

American Society for Legal History



Annual Meeting
Doubletree Hotel Philadelphia
Philadelphia, PA
18-21 November 2010
Program



Welcome to our 2010 Annual Meeting in Philadelphia.

As ASLH President, it is my pleasure to thank the many people who have worked so hard to make this wonderful meeting a reality.

I want to extend our thanks to the Co-Chairs of the Program Committee, Kenneth Ledford and Barbara Welke, and all the members of their committee who have put together this extraordinary program. Donald F. Tibbs, Chair of the Local Arrangements Committee, and the members of his committee, have laboured long and hard to provide us with an unparalleled warmth of welcome. We are also the recipients of generous financial support from our reception sponsor - the Earle Mack School of Law at Drexel University, Cambridge University Press, the many members who made contributions with their registrations, our program advertisers, and meeting exhibitors.

So many others are critical to the success of an annual meeting. The presenters bring fascinating new insights to bear on legal history. The commentators offer thoughtful reflections. The audience brings fresh voices to the discussion. The chairs of the panels hold the sessions together. The officers and committee members of the ASLH work behind the scenes to make this extraordinary organization run like well-oiled machinery, while relying entirely upon the remarkable generosity of volunteer labour.

To the newcomers to our Annual Meeting, we also extend a special greeting. We hope that you will make this the first of many meetings of the American Society for Legal History you attend. Please help celebrate the community of legal historians with us.

Constance Backhouse
President, ASLH



The Earle Mack School of Law at Drexel University is delighted to welcome the American Society for Legal History to the historic city of Philadelphia. Our city has had a powerful impact in shaping American democracy and legal history, making it a perfect locale for the Annual Meeting. From colonial lawyers such as Andrew Hamilton, to early 20th century legal greats such as William Draper Lewis, to 1950s advocates for civic reform such as Richardson Dilworth, to the great public interest lawyers of today, our bar has provided excellent leadership to the city and the nation. I hope that you take the opportunity, while you are here, to visit some of the historic sites surrounding the conference hotel. In addition to the Historical Society of Pennsylvania, where during your Thursday night reception you will be able to view a host of original historical documents, please take time to visit the National Constitution Center, Independence Hall, the Liberty Bell Center, Carpenter's Hall, and the African-American Museum of Philadelphia. On Friday, the plenary lecture will be hosted at the Great Court on Drexel University's main campus, where you will be able to marvel at the original 1891 construction and preservation of Drexel's first university building.

As the newest addition to the legal community in Philadelphia, our law school's vision is extraordinarily exciting. We are building a law school that is producing outstanding, reflective practitioners. Our commitment to bridge theory and practice in legal education is unparalleled. We provide our students with excellent teaching across a broad-based classroom curriculum along with comprehensive opportunities for experiential learning through simulations, co-operative education, clinics and pro bono programs. At the same time, we are committed through our research activities to advancing the scholarly mission of a great research university. Despite our youth, our law school benefits from strong connections to the Philadelphia Bar, the local business community, and the many law firms that support Drexel's approach to experiential learning. Our students are deeply engaged with leaders in the legal community spanning three states, because our curricular concentrations in Business and Entrepreneurship Law, Health Law, and Intellectual Property Law match well the strengths of the local bar and the region's economy. We also offer one of the few joint J.D.-Ph.D. programs in law and psychology in the United States. Our graduates are well positioned to become the next generation of leaders of the profession in the region and nationally.

The Earle Mack School of Law at Drexel University has an outstanding commitment to legal history, exemplified by our young and vibrant scholars. Associate Professor Donald F. Tibbs, the chair of your Local Arrangements Committee, is currently completing his legal history book, *From Black Power to Prison Power: The Making of Jones v. North Carolina Prisoners' Labor Union*, to document the connections between the Black Power and Prisoners' Rights eras. Assistant Professor Tabatha Abu El-Haj is currently revising her dissertation "Changing the People: Transformations in American Democracy (1880-1930)," to document the rise of municipal ordinances requiring permits for public assemblies. Together, their work is groundbreaking because they bridge social science research with legal history in a manner that argues that the historiography of American democracy was transformed during the 20th century through the nature of law and democracy politics.

We hope you enjoy your stay here and have a most productive, congenial, and historically enriching conference.

Sincerely,

Roger J. Dennis
Founding Dean
Professor of Law

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Thursday, 18 November 2010

- 2:00pm - 6:00pm **Registration**
Doubletree Hotel Philadelphia, 3rd Floor
- 5:00pm - 6:00pm **Finance and Future of the Society Committees**
Concerto A Room
- 6:00pm - 7:15pm **Executive Committee**
Concerto B Room
- 7:30pm - 10:00pm **Board of Directors Dinner Meeting**
Maestro A & B Rooms
- 5:30pm - 7:30pm **Welcome Reception**
Historical Society of Pennsylvania
1300 Locust Street, Philadelphia, PA
(Sponsored by the Earle Mack School of Law, Drexel University)
- 10:00pm - 11:00pm **Nightcap**
Standing O Bar, Doubletree Hotel Philadelphia

Friday, 19 November 2010

- 7:15am - 8:30am **Membership Committee Breakfast Meeting**
Chamber Board Room
- 7:30am - 3:00pm **Registration**
Doubletree Hotel Philadelphia, 3rd Floor
- 7:30am - 4:00pm **Book Exhibits**
Overture Room
- 7:30am - 8:30am **Continental Breakfast**
Symphony Ballroom & Overture Room
- 8:30am - 10:15am **Friday, Session A**

