

**ASLH Preliminary Program (06.08.13)
7-9 November 2013**

THURSDAY, 07 NOVEMBER 2013

- 7.30am-4.00pm **Registration**
- 9.00am-2.00pm **[ASLH Workshop on Latin American Legal History]**
- 4.00pm-5.30pm **[Committee Meetings]**
- 7.30pm **[Board of Directors Dinner Meeting]**
- 5.30pm-7.30p **Welcome Reception**
- 10.00pm-11.00pm **Nightcap**

FRIDAY, 08 NOVEMBER 2013

- 7.15am - 4.00pm **Registration & Book Exhibition**
- 7.15am-8.30am **[Committee Breakfast Meetings]**
- 7.30am-8.30am **Continental Breakfast**
- 8.30am-10.15am FRIDAY SESSION A**
- Panel A.1 Women, Law, and Marital Crisis in Cross-Cultural Perspective**
- Chair Kimberly Welch
- Commenter Roderick Phillips
- Panelists Rena Lauer, “Strategies of Separation: Jewish Women and Marital Lawsuits in Venetian Crete’s Secular Judiciary”
- Ricardo Salazar-Rey, “Fight and Flight: The Power of Slave Marriage in the Spanish Empire”
- Alison Lefkowitz, “Making Divorce Equal: American Feminists, Men’s Rights Activists, and No-Fault Divorce, 1962-1982”
- Panel A.2 The Origins of Constitutional and Corporate Law in International Perspective**
- Chair **TBD**
- Commenter **TBD**

Panelists Moira Gillis, “Sutton’s Hospital in the American Common Law”

 Daniel Hulsebosch, “Being Seen Like a State: The American Constitution and Its International Audiences at the Founding”

 Kim Todt, “Trading with the Enemy: Comity and the Resolution of Commercial Disputes Between Early American Colonies”

Panel A.3 The History of Crime and Punishment in American Law

Chair **TBD**

Commenter **TBD**

Panelists Risa Golubuff, “Dismantling Vagrancy Law: A Meditation on Criminal Law History, Inside and Out”

 Jessica Lowe, “Republican Deference: Commonwealth v. John Crane and the Rule of Law in Federal Virginia”

 Sarah Seo, “The Paradigm of Antimonies in Criminal Justice Histories”

Panel A.4 Litigating Reconstruction

Chair Bret T. Boyce

Commenter Jonathan Lurie

Panelists Taja-Nia Y. Henderson, “The Lost History of the Fourteenth Amendment’s Disqualification Clause”

 Cynthia Nicoletti, “The Disputed Constitutionality of the Emancipation Proclamation”

 Daniel Hamilton, “Litigating the Confederacy After the Civil War”

Panel A.5 The Americans Are Coming: On Americans’ Involvement with Post-Independence Israeli Legislation

Chair **TBD**

Commenter **TBD**

Panelists Yair Sagy, “‘The Responsible American Oil Men’ and the Israeli Petroleum Law of 1952”

 Orly Sela, “TVA on the Jordan River: American Influence on Water Resources Management and Regulation in the End of the British Mandate and the First Decade of the State of Israel”

 Amihai Radzyner, “‘The American Inheritance’: The American Influence on the Israeli Inheritance Law”

Panel A.6 **[Author Meets Reader] A Discussion of Robert J. Cottrol’s *The Long Lingered Shadow: Slavery, Race and Law in the American Hemisphere* (University of Georgia Press, 2013)**

Author Robert J. Cottrol, George Washington University Law School

Chair Michelle McKinley, University of Oregon School of Law

Readers G. Reid Andrews, Department of History, University of Pittsburgh

 Holly Brewer, Department of History, University of Maryland at College Park

 Alejandro de la Fuente, Department of History, University of Pittsburgh

10.00am-10.30am Mid-Morning Break

10.30am-12.15pm FRIDAY SESSION B

Panel B.1 **Commerce and Obligation in the Islamic World, c. 1850-1919**

Chair &
Commenter Intisar Rabb

Panelists Fahad Ahmad Bishara, “The Most Enduring Obligation:”
Debt, Personhood and Commerce in the Nineteenth-Century Western Indian Ocean”

