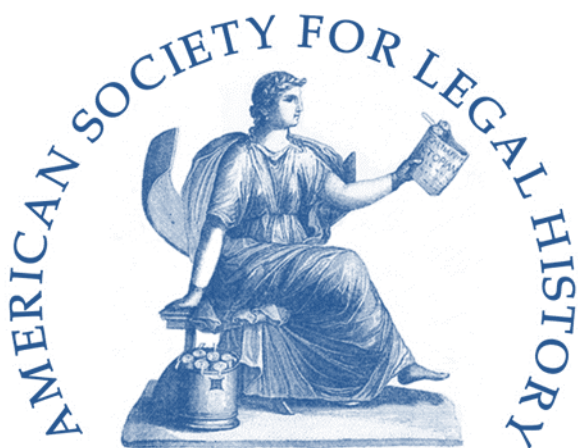


American Society for Legal History



Historia Omnium Jurium

47th Annual Meeting Program

Red Rock Casino Resort Spa
Las Vegas, Nevada

26-28 October 2017



TOMIKO BROWN-NAGIN

2017 ASLH PLENARY LECTURER

Tomiko Brown-Nagin is the Daniel P.S. Paul Professor of Constitutional Law at Harvard Law School and Professor of History at Harvard University's Faculty of Arts and Sciences. The Director of the Charles Hamilton Houston Institute for Race and Justice and Co-Director of the Law School's Program in Law and History, Brown-Nagin is an award-winning legal historian, an expert in constitutional law and education law and policy, a member of the American Law Institute, a fellow of the American Bar Foundation and a distinguished lecturer for the Organization of American Historians. She has published articles and book chapters on the Supreme Court's equal protection jurisprudence, civil rights law and history, the Affordable Care Act and education reform in a variety of publications, including the *Yale Law Journal*, the *Harvard Law Review*, the *Columbia Law Review* and the *Journal of Law & Education*.

Her book, *Courage to Dissent: Atlanta and the Long History of the Civil Rights Movement* (Oxford: Oxford University Press, 2011), won the Reid Book Award and the Bancroft Prize in U.S. History. Brown-Nagin also has published articles and opinion pieces on education reform in the popular press. She is a frequent media commentator on legal issues and educational policy. Her second book, *The Only Woman in the Courtroom: Constance Baker Motley and Twentieth-Century Struggles for Equality*, is forthcoming.

She earned BA in history, *summa cum laude*, from Furman University, where she was elected to *Phi Beta Kappa*; MA and PhD in history from Duke University; and JD from Yale, where she served as an editor of the *Yale Law Journal*. She then clerked on the U.S. District Court for the Southern District of New York and the U.S. Court of Appeals for the Third Circuit.

**American Society for Legal History
2017 Annual Meeting Program**

**American Society for Legal History, Inc.
New York, New York
USA**

The ASLH Local Arrangement Committee thanks the following organizations and individuals for supporting this meeting:

NSHE Board of Regents
University of Nevada, Las Vegas (UNLV)
UNLV William S. Boyd School of Law
UNLV College of Liberal Arts
UNLV History Department
UNLV Student Union

The Mob Museum
Las Vegas Convention and Visitors Authority
Bailey Kennedy Attorneys at Law
Wolfgang Puck
B and A Twist Catering

Nakia Jackson-Hale
Annette Mann
Michael Bertetto
Kerry Martinez
Annette Amdal
Shontai Wilson-Beltran
Heather Nepa
Stephen Bohigian
Shae Cox
Lee Hanover
Billy Marino
Alan Mattay
Doris Morgan

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Abbreviations Used:

RR = Red Rock Casino Resort Spa

UNLV = University of Nevada, Las Vegas

UNLV Boyd = University of Nevada, Las Vegas William S. Boyd School of Law

UNLV RLL = Beverly Rogers Law and Literature Building



Welcome to Las Vegas and to the 2017 Annual Meeting of the American Society for Legal History. The Program Committee, ably co-chaired by Taja-Nia Henderson and Cynthia Herrup, has assembled a splendid lineup of panels. The very enterprising Local Arrangements Committee, under the guidance of co-chairs David Tanenhaus and Michael S. Green, has worked to develop opportunities for us to share ideas and sociability inside and outside the conference venues.

I extend our gratitude to Dean Daniel Hamilton of UNLV William S. Boyd School of Law, who has provided moral and material support, combined with a warm welcome. The organization of this year's meeting posed unanticipated challenges, and we are grateful to all of those who have helped us find ways to adapt to them. I encourage interested members to attend the Friday session titled "Unionization Strategies in Challenging Times," with special guest Richard McCracken, General Counsel of UNITE HERE and Counsel to the Las Vegas Culinary Workers' Union, which represents many hospitality workers at resorts and casinos in Las Vegas.

The ASLH is an organization run entirely by volunteer labor, and I thank my fellow officers for countless hours of work and consultation. I also thank the chairs and members of ASLH committees, who willingly accept the imposition of tasks and deadlines, making possible book and article prizes, fellowships, honorary fellows recognition, fund-raising, institutional initiatives, and the Annual Meeting itself.

We extend a special greeting to the newcomers to our Annual Meeting, particularly those from outside the United States, and we welcome back those for whom the Society has already become an intellectual home.

A handwritten signature in black ink that reads "Rebecca Scott". The signature is fluid and cursive, with a large initial "R" and "S".

Rebecca Scott
President, ASLH

ONE HUNDRED ONE NORTH CARSON STREET
CARSON CITY, NEVADA 89701
OFFICE: (775) 684-5670
FAX NO.: (775) 684-5683



555 EAST WASHINGTON AVENUE, SUITE 5100
LAS VEGAS, NEVADA 89101
OFFICE: (702) 486-2500
FAX NO.: (702) 486-2505

Office of the Governor

GREETINGS FROM THE GOVERNOR

October 26 - 29, 2017

As Governor of the great State of Nevada, I am honored to welcome you to the annual meeting of the American Society for Legal History at the Red Rock Casino Resort & Spa in Las Vegas. Thank you to those who have dedicated their time to this noteworthy gathering.

This meeting is a chance to learn from your peers, discuss the important work you are doing and celebrate shared victories. I commend this organization for your dedication to scholarship and I am proud you will have the opportunity to visit the University of Nevada, Las Vegas, William S. Boyd School. With almost 2,300 alumni in its short history, the Boyd School of Law is making a difference in the Silver State. I commend your commitment to the legal community and I hope you find this conference rewarding.

Thank you for choosing the Silver State for your annual meeting. I hope you find this event beneficial and I encourage you to take the time to explore all that Southern Nevada has to offer.

Sincere regards,

A handwritten signature in blue ink, appearing to read "Sandoval".

BRIAN SANDOVAL
Governor

Congress of the United States
House of Representatives
Washington, DC 20515-2801



October 26, 2017

Dear Friends,

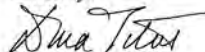
It is my pleasure to welcome you to the 2017 American Society for Legal History's (ASLH) Annual Meeting. I am thrilled that you have decided to host this important gathering in Las Vegas, Nevada for the first time.

Founded in 1956 the society fosters interdisciplinary scholarship and teaching in the broad field of legal history. While based in the United States, ASLH is recognized internationally with members around the world. The quarterly journal, the Law and History Review, and book series, Studies in Legal History are of significant importance to the discipline. I am confident that the 2017 meeting will be an excellent opportunity to interact with peers, review important work, and learn from this extraordinary community of scholars.

Let me thank my friends Jonathan Ullman, CEO of The Mob Museum and Dan Hamilton, Dean of the Boyd School of Law for serving as hosts and partners for this conference, along with President Rebecca J. Scott, President-Elect Sarah Barringer Gordon, and all Officers and Members of the Board of Directors.

Please enjoy your time in southern Nevada and do not hesitate to call if I can be of service; and if you find yourself in Downtown Las Vegas or Washington, D.C., come by our office anytime.

Sincerely,


Member of Congress



CAROLYN G. GOODMAN
MAYOR



*From the Office of
Mayor Carolyn G. Goodman*

**AMERICAN SOCIETY FOR LEGAL HISTORY
2017 ANNUAL MEETING
RED ROCK CASINO, RESORT, AND SPA
LAS VEGAS, NEVADA
OCTOBER 26-29, 2017**

Dear members and friends of the American Society for Legal History:

As Mayor, I am pleased to welcome you to America's most dynamic, entertaining, and intriguing city! You could not have chosen a better locale. I am convinced that once you get a taste of what the city has to offer, you will never want to leave. Las Vegas continues to capture the world's imagination as the city where anything is possible. With world-class hotels, award-winning restaurants, luxurious spas, fantastic shopping, the finest golf courses, and spectacular entertainment, Las Vegas remains one of the most electrifying destinations in the world.

At its heart Las Vegas is all about making sure residents and visitors are well taken care of, treated courteously, and shown a great time. Beyond the neon of the fabulous Strip and the Fremont Street Experience, there is another Las Vegas—one in which we are building a world-class city featuring the best in arts, culture, sporting opportunities, and quality medical care. The new Smith Center for the Performing Arts has set a high standard for art and culture in our city, and I encourage everyone to take in a concert or Broadway show at this magnificent venue. Regardless of your age, a must-visit spot is the children's interactive Discover Museum adjacent to the Smith Center. Buzzing with excitement is the Fremont East Entertainment District, a place with an energy and enthusiasm through its taverns, restaurants, and music venues.

The city also offers beautiful weather and outdoor activities, from top class golfing to opportunities for world-class hiking and rock climbing at the Red Rock Canyon National Conservation Area, to skiing at Mount Charleston, and a visit to the awe-inspiring Hoover Dam at the Lake Mead National Recreation Area. If history is more your speed, you are in luck because The National Museum of Organized Crime and Law Enforcement and the Neon Museum are two of the most interesting and unique experiences in the country.

I want to thank you for choosing Las Vegas and look forward to seeing you around town. Please accept my best wishes for your Society's meeting. You are in good hands with your hosts from the University of Nevada, Las Vegas. I know you will have a fabulous time enjoying our great city and everything it has to offer. Now what are you waiting for? The party has already started! Welcome.

