



2022 Annual Meeting Program

Chicago Grand Sheraton Hotel
Chicago, Illinois

November 10–12, 2022

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2022 PLENARY LECTURER



Risa Goluboff is the 12th, and the first female, dean of the University of Virginia School of Law. She is a nationally renowned legal historian whose scholarship and teaching focuses on American constitutional and civil rights law, and especially their historical development in the 20th century.

Goluboff is the author of *The Lost Promise of Civil Rights* (Harvard, 2007), which won the 2010 Order of the Coif Biennial Book Award and the 2008 James Willard Hurst Prize. Her second book, *Vagrant Nation:*

Police Power, Constitutional Change, and the Making of the 1960s (Oxford, 2016) was supported by a 2009 John Simon Guggenheim Foundation Fellowship in Constitutional Studies and a 2012 Frederick Burkhardt Residential Fellowship from the American Council of Learned Societies. It received the American Historical Association's 2017 Littleton-Griswold Prize, the 2017 Lillian Smith Book Award, the 2017 John Phillip Reid Book Award and the 2016 David J. Langum, Sr. Prize in American Legal History, among other honors. Goluboff is also co-editor (with Myriam Gilles) of *Civil Rights Stories* (Foundation Press, 2008), and the author of numerous shorter works.

She is a member of the American Academy of Arts and Sciences and the American Law Institute. In 2008, she received the Law School's Carl McFarland Award for excellence in faculty scholarship, and in 2011 the University of Virginia's All-University Teaching Award. Goluboff also holds appointments as Professor of History in the Corcoran Department of History, Faculty Affiliate at the Carter G. Woodson Institute for African-American and African Studies, and Faculty Senior Fellow at the Miller Center.

Prior to joining the Law School in 2002, Goluboff clerked for Judge Guido Calabresi of the U.S. Court of Appeals for the Second Circuit and Justice Stephen Breyer of the U.S. Supreme Court. She holds degrees from Harvard (A.B.), Princeton (M.A., Ph.D.), and Yale (J.D.) and served as a Fulbright Scholar to South Africa.

After the white supremacist violence in Charlottesville in the summer of 2017, Goluboff led the University-wide committee charged with recovering from and responding to the events.

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PRESIDENT'S WELCOME

Dear ASLH colleagues,

Welcome to the 2022 Annual Meeting of the American Society for Legal History!

This year we return to the great city of Chicago, where we last gathered in 2001. That meeting was a smaller and far more somber affair than usual, falling as it did just eight weeks after the horrific attacks of September 11th. Even under those sad circumstances, I still remember how important that meeting was to this (then) early career scholar: the spontaneous intellectual exchanges with fellow legal historians in the hallways, the deeply substantive panels (both within my field of American legal history and well outside of it), and the many opportunities to take in the sights, sounds, and tastes of Chicago. As we gather again now, in the wake of a global pandemic and amidst challenging times for democratic institutions, I hope that each of you will experience similar moments of intellectual connection, conversation, and enjoyment. That is why we are here.



Chicago is a stunning city with a rich history and exceptionally robust institutions dedicated to the archival preservation, public discussion, and study of the past. We are fortunate indeed to have strong sponsorship for this meeting from many of the city's leading scholarly institutions. On behalf of the Society, I extend warm thanks to our sponsors: the American Bar Foundation (host to many of Thursday's pre-conference events, including the Student Research Colloquium [SRC], the Wallace Johnson Program for First Book Authors, and co-host to "Children and the Law: A Conference in Honor of Michael Grossberg"); the University of Chicago Law School (host to Friday's plenary lecture and post-plenary reception); the Northwestern University Pritzker School of Law (host to Saturday's closing reception and co-host to the "Children and the Law" pre-conference); and the University of Illinois College of Law, the University of Chicago History Department, the Northwestern University Center for Legal Studies, the Northwestern University History Department, DePaul University College of Law, and the Chicago-Kent College of Law, all of which have made contributions to our opening reception on Thursday.

The ASLH is an organization run entirely by volunteer labor. I thank my fellow officers for countless hours of work and consultation over the past year. I also thank the editors, chairs, and members of the various ASLH committees, whose dedication and hard work make

possible the Society's outstanding journal, *Law and History Review*, our impressive book series, Studies in Legal History, and our programming for early career scholars, as well as the book and article prizes, research fellowships, recognition of honorary fellows, fund-raising, institutional initiatives, and the Annual Meeting itself. I especially want to thank the 2022 Program Committee, co-chaired by Sophia Z. Lee and Fahad Ahmad Bishara, who have assembled an outstanding lineup of panels that together highlight the geographical, temporal, and methodological reach of our field. The members of the Standing Committee on the Annual Meeting, chaired by Joanna Grisinger, deserve our thanks for their determination and creativity in bringing us back to Chicago this year. And many thanks to the Local Arrangements Committee, co-chaired by Christopher Schmidt and Allison Tirres, who has done a marvelous job of creating opportunities for us all to gather inside and outside the conference venues.

This year's Plenary Lecture will be delivered at the University of Chicago by Risa Goluboff, the Dean of the School of Law and Arnold H. Leon Professor of Law and Professor of History at the University of Virginia. The title of her talk will be "'Charlottesville' as Legal History."

As we look forward to days of intellectual exchange and friendship, we will be thinking of colleagues who could not make the trip this year. The Society will look forward to assembling everyone again, and to welcoming more new members, next year in Philadelphia.

Thank you so much for coming. I hope you have a safe, productive, and fun meeting!

Warm Regards,

A handwritten signature in black ink, appearing to read "Michael Willrich".

Michael Willrich

Leff Families Professor of History, Brandeis University
President, American Society for Legal History

AMERICAN BAR FOUNDATION WELCOME LETTER

On behalf of the American Bar Foundation (ABF), welcome to Chicago for this year's annual meeting of the American Society for Legal History (ASLH)! As a legal historian myself and longtime ASLH member, I'm doubly delighted to welcome you to this year's conference, to the great city of Chicago, and to the ABF!

For those of you unfamiliar with the ABF, we are an independent, non-profit research institute focusing on the empirical and interdisciplinary study of law. Since its founding in the 1950s, the ABF has had a deep and abiding commitment to legal history. One of our earliest programs included an English Legal History Fellowship that brought some of the world's leading historians to the ABF as visiting scholars. Throughout our history we have had countless research projects and programs focusing on the history of law, legal institutions, and legal processes.

Today, our research faculty includes several notable scholars of legal history. Our core Chicago-based legal historians include Tera Agyepong and Chris Schmidt – both of whom are participating in, and helping organize, this year's ASLH conference. Our present interdisciplinary faculty also includes historically-oriented social scientists such as John Hagan, Terry Halliday, and Beth Mertz to name just a few. Several of our former Chicago-based faculty who remain affiliated with the ABF include distinguished legal historians and ASLH leaders such as Bill Novak, Dylan Penningroth, Chris Tomlins, and Vicky Woeste. In addition, the ABF has had the great privilege to host numerous doctoral and postdoctoral fellows and visiting scholars over the years, including Hardeep Dillon (current ABF/NSF Postdoctoral Fellow), Evelyn Atkinson (former ABF Doctoral Fellow), Mandy Huggett (former ABF Doctoral Fellow) and Laura Edwards (former ABF Neukom Visiting Chair).

At this year's ASLH conference, the ABF is honored to sponsor several events. The Graduate Student Research Colloquium and the Wallace Johnson Program for First Book Authors will be hosted at the ABF. And "Children and the Law: A Conference in Honor of Michael Grossberg" will give us the opportunity to celebrate the outstanding socio-legal research and many institutional contributions of someone who has been a great friend and longtime supporter of the American Bar Foundation. Many thanks to the ASLH organizers – Joanna Grisinger, Laura Edwards, Dirk Hartog, Emily Prifogle, and Barbara Welke – who have given the ABF this opportunity to sponsor these events and make this year's conference a memorable one.

We hope you enjoy this year's conference as much as we'll enjoy being a part of it!

Sincerely yours,

Ajay K. Mehrotra

Former ABF Director and current ABF Research Professor

William G. and Virginia K. Karnes Research Professor of Law

Affiliated Professor of History

Northwestern University

MESSAGE FROM THE UNIVERSITY OF CHICAGO

On behalf of the Law School, I am delighted to welcome you to the University of Chicago for the Annual Meeting of the American Society for Legal History. It is an honor for our Law School to host the Society's Plenary Lecture featuring Dean Risa Goluboff of the University of Virginia who will speak on "'Charlottesville' as Legal History." This year's meeting of the Society has special meaning for us. It is the first annual meeting of the Society in the City of Chicago in over twenty years. We are also thrilled that the Plenary and Reception will be held in the David M. Rubenstein, '73, Forum, a beautiful new structure whose purpose is to convene scholars and others for intellectual inquiry and discussion. We are excited to see the Forum fulfill this ambition and to host the Society in Hyde Park.

The University of Chicago Law School, since its founding, has been dedicated to interdisciplinary legal scholarship and education, and legal history has been a vital element of this mission. The University's first President, William Rainey Harper, believed that legal scholarship and education required "a scientific knowledge of law and of legal and juristic methods . . . They cannot be understood in their entirety without a clear comprehension of the historic forces of which they are the product, and of the social environment with which they are in living contact. A scientific study of law involves the related sciences of history, economics, philosophy..." The Law School has long been home to leading legal historians, and we have enjoyed a close and collaborative relationship with the University's outstanding Department of History. Since 1985, the Law School has hosted the Maurice, '42, and Muriel Fulton Lecture in Legal History, which brings a distinguished legal historian to speak each year. Our curriculum includes superb courses on legal history, ranging from ancient Europe to the American founding, through the interbellum period and the modern civil rights era, and more, and we are proud of our accomplished alumni who have obtained JD-PhDs in history.

I thank members of our faculty as well as the Society's Standing Committee on the Annual Meeting, the Program Committee, the Local Arrangements Committee, and the Local Resource Team for their generous efforts to make the meeting successful.

