

**Thursday, November 16**

3:00pm-6:00pm	Registration	Mezzanine Foyer
5:00pm-8:00pm	Book Exhibits	Calvert Ballroom Salons B and E
6:00pm-7:30pm	Executive Committee Dinner	Hanover Suite B
7:30pm-9:30pm	Board of Directors Meeting	Royal Boardroom
9:00-11:00pm	Reception	Calvert Ballroom Salon C

**Friday, November 17**

7:30am to 8:45am	Committee Breakfast Committee for the Future of the Society	Hanover Suite B
7:30am to 8:45am	Continental Breakfast	Calvert Ballroom Salon C
8:00am to 3:00pm	Registration	Calvert Ballroom Foyer
8:00am to 4:00pm	Book Exhibits	Calvert Ballroom Salons B and E

**Session A  
8:30am to 10:15am**

**War Powers: A Roundtable Discussion on War, the Presidency, and the American State** Baltimore Theatre

Chair: Christopher Capozzola, Massachusetts Institute of Technology

Participants: Elizabeth Borgwardt, Harvard University, Charles Warren  
Center for Studies in American History  
Robert David Johnson, History, Brooklyn College/CUNY  
Mark Tushnet, Law, Harvard Law School

**Law and the American State Seminar Panel:** Calvert Ballroom Salon A  
**The Limits of the State in Early America**

Chair: Bruce H. Mann, Harvard Law School

Panelists: Richard J. Ross, University of Illinois (Urbana-Champaign) College of Law and History Department  
“Puritan Jurisprudence in Comparative Perspective: The Sources of 'Intensity'”

Holly Brewer, North Carolina State University History Department  
“William Fitzhugh’s Royalist Slave Code: Rethinking the Connections between Hereditary Status, Land, and Slavery in Seventeenth-Century Virginia”

Eliga H. Gould, University of New Hampshire History Department  
“The Laws of War and Peace: Legitimizing Plantation Slavery in British America, *circa* 1775”

Commentator: Gary Rowe, UCLA School of Law

**Black Lawyers in Twentieth-Century America** Calvert Ballroom Salon D

Chair: Kenneth W. Mack, Harvard Law School

Panelists: Tomiko Brown-Nagin, University of Virginia  
“Pragmatic Civil Rights Lawyering: Black Atlantans’ Struggle for Equality In and Outside of the Courts, 1944-1959”

Joseph Gordon Hylton, Marquette University School of Law  
“Negotiating the Boundaries of Jim Crow Before the Civil Rights Era: Black Lawyers in Virginia in the 1920's and 1930's”

Robert N. Strassfeld, Case School of Law  
“How the Cleveland Bar Became Segregated: 1900-1930”

Commentator: Kenneth Mack

**Contract, Constitution, and Rhetoric in Biblical Law** Royal Boardroom

Chair: Theodore Lewis, Johns Hopkins University

Panelists: Pamel Barmash, Washington University, St. Louis  
“Kinship and Contract in Biblical and Ancient Near Eastern Law”

Bernard Levinson, University of Minnesota

“The First Constitution: Rethinking The Origins of Rule”

James Watts, Syracuse University

“The Rhetorical and Ritual Contexts of Biblical Law”

Commentator: Geoffrey Miller, NYU School of Law

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Mid-Morning Break  
Calvert Ballroom Salon C  
10:00am to 11:00am

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**Session B**  
**10:30am to 12:15pm**

**Governing Globalism: The U.S. and the World**

Baltimore Theatre

Chair: Peter Lindseth, University of Connecticut

Panelists: Lucy Salyer, University of New Hampshire  
“The Reconstruction of American Citizenship”

Adam McKeown, Columbia University  
“Equality, Indemnities and Extraterritoriality: Formulating U.S. Border Control, 1885-1894”

Andrew Cohen, Syracuse University  
“Smuggling and Empire: International Trade and the American State, 1870-1917”

Commentator: John Fabian Witt, Columbia University

***Law and the American State Seminar Panel***

Calvert Ballroom Salon A

**American Law and the Private State**

Chair: Jennifer Klein, Yale University

Participants: Peter M. Carrozzo, John Jay College, “A New Deal for the American Mortgage”

Scott G. Lien, University of Chicago, “So Poor as to Not Own Even Themselves”

