Chrissy Raymond  
Marissa Sangimino\*  
Tyler Wilkinson  
Muhan Zhang\*

Kaitlin O'Donnell\*  
Maria Picariello\*  
Zhao Qin  
Sloan Renfro\*  
Kevin Roberts  
Sarah Schmidt  
Jerome Shea  
Max Stoff\*  
Sean Sudol  
Darby Sullivan\*

## CLASS OF 2016

Eleanor Baer\*  
Matt Beckwith  
James Cody  
Daniel Cosgrove  
Alexis Fessatidis  
Johann Friedl  
Alexander Hawley  
Tate Krasner\*  
Daniel Latu  
Ryan D. Lee\*  
Yong Lee  
Thomas Madden  
Francesca Malvarosa  
Jie Mao  
Marissa Marandola\*

## CLASS OF 2017

Mackenzie Arnold  
Joseph Arquillo  
Teighlor N Baker  
Nathan C Dahlen\*  
Domenick Fazzolari  
Christine Marie Loric  
Emily Murphy

\*Civic Internship Grant Recipients

## 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 work on behalf of government, non-profit, or other civic organizations during the summer. Civic Internship Recipients also gain automatic membership into the Clough Junior Fellows Program. The 2014 Civic Internship Grants that have been awarded to:

**ELEANOR RACHEL BAER** is a junior majoring in political science with minors in both international studies and philosophy. Ellie is involved in the Clough Junior Fellows Program, mock trial, Eagle Political Society, Women in Business, and Bellarmine Law Society at Boston College. This summer she will be working with the Embassy of Ireland in Washington, D.C., where she will work with Irish international relations in order to gain insight into the work of the Embassy. In her position, she will be working for the political department with Irish diplomatic staff working in conjunction with American public and private organizations and institutions to serve and promote Irish interests in the United States. Ellie will be performing both administrative tasks as well as specialized tasks such as event planning and coordination. Ellie will also initiate research of international issues, will prepare briefs, reports and correspondence, and assist with meetings all while gaining a deeper insight to Irish-American relations.

**NATHAN DAHLEN** is a sophomore at Boston College. This summer, Nathan will be working as an undergraduate research fellow at Minnesota2020 – a non-partisan public policy think tank in St. Paul. He will conduct data-driven and unbiased research on a variety of projects. In particular, he plans to research the effects of Minnesota's minimum wage policy, study the results of Minnesota's shift to more conservative education policy in the past decade, and forecast the availability of affordable housing in Minnesota. He will strive to make his research data-driven and non-partisan, and any publications accessible. Nathan expects his experience at Minnesota2020 to confirm his interest in data-driven public policy research. In the summers to come, he hopes to build on his experience at Minnesota2020 and conduct research at think tanks that focus on national and international issues.

**CHRISTOPHER GRIMALDI** is a senior at Boston College majoring in Political Science and minoring in Management & Leadership. Having been named a member of BC's Political Science Honors Program and inducted into the Alpha Sigma Nu Jesuit Academic Honor Society, Christopher was most recently appointed as Undergraduate Coordinator of the Clough Junior Fellows Program for the 2014-15 school year. Christopher will be working in our nation's capital at the American Enterprise Institute for Public Policy Research (AEI), serving as a research intern for AEI Senior Fellow and Former U.S. Second Lady Lynne V. Cheney. Specializing in American history education reform, Mrs. Cheney has advocated for conscientiously teaching the American Constitution in classrooms so that students can more thoroughly understand the democratic liberties they possess. Working alongside Mrs. Cheney and her staff, Christopher will conduct research for Mrs. Cheney's writings, assume ongoing communications responsibilities, and aid in coordinating the institute's promotion of political scholarship. His research and policy analysis will also take place in various locations around Washington, D.C., including the Library of Congress.

**LAURA HUGGARD** is an International Studies major concentrating in Ethics and International Social Justice and minoring in French. At BC, she is the Assistant Director of the Boston College Dance Ensemble, a volunteer at the Campus School through the Creative Kids program, a participant in the Jenks Leadership Program, and a member of the Campus School Marathon Team. This summer she will be an intern in Worcester County District Attorney Joseph D. Early, Jr.'s Office in Worcester, MA. She will work in the Central District Court Unit under the supervision of Assistant District Attorney Mark. J. Murphy. There, Laura will conduct research and work on projects in order to help the Assistant District Attorneys prepare cases, will sit in on trials and other court proceedings in order to observe and learn about the legal system, and will assist in administrative duties. She will also contribute to the work of the District Attorney's office while gaining experience in the legal system, and particularly the criminal justice system.