Sincerely,

Carolyn G. Goodman
Mayor, City of Las Vegas

CITY OF LAS VEGAS
405 S. MAIN STREET
LAS VEGAS, NEVADA 89101

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FAX 702.385.7990
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SUPREME COURT OF NEVADA
MICHAEL A. CHERRY, CHIEF JUSTICE
201 SOUTH CARSON STREET
CARSON CITY, NEVADA 89701-4702
(775) 684-1540
FAX (775) 684-1543



August 15, 2017

Members of the American Society for Legal History,

As Chief Justice of the Supreme Court of Nevada, it is my pleasure to welcome you to our Great State of Nevada and to extend my warm regards to everyone who has gathered in Las Vegas for the 2017 conference of the American Society for Legal History.

My esteemed colleagues and I understand the significance of legal history and its impact on the law as it currently exists. While, Nevada has had a very limited legal history compared to other states, we look forward to remedying the absence of legal history with our new Court of Appeals. On November 4, 2014, Nevada voters approved the creation of a Court of Appeals by allowing an amendment to Article 6 of the Nevada Constitution. This unique court hears roughly one-third of all cases submitted to the Nevada Supreme Court in a deflected model, where the Supreme Court assigns cases to a three-judge Court of Appeals. This is similar to systems used in other states, including Iowa, Idaho, and Mississippi. The Supreme Court now focuses on more cases of first impression, rather than hearing all appeals, including everything from murder convictions to appeals of driver's license revocations.

It has also been my distinct honor to work with the host law school, the William S. Boyd School of Law. Although the Boyd Law School is one of the youngest law schools in the nation, it is consistently producing fine attorneys with its nationally recognized legal writing program and dispute resolution programs, nationally ranked number two and number nine respectively. My colleagues and I consistently look to the Boyd Law School when selecting our law clerks because we know that when we hire a Boyd Law graduate, we are hiring a quality clerk. In fact, one of my former law clerks was recently honored by the American Bar Association as one of the Top 40 Young Lawyers of 2017.

It has also been our honor and pleasure to open the brand new Southern Nevada Supreme Court and Court of Appeals building in downtown Las Vegas. Together with our northern home in Carson City, the Supreme Court buildings are the beacons of justice in our vast state. The Las Vegas building is a stunning new home to Nevada's appellate courts, with a design paying tribute to the original United States Supreme Courtroom. I invite you to visit the building should your time permit.

Nevada is a jewel with many facets and I hope that you will have time to experience all that Southern Nevada has to offer from world class gaming establishments and the dramatic scenery of the desert to the man-made wonders of Lake Mead and Hoover Dam.

On behalf of the Nevada Supreme Court, please accept our best wishes for a productive conference.

Sincerely,

A handwritten signature in blue ink that reads "Michael A. Cherry".

MICHAEL A. CHERRY
Chief Justice of the Nevada Supreme Court

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LLOYD D. GEORGE UNITED STATES COURTHOUSE
333 LAS VEGAS BOULEVARD SOUTH, ROOM 7005
LAS VEGAS, NV 89101-7083

GLORIA M. NAVARRO, CHIEF JUDGE
UNITED STATES DISTRICT COURT

TELEPHONE (702) 464-5490
FACSIMILE (702) 464-5491

August 28, 2017

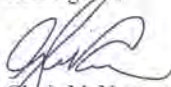
Dear Members of the American Society for Legal History,

On behalf of the District of Nevada, it is my pleasure to welcome you to the City of Las Vegas for your 2017 Annual Meeting. Famously known as "Sin City," Las Vegas is rich in its own unique legal history stemming from its legalization of "sinful" activities. Not surprisingly, the city of Las Vegas and the State of Nevada were pioneers of the modern gambling laws, with many other states and territories modeling their own gaming regulations after our own. Las Vegas grew as a center for organized crime as the mob controlled the growth of gambling. This caused conflicts between the mob and the law as many of these mobsters became key leaders in the development of gaming properties outside the jurisdiction of the City of Las Vegas. Today, what we refer to as "The Strip" is still not within the Las Vegas City limits, but is in the unincorporated Clark County.

Outside of the eccentric neon-lighted signs and clamor of the casino floor, however, is a population of people who call this city home. For example, I have called Las Vegas home my entire life. It is easy to distinguish a "local" amongst a crowd of "tourists" and vice versa. A local is rarely spotted along the strip and a tourist rarely found off of it. Also, locals pronounce our state's name "Nev-add-uh" with a cowboy twang, not the tourist's tell of "Nev-ah-da," which in Spanish means snowfall for the snow-tipped Sierra Nevada mountain range. During your time here, I hope you also have a chance to explore places that we locals love and get to experience what keeps us here. For example, Red Rock National Conservation Area is located only a few miles away from the Red Rock Hotel and provides gorgeous desert views with towering red cliffs and trails available for all difficulty levels. Truly a city unlike any other, I hope you experience being both a tourist and a local during your visit.

The study of legal history is more important now than ever. Edmund Burke once said, "Those who don't know history are doomed to repeat it." Because of this, your participation in this field and in further researching, developing, and educating the legal branches is imperative in avoiding past errors and continuing to move forth to a more progressive world. In the role of a judge, my colleagues and I rely heavily on your contributions so that we may better understand the intent of the policies we must apply. In this sense, you are truly indispensable to the judicial process. On behalf of the District of Nevada, we welcome you to our city and wish you a successful conference.

Best regards,



Gloria M. Navarro, Chief Judge
United States District Court

UNLV | Office of
THE PRESIDENT

UNIVERSITY OF NEVADA, LAS VEGAS

August 28, 2017

Dear Members of the American Society for Legal History:

On behalf of the University of Nevada, Las Vegas ("UNLV"), I am delighted to welcome you to Las Vegas for the 2017 Annual Meeting of the American Society for Legal History ("ASLH").

As southern Nevada's premier research university, we are both excited and honored to co-host this meeting and humbled by the opportunity to engage with scholars from the field of legal history nationwide. UNLV is proud to share ASLH's commitment to excellence in both scholarship and research.

At your meeting, you will have the opportunity to visit the UNLV William S. Boyd School of Law—the principal sponsor of the meeting. Our law school has many notable accomplishments in its relatively short history, including recognition as one of the most diverse law schools in the country. As UNLV proceeds on its Top Tier path, the Boyd Law School remains committed to preserving and advancing our country's legal history through the contributions of our distinguished faculty in their research, scholarly publications, service, and promotion of excellence in legal education.

I extend to you my best wishes for a productive and informative meeting. During your stay, I invite you to take some time to explore the UNLV campus.

Sincerely,



Dr. Len Jessup
President of the University of Nevada, Las Vegas

UNLV | WILLIAM S. BOYD SCHOOL OF LAW

UNIVERSITY OF NEVADA, LAS VEGAS

Dear Friends at the American Society for Legal History:

Welcome to Las Vegas and to UNLV Boyd School of Law.

The ASLH is one of the great learned societies in our profession, and I am not just saying that because I am proud to be a longtime member of this great group of teachers and scholars. Nevada itself has a rich legal history and the law school is now part of that history. Twenty years ago our community came together to build what is now recognized as one of the top public law schools in the country. Our still-young school is one of the great higher education success stories in Nevada's history. Our faculty is nationally recognized in intellectual property, health care law, legal writing, and dispute resolution, among other fields. Boyd's Lawyering Process Program is regularly ranked in the top two legal writing programs in the country. The Saltman Center for Conflict Resolution is among the top 10 dispute resolution programs in the nation.

As Nevada's law school, we serve communities around the state. Our Thomas & Mack Legal Clinic and our community service programs are national models; and with our partners at the Legal Aid Center of Southern Nevada and elsewhere, we have provided legal assistance to tens of thousands. Our students excel in the classroom and beyond. Our alumni are leading lawyers in the state and region as partners in law firms, public defenders, district attorneys, public interest lawyers, judges, and legislators.

Last year more than one-third of Boyd graduates began their careers in judicial clerkships with various courts, including the U.S. Court of Appeals for the Ninth Circuit, The Supreme Court of Nevada, The Nevada Court of Appeals, various federal courts, and trial-level state courts in Nevada and surrounding states.

An essential component of Boyd's future is to ensure we continue to grow by building on our strengths and the strengths of this state. Toward that goal we have created new graduate programs, the first of which is our LL.M. in Gaming Law and Regulation. Nevada has the greatest gaming law expertise in the world; and in an era where gaming is expanding around the country and across the globe, we are poised to be the leader in providing graduate instruction in a sophisticated and growing area of the law.

We are delighted to welcome you to the American Society for Legal History, our law school, and our city.

Sincerely,



Daniel W. Hamilton
Dean and Richard J. Morgan Professor of Law
daniel.hamilton@unlv.edu

THURSDAY, OCTOBER 26, 2017

8:30 AM - 4:30 PM

Student Research Colloquium (UNLV Boyd Dean's Conference Room)

At the annual Student Research Colloquium, two faculty members discuss eight graduate students' early-stage research projects with them. Participation is by invitation only, but we encourage the ASLH community to chat with student presenters about their projects throughout the conference.

