

# American Society for Legal History



Historia Omnium Jurium

Annual Meeting  
Four Seasons Hotel  
St Louis, MO  
8-11 November 2012  
Program

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It gives me particular pleasure to be able to say, “Welcome to St. Louis and the 2012 Annual Meeting,” because I taught here and have long been a fan of the city. ASLH last met in St. Louis in 1982, when not coincidentally—or so we flattered ourselves—the Cardinals won the World Series. Although I am writing this before the regular season has concluded, I know that many are hoping for a similar alignment.

The Annual Meeting is the most important thing we do as a Society. It brings together friends and colleagues from the international community of legal historians to visit, discuss, debate, and otherwise schmooze. The meeting is large enough to provide ample fodder for discussion, yet small enough that everyone gets to play. That has always been a hallmark of ASLH. Whether this is your first annual meeting or, like me, your thirty-seventh, you will find yourself among friends, both academic and personal.

ASLH succeeds because of the voluntary labor of its members. Particular thanks this weekend are due the co-chairs of the Program Committee, Adriaan Lanni and Michael Willrich, and the members of their committee, for providing the intellectual feast laid before you, and to David Thomas Konig, chair of the Local Arrangements Committee, and the members of his committee, for their tireless preparations to make us all welcome. They are joined by the presenters, commentators, panel chairs, committee members, officers, and directors, all of whom volunteer their time and energy to make ASLH indispensable to scholarship and scholarly exchange in law and history.

We are grateful to Washington University School of Law for generously sponsoring the plenary reception and to the Historical Society of the United States Courts in the Eighth Circuit for providing the welcome reception. We are also thankful for additional support from Cambridge University Press, the program advertisers and meeting exhibitors, and the many members who made special contributions to help underwrite the attendance of graduate students and independent scholars.

We are a vibrant community. Thank you for joining us. Enjoy.

**Bruce H. Mann**  
President, ASLH



# Washington University in St. Louis

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## SCHOOL OF LAW

### Office of the Dean

Washington University School of Law is delighted to welcome the American Society for Legal History to St. Louis. On behalf of our faculty, students, and community, I thank you for your inspiring work. Like the Society, our school has long been committed to fostering scholarship, teaching, and the study of law across all legal systems.

I am proud of the scholarship bearing on history that occurs here. I hope, during the conference, you will have opportunities to see our school and to interact with our faculty. They include many whose current work is of importance to legal historians: Adrienne Davis, Deborah Dinner, Dan Ellis, David Konig, John Inazu, Russell Osgood, Neil Richards, Laura Rosenbury, and Brian Tamanaha.

I join all of you in thanking the behind-the-scenes people who worked so hard to make things run smoothly. I particularly thank the local arrangements committee, Professors David Konig, Deborah Dinner, and Anders Walker, and the program co-chairs Professors Ariaan Lanni and Michael Willrich.

I thank Professor Bruce Mann, of the Harvard Law School, who somehow found time to ably lead the Society during an extraordinarily demanding year. I also congratulate President-elect Michael Grossberg of Indiana University.

Best wishes to all members for a wonderful meeting and a delightful time in St. Louis.



Kent Syverud  
Dean  
Ethan A. H. Shepley  
Distinguished University Professor



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## MEETING SCHEDULE

**Thursday, November 8, 2012**

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|--------------------------------|--|
| <b>2:00 p.m. - 4:00 p.m.</b>   | <b>Registration (Ballroom Lobby)</b>   |
| <b>2:00 p.m. - 4:00 p.m.</b>   | <b>Book Exhibits (Pre-Function Areas)</b>  |
| <b>4:00 p.m. - 5:00 p.m.</b>   | <b>Projects and Proposals Committee (Gateway B)</b>  |
| <b>5:00 p.m. - 6:00 p.m.</b>   | <b>Finance Committee (Gateway B)</b>   |
| <b>5:00 p.m. - 7:00 p.m.</b>   | <b>Welcome Reception in Honor of Senior Circuit Judge Morris Sheppard "Buzz" Arnold. Sponsored by The Historical Society of the United States Courts in the Eighth Circuit. (Eagleton Courthouse, 111 South 10th Street, St. Louis) [Buses will depart from the Four Season Hotel beginning at 4:30 p.m. and run a loop between the hotel and the courthouse until last drop off at 7:45 p.m.]</b> |
| <b>6:00 p.m. - 7:15 p.m.</b>   | <b>Executive Committee (Gateway B)</b>   |
| <b>7:30 p.m. - 10:00 p.m.</b>  | <b>Board of Directors Dinner Meeting (Laclede A &amp; B)</b>   |
| <b>10:00 p.m. - 11:00 p.m.</b> | <b>Nightcap (Cielo Bar, 8<sup>th</sup> Floor)</b>  |

**Friday, November 9, 2012**

- |                              |   |
|------------------------------|---|
| <b>7:30 a.m. - 8:30 a.m.</b> | <b>H-LAW Breakfast Meeting (Business Center Room A, 7<sup>th</sup> Floor)</b> |
| <b>7:30 a.m. - 3:00 p.m.</b> | <b>Registration (Ballroom Lobby)</b>  |
| <b>7:30 a.m. - 4:00 p.m.</b> | <b>Book Exhibits (Pre-Function Area)</b>                                      |
| <b>7:30 a.m. - 8:30 a.m.</b> | <b>Continental Breakfast (Ballroom Lobby &amp; Pre-Function Areas)</b>        |

**Friday, Session A, 8:30 a.m. - 10:15 a.m.**

**Revolutions, Coups, Constitutions, and Religion in the Modern Middle East  
(Fontaine Room)**

Chair: Sarah Barringer Gordon, University of Pennsylvania,  
[sgordon@law.upenn.edu](mailto:sgordon@law.upenn.edu)

Malika Zeghal, Harvard University, [mzeghal@fas.harvard.edu](mailto:mzeghal@fas.harvard.edu), “Constitution Drafting After the 2011 Tunisian ‘Revolution’: Old and New Debates about Islam and Sharia”

Ozan Varol, Lewis & Clark, [ovarol@lclark.edu](mailto:ovarol@lclark.edu), “The Military: Turkey’s Fourth Branch of Government”

Kristen Stilt, Northwestern University, [stilt@northwestern.edu](mailto:stilt@northwestern.edu), “Religion and the Making of the 1971 Egyptian Constitution”

Commentator: Sanford Levinson, University of Texas,  
[SLevinson@law.utexas.edu](mailto:SLevinson@law.utexas.edu)

**Taxation in Modern America  
(Laclede Room)**

Chair: W. Elliot Brownlee, University of California, Santa Barbara,  
[brownlee@history.ucsb.edu](mailto:brownlee@history.ucsb.edu)

Ajay Mehrotra, Indiana University, [amehrotr@indiana.edu](mailto:amehrotr@indiana.edu), “Corporate Capitalism and the Changing Constitution”

Marjorie Kornhauser, Tulane University, [marjorie.kornhauser@tulane.edu](mailto:marjorie.kornhauser@tulane.edu), “Taxing Bachelors in America: 1895-1939”

Carolyn Jones, University of Iowa, [carolyn-jones@uiowa.edu](mailto:carolyn-jones@uiowa.edu), “Taxing to Reach the Kingdom of God”

Commentator: Joseph Thorndike, The Tax History Project,  
[joseph.thorndike@law.northwestern.edu](mailto:joseph.thorndike@law.northwestern.edu)