**REBECCA KIM** is majoring in Applied Psychology and Human Development with a concentration in Community, Advocacy, and Social Policy and double-minoring in International Studies, with a focus in Ethics and International Social Justice, and in Hispanic Studies. Rebecca is interning at The Massachusetts State House as the Legislative Aid in Senator Chang-Diaz's office. As their Legislative Aide, she will handle issues such as Immigration, Children/Families, and Mental Health and Substance Abuse. Her primary task is to assist the staff in managing correspondence with the Senator's constituents. Rebecca will have the opportunity to work closely with legislative staff to address constituent concerns in the areas of housing, public safety, education, public assistance, elder services, etc., and to make sure that each constituent knows that the Senator and staff have taken the appropriate steps to respond to the situation. Rebecca will also have the opportunity to witness various parts of the legislative process, including briefings, hearings, and debates on the Senate floor.

**TATE KRASNER** is a junior at Boston College where he is an International Studies major with a concentration in Ethics and minors in Chinese and Russian. Tate serves as an Undergraduate Research Fellow for Kenneth Himes of the Theology Department, he is also Editor-in-Chief of *Al-Noor*, Boston College's Middle Eastern and Islamic Studies Journal, and is a member of the Presidential Scholars Program. This summer, Tate will be interning at the S. Rajaratnam School of International Studies, a graduate school and policy think tank of Nanyang Technological University in Singapore. The University of Pennsylvania's "Think Tanks & Civil Societies Program" has consistently named RSIS one of the top think tanks in both Asia and the world, with expertise and extensive research on strategic and international affairs. At RSIS, he will serve as a research and translation assistant for Professor Richard Bitzinger of the Military Transformation Programme and Professor Mingjiang Li of the China Programme. He will be focusing on the process of Chinese militarization and its potential impacts on US-Chinese relations.

**JULIA LAMBERTI** is a junior pursuing degrees in Accounting and Hispanic Studies. As a member of Boston College's Global Service and Justice Program, Julia examines issues of social justice, concentrating in Immigration and Economic Development. This summer, Julia will have an opportunity to study the intersection of technology, politics, and economic development through an internship in the Office of Intellectual Property Enforcement (IPE) in the Bureau of Economic and Business Affairs at the U.S. State Department. She will assist in organizing and approving IPE's overseas outreach projects on intellectual property issues and she will join the fight against counterfeit pharmaceuticals by supporting IPE's agenda for safe, high-quality medicines.

**RYAN D. LEE** is a junior English major with a minor in Political Economy. This summer, Ryan will intern at the Suffolk County District Attorney's office, where he will get his first glimpse of criminal law. As an intern in the Homicide Unit, he will be working under attorneys who are considered the most skilled prosecutors. Ryan will work with them to formulate a case and witness their presenta-

tion in court. The close relation between the DA's office and the Boston Police Department will allow him to explore the field of law enforcement and the dynamic between these two branches of the state. He also hopes to spend some time in the police department in order to understand the relationship and the process of creating a case, from finding the evidence to the presentation of the evidence.

**TESIA MANCOSKY** is a senior at Boston College studying International Studies with a focus in Political Science and Latin American Studies. This summer, Tesia will work as an intern in Managua, Nicaragua with Manna Project International, an NGO dedicated to holistic community development. Manna Project Nicaragua works in two communities: Cedro Galán and Villa Guadalupe. Manna has had an active presence in Cedro Galán for ten years, and has built and now operates a community center through which English and liveliness classes are taught. In Villa Guadalupe, Manna runs a women's jewelry cooperative and a child sponsorship program. As a summer intern, Tesia will be actively involved in and responsible for several of these programs. Furthermore, she will work with the administrative team, managing the finances and grant applications that ensure Manna's future in Nicaragua.

**MARISSA MARANDOLA** is a junior and Presidential Scholar in the Morrissey College of Arts and Sciences. She is a Political Science major with minors in American Studies and Management and Leadership. This summer, Marissa is an intern at the Rhode Island Center for Freedom and Prosperity and the Rhode Island Office of the Attorney General. Marissa, as an intern, will attend strategy meetings and plan Center events. The primary focus of her work will be research and policy development, through three Center projects: forming a school choice policy, compiling data on economic metrics, and tracking legislators' records to create voter education tools. At the Office of the Attorney General, Marissa will work directly with an attorney in the Criminal Division. She will perform research in the Attorney General's law library to assist with case preparation, compile case evidence through communication with police departments, participate in witness interviews, and observe proceedings in Rhode Island Superior Court. In addition, Marissa will help to organize events related to Rhode Island's prison outreach program, which allows inmates to earn community engagement credits by sharing their stories with middle and high schools students.