Defining 'Religion' under the Law throughout U. S. History - *Aria B Room*

Chair: Sarah Barringer Gordon, University of Pennsylvania,
sgordon@law.upenn.edu

Panelists: James Kabala, Rhode Island College, jkabala1980@gmail.com
"We Are a Christian People': Defining Religion in the Early Republic"

Annie Parker Liss, University of Iowa, annie-liss@uiowa.edu
“A Better and More Patriotic Citizenship: Simon Wolf and Modern Judaism in America, 1880–1920”

Aaron L. Haberman, University of Northern Colorado,
aaron.haberman@unco.edu
“From the Free Exercise of Religion to Free Speech: American Courts and the Secularization of Religion”

Robert Daniel Rubin, Keene State College, rrubin@keene.edu
“Defining Religion by Its Function: Christian-Conservative Use of the Establishment Clause to Purge Classrooms of the ‘Religion of Secular Humanism’”

Comment: The Audience

Before (and After) *Roe v. Wade* - CONCERTO A & B ROOM

Chair: Ariela Dubler, Columbia University, adubler@law.columbia.edu

Panelists: Linda Greenhouse, Yale Law School, linda.greenhouse@yale.edu
Reva Siegel, Yale Law School, reva.siegel@yale.edu

Comments: Jack M. Balkin, Yale Law School, jack.balkin@yale.edu
Risa Goluboff, University of Virginia, goluboff@virginia.edu

The Emergence of Legislation as a Source of Law in Pre-Nineteenth Century Europe - RHAPSODY ROOM

Chair: Mats Kumlien, University of Uppsala, mats.kumlien@jur.uu.se

Panelists: Heikki Pihlajamäki, University of Helsinki, heikki.pihlajamaki@helsinki.fi
“Positivism before Positivism? Statutes and Swedish Early Modern Criminal Law”

Matthias Schmoeckel, University of Bonn, rgesch@jura.uni-bonn.de
“Codification and the Protestant Reformation”

Anthony Musson, University of Exeter, a.j.musson@exeter.ac.uk
“Criminal Legislation and the Common Law in Late Medieval England”

Comment: Markus Dirk Dubber, University of Toronto, markus.dubber@utoronto.ca

Comparative Method and Administrative Law History: Europe, America, East Asia - MAESTRO B ROOM

Chair: Peter Lindseth, University of Connecticut, peter.lindseth@law.uconn.edu

Panelists: Jerry Mashaw, Yale Law School, jerry.mashaw@yale.edu
“Explaining Administrative Law: Reflections on Federal Administrative Law in Nineteenth Century America”

John Ohnesorge, University of Wisconsin, jkohnesorge@wisc.edu
“Administrative Law in East Asia”

Kim Lane Schepple, Princeton University, kimlane@princeton.edu
“Administrative State Socialism”

Bernardo Sordi, University of Florence, Italy, sordi@tds.unifi.it
“The ‘Rechtsstaat’ and ‘Rule of Law’ Confront State Interventionism in Interwar Western Europe”

Comment: The Audience

Sanctuary in Medieval England: New Approaches - MINUET ROOM

Chair: Thomas A. Green, University of Michigan, tagreen@umich.edu

Panelists: Karl Blaine Shoemaker, University of Wisconsin, kbshoemaker@wisc.edu
“The Domestication of Sanctuary in Medieval English Law”

Shannon McSheffrey, Concordia University, mcsheff@alcor.concordia.ca
“Alien Artisans and the London Sanctuary of St. Martin Le Grand in the Sixteenth Century”

Margaret McGlynn, University of Western Ontario, mmcglynn@uwo.ca
“The Use and Abuse of Sanctuary in Henrician England”

Comment: The Audience

10:00am - 11:00am **Mid-Morning Break**
 Symphony Ballroom & Overture Room

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

Presidential Panel: In Honor of Joan Sangster - ARIA B ROOM

Chair: Constance Backhouse, University of Ottawa,
constance.backhouse@uottawa.ca

Panelists: Tamara Myers, University of British Columbia, tamara.myers@ubc.ca
“Police, Children, and ‘The Softball Solution’: Regulation and Discipline of Youth in the Mid-Twentieth Century City”

Karen Balcom, McMaster University, balcomk@mcmaster.ca
“Aboriginal Families and the Child Welfare State: Placing Aboriginal Children with White Families in the 1960s and 1970s”

Amanda Glasbeek, York University, aglasbee@yorku.ca
“An Avalanche of Tragedy’: Working Class Women, Resistance, and the Murder of Mrs. Mick”

Comment: The Audience

New Perspectives on the Trial of Socrates - *MAESTRO A ROOM*

Chair: J. Russell VerSteeg, New England School of Law, rversteeg@nesl.edu

Panelists: David D. Phillips, UCLA, phillips@history.ucla.edu
“The Charge Against Socrates in Its Legal and Formal Context”

Alan L. Boegehold, Brown University, alan_boegehold@brown.edu
“Plato’s Defense Speech for Socrates”

Mark J. Sundahl, Cleveland State University, mark.sundahl@law.csuohio.edu
“Sentencing Socrates to Death: Game Theory and the Athenian Method of Sentencing”

Comment: Edwin Carawan, Missouri State University, ecarawan@missouristate.edu

The Future of English Legal History - *MAESTRO B ROOM*

Chair: Daniel Klerman, University of Southern California, dklerman@law.usc.edu

Panelists: Charles Donahue, Jr., Harvard University, jreader@law.harvard.edu

John H. Langbein, Yale University, john.langbein@yale.edu

Michael Lobban, University of London, m.j.lobban@qmul.ac.uk

James C. Oldham, Georgetown University, oldham@law.georgetown.edu

Comment: The Audience

The Significance of Judge Made Law in Mexico, 1870–1932 - *MINUET ROOM*

Chair: Peter L. Reich, Whittier Law School, preich@law.whittier.edu

Panelists: Timothy James, University of South Carolina, Beaufort, tjames@uscb.edu
“The Question of Judicial Autonomy and Judicial Interpretation during the Porfiriato, 1877–1907”

