



AMERICAN SOCIETY  
FOR LEGAL HISTORY

# 49<sup>th</sup> Annual Meeting Program

Boston Park Plaza  
Boston, Massachusetts  
USA

20–23 November 2019

## 2019 Plenary Lecturer



**Annette Gordon-Reed** is the Charles Warren Professor of American Legal History at Harvard Law School, a professor of history in the Faculty of Arts and Sciences at Harvard University, and formerly the Carol K. Pforzheimer Professor at the Radcliffe Institute for Advanced Study (2010-2016) and Harold Vyvyan Harmsworth Visiting Professor of American History at the Queen's College, University of Oxford (2014-2015). Gordon-Reed won the Pulitzer Prize in History in 2009 for *The Hemingses of Monticello: An American Family* (W.W. Norton, 2009), a subject she had previously written about in *Thomas Jefferson and Sally Hemings: An American Controversy* (University Press of Virginia, 1997). She is also the author of *Andrew Johnson* (Times Books/Henry Holt, 2010). Her most recently published book (with Peter S. Onuf) is "*Most Blessed of the Patriarchs*": *Thomas Jefferson and the Empire of the Imagination* (Liveright Publishing, 2016). Her honors include a fellowship from the Dorothy and Lewis B. Cullman Center for Scholars and Writers at the New York Public Library, a Guggenheim Fellowship in the humanities, a MacArthur Fellowship, the National Humanities Medal, the National Book Award, and the Woman of Power & Influence Award from the National Organization for Women in New York City. Gordon-Reed was elected a fellow of the American Academy of Arts and Sciences in 2011 and is a member of the Academy's Commission on the Humanities and Social Sciences.

**American Society for Legal History  
49th Annual Meeting Program**

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

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Welcome to the 2019 Annual Meeting of the American Society for Legal History in Boston, a city where much American legal history has unfolded, and where valuable archives have informed classic work in legal history, as well as fine new research and scholarship. ASLH last met in Boston in 1977, a gap that we look forward to correcting this year. There are many sites of importance to legal history -- my personal favorite is the Crispus Attucks Monument, honoring the victims of the Boston Massacre of 1770 and named after the patriot hero who was first to die, just one of 5,000 African Americans who fought for independence in the Revolutionary War. As you will see from our program, our time here will also be filled with great scholarship, which will both entice and challenge us by the global reach of our members' work. Our growing field and the quality of our annual conference and increasing pre-conference sessions and programs testify to our engagement with the legal past. Participants in the program and pre-conference sessions range from graduate students entering the field to renowned senior scholars from a wide variety of institutions and geographic locations. The depth and variety of our formal sessions and our convivial gatherings testifies to the many rewards of our shared interest in legal history. We have extended our commitment to welcoming graduate students with a new and very attractive conference registration rate for students from Boston area graduate programs, which will be introduced this year.

Our commitment to working with early career scholars, in particular, is a hallmark of the Society. In light of that commitment, we welcome all those who have not attended before, or for whom this might even be their first formal conference. Our programs dedicated to early career scholars include the Student Research Colloquium (held this year at Harvard University), and the second session of the Wallace Johnson First Book Program (also at Harvard). Pre-conference sessions that feature both junior and senior scholars include What is a Legal Archive? (held on Wednesday at Harvard), a full-day program on Thursday on African Legal History (held at the conference hotel), and a rich collection of sessions held Thursday afternoon: on Law and Empire in the Sino-Asian Context (co-hosted with the International Society for Chinese Law and History and the Harvard Law School Program in East Asian Studies and held at Harvard), a session on the Persistent Power of State Governments in the United States (held at the conference hotel) and a program on The Second Book (held at MIT).

Our Society is active in building the field through publications through our book series, Studies in Legal History, published by Cambridge University Press, and with our journal Law and History Review. We also make grants, prizes and awards, which are announced at our Saturday members' luncheon, many of which are aimed at graduate and pre-tenure

scholars. Welcoming and supporting new work is vital to our mission. The William Nelson Cromwell Foundation has provided critical and steady support for prizes and grants to early career scholars, as well as for work by senior scholars in the field. We are fortunate to work with them, and to benefit from their generosity and insight.

Our annual meeting is also among the most important things that the Society does. Like other major efforts, the meeting is organized by dedicated volunteers. There are so many to whom we are indebted that we cannot thank them all here, but our 2019 Program Committee Chairs, Michelle McKinley (University of Oregon) and Daniel Sharfstein (Vanderbilt University) have overseen the process of putting together a rich and engaging main program, and have overseen the pre-conference process as well. We thank the entire program committee as well as our presenters, chairs, and commentators whose fine work will be in Boston. And our local arrangements have been ably stewarded by Local Arrangements Chairs Lucy Salyer (University of New Hampshire) and Michael Willrich (Brandeis University) and their committee, who have given us all terrific guides to Boston and ensured a smooth unfolding of events such as our Plenary address on Friday evening, to be delivered at Harvard by Annette Gordon-Reed (Harvard University) and our Saturday reception at Boston University Law School, which will include the opening of a website dedicated to the work of the late Elizabeth B. Clark, a talented and beloved legal historian.

We are also profoundly indebted to our officers, board members, and committees, who together work hard to make our Society a vibrant and welcoming organization, dedicated to scholarship and collegiality at all times of year. Our field owes you all a great debt for your work on its behalf, and the diligence and talent you bring to keeping us focused on work in legal history, understood in the broadest sense of the term. The effort, we hope, is rewarded most clearly when we are gathered together at the Annual Meeting.

Finally, we are grateful to the Harvard Law School, particularly Dean John Manning, for hosting our plenary lecture and the reception to follow, in addition to providing space for many pre-conference events. We are equally grateful to Boston University Law School and Dean Angela Onwuachi-Willig, for her generous support and hosting of our closing reception on Saturday and her support for the Clark archive. We thank also Cambridge University Press and the meeting exhibitors and program advertisers, and our members who contributed to support the attendance of graduate students and independent scholars.

This is my second and last welcome letter, as my term ends at the close of this meeting. I have been so impressed with our members' dedication to the Society, their willingness to dig in and help, and most of all by your brilliance and scholarly achievements. You have this such a collegial group -- enjoy the conference!



Sarah Barringer Gordon  
President, American Society for Legal History  
Arlin M. Adams Professor of Constitutional Law and Professor of History  
University of Pennsylvania



I am delighted to welcome you to Boston for the 49th Annual Meeting of the American Society for Legal History. We are honored to sponsor the Society's Plenary Lecture and Reception featuring Annette Gordon-Reed, Charles Warren Professor of American Legal History at Harvard Law School, who will speak on "Hamilton, Jefferson, and the Judges: Contrasting Visions of Law and Judicial Review in the Early American Republic." In addition to hosting this plenary event, we look forward to welcoming the participants in the Johnson Book Program for First Book Authors, the Student Research Colloquium, and the program on Law and Empire in the Sino-Asian Context to our campus in Cambridge. I am grateful to the many Harvard Law School faculty, fellows, and students involved in the program and to all the members of the program committee and local arrangements committee for their efforts in bringing this meeting together. To all the attendees, welcome!

Harvard Law School is deeply committed to teaching and scholarship in legal history, a commitment that dates back to the school's earliest decades. With well over a dozen historians on our faculty, and many other faculty members who write and teach in the field of legal history, HLS offers a wide array of classes for students interested in making history part of their training in the law. The historians on our faculty research and write in such fields as ancient Athenian law, Islamic law, Chinese law, medieval European criminal and canon law, colonial American law, the history of slavery and emancipation, the history of the civil rights movement, and the history of American policing. Each year we welcome a budding legal historian to join our community as the Raoul Berger-Mark DeWolfe Legal History Fellow, and we are also pleased to have students pursuing joint J.D./Ph.D. studies at HLS and the Harvard History Department. Three HLS faculty have served as presidents of the ASLH: the late Samuel E. Thorne (1964-1965), Charles Donahue, Jr. (2005-2007), and Bruce H. Mann (2011-2013). We are so pleased to be hosting the ASLH this year.

We wish you a fruitful and productive meeting and hope you find the time to explore all that the Boston and Cambridge area has to offer.

Best regards,

John F. Manning  
Morgan and Helen Chu Dean and Professor of Law  
Harvard Law School



## WELCOME!

On behalf of everyone at Boston University School of Law, I welcome you to the 2019 annual meeting of the American Society for Legal History. We are delighted to host the closing reception on Saturday evening, which will include a special program honoring Betsy Clark, our beloved late colleague and a noted legal historian.

BU Law has an enduring connection to legal history. **Melville Madison Bigelow**, one of our founders and a dominating presence throughout the school's first 50 years, compiled *Placita Anglo-Normanica*, the earliest chronicles of post-conquest English common law, among other works of legal history. **Charles Phineas Sherman** also taught here, as did **Kwang Lim Koh**, the first law teacher of Korean descent in the United States, and **Daniel Coquillette** and **Aviam Soifer** in more recent years.

Our current cadre of legal historians includes:

- **Pnina Lahav**, recently honored by the Israeli legal history community and author of a forthcoming biography of Golda Meir from Princeton University Press;
- **David Seipp**, who has compiled an impressive database of the first 22,000 reported cases in the early common law;
- **Gerald Leonard**, coauthor most recently of *The Partisan Republic* from Cambridge University Press, which considers the decline of the founding generation's vision of the constitution in favor of one premised on the exclusion of women and non-whites;
- **Kristin Collins**, who is examining the role of federal bureaucrats in the development of citizenship law and federal entitlements in periods generally thought to have little in the way of federal administration; and
- **Anna di Robilant**, our comparativist, who is now tracing the Roman-bourgeois reinvention of property law on the European continent in the 19th century.

Through the end of 1997, we counted among our most active and productive legal historians **Elizabeth Battelle Clark**, known to all as Betsy. Until her untimely death at the age of 45, Betsy was a caring and inspiring teacher; an illuminating scholar of women's rights, religion, and the state in the 19th and early 20th centuries; and a colleague beloved by all. Betsy's scholarship has influenced legal historians ever since.

In honor of Betsy's remarkable legacy, I am pleased to announce the launch of the **Betsy Clark Living Archive**, a presentation of work that she had ultimately planned to compile into a book, along with reflections on the direction of her scholarship by several friends, including Martha Minow, Kristin Olbertson, and Carol Weisbrod. The archive also includes the list of presenters at our annual **Elizabeth Battelle Clark Legal History Series**, through which we have hosted guest lecturers nearly every year since her death. We owe a debt of gratitude to Betsy's mentors and dear friends, Thomas Green and Hendrik Hartog, as well as our own professors Lahav and Seipp for helping to spearhead this new archive of her work.

Welcome to Boston, enjoy your meeting, and we hope to see you all on Saturday evening for a reception and celebration at Boston University School of Law.



**Boston University** School of Law

  
Angela Onwuachi-Willig  
Dean and Professor of Law

Greetings Legal Historians! Welcome to Boston!!

Famously nicknamed “the hub of the solar system” by Oliver Wendell Holmes, Boston has served over the centuries as a center of legal events and controversies that have shaped American legal history. The 1741 Writs of Assistance case and 2003’s *Goodridge v. Department of Public Health* were both decided about a mile from our meeting site in the Boston Park Plaza Hotel.

The Boston area’s many law schools and history departments are home to some of the longest running legal history workshops and seminars in the country. We hope you’ll find time while you’re here to visit some of the area’s remarkable libraries, archival collections, and museums. The Boston Public Library—worth a visit for the building alone—is just a short walk from the hotel.

The hotel is well-located on the eastern edge of the Back Bay, just steps from Boston’s beautiful Public Garden, the shops of Newbury Street, and a short cab ride to the terrific trattorias of the North End (the heart of Italian Boston) or the excellent restaurants and bars of the South End. The Esplanade along the Charles River offers beautiful vistas and easy paths for runners and walkers. November can be surprisingly mild or shockingly cold – so plan ahead.

Please stay tuned for details about our two great receptions. Harvard Law School will host Friday’s plenary and reception at its campus at 1585 Massachusetts Avenue in Cambridge. Boston University Law School will host Saturday evening’s reception at its campus at 765 Commonwealth Avenue. Many thanks to these outstanding institutions for being such generous hosts!

We hope you enjoy the conference! Please do not hesitate to call upon us if you have any questions.

Lucy Salyer, co-chair, University of New Hampshire ([Lucy.Salyer@unh.edu](mailto:Lucy.Salyer@unh.edu))  
Michael Willrich, co-chair, Brandeis University ([willrich@brandeis.edu](mailto:willrich@brandeis.edu))  
Elizabeth Kamali, Harvard Law School ([ekamali@law.harvard.edu](mailto:ekamali@law.harvard.edu))  
Gerry Leonard, Boston University School of Law ([gleonard@bu.edu](mailto:gleonard@bu.edu))  
Daniel Farbman, Boston College Law School ([farbman@bc.edu](mailto:farbman@bc.edu))  
Jared Berkowitz, PhD Student, Brandeis University ([jsberkowitz@brandeis.edu](mailto:jsberkowitz@brandeis.edu))  
Lila Teeters, PhD candidate, University of New Hampshire ([lm2006@wildcats.unh.edu](mailto:lm2006@wildcats.unh.edu))

## WEDNESDAY, NOVEMBER 20, 2019

9:00am—4:00pm

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### What is a Legal Archive?