**JOHN MORONEY** (Jack) is a senior at Boston College majoring in political science and minoring in history. This summer, Jack will be interning with his district's representative, Congressman John Kline (MN-2). Some of his duties will include answering constituent calls, drafting replies to mail, and giving tours to visiting constituents. He is most excited about the chance to summarize policy points and attend meetings, legislative sessions, and conferences in order to keep the office up to date. Congressman Kline is part of the House Committee on Armed Services and chairs the House Committee on Education and the workforce, so John will focus most of his efforts on education policy and military affairs.

**ADAM MURRAY** is a senior political science major with a minor in education. This summer, Adam will be participating in an internship program at Senator Kirsten Gillibrand's office in Albany, New York. This internship will provide him an inside look into the workings of a congressional office and will allow him to decide if work in the public service is in his future. His role as an intern will principally be working in constituent services acting as a conduit between the Senator's constituents and the Senator's staff. Adam hopes to work in the area of education politics and plans to further investigate this passion of his through his work in the Senator's office.

**KAITLIN O'DONNELL** is an International Studies Major with a focus on Ethics and Social Justice and is also a Spanish minor. At BC, Kaitlin is involved in the Student Initiatives department of

UGBC, the Student Admissions Program, community service, the Social Justice Coalition. This summer, Kaitlin will be interning at Medical Teams International in Portland, Oregon. Medical Teams International is an organization that provides health services to those in need who ordinarily wouldn't have access to proper care. At this internship, Kaitlin will be working in the Marketing and Development department to help plan for the organization's annual auction. This auction raises millions of dollars for the Medical Teams International and provides funding for the many services they provide. Her responsibilities will be to assist the marketing and development department in whatever way possible.

**MARIA PICARIELLO** is a junior at Boston College where she is pursuing a political science major and history minor. She is currently a Big Sister in Boston College's Big Sister/Little Sister organization and a member of the public speaking club "Word of Mouth." This summer Maria will be interning at her Congressman's office in Morristown, New Jersey. At Congressman Frelinghuysen's office, she will perform a wide variety of tasks. Some of her duties include writing correspondences and memos, managing phone calls with constituents, and researching various topics and issues. She will attend meetings with the Congressman and assist the employees in their daily tasks. Maria will also be assigned special projects to complete with the other intern in the office. These assignments are completed in both an individual and group environment.

**BRANDAN RAY** is a senior in the Morrissey College of Arts and Sciences. He is a history major with a minor in philosophy and is also a member of the Arts and Sciences Honors Program and Pre-law Program. He is a member of the Boston College University Chorale, Committee for Creative Enactments, the Women's Resource Center's Bystander Intervention Program, the Golden Key Honors Society, and the Phi Alpha Theta History Honors Society. This summer, Brandon will be working for New York State Attorney General Eric T. Schneiderman in Albany, New York. He will be working for the Consumer Frauds and Protection Bureau as a mediator responsible for handling consumer complaint cases regarding fraudulent or misleading business practices in the state of New York. His duties as a mediator will include keeping in touch with consumers regarding their ongoing case, contacting both large corporate and small business owners with the regards to their involvement with a consumer's case, and properly copying, filing, and entering the case's development into the Bureau's database. In addition, he will be performing similar duties for the Civil Recoveries Bureau, which handles the recuperation of money owed to State agencies through affirmative litigation.

**SLOAN RENFRO** is currently enrolled in the Arts and Sciences Honors program, pursuing a Bachelor of Arts in History and a minor in Medical Humanities on the pre-law track. Sloan enjoys studying the political history of international relations, specifically in the spheres of human rights and national security. This summer, Sloan will intern in the Office of the Principle Legal Advisor of Immigrations and Customs Enforcement of Homeland Security in Dallas, Texas. This internship marries her interests in the legal profession with her passion for governmental affairs regarding national security issues. Specifically, she will be involved in legal affairs concerning human, drug, and weapon trafficking. After the summer, she will continue to gain internship experience during her time in the Boston University Geneva Internship program in Switzerland. Studying abroad in Geneva will equip her with invaluable knowledge of the international community.

**MARISSA SANGIMINO** will be interning this summer with the West Penn Allegheny Health System (WPAHS) Singer Research Institute. Through the internship, she will work on the Patient-Safety Project for WPAHS, under the advisement of the Department of Orthopaedic Surgery and the Singer Research Institute, to provide quality research and analytical data. In the internship, Marissa will perform intensive research, aid in the creation of a data collection mechanism within the office structure of the Department of Orthopaedic Surgery, collect and document objective and subjective

information from patients with data collection specialists, and work with a statistician to analyze all research. Further, she will work closely with faculty, professionals, and other interns to design an intervention strategy for the system to reduce complications in the future.