**Defining the Right to Choose  
(Gateway Room)**

Chair: Reva Siegel, Yale University, [reva.siegel@yale.edu](mailto:reva.siegel@yale.edu)

Sara Dubow, Williams College, [sara.l.dubow@williams.edu](mailto:sara.l.dubow@williams.edu), “From Conscience Clauses to Conscience Wars: The Politics of Refusal, 1973-2011”

Dan Williams, University of West Georgia, [dkw@westga.edu](mailto:dkw@westga.edu), “Creating the Right to Life”

Mary Ziegler, Saint Louis University, [mary.r.ziegler@gmail.com](mailto:mary.r.ziegler@gmail.com), “The Making of a Woman’s Right”

Commentator: Donald Critchlow, Saint Louis University, [dcritchlow@sbcglobal.net](mailto:dcritchlow@sbcglobal.net)

**Local Matters: The Legal Construction of Slavery and Freedom in  
Antebellum St. Louis  
(Ballroom C)**

Chair: Rebecca Scott, University of Michigan, [rjscott@umich.edu](mailto:rjscott@umich.edu)

Kelly Kennington, Auburn University, [kennington@auburn.edu](mailto:kennington@auburn.edu), “Just as free as you are: Individual Lives, Local Communities, and the Establishment of Freedom in the Law”

Jesse Nasta, Northwestern University, [jessenasta2013@u.northwestern.edu](mailto:jessenasta2013@u.northwestern.edu), “Marking Slavery’s Border: Individual Lives, the Northwest Ordinance, and the Local Background of *Scott v. Emerson*, 1840-1852”

Anne Twitty, University of Mississippi, [atwitty@olemiss.edu](mailto:atwitty@olemiss.edu), “Learning Law, Making Law: The Construction of Legal Knowledge among Slaves in the American Confluence”

Commentator: Rebecca Scott

**Legal Pluralism and European Overseas Empires, 1600 - 1830  
(Hawthorn Room)**

Chair: Ron Harris, Tel Aviv University, [harrisr@post.tau.ac.il](mailto:harrisr@post.tau.ac.il)

Richard Ross, University of Illinois, [rjross@illinois.edu](mailto:rjross@illinois.edu), and Philip Stern, Duke University, [ps91@duke.edu](mailto:ps91@duke.edu), “Reconstructing Early Modern Notions of Legal Pluralism”

Helen Dewar, University of Toronto, [helen.dewar@utoronto.ca](mailto:helen.dewar@utoronto.ca), “Litigating Empire: The Role of French Courts in Establishing Colonial Sovereignties”

Lauren Benton, New York University, [lauren.benton@nyu.edu](mailto:lauren.benton@nyu.edu), and Lisa Ford, University of New South Wales, [l.ford@unsw.edu.au](mailto:l.ford@unsw.edu.au), “Magistrates in Empire: Convicts, Slaves, and the Remaking of Plural Legal Order in the British Empire”

Commentator: Ron Harris

**10:00 a.m. - 11:00 a.m.**

**Mid-Morning Break  
(Ballroom Lobby & Pre-Function Areas)**

**Friday, Session B, 10:30 a.m. - 12:15 p.m.**

**French Law in the Making (13<sup>th</sup> - 16<sup>th</sup> Centuries)  
(Hawthorn Room)**

Chair: Sara McDougall, John Jay College of Criminal Justice,  
[smcdougall@jjay.cuny.edu](mailto:smcdougall@jjay.cuny.edu)

Ada-Maria Kuskowski, New York University, [ak393@cornell.edu](mailto:ak393@cornell.edu), “Writing lex non scripta: Law and Textualization in Late Medieval France”

Jolanta Komornicka, Boston University, [jolantak@bu.edu](mailto:jolantak@bu.edu), “Iniquitous, Odious, and Unjust: The Use of Sovereign Power in the Legal Culture of the Parlement of Paris”

Tyler Lange, University of California, Berkeley, [tlange@berkeley.edu](mailto:tlange@berkeley.edu), “Excommunication for Debt in Reformation-era France and Beyond”

Commentator: Sara McDougall

**Immigration Law in the Americas  
(Laclede Room)**

Chair: Adrienne Davis, Washington University in St. Louis,  
[adriennedavis@wustl.edu](mailto:adriennedavis@wustl.edu)

Katherine Benton-Cohen, Georgetown University, [kab237@georgetown.edu](mailto:kab237@georgetown.edu), “Empire and Immigrants in the Immigration Law of 1907”



Katherine Unterman, Texas A&M University, [unterman@tamu.edu](mailto:unterman@tamu.edu), “The Fugitive as Immigrant: Extradition Havens in Latin America”

Julian Lim, Washington University in St. Louis, [jlim@wulaw.wustl.edu](mailto:jlim@wulaw.wustl.edu), “African Americans and the Construction of Immigration Law on the Border”

Commentator: Daniel Kanstroom, Boston College, [kanstroom@bc.edu](mailto:kanstroom@bc.edu)

**New Topics in the Legal History of Race, Slavery, and Civil Rights in the United States (Ballroom C)**

Chair: Daniel J. Sharfstein, Vanderbilt University, [daniel.sharfstein@vanderbilt.edu](mailto:daniel.sharfstein@vanderbilt.edu)

Robert St. Martin Westley, Tulane University, [rwestley@tulane.edu](mailto:rwestley@tulane.edu), “The ‘Conventional Exemption’ in Nineteenth Century Slavery Restitution Cases”

Stephen Middleton, Mississippi State University, [smiddleton@aes.msstate.edu](mailto:smiddleton@aes.msstate.edu), “Racial Identity, Local People, and the Conceptualization of the One Drop Rule in 19th-Century America”

Wendy Greene, Samford University, [degreene@samford.edu](mailto:degreene@samford.edu), “Race and the Railways: Homer Plessy and Jim Crow Challenges to Racial Separation, Racial Purity, and Racial Determination on Private Railcars”

Diana Williams, University of Southern California, [diana.williams@usc.edu](mailto:diana.williams@usc.edu), “Plessy’s Peers: The Jim Crow Jury.”

Commentator: Paul Finkelman, Duke Law School and Albany Law School, [paul.finkelman@albanylaw.edu](mailto:paul.finkelman@albanylaw.edu)

**Comparing the Slave Codes of Spain, France, and Britain in the Seventeenth century: The Limits of Absolutism (Fontaine Room)**

Chair: Christopher Tomlins, University of California, Irvine, [ctomlins@law.uci.edu](mailto:ctomlins@law.uci.edu)

Brett Rushforth, College of William and Mary, [bhrushforth@wm.edu](mailto:bhrushforth@wm.edu), “Legal Pluralism, Private Law, and the Regulation of Slavery in the Early Modern French Atlantic”

Michelle McKinley, University of Oregon, [michelle@uoregon.edu](mailto:michelle@uoregon.edu), “Standing on Shaky Ground: Claiming Ecclesiastical Immunity in Seventeenth-Century Lima: 1600-1699”

Holly Brewer, University of Maryland, [hbrewer@umd.edu](mailto:hbrewer@umd.edu), "Property in People: Creating a British Imperial Slave Code via the Common Law"

Commentator: Christopher Tomlins

**The Constitution of Aspiration: Twenty-Five Years After  
(Gateway Room)**

Chair: Barbara Welke, University of Minnesota, [welke004@umn.edu](mailto:welke004@umn.edu)

