

# ASLH NEWSLETTER



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## 2008 Annual Meeting in Ottawa, Canada November 13-16, 2008







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## NOTE FROM MAEVA MARCUS

During the months between annual meetings, many ASLH committees work hard to keep the affairs of the society running smoothly, and I am grateful to all of them for their efforts. Enclosed in this newsletter is a ballot for the election of members of the Board of Directors and the Nominating Committee, along with biographical information about each of the candidates. Putting together a slate of nominees that represents the different interests of the society takes a great deal of time, and I hope that all members will show their appreciation by voting.

I have added to the burden of the publications committee by asking it to consider how we might improve the newsletter both in form and in substance. The obvious question is whether to produce the newsletter solely on the website and eliminate the printed copy. Such a move would not only save the society money, but also would allow for the dissemination of information more quickly and reduce the time spent by our over-worked treasurer in arranging for publication. The more difficult question is how we might make the newsletter more useful to members. Should we, for example, include less formal essays and opinion pieces on topics of interest to the membership? The publications committee and I would like to hear from you before any decisions are made. Please send any suggestions to Bruce Mann ([mann@law.harvard.edu](mailto:mann@law.harvard.edu)), the chair of the committee.

Another matter on which we wish to ask for your help is recommendations for our American Council of Learned Societies humanities e-book initiative. In the previous newsletter (winter 2008), I described the project in detail and said I would appoint an *ad hoc* committee to put together the list of titles that the ASLH would urge the ACLS to include in its electronic collection. The members of that committee are R. B. Bernstein, Charles Donahue, Bruce Mann, Jed Shugarman, and William Wiecek. They and I ask you to pass on to Bruce Mann ([mann@law.harvard.edu](mailto:mann@law.harvard.edu)), the committee's chair, the books that you think are most important to be preserved online. The ASLH may suggest up to 100 titles.

The next time that I communicate with all of you will be in Ottawa. The beautiful photos on the cover of the last newsletter will, I hope, lure you to Canada's capital city. Ottawa offers many wonderful sights and a terrific hotel. The draft program appears on the ASLH website, and I am sure you will find several panels that you will want to attend. I want to thank the program committee, and especially its chairs Laura Edwards and David Seipp, for undertaking the very difficult job of assembling such a large number of scholars whose work we will all want to hear. I do know that the trip to Ottawa will be expensive, so our treasurer has arranged with Air Canada to offer special discounts for the meeting. Take advantage of them and enjoy the wonderful experience the local arrangements committee has provided.

\* \* \* \* \*

## ASLH ELECTIONS 2008

### Introduction

This issue of the *Newsletter* contains all necessary information for society members who wish to participate in the annual election of members of the **Board of Directors** and the **Nominations Committee** to replace those members retiring on completion of their terms. Society members will find in the following pages a list of candidates with biographies and a ballot paper. To be counted, your ballot paper must be returned to ASLH Secretary Tom Gallanis at the address provided on the ballot paper **postmarked no later than 30 September 2008**.

**Board of Directors:** The Board of Directors, together with the society's officers, is the Society's governing body. Society by-laws require annual election of one third of the elected membership (currently fifteen). Elected members will serve a three-year term. In 2008 five "at large" members will be elected (ten candidates).

**Nominations Committee:** The Nominations Committee selects candidates to stand for vacant elected positions on the Board of Directors and the Nominations Committee and recommends candidates for appointment to non-elected society offices (Secretary and Treasurer). The Nominations Committee also selects the society's president-elect (uncontested office). Society by-laws require annual election of up to one-third of the Committee (total five). Committee members serve a three-year term. In 2008 one member will be elected (three candidates).

Currently, the elected members of the Society's **Board of Directors** are:

Lauren Benton, New York University  
Alfred L. Brophy, University of Alabama  
Christine Desan, Harvard Law School  
Mary Dudziak, University of Southern California  
William Forbath, University of Texas Law School  
Michael Grossberg, Indiana University - Retiring Member  
Sally Hadden, Florida State University College of Law  
Kenneth F. Ledford, Case Western Reserve University - Retiring Member  
Lynda Przybyszewski, University of Notre Dame - Retiring Member  
Robin Chapman Stacey, University of Washington  
David Sugarman, Lancaster University Law School (UK) - Retiring Member  
Emily Zack Tabuteau, Michigan State University - Retiring Member

Currently, the members of the **Nominations Committee** (all elected) are:

Christopher Capozzola, Massachusetts Institute of Technology  
Amalia D. Kessler, Stanford University  
David S. Tanenhaus, University of Nevada, Las Vegas  
Christopher Tomlins, American Bar Foundation - Retiring Member  
Barbara Welke [Chair], University of Minnesota

## Nominees for ASLH Election 2008

**Board of Directors: “at large” positions (choice of 10 candidates; the 5 candidates receiving most votes will be deemed elected)**

**Judy Fudge** is Professor and Lansdowne Chair in Law at the University of Victoria in British Columbia, Canada. Her doctorate is from Oxford (1988), and she holds degrees from McGill (BA) and York University (MA, LLB). She taught at Osgoode Hall Law, York University from 1987 to 2006. She was a member of the Editorial Board of *Law and History Review* (1996-2000) and *Labour/ Le Travail* (2001-2006) and is currently on the Editorial Board of the *Canadian Journal of Law and Society* and co-editor of the Onati International Series on Law and Society published by Hart International. She co-authored *Labour Before the Law* (Oxford 2001), and is currently editing a collection on the history of leading Canadian employment and labour law cases. She is a member of the Law and Society Association and was on the 2008 conference program committee. She believes that it is important to cultivate in non-specialists a taste for legal history.

**Paul Garfinkel** is an Assistant Professor of History at Simon Fraser University in Burnaby, British Columbia. A native of Providence, Rhode Island, he received his B.A. (Anthropology) from Macalester College and his M.A. and Ph.D. (Comparative History) from Brandeis University. Garfinkel specializes in modern Italian history, with a particular focus on penal law and state-building from Italy's unification in 1861 to the Second World War. He is currently writing up his dissertation as a book manuscript – Juridical Culture and Criminal Law in Liberal and Fascist Italy – which in 2005 received the Best Unpublished Manuscript Prize awarded by the Society for Italian Historical Studies. In 2006, he published an essay, “In Vino Veritas: The Construction of Alcoholic Disease in Liberal Italy, 1880-1914,” in *Alcohol: A Social and Cultural History*, edited by Mack P. Holt (Berg), and he is presently finishing an article, “Liberal Jurists, Illiberal Policing: Deportation in Italy, 1863-1914” (forthcoming in 2009). He has held a Rome Prize from the American Academy in Rome and a research fellowship from the U.S. Department of Education. Over the past several years, he has presented several papers at conferences and research workshops throughout the U.S., Canada and Europe. After presenting a paper at the 2005 conference in Cincinnati, Garfinkel notes, “I have wanted to become more involved in the ASLH. Standing for election to the Board of Directors would be a great opportunity to do so. Should I be elected, I would bring to the Board my interest in comparative legal history, especially the modernization of criminal law in Europe and North America in the late-nineteenth and early-twentieth centuries. I would also help to promote the ASLH to law and history specialists across the disciplines, and particularly to scholars based in Canada and Europe whose research interests lie outside U.S. legal history.”

**Sarah Hanley**, Professor of History and Law (University of Iowa), with a B.A. degree in history and philosophy (University of Pittsburgh), and an M.A. and Ph.D in European history, specializing in French legal history (University of Iowa), presently holds appointments in the History Department, International Studies, and the College of Law (by courtesy). Writing and teaching in the field of French legal history, she has treated constitutional law and civil law in the early modern era in publications that include: *The Lit de Justice of the Kings of France: Constitutional Ideology in Legend, Ritual, and Discourse*

(Princeton University Press, 1983; French translation, Paris, Aubier 1991). *Les Femmes dans l'Histoire: La Loi Salique* (Paris, Indigo, 1994). "Engendering the State: Family Formation and State Building in Early modern France," *French Historical Studies* 16:1 (1989) [William Koren, Jr. prize, Society for French Historical Studies, 1990], and the French translation, *Politix: Revue des Sciences Sociales du Politique*, Sorbonne 32 (1995). "Social Sites of Political Practice in France: Lawsuits, Civil Rights, and the Separation of Powers in Domestic and State Government, 1500-1800," *American Historical Review* 102:1 (1997) [Mary Parker Follett Prize, American Political Science Association, 1998]. "The Pursuit of Legal Knowledge and the Genesis of Civil Society in Early Modern France," chap. 4, *Historians and Ideologues*, eds. Anthony Grafton and J.H.M. Salmon (University of Rochester Press, 2001). "The Salic Law," opening chap., *Encyclopedie politique et historique des femmes*, ed. Christine Faure (Presses Universitaires de France, 1st and 2nd ed. 1997; Eng. ed. 2003; Spanish ed. 2008). "The Jurisprudence of the Arrêts: Marital Union, Civil Society, and State Formation in France, 1550-1650," *Law and History Review* 21:1 (2003) [William Surrency Prize, American Society for Legal History, 2003]. "The Family, the State, and the Law in Seventeenth- and Eighteenth-Century France: The Political Ideology of Male Right versus an Early Theory of Natural Rights," *Journal of Modern History* 78:2 (2006). Grant support includes: University of Iowa, Faculty Scholar; Shelby Cullom Davis Center, Princeton University; Institute for Advanced Study, Princeton; Guggenheim Foundation; National Humanities Center; Camargo Foundation; Wenner-Gren; and the Huntington Library. Hanley has served on editorial boards for journals, including: *American Historical Review*, *French Historical Studies*, *Sixteenth Century Journal*, *Historical Reflections/Reflexions Historiques*; and I served as the Executive Director of the Society for French Historical Studies (for seven years), hence know the value of a strong Board. A member of the American Society for Legal History, she has presented papers and commented on papers at our meetings; and she has served as a member of the Nominating Committee. Hanley notes, "If I am elected to the Board of Directors, I will assist in the general task of running the organization in consort with others. I should also like to draw into our programs French colleagues (practicing *avocats* and teaching professors) known for their long tradition of combining history and law topics (in scholarship and also in legal decisions)—a tradition that is now flourishing with the strong focus in Europe on Human Rights issues."

