



BOSTON COLLEGE

---

THE CLOUGH CENTER  
*FOR THE STUDY OF*  
CONSTITUTIONAL DEMOCRACY

---

2015–2016 Annual Report



---

# 2015–2016 Annual Report

---

THE CLOUGH CENTER FOR THE STUDY OF CONSTITUTIONAL DEMOCRACY

## Table of Contents

2	FROM THE DIRECTOR
4	CENTER LECTURES & EVENTS
88	CLOUGH JUNIOR FELLOWS
89	CIVIC INTERNSHIP GRANTS
102	CLOUGH GRADUATE FELLOWS
129	ACADEMIC LAW FELLOWS
132	PUBLIC INTEREST LAW SCHOLARS
135	TRAVEL GRANTS
136	PEOPLE

---

# From the Director

---



Welcome to the 2015-2016 Annual Report of the Clough Center for the Study of Constitutional Democracy at Boston College. As you will see from these pages, the Clough Center has had one of the most vibrant, exciting, and productive years in its history. Our fellowship programs have attracted extraordinarily talented students and young scholars. Our academic programs—a plethora of conferences, symposia, roundtables, workshops, panels, and lectures—have explored critical aspects of constitutional democracy in the learned, thoughtful, and non-partisan way that has always been the mark of good scholarship. The Center has continued to attract greater visibility, not only within our community but also nationally and around the world. Supported by our wonderful staff and drawing from the unparalleled vision of our dear friends and benefactors, Gloria and Chuck Clough, the Center has made great progress towards becoming one of the leading institutions in the world for the study of constitutional democracy.

Our guests this year have included some of the most original, creative, and influential scholars: Michael Walzer, Saskia Sassen, Axel Honneth, Ayelet Shachar, Philip Pettit, among many others. Their interventions have ranged from the responsibility to protect in the Syrian tragedy to the idea of social freedom and from conceptions of the city to the rise and fall of world constitutionalism. Last year, we welcomed two extraordinary individuals who had been awarded the Nobel Prize: Shirin Ebadi, recipient of the Nobel Peace Prize in 2003, and Professor Amartya Sen, who was awarded the Nobel Prize in Economics in 1998. Professor Sen, now on his second visit with the Clough Center, delivered the keynote address in our international conference on the Future of Economic and Social Rights. This year, the Clough Center also celebrated the influential scholarship of Boston College faculty. You can read reports about the book discussions on Professor Mary Bilder's book on James Madison and the Constitutional Convention (winner of the 2016 Bancroft Prize) and Professor James Cronin's book on the post-Cold War global order.

One of the Center's most successful academic initiatives, the series on "Arts and the Future of Democracy" continued into its second year. Convened by Edward Hirsch, the president of the Guggenheim Foundation, and directed by Kim Garcia of the BC English Department, this series brought visual artists, novelists, musicians, and poets to discuss the complex relationship between the arts and the public sphere. This year's events have explored the role of music in a democracy, authority and authoritarianism in fiction and politics, the role of the visual arts in making democracy visible, and the performance of private citizens on the public stage.

This Annual Report offers brief written accounts of the Center's public programs. I invite you to watch the events of interest to you, in their entirety, on our website [www.bc.edu/cloughcenter](http://www.bc.edu/cloughcenter).

This year's fellowship programs have attracted great talent and offered our students unique educational opportunities. The Center offers three categories of fellowships to BC students. First, the Center offers appointment as Junior Fellows to select undergraduate students and to recipients of our Civic Internships Grants that fund summer internships. Secondly, we award funding to law students for summer positions as Public Interest Law Scholars, or on the basis of high academic achievement in the Academic Law Scholars category. Finally, each year, the Center appoints over twenty doctoral students from across the University. This year, our Clough Graduate Fellows have come from the History, Philosophy, English, Economics, Sociology, Law, Theology, and Political Science departments. Our graduate fellows discuss their work with invited faculty during the year in a weekly workshop. You can read their accounts of the fellowship year in this Annual Report.

I would like to thank the extraordinary team at the Center for Centers that so expertly supports our activities: Yasmin Nuñez, Peter Marino, Stephanie Querzoli, Michelle Muccini, Shaylonda Barton, Susan Dunn, and Ana Berreondo. My gratitude also goes to our graduate and undergraduate fellow coordinators (Gary Winslett, Ariel Glantz, Emily Murphy, and Marissa Marandola).

## About the Director

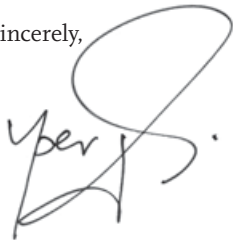
Vlad Perju is the Director of the Clough Center for the Study of Constitutional Democracy and Professor of Law at Boston College Law School. He holds a doctorate (S.J.D. degree) from Harvard Law School, an LL.M. degree summa cum laude from the European Academy of Legal Theory in Brussels, Belgium, and 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. Sajó, eds., 2012); "Cosmopolitanism in Constitutional Law," 35 *Cardozo Law Review* 711 (2013); "The Romanian Double Executive and the 2012 Constitutional Crisis," *International Journal of Constitutional Law* vol. 13(1) (2015). "Proportionality and Stare Decisis: Proposal for a New Structure", in Vicki Jackson and Mark Tushnet (eds.), *Proportionality: New Frontiers* (Cambridge, 2017); and "Double Sovereignty in Europe? A Critique of Habermas's Defense of the Nation-State" (forthcoming, 2017).

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.

As this academic year was coming to a close, the Clough Center lost a very dear friend. Kiara Kharpertian, a Clough graduate fellow and one of the Center's most active and beloved members, passed away after a long battle with cancer. Kiara had just defended her dissertation and was awarded her Ph.D. in English Literature. She was not only a learned and immensely gifted scholar but also a generous, wise, and courageous human being. This Annual Report is dedicated to her memory.

Sincerely,



Vlad Perju  
Director, the Clough Center for the Study of Constitutional Democracy

---

# 2015–2016 Lectures & Events

---

## FALL 2015

*Panel · Performing Democracy: Private Citizens on the Public Stage*

*Elena Kagan · Q&A with Associate Justice Elena Kagan*

*Panel · Constitutional Design by Judiciary?*

*Philip Pettit · Giving Corporate Bodies Their Due, and Only Their Due*

*Axel Honneth · Three, Not Two, Concepts of Liberty: The Idea of Social Freedom*

*Saskia Sassen · Who Owns National Territory? Who Owns the City?*

*Panel · Madison's Hand: Revising the Constitutional Convention*

*Ayelet Shachar · The Selective Re-Bordering of Citizenship and Migration*

*Shirin Ebadi · The Clough Colloquium*

*Panel · Authority and Authoritarianism in Fiction and Politics*

*Panel · Ending the Cold War and Setting the Terms of the Future World Order*

## SPRING 2016

*Panel · The Visual Arts: Making Democracy Visible*

*Aziz Rana · The Rise of the Constitution*

*Michael Perry · A Theory of Judicial Review*

*Michael Walzer · What Is the Responsibility to Protect? And What Does It Mean in Syria?*

*Bruce Ackerman · The Rise and Fall (?) of World Constitutionalism*

*Panel · Music and the Culture of Democracy*

*Philip Wallach · Beating the Financial Crisis but Losing the People*

*Conference · The Future of Economic and Social Rights*

**Annual Report Contributors:** Tim Brennan, Lauren Diamond-Brown, Erica Foss, Michael Franczak, Elise Franklin, Kiara Kharpertian, Liam Martin, Martín Bernales Odino, Görkem Özizmirli, Scott Reznick, David Sessions, Kate Ward, and Gary Winslett.



# PERFORMING DEMOCRACY:

*Private Citizens on  
the Public Stage*

Thursday, September 10, 2015  
6:00 p.m.  
Devlin Hall, Room 101  
Boston College

*Featuring Edward Hirsch, Bryan Doerries,  
Rebekah Maggor, and Frank Garcia (presenting  
on behalf of James Boyd White).*

**A**t the Clough Center's opening event for the 2015-16 school year, panelists Edward Hirsch, Bryan Doerries, Rebekah Maggor, and Frank Garcia collectively examined the interplay between theater and democracy, focusing on how each of them is a kind of performance. "Performing Democracy: Private Citizens on the Public Stage" discussed how the American populace think about its democracy and how the populace's understanding of that democracy gives theater its meaning.

Dr. Edward Hirsch—an American poet and critic who has received numerous awards and was elected a chancellor of the

Academy of American Poets in 2008—began the discussion by relating his reaction to a line by Willy Loman, the protagonist in Arthur Miller's *Death of a Salesman*, that he felt "kind of temporary about himself." Hirsch believed that Loman was getting at how he felt unresolved and fragmented. Hirsch related this to his understanding of the dichotomy of American life where we collectively have this official life defined by our aspirations and this subterranean life defined by less fetching realities. The tension between these two creates a certain anxiety about American life. Theater is crucial to framing and dramatizing and thinking through this anxiety and thus our identity. He went on to articulate how we often need space to



deal with traumatic experiences and theater allows us to do this. It also gives comfort and a sense of belonging by conveying to the viewer that they are not alone but instead dealing with issues that others are as well. This is why, he says, lonely poetry and theater actually aren't lonely at all. Doerries later echoed these sentiments when he talked about how a modern American soldier in one of his audiences perceived a tragic play as, counter-intuitively, a morale booster because it showed war in an unvarnished way that helped soldiers recognize they weren't alone.

Hirsch, as well as the other presenters, also remarked on how the meaning of theater is not just the play itself but the interaction of the play and the viewers. A play is communal and a group response, and so catalyzes our democracy by getting us to collectively think about matters that hold significance for all. We are all participants in daily social drama in the world in which we live. We internalize rules and play roles all the time. In this way our democracy isn't just informed by theater but mimics it as well.

Bryan Doerries is the founder of Theater of War, a project that presents readings of ancient Greek plays to service members,

veterans, caregivers, and families to help them initiate conversations about the visible and invisible wounds of war. He discussed how Sophocles, an ancient Greek playwright, wrote plays about military affairs and war. For the Greeks, this was a piece of military technology; it was a tool for communalizing the experience of war. Theater was born from this need to stage and debate ethical topics and frame them with compassion and emotional resonance that brought people together instead of dividing them. Doerries argued that then, like today, it was the body politic that gave theater its meaning. He also argued that in many ways, the audience is the smartest group of people in the room.

Doerries contended that the distance created by theater is actually a great tool because it helps create discussion of ideas. Distance helps the director make the audience feel that they are not being attacked or criticized, only being asked to consider sensitive ideas and experiences. Similarly, distance and mediation additionally help us not be overwhelmed by extreme feelings and traumatizing events. It was for these reasons that Dr. Maggor called this kind of difference a provocative difference.



Dr. Rebekah Maggor is a director, translator, and theater scholar who served as a Fulbright Scholar in the Middle East in 2014. She discussed Egyptian theater and plays that covered topics related to authoritarianism and Tahrir Square. She pointed out that theater, satire, and performance were part of the protests from the beginning. For example, the movie *The Window* actually filmed within the protests. She also examined El Kousha Puppets, giant satirical puppets of powerful political and military figures. She talked about how in Egyptian theater, there are a great number of attempts to create a collective narrative. The directors and the audiences are concerned with where they collectively are, where they are going, and what they can do together. She stressed how Americans should view Egyptian theater and think about how it applies to them rather than just view it as a way to look at Egyptians, arguing that we wouldn't stage a classic Greek play only as a way to learn about ancient Greek culture. She ended by arguing that we can extend the positive impacts that theater has if we can be more willing to break down the barriers between high and low theater.

Dr. Frank Garcia is a professor of law and Dean's Global Fund Scholar at Boston College Law School. At this discussion, he presented the ideas of James Boyd White. White saw connections between democracy and theater. His interest was in language and how it creates meaning. He was especially interested in "living speech," which preserves and protects humans' ability to create meaning. The opposite of living speech creates cynicism and apathy. According to White, for law and politics to work, we have to believe that something is at stake and we have to believe that the political actors believe that something is at stake. Law, democracy, and theater all must be performed. It is essential that in these things we see meaning being made both publicly and communally. Theater both displays and creates these shared experiences. These shared experiences, which in turn help make democracy possible. Finally, pluralist liberal society needs every kind of theater as this helps people engage with ideas and with other human beings with greater empathy.



## 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).

**EDWARD HIRSCH** is an American poet and critic. He is the recipient of an Academy of Arts and Letters Award, an Ingram Merrill Foundation Award, a Lila Wallace-Reader's Digest Writers' Award, and the Rome Prize from the American Academy in Rome. In 2008, he was elected a Chancellor of the Academy of American Poets. His most recent book of poetry is *Gabriel: A Poem* (2014), which was long-listed for the 2014 National Book Award. He currently serves as the president of the John Simon Guggenheim Memorial Foundation.

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 35 years of poems. Hirsch is also the author of five prose books, including *A Poet's Glossary* (2014), *Poet's Choice* (2006), and *How to Read a Poem and Fall in Love with Poetry* (1999), and is the editor of *Roethke: Selected Poems* (2005) and co-editor of *The Making of a Sonnet: A Norton Anthology* (2008).

Hirsch was awarded fellowships from the Guggenheim Foundation, the MacArthur Foundation, and the National Endowment for the Arts. He taught for six years in the English department at Wayne State University and 17 years in the Creative Writing Program at the University of Houston. Hirsch was educated at Grinnell College and the University of Pennsylvania, where he received a Ph.D. in folklore.

**BRYAN DOERRIES** is a writer, director, translator, and the founder of Theater of War, a project that presents readings of ancient Greek plays to service members, veterans, caregivers, and families to help them initiate conversations about the visible and invisible wounds of war. Doerries' book, *The Theater of War: What Ancient Greek Tragedies Can Teach Us Today*, was published by Alfred A. Knopf in September 2015, along with a volume of his translations of ancient Greek tragedies, entitled *All That You've Seen Here is God*.

Doerries is also the co-founder of Outside the Wire, a social impact company that uses theater and a variety of other media to address pressing public health and social issues, such as combat-related psychological injury, end-of-life care, prison reform, domestic violence, political violence, recovery from natural and man-made disasters, and the destigmatization of addiction. He is a self-described "evangelist" of classical literature and emphasizes its relevance to our lives today, especially in helping individuals and communities heal from suffering and loss.

Doerries previously served as the director of programs at the Alliance for Young Artists and Writers, an organization in New York that administers the Scholastic Art and Writing

Awards. In addition to his work in theater, he lectures on his work at colleges and universities. Doerries received his B.A. from Kenyon College and received a master's degree in theater directing from the University of California, Irvine.

**REBEKAH MAGGOR** is a director, translator, and theatre scholar. She creates and writes about theatre that challenges entrenched power structures and makes room for alternative visions of the future. Recently, she has focused in particular on contemporary Egyptian and Palestinian playwriting and the grassroots and unmediated perspectives these dramatic texts provide. As a 2014 Fulbright Scholar in the Middle East and North Africa Regional Research Program, she studied Palestinian theatre and performance in the West Bank and Israel. She is co-organizer of the 2015 ReOrient Festival forum "Theatre Between Home and Exile: New Palestinian Voices," funded by the Doris Duke Foundation. She co-edited, co-translated, and wrote the introduction to the forthcoming anthology *Tahrir Plays and Performance Texts from the Egyptian Revolution* (Seagull Books/University of Chicago Press), which was recognized with a Literature in Translation Fellowship from the National Endowment for the Arts.

Maggor received a B.A. from Columbia University, an M.F.A. in theatre from the Moscow Art Theatre School, and a certificate in advanced theatre training from the American Repertory Theater Institute at Harvard University. She has taught at Harvard University and Vanderbilt University, and is currently an affiliated scholar at the Charles Warren Center at Harvard University.

**FRANK J. GARCIA** is Professor of Law and Dean's Global Fund Scholar at Boston College Law School. Professor Garcia studied law, literature, and the humanities at Michigan Law School under Professor Joseph Vining, a colleague and collaborator of James Boyd White, and is part of an international group of scholars interested in contemporary applications of White's work to a range of legal subjects. This group includes Professor Fiona Smith of Warwick University, who spoke previously on White's work in the Clough Series. A Fulbright Scholar, Garcia has lectured widely on globalization and international economic law in Europe, South America, and the Asia/Pacific region. Professor Garcia has held various leadership positions within the American Society of International Law, and currently sits on the editorial board of the *Journal of International Economic Law*, where he is book review editor. He is the author, most recently, of "Between Cosmopolis and Community: Globalization and the Emerging Basis for Global Justice," published in the NYU *Journal of International Law and Politics*, and *Global Justice and International Economic Law: Three Takes*, published by Cambridge University Press.

Professor Garcia will be discussing the work of James Boyd White at this event.



**O**n Friday, September 11, 2015, Justice Elena Kagan visited Boston College Law School for Constitution Day, co-hosted by the Clough Center and BC Law’s Rappaport Center for Law and Public Policy. The discussion was hosted by Dean Vincent Rougeau and followed a Q&A format based on questions collected from the BC Law community.

Justice Kagan was introduced by BC Law Professor Sharon Beckman. Professor Beckman first met Kagan when both were clerking for Supreme Court justices. Beckman recalled Justice Thurgood Marshall’s affectionate nickname for Kagan, “Shorty,” and their time playing basketball with other clerks and justices

in the real “highest court in the land” above the judges’ chambers. Professor Beckman also recalled Kagan’s intellectual openness as a young clerk, which persisted as her career progressed through the White House, Harvard Law School, and back to the Supreme Court.

Dean Rougeau then began the discussion with Justice Kagan. He mentioned Sandra Day O’Conner’s previous talk at BC Law. Justice O’Conner spoke of her difficulty finding a job in law in the 1950s when, despite graduating near the top of her class at Stanford, over 40 firms refused to hire her.



This was not Kagan’s experience. She explained that in the 30 years between the beginning of Justice O’Conner’s career and her own, the world had changed. “It was a night and day difference,” Kagan said. But that was due to the efforts of women like O’Conner and Justice Ginsburg, who saw similar obstacles. Both justices “figured out ways to cobble together legal careers in unorthodox ways,” whereas by the time Kagan entered Harvard Law, 40 percent of her class was women. This does not mean that these issues have gone away, but they have changed. Kagan mentioned that when she entered law school people thought women would make far greater strides, but the numbers of women CEOs and partners are still very low, and women in many careers face serious challenges in work/life balance.

Continuing with the theme of diversity, Dean Rogeau asked about diversity on the Court—namely, geographic diversity. There have been very few justices who were not born in major metropolitan cities on the East and West Coasts, and who did not attend law school at Harvard, Yale, Columbia, or Stanford. Dean Rogeau asked Kagan if this has consequences for the Court’s decisions.

Kagan believes it does not. “Diversity doesn’t much affect the way we vote,” she explained. “Every once in a while you see it based on personal experience, but it’s really rare, and I’m glad it is.” Diversity is important, Kagan stated, because of the picture it

presents to the world—it gives people the sense that the Court is connected to them somehow, and inspires them to do something special with their lives. She feels that the lack of geographic diversity is “more flukey than anything else” because presidents have far greater priorities in mind when they make a nomination.

The discussion turned to Justice Kagan’s views on legal education. As dean of Harvard Law School (2003-2009), Kagan initiated a number of reforms and is credited with bringing together a very divided faculty. More recently Kagan has spoken of writing’s importance for lawyers, and of law schools teaching writing properly. Dean Rogeau asked Kagan her thoughts on how to improve this in law schools today.

Kagan explained that part of the problem rests in law students’ expectations. Law students tend to think of legal writing as less important than learning contracts, torts—“the big substantive stuff”—and so it gets short shrift. Yet, “in the end, torts class won’t matter much, but writing will.” Some lawyers have world class careers without writing a lot, but this is rare. Good writing is hard; good legal writing is even harder. Lawyers need to learn how to communicate in ways people understand and that stick with them, and law schools need to convey the importance of this.

Kagan has been praised for the clarity of her writing and for toning down the high formality of written opinions. The process for Kagan is to ask, if I didn't have a law degree, could I understand what this is about? This is not to glide over complexity, but to make decisions read in a way that non-lawyers can understand. Kagan explained that she is more colloquial in individual opinions than majority opinions; in the latter, she is writing for an institution, so a different balance is required. But in individual opinions there are some of her more famous allusions, including Spiderman and one-hit-wonder Tommy Tutone. "Some of this gets left on the cutting room floor," Kagan joked. "I tell my clerks not to enable me and tell me when I'm going too far."

Kagan believes that the Court's advocates are one of its greatest strengths. They pass a very specialized Supreme Court bar and must be prepared for any question. It's not an easy task, Kagan explained: there are nine justices who can easily ask 60 questions in 30 minutes. You have to prepare incredibly hard by thinking through every question you could possibly get, and have the two or three most important sentences of your answers at the front of your mind. It's a special skill that few lawyers possess, but the ones that do serve their clients well and therefore the Court well.

Kagan confessed to not having any special advice for law students, but she did emphasize some essentials. Law students need to find something they are deeply engaged by, and many don't think hard enough about what work is most meaningful to them until it's too late. Students should use law school as an opportunity to find that special passion. "The keys to success are simple" according to Kagan. "Work hard and treat people well—duh—but both are really important."

The talk concluded on a more playful note. Justice Kagan explained how she, a child of the Upper West Side, came to love hunting. When Kagan went through her confirmation process, she visited with 82 senators. The subject the senators talked about the most, Democrat or Republican, was her stance on the 2nd Amendment. Since they can't ask directly, the senators asked her if she'd ever hunted—"no"—knew anybody who hunted—"no"—touched a gun—again, "no." Finally, after a senator from Idaho talked about hunting at his ranch and how important hunting culture was to him and his constituents, she told him that if he invited her to his ranch to hunt, she would go. This resulted in a "look of abject horror" from both the senator and White House staffer in the room. Embarrassed, she apologized for inviting herself but promised that if confirmed, she would ask Antonin Scalia, whom she knew to enjoy hunting. When she later told



Scalia about her gamble, his reaction was "uproarious." That summer she accompanied Scalia to a Virginia gun club to shoot clay pigeons, and soon the two were hunting quail. "For a competitive, goal-oriented person," Kagan explained, "it's very enjoyable."

At one point in the discussion Kagan spoke of her time clerking for Marshall. It was in his last years on the Court, and the Justice was reflecting on his long and consequential life. Kagan mentioned the profound impact this time with Marshall had on her as a young lawyer. Yet Kagan has always had her own mind. In 1993, in a tribute to Marshall after his death, she recalled how she disagreed with him when she thought he was wrong—and in at least one instance, got called "knucklehead" in the process. Marshall famously described his legal philosophy as "you do what you think is right and let the law catch up." During her confirmation process, conservatives used Kagan's association with Marshall as suggesting "activist" leanings; some liberal commentators cited the same association more approvingly, hoping Kagan would be a bold advocate for progressive causes. But if those conservatives and liberals had looked to Kagan's past positions, listened to her past statements, and reflected on her time in government and academia, both would likely find plenty with which to disagree—and plenty of which to approve.

## About Elena Kagan

To watch this event, visit [frontrow.bc.edu](http://frontrow.bc.edu).



**E**lena Kagan, Associate Justice, was born in New York, New York, on April 28, 1960. She received an A.B. from Princeton in 1981, an M. Phil. from Oxford in 1983, and a J.D. from Harvard Law School in 1986. She clerked for Judge Abner Mikva of the U.S. Court of Appeals for the D.C. Circuit from 1986-1987 and for Justice Thurgood Marshall of the U.S. Supreme Court during the 1987 term. After briefly practicing law at a Washington, D.C., law firm, she became a law professor, first at the University of Chicago Law School and later at Harvard Law School. She also

served for four years in the Clinton administration, as Associate Counsel to the President and then as Deputy Assistant to the President for Domestic Policy. Between 2003 and 2009, she served as the dean of Harvard Law School. In 2009, President Obama nominated her as the Solicitor General of the United States. A year later, on May 10, 2010, the President nominated her as an Associate Justice of the Supreme Court. She took her seat on August 7, 2010.

# Constitutional Design by Judiciary?

Thursday, September 24, 2015

12:30 p.m.

Barat House • Boston College Law School

RSVP to [clough.center@bc.edu](mailto:clough.center@bc.edu). Lunch will be served.

PANEL



Rosalind  
**DIXON**  
University of New South Wales



Mark  
**TUSHNET**  
Harvard Law School



Anna  
**SU**  
University of Toronto

The Clough Center for Constitutional Democracy sponsored a panel, “Constitutional Design by Judiciary?” Thursday, September 24, 2015, at Barat House at Boston College Law School. The panel discussed a paper by Professor Rosalind Dixon of the University of New South Wales Faculty of Law. The paper, circulated in advance, is entitled “Constitutional Design by Judiciary? Constitutional Designers as Judges.” Anna Su, assistant professor at the University of Toronto Faculty of Law, and Mark Tushnet, William Nelson Cromwell Professor of Law at Harvard Law School, responded to the paper.

Rosalind Dixon kicked off the discussion by summarizing her paper’s argument. She argued that since most of the framers of the U.S. Constitution went into electoral politics rather than the judiciary, little attention has been paid to the opposite situation: when constitutional framers go on to become constitution-interpreting members of the judiciary. This has, in fact, been the norm in many nations for much of the 20th century in countries including Colombia, Hungary, Indonesia, and South Africa. What is interesting is that when judges both write and interpret the constitution, it tends to be associated with successful moments of constitutional transition. In her paper, Dixon argues that this is no accident.



She offers two “lenses” on why framers who become judges might help successful constitutional transition. One lens is reverse originalism: the idea that constitutional drafters wanted to put fellow drafters in courts to make sure the constitution is interpreted as the framers intended. This is not the dominant version of constitutional originalism that prevails in the U.S., but certainly a plausible one. However, Dixon argues that there are good reasons to think this is not what’s really going on. Particularly in the 20th century, constitutional drafting involves a good deal of transparency and public input. From a perspective on the constitution as a living document, interpreters with an external viewpoint might be preferable. There have been cases in Canada and New Zealand where judges who participated in framing the constitution tried to oppose suggestions that interpretation of the text could evolve. Dixon believes that reverse engineering doesn’t explain the full phenomenon of framers as interpreters.

She offered an alternate view: that the type of judge who is most likely to be a successful framer/interpreter is a skilled lawyer and politician who has political experience, legal skill, and talent at navigating interpersonal relationships. Far from having an appearance of impartiality, such a lawyer/politician often has a distinct set of legal and political commitments that are known to others. This can reduce strong countermajoritarian interpretation in the first generation. When judges have distinct commitments, framers can predict how the judges will interpret particular language and that makes them more confident in using it. This protects the drafting process from failure due to internal disagreement.

Anna Suh responded by noting that Dixon’s paper refutes a long-standing assumption of a strict divide between constitutional drafting and interpretation. However, she pointed out that there is a range in the degree of involvement implied by the term “drafter.” She asked if the exact role of a drafter during the process matters. Would a framer/judge feel more pressure to implement something in a particular way if they had drafted the language versus simply advising?

Suh pointed out that many constitutional drafters leave text ambiguous either to get broad agreement on it or because their knowledge is finite. Drafter judges who pursue a broad vision will later have the chance to persuade fellow judges to implement it. Beyond language, drafters influence what Suh called a “constitutional culture.” Some say that whether constitutional language is vague or specific has little impact—it all depends on how the constitution is interpreted. But judges do have an influence on the constitutional culture, meaning the values or informal social understanding that help inform the greater context of the constitution.

Suh added that Dixon’s paper did not give enough detail to the process of judicial appointments. What should be the institutional design for getting politically savvy judges? How can divided societies ensure there will be judges with representative viewpoints or backgrounds? Representative backgrounds on the judiciary is necessary to facilitate dialogue between the judiciary and the legislature, so it’s important that not only political elites be appointed. Judges need the skills to answer questions about their own legitimacy—for example, pursuing restraint in situations where the court has been accused of taking an overly activist role.

Suh noted that Dixon’s observation that successful lawyer-politicians make good framers and good interpreters raised an argument advanced by Ran Hirschl. Hirschl, who spoke at a Clough Center symposium on constitution-making in 2014, argues that constitutional courts are where elites interact in order to protect the status quo, what he calls hegemonic preservation. Suh pointed out that this raises the question of why these courts have played such a successful role in democratic constitutional transition. She also asked how societies can address concerns about separation between interpretation and drafting. What would happen if framers/judges lost on a particular issue in drafting, but tried to win in court?

Mark Tushnet pushed back on the paper’s argument that people who are present at both the drafting and interpretation stages have many advantages over other types of people. In his view, those who have filled both roles are helpful in some ways and not in others. The question Anna Suh raised, about those who lose in framing and try to win in court, has happened in New Zealand and elsewhere. It turns out that interpreters are able to affect close questions in the direction they prefer.

Tushnet argued that one potential explanation for why the same people are successful as framers and as judges is simply that they are legal and political elites who are highly skilled and would be successful in many arenas. He responded to a few particular examples presented by Dixon suggesting that those framers/interpreters were simply quite remarkable people, rather than their dual role with respect to the constitution being responsible for their success. He thinks it would be more interesting to look at people who are present at only one stage of the process and whose role it is to maintain continuity with the past even during rupture.

## About the Panelists

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

**ROSALIND DIXON** is a Professor of Law at the University of New South Wales Faculty of Law. She earned her B.A. and L.L.B. from the University of New South Wales, and was an associate to the Chief Justice of Australia, the Hon. Murray Gleeson AC, before attending Harvard Law School, where she obtained an L.L.M. and S.J.D. Her work focuses on comparative constitutional law and constitutional design, theories of constitutional dialogue and amendment, socio-economic rights, and constitutional law and gender, and has been published in leading journals in the U.S., Canada, the U.K., and Australia, including the *Cornell Law Review*, *University of Pennsylvania Journal of Constitutional Law*, *International Journal of Constitutional Law*, *American Journal of Comparative Law*, *Osgoode Hall Law Journal*, *Oxford Journal of Legal Studies*, and *Sydney Law Review*. She is co-editor, with Tom Ginsburg, of a leading handbook on comparative constitutional law, *Comparative Constitutional Law* (2011), and a related volume, *Comparative Constitutional Law in Asia* (2014), co-editor (with Mark Tushnet and Susan Rose-Ackermann) of the Edward Elgar series on *Constitutional and Administrative Law*, on the editorial board of the *Public Law Review*, and associate editor of the *Constitutions of the World* series for Hart publishing. Dixon is a member of the Gilbert + Tobin Centre of Public Law and deputy director of the Herbert Smith Freehills Initiative on Law and Economics. She previously served as an assistant professor at the University of Chicago Law School. Her areas of expertise include constitutional law, comparative constitutional law, constitutional design, constitutional amendment, socio-economic rights, and law and gender.

**ANNA SU**'s primary areas of research include the law and history of international human rights law, U.S. constitutional law (First Amendment), and law and religion. Her research has appeared in the *Vanderbilt Law Review*, the *International Journal of Constitutional Law*, and the *Journal of the History of International Law*. Anna holds an S.J.D. from Harvard Law School where her dissertation was awarded the John Laylin Prize for best paper in international law. She received her J.D. and A.B. degrees from the Ateneo de Manila University in the Philippines. Prior to coming to Toronto, she held a postdoctoral fellowship at the Baldy Center for Law and Social Policy based in SUNY Buffalo Law School, and a graduate fellowship in ethics with the Edmond J. Safra Center for Ethics at Harvard University. She worked as a law clerk for the Philippine Supreme Court and was a consultant to the Philippine government negotiating panel with the Moro Islamic Liberation Front.

**MARK TUSHNET**, who graduated from Harvard College and Yale Law School and served as a law clerk to Justice Thurgood Marshall, specializes in constitutional law and theory, including comparative constitutional law. His research includes studies examining (skeptically) the practice of judicial review in the United States and around the world. He also writes in the area of legal and particularly constitutional history, with works on the development of civil rights law in the United States and (currently) a long-term project on the history of the Supreme Court in the 1930s. Professor Tushnet's areas of interest include civil rights history; twentieth century American legal history; constitutional law; comparative constitutional law; and legal history of U.S. slavery. His publications include *The New Constitutional Order* (2003), *The Oxford Handbook of Legal Studies* (2003), and "Defending Korematsu?: Reflections on Civil Liberties in Wartime," *Wisconsin Law Review* 273 (2003).

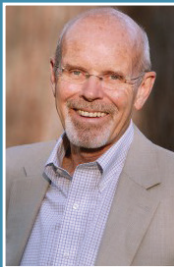
# GIVING CORPORATE BODIES THEIR DUE, *and only their due*

Monday, September 28, 2015

5:00 p.m.

Devlin Hall, Room 101

Boston College



with **Philip Pettit**,

*L.S. Rockefeller University Professor of Politics and Human Values  
at Princeton University*



**D**r. Philip Pettit is a highly regarded philosopher who has advanced the idea that freedom is best understood as non-domination and has consistently pushed back against the excessively individualistic and hyper-privatized notions within neoliberalism. On September 28, 2015, in a talk sponsored by the Clough Center, he addressed the extent of legal rights given to corporate bodies (businesses, churches, universities, etc.) by governments. Pettit argues that we have to take corporate agents seriously and recognize that they are bearers of both responsibilities and rights. The 1886 Supreme Court Case *Southern Railways v. Santa Clara County* allowed corporations to be treated as persons. Still, as Pettit points out, it does not follow that corporations ought to have the robust rights that come with

constitutional protection. His overarching question was whether or not corporate bodies should be assigned legal rights as people are. He answered that question in both the affirmative and the negative. He asserted that corporate bodies should be assigned rights in the same roles as individuals but not for the same reasons or to the same extent.

Pettit argued that any set of rules, such as the law, comes with three sets of rights, which he explained with a chess analogy. The first set of rights is “rights outside of the rules.” These are rights that the rules say nothing about. For example, the rules of chess say nothing about whether or not a player is allowed to leave to use the bathroom during the game. Dr. Pettit chose to largely



sidestep these rules. The second set of rights is “rights under the rules.” These are the rules about what agents may do and what others are required to do in response. A chess player may move a bishop diagonally and the opponent may not unfairly restrict them. These may be negative claims against obstruction or they may be affirmative claims, especially on government, that a certain right must be preserved and promoted. Finally, the third set of rights is the “rights over the rules.” These are rights over how the rules can be changed or applied or interpreted. They are the rights to determine what the rules do. In terms of corporate bodies’ relationships with government, the government is restricted on changing the rules that abolish freedom of speech, for example, and corporate bodies may take the government to court.

One tradition maintains that corporations are not agents because there is no real brain behind them. Pettit argued against this, asserting that corporate bodies ought to be assigned rights in the same roles as individuals because they are ‘conversable agents,’ meaning corporate bodies interpret their own desires and behaviors for you. They interpret themselves for other agents and converse with them. Like individuals, corporate bodies have purposes that can be identified, do things to advance those purposes, and are guided by the judgments they make about those environments. Corporate bodies speak for themselves. They face reputational loss when they do not live up to their claims. A corporation’s employees cannot say that the corporation does not speak for it. If these corporate bodies are to exist among us and be conversable agents there must be rules about what they may do and what they may not. It gives them the space to know where they stand. They can’t plan or speak if they have no information about what is expected of them. The interests of natural persons require that we give them these rights.

However, according to Pettit, we don’t need to go as far as to say that corporations need rights in their own names. When the law gives a body rights, it allows individuals to associate. Rights given to corporations are rights to individuals. Some rights of associa-

tion may not do well when done as a whole. For example, anti-trust laws work like this. Individuals have rights of cooperation but corporations do not have the right to form a cartel. We inhibit those rights of association are acceptable precisely because exercising those rights would damage society as a whole. The welfare for individuals and society as a whole must take precedence. Therefore, corporations’ rights should extend only to those rights that promote the well-being of the society in which it exists.

What range of rights does this suggest? Pettit argues that different corporate bodies should get different sorts of rights based on their relationship with society as a whole because that relationship is the crux of the matter. There are also issues of social and political fairness. This happens between corporate bodies but also within them. We don’t allow corporate bodies to have whatever associations internally they want. In many ways we check corporations’ ability to dismiss workers at will. We also limit the extent of the political activities that corporations may become involved in. We do this because we cannot allow corporate bodies to write their own rules or the rules that govern society. Society’s interests dictate businesses’ rights. Businesses’ interests do not dictate society’s rights. So for example, corporations should not be given the right to file lawsuits against governments under trade provisions known as investor-state dispute settlements, or ISDS.

Finally, right now we don’t have adequate theoretical guidelines for how to treat corporations. For example, is the ability to take a corporation to court really such a robust guarantee of fairness? After all, as Pettit says, people can swim and sharks can swim but that doesn’t make water a fair medium. Pettit went on to note that empowering intermediate institutions may be helpful, especially for corporate bodies other than corporations, but that largely depends on the empirical assumptions. In summation, to return to the three sets of rights Dr. Pettit explained, corporations should have rights under the rules insofar as those rights promote society’s well-being but should not have rights over the rules.

## About Philip Pettit

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



Philip Pettit is L.S. Rockefeller University Professor of Politics and Human Values at Princeton University, where he has taught political theory and philosophy since 2002, and for a period that began in 2012-13 holds a joint position as Distinguished University Professor of Philosophy at the Australian National University, Canberra. Born and raised in Ireland, he was a lecturer at University College Dublin; a Research Fellow at Trinity Hall, Cambridge; and Professor of Philosophy at the University of Bradford before moving in 1983 to the Research School of Social Sciences, Australian National University. There he held a professorial position jointly in Social and Political Theory and Philosophy until 2002. He was elected fellow of the American Academy of Arts and Sciences in 2009, honorary member of the Royal Irish Academy in 2010, and Corresponding Fellow of the British Academy in 2013. He has long been a fellow of the Australian academies of Humanities and Social Sciences. He holds honorary professorships in Philosophy at Sydney University and Queen's University, Belfast, and has been awarded honorary degrees by the National University of Ireland (Dublin); the University of Cret; Lund University; Universite de Montreal; Queen's University, Belfast; and the University of Athens. *Common Minds: Themes from the Philosophy of Philip Pettit* appeared from OUP in 2007, edited by Geoffrey Brennan, R.E. Goodin, Frank Jackson, and Michael Smith. Pettit gave the Tanner Lectures on Human Values at Berkeley in April 2015 under the title "The Birth of Ethics," which he is currently preparing for publication as a book.

# Three, not Two, Concepts of Liberty

## THE IDEA OF SOCIAL FREEDOM

THURSDAY, OCTOBER 8, 2015 · 6:00 PM

DEVLIN HALL, ROOM 101

BOSTON COLLEGE



### AXEL HONNETH

*Jack C. Weinstein Professor for the Humanities,  
Columbia University; and Director of the  
Institute for Social Research, Goethe-Universität  
Frankfurt am Main*

Co-sponsored by the Boston College Philosophy Department

**O**n Thursday, October 8, the Clough Center hosted Axel Honneth, Professor of Philosophy at Columbia University and director of the Institute for Social Research in Frankfurt am Main, Germany.

Professor Honneth's lecture was delivered in memory of Jonathan Trejo-Mathys, Assistant Professor of Philosophy at Boston College, who passed away on November 28, 2014, after a long battle with cancer. Professor Honneth spoke of Jonathan's tireless dedication to intellectual life and recalled the first time he met him, at his office hours in Frankfurt. "I knew about his project," Professor Honneth said, "but after 10 minutes the con-

versation went in all kinds of directions." Jonathan's hunger for knowledge and dialogue never ceased, even two years ago when he attended a workshop at Dartmouth with Professor Honneth, and participated "with full energy...like nothing was wrong." Director Vlad Perju agreed, adding that Jonathan was "central to the vision and intellectual life of the Clough Center," and in his work as a philosopher, Jonathan "was just getting started."

