

American Society  
for  
Legal History



2010  
Annual Meeting  
Doubletree Hotel Philadelphia  
Philadelphia, Pennsylvania  
18–20 November  
Program

The “program grid” (titles of panels and times) will be found on the last page.

**Thursday, November 18**

2:00pm to 6:00pm	<b>Registration</b>
5:00pm to 6:00pm	<b>Finance Committee and Future of the Society Committee</b>
6:00pm to 7:15pm	<b>Executive Committee</b>
7:30pm to 10:00pm	<b>Board of Directors Dinner Meeting</b>
5:30pm to 7:30pm	<b>Welcome Reception (Historical Society of Pennsylvania) (Sponsored by the Earl Mack School of LAW, Drexel University)</b>
10:00pm to 11:00pm	<b>Nightcap (Standing O Bar, Doubletree Hotel Philadelphia)</b>

**Friday, November 19**

7:15am to 8:30am	<b>Membership Committee Breakfast Meeting</b>
7:30am to 3:00pm	<b>Registration</b>
7:30am to 4:00pm	<b>Book Exhibits</b>
7:30am to 8:45am	<b>Continental Breakfast</b>

8:30–10:15am

**Friday, Session A**

**Defining ‘Religion’ under the Law throughout U. S. History – Aria B Room**

Chair: Sarah Barringer Gordon, University of Pennsylvania,  
[sgordon@law.upenn.edu](mailto:sgordon@law.upenn.edu)

Panelists: James Kabala, Rhode Island College, [jkabala1980@gmail.com](mailto:jkabala1980@gmail.com)  
“‘We Are a Christian People’: Defining Religion in the Early Republic”

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

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

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

Comment: The Audience

**Before (and After) *Roe v. Wade* – Concerto A & B Room**

Chair: Ariela Dubler, Columbia University, [aduble@law.columbia.edu](mailto:aduble@law.columbia.edu)

Panelists: Linda Greenhouse, Yale Law School, [linda.greenhouse@yale.edu](mailto:linda.greenhouse@yale.edu)  
Reva Siegel, Yale Law School, [reva.siegel@yale.edu](mailto:reva.siegel@yale.edu)

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

**The Emergence of Legislation as a Source of Law in Pre-Nineteenth Century Europe –  
*Rhapsody Room***

Chair: Mats Kumlien, University of Uppsala, [mats.kumlien@jur.uu.se](mailto:mats.kumlien@jur.uu.se)

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

Matthias Schmoeckel, University of Bonn, [rgesch@jura.uni-bonn.de](mailto:rgesch@jura.uni-bonn.de)  
“Codification and the Protestant Reformation”

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

Comment: Markus Dirk Dubber, University of Toronto,  
[markus.dubber@utoronto.ca](mailto:markus.dubber@utoronto.ca)

**Comparative Method and Administrative Law History: Europe, America, East Asia –  
Maestro B Room**

Chair: Peter Lindseth, University of Connecticut, [peter.lindseth@law.uconn.edu](mailto:peter.lindseth@law.uconn.edu)

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

John Ohnesorge, University of Wisconsin, [jkohnesorge@wisc.edu](mailto:jkohnesorge@wisc.edu)  
“Administrative Law in East Asia”

Kim Lane Schepple, Princeton University, [kimlane@princeton.edu](mailto:kimlane@princeton.edu)  
“Administrative State Socialism”

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

Comment: The Audience

**Sanctuary in Medieval England: New Approaches – Minuet Room**

Chair: Thomas A. Green, University of Michigan, [tagreen@umich.edu](mailto:tagreen@umich.edu)

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

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

Margaret McGlynn, University of Western Ontario, [mmcglyn@uwo.ca](mailto:mmcglyn@uwo.ca)  
“The Use and Abuse of Sanctuary in Henrician England”

Comment: The Audience

10:00am to 11:00am **Mid-Morning Break**

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

**Presidential Panel: In Honor of Joan Sangster – Aria B Room**

Chair: Constance Backhouse, University of Ottawa,  
[constance.backhouse@uottawa.ca](mailto:constance.backhouse@uottawa.ca)

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

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

Amanda Glasbeek, York University, [aglasbee@yorku.ca](mailto:aglasbee@yorku.ca)  
“‘An Avalanche of Tragedy’: Working Class Women, Resistance, and

the Murder of Mrs. Mick”

Comment: The Audience

**New Perspectives on the Trial of Socrates** – *Rhapsody Room*

Chair: J. Russell VerSteeg, New England School of Law, [rversteeg@nesl.edu](mailto:rversteeg@nesl.edu)

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

Alan L. Boegehold, Brown University, [alan\\_boegehold@brown.edu](mailto:alan_boegehold@brown.edu)  
“Plato’s Defense Speech for Socrates”