**Martha S. Jones** is Associate Professor of History and Afroamerican Studies, and Visiting Professor of Law at the University of Michigan, Ann Arbor. Jones holds a Ph.D. in history from Columbia University (2001) and a J.D. from the CUNY School of Law (1987). She currently serves as a 2008 Visiting Scholar at the University of Pennsylvania Law School and the National Constitution Center. Jones has been a fellow with the Library Company of Philadelphia and the Gilder-Lehrman Institute of American History, a recipient of the AHA's Littleton-Griswold research grant (2002), and a visiting professor at the École des Hautes Études en Sciences Sociales, in Paris (2006 and 2007). She directs the Law and Slavery and Freedom Project, an international research collaborative with Rebecca J. Scott (Michigan) and Jean Hébrard (EHESS) and serves on the editorial board of the *Journal of Women's History*. Jones is the author of *All Bound Up Together: The Woman Question in African American Public Culture, 1830-1900* (2007), which examines nineteenth-century debates over the rights of women. Her current work includes two book projects: *Overturing Dred Scott: Everyday Life at the Intersection of Race and Law in an Antebellum City*, from which the essay "Leave of Court: African-American Legal Claims Making In the Era of Dred Scott v. Sandford" appeared in *Contested Democracy: Politics*,

*Ideology and Race in American History*, Manisha Sinha and Penny Von Eschen, eds., (2007); and *Riding the Atlantic World Circuit: One Household's Journey Through the Law of Slavery and Freedom*, a comparative study of slavery and law in the late-eighteenth and early-nineteenth century French Caribbean and United States. She has been a regular attendee and presenter at ASLH conferences since 2002. "If elected to the Board of Directors," Jones notes, "I would bring a focus on transnational and comparative legal history and work to expand the organization's ties to scholars working outside the U.S. I would also like to foreground the ASLH's crucial role in the mentorship of the up-coming generation of legal historians in both history departments and law schools."

**Michael Lobban** graduated from the University of Cambridge in 1984, and went on to complete a PhD there in 1988. He was a junior lecturer in history at the University of the Witwatersrand, and a junior research fellow in Modern History at St John's College Oxford, before joining the faculty of the law schools at the University of Durham, Brunel University, and Queen Mary, University of London, where he has been Professor of Legal History since 2003. He is the author of *The Common Law and English Jurisprudence, 1750-1860* (Oxford 1991), which jointly won the SPTL prize for outstanding legal scholarship in 1992, of *White Man's Justice: South African Political Trials in the Black Consciousness Era* (Oxford 1996) and of *A History of the Philosophy of Law in the Common Law World* (Springer, 2007, vol 8 of E. Pattaro (ed) *A Treatise of Legal Philosophy and General Jurisprudence*). He is also the author of a number of articles on law reform and the history of private law in England. He is currently part of a team finishing the Victorian Volumes of the New Oxford History of the Laws of England, and was one of the associate editors of the Oxford DNB. Lobban notes, "I would be honoured to serve on the ASLH board of directors. I feel I would be able to contribute to the deepening of the society's interests in the social and doctrinal history of law in Europe and England, in the modern era."

**Matthew C. Mirow** is a Professor of Law and a founding faculty member at Florida International University College of Law (Miami), the only public law school in South Florida. Since a law student at Cornell, he has attended ASLH meetings regularly for over 20 years, and has organized, chaired, presented at, and commented on panels at annual meetings. He has served on the Program Committee (2007) and is on the Board of Editors of the *Law and History Review*. He holds a Ph.D. in English legal history from Cambridge University (1993) and a Ph.D. in comparative legal history from Leiden University (2003). In 1999, Mirow was a Golieb Fellow in Legal History at NYU School of Law. He writes on Latin American, English, and comparative legal history and is the author of *Latin American Law: A History of Private Law and Institutions in Spanish America* (University of Texas, 2004) and "Marbury in Mexico: Judicial Review's Precocious Southern Migration" (*Hastings Constitutional Law Quarterly*, 2007). He is a book review editor for the *American Journal of Legal History* and a co-editor of the new series *Studies in the History of Private Law* (Brill/Martinus Nijhoff). He hopes to encourage comparative legal history in the society and to develop activities that will welcome and engage students, new members, and foreign members.

**Mithi Mukherjee** is Assistant Professor of South Asian History at the University of Colorado at Boulder. She has a Ph.D in South Asian history from the University of Chicago and an M.A. from Jawaharlal Nehru University in New Delhi, India. Mukherjee specializes in the legal, political, and cultural history of modern India and the British Empire in South Asia. Her book entitled "In the Shadows of Empire: Legal Practice and



the Birth of Representational Politics in Modern India (1757-1950)" is currently being revised for Oxford University Press. Among her recent publications is "Justice, War, and the Imperium: India and Britain in Edmund Burke's Prosecutorial Speeches in the Impeachment Trial of Warren Hastings", *Law and History Review*, 23:3 (Fall 2005), 589-630. As a legal historian Mukherjee is interested in the relationship of law and empire, law and ethics, law and nationalism, human rights, and the environment. She has designed and taught courses on the historical development of the idea and practice of Human Rights in the West and in Asia. "In this age of globalization," Mukherjee notes, "it is important that the American Society of Legal History focuses on those moments in legal history when national legal traditions have found themselves challenged and their limits exposed by the demands of a world continuously spilling over the boundaries of the nation state. In this regard, it is also urgent that we identify and historically explore the signs of an emergent transnational discourse of law. Finally, I would like more attention paid to historical encounters between western legal traditions and those of non-western societies giving rise to a complex set of conflicts, but also dialogues and compromises."

**Kunal Parker** is the James A. Thomas Distinguished Professor of Law at the Cleveland-Marshall College of Law, Cleveland State University. Professor Parker holds an AB from Harvard University (1990), a JD from Harvard Law School (1994), and a PhD in History from Princeton University (2007). His scholarly work ranges from British colonial legal history in India to the history of immigration and citizenship law in the United States to the intersection between historical and common law sensibilities in nineteenth century America. He has published widely in law reviews and peer-reviewed journals, including the *Law and History Review*, the *Law and Society Review*, and *Modern Asian Studies*. He was solicited to write the only essay on immigration and citizenship law in the *Cambridge History of Law in America* (2008). Professor Parker is currently at work on a book tentatively entitled "Custom and History: Common Law Thought and the Historical Imagination in Nineteenth Century America" (under contract with Cambridge University Press) The book explores an intellectual terrain at the intersection of American legal history, American intellectual history, and the philosophy of history. Professor Parker has held fellowships at the American Bar Foundation, Cornell Law School, and New York University Law School. He has served on the Program Committee of the ASLH (2007 annual meeting) and on the editorial boards of "PoLAR: Political and Legal Anthropology Review" and "Law and Social Inquiry." He is a frequent outside reader for the *Law and History Review*, the *Law and Society Review*, *Law and Social Inquiry*, *PoLAR: Political and Legal Anthropology Review*. If elected to the Board of Directors of the ASLH, Professor Parker would bring his commitments to non-Western legal history and intellectual history/critical theory to bear on the operations of the ASLH. He is firmly committed to diversifying the fields of interest grouped under the aegis of the ASLH and believes that the Society should be actively seeking for participation and recognition not only those scholars who work on non-Anglo-American legal history but also those who critically explore the relationships between legal history and other intellectual/disciplinary terrains. This will help invigorate our scholarly discussions and expand our membership.

**Rebecca J. Scott** is Charles Gibson Distinguished Professor of History and Professor of Law at the University of Michigan. Her work includes several studies of the dynamics of the end of slavery, emphasizing the interaction of legal change, legal challenges, and extra-legal pressures. Her most recent book, *Degrees of Freedom: Louisiana and Cuba after Slavery* (Harvard University Press, 2005; pbk 2008), explores the comparative

development of citizenship in the context of claims by former slaves to respect and resources. At the University of Michigan Law School, she teaches a seminar on "The Law in Slavery and Freedom," and a course titled "The Boundaries of Citizenship: From *Dred Scott* to the Era of *Plessy v. Ferguson*." A member of the American Academy of Arts and Sciences and a former chair of the Department of History at the University of Michigan, Scott has served on the Program Committee of the ASLH. Within the ASLH, she hopes to expand the coverage of areas outside the United States and Europe, and encourage the participation of scholars from Latin America and the Caribbean.