*(Center for History and Economics, Harvard University)*

Moderators: **Kalyani Ramnath**, Harvard University (kalyaniramnath@fas.harvard.edu)  
and **Emma Rothschild**, Harvard University (rothsch@fas.harvard.edu)

Convener: **Kalyani Ramnath**, Harvard University (kalyaniramnath@fas.harvard.edu)

#### SESSION 1

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

*In the Mirror of the Present: Reading for Justice in the Archives of Counterinsurgency*

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

*Secrets and Silences in the Archive*

#### SESSION 2

**Julia Stephens**, Rutgers University (julia.stephens@rutgers.edu)

*Apparition in the Archive: “Reading” the Legal Legacies of Sher Dil Khan’s Indian Ocean Migration*

**Caroline Cunill**, Université du Maine (cunillcaroline@gmail.com)

*Margins of Power in the Legal Sources of the Spanish Empire’s Archives*

#### SESSION 3

**Elizabeth Lhost**, Dartmouth College (Elizabeth.D.Lhost@Dartmouth.edu)

*Examples and Exemplars: Narrating Legal Histories from Fragments*

**Melissa Teixeira**, University of Pennsylvania (mteixeir@sas.upenn.edu)

*The Economic Lives of Legal Archives*

#### SESSION 4

**Tatiana Seijas**, Rutgers University (tatiana.seijas@rutgers.edu)

*Reading Civil Court Records to Reconstruct the 17th-Century History of Market Sellers in Mexico City*

**Durba Mitra**, Harvard University (dmitra@fas.harvard.edu)

*Female Sexuality and the Legal Archiving of Social Life in Colonial and Postcolonial India*

## THURSDAY, NOVEMBER 21, 2019

12:00–6:00pm **Registration** (*Exeter Foyer*)

12:00–6:00pm **Exhibits** (*Statler Room*)

8:00am–5:00pm

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### African Legal History Symposium

(*White Hill Room*)

**Breakfast:** 8:00-9:00

**Panel 1:** Borders of Belonging, 9:00-10:30

Chair: **Elizabeth Thornberry**, Johns Hopkins University

Commentator: **Katherine Luongo**, Northeastern University

**Kara Swanson**, Northeastern University School of Law  
*Inventing a Black Republic: Patents and Race in Early Liberia*

**Jessica Marglin**, University of Southern California  
*Beyond Citizen vs Subject: Nationality and Citizenship in the French Colonial Maghrib, 1830-1962*

**Larissa Kopytoff**, University of South Florida  
*The Legal Construction of “Originaires” in French Colonial Senegal*

**David Glovsky**, Michigan State University  
*Citizenship at the Border: Regularizing Cross-Border Migrants in Southern Senegambia*

**Mariana Armond Dias Paes**, Max Planck Institute  
*Colonialism and Possession: The Case of “mera posse” Registration in Angola*

**Sanele Sibanda**, School of Law, University of Witwatersrand  
*History as Mere Context or Decolonizing Method?: The Case for Critical Histories as Method in Decolonizing South African Legal Education*

**Coffee and Cookies Break:** 10:30-11:00

**Panel 2:** Decolonization and African Laws and Legal Systems, 11:00-12:30

Chair: **Charlotte Walker-Said**, John Jay-CUNY

Commentator: **Frederick Cooper**, New York University

**Samuel Fury Childs Daly**, Duke University  
*Of Oracles and Autocrats: Customary Law in Independent Africa*

**Esperanza Brizuela-Garcia**, Montclair State University  
*Constituting the Nation. Ghana’s Constitutional History from 1840 to 1960*

**Nikki Kalbing**, U.S. Department of Commerce  
*The Future of Law in British Africa on the Eve of Independence*

**Rabiat Akande**, Harvard Law School  
*Marginalizing “Secularism,” Decolonizing the State: Missionary Advocacy for Religious Freedom in British Colonial Northern Nigeria, 1945-1960*

**Terence Mashingaidze**, Midlands State University, Zimbabwe  
*Constitutionalism and Ritual Controversies in a Zimbabwean Chiefdom, 1953-1981*<sup>w</sup>

**Lunch:** 12:30-2:00 (St. James Room)

**Panel 3:** African Voices, 2:00-3:30

Chair: **Trina Leah Hogg**, Oregon State University

Discussant: **Richard Roberts**, Stanford University

**Nienke Boer**, Yale-NUS College  
*The Speaking Slave in the Court Records of the Cape of Good Hope, 1700-1795*

**Marcus Filippello**, University of Wisconsin-Milwaukee  
*Litigating Liberation: Hearing Recaptive African Voices in West Indian Colonial Courts*

**Ruth Ginio**, Ben Gurion University of Negev  
*Local Challenges for French Colonial Expansion in Senegal: The Jeandet Legal Affair, 1890-1892*

**Ari Schriber**, Harvard University  
*The Orthodoxy of Custom: Lafifa Testimony in Colonial Moroccan Shari’a Courts*

**Teska Wallace**, Stanford University  
*Shifting Concepts of People and Property in the French Soudan: Evidence from Bamako Appeals Cases, 1897-1912*

**Coffee and Cookies Break:** 3:30-4:00

**Panel 4:** The Disciplinary State, 4:00-5:30

Chair: **Erin Braatz**, Suffolk University Law School

Commentator: **Sara Berry**, Johns Hopkins University

**Stacey Hynd**, University of Exeter  
*(Re-)Constructing Murder: Violence, Mercy and the Death Penalty in Colonial Ghana, c. 1890-1957*

**Dior Konate**, South Carolina State University  
*Imprisonment and Citizenship in Senegal, 1917-1946 The Case of the Originaires*

**Jessica Reuther**, Ball State University

*Viol[ated]: Sexual Assaults of Girl Hawkers and the Reaction of Colonial Market Women in Colonial Dahomey, 1924-1941*

**Ray Thornton**, Princeton University

*Fraudulent Developments: Technology and Deception in Postcolonial Kenya*

**Charles Omotayo**, McPherson University Seriki Sotayo, Nigeria

*Trial by Ordeal: Untangling Indigenous Methods of Trial and Justice in Ondo during Colonial Administration*

**Reception:** 5:30-6:30 (Back Bay Room)

8:30am—4:30pm

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## **Johnson Program for First Book Authors**

*(Harvard Law School / TBD)*

The Johnson Program for First Book Authors provides advice and support to scholars working toward the publication of their first books in legal history. In conversation with peers and with the advice of senior scholars, the Fellows will develop and revise book proposals and sample chapters. They will also meet with guest editors to learn about approaching and working with publishers. Fellows will meet several times during the year, with the first session being at the ASLH Annual Meeting. Participation is by invitation only, but we encourage the ASLH community to chat with the Fellows about their projects throughout the conference. If you are interested in applying for the next program, details are available at: <https://aslh.net/award/wallace-johnson-first-book-program/>

Johnson Fellows:

**Pedro Cantisano**, Kenyon College (cantisano1@kenyon.edu)

*Rio de Janeiro on Trial: Law and Urban Reform in Modern Brazil*

**Marie-Amélie George**, Wake Forest University School of Law (georgemp@wfu.edu)

*Deviant Justice: The Transformation of Gay and Lesbian Rights in America*

**Amanda Laury Kleintop**, Massachusetts College of Liberal Arts (amanda.kleintop@mcla.edu)

*The Balance of Freedom: Abolishing Property Rights in Slaves after the U.S. Civil War*

**Kalyani Ramnath**, Harvard University (kalyaniramnath@fas.harvard.edu)

*Boats in a Storm: Law and Displacement in Postwar South Asia*

**Evan Taparata**, University of Pennsylvania (taparata@sas.upenn.edu)

*State of Refuge: Refugee Law and the Modern United States*

**Adnan Zulfiqar**, Rutgers Law School (adnan.zulfiqar@rutgers.edu)

*Collective Duties in Islamic Law: The Moral Community, State Authority, and Ethical Speculation in the late 9th to the 14th Centuries CE*

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

## Student Research Colloquium

(Harvard Law School / TBD)

At the annual ASLH Student Research Colloquium, eight graduate students will workshop early-stage research projects under the guidance of senior scholars. This event is closed to the public. If you are interested in applying for next year's program, details will be available at: <https://aslh.net/early-career-scholars/student-research-colloquium/>.

Student Presenters:

**Jonathon Booth**, Harvard University (jonathonbooth@g.harvard.edu)

*The Birth of Policing in Post-Emancipation Jamaica*

**Lauren Feldman**, Johns Hopkins University (lauren.feldman@jhu.edu)

*Constructing Legal Matrimony and the State in New York and the United States: Debating New York's Marriage Act of 1827 and its Effects*

**Jamie Grischkan**, Boston University (jgrisch@bu.edu)

*Banking, Law, and American Liberalism: The Rise and Regulation of Bank Holding Companies in the Twentieth Century*

**Derek Litvak**, University of Maryland (litvak.derek@gmail.com)

*Articles of Failure: Slavery Under the Articles of Confederation and the Road to the Constitution*

**Doris Morgan Rueda**, University of Nevada, Las Vegas (doris.morgan@unlv.edu)

*"No One's Getting Smarter, No One's Learning the Score": San Diego's Surveillance of Youth and the Border in the 1950s*

**Katharina Isabel Schmidt**, Princeton University (kis2@princeton.edu)

*From Free Law to Free Love: On Theodor Sternberg's Sexological Explorations in Imperial Japan, 1935-1937*

**Geneva Smith**, Princeton University (gajsmith@princeton.edu)

*Compensating Whiteness: Slave Courts in Colonial Maryland and the Atlantic World*

**Lila Teeters**, University of New Hampshire (lmt2006@wildcats.unh.edu)

*"A Simple Act of Justice": Congressional Attempts to Make Native Americans U.S. Citizens, 1919-1924*

Conveners:

**Kenneth Mack**, Harvard Law School (kmack@law.harvard.edu)

**Laurie Wood**, Florida State University (lmwood@fsu.edu),

**Jacqueline Briggs**, University of Toronto - Centre for Criminology and Sociolegal Studies (jacq.briggs@mail.utoronto.ca)

**John Wertheimer**, Davidson College (jowertheimer@davidson.edu)

## Law and Empire in the Sino-Asian Context

(Harvard Law School / TBD)

Co-hosted by the ASLH, the International Society for Chinese Law and History, and the Harvard Law School Program in East Asian Legal Studies

### Panel 1: Graduate Student Panel

Chair: **Tahirih Lee**, Florida State University (tlec@law.fsu.edu)

**Yue Jiang**, Stanford University (jiangyue@stanford.edu)

*Gender, Property, and Lineage in Mid-Qing: Property Disputes Between Women and Lineages*

Commentator: **Michael Szonyi**, Harvard University (szonyi@fas.harvard.edu)

**Rui Hua**, Harvard University (ruihua@fas.harvard.edu)

*Imperial Wars in a Magistrate's Court: Translingual Legal Literacy and the Everyday Politics of Territorial Land Laws in Manchuria, 1900-1931*

Commentator: **Sakura Christmas**, Bowdoin College (schristm@bowdoin.edu)

**Xinyu Huang**, Yale Law School (xinyu.huang@yale.edu)

*The Censorial Impeachments under Qianlong and Jiaqing Reign, 1736-1820*

Commentator: Thomas Buoye, The University of Tulsa (thomas-buoye@utulsa.edu)

**Jingjian Wu**, Yale Law School (jingjian.wu@yale.edu)

*W.A.P. Martin, Naturalism and The Translation of International Law in Late Qing China*

Commentator: **William Alford**, Harvard Law School (alford@law.harvard.edu)

### Panel 2: Legal And Intellectual Constructs of Empire

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

Commentator: **Fei-Hsien Wang**, Indiana University Bloomington, Department of History (feihwang@indiana.edu)

**Colin Jones**, Columbia University (colin.jones@columbia.edu)

*Living Law, Legal Consciousness, and the Afterlives of Empire: The Origins and Legacy of the North China Rural Customs Survey, 1941-1944*

**Tristan Brown**, Massachusetts Institute of Technology (tb606@cam.ac.uk)

*Breaking the Land, Breaking the Law: Fengshui and the End of Imperial China*

**Peter Thilly**, University of Mississippi (pdthilly@olemiss.edu)

*Consular Jurisdiction and the Pioneers of Flexible Citizenship*

**Panel 3: Laying Down and Crossing Borders**

Chair: **Pär Cassel**, University of Michigan (cassel@umich.edu)

Commentator: **Taisu Zhang**, Yale Law School (taisu.zhang@yale.edu)

**Geng Tian**, Peking University (gengtian@pku.edu.cn)

*The Boundary Works in the Qing's Legal Analogies between "Violent" Social Groups, 1750-1850*

**Yonglin Jiang**, Bryn Mawr College (yjiang@brynmawr.edu)

*The Contested Order: Central-Local Legal Dynamics on the Borderlands of the Ming Empire*

**Jenny Huangfu**, Skidmore College (jhuangfu@skidmore.edu)

*The Last Refuge of the Scoundrel: Transnational Fugitives and the Spaces of Law in Late Qing China, 1860s-1900s*

**Larissa Pitts**, Quinnipiac University (Larissa.Pitts@quinnipiac.edu)

*The Abortive Forest Law of 1914: Russian Timber Merchants, Chinese "Traitors," and the Collapse of Modern Chinese Environmental Law*

12:00pm—4:30pm

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**Legal History and the Persistent Power of State and Local Governments**

*(Cambridge Room)*

Conveners: **Brooke Depenbusch**, University of Minnesota (depen003@umn.edu) and **Rabia Belt**, Stanford Law School (belt@law.stanford.edu)

Historiographical Interventions:

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

**William Novak**, Michigan Law (wnovak@umich.edu)

**Karen Tani**, University of California, Berkeley School of Law (ktani@law.berkeley.edu)

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

Narrative Choices:

**Barbara Welke**, University of Minnesota (welke004@umn.edu)

**Christopher Tomlins**, University of California-Berkeley Law School (ctomlins@law.berkeley.edu)

**Emily Prifogle**, University of Michigan (emilyaprifogle@gmail.com)

Source Decisions:

**Felicity Turner**, Georgia Southern University (fturner@georgiasouthern.edu)

**Sally Hadden**, Western Michigan University (sally.hadden@wmich.edu)

**Kellen Funk**, Columbia University (krf2138@columbia.edu)

## The Second Book

(MIT / Building E51, Room 095)

Moderator: **Alison Lefkovitz**, New Jersey Institute of Technology and Rutgers University-Newark (alison.lefkovitz@njit.edu)

**Alison Lefkovitz**, New Jersey Institute of Technology and Rutgers University-Newark (alison.lefkovitz@njit.edu)

*Fortune Hunting: Sex, Class, and Social Mobility in the 20th-Century United States*

