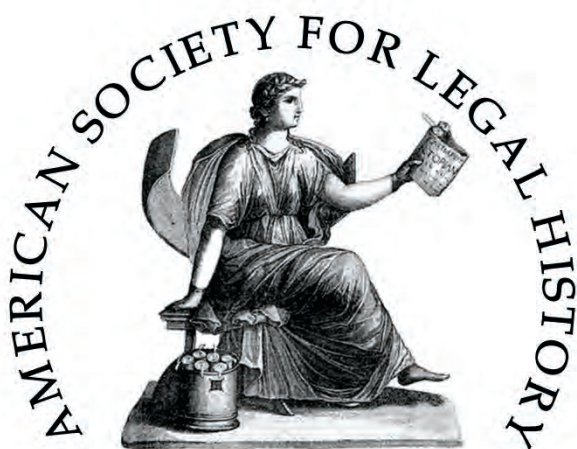


American Society for Legal History



Historia Omnium Jurium

Annual Meeting Program

Hyatt Regency Capitol Hill

Washington, DC

29-31 October 2015

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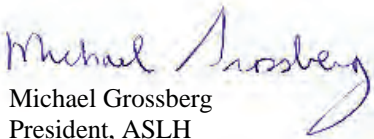


Welcome to Washington D.C. and the 2015 Annual Meeting of the American Society for Legal History. The capital city has countless sites for research and exploration. However, as you will see in the following pages, the program will limit our journeys into the archives and tourism. It is filled with compelling sessions that will challenge us to think and talk about topics, times, and places that encompass the breadth of our engagement with the legal past. And the program reveals as well the diversity of participants who will gather together here in Washington; they range from historians just entering our field to well-established scholars and they come from a broad array of places and institutions. What unites us all, and what will limit our forays in this fascinating city, is the intellectual richness of this meeting's formal sessions and the informal conversations they and our shared interest in legal history will provoke. We are united as well by the generosity and openness to new people and ideas that have long been the hallmarks of this Society.

The annual meeting is arguably the most important thing the Society does. The meeting like so many ASLH activities is organized by volunteers and we are indebted to a host of people for putting it together. They cannot all be thanked individually but I want to single out some of them. Co-Chairs Martha Jones and Charlotte Walker-Said and the 2015 Program Committee are to be congratulated for putting together such an engaging and innovative set of sessions as are the presenters, commentators, and chairs who will bring them to life. I also want to thank the committees that have identified books, articles, research projects and career achievements for us to honor. The officers, directors, and committees that make the ASLH such a vibrant organization are to be commended as well at our annual meeting. And, to return to our location, I want to express our appreciation to Renée Lerner and the Local Arrangements Committee for making Washington such a hospitable site in which to gather.

Finally, we are grateful to the United States Supreme Court and particularly Justice Elena Kagan for hosting the plenary reception and to the George Washington University School of Law for sponsoring the welcome reception. We are equally appreciative of additional support for the meeting provided by Georgetown University Law School, the University of Maryland's Department of History, 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.

I hope that each of you has a wonderful experience at the 2015 meeting.

A handwritten signature in blue ink that reads "Michael Grossberg". The signature is fluid and cursive, with the first name "Michael" and last name "Grossberg" clearly legible.

Michael Grossberg
President, ASLH



On behalf of the faculty of The George Washington University Law School, I am delighted to welcome you to our nation's capital for the annual meeting of the American Society for Legal History. We are honored to host you for today's opening reception.

This is a particularly important time for GW Law as we celebrate the 150th anniversary of the law school's founding in 1865. We have come a long way from our humble beginnings as a part-time program enrolling 60 students at the site of the old Trinity Church to one of the

largest, most renowned, and diverse members of the legal academy. Over the years, the law school has benefited enormously from its location at the legal hub of the nation. U.S. Supreme Court Justices have frequented GW Law's classrooms throughout the law school's history. In the late 19th and early 20th centuries, Justices John Marshall Harlan and David Josiah Brewer both served as full-time members of the faculty while also serving on the U.S. Supreme Court. Today, Justice Clarence Thomas co-teaches a weekly constitutional law seminar at the law school and his Supreme Court colleagues regularly judge GW Law moot court competitions and speak at law school events.

At GW, we acknowledge the critical role that history plays in the study of all aspects of law, and provide our students with a solid understanding of the foundations upon which contemporary law is built. Even in the first year of law school, students learn the intricate system of grants of property developed centuries ago in medieval England, the historical differences between adversarial and inquisitorial systems of justice found around the world that eventually led to many of the constitutional protections we enjoy today, and the saga of poor Mrs. Palsgraf. As students progress, they might learn in international law courses more about the role of legal history of other countries, including the Spain of Vitoria and Suarez, and the Netherlands of Grotius.

We also are proud of our faculty scholars, many of whom focus on legal history topics in their writing. I must point, in particular, to Renée Lettow Lerner, one of the co-authors of the leading textbook on legal history; Robert Cottrol, an internationally recognized authority on the Second Amendment and the conjunction of race and law in the American hemisphere; and Eleanor Brown, a leading scholar focusing on the legal and social history of the Caribbean. And, of course, the many constitutional law scholars at GW, such as Brad Clark, almost always incorporate legal history into their writings.

It would be impossible to support such efforts without maintaining one of the leading research libraries in the country. We are proud of the Jacob Burns Law Library, which has an amazing collection of rare and historical legal materials. With an emphasis on French, Roman, and Canon law, and holdings that include over 160 incunables, the library is a magnet for scholars from around the world. Indeed, through the Richard and Diane Cummins Grant, GW has proudly sponsored researchers seeking to use the collection, including Emily Kadens from Northwestern University and Aniceto Masferrer from the University of Valencia. The staff of the Burns Law Library will be exhibiting some of the jewels of the collection during today's reception.

Enjoy your time here in our beautiful city and best wishes for a successful and valuable meeting.

Sincerely,

Blake D. Morant
Dean and Robert Kramer Research Professor of Law
The George Washington University Law School

ASLH 2015 Annual Meeting Program

WEDNESDAY, OCTOBER 28, 2015

6:00 - 9:00PM ASLH Student Research Colloquium Dinner
(Yosemite, by invitation only)

THURSDAY, OCTOBER 29, 2015

8:30AM - 3:30PM ASLH Student Research Colloquium (Congressional
A & B)

The ASLH will host its second annual pre-conference Student Research Colloquium (SRC), in which two distinguished faculty members will lead eight graduate students in discussion of their early-stage research projects. Participation in the SRC is by application only, but we encourage the ASLH community to talk with participants about their projects throughout the conference.