Student Participants:

Ofra Bloch, Yale Law School, "The Untold History of Israel's Affirmative Action Law"
Myisha S. Eatmon, Northwestern University, "Public Wrongs, Private Rights: African Americans, Private Law, and the Pursuit of Legal Remedies for Injuries Inflicted by Whites During Jim Crow"

Anne Gray Fischer, Brown University, "'Land of the White Hunter': Legal Liberalism and the Racial Politics of Morals Enforcement in Midcentury Los Angeles"

Elizabeth Katz, Harvard University, "Courting American Families: The Creation and Evolution of Courts of Domestic Relations"

Colin McGrath, University of Pennsylvania, "Building a New Local State: Urban Finance and Legal Rights under a New Federalism in Texas"

Chandra Murdoch, University of Toronto, "The Canadian Indian Act and Indigenous Resistance in Late Nineteenth-Century Ontario"

Emily Prifogle, Princeton University, "Muller versus Muller and the Laundry Workers: The Imperfect History Preserved in *Muller v. Oregon*"

Charlotte Whatley, University of Wisconsin, "Tools of Exclusion: Excommunication in Fourteenth-Century English Common Law"

Faculty Directors:

Ada Maria Kuskowski, University of Pennsylvania

Christopher Schmidt, Chicago-Kent College of Law, American Bar Foundation

Colloquium Organizers:

Brooke Deppenbusch, University of Minnesota

John Wertheimer, Davidson College

Pre-Conference Symposium

From Dissertation to Book: Introductions and Intellectual Calling Cards

(UNLV RLL Faculty Lounge - Fourth Floor) *Observers are welcome*

Moderator: **Michelle McKinley**, University of Oregon (michelle@uoregon.edu)

Sarah Seo, University of Iowa College of Law (sarah-seo@uiowa.edu)

Policing Everyman: How Cars Transformed American Freedom

Rabia Belt, Stanford Law School (belt@law.stanford.edu)

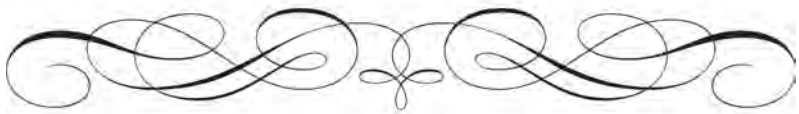
Disabling Democracy in America: Disability, Citizenship, Suffrage, and the Law, 1819 -1920

Sara Mayeux, Vanderbilt Law School (sara.mayeux@vanderbilt.edu)
*Poor Defenses: The American Legal Profession and the Problem of the
"Indigent Accused"*

Sarah Milov, University of Virginia (smilov@virginia.edu)
*Smoke and Ashes: From Corporatism to Neoliberalism in Tobacco's Twentieth
Century*

Lauren Thompson, Kennesaw State University (lthom182@kennesaw.edu)
*"Not for Physicians to Decide": Medicine, Law, and Mary Ware Dennett in the
Early Birth Control Movement*

- 9:00 AM - 4:00 PM **Feminist Legal Biography Group (RR Willows)**
[By invitation only, Lunch will be served]
- 12:00 PM - 4:00 PM **Registration (RR Registration Desk)**
- 12:00 PM - 5:00 PM **Exhibits (RR Pavilion Ballroom)**
- 4:00 PM - 5:00 PM **Finance Committee (RR Ridges)**
- 5:00 PM - 6:30 PM **Opening Reception (RR South Beach)**
- 6:30 PM - 7:30 PM **Executive Committee (RR Hills)**
- 7:30 PM - 10:00 PM **Board of Directors Meeting (RR Veranda AB)**
[Dinner Will Be Served]
- 10:00 PM - 11:00 PM **Nightcap (RR Onyx Bar)**



FRIDAY, OCTOBER 27, 2017

- 7:15 AM - 1:15 PM **Registration** (RR Registration Desk)
- 7:15 AM - 1:15 PM **Exhibits** (RR Pavilion Ballroom)
- 7:15 AM - 8:15 AM **Continental Breakfast** (RR Pavilion Ballroom)
- 7:15 AM - 8:15 AM **Committee Breakfast Meetings**
- **H-Law** (RR Vistas)
 - **Membership Committee** (RR Siena)
 - *Studies in Legal History* Editors (RR Willows)
- 8:15 AM - 10:00 AM
-

Origin Stories: New Approaches to Early U.S. Constitutional History (RR Veranda DE)

Chair & Commentator: **Jose Ernesto Pimentel, Fh.**, Universidade Federal da Paraíba
(jpima2001@yahoo.fr)

Maeve Glass, Columbia University (maeve.glass@law.columbia.edu)
Habits of Interpretation: Towards a New History of American Constitutional Development

Jonathan Gienapp, Stanford University (jgienapp@stanford.edu)
Turning the Constitution into a Text: Rethinking the Origins of Written Constitutionalism in the United States

Aaron Hall, University of California, Berkeley (aaronrhall06@berkeley.edu)
Inventing the Founding: Slavery and Public Constitutionalism in the Early Republic

Seeing Difference (RR Veranda AB)

Chair & Commentator: **Deborah Dinner**, Emory University School of Law
(deborah.dinner@emory.edu)

Michael Boucai, University at Buffalo School of Law (mboucai@buffalo.edu)
Codifying the Closet: Law and Homosexuality in Modern Britain

Marie-Amelie George, Yale University (mgeorge@law.harvard.edu)
Why LGBT?

Allison Tait, University of Richmond School of Law (atait@richmond.edu)
Keeping Up Appearances

Migration, Citizenship, and Belonging in the Black Atlantic World (RR Veranda C)

Chair: **Trina Leah Hogg**, Oregon State University (trina.hogg@oregonstate.edu)

Commentator: **Reynolds Richter**, Vanderbilt University (reynolds.richter@gmail.com)

Westenley Alcenet, Fordham University (walcenat@fordham.edu)

Between Slaves and Citizens: African-American Emigration to Haiti and the Problem of Citizenship in the Age of Atlantic Slavery, 1816-1826

Trina Leah Hogg, Oregon State University (trina.hogg@oregonstate.edu)

"Our impending danger must be averted": Migratory Labor from British West Africa to the Congo, 1890-1910

Larissa Kopytoff, New York University (lkopytoff@gmail.com)

Portable and Comprehensive Citizenship, or "A Special and Localized Right"?: Senegal's Originaïres Away From Home

Russia and Eastern Europe as Source and Object of International Legal Experimentation (RR Charleston F)

Chair & Commentator: **Paul Werth**, University of Nevada, Las Vegas

(werthp@unlv.nevada.edu)

Franziska Exeler, University of Cambridge (fe252@cam.ac.uk)

Nazi Atrocities, International Law, and Treason Trials: The Soviet Union and the Global Moment of Post-World War II Justice

Philippa Hetherington, UCL-London (p.hetherington@ucl.ac.uk)

Between Universalism and Pluralism: Transnational Marriage and Russia's Anti-Secular Critique of Private International Law

Kristy Ironside, McGill University (kristy.ironside@manchester.ac.uk)

International Copyright Law in the Khrushchev-Era Soviet Union

Natasha Wheatley, Princeton University (natasha.wheatley@sydney.edu.au)

Habsburg Nationality Law, International Minority Protection, and the Catch of Collective Rights

Author-Meets-Readers: Edward Foley's *Ballot Battles: The History of Disputed Elections in the United States* (Oxford University Press, 2016)

(RR Charleston A)

Chair: **Tabatha Abu El-Haj**, Drexel University (taa53@drexel.edu)

Commentators: **Mark Graber**, University of Maryland (mgraber@law.umaryland.edu),

Charles Zelden, Nova Southeastern University (zelden@nova.edu) and **Tabatha Abu El-Haj**, Drexel University (taa53@drexel.edu)

Author: **Edward Foley**, Moritz College of Law, The Ohio State University (foley.33@osu.edu)

10:00 AM - 10:30 AM **Mid-Morning Break** (RR Pavilion Ballroom)

State Structure and Law in Late Imperial China (RR Veranda DE)

Chair: **Matthew Sommer**, Stanford University (msommer@stanford.edu)

Commentator: **Li Chen**, University of Toronto (lc2069@gmail.com)

Zhiqiang Wang, Fudan University Law School (zhiqiangwang1@yahoo.com)
Judicial Torture, Standard of Proof, and Political Structure in Eighteenth-Century China

Macabe Keliher, West Virginia University (macabe.keliher@mail.wvu.edu)
Disciplining the State: The Function and Formation of Administrative Law in Early Modern China

Taisu Zhang, Yale Law School (taisuzhang@yale.edu)
The Ideological Foundations of Qing Fiscal Policy

Law, Custom, and Coerced Labor in the Colonial Atlantic World (RR Charleston A)

Chair & Commentator: **Peter C. Hoffer**, University of Georgia (pchoffer@uga.edu)

Allison Madar, California State University, Chico (amadar@csuchico.edu)
Mixed-Race Servants in Eighteenth-Century Virginia

Casey Schmitt, College of William & Mary (csschmitt@email.wm.edu)
"He Seemed Like a Slave": Kidnapping and Labor Coercion in the Seventeenth-Century Caribbean

A. B. Wilkinson, University of Nevada, Las Vegas (wilk@unlv.edu)
Shifting Legislative Ground: "Mulatto Bastards" in British Colonial North America

Morals Law Enforcement and the Making of Twentieth-Century American Cities (RR Veranda C)

Chair & Commentator: **Simon Balto**, Ball State University (sebalto@bsu.edu)

Cookie Woolner, University of Memphis (cwoolner@memphis.edu)
"Framing Women in Harlem": Regulating Black Women's Sexuality in the Prohibition Underworld

Anne Gray Fischer, Brown University (anne_gray_fischer@brown.edu)
Land of the White Hunter: Black Revolt and the Racial Politics of Morals Enforcement in Midcentury Los Angeles

Devin McGeehan Muchmore, Yale University (mcgeehan.muchmore@gmail.com)
"It's Like the National Guard": Sex, Street Crime, and the Business of Police Protection in Boston's Combat Zone, 1966-1979

Lightning Round: Relocating the American Administrative and Regulatory State (RR Veranda AB)

Chair: **Karen Tani**, University of California, Berkeley School of Law (kmtani@gmail.com)

Lance Sorenson, University of Nevada, Las Vegas (lancesorenson1@gmail.com)

The Death of Tri-Partite Sovereignty: The Prosecution of Native American Witch-Killers

Laura Phillips Sawyer, Harvard Business School (lsawyer@hbs.edu)

Reconfiguring Competition: Corporate Law, Democratic Dissent, and the Creation of State Antitrust Exemptions

Patrick O'Connor, University of Montana (patrick.oconnor@umontana.edu)

The Health of the State: Tobacco and the Paradox of Federalism in the Turn-of-the-Century United States

Sean Vanatta, Princeton University (sean.vanatta@gmail.com)

Federalism and the Postwar Financial System

Judge Glock, West Virginia University (judgeglock@gmail.com)

Visitorial Powers, Administrative Subpoenas, and the Rise of the Regulatory State

Brendan O'Malley, Newbury College (brendan.omalley@newbury.edu)

New York and Immigration Federalism in the Nineteenth Century

Author-Meets-Readers: Charles F. Hobson's *The Great Yazoo Land Sale: The Case of Fletcher v. Peck* (University Press of Kansas, 2016) (RR Charleston F)

Chair: **Maeva Marcus**, Institute for Constitutional History, New-York Historical Society and the George Washington University Law School (mmarcus@law.gwu.edu)