I wish you a stimulating and rewarding meeting. Again, welcome to the University of Chicago.

Warmest wishes,

Thomas J. Miles

Dean and Clifton R. Musser Professor of Law & Economics
The University of Chicago Law School

LOCAL ARRANGEMENTS COMMITTEE WELCOME



Welcome to Chicago, Legal Historians!

“It is hopeless for the occasional visitor to try to keep up with Chicago. She outgrows his prophecies faster than he can make them,” wrote Mark Twain in 1883. The city’s history includes a rich catalogue of narratives and conflicts: the Battle of Fort Dearborn in 1812; the presidential nomination of Abraham Lincoln in 1860; the Great Fire of 1871; the Haymarket Affair of 1886; the World’s Columbian Exposition of 1893; and the 1968 Democratic National Convention, to name just a few. Notable Chicagoland figures include Jean Baptiste Point du Sable; Stephen A. Douglas; Ida B. Wells; Jane Addams; Clarence Darrow; Lorraine Hansberry; John Paul Stevens; and Barack Obama. The sites of Fort Dearborn and du Sable’s trading post, as well as the Water Tower, are each within a few blocks of the conference hotel.

The Chicago area is the home of a lively and robust legal history community comprising many law schools, history departments, and research centers. We hope that you will find time while you are here to visit some of the area’s remarkable libraries, archival collections, and museums. The Newberry Library, with its vast holdings and lovely building, is less than a mile from the hotel.

The Sheraton Grand Chicago is one of the city’s premier downtown hotels, conveniently located near the shops and restaurants of Michigan Avenue (known as the Magnificent Mile) and along the Chicago Riverwalk, a recently revitalized 1.25 mile path that leads from downtown to the lakefront. The hotel is a few blocks from major cultural attractions, including Millennium Park, the Art Institute of Chicago, the Chicago Architecture Center, the Museum of Contemporary Art, and Navy Pier.

The University of Chicago Law School will host Friday’s plenary lecture and reception at the David M. Rubenstein Forum on the university’s Hyde Park campus. Northwestern

University's Pritzker School of Law will host Saturday evening's reception. Many thanks to these outstanding institutions for being such generous hosts!

We hope you enjoy your time here in our great city. Please reach out if we can be of assistance.

Christopher Schmidt, Co-Chair

Chicago-Kent College of Law
cschmidt@kentlaw.iit.edu

Allison Brownell Tirres, Co-Chair

DePaul University College of Law **atirres@depaul.edu**

Tera Agyepong

DePaul University
t.agyepong@depaul.edu

Jane Dailey

University of Chicago
dailey@uchicago.edu

Beatrix Hoffman

Northern Illinois University
beatrix@niu.edu

Alison LaCroix

University of Chicago
lacroix@uchicago.edu

Kate Masur

Northwestern University
kmasur@northwestern.edu

James Pfander

Northwestern Pritzker School of Law
j-pfander@law.northwestern.edu

NORTH AMERICAN CONFERENCE ON BRITISH STUDIES

This year, the ASLH Annual Meeting will coincide with the meeting of the North American Conference on British Studies, which will be meeting on the same premises. In the spirit of generosity, both organizations have agreed to allow reciprocity to scholars attending the other meeting. Thus, registered attendees at the ASLH will be welcome to attend any panel they like of the NACBS conference, and registered NACBS attendees are welcome to attend ASLH panels. Reciprocity does not extend to receptions or meals. NACBS has highlighted the following panels as of particular relevance to legal history:

SATURDAY, NOVEMBER 12, 2022

2:00—3:30pm

45. Imperial Law and Political Contestation in Early Modern Britain (Oldtown)

Chair: **James Vaughn**, University of Chicago

Commentator: **Mark Hanna**, University of California, San Diego

Boone Ayala, University of Chicago, *Imperial Expansion, Corporate Subjects, and the Local Roots of Charter Reform, 1660-1685*

Amy Watson, University of Alabama at Birmingham, *William Pitt, Habeas Corpus, and the Politics of Impressment in the Seven Years' War*

Christian Burset, Notre Dame Law School, *Whig and Tory Jurisprudence in the Late Eighteenth Century*

2:00—3:30pm

49. Constituting the Global British Empire (Wrigleyville)

Chair & Commentator: **Daniel Hulsebosch**, New York University

Tiraana Bains, Dartmouth College, *Constitutional Politics in South Asia and the Global British Empire, 1750-1800*

Alex Martinborough, Queen's University, *Writing Locally, Thinking Globally: Colonial Comparisons, Settler Constitution-Writing, and the Global British Empire*

TCA Achintya, University of Virginia, *Taking the law unto themselves: Racial difference and professional identity in India from the Supreme Courts to High Courts*

Lia Brazil, University of Oxford, *The Limits of the Rule of Law: Emergency and International Law in the British Empire, 1899 – 1923*

SUNDAY, NOVEMBER 13, 2022

8:30—10:00am

63. Law and Empire in the Nineteenth Century (Bucktown)

Chair & Commentator: **Paul D. Halliday**, University of Virginia

Manamee Guha, Fort Hays State University, *The Empire Comes Home: The Return of the Colonial Man to London's Clubland*

Scott Connors, Cambridge University, *Connected Constitutionalisms: A Comparative History of Constitutional Theory in South India and Britain in the Mid-Nineteenth Century*

Jonathan Connolly, University of Illinois at Chicago, *Re-Reading Morant Bay: Protest, Inquiry, and Imperial Rule*

10:15—11:45am

67. Seventeenth-Century Law and Politics at Home and Abroad (Oldtown)

Chair & Commentator: **Krista Kesselring**, Dalhousie University

Joe Borsato, Queen's University, *"In Matter of State": Law, Governance, Occupation, and the Virginia Company in Tsenacommacah, 1609-1622*

Collin Schnakenberg, Purdue University, *"A Third Party Generally of a Contemptible and Base Condition": Reactions to the West Country Clubmen, 1644-51*

Winston Hill, Yale University, *Who Is an Englishman?: Jamaica, Poyning's Law, and the English Imperial Constitution*

More information on NACBS, including their draft conference program, is available at:
<https://www.nacbs.org/conference>

THURSDAY, NOVEMBER 10, 2022

12:00pm–6:00pm	Registration (<i>3rd Floor Desk</i>)
4:30pm–6:00pm	Finance Committee (<i>Gold Coast</i>)
6:00pm–7:00pm	Executive Committee (<i>Gold Coast</i>)
7:00pm–8:30pm	Reception (<i>Fountainview Room and Chi Bar East</i>)
7:30pm–10:00pm	Board Meeting (<i>Gold Coast</i>)

9:00am–5:00pm

Children and the Law: A Conference in Honor of Michael Grossberg

(*Northwestern University Pritzker School of Law, Lincoln Hall, LM 101*)

“Saving Our Kids”: 9:30am

Opening Remarks by **Laura Edwards**, Princeton University (laura.edwards@princeton.edu), and **Dirk Hartog**, Princeton University (hartog@princeton.edu)

“Who Gets the Child?”: 10am–11:30am

Commentator: **Steven Mintz**, University of Texas, Austin (smintz@utexas.edu)

Chelsea Chamberlain, University of Pennsylvania (chelsc@sas.upenn.edu), *“Perpetual Children”: Mental Disability, Institutional Commitment, and the Intimate State*

Naama Maor, Tel Aviv University (nmaor@tauex.tau.ac.il), *“We Cannot be Hoodwinked into Making Paroles”: Delinquent Children, State Institutions, and the Boundaries of Juvenile Justice*

Nathan Stenberg, University of Minnesota (stenb053@umn.edu), *“A Peculiar Case”: Disability, Performance, and the Legal (De)Construction of Institutionalized Children’s Personhood at the Pennhurst State School & Hospital*

Ivón Padilla-Rodríguez, University of Illinois Chicago (ipr@uic.edu), *The Double Removal of Migrant Youth: Late-Twentieth Century Data Collection and Education Law as U.S. Immigration Deterrence*

Lunch Break: 11:45am–12:30pm (*Lunch Provided for Panel Participants Only*)

“A Protected Childhood”: 12:45pm–2:15pm

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

Wangui Muigai, Brandeis University (wmuigai@brandeis.edu), *The Tenth Crusade: Baby-Saving, Racial Violence, and the NAACP*

Yukako Otori, Tokyo University of Foreign Studies (yukako.o@tufs.ac.jp), *Esther Kaplan’s Saga: From an Undesirable Immigrant to an Undeportable “Child”*

Shani Roper, University of the West Indies (shani.roper@uwimona.edu.jm), *Sitting at Intersections: Institutionalized Children and the Law in Colonial Jamaica 1904 to 1950*

Doris Morgan Rueda, Stanford University (dmrueda@law.stanford.edu), *“The Boy is Large for His Age”: Making Age in Arizona’s Early Juvenile Court, 1907-1920*

“Legal Rights for Children?”: 2:30pm–4:00pm

Commentator: **David Tanenhaus**, University of Nevada, Las Vegas (david.tanenhaus@unlv.edu)

Tera Agyepong, DePaul University & American Bar Foundation (t.agyepong@depaul.edu), *Constructing Race and Gendered Delinquency in the Juvenile Justice System*

Juandrea Bates, Winona State University (JBates@winona.edu), *Bringing Child Protection Home: Juveniles as Initiators of Child Protection Suits in Buenos Aires 1890-1930*

Emily Prifogle, University of Michigan (prifogle@umich.edu), *Rural Students and a “Right” to Local Schools*

Kathryn Schumaker, University of Oklahoma (schumaker@ou.edu), *Desegregating Discipline: Corporal Punishment and Children’s Rights in the Classroom in the 1970s*

Concluding Remarks: 4:15pm

Introduction of Michael Grossberg by **Ajay Mehrotra**, American Bar Foundation (akm@abfn.org) and Northwestern University, and **Bengt Sandin**, Linköping University in Sweden (bengt.sandin@liu.se)