**John Wertheimer** is Professor of History at Davidson College. He is a regular manuscript reviewer for the *Law and History Review* and a frequent presenter at ASLH meetings. He has three principal research interests within the field of legal history: *First*, he has written extensively about the legal history of the U.S. South, from slavery through desegregation. His publications in this field include several articles and a book: *Law and Society in the South: North Carolina Court Cases and the Social History behind Them* (University Press of Kentucky, New Directions in Southern History series, forthcoming). *Second*, he is interested in Latin American legal history. His 2006 *Law and History Review* article, "Gloria's Story: Adulterous Concubinage and the Law in Twentieth-Century Guatemala," co-won the ASLH's Surrency Prize for 2007. *Third*, he has written about U.S. constitutional law, especially free speech between the Civil War and World War I. If elected to the ASLH Board, Wertheimer would like to reinforce the group's openness to legal history beyond the Anglo-American context. In addition, he would like to help the society do more to foster good legal history *teaching* (one of its stated goals), in undergraduate programs, graduate schools, and law schools alike.

**Nominating Committee (choice of 3 candidates; the 1 candidate receiving most votes will be deemed elected)**

**Christina Duffy Burnett** is an Associate Professor of Law at Columbia University, where she will commence full-time teaching in the fall of 2008. Professor Burnett's scholarship focuses on the constitutional and international legal history of American empire. Her current project examines the encounter among multiple constitutional traditions (U.S., Latin American, Spanish) in the context of empire at the turn of the twentieth century. She is the co-editor (with Burke Marshall) of *Foreign in a Domestic Sense: Puerto Rico, American Expansion, and the Constitution* (Duke University Press, 2001), and the author of "They Say I Am Not an American: The Noncitizen National and the Law of American Empire," *Virginia Journal of International Law* 48 (2008): 659 and "Untied States: American Expansion and Territorial Deannexation," *University of Chicago Law Review* 72 (2005): 797, among other articles. A Puerto Rican and an advocate of self-determination for the territories of the United States, Professor Burnett has spoken to audiences throughout the country about the historical, constitutional, and political dimensions of territorial status under U.S. sovereignty. Professor Burnett holds a J.D. from Yale Law School, an M.Phil. in political thought and intellectual history from Cambridge University, and a Master's degree in American history from Princeton University, where she is completing a doctorate in American legal history. She served as a law clerk to Associate Justice Stephen G. Breyer on the United States Supreme Court in the October 2004 Term and to Judge José A. Cabranes on the Second Circuit Court of Appeals in the August 2000 Term. Christina Burnett writes: "As a relatively new member of the ASLH, I am eager

to become more involved in its valuable efforts to promote interdisciplinary scholarship. I strongly believe in the importance of increasing the diversity of experiences, backgrounds, and points of view represented in the leadership and membership ranks of the ASLH. Serving as a member of the Nominating Committee would be an honor and a welcome opportunity to work toward this goal."

**Tamar Herzog.** Having trained as a lawyer in Israel and thereafter earned a doctorate in history at the École des Hautes Études en Sciences Sociales in Paris, Herzog now dedicates her teaching and research to the history of early modern Spain and Spanish America, as well as to the legal history of these areas, and of Europe in general. Her work, including her recent book, *Defining Nations: Immigrants and Citizens in Early Modern Spain and Spanish America* (Yale University Press, 2003), centers on the relationship between Spain and Spanish America, and the ways in which Spanish society changed as a result of its involvement in a colonial project. Such changes occurred both in Spain and in Spanish America, and they involved questions of identity and community formation, regionalism and nationalism, the configuration of territorial entities, communication methods and networks, immigration and problems of race, ethnicity and political representation. In the past, her research centered on the working of colonial institutions in everyday life. It included an analysis of the relationship between legal norms and social and political practices, and was mainly concerned with the ways institutions responded to changing circumstances, and to material and symbolic constraints. "If elected to the committee," Herzog notes, "I would encourage a greater contact (and conversation) between people who practice legal history from different disciplinary perspectives (law, history, sociology, political science, anthropology, and so forth) and would enhance the already existing dialogue between historians of Anglo-American law, and those working on other legal systems and geographic areas."

**Bernadette A. Meyler** is Associate Professor of Law and a member of the Graduate Field in English at Cornell University. She holds a BA from Harvard, a JD from Stanford, and a PhD in English from the University of California, Irvine. She has received an Affinito-Stewart Grant from Cornell to pursue a book project examining the significance of the disparate colonial and English strands of the common law for constitutional interpretation. Several of her articles, including "Towards a Common Law Originalism," *Stanford Law Review* (2006), and "The Gestation of Birthright Citizenship, 1868-1898: States' Rights, the Law of Nations and Mutual Consent," *Georgetown Immigration Law Review* (2001), address similar themes. She has also published pieces integrating the historical turn in literary studies into an approach to law and literature. In this vein, her article "Daniel Defoe and the Written Constitution," which examines how Defoe's literary and political writings provide early models for written constitutionalism, is forthcoming in the *Cornell Law Review* and her chapter "Wilkie Collins' Law Books: Law, Literature, and Factual Precedent" will appear in *Secrets of Law* (Stanford UP, 2009). Similarly, the Law and Humanities Colloquium that she runs at Cornell tries to illuminate synergies between scholarship in legal history and law and literature. Professor Meyler has presented several times at the annual meeting of the ASLH. She also serves as a member of the Humanities Council at Cornell and the co-chair of the Nominating Committee of the AALS Law and Religion Section. Should she be elected to the Nominations Committee, she would attempt to enhance the representation of topics and scholars pursuing comparative and non-U.S. as well as literary approaches to legal history.

American Society for Legal History

Election Ballot 2008

Complete and Return by September 30, 2008 to:

Professor Thomas Gallanis  
ASLH Secretary  
University of Minnesota Law School  
Mondale Hall  
229-19th Avenue South  
Minneapolis, MN 55455

RETURNED BALLOTS MUST BE POSTMARKED NO LATER THAN SEPTEMBER 30, 2008

Board of Directors – At Large (vote for *five*)

Judy Fudge [ ]

Paul Garfinkel [ ]

Sarah Hanley [ ]

Martha S. Jones [ ]

Michael Lobban [ ]

Matthew C. Mirow [ ]

Mithi Mukherjee [ ]

Kunal Parker [ ]

Rebecca J. Scott [ ]

John Wertheimer [ ]

Nominating Committee (vote for *one*)

Christina Duffy Burnett [ ]

Tamar Herzog [ ]

Bernadette A. Meyler [ ]

For biographies of all candidates see this Newsletter and/or the ASLH web site  
<http://www.h-net.msu.edu/~law/ASLH/aslh.htm>

## ASLH ANNUAL MEETING 2008

OTTAWA, CANADA

13-16 NOVEMBER 2008

### Overview

The ASLH will go to Ottawa, Ontario, for the 2008 meeting, and the dates are November 13-16. The program committee, chaired by Laura Edwards and David Seipp, has just completed a remarkably successful call for papers. It should be a bang-up meeting. Congratulations are owing to Laura Edwards and David Seipp, co-chairs, and to the program committee both for the high quality of the program and for being at this time further along in the process than any committee in recent memory.

The **pre-registration form** appears below. Please send the form to us by mail or FAX (and, of course, an old-fashioned check is still welcome). The **room-sharing form** works the same way.

Air Canada is the "Official Canadian Airline" for the conference. They offer **discounts on air travel** to Canada for any dates from 10 November to 19 November, so long as the itinerary includes Ottawa for one or more of the conference days. To get the discount you must book through their website ([aircanada.com](http://aircanada.com)) and enter the special promotional code at the bottom of the place/date/time search engine: **4JJX4Z21**.

The **conference hotel** is the Fairmount Chateau Laurier. All the sessions, the Continental breakfasts, the annual lunch, and the Thursday and Saturday receptions will be held there. It's a grand old hotel, and it should be fun. We have negotiated what is for this hotel a remarkably cheap rate of Canadian \$189 for a basic double room. To obtain the rate you should telephone 1-800-441-1414 or 506-863-6310 and indicate that you are booking for the ASLH Annual Meeting. Rooms for the meeting may also be booked through a special website that the hotel has arranged (given below). (Do not use the hotel's regular website; you won't be able to get the special rate that way.) To obtain the rate **you must book before October 12**. Also, all Canadian hotel rates (including the one listed above) are subject to an additional tax of 15%.

The local arrangements committee, chaired by Constance Backhouse and DeLoyd J. Guth, has produced a zippy flyer and an informative guide (both available at the ASLH convention webpage) that gives a good idea what Ottawa is like. The guide also contains **practical information**, including information about flights and the airport, and about a full range of accommodations to fit every budget.

**American Society  
for  
Legal History**



2008

Annual Meeting  
Fairmont Chateau Laurier Hotel  
Ottawa, Ontario  
November 13–15

**Provisional Program (as of 8/18/08)**

**Private Walking Tours**

of the Supreme Court of Canada and the Parliament of Canada courtesy of the Local Arrangements Committee will be led by professional tour-guides from the respective institutions on Thursday in the late afternoon and Friday during the lunch break. Specific times are given below. Please sign up for these tours at registration.