In his lecture, titled "Three, not Two, Concepts of Liberty: A Proposal to Enlarge Our Self-Understanding," Professor Honneth challenged the widely accepted notion of liberty as consisting of two parts, "positive" and "negative." This understanding, which



goes back to Kant but which was articulated most famously by Isaiah Berlin, defines negative liberty as the freedom of the individual from external coercion, and positive liberty as the freedom of the individual to act in a way that leads to the fulfillment of personal needs and desires. Modern society attempts to balance these two definitions of liberty by protecting individual rights while providing access to disadvantaged individuals or groups.

According to Professor Honneth, this bifurcated definition of liberty is incomplete. The negative/positive concept uses the individual as its unit, and in a significant respect, the individual's realization of freedom is assumed to be an isolated or self-confined process. Professor Honneth proposes instead that the individual's realization of freedom is a collaborative process, and through collaborative action we can fully develop our individual wants and needs. Therefore a third concept of freedom is needed: the idea of "social freedom."

According to Professor Honneth, social freedom is a new term for an experience we already know. Consider participation in the democratic process—calling for protests, signing petitions, distributing leaflets, etc. One explanation is that these are examples of negative freedom, since we are legally protected from government interference in these actions. However, this model of negative freedom supposes an isolated individual, an "I," acting alone by expressing her beliefs, and implies that the exercise of freedom is completed the moment a petition is signed or a leaflet distributed. But in organizing and participating in a protest, the individual is not acting on her beliefs or interests alone, but

the beliefs or interests of a group which together defines and redefines the kind of change they are seeking. "The actions of my fellow citizens therefore do not place an obstacle to my own free political act," Professor Honneth explains, "nor do they merely constitute the conditions of its possibility." Rather, it is difficult here to speak of an individual act at all. True democratic freedom can only be realized through collaboration in a collective act, participated in by many individuals, that results in a common will. Viewing freedom as a single act of an individual—casting a ballot, for instance—masks the solidary nature of this process.

We may also understand social freedom in the context of our relationships with close friends and lovers. Again, our standard definitions of freedom are inadequate to account for the collaboration these relationships require. We are "free" in these relationships, but most of us do not act as if only our wishes and needs mattered. In fact, in close friendships and romantic relationships our lives become so intertwined with another's that our own wishes and theirs cannot be separately conceived or realized. "The limitation of one's own will with respect to the concrete other frequently rises to such a level," Professor Honneth notes, "that it becomes impossible to distinguish clearly and definitively one's own interests or intentions from those of the other." Instead of two isolated wills existing side by side, "the aspirations of both persons overlap not only in certain respects, but permanently interpenetrate each other, so that their fulfillment can only be understood as a common concern."



Professor Honneth is not the first to identify social freedom as a third category. Over a century before Berlin delivered his famous lecture on the two liberties, Hegel conceived of a third category, similar to Honneth's, which he called objective freedom. For Hegel, the idea of negative freedom—that freedom is the absence of external obstacles to the exercise of one's will—only follows logically if one's will is completely self-formed, that is, developed independently of other causal factors. Hegel's synthesis posits that the complete idea of freedom in modern society can only be realized when the freely chosen wills of others complement one's own, and thus find fulfillment in the form of a social will. Marx, one of Hegel's former students, also took up this idea when he described a socialist society as one in which individuals work not "with each other" but "for one another." In this society the freedom of each is the precondition for the freedom of all. In the 20th century Hannah Arendt and John Dewey also addressed the third form of freedom, though instead of labor Arendt identified politics as the medium for its realization. Dewey argued throughout his life that freedom is limited if it is defined and pursued only through the individual. For Dewey, collaborative action, in which our own wishes and intentions are challenged and modified through experience, provides the highest degree of freedom for the individual.

All of these examples and explanations of freedom emphasize the formation of a shared "We." Yet, this does not mean that individuals disappear in the creation of a common will. In the theory of social freedom one's own actions must respond to the autonomously generated wishes or intentions of others; therefore, the process toward and goals of the common will must be

open to question when they do not meet the changing needs of individual participants. In other words, social freedom requires "the right to have a say." Again, this is a collective process. As in romantic relationships, those who call into question the process or content of democratic will formation must consider their changing needs in light of commonly agreed upon goals. The right to have a say in romantic relationships and democratic will formation is not externally imposed; rather, it is an intrinsic part of an ongoing process that is not completed through a single act or ability. In this sense, solidarity per se is not of value; its value, when understood correctly, is derived from the particular kind of freedom it opens up to us as individuals. As Professor Honneth concluded, "What attracts us to solidary experiences, and what makes these kinds of relationships worth striving for, is an experience which is precluded in other forms of social life: namely to see, in the reflection of our own intentions and wishes in the complementary intentions and wishes of our counterparts, that we can only realize them by acting for one another."



## About Axel Honneth

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



**A**xel Honneth is Professor of Philosophy at the Goethe University Frankfurt and at Columbia University. Since 2001, he has also been the Director of the Institute for Social Research. His research interests include Social Philosophy, Ethics and Social Theory. He understands his own work as a contribution to the continuation of Critical Theory.

His English language publications include: *The Critique of Power: Reflective Stages in a Critical Social Theory* (1990); *The Struggle for Recognition: The Moral Grammar of Social Conflicts* (1995); *Redistribution or Recognition? A Political-Philosophical Exchange* (co-authored with Nancy Fraser, Verso 2003); *Disrespect: The Normative Foundations of Critical Theory* (2007); *Pathologies of Reason: On the Legacy of Critical Theory* (2009); *The Pathologies of Individual Freedom: Hegel's Social Theory* (2010); *The I in We: Studies in the Theory of Recognition* (2012); and *Freedom's Right: The Social Foundations of Democratic Life* (2014).

# Who owns national territory? Who owns the city?

## Saskia Sassen

*Robert S. Lynd Professor of Sociology, and Co-Chair Committee on Global Thought, Columbia University*

**THURSDAY OCTOBER 15, 2015 • 5:00 PM**  
**DEVLIN HALL, ROOM 101**  
**BOSTON COLLEGE**

*Co-sponsored by the Boston College Sociology Department.*

On October 15, 2015, the Clough Center hosted “Who owns national territory? Who owns the city?” by Saskia Sassen, Robert S. Lynd Professor of Sociology and Co-Chair of the Committee on Global Thought at Columbia University. Sassen’s newest work deconstructs the dominant understanding of territory as national sovereignty. She argues that this construction has served as an ‘analytic pacifier,’ meaning that to understand territory only as national sovereignty occludes analysis of important empirical and theoretical phenomena contained within a broader formulation. Thus, she defines territory as “not space, not terrain, not land, not ground,” but “a mix of material and non-material instrumentalities.” By

conceptualizing territory as an instrument, she points to the power embedded in territory: territory involves the power to act and the power to make claims. This territorial logic of power exceeds its dominant form as the liberal state and the citizen as the rights-bearing subject. In the complex category of territory that Sassen offers, other actors overpower the state and the rights of citizens.

Sassen gives a number of examples to illustrate her case, beginning with the expansion of the global corporate economy. She argues global corporations have their own “specialized geography” that cuts across national borders with the movement



of capital, ideas, and the luxury environment. She reminds us that although this territorial phenomena “does not appear on any map, it is real” and carries consequences of dominance that raise her guiding questions: who owns national territory and who owns the city?

Sassen points us to a number of cities where corporate investment in property is skyrocketing—transforming cities from “urban spaces” to “luxury office parks,” and transferring literal and figurative ownership of territory from national governments and citizens to an elite global network of financiers, heads of corporations, lawyers, and other members of the global corporate elite. Consider that Shanghai has seen a 150% increase in growth of total foreign investment from 2013-2014; in Amsterdam the number is 248%. Sassen emphasizes that it is not the foreign nature of the investment that concerns her per se, but rather that it is corporate, and in such monstrous amounts.

The consequences of this accumulation of territory and power are especially pronounced in locations with weaker local governments. In the Global South, 220 million hectares of land were purchased between 2006-2010. These land-grabs of both urban and rural areas pose threats to environmental and social justice for the local communities. The consequences of corporate

investing in rural land across the globe paints a disturbing picture. ‘Development’ takes the form of extracting natural resources from the Global South for foreign corporate profit. The leading commodity is biofuel, the production of which leaves a toxic dead space in its aftermath. “Dead land” is the conceptual title Sassen offers the growing masses of the earth exploited to the point of ruin and abandon. Maps of the ice melt in Greenland and the shrinking water in the Aral Sea visually depict the ecological destruction of corporate territoriality run amok. Who owns national territory?

Sassen also breaks the myth that land-grabs are primarily of rural space and argues that much of corporate buying across the world is of urban property. The consolidation of urban property ownership into the hands of the global corporate elite challenges the power of the sovereign state, local corporations, and citizens but it also brings a transformation of the city that Sassen presents as a dystopian vision of the loss of urban itself. Urban is something she narrates as having a special quality of “complexity with incompleteness,” hinting at the imaginative possibilities an urban space maintains for encounters of a different kind. For encounters with the ‘other’ that grant those with and without power a place. “Estamos presentes” she pronounces in her native tongue, “we are present.” In the ambiguous mix of urban space, those who are otherwise invisible get to claim the right



to stand, to claim their presence, and to be seen by elites who they would otherwise never come into contact with. Appealing to the symbolism of frontier, Sassen defines urban space as “frontier zones where actors from different worlds have an encounter where there are no established rules of engagement.” As corporations buy urban property and tear it down to build luxury condos and office buildings, they displace the character of the city itself—transforming it into an altogether different sort of territory, and Sassen confronts us with asking who and what is lost. Who owns the city?

As Sassen takes us through her examples, she circles back to the implications of her provocations: “no formal system of power has lasted forever, why should this particular instance of the territorial last forever, what other forms might it take?” What are the new realities and conditions of life that emerge in the new forms she brings to light?

When her story turns to the case of the United States, she points to the ‘blank space’ between our national state authority and the power of finance; “black pools” of finance, as she describes them, drawing on the language of Ben Bernake, Chairman of the Federal Reserve from 2006-2014. In the unknown territory of black pools of finance, banks and financial firms engage in economic practice that remain hidden from the American

government and public. Even the head of the Federal Reserve admits to not knowing what happens there—but he knows that everybody wants in.

Sassen is trying to map out new power configurations, a “new systemic” that is ordering our social world that goes beyond the classic understanding of territorial power as contained by the state. As she continues to dig into this problem, she leaves us with her hunch—her overwhelming feeling that today it is finance that is “the steam engine of our epoch.” She is concerned about the genius instrumentality that runs global finance today, and its capabilities to forge a new territoriality of unprecedented strength. The power of government and citizenship are pale in its shadow, and yet it cannot be summoned to accountability, to even be known, in the conceptual space we have to work with today. Sassen is compelling us to think our way out.

## About Saskia Sassen

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



Saskia Sassen is the Robert S. Lynd Professor of Sociology and co-chairs The Committee on Global Thought, Columbia University. Her recent books are *Territory, Authority, Rights: From Medieval to Global Assemblages* (2008), *A Sociology of Globalization* (2007), and the 4th fully updated edition of *Cities in a World Economy* (2011). *The Global City* came out in a new fully updated edition in 2001. Her books are translated into 21 languages. She is currently working on *When Territory Exits Existing Frameworks* (under contract with Harvard University Press). She

contributes regularly to [www.OpenDemocracy.net](http://www.OpenDemocracy.net) and *The Huffington Post*.



# Madison's Hand

## Revising the Constitutional Convention

Tuesday, October 27 · 5:00 p.m.  
Barat House  
Boston College Law School

### PANELISTS:

- **Mary Sarah Bilder**, BOSTON COLLEGE
- **Saikrishna Prakash**, UNIVERSITY OF VIRGINIA
- **Heather K. Gerken**, YALE LAW SCHOOL
- **David A. Strauss**, UNIVERSITY OF CHICAGO LAW SCHOOL



Despite her publisher's lament that her recent book, *Madison's Hand: Revising the Constitutional Convention* (2015), did not coincide with a significant constitutional anniversary, Boston College Law Professor Mary Bilder, speaking at a panel discussion about her book, claimed that the lack of coincidence was fitting. Madison himself, she pointed out, while in the final days of his life, "refused" to give in to his family's wishes that he wait until July fourth to die and, instead, passed away on the rather unremarkable date of June 28th. Yet there is a more marked symbolism in the lack of a significant publication date for Bilder's book, for no study has done more to challenge what we know and celebrate about the Constitutional Conven-

tion.

On Tuesday, October 27, 2015, the Clough Center hosted a panel to discuss *Madison's Hand*. The panel consisted of author and BC Law professor Mary Sarah Bilder, Yale Law School Professor Heather Gerken, Saikrishna Prakash of the University of Virginia, and David Strauss of the University of Chicago Law School. The panelists agreed, though for different reasons, that *Madison's Hand* is a work that will establish a new framework for how we think about the American past.

Madison's notes from the Convention have long been the source for how historians have come to understand what transpired in



Philadelphia during those pivotal months in the summer and fall of 1787. But, as Bilder argues in her already much-celebrated book, Madison did not complete his notes during the summer of 1787. Instead, he returned to them years later and continued revising them, Bilder suggests, as his own understanding of the Constitution, of the Convention, and of himself was shifting in response to the trials the young nation was then undergoing. Every revision, she asserted in her opening remarks, “increased the distance from the Convention of 1787,” and thus complicates our own understanding of the Constitution’s origins.

Professor Heather Gerken, responding to Bilder’s introductory comments, praised Bilder’s “lively and engaging book” not only for the way it brings the reader into the Convention as a historical event, but also for how it portrays the *dramatis personae* who peopled its stage. None, of course, is more important than Madison himself, for, as Gerken stated, “even when Madison is outstandingly wrong, he’s still interesting.” The biggest concern Bilder’s book raises for Gerken is what we are to make of the fact that James Madison is a “self-interested narrator” in the notes. “If the views of one person are this hard to understand,” she asks, “how can an originalist read the mind of the nation?” Madison, of course, is not malicious, she pointed out. He’s merely human. “We are all unreliable narrators,” Gerken claimed, “as individuals and as a collective,” and in the United States “myth-making is not just a tradition, but a grand tradition.” And yet, she concluded, these facts should not lead us to abandon our

quest to understand the past. Instead, they should remind us to approach it with humility and to recognize its plurality, for “the past is a language in which we cast our present truths.”

Saikrishna Prakash, responding both to Bilder’s book and its implications for originalist interpretation, argued that we must distinguish between the various kinds of originalism, of which there are three major schools of thought. The first two schools advocate adhering to “original intent,” but exactly whose intent that means is a matter of debate. Some believe it is the intent of the Constitution’s drafters while others believe it is the intent of those who ratified the Constitution that truly matters. Most originalists, Prakash pointed out, believe it is the thinking of the ratifiers that matters most, and thus the Convention itself is inconsequential, as would be, under this view, Madison’s notes. A third school of originalism argues that it is what Prakash called “original public meaning,” not the intentions of any private individual, that is most significant in interpreting the Constitution. So again, the significance of Madison’s notes for constitutional interpretation would seem to be somewhat minor. In fact, Prakash suggest the notes seem to have the makings more of a fictional novel than a key to interpreting the Constitution as Madison works to smooth over many a change in attitude throughout them.

David Strauss, diving even further into the possible implications of *Madison’s Hand* for legal interpretation, asked what it



is we are trying to do when we interpret the Constitution. His answer: “trying to form a coherent story.” The Constitution is not the product of a single theorist, he argued, and thus cannot be construed as a coherent project (here we see Strauss’s “living constitutionalism” emerge in contradistinction to Prakash’s originalism). “The past is another country,” Strauss claimed, and attempting to understand the founders as addressing our problems today is a way of abusing what they were doing. Bilder’s book, he argued, makes us think about the “features of a people engaged in political conflict” and reminds us that the past can be used, but “sparingly and with caution,” thus seeming to echo Gerken’s point.

Madison, Strauss suggested, seems to present a bold case against the very idea of originalism. Through his revisions, as *Madison’s Hand* demonstrates, he was trying to enlist the Constitution on his side in the fights of his day as he responded to the exigencies of that historical moment and his own ever-shifting views. Strauss thus stressed his doubt that the founders, whose thought hardly remained unchanged, ever saw themselves as trying to write the Constitution. “That,” Strauss concluded, “is for us to do.”





# 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).

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

Bilder is the author of *The Transatlantic Constitution: Colonial Legal Culture and the Empire* (2004), awarded the Littleton-Griswold Award from the American Historical Association. She recently co-edited *Blackstone in America: Selected Essays of Kathryn Preyer* (2009). Her articles appear in several important collected volumes of essays and a wide variety of journals, including the *Yale Law Journal*, the *Stanford Law Review*, the *Yale Journal of Law and the Humanities*, the *George Washington Law Review*, *Law and History Review*, *Law Library Journal*, and the *Journal of Policy History*.

She has received a William Nelson Cromwell Foundation Grant, the Boston College Annual Prize for Scholarship, a Boston College Distinguished Research Award, and a Mellon Fellowship in the Humanities, and was a Boston College Law School Fund Scholar. She currently serves on the editorial board of *Law and History Review* and the *Journal of Legal Education*, and on the board of *The New England Quarterly*.

**HEATHER GERKEN** is the J. Skelly Wright Professor of Law at Yale Law School. Professor Gerken specializes in election law and constitutional law. She has published in the *Harvard Law Review*, the *Yale Law Journal*, the *Stanford Law Review*, *Michigan Law Review*, *Columbia Law Review*, *Political Theory*, *Political Science Quarterly*, *Roll Call*, *Legal Affairs*, *Legal Times*, *The New Republic*, *Democracy Journal*, and elsewhere. She has served as a commentator for a number of media outlets, including the *New York Times*, *The New Yorker*, the *L.A. Times*, the *Chicago Tribune*, the *Boston Globe*, NPR, the *Lehrer News Hour*, Bill Moyers, CNN, MSNBC, and NBC News. Her most recent scholarship explores questions of election reform, federalism, diversity, and dissent. Her work has been featured in *The Atlantic's* "Ideas of the Year" section, the "Ideas Section" of the *Boston Globe*, and NPR's *On the Media*. It has also been the subject of three academic symposia.

Professor Gerken clerked for Judge Stephen Reinhardt of the 9th Circuit and Justice David Souter of the United States Supreme Court. After practicing for several years, she joined the Harvard faculty in September 2000 and was awarded tenure in 2005. In 2006, she joined the Yale faculty.

Professor Gerken has won teaching awards at both Yale and Harvard, been named one of the nation's "twenty-six best law teachers" by a book published by the Harvard University Press, was featured in the *National Law Journal* for balancing teaching and research, won

a Green Bag award for legal writing, testified three times before the Senate Committee on Rules and Administration, and serves as a trustee for Princeton University. Professor Gerken served as a senior legal adviser in the “Boiler Room” for the Obama for America campaigns in 2008 and 2012. Her proposal for creating a “Democracy Index” was incorporated into separate bills by then-Senator Hillary Clinton, then-Senator Barack Obama, and Congressman Israel and turned into reality by the Pew Charitable Trusts, which created the nation’s first Election Performance Index in 2013.

**SAIKRISHNA PRAKASH** is the James Monroe Distinguished Professor of Law and Horace W. Goldsmith Research Professor at the University of Virginia. His scholarship focuses on separation of powers, particularly executive powers. He teaches Constitutional Law, Foreign Relations Law, and Presidential Powers at the law school.

Prakash majored in economics and political science at Stanford University. At Yale Law School, he served as senior editor of the *Yale Law Journal* and received the John M. Olin Fellowship in Law, Economics and Public Policy. After law school, he clerked for Judge Laurence H. Silberman of the U.S. Court of Appeals for the District of Columbia Circuit and for Justice Clarence Thomas of the U.S. Supreme Court. After practicing in New York for two years, he served as a visiting professor at the University of Illinois College of Law and as an associate professor at Boston University School of Law. He then spent several years at the University of San Diego School of Law as the Herzog Research Professor of Law. Prakash has been a visiting professor at the Northwestern University School of Law and the University of Chicago Law School. He also has served as a James Madison Fellow at Princeton University and Visiting Research Fellow at the Hoover Institution at Stanford University.

**DAVID STRAUSS** is the Gerald Ratner Distinguished Service Professor of Law at the University of Chicago Law School. He graduated from Harvard College summa cum laude in 1973. He then spent two years at Magdalen College, Oxford, on the Marshall Scholarship and received a BPhil in politics from Oxford in 1975. In 1978, he graduated magna cum laude from Harvard Law School, where he was developments editor of the *Harvard Law Review*. Before joining the law school faculty, he worked as an Attorney-Adviser in the Office of Legal Counsel of the U.S. Department of Justice and was an Assistant to the Solicitor General of the United States.

Strauss joined the Law School faculty in 1985. He has published articles on a variety of subjects, principally in constitutional law and related areas, and recently published *The Living Constitution* (2010). He is, with Geoffrey Stone and Dennis Hutchinson, co-editor of the *Supreme Court Review*. He has been a visiting professor at Harvard and Georgetown and is a Fellow of the American Academy of Arts and Sciences.

Strauss has argued 18 cases before the United States Supreme Court. In 1990, he served as Special Counsel to the Committee on the Judiciary of the United States Senate. He is a member of the national Board of Directors of the American Constitution Society, and has also served Chair of the Board of Trustees of the University of Chicago Laboratory Schools and as a member of the Board of Governors of the Chicago Council of Lawyers. In addition to his current teaching interests—constitutional law, federal jurisdiction, elements of the law, and administrative law—he has taught civil procedure and torts.

# The Selective Re-Bordering of Citizenship and Migration



Thursday, November 5, 2015

12:00 p.m.

Barat House  
Boston College Law School

RSVP to [clough.center@bc.edu](mailto:clough.center@bc.edu)

**Ayelet Shachar**

*Director of the Max Planck Institute for the Study of Religious and Ethnic Diversity, and Professor of Law and Political Science at the University of Toronto*



On November 5, 2015, the Clough Center hosted Ayelet Shachar, Professor of Law and Political Science and Canada Research Chair in Citizenship and Multiculturalism at the University of Toronto, as part of the Clough Distinguished Lectures in Jurisprudence. Shachar has an issue with globalization. She observes that if one looks back at globalization literature just 15 years ago, there is a conviction that increased globalization will make citizenship less significant. As the world gets flatter, scholars argued, labor will join capital, information, and technology in a global and mutual migration across borders. Where you are from will become far less important than what you can offer, giving many a chance to finally overcome the “birthright lottery.”

But citizenship has not lost significance, nor is most migration any freer. If anything, in the post-9/11 world, they’re back with a vengeance. Over the last decade and a half there has been an extraordinary rise of complex new legal procedures and rules for immigration and citizenship. States are extending their authority in novel ways to remove constitutional protections for citizens and non-citizens alike both inside and outside their borders, and they are doing this largely through legislatures and with the assent of courts. Yet, states are also promoting selective pro-immigration policies, which can speed up or waive huge parts of the citizenship process for those with the right skills, knowledge, or capital.



Shachar believes that the basic dichotomy in globalization scholarship today between the promise of open borders and the reality of closed borders is false. There is, in fact, a logic to the paradox of states opening and closing their borders at the same time. Unpacking this logic requires understanding three interrelated transitions occurring in citizenship: territorial, cultural, and economic. These transitions represent responses by states feeling uncertainty, risk, and unknown factors in a world of greater globalization.

Shachar explained that in the U.S. geographic borders have not changed, but legal borders have. In 2013 the Senate passed a new immigration and nationality act which included a controversial provision called expedited removal. This provision treats the legal U.S. border as extending 100 miles away from coastal and territorial borders, effectively moving the border into the interior. Expedited removal allows officials to check the legal status of anyone residing in the new borders—where 2/3 of the U.S. population lives, and which includes the entire states of Florida, New York, and others—at their discretion; the ACLU calls this area a “constitution-light zone.” Shachar quoted the Department of Homeland Security’s statements that the zone “should be expanded nationwide.”

Other countries are following suit. Canada is cooperating with the U.S. to extend this principle across each other’s borders through new interdiction procedures at Canadian airports, rendering subjects outside the protection of both the U.S. or Canadian Constitu-

tions. U.S. immigration agents are also at major airports across Europe and Asia. These agents can even train third-party airport employees to make these determinations, meaning that one’s decision of entry into the U.S. can now be made by a non-U.S. citizen. Australia has expanded multiple times the “excision zone” it introduced in 2001, which authorizes immigration officials to remove asylum seekers who have already reached Australian territory. Thus, even if you arrive in Australia, you may not be in “Australia,” a legal entity under which you are entitled to a set of standard protections. Nor are you technically in a state, making your protection under the 1951 UN Refugee Convention uncertain. In 2013, Australia declared its entire territory an excision zone. Shachar identifies such measures as “radical redefinitions” in traditional concepts of territory.

Boundaries are also being shifted through the use of culture. The U.S. citizenship test is still pretty straightforward—you study for it, it’s mostly trivia on U.S. history, and usually you take it after living there for some time. This is not the case across Europe. The Netherlands has instituted rigorous pre-enter examinations even if you have a family visa. The tests, which increase in difficulty as one moves through the process toward permanent citizenship, require a far more comprehensive knowledge of the Dutch language, legal system, and way of life than past tests. France now makes new immigrants sign an integration contract that says you accept the values of the French Republic—of course, many things to different people—while one German state passed a (now repealed) law asking what an applicant



received. Olympic citizenship is occurring in modern constitutional states, but the practice is not new: ancient and early-modern city-states did this with the patronage system. It also operates against a background of restriction for others, even if they have pressing humanitarian rights. This logic about citizenship is functional and strategic in a way more traditional notions of membership and belonging are not, and all of this is being decided—without much debate or oversight—through the legitimate exercise of public law.

would do if their son were moving in with a gay partner, or if a daughter or spouse “wanted to dress like other German girls or women.” “These are totally inappropriate questions for a constitutional state to ask,” Shachar remarked. “It sounds more like an inquisition or a church.”

The third transformation to citizenship is economic, and it’s the least studied. It’s also the subject of Shachar’s newest book, *Picking Winners: Olympic Citizenship and the Global Search for Talent*. Gates are being closed across the world to virtually everyone but these “Olympic citizens,” who are targeted by states as a new breed of desired migrants who can bring some special talent or capital for the advantage of the host government. States are explicit about their participation in this global race for talent, where sports superstars, world class scientists, prominent artists, and other heavily skilled migrants receive expedited and streamlined citizenship. There is no oral exam on Goethe for a leading Indian microbiologist; Germany now waives all language requirements for scientific fields. Recently, after the U.S. failed to grant a talented female basketball player citizenship in time for the Olympics, Russia called, issued a presidential order, and the player was able to switch to Team Russia.

Is it legitimate for government to be picking winners in this way? Policy justifications can be made, but Shachar’s talk emphasized the relative lack of attention these changes have

This is where Shachar focused her conclusion. Before receiving her LL.M. and J.S.D. from Yale, she was law clerk to Chief Justice Aharon Barak of the Supreme Court of Israel. Shachar recalled how the Justice often said that “the world is full of law.” Regardless of whether law is descriptive or normative, she continued, it is imperative that the area of public law take due notice of these dramatic legal changes in citizenship, the result of governments responding to interrelated pressures of security, culture, and economics.

Shachar directed the final thoughts for her Clough Distinguished Lecture at the BC Law students in the audience. “Is this the kind of law subject to little judicial review, which undercuts rights, or is it the rights-protecting vision of law used for emancipation, not exclusion?” she asked them to consider. “That task falls on those who know, study, and practice the law.” When the next generation of lawyers uses the power of the law,” Shachar ended, each must ask, “which version am I practicing?”

## About Ayelet Shachar

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



**A**yelet Shachar is Director of the Max Planck Institute for the Study of Religious and Ethnic Diversity, and Professor of Law and Political Science at the University of Toronto. She has published and lectured widely on citizenship theory, immigration law, multiculturalism, cultural diversity and women’s rights, law and religion in comparative perspective, talent migration and global inequality. She was recently elected a Fellow of the Royal Society of Canada.

Shachar is the award-winning author of *Multicultural Jurisdictions: Cultural Differences and Women’s Rights* (Cambridge University Press), *The Birthright Lottery: Citizenship and Global Inequality* (Harvard University Press)—named 2010 International Ethics Notable Book in recognition of its “superior scholarship and contribution to the field of international ethics”—and over 70 articles and book chapters published in venues such as the *Journal of Political Philosophy*, *Political Theory*, *NYU Law Review*, *Harvard Civil Rights-Civil Liberties Law Review*, and the *Yale Law Journal*. She is the recipient of excellence awards in three different countries, the most recent of which was awarded to her by the Migration & Citizenship Section of the APSA.

Shachar earned her LL.B in law and B.A. in political science, *summa cum laude*, from Tel Aviv University, and LL.M. and J.S.D, both from Yale Law School. Before arriving at Yale, she was law clerk to Chief Justice Aharon Barak of the Supreme Court of Israel. In addition to delivering keynotes and lectures to academic and general audiences on five different continents, Shachar sits on the editorial boards of several peer-reviewed journals in her field and has provided pro-bono expert consultation to judges, governmental commissions and the World Bank, as well as non-governmental organizations specializing in citizenship, immigration and religious tolerance. She has held appointments as the Leah Kaplan Visiting Professor in Human Rights at Stanford Law School, and the Jeremiah Smith Jr. Visiting Professor of Law at Harvard Law School. She is also a member of the Max Planck Society—one of the world’s leading research organizations in science and humanities. Her new book, *Olympic Citizenship*, explores the legal and ethical challenges of international migration, focusing on the highly skilled.

## Clough Colloquium

*presented together with*

### The Clough Center for the Study of Constitutional Democracy



### Dr. Shirin Ebadi

*Nobel Peace Prize-Winning Iranian Activist and Lawyer*

• • •

**Tuesday, November 10, 2015**

**4:00 p.m.**

**Gasson Hall 100**

Event is free and open to the public.

For more information, visit [www.bc.edu/winstoncenter](http://www.bc.edu/winstoncenter) or call 617-552-9296.

**N**obel Peace Prize winner Dr. Shirin Ebadi spoke to an overflowing audience in Gasson Hall on the afternoon of November 10, 2015. She shared her personal trajectory, political insights, and advice to the rapt audience. Dr. Ebadi earned a law degree from the University of Tehran in 1975, and went on to earn her doctorate in law before becoming one of the first female judges in Iran. Her work over the past four decades has reflected a long-standing commitment to human rights, justice, women and children's rights, and political and religious freedom. Because of her work on behalf of the Iranian people, Ebadi currently lives in exile in London, where she continuously draws attention to humanitarian issues in the Middle East by

writing prodigiously about them. Over the course of her career, Ebadi has written numerous books and articles, including most recently *The Golden Cage: Three Brothers, Three Choices, One Destiny* (2011) and *Iran Awakening: One Woman's Journey to Reclaim her Life and Country* (2007). Her book *Until We Are Free: My Fight for Human Rights in Iran* will appear in spring 2016. Ebadi was welcomed at Boston College by the Clough Colloquium at the Winston Center for Leadership and Ethics and the Clough Center for the Study of Constitutional Democracy.

Dr. Ebadi opened her speech by inviting reflection on the role of failure in her intellectual and personal development. Failure—



“the day the world has come to an end”—helped shape Ebadi’s current pursuits. She first described her demotion from the position of president of and judge on the city court of Tehran to clerk of that same court following the Iranian Revolution in 1979. After the Revolution, Ebadi argued that women were worth only half the value of men, while before, they had been equal members of society. In courts, for example, two women’s testimonies were worth the testimony of a man’s. Ebadi felt her demotion deeply: her loss of identity as an intellectual and professional in Tehran helped push her to extend her work into different realms. After 1979, Ebadi asked for early retirement so she could begin to write. She wrote articles to expose the situation of women and children in post-revolutionary Iran. This activism helped her found NGOs, become an internationally renowned figure, and win the 2003 Nobel Peace Prize.

This upward trajectory did not last, however. Ebadi then turned to the next “failure” of her life: the failure represented by the 2009 Iranian presidential election, when Mahmoud Ahmadinejad was elected. At 63, Ebadi was forced into exile under this regime: she was removed from her post at the head of NGOs and was threatened repeatedly for her work exposing human rights violations in Iran. According to Ebadi, members of the Iranian government threatened her family and her former coworkers, and even offered to return her property (which had been seized) if Ebadi ceased publicly criticizing the Iranian regime. She refused. Though Ebadi found herself in a new country with a different language and different laws, she used this situation to draw more attention to the plight of the Iranian people. She was empowered by freedom of speech in England to criticize the Iranian regime and its infringement on the rights of women and journalists.

Ebadi closed her talk by addressing Iran’s present political and humanitarian issues. She criticized the Iranian Constitution, which restricts the ability of the democratically elected president (now Hassan Rouhani) to lead the country. The human rights situation in Iran is deteriorating, she argued, and she pointed to the number of journalists imprisoned by the current regime and that Iran has the second-highest number of executions of any country in the world. She called upon the United Nations and the international community to intervene to protect freedom of speech and to protest prisoners of conscience. Though Iran has recently been in the news because of the nuclear agreements with the United States, Ebadi argued that these concerns were outside those of the Iranian people, who continue to suffer under economic sanctions and political repression. The instability of the Middle East—exacerbated by proxy wars and the emergence of ISIS—has developed into the current refugee crisis. She ended by stating that we live in a globalized era, where “the destiny of all human beings is intertwined.” She called upon the United States to offer more aid to the refugees in Europe and to welcome more refugees into the United States while also demanding that the United States stop selling arms to Saudi Arabia.

The audience listened quietly throughout the talk as Ebadi spoke with the aid of a translator, but eagerly asked her advice in the question and answer period. Ebadi offered her thoughts on how American citizens can take control of the democratic process in order to prevent the American government from selling arms. Though Ebadi has lived through a tumultuous era, and though Iranians continue to suffer in political, humanitarian, and international crises, she has maintained her belief in democracy, which offers power to ordinary people and provides an outlet for protest and activism.



## About Shirin Ebadi

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



**D**r. Shirin Ebadi, J.D., was awarded the 2003 Nobel Peace Prize for her efforts to promote human rights; in particular, the rights of women, children, and political prisoners in Iran. She is the first Muslim woman to receive the Nobel Peace Prize, and only the fifth Muslim to receive a Nobel Prize in any field.

Dr. Ebadi was one of the first female judges in Iran. She served as president of the city court of Tehran from 1975 to 1979 and was the first Iranian woman to achieve Chief Justice status. She, along with other women judges, was dismissed from that position after the Islamic Revolution in February 1979. She was made a clerk in the court she had once presided over, until she petitioned for early retirement. After obtaining her lawyer's license in 1992, Dr. Ebadi set up private practice. As a lawyer, she has taken on many controversial cases defending political dissidents and as a result has been arrested numerous times.

In addition to being an internationally recognized advocate of human rights, she has also established many non-governmental organizations in Iran, including the Million Signatures Campaign, a campaign demanding an end to legal discrimination against women in Iranian law. In January 2006, along with sister Laureate Jody Williams, Dr. Ebadi took the lead in establishing the Nobel Women's Initiative.

Dr. Ebadi is also a university professor and often students from outside Iran take part in her human rights training courses. She has published over 70 articles and 13 books dedicated to various aspects of human rights, some of which have been published by UNICEF. In 2004, she was named by *Forbes* magazine as one of the 100 most powerful women in the world.

# AUTHORITY & AUTHORITARIANISM *in fiction & politics*

Thursday, November 12, 2015

6:00 p.m.

Devlin Hall, Room 101

Boston College

Featuring Edward Hirsch, Elizabeth Graver,  
Gish Jen, and Adam Johnson



**H**ow do we imagine the relationship between politics and literary fiction? What effects might a political regime have on that art form? These are just two of the questions that a panel of accomplished contemporary writers discussed in their exploration of authority and authoritarianism in fiction and politics. Fiction—moderator and American poet Edward Hirsch pointed out—is the only literary form that did not originate aurally. Lyric, drama, and epic all emerged out of oral traditions. For centuries, ballad singers were a sort of “deputy of the public voice” and therefore held a position of authority as they performed—and passed on—inherited stories. Despite its detachment from the oral traditions, the novel, Hirsch pointed out, in many ways borrowed from them. While it often depicts more

ordinary characters than the heroes of epic, it has not completely shed its concern with the heroic. And while, like lyric, it is often concerned with the inner life of the individual, the novel’s emphasis tends to be, as in tragicomedy, more on the side of representing social context against which the individual consciousness is situated.

Of course, the novel itself continues to evolve, and one of the most important causes for it is the way in which writers imagine how a nation’s political culture impacts the life of the individual. Boston College English professor Elizabeth Graver, who writes both fiction and non-fiction, surveyed a number of contemporary novels that take place in authoritarian regimes and noted some of

““ In writing her own recent novel, *The End of the Point* (2013), Graver was preoccupied with certain questions: ‘Whose story is it? What right do I have to go in and tell it?’”

the stylistic similarities between them. It is not only the variety of voices amongst its cast of characters that such works feature, but also what she called “multi-stranded narration.” She suggested that such an approach to the narrative point of view eschews the dangers of the “univocal voice”—a point of view that can often be thrust upon the narrative world and the mind of the reader in an act of narratorial “dictatorship.” In this way, Graver argued, the novel “enacts the powers of authoritarian regimes,” which should, she seems to suggest, make us wary of the practice of third-person omniscient narration. By instead employing multi-stranded narration, writers avoid the constricting perspective that often haunts authoritarian societies and therefore allows a far richer, dynamic world to emerge in the pages of the novel.

In writing her own recent novel, *The End of the Point* (2013), Graver was preoccupied with certain questions. “Whose story is it? What right do I have to go in and tell it?” As she wrote, she grew more aware of the fact that “each story I was telling [sat] upon one hundred other stories I was not telling.”

Adam Johnson, winner of the Pulitzer Prize for his novel *The Orphan Master’s Son*—which tells the story of a North Korean citizen negotiating the realities of life in an authoritarian country—picked up where Graver left off by responding to the question that often concerned him during the novel’s composition: who am I to write about the experience of North Koreans? (Johnson pointed out that he is a “white guy from California.”) He astutely described one of the glaring differences between North Korea and Western society: our “national narrative,” as he referred to it, is one where each of us always envisions ourself at the center of our own life; for North Koreans, Kim Jong-un is always the protagonist in a narrative that has thousands of minor characters. The more research he conducted with North Koreans, the more he came to see that the way in which they perceived their lives seemed to be a national narrative of trauma—fragmented, disjointed, distanced, and lacking any obvious chronology. It was, he realized, the way in which he came to see North Koreans surviving the story of their own lives, and it greatly informed his eschewal of omniscient univocal narration.

Johnson’s description of the rationale behind his own novel’s

fragmentation and multivocality paralleled Chinese-American writer Gish Jen’s remarks about why the “Western narrative” always seemed foreign to her while growing up in the United States. To her it was not a trauma narrative but the “narrative of a different self.” The novel, she pointed out (in a way that returned to Hirsch’s opening remarks), was invented as the concept of “the self” took shape in Western thought. It is thus a form that often features a “unitary narrative” as the story of an individual unfolds across its pages. Her own fiction writes against this idea in order to emphasize the way in which she was “never really at home in a culture with these foundations.” Echoing Graver’s remarks, she lauded multivocality against individualism (thereby challenging the idea of third-person narration) and argued for broader acknowledgement of what she calls the “interdependent self”—a perspective that is not trapped in the single mind of an individual, but one cognizant of the fact that the self exists as part of a collective story.