Risa Goluboff, University of Virginia, [goluboff@virginia.edu](mailto:goluboff@virginia.edu), “Vagrancy Law and Its Discontents: A New Approach to the Constitution in Everyday Life”

Hendrik Hartog, Princeton University, [hartog@princeton.edu](mailto:hartog@princeton.edu), “Not another paper on *Gibbons v. Ogden*”

Steven Wilf, University of Connecticut, [steven.wilf@law.uconn.edu](mailto:steven.wilf@law.uconn.edu), “The Constitution of Trepidation”

Commentator: Reva Siegel, Yale University, [reva.siegel@yale.edu](mailto:reva.siegel@yale.edu)

**12:15 p.m. - 1:45 p.m. Lunch Break**

**12:30 p.m. - 1:30 p.m. *Law & History Review* Editorial Board Lunch Meeting (Sponsored by Cambridge University Press) (Mississippi Room, 8<sup>th</sup> Floor)**

**12:30 p.m. - 1:30 p.m. Standing Committee on Conferences and the Annual Meeting Lunch Meeting (Business Center Room A, 7<sup>th</sup> Floor)**

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

**Crime and Punishment in the Early Modern World  
(Laclede Room)**

Chair: Markus Dubber, University of Toronto, [mdubber@gmail.com](mailto:mdubber@gmail.com)

Thomas Buoye, University of Tulsa, [thomas-buoye@utulsa.edu](mailto:thomas-buoye@utulsa.edu), "Principles and Praxis of Capital Punishment in 18th Century China"

Megan Reid, University of Southern California, [meganrei@usc.edu](mailto:meganrei@usc.edu), "Appropriate Justice and Appropriate Punishment in Late Medieval Islamic law"

Prof. Govind Sreenivasan, Brandeis University, [sreenivasan@brandeis.edu](mailto:sreenivasan@brandeis.edu), "Judging and Punishing Injuries in Early Modern Germany (c. 1550 - 1650)"

Commentator: Markus Dubber

**The Administrative State and the Law in 20th-Century America  
(Ballroom C)**

Chair: Edward Purcell, New York Law School, [edward.purcell@nyls.edu](mailto:edward.purcell@nyls.edu)

Joanna L. Grisinger, Northwestern University, [joanna.grisinger@northwestern.edu](mailto:joanna.grisinger@northwestern.edu), "Civil Rights in the Administrative State"

Sophia Z. Lee, University of Pennsylvania, [slee@law.upenn.edu](mailto:slee@law.upenn.edu), "'A Little FEPC'?: Forging a Liberal Workplace Constitution in the Post-New Deal Administrative State"

Nicholas Parrillo, Yale University, [nicholas.parrillo@yale.edu](mailto:nicholas.parrillo@yale.edu), "The Origins of American Distinctness in Statutory Interpretation: Administrative Agencies, Judges, and Legislative History, c. 1890-1945"

Commentator: Robert C. Lieberman, Columbia University, [rc115@columbia.edu](mailto:rc115@columbia.edu)

**A Pastiche of Tongues: Speaking and Responding to the Languages of  
Anglo-Saxon and Later Medieval Law  
(Hawthorn Room)**

Chair: Stefan Jurasinski, State University of New York, College at Brockport, [sjurasin@brockport.edu](mailto:sjurasin@brockport.edu)

Lisi Oliver, Louisiana State University, [lolive1@lsu.edu](mailto:lolive1@lsu.edu), "Assessing Genital Injury in Medieval Law"

Trisha Olson, Independent Researcher, [filipiors@aol.com](mailto:filipiors@aol.com), "Of Law-Worthiness and Outlawry in Guthlac A: The Poetic Nature of Anglo-Saxon Law"

Andrew Rabin, University of Louisville, [andrew.rabin@louisville.edu](mailto:andrew.rabin@louisville.edu),  
“Between Court and Cloister: Legal Literacy in Anglo-Saxon Nunneries”

Commentator: Stefan Jurasinski

**Quasi-Legal Institutions in Modern Chinese History  
(Fontaine Room)**

Chair: Peter C. Perdue, Yale University, [peter.c.perdue@yale.edu](mailto:peter.c.perdue@yale.edu)

Pengsheng Chiu, Chinese University of Hong Kong, [pengshan@sinica.edu.tw](mailto:pengshan@sinica.edu.tw),  
“Revisiting Legal Pluralism in China: The Hidden Agenda of Protecting  
Merchant Interests behind Eighteenth-Century Legal Orderings in Lower  
Yangtze Cities”

Xiaoping Cong, University of Houston, [xcong@uh.edu](mailto:xcong@uh.edu), “Ma Xiwu’s Way of  
Judging: Villages, Law, and Legal Modernity in Revolutionary China of the  
1940s”

Glenn D. Tiffert, University of California, Berkeley, [tiffert@post.harvard.edu](mailto:tiffert@post.harvard.edu),  
“Law and (Dis)order in Revolutionary Wuhan: The Ji Kaifu case (1949-52)”

Commentator: Peter C. Perdue

**Author Meets Readers: Kenneth Mack, *Representing the Race: The  
Creation of the Civil Rights Lawyer*  
(Gateway Room)**

Chair: Kristin Collins, Boston University, [collinsk@bu.edu](mailto:collinsk@bu.edu)

Kenneth Mack, Harvard University, [kmack@law.harvard.edu](mailto:kmack@law.harvard.edu)

Readers:

Herbert Timothy Lovelace, Jr., Indiana University, [htl5x@virginia.edu](mailto:htl5x@virginia.edu)

Jane Dailey, University of Chicago, [dailey@uchicago.edu](mailto:dailey@uchicago.edu)

Robert W. Gordon, Stanford University, [rwgordon@stanford.edu](mailto:rwgordon@stanford.edu)

**Plenary Lecture and Reception (Washington University in St. Louis Law School)**

**“Five Half-Truths about Natural Law in European and American Legal History”**

R. H. Helmholz, University of Chicago, [dick\\_helmholz@law.uchicago.edu](mailto:dick_helmholz@law.uchicago.edu):

**Buses will depart the hotel at 4:00 p.m. and the Law School at 7:00 p.m.  
The Lecture will begin at 4:45 p.m.**

**9:00 p.m. - 11:00 p.m. Informal Graduate Student Gathering (Cielo Bar)**

**Saturday, November 10, 2012**

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|-------------------------------|---|
| <b>7:15 a.m. - 8:30 a.m.</b>  | <b>Membership Committee Breakfast Meeting (Business Room B, 7<sup>th</sup> Floor)</b> |
| <b>7:15 a.m. - 8:30 a.m.</b>  | <b>Program Committee Breakfast Meeting (Business Room A, 7<sup>th</sup> Floor)</b>    |
| <b>7:15 a.m. - 8:30 a.m.</b>  | <b>Publications Committee Breakfast Meeting (Boardroom)</b>                           |
| <b>7:30 a.m. - 8:45 a.m.</b>  | <b>Continental Breakfast (Ballroom Lobby &amp; Pre-Function Areas)</b>                |
| <b>7:30 a.m. - 12:00 p.m.</b> | <b>Registration (Ballroom Lobby)</b>  |
| <b>7:30 a.m. - 4:00 p.m.</b>  | <b>Book Exhibits (Pre-Function Areas)</b>   |