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

Comment: Edwin Carawan, Missouri State University, [ecarawan@missouristate.edu](mailto:ecarawan@missouristate.edu)

**The Future of English Legal History** – *Maestro B Room*

Chair: Daniel Klerman, University of Southern California,  
[dklerman@law.usc.edu](mailto:dklerman@law.usc.edu)

Panelists: Charles Donahue, Jr., Harvard University, [jreader@law.harvard.edu](mailto:jreader@law.harvard.edu)

John H. Langbein, Yale University, [john.langbein@yale.edu](mailto:john.langbein@yale.edu)

Michael Lobban, University of London, [m.j.lobban@qmul.ac.uk](mailto:m.j.lobban@qmul.ac.uk)

James C. Oldham, Georgetown University, [oldham@law.georgetown.edu](mailto:oldham@law.georgetown.edu)

Comment: The Audience

**The Significance of Judge Made Law in Mexico, 1870–1932** – *Minuet Room*

Chair: Peter L. Reich, Whittier Law School, [preich@law.whittier.edu](mailto:preich@law.whittier.edu)

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

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

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

William Suarez-Potts, Kenyon College, [suarezpottsw@kenyon.edu](mailto:suarezpottsw@kenyon.edu)  
“Judge-Made Law, Labor, and the State in Mexico, 1927–1930”

Comment: Peter L. Reich

**New Approaches to the Legal History of American Capitalism – Aria A Room**

- Chair: Morton J. Horwitz, Harvard University, [horwitz@law.harvard.edu](mailto:horwitz@law.harvard.edu)
- Panelists: Richard F. Bense (with Gwendoline M. Alphonso), Cornell University, [rfb2@cornell.edu](mailto:rfb2@cornell.edu)  
“The Juridical Construction of Racial Identity and the Social Practice of Slavery”
- Nicholas P. Osborne, Columbia University, [no2112@columbia.edu](mailto:no2112@columbia.edu)  
“The Political Economy of Poverty: Class, Capitalism, and Savings in the Mid-Nineteenth Century United States”
- Jonathan Levy, Princeton University, [jilevy@princeton.edu](mailto:jilevy@princeton.edu)  
“The Legal Transformation of Mutual Aid in Nineteenth-Century America”
- Comment: Morton J. Horwitz

- 12:15pm to 1:45pm **Lunch Break**
- 12:30pm to 1:30 pm **Law & History Review Editorial Board Lunch Meeting  
(Sponsored by Cambridge University Press)**
- 12:30pm to 1:30pm **Standing Committee on Conferences and the Annual Lunch Meeting**
- 1:45pm to 3:30pm **Friday, Session C**

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

- Chair: Thomas Sugrue, University of Pennsylvania, [tsugrue@sas.upenn.edu](mailto:tsugrue@sas.upenn.edu)
- Panelists: Jefferson Decker, Columbia University, [jad2013@columbia.edu](mailto:jad2013@columbia.edu)  
“Goldwater v. Carter and the Problem of Conservative Legal Activism”
- Deborah Dinner, Harvard Law School, [ddinner@law.harvard.edu](mailto:ddinner@law.harvard.edu)  
“The Costs of Life: Feminism, Choice, and the Debate over Pregnancy Disability Benefits, 1974–1978”
- Robert Self, Brown University, [robert\\_self@brown.edu](mailto:robert_self@brown.edu)  
“The Right Turn’s Public-Private Controversy, 1975–1987”
- Comment: Jamal Greene, Columbia Law School, [jgreen5@law.columbia.edu](mailto:jgreen5@law.columbia.edu)

**Balancing Acts: Twentieth Century Democracies and Respect for the Rule of Law – Aria B Room**

- Chair: Christopher Capozzola, Massachusetts Institute of Technology, [capozzol@mit.edu](mailto:capozzol@mit.edu)
- Panelists: John Cerullo, University of New Hampshire at Manchester, [jcerullo@cisunix.unh.edu](mailto:jcerullo@cisunix.unh.edu)  
“Civilianizing Military Justice in ‘Belle Époque’ France”
- Marion Girard, University of New Hampshire at Durham, [mlgirard@unh.edu](mailto:mlgirard@unh.edu)

“Just Pieces of Paper? International Legal Agreements and the Threat of Chemical Warfare in World War Era Britain”

Stephanie Trombley, Embry-Riddle Aeronautical University at Prescott, [trombles@erau.edu](mailto:trombles@erau.edu)

“‘Our Boys’: The First Status of Forces Treaties and the Problem of Jurisdiction”

Comment: John Fabian Witt, Yale University, [john.witt@yale.edu](mailto:john.witt@yale.edu)