Edward Hirsch proposed a devil’s advocate theory: what about the need to tell a unitary story against the powers that be because it might become lost to the world? Gish Jen offered a response that concurred with Hirsch’s remarks while also deepening her own comments about the interdependent self: she argued that it is the first-person narrative that is hardest to tell, not the third-person narration of it. In other words, telling the “unitary story,” she believes, remains important, but the imaginative work required to acknowledge its complexities is a difficult task. Adam Johnson remarked that he is always suspicious about univocal narrative. “What does it want from me?” he often asks, and he pointed out that he “doesn’t trust” nineteenth-century novels because of their wide use of omniscient narrators.

Taken as a whole, the remarks of all three writers suggest a new dilemma for writers of fiction: how to create authority in a world that has grown suspicious of authority’s very existence. Establishing this as an individual writer, Gish Jen pointed out in closing, remains an important part of composition, but we cannot ignore the fact that others are always involved in 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).

**EDWARD HIRSCH** is an American poet and critic. He is the recipient of an Academy of Arts and Letters Award, an Ingram Merrill Foundation Award, a Lila Wallace-Reader's Digest Writers' Award, and the Rome Prize from the American Academy in Rome. In 2008, he was elected a Chancellor of the Academy of American Poets. His most recent book of poetry is *Gabriel: A Poem* (2014), which was long-listed for the 2014 National Book Award. He currently serves as the president of the John Simon Guggenheim Memorial Foundation.

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 35 years of poems. Hirsch is also the author of five prose books, including *A Poet's Glossary* (2014), *Poet's Choice* (2006), and *How to Read a Poem and Fall in Love with Poetry* (1999), and is the editor of *Roethke: Selected Poems* (2005) and co-editor of *The Making of a Sonnet: A Norton Anthology* (2008).

Hirsch was awarded fellowships from the Guggenheim Foundation, the MacArthur Foundation, and the National Endowment for the Arts. He taught for six years in the English department at Wayne State University and 17 years in the Creative Writing Program at the University of Houston. Hirsch was educated at Grinnell College and the University of Pennsylvania, where he received a Ph.D. in folklore.

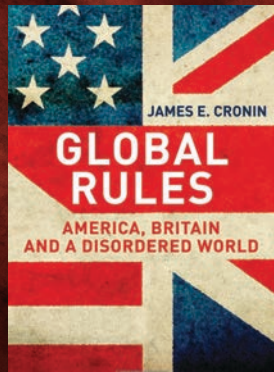
**ELIZABETH GRAVER'S** fourth novel, *The End of the Point*, was long-listed for the 2013 National Book Award in Fiction and selected as a *New York Times* Notable Book of the Year. Her other novels are *Awake*, *The Honey Thief*, and *Unravelling*. Her story collection, *Have You Seen Me?*, won the 1991 Drue Heinz Literature Prize. Her work has been anthologized in *Best American Short Stories* (1991, 2001); *Prize Stories: The O. Henry Awards* (1994, 1996, 2001), *The Pushcart Prize Anthology* (2001), and *Best American Essays* (1998). She teaches at Boston College and is at work on a new project that draws on the Sephardic Jewish history of her family.

**ADAM JOHNSON** is Associate Professor of English with emphasis in creative writing at Stanford University, where he has been a professor since 1999. A Whiting Writers' Award winner, his work has appeared in *Esquire*, *Harper's*, *Playboy*, *GQ*, *Paris Review*, *Granta*, *Tin House*, the *New York Times*, and *Best American Short Stories*. He is the author of *Emporium*, a short-story collection, and the novel *Parasites Like Us*. His books have been translated into 23 languages. Johnson was a 2010 National Endowment for the Arts Fellow. His novel *The Orphan Master's Son* was published in 2012 by Random House and received the 2013 Pulitzer Prize for Fiction. He was also awarded a Guggenheim Fellowship for 2013-14.

**GISH JEN** is the author of four novels, a collection of short stories, and a volume of lectures. Jen has published in *The New Yorker*, *The Atlantic Monthly*, and dozens of other periodicals and anthologies, including *The Best American Short Stories of 1988*, 1995, and 2013, as well as *The Best American Short Stories of the Century*, edited by John Updike.

Nominated for a National Book Critics' Circle Award and an International IMPAC Dublin Book Award, her work was also featured in a PBS *American Masters*' special on the American novel, and is widely taught. Jen was elected to the American Academy of Arts and Sciences in 2009. She has been awarded a Lannan Literary Award for Fiction, a Guggenheim fellowship, a Radcliffe Institute for Advanced Study fellowship, and numerous other awards. In 2003, an American Academy of Arts and Letters jury comprised of John Updike, Cynthia Ozick, Don DeLillo, and Joyce Carol Oates granted her a five-year Mildred and Harold Strauss Living award. Jen also delivered the Massey Lectures in the History of American Civilization at Harvard University in 2012. Her most recent book, *Tiger Writing: Art, Culture and the Interdependent Self*, is based on those lectures.

# ENDING THE COLD WAR and setting the terms of THE FUTURE WORLD ORDER



Wednesday, November 18, 2015  
5:00 p.m.  
Devlin Hall, Room 101  
Boston College

#### PANELISTS:

- **James Cronin**, BOSTON COLLEGE
- **Mary Elise Sarotte**, UNIVERSITY OF SOUTHERN CALIFORNIA
- **Jeremi Suri**, UNIVERSITY OF TEXAS AT AUSTIN
- **Arne Westad**, HARVARD UNIVERSITY
- MODERATOR: **Seth Jacobs**, BOSTON COLLEGE

Few expected the abrupt, and largely peaceful, collapse of communism in the Soviet Union and Eastern Europe. The events of 1989 were preceded by a sharp turn back to Cold War mentalities in Latin America and Afghanistan and accompanied by a reignited arms race between the two superpowers.

International relations scholars looking back a few years later asserted that 1989 was a major “ordering moment” for Atlantic governments—a profound and unexpected break from the post-war past that leaders in the West sought to use to dramatically change the world system. President George Bush’s talk about a “new world order” emerging from the old, they argued, suggested radical plans to bring the Soviet Union and Eastern Eu-

rope into transatlantic institutions based on a new “neoliberal” economic consensus that would integrate and free markets on both sides from government control. Bush and his counterparts in Britain, Germany, and France, Philip D. Zelikow and Condoleeza Rice wrote in 1995, “acted with skill, speed, and regard for the dignity of the Soviet Union” to unify Germany and bring it firmly into a new architecture of international institutions and arrangements.

Four prominent Cold War historians challenged those assumptions on Wednesday, November 18, 2015, in a roundtable discussion of BC Professor James Cronin’s latest book, *Global Rules: America, Britain, and a Disordered World* (2016). USC



Professor Mary Sarotte argued that in 1990 the U.S. and Britain were cautious leaders, not radical idealists. When West German Chancellor Helmut Kohl approached Bush about integrating Russia into NATO, Bush said no way—we won, and if they want compensation, we’ll bribe them out. Reluctance extended across the Iron Curtain, as the largely peaceful transition owed a lot to chance: the leaders of Poland and East Germany had both planned violent responses modeled after China’s reaction to the contemporaneous Tiananmen Square protests. University of Texas Professor Jeremi Suri and Harvard Professor Odd Arne Westad added questions about the continuities between Cold War and post-Cold War diplomacy—for Suri, one of the most notable achievements of Cronin’s book. For Westad, the persistence of a Cold War ideology in the U.S. was why it became impossible to think about a reordering of Europe, or of the world, that integrated Russia as a full partner. In other words, even before Russia could be “lost,” it was already excluded.

Professor Cronin admitted that he is ambivalent on whether his book is about big or incremental changes. Perhaps it is both. Cronin’s book begins not in 1989 but nearly 20 years earlier, when the postwar economic consensus embodied in the Bretton Woods institutions began to fail for its major stakeholders, the U.S. and Western Europe. He traces the development of the post-Cold War consensus—a commitment to unfettered markets and capital mobility (neoliberalism); human rights; and democracy promotion—throughout the 1970s and 80s to demonstrate that what at first appeared as a massive break with the past had its roots in earlier commitments springing from various domestic and international imperatives. The nature of the resulting poli-

cies—neoliberalism especially—foreclosed options that might have resulted in a very different world. For instance, given the dramatic turn to markets as the almost singular organizing principle for economies and societies under Reagan and Thatcher, how could their successors have implemented a massive reconstruction package for the former Soviet Union and Eastern Europe? Indeed, such an idea went against the central thrust of the economic and moral philosophy both leaders had done so much to institutionalize in their own countries as well as in international financial institutions like the IMF and World Bank. In a sense, the “shock therapy” of the Washington Consensus—a term coined in 1989 to describe the reform packages accompanying IMF loans to debt-laden developing countries in the 1980s—was the only option on the table.

The critical turning point for Cronin is the elections of Ronald Reagan and Margaret Thatcher. The Reagan-Thatcher alliance demonstrated the durability of the postwar order and its accompanying institutions, which had been jointly, if unevenly, constructed by the U.S. and Britain. Reagan and Thatcher’s success came largely from being in the right place at the right time. They were successful in switching the focus of economic policy from growth and employment—the consensus adopted at Bretton Woods in 1944—to controlling inflation because inflation was something they could still control. The fall in energy prices after the second oil shock in 1979 coincided with an aggressive anti-inflation strategy from the U.S. Federal Reserve, both of which dramatically reduced prices across the board, if at the cost of growth and employment. In part because of their success in reducing inflation, Reagan and Thatcher were reelected and then



replaced by their ideological successors, resulting in sustained periods of conservative rule in the two countries with the greatest capacity to influence global rules. In this way it was possible to take the controversial economic philosophy of neoliberalism—on the outside of mainstream economic thought in the 1970s—and make it dominant across the developed (and much of the developing) world.

Professor Cronin also offered some thoughts on how Russia was “lost” in the 1990s. It is conceivable that a more enlightened policy from the West could have brought Russia closer into the (still) Atlantic-based post-Cold War order, but there were serious obstacles. First, much of Russia’s political and economic crisis in the 1990s was internally generated due to the persisting nature of Soviet decisionmaking even after the Communist Party’s fall from power. Second, Eastern European countries might have been supportive of expanding NATO into their sphere, but nearly 45 years of Soviet domination—to say nothing of their relationships with Russia before the creation of the Eastern bloc—gave them little appetite for including the colossus to the east into any new security body they joined. Third, given the depths to which Russia’s power and economy sank in the 1990s, it was perhaps inevitable that when things stabilized near the end of the decade,

a revanchist leader would try to establish some degree of Soviet influence in its former sphere. Nobody in Russia ever stopped talking about the “near abroad,” Cronin noted, so some degree of nationalist, authoritarian Russian policy was likely. Boris Yeltsin faced constant opposition from Russian nationalists throughout his rule until he resigned in 1999, handing the presidency over to an obscure former KGB agent, Vladimir Putin.

Professor Cronin is part of a growing number of historians, this author included, who trace the path toward the contemporary international order through Western leaders’ reactions to the global economic and political crises of the 1970s and 80s. Perhaps most remarkable is the persistence of the tremendous rule-making capacity of the United States and Britain, firmly established in the 1945 “ordering moment.” This dynamic was repeated in the 1970s and 80s in an elongated, but no less dramatic fashion, infusing the postwar institutions they created in the 1940s with new ideas and purposes that continue to shape the present. “The U.S. and Britain do not rule the world,” Professor Sarotte explained when introducing *Global Rules*, “but they have largely made the rules that order the world.”



# 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).

**JAMES CRONIN** teaches modern British and European history at Boston College. Over the past decade his research interests have involved the relationship between states and social structures, political parties, and the rise and fall of the Cold War world order. His most recent book focused on the making of “New Labour” in Britain and its implications for the evolution of social democracy in Europe. He is currently working on a study of British and American foreign policy, and the Anglo-American alliance, since the crisis of the 1970s. Professor Cronin is an associate of the Center for European Studies at Harvard University, where he chairs the British Study Group, and he serves on the editorial boards of the *Journal of Social History* and *British Politics*. He has been awarded fellowships by the National Endowment for the Humanities and the German Marshall Fund and is a fellow of the Royal Historical Society.

**MARY ELISE SAROTTE** is the author, most recently, of *The Collapse: The Accidental Opening of the Berlin Wall*, which the *Financial Times*, *The Economist*, and *BBC History Magazine* (along with other publications) named a “Book of the Year,” and CNN’s *Fareed Zakaria GPS* selected as its “Book of the Week.” *The Collapse* appeared on the 25th anniversary of the fall of the Wall, along with related articles and op-eds in *Foreign Affairs*, the *Los Angeles Times*, the *New York Times*, *Politico*, and other media outlets.

Her previous book, *1989: The Struggle to Create Post-Cold War Europe* (2009), was also a *Financial Times* Book of the Year and became the first book to win both the Ferrell Prize (for distinguished scholarship on U.S. foreign policy) and the Shulman Prize (for distinguished scholarship on Communist foreign policy). *1989* additionally received the DAAD Prize for distinguished scholarship in German and European studies. Sarotte is the author of two other books and a number of scholarly articles as well.

She earned her bachelor’s degree at Harvard University, her doctorate in history at Yale University, and held a postdoctoral fellowship at the Belfer Center at the Harvard Kennedy School. After her postdoc, Sarotte went on to become a White House Fellow, a member of the Institute for Advanced Study in Princeton, NJ, and a tenured member of the faculty of the University of Cambridge in England. Sarotte returned to the States to become a member of the faculty at the University of Southern California (USC), where she is Dean’s Professor of History, and a research associate at the Center for European Studies at Harvard University.

**JEREMI SURI** is the Mack Brown Distinguished Chair for Leadership in Global Affairs at the University of Texas at Austin, where he is a Professor in the Department of History and the Lyndon B. Johnson School of Public Affairs. He is the author and editor of six books on history, international affairs, and foreign policy, including *Power and Protest: Global Revolution and the Rise of Detente*, *Henry Kissinger and the American Century*, and *Liberty’s Surest Guardian: American Nation-Building from the Founders to Obama*. His most recent book, co-edited with Robert Hutchings, is *Foreign Policy Breakthroughs: Cases in Successful Diplomacy*. Professor Suri also writes for newspapers and magazines, including the *New York*

*Times*, the *Boston Globe*, the *Houston Chronicle*, the *Dallas Morning News*, *Foreign Affairs*, and *Wired* magazine. His research and teaching have received numerous awards, including recognition from *Smithsonian* magazine as one of America's Top Young Innovators. Professor Suri is a frequent public lecturer and appears often on television and radio. He blogs at: <http://jeremisuri.net>.

**ODD ARNE WESTAD** is the S.T. Lee Professor of U.S.-Asia Relations at Harvard University, where he teaches at the Kennedy School of Government. He is an expert on contemporary international history and on the eastern Asian region.

Before coming to Harvard in 2015, Westad was School Professor of International History at the London School of Economics and Political Science (LSE). While at LSE, he directed LSE IDEAS, a leading center for international affairs, diplomacy, and strategy.

Professor Westad won the Bancroft Prize for *The Global Cold War: Third World Interventions and the Making of Our Times*. The book, which has been translated into 15 languages, also won a number of other awards. Westad served as general editor for the three-volume *Cambridge History of the Cold War*, and is the author of the *Penguin History of the World* (now in its 6th edition). His most recent book, *Restless Empire: China and the World since 1750*, won the Asia Society's book award for 2013.

# THE VISUAL ARTS

Making Democracy Visible

THURSDAY, JANUARY 21, 2016

6:00 PM

DEVLIN HALL, ROOM 101

BOSTON COLLEGE

Featuring Edward Hirsch, Ramiro Gomez,  
Liza Lou, and Lawrence Weschler

EXHIBIT



## Los Olvidados “The Forgotten”

Pop-up gallery featuring the work of Ramiro Gomez  
Thursday, January 21, 2016  
Devlin Hall Admissions Office

Image: *Las Meninas* (2013), Ramiro Gomez. Courtesy of the artist and Charlie James Gallery, Los Angeles

On Thursday, January 21, 2016, as part of the Arts and the Culture of Democracy series, Dr. Edward Hirsch moderated a discussion panel titled, “The Visual Arts: Making Democracy Visible.” He opened the panel by arguing that the American art project is distinct from the European art project and is a project that is particularly inclusive. It is a project that has emphasized the process of making art rather than the product itself. Hirsch pointed out that John Dewey also emphasized process when he argued that art is its own particular kind of education. There is something special about art. It brings to the surface information and ideas that cannot be as appropriately highlighted by other mediums. It is not utilitarian.

Hirsch also pointed to how art employs defamiliarization. By making the world less familiar, it allows the viewer to see the world better. People do not see what is too familiar to them. Making things less familiar is a way of highlighting them. All of these aspects of that project both reflect and influence our democracy, which is constantly in transition and involves voices and visions that, though often at odds with other, can help and empower all if democracy is functioning well. And many of these strands are so familiar to us that we do not notice them. Art makes us notice.

Dr. Lawrence Weschler picked up these themes saying that both art and democracy entail a certain amount of vision and thus it



is important that we have people who are professionals at vision (visual artists). He noted that the visual arts are entangled in the market, which is often a profoundly anti-democratic institution. Even back to the Medicis, the bankers were the art collectors. Sometimes people go to art fairs not to see but to be seen. Like any casino, the art fair has to be maintained. The imperfections have to disappear. That requires the custodians to clear the clutter and to remain ignored. Gomez's work makes the viewer not ignore them.

Who gets to go to the museum and who gets portrayed at the museum and who gets to feel like the art is theirs is as much a project of democracy as an institution of art. Still, there have been repeated attempts to democratize art through prints, postcards, and photographs. That is exactly what the two artists (Gomez and Lou) who were also presenting do. By focusing on figures (manual laborers and women) who are usually excluded from art, both as subjects and viewers, these two are effectively democratizers of art.

Ramiro Gomez's work focuses on domestic labor. He paints onto *Luxe* and other interior decorating magazines to show the labor that goes into making that space look as it does. He draws out what it means to work and what it means to be paid. He also makes cardboard cutouts of people performing manual labor and places them in the areas, such as swanky Beverly Hills neighborhoods, where that labor is done but the laborers go undernoticed and underappreciated. What you realize when you see the cardboard cutouts is that you see these people all the time and do not notice them. It is the cardboard that makes you stop and take notice.

With seemingly no sense of irony, Beverly Hills homeowners will have their workers get rid of the cardboard cutouts. And yet by displaying these cutouts in those places and making the privileged notice the labor and people upon which that privilege rests, Gomez's project is deeply democratic. What is subtle and beautiful is that it does this without preaching or haranguing the viewer. He refers to his work as guerilla art because that term suggests the lack of permission. There's no invitation to what he's doing. Likewise, no one really gave him permission to be an artist. He did not go to a formal art school. His art comes from lived experience, which is kind of democratic, too.

Liza Lou uses millions of tiny glass beads to create large scale sculptures but the real medium in her work is not the beads so much as it is the time it takes to create these works. One of her major projects depicts a full-scale country kitchen, constructed as a monument to a 19th century woman with incredible depth who found herself stuck in drudgery. She wanted her work to pay homage to that labor, which is what the labor-intensity to her work does. She has done much of it with women employees in South Africa and so has brought formal employment and art making to people who have often been denied entrance to both of those. Her works also demonstrate her deep commitment to process. Ultimately, that too is democratic.

American democracy, like American art, is as much about the process of making and who does the making as it is about what is made.

# 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).

**EDWARD HIRSCH** is an American poet and critic. He is the recipient of an Academy of Arts and Letters Award, an Ingram Merrill Foundation Award, a Lila Wallace-Reader's Digest Writers' Award, and the Rome Prize from the American Academy in Rome. In 2008, he was elected a Chancellor of the Academy of American Poets. His most recent book of poetry is *Gabriel: A Poem* (2014), which was long-listed for the 2014 National Book Award. He currently serves as the president of the John Simon Guggenheim Memorial Foundation.

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 35 years of poems. Hirsch is also the author of five prose books, including *A Poet's Glossary* (2014), *Poet's Choice* (2006), and *How to Read a Poem and Fall in Love with Poetry* (1999), and is the editor of *Roethke: Selected Poems* (2005) and co-editor of *The Making of a Sonnet: A Norton Anthology* (2008).

Hirsch was awarded fellowships from the Guggenheim Foundation, the MacArthur Foundation, and the National Endowment for the Arts. He taught for six years in the English department at Wayne State University and 17 years in the Creative Writing Program at the University of Houston. Hirsch was educated at Grinnell College and the University of Pennsylvania, where he received a Ph.D. in folklore.

**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 20 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 short-listed 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 of 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.

**RAMIRO GOMEZ** is a Los Angeles-based artist who lives and works in West Hollywood, CA. His works focus on the predominantly Hispanic workforce present behind the imagery of affluence and beauty in California. In 2014, Gomez held his first solo gallery show at the Charlie James Gallery. His exhibition, entitled *Domestic Scenes*, united three series of paintings in a meditation on class, wealth, and the people behind America's images of luxury.

In 2013, Gomez held a solo exhibition at the UCLA Chicano Studies Research Center entitled *Luxury, Interrupted*. Also in 2013, he was an artist-in-residence at the CSUF Grand Central Art Center and the City of West Hollywood Park. The origins of Gomez's work are located in his personal history, as he was born to immigrant parents in Southern California. After leaving the California Institute of the Arts, Gomez worked as a live-in nanny with a Beverly Hills family, where he observed the often-paradoxical relationships between heads of households and their staff.

Gomez has also exhibited at the Cornell Fine Arts Museum, the Museum of Contemporary Art in San Diego, the District of Columbia Arts Center at Washington, D.C., and the AFL-CIO National Convention. He has guest lectured on his work at Stanford University, UCLA, UC San Diego, UC Santa Barbara, and the AFL-CIO National Convention.

**LIZA LOU** is an American visual artist best known for producing large scale sculptures using glass beads. She held her most recent solo exhibitions at the Wichita Museum of Art and the Neuberger Museum of Art in 2015. She received an Anonymous Was a Woman Artist Award in 2013 and a MacArthur Foundation Fellowship in 2002.

Lou came to prominence with the room-size sculpture *Kitchen* (1991-1996; permanent collection of the Whitney Museum of American Art, New York), a to-scale and fully equipped replica of a kitchen, covered in beads. This work was followed with *Back Yard* (1996-1999; permanent collection of the Fondation Cartier pour l'art contemporain, Paris), for which Lou enlisted the help of volunteers to recreate grass in a 525-square-foot model of a backyard.

Lou has participated in numerous solo museum exhibits, including at the Museum of Contemporary Art in San Diego, SCAD Museum of Art, Museum Kunst Palast in Düsseldorf, Bass Museum of Art in Miami, Aspen Art Museum, Henie Onstad Kunstsenter in Oslo, Santa Monica Museum of Art, and Fundació Joan Miró in Barcelona. In 2005, Lou founded a collective with Zulu artisans in KwaZulu-Natal, South Africa. She lives and works in Los Angeles and KwaZulu-Natal.

# THE RISE OF THE CONSTITUTION

Friday, February 19, 2016 • 12:00 p.m.  
Barat House  
Boston College Law School

RSVP to [clough.center@bc.edu](mailto:clough.center@bc.edu). Lunch will be provided.



with **Aziz Rana**,  
*Professor of Law at Cornell Law School*

The American Constitution has a familiar story today. Eleven years after declaring independence from Britain, America's founders gathered in Philadelphia to agree on a new constitution to replace the failing Articles of Confederation. Yet, in this document, reference to America's original sin—a country half slave and half free—was conspicuously absent, except for a clause denoting “all other Persons” worth three-fifths of, well, “Persons,” for congressional representation and tax purposes. The compromise was said to be necessary, but the wisest framers knew that it would not last. Fifty years later, Lincoln. The War. The Reconstruction Amendments, Jim Crow, women get the vote, blacks and whites fighting together in the

wars but eating, washing, and working separately back home. Finally, the Supreme Court, the cautious but sensitive barometer of American social change, declares segregation a violation of Mr. Lincoln's legacy to the Constitution, the Fourteenth Amendment's Equal Protection Clause, thus restoring to the Constitution the original intent of Washington, Jefferson, and Adams—life, liberty, and equality.

This narrative of the Constitution—and the nearly unanimous support for the text's sanctity—is not a self-evident fact. Instead, on February 19, 2016, at a lecture hosted by the Clough Center, Aziz Rana, Professor of Law at Cornell University, argues that

our narrative of gradual progress toward an inclusive constitution with civil rights at its core is a relatively recent invention. It is the product of sustained and self-conscious political struggles from the emergence of America as a world power in the early 20th century to the fallout of the student, civil rights, and black power movements in the late 1960s and 70s. There is still plenty of disagreement about the Constitution between liberals and conservatives, and contestation within consensus on both sides. However, what is left is a particular narrative of how the Constitution is related to our national history and public life. The text—and especially the culture around the text—is about egalitarian rights respect, equality, and freedom. And even when the courts get it wrong, it is our strong constitutional culture that brings liberal and tolerant ends.

Professor Rana's latest book project explores the rise of this form of constitutional veneration across the 20th century, during which the modern consensus emerged. He begins in the late 19th century, a time of widespread disillusionment with the Constitution as a rights device and unifying symbol for the country. Civil war had torn the country apart politically while rapid industrialization was furthering a North-South economic divide. Civic attempts in 1887 to launch events commemorating the Constitution's centennial were a near disaster, as the business and legal elites behind the project were turned down by Congress for money and unable to locate any suitable speakers (Grover Cleveland finally stepped in). It was not hard to see why, *The Nation* wrote: the Constitution had failed. It was supposed to deal with national vs. state power, slavery and freedom, and it failed in a cataclysmic way to find compromise. Further, many Southerners (like future president Woodrow Wilson) accused the original Constitution of being fundamentally tied to eastern mercantile interests. Reformers on all sides were calling for constitutional change, especially the labor and Progressive movements. They argued that through powers granted to the judiciary and executive branches—both captured by the Gilded Age's robber barons—the Constitution was inherently biased against the majority's will. The only real popular representation, they believed, was in the House of Representatives and state legislatures, where progressives across the country pushed for new laws, including the direct election of senators (17th amendment), and wrote new state constitutions designed to protect social and economic interests that the U.S. Constitution did not.

Writing constitutions at home went hand in hand with writing them abroad. The turn of the 20th century also marked the rise of America's overseas empire—at the very time that the era of eventual imperial collapse began. While a stunned Europe watched Japan defeat an expansionist Russian Empire, the U.S. was bogged down in a nasty guerrilla war in the Philippines,

*“This narrative of the Constitution—and the nearly unanimous support for the text's sanctity—is not a self-evident fact. Instead,...Aziz Rana, Professor of Law at Cornell University, argues that our narrative of gradual progress toward an inclusive constitution with civil rights at its core is a relatively recent invention.”*

which it occupied after kicking Spain out of Cuba. After a rush of enthusiasm for empire in the Spanish-American War, a debate raged in America between those opposed to overseas expansion and those who believed that the U.S. has a special role to play in shepherding others toward self-determination. Thus began colonialism with an American face. America had a 150-year practice of self-government, moving from colony to constitutional state to emerging world power. If Europeans operated through the principle of empire, the thinking went, Americans would operate through constitutionalism. In 1916, Congress passed the Jones Act, a Wilson initiative that declared America's commitment to decolonization in the Philippines—the first of its kind for the U.S. and Europe. Wilson, a former advocate for dramatic constitutional reform in the U.S., highlighted the act's emphasis on self-determination, drawing a link between America's new, more multicultural civic identity and its old white settler one. It also supported his advocacy for Jim Crow policies at home, for which he argued that different races have different degrees of development, with whites leading the way and providing the example for other, lesser races. Thus, the U.S. Constitution was reproduced almost verbatim in the Philippines. The Constitution, warts and all, still provided the institutional underpinnings for those on the path to development; it could be adopted and amended there accordingly.

At the same time, constitutional veneration was brought to mass politics. During World War I, a variety of military preparedness groups hosted seminars on the Constitution and initiated a more successful national Constitution Day. But the Progressive Era's questions about the structure of the text—should it provide for economic rights and workers' protection? Whose interests does judicial review serve?—were jettisoned in favor of national security. During the war and after, those who claimed to most



venerate the Constitution were conservatives who called for its defense at all costs, including the right to free speech. And its critics? Largely from the labor, socialist, and anarchist movements, they argued that their right to free speech came not from the Constitution, which they believed required radical change or even replacement, but from universal rights that go beyond any state.

Constitutional veneration began to move out of the right during the 1930s, when the Supreme Court endorsed key aspects of the New Deal, but World War II provided a new, even more inclusive constitutional framework. Lawyers in the Roosevelt administration held that what distinguished the U.S. from the Nazis—and then the Soviets—was that the U.S. was an open society while fascist and communist societies were closed. That openness was provided by a constitutional culture and especially the Bill of Rights, which had not been part of the early veneration's platform. In 1941, with the Atlantic Charter and Four Freedoms fresh in Americans' minds, President Roosevelt engaged in a sustained effort to celebrate the Bill of Rights. The language of "rights respect" became a powerful way of thinking about the legitimacy of American power and distinctiveness from its opponents. Future U.N. Secretary General Gunnar Myrdal captured this spirit, writing in *An American Dilemma* that though America was marked by the sin of slavery, it was an incomplete but nevertheless liberal society whose essence is equal liberty for all, forever progressing toward its fulfillment. This meant that for its international policy, "The U.S. is the world in miniature." Marked by the same desire for freedom as all Americans, the Second and Third Worlds, too, if they followed America's example, could become free.

The last massive moment of dissent, in the late 1960s and 1970s, is where Professor Rana's story ends. With arguments harkening back to Progressive Era critics, radicals in the student and black power movements held that ultimate emancipation and freedom required nothing less than a refounding of the country by and in defense of the powerless. They drew from independence and anticolonial projects in the global south to push for "decolonization" in the U.S., including new flags and constitutions, return of land, repatriation, systematic wealth

redistribution, and the promotion of socioeconomic rights. They were defeated for various reasons, including a state and populace openly hostile to their often violent advocacy. All of this produced a sense in the late 70s and 80s that "what went wrong" in the 60s was the "bad 60s"; that is, the alliance of black militants and naïve white students who abandoned the peaceful, constitutional path of the civil rights movement in favor of Third World revolutionary tactics, which sought constitutional change by force.

Professor Rana concluded by noting his argument's consequences for the present. First, the traditional periodization for constitutional development needs to be rethought in ways that recognize the late 19th and early 20th century as a hinge. Two, we need to think of popular constitutionalism as not just in the courts, but as the general political conversations we have about the Constitution. The people shaping this story—politicians, political commentators, journalists, etc.—are using constitutional veneration to make arguments about national identity. We must recognize how our constitutional culture and ethics are products of history, of struggle, and are not self-evident.

Finally, we have to recognize some of the costs of our redemptive story. The ethical power of that story has made some of the worst rights infringements unthinkable, but it has done so in language that has justified the genesis and expansion of the security state in the first place. It also places a sharp line between a separate settler, white republic past and multicultural, civic present, when in fact there was much overlap and synthesis. We see the effects in present racial politics: we live at once in a "post-racial America," but also under the "New Jim Crow." Why both are taking place is the result of the forms of constitutional discourse Professor Rana explained. It comes down to different ways of thinking about social change through the Constitution, which he shows were never self-evident.

## About Aziz Rana

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



**A**ziz Rana is currently a Professor at Cornell Law School. He received a Ph.D. in Political Science from Harvard and a J.D. from Yale. His research and teaching center on American constitutional law and political development, with a particular focus on how shifting notions of race, citizenship, and empire have shaped legal and political identity since the founding. His book *The Two Faces of American Freedom* boldly reinterprets the American political tradition from the colonial period to modern times, placing issues of race relations, immigration, and presidentialism in the context of shifting notions of empire and citizenship. Today, while the U.S. enjoys tremendous military and economic power, citizens are increasingly insulated from everyday decision-making. This was not always the case. America, Rana argues, began as a settler society grounded in an ideal of freedom as the exercise of continuous self-rule—one that joined direct political participation with economic independence. However, this vision of freedom was politically bound to the subordination of marginalized groups, especially slaves, Native Americans, and women. These practices of liberty and exclusion were not separate currents, but rather two sides of the same coin. His current book manuscript explores the modern rise of constitutional veneration in the 20th century—especially against the backdrop of growing American global authority—and how veneration has influenced the boundaries of popular politics. He has written essays and op-eds for such venues as the *New York Times*, *The Nation*, Salon.com, CNN.com, *Jacobin*, and *N+1*. He has recently published articles and chapter contributions (or has them forthcoming) with the Yale University Press, *California Law Review*, and *Texas Law Review* among others.

# A THEORY OF JUDICIAL REVIEW

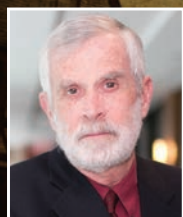
Drawn from the forthcoming book *A Global Political Morality: Human Rights, Democracy, and Constitutionalism*

Monday, February 29, 2016 · 12:00 p.m.

Barat House

Boston College Law School

Registration required at [www.bc.edu/cloughevents](http://www.bc.edu/cloughevents).  
Lunch will be provided.



with **Michael Perry**,  
*Robert W. Woodruff Professor of Law, Emory University*

**O**n Monday, February 29, 2016, Michael Perry, Robert W. Woodruff Professor of Law at Emory University, gave a talk drawn from his forthcoming book *A Global Political Morality: Human Rights, Democracy, and Constitutionalism*.

M. Cathleen Kaveny, Darald and Juliet Libby Professor at Boston College and Boston College Law School, introduced Perry, noting how her own work had been inspired by his research at the intersection of law and morality.

Throughout his presentation, Perry referred to an original concept he calls “the morality of human rights,” denoting rights

recognized throughout the international community as pertaining to human persons. His talk did not focus on establishing the morality of human rights, but rather on a narrower question: what should the role of courts be in protecting or establishing rights in a democracy?

Existing views in answer to this question include a weak form of judicial review, or judicial “penultimacy,” and a strong form, or judicial ultimacy. Judicial penultimacy prevails in the new commonwealth model of constitutionalism. Professor Perry agrees that in a relatively well-functioning democracy, this is the best form of constitutionalism. However, in the United States, for



better or for worse, the Supreme Court has judicial ultimacy. Its decisions can be overruled only by supermajoritarian lawmaking in the form of constitutional amendments.

This demands the question: wielding as much power as it does, should SCOTUS (Supreme Court of the U. S.) ask whether in its own judgment a law under review is constitutional, or whether the judgment that it is constitutional is a reasonable one? This question connects with Perry's larger project, the morality of human rights, because, he says, "the morality of human rights includes the right to democratic governance." In other words, there is a presumptive right that the opinion or will of a majority will prevail over that of a minority.

In the United States, a minority can prevent a majority from altering the Constitution. This is a minority rules state of affairs that implicates the right of the majority to prevail—but, Perry asks, does it violate that right? Or is there a sufficiently strong justification for the rule of the minority? At minimum, he concludes, this state of affairs is in serious tension with the human right to democratic governance. This would not be a serious problem if citizens didn't tend to disagree about the meaning of the content of the Constitution or if the Constitution were not judicially enforced, but of course, both of those things are true.

There are a few potential solutions to this problem. One, proposed by Michael Seidman of Georgetown Law, is for the government to disobey certain constitutional commands (those no longer willed by a majority of citizens) and follow others out of respect, not out of obligation. Others are amending the Con-

stitution to be more consistent with democratic governance, or replacing it. None of these seem realistically foreseeable.

To mitigate the issue of judicial ultimacy infringing on the human right to democratic governance, Perry proposes his theory of judicial review. That is, SCOTUS should adjudicate claims deferentially when presented with a claim that government is acting in violation of the Constitution. In 1893, the law professor James Bradley Thayer pointed out that there is often room for reasonable difference in judgments about whether a law claimed to be unconstitutional actually is. Presumably the makers of the law believed it was constitutional. In light of this, SCOTUS should not rule a law unconstitutional if the lawmakers' judgment is reasonable; that is, if well-informed, rational, and thoughtful people would agree.

While the judges themselves might not always agree with the judgment that the law is constitutional, Thayer said that "the courts must not step into the shoes of the lawmaker," and should only assess whether a reasonable person would agree that the Constitution is not violated by the law.

Perry said that given the morality of human rights and the presumptive right of majority to prevail, the minority-rule regime for constitutional amendments is problematic. SCOTUS should proceed as deferentially as possible in adjudicating constitutional claims and should generally rule in the negative if there is room for reasonable disagreements about whether there is a constitutional norm or whether the proposed government action violates it.



In this theory of judicial review, N is a norm if either 1) constitutional enactors entrenched N in the Constitution or later enactors did not entrench a norm that supersedes N; 2) N is “constitutional bedrock” and has become embedded in the life of the nation, for example by overwhelming public acceptance or popular ratification. So in deciding whether a law is constitutional, SCOTUS should rule in the negative if it’s a reasonable judgment that neither of the foregoing things is satisfied. Thus SCOTUS would bring law into closer alignment with the morality of human rights.

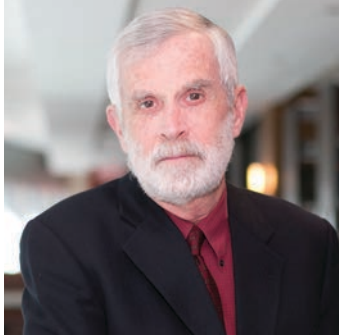
An exception to this guideline would be this: if the case has to do with a right that’s part of the morality of human rights, SCOTUS can decide it is a norm even if only one of the above prevails. Thus SCOTUS would bring law into closer alignment with the morality of human rights. As an example, Perry discussed *D.C. v. Heller*, a case dealing with a Washington, D.C., gun control law. The case dealt with a disagreement about whether the Second Amendment constitutionalizes a right to private ownership of arms, or a right to own arms in connection with militia service. Private right to own arms is not part of the morality of human

rights, Perry argues, as evidenced by the fact that the overwhelming majority of nations reject it. Thus, it does not limit the right to democratic governance. If the arguments for and against this right being permitted by the Constitution were both reasonable, SCOTUS should have rejected it.

With respect to the question whether a norm at issue is truly constitutional, Perry says, deference is appropriate unless the norm at issue is part of the morality of human rights. With respect to the question whether a proposed law violates a constitutional norm, deference is appropriate even if the constitutional norm violates the morality of human rights. By following these guidelines, courts can respect the right of people to democratic governance.

## About Michael Perry

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



**M**ichael Perry is the Robert W. Woodruff Professor of Law at Emory University. He specializes in Constitutional Law, Human Rights, and Law and Religion. He is the author of 12 books and over 80 articles and essays. His most recent titles include: *Human Rights in the Constitutional Law of the United States* (2013); *Toward a Theory of Human Rights: Religion, Law, Courts* (2007); *Constitutional Rights, Moral Controversy, and the Supreme Court* (2009); and *The Political Morality of Liberal Democracy* (2010).