Closing Remarks by **Michael Grossberg**, Indiana University (grossber@indiana.edu)

Cocktail Reception: 5:00pm, to be held at the Northwestern University Pritzker School of Law, Faculty Commons

Graduate Student Research Colloquium

(American Bar Foundation)

Faculty Directors: **Bhavani Raman**, University of Toronto (bhavani.raman@utoronto.ca); **Daniel Sharfstein**, Vanderbilt University (daniel.sharfstein@vanderbilt.edu)

Convenors: **Nicole Breault**, Roanoke College (breault@roanoke.edu); **John Wertheimer**, Davidson College (jowertheimer@davidson.edu)

TCA Achintya, University of Virginia (at4qa@virginia.edu), James Whitman/Yale Law School Fellow, *Taking the Law unto Themselves: Racial Difference and Professional Identity in India from the Supreme Courts to High Courts*

Tanner Allread, Stanford University (tallread@stanford.edu), Herbert A. Johnson Fellow, “*This Series of Strong Laws*”: *Choctaw Governance and the Rise of Indigenous Constitutionalism, 1826-30*

Rebecca Boorstein, Yale University (rboorstein15@gmail.com), *Revisiting Bragdon v. Abbott: The Intersection of Sexual Orientation and Disability in Federal HIV/AIDS Litigation*

Haris Durrani, Princeton University (harisadurrani@gmail.com), *A Satellite for All: Law, Technology, and U.S. Empire in the Global Cold War*

Winner Ijeoma, Max Planck Institute (ijeoma@lhlt.mpg.de), William Novak/University of Michigan Law School Fellow, *Colonial Dynamics in a West African Trading Polity*

Zoë Jackson, University of Cambridge (zmj20@cam.ac.uk), *Memory and Perjury in the Law Courts of Later Seventeenth-Century England*

Tobias Scheunchen, University of Chicago (scheunchen@uchicago.edu), *Refusing to Be a Judge in Late Antique Egypt: The Qadi between Ruler, Convention, and Social Expectations*

E.T. Stone, Harvard University (etstone@g.harvard.edu), John Wertheimer/Davidson College Fellow, *The Freedman’s Bank as Statecraft*

The Johnson Program for First Book Authors

(American Bar Foundation)

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

Brooke Depenbusch, University of Illinois, Springfield (bdepe2@uis.edu)

General Relief and the Politics of Precarity in the Shadow of the Welfare State, 1935-1978

Myisha S. Eatmon, Harvard University (myishaeatmon@fas.harvard.edu)

Litigating in Black and White: Black Legal Culture, White Violence, Jim Crow, and Their Legacies

Maeve Glass, Columbia University, School of Law (mglass2@law.columbia.edu)

Water Ground: The Making of an American Union, 1631 to 1860

Timo McGregor, Yale University, MacMillan Center (timomcgregor@gmail.com)

Controlling Cosmopolitans: Mobility and Political Community in the Dutch Atlantic, 1621-1688

Raha Rafii, University of Exeter, Institute for Arab and Islamic Studies (r.rafii@

exeter.ac.uk), *Imagining the Islamic Judge: The Legal Genre of Adab al-qāḍī*

FRIDAY, NOVEMBER 11, 2022

7:30am–8:30am	Breakfast (<i>Michigan AB</i>)
7:30am–4:00pm	Registration (<i>3rd Floor Desk</i>)
7:30am–4:15pm	Exhibits (<i>Michigan AB</i>)
7:30am–8:30am	Membership Committee Breakfast (<i>Pullman</i>)
7:30am–8:30am	Studies in Legal History Editors Breakfast (<i>Gold Coast</i>)
12:00pm–1:00pm	Standing Committee on Annual Meeting Lunch (<i>Pullman</i>)
12:00pm–1:00pm	Law and History Review Lunch (<i>Gold Coast</i>)

8:30am–10:00am

Authors Meet Readers: *Phantoms of a Beleaguered Republic* (*Superior B*)

Chair: **Noah Rosenblum**, New York University (nr2267@nyu.edu)

Commentators: **Heidi Kitrosser**, University of Minnesota (hdk@umn.edu),
Joanna Grisinger, Northwestern University (joanna.grisinger@northwestern.edu), and
Saikrishna Prakash, University of Virginia (prakash@law.virginia.edu)

Authors: **Stephen Skowronek**, Yale University (stephen.skowronek@yale.edu)

John Dearborn, Vanderbilt University (john.a.dearborn@vanderbilt.edu)

8:30am–10:00am

Authors Meet Readers: Legal Histories of the British Empire (*Erie*)

Chair: **Mary Mitchell**, University of Toronto (m.mitchell@utoronto.ca)

Commentators: **Binyamin Blum**, University of California, Hastings (blumb@uchastings.edu) and **Mary Mitchell**, University of Toronto (m.mitchell@utoronto.ca)

Authors: **Catherine Evans**, University of Toronto (catherine.evans@utoronto.ca) *Unsound Empire: Civilization and Madness in Late-Victorian Law* (Yale University Press, 2021)

Michael Lobban, London School of Economics (M.J.Lobban@lse.ac.uk) *Imperial Incarceration: Detention without Trial in the Making of British Colonial Africa* (Cambridge University Press, 2021)

Lisa Ford, University of New South Wales (l.ford@unsw.edu.au) *The King's Peace: Law and Order in the British Empire* (Harvard University Press, 2021)

8:30am—10:00am

Local Legal Institutions: Capitalism, Inequality, and the Grassroots Negotiation of Power in the U.S.

(Millennium Park)

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

Commentator: **Kathryn Harvey**, Northwestern University (kbharvey@u.northwestern.edu)

Brooke Depenbusch, University of Illinois Springfield (bdepe2@uis.edu)

Stories of Settlement: Local Officials, Indigent Americans, and Narratives of Legal Belonging in 20th-Century America

Nate Holdren, Drake University (nate.holdren@drake.edu)

Local Legal Institutions, Private Authority and Class Formation in the Long Gilded Age United States

Shai Karp, Northwestern University (shaikarp@u.northwestern.edu)

Renters and the State: Housing, Urbanization, and Public Policy in the Long New Deal Era

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

Debt Collection and the Making of the Legal Profession

8:30am—10:00am

Learning by Doing: Legal History Innovations in the Undergraduate Classroom

(Huron)

Chair: **Myisha Eatmon**, Harvard University (myishaeatmon@fas.harvard.edu)

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

Harding, Davidson College (cassandra.harding05@gmail.com); **Walker Willis**,

Davidson College (wawillis@davidson.edu)

Legal History in the Collaborative Research Seminar

Sam Eрман, University of Michigan (samerman@umich.edu); **Azaan Esmail**,

University of Southern California (aesmail@usc.edu); **Catherine Ames**, University of Southern California (catherinehopeames@gmail.com)

The History of Disability at USC

Jesse Hoffnung-Garskof, University of Michigan (jessehgf@umich.edu); **Carolyn**

Chen, University of Michigan (carolchn@umich.edu); **Jessica Lefort**, University

of Michigan (jllynlefort@gmail.com); **Yezenia Sandoval**, University of Michigan

(ygasa@umich.edu); **Amy Sankaran**, University of Michigan (aharwell@umich.edu)

The Immigrant Justice Lab

8:30am—10:00am

Constitutional Memory and Historical Authority in *Dobbs* and Beyond

(Ontario)

Chair: **Jed Shugerman**, Fordham Law School (jshugerman@fordham.edu)

Discussants: **Jack Balkin**, Yale University (jack.balkin@yale.edu), **Jonathan Gienapp**, Stanford University (jgienapp@stanford.edu), **Henry Ishitani**, Yale University (henry.ishitani@yale.edu), **Reva Siegel**, Yale University (reva.siegel@yale.edu) and **Mary Ziegler**, Florida State University, Harvard University (mziegler@law.fsu.edu)

Mary Ziegler, Florida State University, Harvard University (mziegler@law.fsu.edu)
Originalism and Its Discontents

Henry Ishitani, Yale University (henry.ishitani@yale.edu)
Historians' Amicus Briefs: Defining the Genre and Measuring Its Discursive Influence with Our "Originalist" Supreme Court

Jonathan Gienapp, Stanford University (jgienapp@stanford.edu)
History of Law, History for Law

Reva Siegel, Yale University (reva.siegel@yale.edu); **Jack Balkin**, Yale University (jack.balkin@yale.edu)
The Role of Constitutional Memory in Constitutional Interpretation

8:30am—10:00am

Land, Law, and Learning in the Thirteenth Century

(Missouri)

Chair & Commentator: **William Chester Jordan**, Princeton University (wchester@princeton.edu)

Richard Helmholz, University of Chicago (rhelmhol@uchicago.edu)
The Laws of Waste and Dilapidations in 13th century England: Competitors or Companions?