**Saturday, Session A, 8:30 a.m. - 10:15 a.m.**

**Roman Law in the Imperial Period  
(Laclede)**

Chair: Charles Donahue, Harvard University, [jreader@law.harvard.edu](mailto:jreader@law.harvard.edu)

Kaius Tuori, New York University, [kt770@nyu.edu](mailto:kt770@nyu.edu), “The Emperor of Small Things: Roman Imperial Adjudication during the Severan Period”

Emily Master, Princeton University, [ekutzer@princeton.edu](mailto:ekutzer@princeton.edu), “Modes of Lawmaking in the Early Roman Empire”

Bruce Frier, University of Michigan, [bwfrier@umich.edu](mailto:bwfrier@umich.edu), “The Professionalization of Advocacy in the Late Roman Empire”

Commentator: Ari Bryen, West Virginia University, [azbryen@gmail.com](mailto:azbryen@gmail.com)

**Publicity, Reputation, and Privacy in American Law  
(Ballroom C)**

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

Kristin A. Olbertson, Alma College, [olbertson@alma.edu](mailto:olbertson@alma.edu), “‘Making Fables Pass for Facts’: Criminal Prosecutions for False News and Rumor in Eighteenth-Century Massachusetts”

Mark M. Carroll, University of Missouri, [CarrollMM@missouri.edu](mailto:CarrollMM@missouri.edu), “Dished Dirt, Transgressive Women, and the Politics of Slander in Upper Louisiana and Missouri, 1804-1860”

Samantha Barbas, State University of New York, Buffalo, [sbarbas@buffalo.edu](mailto:sbarbas@buffalo.edu), “Privacy in an Image Society”

Commentator: Michael Grossberg

**Reconstruction in the Courts: The Adjudication of African Americans’  
Rights in State and Federal Courts  
(Gateway Room)**

Chair: William G. Thomas, University of Nebraska, [wgt@unl.edu](mailto:wgt@unl.edu)

Linda Tvrdy, Columbia University, [lat2003@columbia.edu](mailto:lat2003@columbia.edu), “The Liberty to Be Unfree: Free Labor in Reconstruction North Carolina”

Jeremiah Bauer, University of Nebraska, Lincoln, [jeremiah.bauer@huskers.unl.edu](mailto:jeremiah.bauer@huskers.unl.edu), “Adjudicating Reconstruction: *Blyew* and the Logistical Limitations of Federal Civil Rights Enforcement”

Jonathan Lurie, Rutgers University, [jlurie@andromeda.rutgers.edu](mailto:jlurie@andromeda.rutgers.edu), “The Enduring Racism of Justice Bradley: *Blyew* and Beyond”

Commentator: Michael A. Ross, University of Maryland, [maross@umd.edu](mailto:maross@umd.edu)

**Prosecutors, Politics, and Professionalism in the Nineteenth Century  
(Fontaine Room)**

Chair: Annette Gordon-Reed, Harvard University,  
[agordonreed@law.harvard.edu](mailto:agordonreed@law.harvard.edu)

Michael Ellis, U.S. Court of Appeals for the Sixth Circuit, [mellism@gmail.com](mailto:mellism@gmail.com),  
“The Origins of the Elected Prosecutor”

Jed Handelsman Shugerman, Harvard University,  
[jshugerman@law.harvard.edu](mailto:jshugerman@law.harvard.edu), “The Founding of the Department of Justice and  
the Failure of Civil Service Reform, 1865-1871”

Norman Spaulding, Stanford University, [nspaulding@law.stanford.edu](mailto:nspaulding@law.stanford.edu),  
“Prosecutorial Discretion in the Civil Rights Context”

Commentator: Daniel Richman, Columbia University,  
[drichm@law.columbia.edu](mailto:drichm@law.columbia.edu)

**The Swedish Model – A Middle Way?  
(Hawthorn Room)**

Chair: Daniel Ernst, Georgetown University, [ernst@law.georgetown.edu](mailto:ernst@law.georgetown.edu)

Mats Kumlien, Uppsala University, [mats.kumlien@jur.uu.se](mailto:mats.kumlien@jur.uu.se), "What's the  
Difference? Abortion laws in Sweden and the USA"

Corel Granstrom, Umea University, [gorel.granstrom@jus.umu.se](mailto:gorel.granstrom@jus.umu.se), "Back to  
Medieval Times? Crime Victims in the Welfare State."

Marianne Dahlen, Uppsala University, [marianne.dahlen@jur.ml.se](mailto:marianne.dahlen@jur.ml.se), “In the Best  
Interest of the Child? Child Welfare Reform in 20<sup>th</sup>-Century Sweden”

Commentator: Daniel Ernst

**10:00 a.m. - 11:00 a.m.**

**Mid-Morning Break & Meet the Editors  
of *Studies in Legal History*  
(Ballroom Lobby & Pre-Function Areas)**

**Saturday Session B, 10:30 a.m. - 12:15 p.m.**

**Or Else: Contract Enforcement in Roman and Medieval Law  
(Hawthorn Room)**

Chair: Emily Kadens, University of Texas, [ekadens@law.utexas.edu](mailto:ekadens@law.utexas.edu)

Agostino Inuscio, Yale University, [agostinoinguscio@gmail.com](mailto:agostinoinguscio@gmail.com), "Witnesses as Enforcers in Twelfth-Century Genoese Trading Networks"

Jessica Goldberg, University of Pennsylvania, [goldbejl@sas.upenn.edu](mailto:goldbejl@sas.upenn.edu), "Parsing Evidence for Enforcement Regimes in Geniza Documents"

David Ratzan, Columbia University, [dratzan@yahoo.com](mailto:dratzan@yahoo.com), "Legal Threats and the Enforcement of Contract in the Roman Empire"

Commentator: Emily Kadens

**Law and the Modern American Warfare State  
(Mississippi Room, 8<sup>th</sup> Floor)**

Chair: John Fabian Witt, Yale University, [john.witt@yale.edu](mailto:john.witt@yale.edu)

Clara Altman, Brandeis University, [cjaltman@brandeis.edu](mailto:cjaltman@brandeis.edu), "The Difference between Political Revolution and the Crime of Robbery': Crime, War, and American Military Justice in the Philippines"

Jeremy Kessler, Yale University, [jeremy.kessler@yale.edu](mailto:jeremy.kessler@yale.edu), "The Administration of Conscience in World War I"

Kate Epstein, Rutgers University-Camden, [kce17@camden.rutgers.edu](mailto:kce17@camden.rutgers.edu), "A New Angle on National Security Law: Intellectual Property Rights, Anti- Espionage Legislation, and Export Control before World War I"

Commentator: Mary L. Dudziak, University of Southern California, [mdudziak@law.usc.edu](mailto:mdudziak@law.usc.edu)

**Towards a New History of European Law  
(Fontaine Room)**

Chair: Jeff Bibbee, University of North Alabama, [jrbibbee@una.edu](mailto:jrbibbee@una.edu)

Anne Boerger, University of Alberta, [aboerger@ualberta.ca](mailto:aboerger@ualberta.ca), "Negotiating the Foundations of European Law, 1950-1958. The Legal History of the Treaties of Paris and Rome"



Billy Davies, American University, [davies@american.edu](mailto:davies@american.edu), “Pushing Back: What Happens When Member States Resist the ECJ. The Case of West Germany 1951-1978”

Morten Rasmussen, University of Copenhagen, [mortenra@hum.ku.dk](mailto:mortenra@hum.ku.dk), “Establishing a Constitutional Practice of European Law. The History of the Legal Service of the European Executives, 1952-1965”