Faculty Directors:

- Risa Goluboff (University of Virginia School of Law)
- Matthew Mirow (Florida International University College of Law)

Student Participants:

- José Argueta Funes (Princeton University), “Adoption and Inheritance in Hawai’i, 1820s-1950s”
- Saptarishi Bandopadhyay (Harvard Law School), “Early Modern Precedents to 21st-century Disaster Management, 1660-1800”
- Jacqueline Briggs (University of Toronto), “Case and Context Study of a Mid-Twentieth-Century Aboriginal Canadian Murder Trial”
- Pedro Cantisano (University of Michigan), “Law and the Modernization of Rio de Janeiro, 1900-1910”
- Nancy Gallman (University of California, Davis), “American Constitutions: Life, Liberty, and Property in Colonial East Florida”
- Smita Ghosh (University of Pennsylvania), “Immigration Detention in the U.S. during the Refugee Crises of the 1970s & ‘80s”

- Maria Montalvo (Rice University), “The Louisiana Guarantee: The Law, the Market, and the Enslaved in the Antebellum South”
- Linh Dam Vu (University of California, Berkeley), “Commemorating Fallen Soldiers in Republican China, 1911-1949”

Organizers:

- John Wertheimer (Davidson College)
- Catherine Evans (Center for History and Economics, Harvard University)

Noon – 1:30PM	Projects & Proposals Committee (Grand Canyon)
1:00 – 3:00PM	Registration (Columbia Wall)
4:00 – 6:00PM	Welcome Reception, sponsored by George Washington University Law School (2000 H Street, NW) [Buses will be circulating between the Hyatt Regency and the Law School on a regular basis from 3:30-6:30. Or take the Metro (Red Line) from Union Station to Farragut North and walk to the Law School at 20th & H]
5:00 – 6:00PM	Finance Committee (Olympic)
6:00 – 7:30PM	Executive Committee (Olympic)
7:00 – 10:00PM	Board of Directors Dinner Meeting (Congressional A)
10:00 – 11:00PM	Nightcap (Article One Lounge)

FRIDAY, OCTOBER 30, 2015

7:15AM – 4:15PM	Registration (Columbia Wall)
7:15AM – 4:15PM	Exhibits (Regency/Columbia Foyer)
7:15 – 8:15AM	Continental Breakfast (Regency/Columbia Foyer)
7:30 – 8:30PM	Committee Breakfast Meetings <ul style="list-style-type: none"> • H-Law (Grand Canyon) • Membership Committee (Sequoia) • Editors of “Studies in Legal History” (Olympic)

Friday. Session I. 8:30-10:15AM

Strategies for Sex Equality: Points Taken and Missed in Postwar Legal Feminism (Columbia A)

Chair and Commentator: Serena Mayeri, University of Pennsylvania, smayeri@law.upenn.edu

Panelists:

Katherine Turk, University of North Carolina, kturk@email.unc.edu
“Gendered Skill, Labor Politics, and Legal Politics in the New York Hotel Industry”

Leandra Zarnow, University of Houston, lrzarnow@central.uh.edu
“A Lawyerly Congresswoman: Bella Abzug and the ‘Deliberate’ Legal Feminist Edge of 1970s Congressional Reform”

Mary Ziegler, Florida State University, mziegler@law.fsu.edu
“From Choice to Constraint: Reproductive Liberty Organizing in the Shadow of Roe”

Privatizing Personhood: Toward a Legal History (Columbia C)

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

Commentator: Gregg Crane, University of Michigan gdcrane@umich.edu

Panelists:

Colin Dayan, Vanderbilt University, colin.dayan@vanderbilt.edu
“Legal Persons and Forfeiture in a Non-Human Terrain”

Jeannine DeLombard, University of California, Santa Barbara, jdellombard@english.ucsb.edu
“‘Forty Dollars for being Prisoner’: Slavery and Dignity in Mark Twain’s America”

Ravit Reichman, Brown University, Ravit_Reichman@brown.edu
“Identity Theft and the Fungible Self”

Money and Morality in Medieval and Early Modern European Law (Congressional B)

Chair and Commentator: Charles Donahue, Jr. Harvard Law School,
jreader@law.harvard.edu

Panelists:

Nicolas Laurent-Bonne, Université d’Auvergne, nicolas.laurentbonne@me.com
“Prostitutes and Church Tithes: Observations on Illicit Income in Medieval Canon Law (12th-15th Centuries)”

Rowan Dorin, Harvard University, dorin@fas.harvard.edu “A Heretical Perspective on Medieval Usury”

Wim Decock, KU Leuven, wim.decock@law.kuleuven.be
“Law, Religion and Debt Crisis: A Catholic Natural Law Perspective (16th-17th centuries)”

Reconstructing the Framers’ Constitution (Columbia B)

Chair and Commentator: Brad Snyder, Georgetown University Law Center and the University of Wisconsin Law School, bsnyder2@wisc.edu

Panelists:

Alison LaCroix, University of Chicago Law School, lacroix@uchicago.edu
“The Constitutional Construction of Commerce in the Early Nineteenth Century”

Gerard N. Magliocca, Indiana University Robert H. McKinney School Of Law, gmaglioc@iupui.edu
“How The Bill of Rights Became the Bill of Rights”

John Mikhail, Georgetown University Law Center,
mikhail@law.georgetown.edu
“Implied Powers and the Tenth Amendment”

David S. Schwartz, University of Wisconsin Law School, dsschwartz@wisc.edu
“Reconstituting McCulloch v. Maryland”

Property and Authority in the Church, State, and Household from the Late Eighteenth to the Early Nineteenth Century (Congressional A)

Chair: Adam Rothman, Georgetown University, ar44@georgetown.edu

Commentator: Norma Basch, nbasch@mindspring.com

Panelists:

Christopher Michael Curtis, Armstrong State University, chris.curtis@armstrong.edu

“The ‘Peculiar Foundations’ of Ecclesiastical Authority: Case Histories from New South Wales, Virginia, and Cape Town”

Sara Barringer Gordon, University of Pennsylvania, sbgordon@law.upenn.edu

“Antislavery and Disestablishment: Property, Power, and Religion in Revolutionary Virginia”

Emily Margolis, Duke University, emily.margolis@duke.edu

“Disciplining Creole Women: Property and Patriarchy in Early Antebellum Louisiana”

Mid-Morning Break, 10:00 – 11:00AM (Regency/Columbia Foyer)

Friday Session II, 10:45-12:15PM

Coping with Complexity: Comparative Perspectives on Jurisdiction, Crime, and Governance in Early Modern Empires (Congressional B)

Chair and Commentator: Lauren Benton, Vanderbilt University, lauren.benton@vanderbilt.edu

Panelists:

Maura Dykstra, Harvard Fairbank Center for Chinese Studies, maurad@ucla.edu

“Never the Twain Shall Meet: The History and Practice of Local Litigation in the Qing Empire”