Alejandra Nunez-Luna, Harvard University, ale.nunez@post.harvard.edu
“Judicial Decision-Making in Private Law and Administrative Regulation of Water Sources in Mexico, 1870-1910”

Kif Augustine-Adams, Brigham Young University, adamsk@lawgate.byu.edu
“Marriage and the *Mestizaje*, Chinese and Mexican: Constitutional Interpretation and Resistance in Sonora, 1924-1932”

William Suarez-Potts, Kenyon College, suarezpottsw@kenyon.edu
“Judge-Made Law, Labor, and the State in Mexico, 1927-1930”

Comment: Peter L. Reich

New Approaches to the Legal History of American Capitalism - *ARIA A ROOM*

Chair: Morton J. Horwitz, Harvard University, horwitz@law.harvard.edu

Panelists: Richard F. Bense (with Gwendoline M. Alphonso), Cornell University, rfb2@cornell.edu
“The Juridical Construction of Racial Identity and the Social Practice of Slavery”

Nicholas P. Osborne, Columbia University, no2112@columbia.edu
“The Political Economy of Poverty: Class, Capitalism, and Savings in the Mid-Nineteenth Century United States”

Jonathan Levy, Princeton University, jilevy@princeton.edu
“The Legal Transformation of Mutual Aid in Nineteenth-Century America”

Comment: Morton J. Horwitz

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

12:30pm - 1:30 pm **Law & History Review Editorial Board Lunch Meeting**
Rhapsody Room (Sponsored by Cambridge University Press)

12:30pm - 1:30pm **Standing Committee on Conferences and the Annual Lunch Meeting**
Chamber Board Room

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

New Issues, Unlikely Alliances: Law Politics and the American State in the 1970s - *Aria A Room*

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

Panelists: Jefferson Decker, Columbia University, jad2013@columbia.edu
“*Goldwater v. Carter* and the Problem of Conservative Legal Activism”

Deborah Dinner, Harvard Law School, ddinner@law.harvard.edu
“The Costs of Life: Feminism, Choice, and the Debate over Pregnancy Disability Benefits, 1974–1978”

Robert Self, Brown University, robert_self@brown.edu
“The Right Turn’s Public-Private Controversy, 1975–1987”

Comment: Jamal Greene, Columbia Law School, jgreen5@law.columbia.edu

Balancing Acts: Twentieth Century Democracies and Respect for the Rule of Law - *ARIA B ROOM*

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

Panelists: John Cerullo, University of New Hampshire at Manchester, jcerullo@cisunix.unh.edu
“Civilianizing Military Justice in ‘Belle Époque’ France”

Marion Girard, University of New Hampshire at Durham, mlgirard@unh.edu
“Just Pieces of Paper? International Legal Agreements and the Threat of Chemical Warfare in World War Era Britain”

Stephanie Trombley, Embry-Riddle Aeronautical University at Prescott, trombles@erau.edu
“‘Our Boys’: The First Status of Forces Treaties and the Problem of Jurisdiction”

Comment: John Fabian Witt, Yale University, john.witt@yale.edu

Colonial Encounters: English, Islamic, and Zoroastrian Law in the Later British Empire - *MAESTRO B ROOM*

Chair: Steven Wilf, University of Connecticut, swilf@sbcglobal.net

Panelists: Mitra Sharafi, University of Wisconsin, sharafi@wisc.edu
“Managing Marriage: The Zoroastrian Jury in Colonial India”

Michael Birnhack, Tel Aviv University, birnhack@post.tau.ac.il
“Hebrew Authors and English Copyright Law in Mandate Palestine”

Adam Hofri-Winogradow, Hebrew University, hofri@mscc.huji.ac.il
“Reception and Rejection of the Common Law Trust in Mandate Palestine”

Nurfadzilah Yahaya, Princeton University, nyahaya@princeton.edu
“British Colonial Law and the Establishment of Waqfs by Arabs in the Straits Settlements, 1860-1941”

Comment: Stuart Banner, UCLA, banner@law.ucla.edu

Kathryn T. Preyer Prize Panel - MAESTRO A ROOM

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

Panelists: Katherine Turk, University of Chicago, kturk@uchicago.edu
“‘Our Militancy is in Our Openness’: The Forgotten History of Gay Employment Activism and the Limits of Title VII”

Melissa Hayes, Northern Illinois University, hayes2681@yahoo.com
“Sex in the Witness Stand: Intimate Storytelling and Legal Culture in Illinois during the Second Half of the Nineteenth Century”

Comment: Robert W. Gordon, Yale Law School, robert.w.gordon@yale.edu

Sarah Barringer Gordon, University of Pennsylvania,
sgordon@law.upenn.edu

Historicizing Race in American Juvenile Justice - CONCERTO A & B ROOM

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

Panelists: William S. Bush, Texas A&M University-San Antonio,
william.bush@tamusa.tamus.edu
“The Borders of Protected Childhood: Historicizing Race as a Defining Feature of American Juvenile Justice”

Geoff Ward, University of California, Irvine, gward@uci.edu
“What Happened to Recognition? The Historical Incongruity of Federal Effort to Advance Racial Equality in American Juvenile Justice”