Perry did his undergraduate studies at Georgetown University, majoring in philosophy and minoring in theology (A.B., 1968). He studied law at Columbia University (J.D., 1973), and then served as law clerk to U.S. District Judge Jack B. Weinstein (1973-74) and, a year later, to U.S. Circuit Judge Shirley M. Hufstedler (1974-75). Before coming to Emory, Perry was the inaugural occupant of the Howard J. Trienens Chair in Law at Northwestern University (1990-97), where he taught for 15 years (1982-97). He then held the University Distinguished Chair in Law at Wake Forest University (1997-2003). Perry began his teaching career at the Ohio State University College of Law (1975-82) and has taught as a visiting professor at a number of prestigious law schools.

# WHAT IS THE RESPONSIBILITY TO PROTECT?

AND WHAT DOES IT MEAN IN

# SYRIA



Tuesday April 5, 2016 • 6:00 p.m.  
Fulton Hall, Room 511  
Boston College

**MICHAEL WALZER**

Professor Emeritus of Social Science at the  
Institute for Advanced Study

**O**n Tuesday, April 5, 2016, Dr. Michael Walzer began his Clough Center discussion by stating that Syria is a difficult case for the doctrine of responsibility to protect (R2P). He quoted the legal maxim that hard cases make bad law but argued that in political theory, hard cases make better law by forcing us to grapple with complexities. He then discussed three positions he had taken over the course of 2012 and 2013. He admitted that over time these positions were not entirely consistent but they nevertheless represent his thinking on responsibility to protect and how that applies to Syria.

His first position came in March of 2012. At that time, the primary issue at hand was regime change but the brutality of the regime was starting to produce calls for intervention on the grounds of a responsibility to protect Syrian civilians. Walzer argued at the time that R2P made a lot of sense but none of the proposals seemed serious. Military intervention would have had to meet three requirements. The first requirement was that intervening forces would need to choose one faction of the opposition and make sure that they prevailed. The second was that interveners would have to ensure that the weapons possessed by the Syrian Army were controlled. Weapons proliferation and

civil war had to be prevented. Third, interveners had to have the ability to protect minorities under what would almost assuredly be a Sunni-dominated regime. Most proposals at the time did not call for a large number of American boots on the ground but Dr. Walzer could not see any way to accomplish these three objectives without doing exactly that. He argued that this would be especially difficult because: 1) the Syrian Civil War is not a two-sided conflict but more like a war of all against all; and 2) the list of interveners would have to include Arab countries and Turkey, which too is unlikely. Dr. Walzer believed that any attempted intervention would be quite limited and he was “skeptical of the value of a half-assed intervention.”

Dr. Walzer’s next statement came roughly a year later when the Obama administration was accused of dithering over Syria. At that point, and now, there were three potential outcomes: 1) an Assad victory; 2) a rebel victory that as in Libya would devolve into warlordism and jihadi anarchy; and 3) a division of the country into a Sunni region, an Alawite region, and a Kurdish region. The third option was problematic because we had no idea who would rule in a Sunni region, we had no idea who would protect minorities in the Sunni region or the Alawite region, and we had no idea how the destabilizing impacts of the territorial division would be dealt with. The second scenario, a rebel victory, was also problematic because one united opposition winning was unlikely, especially given that other states in the region have all picked their own favored opposition groups. He therefore defended the administration saying that dithering was a rational response to what was going on in Syria, given that we did not know of those three unappealing options was worse.

Dr. Walzer asserted that there is nothing the U.S. alone can do to bring about a settlement. Iran, Lebanon, and Israel would also have to be engaged however difficult that might be to envision. He also argued that the goal should not be free elections. Democracy only works if the sides are willing to share power or rotate. That is not currently the case. The combatants in the war would rather die than rotate. The priorities should be peace, then stability, then law and order. Democracy lies far down the road.

Roughly six months later, in October 2013, Walzer made his third statement. At that time, many people who opposed intervention argued from the example of Iraq. Walzer instead argued from the example of Libya. Liberal and neoconservative interventionists by this point were arguing that things would not have gone as poorly if the United States had not stayed out. He thought this was a doubtful prospect. Even if the United States had helped a moderate opposite win, it was never likely that they would hold on to power given how thin they were on the ground. The more likely scenario was still a prolonged civil war.



But that is what happened anyway. Walzer was not confident that an American intervention could have helped much but also said that it could not have made things worse.

Dr. Walzer then brought the discussion up to his thinking today, noting that things have actually gotten worse since October 2013. He argued that at least sometimes, force is not only useful, but morally necessary. R2P is now a part of international law, although the UN has no effective executive arm, nor is the Security Council able to authorize states to act in a timely fashion. No one in reality has a legal duty to act. Legality and responsibility do not go together. If R2P is a duty, it is only a moral duty. Like other moral duties, it may require acting outside the law. Walzer argued against those who complain that America should not be the policeman of the world by saying that America has not done that much policing. In truth, there are a lot of bad guys we have ignored and some we have actively assisted.

According to him, if the United States or any other state is going to intervene based on the doctrine of responsibility to protect, it must grapple with several questions. First, against what evils is external protection morally required? Second, when is protective action required? Third, who are the responsible agents? Fourth, what are the limits on this responsibility? Fifth, when does the responsibility end?

Dr. Walzer concluded by arguing that the three requirements he mentioned earlier are now absolute requirements. Pick a winner. Seize the weapons. Protect the losers. Intervention has not happened thus far because no one capable of doing those things is willing to pay the attendant costs.



## About Michael Walzer

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



**M**ichael Walzer is Professor Emeritus of Social Science at the Institute for Advanced Study in Princeton, NJ. As a professor, author, editor, and lecturer, he has addressed a wide variety of topics in political theory and moral philosophy: political obligation, just and unjust war, nationalism and ethnicity, and economic justice and the welfare state. His books (among them *Just and Unjust Wars*, *Spheres of Justice*, *The Company of Critics*, *Thick and Thin: Moral Argument at Home and Abroad*, and *On Toleration*) and essays have played a part in the revival of practical, issue-focused ethics and in the development of a pluralist approach to political and moral life.

For more than three decades Walzer served as co-editor of *Dissent*, now in its 61st year. His articles and interviews frequently appear in the world's foremost newspapers and journals. He is currently working on the third volume of *The Jewish Political Tradition*, a comprehensive collaborative project focused on the history of Jewish political thought. A new book, *The Paradox of Liberation: Secular Revolutions and Religious Counterrevolutions*, was published in March of 2015.

# THE RISE & FALL (?) OF WORLD CONSTITUTIONALISM



Thursday, April 14, 2016 • 5:00 p.m.  
Barat House  
Boston College Law School

**BRUCE ACKERMAN**

Sterling Professor of Law and Political Science  
Yale University

**D**r. Ackerman began his April 14th talk by stating that the law is what legitimates power and that constitutions constrain authority from the top. Beyond that though, constitutionalism is not a one size fits all thing. What he wanted to do in this talk and in his research was to characterize the fundamental differences between types of constitutionalism. Just as Max Weber categorized the animating forces behind political power into three ideal types (charismatic, traditional, and legal/bureaucratic), Ackerman asserted that there are also three ideal types of constitutionalism: revolutionary, establishment, and elite construction. Each of these has distinctive features, logics, and difficulties.

India, South Africa, France, Italy, Poland, Israel, and Iran have revolutionary constitutionalisms. Despite the differences between these countries, all of their constitutionalisms are rooted in a similar experience. In these countries, there was of course a sustained effort to mobilize the masses against the regime. In this collective struggle the existing regime was denounced as illegitimate. This time period also set the stage for the subsequent founding of a new regime. The distinctive legitimation challenge of this kind of constitutionalism is the specter of totalitarian dictatorship. The fear is that the constitution is merely a propaganda tool that does not constrain authority. Still, revolutions are not doomed to despotism. Charisma can be constitutionalized and bureaucratized.

The political challenge of revolutionary constitutionalism is that the legitimacy of the founding generation fades over time. The experience of common sacrifice creates a bond between leaders and followers of the movement. A constitution puts that bond in propositional form but the memory of sacrifice is the bond, not the constitution. As the founding generation dies off, there starts to be a legitimacy vacuum.

The legal challenge of revolutionary constitutionalism is that lawyers do not know how to handle all the new ideas, but as the first generation fades, professional self-confidence increases. New decisions fill in the gaps and the next generation understands it as law even though first generation saw it as something novel. In this way, lawyers fill the legitimacy gap and consolidate authority over time.

Great Britain is the example of par excellence of the second (establishment) kind of constitutionalism. In this constitutionalism, political order is constructed by elite insiders who use strategic concessions to coopt moderates and split the opposition. This kind of constitutionalism is backward looking in its legitimacy. It is the legacy of long-standing compromise and successfully dealing with challenges that provide the legitimacy.

Here the central difficulty occurs if/when a new anti-establishment mobilization arises and elites no longer have the self-confidence to coopt the next generation of opponents. The political resources they possess to make that wedge do not have quite the power they once did. In this scenario, a plebiscite can be a real legitimacy challenge. The elites cannot appeal to the people because the elites and masses are too split. In this form of constitutionalism, it is tougher for there to be a big role for the court. The court is supposed to be part of the process of responsible government and a participant in the elaboration of elite sensible solutions. It is not supposed to invoke heady principles to check the elites.

Spain after Franco's death is an example of the third form of constitutionalism (elite construction). This form is different from the first two in that in the both of those there is a revolutionary mobilization. In this one, the masses remain on the sidelines throughout the story; there is no revolutionary mobilization. The old system of government begins to unravel without internal pressure and so the new regime is an elite construction. This form of constitutionalism lacks the legitimation resources of the other two. Governing officials cannot point to broad popular legitimacy of broad popular constitutionalism. They also lack a long history of successful statecraft that has gained respect. How then can they establish legitimacy over time? Dr. Ackerman argued that this is hard for them as they have a real authenticity problem since the constitution was not created with the authentic participation of big important groups. Unlike the establishment form of constitutionalism, it is entirely forward looking in searching for legitimacy.



It must be because it has no founding success and the elite has crumbled. It simply must move forward.

For the European Union, all of this implies that there is no common understanding of how to respond to constitutional challenges. Some states have emerged out of each track. The states that have revolutionary constitutionalisms such as France and Italy are comfortable with appeals to popular sovereignty whereas states such as the UK that have establishment constitutionalisms are not. They prefer deal making among elites. Meanwhile, states like Germany that have the third kind of constitutionalism do not seem to think anybody has authority to change basic laws.

Dr. Ackerman also noted that in the West, establishments are losing a hold over their populations. There are significant mobilized movements on the left and the right. In the United States, Donald Trump and Bernie Sanders are a continuation of constant fracturing. He reminded the audience that in the United States, every generation is fractured; 35 percent of Americans hated FDR and refused to utter his name, instead referring to him as that man in the White House. Lincoln won the presidency on 39 percent of the vote because the Democratic Party fractured. We have had crises more serious than what we are having now. Mobilized, mass dissatisfaction is as American as apple pie. The United States has one advantage though: it has a paradigm that once every generation or two, such as in 1896, 1932, and 1980, it has a big system change in which enough Americans demand a new direction that legitimacy is created from the consensus around that.

Dr. Ackerman ended by saying that one big challenge to constitutionalism of all stripes is the push for cultural nation-states rather than cosmopolitan, enlightenment states. These arise when people who already have a bureaucracy and a constitution mass to promote the idea of a nation. One example of this was the Irish Rebellion. Ireland, Catalonia, and Scotland are similar to the Czech Republic and Israel in that all are cultural nation states.

## About Bruce Ackerman

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



**B**ruce Ackerman is Sterling Professor of Law and Political Science at Yale, and the author of 15 books that have had a broad influence in political philosophy, constitutional law, and public policy. His major works include *Social Justice in the Liberal State* and his multivolume constitutional history, *We the People*. His most recent books are *We the People: The Civil Rights Revolution* (2014), *The Decline and Fall of the American Republic* (2010), *The Failure of the Founding Fathers* (2005), and *Before the Next Attack* (2006). His book *The Stakeholder Society* (with Anne

Alstott) served as a basis for Tony Blair's recent introduction of child investment accounts in the United Kingdom, and his book *Deliberation Day* (with James Fishkin) served as a basis for PBS *Deliberation Day*, a national series of citizen deliberations produced by McNeill-Lehrer on national television for the 2004 elections. In 2010, Ackerman was named by *Foreign Policy* magazine to its list of top global thinkers. He also writes for the general public, contributing frequently to the *New York Times*, *Washington Post*, and the *Los Angeles Times*, and has served, without charge, as a lawyer on matters of public importance. He was a lead witness for President Clinton before the House Judiciary Committee's Impeachment Hearings, and a principal spokesman for Al Gore before the Florida legislature during the election crisis of 2000. Professor Ackerman is a member of the American Law Institute and the American Academy of Arts and Sciences. He is a Commander of the French Order of Merit, and the recipient of the American Philosophical Society's Henry Phillips Prize for Jurisprudence lifetime achievement.



# Music & The Culture of Democracy

Thursday, April 21, 2016

6:00 p.m.

Devlin Hall, Room 101  
Boston College

Featuring Edward Hirsch,  
Kim Kashkashian, Scott Poulson-Bryant,  
and Elijah Wald

Over the last two years, the Clough Center's series "Arts and the Culture of Democracy" has explored poetry's relationship to the personal and the political; the social nature of novels; drama as a space mediating personal and social narratives; and the many uses of identity and transformation. On April 21, 2016, the series' final panel discussed the role of music in the culture of democracy; namely, the relationship between democracy and the availability, expression, and understanding of different forms of music.

Moderator Edward Hirsch began with the relationship between poetry and music. We tend to think of rhythm and meter in

poetry as elite forms, but they have their roots in communal songs. In oral cultures, Hirsch explained, there is no separate word for poetry and song, and it was only during the Renaissance that poetry and music separated. But the oral tradition continued, namely in work songs, a kind of poetry which one can find in every culture. Hirsch cited the rhythm of "call and response" work songs in West Africa, which migrated to the American South during the Atlantic slave trade. In a way familiar to political dissidents everywhere, these songs developed signifiers to conceal revolutionary ideas, sung right in front of their unwitting masters. But what is also radical is that with these field songs, each participant is taking someone else's work and

putting it to rhythmic time, to one's own music, in a way stopping or transcending time and transforming grueling labor into a communal dance. The pattern of call and response almost certainly turned into the blues, which incorporated the sonnet-like turn following the repeat of the chorus. Blues musicians turning call and response into a solo act was unprecedented and a singularly American move. This was the beginning of the democratization of popular music in America, the way that individual Americans stamped a communal music with their own hopes and grief. This space for individual feeling, Hirsch believes, is in American art in every one of its formats.



Grammy Award-winning violinist Kim Kashkashian continued Hirsch's theme of demystifying "elite" forms of art. Instead of "classical" music she prefers the term "composed," which implies someone building something, creating a form of architecture, which any bit of music on paper is. The question for classical musicians is how to create a democratic access to composed music, especially when in America music education is sorely lacking in public schools and nearly absent in popular culture. There needs to be a sense of community and participation between musicians and the audience, which, for all of its charms, the traditional setup of the heroic composer on stage, her back to the audience sitting in the shadows below, does not provide.

Only if composed music is demystified and shorn of some of its pretensions, Kashkashian argued, will the public feel welcome and confident enough to experience it. In this way, music can serve a dual purpose. She gave the example of the Landfill Harmonic. In a town in Paraguay surrounded by a giant landfill, a local music teacher decided to turn some of the trash into instruments. Soon enough, he and other residents had built enough instruments for the town's children to assemble a small working orchestra. Not long after, the town's children were traveling the world "playing Mozart on trash" while learning responsibility, commitment, and love in the process.

Scott Poulson-Bryant, a journalist and recent Ph.D. recipient in American studies at Harvard, reflected on his dissertation's themes of citizenship, culture, and belonging in marginalized communities' use of popular culture to embed themselves into national narratives of citizenship in the 1970s. In between the 1960s Civil Rights Movement and the 1980s "crossover culture," marginalized groups used pop culture to advance a form of

cultural citizenship in which belonging extended beyond formal legal protections and inclusion. Black people have always done this, Poulson-Bryant explained, their music and culture existing both as foundational of and marginal to American culture writ large. From field songs to hip-hop, black music and culture is full of signifiers and stories that enshrine blacks as human and places them into the national project. Poulson-Bryant characterized hip-hop as a "breakbeat concerto" that shows how young poor black folks think and feel about the world around them. In the 70s, too, black music was a wake-up call to the nation and the world that, as we now say, black lives matter.

Poulson-Bryant also considered the dual nature of hip-hop in popular culture "as a coterie of poor black kids pretending to be rich, and rich white kids pretending to be poor." But this is also part of hip-hop's brilliance: the way it inspires acts of imagination and sharing, creating a site of becoming that only pop culture can accomplish. Hip-hop's crossover speaks to the reach of democratic participation in American pop culture. Music has always shown us the way to democracy, Poulson-Bryant insisted, and that is a story we should not forget.

Folk musician, writer, and music professor Elijah Wald also emphasized mainstream pop's democratic dualism. He began by playing a clip of the Isley Brothers' 1975 classic "Fight the Power," a song popularized for another generation with Public Enemy's 1989 song of the same name. Wald then recalled living in Massachusetts when the song was first released, the same year the city of Boston began to desegregate its public schools through a controversial busing program. He remembered the crowds of white families in South Boston throwing rocks at buses full of black students from nearby neighborhoods. What



was their anthem? “Fight the power,” which they saw as a way of protesting the city government’s actions against their way of life.

Wald also told a story about his grandfather, a working class Jewish kid from Brooklyn who earned his Ph.D. in biology. During a postdoc in Heidelberg, Germany, Wald’s grandfather was awakened each morning to young men singing together in the streets below his apartment. He soon learned that these beautiful voices belonged to members of Hitler’s brownshirts; they were singing the Nazi Party anthem. Yet he could never shake the beauty of their voices, singing their songs of patriotic intolerance and xenophobia. The point is, if we believe in democracy and its power to unite people, we need to be able to deal with its contradictions, even in the realm of music. Thus, Wald ended on a lighter note: a clip of students from Staten Island’s PS22 chorus playing and singing Katy Perry’s “Roar”—a perfect example of pop music blending high and low culture by virtue of its democratic accessibility.

The challenge remains, however, for our democracy to make space for music representing the full range of what’s available when success in breaking through is determined by commercial viability. What many people consider as an attack on popular music, Hirsch commented, is actually meant as an attack on this kind of prepackaged culture. But to have a thriving democratic culture, we need participation from all sorts of artists—but also of audiences. Individualism is the core of American culture—but it is democracy that transforms an individual’s artistic production into a shared, lived experience, able to take on a life of its own through others and contribute to an ever-changing and always contradictory American identity.



# 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).

**EDWARD HIRSCH** is an American poet and critic. He is the recipient of an Academy of Arts and Letters Award, an Ingram Merrill Foundation Award, a Lila Wallace-Reader's Digest Writers' Award, and the Rome Prize from the American Academy in Rome. In 2008, he was elected a Chancellor of the Academy of American Poets. His most recent book of poetry is *Gabriel: A Poem* (2014), which was long-listed for the 2014 National Book Award. He currently serves as the president of the John Simon Guggenheim Memorial Foundation.

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 35 years of poems. Hirsch is also the author of five prose books, including *A Poet's Glossary* (2014), *Poet's Choice* (2006), and *How to Read a Poem and Fall in Love with Poetry* (1999), and is the editor of *Roethke: Selected Poems* (2005) and co-editor of *The Making of a Sonnet: A Norton Anthology* (2008).

Hirsch was awarded fellowships from the Guggenheim Foundation, the MacArthur Foundation, and the National Endowment for the Arts. He taught for six years in the English department at Wayne State University and 17 years in the Creative Writing Program at the University of Houston. Hirsch was educated at Grinnell College and the University of Pennsylvania, where he received a Ph.D. in folklore.

**KIM KASHKASHIAN** is a Grammy Award-winning Armenian-American violist. She won a 2013 Grammy Award for Best Classical Instrumental Solo for the 2012 album *Kurtág/Ligeti: Music for Viola*. As a soloist, she has appeared with the great orchestras of Berlin, London, Vienna, Milan, New York, and Cleveland, and in recital at the Metropolitan Museum of New York, Kaufmann Hall, and New England Conservatory's Jordan Hall, as well as in Philadelphia, Pittsburgh, Cleveland, Frankfurt, Berlin, Paris, Athens, and Tokyo.

Kashkashian has been featured on over 30 albums and performs pieces from both classical and contemporary composers, working with Gidon Kremer, Yo Yo Ma, the Vienna Philharmonic, and Nikolaus Harnoncourt, among others. Kashkashian's recording, with Robert Levin, of the Brahms Sonatas won the Edison Prize in 1999. Her June 2000 recording of concertos by Bartók, Eötvös, and Kurtág won the 2001 Cannes Classical Award for a premiere recording by soloist with orchestra. She currently teaches at the New England Conservatory. She won the 2nd Prize at the 1980 Loisel Tertis International Viola Competition and the 1980 ARD International Music Competition in Munich.

Kashkashian studied the viola with Karen Tuttle, and also studied at the Interlochen Center for the Arts. She received a B.M. at the Peabody Conservatory of Music and an M.M. at the New School of Music Philadelphia. She is a former faculty member of the University of Indiana and conservatories in Freiburg and Berlin in Germany. Kashkashian is a founding member of Music for Food, an initiative by musicians to fight hunger in their home countries.



**SCOTT POULSON-BRYANT** is an award-winning American journalist and author. He is best known for covering trends in urban youth and popular culture. Poulson-Bryant's journalism, profiles, reviews, and essays have appeared in the *New York Times*, the *Village Voice*, *Rolling Stone*, *Spin*, *Essence*, *Ebony*, and *The Source*, among others. He is the author of *HUNG: A Meditation on the Measure of Black Men in America* (2006) and *The VIPs: A Novel* (2011). Poulson-Bryant's short stories and articles have been anthologized in *And It Don't Stop: The Best American Hip-Hop Journalism of the Last 25 Years*, Kevin Powell's *Step into a World: A Global Anthology of the New Black Literature*, Marita Golden and E. Lynn Harris's *GUMBO*, and Rachel Kramer Bussell's *Best Sex Writing 2008*. His most recent essay, "Put Some Bass in Your Walk: Notes on Queerness, Hip Hop and the Spectacle of the Undoable," was published by *Palimpsest: A Journal on Women, Gender, and the Black International* in 2013.

In 1992, Poulson-Bryant co-founded *VIBE*, a music and entertainment magazine which predominantly features R&B and hip-hop music artists and actors. He has also served as a staff writer of *SPIN* and as editorial director of *GIANT* magazine. Poulson-Bryant's ground-breaking *VIBE* profiles of Sean "Puff Daddy" Combs (1992) and De La Soul (1993) won the ASCAP Deems Taylor Awards for Excellence in Music Journalism. His profiles also won the Best Feature Writing Award from the New York chapter of the National Association of Black Journalists.

Poulson-Bryant graduated from Brown University in 2008 and is currently working toward his Ph.D. in American Studies at Harvard University.

**ELIJAH WALD** started playing guitar at age seven, went to New York at age 17 to study with Dave Van Ronk, and spent much of the next 20 years hitchhiking and performing all over North America and Europe, as well as much of Asia and Africa, including several months studying with the Congolese guitar masters Jean-Bosco Mwenda and Edouard Masengo. He has worked as an accompanist to Van Ronk, Eric Von Schmidt, and the African American string band master Howard Armstrong, and recorded two solo albums: *Songster*, *Fingerpicker*, *Shirtmaker and Street Corner Cowboys*.

In the early 1980s Elijah began writing on roots and world music for the *Boston Globe*, publishing over a 1,000 pieces before he left in 2000. His work has appeared in numerous newspapers and magazines. Wald has authored dozens of books, including: *Escaping the Delta: Robert Johnson and the Invention of the Blues*; *How the Beatles Destroyed Rock 'n' Roll: An Alternative History of American Popular Music*; *Narcocorrido: A Journey into the Music of Drugs, Guns, and Guerrillas*; and *The Mayor of MacDougal Street, a Memoir* with Dave Van Ronk that inspired the Coen Brothers' movie *Inside Llewyn Davis*. He has won a Grammy Award for his album notes to *The Arhoolie Records 40th Anniversary Collection*, for which he was also nominated as a producer, and his books have won many awards, including an ASCAP-Deems Taylor Award and an honorable mention for the American Musicological Society's Otto Kinkeldey Award. He has an interdisciplinary Ph.D. in ethnomusicology and sociolinguistics, and taught for several years in the musicology department at UCLA. Wald is currently based near Boston, writing, traveling to speaking engagements around the U.S. and abroad, and performing in a duo with his wife, clarinetist Sandrine Sheon.

# Beating the Financial Crisis but Losing the People

Monday, April 25, 2016 · 4:30 p.m.  
Fulton Hall, Room 230  
Boston College

With **Philip Wallach**, Ph.D.  
Senior Fellow, Governance Studies  
Brookings Institution

Respondent: **Philip Strahan**, CSOM

Co-sponsored by the Department of Political Science  
and the Carroll School of Management

The 2008 financial crisis was the most important economic and political event of the last decade. The system was saved from collapse through extraordinary and unprecedented intervention by the U.S. Treasury and Federal Reserve, but millions of American households were not so lucky. Following the crisis, the U.S., along with dozens of other countries, entered the largest economic downturn since the 1930s. Although most indicators eventually recovered, the usual tricks—cheap money and fiscal stimulus—appeared powerless to restore the average American’s confidence in the U.S. economy. Something deeper was wrong, they felt. Something was rotten. Occupy Wall Street and the Tea Party agreed: the U.S. government had bailed out Wall Street and sent the check to Main Street.

Of course, Main Street was off the hook for the Fed and Treasury’s checks: the banks paid the largest loans back, resulting in a small accounting profit for the government. Global investors declared that the U.S. held the “cleanest dirty shirt around,” and America began a sustained, if far from roaring recovery. However, few outside of Washington and Wall Street agree with this assessment. Instead, most people hold the “Big Short view” of a rigged political

system that handed billions to big banks while ordinary Americans lost their homes. Politicians who voted against the bailouts wear it as a badge of honor; those who voted for it struggle to explain why. This leads to the question: why did we beat the crisis in 2008 but lose the people after?

Dr. Philip Wallach, senior fellow in Governance Studies at the Brookings Institution, believes that popular ignorance and a weak recovery cannot fully explain the emergence and endurance of the Big Short view. Instead, at an April 25 Clough Center talk, Wallach looks to how the federal government handled the political aspects of its policy response to explain popular opinion of its actions during the crisis.

Several features stand out. The first is that the government constantly went to, as former Fed Chairman Paul Volcker put it, the “very edge” of its legal authority. Chairman Ben Bernanke invoked a little known and never used power from the Great Depression to make loans to non-member banks like Bear Stearns, which in March 2008 was threatened with a modern-day version of a bank run. One business day after granting Bear Stearns a \$13 billion

loan, the Fed took it back to force a sale to JP Morgan, creating an unprecedented joint venture that left the Fed with billions of dollars of bad mortgage-backed securities on its balance sheets. The trick worked, but when Lehman Brothers, another large and overleveraged investment bank, was left to fail in September, many commentators and politicians accused the government of picking winners and losers. The reasoning was far less important than the principle.

Wallach calls the Fed and Treasury's decision-making an "ad-hocracy." This policy flexibility was a great asset, but it came with consequences. Hearing accusations of arbitrariness and favoritism, the Fed realized that it needed a political leg to stand on. It found one from Treasury Secretary Hank Paulson, whose "all money is green" letter to Bernanke would later be released under subpoena. Congress leaders also discouraged any public appeal. They supported Bernanke and Paulson behind closed doors, but everyone in the room agreed that a divided Congress might rebuff their calls for new legal powers and destroy what little investor confidence remained.

Wallach explained that there was more to Lehman than the public narrative. The Fed actually tried to broker a deal for Lehman similar to the one it had made with Bear Stearns and JP Morgan, but the arrangement (with UK-based Barclays) was torpedoed by British authorities who feared financial infection in London. At that point the Fed had no option but to let Lehman fail, but it also did little to discourage talk that the government was using it as an example. The ad-hocracy produced more confusion when it gave AIG, the world's fifth largest insurance company, an \$80 billion loan to prevent a run on reserves. In a colossal public relations disaster, several AIG executives took large bonuses while their customers lost their homes—a perfect example of Washington corruption and Wall Street greed. Legally, the government could not prevent the bonuses—they were in contracts signed before the loan—and some were returned after public outrage, but the damage was done.

The Bush administration did eventually go to Congress. In September Paulson asked for \$700 billion to buy up bad mortgage assets, and Congress quickly passed the Troubled Asset Relief Program. TARP was one of the most controversial legacies from the crisis. Worried that they were giving Treasury free reign, Congress added some accountability measures, such as the oversight panel later chaired by Senator Elizabeth Warren. However, they also granted Paulson the flexibility he wanted, which he used to buy up a wide variety of financial assets far beyond mortgages. Many Americans felt that the Bush administration had engineered a bait and switch, and their fears were stoked by the House Republicans who voted TARP down in its first version. The House passed it the second time with some amendments—including tax giveaways to critics' districts—but the revised version failed to resolve the public's concerns.

Although their policies staved off financial collapse, from the beginning the federal government lacked a compelling rhetorical justification for their actions. Because of the need for policy flexibility, and the fear of being denied it by the public, they never really believed they needed one. With his approval rate at 28% and just a few months left in office, President Bush passed public leadership of the administration's response to Paulson, an ex-Goldman Sachs CEO, and Bernanke, an academic economist; neither could, nor sought to, control the political narrative around the bailouts. Unlike Franklin Roosevelt—another president who responded to a financial collapse with unprecedented, and sometimes legally dubious interventions—neither Bush nor his proxies tried to build political legitimacy for their policies during the 2008 crisis.

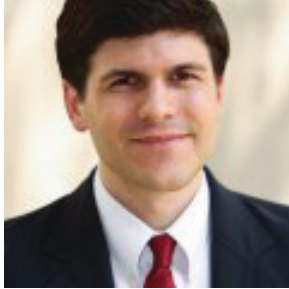
Paulson and Bernanke were also assailed for what they didn't do; namely, for the Americans who lost their homes, their jobs, and their stability. The Obama administration largely continued the course, pushing for the Dodd-Frank Act but retaining Bernanke and replacing Paulson with Timothy Geithner, Chair of the New York Fed and Paulson's closest colleague after Bernanke. Neither Paulson nor Geithner saw relief for homeowners as that important, and believed that halting the crisis would provide the best policy legitimacy. "The central paradox of financial crises," Geithner explained in 2011, "is that what feels just and fair is the opposite of what's required for a just and fair outcome."

This reasoning has serious consequences for policymaking. History may judge Paulson, Geithner, and Bernanke positively—and indeed, there is such a consensus among mainstream economists now—but, eight years after the crisis, the public has not. All ignored cultivating short-term legitimacy for the extraordinary measures they took, believing at all steps that the public, ignorant of the financial system's complexities, was only an obstacle. Ironically, they may be right. The legacy of 2008 will not be forgotten when the next crisis hits, potentially depriving future Treasury secretaries and Fed heads of the tools they will need. If a deep crisis had set in in 2010, at the height of Occupy Wall Street and Tea Party outrage, an effective response is difficult to imagine.

The ad-hocracy stopped the short-term financial crisis but might have jeopardized the long-term recovery. Again, we can look to FDR. The public was not outraged by the Roosevelt administration's procedural irregularities precisely because the president took the time to explain clearly and persuasively why he was undertaking them. Bernanke visiting his childhood home in South Carolina with *60 Minutes* was no substitute for a fireside chat from the president. The crisis responders in 2008 believed that getting the policy right was enough, says Wallach, but our biggest problems require a legitimacy that extends far beyond markets. Future crisis managers will ignore this history at their own peril.

## About Philip Wallach

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



Philip Wallach is a senior fellow in Governance Studies at the Brookings Institution. He writes on a wide variety of domestic policy topics, including climate change, regulatory reform, the debt ceiling, and marijuana legalization. He is the author of *To the Edge: Legality, Legitimacy, and the Responses to the 2008 Financial Crisis* (2015).

He is considered an expert on the Clean Power Plan, inter-branch relations, legal and political aspects of monetary policy, the Glass-Steagall Act, and regulatory capture.

His writing has been featured in the *Washington Post*, *Newsweek*, *U.S. News & World Report*, the *National Review*, the *Hill*, *Roll Call*, *National Affairs*, and the *New Rambler Review*, as well as in scholarly journals including *Studies in American Political Development*, and he has been quoted in a variety of publications including the *Financial Times* and *Wall Street Journal*.

His current projects include examining the legitimacy challenge faced by America's administrative state, considering the interest group politics of marijuana legalization, and working out the contours of a congressional regulation office.

Wallach received a B.A. from the College of Social Studies at Wesleyan University and a Ph.D. in Politics from Princeton University.

# THE FUTURE OF ECONOMIC & SOCIAL RIGHTS



**TUESDAY, APRIL 19 – WEDNESDAY, APRIL 20**  
**BOSTON COLLEGE LAW SCHOOL • EAST WING 200**

Featuring Keynote Address by **AMARTYA SEN**,  
Thomas W. Lamont University Professor, Harvard University  
and 1998 Nobel Prize in Economics Recipient

**VIEW FULL SCHEDULE & REGISTER ONLINE BY APRIL 13**  
**[WWW.BC.EDU/CLOUGHCONFERENCE](http://WWW.BC.EDU/CLOUGHCONFERENCE)**

## **KEYNOTE ADDRESS BY AMARTYA SEN** *Rights in a Global World*

In April of 2016, the Clough Center hosted a conference titled “The Future of Economic and Social Rights.” World-renowned Harvard University Professor Amartya Sen delivered the keynote address entitled “Rights in a Global World.” Professor Sen’s lecture began by pointing out that rights are frequently invoked in contemporary moral and political discussions in greatly different contexts. They go beyond the original boundaries by making claims on behalf of all people for what has been seen to be universal human rights. These are not legal rights established by a global state, but rather ethical demands not

necessarily enshrined in legislation. Sen’s claim is that human rights should be seen as constitutively ethical demands.

Despite their enormous appeal, human rights have been seen as intellectually frail, lacking foundations, and, perhaps, incoherent. It might be true that the frequent use of the language of rights undermines the concepts in practical discussions. Yet, Sen argues, there is no need for such a gap. His lecture is a new attempt to persuade the skeptics on this point.

The real issue is the legitimacy of the very idea of ethical rights in general, which is an issue for human rights of all kinds, regardless of their legal recognition. The denunciation of the



illegitimacy of unlegislated human rights is the same today as it was for Bentham, who asserted that the idea of natural rights was rhetorical nonsense. The question is, what can justify something's claim to be a moral right? The force of an ethical claim must depend on the reasoning that lies behind it. The survival of the claim in public reasoning can indicate, as Rawls argued, the objectivity of the claim. What is central to Bentham's dismissal of human rights as imaginary rights is his restricted legal interpretation of the very notion of a right. However, insofar as the notion of human rights is conceived of as a significant ethical claim, Bentham's point about their lack of necessary legal force is as obvious as it is irrelevant. The proper comparison in the subject matter is between a utility-based ethics, championed by Bentham himself, and ethics that use the notion of human freedom and its corresponding responsibility.

It is clear that the idea of moral right might serve as the basis of new legislation. However, legislation might not be the only venue that gives expression to ethical rights. Indeed, the relevance of human rights does not lie exclusively in their motivational force for creating laws. They can be and, indeed, are used in other ways.

Those who are skeptical of the idea of human rights question how to test if something is a human right or a moral right. By way of response, Sen recalls his argument in favor of objectiv-

ity, in which objectivity is understood as survivability before the questioning of open and informed public reasoning. Nevertheless, the core of the human right is the ascertainment of a corresponding freedom, identified in the formulation of the right in question. What must we do to guarantee such a freedom for all? Sen takes up Kant's distinction between perfect and imperfect obligation to distinguish different people's duties. Indeed, both types existed in connection with different human rights. ESRs (Economic and Social Rights) are examples of imperfect duties. This is not to say that someone could reasonably assert that human rights "are not their business." Imperfect obligation is not equivalent to lack of obligation.

The ongoing debate on human rights can settle some disputes about content and coverage, but will often leave others tentatively unsettled. This is not an argument against human rights, but rather a response to the nature of the subject matter that sometimes does not allow for more precise formulations.

The scope of the debate should not be enclosed, as Rawls suggested, by the boundaries of the national state. As Adam Smith claimed, the normative validity of a claim must be analyzed from a "certain distance," which, in a tradition that goes back to Grotius, attempts to transcend the national boundaries of the state in order to avoid the biases of an ethical mind within a nation. Rather than remaining anchored in the view of the dominant

group of any country, Smith saw the need of gauging one's own assertions from the perspective of other groups and other classes who are ignored in national decision-making so as to transcend the limitations of class thinking. He also considered the necessity of seeking global argumentative encounters to check the plausibility of normative claims. Global argumentation is feasible and important to overcome any sense of ethnic, national, or racial superiority. In sum, Adam Smith supported the idea of the need of an impartial spectator, a collectively organized endeavor to provide reasons that locally confined views may overlook. The necessity of this arises from the nature of individuality, but also from the limitations of parochialism. If this argument is correct, then the deliberation of courts must take into account other arguments, including foreign arguments and foreign practices, not only for the new reality of interdependence, but also for the sake of their parochial arguments.

Professor Sen ends his lecture by commenting on the disciplining of reasoning, often interpreted as pursuing optimality in social outcomes, which eventually means the identification of the best alternative. An alternative is optimal only if it is at least as good as every other alternative. By contrast, maximality seeks the conclusion that is not less satisfactory than any other conclusion, whether or not it is actually the best. This distinction is often overlooked in ethical analyses despite the fact that it is crucial for practical reasoning. Maximality, Sen argues, is enough for rational choice. Thus if one cannot determine what is the best option, then it is reasonable to go for either one instead of remaining indecisive until grasping the optimal choice.

#### PANEL I: Rights and Democracy

Roberto Gargarella critically examined the use of “dialogic devices and practices” related to ESRs to understand its attraction, scope, and limits. The starting point of his examination, the measure he used in his analysis, was the “regulative idea” of democratic dialogue defined as an open, inclusive, egalitarian, and deliberative dialogue on fundamental public issues. Such a definition implies that the aforementioned dialogue is easily accessible to the public; that it gives room to “all those potentially affected”; that the participants are on equal footing and are sensitive to “the force of the better argument”; and that eventually the dialogue ends with the unanimous agreement of all its participants.

The new dialogic devices and practices analyzed by Prof. Gargarella are the Canadian “notwithstanding clause,” the public hearings that have been organized by Supreme Courts in Latin America, and the practice of “meaningful engagements” that have been promoted by the South African Constitutional Court in recent years. All of them, he argued, are significant and auspicious

novelties in the development of contemporary dialogic constitutionalism, yet their implementation has been burdened by important problems that undermine their attractiveness. In particular, the “notwithstanding clause” could favor an exchange between the different branches of government that makes an attractive first move in the direction of a more dialogic institutional system. However, it puts forward a (very restricted) idea of dialogue that only considers the judicial and legislative branches of the state, dismissing all other participants. Such a flaw might be solved through the practice of “public hearings” undertaken by the Argentinian and Brazilian Supreme Courts, which explicitly included alternative viewpoints. These judicial practices, however, have also undercut its initial dialogical force due to the lack of clear and fair rules to regulate the hearings. Finally, the innovative “meaningful engagements” created by the South African Constitutional Court in a case of housing rights are particularly interesting because of their inclusion of “all those potentially affected,” although the same court has significantly narrowed the scope of its ruling in subsequent cases. The dramatic change in the South African Court as well the lack of rules in the Brazilian and Argentinian ones, Gargarella finally argued, show how much the new devices and practices depend on the will of those who control the judicial process.