Brendan Gillis, Indiana University, bgillis@indiana.edu

“A ‘British Mode of Government’ for Bengal: Law and Ecology in Etawah, 1793-1810”

Kent F. Schull, Binghamton University, kschull@binghamton.edu

“The Transformation of Islamic Criminal Law in the Late Ottoman Empire: Continuity & Change rather than Rupture, Westernization & Secularization”

The Limits of (and Alternatives to) Common-Law Adversarialism (Columbia C)

Chair: John H. Langbein, Yale Law School, john.langbein@yale.edu

Commentator: James C. Oldham, Georgetown University Law Center, oldham@law.georgetown.edu

Panelists:

Amalia D. Kessler, Stanford University, akessler@law.stanford.edu

“Freedmen’s Bureau Courts and the Critique (and Resurgence) of Adversarialism”

Renée Lettow Lerner, George Washington University Law School, rlerner@law.gwu.edu

“The Enduring Power of Federal Trial Judges to Comment on Evidence from the Nineteenth through the Twenty-first Century”

James E. Pfander, Northwestern University School of Law, j-pfander@law.northwestern.edu

“Standing in the Eighteenth Century Scottish Court of Session”

Law and Ideology in the National Security State (Congressional A) Chair:

Mary Dudziak, Emory University Law School, mary.dudziak@emory.edu

Commentator: Christopher Capozzola, Massachusetts Institute of Technology, capozzol@mit.edu

Panelists:

Aziz Rana, Law, Cornell Law School, ar643@cornell.edu

“The Philippines, World War I, and the New Creedal Constitution”

Anne M. Kornhauser, City College of New York, CUNY,
akornhauser@ccny.cuny.edu
“German Émigré Intellectuals and the Struggle Over the Emerging National Security State”

Jeremy K. Kessler, Columbia Law School, jeremy.k.kessler@gmail.com
“The Myth of the Strong American State: On the Cold War Draft and the Paradox of Anti- Communist Governance”

The Edges of Liberal Citizenship: Civil Liberties and Immigration Policy in the Modern U.S. (Columbia B)

Chair: Tom Romero, University of Denver Sturm College of Law,
tromero@law.du.edu

Commentator: Polly J. Price, Emory University School of Law,
pprice@emory.edu

Panelists:

Torrie Hester, Saint Louis University, thester4@slu.edu
“The History of Deportations to the Sweep of Civil Liberties”

Hidetaka Hirota, Columbia University, hh2548@columbia.edu
“Discipline and Reality: Immigration Law Enforcement at the US-Canada Border in the Early Twentieth Century”

Sam Lebovic, George Mason University, slebovic@gmu.edu
“Freedom of Movement Denied: The Nationalist Regulation of Passports in Modern America”

Debt, Crime, and Capital: New Perspectives on African Americans and the Law in the Age of Slavery (Columbia A)

Chair/ Commentator: Sally Hadden, Western Michigan University,
sally.hadden@wmich.edu

Panelists:

Kimberly M. Welch, West Virginia University, kimberly.welch@mail.wvu.edu
“The Problems of Debt: Courts, Credit, and African Americans in the Natchez District, 1800-1860”

Anne S. Twitty, University of Mississippi, atwitty@olemiss.edu

“Freedom from Debt: Freedom Suits and Debt Recovery in the St. Louis Circuit Courts”

Justene Hill, Princeton University, jghill@princeton.edu

“‘Slaves’ Economic Crimes and Local Courts in Late Antebellum South Carolina”

12:15 - 1:30PM Lunch Break

12:15 – 1:30PM Committee Lunch Meetings

- Law and History Review (Yellowstone/Everglades)
- Standing Committee on the Annual Meeting (Grand Canyon)

Friday Session III, 1:30-3:15PM

Preyer Prize Panel (Columbia C)

Prize winner: Maeve Herbert Glass, Princeton University,
mhglass@princeton.edu

“Citizens of the State: A Constitutional Controversy on the Atlantic Coast”

Commentator: Ariela Gross, University of Southern California,
agross@law.usc.edu

Prize winner: Danielle N. Boaz, University of North Carolina-Charlotte,
dboaz@uncc.edu

“Fraud, Vagrancy and the ‘Pretended’ Exercise of Supernatural Powers”

Commentator: Michelle McKinley, University of Oregon,
michelle@uoregon.edu

Striking a New Balance: The Rise of Administrative Power and the Decline of Judicial Power, 1877-1938 (Columbia B)

Chair and Commentator: Joanna Grisinger, Northwestern University,
joanna.grisinger@northwestern.edu

Panelists:

Kristin Collins, Boston University School of Law, collinsk@bu.edu
“Federal Equity, Court-Curbing, and the Transformation of Article III”

Samuel DeCanio, Yale University, samuel.decanio@yale.edu
“Railroad Regulation and the Compromise of 1877”

Jed Shugerman, Fordham University School of Law,
jshugerman@law.fordham.edu
“The Dependent Origins of Independent Agencies: The Interstate Commerce Commission and the Rise of Modern Campaign Finance”

Federalism, Sovereignty, and Corporations in the Early American Republic (Columbia A)

Chair: Christina Duffy Ponsa, Columbia Law School,
cponsa@law.columbia.edu

Commentator: Alison LaCroix, University of Chicago Law School,
lacroix@uchicago.edu

Panelists:

Michael Blaakman, Yale University, michael.blaakman@yale.edu
“Land Speculators in the Marketplace of Early American Federalism”

Gregory Ablavsky, University of Pennsylvania Law School,
ablavsky@law.upenn.edu
“Corporate and Federal Sovereignty in the Early U.S. Territories”

Ariel Ron, Southern Methodist University, ariel.ron@yale.edu
"Agricultural Reform and the Social Origins of the American Development State."