Emily Rose, Oxford University (profemilyrose@hotmail.com)
'No Jew shall Have a Freehold' (1271): The Mandatum regis super terris et feodis judeorum of Henry III

Thomas McSweeney, William & Mary University (tjmcsweeney@wm.edu)
A Forgotten Text: The Summa de Bastardia

10:15am—11:45am

The Katherine T. Preyer Award Panel

(Erie)

Chair: **Elizabeth Katz**, Washington University School of Law (elizabeth.katz@wustl.edu)

Commentators: **Gregory Ablavsky**, Stanford University (ablavsky@law.stanford.edu);

William Novak, University of Michigan (wnovak@umich.edu)

Kyle DeLand, UC Berkeley (delandks@berkeley.edu)

California Redeemed: Equity, Fraud, and Land Monopoly in the Moral Economy of Colonial Property, 1831-1861

Evelyn Atkinson, University of Chicago (ematkinson@uchicago.edu)

Telegraph Torts: The Lost Lineage of the Public Service Corporation

10:15am—11:45am

Social Change and the Legal Profession: Conflict, Reconciliation, and Social Reform in Colonial Latin America

(Superior A)

Chair & Commentator: **Ana Schaposchnik**, DePaul University

(ana.schaposchnik@depaul.edu)

Max Deardoff, University of Florida (deardorff.max@ufl.edu)

Diversification in the Colonial Courts: Native and Mestizo Attorneys, Magistrates, and Scribes in the New Kingdom of Granada (1550-1680)

Renzo Honores, Instituto Internacional de Derecho y Sociedad

(rhonoresg@gmail.com)

Cuzqueño Caciques and Legal Rhetoric in Early Colonial Litigation, 1552-1574

Judith Mansilla, Florida International University (jmansill@fiu.edu)

"Making Up the Simulation": The Social and Legal Maneuverings Behind the Production of Legal Documents

Ricardo Pelegrin Taboada, Western Oregon University

(pelegrintaboadar@wou.edu)

Becoming Lawyers in Times of Change: Race, Gender, Class, and the Legal Professions in Nineteenth Century Cuba

10:15am—11:45am

White Supremacy, Land, and the Law

(Huron)

Chair & Commentator: **Kali Murray**, Marquette University Law School
(kali.murray@marquette.edu)

K-Sue Park, Georgetown University Law Center (ksue.park@georgetown.edu)
Homesteading and the American Dream

Emily Prifogle, University of Michigan (prifogle@umich.edu)
Zoning for a White Rural Midwest

Anne Gray Fischer, University of Texas at Dallas (agrayf@gmail.com)
"We're Fighting for Turf": Black Women, Real Estate, and Law Enforcement During the Urban Crisis

10:15am—11:45am

Rethinking Ancient Property

(Missouri)

Chair: **Ari Bryen**, Vanderbilt University (ari.z.bryen@vanderbilt.edu)

Commentators: **Dan Sharfstein**, Vanderbilt University (daniel.sharfstein@vanderbilt.edu) and **Mark McClish**, Northwestern University (mark.mcclish@northwestern.edu)

Emily Mackil, UC Berkeley (emackil@berkeley.edu)
Property and the Polis in the Ancient Greek World

James Whitman, Yale University (james.whitman@yale.edu)
From Masters of Slaves to Lords of Lands: The Transformation of Ownership in the Western World

10:15am—11:45am

Intimate Governance: Policing Sexuality in the 20th Century United States

(Millennium Park)

Chair & Commentator: **Alison Lefkowitz**, Rutgers University Newark, New Jersey
Institute of Technology (alison.lefkowitz@njit.edu)

Corbin Page, The University of Chicago (corbinpage1@gmail.com)

Challenging the Sexual Carceral State: The Fight Against Sexual Psychopath Laws

Naama Maor, Tel Aviv University (nmaor@tauex.tau.ac.il)

Ask Judge Lindsey: The Jurist as Unlikely Sex Educator

Doris Brossard, Rutgers University New Brunswick (doris.brossard@rutgers.edu)

“See that the Girls are Eliminated as a Future Menace”: Policing Women’s Sexuality During World War I

10:15am—11:45am

Authors Meet Readers: Legal Modernization in Early Twentieth Century China

(Superior B)

Chair: **Taisu Zhang**, Yale University (taisuzhang@yale.edu)

Commentators: **Melissa Macauley**, Northwestern University (melissamacauley@yahoo.com), **Johanna Ransmeier**, University of Chicago (jsransmeier@uchicago.edu), and **Maura Dykstra**, Caltech (maura@caltech.edu)

Authors: **Fei-Hsien Wang**, Indiana University, Bloomington (feihwang@indiana.edu)

Pirates and Publishers: A Social History of Copyright in Modern China (Princeton University Press, 2019)

Yue Du, Cornell University (weiliweiyue@gmail.com)

State and Family in China: Filial Piety and Its Modern Reform (Cambridge University Press, 2022)

10:15am—11:45am

Creating (and Knowing) Legal Knowledge in Colonial South Asia (Ontario)

Chair: **James Jaffe**, University of Wisconsin, Madison (jjaffe@wisc.edu)

Ben Schothal, University of Otago (ben.schonthal@otago.ac.nz)
Buddha as Bentham: Buddhist Law and Inter-legality in Colonial Lankā

Mou Bannerjee, University of Wisconsin-Madison (mbanerjee4@wisc.edu)
The Great Tagore Will Case: Conversion to Christianity and the Economies of Loss in Colonial Bengal, 1861-1886

Hayden Bellenoit, US Naval Academy (bellenoi@usna.edu)
Custom, Law, and Defining Kayasthas' Caste Rank in Colonial Courts, 1860-1930

Shalini Iyengar, Yale University (shalini.iyengar@yale.edu)
Fishy Business: Law, Courts, and Customs in Colonial India

James Jaffe, University of Wisconsin, Madison (jjaffe@wisc.edu)
"Refuge of the Unfit": Indian Civil Service Judges and Trial by Jury

12:00pm—1:00pm

Lunch Break

1:15pm—2:40pm

Citizenship, Alienage, and the Space Between (Millennium Park)

Chair & Commentator: **Maddalena Marinari**, Gustavus Adolphus College
(mmarinar@gustavus.edu)

Beth Lew-Williams, Princeton University (bethlw@princeton.edu)
The Civil Rights of Chinese Migrants

Brendan Shanahan, Yale University (brendan.shanahan@yale.edu)
Registering to Vote and Navigating Evolving Citizenship Documents in the Progressive Era: Immigrant Voters, Women's Suffragists, and State Attorneys Generals, 1906-1922

Hardeep Dhillon, American Bar Foundation (migrantherstory@gmail.com)
The Great Depression and the Making of Alien Lives

1:15pm—2:40pm

New Perspectives on American Federalism

(Huron)

Chair: **Daniel Farbman**, Boston College (farbman@bc.edu)

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

Grace Mallon, Oxford University (grace.mallon@univ.ox.ac.uk)

Federalism for Beginners: Co-ordinating State and Federal Laws in the Early American Republic

Maeve Glass, Columbia Law School (mglass2@law.columbia.edu)

Historicizing Federalism

Christian Fritz, University of New Mexico (fritz@law.unm.edu)

Monitoring Federalism: The History of State Legislative Resistance

1:15pm—2:40pm

Education, Rehabilitation, Punishment: Practices of Indoor Labor in the Anglosphere (18th-19th Centuries)

(Superior A)

Chair: **Victoria Hooton**, Max Planck Institute for Legal History and Legal Theory (hooton@lhlt.mpg.de)

Commentator: **John Donoghue**, Loyola University Chicago (jdonoghue@luc.edu)

Matilde Cazzola, Max Planck Institute for Legal History and Legal Theory (cazzola@lhlt.mpg.de)

Reformatory Labor and the Manufacturing of Useful Subjects: Philanthropic Perspectives from Britain and South Australia (1790s-1840s)

Kiran Mehta, University of Oxford (kiran.mehta@history.ox.ac.uk)

Reforming Manners and Diminishing Crime: Prison Labor in London, 1760-1845

Spencer Weinreich, Princeton University (sjw2@princeton.edu)

The Hand-Painted Prison Cell: The Work of Survival in Eastern State Penitentiary

1:15pm—2:40pm

Women as Litigants, Legal Thinkers, and Judges in the Transformation of American Law

(Ontario)

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

Commentator: **Felice Batlan**, IIT Chicago-Kent Law School (fbatlan@kentlaw.edu)

Siobhan Barco, Princeton University (sbarco@princeton.edu) *Women, Power, and the Legal News: Myra Bradwell as Architect of the Postbellum American State*

Elizabeth Katz, Washington University School of Law (elizabeth.katz@wustl.edu)
"May It Please Her Honor": The United States' First Women Judges, 1870-1960

Brittany Farr, New York University (bfarr@nyu.edu) *Freedom from Violence: Black Women's Legal Challenges against Violent Employers, 1865-1900*

Julie Mullica, University of Notre Dame (jmullica@nd.edu)
Reappraising Gould: Women Litigants and the Borders of Disability in a Progressive-era Court, 1895-1905

1:15pm—2:40pm

Glocal Histories of Normative Knowledge

(Superior B)

Chair: **Katharina Isabel Schmidt**, Yale University (katharina.i.schmidt@yale.edu)

Commentator: **Richard Ross**, University of Illinois Urbana-Champaign (rjross@illinois.edu)

Raquel Razente Sirotti, Max Planck Institute for Legal History
(sirotti@lhl.mpg.de) *State-like Powers? Company Rule and Normative Knowledge Production in Mozambique, 1891-1942*

Luca von Bogdandy, Goethe University Frankfurt (bogdandy@lhl.mpg.de)
The Supremo Magistrato di Commercio: A Failed Attempt in the Creation of a Centralized Judicial Authority in Naples?

Gilberto Guerra Pedrosa, Goethe University Frankfurt (guerra@lhl.mpg.de)
Citizenship Beyond the State... And Before? Early Modern Citizenship in the Iberian South-Atlantic, 1580-1674

Damian Gonzales Escudero, Pontificia Universidad Católica del Perú
(gonzales@lhl.mpg.de) *Negotiations of Normative Knowledge in Space in the Central Andes in the 16th century*

1:15pm—2:40pm

Sally Engle Merry Memorial Panel

(Erie)

Chair: **Elizabeth Thornberry**, Johns Hopkins University (thornberry@jhu.edu)

Commentators: **Ajay Mehrotra**, Northwestern University (akm@abfn.org) and **Mitra Sharafi**, University of Wisconsin (mitra.sharafi@wisc.edu)

Jack Jin Gary Lee, New School for Social Research (jackjin@nus.edu.sg)

Law's Two Languages: Racialized Legalities and the Reconstitution of Jamaica in the Modern British Empire, 1865

Yael Berda, Hebrew University of Jerusalem (yberda@g.harvard.edu)

The Bureaucratic Power of Israeli Military Courts

Erin Braatz, Suffolk University (ebraatz@suffolk.edu)

Archival Ethnography Through the Lens of African Legal History

1:15pm—2:40pm

Shifting Criminal Legal Landscapes in 19th-Century Habsburg and Ottoman Borderlands

(Missouri)

Chair & Commentator: **Julia Leikin**, Royal Holloway, University of London (jleikin@gmail.com)

William Smiley, University of New Hampshire (William.Smiley@unh.edu)

Criminals, Enemies, and Disobedient Soldiers: War Crimes in the Early Modern Muslim World?

