2003 ANNUAL MEETING, WASHINGTON, D.C.

The Society's thirty-third annual meeting will be held Thursday-Sunday, November 13-16, in Washington, D.C. Registration materials and the draft program for the meeting are bound in the center of this newsletter. Be sure to return the registration forms by the dates indicated.

INFORMATION ABOUT LOCAL ARRANGEMENTS

The Capital Hilton Hotel, 1001 16th Street, Washington, DC 20036, has reserved a block of rooms for the Society's meeting. **UNLESS YOU WANT TO PARTICIPATE IN THE ROOM-SHARE PROGRAM, YOU MUST MAKE RESERVATIONS DIRECTLY WITH THE HOTEL BY CALLING DIRECTLY (202) 393-1000 OR ITS TOLL-FREE NUMBER 800-445-8667. NO LATER THAN OCTOBER 14th.**

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The room rates are subject to taxes of 14.5%.
In addition, please note these special events, for which you are asked to indicate on the pre-registration form your planned attendance:

Thursday, November 13th
6:00-8:00 pm, the United States Supreme Court and the United States Supreme Court Historical Society will host a ceremony and reception at the Court. At this event, Volume VII of the Documentary History of the Supreme Court of the United States, 1789-1800 will be presented to the Court. A justice will be in attendance. Because the number of ASLH members who can attend is limited, the available spaces will be allocated to those who respond earliest. Moreover, there will be a $25 charge per person to defray the cost of the reception.

[Note on procedure: If you pay by credit card, your account will be billed for the reception only if your response is received in time to secure a space at the reception. If you pay by check, please send a separate check for this reception; the check will be deposited only if your response is received in time to secure a space at the reception. Members will be informed after October 15 whether they have a place at the reception.]

Friday, November 14th
7:30-8:45 am, continental breakfast, Capital Hilton Hotel
5:00 pm, Plenary Session, Organization of American States building
6:15 pm, Reception following the Plenary Session

Saturday, November 15th
7:30-8:45 am, continental breakfast, Capital Hilton Hotel
12:15-2:00 pm, annual luncheon

Sunday, November 16th
8:00-9:00 am, continental breakfast, Capital Hilton Hotel

Special thanks for their work in arranging the annual meeting go to Lewis Grossman and James P. May, Washington College of Law, American University; and Professor Daniel R. Ernst, Georgetown University Law Center.

Thanks also to the program committee for its work, Ariela Gross, University of Southern California, Chair; Edward J. Balleisen, Duke University; Holly Brewer, North Carolina State University; Alejandro De la Fuente, University of Pittsburgh; Laura Edwards, Duke University; Darryl Filberty, Columbia University; Ron Harris, Tel Aviv University; Jill Hasday, University of Chicago; Benjamin Lawrance, California State University, San Bernardino; Kenneth Ledford, Case Western Reserve University; Gerry Leonard, Boston University; Cynthia Patterson, Emory University; David Rabin, University of Texas; David Seipp, Boston University; Clyde Spillenger, University of California, Los Angeles; Carolyn Strange, University of Toronto; John Witt, Columbia University.

The Society is also most appreciative of the financial support provided by Washington College of Law, American University, and by the Georgetown University Law Center.

2004 ANNUAL MEETING, AUSTIN, TEXAS

The Society’s thirty-fourth annual meeting will be held Thursday-Sunday, October 28-31, in Austin, Texas. The chair of the local arrangements committee is Roy Mersky, University of Texas <mersky@mail.law.utexas.edu>; the chair of the program committee is Vicky Woeste, American Bar Foundation <vwoeste@abfn.org>.

BALLOT

The ballot, bound at the center of this newsletter, seeks votes the President-Elect, for members of the Society’s Board of Directors, and for the Nominating Committee. Many thanks to this year’s nominating committee for their conscientious work: Thomas Gallanis, Washington & Lee, Chair; Bob Cottrol, George Washington University; Annette Gordon-Reed, New York Law School; Sally E. Hadden, Florida State University; Sarah Hanley, University of Iowa.

NOMINEE FOR PRESIDENT-ELECT

Charles Donahue, Jr., has been a member of the Society since 1970. At various times he has served on the Board of Directors, as chair of the Nominating Committee and of the Program Committee, as a member of the Committee on Honors, and in the now-defunct office of Vice-President. In 2002, he gave the plenary address at the annual meeting. He is the Paul A. Freund Professor of Law at the Harvard Law School; he offers instruction in the History Department of Harvard College and is a member of the College’s Standing Committee on Medieval Studies. He teaches English legal and constitutional history, the constitutional and legal history of Continental Europe, and Roman law. His publications include: (with N. Adams) Select Cases from the Ecclesiastical Courts of the Province of Canterbury, c. 1200-1301, Selden Society Publications, 95 (London: Selden Society, 1961); Why the History of Canon Law is Not Written (Selden Lecture, July 3, 1984) (London: Selden Society, 1986); (with others) The Records of the Medieval Ecclesiastical Courts: Reports of the Working Group on Church Courts Records 1: The
received his B.A. in American Studies from Syracuse University (1971) and his M.A. and Ph.D. in U.S. History from Chicago (1972, 1976) and was a fellow in law and humanities at Harvard Law School (1982-83). He is the author or editor of more than fifteen books on legal history and especially the law of slavery. His book An Imperfect Union: Slavery, Federalism, and Continuity (North Carolina, 1981, reprinted 2001) appeared in the Society’s series Studies in Legal History. His most recent books include Defending Slavery (Bedford, 2003); Landmark Decisions of the United States Supreme Court (co-authored) (CQ Press, 2003); and the co-authored Library of Congress Desk Reference to the Civil War (Simon and Schuster, 2002). He is also the co-author of American Legal History: Cases and Materials (Oxford, 2nd ed. 1995) and A March of Liberty: A Constitutional History of the United States (Oxford, 2002). He has written more than eighty scholarly articles and book chapters. He is the editor of the series Law, Society, and Politics in the Midwest with Ohio University Press, and the co-editor of Studies in the Legal History of the South at the University of Georgia Press. He has held fellowships from the National Endowment for the Humanities, the American Philosophical Society, the American Bar Foundation, and the Japan Society of the Promotion of Science. He has previously served as chair of the Membership Committee and of the Nominating Committee of the ASLH.