Corporate Social Responsibility and Human Rights: Learning from the Past to New Futures (Congressional A)

Chair: Caroline Kaeb, University of Connecticut Business School,
caroline.kaeb@business.uconn.edu

Commentator: Charlotte Walker-Said, CUNY- John Jay College,
cwalker-said@jjay.cuny.edu

Panelists:

David Scheffer, Northwestern University School of Law,
d-scheffer@law.northwestern.edu

“The History of Tribunal Influence in U.S. Jurisprudence on Corporate Liability for Atrocity Crimes”

Will Reno, Northwestern University, reno@northwestern.edu

“CSR and the Recent History of Corporate Engagement with Parties to Armed Conflicts”

Scott Gilmore, Center for Justice and Accountability,
scott.allen.gilmore@gmail.com

“Regimes of Sanction and Acculturation: The Past of Corporate Accountability and the Future of Military Command Responsibility”

Law, Pluralism, and Justice in Ancient Athens (Congressional B)

Chair: James Townshend, Harvard University, jrtownsh@fas.harvard.edu

Commentator: Adriaan Lanni, Harvard Law School, adlanni@law.harvard.edu

Panelists:

Michael Gagarin, University of Texas at Austin, gagarin@austin.utexas.edu
“Justice and Athenian Law”

Federica Carugati, Stanford University, carugati@stanford.edu
“Rethinking Mass and Elite: A New Model of Athenian Litigation”

Paul Gowder, University of Iowa Law School, paul-gowder@uiowa.edu
“What the Laws Demand From Socrates—and From Us”

Friday Session IV, 3:30-4:30PM

Author-Meets-Reader: Ari Bryen, West Virginia University, *Violence in Roman Egypt: A Study in Legal Interpretation* (University of Pennsylvania Press, 2013) (Congressional B)

Chair: Charles Bartlett, Harvard University, cbartlett@fas.harvard.edu

Readers:

Kyle Harper, University of Oklahoma, kyleharper@ou.edu

Marina Rustow, Johns Hopkins University, mrustow@jhu.edu

Adriaan Lanni, Harvard Law School, adlanni@law.harvard.edu

Author-Meets-Reader: Intisar Rabb, Harvard University Law School, *Doubt in Islamic Law: A History of Legal Maxims, Interpretation, and Islamic Criminal Law* (Cambridge University Press, 2014) (Columbia C)

Chair: Karl Shoemaker, University of Wisconsin Law, kbschoemaker@wisc.edu

Readers:

Ahmed Fekry Ibrahim, McGill University, ahmed.f.ibrahim@mcgill.ca

Sherman Jackson, University of Southern California, sajackso@usc.edu

Nurfadzilah Yahaya, National University of Singapore
fadzilah.yahaya@gmail.com

Roundtable: The Allure of the Judicial Archives (Columbia B)

Chair: Martha S. Jones, University of Michigan, msjonz@umich.edu

Panelists:

Sueann Caulfield, University of Michigan, scaul@umich.edu

Keila Grinberg, Universidade Federal do Rio de Janeiro,
keila.grinberg@gmail.com

Ariela Gross, USC Law School, agross@law.usc.edu

Hendrik Hartog, Princeton University, hartog@princeton.edu

Jean Hebrard, EHESS, Paris and University of Michigan, jhebrard@ehess.fr

Rebecca Scott, University of Michigan, rjscott@umich.edu

Roundtable: Tracing the Past into the Present: How Living Descendants Affect the Substance, Methods, and Ethical Stakes of Legal History (Columbia A)

Chair: Barbara Welke, University of Minnesota Law School, welke004@umn.edu

Panelists:

Sam Erman, USC Gould School of Law, stcerman@gmail.com

Mitra Sharafi, University of Wisconsin Law School, mitra.sharafi@wisc.edu

Daniel Sharfstein, Vanderbilt University School of Law, daniel.sharfstein@vanderbilt.edu

Roundtable: Christopher Waldrep: Scholarship, Teaching, and Professional Citizenship (Congressional A)

Chair: Michael Les Benedict, Ohio State University, Benedict.3@osu.edu

Lynne Curry, Eastern Illinois University, lecurry@eiu.edu

Timothy S. Huebner, Rhodes College, Huebner@rhodes.edu

Michael J. Pfeifer, City University of New York, mpfeifer@jay.cuny.edu

Charles Zelden, Nova Southeastern University, zelden@nova.edu

Friday, 4:45 – 5:45PM:

Plenary Lecture - Laura Kalman, Professor of History, University of California at Santa Barbara, kalman@history.ucsb.edu

“The Long Reach of the 1960s: Confirmation Struggles and the Making of the Modern Supreme Court.”

(Columbia A & B)

6:00 – 8:00PM:

Plenary Reception, Supreme Court of the United States (Supreme Court of the United States, 1 First St NE) with generous support from Georgetown University Law Center and the University of Maryland Department of History. [For security reasons, the reception is only open to attendees who pre-registered for the annual meeting. All reception attendees must present photographic identification (passport or US driver’s license) at the Visitors Entrance up the stairs in front of the building.]

9:00 – 11:00PM:

Informal Graduate Student Gathering (Article One Lounge)

SATURDAY, OCTOBER 31, 2015

- | | |
|------------------------|--|
| 7:30AM – 1:00PM | Registration (Columbia Wall) |
| 7:30AM – 5:00PM | Exhibits (Regency/Columbia Foyer) |
| 7:30 – 8:30AM | Continental Breakfast (Regency/Columbia Foyer) |
| 7:30 – 8:30AM | Committee Breakfast Meetings <ul style="list-style-type: none">• Graduate Student Outreach Committee (Sequoia)• Program Committee (Olympic)• Publications Committee (Grand Canyon) |

Saturday. Session V. 8:30-10:15AM

The Administrative State at the Grassroots (Columbia A)

Chair and Commentator: Daniel R. Ernst, Georgetown University Law Center,
ernst@law.georgetown.edu

Panelists:

Eric L. Muller, University of North Carolina School of Law,
emuller@email.unc.edu

“‘Project Attorneys’ at Heart Mountain: Between Social Work and Social Control”

Sarah Milov, University of Virginia, smilov@virginia.edu
“From Rights to Risk: Nonsmoking in the 1980s”

Joanna Grisinger, Northwestern University, joanna.grisinger@northwestern.edu
“‘The self-containment of the bureaucracy’: The Civil Aeronautics Board and the Right to Participate”

Codification of European Private Law: A Critical and Comparative Analysis (Columbia C)

Chair and Commentator: Heikki Pihlajamäki, University of Helsinki, Heikki.Pihlajamaki@helsinki.fi

Panelists:

Aniceto Masferrer, University of Valencia, aniceto.masferrer@uv.es
“May a Civil Code Be a Subsidiary Legal Source? The Spanish Case vs the French Case”

Janwillem Oosterhuis, Maastricht University, janwillem.oosterhuis@maastrichtuniversity.nl
“The Effect of the 1861 Common German Commercial Code on Cross-Border Trade: Does a Uniform Commercial Code significantly stimulate Cross-Border Trade?”