The "program grid" (titles of panels and times) will be found on the last page.

**Thursday, November 13**

2:00pm to 6:00pm Registration

4:00pm to 5:30pm Private Tour of the Parliament of Canada (advance sign-up required at registration)

4:30pm to 5:30pm Private Tour of the Supreme Court of Canada (advance sign-up required at registration)

5:00pm to 8:00pm Book Exhibits

5:00pm to 6:00pm Executive Committee

6:30pm to 8:30pm Board of Directors

7:00pm to 10:00pm Welcome Reception

**Friday, November 14**

7:15 to 8:30am Committee Breakfasts

7:30am to 3:00pm Registration

7:30am to 4:00pm Book Exhibits

7:30am to 8:45am Continental Breakfast

**Friday, Session A, 8:30-10:15**

**Rights, Politics, and Principle on the Waite Court**

Chair: T. J. Davis, History, Arizona State University, [tjddavis@asu.edu](mailto:tjddavis@asu.edu)

Panelists: Paul Kens, Texas State University, San Marcos, [pk05@txstate.edu](mailto:pk05@txstate.edu)  
"The Waite Court: Economic Regulation and The Last Gasp for the Rights of the Community"

Christopher Waldrep, San Francisco State University, [cwaldrep@sfsu.edu](mailto:cwaldrep@sfsu.edu)  
"Samuel Miller and Joseph Bradley on the Meaning of Privileges and Immunities"

Pamela Brandwein, University of Michigan, [pbrand@umich.edu](mailto:pbrand@umich.edu)  
"Rethinking *United States v. Cruikshank*: Law and Politics in a Transitional Period"

Commentator: Michael Les Benedict, Ohio State University, [benedict.3@osu.edu](mailto:benedict.3@osu.edu)

**Censoring Justice: Silence and Exposure in Twentieth-Century U.S. Military History**

Chair: Michael Belknap, California Western School of Law, [mbelknap@cwsl.edu](mailto:mbelknap@cwsl.edu)

Panelists: Terese Svoboda, Davidson College, [svoboda@el.net](mailto:svoboda@el.net)  
"Rape, Execution, and Secrecy in Post-World War II Japan"

Jack Hamann, Seattle, Washington, [jackhamann@comcast.net](mailto:jackhamann@comcast.net)  
"Injustice and Redress in the Fort Lawton Court-Martial of 1944"

Derek Seidman, Brown University, [derek\\_seidman@Brown.edu](mailto:derek_seidman@Brown.edu)  
"GI Civil Liberties, the Legal Left, and Military Justice during the Vietnam War"

Commentator: Elizabeth L. Hillman, University of California, Hastings College of Law, [hillmane@uchastings.edu](mailto:hillmane@uchastings.edu)

**Medieval Canon Law in Practice**

Chair: Giulio Silano, University of Toronto, [gsilano@chass.utoronto.ca](mailto:gsilano@chass.utoronto.ca)

Panelists: Emily K. Wood, Harvard University, [ewilson@fas.harvard.edu](mailto:ewilson@fas.harvard.edu)  
"Royal Influence Over Papal Judicial Delegation in Twelfth-Century France"

Elizabeth Hardman, Fordham University, [lizhardman@yahoo.com](mailto:lizhardman@yahoo.com)  
"Discipline and Honor: Adjudicating Assaults in the Fifteenth-Century Church Court of Carpentras"

Sara McDougall, Yale University, [sara.mcdougall@yale.edu](mailto:sara.mcdougall@yale.edu)  
"The Bishop's Justice in Late-Medieval Troyes"

Commentator: Robert Figueira, Lander University, [figueira@lander.edu](mailto:figueira@lander.edu)

**Codification and Nationalism in Europe**

Chair: Anna di Robilant, Boston University, [anicolis@law.harvard.edu](mailto:anicolis@law.harvard.edu)

Panelists: Cornelis Hendrik Van Rhee, Maastricht University,  
[Remco.vanRhee@metajur.unimaas.nl](mailto:Remco.vanRhee@metajur.unimaas.nl)  
"An Ideal Marriage of Codification and Nationalism? The Netherlands"

Aniceto Masferrer, Valencia University, [Aniceto.Masferrer@uv.es](mailto:Aniceto.Masferrer@uv.es)  
"Old Regional Identities and Codification: Spain"

Dirk Heirbaut, Ghent University, [dirk.heirbaut@ugent.be](mailto:dirk.heirbaut@ugent.be)  
"A Country without a National Codification: Belgium"

Commentator: James Whitman, Yale University, [james.whitman@yale.edu](mailto:james.whitman@yale.edu)

(A fifth panel is planned for this session.)

**10:00am to 11:00am Mid-Morning Break**

**Friday, Session B, 10:30-12:15**

**The Making of the Cambridge History of Law in America**

Chair: Laura Kalman, University of California, Santa Barbara,  
[kalman@history.ucsb.edu](mailto:kalman@history.ucsb.edu)

Panelists: Michael Grossberg, Indiana University, [grossber@indiana.edu](mailto:grossber@indiana.edu)  
Christopher Tomlins, American Bar Foundation, [clt@abfn.org](mailto:clt@abfn.org)

Comments: The Audience  
Reception to Follow

**Administrative Law and the Reconstruction of States in the U.S., Europe and Japan**

Chair: Jerry L. Mashaw, Yale University, [jerry.mashaw@yale.edu](mailto:jerry.mashaw@yale.edu)

Panelists: Daniel R. Ernst, Georgetown University, [ernst@law.georgetown.edu](mailto:ernst@law.georgetown.edu)  
"Freund, Frankfurter and an American *Rechtsstaat*, 1894-1932: A Transatlantic Shipwreck"

Rande W. Kostal, University of Western Ontario, [rwk@uwo.ca](mailto:rwk@uwo.ca)  
"Laying Down the Law: New Deal Lawyers and the Legal Reconstruction of Postwar Germany and Japan"

Peter L. Lindseth, University of Connecticut,  
[peter.lindseth@law.uconn.edu](mailto:peter.lindseth@law.uconn.edu)  
"Transatlantic Functionalism: New Deal Models and Administrative Governance in Postwar Western Europe"

Commentator: Elizabeth Borgwardt, Washington University,



eborgwar@artsci.wustl.edu

**Colonial Judges and the Challenge of Navigating the Scylla of Law and the Charybdis of Politics, 1825-1951**

Chair: Philip Girard, Dalhousie University, philip.girard@dal.ca

Panelists: John A. McCurdy, Ontario Institute for Education, [john.mccurdy@utoronto.ca](mailto:john.mccurdy@utoronto.ca), and John McLaren, University of Victoria, [jmclaren@uvic.ca](mailto:jmclaren@uvic.ca)  
"Against the Tide: John Walpole Willis, Henry John Boulton and the Perils of the Political Involvement of Colonial Judges in British North America, 1825-1840"

Andrew Buck, Macquarie University, [andrew.buck@mq.edu.au](mailto:andrew.buck@mq.edu.au)  
"Chief Justice Sir Alfred Stephen and the relationship between law and politics in colonial Australia"

Graham Price, Calgary, Alberta, [gprice@telusplanet.net](mailto:gprice@telusplanet.net)  
"Colonial Justice in Canada's North (1936-1951)"

Commentator: Barry Wright, Carleton University, [b\\_wright@carleton.ca](mailto:b_wright@carleton.ca)

**Roman Law in Rule and Practice**

Chair: Mortimer Sellers, University of Baltimore, [mortimer.sellers@gmail.com](mailto:mortimer.sellers@gmail.com)

Panelists: Ernest Metzger, University of Glasgow, [e.metzger@law.gla.ac.uk](mailto:e.metzger@law.gla.ac.uk)  
"Administering Justice and Avoiding Further Litigation"

Paul du Plessis, University of Edinburgh, [p.duplessis@ed.ac.uk](mailto:p.duplessis@ed.ac.uk)  
"Theory and Practice in the Roman Law of Contracts"

Leanne Bablitz, University of British Columbia, [lbablitz@interchange.ubc.ca](mailto:lbablitz@interchange.ubc.ca)  
"Adjudication and Obligation in the Roman Courts"

Commentator: Claude Eilers, McMaster University, [eilersc@mcmaster.ca](mailto:eilersc@mcmaster.ca)

**Assessing Canadian Feminist Legal History: a panel in honour of Constance Backhouse**

Chair: Joan Sangster, Trent University, [jsangster@trentu.ca](mailto:jsangster@trentu.ca)

Panelists: Amanda Glasbeek, York University, [aglasbee@yorku.ca](mailto:aglasbee@yorku.ca)  
"Reported Cases, Daily Struggles and the Construction of Women's Legal History"

Tamara Myers, University of British Columbia, [tamara.myers@ubc.ca](mailto:tamara.myers@ubc.ca)  
"Making Bad Kids: Law and the Category of Age"

Dorothy E. Chunn, Simon Fraser University, [chunn@sfu.ca](mailto:chunn@sfu.ca)  
"Pregnant by Chance": Unmarried Motherhood in British Columbia,

1892-1940"

Lori Chambers, Lakehead University, lchambe2@lakeheadu.ca  
"Marriage, Cohabitation, and Farm Partnerships in Canadian Legal History"

