

American Society for Legal History

Annual Meeting
Fairmont Dallas Hotel
Dallas, Texas
12–14 November 2009

Program





SMU | DEDMAN
SCHOOL OF LAW

John B. Attanasio

Judge James Noel Dean and Professor
of Law & William Hawley Atwell Chair
of Constitutional Law



Dear Guests:

SMU Dedman School of Law is delighted to welcome the American Society for Legal History to Dallas. Our city has both a long and colorful history and is a vibrant and modern place. I hope that you take the opportunity, while you are here, to visit some of the attractions in the Arts District surrounding the conference hotel. In addition to the Dallas Museum of Art, the site of the opening night reception, the Arts District is home to the Nasher Sculpture Center, the Crow Collection of Asian Art, the Meyerson Symphony Center, the historic Belo Mansion, and the new state-of-the-art Winspear Opera House. On Friday, the plenary lecture will be held on our Dedman Law campus, where you will have an opportunity to explore the rare book collection assembled by Professor Joseph McKnight in our Underwood Law Library. SMU Dedman School of Law is the preeminent center for legal education in Dallas and throughout the entire North Texas region, one of the fastest-growing population centers in the United States. Our law school benefits from its strong connections to the Dallas-Fort Worth business community, which includes the headquarters of twenty-five Fortune 500 companies. Three of our graduates are currently serving as CEOs of Fortune 50 companies. Many of our alumni are named partners at large firms throughout the United States. Others have gone on to distinguished careers in government and the judiciary. We can count among our

alumni the Foreign Minister of India, justices of the Supreme Court of Japan, chief justices of the Supreme Courts of Indonesia, Thailand and the Philippines, and several justices on the highest courts of Egypt, Brazil, and Colombia, as well as numerous state and federal judges in the United States. Our law school has a longstanding commitment to legal history, exemplified by Professor McKnight, a founding member of the Society and the senior member of our law school faculty, and by Assistant Professor Joshua Tate, the co-chair of your Local Arrangements Committee, who recently signed a contract to publish a legal history book with Yale University Press. We hope that you enjoy your stay here and have a most productive and congenial conference.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Attanasio". The signature is fluid and cursive, with a large initial "J" and a long horizontal stroke at the end.

John B. Attanasio
Judge James Noel Dean and Professor of Law
and William Hawley Atwell Chair of Constitutional Law
Dedman School of Law

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Thursday, November 12

- 2:00pm to 6:00pm **Registration** – *Gold Room Foyer*
- 5:00pm to 8:00pm **Book Exhibits** – *Gold Room*
- 5:00pm to 6:00 pm **Legal Walking Tour of Dallas** (advance sign-up required)
Join City of Dallas Archivist John Slate for a walking tour of downtown Dallas and its most significant historical legal sites, including buildings and case-specific spots connected to Dallas’s desegregation, activities of Bonnie and Clyde, and the beginnings of law in Dallas County inside a historic cabin on Bryan Street. Contact Kristy Offenburger at kristyo@smu.edu to register.
- 5:00pm to 6:00pm **Executive Committee** – *Crown Room*
- 6:30pm to 8:30pm **Board of Directors** – *Oak Room*
- 6:30pm to 9:30pm **Welcome Reception** - *Dallas Museum of Art, 1717 N. Harwood St.* (a short walk from the Fairmont Hotel). The welcome reception is sponsored by SMU Dedman School of Law.

Friday, November 13

- 7:30am to 8:30am **Membership Committee** - *Florentine Room*
- 7:30am to 8:30am **Finance Committee & Future of the Society Committee** - *French Room*
- 7:30am to 3:00pm **Registration** – *Gold Room Foyer*
- 7:30am to 4:00pm **Book Exhibits** – *Gold Room*
- 7:30am to 8:30am **Continental Breakfast** – *Gold Room*

8:30am to 10:15am

Friday, Session A

D.C. v. Heller and the Uses of History – Oak Room

- Chair: Adam Winkler, University of California, Los Angeles,
winkler@law.ucla.edu
- Panelists: David Konig, Washington University, konig@wustl.edu
“Once More Unto the Breach (or Breech?): The Asymmetries
of Lawyer-Historian Debate”
Jack Rakove, Stanford University, rakove@stanford.edu
“The Poverty of Public Meaning: Some Thoughts on *D.C. v.
Heller*”
Stephen Halbrook, protell@aol.com
“Reconstruction, the Second Amendment, and the Heller
Decision”
- Commentator: Jamal Greene, Columbia University,
jamal.greene@law.columbia.edu

Varieties of Editing: Pleasures and Pitfalls in Editing Pre-Modern Legal Documents – Executive Room