Comments: Michael Willrich, Brandeis University, willrich@brandeis.edu
Robert G. Schwartz, Executive Director of the Juvenile Law Center,
rschwartz@jlc.org

3:30pm - 4:00pm **Busses depart from the Doubletree Hotel Philadelphia for Drexel University.**

4:30pm - 6:00 pm **Plenary Session - Drexel University Main Auditorium**

Hendrik Hartog

Class of 1921 Bicentennial Professor in the
History of American Law and Liberty
Princeton University

“Callings in Legal History and Transformed Lives”

6:00pm - 8:00pm **Plenary Reception - Drexel University Great Court**
(Sponsored by The Earle Mack School of Law, Drexel University)

7:30pm - 8:00pm **Busses depart from Drexel University for the Doubletree Hotel Philadelphia.**

9:00pm - 11:00pm **Informal Graduate Student Gathering**
Standing O Bar, Doubletree Hotel Philadelphia

Saturday, 20 November 2010

7:15am - 8:30am **H-Law Committee Breakfast Meeting - CHAMBER BOARD ROOM**
Finance Committee Breakfast Meeting - RHAPSODY ROOM
Program Committee Breakfast Meeting - MINUET ROOM

7:30am - 12:00pm **Registration**
Doubletree Hotel Philadelphia, 3rd Floor

7:30am - 4:00pm **Book Exhibits**
Overture Room

7:30am - 8:45am **Continental Breakfast**
Symphony Ballroom & Overture Room

8:30am - 10:15am **Saturday, Session A**

Workplace Injury and the Legal Construction of Disability in the Late 19th and Early 20th Century United States - MAESTRO A ROOM

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

Panelists: Nate Holdren, University of Minnesota, nateholdren@gmail.com
“Pain, Compensation, and Disability in Workplace Injury Lawsuits in the
Early Twentieth Century United States”

Sarah Rose, University of Texas at Arlington, srose@uta.edu
“‘Disabling’ Workers: Workmen’s Compensation Laws and the Creation of
Disability, 1908-1933”

John Williams-Searle, The College of Saint Rose, searlejp@gmail.com
“‘Libels on the Profession’: Railroaders, the Disability Debate, and its
Influence on the Creation of the FELOA”

Comments: Susanna Blumenthal
Richard K. Scotch, University of Texas at Dallas, richard.scotch@utdallas.edu

The Rise of Substantive Due Process Outside the Federal Courts - *ARIA A ROOM*

Chair: William Novak, University of Michigan, wnovak@michigan.edu

Panelists: Laura Inglis, University of Oxford, laura.inglis@bnc.ox.ac.uk
“Power to the Court: The New York Court of Appeals and the Development
of Substantive Due Process, 1846-1885”

Robert Olender, University of Michigan, olenderr@umich.edu
“An Intentionally Revolutionary Doctrine: Cooley, Constitutionalism, and the
General Welfare”

Felice Batlan, Chicago-Kent College of Law, fbatlan@kentlaw.edu
“Florence Kelley, the Fourteenth Amendment, and the Making of
Sociological Jurisprudence”

Comment: William Novak

New Directions in the History of Citizenship and Immigration - *ARIA B ROOM*

Chair: David Abraham, University of Miami, dabraham@law.miami.edu

Panelists: Daniel Cohen, Rice University, gcdohen@rice.edu
“Statelessness in International Law in the Aftermath of World War Two”

Liav Orgad, Interdisciplinary Center, Herzliya, Israel, oliav@idc.ac.il
“Creating New Americans: The Essence of Americanism under the
Citizenship Test”

Philippe Rygiel, University of Paris I, Philippe.Rygiel@univ-paris1.fr
“An Impossible Task: The International Lawyers of the *Institut de Droit
International* and the Regulation of Migrations (1873-1913)”

Patrick Weil, University of Paris I and Yale Law School, Patrick.Weil@univ-
paris1.fr
“The Law and Politics of Denaturalization in the 20th Century United States”

Comment: David Abraham

Families Inside and Outside the Law in the Americas, 1910–2010 - MAESTRO B ROOM

Chair: Bianca Premo, Florida International University, premob@fiu.edu

Panelists: Nara Milanich, Barnard College, nmilanich@barnard.edu
“Family Law Reform in Twentieth-Century Chile and Latin America”

Laura Putnam, University of Pittsburgh, lep12@pitt.edu
“The Ties Allowed to Bind: Kinship Legalities and Migration Restriction in the Interwar Greater Caribbean”

Sueann Caulfield, University of Michigan, scaul@umich.edu
“From the ‘Honest Concubine’ to the ‘Homosexual Stable Union’: Stretching the Boundaries of Legal Families in the Brazilian Courts, 1930–2010”

Adriana R. B. Vianna, National Museum and Federal University of Rio de Janeiro, adrianavianna@gmail.com
“Between ‘Homes’ and ‘Rights’: Paradoxes in the Management of Childhood in Democratic Brazil”

Comment: Bianca Premo

Slavery, Law, Religion, and Power in the Early Modern Atlantic -CONCERTO A & B ROOM

Chair: Holly Brewer, North Carolina State University, holly_brewer@ncsu.edu

Panelists: Michelle A. McKinley, University of Oregon, michelle@uoregon.edu
“The Unbearable Lightness of Being (Black): Legal and Cultural Constructions of Race and Nation in Colonial Latin America”

Rebecca Goetz, Rice University, rebecca.a.goetz@rice.edu
“‘An Act Against Carnal Copulation between Christian & Heathen’: Race, Religion, and the Law in the English Atlantic”