**MAX STOFF** is a junior at Boston College, studying Political Science and Human Development. Max is interested in education reform and public policy, and he is particularly ambitious in regards to education reform both on a local and national level. He strongly believes that education truly is the civil rights issue of his generation, and through the proper implementation of public policy and the dedication of passionate individuals, he believes that major advances can be made in the field of national education. By interning for Senator Elizabeth Warren this summer, Max hopes to improve his understanding of public policy while serving his home district. As an intern he will complete a number of duties, varying from conducting research for the legislative staff, to communicating with constituents, to helping with office administration. He will assist with tours of the United States Capitol for visiting constituents, attend Senate related briefings and hearings, and support the press staff.

**DARBY SULLIVAN** is a junior International Studies major with a concentration in Ethics and International Social Justice and a Women and Gender Studies minor. This summer, Darby will participate in a Boston College service and immersion trip to Jamaica through the Campus Ministry. While in Kingston, Darby will serve as a teaching assistant at a local primary and high school. After her trip, Darby is excited to begin her internship at the Lawyers' Committee for Civil Rights Under Law in downtown Washington, D.C. She will be collaborating on the Educational Opportunities Project, which works to advance our nation's ideals of providing equal and adequate public education for our students. Darby will prepare workshops, parent guides, promotional materials, and provide basic legal assistance for both of these programs. Additionally, Darby will be contributing to the Lawyers' Committee's blog, Ed Equity, and attending other briefings held by related organizations around the city

**MUHAN ZHANG** is a senior at Boston College. This summer, he will be working at the State Department Office of International Communications and Information Policy (EB/CIP): the inter-agency lead responsible for the formulation, coordination, and oversight of American policy related to information and communication technology. As an intern, Zhang looks forward to working with a small focused team whose diverse responsibilities include creating technology profiles of foreign nations, partnering with private sector leaders to represent the U.S. in international meetings, and coordinating information between advisory committees, consumer organizations, and U.S. embassies around the world.

# Clough Law Fellows

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## Public Interest Law Scholars

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 2015-16 Public Law Scholar grants have been awarded to:

### **NICOLE CARDAMONE**

Nickie Cardamone is a rising 3L at Boston College Law School. She grew up in Clearfield, Pennsylvania and attended Boston College, earning a B.A. in International Studies in 2011. After graduating from BC, Nickie spent a year in San Francisco, California as a part of the Jesuit Volunteer Corps working at Raphael House of San Francisco, a residential program and shelter for families experiencing homelessness.

Last summer, Nickie interned with the Housing Unit at Greater Boston Legal Services in Boston, Massachusetts. This academic year she has been a part of the Juvenile Rights Advocacy Project, part of the Boston College Legal Services LAB, as an SJC Rule 3:03 Law Student Intern. Also, she is working toward a Certificate in Human Rights and International Justice through the Certificate Program of the Center for Human Rights and International Justice at Boston College.

This summer, Nickie will be interning with the National Law Center on Homelessness & Poverty in Washington, D.C. and will be a part of the Law Center's efforts to prevent and end homelessness. As a legal intern with the Law Center, she will be performing legal research and analysis and writing memos and briefs related to ongoing projects in the Law Center's civil and human rights programs, as well as assisting with trainings and presentations by the Law Center about these project areas to other attorneys, advocates and service providers. Nickie is honored by this opportunity, where she will continue to explore her interests as she works toward pursuing a career in public interest law.

### **DANIEL EDELSTEIN**

A first year law student, Daniel Edelstein grew up in Evanston, Illinois and graduated cum laude from DePaul University with a B.A. in Philosophy and a minor in Classics. While a student at DePaul, Daniel was published in student journals and presented a paper at the SUNY Oneonta Undergraduate Philosophy Conference. While leading several student volunteer groups and interning at the Chicago chapter of the Campaign to End the Death Penalty, Daniel developed a commitment to pursuing public service.

After he graduated, Daniel served with AmeriCorps at Big Brothers Big Sisters of Franklin County in Greenfield, Massachusetts as part of the Mass Mentoring Partnership's Ambassador of Mentoring program. There, Daniel facilitated mentor relationships with youth, often working with children on the margins of both the education and criminal systems. Daniel also initiated programming

aimed at strengthening connections between the organization and current volunteers. Following his AmeriCorps service year, Daniel became the director of teen programming at the Evelyn Rubenstein Jewish Community Center in Houston, Texas, where he dramatically increased participation for adolescents.