- Chair: W. Hamilton Bryson, University of Richmond,
hbryson@richmond.edu
- Panelists: Patrick Nold, State University of New York at Albany,
pnold@albany.edu
“Editing ‘Marriage Advice for a Pope’: Why do Medievalists
Edit Texts and How Do They Do It?”
Peter Grund, University of Kansas, pjgrund@ku.edu
“Who Wrote What and When? The Charting of Records and
the Editing of the Documents from the Salem Witch Trials”
Laura Culbertson, University of Michigan,
leculber@umich.edu
“Modern Concepts and Ancient Procedures: Problems in the
Translation of Sumerian Dispute Records”
- Commentator: Frances Whistler, Boston University, whistler@bu.edu

International Borrowings – Far East Room

- Chair: Assaf Likhovski, Tel Aviv University, likhovsk@post.tau.ac.il
- Panelists: Kaius Tuori, University of Helsinki, kaius.tuori@helsinki.fi
“Colonialism, Spurious Traditions, and Modernization:
American Law Professors and the Downfall of African
Customary Law”
Charlotte Walker, Yale University, charlotte.walker@yale.edu
“Manipulating the State: Legal Evolutions and the Emergence
of Corruption in Colonial Cameroon”

Marie Seong-Hak Kim, St. Cloud State University,
mskim@stcloudstate.edu
“The Sources of Law in the Korean Civil Code”

Commentator: Lauren Benton, New York University,
lauren.benton@nyu.edu

Gender, Soldiering, and Citizenship in the Twentieth Century United States
– *Continental Room*

Chair: Jill Hasday, University of Minnesota, jhasday@umn.edu

Panelists: Rebecca Rix, Princeton University, rrix@princeton.edu
“‘No Longer the Men of Lexington’: Unfit Draftees and the Changing Meaning of ‘the General Welfare’ During World War I”

Melissa Murray, University of California, Berkeley,
mmurray@law.berkeley.edu

“‘Made with Men in Mind’: Veterans’ Benefits, Gender, and Social Policy”

Serena Mayeri, University of Pennsylvania,
smayeri@law.upenn.edu

“Preferred Veterans, Prison Guards, and Pregnant Workers: Attacking ‘Disparate Impact’ in the 1970s”

Commentator: Gretchen Ritter, University of Texas, ritterg@mail.utexas.edu

Slave, Freeman, and Citizen in Antebellum America – *Parisian Room*

Chair: Alfred Brophy, University of North Carolina,
abrophy@email.unc.edu

Panelists: Kristen Foster, Marquette University, kristen.foster@mu.edu
“Creating the American Citizen: A look at the Impact of the Haitian Revolution on American Ideas about Equality”

Kelly Kennington, Duke University, kmk9@duke.edu

“Slavery and Freedom in the Antebellum St. Louis Courts”

H. Robert Baker, Georgia State University,
robertbaker@gsu.edu

“The Prigg Fallacy: The Use of Constitutional History to Legitimate Constitutional Law”

Commentator: Mark Graber, University of Maryland,
mgraber@gvpt.umd.edu

10:00am to 11:00am

Mid-Morning Break – *Gold Room*

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

Civilizing and Un-Civilizing War in the Nineteenth Century – Oak Room

Chair: Richard Ross, University of Illinois, rjross@law.uiuc.edu
Panelists: Stephen Neff, University of Edinburgh,
stephen.neff@ed.ac.uk
“Partisans, Prowlers and Guerrillas: Historical Roots of
International Law on Unlawful Belligerency”
James Whitman, Yale University, james.whitman@yale.edu
“The Breakdown of Battle Culture, from Waterloo to Sedan”
John Witt, Yale University, jwitt@law.columbia.edu
“Rules of Wrong: The Crisis of the Laws of War in the Age of
Democratic Ideals”
Commentator: Adam Kosto, Columbia University, ajkosto@columbia.edu

**Year Books and Plea Rolls On-Line: Seipp’s Abridgement and Palmer’s
AALT – Executive Room**

Chair: Charles Donahue, Harvard University,
jreader@law.harvard.edu
Panelists: David Seipp, Boston University, dseipp@bu.edu
“The Year Books Database and After: What More Do We
Need?”
Robert Palmer, University of Houston,
rpalmer@central.uh.edu
“The AALT: Usage, Projection, and the Role of the Reader”
Commentator: The Audience

**Circumnavigating the Pacific: The United States and the Philippines, 1898-
1945 – Far East Room**

Chair: Victor Uribe, Florida International University, uribev@fiu.edu
Panelists: Nancy Buenger, University of Chicago,
buenger@uchicago.edu
“Home Rule: Equitable Justice in Chicago and the Philippines,
1898-1917”
Anna Leah Fidelis Castañeda, Harvard University,
lcastaneda@law.harvard.edu
“A Pacific ‘Quest for Power’: Governor General Forbes and
the Rise of the Philippine Assembly, 1907-1913”
Christopher Capozzola, Massachusetts Institute of
Technology, capozzol@mit.edu
“A Tale of Two Treasons: Adjudicating War Crimes and
Collaboration in Manila, 1945”