Vita Zalar, Slovenian Academy of Sciences and Arts (vita.zalar@zrc-sazu.si)

People on the Move in Imperial Borderlands: 'Gypsies' and the Habsburg Criminal Law

Vladislav Lilic, Vanderbilt University (vladislav.lilic@vanderbilt.edu)

"To Reconcile Two Civilized Nations": Joint Montenegrin-Ottoman Criminal Investigation of the 1874 Podgorica Massacre

2:50pm—4:15pm

Doing Women's Legal History in a Global Perspective: A Feminist Approach to the Iberian Worlds

(*Superior B*)

Chair: **Hannah Abrahamson**, College of the Holy Cross (habraham@holycross.edu)

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

Luisa Stella de Oliveira Coutinho Silva, Max Planck Institute for Legal History and Legal Theory (luisastella@gmail.com) *Converting Japanese Women: A Women's Legal History Approach to the Christian Century in Japan*

Vanessa Massuchetto, Maria Sibylla Merian Centre (vanessa.massuchetto@gmail.com) *Women's Experiences and Moral Crimes in Southern Portuguese America, 1750-1800*

Darlene Abreu-Ferreira, University of Winnipeg (d.abreu@uwinnipeg.ca) *Slave Women, Marriage, and Sexual Politics in Pre-modern Portugal*

2:50pm—4:15pm

Authors Meet Readers: Writing Slavery and Freedom in Early America

(*Huron*)

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

Commentators: **Anne Twitty**, University of Mississippi (atwitty@olemiss.edu), **Sally Hadden**, Western Michigan University (sally.hadden@wmich.edu) and **Cory James Young**, Georgetown University (cory.james.young@gmail.com)

Authors: **Lee Wilson**, Clemson University (wilsonl@clemson.edu) *Bonds of Empire: The English Origins of Slave Law in South Carolina and British Plantation America, 1660-1783* (Cambridge University Press, 2021)

Warren Milteer, Jr., George Washington University (wemilteer@email.gwu.edu) *Beyond Slavery's Shadow: Free People of Color in the South* (University of North Carolina Press, 2021)

2:50pm—4:15pm

Outing: Investigations and Disclosures in U.S. Queer Legal History, 1880-1980

(Millennium Park)

Chair: **Regina Kunzel**, Yale University (regina.kunzel@yale.edu)

Commentator: **Jennifer Brier**, University of Illinois, Chicago (jbrier@uic.edu)

Brianne Felsher, UC Berkeley (brianne_felsher@berkeley.edu)

"A Groom in Petticoats": Queer Family Law from 1880-1900

Vic Overdorf, Indiana University, Bloomington (vioverdo@iu.edu)

Alcatraz, Sodomy Law and the Heteronormative Carceral State

Shay Olmstead, University of Massachusetts, Amherst (solvstead@umass.edu)

Title VII, Transsexuality, and the Slow Construction of "Biological Sex," 1971-1995

2:50pm—4:15pm

Loss and the Legalities of Property Ownership: England and America in the 18th and 19th Centuries

(Erie)

Chair: **Emily Remus**, University of Notre Dame (eremus@nd.edu)

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

Kate Smith, University of Birmingham (k.smith@bham.ac.uk)

Practicing Property in Eighteenth-Century London

Craig Hollander, Department of History, The College of New Jersey

(hollandc@tcnj.edu) *"Subject to Forfeiture and Condemnation": Anti-Slave Trade Laws and the Reopening of South Carolina's Slave Trade*

Joanna Cohen, Queen Mary University of London (j.cohen@qmul.ac.uk)

Terror and Loss: The Impact of Emotions on Property Rights in Civil War America

2:50pm—4:15pm

Reclaiming the Common Law?

(Missouri)

Chair: **James Pfander**, Northwestern University (j-pfander@law.northwestern.edu)

Commentator: **William Baude**, University of Chicago (baude@uchicago.edu)

Christian Burset, Notre Dame University (cburset@nd.edu); T.T. Arvind, York Law School (t.t.arvind@york.ac.uk)

Whig and Tory Jurisprudence in the Late Eighteenth Century

Kellen Funk, Columbia University (krf2138@columbia.edu); Sandra Mayson, University of Pennsylvania (sgmayson@law.upenn.edu)

Bail at the Founding

Jane Manners, Temple University (jane.manners@temple.edu)

"A Remuneration for Damages Incurred": Officer Liability and Legislative Indemnification in the Early Republic

Jose Argueta Funes, Columbia University (jeaf1991@gmail.com)

Between Custom and Common Law: Notes from the Kingdom of Hawai'i

2:50pm—4:15pm

Economic Regulation & U.S. Business Expansion Abroad: Beyond the State Department

(Ontario)

Chair: **Daniel Crane**, University of Michigan (dancrane@umich.edu)

Commentator: **Benjamin A. Coates**, Wake Forest University, (coatesba@wfu.edu)

David Shorten, Harvard University (dshorten@hbs.edu)

International Businesses and U.S. Neutrality Law: The Limitations of State Power Before World War I

Mary Bridges, Yale University (mary.bridges@yale.edu)

International Market-Making and the Federal Reserve: The Rise and Fall of an Obscure Credit Instrument, 1910s-1930s

Laura Phillips Sawyer, University of Georgia (LPhillipsSawyer@uga.edu)

Jurisdiction Beyond Our Borders: United States v. Alcoa and the Extraterritorial Reach of American Antitrust, 1909-1945

2:50pm—4:15pm

The Drive for Codification in Global Perspective

(*Superior A*)

Chair: **Sarah Johnson**, University of Chicago (sej@uchicago.edu)

Commentator: **Victoria Barnes**, Brunel University London (Victoria.barnes@brunel.ac.uk)

Luna Sabastian, Northeastern University, London
(luna.sabastian@nchlondon@ac.uk) *Conquest and the Codification of Law in India*

Julie Rocheton, Max Planck Institute for Legal History and Legal Theory
(ju.rocheton@gmail.com) *Unveiling the Codification of the Civil Law in the United States during the 19th Century*

Charlotte Johann, University of Cambridge (cj357@cam.ac.uk)
Codifying Legal Pluralism in 19th-Century Prussia

Buses Depart for University of Chicago: 4:20pm

Buses will depart from the convention entrance at the lobby level. They will return to the hotel starting at 8:00pm.

5:15pm—6:30pm

PLENARY ADDRESS

“Charlottesville” as Legal History

(*University of Chicago, David Rubenstein Forum, University Room B*)

Presenter: **Risa Goluboff**, University of Virginia (risa.goluboff@law.virginia.edu)

6:45pm—8:15pm

ASLH Reception

(*University of Chicago, David Rubenstein Forum, University Room A*)

SATURDAY, NOVEMBER 12, 2022

7:30am–8:30am	Breakfast (<i>Michigan AB</i>)
7:30am–12:00pm	Registration (<i>3rd Floor Desk</i>)
7:30am–5:00pm	Exhibits (<i>Michigan AB</i>)
7:30am–8:30am	Grad Student Outreach Committee Breakfast (<i>Millennium Park</i>)
7:30am–8:30am	Publications Committee Breakfast (<i>Gold Coast</i>)

8:30am–10:00am

Authors Meet Readers: Two Extraordinary Pathfinders and Their Times: Eliza Harriot and Constance Baker Motley (*Acadian*)

Chair: **Avi Soifer**, University of Hawaii at Manoa (soifer@hawaii.edu)

Commentators: **Linda Kerber**, University of Iowa (linda-kerber@uiowa.edu) and **Serena Mayeri**, University of Pennsylvania (smayeri@law.upenn.edu)

Authors: **Mary Bilder**, Boston College (bilder@bc.edu) *Female Genius: Eliza Harriot and George Washington at the Dawn of the Constitution* (University of Virginia Press, 2022); and **Tomiko Brown-Nagin**, Radcliffe Institute for Advanced Study (tbrownnagin@law.harvard.edu) *Civil Rights Queen: Constance Baker Motley and the Struggle for Equality* (Penguin Random House, 2022)

8:30am–10:00am

Individual, Community, and Law in Ancient Greece (*Superior B*)

Chair: **Zachary Herz**, University of Colorado, Boulder (zachary.herz@colorado.edu)

Commentator: **Elizabeth Papp Kamali**, Harvard University (ekamali@law.harvard.edu)

Sara Forsdyke, University of Michigan (forsdyke@umich.edu)
Democratic Justice: The Jury Trial in Ancient Greece

Adriaan Lanni, Harvard University (adlanni@law.harvard.edu)
The Social Construction of Criminality in Classical Athens

Jesse James, Columbia University (jj2725@columbia.edu)
A Sociology of Private International Lawsuits in Ancient Greece

8:30am—10:00am

Using Digital Methodologies & Tools to Promote Tribal Sovereignty

(Missouri)

Chair: **Rose Miron**, Newberry Library (mironr@newberry.org)

Discussants: **Matthew Fletcher**, Michigan State University College of Law (fletcher@law.msu.edu), **Beth Redbird**, Northwestern University (redbird@northwestern.edu), **Amanda White Eagle**, New York University (amanda.whiteeagle@nyu.edu) and **Katrina Jagodinsky**, University of Nebraska-Lincoln (kjagodinsky@unl.edu)

8:30am—10:00am

Original Views on the History of Constitutional Originalism: What It Really Was and What It Could Have Been

(Huron)