Commentators: **R. B. Bernstein**, City College of New York (rbernstein@ccny.cuny.edu)

and **Timothy Huebner**, Rhodes College (huebner@rhodes.edu)

Author: **Charles Hobson**, Omohundro Institute of Early American History and Culture, William and Mary School of Law (cfhobs@wm.edu)

12:00 PM - 1:15 PM

Lunch Break

Committee Lunch Meetings

- **Peter Gonville Stein Book Award Committee** (RR Vistas)
- ***Law and History Review*** (RR Siena)
Sponsored by Cambridge University Press
- **Standing Committee on the Annual Meeting** (RR Willows)

1:15 PM - 1:30 PM

Buses to UNLV (RR Main Entrance)

2:00 PM - 5:00PM

Registration (UNLV Boyd Main Lobby)

ALL FRIDAY AFTERNOON SESSIONS ARE HELD AT UNLV

2:15 PM - 3:30 PM

Author-Meets-Readers: Michelle McKinley's *Fractional Freedoms: Slavery, Intimacy, and Legal Mobilization in Colonial Lima, 1600-1700* (Cambridge University Press, 2016) (UNLV Boyd 102)

Chair: **Victor Uribe**, Florida International University (uribev@fiu.edu)

Commentators: **Kelly Kennington**, Auburn University (kennington@auburn.edu), **Carolina Gonzalez**, Univ. de Chile (carolina.gonzalez@gmail.com) and **Victor Uribe**, Florida International University (uribev@fiu.edu)

Author: **Michelle McKinley**, University of Oregon (michelle@uoregon.edu)

The Legalities of Exchange (UNLV Boyd 105)

Chair & Commentator: **Christine Desan**, Harvard Law School (desan@law.harvard.edu)

Jeffrey Sklansky, History, University of Illinois at Chicago (sklanskj@uic.edu)

A Genealogy of the "Indian Gift" in Colonial New England

Laura Edwards, Duke University (ledwards@duke.edu)

Textiles and Legal Culture in the United States between the Revolution and the Civil War

Susanna Blumenthal, University of Minnesota (blume047@umn.edu)

Frenzied Finance: Speculation and the Limits of the Law in Progressive America

"Volatile Natives" and "Reasonable Europeans": Criminal Responsibility, Mental Health and Colonial Law in the Nineteenth and Twentieth Centuries (UNLV Boyd 110)

Chair & Commentator: **Charlotte Walker-Said**, John Jay-CUNY (cwalker-said@jjay.cuny.edu)

Claire Edington, University of California, San Diego (cedington@ucsd.edu)

Creating the Legal Category of the "Insane" Person in French Colonial Vietnam, 1883-1930

Catherine Evans, University of Toronto (cle43@cam.ac.uk)

"A Man of Sensitive Nature": Jimmy Governor and the Culpability of Euro-Aboriginal Defendants in Late-Colonial Australia

Danielle Boaz, University of North Carolina at Charlotte (dboaz@uncc.edu)

The "Nefarious Practices" of "Reasonable People": Race, Divination, and Theft by False Pretenses in South Africa in the Early Twentieth Century

Katherine Luongo, Northeastern University (k.luongo@northeastern.edu)

Mens Rea as a Cultural Matter: Adjudicating Witch-Killings in Nigeria and Tanzania

Cold War Criminal Rights? (UNLV Boyd 112)

Chair & Commentator: **Mary Dudziak**, Emory University School of Law
(mary.dudziak@emory.edu)

Sarah Seo, University of Iowa College of Law (sarah-seo@uiowa.edu)
Policing and American Democracy

Sara Mayeux, Vanderbilt Law School (sara.mayeux@vanderbilt.edu)
The Cold War Right to Counsel

Smita Ghosh, United States Sentencing Commission (smghosh@law.upenn.edu)
Immigration Detention in Cold War America

Roundtable: Unionization Strategies in Challenging Times

(UNLV Boyd Thomas & Mack Moot Court)

Chair: **Catherine Fisk**, University of California, Berkeley (cfisk@law.berkeley.edu)

Sophia Lee, University of Pennsylvania Law School (slee@law.upenn.edu)

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

Reuel Schiller, University of California, Hastings College of the Law
(schiller@uchastings.edu)

Richard McCracken, General Counsel of UNITE HERE and Counsel to Las Vegas Culinary Workers Union (rmccracken@msh.law)

Law in Native North America (UNLV Boyd 203)

Chair & Commentator: **Katherine Hermes**, Central Connecticut State University
(hermesk@ccsu.edu)

Elizabeth Rule, Brown University (elizabeth_rule@brown.edu)
Mohawk Membership Law Under Settler Colonial Conditions

Kerri Malloy, Humboldt State University (Kerri.Malloy@humboldt.edu)
Dividing and Affixing Identity: Public Law 100-580 The Hoopa-Yurok Settlement Act

Jessica Arnett, University of Minnesota (arne0207@umn.edu)
Sui Generis: William Paul Sr. and the Limits of Settler Imperial Law

Alexandra Maravel, Central Connecticut State University (maravel@ccsu.edu)
The Americanization of Scipio Two Shoes

3:45 PM - 5:00 PM

Author-Meets-Readers: *Laura Weinrib's The Taming of Free Speech: America's Civil Liberties Compromise* (Harvard University Press, 2016) (UNLV Boyd 102)

Chair: **Catherine Fisk**, University of California, Berkeley (cfisk@law.berkeley.edu)

Commentators: **John Witt**, Yale Law School (john.witt@yale.edu), **William Forbath**,
University of Texas School of Law (wforbath@law.utexas.edu), and **Sophia Lee**,
University of Pennsylvania Law School (slee@law.upenn.edu)

Author: **Laura Weinrib**, University of Chicago Law School (weinrib@uchicago.edu)

Authors-Meet-Readers: Amalia D. Kessler's *Inventing American Exceptionalism: The Origins of American Adversarial Legal Culture, 1800-1877* (Yale University Press, 2017) and **Daniel J.**

Sharfstein's *Thunder in the Mountains: Chief Joseph, Oliver Otis Howard, and the Nez Perce War* (W.W. Norton & Co., 2017)

– **Reflections on Freedom, Equality, and the Growing Power of the Nineteenth-Century American State** (UNLV Boyd 105)

Chair: **Hendrik Hartog**, Princeton University (hartog@princeton.edu)

Commentators: **Michael Willrich**, Brandeis University (willrich@brandeis.edu) and **Hendrik Hartog**, Princeton University (hartog@princeton.edu)

Authors: **Amalia Kessler**, Stanford University (akessler@law.stanford.edu) and **Daniel Sharfstein**, Vanderbilt University (daniel.sharfstein@vanderbilt.edu)

Free Labor and the Thirteenth Amendment (UNLV Boyd 110)

Chair & Commentator: **Christopher Tomlins**, University of California, Berkeley School of Law (ctomlins@law.berkeley.edu)

Rebecca Zietlow, University of Toledo College of Law (rebecca.zietlow@utoledo.edu)
The Forgotten Emancipators

Avi Soifer, William S. Richardson School of Law (soifer@hawaii.edu)

Paradoxical Federal Protection: Immigrants and Free Labor in the Gilded Age

James Pope, Rutgers Law School (jpope@kinoy.rutgers.edu)

Convict Labor, the "Free Labor System," and the Thirteenth Amendment, 1865-2000

Lea VanderVelde, University of Iowa College of Law (l-vandervelde@uiowa.edu)

How the State Courts Responded to the 13th Amendment's Labor Vision

Legibility and Legalism in the Early Modern Era (UNLV Boyd 112)

Chair & Commentator: **Jason Rozumalski**, University of California, Berkeley (jrozumalski@berkeley.edu)

Sara Ludin, University of California, Berkeley (saraludin@berkeley.edu)

The Protestant "Power of Attorney" of 1531: Co-Litigation in Early Reformation Germany and Legal Matrices of Belonging

Ron Makleff, University of California, Berkeley (rmakleff@gmail.com)

Reading Symbols of Legal Sovereignty in Occupied Territory: French Jurists Perform Archival Triage in Lille and Ghent, 1667-1678

Raphael Murillo, University of California, Berkeley (rmurillo@berkeley.edu)

Making Malfeasance: Inspection at the Nexus of Law and Society in the Spanish Empire

Amir Toft, University of Chicago (atoft@uchicago.edu)

Exiled from Spain: An Early Modern Muslim Perspective on the Law of Nations

Roundtable: Making Reproductive Rights Law from *Griswold to Whole Woman's Health* (UNLV Boyd Thomas & Mack Moot Court)

Chair: **Kate Shaw**, Cardozo Law School (kshaw2@yu.edu)

Reva Siegel & Linda Greenhouse, Yale Law School (reva.siegel@yale.edu and linda.greenhouse@yale.edu)

The Story of Roe v. Wade

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

The Story of Planned Parenthood v. Casey

Cary Franklin, Yale Law School (cfranklin@law.utexas.edu)

The Story of Whole Woman's Health v. Hellerstedt

Khiara Bridges, Boston University School of Law (kmb73@bu.edu)

The Story of Harris v. McRae

Kathryn T. Preyer Memorial Prize Panel (UNLV Boyd 203)

Chair: **H. Timothy Lovelace**, Indiana University Maurer School of Law (lovelace@indiana.edu)

Commentators: **Jed Shugerman**, Fordham Law School

(jshugerman@law.fordham.edu) and **Susan D. Carle**, American University

Washington College of Law (scarle@wcl.american.edu)

Kellen Funk, Princeton University (kfunk@princeton.edu)

The Swearer's Prayer: Race, Piety, and the Rise of Oaths in Modern American Practice

Shaun Ossei-Owusu, Columbia Law School (sossei-owusu@law.columbia.edu)

Racial Discounting and Self-Help: Blacks, Americanization, and the Early Twentieth-Century Legal Aid Movement

5:15 PM - 6:30 PM **Plenary Lecture** (UNLV Student Union Ballroom)

"The Long Resistance and Historical Memory."