Comments: The Audience

**12:15pm to 1:45pm Lunch Break**

12:15pm to 1:45pm Private Tour of the Parliament of Canada (advance sign-up required at registration)

12:15pm to 1:00pm Reception to Celebrate Publication of *The Cambridge History of Law in America*

12:30pm to 1:30pm Private Tour of the Supreme Court of Canada (advance sign-up required at registration)

12:30 to 1:45 Committee Lunches

**Friday Session C., 1:45-3:30**

**Sexuality and Civil Rights at Century's End**

Chair: Ariela Dubler, Columbia University, adubler@law.columbia.edu

Panelists: Robert Self, Brown University, robert\_self@brown.edu  
"Gender, Citizenship, and the Privacy Quandary in American Politics and Law, 1965-1975"

Claire Bond Potter, Wesleyan University, cpotter01@wesleyan.edu  
"Feminism, Conservatism, and the Politics of Pornography, 1968-1990"

Timothy Stewart-Winter, University of Chicago, timsw@uchicago.edu  
"Black Politics and Gay Rights: Urban Governance and Social Movements in Chicago, 1960s-1980s"

Commentator: Siobhan Somerville, University of Illinois, sbs@uiuc.edu

**Women, Narratives, and the Law**

Chair: Michael Meranze, University of California, Los Angeles, meranze@history.ucla.edu

Panelists: Susan Paterson Glover, Laurentian University, sglover@laurentian.ca  
"Letters of the Law: The Correspondence of Samuel Richardson and Sarah Chapone"

Felicity Turner, Duke University, felicity.turner@duke.edu  
"Narratives of Infanticide: Constructing Gender in the Post-Revolutionary Era"

Kristin A. Olbertson, Alma College, [olbertson@alma.edu](mailto:olbertson@alma.edu)  
"She stedfastly accused him in the time of her travail": Women's  
Words and Paternity Suits in 18th-Century Massachusetts"

Commentator: Cornelia H. Dayton, University of Connecticut,  
[cornelia.dayton@uconn.edu](mailto:cornelia.dayton@uconn.edu)

### **Kathryn T. Preyer Prize Panel**

Chair: Harry Scheiber, University of California, Berkeley,  
[scheiber@law.berkeley.edu](mailto:scheiber@law.berkeley.edu)

Panelists: Cynthia Nicoletti, University of Virginia, [cn4x@virginia.edu](mailto:cn4x@virginia.edu)  
"The American Civil War as a Trial by Battle"

Joshua M. Stein, UCLA, [jstein@ucla.edu](mailto:jstein@ucla.edu)  
"A Right to Violence: The Meaning of 'Public' in Nineteenth-Century  
American Law Treatises and the Jurisprudence of Violence"

Commentator: Ariela Gross, University of Southern California,  
[agross@law.usc.edu](mailto:agross@law.usc.edu)

Michael Grossberg, Indiana University, [grossber@indiana.edu](mailto:grossber@indiana.edu)

### **What Were They Thinking?: Judges and the Operation of the Criminal Law in Eighteenth-Century England**

Chair: Greg Smith, University of Manitoba, [gsmith@cc.umanitoba.ca](mailto:gsmith@cc.umanitoba.ca)

Panelists: Douglas Hay, Osgoode Hall, [dhay@osgoode.yorku.ca](mailto:dhay@osgoode.yorku.ca)  
"Hanging and the Judges in Georgian England"

James Oldham, Georgetown University,  
[oldham@law.georgetown.edu](mailto:oldham@law.georgetown.edu)  
"Under the Radar: Informal Law-Making by the Twelve Judges in the  
Late 18th and Early 19th Centuries"

Randall McGowen, University of Oregon, [rmcgowen@uoregon.edu](mailto:rmcgowen@uoregon.edu)  
"Forgery and the Twelve Judges"

Commentator: Allyson May, University of Western Ontario, [amay6@uwo.ca](mailto:amay6@uwo.ca)

### **Steps in Shaping Israeli Law**

Chair: Binyamin Blum, Stanford Law School, [blum@stanford.edu](mailto:blum@stanford.edu)

Panelists: Ron Harris, Tel Aviv University, [harrisr@post.tau.ac.il](mailto:harrisr@post.tau.ac.il)  
"The Transplantation of British Company Law in Post-Ottoman  
Palestine"

Assaf Likhovski, Tel Aviv University, [likhovsk@post.tau.ac.il](mailto:likhovsk@post.tau.ac.il)  
"Argonauts of the Eastern Mediterranean: Legal Transplants and  
Signaling"

PNina Lahav, Boston University, [plahav@bu.edu](mailto:plahav@bu.edu)

"Legal Education: The Shift to the US"

Commentators: Yifat Holzman-Gazit, Stanford Law School, yifat@stanford.edu

The Chair

3:30pm to 4:00pm Busses depart from the Chateau Laurier for the University of Ottawa

**Plenary Session, 4:30–6:00**

The Honourable Rosalie Silberman Abella,  
Puisne Justice of the Supreme Court of Canada  
will speak.

The plenary session will be held in Tabaret Hall, Room 112, University of Ottawa, 550  
Cumberland Street

**Plenary Reception: 6:00 to 8:00**

The reception will be held in the Rotunda of Tabaret Hall. It will be sponsored by the  
University of Ottawa and the Osgoode Society for Legal History.

7:30pm to 8:00pm Busses depart from the University of Ottawa for the Chateau Laurier

**Saturday, November 15**

7:15am to 8:30am Committee Breakfasts

7:30am to 12:00pm Registration

7:30am to 4:00pm Book Exhibits

7:30am to 8:45am Continental Breakfast

**Saturday, Session A, 8:30-10:15**

**Pauli Murray's Human Rights Revolution**

Chair: Tomiko Brown-Nagin, University of Virginia, tomiko@virginia.edu

Panelists: Davison Douglas, College of William & Mary, dmdoug@wm.edu  
"Pauli Murray's Conception of Human Rights"

Serena Mayeri, University of Pennsylvania,  
smayeri@law.upenn.edu  
"Pauli Murray and the Reinvention of American Legal Feminism"

Commentators: Cynthia Grant Bowman, Cornell University, cgb28@cornell.edu

Rosalind Rosenberg, Barnard College, rrosenberg@barnard.edu

**Blood, Race, and Faith: Property, Power, and Status in the Empire, the Republic and  
the Church**

Chair: Jim Phillips, University of Toronto, j.phillips@utoronto.ca

Panelists: Holly Brewer, North Carolina State University,

hbrewer@social.chass.ncsu.edu  
"Inheritable Blood: Royalist and Republican struggles over Slavery in Virginia and the British Empire in the wake of the Glorious Revolution"

Kathleen S. Sullivan, Ohio University, sullivan@ohio.edu  
"Racial Status and State Political Authority in Antebellum United States"

Linda Przybyszewski, Notre Dame University,  
przybyszewski.1@nd.edu  
"Power, Property, and Status within the Catholic Church and American State: The Sisters of Notre Dame de Namur in Nineteenth-Century America"

Commentator: TBA

**Constructing Legal Boundaries of Personhood: Free Black Communities: Fugitive Slaves and White Immigrants on the US-Canadian Borderland 1830-1860**

Chair: Constance Backhouse, University of Ottawa,  
constance.backhouse@uottawa.ca

Panelists: Lyndsay Campbell, University of California, Berkeley, lyndsay@iii.ca  
"The Canadian Borderlands"

Tony Freyer, University of Alabama, tfreyer@law.ua.edu  
"Boundaries of Personhood: African-American Communities, Fugitive Slaves and Irish Immigrants on the Antebellum US-Canadian Borderland"

Kelly Kennington, Duke University, kmk9@duke.edu  
"In Contempt and Defiance of the Ordinance": The Nature of Freedom in a Border Community"

Commentator: Stephen Middleton, Mississippi State University,  
smiddleton@aas.msstate.edu

**Violence, Law, and Politics in the Ancient Athenian Courts**

Chair: Adriaan Lanni, Harvard University, adlanni@law.harvard.edu

Panelists: Michael Gagarin, University of Texas, Austin,  
gagarin@mail.utexas.edu  
"Law and Politics in the Case 'On the Crown'"

Mark Sundahl, Cleveland State University,  
mark.sundahl@law.csuohio.edu  
"Legislative Intent in Ancient Athens"

Victoria Wohl, University of Toronto, v.wohl@utoronto.ca  
"Athenian Law in a Field of Pain and Death"

Commentator: David Mirhady, Simon Fraser University, dmirhady@sfu.ca

## **Transatlantic Connections in Late Nineteenth-Century Legal Thought**

Chair: Richard Cosgrove, University of Arizona,  
rcosgrov@email.arizona.edu

Panelists: Joshua Simon Getzler, Oxford University,  
joshua.getzler@law.ox.ac.uk  
"Is Anglo-American Law Common or Comparative?: A Study in  
Equitable Doctrine During the Long Nineteenth Century"

David M. Rabban, University of Texas Austin,  
drabban@law.utexas.edu  
"From Maine to Maitland via America"

Lewis A. Grossman, American University, lewisg@wcl.american.edu  
"The Custom of the Country: Carter, Savigny, Maine, and the  
Varieties of Historical Jurisprudence"