After two years at the JCC, Daniel and his partner sold their belongings, packed two backpacks and bought a one-way ticket to New Delhi where they began a year of globetrotting around India, South-east Asia and Europe. After countless adventures, Daniel and his partner came to Boston to attend law school.

This summer, Daniel will be interning with the Boston Chapter of the Lawyers' Committee for Civil Rights and Economic Justice. The Lawyers' Committee is a nonprofit legal organization that works through individual legal actions and major law reform cases, as well as public policy advocacy, community education and community economic development to protect the "civil, social, and economic liberties" of residents in Greater Boston. Specifically, Daniel will be working with the Committee's Education Project, which serves students of color and students with disabilities disproportionately affected by exclusionary punishment, commonly referred to as the "school-to-prison pipeline."

Daniel will be responsible for helping to guarantee quality education by representing clients directly, researching legal precedent and policy, and engaging in community outreach. The Education Project's recent report, "Not Measuring Up: The State of School Discipline in Massachusetts" has unearthed the realities of the disproportionate punishment on students of color and students with disabilities. Daniel will be tasked with using the findings of the report, in conjunction with testimony from new clients, to hold schools accountable for implementing the 2012 Massachusetts law designed to curb the overuse of exclusionary punishment.

In the future, Daniel plans to pursue a career in public service focused on promoting economic and social justice. He hopes to open his own firm dedicated to providing legal services to low and moderate income clients, while also using his legal training to effect policy in the areas of economic and food justice.

#### **HANNAH FARHAN**

Hannah Marie Farhan, a current J.D. candidate at Boston College Law School, comes from a split background in medieval history, technology, and elementary education. She attended Georgia Institute of Technology from 2007 to 2011, earning a Bachelor of Science in a dual History and Sociology degree with specializations in research and international studies. After graduating, Hannah Marie joined Teach for America and spent the next two years teaching 2nd and 3rd grade in a French immersion magnet school in Kansas City, Missouri. Given her background, she is particularly interested in finding ways to integrate

Since starting at BC Law, Hannah Marie has done human rights work in Haiti and has been an active member of multiple student organizations, including the International Law Society, the American Constitutional Society, and the Law Students' Association. Last summer, she worked as a legal intern for Sonus Networks and was the research assistant for Professor Kent Greenfield.

This summer, Hannah Marie will be working in the Criminal Section of the Department of Justice's Office of Civil Rights in Washington, DC. This will entail research into areas of national and international concern regarding civil rights violations, including issues such as human trafficking, police brutality, and violations within the penal system. She is planning a career in public interest work after graduation, particularly with respect to the government and the role of the judiciary.

As a rising 3L, Hannah Marie will participate in the Juvenile Rights Advocacy Project (JRAP), wherein she will work closely with educational advocacy as well as youth in the juvenile justice sys-

tem. Students in JRAP provide individual, thorough legal representation to their clients and work to promote policy changes to reduce youth incarceration and to increase access to appropriate social services. She will also be joining three other students to represent Boston College Law School as a member of the Jessup International Moot Court Team.

#### **SONJA MARRETT**

Sonja Marrett is a member of the Boston College Law School Class of 2017. She graduated from Northwestern University in 2012 with a degree in Political Science and International Studies and a minor in Environmental Law and Policy. After graduation, she worked for the Sierra Club, Illinois Chapter as a campaign organizer for a successful Sierra Club endorsed State Representative campaign. In this position, she engaged with the community on important environmental issues, such as clean energy. She also organized numerous community events educating the public about the State Representative's environmental platform. Subsequently, she worked at a small law firm in Chicago as a paralegal.

As a 2L at Boston College Law School, Sonja will serve as the Community Events Chair of the Public Interest Law Foundation, a Project Manager for the Environmental Law Society, and the Secretary of the South Asian Law Students Association.

This summer, Sonja will be working at the Boston chapter of the Conservation Law Foundation (CLF) as a legal intern. CLF uses a multi-lateral approach to finding solutions to New England's numerous environmental problems, utilizing the law, science, policy-making, and the market. Sonja's role at CLF will be to research and draft legal memoranda regarding Clean Air Act and Clean Water topics in support of ongoing litigation. Additionally, she will assist in draft pleadings for state and federal administrative proceedings and litigation and will participate in case and program strategy discussions. She will also provide assistance on some environmental justice projects throughout the summer.