Commentator: Peter Lindseth, University of Connecticut, [peter.Lindseth@law.uconn.edu](mailto:peter.Lindseth@law.uconn.edu)

**Katherine T. Preyer Prize Panel  
(Gateway Room)**

Chair: Gautham Rao, American University, [grao@american.edu](mailto:grao@american.edu)

Sarah Levine-Gronnigsatar, Ph.D. Candidate, University of Chicago, [sarahlg@uchicago.edu](mailto:sarahlg@uchicago.edu), “Poor Law, Slave Law, God’s Law: Quaker Antislavery and the Early Modern Origins of New York’s Gradual Emancipation”

Taisu Zhang, J.D. Candidate, Yale Law School, [taisuzhang@yale.edu](mailto:taisuzhang@yale.edu), “Kinship Networks, Social Status and the Creation of Property Rights in Early Modern China and England”

Commentators: William Wiecek, Syracuse University, [emwiecek@law.syr.edu](mailto:emwiecek@law.syr.edu); James C. Oldham, Georgetown University, [Oldham@law.georgetown.edu](mailto:Oldham@law.georgetown.edu)

**Roundtable: Visual Sources for Legal History: Reflections on Representing Justice  
(Laclede Room)**

Chair: Lawrence M. Friedman, Stanford University, [lmf@stanford.edu](mailto:lmf@stanford.edu)

Judith Resnik, Yale University, [judith.resnik@yale.edu](mailto:judith.resnik@yale.edu)

Dennis E. Curtis, Yale University, [dennis.curtis@yale.edu](mailto:dennis.curtis@yale.edu)

Robert A. Ferguson, Columbia University, [raf2@columbia.edu](mailto:raf2@columbia.edu)

John Gordan III, William Nelson Cromwell Foundation, [johngordan3@gmail.com](mailto:johngordan3@gmail.com)

Linda Mulcahy, London School of Economics, [l.mulcahy@lse.ac.uk](mailto:l.mulcahy@lse.ac.uk)

**12:30p.m. - 2 p.m. Annual Lunch & Awards Ceremony  
(Ballroom A and B)**

**The President will speak on the State of the Society, and awards will be announced and presented.**

**Saturday Session C, 2:15 p.m. - 4:00 p.m.**

**Early 20th Century Jewish Encounters with Foreign Law: From Zionist  
State-Building to Rabbinical International Law Scholarship  
(Fontaine Room)**

***\*Inaugural ASLH-IHLA Exchange Panel\****

**Chair:** Adam Hofri-Winogradow, Hebrew University,  
[adam.hofri@mail.huji.ac.il](mailto:adam.hofri@mail.huji.ac.il)

Alexandre (Sandy) Kedar, Haifa University, [sandy@law.haifa.ac.il](mailto:sandy@law.haifa.ac.il), “The Enduring Legal Legacy of the British Empire: The British, Indian and Pakistani Sources of the Israeli Absentee Property Act”

Avital Margalit, Sapir College, [tali1807@gmail.com](mailto:tali1807@gmail.com), “Co-operative Societies in Mandatory Palestine: Legal and Cultural Transplantation”

Binyamin Blum, Hebrew University, [binyamin.blum@mail.huji.ac.il](mailto:binyamin.blum@mail.huji.ac.il), “The CSI Effect in Mandate Palestine: Forensic Technology, Surveillance, and Empire”

Amos Israel-Vleeschhouwer, Tel-Aviv University, [aisrael@idc.ac.il](mailto:aisrael@idc.ac.il), “Three Early Jewish Legal Responses to International Law: 1900-1940”

Commentator: Adam Hofri-Winogradow

**The Golden Laboratory: Legal Innovation in Twentieth-Century California  
(Co-Sponsored by *California Legal History*, the journal of the California  
Supreme Court Historical Society)  
(Gateway Room)**

**Chair:** Reuel Schiller, Hastings College of the Law, [schiller@uchastings.edu](mailto:schiller@uchastings.edu)

Mark Brilliant, University of California, Berkeley, [mbrill@berkeley.edu](mailto:mbrill@berkeley.edu), “From Integrating Young Scholars to Redistributing Property Tax Dollars: How and Why School Finance Reform Eclipsed School Desegregation as The Educational Civil Rights Issue Beginning in the 1970s”

Deborah Kang, California State University, San Marcos, [sdkang@csusm.edu](mailto:sdkang@csusm.edu), “Making Immigration Policy Local: The Immigration and Naturalization Service in California, Arizona, and Texas”

Felicia Kornbluh, University of Vermont, [fkornblu@uvm.edu](mailto:fkornblu@uvm.edu), “Substantive Rights, Japanese American Civil Rights, and ‘The Equal Protection of the Laws’: Jacobus tenBroek and the California Roots of a New Equal Protection Jurisprudence After World War II”

Commentator: Lawrence Friedman, Stanford University, [lmf@stanford.edu](mailto:lmf@stanford.edu)

**Fissures in the Hegemon: Opportunities for Freedom in the Law and Administration of Southern Slavery  
(Laclede Room)**

Chair: Daniel Hamilton, University of Illinois, [dhamltn@illinois.edu](mailto:dhamltn@illinois.edu)

Kirt von Daacke, University of Virginia, [kv2h@virginia.edu](mailto:kv2h@virginia.edu), “I’ll Show You What a Free Negro Is’: Interracial Violence and the County-Level Workings of the Law in Virginia”

Ted Maris-Wolf, University of Louisiana at Lafayette, [tedmw@louisiana.edu](mailto:tedmw@louisiana.edu), “Black Clients, White Attorneys: Life, Liberty, and Law in Virginia Communities”

Gautham Rao, American University, [gauth.rao@gmail.com](mailto:gauth.rao@gmail.com), “Administering Slavery and Freedom: Customhouses and the Federal Regulation of Slavery”

Commentator: Daniel Hamilton

**Reconsidering Popular Constitutionalism  
(Ballroom C)**

Chair: William Forbath, University of Texas, [wforbath@law.utexas.edu](mailto:wforbath@law.utexas.edu)

Laura Phillips, Brown University, [laura\\_phillips@brown.edu](mailto:laura_phillips@brown.edu), “The Fair Trade Experiment in California: Popular Constitutionalism, Federalism, and Antitrust, 1929-1937”

Christopher Schmidt, Chicago-Kent College of Law, [cschmidt@kentlaw.edu](mailto:cschmidt@kentlaw.edu), “Popular Constitutionalism on the Right”

Brad Snyder, University of Wisconsin, [bsnyder2@wisc.edu](mailto:bsnyder2@wisc.edu), “The Real Progressive Constitutionalist”

Commentators: William Forbath

**The Life, Work, and Influence of A.W. Brian Simpson  
(Hawthorn Room)**

Chair: Thomas A. Green, University of Michigan, [tagreen@umich.edu](mailto:tagreen@umich.edu)

Rande Kostal, Western University (Ontario), [rwk@uwo.ca](mailto:rwk@uwo.ca), “Historicizing the Common Law: Brian Simpson and the Limits of Influence”

Robert W. Gordon, Stanford University, [rwgordon@stanford.edu](mailto:rwgordon@stanford.edu), “Brian Simpson as Storyteller and Satirist”

David Sugarman, Lancaster University, [d.sugarman@lancaster.ac.uk](mailto:d.sugarman@lancaster.ac.uk), “A.W.B. Simpson in Context: The Life of Brian”