**Anne Fleming**, Georgetown Law (anne.fleming@law.georgetown.edu)

*Household Borrowing and Bankruptcy in Jim Crow America*

**Caley Horan**, MIT (cdhoran@mit.edu)

*Investing in the Stars: Astrology and Capitalism in Modern America*

**Gautham Rao**, American University (gra0@american.edu)

*The Master's State: Slavery and the American State*

**Nate Holdren**, Program in Law, Politics, and Society (nate.holdren@drake.edu)

*Capitalism's Heartland*

**Kimberly Welch**, Vanderbilt University (kimberly.m.welch@vanderbilt.edu)

*The Black Atlantic Economy*

**Sara Mayeux**, Vanderbilt University (sara.mayeux@vanderbilt.edu)

*The Catholic Left and the American Constitutional Tradition in the Twentieth Century*

**Sarah Milov**, University of Virginia (smilov@virginia.edu)

*Shrill Alarm: Gender and Whistle Blowing in Modern America*

3:30-5:00	<b>Finance Committee</b> ( <i>Hancock Room</i> )
5:30-6:30	<b>Executive Committee</b> ( <i>Hancock Room</i> )
7:00-8:30	<b>Opening Reception</b> ( <i>Arlington/Berkeley/Clarendon Room</i> )
7:30-10:00	<b>Board of Directors Meeting</b> ( <i>Georgian Room</i> )
10:00-11:00	<b>Night Cap</b> ( <i>M.J. O'Connor's Pub, Boston Park Plaza Hotel</i> )

## FRIDAY, NOVEMBER 22, 2019

- 7:30 - 4:00      **Registration** (*Exeter Foyer*)
- 7:30 - 4:15      **Exhibits** (*Statler*)
- 7:30 - 8:30      **Continental Breakfast** (*Statler*)
- 7:30 – 8:30      **Committee Breakfasts**
- Membership Committee (*Hancock Room*)
  - Studies in Legal History (*Exeter Room*)

8:00am—5:00pm

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### **Petitioning the President: James Madison, The Haitian Revolution, and a Resurgence of the International Slave Trade** (*Arlington Room*)

Chairs: **Malick Ghachem**, Massachusetts Institute of Technology (mghachem@mit.edu), **Rebecca J. Scott**, University of Michigan (rjscott@umich.edu), and **Darrell Meadows**, Nation Historical Publications & Records Commission (darrell.meadows@nara.gov)

Discussants: **Ana María Silva**, University of Michigan (anasilva@umich.edu), **Jean Hébrard**, Johns Hopkins University (jhebrard@ehess.fr) and **Andrew Walker**, Wesleyan University (awalker01@wesleyan.edu)

8:30am—10:00am

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### **The Consequences of Union Victory and the Legal Legacy of the Civil War** (*Berkeley Room*)

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

**Catharine MacMillan**, King's College London (catharine.macmillan@kcl.ac.uk)  
*The "So-called Confederate Government": The United States of America's Quest for Confederate property in England*

**Christopher Bryant**, University of Cincinnati (bryantac@ucmail.uc.edu), and  
Matthew Norman, University of Cincinnati Blue Ash College (normanmh@ucmail.uc.edu)

*"Both Parties Bidding": Ohio's 1884 Civil Rights Act and the Evolving Concept of Equal Citizenship*

**Cynthia Nicoletti**, University of Virginia Law School (cln4x@virginia.edu)  
*William Henry Trescot and Land Redistribution in South Carolina, 1865-1866*

8:30am—10:00am

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## The Legal Regulation of Punishment in Comparative Perspective

(White Hill Room)

Chair: **Erin Braatz**, Suffolk University Law School (ebraatz@suffolk.edu)

Commentator: **Michael Meranze**, University of California, Los Angeles  
(meranze@history.ucla.edu)

**Mina Khalil**, University of Pennsylvania (mikhhalil@sas.upenn.edu)

*Tracing the Criminal Defendant in Modern Egypt*

**Katherine Bruce-Lockhart**, University of Toronto Mississauga

(kate.bruce.lockhart@utoronto.ca)

*Dissent and Dignity in Late Colonial Uganda: The 1957 Bufulubi Prison Strike*

**Thomas Buoye**, The University of Tulsa (thomas-buoye@utulsa.edu)

*Death in Detention, Jail Breaks, and Summary Execution: The Crisis in Eighteenth-century Chinese Criminal Justice*

**Toussaint Losier**, University of Massachusetts, Amherst (tlosier@afroam.umass.edu)

*“So I guess its up to us”: Locating the Place of Prisoner Litigation in the History and Historiography of Mass Incarceration*

**Ashley Rubin**, University of Toronto, Mississauga (ashley.rubin@utoronto.ca)

*Benevolent Discretion: Prison Administration and Legal Ambiguity in Eastern State Penitentiary, 1829-1849*

8:30am—10:00am

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## Law, Indenture and Free Labor in the British Empire , 1640–1870

(Clarendon Room)

Chair and Commentator: **Mary Bilder**, Boston College Law School (bilder@bc.edu)

**Sonia Tycko**, Rothermere American Institute and St. Peter’s College, Oxford

(sonia.tycko@gmail.com)

*The Question of Consent in 17th c. Transatlantic English Kidnapping Prosecutions*

**Jon Connolly**, Princeton University (jon.s.connolly@gmail.com)

*Indentured Labor Migration and the Making of Post-Slavery Free Labor*

**Padraic Scanlan**, London School of Economics and Political Science (padraic.

scanlan@gmail.com)

*Special Magistracy in the British Empire, 1834–1838*

8:30am—10:00am

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## **Sex and Motherhood Reimagined**

*(Georgian Room)*

Chair and Commentator: **Alice Kessler-Harris**, Columbia University (ak571@columbia.edu)

**Melissa Murray**, NYU School of Law (MurrayM@mercury.law.nyu.edu)

*Griswold v. Connecticut and Criminal Law Reform*

**Julie Suk**, CUNY - The Graduate Center (jsuk@gc.cuny.edu)

*From “Home Protection” to Family Privacy: Penumbras of Prohibition and its Repeal*

**Reva Siegel**, Yale Law School (reva.siegel@yale.edu)

*Reimagining Motherhood When the Nineteenth Amendment Was Fifty: The Strike For Equality, August 26, 1970*

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

*Double Standards: Sex, Sexuality, and Marital Status in the Long 1970s*

8:30am—10:00am

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## **War and the Law: Global Perspectives**

*(Boylston Room)*

Chair and Commentator: **Vasuki Nesiah**, New York University (vn10@nyu.edu)

**Nurfadzilah Yahaya**, National University of Singapore (hisny@nus.edu.sg)

*Soldiers Without War: Military Logistics and Sepoy Mutiny in Singapore (1915)*

**Kalyani Ramnath**, Harvard University (kalyaniramnath@fas.harvard.edu)

*Checkpoints: Law and Migration in Interwar South Asia*

**Franziska Seraphim**, Boston College (seraphim@bc.edu)

*War Crimes Trials and Geolegality*

8:30am—10:00am

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## **Wallace Johnson Fellows Roundtable: Turning a Dissertation Into Your First Book**

*(Grand Ballroom B)*

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

Discussants: **Kevin Arlyck**, Georgetown Law (kevin.arlyck@georgetown.edu), **Winston Bowman**, Federal Judicial Center (wbowman@fjc.gov), **Wesley Chaney**, Bates College (wchaney@bates.edu), **Trina Leah Hogg**, Oregon State University (trina.hogg@oregonstate.edu), **Amanda Hughett**, University of Illinois, Springfield (ahugh9@uis.edu), and **Elizabeth Lhost**, Dartmouth College (Elizabeth.D.Lhost@Dartmouth.edu)

10:15am—11:45am

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## **Lightning Round: Civil Law, Common Law, Customary Law: Consonance, Divergence and Transformation in Western Europe from the Late Eleventh to the Thirteenth Centuries**

*(White Hill Room)*

Chair and Commentator: **Emanuele Conte**, Università Roma Tre  
(emanuele.conte@uniroma3.it)

**Andrew Cecchinato**, University of St Andrews (ac355@st-andrews.ac.uk)  
*A European Science of English Law? System and History from Selden to Blackstone*

**Sarah White**, University of St Andrews (sbw@st-andrews.ac.uk)  
*Romano-canonical Procedural Treatises in England*

**Will Eves**, University of St Andrews (wae@st-andrews.ac.uk)  
*The Concept of “Ownership” in England and Northern France*

**Matthew McHaffie**, University of St Andrews (mm795@st-andrews.ac.uk)  
*Comparative History of Warranty Obligations (France and England, 1000–1270)*

**Kim Thao Le**, University of St Andrews (@st-andrews.ac.uk)  
*Redemption of Property and Status in Old French and Anglo-Norman Coutumiers*

**Attilio Stella**, University of St Andrews (as346@st-andrews.ac.uk)  
*Feudal Law and the Libri Feudorum in Italy and Southern France*

10:15am—11:45am

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## **Indigenous Articulations & Critiques of the Law in American History**

*(Grand Ballroom B)*

Chair: **Bethany Berger**, University of Connecticut (bethany.berger@uconn.edu)

Discussants: **Keith Richotte, Jr.**, University of North Carolina (richotte@email.unc.edu), **Kevin Bruyneel**, Babson College (kbruyneel@babson.edu), **Maurice Crandall**, Dartmouth College (maurice.s.crandall@dartmouth.edu) and **Katrina Jagodinsky**, University of Nebraska Lincoln (kjadodinsky@unl.edu)

10:15am—11:45am

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## **Taking the Rural Seriously in Twentieth-Century Legal History: Centering Gender & Sexuality**

*(Berkeley Room)*

Chair and Commentator: **Anna Lvovsky**, Harvard University (alvovsky@law.harvard.edu)

**Emily Prifogle**, University of Michigan (emilyaprifogle@gmail.com)  
*Prosecutorial Discretion & Masculinity in Small-Town Iowa, 1920-1928*

**Brian Balogh**, University of Virginia (bb9s@virginia.edu)  
*“They resented her from day one”: The Role of Gender in the First American Rural National Historic Landmark District*

**Anne Gray Fischer**, Indiana University (agrayf@gmail.com)  
*“A Rugged Task”: Policewomen in the Depression-era Countryside*

**Gabriel Rosenberg**, Duke University (gabriel.rosenberg@duke.edu)  
*Beastly Vice: On the Legal Transformation of Bestiality and the Political Ecology of Rural America*

10:15am—11:45am

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## **Legal History in Colonial and Postcolonial Africa: Legislation and Courts in the Making of Political Culture**

*(Georgian Room)*

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

**Walter Nkwi**, University of Buea (nkwi.walters@ubuea.cm)  
*Prostitution, Women’s Mobility, and the Development of Criminal Regulatory Systems in Anglophone and Francophone Cameroon*

**Elizabeth Thornberry**, Johns Hopkins University (thornberry@jhu.edu)  
*Traditional Leadership and the Temporality of Custom: South Africa's Nhlapo Commission*

**Erin Mosely**, University of Maryland (mosely@umd.edu)  
*Doing Justice, Making History: The ICTR and Rwanda's Post-Genocide Politics of Regret*

**Katherine Luongo**, Northeastern University (k.luongo@northeastern.edu)  
*The Nyayo House Reparations Case – A Crucible of Human Rights in Contemporary Kenya*

10:15am—11:45am

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## **Law and Forced Migration in the 19th Century United States**

*(Arlington Room)*

Chair and Commentator: **K-Sue Park**, UCLA Law School (park@law.ucla.edu)

**Samantha Seeley**, University of Richmond (sseeley@richmond.edu)  
*African American Residency and the Limits to Belonging in the Early Nineteenth Century*

**Evan Taparata**, University of Pennsylvania (taparata@sas.upenn.edu)  
*Removal and Refuge: Conceptualizing the Indian Removal Act of 1830 as a Law that Created Refugees*

**Beth Lew-Williams**, Princeton University (bethlw@princeton.edu)  
*"Mary Chinaman": Trafficking, Runaways, and Early Immigration Law*

10:15am—11:45am

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## **Making Markets: Law and American Capitalism**

*(Clarendon Room)*

Chair and Commentator: **Andrew Wender Cohen**, Syracuse University  
(awcohe01@maxwell.syr.edu)

**Noam Maggor**, Queen Mary University of London (maggor1@gmail.com)  
*Antitrust as Development Strategy: Law and the Remaking of American Capitalism, 1865-1890*

**Gabrielle Clark**, Dartmouth College (gec213@nyu.edu)  
*Remaking Deportable Labor: Legal Coercion and Globalization in US Labor Markets*

**Nicolas Barreyre**, The École des Hautes Études en Sciences Sociales (EHESS)  
(nicolas.barreyre@ehess.fr)

*Constituting Public Debt: Re-shaping the Administrative State and US Finance after the Civil War*

**Martin Giraudeau**, Sciences Po (martin.giraudeau@sciencespo.fr)

*Who Owns Accounting?: A History of Intellectual Property Rights on Accounting Methods, 1970-2020*

10:15am—11:45am

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## **Kathryn T. Preyer Memorial Prize Panel**

*(Boylston Room)*

Chair: **Laura Kalman**, Department of History (kalman@history.ucsb.edu)

Commentators: **Gerald Neuman**, Harvard Law School (neuman@law.harvard.edu) and

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

**Ofra Bloch**, Yale Law School (ofra.bloch@yale.edu)

*The Untold History of Israel's Affirmative Action for Arab Citizens, 1948-1968*

**Brianna Nofil**, Columbia University (bln2109@columbia.edu)

*"Chinese Jails" and the Birth of Immigration Detention for Profit, 1900-1905*

12:00—1:15pm    **Lunch Break**

### **Committee Lunch Meetings**

- **Peter Gonville Stein Prize Committee** (*Hancock Room*)
- **Law & History Review** (*Commonwealth Room*)
- **Standing Committee on the Annual Meeting** (*Exeter Room*)

12:00pm—1:10pm

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## **The Fiftieth Anniversary of the Demise of the Warren Court**

*(Arlington Room)*

Chair: **Earl Maltz**, Rutgers University (emaltz@law.rutgers.edu)

Commentator: **Linda Greenhouse**, Yale Law School (linda.greenhouse@yale.edu)