Commentator: Bartholomew Sparrow, University of Texas,
bhs@austin.utexas.edu

**Gendered Murder on Trial in Australia, England, and the United States –
*Continental Room***

Chair: Caroline Forell, University of Oregon, cforell@uoregon.edu

Panelists: Marianne Constable, University of California, Berkeley,
constable@berkeley.edu
“‘The Justification was Perfect’—Jessie Hopkins’ Acquittal”
Carolyn B. Ramsey, University of Colorado,
carolyn.ramsey@colorado.edu
“Violence and Respectability: Intimate-Partner Homicide in
Australia and the American West, 1860-1930”
Martha Merrill Umphrey, Amherst College,
mmumphrey@amherst.edu
“Reconstructing Responsibility: Narrating Violence in the
Trials of Harry K. Thaw”
Martin Wiener, Rice University, wiener@rice.edu
“The New Leniency Towards Female Murderers in Victorian
England”

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

The Long Cold War – *Parisian Room*

Chair: Laura Kalman, University of California, Santa Barbara,
kalman@history.ucsb.edu

Panelists: Jennifer Uhlmann, Washington University,
juhlmann@ucla.edu
“The Communist Contribution to Constitutional Law”
Brad Snyder, University of Wisconsin, bsnyder2@wisc.edu
“A Great Case Not Taken: The Forgotten History of the
Rosenberg Case”
Anders Walker, St. Louis University, awalke16@slu.edu
“‘The End of America’: Lewis F. Powell’s Russian
Revelation”

Commentator: Reuel Schiller, University of California, Hastings College of
Law, schiller@uchastings.edu

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

12:30pm to 1:30pm **City of Dallas Municipal Archives Visit, 1500
Marilla St., Dallas, TX**

Special display of photographs and documents
highlighting the role of the City of Dallas in legal
history

12:30pm to 1:30pm **Law & History Review Committee – State Room**

12:30pm to 1:30pm **Program Committee – French Room**

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

Sources of Law in 15th-18th Century Europe: A Panel in Honor of Joe McKnight – Oak Room

Chair: Jeremy Duquesnay Adams, Southern Methodist University,
jadams@smu.edu

Panelists: Amalia Kessler, Stanford University,
akessler@law.stanford.edu

“The Law Merchant in Old Regime France”

Emily Kadens, University of Texas, ekadens@law.utexas.edu

“The Myth of Spontaneous Law”

Alan Watson, University of Georgia, wawatson@uga.edu

“Sources of Law in Early Modern Europe”

Commentator: Joseph McKnight, Southern Methodist University,
jmcknigh@mail.smu.edu

Kathryn T. Preyer Prize Panel – Executive Room

Chair: David Konig, Washington University, konig@wustl.edu

Panelists: Cary Franklin, Yale University, cary.franklin@yale.edu

“Sex Roles and the Foundations of Constitutional Sex
Discrimination Law”

Elizabeth Katz, University of Virginia,

elizabethdkatz@gmail.com

“‘Wife Beating’ and ‘Uninvited Kisses’ in the Supreme Court
and Society in the Early Twentieth Century”

Commentators: Susan Appleton, Washington University,
appleton@wulaw.wustl.edu

Sandra VanBurkleo, Wayne State University,
ad5235@wayne.edu

**Emancipation, Enslavement, and Identity in the Age of Atlantic
Revolutions – Far East Room**

Chair: Jean Allain, Queen’s University, Belfast, j.allain@qub.ac.uk

Panelists: Alejandro de la Fuente, University of Pittsburgh,
fuente2@pitt.edu, and Ariela Gross, University of Southern
California, agross@law.usc.edu

“Comparing Law and Racial Identity under Slavery in Colonial Cuba, Louisiana and Virginia”

Malick Ghachem, Weil, Gotshal & Manges LLP,
mwghachem@yahoo.com

“Prosecuting Torture: Risk and Revolution in an Eighteenth-Century Slave Colony”

Rebecca J. Scott, University of Michigan, rjscott@umich.edu
“Paper Thin: Freedom, Re-enslavement, and Contests over the Attribution of Legal Status”

Commentator: Walter Johnson, Harvard University,
johnson2@fas.harvard.edu

Manly Madness: Honor, Manhood, and Responsibility in the American Courtroom – *Continental Room*

Chair: David Tanenhaus, University of Nevada, Las Vegas,
david.tanenhaus@unlv.edu

Panelists: Susanna Blumenthal, University of Minnesota,
blume047@umn.edu

“Suicidal Salesmen: Accounting for Self-Killing in Nineteenth-Century Life Insurance Litigation”

Rachel Ponce, University of Chicago, rponce@uchicago.edu

“‘Chimerical Dogmas’: Honor and Insanity in Nineteenth-Century American Law”

Carolyn Strange, Australian National University,
carolyn.strange@anu.edu.au

“Mind, Motive and Masculinity: Killing the Father to Save the Family”