Tomiko Brown-Nagin, Daniel P.S. Paul Professor of Constitutional Law; Co-Director, Program in Law and History; Director, Charles Hamilton Houston Institute for Race & Justice (Harvard Law School); Professor of History, Faculty of Arts and Sciences (Harvard University)

6:30 PM - 8:00 PM **Plenary Reception** (UNLV Valerie Pida Plaza)
Sponsored by the UNLV William S. Boyd School of Law

7:45 PM - 8:00 PM **Buses Leave for the Red Rock Casino Resort Spa and the Boulder Station Hotel making a stop on "the Strip" for those who wish to play.**

10:00 PM - 11:00 PM **Graduate Student Gathering** (RR Yard House)

SATURDAY, OCTOBER 28, 2017

- 7:30 AM - 12:00 PM **Registration** (RR Registration Desk)
- 7:30 AM - 5:00 PM **Book Exhibits** (RR Pavilion Ballroom)
- 7:15 AM - 8:15 AM **Continental Breakfast** (RR Pavilion Ballroom)
- Committee Breakfast Meetings**
- Graduate Student Outreach Committee (RR Vistas)
 - Publications Committee (RR Siena)
- 8:15 AM - 10:00 AM
-

Transatlantic Influences and the Reconfiguration of the European Legal Tradition under Totalitarianism (RR Veranda AB)

Chair & Commentator: **Renée Lettow Lerner**, George Washington University Law School (rlerner@law.gwu.edu)

Jacob Giltaij, University of Helsinki (jacob.giltaij@gmail.com)

Comparing the Role of Legal Science Between the New Deal and the Nuremberg Laws

Kaius Tuori, University of Helsinki (kaius.tuori@helsinki.fi)

Revisiting German Exiles, the Liberal Tradition, and Totalitarianism

Bill Davies, American University (davies@american.edu)

Walter Much: A Weimar Jurist in the European Service

Roundtable: Legal Borderlands of Race & Gender in North America (RR Veranda DE)

Chair: **Maria Raquel Casas**, University of Nevada Las Vegas (maria.casas@unlv.edu)

Kate Masur, Northwestern University (kmasur@northwestern.edu)

Verónica Castillo-Muñoz, University of California, Santa Barbara (castillomunoz@history.ucsb.edu)

Tom Romero II, Sturm College of Law, University of Denver (tromero@law.du.edu)

Katrina Jagodinsky, University of Nebraska Lincoln (kjagodinsky@unl.edu)

Author-Meets-Readers: Anne Twitty's *Before Dred Scott: Slavery and Legal Culture in the American Confluence, 1787-1857* (Cambridge University Press, 2016) (RR Charleston A)

Chair: **David Thomas Konig**, Washington University in St. Louis (konig@wustl.edu)

Commentators: **Sally Hadden**, Western Michigan University (sally.hadden@wmich.edu), **Scott Heerman**, University of Miami (s.heerman@miami.edu) and **Kimberly Welch**, Vanderbilt University (kimberly.m.welch@vanderbilt.edu)

Author: **Anne Twitty**, University of Mississippi (atwitty@olemiss.edu)

Law, Identity, and Citizenship in Modern India (RR Veranda C)

Chair & Commentator: **Mitra Sharafi**, University of Wisconsin Law School
(mitra.sharafi@wisc.edu)

Alastair McClure, Max Planck Institute for European Legal History
(arm71@cam.ac.uk)

Deferring Citizenship: Corporal Punishment in Colonial India, 1864-1914

Sarah Gandee, University of Leeds (hyseg@leeds.ac.uk)

Redefining Reservation: Caste, Tribe, and the Vinukat Jatis ("Ex-Criminal Tribes") in Postcolonial Punjab

Saumya Saxena, Law Commission of India (saumyasaxena111@gmail.com)

The Pre-History of Shah Bano: Personal Law and the Muslim Citizen in Post-Independence India

Roundtable: Legal Historians and Constitutional Litigation in the Time of the Trump Administration (RR Charleston F)

Chair: **Malick Ghachem**, Massachusetts Institute of Technology (mghachem@mit.edu)

Jed Shugerman, Fordham Law School (jshugerman@law.fordham.edu)

Gautham Rao, American University (gauthrao@gmail.com)

Jack Rakove, Stanford University (rakove@stanford.edu)

John Mikhail, Georgetown Law Center (john.mikhail@law.georgetown.edu)

Andy Grewal, University of Iowa College of Law (amendeep-grewal@uiowa.edu)

Kristin Collins, Boston University School of Law (collinsk@bu.edu)

Jeremy Kessler, Columbia Law School (jkessler@law.columbia.edu)

10:00 AM - 10:30 AM **Mid-Morning Break (RR Pavilion Ballroom)**

10:30 AM - 12:15 PM

Slavery, Freedom, and American Law in the Nineteenth Century (RR Charleston A)

Chair: **Emily West**, University of Reading (e.r.west@reading.ac.uk)

Commentator: **Paul Finkelman**, University of Pittsburgh Law School
(paul.finkelman@yahoo.com)

Stephanie Jones-Rogers, University of California, Berkeley (sejr@berkeley.edu)
Women, American Slavery, and the Law

Tyler Parry, California State University, Fullerton (tparry@fullerton.edu)
Between Legality and Morality: Slave Marriage in the Civil War Era

Christian Pinnen, Mississippi College (pinnen@mc.edu)

Manumission in the Borderlands: Legal Change and the Pursuit of Liberty

Marie Stango, California State University, Bakersfield (mstango@csub.edu)
Governing Marriage in Colonial Liberia

The ASLH Annual Meeting at a Glance

ALL FRIDAY AFTERNOON SESSIONS ARE HELD AT UNLV

FRIDAY	RR Veranda DE	RR Veranda AB	RR Veranda C	RR Charleston F	RR Charleston A	
7:15 AM – 8:15 AM, Continental Breakfast (RR Pavilion Ballroom)						
Session I 8:15 AM - 10:00 AM	Origin Stories	Seeing Difference	Migration, Citizenship, and Belonging	Russia and Eastern Europe as Source and Object	Author-Meets-Readers: Foley's <i>Ballot Battles</i>	
10:00 AM – 10:30 AM, Mid-Morning Break (RR Pavilion Ballroom)						
Session II 10:30 AM - 12:00 PM	State Structure and Law in Late Imperial China	Lightning Round: Relocating the American ...	Morals Law Enforcement	Author-Meets-Readers: Hobson's <i>The Great Yazoo Land Sale</i>	Law, Custom, and Coerced Labor	
12:00 PM - 1:15 PM	Lunch Break					
FRIDAY	UNLV Boyd 102	UNLV Boyd 105	UNLV Boyd 110	UNLV Boyd 112	UNLV Boyd Thomas & Mack Moot Court	UNLV Boyd 203
Session III 2:15 PM - 3:30 PM	Author-Meets-Readers: McKinley's <i>Fractional Freedoms</i>	The Legalities of Exchange	"Volatile Natives" and "Reasonable Europeans"	Cold War Criminal Rights?	Roundtable: Unionization Strategies	Law in Native North America
Session IV 3:45 PM - 5:00 PM	Author-Meets-Readers: Weinrib's <i>The Taming of Free Speech</i>	Authors-Meet-Readers: Kessler's <i>Inventing American Exceptionalism</i> & Sharfstein's <i>Thunder in the Mountains</i>	Free Labor and the Thirteenth Amendment	Legibility and Legalism in the Early Modern Era	Roundtable: Making Reproductive Rights Law from Griswold to Whole Woman's Health	Kathryn T. Preyer Memorial Prize Panel
5:15 PM – 6:30 PM	Plenary Lecture - Tomiko Brown-Nagin, "The Long Resistance and Historical Memory." (UNLV Student Union Ballroom)					
6:30 PM – 8:00 PM	Plenary Reception (UNLV Valerie Pida Plaza)					
10:00 PM - 11:00 PM	Graduate Student Gathering (RR Yard House)					

SATURDAY	RR Veranda DE	RR Veranda AB	RR Veranda C	RR Charleston F	RR Charleston A
7:15 AM – 8:15 AM, Continental Breakfast (RR Pavilion Ballroom)					
Session V 8:15 AM - 10:00 AM	Roundtable: Legal Borderlands of Race & Gender	Transatlantic Influences	Law, Identity, and Citizenship in Modern India	Roundtable: Legal Historians and Constitutional Litigation	Author-Meets- Readers: Twitty's <i>Before Dred Scott</i>
10:00 AM – 10:30 AM, Mid-Morning Break (RR Pavilion Ballroom)					
Session VI 10:30 PM - 12:15 PM	Lightning Round: New Approaches to the Legal History of Gender, Class, and Status	Roundtable: Slavery, Self- Possession, the Discovery Doctrine and First Possession	Negotiating Nationality	Merchants, Institutions, and Legal Changes	Slavery, Freedom, and American Law
12:15 PM - 2:15 PM	Annual Lunch and Awards Ceremony (RR Charleston BCDE)				
Session VII 2:15 PM - 4:00 PM	Authors- Meet- Readers: Benton and Ford, <i>Rage for Order</i>	Diasporas, Mobility and New Orders of Rights	Roundtable: Private Foundations, Public Values,	From Bureaucracy to Jihad	After Empire: International Law as Dissent
Session VIII 4:15 PM - 5:45 PM	The 1917 Mexican Constitution at 100 Years	Author-Meets- Readers: Whitman's <i>Hitler's American Model</i>	Rethinking Constitutional Conservatism in the Civil Rights Era	Risk, Debt, or Guarantee	Arbitration in the Early Modern British Empire
7:00 PM – 9:30 PM	Closing Reception (Mob Museum)				

Legend:

RR – Red Rock Casino Resort Spa

UNLV – University of Nevada Las Vegas

UNLV Boyd – University of Nevada Las Vegas William S. Boyd School of Law

Negotiating Nationality: International Law, Citizenship and Sovereignty in the Long 19th Century (RR Veranda C)

Chair & Commentator: **Kunal Parker**, University of Miami Law School (kparker@law.miami.edu)

Eric Schlereth, University of Texas at Dallas (schlereth@utdallas.edu)

A Lawless Spirit Amongst Our People: The U.S. Threat to North American Border Security During the 1830s

Lucy Salyer, University of New Hampshire (Lucy.Salyer@unh.edu)

A Tale of Three Treaties, 1868–1870: The Possibilities and Limits of Expatriation

Will Smiley, Reed College (will.smiley@gmail.com)