Nicholas Parrillo, Yale University, “The Rise of Non-Profit Government in America: A Preliminary Overview”

Commentator: Jennifer Klein

**Judges, Juries, and the Law/Equity Line in  
England and America**

Calvert Ballroom Salon D

Chair: Maeva Marcus, Documentary History of the Supreme Court

Panelists: Renée Lettow Lerner, George Washington University  
“The Explosion of Equitable Remedies and the Diminution of the Jury  
After the Merger of Law and Equity Under the Field Code”

William Nelson, New York University School of Law  
“Legal Realism in Colonial America: A Comparison of Jury  
Lawfinding Power in Massachusetts and Pennsylvania”

James Oldham, Georgetown Law Center  
“Law Versus Equity As Reflected in Lord Eldon’s Manuscripts”

Commentator: David Konig, Washington University

**Ancient Law “Codes”**

Royal Boardroom

Chair: Clifford Ando, University of Southern California

Panelists: Michael Gagarin, University of Texas at Austin,  
“The Organization of Provisions in the Gortyn Laws, Hammurabi’s Laws,  
and Other Premodern Codes”

Samuel Greengus, Hebrew Union College-Jewish Institute of  
Religion/Cincinnati,  
“The Selling of Slaves in Near Eastern Law Codes and Contemporary  
Contracts: Continuity of Tradition Across Boundaries of Genre, Time, and  
Place”

Calum Carmichael, Cornell University  
“The Invention of Biblical Law”

Commentator: Raymond Westbrook, Johns Hopkins University

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**12:30pm to 1:45pm**

**Committee lunches**

H-Law  
*Law and History Review*

Hanover Suite A  
Hanover Suite B

**Session C**  
**1:45pm to 3:30pm**

**U.S. Criminal Justice and the Retributive Turn** Baltimore Theatre

Chair: Elizabeth Dale, University of Florida

Panelists: Jonathan Simon, University of California at Berkeley  
“Governing through Crime: The Origins of the War on Crime in the Crisis of the New Deal Political Order”

William Stuntz, Harvard Law School  
“The Disastrous Decades: Crime and Punishment in the 1950s and 1960s”

James Whitman, Yale Law School  
“The Pursuit of Equality through Criminal Law: Why Determinate Sentencing?”

Commentator: Roger Lane, Haverford College

***Law and the American State Seminar Panel*** Calvert Ballroom Salon A  
**Law and the Changing 20<sup>th</sup>-Century American State**

Chair: Felice Batlan, Chicago-Kent College of Law

Panelists: Ajay K. Mehrotra, Indiana University School of Law – Bloomington  
“The Paradox of Retrenchment: Post WWI-Republican Ascendancy and the Triumph of the Modern Fiscal State”

Felicia Kornbluh, Duke University  
“A Disabled State: How Blind Activists Created Modern Social Welfare Policy”

Joanna L. Grisinger, Clemson University  
“Attacking Administration: The Second Hoover Commission’s Task Force on Legal Services and Procedure”

Commentator: Barbara Welke, University of Minnesota

**Violence and the Law from the Middle Ages to the Early Modern Era** Calvert Ballroom Salon D

Chair: Emily Tabuteau, Michigan State University

Panelists: Anna Pervukhin, Attorney, New York City  
“All the Lizards Stand and Say ‘Yes Yes Yes’: The Element of Play

in Legal Actions Against Animals and Inanimate Objects”

Trisha Olson, University of Illinois-Urbana

"The Medieval Blood Sanction and the Divine Beneficence of Pain"

Joseph David, Hebrew University

"The One Who Is More Violent Prevails' - Law and Violence in Jewish Medieval Law"

Commentator: Stuart Banner, UCLA School of Law

**Prostitution and Concubinage in the Ancient  
and Medieval Periods**

Royal Boardroom

Chair: Ariela Dubler, Columbia Law School

Panelists: Adriaan Lanni, Harvard Law School

“Social Meaning, Social Norms, and Homosexual Prostitution in Classical Athens”

Thomas A.J. McGinn, Vanderbilt University and School of Classical  
Studies of the American Academy in Rome

“Late Antique Legislation on Prostitution”

Ruth Mazo Karras, University of Minnesota

“Concubines in Theory and Practice”

Commentator: Konstantinos Kapparis, University of Florida

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**Plenary Session  
4:30pm to 6:00pm**

**Robert W. Gordon, Yale Law School**

**“From Private Practice to Public Involvements: Pathways to Republican  
Lawyering”**

The plenary session will be held at Westminster Hall with a reception to follow in  
the atrium of the University of Maryland School of Law from 6:00 to 7:30 pm.