Phil Hamburger is the John P. Wilson Professor at the University of Chicago Law School and the Co-Director of the School’s Legal History Program. He is a graduate of Princeton University and Yale Law School, and before moving to the University of Chicago, he taught at the University of Connecticut Law School and the George Washington University Law School. His publications on English law include articles on contract (Law & History Review), the Statute of Frauds (American Journal of Legal History), seditious libel (Stanford Law Review), and judicial review (Columbia Law Review). Two of these articles received the ASLH’s Sutherland Prize. More recently, he has written on American law. His articles in this field include have focused on the accommodation of social change in American constitutions (Michigan Law Review), eighteenth-century debates about diversity and equality (Supreme Court Review), natural rights (Yale Law Journal), so-called “trivial rights” (Notre Dame Law Review), and eighteenth-century ideas about “liberality” (Texas Law Review). Last year, he published a book on Separation of Church and State (Harvard, 2002), in which he traces the history of the idea of separation in America from the eighteenth century through the twentieth. In addition to continuing his work on American constitutional law and history, he is currently editing a series of eighteenth-century American cases.

Victoria D. List received a B.A. from Smith College, a J.D. from the University of Wisconsin and a Ph.D. in English Legal History from the University of Michigan. Since coming to Washington & Jefferson College in 1987, she has taught a wide range of classes, focusing on Western Europe. These include modern European Civilization, a two-semester English History survey, Ancient Civilization and Medieval Civilization, and Eighteenth Century Europe at the basic and mid-level. At the upper-level, she regularly teaches Tudor/Stuart England, English and American Legal History, American Constitutional History, and Renaissance and Reformation Europe. She has also taught such special topics courses as Women in Modern European History and The Medieval Renaissance. During the month-long immersion, she has taught The Holocaust in Fact, Film and Fiction, Law and English Literature, Early Modern Witchcraft in England and America, and the Crusades, among others. She next plans a foray into the

**Nominees for Board of Directors**

Stuart Banner is Professor of Law at UCLA, where he teaches courses in legal history and property. His principal research interest is American legal history. Recent publications include The Death Penalty: An American History (Harvard University Press, 2002); Legal Systems in Conflict: Property and Sovereignty in Missouri, 1750-1860 (University of Oklahoma Press, 2000); and Anglo-American Securities Regulation: Cultural and Political Roots, 1690-1860 (Cambridge University Press, 1998). After receiving a B.A. from Yale and a J.D. from Stanford, he clerked for Alex Kozinski on the U.S. Court of Appeals and Sandra Day O’Connor on the U.S. Supreme Court, practiced law for three long years, and began teaching in 1993 at Washington University in St. Louis. He moved to UCLA in 2001. He has been a member of the ASLH since he began teaching and has presented papers at several of the annual meetings.

Raymond T. Diamond is a Professor of Law and an Adjunct Professor of African Diaspora Studies at Tulane University and has been designated the C.J. Morrow Research Professor of Law as of July 2003. He began teaching at Louisiana State University Law Center in 1984 and has been at Tulane since 1990. His research interests surround the nexus among race, constitutional law, and legal history, and include antibellum slavery, the Jim Crow South, and the history of the right to arms. He is the co-author of Brown v. Board of Education: Caste, Culture, and the Constitution, forthcoming in November 2003. He served as a member of the editorial board of the Georgia Journal of Southern Legal History from 1989-1992 and as a member of the Louisiana State Bar Association Board of Governors from 1994-1995. He is a member of the board of the Louisiana Supreme Court Historical Society and a member of the executive committee and chair-elect of the Section of Legal History of the Association of American Law Schools. He has presented legal history papers at the ASLH as well as the Law & Society Association, the American Political Science Association, the American Society of Criminology, the Latin American Studies Association, the Association of American Law Schools, and the Southeast Association of Law Schools. His current work includes a casebook on constitutional law and an article on state constitutional law and the right to bear arms.

Paul Finkelman is the Chapman Distinguished Professor of Law at the University of Tulsa College of Law. Before coming to Tulsa, he held the John F. Sebeling Chair in Constitutional Law at the University of Akron and taught at a number of other law schools and in history departments at the University of Texas at Austin, SUNY Binghamton, and Virginia Tech. He

Continental, Comparative Studies in Continental and Anglo-American Legal History, 6 (Berlin: Duncker & Humblot, 1989); id., 2: England, Comparative Studies in Continental and Anglo-American Legal History, 7 (Berlin: Duncker & Humblot, 1994); (with others), Year Books of Richard II; 6 Richard II, 1382-1383, Ames Foundation, Year Books Series, 2 (n.p.: The Ames Foundation, 1996); (with others), Lex Mercatoria and Legal Pluralism: A Late Thirteenth-Century Treatise and its Afterlife (Cambridge, MA: The Ames Foundation, 1998), and a number of articles and book reviews. He is currently working on a book on marriage law in the High Middle Ages and has contracted to write the volume on the fourteenth century in the new Oxford History of English Law.
Inquisition (pace Monty Python). She currently finds herself coordinating two programs for the College: the Faculty Colloquium, for which she convinces colleagues to give presentations on their work to admiring audiences, and the Integrated Semester. The Integrated Semester consists of a number of courses from different departments teaching linked subjects. Interested students take two or more of the courses and do a joint project on them. The last was on Women and the next will be on Asia. The Coordinator finds colleagues to teach these courses, plans outside events and speakers, and finds funding for them. In short, she does a lot of legwork.