 Bruce S. Hall, “The Jurisprudence of the Frontier in West Africa: Legal Dispute, Commerce, and the Question of Usury in Muslim Fatwa Collections, 1600-1929”

 Omar Cheta, “Legal Reform and Commercial Debt in Nineteenth-Century Egypt”

 Will Hanley, “Egypt’s petty moneylenders as makers of international law”

Panel B.2 **Inheritance Law, Emancipation, and Legal Actors in Early Modern England and America**

Chair Carla Spivack

Commenter Claire Priest

Panelists Stuart Gold, “The ‘Gift’ of Liberty: Testamentary Emancipation in New Jersey – 1790 to 1805”

 Allison Tait, “Married Women Making Wills: The Right to Devise Separate Property in Early-Modern England”

 Danaya Wright, “Inheritance Law, Trusts, and Patriarchy: The Growth and Use of Trust Law Doctrines to Promote Public Welfare and Family Formation”

Panel B.3 Law and Slavery in Nineteenth-Century Brazil

Chair Hendrik Hartog

Commenter Ariela Gross

Panelists Keila Grinbeg, “Re-enslavement, Justice and the Law in
19th-Century Brazil”

Mariana Armond Dias Paes, “Slaves as Parties in Brazilian
Freedom Suits (1860-1888)”

Pedro Cantisano, “In-between Slavery and Freedom: Legal
Fictions with Real Consequences in 19th-Century Brazil”

Panel B.4 Civil Liberties Law and the Administrative State, 1930-1950

Chair John Fabian Witt

Commenter Daniel R. Ernst

Panelists Laura Weinrib, “Civil Liberties Enforcement and the New
Deal State”

Jeremy K. Kessler, “The Civil Libertarian Conditions of
Peacetime Conscription”

Sam Lebovic, “Freedom of Information in the Age of the
National Security State”

Panel B.5 Criminal Justice Institutions as Agents of Social Transformation

Chair/

Commenter Elizabeth Dale

Panelists Peter C. Pihos, “The Local War on Drugs: Chicago, 1970-
2000”

Ezra Tessler, “Making The World Safe for Democracy,
One Prison at a Time: The Federal Bureau of Prisons at
Home and Abroad, 1935-1972”

Joshua Stein, “Good Behavior: Preventive Justice in
Nineteenth-Century New York”

Erin E. Braatz, “The Use of Colonial Penalty in
Constructing Colonial Space”

Panel B.6 Cause Lawyering’s Past

Chair &

Commenter Fabio Arcila

Panelists Shaun Ossie-Owusu, “Ethno-racial Undertones and
Oversights: Lessons from Legal Aid History and
Historiography”

Marko Radenovic, “Progressive Capture of the Legal

Profession and Development of Public Interest Lawyering”
David Reichard, ““We Need a Clear Analysis of What it Means to Do Progressive Gay Rights Work’: The Origins of LGBT Organizing in the National Lawyers Guild”

B.7 New Perspectives on Mexican Legal History

Chair &

Commenter William Suárez-Potts, Kenyon College

Participants Alejandro Mayagoitia, Universidad Iberoamericana and the Instituto Tecnológico Autónomo de México (ITAM), Instituto Internacional de Historia del Derecho Indiano, and the Academia Mexicana de Jurisprudencia y Legislación

María Refugio del González, Director, Center for Legal Research (Centro de Investigaciones Jurídicas), University of the Americas, Puebla

Antonio Azuela de la Cueva, Institute of Social Research (Instituto de Investigaciones Sociales), UNAM

Pablo Mijangos y González, CIDE (Center for Economic Research and Teaching: Centro de Investigación y Docencia Económicas) in Mexico City

Catherine Andrews, Escuela Nacional de Biblioteconomía y Archivonomía in Mexico City

12.15pm–1.45pm Lunch Break

12.30pm–1.30pm [Committee Meetings/Law and History Review Lunch Meeting]