Commentator: Hendrik Hartog, Princeton University, hartog@princeton.edu

Wartime Administration and the Rule of Law: The Case of the United States in the 1940s – *Parisian Room*

Chair: Michael Churgin, University of Texas,
mchurgin@law.utexas.edu

Panelists: Mark Wilson, University of North Carolina, Charlotte,
mrwilson@uncg.edu

“‘Taking a Nickel Out of the Cash Register’: Statutory Renegotiation of Military Contracts and the Politics of Profit Control in the USA During World War II”

Joanna Grisinger, Clemson University, grisinger@gmail.com

“The Office of Price Administration and the War at Home”

Karen Tani, University of Pennsylvania, ktani@law.upenn.edu

“Administering ‘Welfare Rights’: ‘Fair Hearings’ in Public Assistance in the 1940s”

Commentator: James Sparrow, University of Chicago, jts@uchicago.edu

3:30pm to 4:00pm Busses depart for SMU Dedman School of Law

4:30pm to 6:00pm **Plenary Session** - *Karcher Auditorium, Storey Hall, SMU Dedman School of Law, 3315 Daniel Avenue, Dallas, TX*

Joyce Oldham Appleby

Emerita Professor of History

University of California Los Angeles

"Capitalism and the U.S. Constitution: Another Look"

6:00pm to 8:00pm **Plenary Reception** - *Underwood Law Library, 6550 Hillcrest Avenue, Dallas, TX*

(Sponsored by the SMU Dedman School of Law)

7:45pm to 8:15pm Buses depart for the Fairmont Dallas Hotel

9:00pm to 10:30pm **Graduate Student Gathering** - *Pyramid Bar, Fairmont Dallas Hotel*

Saturday, November 14

- 7:30am to 8:30am H-Law – *Florentine Room*
7:30am to 12:00pm Registration – *Gold Room Foyer*
7:30am to 4:00pm Book Exhibits – *Gold Room*
7:30am to 8:30am Continental Breakfast – *Gold Room*

8:30am to 10:15am Saturday, Session A

Race, Law, and the Local in Nineteenth Century America – *Oak Room*

- Chair: John Wertheimer, Davidson College,
jowertheimer@davidson.edu
- Panelists: Laura Edwards, Duke University, ledwards@duke.edu
“Individual Rights and the Transformation of Slave Law,
1787-1860”
Martha Jones, University of Michigan, msjonz@umich.edu
“Overturning *Dred Scott v. Sandford*: African American
Citizenship in the Antebellum City”
Dylan Penningroth, Northwestern University,
dcp@northwestern.edu
“Law and the Black Church in the Jim Crow South”
- Commentator: Michael Grossberg, Indiana University, grossber@indiana.edu

Law and Drama in Athens – *Executive Room*

- Chair: Michael Gagarin, University of Texas,
gagarin@mail.utexas.edu
- Panelists: Judith Fletcher, Wilfrid Laurier University, jfletcher@wlu.ca
“The Incompetent Jurors of Aeschylus’ ‘Agamemnon’”
Adele Scafuro, Brown University, adele_scafuro@brown.edu
“Euripides’ ‘Orestes’ (408 BCE) and the Rule of Law”
Jess Miner, College of Charleston, minerj@cofc.edu
“No Laughing Matter: Comic Characterization in the Courts at
Athens”
- Commentator: Kevin Crotty, Washington and Lee University,
crottyk@wlu.edu

Law and Markets – *Far East Room*

- Chair: Christine Desan, Harvard University, desan@law.harvard.edu
- Panelists: Daniel Klerman, University of Southern California,
dklerman@law.usc.edu
“Legal Fictions as Strategic Instruments”

Sachin Pandya, University of Connecticut,
sachin.pandya@law.uconn.edu
“The First Liability Insurance Cartel in America”
Jérôme Sgard, Sciences Po, jerome.sgard@sciences-po.fr
“The History of Market Discipline: Bankruptcy,
Renegotiation, and Debt Discharge in England and France”
Commentator: Michael Lobban, Queen Mary, University of London,
m.j.lobban@qmul.edu

**National Sovereignty and Allegiance in the Age of Mass Migration –
*Continental Room***

Chair: Gerard Magliocca, Indiana University, gmaglioc@iupui.edu
Panelists: Lucy Salyer, University of New Hampshire,
lucy.salyer@unh.edu
“Exits: Forming International Rules on Expatriation”
Matthew Lindsay, Harvard University,
mlindsay@law.harvard.edu
“A Power “Inherent in Sovereignty and Essential to Self-
Preservation”: National Security and the Origins of the
Federal Immigration Power”
Candice Bredbenner, University of North Carolina,
Wilmington, bredbennerc@uncw.edu
“Pacifists, Naturalization, and the Rebirth of the ‘Attachment’
Standard”
Commentator: William Forbath, University of Texas,
wforbath@law.utexas.edu