Commentator: Morton J. Horwitz, Harvard University, horwitz@law.harvard.edu

### **10:00am to 11:00am Mid-Morning Break**

#### **Saturday Session B, 10:30-12:15**

## **Freedom is Not Enough: A Discussion about Civil Rights and Legal History with Author Nancy MacLean**

Chair: Sarah Barringer Gordon, University of Pennsylvania,  
sgordon@law.upenn.edu

Panelists: William Forbath, University of Texas, Austin,  
wforbath@law.utexas.edu

Jane Dailey, University of Chicago, dailey@uchicago.edu

Mary Dudziak, University of Southern California,  
mdudziak@law.usc.edu

Kenneth Mack, Harvard University, kmack@law.harvard.edu

Commentator: Nancy MacLean, Northwestern University,  
nkm050@northwestern.edu

## **Law and Community in Two Eighteenth-Century Cities**

Chair: John Reid, New York University, john.reid@nyu.edu

Panelists: Carlton F. W. Larson, University of California, Davis,  
[clarson@ucdavis.edu](mailto:clarson@ucdavis.edu)  
"The Revolutionary American Jury: A Case Study of the 1778-79  
Philadelphia Treason Trials"

William Nelson, New York University, william.nelson@nyu.edu  
"The Law of an American City-State: Charleston, South Carolina,  
1670-1775"

Commentators: Sally Hadden, Florida State University, [sally.hadden@fsu.edu](mailto:sally.hadden@fsu.edu)

David Konig, Washington University in St. Louis, [dtkonig@artsci.wustl.edu](mailto:dtkonig@artsci.wustl.edu)

### **New Directions in the Legal History of 20th-Century American Business**

Chair: Eduardo Canedo, Princeton University, [efc15@columbia.edu](mailto:efc15@columbia.edu)

Panelists: Edward Balleisen, Duke University, [eballeis@duke.edu](mailto:eballeis@duke.edu)  
"Self-Relegation over the Long-Term: Better Business Bureaus and the Policing of Deceptive Marketing, 1933-1975"

Sally H. Clarke, University of Texas, Austin,  
[sclarke@mail.utexas.edu](mailto:sclarke@mail.utexas.edu)  
TBA

Pamela W. Laird, University of Colorado, Denver,  
[pamela.laird@ucdenver.edu](mailto:pamela.laird@ucdenver.edu)  
"Corporate Accommodation to the Civil Rights Act of 1964"

Commentator: Robert Gordon, Yale University,  
[robert.w.gordon@yale.edu](mailto:robert.w.gordon@yale.edu)

### **Discretion, Donation, and Grace: Royal Power and Lawyer Beneficence in Medieval Britain**

Chair: Jonathan Rose, Arizona State University, [jonathan.rose@asu.edu](mailto:jonathan.rose@asu.edu)

Panelists: Cynthia J. Neville, Dalhousie University, [cneville@dal.ca](mailto:cneville@dal.ca)  
"The Quality of Scottish Mercy: Royal Letters of Remission in Medieval Scotland, 1100-1450"

Susanne Jenks, Independent Scholar, [susanne.jenks@spd-online.de](mailto:susanne.jenks@spd-online.de)  
"Exceptions in General Pardons in 15th century England"

Anthony Musson, University of Exeter, [a.j.musson@exeter.ac.uk](mailto:a.j.musson@exeter.ac.uk)  
"Lawyers' Testamentary Dispositions, 1258-1558: Charity or Conscience?"

Commentator: Brian Simpson, University of Michigan, [bsimpson@umich.edu](mailto:bsimpson@umich.edu)

### **Muslim Historiography in Islamic Legal Reasoning**

Chair: Mitra Sharafi, University of Wisconsin-Madison, [sharafi@wisc.edu](mailto:sharafi@wisc.edu)

Panelists: Mohammad Fadel, University of Toronto,  
[mohammad.fadel@utoronto.ca](mailto:mohammad.fadel@utoronto.ca)  
"No folk that appoints a woman to lead them shall prosper . . ."

Intisar Rabb, Princeton University, [irabb@princeton.edu](mailto:irabb@princeton.edu)  
"Fixed Criminal Sanctions and Punishment of Adultery"

Lena Salaymeh, University of California, Berkeley,  
[lenas@berkeley.edu](mailto:lenas@berkeley.edu)

"Alms-giving, Poverty, and Islamic Legal Reasoning"

Commentator: Sherman Jackson, University of Michigan, sajackso@umich.edu

**Annual Lunch, 12:30–2:00**

The President will speak on the state of the Society.

**Saturday Session C, 2:15-4:00**

**Who Cares? The Politics and Law of 19th- and 20th-Century American Caregiving**

Chair: Stanley Katz, Princeton University, snkatz@princeton.edu

Panelists: Dirk Hartog, Princeton University, hartog@princeton.edu  
"Breach of Contract Suits and the World of 19th-Century Caregiving"

Jennifer Klein, Yale University, jennifer.klein@yale.edu, and Eileen Boris, University of California, Santa Barbara, boris@womst.ucsb.edu  
"Home Health-Care Workers and New York City Welfare Politics"

Sandra R. Levitsky, University of Michigan, slevitsk@umich.edu  
"Care By Family Members and Demand For State Assistance"

Commentator: Barbara Welke, University of Minnesota, welke004@tc.umn.edu

***Brown's Discontents: Reconsidering Civil Rights Constitutionalism***

Chair: Reva B. Siegel, Yale University, reva.siegel@yale.edu

Panelists: Sophia Z. Lee, Yale University, sophia.lee@yale.edu  
"Race, Sex, and Rulemaking: Administering the Civil Rights Constitution, 1964-1977"

Christopher W. Schmidt, American Bar Foundation, cschmidt@abfn.org  
"The Sit-Ins and the Failed State Action Revolution"

Anders Walker, St. Louis University, awalke16@slu.edu  
"Strategic Liberalism: Herbert Wechsler, Neutral Principles, and the Long Civil Rights Movement, 1934-1964"

Commentator: Risa Goluboff, University of Virginia, goluboff@virginia.edu

**The Role of Honor in the Nineteenth Century United States**

Chair: Jonathan Lurie, Rutgers University, Newark, jlurie@andromeda.rutgers.edu

Panelists: Jason M. Barrett, University of Michigan, kvjr@umich.edu  
"Honor and Race in the Movement for Manhood Suffrage and the 1829 Virginia Constitutional Convention"

William James Hull Hoffer, Seton Hall University, hofferwi@shu.edu  
"The Caning of Charles Sumner: Honor-Bound Assault and the



### Origins of the U.S. Civil War

Linda Tvrdy, Columbia University, lat2003@columbia.edu  
"Character Evidence and Honor in Reconstruction North Carolina"

Commentator: Michael Kent Curtis, Wake Forest University, curtismk@wfu.edu

### Late Medieval Marriage

Chair: Joseph Goering, University of Toronto, goering@chass.utoronto.ca

Panelists: Shannon McSheffrey, Concordia University, Montreal,  
shannon.mcsheffrey@concordia.ca  
"Review of Donahue, *Law, Marriage, and Society in the Later Middle Ages*"

Charles Donahue, Harvard University, jreader@law.harvard.edu  
"Review of McSheffrey, *Marriage, Sex, and Civic Culture in Late Medieval London*"

Commentators: R. H. Helmholz, University of Chicago,  
dick\_helmholz@law.uchicago.edu

Ruth Mazo Karras, University of Minnesota, rmk@umn.edu

### Work, Discrimination, and Human Rights

Chair: Joseph Slater, University of Toledo, joseph.slater@utoledo.edu

Panelists: Carmela Patrias, Brock University, cpatrias@brocku.ca  
"Class, Community and Resistance to Racism in Wartime Canada, 1939-1945"

Dominique Clément, University of Alberta,  
dominique.clement@ualberta.ca  
"The Dubious Success of Anti-Discrimination Legislation in Prohibiting Sexual Discrimination in Canada, 1953-1984"

Miriam Smith, York University, mcsmith@yorku.ca  
"Comparing the Institutional and Legal Trajectories of Human Rights Redress in the U.S. and Canada: The Case of Employment Discrimination"

Commentator: Dominique Marshall, Carleton University,  
dominique\_marshall@carleton.ca

4:00pm–5:00pm Mid-afternoon Break

### Saturday Session D, 4:15-6:00

### Racial Determination and the Law in Comparative Perspective: The Jim Crow South, British Colonial Africa, and Nazi-Era Germany

Chair: Matthew C. Mirow, Florida International University, mirowm@fiu.edu

Panelists: John Wertheimer, Davidson College, jowertheimer@davidson.edu,

Jessica Bradshaw, Davidson College, [jbradshaw@davidson.edu](mailto:jbradshaw@ davidson.edu),  
and Allyson Cobb, North Carolina A&T State University,  
[allyson94131@yahoo.com](mailto:allyson94131@yahoo.com)  
"Community Reputation and Racial Identity in Progressive Era  
South Carolina"

Christopher J. Lee, University of North Carolina, Chapel Hill,  
[cjlee1@email.unc.edu](mailto:cjlee1@email.unc.edu)  
"The 'One Drop' Rule in the World: Negotiating Racial Descent and  
Fractional Identities in Colonial Southern Africa"