**Joyce Lee Malcolm** is Professor of History at Bentley College, Senior Advisor at the MIT Security Studies Program and in 2003-2004 will be a James Madison Program Fellow at Princeton University. She received her B.A. from Barnard College, her M.A. and Ph.D. degrees in History from Brandeis University and is a fellow of the British Royal Historical Society. She is a long-time member of the Society and has served on panels at its annual meetings and on the Program and Nominating Committees. Her specialty is early-modern British and American history. Within that field her research focuses on the developing relationship between the individual and the state and on war and society. She is the author of six books including *To Keep and Bear Arms: The Origins of an Anglo-American Right* (Harvard University Press, 1994) which has been cited by the U.S. Supreme Court and praised by Justice Antonin Scalia; *The Struggle for Sovereignty: Seventeenth-Century English Political Tracts* 2 volumes ( Liberty Classics, 1999); and *Guns and Violence: The English Experience* (Harvard University Press, 2002). Her numerous articles have appeared in historical journals and law reviews. She is currently working on a book on the common law origins of American judicial review. She has received grants and fellowships from, among others, the National Endowment for the Humanities, the American Bar Foundation, Harvard Law School, the Huntington Library, the Radcliffe Institute and Robinson College, Cambridge University.

**Patricia Hagler Minter** is Associate Professor of History at Western Kentucky University, where she teaches courses on American legal history, southern history, and Gilded Age America. She is also the university’s pre-law advisor and has been chair of the University Senate. A member of the ASLH since 1991, she has regularly attended its annual meetings, appeared on panels as a presenter and as chair, and served on the Program Committee for the 1995 meeting. She received her B.A. from the University of Tennessee, Knoxville, and her M.A. and Ph.D. degrees from the University of Virginia. Her research focuses on southern legal history, with specific interests in race relations and civil rights and liberties. She is currently working on three projects: a book on *The Codification of Jim Crow: The Origins of Segregated Transit Law in the South, 1865-1910*; a re-examination of race, property, and negotiated space in the South, focusing on *Buchanan v. Warley* and a study of *Somerset v. Stewart* and Anglo-American legal culture. Publications include *Out of Many Lives, Many Stories: Biographies in American History* (2003, with Kathryn Abbott); *"The Failure of Freedom: Class, Gender, and the Origins of Segregated Transit Law in the Nineteenth-Century South," Chicago-Kent Law Review, 70* (Fall 1995); and *"Dissenters and American Civil Religion: The Flag Salute Cases and Civil Liberties during the ‘Good War,’"* in Phillip Goiff, ed., *God and the Good War: Religion in the Era of World War II* (forthcoming, University of California Press). In addition to the ASLH, she has presented her work at meetings of the American Historical Association, the Organization of American Historians, the Southern Historical Association, the British Legal History conference, and the Australia/New Zealand Law and History Society. She has served as a referee for *Law & History Review* and *Law and Social Inquiry*. Other service to the profession includes the Program Committee for the Southern Historical Association (1998).

**David Seipp** is Professor of Law at Boston University, where he teaches English legal history and American legal history. He has an undergraduate degree in History from Harvard, where he published a thesis on the right to privacy in 19th-century America. He has law degrees from Oxford, Cambridge, and Harvard. At Cambridge, he was a student of S.F.C. Milsom and J.H. Baker. He clerked for Judge Henry Friendly of the Second Circuit and practiced law before teaching. He has attended every annual meeting of the ASLH since 1986 and has served the Society as chair of the Surrency Prize Committee, as chair of the Nominating Committee, and as a member of the 2003 Program Committee. He is also a director of the Ames Foundation and a member of the Selden Society and the American Law Institute. He has written many articles and book chapters on English legal history, particularly on the fundamental categories of the early common law and their relation to Roman and canon law, and about the early jury. His research has been assisted by a Mark Delaware fellowship, an Olin Faculty Fellowship, and an appointment as associate of the Charles Warren Center. His publications on Oliver Wendell Holmes, Jr include the anniversary essay, "Holmes’s Path," *77 Boston University Law Review* 515 (1997). He is currently midway through a multi-year project to index and paraphrase the Year Books. Of the 20,000-some Year Book reports in old and new printed editions, he has thus far indexed over 11,000 and has fully indexed and paraphrased every case reported for the years 1399 through 1453. His index and paraphrase can be searched on the Internet at www.bu.edu/law/seipp. His work is supported by the Ames Foundation and is intended to make the Year Books more easily accessible to legal historians and other scholars.

**Victor M. Uribe-Urriol** is Associate Professor in the Department of History at Florida International University, Miami. He holds a law degree, a masters in Political Science, and a Ph.D in History. His books include "Honorable Lives": Lawyers, Family and Politics in Colombia, 1780-1850 (University of Pittsburgh Press, 2000); *State and Society in Latin America During the Age of Revolution* (Scholarly Resources, 2001); and *Naciones, gentes y territorios: Ensauyos de historia comparada de America Latina y El Caribe* (Universidad de Antioquia, 2000). His essays pertaining to the social history of lawyers and the law have appeared in the *Journal of Latin American Studies, The Americas, the Latin American Research Review*, and *Comparative Studies in Society and History*. Two of his most recent publications are "Sociabilidad politica popular, abogados, guerra y bandidismo en Nueva Granada, 1890s-1900s: respuestas subalternas y reacciones elitistas," *Historia y Sociedad* (Spring 2003) and "Colonial Barcarianas and their Nasty Men: Spousal Homicides and the Law in Late Colonial New Granada," *Journal of Social History*, vol. 34, no. 1 (Fall 2001). He has been a Fulbright scholar, received two Andrew Mellon Fellowships and one of his articles was recently awarded the Antonine Tihesar Prize. Currently he is in Seville, Spain, funded by an NEH fellowship to finish research for a book on the history and legal history of domestic violence in Mexico, Colombia and Spain from 1750 to 1850. He has been a member of the board of editors of the *Law and History Review* and until spring 2003 was the co-chair of the Law and Society section of LASA, the Latin American Studies Association. He has been invited to chair the program’s "Law, Jurisprudence, and Society" track in the 2004 international congress of LASA.
James Q. Whitman teaches at Yale Law School, where he is Ford Foundation Professor of Comparative and Foreign Law. He studied Intellectual History at the University of Chicago under Arnaldo Momigliano, completing a dissertation in 1987 which was published as The Legacy of Roman Law in the German Romantic Era (Princeton, 1990). After receiving his law degree from Yale and clerking, he taught first at Stanford Law School (1989-1993) before moving to Yale. He has also taught as a visitor at Harvard Law School, as well as at European universities including the École des Hautes Études en Science Sociales, the University of Paris II and the University of Rome III. His main interests are in continental and comparative legal history, particularly the impact of social status on the law. His recent publications include: Harsh Justice: Criminal Punishment and the Widening Divide between America and Europe (Oxford 2003), “Enforcing Civility and Respect: Three Societies,” Yale Law Journal (2000), “The European Transformation of Harassment Law” (with G. Friedman), Columbia Journal of European Law (2003), and “Long Live the Hatred of Roman Law!” Rechtsgeschichte (2003). He is currently at work on a book about the socio-historical origins of human dignity in European law. He has served on the ASLH Program Committee and on the Surrency Prize Committee, as well as on the board of editors of Law and History Review.