Dave de Ruyscher, Vrije Universiteit Brussels (VUB), dderuyss@vub.ac.be
“The *Code de commerce* (1807) and Economic Policy in Early-Nineteenth Century France”

The Circulation of Ideas in Ibero-American Legal Cultures (17th-19th Centuries) (Congressional B)

Chair and Commentator: Thomas Duve, Max-Planck Institute for European Legal History, Germany, sekduve@rg.mpg.de

Panelists:

Gustavo César Machado Cabral, Federal University of Ceará, Brazil, gustavocasarcabral@gmail.com
“Pegases’ Allegations and Foreign Law on maioratus”

Pamela Cacciavillani, University of Cordoba, Argentina, cacciavillani@rg.mpg.de
“The Circulation of Ideas and Legal Knowledge in the Excelentísima Cámara de justicia de Cordoba (1857)”

Mariana Armond Dias Paes, University of São Paulo, Brazil, mdiaspaes@gmail.com
“United States and Cuba in Brazilian Legal Doctrine on Slavery”

The Ages of American Legal History: A Roundtable in Honor of Professor Charles W. McCurdy (Columbia B)

Chair: Victoria Saker Woeste, American Bar Foundation, vswoste@abfn.org

Panelists:

Kate Brown, Huntington University (Indiana,) Keb4qe@virginia.edu
Patricia Hagler Minter, Western Kentucky University, patricia.minter@wku.edu
Richard F. Hamm, University at Albany, rhamm@albany.edu
Cynthia Nicoletti, University of Virginia School of Law, cln4x@virginia.edu
Legan Sawyer, III, University of Georgia School of Law, lesawyer@uga.edu
Reuel E. Schiller, University of California, Hastings College of the Law, schiller@uchastings.edu
G. Edward White, University of Virginia, gew@virginia.edu
Victoria Saker Woeste, American Bar Foundation, vswoste@abfn.org

Laws of Interest: Legality, Lending, and the Culture of Surveillance in the 19th Century in France, Russia, and Mexico (Congressional A)

Chair and Commentator: Bruce Mann, Harvard Law School, mann@law.harvard.edu

Panelists

Sergei Antonov, Queens College, City University of New York, santonov2111@gmail.com, “Usury, Power, and the Law in Dostoevskii’s Russia”

Erika Vause, Florida Southern College, evause@flsouthern.edu, “The Legal and Moral Economies of Usury in Nineteenth-Century France”

Nicole Mottier, Stetson University, nmottier@stetson.edu, “Monitoring Financial Morality and Development Through Debt in 1920s Mexico”

Mid-Morning Break, 10:00 – 11:00AM (Regency/Columbia Foyer)

Saturday. Session VI. 10:45-12:15AM

Between Slavery and Patriarchy: The Sociolegal Politics of Slavery and Freedom (Columbia B)

Chair and Commentator: Yvonne M. Pitts, Purdue University, ypitts@purdue.edu

Panelists:

Stephanie E. Jones-Rogers, University of California, Berkeley, sejr@berkeley.edu, “‘Her title to said negroes is perfect & complete’: Slavery, Marriage, and Women’s Challenges to Coverture in the Nineteenth-Century South”

Emily A. Owens, Harvard University, eaowens@fas.harvard.edu, “Carmelite, Statu Liber: Sexual Labor and the Space Between Slavery and Freedom in Antebellum New Orleans”

Ryan M. Poe, Duke University, ryan.poe@duke.edu, “Emancipation’s Patriarchs: Property and the Limits of Reconstruction in Virginia”

Early American Perspectives on International Law: 1775-1875 (Congressional A)

Chair: Daniel Hulsebosch, NYU Law, daniel.hulsebosch@nyu.edu

Commentator: Tara Helfman, Syracuse Law, tjhelfma@law.syr.edu

Panelists:

Kevin Arlyck, Orrick, Herrington & Sutcliffe, arlyck@gmail.com
“‘To Avoid Contestations with American Courts’: French Consuls and Maritime War in the United States, 1793-1797”

Marco Basile, Harvard Law, mbasile@jd13.law.harvard.edu
“The Slave Trade and U.S. International Legal Thought, 1818-1870.”

Benjamin Lyons, Columbia History, bcl16@columbia.edu
“The Influence of Natural Law on Early American Conceptions of the Law of Nations”

Constructing Fatherhood: Mediating Institutions and the Legal Regulation of Paternity from the Romantic Period to the Clinton Era (Columbia A)

Chair/Commenter: Holly Brewer, University of Maryland, hbrewer@umd.edu

Panelists:

Danaya Wright, University of Florida Levin College of Law, wrightdc@law.ufl.edu

“Romanticism and Revolution: Percy Shelley’s Children and the Origins of the *Parens Patriae*”

Deborah Dinner, Emory University School of Law, deborah.dinner@emory.edu

“Working Fathers: The Origins and Consequences of Sex Neutral Caregiving Entitlements”

Kara Swanson, Northeastern University School of Law, k.swanson@neu.edu

“Making Fathers in the Clinic: Donor Insemination and Legal Paternity”

Grievances Against the State, Legacies of War, and Legal Discourses in Twentieth-Century East Asia (Congressional B)

Chair and Commentator: Leo Ching, Duke University, lching@duke.edu

Panelists:

Linh Vu, University of California at Berkeley, linhvu@berkeley.edu

“Exchanging Life for Honor: Compensation Policies for Revolutionaries’ Families in Republican China, 1911-1949”

Maiko Morimoto, University of California at Berkeley, maikom@berkeley.edu

“From Shame of Village to Human Rights Abuse: How Memories of Wartime Sex Slavery in Shanxi Province, China, Traveled to the Fin-de- siècle Japanese Courts”

Luke Franks, North Central College, lafranks@noctrl.edu

“The Governor’s Mandate: Ota Masahide, US Military Bases, and the Courts”

Roundtable: Reconsidering the Legal Possibilities of Decolonization and Independence in Africa (Columbia C)

Chair: Kate Luongo, Northeastern University, k.luongo@neu.edu

Panelists:

Samuel Fury Childs Daly, Columbia University, sfd2107@columbia.edu

Liz Fink, New York University, esf264@nyu.edu

George Karekwaivanane, University of Cambridge, ghk22@cam.ac.uk

Geoffrey Traugh, New York University, geoffrey.traugh@nyu.edu

Reynolds Richter, New York University, reynolds.richter@nyu.edu

12:15 - 2:15PM Annual Lunch and Awards Ceremony (Regency A)

Saturday. Session VII. 2:15 – 4:00PM

Crime, Punishment, and Federalism: The Curious Case of the Law Enforcement Assistance Administration (Congressional A)

Chair and Commentator: Elizabeth Hinton, Harvard University, ehinton@fas.harvard.edu

Panelists:

Amanda Hughett, Duke University, abh30@duke.edu

“‘A Safe Outlet for Prisoner Discontent’: LEAA Funding for Inmate Legal Services”

Sara Mayeux, University of Pennsylvania Law School, smayeux@law.upenn.edu

“Public Defenders in the Tough-on-Crime Era”

Melanie Newport, Temple University, melanie.newport@temple.edu

“LEAA Grants for Expansion at Cook County Jail and the Local Origins of Mass Incarceration”

Gender and Illicit Sex in Pre-Modern European Law and Practice (Congressional B)

Chair: Karin Wulf, Omohondro Institute of early American History and the College of William & Mary, kawulf@wm.edu

Commentator: Cornelia Hughes Dayton, University of Connecticut
Cornelia.dayton@uconn.edu

Panelists:

Sara Beam, University of Victoria, sbeam@uvic.ca
“Gender, Torture and the Crime of Adultery in Early Modern Geneva.”