César Rodríguez Garavito's presentation addressed the mediating role of the judiciary in democracy to mitigate violations of ESRs through proposing a hybrid approach on the justiciability of these rights. This approach is known as “empowered participatory jurisprudence” (EPJ). EPJ can be conceptualized as a bounded, democratic, and experimental approach to jurisprudence that affirms the normative core of ESRs through procedures of collective problem solving and empowered participation. By countervailing the difference of powers between the incumbents and supposing a politicized public sphere, EPJ targets the root causes of deprivation.

Rodríguez Garavito fleshes out EPJ by enlarging Tushnet's typology of rights and remedies. EPJ entails three ideas: first, strong, but not maximalist rights (i.e., courts state that ESRs are justiciable and specify their contents); second, moderate remedies (i.e., the tribunals outline procedures and broad goals, establish deadlines and criteria for gauging the progress, and leave to the government decisions about means and policies); and third, strong monitoring (i.e., the judiciary retains supervision over the implementation, about which it could hand down new decisions and in which it could encourage the participation of different actors).

The right to food in India is an example of EPJ in action. The Indian Supreme Court has asserted a strong right to food, issued subsequent orders wherein clear goals and milestones were set



while retaining room to achieve them progressively, and finally, created a strong, continuous, and decentralized monitoring system by appointing the Supreme Court's commissioners. In turn, these commissioners designated their advisers. In this arena of implementation, the Right to Food Campaign, a social movement that gathers both organizations and individuals, has actively bridged the gap between the Court's orders and their implementation through a wide varieties of means.

Sandra Liebenberg suggests that the South-African Constitutional Court's "meaningful engagement" jurisprudence indicates a "democratic turn" in the adjudication of ESRs, although it has not yet taken full advantage of this turn.

"Meaningful engagement" jurisprudence might be understood as a doctrine that increases the accountability of the overall rationality and coherence of the state's policies, an accountability already present in South African jurisprudence through the reasonable standard doctrine. Meaningful engagement has thus played a role as something to be taken into consideration when determining the reasonableness of the state's conduct. It has also been a remedial mechanism for implementing the Court's orders. In both cases, the jurisprudence signals a shift toward a democratic participatory ethos in the adjudication of ESRs, which goes beyond the previous institutional process in the legislative and administrative spaces.

Yet the review of the most significant cases of eviction and education, in which this jurisprudence was born and has been developed, evinces two ideas: first, that the Court has been insufficiently rigorous in its articulation and enforcement of the institutional prerequisites of fair and inclusive participation; second, that it has primarily used the engagements in terms of an indi-

vidualized dispute-settlement paradigm. This is not to deny that the meaningful engagement's core features bear the hallmarks of deliberative democracy, but it states that its use has limited its democratic participatory potential for addressing, for instance, more systematic barriers to the realization of ESRs. Meaningful engagement could reach its full potential in the future if it were to include all the incumbent people, equalize the uneven distribution of power between the participants, insist on a public debate based on constitutional reasons, and create monitoring mechanisms. The main obstacles to this fruition, Prof. Liebenberg finally pointed out, are outside of the courtroom: namely, the highly polarized political mood of the country.

#### PANEL II: Adjudication & Rights

During the second panel discussion, Professor David Landau argued that, when it comes to the courts, the enforcement of social rights is not especially transformational in elevating the position of marginalized groups. Rather, it is focused on protecting the rights of those in the middle class who already have some measure of de facto social rights. Thus, a good chunk of the enforcement of social rights goes to those who are at minimum not poor. This can be seen in a wide variety of states from Colombia to Brazil to Hungary and in a wide variety of policy areas from taxation to education to austerity.

According to Landau, there are several reasons why courts aim their enforcement of social rights at the middle class rather than the poor. First, the way that judicial remedies are designed forces them to rely on rights claimers to go to the courts. The problem with this concept is that going to the courts requires a modicum of social, economic, and cultural capital that the middle class has but that marginalized groups do not. Addition-





ally, some remedies simply freeze the status quo and protect the formal over the informal economic sector—this too helps those who already have some measure of social and economic power. Secondly, there has been a real scarcity of judicial creativity in terms of what these individuals could do while there has also been a lack of an aggressive conception of the judiciary’s role in promoting economic and social rights. Third, ideological norms that promote aiming rights enforcement at the middle class have come into focus. As an example, take note: the people who populate the judiciary come from the middle and upper classes. Fourth and finally, political support for enforcement of economic and social rights is strongest when that enforcement is aimed at the middle class.

Professor Malcolm Langford began by pointing out that there has been a remarkable rise in social and economic rights in states’ laws but the enforcement of those rights has been uneven. Three things can undermine that enforcement: first, the judiciary may abdicate its role; second, there may be stark distributive inequalities across the board; third, the impact of that enforcement may be highly diffuse. Professor Langford then delineated different equality benchmarks. The strongest is a weighted equality in which most of the efforts of the courts to promote rights go to the most vulnerable. A moderate benchmark is one in which that enforcement is proportional. The weakest is one in which the disadvantaged gain less overall but poverty is reduced.

Professor Langford has found a great deal of variation in the extent to which the judiciary is receptive to targeting the poorest,

rather than the middle class, in promoting social and economic rights. Courts in Ireland, Denmark, and Uganda tend to favor the middle class whereas courts in Nepal, Latvia, Costa Rica, and Kenya have historically been far more willing to favor the poor. South Africa and India find themselves somewhere in the middle. Even within states, there has also been a great deal of variation depending on the issue at hand. In India, for example, the courts have been pro-poor in food but pro-middle class in drugs. Langford ended by discussing how social science and legal studies need to engage with each other more on this issue. Social scientists need to more closely study jurisprudence while legal scholars need to more consistently consult the social science on welfare states.

Professor Tara Melish argued that the problem with social rights adjudication is that we think there is a distinct logic to economic and social rights. Instead, we should think about economic and social rights as human rights. We need to be more critical on some of the assumptions surrounding economic and social rights. There are two foundational questions on this topic, the first of which is, what are obligations that states have in promoting those rights? Next, it must be asked, what are the human rights assessment standards that we should be applying? The assessment standards tell us what the remedy should be.

Professor Melish reviewed the three generations of scholarship on the thinking surrounding economic and social rights and their connection with human rights. The first generation focused on how one makes economic and social rights justiciable. Prior to this, it was only civil and political rights that were considered

justiciable. The core adjectives that described those rights were negative and immediate. They were negative in that the government needed only to ensure that the right in question was not violated. They were also immediate rather than diffuse. Thus, states only needed to protect rights, not provide them. Economic and social rights are by contrast positive in orientation and require action. Instead of challenging this conception, people thought about what aspects of economic and social rights they could make look negative and immediate. This promoted thinking about rights as absolutes rather than as things that needed to be balanced against each other. The second generation looked at jurisprudence and tried to categorize it. This generation further reinforced the idea that rights enforcement is and ought to be negative and immediate. The third generation focused on legitimacy and institutional confidence and looked at the impact of social rights litigation. This generation still did not look at assessment standards that led to certain remedy recommendations and still did not question the assumption that rights enforcement should be negative and immediate. That too promoted the middle class capture of courts because they are the people who do not need positive promotion of rights as much. It is the poor who need a positive rather than a negative promotion of rights. She concluded by arguing that human rights are about balance and that it is a big problem when we think of them as absolutes because it means that when balance is necessary we do not think in terms of rights.

### **PANEL III: Rights, Order & Ordering**

During a series of lectures on the future of economic and social rights this April, Professor Aeyal Gross discussed litigations surrounding the right to health and drew analogies to food. He first examined several reasons for the rise of arguments that depict access to health care as a right. Discussed in particular was the end of the Cold War and the related weakening of the geopolitical ideological divide. Gross also cited a burgeoning human rights movement and a growth in demand for health services. Trade globalization through the WTO's Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement added to this. Health care reforms such as the Affordable Care Act in the United States as well as democratization and the AIDS crisis also added to this trend. Professor Gross then discussed the three different forms of health care systems and how they interact with rights claims.

First, there is the public, tax-financed system. In these systems, there is generally no enforceable right to health despite those systems' well-developed health care services infrastructure. Second, there are the social health insurance systems that have third parties as insurers. These systems have expanded to universal

health care and have defined health service baskets as well as the triadic relationship between patients, providers, and the state. Third, there are the mixed private/public systems. It is in these systems that one is most likely to find a constitutional right to health care. In many ways, this is necessary precisely because, within these systems, the state takes a more limited role in provided health care services. These different systems continue to grapple with rights claims because, over time, each one has increased talk of human rights in health.

Professor Michael Rebell discussed how the right to education has played out in U.S. state courts. He first reminded the audience that education is financed by local property taxes and so there is inherent inequality in the U.S. The Supreme Court, by a 4-3 decision, has ruled that education is not actually a right found in the Constitution. Litigators saw that state constitutions often did guarantee a right to education and soon realized that, if they wanted to make new headway in expanding access to education, they needed to utilize state courts. Where plaintiffs have won, courts had to wade into what the right to education actually means. There has been a range of remedies from total deference to legislatures to a middle ground based on guidelines to extensive substantive work with lots of implementation follow-up. There has also been diversity in effectiveness. There has been a wide range of policy experimentation but also an inconsistent understanding of educational rights. Professor Rebell stated that the right to education could go back to the Supreme Court, especially if its composition changes in a more liberal direction. Of note is that the right to education is a positive right that actually is in state constitutions, which usually only house negative rights. Professor Rebell ended by noting that as courts have addressed the right to an education, they have also had to explore whether a right to education includes a right to universal pre-kindergarten and a right to education for immigrants both legal and illegal.

Professor Arghya Sengupta examined the enforceability of the right to education in India. In Indian culture, the right to an education was first enunciated by the courts reading it into the constitution and only later was there an explicit act, the 2009 Right to Education Act (RTE). The RTE stated that there was a core right to access free education in a neighborhood school, that there were rights to a certain quality of education—no detention (i.e., being forced to repeat a grade), and no corporal punishment, and an obligation on private schools that they hold 25 percent of their seats for children from Economically Weaker Sectors (EWS), as well as certain other minimum standards. Overall compliance rates are still unsatisfactory. For example, only 44 percent of toilets have a handwash facility and only 29 percent of mandated EWS slots actually get filled.

Most litigation that seeks to improve compliance with the RTE was advanced by NGOs because they have a support structure for litigation. This suggests that groups are still relevant in this policy area even though the right to an education is an individual right. Most litigation and court decisions have been characterized by a narrow framing of questions in light of specific obligations under the RTE Act. There has also been a narrow framing of statutory obligations. For example, the courts have privileged cultural and educational autonomy in private schools run by minority groups.

Professor Katharine Young examined the relationship between social rights and queues. She defined rights as calls to set aside majoritarian or utilitarian arguments and queues as ordering devices that usually have a first come first served basis. They appear to create rights but at other times displace rights. Queues operate both as an important legal concept and as a very thick moral discourse around economic and social rights. Queues have normative commitments to transparency as well as order, civility, and fairness and exist in virtually all societies, but how to conduct a queue and how to sanction queue jumping is culturally dependent.

Professor Young examines three cases to explore the relationship between queues and rights: housing in SA, health care in Canada, refugee rights in Australia. In South Africa, the discourse of queue jumping is used by the media, politicians, and courts to discuss those impoverished people who are deemed to be illegitimately demanding housing rights. In Canada, the queue is the wait list for publically funded medical services. Queue jumping is purchasing that service outside of the public system, usually done by more affluent people and is seen as undermining the solidarity of the Canadian health care system. In both places, queue jumpers are seen to be bringing corruption to the system and illegitimately claiming collective resources. She concluded by arguing that queue talk obscures the first order questions on rights and distributive justice and how to deal with scarcity. It also obscures detail, creates enmity between groups, and undermines solidarity.

#### **PANEL IV: Measuring “Progressive Realization”—The Committee on Economic, Social, and Cultural Rights**

During a lecture on the future of economic and social rights this April, several speakers discussed metrics for measuring human rights abuses and “progressive realization.”

Since at least the 1970s, the United Nations and non-governmental human rights organizations have provided numerous metrics for measuring human rights abuses. Arbitrary deten-

tions and the lack of fair trials; state violence towards, or lack of protection for, ethnic and religious minorities; and persecution or silencing of oppositional voices: all are relatively easy to identify and none can be reasonably excused.

These are “hard” or “negative” human rights—that is, what a government must not do to its citizens. However, measuring abuses or fulfillment of human rights becomes more difficult when one considers the second category of human rights, the “soft” or “positive” rights that define what a government should provide to its citizens. Various economic, social, and cultural rights—such as adequate and non-discriminatory access to health care, education, shelter, and employment across ethnicities, religions, and genders—have been asserted as inherent in Article III of the United Nations Universal Declaration of Human Rights: “Everybody has the right to life, liberty, and security of person.” Yet on these rights, the largest human rights NGOs, such as Human Rights Watch and Freedom House—as well as the U.S. government, for the most part—offer few if any guidelines for evaluation.

How do we evaluate and measure the extent of positive human rights across societies with considerably different political and economic capacities to meet them? Where are governments spending revenues, and who are those revenues reaching? Who is left behind? And what can we do about it?

These were some of the questions discussed by members of the UN Committee on Economic, Social, and Cultural Rights (UNCESCR) at the Clough Center’s conference on the future of economic and social rights. UNCESCR’s 18 members are tasked with assessing UN member states’ compliance through evaluation of their five-year reports. Unlike negative rights, which are expected to be met immediately and regardless of a state’s economic or political capacities, the positive rights outlined in the UN’s International Covenant on Economic, Social, and Cultural Rights are held to the standard of Article II’s “progressive realization.” This means that not all of the needs are expected to be met immediately and fully, but states must show that they are making reasonable efforts toward the goal of full realization, using the maximum amount of their available resources.

This is where UNCESCR’s work is most complicated. The Committee has a basic equation at hand involving the amount of resources a state can mobilize, the spending choices a state makes with its resources, and the effects its budget decisions have on outcomes. Beyond that, former UN Special Rapporteur for Food Olivier de Schutter pointed out, the Committee lacks any systematic way to define what it, and we, should expect from states to meet their obligations under the covenant.

For de Schutter, two important issues stand out. First, for many developing countries, natural resources are a gift or a curse, depending on how they are managed by governments and the (mostly) multinational corporations who exploit them. Therefore, we need to inquire into these negotiations and make them transparent in order to make both states and corporations accountable. De Schutter pointed to a promising practice in Lebanon. When there is land available to foreign investors, publicity is given in the media for a few months and bidders can make offers proposing to develop a certain project; they also must divulge the royalties they would pay the state. If the investor does not comply within a year, the property is returned to the state or private owner, ensuring compliance and transparency. Second, we need to look at taxation. De Schutter proposed that the Committee could recommend to states taxation policies that would 1) widen the tax base; 2) introduce progressive and redistributive tax systems; and 3) combat tax evasion. This last category especially requires cooperation from rich countries, where most multinational corporations are based, and tax havens, where a substantial portion of their profits are held.

Heisoo Shin, UNCESCR representative from South Korea, agreed on the need for a systematic approach for progressive realization. She explained how the Committee has raised issues in some areas, namely budget plans and allocations for each area of economic and social rights. However, lack of good data is a major problem. Many countries have incomplete data or are not forthcoming, and sometimes what they provide contradicts what we already know. Nor is there enough disaggregated data that can tell us what has been spent on marginalized groups and how those groups have been affected, especially during times of economic crisis. In China, Heisoo noted, such data are officially a state secret. Thus, the first question we could ask is, how do we get reliable data so that a systematic formula can be made? Budget transparency also has a relationship with political freedom. We need to encourage robust public debates and participation, or at least recognition, of all sectors of society on government budgets; debate must be free to take place in both parliament and civil society. The challenge remains, though, of how we should analyze or assess which populations within a society are the neediest. All states make such calculations with political interests in mind, and competition among groups for benefits can help some but leave others with nothing.

Rodrigo Uprimny Yepes, UNCESCR representative from Colombia, has been on the Committee only one year, and sees some good, some bad. The Committee has a clear doctrine with regard to austerity measures—they must be justified, temporary, non-discriminatory, and can only occur after exhausting domestic and international resources—and it has stepped up its efforts

to obtain disaggregated data, which is especially important for evaluating tax systems and levels of spending. However, in other fields, the record of the Committee, and human rights advocates in general, is very poor. There is no doctrine for what it means to violate the covenant's duty for states to use "maximum available resources" for meeting positive rights, nor do we have good instruments to measure and monitor their policies. The challenge is getting good analysis of different fulfillment of rights based on varying economic conditions and capacities. It is the responsibility of the Committee but also the human rights community at large, Uprimny Yepes explained, to develop a legal doctrine for how to monitor the fulfillment of "maximum available resources" for the fulfillment of rights, as well as how measures toward fulfillment affect the most marginalized in any given society.

Mohamed Ezzeldin Abdel-Moneim, UNCESCR representative from Egypt, looked to the covenant's language for how to measure rights. He emphasized that the duty of "progressive realization" in Article II can sometimes obscure the covenant's goal. That is, "progressive" refers only to the way states should proceed. Article II defines the central obligation, to work toward those rights, but the end goal, it must be remembered, is nothing less than full realization. Dr. Abdel-Moneim questioned our definition of resources, arguing that budget and taxation are only part of a state's resources. In addition to international assistance, states need good and sound economic infrastructure to sustain development. Thus, "maximum available resources" should not be looked at in a static manner. States must use the maximum available for spending on rights, but states and the international community also have a duty to expand the resource base. In this way, "full realization" can return to the heart of the development process.

The speakers agreed on several things: UNCESCR needs a systematic way to measure realization; budget and tax analysis could be at the center of a new approach; and the public must be involved in the political process of economic policymaking. Another thread also ran through the speakers' comments: we must bridge the conceptual gap between negative rights—how human rights are defined for most people in rich countries—and positive rights—often considered the most important and immediate rights for most people in poorer countries. Not only are the two mutually dependent, as in the case of taxation and spending, but they have always been a part of global discussions on the meaning of human rights. Their precise definitions have been contested, but at least since the administration of Jimmy Carter most developed countries have claimed the equality and mutuality of political, economic, and social rights, in rhetoric if not in practice. Like violence and war, poverty, hunger, disease, and other iniquities will always be inevitable, but the international

community must see action on these affronts to human dignity and limitations of human potential as equally important and deserving of attention and action.

#### PANEL V: Loss of Rights

During a lecture on the future of economic and social rights this April, Professor Aoife Nolan addressed the connection between economic policy and human rights. Specifically, she discussed the lack of human rights language and human rights thinking in policymakers' analyses and responses to the global financial crisis in 2008 despite the fact that at that time human rights talks had a greater prominence than it ever had before. She then proceeded to ask why this was and what can be learned from it.

Nolan noted that loan requests to the World Bank from developing countries are currently very high, as these states attempt to deal with a decelerating global economy, and that there are growing concerns about instability in the French banking system. Professor Nolan pointed out that from 2016 to 2020, 80 percent of the global population will be affected by government spending cuts and that these cuts will be particularly painful for the most vulnerable people. Moving forward, she said, it remains difficult to see human rights playing more than a tiny role in dealing with financial crises. Nolan pointed to four reasons why human rights activists and lawyers have been so ineffective at inserting human rights concerns into the response.

First, financial institutions are largely legally immune when their actions have human rights consequences and have not internalized human rights language. On a related note, the World Bank has had a long-standing aversion to human rights language. Second, human rights lawyers are unfortunately somewhat obsessed with courts. The problem with this obsession is that it creates a narrowness of aim. Courts are often not the key decision makers, especially in a crisis context. Third, there are key shortcomings of human rights provisions in international law. Fourth, the prevailing economics paradigm of anti-statist, individualist neoliberalism generally ignores human rights language. Progressive and feminist economics might be an antidote, but as of right now, these alternative models have had very limited traction. Though human rights have been included in the United Nations' sustainable development goals, there are also significant problems surrounding intergenerational justice. This, too, has not been cohesively discussed in terms of human rights.

Professor Tiago Fidalgo de Freitas discussed European courts' activism in fights against austerity. First, he reviewed the shape of austerity policies in Europe and pointed out that the bailouts and subsequent austerity policies have included not just reduc-

tion of public sector wages and social welfare programs but also cuts to health and education.

Second, he discussed the jurisdictional stakes, noting that all of these states are high-income countries with courts that have a limited self-conception of their own role in welfare rights implementation.

Third, he discussed the case law in this area. Early cases from 2010 to 2012 were met with deference to legislators. This started to change as the austerity program continued, especially as austerity measures went into health, education, and other policy areas. The courts' approaches were actually quite narrow. They focused on principles and only intervened as a last resort and in limited areas. Only those austerity measures related to contributory social security and wages were actually invalidated. Thus, the vast majority of austerity measures were not invalidated. Courts accepted the need for cuts but still said human rights had to be met. Debt problems are not a conversation stopper.

Fidalgo de Freitas then discussed some factors that help to explain the trajectory of these courts' activism. He pointed out that judges' ideology mattered but so did the fact that court justices were affected by the wage cuts. Social unrest probably came to play a role in Greece and Portugal. Finally, austerity measures had a very poor democratic pedigree. They were not submitted to parliament for approval and they followed the one size fits all model of the International Monetary Fund.

Professor Colm O'Connell examined European states' constitutions and social and economic rights. He said that Europeans have not lost rights so much as discovered that they did not actually have rights that they thought they did. The default position in terms of thinking about constitutions and social and economic rights is Anglo-American constitutions, which do not generally enshrine social and economic rights as constitutional rights. In those systems, constitutional rights are generally limited to legal, political, and civil rights. From the continental European perspective, constitutions should have at least some social dimension. There is a long tradition of this, even in relatively conservative regimes. Otto von Bismarck, for example, promoted social security, as did the Weimar Republic. From their inception, and especially after the Second World War, most European constitutions had significant social and economic dimensions. These constitutions stated that society is committed to upholding social protection. Some conservatives saw these facts as a way of co-opting socialists and the left in the tumultuous years immediately after 1945. Nevertheless, the status of the social principles crystallized.



This began to manifest itself symbolically, politically, and legally. Symbolically, it differentiated European states from the United States. Politically, it was a node of political mobilization, especially for the left. Legally, it meant that legislation could be interpreted by reference to these principles and so gave the state the green light to act socially. Still, that social dimension has remained tenuous, constitutionally speaking. This was never a large issue in an era of expanding social welfare programs, but it very much does matter in the years of retrenchment that started in the 1980s and intensified after the 2008 financial crisis. In these years, courts have been reluctant to remedy social and economic regulation in Europe because the constitutional foundation is so thin. It is often unclear exactly what policies are compliant behavior and what are not, making courts reluctant to intervene. A state's existing behavior can thus often be justified. A real challenge exists regarding how to give more substance to social and economic rights language in constitutions. In sum, this means that though Europeans thought they had robust economic and social rights, they actually just had a bunch of intangible language about principles.

#### **PANEL VI: New Frontiers**

Phillip Alston, UN Special Rapporteur on extreme poverty, began with the provocative suggestion that the ESRs have a paradoxical status since, despite all the diplomatic and expert activity promoting them, they remain largely invisible in the state's laws and institutions. This statement does not dismiss the huge strides in recent years, which include widespread constitutional recognition, but points out the lack of crucial achievements (such as a rights-based legislative framework at the state level) and the

resistance of courts to act on ESRs, among other things. The acceptance of ESRs as actual human rights remains rare. As a result, the principle of indivisibility of human rights is honored more in the breach than in the observance.

Alston built up his proposal by first emphasizing the importance of treating ESRs as human rights rather than as desirable goals, development challenges, or social justice concerns. Strategies to eliminate extreme poverty require efforts to promote the realization of such rights because, among other things, the language of rights recognizes and insists on the dignity and agency of all individuals; it is intentionally empowering and presupposes and demands accountability.

Phillip Alston proposed enhancing ESRs in three ways: namely, (R) according legal recognition to them as rights in the respective legislations; (I) establishing appropriate institutions to promote them (which include not only the judiciary, but also governmental agencies and National Human Rights Institutions); and (A) taking measures to promote governmental accountability in the three respective branches of U.S. government. This threefold approach was named the "RIA framework" and must not be understood as an exhaustive list of ways to promote ESRs, but rather as a fundamental strategy to legitimize them and empower their agents, and thereby increase their efficacy. RIA's benefits notwithstanding, the special rapporteur emphasizes that it is not a magic bullet, and that it is urgent to tackle the deeper reasons for the continuing marginalization of ESRs.

Jeff King, from University College of London, proposes that the future of ESRs must be conceived as the capstone of a function-

ing and fair welfare state, rather than as its foundation. Stressing the relevance of connecting the legal studies on ESRs to fruitful research about social policy and the welfare state, he suggests that such a liaison would help us face the enormous challenges that lie ahead for ESRs.

The future of ESRs is one of an impending crisis due to the combination of demographic change, climate change, and immigration and financial crises with recent trends like the decline of political support for social democratic parties, who played a key role in the creation of welfare states; the collapse of union membership and collective bargaining coverage, which was relevant to the expansion of welfare states; and the strained revenue and regression of tax policy. The most likely consequences of such a combination are, King argues, stealth retrenchment, competition for resources within the welfare state, increasing reliance on arguments about desert (through which the old dichotomy between deserving and undeserving poor will play out again unless the legitimacy of social rights is defended), and the weakening of employment law protections.

Legal and constitutional thinking could offer interesting responses to the aforementioned concerns, but to do so such thinkers must be aware of the challenges posed by their very language. King reviews the hazards of the liberal bequest to constitutional social rights thinking: understanding government as a necessary evil rather than the personification of the community; understanding rights primarily as liberty-claims against government interference, and only later as participation rights and claims for formal equality; promoting atomism and suspicion toward collective action that reflects the aspiration of constitutionalism to have a non-partisan character; and, finally, oversimplifying the problems at stake, such as how the concept of rights can grapple with scarcity.

The edifice in which ESRs must be the capstone should be built up from a participatory politics, a robust body of social laws, access to justice in administrative tribunals, parliamentary committees to review social spending, and commitments to eliminate entrenched inequality.

Kerry Chance presented her ethnographical and historical research about several cities of South Africa, epicenters of growing urban unrest and home to some of the largest slums in the world. She offered, in particular, the history of Monique, a young domestic laborer in Cape Town, as an example of what she will call “lawfare from below.”

Monique was violently evicted, along with 1,600 other residents, by police forces and private security agents from her unfinished home in a township that had become the national flagship project to make housing rights a reality. Without another place to go, she and 500 other residents constructed shacks on the pavement of the site. The settlement was named Symphony Way.

Their protests launched a series of landmark court cases, which helped define the rights against arbitrary eviction. Yet these legal activities were extended to the streets not only through regular marches to Cape Town’s city center, but also by the continuous organization of Symphony Way’s residents to better their lives in their shacks. Their precarious, albeit well-organized slum was an enduring appeal for permanent housing, and a means to be acknowledged as full citizens. Housing rights have become a political instrument whose use in the courts, the streets, and popular media aims at leveraging political inclusion and economic redistribution.

“Lawfare from below,” the term Chance uses to characterize this movement, inverts or perhaps creates a tension with the older meaning of lawfare, which was often defined as the attempt to conquer and control disenfranchised people through the coercive use of legal means. Lawfare from below highlights how urban poor use the law as a tactical weapon of liberation which, interestingly enough, is locally enacted yet globally entangled.

# Conference Program

## Tuesday, April 19

### 8:30 AM • WELCOME & INTRODUCTIONS

**Vlad Perju**, Director, Clough Center for the Study of Constitutional Democracy

**Vincent D. Rougeau**, Dean, Boston College Law School

**Katharine Young**, Boston College Law School

### 8:45 AM • PANEL I: Rights and Democracy

**Roberto Gargarella**, Universidad Torcuato Di Tella and the University of Buenos Aires, Argentina  
“Why Do We Care About Dialogue?” “Notwithstanding Clause,” “Meaningful Engagement,” and Public Hearings: A Sympathetic but Critical Analysis”

**Sandra Liebenberg**, Stellenbosch University, South Africa  
“The Democratic Turn in South African Socio-Economic Rights Jurisprudence”

**César Rodríguez Garavito**, Dejusticia & University of the Andes, Colombia  
“Empowered Participatory Jurisprudence: Experimentation, Deliberation, and Norms in Socioeconomic Rights Adjudication”

DISCUSSANT: **Karl Klare**, Northeastern Law School  
“On Democracy and Social Rights”

DISCUSSANT: **Rodrigo Uprimny Yepes**, U.N. Committee on Economic, Social, and Cultural Rights (UNCESCR), Colombia

MODERATOR: **Paulo Barrozo**, Boston College Law School

### 10:45 AM • BREAK

### 11:15 AM • PANEL II: Adjudication & Rights

**David Landau**, Florida State University  
“Social Rights Beyond Social Transformation: Socioeconomic Rights and the Middle Class”

**Malcolm Langford**, University of Oslo  
“Quantitative Projections on Adjudication”

**Tara Melish**, SUNY Buffalo Law School  
“Assessing Rights Infringements: Assessment Standards across Rights Categories”

DISCUSSANT: **Ran Hirschl**, University of Toronto, Canada  
“On the Toronto Comparative Project on Economic and Social Rights”

DISCUSSANT: **Bruce Porter**, Canada

MODERATOR: **Diane Ring**, Boston College Law School

### 1:15 PM • LUNCH

### 2:15 PM • PANEL III: Rights, Order & Ordering

**Aeyal Gross**, Tel Aviv University, Israel  
“Litigating the Right to Health: And Analogies to the Right to Food”

**Michael Rebell**, Columbia University  
“The Right to Education in U.S. State Courts”

**Arghya Sengupta**, Vidhi Centre for Legal Policy, New Delhi, India  
“The Enforceability of the Right to Education in India”

**Katharine Young**, Boston College Law School  
“Rights and Queues”

DISCUSSANT: **Frank Michelman**, Emeritus Professor, Harvard University

DISCUSSANT: **Colleen Flood**, University of Ottawa

DISCUSSANT: **Mohamed Ezzeldin Abdel-Moneim**, Member, UNCESCR, Egypt

MODERATOR: **David Hollenbach, S.J.**, Boston College

### 5:00 PM • KEYNOTE ADDRESS: Rights in a Global World

**Amartya Sen**, Harvard University

## Wednesday, April 20

### 8:30 AM • Panel IV: Measuring “Progressive Realization”—The Committee on Economic, Social, and Cultural Rights

**Olivier de Schutter**, Member, UNCESCR, Belgium

**Mohamed Ezzeldin Abdel-Moneim**, Member, UNCESCR, Egypt

**Rodrigo Uprimny Yepes**, Member, UNCESCR, Colombia

**Heisoo Shin**, Member, UNCESCR, Korea

**All:** “How to Approach Public Budget Analysis to Measure Progressive Realization”

DISCUSSANT: **Philip Alston**, NYU School of Law

DISCUSSANT: **William Forbath**, Texas Law School

DISCUSSANT: **Gerald Neuman**, Harvard Law School

MODERATOR: **Frank Garcia**, Boston College Law School



## Conference Program

(continued)

### 11:00 AM • PANEL V: Loss of Rights

**Aoife Nolan**, University of Nottingham, UK  
“Financial Crises and Economic and Social Rights”

**Tiago Fidalgo de Freitas**, European University Institute (Portugal)  
“Austerity and Welfare Rights Adjudication”

**Colm O’Cinneade**, University College London  
“Shifting Constitutionalism in Europe”

DISCUSSANT: **Sharmila Murthy**, Suffolk Law School  
“On Distressed Cities, Bankruptcy, and the Right to Water”

DISCUSSANT: **Lucy Williams**, Northeastern Law School

MODERATOR: **Vlad Perju**, Boston College Law School

### 12:45 PM • LUNCH

### 1:30 PM • PANEL VI: New Frontiers

**Philip Alston**, U.N. Special Rapporteur on extreme poverty and human rights; NYU School of Law  
“Economic and Social Rights: The Missing Links”

**Kerry Chance**, Harvard University, Anthropology  
“Politics and ‘the Poores’: A Case Study from South Africa”

**Jeff King**, University College London  
“The Future of Social Rights: Social Rights as Capstone”

DISCUSSANT: **Amy Cohen**, Ohio State University (Harvard)

DISCUSSANT: **Sandra Fredman**, Oxford University

DISCUSSANT: **Heisoo Shin**, Member, UNCESCR, Korea

MODERATOR: **M. Brinton Lykes**, Boston College

### 3:30 PM • CONCLUDING ROUNDTABLE: Reflections and General Discussion

**Philip Alston**, NYU School of Law

**William Forbath**, University of Texas Law School

**Sandra Fredman**, Oxford University

**Ran Hirschl**, University of Toronto

**Sandra Liebenberg**, Stellenbosch University

**Mark Tushnet**, Harvard Law School

**Lucie White**, Harvard Law School

MODERATOR: **Katharine Young**, Boston College

## About the Keynote Speaker

**A**martya Sen is Thomas W. Lamont University Professor, and Professor of Economics and Philosophy, at Harvard University and was until 2004 the Master of Trinity College, Cambridge. He is also Senior Fellow at the Harvard Society of Fellows. He was Professor of Economics at Jadavpur University Calcutta, the Delhi School of Economics, and the London School of Economics, and Drummond Professor of Political Economy at Oxford University. Sen has served as President of the Econometric Society, the American Economic Association, the Indian Economic Association, and the International Economic Association. He was formerly Honorary President of OXFAM and is now its Honorary Advisor. His research has ranged over social choice theory, economic theory, ethics and political philosophy, welfare economics, theory of measurement, decision theory, development economics, public health, and gender studies. Sen’s books have been translated into more than 30 languages, and include *Choice of Techniques* (1960), *Growth Economics* (1970), *Collective Choice and Social Welfare* (1970), *Choice, Welfare and Measurement* (1982), *Commodities and Capabilities* (1987), *The Standard of Living* (1987), *Development as Freedom* (1999), *Identity and Violence: The Illusion of Destiny* (2006), *The Idea of Justice* (2009), and (jointly with Jean Dreze) *An Uncertain Glory: India and Its Contradictions* (2013). Sen’s awards include Bharat Ratna (India); Commandeur de la Legion d’Honneur (France); the National Humanities Medal (USA); Ordem do Merito Cientifico (Brazil); Honorary Companion of Honour (UK); Aztec Eagle (Mexico); Edinburgh Medal (UK); the George Marshall Award (USA); the Eisenhower Medal (USA); and the Nobel Prize in Economics.

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

---

# Clough Junior Fellows

---

**T**he 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 firsthand with some of the most distinguished political science scholars in the country. The 2015-2016 Junior Fellows are:

## **CLASS OF 2016**

Jose Altomari  
Eleanor Baer  
Samuel Beard\*  
Matt Beckwith  
Julia Biango\*  
Mitchell Clough  
James Cody  
George Cortina\*  
Daniel Cosgrove  
Charlotte Davidsen\*  
Michael Demakos\*  
Natalie Dolphin  
John Duggan  
Elizabeth Farrenkopf  
Alexis Fessatidis  
Johann Friedl  
Alexander Hawley  
Caroline Karalias\*  
Tate Krasner\*  
Jordan Kreke\*  
Daniel Latu  
Ryan Lee  
Yong Lee  
Thomas Madden  
Francesca Malvarosa  
Jie Mao

Marissa Marandola\*  
Kaitlin O'Donnell\*  
Maria Picariello  
Samantha Pinsak\*  
Zhao Qin  
Sloan Renfro  
Kevin Roberts  
Sarah Schmidt  
Jerome Shea  
Christopher Staronka  
Max Stoff  
Sean Sudol  
Darby Sullivan  
Elizabeth Valentine\*  
Caroline Victoria  
Emma Vitale  
Hallie Young\*

## **CLASS OF 2017**

Mackenzie Arnold  
Joseph Arquillo  
Teighlor Baker  
Miles Casey\*  
Nathan Dahlen  
Grace Denny\*  
Adrianna Diradoorian  
Ryan Duffy

Domenick Fazzolari  
Kayla Fries\*  
Jessica Ilaria  
Konstantinos Karamanakis\*  
Christine Marie Lorica  
Sean MacDonald  
Lidya Mesgna  
Emily Murphy  
Anna Olcott\*  
Jordan Pino\*  
Samantha Spellman  
Luke Urbanczyk\*  
Keara Walsh\*  
Joon Yoo\*

## **CLASS OF 2018**

Michael Alario\*  
Juan Bernal  
Austin Bodetti  
Juan Olavarria  
Amelie Trieu  
Elijah Waalkes  
Nicholas Yennaco

## **CLASS OF 2019**

Julianna Marandola

\*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. The 2015 Civic Internship Grants have been awarded to:

**MICHAEL ALARIO**—a native of Lunenburg, Massachusetts—first became involved in government in middle school when he was elected to a position on the student body government. In high school, he was involved in the drama club, National Honor Society, a two sport athlete of football and lacrosse, the president of campus ministry, and the four-year President of his graduating class. At Boston College, Michael is a member of both the Appalachia Volunteers and the Rosie’s Place 4Boston placement. He attended the ACC Advocacy Day where he lobbied both congressional staffers and members for higher education funding on behalf of Boston College. As a democracy coach with Boston College’s Generation Citizen chapter, he teaches an action civics course twice a week at Brighton High School. Over the summer, Michael pursued an internship with Congressman McGovern because he found the Congressman’s principles to align well with his own. As an intern in the district office, Michael served as the liaison between the Congressman and his constituency, both reporting concerns to the Congressman and providing information to the people of the second district. He was responsible for staffing certain events, providing outreach, and facilitating meetings for Congressman McGovern. He had a role in the drafting and approval of grant funding, including writing proposals for legislation and reviewing programs requesting already appropriated funds. Per the request of his supervisors, Michael conducted research about specific issues pertaining to the district such as homelessness, veterans affairs, and hunger. This research consisted of collecting data from the people of the district, interpreting trends, and analyzing the results. He was actively engaged in the community, joining the Congressman while he was in the district. These experiences are where Michael had the opportunity to directly serve the community. This included traveling to farmers, factories, and other industries within the district as well as the nonprofit and governmental organizations involved with the Congressman’s mission.

**SAMUEL BEARD** was born and raised in Woodland Hills, California, a suburb of Los Angeles. He is a rising senior at Boston College with a major in History and a minor in both Environmental Studies and International Studies. He has a passion for adventure and travel, having just returned from a semester abroad on a sailboat studying the environmental and social history of the Caribbean as well as participating in traditional sail training. At Boston College, Sam is part of the Animal Alliance Club and volunteers weekly at the Gifford Cat Shelter. He has also been a part of Appalachia Volunteers and worked at the Suffolk County House of Corrections through Boston College’s PULSE Program. During his time at the prison, he tutored inmates in preparation for the GED and acted as a teacher’s aid in classes such as Parenting 101 and Freedom from Violence. Through this experience, Sam gained an appreciation of the importance of education and the necessity of its availability. Many of the inmates failed to receive the attention necessary for them to succeed academically. Because these inmates did not receive a complete education, their career options were limited both before and after their time in prison, thus leading to cycles of crime and poverty.