Commentator: Kjell A. Modeer, University of Lund, [Kjell\\_A.Modeer@jur.lu.se](mailto:Kjell_A.Modeer@jur.lu.se)

**Saturday, Session B, 4:15 p.m. - 6:00 p.m.**

**The “Indian Problem” and Federal Power in American Legal History  
(Fontaine Room)**

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

Gregory Ablavsky, University of Pennsylvania, [ablavsky@sas.upenn.edu](mailto:ablavsky@sas.upenn.edu), “The Indians’ Constitution: Rethinking Native American Influence on The Framing”

Joseph Genetin-Pilawa, Illinois College, [joseph.genetin@ic.edu](mailto:joseph.genetin@ic.edu), “Crooked Paths through the Peace Policy: Repressed Alternatives and Ely Parker’s Career in Indian Affairs”

Karen Tani, University of California, Berkeley, [ktani@law.berkeley.edu](mailto:ktani@law.berkeley.edu), “Citizens of the Welfare State? The “Indian Problem” in the Age of New Federalism”

Commentators: Bethany Berger, University of Connecticut  
[bethany.berger@law.uconn.edu](mailto:bethany.berger@law.uconn.edu), Ariela Gross

**Property and Liberty in the Long Nineteenth Century  
(Gateway Room)**

Chair: Tomiko Brown-Nagin, Harvard University,  
[tbrownnagin@law.harvard.edu](mailto:tbrownnagin@law.harvard.edu)

Sarah Barringer Gordon, University of Pennsylvania, [sgordon@law.upenn.edu](mailto:sgordon@law.upenn.edu),  
“American Mountain: Limitations on Religious Property in Antebellum  
America”

Dylan Penningroth, Northwestern University, [dcp@abfn.org](mailto:dcp@abfn.org), “Black  
Inheritance: Rights and Genealogies after Slavery”

Allison Brownell Tirres, DePaul University, [atirres@depaul.edu](mailto:atirres@depaul.edu), “Non-Citizen  
Property Rights and State Constitutional Reform”

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

**Media, Crime, and the Law: Assessing the Role of the Media in Framing  
Crime and the Anglo-American Legal Process  
(Laclede Room)**

Chair: Anders Walker, Saint Louis University, [awalke16@slu.edu](mailto:awalke16@slu.edu)

Jennifer Tucker, Wesleyan University, [jtucker@wesleyan.edu](mailto:jtucker@wesleyan.edu), “Facing Facts:  
The Tichborne Cause Célèbre and Victorian Public Opinion”

Carolyn Ramsey, University of Colorado, [Carolyn.Ramsey@colorado.edu](mailto:Carolyn.Ramsey@colorado.edu),  
“Journalists and Gendered Violence: Newspaper Coverage of Intimate-Partner  
Abuse”

Renee Romano, Oberlin College, [romano@oberlin.edu](mailto:romano@oberlin.edu), “Making Cold Cases  
Hot: Journalists and the Re-opening of Civil Rights Era Murder Cases”

Commentator: Elizabeth Dale, University of Florida, [edale@ufl.edu](mailto:edale@ufl.edu)

**Transforming American Advocacy: Race, Gender, and Local Courts in the  
20<sup>th</sup> Century  
(Ballroom C)**

Chair: David Tanenhaus, University of Nevada, Las Vegas,  
[david.tanenhaus@unlv.edu](mailto:david.tanenhaus@unlv.edu)

Cecily McDaniel, North Carolina Agricultural and Technical State University,  
[mcdaniel.130@gmail.com](mailto:mcdaniel.130@gmail.com), “Women Lawyers Must Balk Both Color and Sex  
Bias’: Black Women Lawyers and Their Contributions to Black Feminist  
Thought”

Cheryl Nelson Butler, Southern Methodist University, [cnbutler@smu.edu](mailto:cnbutler@smu.edu),  
“Blackness as Delinquency”

Felice Batlan, Chicago-Kent College of Law, [fbatlan@Kentlaw.edu](mailto:fbatlan@Kentlaw.edu), “The  
Gendered Lives of Legal Aid: Jewish Women Lawyers and the Immigrant  
Experience, 1890-1910”

Commentator: Martha Jones, University of Michigan, [msjonz@umich.edu](mailto:msjonz@umich.edu)

**Author Meets Readers: James Q. Whitman, *Verdict of Battle: The Law of  
Victory and the Making of Modern War*  
(Hawthorn Room)**

Chair: Adam Kosto, Columbia University, [ajkosto@columbia.edu](mailto:ajkosto@columbia.edu)

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

Readers:

Peter Hunt, University of Colorado, [peter.hunt@colorado.edu](mailto:peter.hunt@colorado.edu)

David Bell, Princeton University, [dabell@princeton.edu](mailto:dabell@princeton.edu)

Cynthia Nicoletti, Mississippi College School of Law, [nicolett@mc.edu](mailto:nicolett@mc.edu)

**6:00 p.m. - 8:00 p.m.      Closing Reception (6th Floor Terrace)**

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Will Hanley, Associate Editor (Book Reviews non-Americas), Florida State University

<p><b>Thursday</b> 5:00 p.m. - 7:00 p.m.</p>	<p><b>Welcome Reception in Honor of Senior Circuit Judge Morris Sheppard "Buzz" Arnold.</b> Sponsored by The Historical Society of the United States Courts in the Eighth Circuit. (Eagleton Courthouse, 111 South 10th Street, St. Louis)</p>	
<p><b>Friday</b> <b>Session A</b> 8:30 a.m. - 10:15 a.m.</p>	<p><b>Revolutions, Coups, Constitutions, and Religion in the Modern Middle East</b> <i>Fontaine Room</i></p>	<p><b>Taxation in Modern America</b> <i>Laclede Room</i></p>
<p><b>Friday</b> <b>Session B</b> 10:30 a.m. - 12:15 p.m.</p>	<p><b>French Law in the Making (13th - 16th Centuries)</b> <i>Hawthorn Room</i></p>	<p><b>Immigration Law in the Americas</b> <i>Laclede Room</i></p>
<p><b>Friday</b> <b>Session C</b> 1:45 p.m. - 3:30 p.m.</p>	<p><b>Crime and Punishment in the Early Modern World</b> <i>Laclede Room</i></p>	<p><b>The Administrative State and the Law in 20th-Century America</b> <i>Ballroom C</i></p>
<p><b>Friday</b> 4:30 p.m. - 7:30 p.m.</p>	<p><b>Plenary Lecture: "Five Half-Truths about Natural Law in European and American Legal History"</b> R. H. Helmholz, Ruth Wyatt Rosenson Distinguished Service Professor of Law, University of Chicago <i>Washington University in St. Louis Law School</i></p>	
<p><b>Saturday</b> <b>Session A</b> 8:30 a.m. - 10:15 a.m.</p>	<p><b>Roman Law in the Imperial Period</b> <i>Laclede</i></p>	<p><b>Publicity, Reputation, and Privacy in American Law</b> <i>Ballroom C</i></p>
<p><b>Saturday</b> <b>Session B</b> 10:30 a.m. - 12:15 p.m.</p>	<p><b>Or Else: Contract Enforcement in Roman and Medieval Law</b> <i>Hawthorn Room</i></p>	<p><b>Law and the Modern American Warfare State</b> <i>Mississippi Room, 8th Floor</i></p>
<p><b>Saturday</b> <b>Session C</b> 2:15 p.m. - 4:00 p.m.</p>	<p><b>Early 20th Century Jewish Encounters with Foreign Law: From Zionist State-Building to Rabbinical International Law Scholarship</b> <i>Fontaine Room</i></p>	<p><b>The Golden Laboratory: Legal Innovation in Twentieth-Century California</b> <i>Gateway Room</i></p>
<p><b>Saturday</b> <b>Session D</b> 4:15 p.m. - 6:00 p.m.</p>	<p><b>The "Indian Problem" and Federal Power in American Legal History</b> <i>Fontaine Room</i></p>	<p><b>Property and Liberty in the Long Nineteenth Century</b> <i>Gateway Room</i></p>
<p><b>Saturday</b> 6:00 p.m. - 8:00 p.m.</p>	<p><b>Closing Reception</b> <i>6th Floor Terrace</i></p>	