**Earl Maltz**, Rutgers University (emaltz@law.rutgers.edu)

*Revisiting Rodriguez and Roe: The Trials of Richard Nixon, The Travails of Abe Fortas, and the Transformation of the Fourteenth Amendment*

**David Golland**, Governors State University (dgolland@gmail.com)

*A Case is a Terrible Thing to Waste: Arthur Fletcher, Griggs v. Duke Power, and the American Workplace*

**James Viator**, Loyola-New Orleans (jeviator@loyno.edu)

*Did the Warren Court End with the Burger Court? A Comparison of Their Criminal Procedure Jurisprudence*

12:00pm—1:10pm

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## **Lunchtime Conversation on Publishing Legal History Books**

*(Clarendon Room)*

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

Discussants: **Susan Ferber**, Oxford University Press (susan.ferber@oup.org), **Finola O'Sullivan**, Cambridge University Press (fosullivan@cambridge.org), **Samuel Erman**, USC Gould School of Law (serman@law.usc.edu) and **Kimberly Welch**, Vanderbilt University (kimberly.m.welch@vanderbilt.edu)

1:15pm—2:40pm

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## **Authors-Meet-Readers Salon: New Books in American Legal History**

*(Georgian Room)*

### **Dan Edelstein's *On the Spirit of Rights***

Chair: **Camille Robcis**, Columbia University (car2129@columbia.edu)

Commentators: **Camille Robcis**, Columbia University (car2129@columbia.edu), **Jason Frank**, Cornell University (jf273@cornell.edu) and **Jud Campbell**, University of Richmond (uncjud@gmail.com)

Author: **Dan Edelstein**, Stanford University (danedels@stanford.edu)

**Sam Erman's *Almost Citizens: Puerto Rico, the U.S. Constitution, and Empire***

Chair: **Nathan Perl-Rosenthal**, University of Southern California (perlrose@usc.edu)

Commentators: **Karen Tani**, University of California, Berkeley School of Law (ktani@law.berkeley.edu), **Cristina Rodriguez**, Yale (cristina.rodriguez@yale.edu) and **Sanford Levinson**, University of Texas (SLevinson@law.utexas.edu)

Author: **Samuel Erman**, USC Gould School of Law (serman@law.usc.edu)

**Legal Histories of Modern American Capitalism: Anne Fleming's *City of Debtors: A Century of Fringe Finance and Laura Phillips Sawyer's American Fair Trade: Proprietary Capitalism, Corporatism, and the "New Competition," 1890-1940***

Chair: **Kenneth Mack**, Harvard Law School (kmack@law.harvard.edu)

Commentator: **Kenneth Mack**, Harvard Law School (kmack@law.harvard.edu)

Authors: **Laura Phillips Sawyer**, Harvard Business School (lsawyer@hbs.edu) and **Anne Fleming**, Georgetown University Law Center (anne.fleming@law.georgetown.edu)

**Carlton F.W. Larson's *The Trials of Allegiance: Treason, Juries, and the American Revolution***

Chair: **Daniel Hamilton**, University of Nevada, Las Vegas, William S. Boyd School of Law (Daniel.Hamilton@unlv.edu)

Commentators: **Alison LaCroix**, University of Chicago Law School (lacroix@uchicago.edu), **Renee Lerner**, George Washington University Law School (rlerner@law.gwu.edu) and **Amanda Tyler**, University of California, Berkeley School of Law (atyler@berkeley.edu)

Author: **Carlton Larson**, UC Davis School of Law (clarson@ucdavis.edu)

**Sarah Seo's *Policing the Open Road: How Cars Transformed American Freedom***

Chair: **Michael Willrich**, Brandeis University History Department (willrich@brandeis.edu)

Commentators: **Sara Mayeux**, Vanderbilt Law School (Sara.mayeux@vanderbilt.edu), **Timothy Lovelace**, Indiana University Maurer School of Law (lovelace@indiana.edu) and **Shaun Ossei-Owusu**, Columbia Law School (sossei-owusu@law.columbia.edu)

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

1:15pm—2:40pm

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## **The Making of Social Rights: Global Crossings in the First Half of the Twentieth Century**

*(Boylston Room)*

Chair and Commentator: **William Novak**, Michigan Law (wnovak@umich.edu)

**Laila Maia Galvão**, Federal Institute of Paraná (lailamg@gmail.com)

*Education, Democracy and Administrative State in 1930s Brazil: The Connections Between Anísio Teixeira and John Dewey*

**Maria Pia Guerra**, Universidade de Brasília (mapiaguerra@gmail.com)

*Delegations of Powers and Authoritarianism in the Brazilian 1930s: Connections between Brazil and the United States*

**Nie Xin**, Tsinghua University School of Law (niexin@tsinghua.edu.cn)

*The Chinese Constitutional Social Welfare Articles before 1949: Comparison with the Weimar Constitution*

1:15pm—2:40pm

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## **Commercial Dispute Resolution in the Early Modern Atlantic World**

*(White Hill Room)*

Chair: **Esther Sahle**, University of Oldenburg (esthersahle@yahoo.de)

Commentator: **Amalia Kessler**, Stanford University (akessler@law.stanford.edu)

**Hunter Harris**, University of Michigan (hgharris@umich.edu)

*Commercial Arbitration in Eighteenth Century Glasgow*

**Francis Boorman**, Institute of Advanced Legal Studies, University of London

(francisboorman@hotmail.com)

*Arbitration and the Industrial Revolution*

**Strum Daniel**, University of Sao Paulo (danistrum@gmail.com)

*Formal Enforcement as a Designed Supplementary Institution: Cases Involving Traders of Jewish Origin in Sixteenth- and Seventeenth-Century Brazil, Portugal and the Netherlands*

**Esther Sahle**, University of Oldenburg (esthersahle@yahoo.de)

*Gospel Order and Economic Growth: Quaker Arbitration in Colonial Philadelphia*

1:15pm—2:40pm

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## **Adjudication in Islamic Law: Between Juristic Critique and Political Power (c. 13th-19th centuries CE)**

*(Arlington Room)*

Chair: **Intisar Rabb**, Harvard Law School (irabb@law.harvard.edu)

Commentator: **Mohammad Fadel**, University of Toronto - Faculty of Law  
(mohammad.fadel@utoronto.ca)

**Mariam Sheibani**, Harvard Law School (msheibani@law.harvard.edu)

*Judicial Misconduct and the Critique of Adjudication in Medieval Cairo: The Case of the Orphan and Her Cunning Ward*

**Samy Ayoub**, The University of Texas - Austin (sayoub@utexas.edu)

*Judicial Overreach: anafī Criticism of Ottoman State Practices*

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

*Here and Gone: A Month in the Life of an Ottoman Judge (Üsküdar, 1579)*

**Sohaira Siddiqui**, Georgetown University (szs8@georgetown.edu)

*A Subtle Imbibe: Islamic law in 19th-Century Colonial Courts in India*

1:15pm—2:40pm

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## **Law, Family, and Society in 19th-Century France**

*(Clarendon Room)*

Chair: **Judith Miller**, Emory University (histjam@emory.edu)

Commentator: **Edward Kolla**, Georgetown University (ejk55@georgetown.edu)

**Erika Vause**, St John's University (erika.vause@gmail.com)

*A Criminal Enterprise: Murder, Life Insurance, and the Law in 19th Century France*

**Claire Cage**, University of South Alabama (ccage@southalabama.edu)

*Poisoning Trials, Legal Medicine, and the Problem of Proof in Nineteenth-Century France*

**Hannah Callaway**, Harvard University (hbcallaw@fas.harvard.edu)

*When Your Family Makes You Crazy: Civil Interdiction and the Intersection of Individual and Family Interest in 19th-Century France*

1:15pm—2:40pm

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## **Criminal Justice and Social Control in Latin America (1887-1930)**

*(Berkeley Room)*

Chair and Commentator: **Amy Chazkel**, City University of New York, Queens College  
(amychazkel@gmail.com)

**Sol Calandria**, National University of La Plata/ CONICET

(calandria.sol@conicet.gov.ar)

*Sexual Morality, Intimacy and Gender in Infanticide Rulings in Argentina (1887-1921)*

**Pedro Cantisano**, Kenyon College (cantisano1@kenyon.edu)

*Courts, Bodies, and Barricades: Legal Consciousness and Mobilization in Rio de Janeiro's 1904 Vaccine Revolt*

**Teresita Rodríguez Morales**, University of San Andrés/CONICET

(trodriguez@conicet.gov.ar)

*"A carnival incident and sensationalistic process": Tensions Between Police and Justice Through the Buenos Aires Press at the Beginning of the Twentieth Century*

**Raquel R. Sirotti**, Max-Planck Institute for European Legal History (sirotti@rg.mpg.de)

*Criminalizing Politics: Judicial Responses to Political Conflicts in Brazil, 1889-1930*

1:15pm—2:40pm

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## **Opportunities and Pitfalls: Property Claims across Multiple Legal Worlds in Modern East Asia**

*(Grand Ballroom B)*

Chair: **Michael Szonyi**, Harvard University (szonyi@fas.harvard.edu)

Commentator: **Taisu Zhang**, Yale Law School (taisu.zhang@yale.edu)

**Peter Thilly**, University of Mississippi (pdthilly@olemiss.edu)

*Consular Jurisdiction and the Pioneers of Flexible Citizenship at the Turn of the Twentieth Century*

**Rui Hua**, Harvard University (ruihua@fas.harvard.edu)

*The Empire Effect: Translingual Legal Literacy and The Promiscuous Borderland Market of Laws in Manchuria, 1900-1930s*

**Colin Jones**, Columbia University (colin.jones@columbia.edu)

*The Terrible Magic of Credit: Property Law in Manchuria and Japan's Postwar Land Reforms*

**Teng Li**, Northwestern University (tengli2016@u.northwestern.edu)

*A Glitch with Teeth: Legal Transition, Property Registration, and Taiwanese Landlords in Post-1945 Taiwan*

## **Authors-Meet-Readers Salon: New Books in Global Legal History**

*(Georgian Room)*

### **Rohit De's *A People's Constitution: The Everyday Life of Law in the Indian Republic***

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

Commentators: **Faiz Ahmed**, Dept. of History, Brown University (faiz\_ahmed@brown.edu), **Samuel Daly**, African & African American Studies, **Duke University** (samuel.furychilds.daly@duke.edu) and **Heinz Klug**, University of Wisconsin Law School (heinz.klug@wisc.edu)

Author: **Rohit De**, Yale Univ. (rohit.de@yale.edu)

### **Elizabeth Papp Kamali's *Felony and the Guilty Mind in Medieval England***

Chair: **Ada Kuskowski**, University of Pennsylvania (akusk@upenn.edu)

Commentators: **Richard Helmholz**, University of Chicago Law School (rhelmhol@uchicago.edu), **Shannon McSheffrey**, Concordia University (shannon.mcsheffrey@concordia.ca) and **Stephen Bednarski**, St. Jerome's University in the University of Waterloo (steven.bednarski@uwaterloo.ca)

Author: **Elizabeth Kamali**, Harvard Law School (ekamali@law.harvard.edu)

### **Bernadette Meyler's *Theaters of Pardoning***

Chair: **Elizabeth Anker**, Cornell University (anker@cornell.edu)

Commentators: **James Whitman**, Yale University (james.whitman@yale.edu), **Susanna Blumenthal**, University of Minnesota (blume047@umn.edu) and **Jed Shugerman**, Fordham (jshugerman@fordham.edu)

Author: **Bernadette Meyler**, Stanford Law School (bmeyler@law.stanford.edu)

### **Rose Parfitt's *The Process of International Legal Reproduction: Inequality, Historiography, Resistance***

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

Commentators: **Tony Anghie**, University of Utah School of Law (anghiet61@gmail.com), **Genevieve Painter**, Simone de Beauvoir Institute (genevieve.painter@concordia.ca) and **Nate Holdren**, Program in Law, Politics, and Society (nate.holdren@drake.edu)

Author: **Rose Parfitt**, Kent Law School (R.S.Parfitt@kent.ac.uk)

## **Judith Surkis's *Sex, Law, and Sovereignty in French Algeria, 1830-1930***

Chair: **Mitchel Lasser**, Cornell (ml355@cornell.edu)

Commentators: **Janet Halley**, Harvard Law School (jhalley@law.harvard.edu) and **Chantal Thomas**, Cornell Law School (ct343@cornell.edu)

Author: **Judith Surkis**, Rutgers (js1633@history.rutgers.edu)

## **Philip Thai's *China's War on Smuggling: Law, Economic Life, and the Making of the Modern State, 1842–1965***

Chair: **Pär Cassel**, University of Michigan (cassel@umich.edu)

Commentators: **Fei-Hsien Wang**, Indiana University Bloomington, Department of History (feihwang@indiana.edu) and **Gautham Rao**, American University (gauthrao@gmail.com)

Author: **Philip Thai**, Northeastern University (p.thai@neu.edu)

2:50pm—4:15pm

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## **Civil Rights, Religious Groups, and Race Discrimination in the Twentieth Century**

*(Arlington Room)*

Chair: **Tomiko Brown-Nagin**, Radcliffe Institute for Advanced Study (tbrownnagin@law.harvard.edu)

Commentator: **Smita Ghosh**, Georgetown University Law Center (smghosh@law.upenn.edu)

**Elizabeth Katz**, Washington University in St. Louis (edkatz@stanford.edu)  
*“Racial and Religious Democracy”: Identity and Equality at Mid-Century*

**Ronit Stahl**, University of California, Berkeley (rystahl@berkeley.edu)  
*Civil Rights and Conscience Rights: The Divergent Paths of State Action Doctrine and the American Hospital*

**Victoria Woeste**, Independent Scholar (vswoeste@gmail.com)  
*Practicing God's Law in a Secular World: The Civil Rights Law Practice of the Lawyers of the Westboro Baptist Church*

2:50pm—4:15pm

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## **Exempted & Excluded: Citizenship, Belonging, Alienage, and Nativism in Twentieth-Century North America**

*(Clarendon Room)*

Chair and Commentator: **Emma Teng**, MIT (eteng@mit.edu)