Comment: Chris Tomlins, University of California, Irvine, ctomlins@law.uci.edu

10:00am - 11:00am **Mid-Morning Break**
 Symphony Ballroom & Overture Room

10:30pm - 12:15pm **Saturday, Session B**

Uses and Abuses of the *Ius Commune*: The Learned Law in Medieval Customary Law Treatises - MAESTRO A ROOM

Chair: Kenneth Pennington, Catholic University of America, pennington@cua.edu

Panelists: Ada-Maria Kuskowski, Cornell University, ak393@cornell.edu
“A French ‘Common Law’ in the High Middle Ages? Comparing French *droiz communs*, English *ley commune*, and their Relationship to the Learned *ius commune*”

Elizabeth Kamali, University of Michigan, epkamali@umich.edu
“The ‘Idea of Rome’ as a Key to Understanding Roman Law Influence in the Age of Glanvill and Bracton”

Thomas McSweeney, Cornell University, tjm37@cornell.edu
“England’s First Case Law: Constructing the Jurist-Judge in the Bracton Treatise”

Comment: Richard Helmholz, University of Chicago, dick_helmholz@law.uchicago.edu

Prostitution, Larceny, Murder: Criminal Law and Intimate Spaces in Post-Civil War America - *ARIA A ROOM*

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

Panelists: Elizabeth Parish Smith, University of North Carolina-Chapel Hill, eps@unc.edu
“‘Men Who Go Into Such Places Ought to Lose their Money’: Regulating Legal Prostitution in New Orleans, 1865-1877”

Andrew T. Urban, Emory University, aturban@emory.edu
“Thieves in the Home: Criminal Law, Domestic Servants, and the Maintenance of Social Boundaries”

Felicity Turner, United States Studies Centre, University of Sydney, felicity.turner@sydney.edu.au
“‘Some Said It Was a Black Child’: Constructing Race through Infanticide Investigations in the Reconstruction South”

Comment: Kate Masur, Northwestern University, kmasur@northwestern.edu

New Perspectives on the New Deal State - *ARIA B ROOM*

Chair: Michele Landis Dauber, Stanford University, mlndauber@stanford.edu.

Panelists: Laura M. Weinrib, University of Chicago, weinrib@uchicago.edu
“Free Speech or Fair Labor? The New Deal and the Modern Civil Liberties Movement”

Kelly Elizabeth Phipps, attorney, kep5d@virginia.edu
“The Justice Department Murals and New Deal Legal Thought”

Karen M. Tani, University of Pennsylvania, ktani@law.upenn.edu
“Legal Rights and Human Needs in New Deal Welfare Administration”

Comment: Dan Rodgers, Princeton University, drodgers@princeton.edu

Comparing the Chinese and English Legal Traditions: ‘Modernization,’ Development, and the State - *RHAPSODY ROOM*

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

Panelists: Li Chen, University of Toronto, lchen@utsc.utoronto.ca
“Colonial Encounters and the Construction of a Hierarchy of Legal Cultures”

Zhiqiang Wang, Yale Law School and Fudan University,
zhiqiang.wang@yale.edu
“Precedent, Legal Reasoning, and the Judiciary: The Traditions of China and England”

Taisu Zhang, Yale University, taisu.zhang@yale.edu
“Property Rights and the Scale of Agricultural Production in Early Modern Societies: Comparing China and England”

Comment: Madeleine Zelin, Columbia University, mhz1@columbia.edu

Law and History in Latin America, An Historiographical Balance: Slavery, Indian Subjecthood, Family, and Violent Crimes - *MAESTRO B ROOM*

Chair: Robert James Cottrol, George Washington University, bcottrol@law.gwu.edu

Panelists: Alejandro de la Fuente, University of Pittsburgh, fuente2@pitt.edu
“U. S. and Latin American Slavery and the Law: Impact of Comparative Work on the Historiography”

Brian Owensby, University of Virginia, bpo3a@virginia.edu
“Of Law, Pacts, and Politics: The Underpinnings of Indian Subjecthood in Habsburg Spanish America”

Bianca Premo, Florida International University, premob@fiu.edu
“Litigants and the Leviathan in the Andes”

Keila Grinberg, Universidade Federal do Estado do Rio de Janeiro (UNRIO), keka@pobox.com
“Slavery, Justice and the Law in Brazilian History (17th-19th Centuries)”

Comment: The Audience

12:30pm - 2:00pm

Annual Lunch

SYMPHONY BALLROOM

The President will speak on the state of the Society.

2:15pm - 4:00pm

Saturday, Session C

**New Approaches to Late Antique and Medieval Islamic Criminal Legal History -
*RHAPSODY ROOM***

Chair: Lena Salaymeh, University of California, Berkeley, lenas@berkeley.edu

Panelists: Intisar Rabb, Boston College, intisar.rabb@bc.edu
“Moral Anxiety and Legal Doubt: The Development of the Islamic Rule of Lenity”

Kristen Stilt, Northwestern University, stilt@law.northwestern.edu
“Discretion and Criminal Law Enforcement in Medieval Egypt, 1250-1517”

Mairaj Syed, Bard College, msyed@princeton.edu
“The Development of the Disparate Power Relationships Position in the Jurisprudence on Coercion in Medieval Islamic Law”

Comment: William Ewald, University of Pennsylvania, wewald@law.upenn.edu

Women and the Law in the United States - *ARIA A ROOM*

Chair: Philip Girard, Dalhousie University, philip.girard@dal.ca

Panelists: Patricia L. Farless, University of Florida and University of Central Florida, farlessp@gmail.com
“The Intersection of the Married Women’s Property Acts and Homestead Acts in Illinois 1860s-1870s: A Judicial Dilemma and Solution”