<b>Defining the Right to Choose</b> <i>Gateway Room</i>	<b>Local Matters: The Legal Construction of Slavery and Freedom in Antebellum St. Louis</b> <i>Ballroom C</i>	<b>Legal Pluralism and European Overseas Empires, 1600 - 1830</b> <i>Hawthorn Room</i>
<b>New Topics in the Legal History of Race, Slavery, and Civil Rights in the United States</b> <i>Ballroom C</i>	<b>Comparing the Slave Codes of Spain, France, and Britain in the Seventeenth century: The Limits of Absolutism</b> <i>Fontaine Room</i>	<b>The Constitution of Aspiration: Twenty-Five Years After</b> <i>Gateway Room</i>
<b>A Pastiche of Tongues: Speaking and Responding to the Languages of Anglo-Saxon and Later Medieval Law</b> <i>Hawthorn Room</i>	<b>Quasi-Legal Institutions in Modern Chinese History</b> <i>Fontaine Room</i>	<b>Author Meets Readers: Kenneth Mack, <i>Representing the Race: The Creation of the Civil Rights Lawyer</i></b> <i>Gateway Room</i>
<b>Reconstruction in the Courts: The Adjudication of African Americans' Rights in State and Federal Courts</b> <i>Gateway Room</i>	<b>Prosecutors, Politics, and Professionalism in the Nineteenth Century</b> <i>Fontaine Room</i>	<b>The Swedish Model - A Middle Way?</b> <i>Hawthorn Room</i>
<b>Towards a New History of European Law</b> <i>Fontaine Room</i>	<b>Katherine T. Preyer Prize Panel</b> <i>Gateway Room</i>	<b>Roundtable: Visual Sources for Legal History: Reflections on Representing Justice</b> <i>Laclede Room</i>
<b>Fissures in the Hegemon: Opportunities for Freedom in the Law and Administration of Southern Slavery</b> <i>Laclede Room</i>	<b>Reconsidering Popular Constitutionalism</b> <i>Ballroom C</i>	<b>The Life, Work, and Influence of A.W. Brian Simpson</b> <i>Hawthorn Room</i>
<b>Media, Crime, and the Law: Assessing the Role of the Media in Framing Crime and the Anglo-American Legal Process</b> <i>Laclede Room</i>	<b>Transforming American Advocacy: Race, Gender, and Local Courts in the 20th Century</b> <i>Ballroom C</i>	<b>Author Meets Readers: James Q. Whitman, <i>Verdict of Battle: The Law of Victory and the Making of Modern War</i></b> <i>Hawthorn Room</i>

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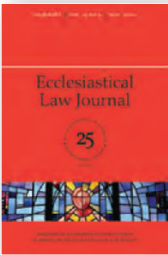


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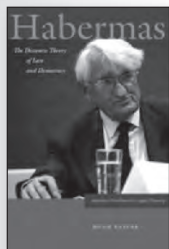
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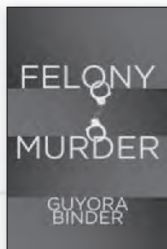
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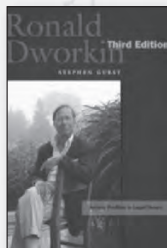
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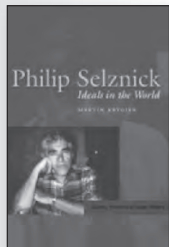
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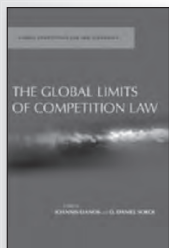
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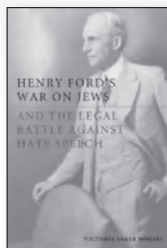
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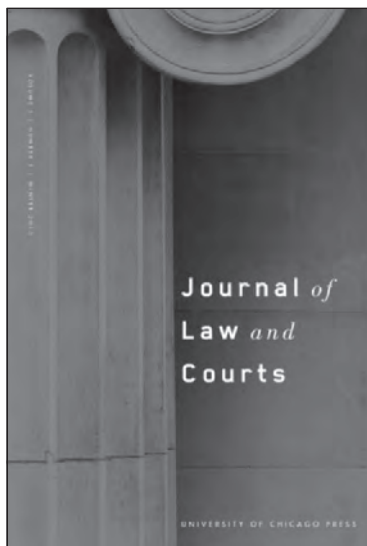
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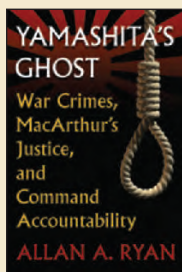
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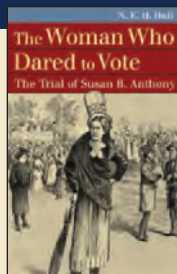
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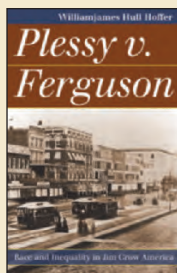


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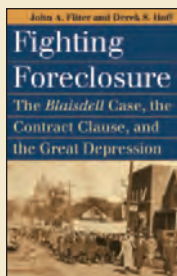