Fugitives and International Law: Nationality and Legal Change in Eurasia, 1820s–1890s

David Gutman, Manhattanville College (david.gutman@mville.edu)

Dangerous Subject, Dubious Citizens: Citizenship Law, Naturalization, and the Deportation of Armenian Return Migrants from the Ottoman Empire, 1895–1908

Merchants, Institutions, and Legal Changes in the Medieval World (RR Charleston F)

Chair: **M.C. Mirow**, FIU College of Law (mirowm@fiu.edu)

Commentator: **Emily Kadens**, Northwestern University (kadens@law.northwestern.edu)

Mark Cohen, Princeton University (mrcohen@princeton.edu)

Jewish Commercial Law and the “Custom of the Merchants” During the Islamic Middle Ages

Albrecht Cordes, Goethe University (cordes@jur.uni-frankfurt.de)

Lex Maritima? Maritime Law in the North (13th–17th century)

Ron Harris, Tel Aviv University (harris@post.tau.ac.il)

The Rise and Decline of Commenda-Based Merchant Networks

Roundtable: Slavery, Self-Possession, the Discovery Doctrine and First Possession (RR Veranda AB)

Chairs: **Daniel Hamilton**, University of Nevada, Las Vegas

(daniel.hamilton@unlv.edu) and **Daniel Ernst**, Georgetown University Law Centre (ernst@georgetown.edu)

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

Jonathan Bryant, History, Georgia Southern University

(jbryant@georgiasouthern.edu)

Lindsay Robertson, University of Oklahoma College of Law (lrobertson@ou.edu)

Angela Fernandez, Faculty of Law, University of Toronto

(angela.fernandez@utoronto.ca)

Lightning Round: New Approaches to the Legal History of Gender, Class, and Status (RR Veranda DE)

Chair: **Taja-Nia Henderson**, Rutgers Law School (thenderson@kinoy.rutgers.edu)

Katharine Huemoeller, University of British Columbia
(katharine.huemoeller@ubc.ca)

Tracing Descent: The Transmission of Slave Status in Roman Law

Luisa Stella de Oliveira Coutinho Silva, Universidade de Lisboa
(luisastella@gmail.com)

Women in Colonial Paraíba: A Feminist Postcolonial Study of Brazilian Legal History, 1580s-1822

Kristin O'Brassill-Kulfan, Rutgers University (kristin.obrassillkulfan@rutgers.edu)
Policing Poverty: Mobility and Criminal Pauperism, 1780-1840

Brooke Depenbusch, University of Minnesota (depen003@umn.edu)

Poor Logics: General Relief and the Law of Removing the Poor, 1935-1962

Meggan Farish Cashwell, Duke University (meggan.farish@duke.edu)

Fines and Feuds in New York City Courts, 1785-1815

Hannah Francis, Rice University (hannah.j.francis@rice.edu)

The Impact of American Law on Free Women of Color in Nineteenth Century New Orleans

Lee Wilson, Clemson University (wilson1@clemson.edu)

"Disorderly Negroes," Anxious Administrators, and Customary Slave Law in Revolutionary-Era South Carolina

Jeffrey Gonda, Syracuse University (jdgonda@maxwell.syr.edu)

"All the Feeling of Being a Lady Had Been Crushed": Black Women and Jim Crow Transportation in the 1940s

12:15 PM - 2:15 PM

Annual Lunch and Awards Ceremony
(RR Charleston BCDE)

2:15 PM - 4:00 PM

Roundtable: Private Foundations, Public Values, and the Transformation of American Society (RR Veranda C)

Chair: **Stanley N. Katz**, Princeton University (snkatz@princeton.edu)

Larry Kramer, The Hewlett Foundation (lkramer@hewlett.org)

Maribel Morey, Clemson University (moreym@clemson.edu)

Megan Ming Francis, University of Washington (meganmf@uw.edu)

After Empire: International Law as Dissent (RR Charleston A)

Chair & Commentator: **Meredith Terretta**, University of Ottawa (mterrett@uottawa.ca)

León Castellanos-Jankiewicz, European University Institute

(leon.castellanos@graduateinstitute.ch)

The Private Law Origins of Human Rights

Cindy Ewing, Yale University (cindy.ewing@yale.edu)

Where Do Rights Begin: The Universal Declaration of Human Rights and the

Emergence of Postcolonial Constitutionalism in Asia

Kirsten Sellars, Chinese University of Hong Kong (kirsten.sellars@cuhk.edu.hk) *The*

Duty of Allegiance: Hobbesian Themes at the Red Fort Trial and the Tokyo Tribunal

From Bureaucracy to Jihad: Islamic Law in the Colonial Era

(RR Charleston F)

Chair & Commentator: **Intisar Rabb**, Harvard University (irabb@law.harvard.edu)

Michael O'Sullivan, UCLA (mbosulliv@gmail.com)

The "Muslim Bank" in a Late Imperial Age, 1908-1925

Ari Schriber, Harvard University (schriber@g.harvard.edu)

The Transformation of the Qadi in Protectorate Morocco

Adnan Zulfikar, Rutgers Law School (adnan.zulfikar@rutgers.edu)

Violent Necessity: Enacting Jihad in the Colonial Period

Diasporas, Mobility and New Orders of Rights in the Post War Asia and Africa (RR Veranda AB)

Chair & Commentator: **Binyamin Blum**, The Hebrew University of Jerusalem

(blum@stanford.edu)

Fei Hsien Wang, Indiana University (feihwang@indiana.edu)

Playing the Game of Nationality: Reclaiming European Properties in Post-World War II China

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

The Kenyatta Trial as an International Legal Event: Decolonization, Diasporas, and a Global History of Rebellious Lawyers

Kalyani Ramnath, Princeton University (kalyani@princeton.edu)

Muthiah's Citizenship Application: Political Belonging and Legal Bureaucracies in 1950s Sri Lanka

Authors-Meet-Readers: Lauren Benton and Lisa Ford, *Rage for Order: The British Empire and the Origins of International Law, 1800-1850*

(Harvard University Press, 2016) (RR Veranda DE)

Chair: **Philip Stern**, Duke University (philip.stern@duke.edu)

Commentators: **Daniel Hulsebosch**, New York University School of Law

(daniel.hulsebosch@nyu.edu), **Karen Knop**, University of Toronto

(k.knop@utoronto.ca) and **Philip Stern**, Duke University (philip.stern@duke.edu)

Authors: **Lauren Benton**, Vanderbilt University (lauren.benton@vanderbilt.edu),

Lisa Ford, University of New South Wales (l.ford@unsw.edu.au)

Risk, Debt, or Guarantee: Legal Gambles in Global Perspective

(RR Charleston F)

Chair & Commentator: **Barbara Young Welke**, University of Minnesota
(welke004@umn.edu)

Philip Thai, Northeastern University (p.thai@northeastern.edu)

Risky Business: Insurance and the Emergence of Financial Capitalism in Modern China

Justin Simard, Northwestern University (justin.simard@gmail.com)

Building Commercial Confidence: Legal Practice in Nineteenth Century America

Elizabeth Lhost, University of Wisconsin-Madison (lhost@uchicago.edu)

The Lucky Draw: Adjudicating Lottery Sweeps in British India

Arbitration in the Early Modern British Empire (RR Charleston A)

Chair & Commentator: **Carli Conklin**, University of Missouri School of Law
(conklinc@missouri.edu)

Francis Boorman, Institute of Advanced Legal Studies, University of London
(francisboorman@hotmail.com)

Arbitration and the Theatre in the Long Eighteenth Century

Christian Buset, NYU School of Law (christian.buset@yale.edu)

Arbitration as a Substitute for Civil Justice in Bengal and North America, 1763-1775

Julia Kelsoe, University of Cambridge (jek50@cam.ac.uk)

Commercial Arbitration Before the Act of 1698

The 1917 Mexican Constitution at 100 Years (RR Veranda DE)

Chair & Commentator: **Felipe Cole**, Northwestern Pritzker School of Law
(ffcole@nlaw.northwestern.edu)

Peter Reich, UCLA School of Law (reich@law.ucla.edu)

Water Rights in the Post-Revolutionary Mexican Supreme Court, 1918-1946

William Suarez-Potts, Kenyon College (suarezpottsw@kenyon.edu)

Social Legislation, the Constitution of 1917, and Decision-Making on Mexico's Supreme Court, ca. 1917-1938

Kif Augustine-Adams, J. Reuben Clark Law School, Brigham Young University
(adamask@law.byu.edu)

By a Single Vote: Quong Fat and Chinese Amparo Petitions Before the Supreme Court of Mexico, 1917-1932

Author-Meets-Readers: James Q. Whitman's *Hitler's American Model: The United States and the Making of Nazi Race Law* (Princeton University Press, 2017) (RR Veranda AB)

Chair: **Robert Gordon**, Stanford Law School (rwgordon@stanford.edu)

Commentators: **Kenneth Ledford**, Case Western Reserve University (kxl15@case.edu)

and **Robert Gordon**, Stanford Law School (rwgordon@stanford.edu)

Author: **James Q. Whitman**, Yale Law School (james.whitman@yale.edu)

Rethinking Constitutional Conservatism in the Civil Rights Era
(RR Veranda C)

Chair & Commentator: **Nancy MacLean**, History, Duke University

(nancy.maclea@duke.edu)

Ariela Gross, University of Southern California (agross@law.usc.edu)

Does Colorblind Conservative Constitutionalism Have a Grassroots History?

Logan Sawyer, University of Georgia School of Law (lesawyer@uga.edu)

Originalism from the Soft Southern Strategy to the New Right

Christopher Schmidt, American Bar Foundation (cschmidt@kentlaw.iit.edu)

Civil Rights Conservatism

6:30 PM

Buses Depart for the Closing Reception
(RR Main Entrance)

7:00 PM - 9:30 PM

Closing Reception

Mob Museum, 300 Stewart Avenue, Las Vegas

Sponsored by:

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of The Mob Museum*

Bailey Kennedy Attorneys at Law

UNLV William S. Boyd School of Law

UNLV History Department

9:30 PM

Buses Depart for Red Rock Casino Resort Spa

For those wishing to proceed to "the Strip" after the Closing Reception, taxis, Uber and Lyft are available for the 10 minute ride. The Red Rock Casino Resort Spa runs a free shuttle from "the Strip" back to the Resort that departs from the Fashion Show Mall (across from Wynn Las Vegas) at 9:40 PM and 10:00 PM. Alternatively, taxis, Uber and Lyft are available all night for the 20 minute ride.

