

**Symposium on Comparative Early Modern Legal History:  
New Perspectives on Legal Pluralism**

**Date: Friday, April 23, 2010**

**Location: Newberry Library, Chicago**

**Organized by: Lauren Benton (NYU History) and Richard J. Ross (University of Illinois at  
Urbana-Champaign)**

Colonialism enhanced legal pluralism. European, African, Asian, and American polities relied on layered and multi-centric systems of law, and their encounters generated new and often repeating patterns of jurisdictional politics. This widespread legal pluralism at times contributed to regional integration by making substantively different legal systems intelligible to travelers and merchants. It also posed challenges to imperial administration as subordinate authorities sought to establish, expand, or protect prerogatives to act independently of metropolitan sovereigns and courts. With recent scholarship establishing clearly the benefits of framing colonial law as jurisdictionally complex and unstable, opportunities are now in sight to push this perspective further in a number of directions.

One interesting set of problems involves questions about how conflicts over the prerogatives of delegated legal authorities to discipline and control subordinate or dependent populations related to the changing contours of imperial constitutions or ideologies of rule. Conference participants may explore the ways in which such figures as garrison commanders, plantation owners, ship captains, Company officials, missionaries, and others with some measure of legal authority positioned themselves in relation to both metropolitan and colonial law. Did they make innovative legal claims or exert influence on regional patterns? We invite investigations of the conditions under which such actors deferred to imperial authority, the sources they drew upon to defend their legal prerogatives, and the nature of their interactions with various courts. Other studies might consider the degree to which the politics of making and defending claims to semi-autonomous legal authority informed broader, even regional, political processes. As we bring such connections into sight, it may be possible to refine comparisons of the politics of legal pluralism in different parts of a colonial regime, or between the Atlantic, Mediterranean, and Indian Ocean worlds.

A related theme focuses on the legal strategies of subordinate groups. Taking into account a framework of legal pluralism, scholars can move beyond the study of “resistance” to ask questions about the legal participation of formally subordinate groups—even some that were seemingly powerless before the law. Forum shopping, petitions for mercy, violence against magistrates, new genres of legal writing, maneuvers to escape indebtedness—these and other strategies had immediate and sometimes far-reaching institutional effects. In addition to tracing such connections, we might probe the formative influences on legal strategies. How did knowledge about law circulate? To what extent did information or stories about the effectiveness of particular legal strategies carry across social strata, imperial divides, and oceans? How did legal actors imagine and describe plural legal orders? With attention to these and other, related topics, the conference seeks to open the study of legal pluralism to new approaches and insights.

Lauren Benton (NYU History) and Richard Ross (Illinois at Urbana-Champaign Law and History) organized “New Perspectives on Legal Pluralism.” The conference is an offering of the Symposium on Comparative Early Modern Legal History, which gathers yearly under the auspices of the Center for Renaissance Studies at the Newberry Library in Chicago in order to explore a particular topic in the comparative legal history of the Atlantic world in the period c.1492-1815. Funding has been provided by the University of Illinois College of Law.

Attendance at the Symposium is free and open to the public. Participants and attendees should preregister by contacting the Center for Renaissance Studies at the Newberry Library at [renaissance@newberry.org](mailto:renaissance@newberry.org) or at 312-255-3514. For information about the conference, please consult our website at <http://www.newberry.org/renaissance/seminars/legal.html> or contact Prof. Richard Ross at [Rjross@illinois.edu](mailto:Rjross@illinois.edu) or at 217-244-7890.

Here is the program and schedule:

9:00 Welcome: Lauren Benton (NYU History) and Richard Ross (University of Illinois at Urbana-Champaign Law and History)

9:05 to 10:40: Panel: Varieties of Legal Pluralism: The Ottoman Empire, Spanish America, and British India

Paper 1: Karen Barkey (Columbia University, Sociology and History): “Ottoman Imperial Management of Diversity: The Costs and Benefits of Legal Pluralism”

Paper 2: Jovita Baber (University of Illinois at Urbana-Champaign, History): “Multiplicity of Meanings: Legal Pluralism and the Layer Legality of Land in the Sixteenth-Century Andes”

Paper 3: Mitra Sharafi (University of Wisconsin Law): “The Marital Patchwork of Colonial South Asia: Forum Shopping from Britain to Baroda”

Commentator 1: Tom Ginsburg (University of Chicago Law)

Commentator 2: Kristen Stilt (Northwestern Law)

Chair: Iza Hussin (University of Massachusetts at Amherst, Legal Studies)

10:40-10:55: Refreshment Break

10:55 to 12:30: Panel: Legal Pluralism and Slavery

Paper 1: Lauren Benton (NYU History): “‘Slave Trading is Not a Piratical Offense’: Legal Pluralism and Abolition in the British Empire”

Paper 2: Linda Rupert (University of North Carolina at Greensboro, History): “Fugitive Slaves and the Challenges of Imperial Jurisdiction in the Early Modern Caribbean”

Paper 3: Miranda Spieler (University of Arizona, History): “Plural Legal Regimes as Freedman’s Peril: The Demise of Liberty and the Transition Back to Slavery in French Guiana 1794-1809”

Commentator 1: Theodore Christov (Northwestern Political Science)

Commentator 2 and Chair: Dan Hamilton (University of Illinois at Urbana-Champaign Law)

12:30 to 1:50: Lunch: Participants and audience members are invited to try the restaurants in the neighborhood around the Newberry.

1:50 to 3:05: Panel: Jurisdictional Tensions and Forum Shopping: Household Government and Land Ownership

Paper 1: Kirsten Sword (Indiana University at Bloomington, History): “Marriage and Anglo-Imperial Jurisdictional Politics”

Paper 2: Allison Tirres (DePaul University Law): “The Shifting Legal Frontier: The Southwest from 1598 to 1821”

Commentator 1: Richard Helmholz (University of Chicago Law)

Commentator 2 and Chair: Gregg Roeber (Pennsylvania State University, History)

3:05 to 3:20: Refreshment Break

3:20 to 4:55: Panel: The Development of Legal Pluralism in the British Empire from the Seventeenth- through Nineteenth-Centuries

Paper 1: Philip Stern (Duke University, History): “Bundles of Hyphens: Corporations as Legal Communities in the Early Modern British Empire”

Paper 2: Christopher Brown (Columbia University, History): “Empire and Authority on the West African Coast”

Paper 3: P. G. McHugh (University of Cambridge, Faculty of Law): “Albion’s Sceptre: ‘Explosive Colonization’ and the Legalism of the British Empire – New Zealand in the 1830s”

Commentator 1: Seán Donlan (University of Limerick, Ireland, Faculty of Law)

Commentator 2 and Chair: Richard Ross (Illinois at Urbana-Champaign Law and History)

5:00 Adjourn