1.45pm–3.30pm FRIDAY SESSION C

Panel C.1 The Varieties of Fraud in Eighteenth-Century France

Chair Malick W. Ghachem

Commenter Rafe Blaufarb

Panelists Reynald Abad, “The Use of a False Identity in Eighteenth-Century France: Some Observations on a Multiform Practice”

Vincent Denis, “False Passports and False Certificates in Enlightenment France”

Jeffrey S. Ravel, “Fraudulent Playing Cards in Eighteenth-Century France”

Panel C.2 Professionals, State Infrastructure, and Law-Related Innovation in the British Empire

Chair &
Commenter Mitra Sharafi

Panelists Dror Goldberg, “Banks and Mints in Colonial Virginia and Massachusetts”

Binyamin Blum, “Forensic Technology in the Age of Empire: The Rise and Circulation of Forensic Science in the British Colonies”

Yael Berda, “Governing through Emergency: the Proliferation of Population Classification and Surveillance Practices in the British Empire – India, Cyprus, and Palestine”

Assaf Likhovski, [Paper]

Panel C.3 Status, Borders, and the Law in the Greater Caribbean

Chair Michael Churgin

Commenter Erika Gabriela Pani Bano

Panelists Sam Erman, “Santiago Iglesias’s Imperial Citizenship: The Value of a Status with Few Rights, 1890-1930”

Lara Putnam, “Intimate Borders: The Intersection of Immigration Law and Family Practice for British Caribbeans after 1924”

Carlos Sandoval-Garcia, “The Making of Migrants’ Rights in Costa Rica: Reflections from Three Cases in Progress”

Panel C.4 Resistance and Reception: Attitudes to American Law in Nineteenth-Century Canada

Chair &
Commenter Catharine MacMillan

Panelists Lyndsay Campbell, “Republicanism’s Reach: Nova Scotian Views of the Limits of Political Dissent in the 1820s and 1830s”

David Schorr, “How Smoothly did U.S. Water Law Flow Northwards?”

Stephen Azzi, “The American Influence on the British North America Act, 1867”

Charles Paul Hoffman, “‘The Mother of Combines’: The Shadow of the United States in the Canadian Anti-Combines Debates of 1888-1889”

Panel C.5 The Legal history of American Capitalism from Below

Chair Christopher Tomlins

Commenter Jonathan Levy

Panelists Anne Fleming, “The Rise and Fall of Unconscionability as ‘The Law of the Poor’”

Nate Holdren, “Discriminatory Hiring and the Re-allocation of Workplace Injury Risk in the Early 20th-Century United States”

Adam Wolkoff, “Law, Agricultural Modernization, and the Tenant Household after the American Civil War”

Panel C.6 [Kathryn T. Preyer Prize Panel]

3.30pm–4.00pm Buses Depart for Afternoon Plenary

4.30pm–6.00pm Plenary Session

6.00pm–8.00pm Plenary Reception

7.30pm–8.00pm Buses Depart for Hotel from Reception

9.00pm–11.00pm [Informal Grad Student Gathering]

SATURDAY, 09 NOVEMBER 2013

7.15am–4.00pm Book Exhibition

7.15am–8.30am [Committee Breakfast Meetings]

7.30am–8.30am Continental Breakfast

8.30am–10.15am SATURDAY SESSION A

Panel A.1 The Gestation of Science and Practice of Law in Latin America during the Nineteenth Century: Assessing the Interplay of Constitutions, Codes, and Procedure

Chair Jonathan Rose

Commenter **TBD**

Panelists José de Lima Lopes, “Administration of Justice in Monarchical Brazil (1824-1889)”

Andrés Botero Bernal, “Judicial Review in Spanish America during the Nineteenth Century”

Agustin Parise, “Ownership of Land in American Civil Law Jurisdictions: A Shared Conceptualization as Reflected within the Civil Codes of Argentina (1871), Chile (1857), and Louisiana (1825)”