**Nominees for Nominating Committee**

Edward Harris received a B.A. in Classics from Oxford University and his Ph.D. in Classical Philology from Harvard University. Since 1983 he has taught at Brooklyn College of the City University of New York and in 1986 joined the Classics faculty of the Graduate School. In the Fall of 1998 he was a member of the Institute for Advanced Study at Princeton. From December 2002 to January 2003 he was Professeur invité at the University of Paris I (Pantheon-Sorbonne). Professor Harris has published Aeschines and Athenian Politics (Oxford University Press) and has translated Lycurgus for the series The Oratory of Classical Greece edited by Michael Gagarin. He has also co-edited with R. W. Wallace Transitions to Empire (University of Oklahoma) and has co-edited with Lynne Rubenstein The Law and the Courts in Ancient Greece (Duckworth). He has published over fifty articles and reviews on the legal and economic history of Classical Athens. He has also organized and participated in several panels for the ASLH. At present he is at work on a book tentatively titled The Rule of Law in Action: The Nature of Litigation in Classical Athens.

Adam J. Kosto is Assistant Professor of History at Columbia University, whose principal research interest is medieval legal and institutional history. He received a B.A. in Humanities from Yale University (1989); an M.Phil. in Medieval History from Cambridge University (1990); and an A.M. and a Ph.D. in History from Harvard University (1991, 1996). His recent publications include Making Agreements in Medieval Catalonia: Power, Order, and the Written Word, 1000-1200 (Cambridge UP, 2001), which was awarded the 2002 Premio del Rey Prize of the American Historical Association; (ed., with Anders Winroth) Charters, Cartularies, and Archives: The Preservation and Transmission of Documents in the Medieval West (Pontifical Institute of Medieval Studies, 2002); “The Limited Impact of the Usatges de Barcelona in Twelfth-Century Catalonia,” Traditio 56 (2001); “Hostages in the Carolingian World (714-840),” Early Medieval Europe 11 (2002); and “Reasons for Assembly in Catalonia and Aragón, 900-1200,” in Paul S. Barnwell and Marco Mostert, eds., Political Assemblies in the Earlier Middle Ages (forthcoming). He is currently writing a book on hostages as a form of personal security in medieval Europe. A member of the ASLH since 1998, he has appeared as a presenter and commentator at the annual meetings.

Tahiri V. Lee is Associate Professor of Law at FSU College of Law, and, beginning in June 2003, Associate Dean for Academic Affairs. She received a Ph.D. in Chinese History from Yale in 1990 and a J.D. from the Yale Law School in 1989. She was a Pew Scholar (a “Kukin”) in the Harvard Academy for International and Area Studies from 1989-1991. Her scholarship focuses on late nineteenth and twentieth century Chinese law, principally courts and dispute resolution. She has published several articles, plus a four-volume anthology on Chinese law by Garland Press. A member of the ASLH for 15 years, she has served on the Program Committees for the annual meetings of 1997, 1999, and 2002, chaired the Surrency Committee, and is currently a member of the Publications Committee. Outside the Society, she is active in promoting the field of legal history. For several years she has been a member of the Executive Committee of the Legal History Section of the Association of American Law Schools and served as Chair in 2000-2001. She is a member of the Association of Asian Studies, the Law & Society Association, and was a member of the American Historical Association. She regularly presents her research at conferences and schools around the world, most recently in St. Lucia in the Caribbean and at Harvard, Yale, and the Shanghai Institute of Foreign Trade.

Claire Valente is a medieval historian specializing in the legal, constitutional, and political history of England. She received an M.St. from Oxford in 1990 and a Ph.D. from Harvard in 1997. She has taught at the University of Portland in Oregon for five years, she is now an independent scholar. She has been active in the ASLH since 1997, attending multiple conferences and serving on the program committee for the 2002 San Diego meeting. She has published several articles, including one exploring the legal and constitutional implications of “The Deposition and Abdication of Edward II” (English Historical Review, 1997). Her first book, The Theory and Practice of Revolt in Medieval England (2003) has just appeared with Ashgate Press.
ANNOUNCEMENTS

Paul L. Murphy Award

Applications are being accepted for the 2004 Paul L. Murphy Award, honoring the memory of Paul L. Murphy, late professor Emeritus of History and American Studies at the University of Minnesota and distinguished scholar of U.S. constitutional history and the history of American civil rights/civil liberties. The Murphy Award, an annual research grant of $1000, is intended to assist the research and publication of scholars new to the field of U.S. constitutional history or the history of American civil rights/civil liberties. To be eligible for the Murphy Award, an applicant must possess the following qualifications: be engaged in significant research and writing on U.S. constitutional history or the history of civil rights/civil liberties in the United States, with preference accorded to applicants employing multi-disciplinary research approaches, hold the Ph.D. in History or a related discipline; and not yet have published a book-length work in U.S. constitutional history or the history of American civil rights/civil liberties. Public historians, unaffiliated scholars, as well as faculty at academic institutions are encouraged to apply. If employed by an institution of higher learning, an applicant must not be tenured at the time of the application. Applicants should submit a packet containing the following items: 1) a research project description of no more than 1000 words (4 copies), 2) a tentative budget of anticipated expenses (4 copies), 3) a current curriculum vitae (4 copies), and 4) two confidential letters of recommendation in envelopes sealed by the recommenders. All materials should be mailed to Professor Robert J. Kaczorowski, Fordham University School of Law, 146 W. 62nd Street, New York, NY 10023-7407. All materials must be received no later than January 30, 2004. Email inquiries should be addressed to <kaczorowski@law.fordham.edu>.