Julie Hardwick, University of Texas at Austin, jhardwick@austin.utexas.edu
“In the shadow of the law: the shadow economy of reproduction in early modern France”

Sara McDougall, John Jay College of Criminal Justice,
smcdougall@jjay.cuny.edu
“Women and their bastards in medieval Europe (11th-13th centuries)”

Legal Process Revisited: Rethinking the Relationship between Legal Process, Legal Realism, Criminal Law, and Civil Rights (Columbia A)

Chair and Commentator: William Wiecek, Syracuse University,
wmwiecek@law.syr.edu

Panelists:

Charles Barzun, University of Virginia Law School, cbarzun@virginia.edu
“Jerome Frank, Lon Fuller, and American Pragmatism”

David Wolitz, University of Tennessee College of Law, dwolitz@utk.edu
“Herbert Wechsler, the Model Penal Code, and Legal Process Theory”

Anders Walker, Saint Louis University School of Law, awalke16@slu.edu
“The Devil Went Down to Georgia: Process, Pluralism, and Herbert Wechsler’s 1965 University of Georgia Law School Address”

The Legal History of Immigration Detention (Columbia B)

Chair: Christopher Tomlins, University of California-Berkeley Law,
ctomlins@law.berkeley.edu

Commentator: Mark Noferi, American Immigration Council,
marknoferi@gmail.com

Panelists:

Matthew J. Lindsay, University of Baltimore School of Law,
mlindsay1@ubalt.edu

“‘Punishment by any other name’: The Origins of the ‘Civil’ Label in Deportation and Immigration Detention”

Smita Ghosh University of Pennsylvania, smghosh@law.upenn.edu

“‘Losing our Borders’ Immigration Detention during the Refugee Crises of the 1970s and ’80s”

David Hausman, Stanford University, dhausman@stanford.edu

“The Growth of Detention and the Decline of the Discretionary Bond during the 1990s and 2000s”

Something Old, Something New: Legal Traditions, Innovations, and Property in the British Atlantic World, 1649-1781 (Columbia C)

Chair: Paul Halliday, University of Virginia, ph4p@virginia.edu

Commentator: Wayne Lee, University of North Carolina, Chapel Hill,
wlee@unc.edu

Panelists:

Jennifer Wells, Brown University, Jennifer_Wells@brown.edu

“‘*Ye Olde Barbadoes Discipline*’: the Barbadian Slave Code, its Irish and Scottish Origins, and its Global Migration, 1649-1688”

Lee Wilson, Clemson University, wilson1@clemson.edu

“*Slavery and Equity: The Court of Chancery in Colonial South Carolina*”

John Collins, University of Eastern Washington, johncollins21@gmail.com

“*Marital Law and Property in the American Revolution*”

Saturday. Session VIII. 4:15PM – 6:00PM

Author Meets Reader. Cass Sunstein, Harvard Law School, csunstei@law.harvard.edu, *Choosing Not to Choose: Understanding the Value of Choice*, (Oxford University Press, 2015) (Columbia B)

Chair: Elizabeth Papp Kamali, Harvard Law School, ekamali@law.harvard.edu

Panelists:

Mary Anne Case, University of Chicago Law School, macase@law.uchicago.edu

Intisar Rabb, Harvard Law School, irabb@law.harvard.edu

James Whitman, Yale Law School, james.whitman@yale.edu

Author Meets Reader. Mitra Sharafi, *Law and Identity in Colonial South Asia: Parsi Legal Culture, 1772-1947* (Cambridge University Press, 2014) (Columbia A)

Chair: Thomas Green, University of Michigan Law School and Oberlin College, tagreen@umich.edu

Comment: Mitra Sharafi, University of Wisconsin Law School, mitra.sharafi@wisc.edu

Panelists:

Rohit De, Yale University, rohit.de@yale.edu

Bhavani Raman, University of Toronto, bhavani.raman@utoronto.ca

Tayyab Mahmud, Seattle University School of Law, Mahmud@seattleu.edu

The French-Danish-Swedish Legal Caribbean: Making, Changing, Copying and Adapting Colonial Slave Law, 1670–1848 (Congressional B)

Chair and Commentator: Alejandro de la Fuente, Harvard University, delafuente@fas.harvard.edu

Panelists:

Jean-François Niort, Université des Antilles, Pointe Pitre, jfniort@univ-ag.fr

“The French Code Noir From Myths to Facts: Recent Advances in Caribbean French Legal History Assist”

Gunvor Simonsen, University of Copenhagen, gunvorsim@hum.ku.dk

“First Attempts in the Danish West Indies: Slave Law and Slave Trials During Company Rule, 1670s to 1730s”

Fredrik Thomasson, Uppsala University, Fredrik.thomasson@hist.uu.se

“Swedish Code Noir: Lawmaking and the Establishment of Slave Laws at Swedish Saint Berthélemy, 1785-1820”

Meeting Law on the Intimate Frontier (Congressional A)

Chair: Michael Grossberg, Indiana University, grossber@indiana.edu

Commentator: Diane Kirkby, La Trobe University, Australia, Diane.Kirkby@latrobe.edu.au

Presenters:

Alecia Simmonds, University of Technology, Sydney, Alecia.Simmonds@uts.edu.au

“Trials of intimacy: cross-cultural romance in late-19th Century Breach of Promise of Marriage cases”

Professor Amanda Nettelbeck, University of Adelaide, Amanda.Nettelbeck@adelaide.edu.au

“Legally regulating inter-racial sexual exchange in late colonial Australia and Canada”

Shaunnagh Dorsett, University of Technology, Sydney, Shaunnagh.Dorsett@uts.edu.au

“Encountering Laws in the Court of the Coloniser: Legal Mobility, Criminal Conversation and Māori in the Early Crown Colony Period”

Ideology and Law in Modern Chinese History (Columbia C)

Chair and Commentator: Donald Clark, George Washington Law, dclarke@law.gwu.edu

Panelists:

Glenn D. Tiffert, University of Michigan, gtiffert@umich.edu

“Abrogation and Its Discontents: Constructing a New Paradigm for PRC Legal History”

Taisu Zhang, Duke University School of Law, zhang@law.duke.edu

“Late Qing Debates over Confucianism and Law”

Yongle Zhang, Peking University School of Law, pkujuris@126.com

“Exploring Constitutional Politics in a Fragmented Society: 1911-1949”