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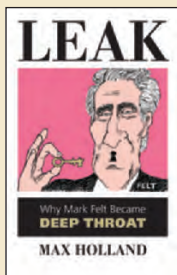
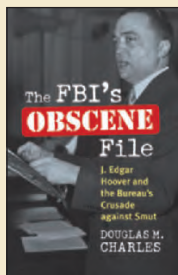
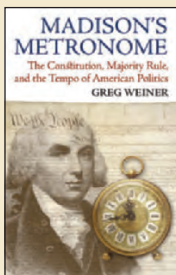
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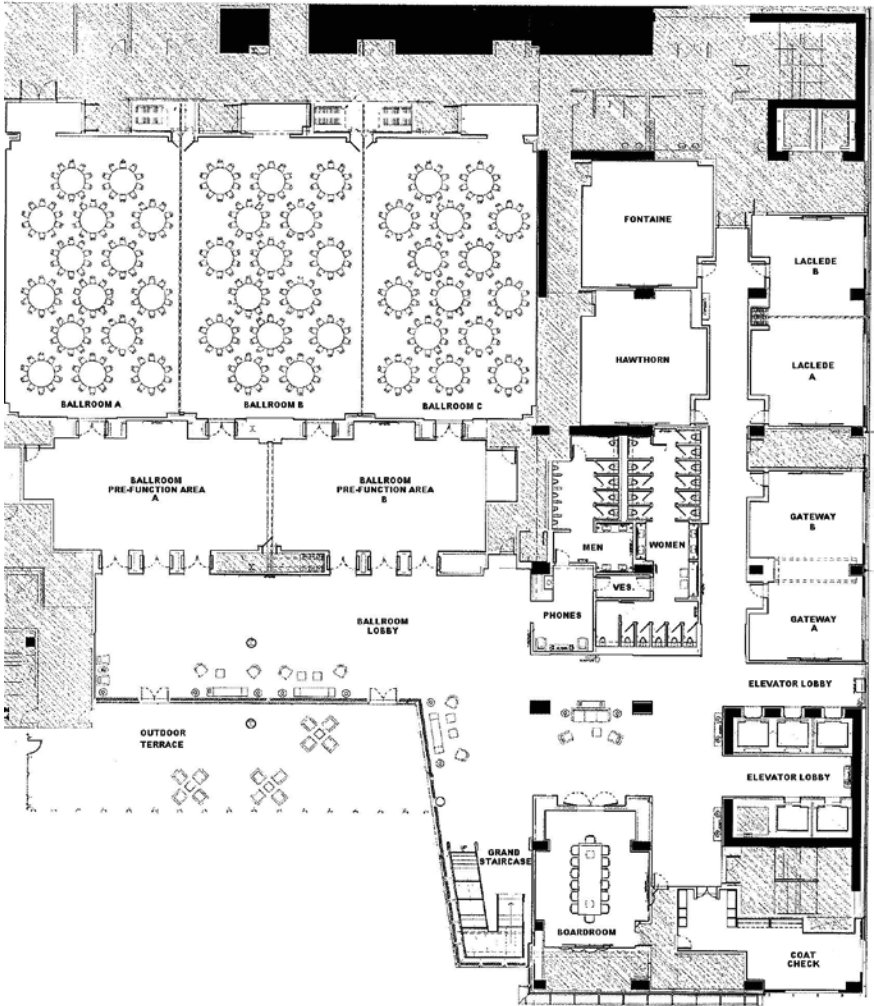
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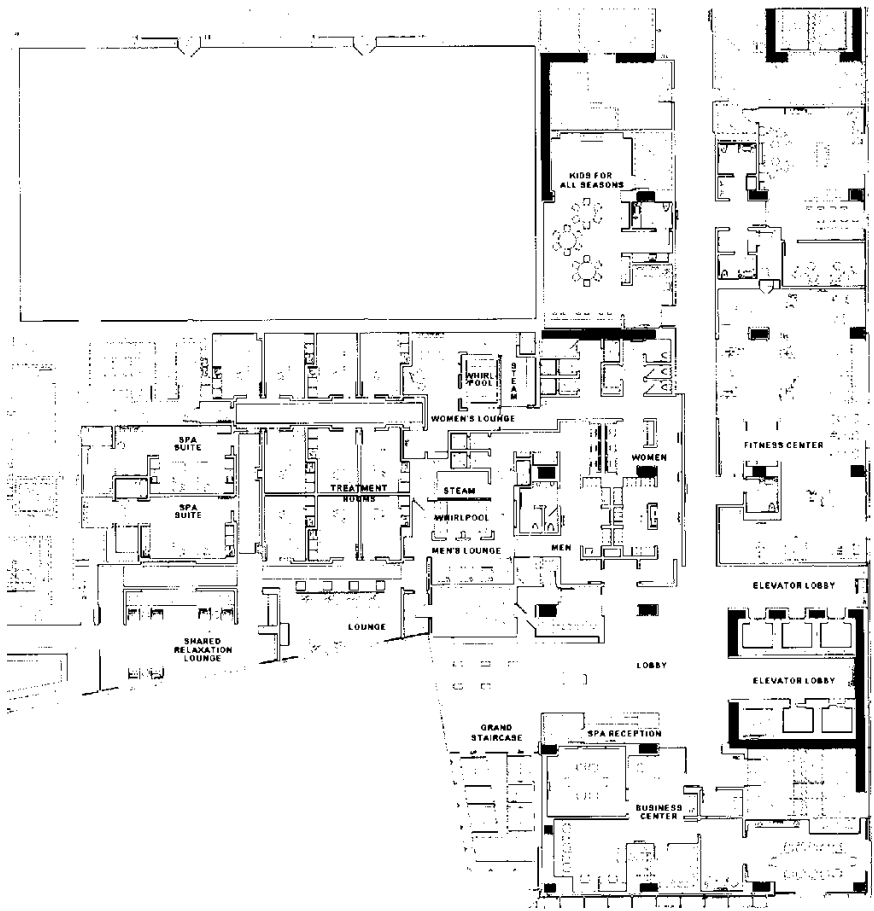




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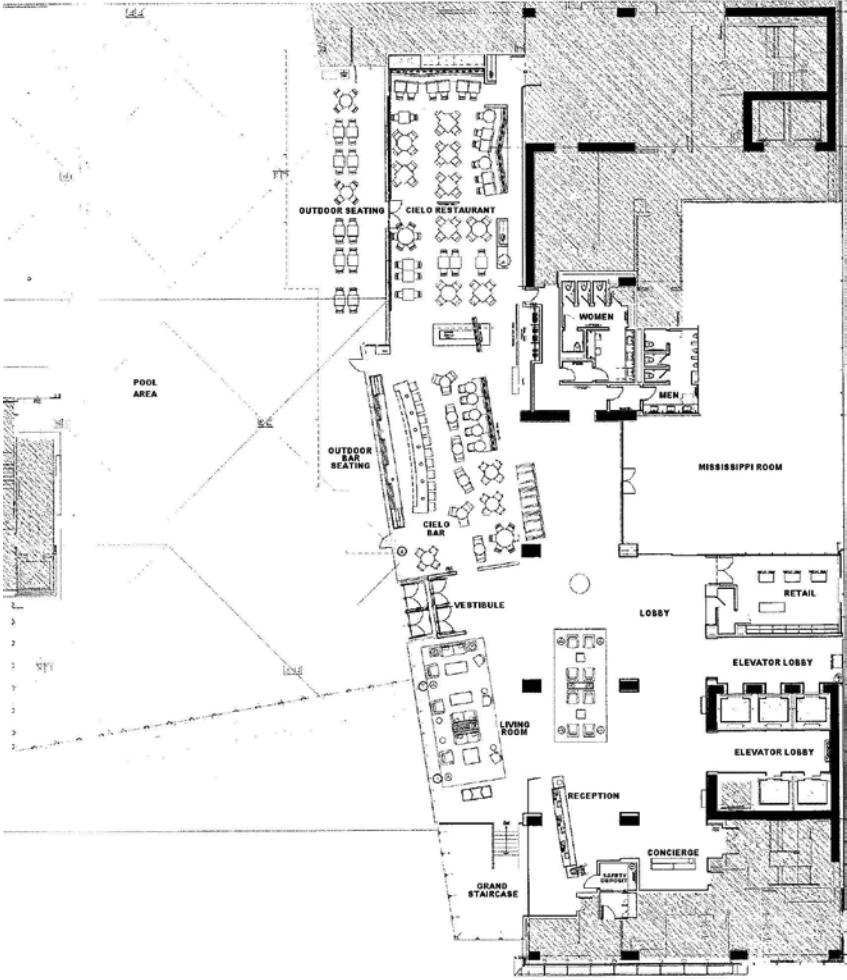
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