The reception is co-sponsored by the University of Baltimore School of Law and  
the University of Maryland School of Law with support from Johns Hopkins  
University

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**Saturday, November 18**

7:30am to 8:45 am	Continental Breakfast	Calvert Ballroom Foyer
8:00 to 12 noon	Registration	Calvert Ballroom Foyer
8:00am to 4:00pm	Book Exhibits	Calvert Ballroom Salons B and E

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**Committee Breakfasts**

**7:15am to 8:30am**

2007 Program Committee	Hanover Suite A
Membership	Hanover Suite B

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**Session A**  
**8:30am to 10:15am**

**Conservative Constitutionalism Outside the Courts** Baltimore Theatre

Chair: William Forbath, University of Texas

Panelists: Reva Siegel, Yale Law School  
“Movement, Counter-movement, and the Family as Site of Constitutional Conflict in Late Twentieth-Century America”

Dennis Deslippe, Franklin and Marshall College  
“Protesting Affirmative Action: *Defunis* (1974) and the Struggle over Equality in Post Civil Rights America”

Jefferson Decker, Columbia University  
“The Conservative Non-Profit Movement and the Rights Revolution”

Commentator: Steven Teles, Brandeis University

***Law of the British Empire & Atlantic World Seminar Panel*** Calvert Ballroom Salon A  
**Sovereignty, Empire, and Resistance**

Chair: Daniel Hulsebosch, New York University School of Law

Panelists: Aparna Balachandran, Columbia University  
“Taxation, Sovereignty, and the East India Company in Late Eighteenth-Century Madras”

Lisa Ford, Columbia University

“‘Where no Authority Prevails’: Jurisdictional conflict and the making of the settler state”

Alison LaCroix, Harvard University, University of Chicago Law School  
“Drawing the Line: The Pre-Revolutionary Origins of Federal Ideas of Sovereignty”

Commentator: Lauren Benton, New York University

**Economic Development and Business Failure** Calvert Ballroom Salon D

Chair: Victoria Saker Woeste, American Bar Foundation

Panelists: Jerome Sgard, Centre d’Etude Prospectives et d’Informations Internationales (CEPII) / Université de Paris-IX-Dauphine  
“Bankruptcy Law, Creditors’ Rights, and Contractual Exchange in Europe, 1808-1914”

David Smith, Harvard University,  
“The Bill of Conformity 1603-1621: Innovation in Bankruptcy Law”

Dan Bogart and Gary Richardson, University of California, Irvine  
“Law and Economic Development in England: New Evidence from Acts of Parliament, 1600-1815”

Commentator: Claire Priest, Northwestern University School of Law

**The Rise of the Judiciary: Race, Politics, and Judges in Nineteenth Century America** Royal Boardroom

Chair: Jean H. Baker, Goucher College

Panelists: Jed Shugerman, Harvard Law School  
“Free Soil, Free Courts, Free Men: Barnburners, Antirenters, and New York’s Anti-Hunker Adoption of Judicial Elections, 1846”

H. Robert Baker, Marquette University  
“*Bashford v. Barstow* and the Triumph of Judicial Supremacy in Wisconsin”

R. Owen Williams, Yale University  
“Lincoln’s Court and the Collapse of Reconstruction”

Commentator: Mark Graber, University of Maryland  
Linda Przybyszewski, Notre Dame

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Mid-Morning Break  
Calvert Ballroom Foyer  
10:00am to 11:00am

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**Session B**  
**10:30am to 12:15pm**

**Roundtable: The Future of the Legal History Book** Baltimore Theatre  
Chair: Hendrik Hartog, Princeton University

Panelists: Alfred Brophy, University of Alabama School of Law  
Peter Charles Hoffer, University of Georgia  
Herbert Alan Johnson, University of South Carolina School of Law  
Clive Priddle, PublicAffairs / Perseus Books

***Law of the British Empire & Atlantic World Seminar Panel*** Calvert Ballroom Salon A  
**Law, Authority, and Empire in the Early Modern British Atlantic**