**Mary Anne Vallianatos**, University of Victoria (maryannev@uvic.ca)

*Exception and the Port of Entry: Race, Gender and the “Exempted Classes” to the Canadian Head Tax*

**Hardeep Dhillon**, Harvard University (hdhillon@g.harvard.edu)

*Naturalized & Denaturalized, White & Not White: Indian Immigration and Claims to U.S. Citizenship*

**Priscilla Martinez**, University of California, Santa Cruz (prmamart@ucsc.edu)

*Arbitrary Borders: Chinese Tucson and Indigenous Salt Pilgrimages, 1924-1934*

**Brendan Shanahan**, University of California, Berkeley (brendan.shanahan@berkeley.edu)

*Contesting “Citizen Only” Rights: Noncitizens Confront Professional Licensing Restrictions, 1915-1952*

2:50pm—4:15pm

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## **Between Slavery and Freedom: The Struggle over the Legal Status of Black Northerners, 1780-1850**

*(Berkeley Room)*

Chair: **Sally Hadden**, Western Michigan University (sally.hadden@wmich.edu)

Commentator: **Allison Madar**, University of Oregon (amadar@uoregon.edu)

**Lucien Holness**, University of Maryland (lholness@terpmail.umd.edu)

*Black Southwestern Pennsylvanians’ Freedom Claims and Free Soil in the Slave South*

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

*Mapping Unfreedom: Tracing Indentured Servitude in the Northwest Territory*

**Cory James Young**, Georgetown University (cgy28@georgetown.edu)

*The Legal Foundations of Pennsylvania Term Enslavement during the Age of Gradual Abolition, 1780 to 1826*

2:50pm—4:15pm

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## **International Women, Feminist Movements, and Human Rights**

*(Grand Ballroom B)*

Chair and Commentator: **Julie Gallagher**, Penn State Brandywine (jag63@psu.edu)

**Shauni Armstead**, Rutgers University (sta50@history.rutgers.edu)

*Searching for Global Justice and Freedom in the United Nations: Eunice Hunton Carter's and Mary McLeod Bethune's interpretations of the 1945 San Francisco Conference*

**Gwen Jordan**, Bay Path University (gjordan@baypath.edu)

*The Federación Internacional de Abogadas' Campaigns for Global Women's Rights, 1944-1975*

**Myra Houser**, Ouachita Baptist University (houserem@obu.edu)

*Rising Above "Our" Problems: African-American Women Litigating Against Apartheid*

2:50pm—4:15pm

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## **Money and Governance: Institutions and Ideas**

*(Boylston Room)*

Chair and Commentator: **Michael Zakim**, Tel Aviv University (zakim@post.tau.ac.il)

**Christine Desan**, Harvard Law School (desan@law.harvard.edu)

*A Revisionary History of Credible Commitment*

**Nadav Orian Peer**, Tulane University Law School (nadllalla@gmail.com)

*Housing Segregation and the Secondary Mortgage Market*

**Roy Kreitner**, Tel Aviv University (kreitner@tau.ac.il)

*The Gold Standard(s) and Multiple Liquidity Regimes*

2:50pm—4:15pm

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## **The Bicentennial of Dartmouth College: A Retrospective and Future Directions**

*(White Hill Room)*

Chair: **Kevin Butterfield**, Washington Library (kbutterfield@mountvernon.org)

Discussants: **Evelyn Atkinson**, University of Chicago (ematkinson@uchicago.edu), **Nikolas**

**Bowie**, Harvard Law School (nbowie@law.harvard.edu), **Paul Gutierrez**, University of

Florida (p.gutierrez@ufl.edu), **Liam O'Mellin**, Ohio-Northern College of Law (l-omelinn@

onu.edu), **Mark McGarvie**, William & Mary Law School (mdmcga@wm.edu), and **Alyssa**

**Penick**, University of Michigan (agpenick@umich.edu)

4:30–4:45pm     **Buses to Harvard Law School** (*Lobby*)  
Buses will leave the hotel for Harvard Law School at 4:30 p.m., and will return to the hotel at 8:00 p.m. The subway (the T) is another option. From the Arlington station [near the hotel], take the inbound Green Line subway [B,C,D, or E] inbound toward Lechmere. Go to the 2nd stop at Park Street and transfer to the Red Line, going towards Alewife. Get off at the 4th stop, at Harvard. Wasserstein Hall (1585 Massachusetts Ave.) is a short walk northbound on Massachusetts Avenue.

5:15–6:30pm     **Plenary Lecture** (*Harvard Law School / Milstein East AB in Wasserstein Hall*)

## **Hamilton, Jefferson, and the Judges:**

### **Contrasting Visions of Law and Judicial Review in the Early American Republic**

#### **Annette Gordon-Reed**

Charles Warren Professor of American Legal History  
and Professor of History, Harvard University

6:30–8:00pm     **Plenary Reception** (*Milstein East BC*)

7:45–8:15pm     **Buses to the Boston Park Plaza Hotel**

9:45–11:00pm   **Graduate Student Gathering** (*M.J. O'Connor's Pub*)

## SATURDAY, NOVEMBER 23, 2019

7:45–12:00pm **Registration** (*Exeter Foyer*)

7:45–5:00pm **Exhibits** (*Statler Room*)

7:45–8:45am **Continental Breakfast** (*Statler*)

7:45–8:45am **Committee Lunch Meetings**

- **Graduate Student Outreach Committee** (*Exeter Room*)
- **Publications Committee** (*Commonwealth Room*)
- **Web Committee** (*Hancock Room*)

9:00am—10:30am

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### **Infanticide and Illegitimate Pregnancies in Premodern Europe and the Modern Americas**

(*Arlington Room*)

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

**Sara McDougall**, Dept. of History, John Jay College of Criminal Justice and CUNY  
Graduate Center (smcdougall@jjay.cuny.edu)

*Punishing and Pardoning Infanticide in Late Medieval France*

**Felicity Turner**, Georgia Southern University (fturner@georgiasouthern.edu)

*Proving Pregnancy: Physicians, Infanticide, & the Law in the Nineteenth-Century US*

**Cassia Roth**, University of Georgia (cassia.roth@uga.edu)

*The Madness of Maternity: Puerperal Insanity Pleas and Infanticide Jurisprudence in Early Twentieth-Century Rio de Janeiro, Brazil*

9:00am—10:30am

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### **Roundtable Conversation with Martha Jones About Writing the Legal History of Citizenship**

(*Georgian Room*)

Chair: **Christopher Capozzola**, Massachusetts Institute of Technology (capozzol@mit.edu)

Discussants: **Martha Jones**, Johns Hopkins University (msjonz@jhu.edu), **Kristin Collins**, Boston University School of Law (collinsk@bu.edu) and **Kendra Field**, Tufts University (Kendra.Field@tufts.edu), and **Daniel Sharfstein**, Vanderbilt University (daniel.sharfstein@vanderbilt.edu)

9:00am—10:30am

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## **Iberian Empires and the Production of Normativities in Asia (1500-1800)**

*(Boylston Room)*

Chair: **Manuel Bastias Saavedra**, Max Planck Institute for European Legal History  
(bastias@rg.mpg.de)

Commentator: **Tamar Herzog**, Harvard University- CGIS (therzog@fas.harvard.edu)

**Marya Svetlana Camacho**, University of Asia and the Pacific  
(svetlana.camacho@uap.asia)

*Understanding and Regulating Bridewealth and Bride Service in Spanish Colonial  
Philippines*

**Luisa Stella de Oliveira Coutinho Silva**, Max Planck Institute for European  
Legal History (coutinho@rg.mpg.de)

*Legal Encounters between Empires: Japanese and Portuguese Normativities  
(1540s–1630s)*

**Rômulo da Silva Ehalt**, JSPS International Research Fellow, Sophia University  
(romuloehalt@gmail.com)

*How to Hide a Church from Quite a Long Way Away?: Theological Problems of  
Japanese Christianity in Times of Persecution (1620s)*

9:00am—10:30am

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## **Unsettling Legal Histories of the Modern Business Corporation**

*(Berkeley Room)*

Chair and Commentator: **Claire Priest**, Yale Law School (claire.priest@yale.edu)

**Dan Danielsen**, Northeastern University School of Law (d.danielsen@northeastern.edu)  
*The End of History for Corporate Law? A Critical Reassessment*

**Philip Stern**, Duke University (philip.stern@duke.edu)  
*Corporations and History: Rethinking the Nineteenth-Century British Empire*

**Aaron Dhir**, Osgoode Hall Law School (adhir@osgoode.yorku.ca)  
*Black Star Line, Inc.: Race in the Historical Life of the Corporation*

9:00am—10:30am

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## **Courts, Constitutions and Democracy in Postcolonial South Asia**

*(Clarendon Room)*

Chair and Commentator: **Arthur Mitchell Fraas**, Kislak Center for Special Collections, Rare Books and Manuscripts, University of Pennsylvania (fraas@pobox.upenn.edu)

**Sarah Gandee**, University of Leeds (sarah.gandee@hotmail.co.uk)  
*Criminality, Equality and the Constitution in Early Postcolonial India*

**Alastair McClure**, University of Hong Kong (amcclure@hku.hk)  
*“To Hang by the Neck Until Dead”: Law, Killing and Politics in Postcolonial India*

**Saumya Saxena**, University of Cambridge (ss2035@cam.ac.uk)  
*Courting Hindu nationalism: Law and Hindutva in Contemporary India*

**Adeel Hussain**, Max Planck Institute for Comparative Public and International Law (hussain@mpil.de)  
*Constitutionalism in Pakistan*

9:00am—10:30am

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## **Teaching Legal History in the 21st Century: New Approaches, Transnational Perspectives**

*(White Hill Room)*

Chair and Commentator: **Joanna Grisinger**, Center for Legal Studies, Northwestern University (joanna.grisinger@northwestern.edu)

**Ashton Merck**, Duke University (ashton.merck@duke.edu)  
*Teaching “The Modern Regulatory State”*

**Troy Andrade**, University of Hawai‘i at Manoa William S. Richardson School of Law (tandrade@hawaii.edu)  
*Teaching “Paradise”: Legal History of Hawai‘i*

**Raha Rafii**, University of Exeter (r.rafi@exeter.ac.uk)  
*Teaching the “Other”: Islamic Law as a Contested Legal System*

**Sueann Caulfield**, University of Michigan (scaul@umich.edu)  
*Teaching the History of Inter-American Human Rights Law through Transnational Collaboration on the Internet*

10:45am—12:15pm

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## Lost Histories of Emergency and Martial Law

(Georgian Room)

Chair: **John Witt**, Yale Law School (john.witt@yale.edu)

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

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

*Before Emergency: The Colonial State and the Jurisprudence of Disturbance in South Asia*

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

*To Save the Country: The Lieber Theory of Martial Law*

**Joel Isaac**, University of Chicago (jisaac@uchicago.edu)

*Constitutionalism at the Limit: Emergencies and Dictatorship in American Legal Thought, 1920-1950*

**Karin Loevy**, NYU School of Law (karinloevy@nyu.edu)

*From Limited Spheres to Limited Capacities: Tracing a Lost Jurisprudence of Emergency Powers*

10:45am—12:15pm

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## Discovered or Uncovered: Dealing with New or Neglected Sources

(White Hill Room)

Chair and Commentator: **Matthew C. Mirow**, Florida International University (mirowm@fiu.edu)

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

*Lost and Found, the Bardewik-Codex of 1294: The Lubeck Law in the Baltic after the Rediscovery of its Most Important Source*

**Angela Huang**, Research Centre for Hanse and Baltic History (alhuang@fgho.eu)

*Hanserecesse -- Hanse Law? Exploring the Legal Nature of the Proceedings of Hanse Diets (14th - 17th Centuries)*

**Sara Ludin**, UC Berkeley (saraludin@berkeley.edu)

*Finding "the Reformation" in Records of Sixteenth-Century Civil Litigation*

**Serge Dauchy**, Centre d'Histoire Judiciaire (serge.dauchy@univ-lille2.fr)

*The Forgotten Records of the Superior Council of Louisiana of the Eighteenth Century*

10:45am—12:15pm

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## Through the Lens of Feminist Legal Biography

(Boylston Room)

Discussants: **Constance Backhouse**, Women's Education and Research Foundation of Ontario (constance.backhouse@uottawa.ca), **Jane De Hart**, University of California- Santa Barbara (dehart@ucsb.edu), **Marlene Trestman**, Independent Researcher (marlenetrestman@gmail.com), **Pnina Lahav**, Boston University School of Law (plahav@bu.edu) and **Leandra Zarnow**, University of Houston, Department of History (lrzarnow@central.uh.edu)

10:45am—12:15pm

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## States, Aliens and the Law: New Views of Immigration Federalism

(Arlington Room)

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

Commentator: **Gerald Neuman**, Harvard Law School (neuman@law.harvard.edu)

**Brendan O'Malley**, Newbury College (bomalley500@gmail.com)

*Defending State Immigration Regulation in Nineteenth-Century New York*

**Matthew Lindsay**, University of Baltimore School of Law (mlindsay1@ubalt.edu)

*From Indemnification to Exclusion: Revisiting the "Federalization" of American Immigration Law*

**Allison Tirres**, DePaul University College of Law (atirres@depaul.edu)

*Exclusion from Within: State Licensing and the Regulation of Migration*

10:45am—12:15pm

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## New Approaches to Legalities of Indian Slavery

(Clarendon Room)

Chair: **Arianne Sedef Urus**, Harvard University (asurus@fas.harvard.edu)

Commentator: **Carolina Gonzalez**, Univ. de Chile (carolina.gonzalezu@gmail.com)

**Linford Fisher**, Brown University (linford\_fisher@brown.edu)

*Enslaved Native Americans' Use of the Law in Revealing and Obscuring Native Slavery in the United States, c. 1770s-1820*

**Timo McGregor**, New York University (timo.mcgregor@nyu.edu)

*Defining Freedoms: the Laws of War, Contract, and Indigenous Slavery in Suriname, 1667-1680*

**Alexandre Pelegrino**, Vanderbilt University (alexandrepelegrino@gmail.com)

*An Indigenous Past to Freedom: Race, Empire, and Slavery (Maranhão, 1688-1790)*

10:45am—12:15pm

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## **American Internationalism or International Americanism? The United States and International Law from Empire to Nuremberg**