**Judicial Power and Judicial Politics in the Early Nineteenth Century –
*Parisian Room***

Chair: Maeva Marcus, George Washington University,
mmarcus@law.gwu.edu
Panelists: Alison LaCroix, University of Chicago, lacroix@uchicago.edu
“Federalists, Federalism, and Federal Jurisdiction, 1802-1835”
Kristin Collins, Boston University, collinsk@bu.edu
“Federal Equity Power, Judicial Lawmaking, and the Process
Acts”
Jed Handelsman Shugerman, Harvard University,
jshugerman@law.harvard.edu
“Economic Crises and Two Revolutions for Judicial
Independence: The 1830s-40s and the 1930s-40s”
Commentator: Philip Hamburger, Columbia University,
hamburger@law.columbia.edu

10:00am to 11:00am **Mid-Morning Break** – *Gold Room*

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

Book Panel: **Thomas Sugrue, *Sweet Land of Liberty: The Forgotten Struggle for Civil Rights in the North*** – *Oak Room*

Chair: William Novak, University of Chicago, nov9@uchicago.edu

Panelists: Mark Tushnet, Harvard University,
mtushnet@law.harvard.edu
Risa Goluboff, University of Virginia, goluboff@virginia.edu
Adrienne Davis, Washington University,
adavis@wulaw.wustl.edu
Gary Gerstle, Vanderbilt University,
gary.gerstle@vanderbilt.edu

Response: Thomas Sugrue, University of Pennsylvania,
tsugrue@sas.upenn.edu

Rational Choice Approaches to Ancient Law – *Executive Room*

Chair: Mark Sundahl, Cleveland State University,
mark.sundahl@law.csuohio.edu

Panelists: Melissa Schwartzberg, Columbia University,
ms3125@columbia.edu
Voting and Judgment in Assemblies and Juries in Classical Athens
Dennis Kehoe, Tulane University, kehoe@tulane.edu
“Economic Incentives and Risk in Roman Contract Law”
Bruce Frier, University of Michigan, bwfrier@umich.edu
“Institutional Constraints on Rational Choice: The Case of Roman Dowry”

Commentator: Joshua Tate, Southern Methodist University, jctate@smu.edu

Exploring the Distinctiveness of Canadian Legal History – *Far East Room*

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

Panelists: Jim Phillips, University of Toronto, jphillips@utoronto.ca
“The Origins of Canada’s Regulatory Takings Doctrine”
Lyndsay Campbell, University of Calgary, lyndsay@iii.ca
“Policing Decency: Obscene, Immoral, and Indecent Literature in Early 19th-Century Nova Scotia and Massachusetts”
Hamar Foster, University of Victoria, hamarf@uvic.ca
“One Good Thing: Law and Elevator Etiquette in the Indian Territories”
Shelley Gavigan, York University,

sgavigan@osgoode.yorku.ca

“High Law, Low Law, and Discourses of Criminalization:
Aboriginal Women and Girls in the Criminal Court on the
Canadian Plains, 1876-1903”

Wesley Pue, University of British Columbia, pue@law.ubc.ca
“The *Martin* Case, Communism and Professionalism”

Blurred Sovereignities: U.S. Law at the Edge – *Continental Room*

Chair: Elizabeth Borgwardt, Washington University,
eborgwar@artsci.wustl.edu

Panelists: Michael Willrich, Brandeis University, willrich@brandeis.edu
“War is Health: U.S. Military Medicine and Police Power at
the Edges of Empire”

Rachel St. John, Harvard University, stjoh@fas.harvard.edu
“Between Nations: American Capitalists and the Politics of
Corporate Nationality on the Baja California Border, 1900-
1930”

Andrew Wender Cohen, Syracuse University,
awcohe01@maxwell.syr.edu
“The Perils of Inspection: Smuggling, Globalism, and the
Right to Privacy”

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

The Law of Administration in the Early American Republic – *Parisian Room*

Chair: Charlotte Crane, Professor of Law, Northwestern University
Law School, ccrane@law.northwestern.edu

Panelists: Nicholas Parrillo, Yale University, nicholas.parrillo@yale.edu
“The Rise of Non-Profit Government in America: Incentives,
Scandal, and Discretionary Judgment”

James Pfander, Northwestern University, j-
pfander@law.northwestern.edu
“Public Wrongs and Private Bills: Legislative Indemnification
and Official Compliance with Law”

Gautham Rao, Rutgers University/New Jersey Institute of
Technology, gauthrao@gmail.com
“Administrative Law’s Scandalous Past: Rethinking
Jefferson’s Embargo”

Commentator: Richard John, Columbia University, rrj2115@columbia.edu

12:30pm to 2:00pm

Annual Lunch, – *Venetian Room*

The President will speak on the state of the Society.