Kimberley A. Reilly, University of Baltimore, kreilly@ubalt.edu
“Wronged in Her Dearest Rights: Marriage and the Transformation of Consortium, 1870-1920”

Kara W. Swanson, Northeastern University, k.swanson@neu.edu
“A Merry Widow: *Egbert v. Lippman* and the Corset as Patented Technology”

Comment: Philip Girard

Race, Law, and Social Control in Comparative Perspective - *ARIA B ROOM*

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

Panelists: Lior Ben David, Tel Aviv University, bdlior@netvision.net.il
“‘Those Who Live in Another World’: The ‘Indian Problem’ in the Criminal Law of Mexico and Peru, 1920s-1950s”

Timothy L. Schroer, University of West Georgia, tschroer@westga.edu
“The Birth of Codified Racial Segregation of Prisoners of War”

Comment: Ariela Gross

Fundamental Rights in the U.S. and Canada: A Comparison - *MAESTRO B ROOM*

Chair: Anders Walker, St. Louis University, awalke16@slu.edu

Panelists: Maryan Soliman, University of Pennsylvania, msoliman@sas.upenn.edu
“The State Spurs Activism: Georgia’s Insurrection Statute and the Communist Party during the 1930s”

Keith A. Mayes, University of Minnesota, mayes@umn.edu
“‘Assembling’ in the Public and Speaking (Un)‘Freely’: Civil Rights, Black Power, and the Limits of the First Amendment”

Blake Brown, St. Mary’s University, Halifax, Nova Scotia,
blake.brown@smu.ca
“‘I Am Not A Gun Nut!’: Debates over Firearm Regulation in Canada, 1968–1978”

Comment: Anders Walker

The Problem of Imperial Sovereignty: Law and Lawlessness in the British Empire - *MAESTRO A ROOM*

Chair: Daniel Hulsebosch, New York University, daniel.hulsebosch@nyu.edu

Panelists: Lauren Benton, New York University, lauren.benton@nyu.edu
“Abolition and Imperial Law: Prize Courts, Prize Slaves, and Criminal Law”

Nasser Hussain, Amherst College, nhussain@amherst.edu
“Legal Limbo: The Creation of the Northwest Frontier of British India”

Binyamin Blum, Stanford University, blum@stanford.edu
“Subversive Legalities: The Rule of Law in Mandate Palestine during the Arab Revolt, 1936–1939”

Comment: Daniel Hulsebosch

4:15pm - 6:00pm **Saturday, Session D**

The Legal Construction of an American Imperial Order, 1877-1913 - *ARIA A ROOM*

Chair: Rachel St. John, Harvard University, stjohnd@fas.harvard.edu

Panelists: Dan Margolies, Virginia Wesleyan College, dmargolies@vwc.edu
“Loose Space, Jurisdiction, and Sovereign Exception on the U.S.-Mexican Border, 1877-1898”

Robert McGreevey, The College of New Jersey, mcgreeve@tcnj.edu
“Constructing Borders: Colonial Law and Migration in Puerto Rico and the Mainland United States, 1898-1904”

Benjamin Coates, Columbia University, bac2104@columbia.edu
“Investments, Intervention, and International Law in U. S. Foreign Relations, 1904-1913”

Comment: Christina Duffy Burnett, Columbia University, cburne@law.columbia.edu

Jurisdiction: A Moving Target in Medieval and Early Modern Europe and the Mediterranean - *MINUET ROOM*

Chair: Jeffrey Bowman, Kenyon College, bowmanj@kenyon.edu

Panelists: Jessica Goldberg, University of Pennsylvania, goldbejl@sas.upenn.edu
“A Law Merchant? Contracts and Contract Enforcement in the Medieval Mediterranean”

Kelly De Luca, Algoma University, kelly.deluca@algomau.ca
“Territorial Sovereignty and Extraterritorial Jurisdiction in Early Modern England”

Ellen Wurtzel, Oberlin College, ellen.wurtzel@oberlin.edu
“City Limits and State Formation: The Custom of Lille in the Early Sixteenth Century”

Comment: Jeffrey Bowman

U. S.-Canadian Borderlands - *ARIA B ROOM*

Chair: Lyndsay Campbell, University of Calgary, lyndsay@iii.ca

Panelists: Tony Freyer, University of Alabama, tfreyer@law.ua.edu
“African American Freedom Struggles and Contested Sovereignties in the

Antebellum US/Canadian Borderlands”

Aviam Soifer, University of Hawaii, soifer@hawaii.edu

“Federalism and Freedom: Famous Judges and the Clash of First Principles”

Stephen Middleton, Mississippi State University,

smiddleton@aas.msstate.edu

“Defining Whiteness in the Borderlands of the Old Northwest, 1803-1870”

Harvey Amani Whitfield, University of Vermont, hwhitfie@uvm.edu

“African Americans, Nova Scotia, and the British North American Border”

John Wertheimer, Davidson College, jowertheimer@davidson.edu and

Daphne Fruchtmann, dafruchtmann@davidson.edu

“*Willis v. Jolliffe*: Love and Slavery on the South Carolina-Ohio Borderland”

Comment: The Audience

The Ongoing ‘Resource Wars’: Legal, Environmental, and Cultural Implications of Indigenous Resource Extraction - *RHAPSODY ROOM*

Chair: Paul Rosier, Villanova University, paul.rosier@villanova.edu

Panelists: Jaime Allison, University of Virginia, jra5x@virginia.edu

“Sovereign Spaces: Expanding Sovereignty, Shifting Governance, and Energy Development on the Crow Reservation”