*(Berkeley Room)*

Chair and Commentator: **Martti Koskenniemi**, University of Helsinki

(martti.koskenniemi@helsinki.fi)

**Allison Powers Useche**, Texas Tech University (allison.powers.useche@ttu.edu)

*Dangerous Precedents: International Eminent Domain in the Panama Canal Zone*

**Lael Weinberger**, Harvard Law School (laelweinberger@gmail.com)

*Precedent at the World Court: Interpreting the Permanent Court of International Justice in Interwar America*

**Elizabeth Borgwardt**, Washington University in St. Louis (eborgwar@wustl.edu)

*Crimes against Human-kind: Arendt at Nuremberg*

12:30–2:00pm **Annual Lunch and Awards Ceremony** (*Grand Ballroom A*)

2:40pm—4:05pm

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## **Legalities of the Peace: Empire, Peace-making and Peace-keeping: 1750-1850**

*(Georgian Room)*

Chair and Commentator: **David Armitage**, Harvard (armitage@fas.harvard.edu)

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

*Small Wars of Peace: Defining the Legal Limits on the Use of Force in European Empires*

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

*The King's Peace and the Transformation of Empire*

**Eliga Gould**, University of New Hampshire (Eliga.Gould@unh.edu)

*Peace at What Price — and Whose? The Laws of Slavery and Freedom in the Anglo-American Treaty of Paris (1783)*

2:40pm—4:05pm

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## **Disability, Family, and the Limits of Law in North America in the Twentieth Century**

*(Arlington Room)*

Chair and Commentator: **Michael Grossberg**, Indiana University (grossber@indiana.edu)

**Chelsea Chamberlain**, University of Pennsylvania (chelse@sas.upenn.edu)

*“A few years at your celebrated school will almost bring her back to normal”: When Parents Chose the Eugenic Institution*

**Molly Ladd-Taylor**, York University (mltaylor@yorku.ca)

*Parents and the Sterilization of “Children” with Intellectual Disabilities in the 1970s and 1980s*

**Barbara Welke**, University of Minnesota (welke004@umn.edu)

*“A kid that is scarred up something like that. . .”: Life Once Law Is Done*

2:40pm—4:05pm

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## **Legal Knowledge and Claims-Making among Enslaved and Freedpeople**

*(Clarendon Room)*

Chair and Commentator: **Ariela Gross**, University of Southern California  
(agross@law.usc.edu)

**Sara Forsdyke**, University of Michigan (forsdyke@umich.edu)  
*Leveraging the Law: Slaves and the Law in Ancient Greece*

**Marcelo Ferraro**, University of Sao Paulo (mferraro@fas.harvard.edu)  
*From the Plantation to the Courthouse: Slave Resistance and Criminal Law in Mississippi Valley and Vale do Paraiba*

**Jonathon Booth**, Harvard University (jonathonbooth@g.harvard.edu)  
*Learning the Law of Freedom: Legal Knowledge after Emancipation*

2:40pm—4:05pm

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## **Contested Movement: Law, State Power, and the Policing of Mobility Rights**

*(Berkeley Room)*

Chair and Commentator: **Sarah Gronningsater**, University of Pennsylvania  
(gronning@sas.upenn.edu)

**Daniel Farbman**, Boston College Law School (farbman@bc.edu)  
*The City's Protection: Local Ordinances to Protect Fugitive Slaves from Capture*

**Kristin O'Brassill-Kulfan**, Rutgers University (kristin.obrassillkulfan@rutgers.edu)  
*"In a state of vagrancy": Poverty and Mobility in Settlement Law*

**Kate Masur**, Northwestern University (kmasur@northwestern.edu)  
*Free African Americans, State Sovereignty, and Migration before Reconstruction*

**Naama Maor**, University of Chicago (naamam@uchicago.edu)  
*"Little Bits of Human Drift Wood": Runaway Children, Juvenile Courts, and the Geography of Parental Power*

2:40pm—4:05pm

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## Disrupting the Cause Lawyering Narrative in the Nineteenth- to Twentieth-Century United States

(Boylston Room)

Chair and Commentator: **Kara Swanson**, Northeastern University School of Law  
(k.swanson@northeastern.edu)

**Alexandra Havrylyshyn**, University of California, Berkeley (ahavry@berkeley.edu)  
*Client Advocacy, Not Cause Lawyering: Representing Louisiana Freedom Litigants in the 1840s-50s*

**Myisha S. Eatmon**, Northwestern University  
(myishaeatmon2018@u.northwestern.edu)  
*Litigants and Liaisons: Sympathetic Attorneys and Black Legal Networks in Mississippi and Beyond, 1919-1953*

**Peter Labuza**, University of Southern California (labuza@usc.edu)  
*“A Device for Cracking a Concerted Industry-Wide Boycott”: The Sherman Anti-Trust Act and the End of the Hollywood Blacklist*

2:40pm—4:05pm

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## Global Legal History Lightning Round

(White Hill Room)

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

**Jesse Watson**, UC Berkeley (jessedwatson@gmail.com)  
*Law and Materiality in Petitions from Roman Egypt and Early Imperial China*

**Gilad Ben-Nun**, GWZO - The Leibniz Institute for the Study of History and Culture of Eastern Europe (gilad.ben-nun@uni-leipzig.de)  
*“A Treaty after Trauma”: The Holocaust-Surviving Drafters of the 4th Geneva Convention for Civilians (1949) and the Idea of “Protection for All”*

**Rabiat Akande**, Harvard Law School (oakande@sjd.law.harvard.edu)  
*Marginalizing “Secularism,” Decolonizing The State: Missionary Advocacy for Religious Freedom in British Colonial Northern Nigeria, 1945-1960*

**Afroditi Giovanopoulou**, Columbia University (agiovanopoulou@sjd.law.harvard.edu)  
*Between Legal Progressivism and the “White Man’s Burden”: American Social Legal Thought on the Unmaking of Empire*

**Melissa Teixeira**, University of Pennsylvania (mteixeir@sas.upenn.edu)

*Why Dictators Write Constitutions: The Case of Brazil*

**Jhuma Sen**, Jindal Global Law School (sen.jhuma@gmail.com)

*Early Portias and the Colonial Bar in India: Towards the Legal Practitioners' (Women) Act 1923*

4:15pm—5:40pm

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## **Law, Equity, and Accountability in the Early Republic**

*(Georgian Room)*

Chairs: **Nicholas Parillo**, Yale Law School (nicholas.parillo@yale.edu) and **James Pfander**, Northwestern Law School (j-pfander@law.northwestern.edu)

Discussants: **Jane Manners**, Columbia Law School (jane.c.manners@gmail.com), **Maggie Blackhawk**, University of Pennsylvania Law School (blackhawk@law.upenn.edu), **Laura Edwards**, Duke University (ledwards@duke.edu) and **Naomi Lamoreaux**, Yale University (naomi.lamoreaux@yale.edu)

4:15pm—5:40pm

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## **A Roundtable Conversation with Angela Fernandez on**

## **Researching, Writing, and Teaching the History of Pierson v. Post**

*(Georgian Room)*

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

Discussants: **Angela Fernandez**, Faculty of Law, University of Toronto (angela.fernandez@utoronto.ca), **Deborah Dinner**, Emory University School of Law (deborah.dinner@emory.edu), **Daniel Hulsebosch**, New York University (Hulsebosch@mercury.law.nyu.edu), and **Kunal Parker**, University of Miami Law School (kparker@law.miami.edu)

4:15pm—5:45pm

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## **Changing the Spanish Empire from Inside: Law, Legal Practitioners, and Political Discourses in the Hispanic World (1760 – 1820)**

*(Boylston Room)*

Chair and Commentator: **Mónica Ricketts**, Temple University (mrickett@temple.edu)

**Renzo Honores**, Instituto Internacional de Derecho y Sociedad

(rhonoresg@gmail.com)

*Native Legal Facilitators in the Eighteenth-Century Audiencia of Lima*

**Alvaro Caso**, Johns Hopkins University (acasobel@jhu.edu)

*From the Fringes of the Legal Profession to Keepers of the Empire: The Agentes del Número de Indias and the Representation of Colonial Interests in Madrid, c. 1778-1808*

**Ricardo Pelegrin Taboada**, Western Oregon University

(pelegrintaboadar@wou.edu)

*Too Many Lawyers: The Control over the Number of Legal Professionals in Colonial Cuba*

**Silvia Escanilla Huerta**, University of Illinois at Urbana-Champaign

(escanil2@illinois.edu)

*“No authority but their own”: Cadiz and the Jurisdictional Revolution in the Viceroyalty of Peru (1812-1820)*

4:15pm—5:45pm

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## **The Legal Origins of European Humanitarianism, c. 1500–c. 1800**

*(Clarendon Room)*

Chair and Commentator: **Richard Ross**, University of Illinois Urbana-Champaign

(rjross@illinois.edu)

**Christian Bursset**, Notre Dame Law School (cbursset@nd.edu)

*Despotic Humanitarianism and Colonial Law in the Eighteenth-Century British Empire*

**Jennifer Wells**, George Washington University (jenniferwells@email.gwu.edu)

*The Westphalian Moment?: The Origins of Humanitarian Law in Europe*

**Catherine Arnold**, University of Memphis (crnold13@memphis.edu)

*Affairs of Humanity: Arguing for Humanitarian Intervention in Britain and Europe, 1698-1715*

4:15pm—5:45pm

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## **Credible Women: Gender & Knowledge Production in English & Colonial American Courts, 1600-1800**

*(Berkeley Room)*

Chair and Commentator: Holly Brewer, University of Maryland (hbrewer@umd.edu)

**Kristin Olbertson**, Alma College (olbertson@alma.edu)

*“She must prove as she goes”*: Gender & Credibility in 18th-Century Massachusetts Criminal Courts

**Lisa Cody**, Claremont McKenna College (lisa.cody@claremontmckenna.edu)

*Wives’ Ways With Words: Coverture versus Cruelty in London’s Ecclesiastical Courts, 1680-1820*

**Christine Eisel**, University of Memphis (cleisel@memphis.edu)

*“In Right of their Children: The Status of Mothers in Early Virginia Courts”*

4:15pm—5:45pm

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## **Labor and Civil Liberties in the Twentieth Century**

*(Arlington Room)*

Chair and Commentator: **William Forbath**, University of Texas at Austin (wforbath@utexas.edu)

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

*“Lie Down Like Good Dogs”*: Labor Lawyers and Activist Clients in the 1950s

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

*Making Privacy Popular: Labor, Prohibition, and the Fourth Amendment*

**Paul Frymer**, Princeton University (pfrymer@princeton.edu)

*The Resiliency of the At-Will Doctrine: Twentieth-Century Employee Movements and their Doctrinal and Political Limits*

## **Closing Reception: “Honoring Betsy Clark”**

*(Boston University School of Law / Barristers Hall and room 102)*

The address is 765 Commonwealth Avenue, but the law school buildings are set back from the street. The Law School is the 18-story tower, behind and to the left of the BU chapel.

Boston University is easy to reach by the riding the T. From Arlington station [near the hotel], take the outbound Green Line subway line six short stops from Arlington to Boston University Central. There will be **one** bus for those who are unable to take the T.

### **Bus Schedule**

5:45 pm departure from Boston Park Plaza Hotel and 6:00 pm drop off at BU Law.

6:15 pm departure from Boston Park Plaza Hotel and 6:30 pm drop off at BU Law.

7:30 pm pickup from BU Law and 7:45 pm drop off at Boston Park Plaza Hotel.

8:10 pm pickup from BU Law and 8:30 pm drop off at Boston Park Plaza Hotel.





## The ASLH Annual Meeting at a Glance

WEDNESDAY	PRE-CONFERENCE
9:00 AM – 4:00 PM	What is a Legal Archive? ( <i>Center for History and Economics, Harvard University</i> )

THURSDAY	PRE-CONFERENCE COLLOQUIA, WORKSHOPS AND SEMINARS
8:00 AM – 5:00 PM	African Legal History Symposium ( <i>White Hill Room</i> )
8:30 AM – 4:30 PM	Johnson Program for First Book Authors ( <i>Harvard Law School/TBD</i> )
8:30 AM – 4:30 PM	Student Research Colloquium ( <i>Harvard Law School/TBD</i> )
11:00 AM – 6:00 PM	Law and Empire in the Sino-Asian Context ( <i>Harvard Law School/TBD</i> )
12:00 PM – 4:30 PM	Legal History and the Persistent Power of State and Local Governments ( <i>Cambridge Room</i> )
12:00 PM – 6:00 PM	The Second Book ( <i>MIT/Building E51, Room 095</i> )
7:00 PM – 8:30 PM	Opening Reception ( <i>Arlington/Berkeley/Clarendon Room</i> )

FRIDAY	Arlington	Berkeley	White Hill	Clarendon	Georgian	Boylston	Grand Ballroom B
7:30 AM – 8:30 AM, Continental Breakfast ( <i>Statler</i> )							
Session I 8:30 AM - 10:00 AM	Petitioning the President	The Consequences of Union Victory	The Legal Regulation of Punishment	Law, Indenture and Free Labor	Sex and Motherhood Reimagined	War and the Law	Wallace Johnson Fellows Roundtable
Session II 10:15 AM -11:45 PM	Law and Forced Migrations	Taking the Rural Seriously	Lightning Round: Civil, Common, Customary	Making Markets	Legal History in Colonial and Postcolonial Africa	Kathryn T. Preyer Memorial Prize Panel	Indigenous Articulations & Critiques
Lunch Break and Luncheon Sessions 12:00 PM – 1:10 PM	The Fiftieth Anniversary of the Demise	Lunch Break	Lunch Break	Publishing Legal History Books	Lunch Break	Lunch Break	Lunch Break
Session III 1:15 PM - 2:40 PM	Adjudication in Islamic Law	Criminal Justice and Social Control in Latin America	Commercial Dispute Resolution in the Early Modern Atlantic World	Law, Family, and Society in 19 <sup>th</sup> - Century France	Authors- Meet- Readers: New Books in American Legal History	The Making of Social Rights	Opportunities and Pitfalls
Session IV 2:50 PM - 4:15 PM	Civil Rights, Religious Groups, and Race Discrimination	Between Slavery and Freedom	The Bicentennial of Dartmouth College	Exempted & Excluded	Authors- Meet- Readers: New Books in Global Legal History	Money and Governance	International Women, Feminist Movements, and Human Rights