2:15pm to 4:00pm

Saturday, Session C

Temporality in Legal History – *Oak Room*

Chair: Alexis McCrossen, Southern Methodist University,
amccross@smu.edu

Panelists: Christopher Tomlins, American Bar Foundation, clt@abfn.org
“Representations of Law and Justice: The American
Mainland, from ‘Beginning’ to ‘End’”

Kunal Parker, Cleveland State University,
kunalmparker@gmail.com

“Thinking ‘Historically’ About Law: Legal Modernism and its
Antecedents”

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

“Law, War, and the History of Time”

Commentator: Thomas Allen, University of Ottawa, tallen@uottawa.ca

Exceptional Women in the Medieval Courtroom – *Executive Room*

Chair: James Brundage, University of Kansas, jabrun@ku.edu

Panelists: Marie Kelleher, California State University, Long Beach,
mkellehe@csulb.edu

“Facing off from the Margins: Female Slaves and Jews in
Medieval Procedural Law”

Jamie Smith, Alma College, smith@alma.edu

“Avoiding Great Harm, Danger, and Absurdity: Legal
Protection for Wives with Absent Husbands”

Sara McDougall, Yale University, sara.mcdougall@yale.edu

“Abandoned Wives and the Law in Late-Medieval
Champagne”

Commentator: Susan McDonough, University of Maryland, Baltimore
County, mcdonoug@umbc.edu

International Law and the Periphery – *Far East Room*

Chair: Stanley Moore, Florida State University, smoore@law.fsu.edu

Panelists: Arnulf Becker Lorca, King’s College London,
arnulf.becker@kcl.ac.uk

“International Law in the Periphery 1850-1900: The
Internalization of the Standard of Civilization and the

Appropriation of the European Legal Tradition”

James Thuo Gathii, Albany Law School,

jgath@albanylaw.edu

“Elias T. Olawale’s Project of Re-Writing International Legal History to Acknowledge Africa’s Contribution”

Carl Landauer, University of California, Berkeley,

carllandauer@sbcglobal.net

“Imaging India and International Law in Nagendra Singh’s ‘India and International Law’”

Commentator: Mark Toufayan, Osgoode Hall Law School,

mtoufayan@law.harvard.edu

Ambiguities of Citizenship – Continental Room

Chair: Avi Soifer, University of Hawaii, soifer@hawaii.edu

Panelists: Christina Duffy Burnett, Columbia University,

cburne@law.columbia.edu

“Citizenship in the Time of Empire: The Non-Citizen National in Constitutional and International Law”

Linda Kerber, University of Iowa, linda-kerber@uiowa.edu

“Americans and the UN Statelessness Conventions”

David Abraham, University of Miami,

dabraham@law.miami.edu

“Is Citizenship Worthwhile? Membership and Insecurity in America”

Commentator: Sanford Levinson, University of Texas,

slevinson@law.utexas.edu

American Philanthropies and Socio-Legal Change – Parisian Room

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

Panelists: Elisabeth Anderson, Northwestern University,

a6c4v6@u.northwestern.edu

“Expert Jurisdiction and Social Problems: The Russell Sage Foundation and Poor People’s Credit in Early 20th-Century America”

Maribel Morey, Princeton University, mmorey@princeton.edu

“The Making of ‘An American Dilemma’ (1944): The Carnegie Corporation President’s Decision to Fund a Negro Study, 1923-1937”

Bryant Garth, Southwestern University, bgarth@swlaw.edu

“Elite Civilizers of Empire: Philanthropic Foundations in the Cold War and After”

Commentator: John Henry Schlegel, State University of New York at

Buffalo, schlegel@acsu.buffalo.edu

4:15pm to 6:00pm

Saturday, Session D

Crimes Against Peace and Humanity: Poland, Germany, Rwanda – Oak Room

- Chair: Peter Caldwell, Rice University, caldwell@rice.edu
Panelists: Catherine Epstein, Amherst College, ceh@amherst.edu
“Nazis in Polish Courtrooms: The 1946 Trial of Arthur Greiser”
Devin Pendas, Boston College, pendas@bc.edu
“Transitional Justice in Germany, 1945-1950: Ironies, Paradoxes and Unintended Consequences”
Jens Meierhenrich, Harvard University, jmeierhenrich@gov.harvard.edu
“Lawfare”
Commentator: Michael Scharf, Case Western Reserve University, mps17@case.edu

A Comparative History of Family Law – Executive Room

- Chair: Tim Stretton, St. Mary’s University, tim.stretton@smu.ca
Panelists: Gail Savage, St. Mary’s College of Maryland, glsavage@smcm.edu
“Regulation and De-Regulation of Family Life: Family Law in a Comparative Perspective”
Holly Brewer, North Carolina State University, holly_brewer@ncsu.edu
“Transforming Coverture: Contesting Personal and Political Authority in Early Modern England and America”
Varsha Chitnis, Ohio State University, chitnis.3@osu.edu
“Family Law and Colonialism in Nineteenth-Century India”
Commentator: Danaya Wright, University of Florida, wrightdc@law.ufl.edu