**Colonial Encounters: English, Islamic, and Zoroastrian Law in the Later British Empire – *Maestro B Room***

Chair: Steven Wilf, University of Connecticut, [swilf@sbcglobal.net](mailto:swilf@sbcglobal.net)

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

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

Adam Hofri-Winogradow, Hebrew University, [hofri@mssc.huji.ac.il](mailto:hofri@mssc.huji.ac.il)  
“Reception and Rejection of the Common Law Trust in Mandate Palestine”

Nurfadzilah Yahaya, Princeton University, [nyahaya@princeton.edu](mailto:nyahaya@princeton.edu)  
“British Colonial Law and the Establishment of Waqfs by Arabs in the Straits Settlements, 1860–1941”

Comment: Stuart Banner, UCLA, [banner@law.ucla.edu](mailto:banner@law.ucla.edu)

**Kathryn T. Preyer Prize Panel – *Maestro A Room***

Chair: Aviam Soifer, University of Hawaii, [soifer@hawaii.edu](mailto:soifer@hawaii.edu)

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

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

Comment: Robert W. Gordon, Yale Law School, [robert.w.gordon@yale.edu](mailto:robert.w.gordon@yale.edu)  
Sarah Barringer Gordon, University of Pennsylvania, [sgordon@law.upenn.edu](mailto:sgordon@law.upenn.edu)

**Historicizing Race in American Juvenile Justice – *Concerto A & B Room***

Chair: David S. Tanenhaus, University of Nevada, Las Vegas, [david.tanenhaus@unlv.edu](mailto:david.tanenhaus@unlv.edu)

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

Geoff Ward, University of California, Irvine, [gward@uci.edu](mailto:gward@uci.edu)

“What Happened to Recognition? The Historical Incongruity of Federal Effort to Advance Racial Equality in American Juvenile Justice”

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

3:30pm to 4:00pm Busses depart from the Doubletree Hotel Philadelphia for Drexel University Main Auditorium.

4:30pm to 6:00 p.m. **Plenary Session**

**Hendrik Hartog**

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

**“Callings in Legal History and Transformed Lives”**

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

7:30pm to 8:00pm Busses depart from Drexel University School of Law for the  
Doubletree Hotel Philadelphia.

9:00pm to whenever **Informal Graduate Student Gathering – Hotel Bar**

**Saturday, November 20**

7:15am to 8:30am **Committee Breakfasts**

**H-Law Committee Breakfast Meeting**

**Finance Committee re: Endowment Breakfast Meeting**

7:30am to 12:00pm **Registration**

7:30am to 4:00pm **Book Exhibits**

7:30am to 8:45am **Continental Breakfast**

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

**Workplace Injury and the Legal Construction of Disability in the Late 19<sup>th</sup> and Early  
20<sup>th</sup> Century United States – *Maestro A Room***

Chair: Susanna Blumenthal, University of Minnesota, [blume047@umn.edu](mailto:blume047@umn.edu)

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

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

John Williams-Searle, The College of Saint Rose, [searlejp@gmail.com](mailto:searlejp@gmail.com)  
“‘Libels on the Profession’: Railroaders, the Disability Debate, and its

Influence on the Creation of the FELA”

Comments: Susanna Blumenthal  
Richard K. Scotch, University of Texas at Dallas,  
[richard.scotch@utdallas.edu](mailto:richard.scotch@utdallas.edu)

**The Rise of Substantive Due Process Outside the Federal Courts – Aria A Room**

Chair: William Novak, University of Michigan, [wnovak@michigan.edu](mailto:wnovak@michigan.edu)

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

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

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

Comment: William Novak

**New Directions in the History of Citizenship and Immigration – Aria B Room**

Chair: David Abraham, University of Miami, [dabraham@law.miami.edu](mailto:dabraham@law.miami.edu)

Panelists: Daniel Cohen, Rice University, [gdcohen@rice.edu](mailto:gdcohen@rice.edu)  
“Statelessness in International Law in the Aftermath of World War Two”

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

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

Patrick Weil, University of Paris I and Yale Law School,  
“The Law and Politics of Denaturalization in the 20<sup>th</sup> Century United  
States”

Comment: David Abraham

**Families Inside and Outside the Law in the Americas, 1910–2010 – Maestro B Room**

Chair: Bianca Premo, Florida International University, [premob@fiu.edu](mailto:premob@fiu.edu)

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

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

Sueann Caulfield, University of Michigan, [scaul@umich.edu](mailto:scaul@umich.edu)  
“From the ‘Honest Concubine’ to the ‘Homosexual Stable Union’:

Stretching the Boundaries of Legal Families in the Brazilian Courts, 1930–2010”