In commemoration of a visit from Alexander von Humboldt to the United States in 1804 at the invitation of President Thomas Jefferson, the Graduate Center of the City University of New York will host an interdisciplinary conference devoted to Humboldt and his legacy on October 14-16, 2004. The principal focus will be Humboldt's activity in, relationship to, and impact on the Americas, but all proposals will be considered. Areas of interest include Humboldt's scientific work and publications, political ideas and advocacy of human rights, paintings, travel writing, friendships, as well as his fame, image and influence in various parts of the Americas.

Proposals for papers should consist of: (a) a concise (300 words or less) abstract with title, and (b) a cover letter indicating the author's professional affiliation(s) and contact information. Proposals may be sent to the Program Committee, Humboldt Conference by email to humboldt@gc.cuny.edu, by post c/o the Bildner Center, The Graduate Center/CUNY, 365 Fifth Avenue, Suite 5209, New York, NY 10016-4309, or by fax at (212) 817-1540. Deadline for receipt of proposals is February 1, 2004. Decisions will be made by April 1, 2004. For more information, please visit: www.humboldtconference.org.

Call for Papers: 47th Annual Missouri Valley History Conference; Omaha, Nebraska; March 4-6, 2004

Proposals for panels or individual papers in all areas of history, including public history, are welcome for the 47th annual Missouri Valley History Conference. Proposals, consisting of abstract(s), and one-page vitae, should be sent by October 15, 2003 to the program coordinator, Professor Tom Buchanan, Missouri Valley History Conference, Department of History, University of Nebraska at Omaha, Omaha, NE 68182. Those wishing to have their proposals acknowledged should include a stamped, self-addressed postcard. See <www.unomaha.edu/uno/history/mvhchome.htm> for additional details. The conference email is mvhc@unomaha.edu.

A prize of $200 will be awarded to the best graduate student paper presented at the conference.

The Society for Military History will sponsor several sessions at the 2004 MVHC. Please send proposals directly to Dr. Kevin K. Carroll, Department of History, P.O. Box 872501, Arizona State University, Tempe, AZ 85287-2501; email kcarroll@asu.edu.
DRAFT PROGRAM  
Thursday, November 13th

3:00-6:00 pm
Registration

6:00-8:00 pm
Reception

7:30-10:00
Board of Directors meeting

Supreme Court of the United States

Friday, November 14th

7:30-8:45 am
Continental Breakfast

Future Projects Committee

8:00 am-3:00 pm
Registration

8:00 am-5:00 pm
Book Exhibits

Session #1  
8:30 am - 10:15 am

Political Histories of Legal Culture

Chair: Sandy Levinson, University of Texas School of Law

Papers:
“Beyond Dispute: The Politics of Gender and Class in EEOC v. Sears, 1968-86”
Emily B. Zuckerman, Rutgers University, Department of History

“Partisanship by Any Other Name: The Taboo Against Discussing Ideology in the Supreme Court Appointment Process”
David Greenberg, American Academy of Arts and Sciences

Commentators: Mark Graber, University of Maryland, Department of Political Science and Sandy Levinson

The Local Administration of Justice

Chair: Lawrence Friedman, Stanford Law School

Papers:
“Justices behind the Curtain: Early Legal Practitioners in Late Imperial China”
Li Chen, Columbia University, Department of History

“The Native Courts as Mediator of Social Change in Ibadan, Nigeria, 1893–1957”
Omoniyi Adewoye, University of Ibadan, Nigeria, Department of History

“Divergent Destinies: Toward a History of Constitutionalism and Democracy in India”
Mithi Mukherjee, University of Colorado at Boulder, Department of History

Commentator: Lawrence Friedman

Comparative Property Rights: North America and Australia

Chair: Carol Rose, Yale Law School

Papers:
“Terra Nullius in North America, Australia, and New Zealand”
Stuart Banner, University of California, Los Angeles, School of Law

“From Individualism to Egalitarianism? The History of Property Rights in the United States and Australia Compared”
Andrew Richard Buck, Macquarie University, Law School

“Comparative Legal History in the Classroom: Opportunities and Challenges”
Paul Kens, Southwest Texas State University, Political Science and History

Commentator: Carol Rose

Constitutional Theory and Practice in the Anglo-American Eighteenth Century

Chair: John Murrin, Princeton University, Department of History

Papers:
“Constitutional Lawyering before the Constitution”
Mary Sarah Bilder, Boston College Law School
"Imperial Remix: From the Ancient Constitution to Constitutional Law"
Daniel J. Hulsebosch, St. Louis University School of Law

"Separating Power: English Liberty as Constitutional Model"
David Liebennan, University of California, Berkeley School of Law

Commentator: Barbara Aronstein Black, Columbia University

Family Law in Nineteenth-Century England and the United States
Chair: Ariela Dubler, Columbia University School of Law

Papers:
"They Might be Lawless': Family, Law, and Interracial Sex in Massachusetts"
James Allegro, Case Western Reserve University, Department of History

"Untying the Knot: An Analysis of the English Divorce and Matrimonial Causes Court Records, 1858-1866"
Danaya C. Wright, University of Florida, Levin College of Law

"Elizabeth Cady Stanton: The Mother of Modern Family Law"
Tracy A. Thomas, University of Akron School of Law

Commentator: Ariela Dubler

American Legal Culture and Racial Violence During the Progressive Era
Chair: Jane Dailey, Johns Hopkins University, Department of History

Papers:
"Racial Violence and the 'Laws of War' in the Philippine-American War, 1899-1902"
Paul A. Kramer, Johns Hopkins University, Department of History

"The Chicago Race Riots and Urban Legal Culture, 1911-1922"
Andrew Wender Cohen, Syracuse University, Maxwell School of Citizenship and Public Affairs