The Aftermath of Financial Crises – Far East Room

- Chair: Catherine Fisk, University of California, Irvine, cfisk@law.uci.edu
Panelists: Julia Rudolph, University of Pennsylvania, jrudolph@sas.upenn.edu
“Women, Moral Sense, and the Critique of Equity”
Frank Partnoy, University of San Diego, fparno@sandiego.edu
“Historical Perspectives on the Financial Crisis: Ivar Kreuger, Credit Rating Agencies, and the Impetus for the Securities Laws”

Dror Goldberg, Bar Ilan University, dg@drorgoldberg.com
“The Invention of Fiat Money”

Commentator: Claire Priest, Yale University, claire.priest@yale.edu

Litigation Strategies of Social Movements – Continental Room

Chair: Gary Rowe, Southwestern Law School, growe@swlaw.edu

Panelists: Henning Grunwald, Vanderbilt University,
henning.grunwald@vanderbilt.edu
“From Courtroom to Revolutionary Stage: Party Lawyers and
Political Justice in the Weimar Republic”
Linda Upham-Bornstein, University of New Hampshire,
lub@cisunix.unh.edu
“The Taxpayer as Reformer: ‘Pocketbook Politics’ and the
Law in New York City, 1900-1930”
Joel Black, University of Florida, jblack@ufl.edu
“Economic Rights and Community Membership in Black
Industrial Chicago, 1890-1930”
Megan Francis, University of Chicago, meganf@uchicago.edu
“The Improbable Journey: The NAACP Launches the Modern
Criminal Procedure Revolution”

Commentator: Lawrence Friedman, Stanford University,
lmf@law.stanford.edu

Biography and Legal History – Parisian Room

Chair: Lewis Grossman, American University,
lewisg@wcl.american.edu

Panelists: Catharine MacMillan, Queen Mary University of London,
c.a.macmillan@qmul.ac.uk
“Judah Benjamin: An Émigré Barrister and International Law”
Grant Morris, Victoria University of Wellington,
grant.morris@vuw.ac.nz
“Chief Justice James Prendergast and the Treaty of Waitangi:
Judicial Attitudes to the Treaty in New Zealand during the
Latter Half of the Nineteenth Century”
David Marcus, University of Arizona,
david.marcus@law.arizona.edu
“Charles Clark, Legal Realism, and the Jurisprudential Basis
of the Federal Rules of Civil Procedure”
Polly Price, Emory University, pprice@emory.edu
“‘The Intensely Practical Nature of the Political Process’:
Judge Richard S. Arnold’s Legislative Role in the Third
Branch”

Commentator: Paul Kens, Texas State University, San Marcos,
pkens@txstate.edu

6:00pm to 8:00pm

Closing Reception – *Venetian Room*

	Oak Room	Executive Room
Friday Session A 8:30 – 10:15	D.C. v. Heller and the Uses of History	Varieties of Editing: Pleasures and Pitfalls in Editing Pre-Modern Legal Documents
Friday Session B 10:30 - 12:15	Civilizing and Un-Civilizing War in the Nineteenth Century	Year Books and Plea Rolls On-Line: Seipp’s Abridgement and Palmer’s AALT
Friday Session C 1:45 - 3:30	Sources of Law in 15th-18th Century Europe: A Panel in Honor of Joe McKnight	Kathryn T. Preyer Prize Panel
Friday 4:30 - 6:30	Plenary	
Saturday Session A 8:30 - 10:15	Race, Law, and the Local in Nineteenth Century America	Law and Drama in Athens
Saturday Session B 10:30 - 12:15	Book Panel: Thomas Sugrue, Sweet Land of Liberty: The Forgotten Struggle for Civil Rights in the North	Rational Choice Approaches to Ancient Law
Saturday Session C 2:15 - 4:00	Temporality in Legal History	Exceptional Women in the Medieval Courtroom
Saturday Session D 4:15 - 6:00	Crimes Against Peace and Humanity: Poland, Germany, Rwanda	A Comparative History of Family Law

Far East Room	Continental Room	Parisian Room
International Borrowings	Gender, Soldiering, and Citizenship in the Twentieth Century United States	Slave, Freeman, and Citizen in Antebellum America
Circumnavigating the Pacific: The United States and the Philippines, 1898-1945	Gendered Murder on Trial in Australia, England, and the United States	The Long Cold War
Emancipation, Enslavement, and Identity in the Age of Atlantic Revolutions	Manly Madness: Honor, Manhood, and Responsibility in the American Courtroom	Wartime Administration and the Rule of Law: The Case of the United States in the 1940s

Law and Markets	National Sovereignty and Allegiance in the Age of Mass Migration	Judicial Power and Judicial Politics in the Early Nineteenth Century
Exploring the Distinctiveness of Canadian Legal History	Blurred Sovereignties: U.S. Law at the Edge	The Law of Administration in the Early American Republic
International Law and the Periphery	Ambiguities of Citizenship	American Philanthropies and Socio-Legal Change
The Aftermath of Financial Crises	Litigation Strategies of Social Movements	Biography and Legal History