Over the summer, Sam had the opportunity to work with Breakthrough Greater Boston, a program that aims to support underserved students achieve academic success. He was tasked with supporting Breakthrough students and teachers, as well as conducting advocacy work on behalf of Breakthrough students. As a program intern, he served as a liaison between the Breakthrough program, its students, and their parents. Sam was also charged with organizing and planning community events and assisting in the recruitment of students and teachers. He worked directly with students as a one on one tutor and organized student data and progress with the use of tracking software. Additionally, he was overseeing outreach efforts with local schools, universities, and businesses, and managed many of the daily events that occur at the program such as attendance, food distribution, inventory, and test logistics.

Sam's career interests revolve around education and education policy. After graduating from Boston College, he hopes to participate in a program such as Teach for America or possibly teach abroad for a year or two before attending graduate school for education.

**JULIA BIANCO**, a junior at Boston College, is originally from Myrtle Beach, South Carolina. She graduated from Socastee High School in 2012. After exploring the International Baccalaureate (IB) program and receiving an IB diploma in high school, she decided to pursue a study of international relations and social justice. After gaining admittance into the International Studies program at BC, she is a double major in Philosophy and International Studies (ethics and social justice track). As a freshman, Julia joined the Jamaica Magis Service Trip and returned as a leader last year. As a tutor with 4Boston at Rosie's Place, she helped a native Spanish speaker develop greater confidence and facility in English. Last fall, she won the McGillycuddy Logue scholarship to study in South Africa. While in Cape Town, Julia volunteered with Shawco as a mentor for primary school children in the township of Manenberg. Since coming back to BC, she was a Martin Luther King Jr. Scholarship finalist and has been accepted into the International Assistant program, where she will help incoming international students adjust and transition smoothly into life at BC.

For her summer internship, Julia joined the Non-Profit Management Internship program at the AES World Languages and Cultures Institute as an Executive Coordinator intern. The AES World Languages and Cultures Institute is a non-profit organization whose mission is to facilitate cultural integration through the promotion of linguistic and cultural understanding. It uses language as a way to empower the local community, especially those community members who struggle economically, socially, or politically due to communication issues. They do so through immersion language classes in English, Spanish, Italian, and Mandarin for both professionals and for those who are interested in learning a new language. AES World Languages and Cultures Institute is partnered with other organizations in the community, such as housing developments and community learning centers, to provide accessible and effective ESOL classes to LEP communities in the Boston area. Julia's position allowed her the opportunity to work with all the departments of the organization as well as work closely with the Executive Director. She was responsible for managing projects and teams of interns while assisting in the completion of tasks when necessary. Her time at AES World Languages and Cultures Institute gave Julia valuable experiences with the civic community through the medium of social justice work.

Julia hopes to transform her passion for social justice into a career objective through non-profit work. Her interest in the non-profit sector also translates into a more concentrated goal that focuses on international development and grassroots projects in underdeveloped regions.

**MYLES CASEY** is a junior at Boston College, studying philosophy and political science. He grew up in Whitman, Massachusetts, a small town in the southeastern part of the commonwealth, and graduated from Whitman-Hanson Regional High School. Throughout high school, he was very active in local politics, volunteering for and having several leadership positions on various campaigns throughout the southern part of Massachusetts.

At BC, he is a member of the Fulton Debating Society and has held numerous executive positions for the College Republicans of BC, most recently serving as the club's Vice President. During the most recent 2014 midterm elections, Myles consecutively managed two state representative races, overseeing nearly all aspects of the day-to-day workings of these political campaigns.

During the summer of 2015, he continued with his passion for politics by serving as a policy research intern for State Representative Geoff Diehl, the ranking Republican member of the state's Ways and Means Committee, at the Massachusetts State House. This experience gave him the opportunity to help formulate and lobby for some important pieces of legislation that will impact the state he has always called home. Myles started his political involvement as a freshman in high school by interning for Representative Diehl's first campaign, where he helped successfully beat a several-term incumbent. Consequently, he was thrilled to be working for the Representative over the summer.

After graduation, Myles hopes to stay at BC for a fifth year in order to obtain a Master of Philosophy. He will eventually like to go to law school with the aim of combining his love of public policy and law with his passion for philosophy and ethics by hopefully becoming a judge.

**GEORGE CORTINA** is a senior at Boston College in the Morrissey School of Arts and Sciences with a major in Political Science and a minor in History. He was born and raised in Miami, Florida, and graduated from Belen Jesuit Preparatory School. He has always had a love for politics and hopes to be able to make an impact in our political system. Last summer, George interned in Congressman Carlos Curbelo's congressional campaign. This opportunity gave him a better understanding of our electoral process and the effectiveness of a strong grassroots campaign.

On campus, George is President of Boston College's Model United Nations team, an organization with over 350 members that competes internationally against other colleges in debate-style conferences. This past year, he presented research on microtargeting that he conducted last summer during the congressional election through the Advanced Study Grant program. This research showed George how microtargeting is a growing practice and how prevalent it has become in almost every political campaign, even the most local races.

As a recipient of the Clough Center's Civic Internship Grant, George returned as an intern to Congressman Carlos Curbelo's district office in Miami, Florida. In this internship, he conducted research on issues affecting the district and other policy matters that impact the community. He also assisted with the planning of outreach programs and was given opportunities to lead event planning later in the internship. He regularly attended meetings with constituents throughout the district to assist them in resolving issues they were facing.

After graduation, George intends to work for a member of Congress for a few years and eventually attend law school. He is hopeful that his experiences can lead him to a place where he can one day affect policymaking.

**CHARLOTTE DAVIDSEN**, a Danish-American dual citizen, is a rising senior at Boston College where she is majoring in International Studies with a concentration in International Ethics and Social Justice and minoring in Art History. At Boston College, she is a blogger and photographer for BC Streak, a local media startup that presents current events, opinion pieces, and Boston College activities in a daily email newsletter. She is also a member of Boston College's Prison Arts Outreach program where she combines her interests in both art and social justice to help organize art outreach workshops and instigate healing processes for Massachusetts female prisoners. Her past experiences interning for Congressman Steny Hoyer on Capitol Hill, working for a Danish consultant firm in Copenhagen, and supporting small business development and microfinance in Sangolquí, Ecuador, last summer, have led her to want to further develop an understanding for foreign cultures, affairs, and global development in a program that encourages innovation and initiative.

Charlotte was competitively selected to serve as an intern for the summer of 2015 for Save the Children, an international nonprofit that works toward a world in which every child attains the right to survival, protection, development, and participation, in Washington, D.C. As a leader on global action on children's rights for more than 90 years, Save the Children invests in childhood every day in both times of crisis and for the future. Through projects pertaining to health, education, international policy, advocacy, and child protection worldwide, Save the Children is driven and committed to goals that echo the enduring Jesuit commitment of social justice. The New Business Development department, the specific team where Charlotte was working, aims at providing quality control, strategic guidance, and support for the development of new, large-scale programs. New Business Development promotes the identification, selection, and response to priority initiatives in coordination with Save the Children's country offices around the world and each of Save the Children's technical teams. As an intern in the New Business Development Program, some of her proposed duties and responsibilities were to provide assistance and analysis on specific research projects related to Save the Children's funding priorities, knowledge management initiatives, grant proposal requests, and communication/technology needs.

After graduation, Charlotte hopes to continue her education in ethics and social justice and pursue a career in international development, law or global business by working for a global charity, international organization, or social business.

**MICHAEL DEMAKOS** is a senior born and raised in Fairfield, Connecticut. He graduated from Fairfield College Preparatory School in 2012, where he was involved in the Political Awareness Society, Campus Ministry, and varsity rugby. As a Jesuit institution, Fairfield Prep profoundly impacted Michael's political and social outlook, and his most formative experiences included two immersion trips to El Salvador and volunteer work close to home in Bridgeport, Connecticut. These experiences were invaluable in understanding the nature of poverty in all of its forms. At Boston College, Michael majors in Political Science and Classical Studies. He has been a member of the Men's Rugby Club since the fall of his freshman year and currently serves as its Vice President. He has maintained his strong connection with the country of El Salvador, having returned once again in 2014. Most recently, Michael spent a semester studying at the American College of Thessaloniki in Thessaloniki, Greece.

Over the summer, Michael worked in Governor Charlie Baker's administration as an intern for the Governor's Council. The Governor's Council assists the governor by providing advice and consent in areas including warrants for the state treasury, pardons and commutations, and gubernatorial appointments for judges, public administrators, and various state boards. The eight-member body, also known as the Executive Council, is comprised of individuals elected from districts every two years, and meets publicly each week to discuss issues and record its advice. An intern's work can include anything assisting in the day-to-day operation of the department, but more specifically it involves researching legislation and assisting council members regarding judicial nomination and appointments to state boards, as well as pardons and commutations.

After graduation, Michael would like to work in government at the state or national level and eventually pursue a master's degree in public policy or administration. Ultimately, he hopes that he can pursue a career that combines his interests in government and politics while always being mindful of the values instilled by his Jesuit education.

**GRACE DENNY**, as a high school student, knew she wanted a career where she could help people and work on solving important problems. One of the reasons she applied to Boston College was the emphasis on serving others. There are many different ways to do this, and many potential careers where Grace could work on these issues, but through her classes at BC, she decided the best way to address the issues that are most important to her—climate change, education, and gender equality—is through the government. This year, Grace worked for JumpStart, a program that works to improve literacy among underprivileged pre-school students, in an effort to eliminate the gap between them and their more affluent peers. While the program was an incredibly rewarding experience, it convinced Grace even more that programs like these cannot solve the problem. Instead, the government needs to address the more systemic issues that create gaps in the first place.

The Attorney General's Office combines the practice of law with public policy. Through her new internship with the Attorney General, Grace had an opportunity to observe how the two work together and affect people's lives. She was placed in the Department of Consumer Protection, which deals with fraud, unfair trade practices, and mediating consumer complaints. Along with assisting with mediating consumer complaints and helping in the office, she observed how the attorneys handle their cases and went to court with them. Throughout the course of her internship, she was able to attend seminars with the attorneys and learn about the various departments within the office.

Although Grace is still unsure whether or not to pursue a career as a lawyer, she knows that she wants a career in government and public service. Her internship has provided her with valuable work experience for a future job in the government.

**KAYLA FRIES** is a rising junior from Rochester, New York. Prior to attending Boston College, Kayla was involved in varsity sports, piano, student government, and community service clubs. Kayla traveled to New Orleans to aid in community restoration after Hurricane Katrina, and additionally participated in a WWII program in Normandy, France, where she visited historical landmarks and the D-Day beaches. At Boston College, Kayla studies psychology and business law, and plans to attend law school post-graduation, with the ultimate goal of becoming a litigation attorney. She participates on the Boston College Mock Trial team, and serves as a research assistant in the Morality Lab, where she studies moral objectivism versus relativism in children. Kayla enjoys running and working out in her free time, and competed in her first triathlon during her sophomore year. In the summer of 2014, she spent time in Lima, Peru, where she worked in a children's home, providing psychological and emotional support for impoverished, neglected children. Kayla is excited to spend the upcoming semester in Paris, France, where she will be studying at the American University of Paris.

During the summer of 2015, Kayla interned at both Volunteer Legal Services Project (VLSP) and the NYS Office of the Attorney General. VLSP provides legal services for low-income residents of Rochester, New York, who are in need of legal guidance for non-criminal cases but unable to afford a lawyer. At VLSP, she split her time between family law and consumer law departments. The family law department provides legal services to clients seeking custody, child or spousal support, or divorce, or clients involved in domestic violence cases. The consumer department at VLSP deals heavily with unemployment benefit cases, debt, and bankruptcy. Along with assisting in this department, Kayla conducted an independent project through the Debt Clinic at VLSP, which provides informational services to individuals filing

Chapter 7 and Chapter 13 bankruptcy. In addition to assisting in these clinics, Kayla had the opportunity to attend trials in order to gain exposure to court procedures.

At the Office of the Attorney General (OAG), Kayla worked in the Consumer Frauds and Protection Bureau, which is responsible for the mediation or litigation of businesses and individuals involved in fraudulent, misleading, deceptive, or other illegal actions. As an intern, she was trained to work directly with consumers to resolve disputes through the voluntary mediation program within the Consumer Fraud Department. Kayla was responsible for answering inquiries from the public, contacting businesses to encourage negotiation with the opposing party, and directing potential clients to the correct field of expertise in regard to their legal issues. She was also responsible for reviewing complaints and creating corresponding summaries. Additionally, as with VLSP, Kayla had the opportunity to observe court proceedings through the OAG. The combination of both experiences provided a valuable variety of learning opportunities and exposure to different fields of law.

While Kayla's interest in law has motivated her extracurricular activities on campus, her summer internship positions will provide valuable exposure to complement her experiences at Boston College thus far. Both opportunities allow her to develop practical knowledge of, and experience in, the field of law while simultaneously dedicating her services to assist others with their legal conflicts.

**CAROLINE KARALIAS** is a rising senior at Boston College majoring in Psychology and English. Upon acceptance to BC, the Merrimac, Massachusetts, native was one of 50 freshmen accepted to the Emerging Leaders Program. She also started the campus organization Minutes for Memories, a BC chapter of a local non-profit dedicated to granting wishes to those who have suffered life-changing traumatic injuries, and she currently serves as president of the organization.

Caroline has been involved with the Appalachia Volunteers, Students for Education Reform, and now the Clough Center Junior Fellows Program. She is also a Forest Foundation Fellow, after having been accepted into the Forest Foundation Program, which awards grants to undergraduates pursuing a career in non-profit work. She was placed at a non-profit in Lynn, La Vida, which focused on closing the opportunity gap for high-achieving, low-income high schoolers by helping them prepare and apply to some of the top colleges in the country. There, Caroline helped create a community service program, which was integrated into the La Vida curriculum, getting students involved in their neighborhoods.

Over the summer, Caroline served as an intern for Year Up, a non-profit organization in Boston whose mission is to "provide low-income young adults, ages 18-24, with a combination of hands-on skill development, college credits, corporate internships, and support." These students go through rigorous job skills training for six months and are then placed in an internship with one of the non-profit's corporate partners for another six months. Caroline's internship was with the applications department assisting mainly applicants who have already been accepted. She helped students with the technicalities of the applications process and took part in on-boarding interviews to determine how to best help them. It was Caroline's responsibility to monitor the entire applications process and make suggestions as to how to streamline certain aspects.

In the future, Caroline hopes to continue her involvement in the non-profit world while working toward a Master of Social Work. She would love a career with an organization such as Year Up, and one day hopes to gain her licensure and become an LICSW while pursuing the possibility of starting her own non-profit organization.



**KOSTA KARAMANAKIS** is a junior in the Morrissey College of Arts and Sciences, studying political science and history. During the summer, he worked in Washington, D.C., as an editorial intern at *GOVERNING* Magazine—a nonpartisan media platform covering the politics and management of state and local governments. His responsibilities included conducting research, fact-checking, and writing articles. In addition to reporting on the innovative ways states and localities have addressed problems in their communities, Kosta’s research focused on how state and local leaders work with federal agencies so as to best serve their constituents.

Kosta’s lifelong fascination with politics stems from his family’s emphasis on public service and civic duty. A native of Dudley, Massachusetts, Kosta is a graduate of Shepherd Hill Regional High School and the first in his family to attend a four-year university. His interests include reading, writing, watching movies, drinking tea, and spending time with his family and friends. An avid traveler, Kosta will spend his junior year abroad studying U.S.-U.K. relations and twentieth century history at Oxford University. During his two years at Boston College, Kosta has cultivated a fascination with America’s history and political traditions. He has been recognized as a Distinguished Sophomore Scholar by the Political Science Department and a Dean’s Sophomore Scholar by the Morrissey College of Arts and Sciences. Additionally, he was awarded an Advanced Study Grant to pursue independent research in Istanbul regarding Turkey’s treatment of the Ecumenical Patriarch of Constantinople. Kosta is also a Resident Assistant, a member of the Student Conduct Board, and a tutor at the Volunteer and Service Learning Center for BC employees learning English as a second language.

Off campus, Kosta has interned at the Office of the Governor and the Consulate General of Greece in Boston, where he worked as a speechwriter. An active proponent of youth-led education reform and community development, he has worked closely with the Department of Education, the Department of Health and Human Services, the United Teen Equality Center, and the United Way. Most recently, Kosta served as an appointee of Governor Deval L. Patrick on the Massachusetts Afterschool and Out-of-School Time Coordinating Council (2013-2015) and the Governor’s Statewide Youth Council (2012-2014). His efforts have focused on civic engagement, the educational achievement gap, and raising awareness of homelessness among LGBTQ youth.

Kosta plans to attend law school following his graduation from Boston College in 2017. He hopes to one day hold public office and wants to make a difference in the lives of others through public service. He is grateful for the opportunities afforded to him by the Clough Center for the Study of Constitutional Democracy and looks forward to a formative year as a Junior Fellow.

**TATE KRASNER** is a senior from Charlotte, North Carolina. He is an International Studies major with a concentration in Ethics and minors in Chinese and Russian. At Boston College, Tate serves as an Undergraduate Research Fellow for Kenneth Himes and Jennifer Erickson. 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. Tate spent the summer of 2014 at the S. Rajaratnam School of International Studies, a graduate school and policy think tank of Nanyang Technological University in Singapore, where he conducted research on Chinese unmanned aerial vehicles.

This past summer, Tate worked with the Hekima Institute for Peace Studies and International Relations in Nairobi, Kenya. There, he performed research in the fields of regional organizations, peacebuilding, and conflict resolution. In addition to working at the Institute, he met with local nongovernmental organizations that deal with peace and security issues, observing how they operate within a large, complex framework of international and regional organizations. HIPSIR is a graduate school of Hekima College, a Jesuit university in Nairobi. Its primary focuses are conflict analysis, transitional justice, peacebuild-

ing, conflict resolution, and reconciliation. In addition to work in policy research, conflict monitoring, advocacy, and publication, Hekima serves as the hub of a network of regional NGOs, providing a forum for discourse and engagement in Kenya and beyond.

In the future, Tate plans to pursue a career in international policy, with a focus on security issues, peacekeeping, and conflict resolution. He seeks to gain admittance to a graduate program for public or foreign policy, with the eventual hope of working for an international or nongovernmental organization.

**JORDAN KREKE** is a senior majoring in Political Science and Economics at Boston College. Before relocating to Boston, Jordan grew up in Miami, Florida, graduating from Coral Reef Senior High School in 2012. Coming from a culturally diverse background, with a mother of Cuban descent and father from the Virgin Islands, growing up in Miami provided him with unique socioeconomic and cultural exposure that catalyzed his interest in public policy. During his time as a student at BC, Jordan has worked as an undergraduate research fellow in the political science department, interned at Miami based financial firm Fairholme Capital Management, and ran the 2014 Boston Marathon. In addition, he spent the spring semester of his junior year studying in Barcelona, Spain.

During his summer internship, Jordan worked in Washington, D.C., at the Cato Institute. Within Cato, he served as a research intern in the Center for Global Liberty and Prosperity. This center was established to promote a better understanding around the world of the benefits market-liberal policy solutions to encourage economic freedom and end world poverty. The Center addresses a number of issues regarding political economy such as economic growth, international financial crises, the informal economy, policy reform, the effectiveness of foreign aid, transition from socialism to the market, and globalization. In addition, every year the Center works with more than 70 think tanks around the world to produce the Economic Freedom of the World report. In connection with these issues, Jordan conducted economic and public policy research, in addition to attending weekly seminars on politics, economics, philosophy, law, and the essence of democratic liberty.

After graduating, Jordan plans to pursue graduate degrees in economics and public policy. With these, he hopes to build a career in foreign affairs, potentially with the United Nations or U.S. Department of State. He has also considered working in the private sector, primarily in economic or political consulting.

**MARISSA MARANDOLA**, a native of Cranston, Rhode Island, is a senior at Boston College majoring in Political Science with minors in American Studies and Management and Leadership. She is a member of the Gabelli Presidential Scholars Program, the Morrissey College of Arts and Sciences Honors Program, and the Political Science Departmental Honors Program, and was recently inducted into Phi Beta Kappa and Alpha Sigma Nu, the Jesuit Honor Society. Marissa's scholarly work has been featured in *Elements*, BC's undergraduate research journal, where she also serves as Editor-in-Chief, and the *USC Journal of Law and Society*. She is also an executive board member for BC Splash, and was recently appointed as Undergraduate Co-Coordinator of the Clough Center's Junior Fellows Program for the 2015-2016 academic year. Marissa also works as an Undergraduate Research Fellow for Professor David Hopkins in the Political Science Department and as a peer tutor in the Connors Family Learning Center. She has previously interned with the Juvenile Justice Department of RI Family Court, the RI Department of Attorney General, and the RI Center for Freedom and Prosperity. In April, Marissa was named a recipient of the prestigious 2015 Harry S. Truman Scholarship, an honor that acknowledges students' commitment to public service and potential for leadership.

Marissa's internship was in the capital city of her home state, Providence, Rhode Island, in the policy division of the Office of Governor Gina M. Raimondo, serving as an intern for Deputy Chief of Staff Kevin Gallagher. As Deputy Chief Gallagher's portfolio includes education, from early childhood through postgraduate work, transportation, revenue, commerce, elderly affairs, healthcare, and veterans affairs, among other areas, her projects for the summer aligned with his agenda, as determined by the Governor's priorities. Marissa reported directly to Mr. Gallagher while completing her duties, which involved detailed reviews of current regulations and statutes, communication with representatives of state departments, data collection, synthesis, and analysis, and extensive academic and professional writing. Her assignments emphasized her areas of particular interest; namely, the intersection of law and politics (through some collaboration with the Governor's Office of General Counsel) and education policy (through projects concerning K-12 or higher education). Following her graduation from Boston College, Marissa plans to pursue a law degree and an eventual career in the field of education law and politics.

**KAITLIN O'DONNELL** is a rising senior from Portland, Oregon, in the Morrissey College of Arts and Sciences. She is an International Studies major with a focus in Ethics and Social Justice and a Hispanic Studies minor. At BC, she is an Orientation Leader, co-founder of the Women's Club Basketball Team, an Academic Advising Fellow, and a member of the Student Admissions Program, where she gives tours and panels for prospective students. During the fall semester of her junior year, she studied abroad in Bilbao, Spain.

Kaitlin spent her summer interning at the U.S. Fund for UNICEF in Boston. The U.S. Fund for UNICEF supports UNICEF's work around the world through fundraising, advocacy, and education in the United States. At this internship, she worked on development and fundraising for the organization. She was also responsible for assisting in research and marketing. Kaitlin was in contact with various donors to the organization to inform them about UNICEF's current projects and speak with them about donating to the cause. She helped create reports about emergency situations in certain countries and what UNICEF is doing/has done to help with such issues. She contributed ideas for fundraising events and worked on initiatives that might bring in more money to fund UNICEF's many programs and provide humanitarian aid.

In the future, Kaitlin hopes to work at the UN in some capacity in New York. She would love to have the opportunity to travel around the world helping countries better their government in order to help people who may be suffering. She has a particular interest in working with conflict resolution and indigenous rights issues, and would love to work in Central/South America. Her dream would be to work as the U.S. Ambassador to the UN. However, if things go differently, she could see herself working for an international NGO that helps with humanitarian relief and peacekeeping in various countries.

**ANNA OLCOTT** is a rising junior at Boston College and is an English and Political Science major with a minor in Hispanic Studies. She is from a small town in Bergen County, New Jersey, and is the youngest of three children. Living in a suburb of New York City, she has witnessed both the splendor and inequality in New York. At BC, she has participated in the editorial council of *The Laughing Medusa*, an all-women's literature and arts journal on campus, interned at *Post Road* magazine, and volunteer tutored through the Boston College Neighborhood Center. Her education at Boston College has opened her eyes to the need for social justice not only around the world, but in local communities as well to repair inequalities that persist. Combining her passions for helping others and New York, she interned at LIFT-NYC during the summer of 2015.

LIFT is a non-profit organization seeking to help end the cycle of poverty across the United States. Anna worked at their office in the South Bronx. This organization is committed to lifting poverty-stricken people in cities out of poverty for good by working with them one-on-one to find employment, housing, and other essentials to develop economic independence. LIFT is based on the idea that all people need personal, financial, and social foundations in order to avoid poverty, but that not everyone has access to these foundations. LIFT seeks to provide encouragement and networks to help people gain these foundations and eventually to become financially stable. By inspiring confidence in clients to manage through tough times, creating networks of families and advocates, and providing the resources to find jobs and housing, LIFT has helped over 10,000 people overcome poverty.

Anna's role at LIFT was to be an "advocate," which required her to work one-on-one with clients to help them achieve their goals. She served as a support system and resource to assist clients in their journey out of poverty. She also participated in further learning sessions to connect her experiences at LIFT with the issues of poverty and financial inequality across the country. She hopes to continue pursuing this line of work in the future in whatever capacity she can.

**JORDAN ALEXANDER PINO** is a junior in the Morrissey College of Arts and Sciences at Boston College. He is pursuing the PPE course of study, an interdisciplinary program of intensive research and writing in philosophy, politics, and economics. Originally, Jordan is from Winter Park, Florida, where he graduated from Lake Highland Preparatory School in 2013. In high school, Jordan participated in Congressional Debate locally and nationally, and led his school newspaper as Editor-in-Chief. Additionally, Jordan helped to reduce youth criminal recidivism as a volunteer attorney in the Orange County Juvenile Court's "Teen Court" diversionary program. At BC, Jordan has served as a Resident Assistant in Fenwick Hall, and he has worked as a Research Assistant at the Center on Wealth and Philanthropy. Jordan is involved in the Clough Center's Junior Fellows Program, and has helped to resolve the cases of students as a member of the Student Conduct Board.

In past summers, Jordan has studied in Madrid, worked in the Orlando office of U.S. Senator Marco Rubio, and written for his hometown newspaper, the *Orlando Sentinel*.

Jordan spent the summer working at the American Enterprise Institute for Public Policy Research (AEI) in Washington, D.C., serving as a Research Intern on the Poverty Studies team. AEI's Poverty Studies explores a number of government services, such as cash welfare, Medicaid, and reeducation and employment programs. It seeks to study the root causes of poverty as well as methods of alleviation with the intention of developing policies that assist low-income Americans' work and welfare. In this vein, Jordan assisted by contributing to short- and long-term research studies, arranging the publication of completed scholarly works, and organizing conferences and seminars related to poverty studies. Jordan appreciated the opportunity to refine his research and analysis skills as he works toward a hopeful but eventual thesis on this very topic—effective anti-poverty programs—and their interaction with principles of American federalism.

In the near future, Jordan will be taking his interests in PPE to Durham University in the United Kingdom to study abroad, where he hopes to continue to develop his research interests in normative ethics, federalism, and anti-poverty programs as well as where he will hopefully resume participation in debate. After graduating from BC, Jordan intends on pursuing law school. While he plans on a long legal career, Jordan does foresee an eventual calling to state politics, perhaps leading to Congress one day.

**SAMANTHA PINSAK** is a rising senior from Camarillo, a small town in beautiful Southern California. As an Economics and History major, her main academic interests lie in economic development and women's empowerment issues. She spent the past semester abroad in Geneva, Switzerland, and continues to work as an intern for CUTS International, a non-governmental organization that works to promote the pro-trade, pro-equity voice of the "Global South" at the World Trade Organization, particularly within the East African Region. On campus, Samantha is a Student Health Coach, specializing in iStrive, through the Office of Health Promotion and a Bystander Trainer through the Women's Center. Last summer, Samantha participated in an archaeological excavation in Northern Belize of ancient Mayan ruins, and also interned at the Ronald Reagan Presidential Library in the audiovisual archives.

For the summer of 2015, Samantha traveled to Nairobi, Kenya to work and conduct research at the Hekima Institute of Peace Studies and International Relations (HIPSIR). In addition to its role as a graduate institute, HIPSIR acts as an informational hub for non-governmental organizations in the East African region, providing a network for information sharing and dialogue on various issues related to conflict resolution, peacebuilding, and reconciliation. Samantha was particularly focused on the issue of violence against women and how its occurrence influences female economic participation levels in post-conflict communities. She interviewed and shadowed various NGOs that focus on women's empowerment and economic employment projects in Nairobi and the surrounding areas in order to gather an understanding of the prevalent issues and patterns surrounding the topic.

After graduating, Samantha hopes to continue her work in international development and women's issues, either through NGOs or with an international development consulting firm. She is also considering the idea of returning to academia to pursue a Master of Social Work, focused on global women's issues.

**LUKE URBANCZYK**, a native of Rye, New York, has been interested in civics and the social sciences for as long as he can remember. History, government, economics, and other social sciences were always his favorite subjects in school. These broad and often interdisciplinary interests have persisted during his time at BC. A rising junior in the Morrissey College of Arts and Sciences, majoring in Political Science and minoring in an International Studies-International Political Economy concentration, he was named a "Distinguished Sophomore" of the Political Science department. Luke is on the executive board of the Eagle Political Society and is a member of the men's club ultimate frisbee team.

Over the summer, he served as a research and development intern at the World Policy Institute in New York City. WPI is a non-partisan think tank that focuses on emerging global issues and seeks to promote compelling new global perspectives and policy solutions. WPI attempts to tackle issues such as climate change, democracy, migration, technology, economic development, human rights, and counter-terrorism. WPI also publishes the *World Policy Journal*, a monthly journal that challenges conventional wisdom on global affairs, offering strong points of view that transcend the foreign-versus-domestic policy divide, reflecting the Institute's 'world' perspective. As a research and development intern, he gained experience in policy research and advocacy on these global issues by assisting the Institute's senior fellows and staff. He was also responsible for event planning, liaising with partner institutions, donor solicitation, and more.

Moving forward, Luke hopes to pursue his academic and career-related passions in any way possible. Recently, he has been considering a future in law. If Luke decides to attend law school after graduation, he would like to build on his experience at WPI and work for a year or two before going to law school.

**ELIZABETH VALENTINE** is originally from the Tampa Bay area in Florida, and is entering her senior year at Boston College. She is majoring in Political Science in the pre-law program. In addition to going to school full time, she served as Program Coordinator for the Mock Trial Program, sound designed several plays, and worked at the law library.

Elizabeth spent the summer interning at the Massachusetts Office on Disability. Her duties included assisting with research and data compilation in order to ensure that disability regulations are being upheld throughout the state and that the appropriate action can be taken where they aren't. In addition to this, she helped direct people who contacted the office seeking advice to the person best suited to help them and assisted with other projects going on around the office. She was lucky enough to have the opportunity to attend many of the meetings that the director and other members of the office attended, which allowed her to gain valuable insight and experience, and worked with the office attorney to learn more about the legal processes involved in disability legislation and regulation. This proved especially valuable, as Elizabeth hopes to attend law school and go on to work for the state, either as a prosecutor or juvenile defender. After working in that job for at least 10 years, she would like to pursue a career in politics. Ideally, Elizabeth wants to provide a voice for those who don't have one, or have trouble making their voices heard. That is ultimately the goal that informs and inspires both her education and career plans.

**KEARA WALSH** is a junior from Mountain Lakes, New Jersey. She graduated cum laude from Oak Knoll School of the Holy Child, where she participated in mock trial, the tennis team, and campus ministry. Her junior and senior years she helped organize and attended mission trips to a school in the Batey region of the Dominican Republic. At Boston College, Keara is the International Project Director for Nourish International, a non-profit based on college campuses across the country to engage students and empower communities to make a lasting impact on extreme poverty, and serves as a Eucharistic minister. She majors in International Studies with a concentration in Economics, and has a minor in Hispanic Studies.

During the summer, Keara traveled to Cochabamba, Bolivia where she worked with CECAM Bolivia in partnership with Sustainable Bolivia, two non-profit organizations that aim to promote sustainability and growth in the area. This internship was through Nourish International. While in Bolivia, Keara worked with CECAM Bolivia on the Pedal Project, which aims to promote the benefits of bicycle based technology, including the accessibility and ecologically friendly components. The CECAM team works in various schools to help teach children the value and possibility of being financially independent and managing a small business.

After graduation, Keara plans to continue her work with non-profit organizations, in addition to possibly pursuing a degree in law. She hopes to continue traveling, especially throughout Central and South America, to work hands-on with communities in order to implement long-term change and improvements.

**JOON YOO**, originally from Federal Way, Washington, is a junior in the Carroll School of Management's Honors Program with a concentration in Finance and Computer Science. Raised by Korean immigrants, Joon is number four out of five kids: Jeannie, Jason, Joy, Joon, and Jamie. Affectionately, they refer to each other as JY1, JY2, JY3, JY4, and JY5.

Since Joon arrived at Boston College in the fall of 2013, she has been actively involved in groups she is passionate about. After her first semester, she started working at the Boston College bakery, where she has continued to work up to the present. She also serves as the chapter co-founder and co-president of

Moneythink, a national non-profit start-up aimed at curbing financial illiteracy in urban youth through financial education mentorship from local college students. For her sophomore year, she was the co-vice chair of the Honors Program Speaker Series Committee, which invited esteemed businesspersons to share their life and career stories to inform and inspire students, and will continue her involvement as co-chair in her junior year. Five days a week of her sophomore spring semester was enjoyed interning at a Boston-based start-up called Quantopian, a free, online algorithmic trading platform and crowd-sourced hedge fund. Upon returning from her fall abroad in Vienna, she further developed her role in the bakery, in Moneythink, and in the Speaker Series.

This summer, thanks to the Clough Center and Career Center, she interned at South Pacific Business Development Microfinance Fund (SPBD) Tonga, utilizing her finance and computer science skills acquired during her time at Boston College. SPBD is a network of microfinance institutions working in Fiji, Samoa, Tonga, and the Solomon Islands dedicated to eradicating poverty by empowering women in poor rural villages with the opportunity to start, grow, and maintain sustainable, income-generating micro-enterprises. In addition to learning about the microfinance operation system, she created a mobile data collection tool using the Open Data Kit (ODK) to optimize data capture operations. The ODK is a free and open-source set of tools that helps organizations create mobile data collection solutions with smartphones and cloud infrastructure. Her project with the ODK helped SPBD increase its impact in the modern, mobile age. She looks forward to sharing her experience with others who are interested in social service, especially those who are business-minded and are looking for unique opportunities beyond the traditional finance sphere.

While Joon does not quite know what she wants to do, she knows it will involve some of her many interests, including start-ups, education, social work, investments, the arts, and culinary. Wherever she ends up, she hopes to work with exciting people in interesting places.

**HALLIE YOUNG** is a senior at Boston College majoring in Communication and minoring in International Studies with a concentration in Ethics and International Social Justice. She was born and raised in Washington, D.C., where she grew up learning Spanish at a bilingual school. She has also spent time living and studying in California, Uruguay, and South Africa. When she is not in class, she spends her time volunteering as a tutor to Angelis at her 4Boston placement and working with BC Catering. She also enjoys traveling and baking.

Hallie spent the summer as an intern at the non-profit organization Hearts of Gold, based in Cuenca, Ecuador. The organization serves as an umbrella organization for various local groups that work to create sustainable development within the Azuay province of Ecuador. Hearts of Gold connects local humanitarian efforts with global networks in order to improve the living conditions and basic human rights of the Ecuadorian people. Hallie was working alongside the directors of the organization as a Communication intern. She assisted with the organization's communication plan through social media outreach, management of correspondence with donors, aiding event planning, and a variety of other administrative tasks. The internship gave her an opportunity to gain firsthand experience in the operation of an NGO.

In the future, Hallie hopes to continue her work with non-governmental organizations as she plans to pursue a career in community outreach and international development. Due to her prior Spanish education, she hopes to work particularly with Hispanic communities. Her experience with Hearts of Gold will allow her to gain in-depth knowledge about some of the communities she hopes to work with in the future and will allow her to begin to collaborate with those communities in finding solutions for local and global issues.

---

# Clough Graduate Fellows

---

**T**he Clough Center welcomes Boston College graduate students conducting research on any aspect of constitutional democracy to participate in its Graduate Fellows 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 2015-2016 Graduate Fellows are:

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

Whitney Abernathy is a third-year Ph.D. candidate in the History Department at Boston College focusing on 19<sup>th</sup> 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-19<sup>th</sup> 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-19<sup>th</sup> 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 19<sup>th</sup> 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 19<sup>th</sup> and early 20<sup>th</sup> centuries.

**MARTÍN BERNALES ODINO**, *Philosophy, Ph.D. Candidate*

Martín Bernales Odino is a Chilean doctoral student in philosophy at Boston College. He has a law degree and a master's degree in philosophy from the University of Chile and a D.E.A. in criminal law from University Pablo de Olavide, Seville, Spain. He is working on a project entitled "A Genealogy of Poverty: a Latin American history," that is summarized below.

"A Genealogy of Poverty: a Latin American history." The two main perspectives to think philosophically upon poverty are, on the one hand, the notion of charity and, on the other, the idea of a duty derived from social justice. Despite their importance, these perspectives lack a thorough account on the experience of being poor. Our philosophical debates do not consider either that the problematization of poverty has its history. These absences are meaningful for any philosophical effort that, situated in the permanent movement of heterogeneous historical events, attempts to understand how and why poverty has become a problem for us, and to open up ways of acting before it.

Martín plans to overcome the aforementioned difficulties by identifying what Michel Foucault called an experience; namely, the distinct historical configurations of a problem from the intertwinement between power relations, forms of truth, and ways of subjectivization. Writing a "genealogy of poverty" is thus writing a history of the experience of being poor, and supposes a historical philosophizing that tries to define the conditions under which such experience becomes possible and to grasp how it shapes what we think, what we do, and what we are.

Martín writes this genealogy from a Latin American perspective, which means from the perspective of a place that has been labeled as poor. The history will begin in the 16<sup>th</sup> century when Europe, and Spain in particular, experienced a huge dispute on the Catholic thoughts on charity and the institutional practices of alms giving. Such a dispute shaped a new European experience on poverty that was implanted slowly, but steadily in the Kingdom of Indies. A huge political arrangement took place at that time in what we call today Latin America so as to create a way to live together, and poverty was one of the experiences that yielded it by stabilizing and integrating the new political associations. Such an initial experience of poverty was called into question during the 18<sup>th</sup> century when ironically the monarchical pastoral techniques came to feature the new measures to face poverty, while at the same time political economy replaced theology as the most relevant political truth. At the end of the 19<sup>th</sup> century, eventually, the independent Latin American States faced the "social question." This term designated a new stage in the history of poverty, which was mainly understood as the dispossession of the majority of the population. Poverty became an international and urban experience, which was for the first time based mostly on the impossibility of having enough for individual livelihood. It was born of our contemporary problematization of poverty and the related disciplined anonymity of the poor.

**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 thought, and has written on Thomas Jefferson.

**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.

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.

Having graduated from Yale University in 2003 with a degree in Political Science, Tim 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 facilities at the organization's affiliate orphanages.

Having spent the majority of the past decade studying the interaction between Muslim and Christian communities both here in the United States and abroad, Tim's academic interests include the dynamic

between religion and culture, which is a central theme in his studies as well as his own personal experience. Specifically, his 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 additionally been a representative on the Jesuit Advisory Board for Inter-Religious Dialogue, as well as served 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.

#### **HESAM DEGHANI**, *History, Ph.D. Candidate*

Hessam Deghani was born in Tehran, Iran. He has always been fascinated by the variety of ethnic groups and languages that exist in Iran and its neighboring countries. Under the influence of a very traditional family, he is very much acquainted and interested in Persian literature and its relation to Islam.