Sidney Haring, CUNY Law School, haring@mail.law.cuny.edu

“San Lands in Southern Africa: Foraging, Farms, Game Parks, and Diamonds”

Judith Kimerling, CUNY Law School/Queens College,

judith.kimerling@qc.cuny.edu

“Huaorani Land Rights in Ecuador: Oil, Contact, and Conservation”

Comment: Brian C. Hosmer, University of Tulsa, brian-hosmer@utulsa.edu

Lost Intersections: Labor, Civil Rights, and Feminism in Twentieth Century U. S. Legal Advocacy - *CONCERTO A & B ROOM*

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

Panelists: Tomiko Brown-Nagin, University of Virginia, tb3u@virginia.edu

“‘The Only Woman in the Courtroom’: Constance Baker Motley and Twentieth-Century Struggles for Equality”

Sophia Z. Lee, University of Pennsylvania, slee@law.upenn.edu

“More than a Hamburger: The Labor Roots of the Sit-In Cases”

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

“Rethinking Legal Feminism, Race, and Civil Rights in the 1970s”

Comment: Nancy MacLean, Northwestern University, nkm050@northwestern.edu

6:00pm-8:00pm **Closing Reception**

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Friday Session A 8:30 - 10:15	Defining "Religion" under the Law in U.S. History <i>ARIA B</i>	Before (and After) <i>Roe v. Wade</i> <i>CONCERTO A & B</i>
Friday Session B 10:30 - 12:15	Presidential Panel in Honor of Joan Sangster <i>ARIA B</i>	New Perspectives on the Trial of Socrates <i>RILAPSODY</i>
Friday Session C 1:45 - 3:30	Law, Politics, and the American State in the 1970s <i>ARIA A</i>	Twentieth Century Democracies and Respect for the Rule of Law <i>ARIA B</i>
Friday 4:30 - 6:30	Plenary: Hendrik Hartog Class of 1921 Bicentennial Professor in the History of American Law and Liberty Princeton University "Callings in Legal History and Transformed Lives" <i>Drexel University Auditorium</i>	
Saturday Session A 8:30 - 10:15	Workplace Injury and the Legal Construction of Disability <i>MAESTRO A</i>	The Rise of Substantive Due Process Outside the Federal Courts <i>ARIA A</i>
Saturday Session B 10:30 - 12:15	Uses and Abuses of the <i>Ius Commune</i> : The Learned Law in Medieval Customary Law Treatises <i>MAESTRO A</i>	Criminal Law and Intimate Spaces in Post-Civil War America <i>ARIA A</i>
Saturday Session C 2:15 - 4:00	New Approaches to Antique and Late Medieval Islamic Criminal Legal History <i>RILAPSODY</i>	Women and the Law in the United States <i>ARIA A</i>
Saturday Session D 4:15 - 6:00	The Legal Construction of an American Imperial Order, 1877-1913 <i>ARIA A ROOM</i>	Jurisdiction: A Moving Target in Medieval and Early Modern Europe and the Mediterranean <i>Mimnet</i>

<p>Emergence of Legislation as a Source of Law in Pre-19th Century Europe <i>RHAPSODY</i></p>	<p>Comparative Method and Administrative Law History: Europe, America, East Asia <i>MAESTRO B</i></p>	<p>Sanctuary in Medieval England <i>MINUET</i></p>
<p>The Future of English Legal History <i>MAESTRO B</i></p>	<p>The Significance of Judge-Made Law in Mexico, 1870-1932 <i>MINUET</i></p>	<p>New Approaches to the Legal History of American Capitalism <i>ARIA A</i></p>
<p>English, Islamic and Zoroastrian Law in the Later British Empire <i>MAESTRO B</i></p>	<p>Kathryn T. Preyer Prize Panel <i>MAESTRO A</i></p>	<p>Historicizing Race in American Juvenile Justice <i>CONCERTO A & B</i></p>
<p>New Directions in the History of Citizenship and Immigration <i>ARIA B</i></p>	<p>Families Inside and Outside the Law in the Americas, 1910-2010 <i>MAESTRO B</i></p>	<p>Slavery, Law, Religion, and Power in the Early Modern Atlantic <i>CONCERTO A & B</i></p>
<p>New Perspectives on the New Deal State <i>ARIA B</i></p>	<p>Comparing the Chinese and English Legal Traditions <i>RHAPSODY</i></p>	<p>Law and History in Latin America <i>MAESTRO B</i></p>
<p>Race, Law, and Social Control in Comparative Perspective <i>ARIA B</i></p>	<p>Fundamental Rights in the U.S. and Canada: A Comparison <i>MAESTRO B</i></p>	<p>Imperial Sovereignty: Law and Lawlessness in the British Empire <i>MAESTRO A</i></p>
<p>U.S.-Canadian Borderlands <i>Aria B</i></p>	<p>Legal, Environmental, and Cultural Implications of Indigenous Resource Extraction <i>Rhapsody</i></p>	<p>Labor, Civil Rights, and Feminism in Twentieth Century U.S. Legal Advocacy <i>Concerto A & B</i></p>