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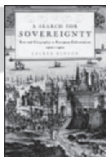
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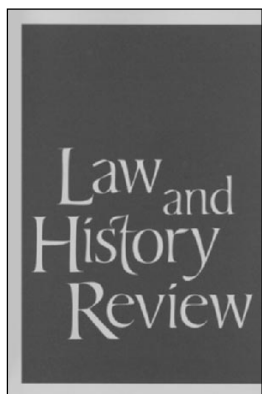
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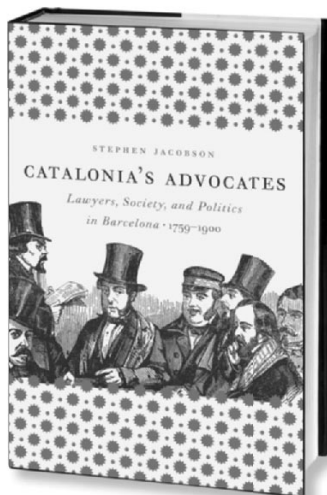
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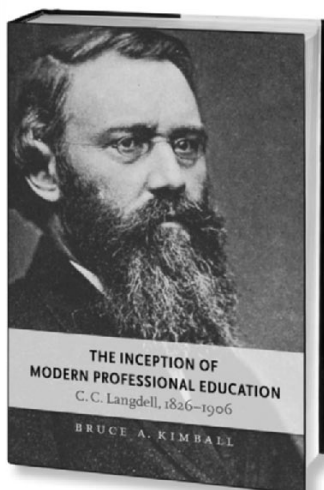
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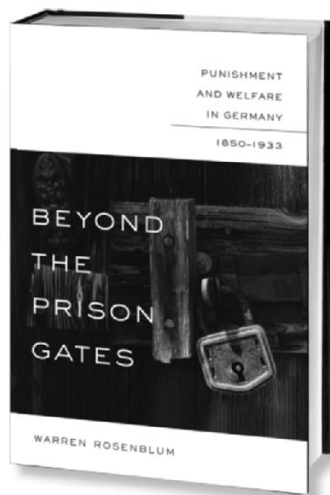
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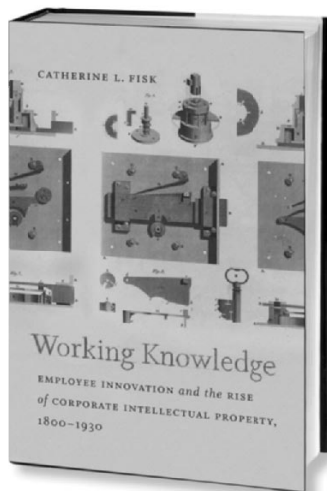
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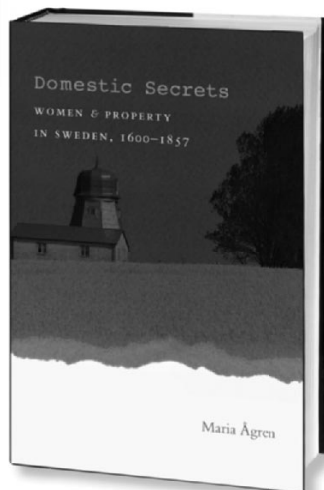
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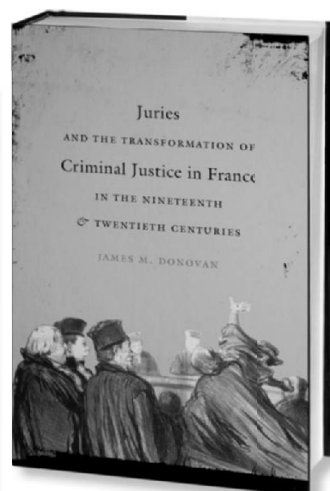
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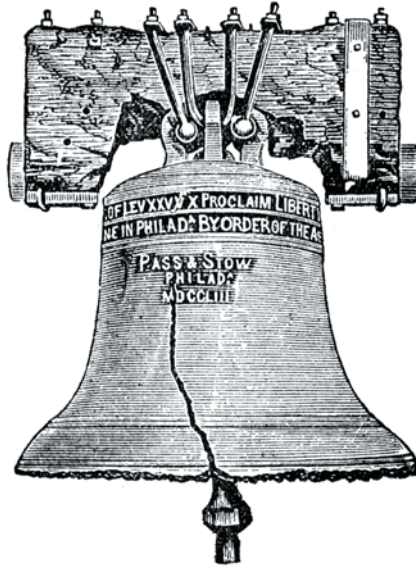
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2010 ASLH Annual Meeting

Philadelphia

18-21 November 2010

In 2010, the Society returns to Philadelphia for the first time since the Bicentennial of the Constitution in 1987.