Hessam completed his master's and Ph.D. in Linguistics, in Iran at Tehran University and Allameh Tabatabai University, consecutively. His dissertation, "Hermeneutic vs. Structural Interpretation of a Persian Short Story," will be published in Iran. The work that led Hessam to the world of philosophy is a meditation on Paul Ricoeur's engagement with Structuralism on the question of method.

Yet, to further his studies, Hessam went for a sabbatical to University College Dublin, Ireland. He studied Phenomenology and Hermeneutics with UCD professors. While there, he started his political studies and activities more academically and seriously under the influence of Professor Maeve Cooke and her course on Socio-Cultural Criticism and Professor Maria Baghramian, who is an Iranian political dissident and a major analytic philosopher at UCD. Working with Prof. Baghramian and other Iranians in Dublin, Hessam held sessions discussing the relation between Iranian Identity and Islam. Further, he hosted a one day workshop introducing his hermeneutical interpretation of Islam through an Interpretation of Pilgrimage in Islam. After much work and a lot of modifications, that work provides the basis and point of departure for his second dissertation on Islamic identity and community.

Hessam received a scholarship to attend Boston College in 2012 and ventured to earn his second Ph.D. in Philosophy. During the last three years he has been working on the notion of community and biopolitics in continental philosophy on the one hand and hermeneutic interpretation of Islam on the other. He has been seeking interpretations of Islam which are faithful to its message and at the same time more open to its universal claims in guiding humanity in general and for all times. This opens new horizons between Islam and the West without ignoring the specificities of each historically and philosophically.

The title of Hessam's dissertation proposal is "The Way of Community, the Discourse of Topology in Islamic Mystic Thought." By delving into original Arabic and Persian resources of Islamic Mystic Thought,

he is trying to shed more light on places (topos) where different modalities of community can come to pass in Islam. This is an attempt to illustrate the modes of community which are more open to democracy while securing the genuine experience of the otherness of Islam and not turning it to the same.

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

Lauren Diamond-Brown is a Ph.D. candidate in the Sociology Department, where she studies medical sociology, sociology of reproduction, gender and feminist studies, and qualitative methodology. Her research analyzes the social construction and politics of childbirth. Working with the perspectives of women and practitioners, she hopes to generate understandings that will help improve maternity care and restore women's birth justice. Her master's paper, titled "Beyond the Nature/Medical Binary: The Unassisted Childbirth Experience," 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. This paper was presented at the Eastern Sociological Society and American Sociological Association conferences, and won the BC Sociology Department's 2013 Severyn T. Bruyn Award for Outstanding Scholarship in Social Economy and Social Justice.

For her dissertation Lauren examines obstetricians' clinical narratives about decision-making in labor and delivery and analyzes how the structure of work, local professional culture, and obstetricians' clinical ethics shape decision-making and practice. Her first paper from this project is titled, "The Rationalization of Care Delivery: The Effects of Shift Work on Obstetricians' Decision-Making in Childbirth." This paper engages with theory about the rationalization of medical work, and focuses on the reorganization of obstetricians' work from the traditional on call model to the hospital shift work model. Lauren contrasted the decision-making process of those who work in shift work to those who are on call for their patients' births. Her key findings are that in shift work doctors use interactive patient knowledge, but they rely on superficial impressions that include stereotypes; this increases the chance of misunderstandings and the reproduction of social inequality. Secondly, shift work models structurally remove choice in the doctor-patient relationship and the opportunity to build trust; this increases the chance of conflict during birth, which can lead to bad outcomes for the doctor and/or patient. This paper was presented at the Eastern Sociological Society and American Sociological Association conferences. In 2014, Lauren was awarded the Benedict S. Alper Fellowship in recognition of her dedication to social justice.

This year Lauren is expanding her dissertation research to two other states chosen to maximize variation in local birth context: Louisiana and Vermont. Through a multi-methodological qualitative analysis of 65 total interviews, Lauren's dissertation will deepen our understanding of how structure, culture and agency affect physicians' practices and shape American birth. Her study has implications for public health and reproductive justice, and it provides a rich case for developing theory about the construction of medical practice in the context of major changes to the social organization of medicine. This will be Lauren's second year as a Clough Graduate Fellow.

**ERICA FOSS**, *History, Ph.D. Candidate*

Erica Foss is a Ph.D. candidate in the History Department at Boston College. Her dissertation, "Displacing Criminality: Penal Transportation in Britain and France, 1788-1945," explores the juxtaposition between the legal and cultural definitions of crime and citizenship over the course of the long 19<sup>th</sup> century. She argues that convict transportation provided a unique challenge to these empires in how they defined the limitations of citizenship rights. During the transportation experiment, criminality was "outsourced" to the colonies in a dual-phase attempt to both rid the metropole of problem populations and also to

strengthen each nation's imperial power on the global stage. She emphasizes that the systems of punishment and citizenship were not only intertwined with each other, but that Britain and France engaged in mutually constitutive discourse about the bounds of the nation, and who belonged within its borders. Her project suggests that transportation provides the ideal lens through which to understand the delicate and fraught relationship between metropole and colony, and convict and citizen. Her legal-cultural methodology also serves to highlight the sharp dichotomies between public perceptions of crime and punishment and the realities of life in the penal colonies. As debates about detention abroad, extra-legal justice, and untenable prison structures continue to dominate debates about crime and punishment—particularly in America—her research offers insight into pressing issues about the state's role in correcting those that fall under its control.

Erica received her bachelor of arts in history and international studies from the University of Denver in 2007 and a master's in history from Boston College in 2012. She is the recipient of Boston College's Irish Studies Fellowship as well as the Adele Dalsimer Dissertation Fellowship. She has conducted archival research in France, Ireland, England, and Australia, which has been generously funded by the Clough Center for Constitutional Democracy and the History Department at Boston College. She is also the author of several publications touching on themes of colonialism, the Other, and crime in Europe in the 19<sup>th</sup> century.

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

Michael Franczak is a Ph.D. candidate in the Department of History, where he studies U.S. foreign policy, international history, and economic history. His main area of interest is the intersection of U.S. foreign policy and international economics, especially within international financial institutions such as the International Monetary Fund and World Bank. He is also interested in the relationship between economic ideas and global governance, or how conceptions of economic growth, development, and justice are contested by individuals, states, and institutions.

Michael's dissertation is titled "The United States and the New International Economic Order, 1974-1982." He argues that in U.S. policy toward the NIEO—a challenge by developing countries to the postwar consensus on global trade and finance—there is a robust debate about the role of the state that both precedes and prepares the way for neoliberalism's international agenda, which has received little attention in literature on the rise of neoliberalism and U.S. foreign policy in the 1970s.

He received his B.A. with high distinction and highest honors in History from the University of Michigan, Ann Arbor, in 2011. He is a Presidential Fellow at Boston College. This is his third year with the Clough Center.

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

Elise Franklin is a doctoral candidate in the History Department. Her dissertation, "A Slow End to Empire: Social Aid Associations, Migration, and Decolonization in France and Algeria, 1954-1979," focuses on the process of decolonization through para-state associations. She argues that France's 130 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 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 1981.

Elise received her bachelor of arts in French language and literature from Barnard College, Columbia University, in 2009 and a master's in history from Boston College in 2013. She was a Boston College Presidential Scholar (2010-2015) as well as an international fellow at the Ecole Normale Supérieure in Paris, France (2013-2014), where she conducted archival and oral historical research for her dissertation. For the 2015-2016 academic year, she holds a dissertation writing fellowship from Boston College. Her research has also 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*

After attending college at Bilkent University in Ankara, Turkey, Perin completed her 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. Her research interests include democratization and the role of religion in Middle Eastern politics, immigration, ethnic politics, and identity with a regional focus on the Middle East but also including Muslims in Western Europe.

Perin's current research focuses on the connection between national identity and political discourse in modern Turkey. She is interested in how neo-Ottomanism as an ideology is being used by the ruling party, the AKP, in the domestic realm; more specifically in how this political discourse is being used to shape national identity and reconstruct the national narrative. When and how does the AKP leadership use elements of the Ottoman narrative to legitimate its rule, whether the goal is securing power or facing down internal and external challenges? States have at their disposal many possible tools or instruments for inculcating particular elements of national identity, or simply patriotism more broadly; Perin's project will address these questions by using official texts, speeches, or statements promulgated directly by governmental bodies, leaders, and recognized spokespeople. Her research also speaks to the broader question of how leaders make use of national stories and identities to construct or reinforce regime legitimacy, national unity, and political stability. It aims to contribute to the understanding of the role of political discourse in maintaining political power.

**ROSALIA GRECO**, *Economics, Ph.D. Candidate*

Rosalia Greco is a Ph.D. candidate in the Economics Department and her research focuses on Political Economy and Applied Economics. She received a B.A. in economics and public policy evaluation from the University of Palermo (Italy), an M.S. in economics and social sciences from Bocconi University (Italy), and an M.A. in economics from Boston College.

Rosalia is interested in the economic consequences of the interaction between politicians and voters, and in the effects of institutions and culture on economic outcomes. People's preferences, and their expression, are the prime engines of any democratic society, and the manner in which politicians incorporate these preferences in their decisions determines both social outcomes and the economic prosperity of a nation. In turn, preferences, and their expression, are themselves affected by economic conditions, such as recessions, and by social events and movements. The relationship runs in both directions.

Motivated by the observation that in the U.S. the level of redistribution from rich to poor has remained fairly constant in the last 30 years, despite significant changes in society and politics, such as increased

income inequality and ever-diverging politicians' stances in Congress, she explores how voters' ideology about social issues like abortion, gun control, or environmental protection interacts with inequality and party polarization in affecting redistributive policy. She finds that the salience that voters attach to social ideology is crucial for rationalizing the observed path of redistribution because it determines the responsiveness of the electorate to changes in inequality and polarization. Increased income inequality affects gains and losses from redistribution while party polarization changes the closeness between individual and party positions on social issues. These phenomena change the voter base of each party, and therefore the political equilibrium in the redistributive game. Using data from the American National Election Study, Rosalia finds that high income voters attach higher salience to social ideology than low income ones. Poor voters are therefore more responsive to changes in income inequality while rich voters are more responsive to changes in party polarization. As a result of parties' reactions to these changes in the voter base, income inequality moves the equilibrium policy toward higher redistribution, whereas party polarization on social issues results in decreased redistribution from rich to poor. The effects of inequality and polarization, therefore, move in opposite directions, and potentially neutralize each other, consistently with the U.S. evidence.

Rosalia is currently working on the determinants of immigration policy in the United States. Immigration policy is extremely polarizing, and Congress has failed to reform the immigration system for over a decade. Rosalia and her co-author find that the share of foreign-born population and of naturalized citizens in a congressional district are correlated with its representative's stance on immigration, suggesting that voters' preferences about the composition of the labor force might be a factor in explaining Congress's approval of an immigration reform. They are currently working on identifying possible mechanisms that underlie these preferences and their expression through voting.

**WILLIAM HICKMAN**, *Economics, Ph.D. Candidate*

William Hickman is a Ph.D. candidate in the Economics Department at Boston College. He received a B.A. from Brigham Young University, majoring in both economics and mathematics, and an M.A. in economics from Boston College, where he has specialized in the fields of econometrics and industrial organization. His research examines dispute resolution through arbitration, an increasingly common alternative to the public court system, particularly between businesses and individuals as employees, consumers, and patients.

Binding, pre-dispute arbitration clauses, which require disputes to be addressed through the private arbitration system rather than the public court system, are now common in contracts that govern employment, retail banking and credit, health insurance, long-term care facilities (e.g., nursing homes), cell phone service, and automobile service, among other areas. The growth of binding consumer arbitration has engendered a long and vigorous debate about its merits among industry representatives, legal experts, consumer advocates, and legislators. Indeed, in recent years members of Congress have proposed legislation that would prohibit binding arbitration agreements in consumer contracts. Proponents of binding arbitration clauses often claim that arbitration is faster, less costly (and hence more accessible), and just as fair as the court system. Some claim that the decreased costs of dispute resolution will be passed on to individuals through lower prices, thereby benefiting society broadly. Opponents dispute such claims with examples of prohibitively costly fees, egregious conflicts of interest, biased arbitrator selection, and correlations between repeat players (large firms) and favorable outcomes. They argue that consumers would voluntarily choose arbitration, without a binding pre-dispute agreement, if it were truly in their best interest. Furthermore, some are concerned that as arbitration clauses weaken class action possibilities, firms will no longer have as strong an incentive to ensure the safety of their products and the quality of their services.

The duration and strength of the debate is due in part to the dearth of empirical answers to the questions generated by the disagreements and the (largely informal) theoretical models. To address this deficiency,

William has collected case information, the disclosure of which is required by California law, for tens of thousands of disputes filed with arbitration administrators. He is now developing econometric models to tease out as much as can be learned about the arbitration system from the available case information.

**FIDÈLE INGIYIMBERE**, *Philosophy, Ph.D. Candidate*

Fidèle Ingiyimbere is a Ph.D. candidate in philosophy at Boston College. He has a B.A. in philosophy from Centre Sèvres-Paris, an M.S. in philosophy from Université Catholique d'Afrique Centrale-Institut Catholique de Yaoundé. His earlier interest in philosophy was in phenomenology, especially on Maurice Merleau-Ponty, on whom he has published a book, *Etre et expression. Esquisse d'une ontologie et son rapport avec l'expression chez Maurice Merleau-Ponty*. Fidèle also holds a B.A. in theology from Hekima College-Nairobi, an S.T.L. from Boston College School of Theology and Ministry, and an M.A. in philosophy from Boston College's Philosophy Department. His publications and research cover the topics of social justice and political questions, with particular interest for human rights. One of his several publications in the area is his book *Human Rights as Means for Peace: The Catholic Understanding of Human Rights and the Catholic Church in Burundi*. His doctoral project aims at responding to cultural critiques of human rights, which view them as purely Western, embedded in a particular liberal tradition which, therefore, should not be imposed on other cultures. At the same time, the same project seeks to rescue human rights from their imperialistic use by Western powers through the so-called humanitarian intervention. To achieve its goal, such a project has to maintain and affirm the historicity of human rights as Western, yet show that they are open to the possibility of being practiced in other cultures and other contexts. That is the heart of Fidèle's dissertation research, whose thesis is that, by domesticating human rights, we retrieve their purpose of protecting and enhancing human dignity and it becomes possible to satisfactorily address the cultural and imperialistic challenges.

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

Kiara is a seventh year doctoral student in the English Department in the final stages of her dissertation. She's been a member of the Clough Center since its inception and credits much of her academic growth to the influence of the Center and those who work there. Kiara's focus is American literature, specifically literature of the American West. She is also interested in popular literature and culture, spatial and geographic theory, and the medical humanities. She is curious about the ways in which different populations define their identities via literature and what that literature can tell us about how these populations navigate different political, personal, and public contexts. In addition to writing her dissertation, lately Kiara has been writing on the experience of young women with breast cancer and the personal politics cancer diagnoses carry with them.

Kiara's dissertation, "We Who Work the West: Labor, Class, and Space in Western American Literature," navigates the space of the American West in times of massive political and historical change by way of the literary patterns and habits that accompany labor and class. If the West has historically been a not quite empty stage for experiments in embodied nationalism that reflect its spatial feedback loop between what William Cronon calls "flux [and] fixity," then Western stories must be read against, rather than in favor of, historicized myths that unify Western American social history and lived experience. Literature that attends to labor—one of these practices—and the classes created by that labor in particular spaces resists the reductive narrative nostalgia that often accompanies one-dimensional stories of Manifest Destiny, industrial expansion, and land ownership. Such literature magnifies the work behind the scenes of these major political maneuvers as a physically challenging, organizing force that shaped Western space. Moreover, depictions of those doing that work and its personal costs accentuate ambivalences and anxieties in these popular stories. Kiara thus interrogates fictional representations of class as a function of labor in space to unearth what constitutes Western identity. By focusing on spaces depicted in Western literature and how these demand certain forms of labor, she can uncover the crucial roles nationalism, class, work, and space itself play in shaping individual identities. Her project fits in with Western critical



regionalism; however, while most Western regionalists argue that spatially rooted culture or ethnicity defines identity in the West, Kiara argues that labor, class, and space, and their intersections, exert a subtle yet profound force on the self.

**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.

**JOHN MORTON**, *History, Ph.D. Candidate*

John Morton is a Ph.D. candidate in the History Department at Boston College. From Maine originally, he received his B.A. from the University of Vermont, and an M.A. in American History from the University of Massachusetts, Amherst. He also received a certificate in public history from UMass with a concentration in museums and historic sites.

John's primary field is early North America, though he also studies Latin American history and global history. His dissertation explores the New England/Maritime Canada borderlands in the late 18<sup>th</sup> and early 19<sup>th</sup> centuries. The 1783 Treaty of Paris, which ended the American Revolution, divided New England from Quebec and Maritime Canada. One side became the United States while the other remained part of the British Empire. At the time of the treaty, the population across what would become Maine, New Brunswick, and Nova Scotia was relatively homogeneous; English-speaking Protestant settlers from the 13 colonies were creating new settlements in a territory already occupied by groups of Algonquian Indians. The political border was created overnight, but how did a relatively uniform population divide in two over time? How did state building work on the ground, in both Indian and European communities? How did nationalist sentiments develop? Analysis of the late 18<sup>th</sup> century northeastern borderlands provides a new angle on several fields—the growth of nationalism, the early development of the United States and the future Canada, and the study of Atlantic world borderlands. Examining the region as a whole shows us that the Maritimes and New England were not completely separated in 1783, but continued to impact each other over time. The developing relationship between state and federal power on one side of the border, and the transition from the first to second British Empire on the other, were mutually influential processes. Religious networks turn out to have played a key role in state building and the development of nationalism for both Canadians and Americans. This study also introduces analysis of the Maritimes/New England region to the developing borderlands historiography. There have been many valuable studies of American borderlands, but these studies have focused primarily on the Southwest, a region with competing religious and linguistic communities. The Northeast offers a different and valuable case study because of its more homogenous population.

**GÖRKEM ÖZIZMIRLI**, *History, Ph.D. Candidate*

Görkem Özizmirli is a second year Ph.D. student in the History Department at Boston College, where he was awarded a Presidential Scholarship. He received his bachelor degrees in international relations and radio, television, and cinema from Ankara University in Ankara, Turkey. During his undergraduate years, he worked for a publishing house and newspaper part-time. He received his master's degree in

Comparative Studies in History and Society from Koç University in Istanbul, Turkey. His master's thesis, "Fear in Evliya Çelebi's Seyahatnâme: Politics and Historiography in a Seventeenth-Century Ottoman Travelogue," explored the narratives of fear in the travelogue of the 17<sup>th</sup> century Ottoman traveler Evliya Çelebi. His one article about Evliya Çelebi's understanding of supernatural beings was published in an edited book in Turkish. Additionally, he has published an article about the relation between politics and theology in an edited book in Turkish, as well as numerous non-peer reviewed articles in different journals and websites in Turkey.

Görkem's research mainly concerns the early modern Ottoman lower social strata, generally urban "working class" people. He is interested in exploring both archival and literary sources. While the archival material, including demographical data, court registers, and imperial orders, reveal the general social and demographic context of cities, state's decisions, specific cases about the Ottoman working class, and textual sources such as first-person narratives, dream letters, literary texts, and chronicles allow for the integration of social history and cultural history. In order to challenge the traditional state-centered understanding of the Ottoman historiography, he mainly explores the transformation of state and politics through the agents within and outside the state in the early modern Ottoman Empire by studying both interaction and tension between individual and social structure in various sources.

At that moment, he is studying the historicity of legislation on prostitution and illicit sex by focusing on the first reported instances of it in 16<sup>th</sup> century Istanbul. Rather than instituting standardized policies for prostitution like those of the 17<sup>th</sup>, 18<sup>th</sup>, and 19<sup>th</sup> centuries, the 16<sup>th</sup> century state was in the process of legislating prostitution while concurrently establishing new social and moral values. In order to understand this process and how the Ottoman state decided that these women were prostitutes, over the summer he will conduct research at archives in Turkey to draw out the legal definition and to understand the nature of the social and moral violation brought about by acts of unlicensed but compensated sex by women. Moreover, he will compare these sources with the representations of prostitutes in Ottoman poetry. The first records of the imprisonment of prostitutes in the 16<sup>th</sup> century show that the Ottoman state had started to codify laws regulating prostitutes' activities. While this macro level allows us to trace the historicity of political and legal regulations about a specific social group, literary expressions in poems present social values, gendered power, and the implications of those regulations on the individual and aesthetic level.

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

Scott Reznick is a doctoral candidate in English. He holds a B.A. in mathematics from Dickinson College and an M.A. in English from Trinity College. At Boston College, he specializes in American literature of the long 19<sup>th</sup> century with a particular emphasis on the intersection between literature and political thought.

His research interests include American romanticism, transcendentalism, literary realism, political oratory, and political philosophy. 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. He is currently at work on a second doctoral exam entitled "American Literature of the Long Nineteenth Century and the Political Imagination," which examines the way in which American writers and thinkers have confronted the ever-elusive nature of American democracy and the way in which their examinations have influenced literary form.

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.

**DAVID SESSIONS**, *History, Ph.D. Candidate*

David Sessions is a Ph.D. student in the History Department at Boston College, where he was awarded the Presidential Fellowship. He received his M.A. in humanities and social thought from New York University in 2014, and his B.A. in journalism from Patrick Henry College in 2008. He previously served as the religion editor of *The Daily Beast*, and his writing and journalism have appeared in *The New Republic*, *Newsweek*, *Slate*, *Jacobin*, and others.

David's interests are centered on modern European intellectual history, particularly the history of philosophy and scientific knowledge in France and Germany. This includes ideas and concepts themselves, as well as the institutionalization of academic disciplines, the relationship between universities and states, the politics of teaching and education, and the broad cultural and historical understandings of "Enlightenment" and secularism in Western Europe.

Much of David's recent research has focused on the institution of philosophy in France during the 19<sup>th</sup> and 20<sup>th</sup> centuries, ranging from the conflicts between the post-Napoleonic university and the Catholic Church in the mid-1800s to the opposition of French academic philosophers to the aims of the social sciences in the 1970s. These projects examine conflicts over knowledge and its forms as a means of pursuing questions about how modern Europeans have understood the ultimate ends and meaning of society.

**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 *Heythrop Journal*, *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). She has presented research at the annual meetings of the American Academy of Religion (regional and national) and the College Theology Society, and at the Theologian in Residence Program in Fort Collins, CO. Kate will use her time as a Clough Fellow to complete her dissertation, "Wealth, Poverty and Inequality: A Christian Virtue Response." This project 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.

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

Gary Winslett is a Ph.D. candidate in the Political Science Department, specializing in international relations. His doctoral dissertation research focuses on an increasingly significant issue in international political economy: regulatory trade barriers.

Whereas tariffs once constituted the most significant impediment to international trade, today the differences in states' domestic regulations now constitute the central barrier to that trade. Indeed, they are the centerpiece issue of the current negotiations over the Trans-Pacific Partnership (TPP), the Transatlantic Trade and Investment Partnership (TTIP), and many bilateral and regional free trade agreements. Regulations affecting a huge array of aspects pertaining to how states operate and trade in the 21<sup>st</sup> century inescapably influence the generation and distribution of wealth in and across states. Thus research on regulatory trade barriers can generate insights into how societies govern them and how they generate prosperity. Moreover, regulatory trade barriers are a window into how states grapple with the tensions between global economic imperatives and non-economic public policy objectives. In essence, the study of regulatory trade barriers is a microcosm of how governments manage globalization.

These regulatory trade barriers affect nearly everyone nearly every day. Everyone eats; a large portion of the food a person eats has been traded internationally before it is consumed. The differences in national regulations affect how safe that food is and how much it costs. People wear clothes; the connection be-

tween the international trade in textiles and labor standards affects the conditions under which millions of people are employed and what it costs a consumer to be properly clothed. Many people take medications; including intellectual property regulations in international trade agreements influences how quickly innovative new pharmaceutical products come on to the market as well as whether poor people in developing countries have access to needed medicines. Many people drive automobiles; the safety and environmental regulations on automobiles affect the chances of a person surviving an accident as well as the speed with which global warming progresses. In virtually all industries, by inhibiting or promoting firms' abilities to sell their goods in multiple markets, regulatory trade barriers impact businesses' profit margins and in turn workers' pay packets. Regulatory trade barriers have real world consequences for just about everyone.

Sometimes states choose to reduce these regulatory trade barriers, whereas at other times they choose to increase them and in other instances they remain static, neither increasing nor decreasing. Gary's dissertation begins by tracing the political history of how regulations became central to international trade negotiations and exploring the implications that has for both trade and domestic policymaking. He explains the politics that surround the negotiation of regulatory trade by examining variation in negotiations across three cases, all involving democratic politics: consumer safety and environmental regulations and the trade in automobiles between the United States and the European Union from 1986 to 1999, mad-cow safety regulations and the trade in beef between the United States and Japan from 2003 to 2013, and compulsory licensing regulations and the trade in pharmaceuticals between the United States and India from 2011 to 2015. Throughout these chapters, Gary analyzes the role that civil society actors and multinational corporations play in shaping governments' trade policy positions and how government actors choose which societal interests to promote.

# Clough Graduate Workshop Schedule

FALL 2015

## SEP 8

**Scott Reznick**, English  
*On Liberty and Union: The Moral Imagination of Daniel Webster*

## SEP 22

**Tim Brennan**, Political Science  
*Montesquieu's Reply to Rousseau*

## SEP 29

**Erica Foss**, History  
*A Place Beyond the Seas: Penal Transportation and Citizenship Rights in Britain and France*

## OCT 6

**Rosalia Greco**, Economics  
*Redistribution, Polarization, and Ideology*

## OCT 13

**Fidele Ingiyimbere**, Philosophy  
*Human Rights As An Imperialist Ideology*

## OCT 20

**Gary Winslett**, Political Science  
*Automobiles and Regulatory Regionalism in North America and Europe*

## OCT 27

**Hessam Dehghani**, Philosophy  
Title TBD

## NOV 3

**Kiara Kharpertian**, English  
*How Land, Labor, and Space Shapes Civic Identity in Squatter and the Don*

## NOV 10

**Görkem Özizmirli**, History  
*Prostitutes in the Sixteenth Century Istanbul and Azîzî's Şehr-Engîz-i İstanbul*

## NOV 17

**David Sessions**, History  
*The Politics of Pantheism and the Struggle for Monopoly in France, 1815-1845*

## NOV 24

**Tim Carey**, Theology  
*"I Was Sick and You Looked After Me": Catholic Notions of Justice and Love in the Lived Response to HIV and AIDS in Kenya*

This workshop provides an opportunity for Clough Graduate Fellows to present research and receive critical feedback from their peers.

# Clough Graduate Workshop Schedule

SPRING 2016

**JAN 26**

**Elise Franklin**, History  
*Family Matters: Gender and Trans-Mediterranean Diplomacy, 1962-1973*

**FEB 2**

**William Hickman**, Economics  
*Structural Estimation of Dynamic Pretrial Bargaining*

**FEB 9**

**Martin Bernales**, Philosophy  
*A Genealogy of Latin American Poverty: The Birth of a Political Experience*

**FEB 16**

**Lauren Diamond-Brown**, Sociology  
*Moral Agency in Physicians' Clinical Practice*

**FEB 23**

**John Morton**, History  
*To Settle the Frontier on Sober Principles: Power, Faith, and Nationality in the New England-Maritime Borderlands*

**MAR 1**

**Kate Ward**, Theology  
*Wealth, Poverty and Economic Inequality: A Christian Virtue Response*

**MAR 15**

**Pete Cajka**, History  
*Beyond Protests: The Theology of Conscience in the Vietnam War*

**MAR 22**

**Perin Gokce**, Political Science  
*The Impact of the EU on Civil-Military Relations in Turkey: The Anchor for Civilian Control*

**MAR 29**

**Mike Franczak**, History  
*The North-South Dialogue and U.S. Foreign Policy, 1972-1977*

**APR 5**

**Amelia Wirts**, Law/Philosophy  
*Oppression, Restorative Law, and the Meaning of Legitimacy*

## Research Notes

Every year, the Clough Center hosts a weekly Graduate Workshop, which offers the Graduate Fellows a forum to present research and receive critical feedback from other graduate students. Written in their own words, you can find more information about their research projects here.

### **MARTÍN BERNALES ODINO**, *Philosophy*

My research project was entitled “A Genealogy of Latin American Poverty.” I investigated and roughly organized the political notions, the institutions and the subjects that appeared in treatises on poverty and the poor laws as if they were the obvious but silent material whereby philosophical texts were produced.

1. The Spanish Renaissance thought upon poverty through distinct figures of the poor; namely, the ill poor, the shamefaced poor (*envergonzantes*), the vagrants and the beggars. The latest were, nevertheless, who arose the anxieties of the time and to whom the new institutions and laws aimed at. The Renaissance produced a new way of legitimizing the government of the political association through the personal transformation of these beggars. Interestingly, distributive justice was not used to explain the government’s duties. Moreover, the subjects’ material needs were subordinated to their willingness to be governed. Economy was not relevant.
2. The Renaissance problematization of poverty did not remain enclosed in Europe. It traveled to the Kingdom of Indies and laid strong roots among new peoples. The vagrant, with an ambiguous racial over-tone, came to be the liminal personage. The pueblos, in turn, were the institutions aimed at transforming them and thereby enhancing the kingdom. Charity was the political-theological concept used by the King to endeavor such transformation and govern his vassals’ souls and bodies in general. Significantly, the problematization of poverty was one of the elements that made possible the new Spanish Indian political associations.
3. *La Buena Policía de los Pobres* (The Good Policing of the Poor) was the institutional device that reached the poor at home and confined them in hospitals during the Enlightenment. A new distinction between poor workers and lazy poor transformed from within the old Renaissance figures and justified that the population, a new collective subject discovered in the 18th century, was simply, albeit hierarchically divided between rich and poor. In their reciprocal roles, they both constituted the Enlightenment version of the old principle of political reciprocity that, furthermore, found in the notion of charity the reason to justify the state’s duties to support the poor.
4. *Rerum Novarum*. At the end of the 19th century, the equal freedom of all Latin American Republics’ citizens undermined the hierarchical structure of the Enlightenment reciprocity. Yet, the constitutional definition of citizenship was fraught with contradiction since every person who could have been qualified as poor was defined as passive citizen. Notwithstanding, a broader notion of political membership fought its way into debates concerning poverty and transformed the poor citizen in the disruptive and liminal figure of the new republics. The poor citizen, fundamental but forgotten, posed political, legal, economic, and moral problems that are still at stake.

### **TIMOTHY BRENNAN**, *Political Science*

Montesquieu, Rousseau, and the Varieties of Liberalism

Given the narrowness of much contemporary political thought, which avowedly disregards the alternatives to its own assumptions, there is an obvious incentive for studying earlier thinkers in order to gain clarity about the foundations of liberalism. Because of their perhaps unparalleled influence on the development

of both liberal and anti-liberal thought, and because they make strong cases for “modern” and “ancient” republicanism (respectively) in full consciousness of the alternatives, Montesquieu and Rousseau are obvious candidates for closer scrutiny. Unfortunately, it is often said that while Montesquieu may be an ingenious political thinker, he is ultimately a sort of liberal utopian, dreaming of a world beyond strife, and that Rousseau’s politics are even more obviously naïve, though in a zealously anti-liberal direction. My dissertation, however, will attempt to prove that Montesquieu and Rousseau are thinkers with an essentially similar (and realistic) understanding of human nature, and that their political writings are broadly complementary, especially insofar as they share a fundamentally liberal and non-utopian outlook, while making room for legitimate variations in differing circumstances.

The first chapter will focus on Montesquieu’s account of the state of nature at the beginning of the *Spirit of the Laws*, together with Rousseau’s much more detailed account in the *Second Discourse*. This chapter will contribute to the ongoing scholarly debate over the meaning of the “pure state of nature” in Rousseau’s thought. In addition, it will serve as a rejoinder to those who jump quickly from the latest findings of the life sciences to the conclusion that the understandings of human nature advanced by Rousseau and Montesquieu have been proved wrong.

Having established that Montesquieu and Rousseau agree on the fundamentals of human nature, and that their account is a realistic one, I will turn in the second chapter to the political principles they develop from this beginning point. Against the common view that they represent two radically opposing poles of modern political thought—one sober, liberal, and flexible, the other idealistic, anti-liberal, and brittle—I will argue that they agree about the essential purposes of political life and about the wide variety of means by which different communities might achieve these goals.

If the first two chapters will emphasize the common ground between Montesquieu and Rousseau, the third and fourth will explain some of their most important differences, taking up their treatments of Rome (the exemplar of ancient republicanism) and then England (the exemplar of modern republicanism). I will argue that, despite Montesquieu’s admiration for the Roman Republic, he ultimately finds it lacking in comparison with England. For him, liberal representative government is the best answer that has yet been devised for the basic political problems. But England, too, has grave defects, and therefore does not constitute a “solution,” properly speaking. As for Rousseau, I will argue that he presents Rome (not Sparta) as the best example of a political community, but also that, despite his very harsh criticisms of England, he does not regard modern liberalism as a simply hopeless cause.

To conclude, in the fifth chapter I will compare Montesquieu and Rousseau directly with some influential contemporary thinkers. Regarding the revival of “neo-roman” thought among scholars such as Quentin Skinner and Philip Pettit, for example, I will suggest that Montesquieu and Rousseau could both be included in this category, insofar as they both seek to minimize the dependence of the individual upon the whim of a master. At the same time, my analysis will call into question the distinction that Skinner and Pettit try to maintain between “liberal” and “neo-roman” thought, since both Montesquieu and Rousseau regard the distinctively “neo-roman” good of political participation as a means to the characteristically “liberal” ends of security and prosperity.

#### **TIM CAREY**, *Theology*

My present research involved six weeks of fieldwork in Kenya’s capital city of Nairobi to help fill in the interstices between anthropological, sociological, and ethnographic accounts provided by other leading academics in their respective fields. It posits that religious traditions in Kenya exhibit an openness and susceptibility to culture and context. The practical openness to its social environment, then, affords this particular methodology a unique theological perspective which itself attempts to identify and analyze patterns of social behavior and religious organization. Though non-normative, this research proposes that certain observable phenomena can be compared between the two self-consciously selected religious



groups in Nairobi, Kenya—African Catholic on the one hand and Sunni Muslim on the other.

This entire project therefore suggests that among the Muslims and Catholics of Nairobi, religious practice can be located within a certain, specific, social context based on human experience while also drawing on the larger identity of the worldwide population of religiously faithful through the transcendence of theology. For the purposes of this project, the methodology adopted in the form of interview data from twelve Muslim and Catholic leaders living in and around Nairobi does not assume exclusivity between the two elements of religious practice, the human and the Divine. Rather, religious patterns of belief, action, and organization analyzed from the interview data reflect that this religious experience among Muslims and Catholics is influenced by scripture and revelation, as well as by society and culture.

The next possibly evident methodological question is why conduct fieldwork in Nairobi, Kenya? In Nairobi, as in other parts of the world, the interaction between religious communities constitutes a rich source of material for any number of academic disciplines. From anthropology, to sociology, to history, to theology, those engaged in a critical survey of inter-religious encounters must self-consciously acknowledge the social milieu within which such interactions occur.

Thus, when we look at the interplay between religions in Nairobi, it may be helpful to understand exactly which traditions we are exploring, as well as what we mean by religion in Kenya. In this East African country, roughly twice the land mass of the American state of Nevada, religious institutions operate as observable phenomena, even though they are continually changing to meet the needs of their respective congregations while co-existing with other recognizable social realities pursuing certain religious and practical goals.

Thus, speaking of one monolithic religious identity is largely impossible since it dismisses the unique particularity of lived religious practice which itself informs religious experience and self-understanding. The Church and the mosque are not *societas perfecta*, a reference originally to the Church as a religious institution hierarchically ordered and closed off from the rest of society. Rather, both are open and adaptive to the influence of the underlying society and culture.

**HESSAM DEGHANI**, *Philosophy*

For my dissertation, “The Topology of Community in Islamic Mystic Thought,” I am looking critically on different notions of ‘community’ especially religious community and particularly Islamic Community. The question is, what is the source of the being-togetherness of Muslims?

I attempted to narrow down my project in terms of both the critical stance I am taking and the domain and the corpus I am treating. In my first chapter, then, I have dealt with the most recent and very important work by Shahab Ahmed (Harvard University) in his seminal work “What is Islam?” There, he gestures in reaction to the more commonsensical secular-religious distinction offered by Orientalists and Anthropologists and attempts to provide an all-inclusive definition of Islam. In that chapter, I tried to demonstrate the benefits and shortcomings of his formulation and go forward with posing the problematic on ontological level, trying to question the “how” or the “process” through which something like a community comes to pass.

In the following two chapters—that I am writing at the moment—I am working on the ontological foundation of community as meaning-making and negotiation of the Place. I am proposing that being a Muslim or in a Muslim community is to have a hermeneutical engagement with the Spatiality of the Revelation to Muhammad.

Chapter three, which I am reading extensively for right now, is where I am explicating the notion of Reading, Account, and Metaphor. Here is where in the opening provided by the Spatiality of the Revelation, I explain what it means “to live a metaphor” or “to live an account” of reality.

Chapter four deals with the notion of Revelation and Writing in Ibn Arabi. I am proposing that his reading of the revelation as perpetual reading of Intuition and perception provides a radical openness to negotiation and conflict of interpretation. He introduces the level of imagination and metaphor which is where phenomenological and philosophical tradition explored in chapter three comes in handy to explicate and elaborate on.

In Chapter Five I am going to provide more evidence as to “Process of the formation and deformation of Community” in the works of more Mystics, esp. Hafez of Shiraz. I will demonstrate how it is that this text can produce its own meaning-making community of singular individuals, providing a kind of being singular-plural for its readers.

Lastly, I will examine my proposal in hermeneutic interpretation of action that is the interpretation of the Pilgrimage in Islam, which is manifestly the place where Muslims come together in the most united and at the same time dispersed manner. I am hoping that if I would be chosen to be a fellow again, I should be able to talk about one of these chapters, especially the last one, in one of the workshops at Clough next year.

**MICHAEL FRAN CZAK**, *History*

U.S. Foreign Policy in the North-South Dialogue, 1974-1982

The 1970s were a decade of profound change in American foreign policy. Recent scholarship has explored the ways that trends in global political economy transcended the East-West divide, notably in the fields of human rights, women’s rights, health, culture, and the environment. However, the effects of one “global agenda” issue of the 1970s have largely escaped contemporary analysis: the North-South dialogue.

The North-South dialogue was the product of the less-developed countries’ call at the 1974 Special Session of the United Nations for a New International Economic Order (NIEO), and it spanned the presidencies of Richard Nixon, Gerald Ford, Jimmy Carter, and the first term of Ronald Reagan. By acting in concert as the “South” in a number of international forums, the NIEO’s proponents sought to exploit the breakdown of the U.S.-dominated postwar order to alter the rules of global trade and finance in their favor. However, like the developed countries of the North, they also stressed the “interdependent” fates of rich and poor countries and argued that international cooperation on development was in the long-term interest of all. The NIEO was announced when the South possessed its greatest economic leverage—control over the price of oil and other commodities—and when the United States, the global economy’s hegemon, faced its greatest economic and political challenges since World War II. Many in the U.S. accused the South of economic blackmail, and some argued that its agenda should be categorically opposed; yet, all agreed that it could not simply be ignored.