Sonja hopes to use her experience at CLF working in environmental law with a focus on environmental justice issues facing low-income communities, potentially internationally. She first became interested in this area while researching environmental racism in low-income communities on the South Side of Chicago and the community efforts to shut down coal-fired power plants in these areas. Thus, she is very interested in the human impact of environmental degradation and hopes to work to alleviate some of these problems.

#### **LAUREN SCHAAL**

Born and raised in Omaha, Nebraska, Lauren Schaal has been working with survivors of domestic violence and sexual assault for the past seven years in shelters, crisis centers, and legal programs. She graduated from the University of Nebraska at Lincoln in 2013, earning of a Bachelor of Arts degree in Political Science and Communication Studies. While in Nebraska, Lauren became a women's advocate at The Friendship Home, an emergency domestic violence shelter. There she worked as a counselor, hotline staff, and assisted residents with their daily needs. Lauren is also a certified rape crisis counselor, and has worked as a legal advocate at the Boston Area Rape Crisis Center.

Having just finished her second year of law school, she will be spending her summer working in the legal department at Casa Myrna Vazquez, the largest provider of shelter and support services to domestic violence survivors in the Boston area. There, she will research family law matters, assist attorneys in divorce, child custody, and restraining order cases and perform intakes for new clients. It is Casa Myrna's mission to empower survivors to build a life after abuse, and an important piece of that mission is to provide free legal services to those in need.

After graduation, Lauren hopes to continue advocating for survivors through legal assistance. She hopes to do so by working for a domestic violence oriented nonprofit organization in the Boston area.

## Academic Law Fellows

With this fellowship appointment, the Clough Center recognizes Boston College Law School Students of exceptional academic ability and accomplishment who are enrolled in any of the Law School's degree programs. The 2015-16 Academic Law Fellows are:

### **THANITHIA BILLINGS**

Thanithia Billings is a law student at Boston College. Originally from a small town in Georgia, she received her Bachelor of Arts in Psychology from Princeton University in Princeton, NJ. Her undergraduate thesis was entitled *The Effects of Race and Gender on Impression Formation*. During her time at Princeton, she was the captain of the varsity track team, which helped her develop an interest in the organizational structure of the National Collegiate Athletic Association (NCAA). After law school, she hopes to stay in Boston working at a law firm with plans to eventually work in college athletics. She strongly believes that the way in which the NCAA operates is not sustainable from a legal prospective, and lawyers are going to be the driving force behind a large shift in college athletic governance.

### **MARY PAT BROGAN**

Mary Pat Brogan, a current Boston College Law School student, grew up in Silver Spring, Maryland. She graduated from the University of Notre Dame in 2011, earning a Bachelor of Arts in history and in English. After graduation, she participated in MercyWorks Volunteer Program, a year long full-time program at Mercy Home for Boys and Girls, a therapeutic residential program for teenagers in Chicago, IL. There she worked with young men between ages 17 and 21 using a strengths based perspective to foster personal growth and healthy development. The following year, she worked in the After School Programs department at Mercy Home, developing extra-curricular programs, facilitating a tutoring program and running a summer enrichment program for the young men in the home.

During her first summer of law school, Mary Pat worked 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. During her second year of law school, Mary Pat participated in the Juvenile Rights Advocacy Project (JRAP), a clinical experience during which she represented youth involved in the juvenile justice system and who required representation in asserting their education rights. Students in JRAP provide individual, thorough legal representation to their clients. As part of her JRAP experience, Mary Pat also assisted at the Law Offices of Sarah E. Lyons, where she worked on care and protection cases.

This summer, Mary Pat will work at the Maryland Office of the Public Defender in Howard County with their juvenile defense team.

In her third year of law school, Mary Pat will participate in the Ninth Circuit Appellate Project. Under the supervision of Professor Kari Hong, she will work with another student to prepare briefs and argue an immigration case before the Ninth Circuit Court of Appeals. In the future, Mary Pat hopes to continue to work with young people as an advocate. She hopes to practice as a juvenile defense attorney in a public defender's office.

### **BRIAN SHAUD**

Brian Shaud is a member of the Boston College Law School Class of 2017. He grew up in Swarthmore, PA and received his B.A. in government from Georgetown University in 2012. As an under-

graduate student, Brian focused on American government and political theory, including writing about apparent inconsistencies in Samuel Pufendorf's theory of the state.

While at Georgetown, Brian worked in the United States Senate and at a political consulting group, researching pending Congressional legislation and federal agency regulations. He worked as a middle school mathematics teacher in Philadelphia after graduating, as a Teaching Fellow through The New Teacher Project. He joined Community Legal Services of Philadelphia in fall 2013, where he worked to educate tenants of the Philadelphia House Authority about their legal rights.