- Panel A.2** **Defying the Law: Legal Implications and Social Consequences of the Illegal Slave Trade in the Nineteenth Century**
- Chair &
Commenter Alejandro de la Fuente
- Panelists Randy Sparks, “Blind Justice: The United States’ Failure to Curb the Illegal Slave Trade”
- Michael Zeuske, “Hidden Atlantics and National Histories of Slavery: Cuba, the Atlantic, and the United States, 1808-1880”
- Beatriz Mamigonian, “On Shifting Grounds: Illegal Slave Trade, Rights to Property, and Rights to Freedom in Nineteenth Century Brazil”
- Panel A.3** **The Congress of Vienna and Nineteenth Century International Law: Peacekeeping, Sovereignty, and Liberal Internationalism**
- Chair **TBD**
- Commenter **TBD**
- Panelists Marion Koschier and Florian Kerschbaumer, “The European Peace System”
- Edward James Kolla, “From National Sovereignty to National Unity and National Self-Determination”
- Steven Heath Mitton, “Palmerston v. Wheaton: The Defeat of Liberal Internationalism and Slave-Trade Suppression in the 1840s”
- Panel A.4** **Extralegal Justice in Nineteenth-Century America**
- Chair Michael Willrich
- Commenter Justin Wert
- Panelists William J. Nancarrow, “The Cincinnati Courthouse Riot of 1884, Rough Justice, and Jury Reforms in Gilded Age America”
- Andrew Porwancher, “Honor and Vengeance in the North”
- Kyle Volk, “Striped Pigs & Other Shenanigans”
- Panel A.5** **Law and Counterrevolution: Charles Beard and the Origins of American Constitutionalism**
- Chair Gerald Leonard
- Commenter Alison LaCroix
- Panelists Jack Rakove, “Beard and Farrand: Two Centennials”

Saul Cornell, “Beard’s *Economic Interpretation* and the Problem of Anti-Federalism Reconsidered”

Aaron Knapp, “The Legal Counterrevolution”

Panel A.6 The Territory of Immigration and Citizenship Law: Rights, Status and Sovereignty in the Modern Era

Chair &

Commenter Barbara Welke

Panelists Kunal Parker, “Immigrants and Other Foreigners in America”

Daniel Kanstroom, “Who Has Which Rights Where?: Status, Rights, and Territory from Dred Scott to Drones and Deportees”

Lucy Salyer, “‘A Citizen Should be a Citizen Wherever He Goes:’ Expatriation, National Sovereignty, and the Global History of Reconstruction”

10.00am–10.30am Mid-Morning Break

10.30pm–12.15pm SATURDAY SESSION B

Panel B.1 Early Modern Law in the Muslim World: Jurists, the State, and Legal Genres

Chair &

Commenter Lena Salaymeh

Panelists Ahmed Fekry Ibrahim, “Pragmatic Eclecticism in premodern Islamic law: from Mukhtaṣar to Ikhtilāf Manuals”

Heather Ferguson, “Between Ethics and Politics: The Elaboration of Islamic Law as a Critical Mode in Ottoman Administrative Genres”

Faiz Ahmed, “Breaking Ground in the Early Modern Islamic Juridical Field: The Fatāwā-i ‘Ālamgīrī (1675) between Medieval Roots and Modern Legacies”

Will Smiley, “Freedom, Apostasy, and Islamic Law in International Context: An Early Modern Perspective”

Panel B.2 The Enemy Within: Case Studies from the American Revolution and the Civil War

Chair Maeva Marcus

Commenter William Wiecek

Panelists Carlton F.W. Larson, “Punishing Disloyalty Outside of the Courts: Pennsylvania, 1775-1777”

Gerard N. Magliocca, “John Bingham and the Lincoln Assassination Trial”

Amanda Tyler, “Captured Rebels under the Habeas Corpus Act of 1679”

Panel B.3 Slavery and the Formation of American Labor Law

Chair **TBD**

Commenter **TBD**

Panelists Daniel Farbman, “Instruction and Disobedience”
Justene Hill, “Slaves, Judges, and Masters: Slave Economies and the Court of Magistrates and Freeholders in South Carolina, 1790-1860”
William Mogen, “Beyond Master and Servant: South Carolina Labor Law and the Retreat from Reconstruction”

Panel B.4 Legal Professional Culture and the Shaping of Procedure in the United States During the Nineteenth and Twentieth Century