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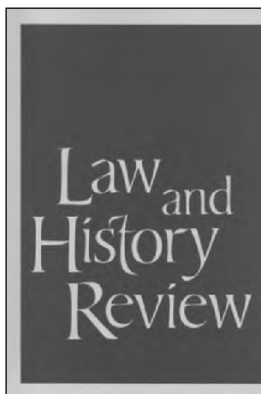
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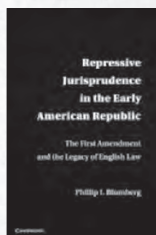
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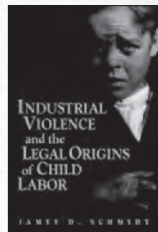
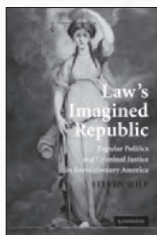
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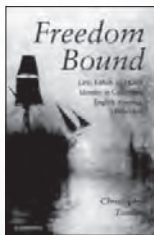
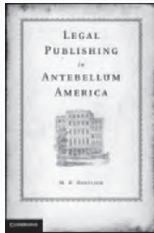
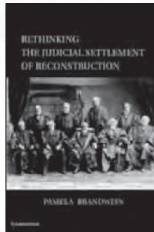
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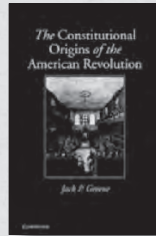
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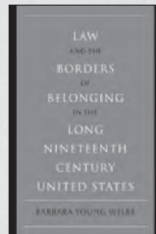
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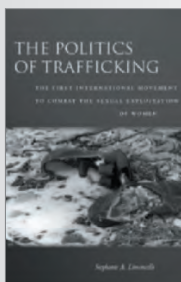
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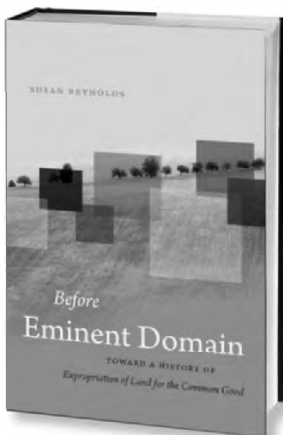
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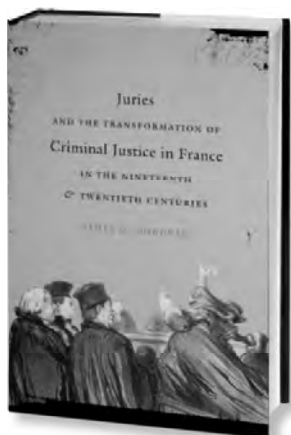
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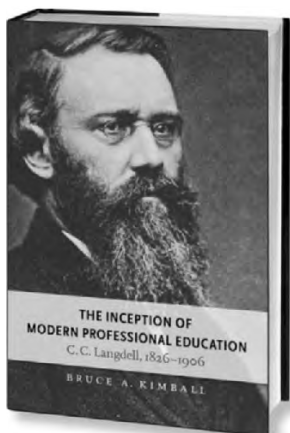
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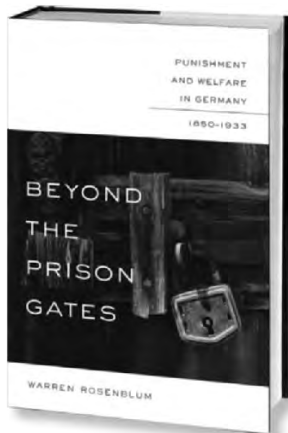
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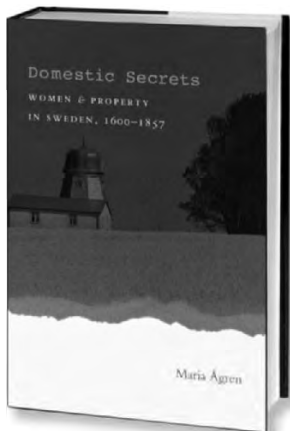
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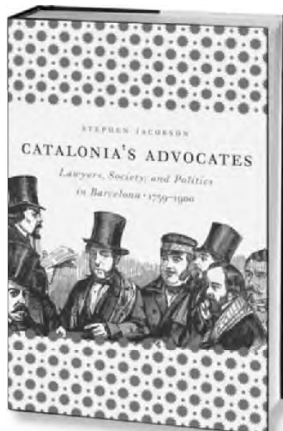
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The Society aims to promote comparative legal history, the explicit comparison of legal ideas and institutions in two or more legal traditions. Comparative law and legal history (internal or external) are fundamentally related. Both comparatists and legal historians are travellers: the one in space, the other in time. If only to establish context to more restricted research, legal historians should always look beyond the spatial borders and jurisdictional boundaries—including our present national legal systems—that are themselves products of the past. Legal history in general, and European legal history in particular, was fundamentally plural, a dynamic interaction of multifarious common and particular laws.

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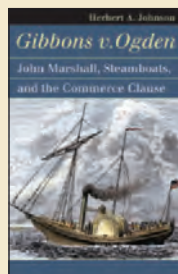
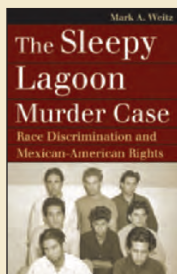
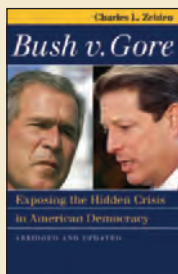
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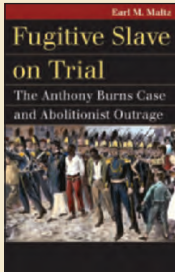
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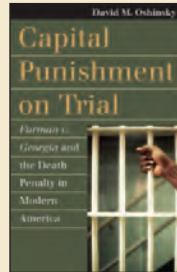
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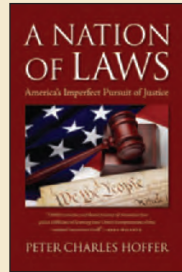
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