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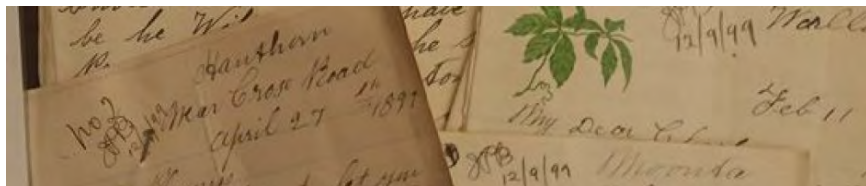
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The 36th Annual Conference of the Australia and New Zealand Law and History Society will be held at the University of Canterbury, Christchurch, New Zealand on the 14th, 15th and 16th of December this year.

The conference theme is: “Legal and social change - gradual evolution or punctuated equilibrium?”

This conference theme draws on evolutionary theory about how species form, and asks whether changes in the law and in the effects of particular laws on society occur through a gradual process of incremental change or through periods of relative stasis with intervening major shifts.

For all inquiries, see the ANZLHS website: anzlhs.org



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The Israeli History and Law Association, established in 2005, serves as a meeting place for scholars from all fields who deal with various aspects of the intersection of history and law. The association hosts an annual meeting each fall, awards an annual prize for best legal history article by a member, and hosts an online listserv for discussion of issues of interest to the Israeli legal history community. For more information or to join our mailing list, go to www.tinyurl.com/IsraelHLA.

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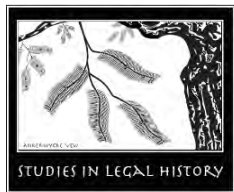
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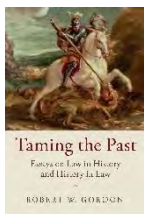
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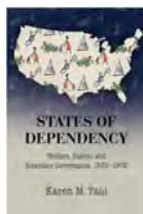
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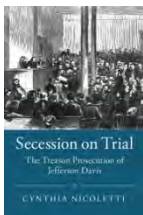


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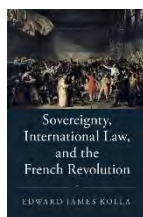
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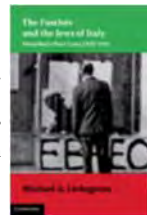


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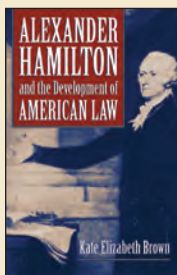


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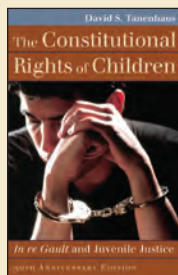


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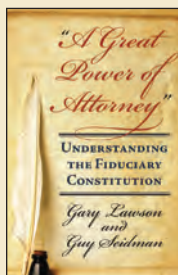
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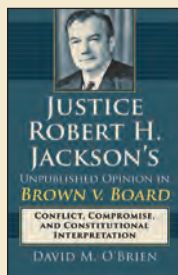
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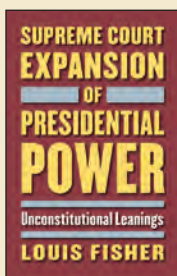
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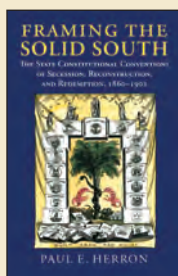
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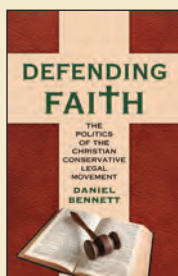
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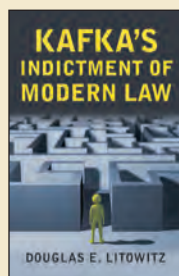
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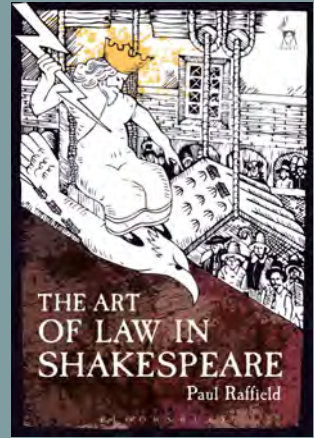
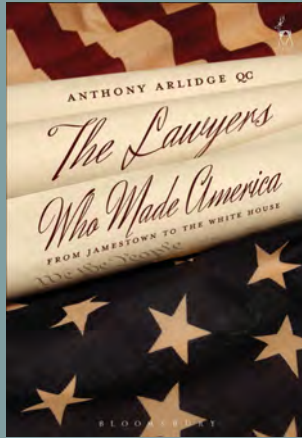
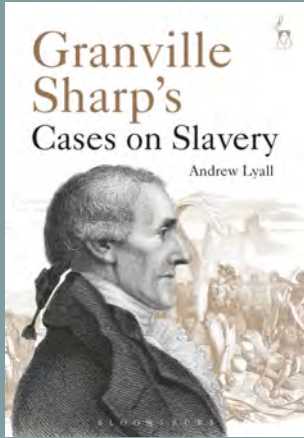
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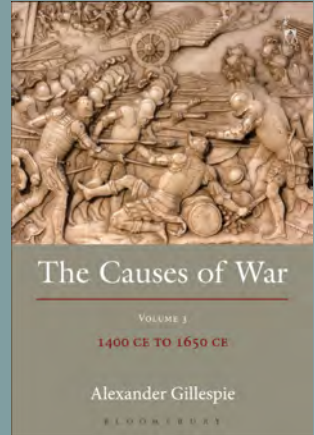
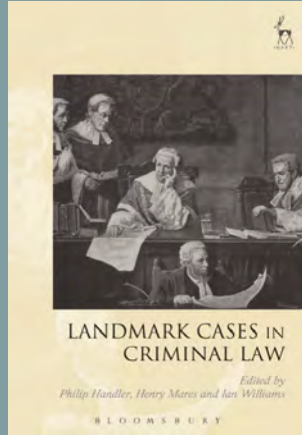
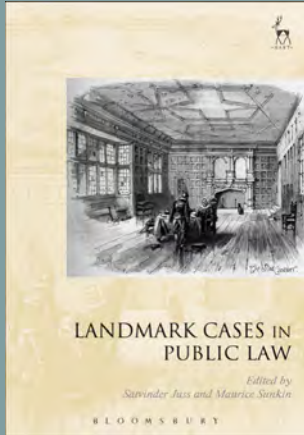
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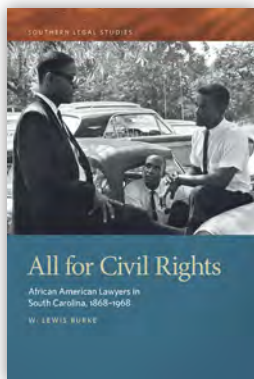
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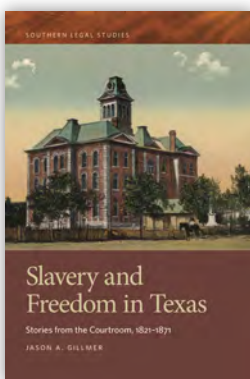
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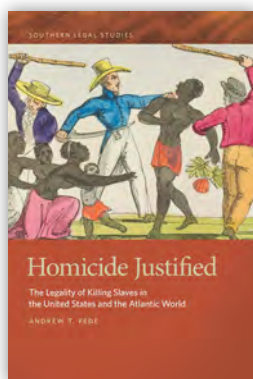




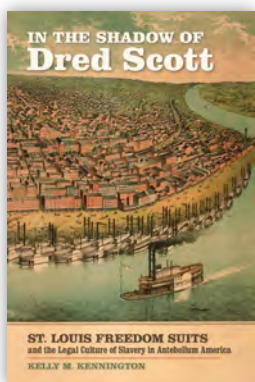
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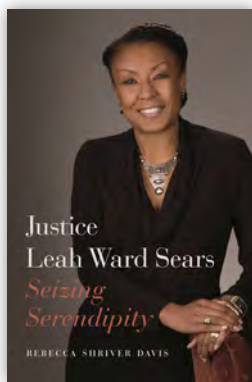
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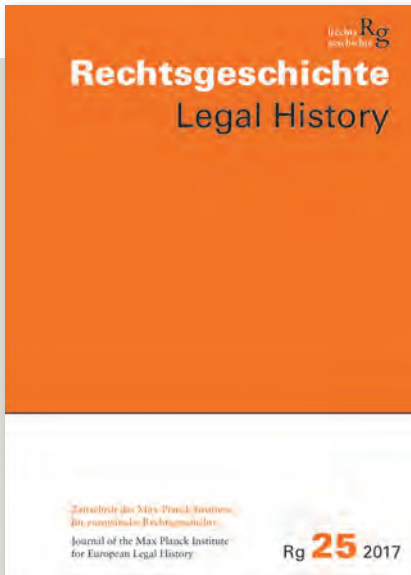




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Rechtsgeschichte – Legal History (Rg) is the journal of the Max Planck Institute for European Legal History, Frankfurt am Main, Germany. It is edited by the institute's directors Thomas Duve and Stefan Vogenauer.

Published once a year, the multilingual journal presents high-profile articles in various sections:

research treats questions of broad interest to legal historians, whereas other contributions are assembled around a thematic *focus*, *debate* or *forum*. Moreover, *critique* complements each issue with reviews of current legal-historical publications.