Chair Christopher Schmidt

Commentator Robert W. Gordon

Papers Daniel R. Ernst, “Lawyers, State and Society at Two New Deal Agencies”
Amalia D. Kessler, “Civic Republican Lawyering: Legal Oratory and the Antebellum Embrace of Adversarialism”
Renée Lettow Lerner, “Challenges to Jury Practices Under State and Federal Constitutional Rights to Civil Jury Trial”

Panel B.5 Entitling Marriage, Contesting the Family: The Politics of Dependency from the Progressive Era to the Civil Rights Revolution

Chair Christopher Tomlins

Commenter Linda K. Kerber

Panelists Rebecca A. Rix, “Every citizen a Sentinel: Every home a sentry box!”: Revolutionary Men, Home Protection, and the Popularization of Modern Conservative Thought in the 1920s”
Kristin Collins, “Entitling Marriage: A History of Marriage, Public Money, and the Law”
Serena Mayeri, “What’s Wrong with Illegitimacy (Penalties)? Non-Marital Childbearing in Court, 1966-1979”

Panel B.6 [ANZSLH Panel Swap] Meetings and Encounters: Papers from the Australia New Zealand Society for Law and History

Chair Stuart Banner
Commentator Michael Grossberg
Panelists Olivia Barr, “Placing the Road: Moving Histories of the Great South Road”
Shaunnagh Dorsett, “Maori before the Resident Magistrates Court 1846-1852”
Mark Finnane, “Gun control in a strong state: the legal regulation of firearms in Australia”
Greg Taylor, “David Dudley Field’s Visit to Australia, 1874”

12.30pm–2.00pm Annual Lunch

State of the Society; presentation of awards, prizes, and fellowships.

2.15pm–4.00pm SATURDAY SESSION C

Panel C.1 Rights and Rites in Medieval English Law

Chair Sara McDougall
Commenter Charles Donahue
Panelists Elizabeth Papp Kamali, “Ego confiteor: Confession and Criminal Prosecution in Medieval England”
Thomas McSweeney, “The King’s Courts and the King’s Soul: Pardoning as Almsgiving in Medieval England”
Joshua C. Tate, “Episcopal Power and Royal Jurisdiction in Angevin England”

Panel C.2 The clientele of law courts in early modern Europe and colonial Latin America

Chair Kunal Parker
Commenter Michael Breen
Panelists Julie Hardwick, “Making legal choices: pursuing actions in commercial jurisdictions in 17th-century France”
Bianca Premo, “The Open Door: The Late Colonial Legal Revolution in Spanish America”
Griet Vermeesch, “The clientele of the local courts of the Dutch city Leiden during the eighteenth century”

Panel C.3 The Legal History of Mexico’s Second Empire: A Foreign Intervention in North America and its Consequences

Chair &
Commenter Kif Augustine-Adams

Panelists Georgina Lopez Gonzalez, “Sources for Research on Mexican Legal History: El Fondo Justicia Imperio del Archivo General de la Nacion”
Erika Pani, “Politics, Law and War in the United States and Mexico, 1857-1867”
Peter Reich, “The Legacy of the Second Empire in Decisional Law, 1868-1900”

Panel C.4 Slavery and the Institutions of Higher Education

Chair **TBD**

Commenter **TBD**

Panelists Lolita Buckner Innis, “James Collins Johnson and the Princeton Fugitive Slave Case”
Jennifer Oast, “Billy Brown, Hampden-Sydney College, and One Community’s Response to Virginia’s Law Requiring Freedmen to Leave the State”
Rhandda Robinson Thomas, “From John C. Calhoun’s Fort Hill Plantation to Clemson College: The Legalities of the Legacy of Slavery and the University of Upstate South Carolina”

Panel C.5 The History of Immigration Law as Nation Building

Chair **TBD**

Commenter **TBD**

Panelists Gabrielle E. Clark, “Bound to Freedom: Temporary Migrant Workers and the Law from State Managed Capitalism to Neoliberalism in the United States”
Carly Goodman, “The U.S. Diversity Visa Lottery in Global Perspective”
Aziz Rana, “Settlers and Immigrants in the Formation of American Law”