Brian looks forward to his upcoming judicial internship with Federal District Court Judge Colleen Kollar-Kotelly this summer in Washington, D.C. He serves as an Auction Chair for BC Law's Public Interest Law Foundation and reached the final round of the 2014 BC Law Negotiations Competition. Brian looks forward to building on his experience in government and the non-profit sector by practicing law in the public interest after graduating.

#### **LARISSA WARREN**

Larissa M. Warren is a dual degree graduate student at Boston College, pursuing a J.D. and M.Ed. in Curriculum and Instruction. She is a graduate of Missouri State University with a Bachelor of Science in Criminology. Prior to beginning her graduate program, Larissa served as Executive Director of a rural non-profit that provides shelter and support services to survivors of domestic and sexual violence. In that role, she participated in multi-disciplinary efforts to prevent and respond to child abuse and sexual assault. That experience developed an understanding of the necessity of engaging multiple fields and perspectives in solving social problems. She is also a graduate of Drury Police Academy and volunteered as a reserve sheriff's deputy in rural Missouri.

Larissa believes in a holistic, community-driven approach to criminal justice reform. She seeks to equip fellow citizens with knowledge, passion, and resources to positively participate in their communities. Through dual J.D./M.Ed. training, Larissa hopes to facilitate partnerships between the education and traditional criminal justice systems to prevent crime by empowering families fostering inclusion, and offering diverse opportunities.

During her final year, Larissa plans to study the ways constitutions influence culture and community. She hopes to engage in comparative constitutional analysis of the impact of human rights provisions and means of popular interaction with the constitution on societies. She intends to examine effective means of mobilizing citizens to become active parts of their constitutional democracies.

#### **AMELIA WIRTS**

Amelia M. 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. She recently defended her dissertation proposal, and is currently working toward the J.D. portion of her joint degree while doing research for her dissertation.

Amelia's dissertation argues that democratic legitimacy as understood by political philosophers is impoverished by idealization that does not account for the reality of concrete individuals and groups who work to oppose injustice. This idealization has led philosophers to overemphasize the role of legislatures in securing democratic legitimacy. To counter this narrative, she will examine not only the ways that laws are created, but also the ways in which they are implemented through court rulings and administrative regulations. One fruitful source for understanding legal implementation are the practices of those who legally advocate for women and other oppressed groups. Understanding actual legal practice illuminates the relationship between legitimacy and conceptions of justice held by everyday individuals. It also forces a re-examination of how democratic legitimacy is theorized and evaluated. In the course of exploring this relationship between legitimacy, conceptions of

justice, and actual legal practices, she will discuss the normative foundations and justifications of the Violence Against Women Act (VAWA), as well as its regulations and interpretations that effect women's lives on the ground.

Understanding legitimacy in both the moment of legal legislation and the moment of implementation shows how democratic legitimacy both reflects and shapes our shared values. This happens domestically, but also internationally. On the international level, following Seyla Benhabib, Amelia will argue that human rights and other international legal structures can similarly empower women as they fight against unjust oppression, but not through a top down enforcement mechanism. Like the domestic case, publically justified international laws become tools for women as they make claims against their own governments, communities, and religious organizations. For an international example, she will explore the role of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

While in law school, Amelia hopes to gain helpful insight into substantive areas of law that relate to alleviating gender-based oppression, including family and criminal law. She is working to gain an understanding of how the practice of law relates to the democratic institutions that shape our lives. When she finishes her joint degree, Amelia hopes to continue her research projects as a professor of philosophy and/or law.

#### **TIMOTHY WRIGHT**

Timothy Wright is a 2016 J.D. candidate at the Boston College Law School. Tim's background draws on both entrepreneurialism and environmental law. Prior to law school, Tim co-developed an award-winning electronic device that tests water quality using cellular phones. Then, during his first year at BCLS, Tim complemented his studies by working as a compliance analyst at an applied environmental research group. Known as pH Global, the group designs mathematical algorithms to detect erosion in dams, oil pipelines, and highways. In his position, Tim negotiated the acquisition of fiber-optic temperature data from a Korean-based outfit and helped draft portions of a licensing agreement that grants clients the right to use certain proprietary software.

Tim's entrepreneurial drive has paralleled his academic focus on environmental issues, particularly those involving international transboundary governance, resource demand, and, uniquely, presidential power. As a Wingspread Fellow at Northwestern University, Tim conducted a fourteen-month research study on the Nile Basin, analyzing 150 years of bilateral environmental accords between Egypt, Sudan, and Ethiopia. Later, Tim published his dissertation on maritime delimitation under famed LSE Professor Michael Mason. Those writing experiences helped Tim explore complex legal problems in environmental law at BC. As a staff writer (and now symposium editor) for the Environmental Affairs Law Review, he investigated the president's constitutional power to exempt federal agencies from adhering to environmental regulations.