Chair & Commentator: **Sarah Barringer Gordon**, University of Pennsylvania (sbgordon@law.upenn.edu)

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

Government by Originalism: Constitutional Law and Party Politics inside the Reagan Department of Justice, 1983-88

Austin Steelman, Stanford University (asteelma@stanford.edu)

Constitutional Originalism as Evangelical Ideology: From J. Gresham Machen to Ed Meese

Jonathan O'Neill, Georgia Southern University (joneill@georgiasouthern.edu)

Originalism at the Crossroads: Natural Law and the Allocation of Interpretive Authority in American Constitutionalism

8:30am—10:00am

Colonialism and Criminal Justice

(Ontario)

Chair & Commentator: **Paul Halliday**, University of Virginia (ph4p@virginia.edu)

Melike Batgiray Abboud, Max Planck Institute (batgiray@lhl.mpg.de)

British Perception of Political Crime in Colonial Africa

Jacqueline Briggs, University of Ottawa Faculty of Law (jbriggs@uottawa.ca)

Consolidation via Conciliation: Department of Indian Affairs Legal Aid for Capital Murder Trials in Canada

Ivan Lee, National University of Singapore (ivanlee@nus.edu.sg)

Visions of Theft in England and Colonial India

8:30am—10:00am

Immigration Laws and Movement in the Lesser Antilles during the Age of Revolutions

(Superior A)

Chair & Commentator: **Ernesto Bassi**, Cornell University (eb577@cornell.edu)

Heather Freund, University of Copenhagen (hefr@hum.ku.dk)

"A Swarm of People of the Most Desperate Character": Controlling Migration During the French and Haitian Revolutions

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

Curbing Maritime Marronage in the Lesser Antilles in the Late Eighteenth and Early Nineteenth Centuries

Cristina Soriano, Villanova University (cristina.soriano@villanova.edu)

The Making of a New Colony: Legal Pluralism in Trinidad During the Age of Revolutions

10:15am—11:45pm

Beyond Backlash: Opposition to Gay and Lesbian Rights

(Huron)

Chair & Commentator: **Deborah Dinner**, Cornell University (deborah.dinner@cornell.edu)

Marie-Amelie George, Wake Forest University (georgemp@wfu.edu)

Discrimination by Popular Vote

Emily Johnson, Ball State University (esj312@gmail.com)

"If You Don't Like Gay Marriage, Don't Get One": Why Does the Religious Right Care So Much About Gay Rights?

Kate Redburn, Yale University (kate.redburn@yale.edu)

From Moral Majority to People of Faith: The Rise of Religious Exemptions to Anti-Discrimination Laws

10:15am—11:45pm

Islamic Law and Agriculture in Global History, 1850-1950

(Superior A)

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

Commentator: **Nurfadzilah Yahaya**, Yale University (nurfadzilah.yahaya@yale.edu)

Adam Mestyan, Duke University (Adam.MESTYAN@Duke.edu)

Muslim Legal Ecology: The Norms of Reviving Barren Land as a Source of Ownership in Nineteenth-Century Egyptian Fatwas

Nora Barakat, Stanford University (nbarakat@stanford.edu)

Hujaj vs. Tapu Registers: Evidentiary Tensions in Agricultural Land Disputes from Homs to Hufuf

Alishar Khaliyarov, Ohio State University (khaliyarov.l@osu.edu)

Borrowing for Land: The Rise of Pious Loans in Central Asia

Ismail Warscheid, CNRS (ismail.warscheid@irht.cnrs.fr)

Sharecropping Contracts and the Dynamics of Power Relations in Saharan Oasis Societies, 1750-1900

10:15am—11:45pm

Legal Legibility and Liminality: The Human Body in the Corpus of Immigration and Naturalization Law

(Ontario)

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

Commentator: **Torrie Hester**, Saint Louis University (torrie.hester@slu.edu)

Hannah Zaves-Greene, New York University (hannah.greene@nyu.edu)

Belonging in the Body Politic: American Jewish Lawyers, the Public Charge Provision, and the Ability to Be American

Janna Haider, UC Santa Barbara (jannahaider@ucsb.edu)

The Aftermath of US vs Bhagat Singh Thind: Denaturalization and the Teleology of Whiteness

Jeff Turner, University of Utah (jeff.turner@utah.edu)

“Belief in the Practice of Polygamy”: The 1907 Immigration Act and Experimental Exclusion

10:15am—11:45pm

Illegal Enslavement in the Atlantic World

(Superior B)

Chair & Commentator: **Rebecca Scott**, University of Michigan (rjscott@umich.edu)

Beatriz Mamigonian, Universidade Federal de Santa Catarina (beatriz.mamigonian@ufsc.br)

Illegal Enslavement Before the Courts in Nineteenth-Century Brazil

Mariana Dias Paes, Max Planck Institute for Legal History and Legal Theory (diaspaes@lhlt.mpg.de)

Illegal Enslavement in Atlantic Perspective

Keila Grinberg, University of Pittsburgh (keila.grinberg@pitt.edu)

Illegal slavery in the Brazilian Empire and the Paraguayan War

Antonia Márcia Nogueira Pedroza, Universidad Regional do Cariri/CNPq/FUNCAP (marcia.nhistoria@gmail.com)

Illegal Enslavement and Re-enslavement in the Province of Ceará, Brazil, in the 19th century

Corporate Rights and Personhood from Revolution to Reconstruction: A New Legal History of the Corporation

(Missouri)

Chair: **Gregory Mark**, DePaul University (gmark@depaul.edu)

Commentator: **David Schwartz**, University of Wisconsin (dsschwartz@wisc.edu)

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

Incorporation and Religious Liberty in Colonial America

Jared Berkowitz, Brandeis University (jsberkowitz@brandeis.edu)

America's First Corporate Person: The Bank of the United States, 1789-1812

Paul Gutierrez, University of Florida (paulmbg@gmail.com)

Dartmouth v. Woodward and The Revolutionary Origins of the American Corporation, Revisited

Evelyn Atkinson, University of Chicago (ematkinson@uchicago.edu)

"The Northern Man and His Corporations, the Southern Man and His Slaves": Resurrecting the Conspiracy Theory of the Fourteenth Amendment

The Early Career Scholars Lightning Round

(Erie)

Chair: **Constance Backhouse**, University of Ottawa (Constance.Backhouse@uottawa.ca)

Joseph Angelillo, University of Florida Department of History (jangelillo@ufl.edu)
Rejecting Inclusion: The Mixed Jury, the Supreme Court, and the Meaning of Impartiality

Ofra Bloch, Tel Aviv University Faculty of Law (ofrabloch@tauex.tau.ac.il)
Group-Based Development Policies: The Case of Israel

Marjorie Carvalho de Souza, Scuola Superiore Meridionale Università degli Studi di Napoli – Federico II (Italy) (marjorie.carvalhodesouza@unina.it)
Freedom and Contract on Trial: The Making of Labor Law in Nineteenth-Century Brazil, 1830-1888

Donna Devlin, University of Nebraska - Lincoln, Department of History (donna.devlin@huskers.unl.edu)
Legal Case Studies of Sexual Violence and Coercion on the Great Plains, 1870-1900

Lauren Feldman, Johns Hopkins University (lauren.feldman@jhu.edu)
Debating and Constructing Legal Marriage and the State in New York and the United States, 1776-1860

Ibrahim Khan, University of Chicago, Department of Political Science (ibrahimkhan@uchicago.edu)
International Law and the Prohibition on War: An Anticolonial History

Benjamin Lyons, Columbia University, Department of History (b.lyons@fastmail.com)
Early American Conceptions of the Law of Nations

Ellen Nye, Yale University, Department of History (ellen.nye@yale.edu)
By the Book(s)?: Oath Taking in Anglo-Ottoman Trade c. 1700

Katherine Sinclair, Rutgers University, Department of History (kms557@history.rutgers.edu)
Nature's Legal Laboratory: Law and Conservation in the Subantarctic Kerguelen Islands

12:00pm—2:00pm

Annual Luncheon and Awards Ceremony

(Chicago 9, 10)

Boxed lunches will be available from 12:00pm to 12:30pm

The Awards Ceremony is a plenary event that begins at 12:30pm. President Michael Willrich will deliver remarks on the state of the society, followed by book and article prize presentations, and announcements of distinguished honorary fellows. All are warmly invited to attend.

2:05pm—3:35pm

Law, Time, and the Life of States

(Superior A)

Chair & Commentator: **Rohit De**, Yale University (rohit.de@yale.edu)

Natasha Wheatley, Princeton University (nwheatley@princeton.edu)

Sovereignty in Time: International Law and the Ends of Empire in Europe

Anne O'Donnell, New York University (aodonnell@nyu.edu)

The Uses of Time in Revolution: Chronology as a Resource of Power in Revolutionary Russia

Rephael Stern, Harvard University, New York University (rstern01@g.harvard.edu)

Constructing the Legal Past: Law in Mandate Palestine and Israel between Legal Continuity and Legal Reception

Samuel Fury Childs Daly, Duke University (samuel.furychilds.daly@duke.edu)

The "Gift" of Martial Law: Military Law in Commonwealth Africa

2:05pm—3:35pm

Producing the American Legal Family, 1810-1990

(Huron)

Chair & Commentator: Kristin Collins, Boston University (collinsk@bu.edu)

Sarah Winsberg, Brooklyn Law School (sarah.winsberg@brooklaw.edu)
Inventing the Law of Capitalist Family Labor: Legal Agency by Wives and Children, 1810-1850

Kathryn Schumaker, University of Oklahoma (schumaker@ou.edu)
"They Were Married in Heart and by the Laws of Nature and of Love": Reconstructing the Family in Mississippi, 1868-1873

Hannah Jung, Brandeis University (junghannah@brandeis.edu)
Performing Polygamy: Whiteness, Religion, and the Visibility of Mormon Families

Joshua Blecher-Cohen, Yale University (josh.blechercohen@gmail.com)
"Family, Legally as Well as Actually": Gay Advocacy and the Law of Adult Adoption