Panel C.6 [ESCSLH Panel Swap] Entangled legal histories: following threads between Europe and the US

Chair **TBD**

Commenter **TBD**

Participants Markus Kari, University of Helsinki
Marianne Dahlén, University of Uppsala
Janwillem Oosterhuis, Maastricht University
Aniceto Masferrer, University of Valencia

4.15pm–6.00pm SATURDAY SESSION D

Panel D.1 On Shifting Grounds: Illegal Slave Trade, Rights to Property, and Rights to Freedom in Nineteenth Century Brazil

Chair Kristin Mann

Commenter Okezi Otovo

Panelists Lisa Earl Castillo, “The Return to Africa Movement in Nineteenth-century Brazil: Legal and Economic Factors”

Daniel B. Domingues da Silva, “Violence, Persecution, and Flight: The Abolition of the Slave Trade between Brazil and the Bight of Benin, 1815-1851, and the Exile of the *Returnados*”

Ana Lucia Araujo, “Law and Order: Enslaved and Freed Women’s Responses to Violence in the Deep South of Brazil During the Early Nineteenth Century”

Panel D.2 Law and Lineage: Comparative Histories of “Children” and “Families” as Legal Subjects

Chair Charlotte Walker-Said

Commenter Mary Anne Case

Panelists Charlotte Walker-Said, “Family Law and the ‘Suffering Child’: The African Child and the Modern African State”

Fadzilah Yahaya, “Family Law and Empire: Dutch Colonial Law Governing Arabs in the Netherlands Indies, 1860-1941”

Sara McDougall, “Illicit Sex, Illicit Progeny: Family Law and the Regulation of Illegitimate Children in Medieval France”

Panel D.3 The Construction of Intellectual Property Law and Privacy in Europe and Latin America

Chair Renzo Honores

Commenter Samantha Barbas

Panelists Lida Barner, “US Copyright Law, the Berne Convention, and the Jews in Nazi Germany: Tracing Entangled Histories”

Alberto Cerda Silva, “Copyright Protection in Nineteenth-Century Latin America”

T.M. James, “Mexican Impressment and Press Freedoms: On the Violation of Constitutionally Protected Civil Rights in Porfirian Mexico, 1877-1911”

Panel D.4 Regimes of Control: Deportation, Exclusion, and Regulation in U.S. Domestic and Foreign Policy

Chair &

Commenter Christopher Capozzola

Panelists Torrie Hester, “Authority to Deport: Legal Responsibilities and Immigrant Returns in the Age of Mass Migration and Empire”

Ryan Johnson, “Cultures of War, Immigration, and the Specter of Anarchy in the Making of the U.S. National Security State, 1901-1921”

Daniel S. Margolies, “Imperial Reorderings in United States Extraterritorial Trade, Resource, and Regulatory Regimes, 1945-1958”

Panel D.5 Institutionalizing American Criminal Justice: Professionalization, Punishment, and Rights, 1829 – 1986

Chair &

Commentator Rebecca McLennan

Panelists Ashley Rubin, “Professionalization as Strategy and Identity at Eastern State Penitentiary, 1829-1871”

Sara Mayeux, “Protecting the Poor from “Shysters” and “Legal Vermin”: Remaking the Right to Counsel, 1882-1932”

Daniel LaChance, “Executing Whiteness: Capital Punishment and Film in the Early Twentieth Century”

Keramet Reiter, “Re-distributing the Power to Punish: Legislating (Or Not?) the California Supermax, 1982-1989”

Panel D.6 [Roundtable] Judicial Biography Roundtable

Chair Steve Sheppard, University of Arkansas School of Law

Commenter Richard Bernstein, New York Law School and City College of New York

Participants Joseph Kobyłka, Southern Methodist University
Department of Political Science

William E. Nelson, New York University School of Law

Polly Price, Emory University School of Law

Stephen Wasby, University of Albany, Political Science
Department (Emeritus)

David Yalof, University of Connecticut, Department of
Political Science

6.00pm-8.00pm Closing Reception