6:00 – 8:00PM Closing Reception (Thornton Room)

FRIDAY	Columbia A	Columbia C	Congressional B	Columbia B	Congressional A
Session I 8:30- 10:15AM	Strategies for Sex Equality	Privatizing Personhood	Money and Morality	Reconstructing the Framers' Constitution	Property and Authority in the Church, State, and Household
Session II 10:45AM- 12:15PM	Debt, Crime, and Capital	The Limits of (and Alternatives to) Common- Law Adversarialis m	The Edges of Liberal Citizenship	Coping with Complexity	Law and Ideology in the National Security State
12:15PM- 1:30PM	Lunch Break				
Session III 1:30- 3:15PM	Federalism, Sovereignty, and Corporations	Preyer Prize Panel	Law, Pluralism, and Justice in Ancient Athens	Striking a New Balance	Corporate Social Responsibility and Human Rights
Session IV 3:30- 4:30PM	Roundtable: Tracing the Past into the Present	Intisar Rabb, Author- Meets- Reader	Ari Bryen, Author- Meets-Reader	Roundtable: The Allure of the Judicial Archives	Christopher Waldrep: Scholarship, Teaching, and Professional Citizenship
4:45 – 5:45PM	Plenary Lecture - (Columbia A & B)				
6:00 – 8:00PM	Plenary Reception – (Supreme Court of the United States)				
9:00 – 11:00PM	Informal Graduate Student Gathering (Article One Lounge)				

SATURDAY	Columbia B	Columbia A	Congressional A	Columbia C	Congressional B
Session V 8:30- 10:15AM	Roundtable: The Ages of American Legal History	The Administrative State at the Grassroots	Laws of Interest	Codification of European Private Law	The circulation of ideas in Ibero- American legal cultures
Session VI 10:45- 12:15PM	Between Slavery and Patriarchy	Constructing Fatherhood	Early American Perspectives on International Law	Roundtable: Reconsidering the Legal Possibilities	Grievances Against the State
12:15PM- 2:15PM	Annual Lunch and Awards Ceremony (Regency A)				
Session VII 2:15-4PM	The Legal History of Immigration Detention	Legal Process Revisited	Crime, Punishment, and Federalism	Something Old, Something New	Gender and Illicit Sex
Session VIII 4:15-6:00PM	Sunstein Author- Meets- Reader	Sharafi Author-Meets- Reader	Meeting Law on the Intimate Frontier	Ideology and Law in Modern Chinese History	The French- Danish-Swedish legal Caribbean
6:00 – 8:00PM	Closing Reception (Thornton Room)				

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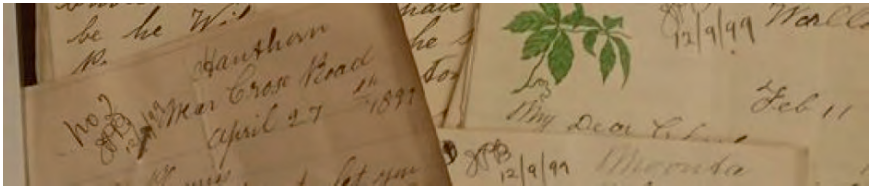
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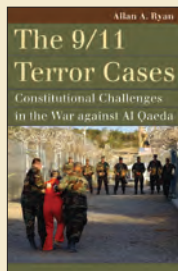
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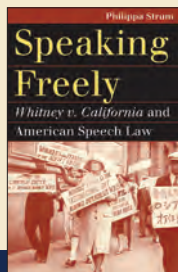


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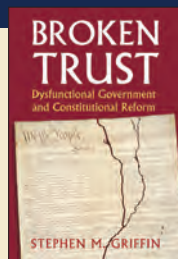
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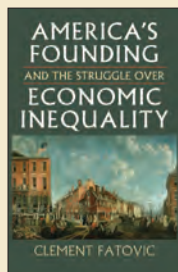
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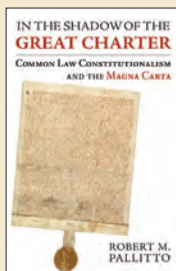
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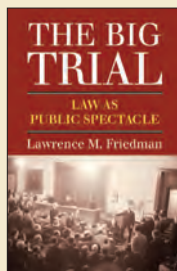


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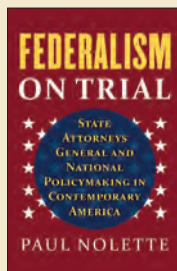


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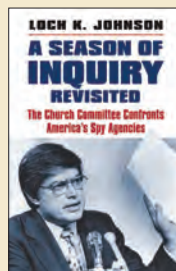


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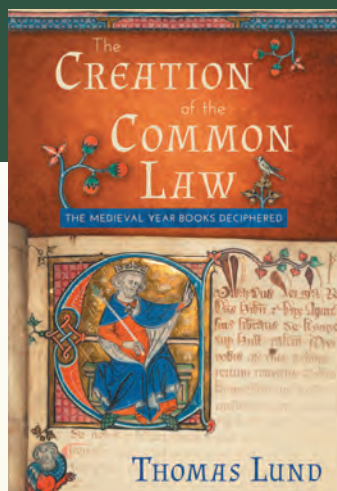
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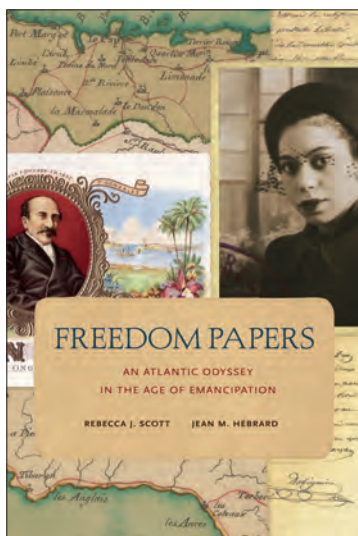
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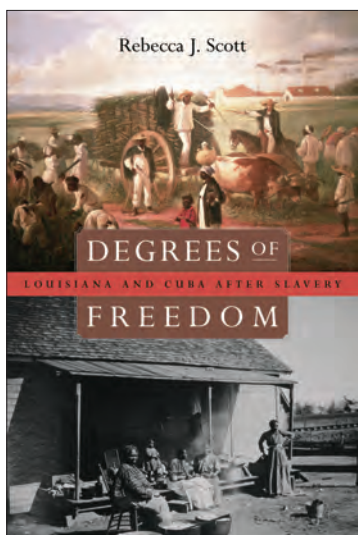