"Lawlessness' and Racial Violence on the Texas Border, 1912-1921"
Christopher Capozzola, Massachusetts Institute of Technology, Department of History

Commentator: Jane Dailey

Athenian Judging/Judging Athenians
Chair: Kevin Crotty, Washington and Lee University, Classics

Papers:
"Emotion and Reason in the Judgments of Athenian Jurors and Tragic Choruses"
Victor Bers, Yale University, Department of Classics

"Assessing Guilt and Punishment in the Athenian Jury System"
Adriaan Lanni, Harvard University, Department of Classics

"Judging the Unspreakable: Wayward Desire in Athenian Tragedy and Legal Oratory"
Sheila Murnaghan, University of Pennsylvania, Department of Classics

Commentator: Kevin Crotty

Author Meets Reader: John Langbein, The Origins of Adversary Criminal Trial
Chair: Thomas A. Green, University of Michigan, Law/History

Readers:
Abert Alschuler, University of Chicago Law School
David Lemmings, University of Newcastle, Department of History
Allyson May, Toronto, Canada

Response: John Langbein, Yale Law School

Aboriginal Governance in Canada: The Struggle for Recognition
Chair: Sidney L. Harring, The City University of New York, Law School

Papers:
"Tolamic Identity and Aboriginal Governance"
Darlene Johnston, University of Toronto, Faculty of Law

"Infringement of the Aboriginal Peoples' Inherent Right of Self-Government By The Parliament of Canada, 1867-1982"
Kent McNeill, York University, Osgoode Hall Law School

"The Struggle for First Nations' Self-Government and the Role of Parliamentary and Public Inquiries"
Michael Posluns, The Stillwaters Group

Commentator: Sidney L. Harring
12:30-1:15 pm

H-Law Committee lunch

Law & History Review Committee lunch

2003 Program Committee lunch

Session #3
2:00 p.m. – 3:45 p.m.

Localism in 20th Century American Society

Chair: Hendrik Hartog, Princeton University, Department of History

Papers:
"Urban Policy and the Contradictions of Federalism in Modern America"
Wendell E. Pritchett, University of Pennsylvania Law School

"The Anti-Chain Store Movement and the Ideology of Localism"
Richard C. Schragger, University of Virginia School of Law

Commentators: David Barron, Harvard Law School
and Hendrik Hartog

New Tricks for Finding Old Law

Chair: Thomas P. Gallanis, Washington & Lee University, School of Law and Department of History

Papers:
"Canon Law and other Continental European Medieval Legal Sources on the Internet"
Ernest Metzger, Aberdeen University, School of Law

"Brompton, The Year Books, and The English Reports"
David Seipp, Boston University School of Law

"The Avalon Project, Blackstone, and American Constitutional Sources"
William Fray, Yale Law School

Commentator: Thomas P. Gallanis

Law Against Mob Law: Federal and State Perspectives in the Legal Fight Against Lynching

Chair: Emma Coleman Jordan, Georgetown University Law Center

Papers:
"Legal Resistance to Lynching in Central Texas, 1896-1905"
William D. Carrigan, Rowan University, Department of History

"In Search of State Action: Federal Efforts to Curb Lynching, 1898-1945"
Christopher Waldrep, San Francisco State University, Department of History

Commentators: Crystal Feinster, Boston College, Department of History
Michal Belknap, California Western School of Law, and University of California, San Diego, Department of History

Regionalism, Commerce, and Imperial Governance in Early America, 1600-1800

Chair: Steven Wilf, University of Connecticut School of Law

Papers:
"Regionalism in Early American Law"
David Thomas Konig, Washington University in St. Louis, Department of History and Law School

"Law and Commerce, 1600-1815"
Claire Priest, Northwestern University School of Law

"Imperial Governance and Communications in Early America"
Richard J. Ross, University of Wisconsin, Madison, Law School and Department of History

Commentators: Christine Desan, Harvard Law School
Gregg Roeber, Pennsylvania State University, Department of History

Session #4
5:00 p.m. – 6:15 p.m.

Plenary Session: Reconstruction of Legal Order in Occupied Lands

The American South after the Civil War
Edward L. Ayers, University of Virginia, Department of History
Satuday, November 15th

7:30-8:45 am
Continental Breakfast
Publications Committee breakfast
Hurst Committee breakfast

8:00 am - noon
Registration

8:00 am - 4:30 pm
Book Display

Session #5
8:30 a.m. – 10:15 a.m.

Law, Violence, and Gender

Chair: Laurel Fletcher, University of California, Berkeley, Boalt School of Law

Papers:
“Sociobiology or Cultural Defense?: Reconsidering the Heat of Passion Excuse”
John Peltegrew, Lehigh University, American Studies

“Domination and Resistance”
Adrienne Davis, University of North Carolina Law School

“The Subject of Freedom: Husbands and Wives”
Katherine Franke, Columbia Law School

Commentator: Laurel Fletcher

Problems of Proof: Evidence Law in England and America 1650-1900

Chair: Barbara Shapiro, University of California, Berkeley, Rhetoric Department

Papers:
“The ‘Campden Wonder’ and the Problem of the Missing Body”
Bruce P. Smith, University of Illinois, College of Law

“Engine Troubles: Cross-examination and the late-Victorian ‘License of Counsel’ Debates”
Wendie Schneider, University of Iowa College of Law

“Identifying Knowledge: The Tichborne Claimant and Conceptions of Evidence”
Jennifer L. Mnookin, University of Virginia School of Law

Commentator: Barbara Shapiro

Nineteenth-Century Historical Jurisprudence in Comparative Perspective

Chair: James Q. Whitman, Yale University

Papers:
“The German Historical School: Variations On A Theme by Savigny”
Mathias W. Reimann, University of Michigan, School of Law

“The American School of Historical Jurisprudence”
David M. Rabban, University of Texas, School of Law

“F.W. Maitland, Historical Jurisprudence and the Rise of Sociology”
David Runciman, University of Cambridge

Commentator: James Q. Whitman

Postcolonial Legal Histories: Law, Culture, and Commensurability

Chair: Teemu Ruskola, American University, Washington College of Law

Papers:
“Legal Subjects, Market Agents: Culture and the Legal Economy of ‘General Public Utility’ in Colonial India”
Ritu Birla, University of Toronto, Department of History
Teemu Raskola, American University, Washington College of Law