Chair: Jack P. Greene, Johns Hopkins University

Panelists: Craig B. Yirush, UCLA / Charles Warren Center  
“Conquest Theory and the Metropolitan Assertion of Authority in the first  
British Empire”

Alexander B. Haskell, Omohundro Institute of Early American History  
and Culture / Southern Illinois University Edwardsville  
“Colonization as Commonwealth-Building: The Legal and Constitutional  
Implications of an Early-Seventeenth-Century Anglo-American Political  
Discourse”

Richard Samuelson, Claremont McKenna College  
“Provinces, Dominions, and Colonies oh my! Edmund Burke, Thomas  
Pownall, William Knox, and the Colonial Problem”

Commenter: Daniel Hulsebosch, New York University School of Law

**Protecting the Vulnerable in 18<sup>th</sup> and 19<sup>th</sup> Century** Calvert Ballroom Salon D  
**England**

Chair: Janet Loengard, Moravian College

Panelists: Adam S. Hofri-Winogradow, Oxford University

“Estate Preservation and Preserving Estates: Protection of Family Property against Creditors in the Late Eighteenth Century Chancery”

Christopher J. Frank, University of Manitoba  
“Anti-Truck Prosecution Societies in the Law in Nineteenth-Century Britain”

Karen Macfarlane, York University  
“The practice of trials per medietatem linguae in England”

Commentator: Bruce Smith, University of Illinois College of Law

**Comparative Histories of Economic Organization** Royal Boardroom

Chair: Victoria List, Washington & Jefferson College

Panelists: Timur Kuran, University of Southern California  
“The Absence of the Corporation in Islamic Law: Origins and Persistence”

Madeleine Zelin, Columbia University  
“Informal Law and the Firm in Early Modern China”

Ron Harris, University of Tel Aviv Law School,  
“The Institutional Dynamics of Early Modern Eurasian Trade: A Cross-Civilizational Comparison”

Commentator: Naomi R. Lamoreaux, UCLA

**Preyer Scholars’ Panel** Royal Conference Foyer

Chair: Charles Donahue, Jr., Harvard University

Panelists: Sophia Lee, Yale University  
“Hotspots in a Cold War: the NAACP’s Postwar Labor Constitutionalism, 1948–1964”

Karen Tani, University of Pennsylvania  
“Flemming v. Nestor: Anticommunism, the Welfare state, and the Making of the ‘New Property’”

Commentators: Daniel Ernst, Georgetown University  
Laura Kalman, University of California at Santa Barbara

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**Annual Luncheon  
Calvert Ballroom Salon C**

**12:30pm to 2:00pm**

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**Session C  
2:15pm to 4:00pm**

**Roundtable: Citizenship and the Law in 19<sup>th</sup> Century America** Baltimore Theatre  
Chair: Michael Vorenberg, Brown University

Participants: Laura Edwards, Duke University  
Kate Masur, Northwestern University  
William Novak, University of Chicago  
Kunal Parker, Cleveland-Marshall College of Law / Cleveland State  
University  
Rogers Smith, University of Pennsylvania

***Law of the British Empire & Atlantic World Seminar Panel*** Calvert Ballroom Salon A  
**Market Culture(s) in the Early Modern Atlantic World**

Chair: Thomas Gallanis, Washington & Lee

Presenters: Christine Desan, Harvard Law School  
"Reconceiving the Creation Story: Money, Credit, and the Advent of  
Capitalism in the Anglo-American World."

Martha Howell, Columbia University  
"The Dangers of Commerce in Urban Cultures of Northern Europe, 1300-  
1600"

John Shovlin, New York University  
"Making Profit Patriotic in Eighteenth-Century France"

Commentator: Liana Vardi, University of Buffalo

**Litigiousness in English Legal Culture** Calvert Ballroom Salon D

Chair: Allen D. Boyer, Attorney-at-Law

Panelists: Robert Palmer, University of Houston  
"Lawyers and Litigiousness in Jacobean England and Wales"

Jonathan Rose, Sandra Day O'Connor College of Law, Arizona State  
University  
"Litigation and Political Conflict in Fifteenth-Century East  
Anglia: Conspiracy and Attaint Actions and Sir John Fastolf"

Susanne Jenks, Independent Scholar  
"Sureties of Peace"