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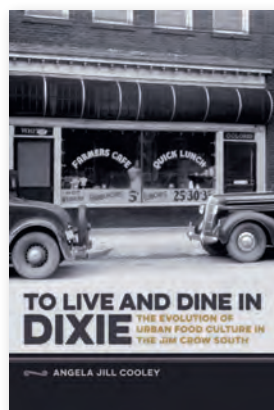
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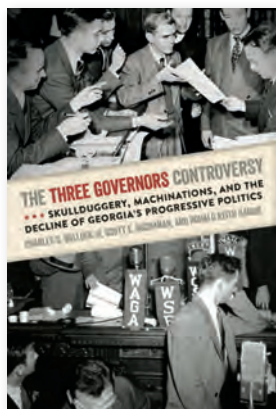


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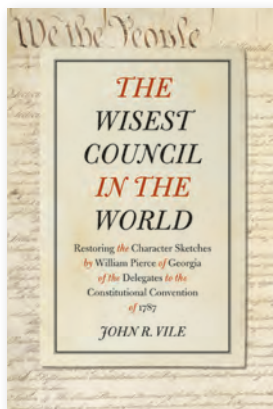
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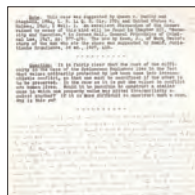
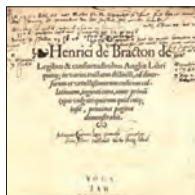
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Videos of the Society's many public programs also appear on its website. These include "Women in the Life and Law of the D.C. Circuit Courts," "*Duran* and the Evolution of the Insanity Defense in the D.C. Circuit," "The D.C. Circuit in the McCarthy Era," and "The Steel Seizure Case in Historical Perspective." Also online are elements from displays at the E. Barrett Prettyman U.S. Court House, portraits of individual judges, official portraits of the Court of Appeals from 1905 through 1977, and an exhibit on the District Court and its predecessors from 1863 to 2013.

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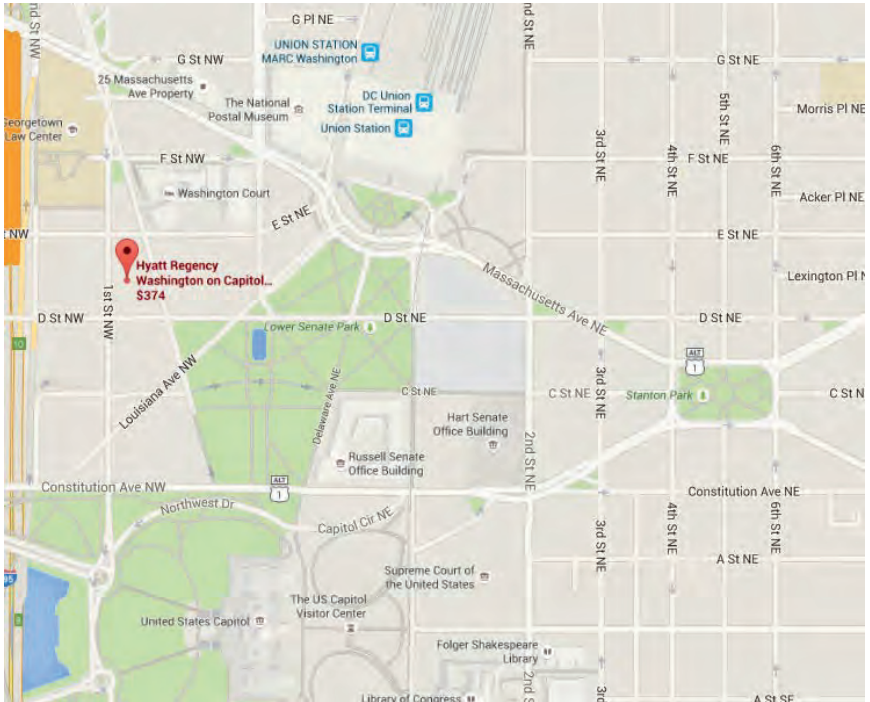
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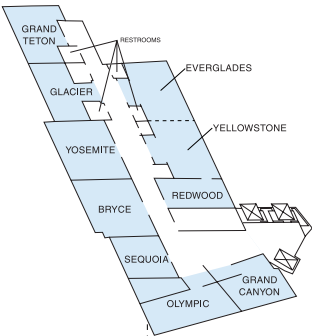
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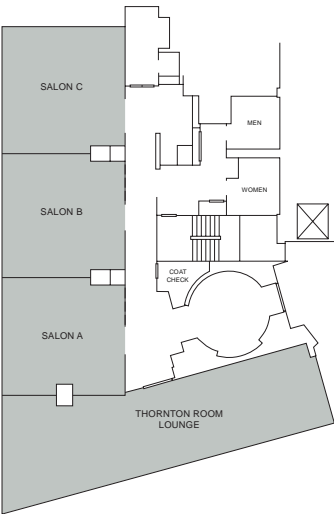


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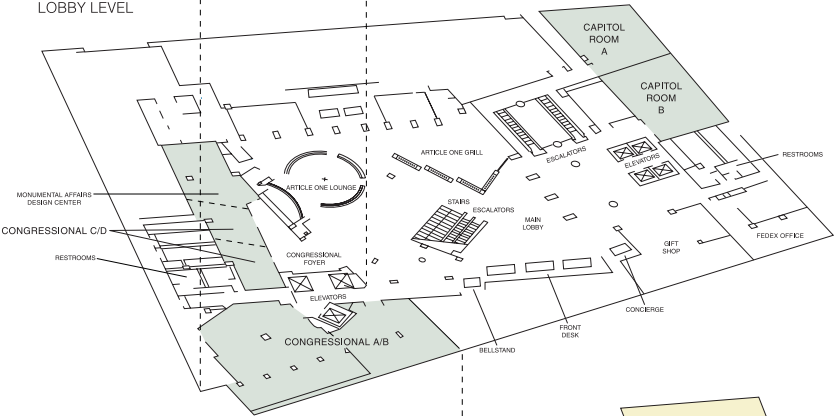
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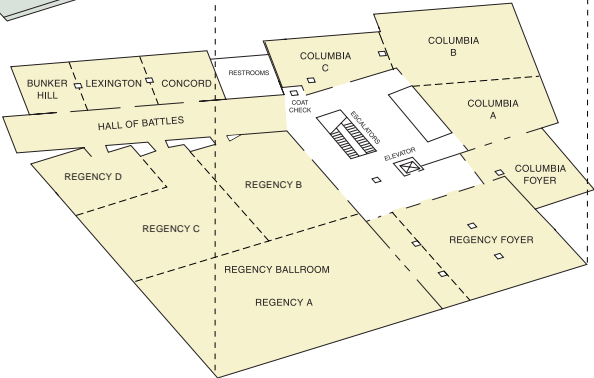
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