“Dependent Citizens and Marital Expatriates”
Letti Volpp, American University, Washington College of Law

Commentator: Thomas Keenan, Bard College, Department of English

**Liberty and Property: Legal Interpretations of Property Rights in Revolutionary and Early National America**

Chair: Gregory Alexander, Cornell Law School

Papers:
“The Contest between Liberty and Property: Freedom Suits in the Revolutionary Era”
Emily V. Blanck, Emory University, Department of History

“Taking Notice of an Error in the Nature of our Landholdings: Historical Interpretations of Land Ownership in the Virginia Commonwealth in the Virginia Commonwealth”
Christopher M. Curtis, Iowa State University, Department of History

“Taking Liberties with Native American Property: Creating a Moral Landscape through the Language of Land Possession”
Ellen Holmes Pearson, University of North Carolina, Asheville, Department of History

Commentator: Gregory Alexander

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**Session #6**
10:30 a.m. – 12:15 p.m.

**Before and After Brown v. Board of Education**

Chair: Mary Dudziak, University of Southern California, Law School

Papers:
“The Role of History in Brown v. Board of Education”
Christopher W. Schmidt, Harvard University, History of American Civilization

“Erasing The Badge of Inferiority: Segregated Interstate Transport on the Ground and in The Courts, 1941-1960”
Derek Catsam, Minnesota State University, Department of History
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Institutional Affiliation: ______________________________
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To pre-register, please return this form, with a check ($US only, payable to ASLH), or VISA/MASTERCARD (a 4% surcharge will be added), to arrive no later than October 15th to Walter F. Pratt, Jr., Secretary-Treasurer, ASLH, Notre Dame Law School, P. O. Box R, Notre Dame, IN 46556-0780. Tel: 574-631-6984; Fax: 574-631-3595

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American Society for Legal History

**Ballot must be postmarked no later than October 1, 2003, to be counted.**

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Charles Donahue, Jr. [ ]

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Nights room needed:
- Thurs., Nov. 13
- Fri., Nov. 14
- Sat., Nov. 15

Willing to share with smoker:  
- Yes  
- No

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Peter Wallenstein, Virginia Polytechnic Institute & State University, Department of History
Commentator: Michael Klarman, University of Virginia Law School

Law and Reality in the Graeco-Roman World

Chair: Cynthia Patterson, Emory University, Department of History
Papers:
“Back to Citizenship – Reflections on the legal status of Roman Prisoners of War”
Rachel Feig Vishnia, Tel-Aviv University, Department of History

“Partly Slave, Partly Free: The Legal Status of Manumitted Slaves Under Romano”
Rachel Zelnick-Abramovitz, Tel-Aviv University, Department of Classics

“Child Marriage in the Early Roman Empire”
Lauren Caldwell, University of Michigan, Department of Classical Studies
Commentator: Clifford Ando, University of Southern California, Department of Classics

Liberty and Litigation in Comparative Perspective: England and Mexico, 1550-1750

Chair: Brian Levack, University of Texas, Department of History
Papers:
“Marital Litigation in The Court of Requests, 1542-1642”
Tim Stretton, St. Mary’s University, Halifax, Department of History

“Whose Liberty? Habeas Corpus, 1550-1750”
Paul Halliday, University of Virginia, Department of History

“That Which Your Majesty So Firmly Commands Be Protected: Liberty among Indians in 17th Century Mexico”
Brian Owensby, University of Virginia, Department of History
Commentator: Brian Levack
Israeli Legal History: National Security and Arab Displacement in the post-1948 Period

Chair: Nir Kedar, Bar-Ilan Faculty of Law

Papers:
"Violence and the Word Revisited: The Case of the ‘Infiltrators’ before the Israeli Supreme Court, 1948-1954"
Oren Bracha, Harvard Law School

"The Supreme Court and the Arab-Jewish Conflict: Implications for the Jurisprudence of Land Expropriation"
Yiftah Holzman-Gazit, Bar-Ilan University, School of Law

"From Arab Land to ‘Israel Lands’: The Legal Dispossession of the Palestinians Displaced by Israel in the Wake of 1948"
Alexandre Kedar, Haifa University, Law School

Commentators: Lama Abu-Odeh, Georgetown University Law Center and Raif Zreik, Harvard Law School

The Rise of the Anglo-American Corporation: Alternative Paths and Functions

Chair: Colleen Dunlavy, University of Wisconsin-Madison, Department of History

Papers:
"Moral Shirking and the Rise of the Classic Capitalist Firm in Britain, 1844-1914"
Paul Johnson, London School of Economics, Department of Economic History

"From Partnership and Trust to Corporation: Insolvency and Agency in the Late 18th and Early 19th Century"
Joshua Getzler and Mike MacNair, Oxford Faculty of Law

"Institutional Foundations for Securities Markets in the West"
Mark Roe, Harvard Law School

Commentators: Paul Mahoney, University of Virginia Law School
Colleen Dunlavy

Annual Luncheon
12:15 – 2:00 p.m.
Session #8
4:15 – 6:00 p.m.