2:05pm—3:35pm

Forgotten Firsts: Lives and Legacies of the First Black Supreme Court Advocates

(Missouri)

Chair: **John Browning**, Faulkner University (jbrowning@faulkner.edu)

Commentator: **Paul Finkelman**, Gratz College (pfinkelman@gratz.edu)

James Feldman, Feldman Law Office (wexfeld@gmail.com)
Cornelius Jones, Forgotten Black Supreme Court Advocate and Fighter for Civil Rights in the Plessy Era

Christopher Brooks, East Stroudsburg University of Pennsylvania (cbrooks@esu.edu)
John S. Rock, The Supreme Court Bar's First Black Member

John Browning, Faulkner University (jbrowning@faulkner.edu)
A Forgotten First: Everett J. Waring, the First Black Supreme Court Advocate

Candace Jackson Gray, Morgan State University (cagra7@morgan.edu)
Wilford Smith and Carter v. Texas

2:05pm—3:35pm

Many Peoples, Many Laws: Legal Pluralism Across the Medieval World

(Ontario)

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

Commentator: **Rowan Dorin**, Stanford University (dorin@stanford.edu)

Patrick Morgan, UCLA (Patmorgan@ucla.edu)

Secundum legem: Documentary Culture and Legal Pluralism in the Twelfth-Century Kingdom of Sicily

Karl Shoemaker, University of Wisconsin, Madison (kbshoemaker@wisc.edu)

Bad Mothers and Legal Pluralism in Medieval Europe

Lev Weitz, The Catholic University of America (weitz@cua.edu)

Legal Pluralism Reconsidered: Non-Muslim Cogs in the Islamic Judicial System

Thomas Barton, University of San Diego (barton@sandiego.edu)

Localized Differentiation of Ethno-Religious Legal Pluralism in Medieval Christian ruled Iberia

2:05pm—3:35pm

Race, Mobility, and the Law in American History

(Erie)

Chair & Commentator: **Teal Arcadi**, New Jersey Institute of Technology (ta423@njit.edu)

Justin Randolph, Texas State University (justin.randolph@txstate.edu)

Policing the Jim Crow Roadway: Police Power and State Infrastructure in Mississippi

Kwelina Thompson, Cornell University (kpt36@cornell.edu)

“Sweatshops in the Sun”: Black Migrant Farm Workers in New York State

Anne Kerth, University of Massachusetts—Amherst (anne.kerth@gmail.com)

The Paradoxes of Black Labor Mobility in the Post-Emancipation South

2:05pm—3:35pm

Unsettled Law: Lessons and Legacies of Migration and Diaspora in International Law

(Superior B)

Chair & Commentator: **Noureddine Amara**, Yale University (amaranor@gmail.com)

Jessica Marglin, University of Southern California (marglin@usc.edu)

The Nationality Principle between Public and Private International Law: Adjudicating Belonging Across the Mediterranean

Will Hanley, Florida State University (whanley@fsu.edu)

Egypt's Mixed Tribunals, 1876-1949: The Dry Docks of Private International Law

Judith Surkis, Rutgers University (js1633@history.rutgers.edu)

The Intimate Life of International Law after Decolonization: The Case of Franco-Algerian Children

3:45pm—5:15pm

Dangerous Subjectivities: Law and the Imputation of Incapacity

(Superior A)

Chair: **Karen Tani**, University of Pennsylvania (ktani@law.upenn.edu)

Discussants: **Kim Nielsen**, University of Toledo (kim.nielsen2@utoledo.edu) and

Karen Tani, University of Pennsylvania (ktani@law.upenn.edu)

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

Disability, Dignity, and Democracy

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

Lying and the Single Girl: Toward a Genealogy of the Pathological Liar

Martha Umphrey, Amherst College (mmumphrey@amherst.edu)

Responsibility and Loss in the Matthew Shepard Case: A Genealogy of the Gay Panic Defense

3:45pm—5:15pm

Authors Meet Readers: New Histories of Property in Early America

(Erie)

Chair: **Bernadette Atuahene**, IIT Chicago-Kent College of Law (batuahene@kentlaw.iit.edu)

Commentators: **Laura Edwards**, Princeton University (laura.edwards@princeton.edu) and **Carol Rose**, Yale Law School/University of Arizona (carol.rose@yale.edu)

Authors: **Gregory Ablavsky**, Stanford University (ablavsky@law.stanford.edu) *Federal Ground: Governing Property and Violence in the First U.S. Territories* (Oxford University Press, 2020); and **Claire Priest**, Yale University (claire.priest@yale.edu) *Credit Nation: Property Laws and Institutions in Early America* (Princeton University Press, 2021)

3:45pm—5:15pm

New Perspectives on the Fourteenth Amendment

(Huron)

Chair & Commentator: **Kate Masur**, Northwestern University (kmasur@northwestern.edu)

Earl Maltz, Rutgers University (emaltz@law.rutgers.edu)
Rehabilitating The Slaughterhouse Cases

Mark Graber, University of Maryland (mgraber@law.umaryland.edu)
Hidden in Plain Sight: The Forgotten Fourteenth Amendment

Franita Tolson, University of Southern California (ftolson@law.usc.edu)
Discrimination Within Limits of Law: Colorblind Targeting as Racially Discriminatory Intent

Evan Bernick, Northern Illinois University College of Law (ebernick@niu.edu)
Fourteenth Amendment Confrontation

3:45pm—5:15pm

Remaking Dispute Resolution for the Twentieth-Century State

(Missouri)

Chair: **John Langbein**, Yale University (john.langbein@yale.edu)

Commentator: **Daniel Ernst**, Georgetown University (Daniel.Ernst@law.georgetown.edu)

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

Arbitration and the Rise of the Modern Administrative State: Frances Kellor's Bureau of Industries and Immigration

John Witt, Yale University (john.witt@yale.edu)

Rehearsal for the Liberal State: The Labor Injunction and the Garland Fund

Renée Lerner, George Washington University (rlerner@law.gwu.edu)

Critiques of the Civil Jury in the Early Twentieth Century

3:45pm—5:15pm

War and British Imperial Law

(Ontario)

Chair: **Jennifer Pitts**, University of Chicago (jpitts@uchicago.edu)

Commentator: **Daniel Hulsebosch**, New York University (hulsebosch@juris.law.nyu.edu)

Jake Subryan Richards, London School of Economics (jc.richards@live.co.uk)

Prize Warfare in Making Anti-Slave-Trade Law

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

Neither War nor Peace: Preventive Detention in Early Colonial India

Lauren Benton, Yale University (lauren.benton@yale.edu)

Law and Armed Peace: Naval Interventions in the Nineteenth-Century Pacific World

3:45pm—5:15pm

Neoliberalism and the Law: Comparative Perspectives

(Superior B)

Moderators: **Sophia Lee** (University of Pennsylvania) and **Fahad Ahmad Bishara** (University of Virginia)

Discussants: **Deborah Dinner**, Cornell University (deborah.dinner@cornell.edu); **Jonathan Levy**, University of Chicago (jlevy@uchicago.edu); **William Novak**, University of Michigan (wnovak@umich.edu); **Reuel Schiller**, University of California, Hastings (schiller@uchastings.edu); **Melissa Teixeira**, University of Pennsylvania (mteixeir@sas.upenn.edu); **Thuto Thipe**, University of Chicago (tthipe@uchicago.edu)

6:00pm—8:00pm

Closing Reception

Held a short walk from the conference hotel at Northwestern Pritzker School of Law, 375 E. Chicago Ave. in the Rubloff Atrium.



THE ASLH ANNUAL MEETING AT A GLANCE

THURSDAY, NOVEMBER 10, 2022		
9:00am–5:00pm	Children and the Law: A Conference in Honor of Michael Grossberg	Northwestern University Pritzker School of Law, Lincoln Hall, LM 101
9:00am–5:00pm	Graduate Student Research Colloquium	American Bar Foundation
9:00am–5:00pm	The Johnson Program for First Book Authors	American Bar Foundation

FRIDAY, NOVEMBER 11, 2022							
7:30am–8:30am, Breakfast will be available in Michigan AB							
	Superior A	Superior B	Erie	Millennium Park	Ontario	Huron	Missouri
Session 1 8:30am–10:00am		Phantoms of a Beleaguered Republic	Legal Histories of the British Empire	Local Legal Institutions	Constitutional Memory	Learning by Doing	Land, Law, and Learning
Session 2 10:15am–11:45am	Social Change and the Legal Profession	Legal Modernization in early 20th century China	Katherine T. Preyer Award Panel	Intimate Governance	Creating (and Knowing) Legal Knowledge	White Supremacy, Land and the Law	Rethinking Ancient Property
12:00–1:00pm Lunch Break							
Session 3 1:15pm–2:40pm	Education, Rehabilitation, Punishment	Global Histories of Normative Knowledge	Sally Engle Merry Memorial Panel	Citizenship, Allegiance, and the Space Between	Women as Litigants	New Perspectives on American Federalism	Shifting Criminal Legal Landscapes
Session 4 2:50pm–4:15pm	The Drive for Codification in Global Perspective	Doing Women's Legal History	Loss and the Legalities of Property	Outing Investigations and Disclosures	Economic Regulation & U.S. Business Expansion Abroad	Writing Slavery and Freedom in Early America	Reclaiming the Common Law?
5:15pm–6:30pm	<p>Buses depart for University of Chicago at 4:20 PM Please meet near the convention entrance at the lobby level</p> <p>Plenary Lecture: University of Chicago, David Rubenstein Forum, University Room A Risa Goluboff, University of Virginia Presents: “Charlottesville” as Legal History</p>						
6:45pm–8:15pm	<p>ASLH Reception, University of Chicago, David Rubenstein Forum, University Room A</p> <p>Buses will begin returning to the hotel at 8:00PM</p>						