FRIDAY	EVENING EVENTS						
5:15 PM - 6:30 PM	Plenary Lecture - <i>(Harvard Law School/ Milstein East AB)</i> Hamilton, Jefferson, and the Judges: Contrasting Visions of Law and Judicial Review in the Early American Republic  Annette Gordon-Reed						
6:45 PM – 8:15 PM	Plenary Reception – <i>(Harvard Law School/ Milstein East BC)</i>						
9:45 PM – 11:00 PM	Graduate Student Gathering <i>(M.J. O'Connor's Pub)</i>						

SATURDAY	Arlington	Berkeley	White Hill	Clarendon	Georgian	Boylston
7:45 AM – 8:45 AM, Continental Breakfast <i>(Statler)</i>						
Session V 9:00 AM - 10:30 AM	Infanticide and Illegitimate Pregnancies	Unsettling Legal History of the Modern Business Corporation	Teaching Legal History in the 21 <sup>st</sup> Century	Courts, Constitutions and Democracy	Roundtable Conversation with Martha Jones	Iberian Empires and the Production of Normativities
Session VI 10:45 AM - 12:15 PM	States, Aliens and the Law	American Internationalism or International Americanism?	Discovered or Uncovered	New Approaches to Legalities of Indian Slavery	Lost Histories of Emergency and Marital Law	Through the Lens of Feminist Biography
12:00 PM – 1:10 PM	Lunch Break	Lunch Break	Lunch Break	Lunch Break	Lunch Break	Lunch Break
12:30pm – 2:30pm	Annual Lunch and Awards Ceremony <i>(Grand Ballroom A)</i>					
Session VII 2:40 PM - 4:05 PM	Disability, Family, and the Limits of Law	Contested Movement	Global Legal History Lightning Round	Legal Knowledge and Claims-Making	Legalities of the Peace	Disrupting the Cause Lawyering Narrative
Session VIII 4:15 PM - 5:40 PM	Labor and Civil Liberties	Credible Women	A Roundtable Conversation with Angela Fernandez	The Legal Origins of European Humanitarianism	Law, Equity, and Accountability	Changing the Spanish Empire from Inside
6:00 PM - 8:00 PM	Closing Reception: “Honoring Betsy Clark” <i>(Boston University School of Law/Barrister’s Hall and room 102)</i>					

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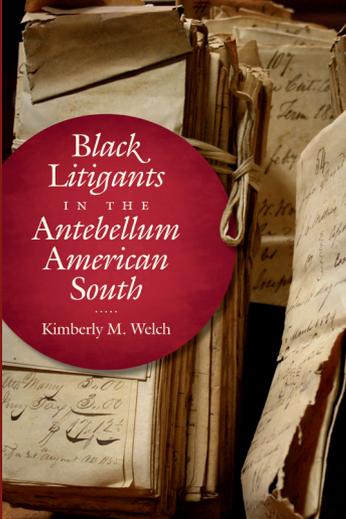
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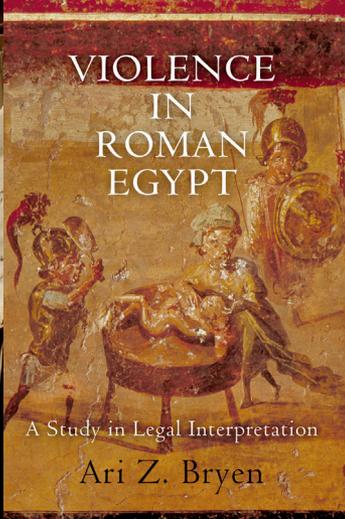
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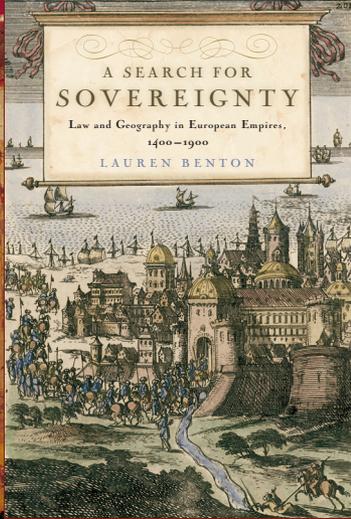
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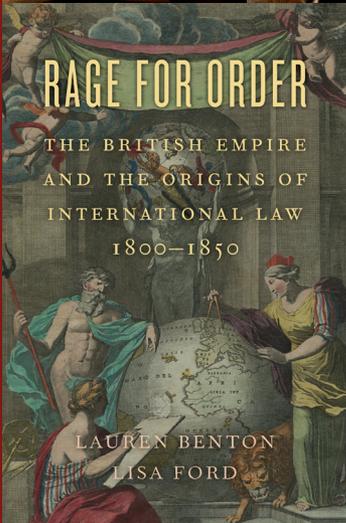
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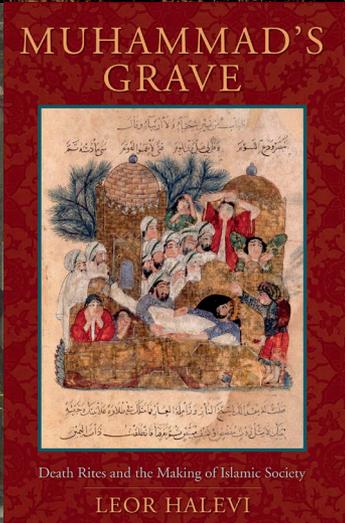
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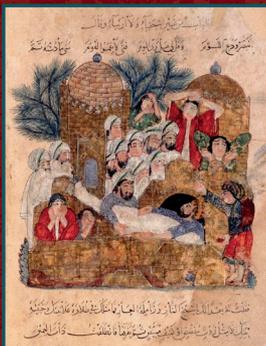
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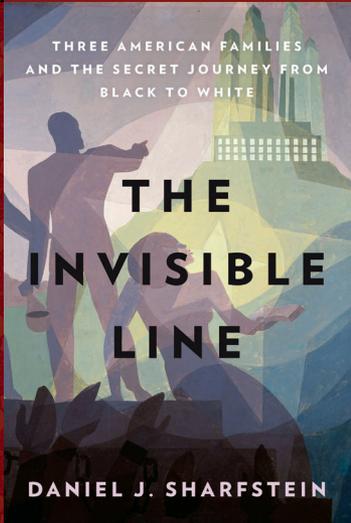


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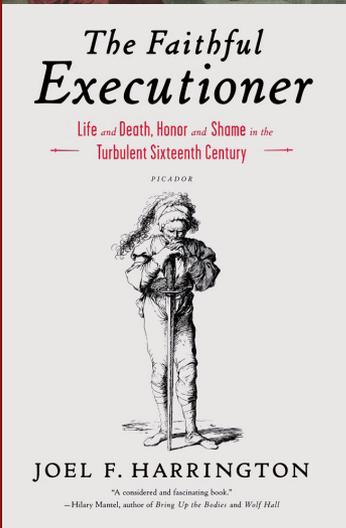
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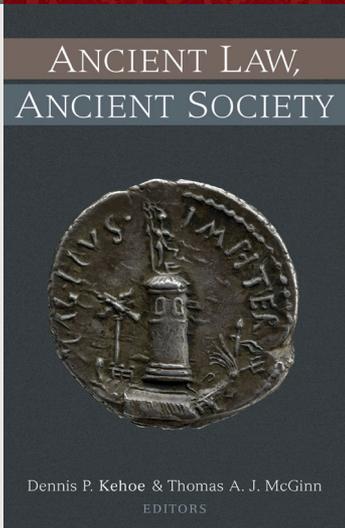
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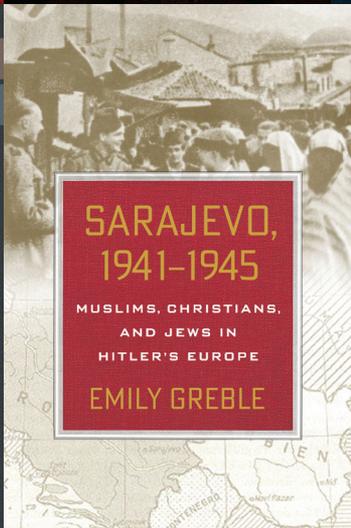
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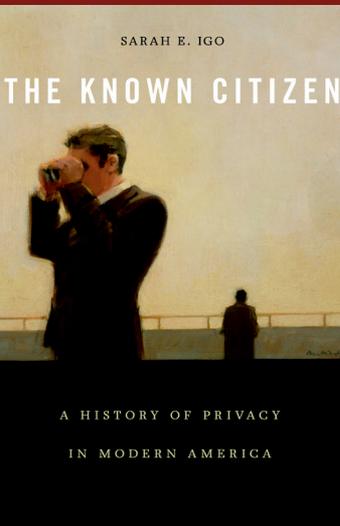
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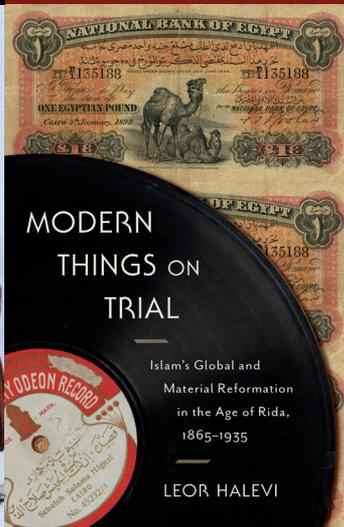
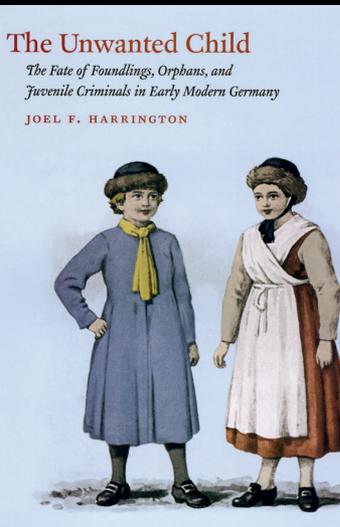
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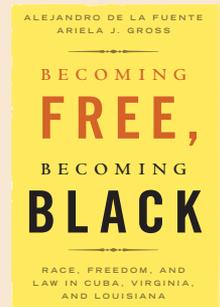
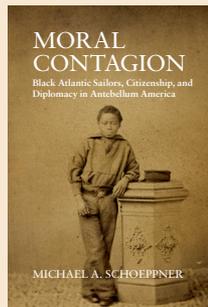
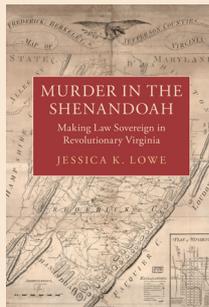
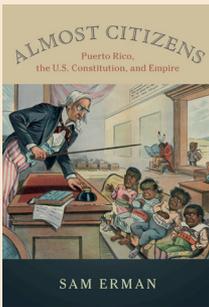
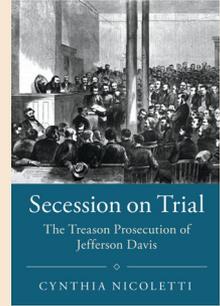
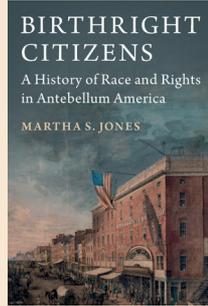
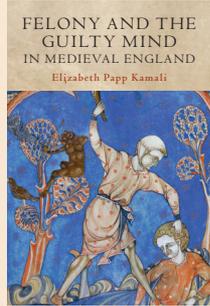
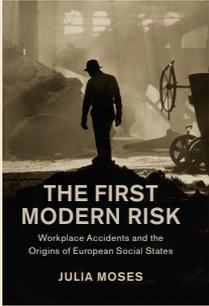
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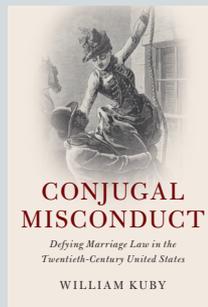
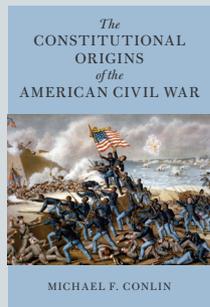
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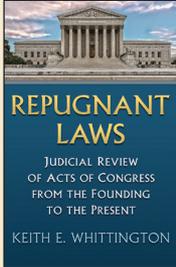
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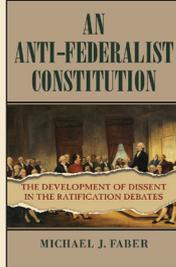
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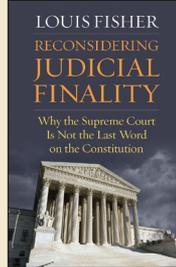
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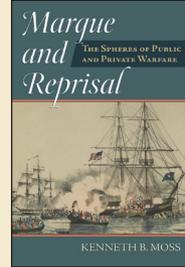
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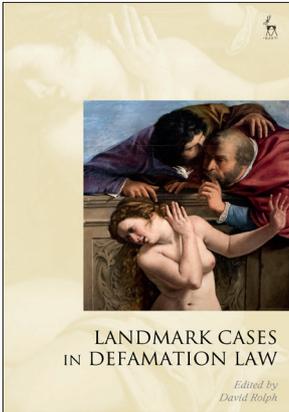
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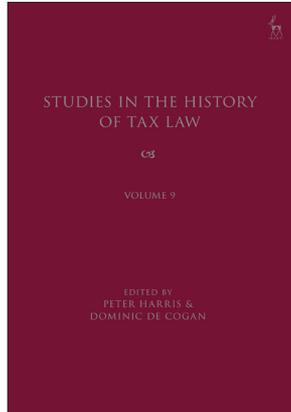
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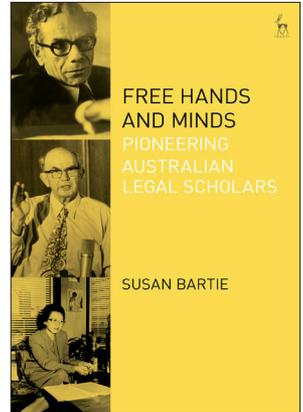
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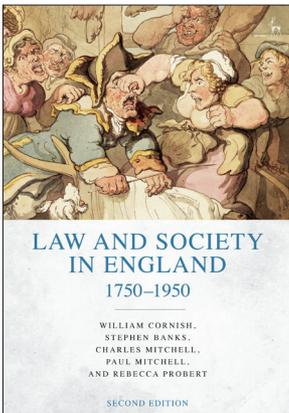
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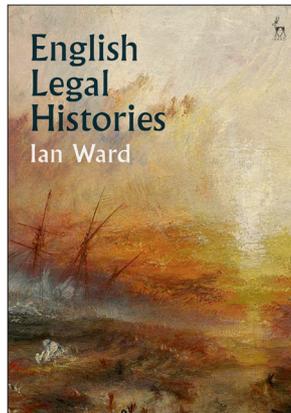
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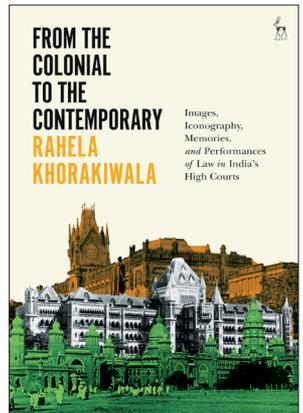
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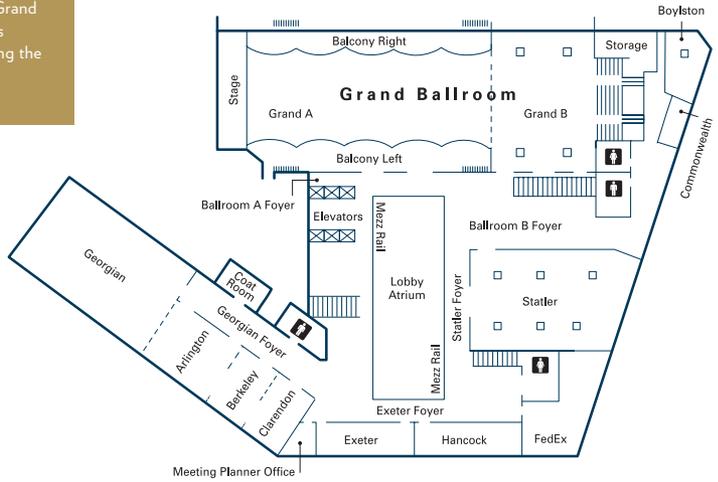
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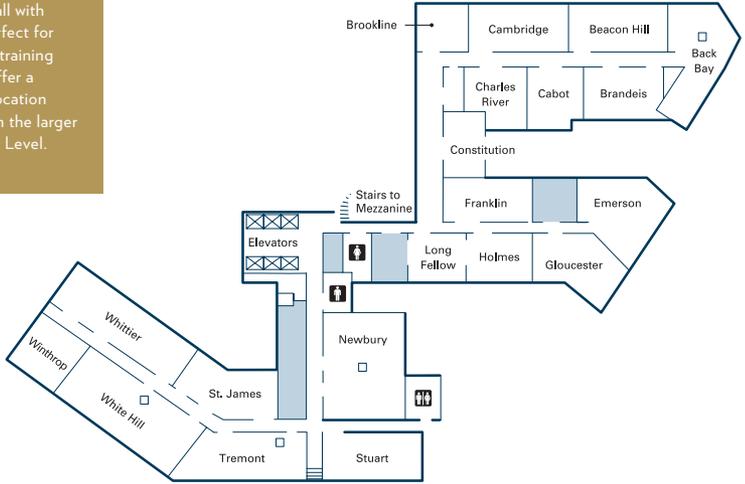
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# HARVARD LAW SCHOOL