Law and Political Development in the Progressive Era

Chair: Elizabeth Sanders, Cornell University, Department of Government

Papers:
"The Social Control of Business in the Progressive Era"
William J. Novak, University of Chicago, Department of History

"Speaking Law to Power"
Michael Willrich, Brandeis University, Department of History

"Democracy and the Constitution in Progressive America"
William E. Forbath, University of Texas, Law School and Department of History

Commentator: Elizabeth Sanders

Roundtable: Women Acting in Law

Moderator: Barbara Welke, University of Minnesota, Department of History

Papers:
"Between Class and Gender: Last Wills and the Notarial Practice in Seventeenth-Century Provincial Tuscany"
Giovanna Benadusi, University of South Florida, Department of History

"Feeling Like a State: Elite Slaveholders and Everyday Power in the Antebellum South"
Stephanie Camp, University of Washington, Department of History

"Courting Families: Litigation and the Political Economies of Daily Life in Early Modern France"
Julie Hardwick, University of Texas, Austin, Department of History

"Power to Accuse? Rape, Women’s Voices, and the Power of Whiteness in the Legal Record"
Lisa Lindquist Dor, University of Alabama, Department of History

New Histories of International Law

Chair: Benedict Kingsbury, New York University School of Law

Papers:
"The Law of Nations in an Age of Global War, 1754-1763"
David Armitage, Columbia University, Department of History

"The Edges of Empire and the Limits of Sovereignty: Guano Islands, 1856-1890"
Christina D. Burnett, Princeton University, Department of History

"Untangling Colonialisms’ Claims on Natural Resources"
Patricia Seed, Rice University, Department of History

Commentator: Benedict Kingsbury

Law and the Management of Risk in Modern America

Chair: James Wooten, SUNY-Buffalo Law School

Papers:
"When All Else Fails: Government as a Risk Manager in American History"
David Moss, Harvard University, Graduate School of Business

"The Accidental Republic: Contingencies and Risks in the Remaking of American Law"
John Witt, Columbia Law School

"Insurance at the Crossroads: Cultural Transformation, Late-Nineteenth Century Insurance Law, and the Appropriation of Risk"
Roy Kreitner, Tel Aviv University Faculty of Law

Commentator: James Wooten
Subordinate Groups and the Legal System in Spanish America

Chair: Judith Schafer, Tulane University, Murphy Institute of Political Economy and School of Law

Papers:
“Speaking for the Subaltern? The Role of Legal Intermediaries in the Shaping of Legal and Political Cultures in 19th and Early 20th Century Peru”
Carlos Aguirre, University of Oregon, Department of History

Renée Soulodre-La France, King’s College, University of Western Ontario, Department of History

“Title pending”
Jane Landers, Vanderbilt University, Department of History

Commentator: Alejandro de la Fuente, University of Pittsburgh, Department of History

Roundtable: Historians in The Courtroom

Moderator: Donna C. Schuele, The California Supreme Court Historical Society

“Historians as Expert Witnesses: An Overview and Assessment”
John A. Neuenschwander, Carthage College, Department of History

“Telling Lies to the Supreme Court: Reopening the Wartime Internment Cases”
Peter Irons, University of California, San Diego, Department of Political Science

“The Practice of Forensic History: An Example from the Land Grant Wars”
Peter Reich, Whittier Law School

“Postmodernist Jurisprudence, Postmodernist History: Hard Lessons from an Expert Witness on Voting Rights”
J. Morgan Kousser, California Institute of Technology, Division of Humanities and Social Science

Sunday, November 16th

8:00 - 9:00 am
Continental Breakfast

Session #9
9:00 a.m. - 10:45 a.m.

Looking Back at the Legal Profession: Lessons from the Past

Chair: Robert W. Gordon, Yale Law School

Papers:
“The Myth of Civic Republicanism: Interrogating the Ideology of Antebellum Legal Ethics”
Norman W. Spaulding, University of California, Berkeley, Boalt Hall School of Law

“Rediscovering Julius Cohen and Rethinking the Origins of the Business/Profession Debate”
Samuel J. Levine, Pepperdine University School of Law

“Gentleman’s Agreement: The Antisemitic Origins of Restrictions on Stockholder Litigation”
Lawrence E. Mitchell, The George Washington University

Commentator: Robert W. Gordon

Smoke Screens, Sounds Uncouth and Black Rams: Women in the Spaces of the Law

Chair: Susan Sage Heinzelman, University of Texas, Austin, Department of English

Papers:
“Prostitution As A Smoke-screen in a 4th C. B.C. Lawsuit”
Lesley Dean-Jones, University of Texas, Austin, Department of Classics

“Patriarchy as Usual: Women, Children, and The Family Tribunal in Late Roman Law”
Judith Evans Grubbs, Sweet Briar College, Classical Studies Department

“The Sounds Uncouth’ of Westminster Hall: Law, Women, and Commerce”
Kathryn Temple, Georgetown University, Department of English

“Disturbing the Peace: Queen Caroline and The Black Ram”
Susan Sage Heinzelman

Commentator: The Audience
Economic Analysis of Legal History
Chair: Geoffrey Miller, New York University Law School
Papers:
“Covenants and Conventions”
Richard Brooks, Northwestern University Law School

“Adverse Selection in Market Sales of Roman Slaves”
Bruce Frier, University of Michigan, Classical Studies Department and Law School

“The Value of Judicial Independence: Evidence from Eighteenth-Century English Stock Prices”
Dan Klerman, University of Southern California Law School

Commentator: John Wallis, University of Maryland, Economics Department

Property and The Nineteenth-Century Constitution
Chair: Charles McCurdy, University of Virginia, Department of History and Law School
Papers:
“The Limits of Sovereignty: Legislative Property Confiscation in the Union and the Confederacy”
Daniel W. Hamilton, New York University Law School

“The Role of Cherokee Women in Shaping Marshall’s Trust Doctrine in the Cherokee Cases”
Cynthia Cumfer, Reed College, History and Humanities

“Stability and Change in Antebellum Property Law: State Courts and Judicial Takings”
Polly Price, Emory University Law School

Commentator: Charles McCurdy

African Americans before the Bar in Nineteenth Century America: Court Battles over Racial Segregation, Inheritance and Citizenship Rights, 1831-1888
Chair: Sandra VanBurkleo, Wayne State University, Department of History
Papers:
“Resisting the ‘Unjust Written Manacles for the Free’: Challenging Racial Barriers in Nineteenth Century Ohio”
Barbara Terzian, Ohio Wesleyan University, Department of History

“‘If They Should Choose Freedom’: Testamentary Capacity and Vision of Freedom in Nineteenth Century Kentucky”
Yvonne Pitts, University of Iowa, Department of History

“She is a citizen of the United States for only certain purposes: Gender Identity, Racial Status and the Legal Struggle to Desegregate a Mississippi Steamboat”
Sharon Romeo, University of Iowa, Department of American Studies

Commentator: Sandra VanBurkleo
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