SATURDAY, NOVEMBER 12, 2022						
7:30am–8:30am, Breakfast will be available in Michigan AB						
	Superior A	Superior B	Erie	Ontario	Huron	Missouri
Session 1 8:30am— 10:00am	Immigration Laws and Movement	Individual, Community, and Law in Ancient Greece	Two Extraordinary Pathfinders	Colonialism and Criminal Justice	Original Views on the History of Constitutional Originalism	Using Methodologies & Tools
Session 2 10:15am— 11:45am	Islamic Law and Agriculture	Illegal Enslavement in the Atlantic World	The Early Career Scholars Lightning Round	Legal Liability and Liminality	Beyond Backlash	Corporate Rights and Personhood
12:00–2:00pm Annual Luncheon and Awards Ceremony (Chicago 9 & 10)						
Session 3 2:05pm— 3:35pm	Law, Time, and the Life of States	Unsettled Law	Race, Mobility, and the Law in American History	Many Peoples, Many Laws	Producing the American Legal Family 1810-1990	Forgotten Firsts: Lives and Legacies
Session 4 3:45pm— 5:15pm	Dangerous Subjectivities	Neoliberalism and the Law	New Histories of Property in Early America	War and British Imperial Law	New Perspectives on the Fourteenth Amendment	Remaking Dispute Resolution
6:00pm— 8:00pm	Closing Reception Northwestern Pritzker School of Law, 375 E. Chicago Ave., Rubloff Atrium					

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5:15pm— 6:30pm	Closing Reception Northwestern Pritzker School of Law, 375 E. Chicago Ave., Rubloff Atrium					

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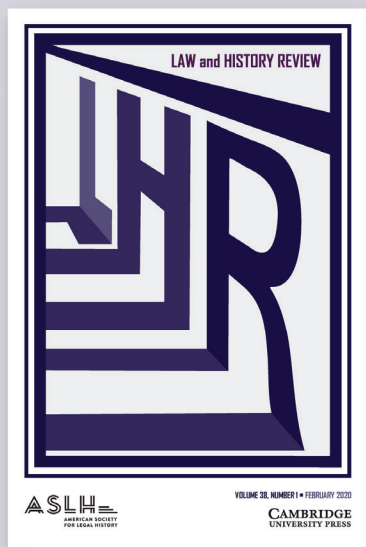
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LAW and HISTORY REVIEW

Published for the American Society for Legal History



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Editor: Gautham Rao,
American University, USA

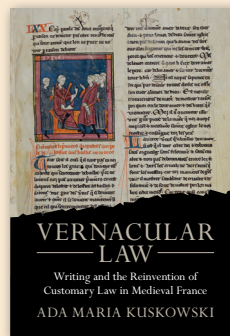
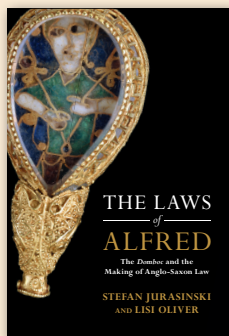
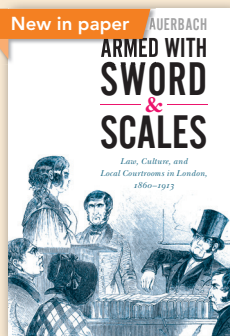
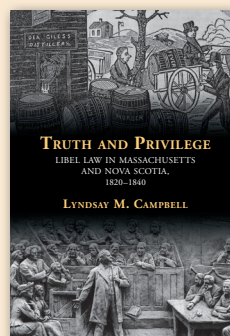
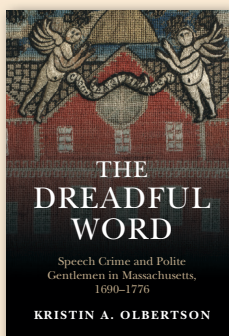
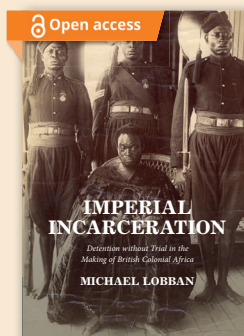
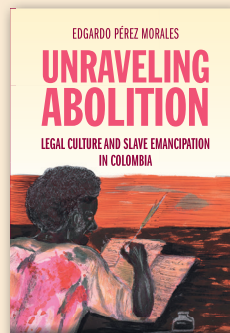
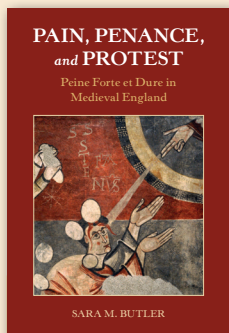
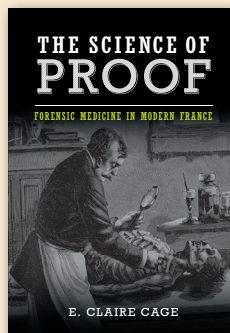
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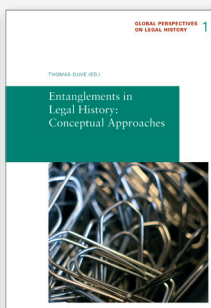
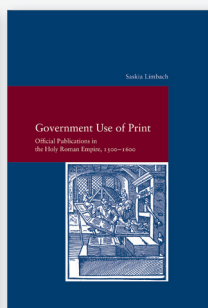
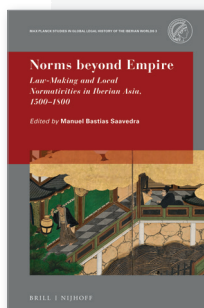
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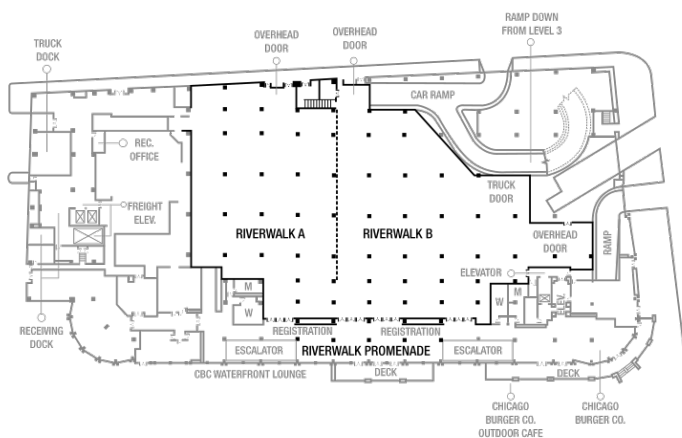
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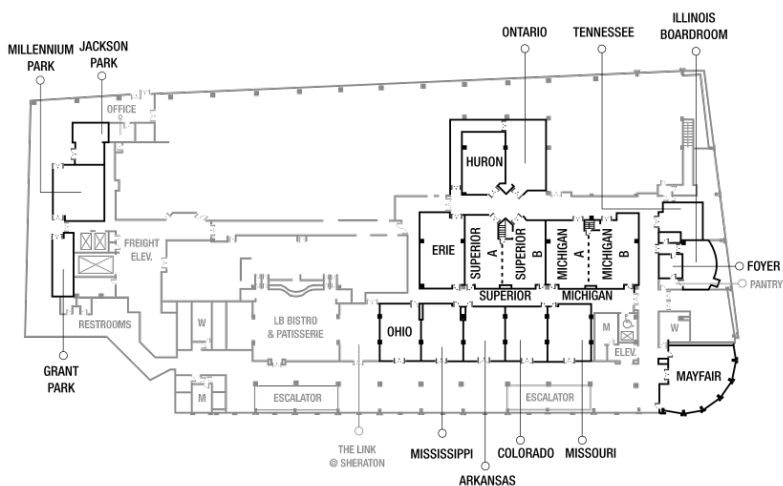
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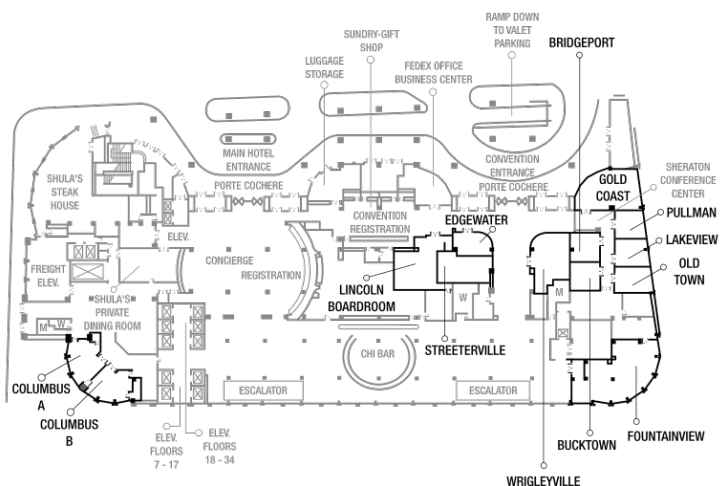




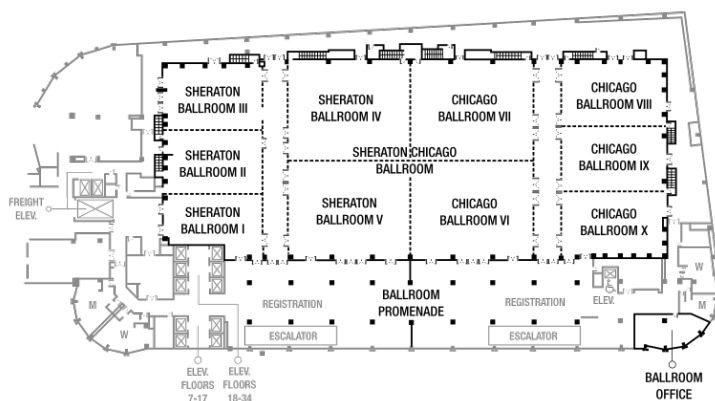
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LEVEL 4





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