Thomas Pegelow-Kaplan, Davidson College,  
[thpegelowkaplan@davidson.edu](mailto:thpegelowkaplan@davidson.edu)  
"In the Interest of the *VolK*: Paternity Suits and Racial Re-  
categorization in Nazi-German District Courts, 1938-1945"

Commentator: Ariela Gross, University of Southern California,  
[agross@law.usc.edu](mailto:agross@law.usc.edu)

### **Black Lawyers in the Reconstruction South: New Perspectives on the Origins of the African-American Bar**

Chair: Bernie D. Jones, Suffolk University, [bjones@suffolk.edu](mailto:bjones@suffolk.edu)

Panelists: W. Lewis Burke, University of South Carolina, [lewis@law.law.sc.edu](mailto:lewis@law.law.sc.edu)  
"Reconstruction and the First Civil Rights Lawyers: South Carolina  
as a Case Study"

Judith Kilpatrick, University of Arkansas, Fayetteville,  
[jkilpat@uark.edu](mailto:jkilpat@uark.edu)  
"Early African-American Lawyers in Arkansas"

J. Gordon Hylton, Marquette University,  
[joseph.hylton@marquette.edu](mailto:joseph.hylton@marquette.edu)  
"The Failure of the African-American Legal Profession in Virginia,  
1865-1879"

Commentators: Robert Cottrol, George Washington University,  
[bcottrol@law.gwu.edu](mailto:bcottrol@law.gwu.edu)

The Chair

### **Indian/Aboriginal Law: Litigating Native Rights in the United States and Canada in the Twentieth Century**

Chair: W. Wesley Pue, University of British Columbia, [wes.pue@ubc.ca](mailto:wes.pue@ubc.ca)

Panelists: Bethany R. Berger, University of Connecticut,  
[bethany.berger@law.uconn.edu](mailto:bethany.berger@law.uconn.edu)  
"*Williams v. Lee*: Tribal Rights, Civil Rights, and the U.S. Supreme  
Court"

Arthur J. Ray, University of British Columbia, [ajray@princeton.edu](mailto:ajray@princeton.edu)  
"What do you mean? How do we Measure it?" The Challenge and

Legacy of Ethnohistorical Research Undertaken for United States Indian Claims Commission [USICC] Cases in the 1950s"

Darlene Johnston, University of Toronto,  
darlene.johnston@utoronto.ca  
"Overcoming Impressions of Discontinuity in the Conventional Historiographic Record of the Anishnaabeg of the Great Lakes Region"

Commentator: Christian W. McMillen, University of Virginia, [cwm6w@virginia.edu](mailto:cwm6w@virginia.edu)

**The English Law of Torts in the 19th Century: Some Key Issues**

Chair: Thomas P. Gallanis, University of Minnesota, [gallanis@umn.edu](mailto:gallanis@umn.edu)

Panelists: Erika Chamberlain, University of Western Ontario,  
[echambe@uwo.ca](mailto:echambe@uwo.ca)  
"The Way to Glory: Moral and Aesthetic Influences on the Victorian Duty of Care"

Stelios Tofaris, Cambridge University, [st277@cam.ac.uk](mailto:st277@cam.ac.uk)  
"The Code that Never Was: Frederick Pollock's Indian Civil Wrongs Bill and the Aborted Codification of Tort Law"

Matthew Dyson, Cambridge University, [mnd21@cam.ac.uk](mailto:mnd21@cam.ac.uk)  
"Bars to Later Actions in Common Assault"

Commentator: Michael Lobban, University of London, [m.j.lobban@qmul.ac.uk](mailto:m.j.lobban@qmul.ac.uk)

**Implications of Judicial Decision-Making in Latin America in the Twentieth Century**

Chair: Kif Augustine Adams, Brigham Young University,  
[adamask@lawgate.byu.edu](mailto:adamask@lawgate.byu.edu)

Panelists: Juan Manuel Palacio, Universidad Nacional de San Martín, Buenos Aires, [jpalacio@unsam.edu.ar](mailto:jpalacio@unsam.edu.ar)  
"Judges and Justice in the 'Populist' Peronist State, 1943-1955"

William Suárez-Potts, Kenyon College, [suarezpottsw@kenyon.edu](mailto:suarezpottsw@kenyon.edu)  
"The Mexican Supreme Court and the Making of Labor Law, 1917-34"

Line Schjolden, University of Bergen, [line.schjolden@if.uib.no](mailto:line.schjolden@if.uib.no)  
"Judge-made Labor Law: Rethinking State-Labor Relations in Argentina, 1900-1943"

Commentator: Victor Uribe, Florida International University, [uribev@fiu.edu](mailto:uribev@fiu.edu)

**6:00pm–8:00pm Closing Reception**

Friday A, 8:30 to 10:15am				
TBA	Rights, Politics and Principle on	Silence and Exposure in	Medieval Canon Law	Codification and

	the Waite Court	Twentieth-Century U.S. Military History	in Practice	Nationalism in Europe
<b>Friday B, 10:30 to 12:15</b>				
The Making of the Cambridge History of Law in America	Administrative Law and the Reconstruction of States in the U.S., Europe, and Japan	Colonial Judges and the Challenge of Navigating the Scylla and Charybdis of Politics, 1825-1951	Roman Law in Rule and Practice	Assessing Canadian Feminist Legal History: a panel in honour of Constance Backhouse
<b>Friday C, 1:45 to 3:30</b>				
Sexuality and Civil Rights at Century's End	Women, Narratives, and the Law	Kathryn T. Preyer Prize Panel	What Were They Thinking?: Judges and the Operation of the Criminal Law in Eighteenth-Century England	Steps in Shaping Israeli Law
<b>Friday D, 4:00-6:00</b>				
Plenary Session				
<b>Saturday A, 8:30 to 10:15</b>				
Pauli Murray's Human Rights Revolution	Blood, Race, and Faith: Property, Power, and Status in the Empire, the Republic, and the Church	Constructing Legal Boundaries of Personhood: Free Black Communities: Fugitive Slaves and White Immigrants on the US-Canadian Borderland, 1830-1860	Violence, Law, and Politics in the Ancient Athenian Courts	Transatlantic Connections in Late Nineteenth-Century Legal Thought

<b>Saturday B, 10:30 to 12:15</b>				
Freedom is Not Enough: A Discussion about Civil Rights and Legal History with Author Nancy MacLean	Law and Community in Two Eighteenth-Century Cities	New Directions in the Legal History of 20 <sup>th</sup> -Century American Business	Discretion, Donation, and Grace: Royal Power and Lawyer Beneficence in Medieval Britain	Muslim Historiography in Islamic Legal Reasoning
<b>Saturday, 12:30-2:00</b>				
Annual Luncheon				
<b>Saturday C, 2:15 to 4:00</b>				
Who Cares? The Politics and Law of Nineteenth- and Twentieth-Century Caregiving in the United States	<i>Brown's</i> Discontents: Reconsidering Civil Rights Constitutionalism	The Role of Honor in the Nineteenth-Century United States	Late Medieval Marriage	Work, Discrimination, and Human Rights
<b>Saturday D, 4:15 to 6:00</b>				
Racial Determination and the Law in Comparative Perspective: The Jim Crow South, British Colonial Africa, and Nazi-Era Germany	Black Lawyers in the Reconstruction South: New Perspectives on the Origins of the African-American Bar	Indian/Aboriginal Law: Litigating Native Rights in the United States and Canada in the Twentieth Century	The English Law of Torts in the Nineteenth century: Some Key Issues	Implications of Judicial Decision-Making in Latin America in the Twentieth Century

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## Editor's Note

The version of the program for the 2008 ASLH convention included in this newsletter is provisional and temporary; the details appearing here are those as of 19 August 2008. Changes and revisions are still being made. Final versions of the program, incorporating all last changes, will appear in the 2008 ASLH Convention program, and also will be posted to the ASLH website. Please address any pressing inquiries presented by this provisional, temporary version of the program to the Program Committee.

R. B. Bernstein  
New York Law School  
Editor, *ASLH Newsletter*

**PRE-REGISTRATION FORM / ASLH ANNUAL MEETING  
NOVEMBER 13-16, 2008  
OTTAWA, CANADA**

To pre-register, please return this form, with a check (\$US only, payable to ASLH), or VISA/MasterCard (a 4% surcharge will be added), **to arrive no later than October 12**, to ASLH, 336 36th Street, #372, Bellingham, WA 98225. *Receipts, charge slips, and name tags will be mailed to pre-registrants; event tickets and programs will be held at the registration table at the Fairmont Chateau Laurier.*

Name: \_\_\_\_\_ Preferred First Name: \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Institutional Affiliation: \_\_\_\_\_

I will be accompanied by\* \_\_\_\_\_ Preferred First Name: \_\_\_\_\_

(affiliation/home city): \_\_\_\_\_

\*Spouses/friends are welcome, but must pay the regular or student registration fee if they will attend any reception, meal, coffee break, or program session.