Rg 25 (2017) has just been released and includes:

research

- Andreas Thier, *Time, Law, and Legal History – Some Observations and Considerations*
- Jan Thiessen, *Appetitus Socialis Berolinensis. Company Law in the Berlin Republic*

focus

- *Multinormativity*
- *Criminal Law and Emotions in Modern Europe*

critique

- Heinhard Steiger on Laura Benton/Lisa Ford, *Rage for Order. The British Empire and the Origins of International Law, 1800–1850*
- Peter Oestmann on Seán Patrick Donlan/Dirk Heirbaut, *The Law's Many Bodies. Studies in Legal Hybridity and Jurisdictional Complexity, c 1600–1900*
- José Luis Egío on Kristin Bunge/Marko J. Fuchs et al., *The Concept of Law (lex) in the Moral and Political Thought of the ›School of Salamanca‹*
- and many more



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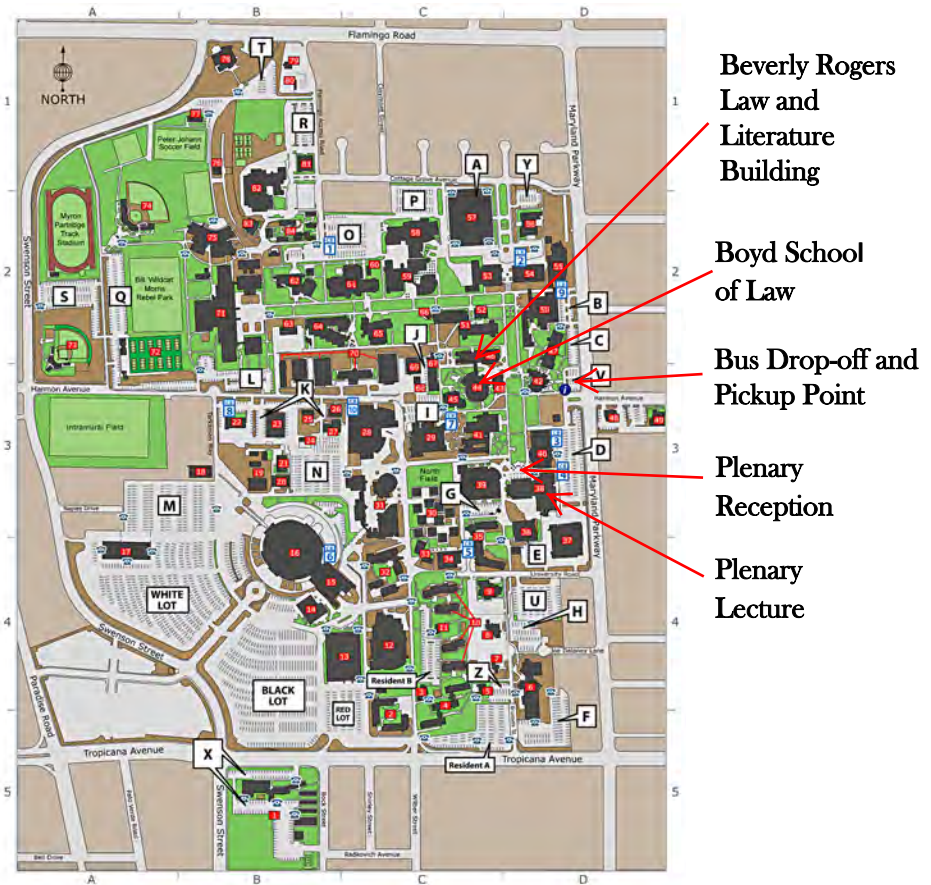
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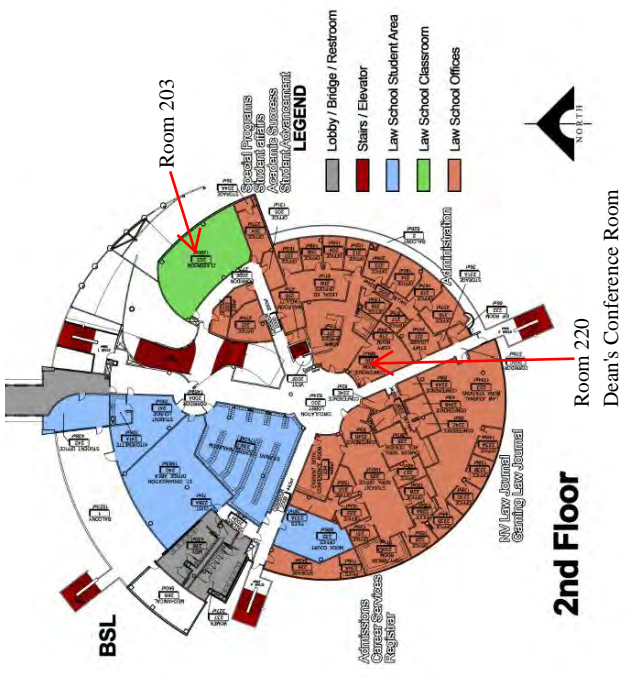
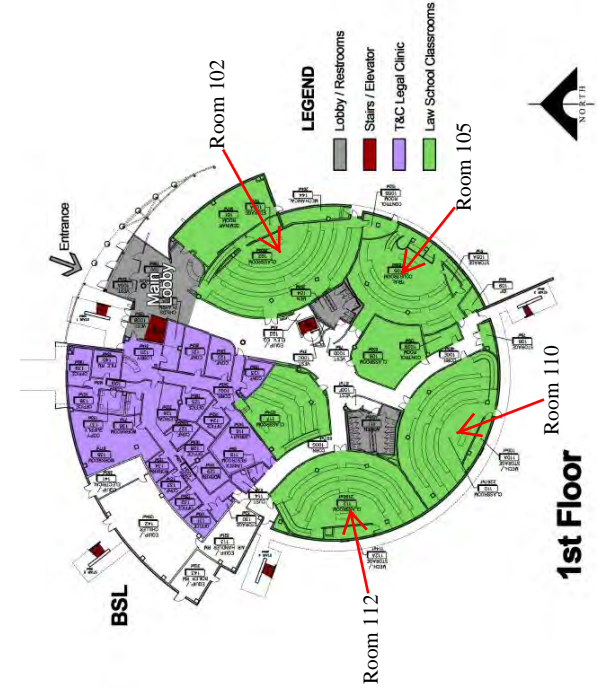


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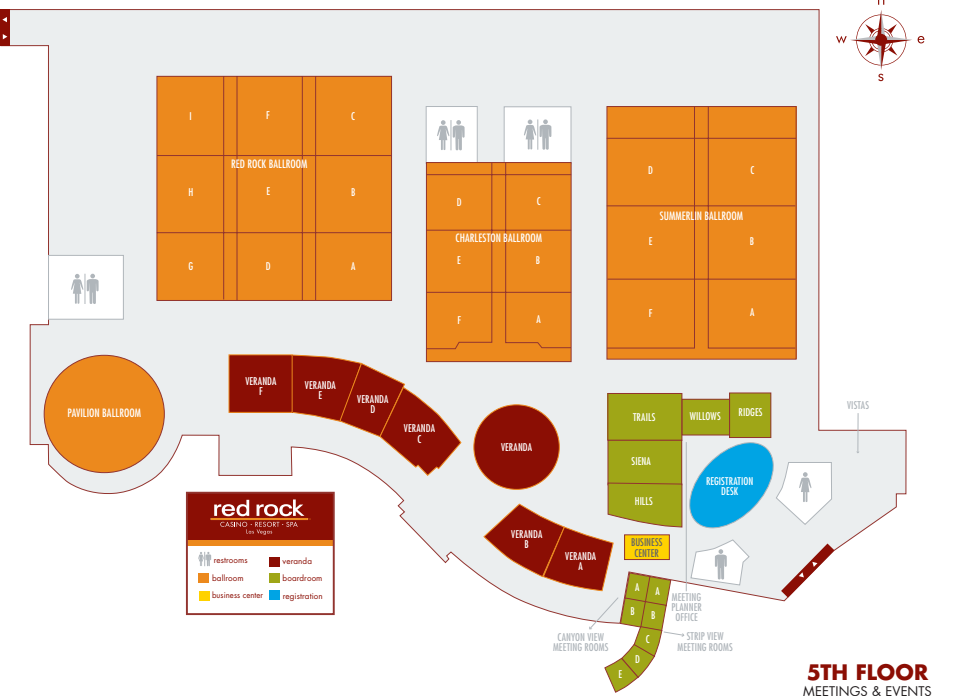
Friday, October 27, 2017 is a public holiday (Nevada Day).

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In Memoriam

John Maurice Beattie, 1932 - 2017

Professor Emeritus, Department of
History, University of Toronto
ASLH Honorary Fellow

<https://jmbeattiememorial.wixsite.com/johnbeattie>

Jim Phillips, Professor of Law, History and Criminology at the University of Toronto and editor-in-chief of the *Osgoode Society for Canadian Legal History*, introduced Professor Beattie on his election as an Honorary Fellow of the ASLH in 2012 with this citation:



As an undergraduate student at the University of San Francisco John Beattie was not only a star student but also an All-American soccer player. The fact that I am here today to introduce him as the latest Honorary Fellow of the American Society for Legal History suggests that he made the right choice of two alternative careers.

Nobody has contributed more to our knowledge of how the English system of criminal justice worked in the seventeenth and eighteenth centuries than John Beattie. Although he began his career as an historian of the court of George I, he turned to social history early on, and wrote a pioneering series of articles in the 1970s and 1980s which laid the groundwork for his magisterial 1986 volume *Crime and the Courts in England, 1660-1800*. Not only did that book explain how all aspects of the criminal justice system operated, it exposed, as no one had before, how each aspect was related to the others and to broader social, economic and political trends. Ten years later John produced a second equally important book, on *Policing and Punishment in London*, which highlighted the importance of the capital to national developments.

John has continued, and is continuing, to explore other topics. His 2012 book on the Bow Street Runners is a path breaking account of the origins and development of English policing before Peel, and those who enjoyed the PBS series on William Garrow are probably not aware that John is the person who brought Garrow to scholarly attention in the pages of the *Law and History Review*.

No tribute to John Beattie would be complete without acknowledging the profound effect that he has had on others around the world. He has long been a member of the ASLH and a frequent contributor to its committees and annual meetings. All social and criminal justice historians are in his debt - English, American, Canadian and those in a host of other jurisdictions. Nobody better exemplifies the term 'scholar and gentleman', and I am proud and humbled to be asked to say these few words on the occasion of his being so deservedly recognised with this honorary fellowship.



2018 ASLH Annual Meeting
November 8-11, 2018
Houston, Texas, USA



2019 ASLH Annual Meeting
November 20-23, 2019
Boston, Massachusetts, USA