## Map & Directions

Photo of Wasserstein Hall, Caspersen Student Center, Clinical Wing Building; Peter Aaron

# DIRECTIONS TO HARVARD LAW SCHOOL

## BY PUBLIC TRANSPORTATION

### From Logan Airport

The MBTA ("T") **Silver Line** bus stops outside all airline terminals. Take the bus to South Station. From there, take the **Red Line INBOUND to Harvard** (train marked **Alewife**). (Travel time: 30-45 minutes.)

From Harvard station, either walk north through Harvard Yard to the Law School or take the Church Street exit from the "T" station, turn right at street level, and walk north on Massachusetts Avenue along Cambridge Common. Cross over to the Law School at Gannett House. See map inside. (Travel time: 10 minutes.)

### From Amtrak & Commuter Rail Stations

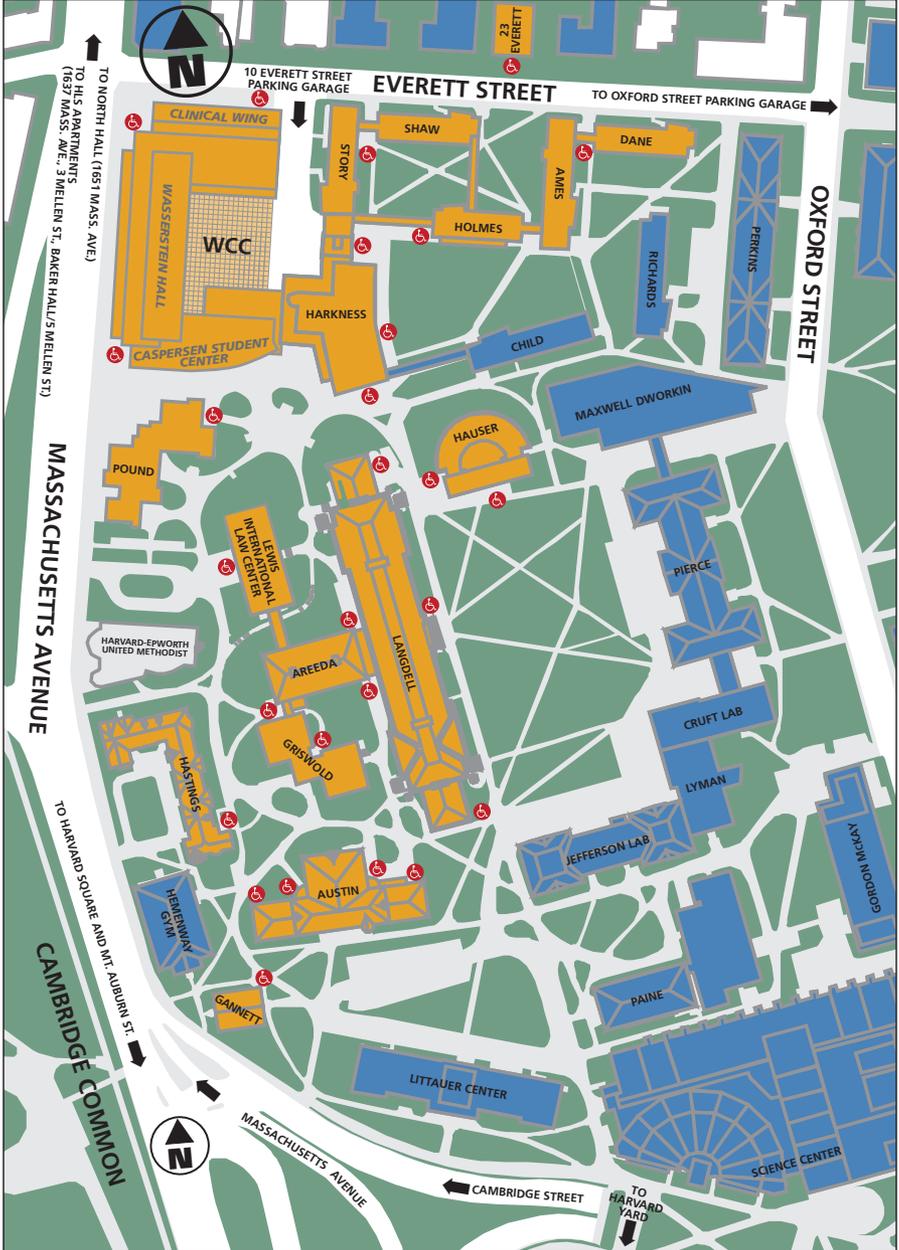
South Station is the final destination for Amtrak and some commuter trains. Take the **Red Line INBOUND to Harvard**. (Travel time: 15 minutes.) Some commuter rail lines end at North Station. Take the **Green Line INBOUND to Park Street**. Go downstairs and take the **Red Line OUTBOUND to Harvard**. (Travel time: 20-30 minutes.)

### From Greyhound & Trailways Bus Terminals

Greyhound and Trailways buses arrive at South Station. Refer to Amtrak directions, above.



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## KEY

- = Harvard Law School Buildings
- = Non-Law School Buildings
- ♿ = Accessible



In Memoriam  
António Manuel Hespanha  
1945 – July 1, 2019

António Manuel Hespanha, the most distinguished Portuguese legal historian and an Honorary Fellow of the ASLH passed away on July 1, 2019. A giant among his peers, Prof. Hespanha was responsible for a major epistemological shift in the study of continental and colonial legal history. Starting with the early modern state and proceeding to modernity and post-modernity, Hespanha challenged our most basic premises and proposed new methods to analyze both present and past. His propositions became so influential and so widely followed that we now take for granted many things, which he has put forward.

Hespanha began this revolution in *História das instituições* (1982) and *As Vésperas do Leviathan* (1986), in which he abandoned the habitual narrative that portrayed the early modern state as the failed antecedent to present-day structures. Instead, he advocated an anthropological approach that stressed the distinct characteristics of early modernity, among them, the absence of a monopolistic central power, the pervasiveness of jurisdictional and corporative structures, and the plurality of normative orders. These traits were present in both Europe and the colonies, the Old Regime extending, to paraphrase his famous 2010 essay, also to the Tropics.

An ardent advocate for the relevance of law in both the making of and the understanding of society, Hespanha was equally interested in when and how Old Regime structures mutated. Analyzing these changes critically, he argued that the social, cultural, economic, and legal innovations proposed as modern-- which featured a unified law that was to be applied equally to all, identified the social order with the state, and sustained a positivism according to which legislation would be the only valid source of legal creation--were plagued with contradictions. Acceptance of such a definition of 'modern' law ignored the continuation of inequality, dismissed law as a social fact believing it to be an independent, even neutral, sphere of knowledge, and they ultimately preferred will (legislation) to reason (juridical thought). Post-Modern criticism, Hespanha suggested, pointed to these failures and called for relativism, pluralism, and heterogeneity, yet the solutions it proposed were just as problematic. As a scholar and a public intellectual, Hespanha interrogated the tensions between universal and particular, global and local, erudite and popular, theory and practice, institutions and doctrines. He insisted that one of the major persisting struggles in human history was over the authority to declare the law. This authority was disputed among different groups and people who justified their procedures by appealing to divine law, communal norms, common good, nature, reason, or will. Legal history, he suggested, was a social science that needed to explain

this struggle and concentrate not on laws, opinions, formulas, or documents but on the constellation of experiences that brought them about.

What Prof. Hespanha asked, studied, suggested, and affirmed in his over 30 books and 150 articles was utterly transformative – there is a “before” and an “after” the appearance of his publications. Equally admirable was his amazing success as a teacher and mentor who trained dozens of scholars and inspired many more across the entire globe. Those who were touched by his scholarship and presence describe them as life changing. For all of them – me included- he was a source of inspiration for his combination of intellectual brilliance, wonderful sense of humor, and enormous generosity, commitment, care, and warmth. The most innovative, thoughtful, and ultimately most influential of continental and colonial legal historians, he will be sorely missed.

Tamar Herzog



In Memoriam  
W. Wesley Pue  
October 20, 1954 – April 3, 2019

W. Wesley Pue (1954-2019) was one of the most significant figures in the large ASLH community. His education included BA's in Geography and Jurisprudence (Oxford), an LL.M. (Alberta), and a Ph.D. in law (Osgoode Hall). He taught law at Osgoode Hall, Oklahoma City University, Carleton University, and the University of Manitoba. At the University of British Columbia, his last academic home, he served as the inaugural Nemetz Chair in Legal History. His research interests included legal pluralism, the history of law and the legal professions, comparative legal history, law and colonialism, and issues related to constitutionalism, security, and policing. He served as President of the Canadian Law and Society Association, and was a long-time committee member of the ASLH. As Editor of Canada's Law and Society Book Series published by the University of British

Columbia Press, he oversaw the completion of more than 200 titles. His most recent book, *Lawyers' Empire: Legal Professionals and Cultural Authority, 1780-1950* (UBC Press, 2016) was awarded the Canadian Law and Society Association English-language book prize. Several years later, in recognition of his towering stature, the prize was itself named after him: The W. Wesley Pue Book Prize.

Yet this brief sketch of Wes Pue's academic career fails abjectly to convey the fullness of the man himself. Wes was a *tour de force*. He was one of the founders of the Canadian legal history community, which can credit its success in large measure to his energetic support and inspirational leadership. He was also convinced of the importance of comparative international legal history, and fostered deep connections and affinities with law and society scholars around the world. He mentored two generations of legal historians -- in Canada and around the world. He was a wonderful teacher, well loved by his many students who delighted in his fresh insights and wicked sense of irony.

The Canadian legal history community cherished Wes as one of our most admired, most loved colleagues. Many of us had the good fortune to work side by side with him for decades, and with each passing year our admiration for his work, his humanity, and his idealism increased. In the midst of organizing conferences, writing and editing books, delivering papers, and attending academic meetings, Wes always made us feel like we were engaged in a hugely exciting enterprise. He was a dreamer. He was an activist. He was a brilliant scholar. We are proud to have known him, and to have called him a colleague.

Constance Backhouse



2020 ASLH Annual Meeting  
11–14 November 2020  
Chicago, Illinois  
USA