Registration Fee \_\_\_\_\_ x \$100 (\$110 after 9/20/08) \_\_\_\_\_

Student Registration \_\_\_\_\_ x \$15 (student ID required) \_\_\_\_\_

Saturday Annual Luncheon \_\_\_\_ x \$35 (\$25 for students) \_\_\_\_\_

Contribution toward expenses of graduate students  
attending annual meeting \_\_\_\_\_

TOTAL \_\_\_\_\_

Saturday Luncheon (indicate any special dietary restrictions) \_\_\_\_\_

I/We plan to attend (no additional charge beyond registration fee):

THURSDAY	FRIDAY	SATURDAY
evening reception _____	continental breakfast _____	continental breakfast _____
	penary reception _____	evening reception _____

If paying by credit card: Name on card: \_\_\_\_\_

Card type: VISA / MasterCard expiration date: \_\_\_/\_\_\_ Number: \_\_\_\_\_

Signature authorization: \_\_\_\_\_

**THIS IS NOT A ROOM RESERVATION FORM.** For information about hotel reservations see the information on the Society's web site: <http://www.aslh.net/>

**Hotel Information**

**AMERICAN SOCIETY FOR LEGAL HISTORY  
HOTEL RESERVATIONS FOR THE 2008 ANNUAL MEETING  
NOVEMBER 13-16, 2008**

**FAIRMONT CHATEAU LAURIER  
1 Rideau Street  
Ottawa, Ontario  
Canada  
K1N8S7  
TOLL FREE: 1-800-441-1414**

You may make reservations at the meeting rate of Canadian\$189 per night (plus taxes) by phone by calling the hotel (1-800-441-1414 or 613-241-1414), making sure to mention that you are attending the ASLH annual meeting. You may also make reservations on the web by going to the special website that the hotel has created for us:  
[https://resweb.passkey.com/Resweb.do?mode=welcome\\_ei\\_new&eventID=66277](https://resweb.passkey.com/Resweb.do?mode=welcome_ei_new&eventID=66277)



ROOM SHARE PROGRAM FORM  
AMERICAN SOCIETY FOR LEGAL HISTORY  
2008 ANNUAL MEETING  
NOVEMBER 13–16, 2008  
OTTAWA, ONTARIO

If you want to share a room, you must complete this form. A valid credit card number is required for each occupant. Room charges will be billed directly to participants' credit cards. If you do not want to participate in the room-share program, you must make your own reservation directly with the Fairmont Chateau Laurier — by phone 1-800-441-1414 or 506-863-6310 and indicate that you are booking for the ASLH Annual Meeting or on the web at [https://resweb.passkey.com/Resweb.do?mode=welcome\\_ei\\_new&eventID=66277](https://resweb.passkey.com/Resweb.do?mode=welcome_ei_new&eventID=66277). Under "Search Available Rooms," select the dates of your arrival and departure; follow the instructions, and you'll get the group rate if you book before October 12.

**This form must be returned so that it is *received* by October 7, 2008.** Participants will be notified of the name of roommate by October 12, along with contact information.

Name: \_\_\_\_\_ Gender: Male \_\_\_\_\_ Female: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Institutional affiliation: \_\_\_\_\_

Telephone: (home) \_\_\_\_\_ (office) \_\_\_\_\_ Email: \_\_\_\_\_

Nights room needed: Thurs., Nov. 13 \_\_\_\_ Fri., Nov. 14 \_\_\_\_ Sat., Nov. 15 \_\_\_\_

Smoker: Yes \_\_\_\_ No \_\_\_\_ Willing to share with smoker: Yes \_\_\_\_ No \_\_\_\_

If possible, I would prefer to room with someone in my age range (enter range) \_\_\_\_\_

Credit card information (REQUIRED)

Name on card: \_\_\_\_\_

Type of card: \_\_\_\_\_ Expiration: \_\_\_\_/\_\_\_\_ Number: \_\_\_\_\_

Signature authorization: \_\_\_\_\_

Comments: \_\_\_\_\_

Return to: ASLH, 336 36th Street, #372, Bellingham, WA 98225  
Fax: 604-822-8118.

**This form must be received at the above address (or by Fax) by October 7, 2008.**

## ANNOUNCEMENTS

### Massachusetts Historical Society Fellowships

For information about MHS-NEH fellowships and about the Society's other awards, including short-term grants and support through the New England Regional Fellowship Consortium, please check our web site, [www.masshist.org/fellowships](http://www.masshist.org/fellowships), or contact Jane Becker, Massachusetts Historical Society, 1154 Boylston Street, Boston, MA 02215 ([fellowships@masshist.org](mailto:fellowships@masshist.org)) or 617-646-0518.

### Massachusetts Historical Society NEH Fellowships

The Massachusetts Historical Society (MHS) will award at least two long-term NEH fellowships for the academic year 2009-2010. MHS-NEH fellowships are made possible by an award from the National Endowment for the Humanities, an independent federal agency. The stipend, governed by an NEH formula, will be no more than \$40,000 for a term of six to twelve months or \$20,000 for a term of four to five months. The Society will also supplement each stipend with a housing allowance of up to \$500.00 per month. MHS-NEH fellowships are open to U.S. citizens and to foreign nationals who have lived in the United States for at least the three years immediately preceding the application deadline. Applicants must have completed their professional training; NEH-sponsored fellowships are not available to graduate students. The awards committee will give preference to candidates who have not held a long-term grant during the three years prior to the proposed fellowship term.

*Application deadline: January 15, 2009*

### Massachusetts Historical Society Short-Term Fellowships

The Massachusetts Historical Society will offer approximately twenty short-term research fellowships in 2009-2010. These grants provide a stipend of \$1500-\$2000 for four weeks of research at the Society sometime between July 1, 2009, and June 30, 2010. Short-term awards are open to independent scholars, advanced graduate students, and holders of the Ph.D. or the equivalent, with candidates who live fifty or more miles from Boston receiving preference. Recipients must be U.S., citizens or foreign nationals holding the appropriate U.S. government documents.

*Application deadline: March 1, 2009*

### Massachusetts Historical Society: Suzanne and Caleb Loring Fellowship

In 2009-2010, the Massachusetts Historical Society and the Boston Athenaeum will award one Suzanne and Caleb Loring Fellowship on the Civil War, its origins and consequences. The recipient will conduct research for at least four weeks at each institution. The Athenaeum and the Society are especially interested in projects for which both repositories' resources are vital. This award is open to independent scholars, advanced graduate students, and holders of the Ph.D. or the equivalent. The grant provides a stipend of \$4000 for eight weeks of research. Each institution will automatically refer unsuccessful proposals to its short-term fellowship competition.

*Application deadline: February 15, 2009*

## New England Regional Fellowship Consortium

The New England Regional Fellowship Consortium, a collaboration of eighteen major cultural agencies, will offer up to twelve awards in 2009-2010. Each grant will provide a stipend of \$5,000 for eight weeks of research at participating institutions. Applications are welcome from anyone with a serious need to use the collections and facilities of the organizations. The Consortium's grants are designed to encourage projects that draw on the resources of several agencies. Each award will be for research at a minimum of three different institutions. Fellows must work at each of these organizations for at least two weeks. Grants in this cycle are for the year June 1, 2009-May 31, 2010.

*Application Deadline: February 1, 2009*

### UNC PRESS TITLES

#### 20% Discount and Special Sale Offers

Books in the series *Studies in Legal History*, co-edited by Thomas A. Green and Daniel R. Ernst (Listed alphabetically by author; discount prices marked with an asterisk (\*); some quantities may be limited.)

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The editors welcome submission of manuscripts for consideration by the Series. Please send to:

Professor Thomas A. Green	and to:	Professor Daniel R. Ernst
342 Hutchins Hall		Georgetown University Law Center
University of Michigan		600 New Jersey Avenue, NW
Ann Arbor, MI 48109-1215		Washington, DC 20001

Reconstructing the Household: Families, Sex, and the Law in the Nineteenth-Century South

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384 pp., \$24.50 pb \$19.60\*

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*Winner of the 2006 J. Willard Hurst Prize, Law & Society Association*  
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A License to Steal

by Leonard W. Levy

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700 pp., \$37.50 pa \$30.00\*

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Second Edition, Revised by Leonard W. Levy  
300 pp., \$55.00 cl \$44.00\* / \$25.00 pa \$20.00

The Antifederalists: Critics of the Constitution, 1781–1788  
by Jackson Turner Main, with a new foreword by Edward Countryman  
(Published for the Omohundro Institute of Early American History and Culture)  
336 pp., \$21.95 pa \$17.56\*

\* \* \* \* \*

**The Papers of John Marshall**  
(Published for the Omohundro Institute of Early American History and Culture)

Vol. I: Correspondence and Papers, November 10, 1775-June 23, 1788, and Account  
Book, September 1783-June 1788  
edited by Herbert A. Johnson, Charles T. Cullen and Nancy G. Harris  
494 pp., \$80.00 cl \$64.00\*

Vol. II: Correspondence and Papers, July 1788-December 1795, and Account Book, July  
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Vol. III: Correspondence and Papers, January 1796-December 1798  
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Vol. IV: Correspondence and Papers, January 1799-October 1800  
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Vol. V: Selected Law Cases, 1784-1800  
edited by Charles F. Hobson. Fredrika J. Teute, Associate Editor. George H.  
Hoemann, Assistant Editor. Ingrid M. Hillinger, Consulting Editor.  
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Vol. VI: Correspondence, Papers, and Selected Judicial Opinions, November 1800-  
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