Entering his third and final year, Tim is interested in continuing his research on presidential power in environmental law. Using his knowledge on international transboundary governance and resource demand, he wants to better understand the president's constitutional prerogative, if any, in international environmental crises. After graduation, Tim hopes to draw on his knowledge from BCLS and his past startup experiences while working at a corporate law firm.

Tim received his Bachelor of Arts degree in political science and international studies from Northwestern University. He earned a master's degree from the London School of Economics.

# Travel Grants

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The Clough Center awards a 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 2014-2015, travel grants were awarded to:

**WHITNEY ABERNATHY**

Conference • United Kingdom

**RICHARD ALBERT**

Conferences • Seattle, WA & Ottawa, Canada

**RICARDO ALBERTO**

Conference • South Africa

**JOSE ALTOMARI**

Summer Program • Mussoorie, India

**PAULO BARROZO**

Conference • England

**AUSTIN MICHAEL BODETTI**

Republic of the Union of the Myanmar

**TIM CAREY**

Conference • Indiana & Minnesota

**LAUREN DIAMOND-BROWN**

Research • Vermont & Louisiana

**MICHAEL FRANCAK**

Conference • The Netherlands

**SAMUEL GOTTSTEIN**

Presentation • Alaska

**BURLEIGH HENDRICKSON**

Research • France & Morocco

**FIDELE INGIYIMBERE**

Conference • Hong Kong

**BERENT LABRECQUE**

Conference • New Zealand

**ZHUOYAO LI**

Conference • France

**AMY LIMONCELLI**

Research • England

**RODLINE LOIJEUNE**

Research • Haiti

**HEATHER PANGLE**

Conferece • Scotland

**OWEN STANWOOD**

Research • South Africa

**JOON YOO**

Internship • Tonga

## CLOUGH CENTER SPOTLIGHT

# Travel Grant

BY SAMUEL GOTTSTEIN

Thanks to the generosity of the Clough Center, I had the privilege of traveling to Juneau, Alaska, in March to testify before the Alaska State Legislature on the subject of my law review Note. My Note, published in the *Boston College Law Review* in September 2014 (55 B.C. L. REV. 1253), discusses Alaska Native tribal jurisdiction and how the status quo in Alaska fails to protect Alaska Natives adequately from domestic violence, alcohol abuse, and sexual assault.



Samuel Gottstein with the Senators of the Alaska State Legislature who sponsored the Lunch and Learn presentation.

The State of Alaska has been the main impediment to jurisdictional reforms which might help combat this epidemic in rural Alaska Native villages. Because of my experience working for the Alaska State Legislature and the resulting Alaska connections, I set out for Juneau hoping to educate legislators on the issue and help illuminate possible reforms. Every academic dreams of being able to inject his or her research and ideas into the public discourse, and I was able to get far more exposure than I originally anticipated. I was introduced on the floor of the Senate, met with the Lieutenant Governor, as well as 20% of the Alaska State Legislature, testified in front of the House Judiciary Committee, and presented during a Lunch and Learn session which was broadcast statewide and on the internet. I was pleasantly surprised to learn that many elected officials had a much greater understanding and grasp of the issue than I anticipated, which helped elevate the level of conversation and kept me on my toes.

Although it was exhausting going to so many meetings after traveling to the other side of the country, it was unquestionably worth it. The Alaska Legislature is currently consumed with issues related to the recent sudden drop in oil prices, which has resulted in drastically diminished revenue to the state, making it unlikely for any individual legislator to take up the issue immediately. Still, my visit helped move the conversation forward and, hopefully, laid some of the groundwork necessary for future reforms. Such is the nature of the political process; even the best changes and ideas take time to become law. For a complicated issue like this, where not everyone is on the same page, it can take even longer and may sometimes even require a specific tragic event to galvanize support and trigger a reaction. Still, when that time comes, my presentations are now part of the public record, and I'm hopeful that the meetings I had will help guide the conversation, and eventually, make a difference.

# People

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## Director

**Vlad Perju**

ASSOCIATE PROFESSOR, BOSTON COLLEGE LAW SCHOOL

## Staff

**Christian Chorba**

GRADUATE ASSISTANT

**Emilie Dubois**

COORDINATOR, GRADUATE FELLOWS, FALL SEMESTER

**Gary Winslett**

COORDINATOR, GRADUATE FELLOWS, SPRING SEMESTER

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