My dissertation argues that the North-South dialogue played a central role in three major transformations in American foreign policy in the 1970s: neoliberalism, neoconservatism, and human rights. The South’s challenge galvanized free-market reformers in the Ford administration, whose insistence on rolling back the state in international economic policy—what Secretary of State Henry Kissinger dismissed as “economic theology”—threatened both the U.S.’ place in the North-South dialogue and its relationship with Western Europe, where the center-right and center-left sought compromise with Southern leaders. It also encouraged a growing neoconservative opposition, which accused Ford’s State Department and Carter more generally of failing to stand up to an undemocratic, illiberal, and anti-American Third World, and which connected this “weakness” toward the South to both presidents’ support for détente with the East. Finally, the North-South dialogue impacted and was impacted by the human rights movement. The Carter administration struggled to define its human rights policies in the context of the dialogue, with significant consequences for major foreign policy initiatives in Latin America, Asia, and the Middle East; the U.S.’ relationship with Western Europe; and the future of foreign aid and development.

**ELISE FRANKLIN**, *History*

A Slow End to Empire: Social Aid Associations, Migration, and Decolonization in France and Algeria, 1954-1981

The social and cultural aftershocks of the end of French empire in Algeria reverberated throughout the former colony and the metropole long after official independence in 1962. This dissertation examines social aid associations and family migration as legacies of colonialism that outlived the formal end of empire. I argue that the humanitarian efforts of French aid associations gradually evolved, rather than ended, as a result of Algerian independence. Their work was shaped by on-the-ground interactions with a diversifying civil society in France. Associations' feedback both influenced France's postcolonial policies toward Algerian immigrant families living in France, as well as Franco-Algerian relations. Between 1954, the beginning of the Algerian Revolution, and 1981, the year Socialist François Mitterrand became president, Algerian family migration, supported by French social aid, profoundly reshaped civil society. Associations were tasked with integrating migrant Algerian families into the French social fabric, and this integration began at the level of the family unit. These associations were not merely extensions of the welfare state, but social and political bodies positioned between the government and the public to interpret policy as well as shape it. By examining civil society, this dissertation calls into question the strict division between the social and political realms and the colonial and postcolonial eras.

My research thus transforms our understanding of decolonization from that of a diplomatic agreement between states to a social and cultural process borne out by the persistent family ties between the former colony and metropole. Drawing from archival research conducted in state and associational archives in France and Algeria, I show how Algerian families were conceptualized as the primary units of migration, labor, and integration in the late colonial and post-independence periods. While historical and sociological analyses of postcolonial immigration have focused on single male workers, I highlight the connection between social aid associations and the immigrant family. The associations who helped Algerian families adapt to French norms of family life grew in size and number, even when public and governmental discourses framed Algerian families as poorly adapted. The process of decolonization comes into view through the work of social aid associations, which expanded even after Algerian independence as a result of increased migration. The costs associated with family migration, rather than with single male migration, caused France, independent Algeria, and the associations established to support this community of migrants to view this immigration as untenable. In the 1970s, immigration contracted following the oil shock of 1973 and as France increasingly prioritized European migration in the mid-1970s.

**ROSALIA GRECO**, *Economics*

My research focuses on topics of political economy. In particular, I study the interaction of politicians' and voters' incentives and its effect on redistributive and immigration policies.

On the topic of redistribution, I analyze the reasons why rising inequality in the U.S. does not encourage income redistribution. The standard model posits that the more concentrated are income and wealth, the more the median voter values redistribution. Yet despite the marked increase in U.S. inequality, redistribution has barely changed. I approach this puzzle from a fresh angle by considering the role and nature of polarization for the politics of redistribution. While inequality increases voting elasticity with respect of redistribution, polarization has the opposite effect, thus reducing parties' accountability toward voters. But without further structure, inequality and polarization's effects on redistribution cannot be determined. I demonstrate that for polarization to discourage redistribution, ideology must be a "normal good," i.e., its importance for the voters needs to rise with income. Using data from the American National Election Study and the Census, I verify that this is indeed the case. Armed with this result, I then use the model to assess the effects of inequality and polarization on redistribution within no-inequality and no-polarization counterfactuals. Effects of "income elastic" ideology can account for the stability of redistribution policy, and shed light on the economic implications of political extremism.

With respect to immigration policy, I study the impact of immigration on U.S. Congress's votes on immigration reforms, and decompose the effects of naturalized and non-naturalized immigrants, using Census data combined with roll call votes for the House on the 2005 Border Protection, Antiterrorism, and Illegal Immigration Control Act and the 2006 Secure Fence Act.

I find immigration affects Democratic and Republican Parties differently: higher immigration is associated with an anti-immigration stance in Republican representatives, and pro-immigration stance in Democrats. By decomposing the pool of immigrants in naturalized and non-naturalized immigrants, I trace these results back to the composition of immigration in the congressional districts. After controlling for factors that affect native voters' preferences on immigration, I extrapolate the effect of electorate composition on voting behavior and find a sizable effect of naturalized immigrants: starting from the average level of foreign born share of population and naturalized immigrants share of population of 12.28% and 5.16%, respectively, a one percentage point increase in the share of naturalized immigrants in the overall population is associated with a 2.24 percentage point increase in the probability to vote in favor of immigration for the Democrats, and a 3.63 percentage point decrease in this probability for the Republicans. These results are consistent with previous findings that policy preferences of the immigrants align more with progressives than with conservatives, and can be interpreted in light of the fact that Republican and Democratic incumbents have opposite electoral incentives to increase the pool of existing immigrants.

**WILLIAM HICKMAN**, *Economics*

How would parties to legal disputes be affected by litigation reform, such as a cap on non-economic damages, limits on contingency contracts for a plaintiff's attorneys, or a loser-pays rule for legal expenses? Using dispute records to answer this question is more challenging than it may at first appear to be, in large part because most formal legal disputes are resolved not by an adjudicator, but by the parties themselves through either withdrawal or settlement prior to trial. The parties' decisions of whether and when to withdraw or settle, and how to settle, depend on their expectations of what would happen were they to proceed to trial and judgment. As a result, litigation reforms may alter the fraction of cases that end in trial or settlement, the average outcomes in trial or settlement, and the length of delay before settlement or withdrawal. All of these quantities are endogenous, and cannot be assumed to remain unchanged following a reform.

To account for the selection of cases into various outcomes, one must have a model of the trial selection through which to interpret observed disputes. Although the law and economics literature contains several models of trial selection, virtually all of them ignore the time dimension of dispute resolution, which exhibits tremendous variation across legal disputes. The time dimension is important both because delay is costly—through the opportunity cost of time, the pecuniary costs of legal expenses, and the consequences that the uncertainty of unresolved legal disputes can have on organizations and individuals—and because the time variation can provide additional information from which to estimate the parameters of a model. I develop a game theoretic model of pre-trial settlement bargaining between disputing parties that rationalizes both delayed withdrawal and delayed settlement. The model relies on an informational asymmetry between the parties to rationalize delayed settlement; the defendant knows the expected outcome from trial, but the plaintiff only knows the distribution of possible expected outcomes at trial. In addition to the informational asymmetry, the model features the arrival of exogenous public signals about the true expected outcome of trial, which provides the rationalization for delayed withdrawal.

I estimate the model's parameters using several years of medical malpractice disputes provided by the Texas Department of Insurance. In comparison to the available information about many other forms of legal disputes, these records are unusually detailed, including information about the nature of the claim and the value of the settlement. As settlement values are usually unobserved in records of legal disputes, I estimate the model without such information and compare the implied distribution of settlements to the observed distribution of settlements. This serves as a test of the model's utility for other types of dispute for which less information is available.

I also take advantage of a change in Texas law to test the model's ability to predict the effects of litigation reform. In particular, I use estimates from the years 1988 to 2002 to simulate the effect of a cap on non-economic damages, which Texas implemented in 2003, and then compare the counterfactual simulations with the observed outcomes after 2003. Following this test, and based on estimates from the entire dataset, I simulate a counterfactual in which the losing party (from trial) must pay the legal expenses of the prevailing party.

**FIDÈLE INGIYIMBERE**, *Philosophy*

Following the idea that human rights are anchored in many cultures and find their support in many traditions, the contemporary human rights corpus can be seen as a fruit of a long history whose roots can be traced back to different societies. If one adopts such a historical evolution of human rights, their universality might be affirmed on the assumption that they are coexistent to every human society. This view is, however, challenged by scholars who claim that the current human rights regime does not owe anything to other cultures, since they are essentially Western.

Such an understanding touches the heart of human rights' perennial concern about their universality: if conceptually, culturally, and historically human rights are Western, how do they become universal? This question, that was first raised by the American Anthropological Association in a 1947 statement, has been taken up by some Third World critics. For them, the human rights movement is an imperialistic swirl of Western liberalism upon other societies under the banner of the United States that has replaced the former European imperialistic powers such as France and the United Kingdom, and is especially manifested through the so-called humanitarian intervention.

Two challenges arise from these views. On the one hand, because of their Western origin, human rights are decried as Western. On the other hand, their imperialistic use by the West is an acute difficulty stemming from the global political context after the fall of communism as a competing ideology with liberalism in the 1990s. This worry affects the theoretical justification as well as the practice of human rights, since according to the critics, human rights are purposely framed in liberal terms because they have to pursue and advance the Western project of conquering the whole world.

The question now is: what do human rights become in this case? Is it possible to rescue them from both the cultural critics and imperialistic crusaders? That it is the goal of my research whose aim is to show that, although historically situated, human rights can be adopted by other cultures through the process of domestication. By domesticating them, we retrieve the purpose of human rights of protecting and enhancing human dignity and, at the same time, I contend, it becomes possible to satisfactorily address the cultural and imperialistic challenges. Indeed, instead of thinking that people adopt human rights because they like their individualistic side, the domestication of human rights pays attention to the process through which human rights as moral norms are incorporated in local cultures. Relying on the anthropological works focused on how human rights norms are welcomed in different cultural contexts, the project endeavors to build a normative account of human rights based on these local practices. Philosophically speaking, domestication of human rights takes up Beitz's insight of human rights as an emerging practice, but brings it to the beneficiaries of human rights' purpose instead of remaining at the legal level where only states are accepted as credible interlocutors, while they are the most suspected violators of human rights.

**KIARA KHARPERTIAN**, *English*

This year, I worked on finishing, defending, and submitting my dissertation, which I completed in November 2015. My focus was on writing my fifth and final chapter, as well as writing my introduction and conclusion. In addition to ensuring that both the introduction and the conclusion reflected and expanded on the larger themes—class, labor, and space—of my project, I also made sure that I gave adequate attention

to the critical conversation of which my dissertation is a part. Especially in my introduction, I emphasized how those who have contributed to the fields in which I write—postwestern critical regionalism and Western American literary criticism more broadly—helped not only shape the terms, stakes, and objectives of those fields but my own thoughts and theories as well.

Broadly, my dissertation argues that class is a function of labor in space in Western American literature; in other words, I posit that particular places lend themselves to forms of work that then construct class systems and define the terms of capital in those spaces. For instance, mountainous regions give rise to mining and stonemasonry communities, the members of which then interpret and label roles in the mining process in lower and upper class terms. Those labeling practices in turn affect notions of cultural and political identity. I then link these close readings to larger issues surrounding historical legacy, belonging, and loss in the West to showcase how the West is typically regarded as a stage upon which American culture and selfhood is explored.

After my defense, to prepare my dissertation for publication, I began working with *The Son*, a novel which has helped me expand and refine the project as a whole. *The Son* uses the McCullough's family history to narrate the uneven growth of Texas's capital, space, and labor from 1836 to 2012. Its broad historical scope means it can cover a variety of Texan characters—American settlers, Mexicans, Indians, to name a few—and their participation in this growth; but it also means that it can cover how these differing characters are part of families who all try to claim belonging to Texas in different contexts. My primary objective is to understand how those two elements enhance one another—specifically, how the socioeconomic development of Texas over time changes what belonging means for these individuals and their families. As such, themes like genealogy, family legacy, civic identity and legitimacy, inheritance, and nation building feature prominently in this chapter. And because Texas is such a good microcosm of the West overall, I can use this study to ask bigger questions, like the struggle to define who belongs in Texas and the West and strategies for establishing or denying that legitimacy. Overall, what I term the kaleidoscopic qualities of *The Son* offer a vivid and diverse perspective of Texas during some of its most significant moments of expansion. Ultimately, not only did including *The Son* add rich material to my dissertation, but it opened up the project's critical potential overall.

#### **JOHN MORTON**, *History*

My dissertation explores northeastern North America in the late eighteenth and early nineteenth century. In 1783, the Treaty of Paris divided the District of Maine from what would become the Maritime Provinces of Canada. One side was now the United States, while the other remained part of the British Empire. At the time of the treaty, the European population across northeastern North America was relatively homogeneous. Except for Quebec, which remained overwhelmingly French-speaking and Catholic, most settlers across the northeast were English-speaking Protestants with roots in the 13 colonies. The political border was created overnight, but how did one people become two over time? How did state building work on the ground, as political regimes attempted to impose definition and influence on their territories? How did national sentiments grow? The overarching goal of this project is to examine how a newly created political boundary became a meaningful reality for the populations on either side of it, and how those populations started to become distinct.

The northeastern borderlands at the close of the eighteenth century provide a valuable new angle on the complicated early years of both the American republic and the territory that would eventually grow into the nation of Canada. This was a period of experimentation. In the newly formed United States, individual states exercised a great deal of autonomous power, and even when the Constitution created a stronger federal government the states did not relinquish that power easily. Examining the engagement of individual states with the international borderland is one key to understanding the developing relationship between the states and the federal government. Meanwhile, in the wake of losing 13 colonies, the British

were forced to reevaluate the governance of their remaining North American possessions. How would the Maritime colonies relate to each other and to the imperial center? What was the best way to ensure the loyalty of the people on the British side of the border, so as not to lose any more territory to the Americans? The evolving situation in the borderlands, therefore, can help us to understand the complex transition from the first to the second British Empire.

My project contributes to several fields: the growth and development of New England and Maritime Canada, the rise of nationalism, and the study of migration and borderlands. First, it provides a corrective to the existing historiography of the northeast by exposing the way developments on one side of the border had repercussions on the other. To fully understand the region it must be examined as a whole, and yet even the best historians have tended to treat Canada and the United States as existing in isolation from each other. Second, it brings New England and Eastern Canada into the historiography of nationalism, which tends to focus primarily on Europe. And finally, it contributes to the growing literature on borderlands and migration in the early modern Atlantic world. Work on American borderlands has been almost entirely confined to the southwest and the border with Mexico. The northeastern borderlands provide a fascinating comparison, especially because in areas like Maine and New Brunswick there was no natural linguistic or cultural boundary.

### **GÖRKEM ÖZIZMIRLI**, *History*

Studies of labor and the working class in the Ottoman Empire are largely limited in focus to the late nineteenth and early twentieth centuries. Moreover, a few pioneering works on sixteenth-century construction workers were published by Ömer Lütfi Barkan in the 1950s and 1960s, but these studies provide only statistical data with limited analysis. I plan to address the following questions in my dissertation project: In what ways is it possible to contribute to the labor history of the seventeenth- and eighteenth-century Ottoman Empire? What can we understand about the labor market and about wage-laborers in the early modern Ottoman Empire moving toward the “industrialized period”? How would it be possible to view the pre-industrialized Ottoman Empire through the eyes of wage-laborers? Finally, is it possible to tell the story of “the making of the Ottoman working class”?

Needless to say, the last question refers to E. P. Thompson’s great work, *The Making of the English Working Class*, in which he investigates how the English working class “made” itself between 1780 and 1832. My dissertation project will be inspired by Thompson’s work, because his main contribution helps fill many of the gaps in the field of Ottoman history. Thompson perceived class “[...] as something which in fact happens (and can be shown to have happened) in human relationships.” Class for Thompson is “neither a category nor a structure,” but a relationship, and the process of “becoming a class” can be explained through human stories. While it is all but impossible to find sources directly written by the members of the early Ottoman working class, Thompson’s model opens up the possibility of using new sources, including quantitative data, state documents, narrative and literary sources, and, most importantly, much-neglected popular culture materials like proverbs, lullabies, riddles, and the texts of shadow puppetries, to explain how class “happened” in the Ottoman context.

My research will seek to understand the “making” of the seventeenth- and eighteenth-century Ottoman working class, who finally ended up becoming the “industrial working class” in the nineteenth century. After the sixteenth century, almost all urban centers of the Ottoman Empire witnessed demographic transformations. First, peasants started to migrate to urban centers due to various reasons such as famine, climate change, and the Jalali revolts. Second, merchants from small towns also migrated to urban centers with the hope of a better life. Those groups usually became wage-laborers. Some members of those groups joined unemployed mobs, groups to which Thompson pays great attention in order to explain the “sub-political” effects that also shape the working class. Besides those groups, skilled workers had already begun to migrate to fill construction jobs in expanding urban centers. Third, janissaries started becoming artisans, especially after the late sixteenth century, expanding the artisan class. The new janissary artisans, like other artisans,

earned their livings from their labor as tanners, blacksmiths, and so on, but also hired other people as their workers; thus, an organic connection emerged between artisans and workers. Finally, those groups became the main actors in many rebellions in the seventeenth and eighteenth centuries. These social and political transformations show the importance of studying earlier formulations of an Ottoman working class.

**SCOTT REZNICK**, *English*

My work on American literature of the long nineteenth century aims to cover new ground in the field of literary studies with an interdisciplinary approach that unites theories of literature with moral and political philosophy. I am particularly interested in how American writers, thinkers, and statesmen of the long nineteenth century exercised acts of what I call the “political imagination,” by which I mean creative explorations of the problems and promises that inhere in the life of a liberal democracy. The modifier “liberal” is paramount. Too often, literary scholars either ignore or hastily dismiss the philosophy of political liberalism and how it has played out in the spaces of American life and across the pages of American literature. But no political framework has had as much impact on American life and thought—and, I argue, American letters—as the philosophy of liberalism, with its (often precarious) dual emphasis on the individual and the political community.

In *Political Liberalism* (1993), John Rawls most famously captured that dual emphasis when he explored how it is that a society of individual citizens can remain stable and just despite the array of “comprehensive” doctrines—religious, moral, and philosophical—that those citizens hold about human life. Rawls thus theorized the dynamics of a liberal polity where competing comprehensive doctrines undergird, but remain separate from, the political ideas that govern civil life. But, of course, the way in which ideas about the right and the good are held by individuals is often a complex affair. Confusion, doubt, fervor, anger, righteousness, and disappointment all find a place in the trials of the examined individual life. Even more complex still is the way in which the clashes between those systems of ideas play out in the course of daily life.

This is where literature offers important insights into the particularities of the development of political ideas in the United States (as opposed to—or, perhaps more accurately, complementing—Rawls’s mostly abstract analysis). Literature has its own dual emphasis, committed as it is to exploring both the intense particularity of individual human lives and the larger forces and ideas that manifest themselves there. It is therefore well suited for exploring the richly variegated texture of life in a democratic polity. Starting with the *Federalist Papers* and continuing through a variety of literary forms—the novels of Charles Brockden Brown, James Fenimore Cooper, Nathaniel Hawthorne, Harriet Beecher Stowe, Herman Melville, Charles Chestnutt, and Mark Twain; the speeches of Daniel Webster, Abraham Lincoln, and Theodore Roosevelt; and the essayistic writings of Ralph Waldo Emerson, Frederick Douglass, W.E.B. Dubois, William James, and John Dewey—I aim to trace the particular ways in which competing comprehensive ideas about human life produced imaginative explorations of the political ideas at the heart of our democratic polity. The literary and political figures I examine all attempted to capture the inexhaustible meaning of those guiding ideas—liberty, equality, justice—by giving form to the political world they required. My goal is to understand the implications of these acts of political imagination for the evolution of literary form—particularly narrative fiction—across the nineteenth century.

**KATE WARD**, *Theology*

I defended my dissertation, “Wealth, Poverty and Economic Inequality: A Christian Virtue Response,” on April 6, 2016. James F. Keenan, S.J., directed my dissertation and Lisa Sowle Cahill and Kenneth R. Himes, O.F.M. served as readers. This dissertation argues that both wealth and poverty function as moral luck to impede the pursuit of virtue and that economic inequality worsens the problem.

I begin with a chapter describing the state of economic inequality today, asking whether economic inequality is a problem distinct from poverty. I conclude that it is, for three reasons: inequality causes many social ills traditionally associated with poverty; it self-perpetuates; and—the argument I advance throughout the dissertation—inequality functions as moral luck to harm virtue. In the next chapter, I argue for a Christian virtue account of moral luck.



Moral luck is a term used by feminist philosophers to describe the impact of life circumstances on persons' abilities to pursue virtue. I examine Scripture, Aquinas, and the work of womanist theologians to propose a Christian virtue account of moral luck that acknowledges both the pervasiveness of sin and Christian hope for God's promised redemption.

In the third chapter, I draw on Aquinas and contemporary virtue theorists to provide rich descriptions of the eight virtues I will consider throughout the dissertation. I describe a new virtue taxonomy: cardinal virtues of prudence, justice, and humility; "daughter" virtues of solidarity, fidelity and self-care; and helper virtues of temperance and fortitude.

To understand how inequality functions as moral luck, we must first understand how wealth and poverty affect our pursuit of virtue. I continue with a chapter describing the impact of wealth, which I define as "having more than we need," on the virtues in my taxonomy. Blending resources from psychology, sociology and theology, I conclude that wealth impacts the pursuit of virtue in two major ways: by endowing the wealthy person with hyperagency, or greater power, freedom and choice than that enjoyed by others; and by becoming an end in itself. This does not mean that wealth has a unilaterally negative impact on the pursuit of virtue; for example, I argue that wealth can help in pursuing the virtue of self-care.

In the next chapter, I assess how poverty, which I define as being unable to meet one's needs or meeting them only through constant and precarious struggle, functions as moral luck. Consulting social science, memoirists and journalists who write about poverty, and liberation theologians, I show that key issues in poverty's impact on virtue include scarcity, which impacts cognitive processing and can limit access to certain virtuous practices, and diminished self-regard. This does not mean that poverty has a unilaterally negative impact on the pursuit of virtue; for example, a variety of evidence suggests that poverty encourages the virtue of solidarity.

My final chapter shows how inequality exacerbates the impact of wealth and poverty on virtue in terms of hyperagency, wealth as an end in itself, scarcity and self-regard. I offer suggestions for future Christian ethical work on moral luck and responses to the impact of economic inequality on virtue. These include practical economic solutions to reduce inequality and theological solutions including encounter, conversion, satisfaction with contentment, and dependence on God. I suggest that the Christian community can respond to the impact of economic inequality on virtue through political action; a renewed approach to tithing and aid; and creating sites for encounter between the rich and the poor.

I have presented or will present aspects of this dissertation research at the annual meetings of the College Theology Society and the American Academy of Religion; at "Growing Apart: Implications of Economic Inequality," a conference sponsored by the Jesuit Institute at Boston College for which I served as co-organizer; and the "Good Economies" conference at Fordham.

**GARY WINSLETT**, *Political Science*

Whereas tariffs once constituted the most significant impediment to international trade, today the differences in states' domestic regulations now constitute the central barrier to that trade. Indeed, they are the centerpiece issue of the current negotiations over the Trans-Pacific Partnership (TPP), the Transatlantic Trade and Investment Partnership (TTIP), and many bilateral and regional free trade agreements. Moreover, regulatory trade barriers are a window into how states grapple with the tensions between global economic imperatives and non-economic public policy objectives.

My dissertation attempts to explain why states sometimes choose to reduce these regulatory trade barriers but at other times choose to maintain or increase them. My main argument is that the best

way to explain this variation is by examining the motivations of three sets of actors (businesses, activists, and government officials) and the political bargaining between those three groups. Businesses are likely to succeed at reducing a regulatory trade barrier when they can link their desire for that reduction with broader concerns about economic competitiveness while activist organizations are likely to succeed at increasing regulatory trade barriers when they can link their desire for maintaining or increasing that barrier with preventing needless death. Businesses seek to reduce regulatory barriers when those barriers raise production costs or inhibit market access. They may, however, choose to end that pursuit if those regulations are cheap to comply with or pursuing their reduction carries major reputational risk. NGOs defend regulatory barriers when they perceive those regulations to be the sole effective means to address a societal problem they are concerned about. They may accept a reduction in regulatory barriers if those barriers have low salience or their opposition is bought out through private standards, corporate social responsibility, or some other arrangement in which businesses are not directly regulated by government. Government officials choose whether to side with businesses or activist groups based on their relative prioritization of trade and regulatory independence, their staffing, and whom they identify as their core constituency. Concerns about competitiveness stack these factors in favor of reducing regulatory trade barriers. Concerns about needless death stack them in favor of maintaining or increasing those barriers.

In Chapter 1, I demonstrate the increasing significance of regulatory trade barriers. In Chapter 2, I trace the political history of how regulations became central to international trade negotiations and explore the implications that has for both trade and domestic policymaking. I then examine the international negotiation over regulatory trade barriers in three in-depth case studies. In Chapter 4, I investigate consumer safety, labor-related domestic content, and environmental regulations in the trade in automobiles in North America and the European Union. In Chapter 5, I analyze mad-cow safety regulations and the trade in beef between the United States and Japan. In Chapter 6, I examine intellectual property regulations and the trade in pharmaceuticals between the United States and India. In Chapter 7, I conclude the dissertation by discussing the theoretical implications this work has for IPE scholarship and then offering political recommendations for the businesses, NGOs, and government officials that are engaged in the politics that surround these regulatory trade barriers.

---

# Academic Law Fellows

---

**W**ith this fellowship appointment, the Clough Center recognizes Boston College Law Students of exceptional academic ability and accomplishment who are enrolled in any of the Law School's degree programs. The 2016-17 Academic Law Fellows are:

**LIAM HOLLAND** is a member of the Boston College Law School Class of 2017. He grew up in Massapequa, New York, and earned a Bachelor of Arts degree in Political Science and Environmental Studies from Northeastern University in 2011.

Prior to attending law school, Liam served as Research Director for the Massachusetts House of Representatives Committee on Telecommunications, Utilities and Energy, under the leadership of Representative John D. Keenan. In this role, Liam worked on complex energy and infrastructure legislation, including laws that require electric distribution companies to procure new renewable energy capacity, that reforms electricity rate regulation, that provides solar energy incentives, and that requires gas companies to repair natural gas leaks. During his first year at BC Law, Liam also served as a member of the Massachusetts Net Metering and Solar Task Force, which was established by 2014 legislation to review the viability of the state's solar energy incentive programs and to provide the Legislature with recommendations on solar energy policy.

Liam spent the first summer of his legal studies as a summer associate in the Office of the General Counsel of the United States Nuclear Regulatory Commission (NRC). The NRC is an independent agency whose mission is to ensure the safe use of radioactive materials for beneficial civilian purposes while protecting people and the environment.

In the summer of 2016, Liam will be working in the Antitrust Division of the United States Department of Justice with the section on Transportation, Energy and Agriculture. The mission of the Antitrust Division is to promote economic competition through enforcing and providing guidance on antitrust laws and principles.

In his third year of law school, he will participate in BC Law's Attorney General Clinic. As part of this year-long program, Liam will be placed in the Administrative Law Division of the Attorney General's Office. The Administrative Law Division represents the state in legal challenges to state statutes and regulations, suits that challenge state policies and programs, and suits that challenge the decisions of state administrative agencies.

Upon completing his legal studies, Liam plans to return to public service.

**JOSHUA MOORE** is a rising 3L at Boston College Law School. He attended Centre College and graduated with a B.A. in Philosophy and Government in 2010. After graduating, he worked for two years as an Assistant Language Teacher on the Japan Exchange and Teaching Programme in Tokunoshima, Japan. He subsequently returned to the U.S. and worked as a Program Manager at the Japan/America Society of Kentucky. There, he promoted cross-cultural understanding and business relationships between Japan

and Kentucky. Josh speaks Japanese fluently and has worked with organizations such as Sister Cities and the Experiment in International Living to help foster relationships between Japan and the United States. Josh has a passion for public service. While in law school, he has worked at organizations ranging from the Vermont Supreme Court, the Irish International Immigrant Center, and the Bond Project at BC Law. His interests are in administrative law, jurisprudence, federalism, and international comparative law. This summer, he will be interning at the Department of Justice, Environment and Natural Resources Division, Environmental Enforcement Section.

During his final year at law school, he will be in the Attorney General's Clinic in the Administrative Law Division. After graduating, Josh will be clerking for the Honorable Judge Paul J. Kelly, Jr. on the United States Court of Appeals for the Tenth Circuit. He hopes to pursue a career in public and government service.

**KELLY MORGAN** is an incoming third year dual degree J.D./M.S.W. student with an interest in immigration, criminal justice, and human rights. She graduated from Wesleyan University in 2011 with a degree in Music and French Studies. At Wesleyan, Kelly had the opportunity to spend a semester and a summer in Rabat, Morocco, conducting interviews with sub-Saharan immigrants and researching the connections between music and Mediterranean migration politics. After graduating, she spent a year in Marseille, France, teaching English and volunteering with a migrants' rights organization. Kelly then spent another summer in Morocco organizing an intercultural music and theater workshop aimed at engaging youth of diverse nationalities in combating xenophobia.

After moving to the Boston area in 2012, Kelly worked for three years at BEST Corp. Hospitality Training Center, where she taught English and job skills and helped to prepare students for naturalization interviews with U.S. Citizenship and Immigration Services. She also managed a program providing workplace English classes to kitchen workers at the Boston Convention and Exhibition Center.

In 2014, Kelly began taking classes at the BC School of Social Work, where she specializes in social innovation and leadership and her concentration is in global practice. She then transitioned to BC Law in 2015, and the highlight of her 1L year was volunteering with the Post-Deportation Human Rights Project at BC's Center for Human Rights and International Justice. Kelly will spend summer 2016 interning with the Political Asylum and Immigrant Representation (PAIR) Project in Boston, and will return to BC in the fall to take a mix of social work and law courses and begin her second MSW internship with the Muslim Justice League, an organization that advocates for human and civil rights threatened under national security pretexts. In the future, Kelly hopes to provide trauma-informed services to immigrants facing deportation on account of criminal convictions.

**AMELIA WIRTS** is in her second year of law school at Boston College, and working on a joint degree in Philosophy and Law. After receiving her B.A. in Philosophy and Communication Studies from the University of Oregon in 2009, she began her Ph.D. in Philosophy in 2010, earning a master's degree in 2012 and defending her dissertation proposal in the spring of 2014.

As a political philosophy student, Amelia had the rare opportunity to think through substantial matters of justice unconstrained by pragmatic concerns. Through research and writing, she has explored the idea of a just society from many vantages, but she was eager to see these ideas have an impact in the world around her. This desire to understand how theories of justice, equality, and democracy impact the concrete world led her to pursue a law degree alongside her Ph.D. in political philosophy. As a second year law student, Amelia's work on civil rights issues allows her to examine social and political equality from theory to practice.

Amelia's philosophy dissertation argues that true democracy requires institutional responses to social oppression. Many political philosophers ignore the problem of oppression because they begin their inquiries into justice by imagining an ideal political community rather than examining the political communities that we already live in. Probing existing political communities reveals that the public justification of legal and political institutions is most often directed at the powerful rather than the oppressed. Her work focuses on mechanisms for bringing marginalized people into the democratic justification process and the democratic community.

Amelia's legal interests complement her philosophical ones. Anti-discrimination law, particularly in employment contexts, brings together her passion for social justice and her philosophical work on oppression. When Amelia first encountered employment discrimination law, each reminded her of what she had already discovered in her philosophical research—that work and human dignity are intimately related. Because employment provides more than income, eliminating employment discrimination is one of the central components of building a more just political community. To pursue her interest in employment discrimination, Amelia secured an externship with the Lawyers' Committee for Civil Rights and Economic Justice during the fall of 2015. There, she conducted research for a federal appellate employment discrimination case under Title VII. Additionally, she is writing a note for the *Boston College Law Review* on Title VII disparate treatment standards and implicit bias. She will spend the summer of 2016 working in the Prosecution and Appeals Division of the Massachusetts Commission Against Discrimination, assisting the Commission Counsel and learning about the role of the state in enforcing state civil rights law.

After completing law school in 2017, Amelia will clerk for one year for Judge Harris Hartz, Judge for the United States Court of Appeals for the Tenth Circuit in Albuquerque, New Mexico.

---

# Public Interest Law Scholars

---

Consistent with the Center’s mission to support students committed to service to others, the Clough Center provides grants to Boston College first- and second-year law students for uncompensated public interest work, in the United States or abroad, during the summer. The 2016-17 Public Law Scholar grants have been awarded to:

**ALYSSA FIXSEN** is a rising 2L at Boston College Law School. She grew up in Randolph, Massachusetts, and graduated from Harvard College with a degree in Government. After internships in city, state, and federal political offices in Boston, she spent five years working as an analyst for the Department of Defense in Maryland. At the DoD, she gained a deep appreciation for both the powers and the limits of the Constitution. Tired of swampy Maryland summers, she returned to the Boston area to attend law school. At BC, Allie is the Vice President, External Relations for the Internet Law Society.

This summer, she will serve as a Legal Intern in the Civil Division of the United States Attorney’s Office for the District of Massachusetts. The Civil Division represents the federal government in civil cases, enforcing and defending the Constitution and federal laws. She will conduct legal research and draft memos, briefs, and motions to support litigation, experiencing firsthand how legal issues can impact people’s daily lives and how the government resolves issues and enforces regulations at the local level. Allie is interested in continuing her career in the federal government after law school. She believes passionately in the government’s capacity and responsibility to help people, both directly and indirectly.

**PATRICK GAUDET** is a rising third year law student at Boston College Law School. He was born in Concord, Massachusetts, but has lived in Colorado, Ohio, and Illinois before returning to New England for law school. Patrick attended the College of Wooster in Wooster, Ohio, majoring in philosophy. He is spending his 2L summer working as a law clerk at the Library of Congress Office of the General Counsel in Washington, D.C.

Established in 1800, the Library of Congress is the United States’ first cultural institution and the largest library in the world. The Office of the General Counsel (OGC) provides legal advice to the librarian and the variety of service units within the Library on legal issues from copyright matters to employment disputes to contracts and procurement problems, as well as representing the Library in administrative and federal court litigation. As a legislative agency, the Library faces legal issues substantively different from those issues faced by executive agencies, which are themselves essentially unconstituted in constitutional law. As a summer law clerk, Patrick will assist the OGC staff with issues surrounding a wide variety of legal topics, and hopes to gain insight into the role of the Library, and agencies generally, in its function as the general vehicle of day-to-day governance.

Aside from the law, Patrick is interested in the philosophy punishment theory, particularly problems regarding proportionality and moral epistemology and their impact on justice. His senior thesis project

at the College of Wooster was a discussion and defense of a theory of punishment based on the work of Warren Quinn, wherein punishment is justified as the product of a natural right to issue and enforce self-protective threats.

Following graduation, he hopes to clerk for a federal judge before pursuing a legal career in federal government.

**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 relevant environmental issues. She also organized numerous community events educating the public about the state representative's environmental platform. Subsequently, she worked at a small real estate law firm in Chicago as a paralegal.

During her 1L summer, Sonja worked 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 worked on numerous clean water issues relating to ongoing litigation. She also researched, conducted studies, and wrote reports to support potential Massachusetts state legislation.

During her 2L summer, Sonja worked at the White House Office of Presidential Personnel as a legal intern, working on a variety of issues related to the Executive branch.

As a 3L at Boston College Law School, Sonja will participate in the Civil Litigation Clinic, providing legal services to the underserved. She hopes to use this experience to gain greater practical knowledge on serving as an advocate for low-income communities in the legal field. She will also serve as an Articles Editor for the *Boston College Law Review*.

Sonja hopes to use her experiences during law school to work in the cross-section between environmental law, policy, and human rights, providing access to justice for marginalized populations.

**LEILA SOUHAIL** is a rising 2L at Boston College Law School. She grew up in Woburn, Massachusetts, and attended the College of the Holy Cross, graduating in 2015 with honors with a B.A. in Political Science and a concentration in Peace and Conflict Studies. As an undergraduate, she interned at the Attorney General's Office in the Municipal Law Unit during the school year. In that position, Leila analyzed the constitutionality of proposed town bylaws and worked directly with town representatives to learn more about the background of the proposed bylaws and why the town felt they needed to pass such legislation. She also organized and attended various community outreach programs to inform local residents about consumer protection and cyber security programs. It is in this internship where her interest in public sector work began. During the past two summers, she interned at Mintz, Levin, Cohn, Ferris, Glovsky, and Popeo, P.C. in downtown Boston. There, she witnessed big law for the first time and worked with multiple attorneys in the corporate, litigation, and labor and employment practice areas.

This summer, Leila will be interning with the Office of the State Senate Counsel in Boston. The Office of the State Senate Counsel performs the crucial "third-reading" of legislation before the Massachusetts State Senate finalizes it. The "third-reading" includes editing for clarity and analyzing for constitutional-ity and potential consequences of its passage. She will work directly with the Senate Counsel and staff

members in drafting, analyzing, and editing proposed legislation and resolutions. Leila will research issues of federal and state constitutional and statutory law and assist in the legislative process through inking bill papers and reviewing parchment prior to final considerations. She will also have the unique opportunity to attend Senate debates and committee hearings in order to report findings to senior attorneys.

Leila hopes to use her experience at the Office of the State Senate Counsel, her knowledge in political science, and her desire to work in the government to narrow her career goals as she continues her legal education. She is grateful for the opportunity the Clough Center has given her in allowing her to spend the summer further developing experience in public interest and government work.



---

# Travel Grants

---

**T**he Clough Center awards a number of ad hoc grants to faculty, and 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 2015-2016, travel grants were awarded to:

**RICHARD ALBERT**

Conferences • Seattle and Ottawa

**JAMES CLIFTON**

Research • London

**ERICA FOSS**

Research • Aix-en-Provence

**BURLEIGH HENDRICKSON**

Research • France and Morocco

**FIDÈLE INGIYIMBERE**

Conference • Hong Kong

**OWEN STANWOOD**

Research • Cape Town

**CHARLES GALLAGHER**

Research • Berlin and London

---

# People

---

## Director

**Vlad Perju**

PROFESSOR, BOSTON COLLEGE LAW SCHOOL

## Staff

**Marissa Marandola**

COORDINATOR, JUNIOR FELLOWS

**Emily Murphy**

COORDINATOR, JUNIOR FELLOWS

**Gary Winslett**

COORDINATOR, GRADUATE FELLOWS

## Center for Centers

**Shaylonda Barton**

MANAGER, INTERNAL GRANTS

**Ana Berreondo**

FISCAL & EVENTS SPECIALIST

**Susan Dunn**

MANAGER, FISCAL OPERATIONS

**Peter Marino**

ASSOCIATE DIRECTOR

**Michelle Muccini**

MANAGER, COMMUNICATIONS SERVICES

**Yasmin Nuñez**

DIRECTOR, FINANCE AND ADMINISTRATION

**Stephanie Querzoli**

MANAGER, PROGRAMS AND EVENTS





THE CLOUGH CENTER FOR THE  
STUDY OF CONSTITUTIONAL DEMOCRACY

CHESTNUT HILL, MASSACHUSETTS 02467