Commentator: Paul Brand, All Souls College, Oxford University

**Contested Discourse, Legal Identity, and  
the Language of Female Agency**

Royal Boardroom

Chair: Ariela Gross, University of Southern California

Participants: Carla Spivak, Oklahoma City University School of Law  
"Lady Anne Clifford's Legal Self Fashioning"

Patty Farless, University of Central Florida  
"Unpacking the Meaning of "Otherness" in Elizabeth Cady Stanton's and  
Susan B. Anthony's Newspaper, *The Revolution*"

Danaya C. Wright, University of Florida  
"Power, Intimacy, and Rights: The Legalization of Family Discourse in  
the Victorian Marriage"

Commentator: Katherine Franke, Columbia University

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Mid-Afternoon Break  
Calvert Ballroom Foyer  
3:30pm to 4:30pm

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**Session D  
4:15pm to 6:00pm**

**Rethinking the Early Twentieth-Century  
U.S. Supreme Court**

Baltimore Theatre

Chair: Risa Goluboff, University of Virginia Law School

Panelists: Michele Landis Dauber, Stanford Law School  
"Ordinary Lawyering in Defense of the New Deal"

Barry Friedman, New York University School of Law  
"The Supreme Court, Judicial Power, and the People"

Robert Post, Yale University

“Traditional Values and Positive Law: The Case of Prohibition in the Taft Court Era”

Commentator: Barry Cushman, University of Virginia

***Law of the British Empire & Atlantic World Seminar Panel*** Calvert Ballroom Salon A  
**Law, History, and Constitutionalism in the Early Modern Atlantic World**

Chair: Barbara Black, Columbia Law School

Panelists: Mary Bilder, Boston College Law School  
“Colonial Constitutionalism and Constitutional Law”

Constantin Fasolt, University of Chicago  
“The History of Law and the Rise of Legal History in Early Modern Europe: Hermann Conring Reconsidered”

Johnson Kent Wright, Arizona State University  
“Montesquieu and the Problem of the French Constitution Revisited”

Commentator: Bernadette Meyler, Cornell Law School

**Anglo-American Legal Education in the  
Eighteenth and Nineteenth Centuries**

Calvert Ballroom Salon D

Chair: John Langbein, Yale Law School

Panelists: John Cairns, University of Edinburgh  
“The Origins of the Edinburgh Law School”

Julia Rudolph, University of Pennsylvania  
“Law Books and Learning in Eighteenth-Century England”

Steve Sheppard, University of Arkansas School of Law  
“Letters Home from Harvard Law: The Davies Family Correspondence of 1839-1841”

Commentator: David Ibbetson, University of Cambridge

**Norms in Medieval and Early Modern French Customary Law** Royal Boardroom

Chair: Sarah Hanley, University of Iowa

Panelists: Richard Keyser, Western Kentucky University  
“‘Agreement Vanquishes Law’: Contract in Thirteenth-Century Customary Law”

Kathleen A. Parrow , Black Hills State University  
“Kings, Lords, Bishops, and Bâtards: Legal Rights and Illegitimate  
Persons in Sixteenth-Century France”

Nadine D. Pederson, University of Texas at Dallas  
“Printing Parisian Customary Law: Early Editions and Commentators”

Commentator: Timothy Sistrunk, California State University, Chico

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Reception  
Mezzanine Foyer  
5:30pm to 8:00pm

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**Kermit Hall Memorial  
Baltimore Theatre  
6:30pm to 8:00pm**

Convener: Sandra VanBurkleo, convener, Wayne State University (PhD U of  
Minnesota)

Speakers: John Johnson, University of Northern Iowa (PhD U of Minnesota)

James Ely, Vanderbilt Law School

Joel Grossman, The Johns Hopkins University

Arnita Jones, American Historical Association

Leonard Slade, Jr., SUNY Albany, Dept. of Africana Studies

Tim Huebner, Lou Faulkner Williams, Eric Rise, Steve Noll, Liz Monroe,  
and other students, all with doctorates from the University of Florida

We invite everyone to rise as the spirit moves you after the scheduled speakers have  
concluded. The program includes a bibliography of Kermit's work.

## **OFFICERS AND DIRECTORS, 2006**

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\* Executive Committee Member

() Indicates year term expires

## **ASLH COMMITTEES AND POSITIONS, 2006**

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