Adriana R. B. Vianna, National Museum and Federal University of Rio de Janeiro, [adrianaVianna@gmail.com](mailto:adrianaVianna@gmail.com)

“Between ‘Homes’ and ‘Rights’: Paradoxes in the Management of Childhood in Democratic Brazil”

Comment: Bianca Premo

**Slavery, Law, Religion, and Power in the Early Modern Atlantic – Concerto A & B Room**

Chair: Holly Brewer, North Carolina State University, [holly\\_brewer@ncsu.edu](mailto:holly_brewer@ncsu.edu)

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

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

Comment: Chris Tomlins, University of California, Irvine, [ctomlins@law.uci.edu](mailto:ctomlins@law.uci.edu)

10:00am to 11:00am **Mid-Morning Break**

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

**Uses and Abuses of the *Ius Commune*: The Learned Law in Medieval Customary Law Treatises – Maestro A Room**

Chair: Kenneth Pennington, Catholic University of America, [pennington@cua.edu](mailto:pennington@cua.edu)

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

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

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

Comment: Richard Helmholz, University of Chicago, [dick\\_helmholz@law.uchicago.edu](mailto:dick_helmholz@law.uchicago.edu)

**Prostitution, Larceny, Murder: Criminal Law and Intimate Spaces in Post-Civil War America – Aria A Room**

Chair: Martha Jones, University of Michigan, [msjonz@umich.edu](mailto:msjonz@umich.edu)

Panelists: Elizabeth Parish Smith, University of North Carolina-Chapel Hill, [eps@unc.edu](mailto:eps@unc.edu)

“‘Men Who Go Into Such Places Ought to Lose their Money’:

Regulating Legal Prostitution in New Orleans, 1865–1877”

Andrew T. Urban, Emory University, [aturban@emory.edu](mailto:aturban@emory.edu)

“Thieves in the Home: Criminal Law, Domestic Servants, and the Maintenance of Social Boundaries”

Felicity Turner, United States Studies Centre, University of Sydney,

[felicity.turner@sydney.edu.au](mailto:felicity.turner@sydney.edu.au)

“‘Some Said It Was a Black Child’: Constructing Race through Infanticide Investigations in the Reconstruction South”

Comment: Kate Masur, Northwestern University, [kmasur@northwestern.edu](mailto:kmasur@northwestern.edu)

**New Perspectives on the New Deal State – *Aria B Room***

Chair: Michele Landis Dauber, Stanford University, [mldauber@stanford.edu](mailto:mldauber@stanford.edu).

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

Kelly Elizabeth Phipps, attorney, [kep5d@virginia.edu](mailto:kep5d@virginia.edu)  
“The Justice Department Murals and New Deal Legal Thought”

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

Comment: Dan Rodgers, Princeton University, [drodgers@princeton.edu](mailto:drodgers@princeton.edu)

**Comparing the Chinese and English Legal Traditions: ‘Modernization,’ Development, and the State – *Rhapsody Room***

Chair: John H. Langbein, Yale University, [john.langbein@yale.edu](mailto:john.langbein@yale.edu)

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

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

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

Comment: Madeleine Zelin, Columbia University, [mhz1@columbia.edu](mailto:mhz1@columbia.edu)

**Law and History in Latin America, An Historiographical Balance: Slavery, Indian Subjecthood, Family, and Violent Crimes – *Maestro B Room***

Chair: Robert James Cottrol, George Washington University, [bcottrol@law.gwu.edu](mailto:bcottrol@law.gwu.edu)

Panelists: Alejandro de la Fuente, University of Pittsburgh, [fuente2@pitt.edu](mailto:fuentes2@pitt.edu)  
“U. S. and Latin American Slavery and the Law: Impact of Comparative Work on the Historiography”

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

Bianca Premo, Florida International University, [premob@fiu.edu](mailto:premob@fiu.edu)  
“Litigants and the Leviathan in the Andes”

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

Comment: The Audience

12:30pm to 2:00pm **Annual Lunch** – *Symphony Ballroom, Doubletree Hotel*

The President will speak on the state of the Society.

2:15 to 4:00 **Saturday, Session C**

**New Approaches to Late Antique and Medieval Islamic Criminal Legal History** –  
*Rhapsody Room*

Chair: Lena Salaymeh, University of California, Berkeley, [lenas@berkeley.edu](mailto:lenas@berkeley.edu)

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

Kristen Stilt, Northwestern University, [stilt@law.northwestern.edu](mailto:stilt@law.northwestern.edu)  
“Discretion and Criminal Law Enforcement in Medieval Egypt, 1250–1517”

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

Comment: William Ewald, University of Pennsylvania, [wewald@law.upenn.edu](mailto:wewald@law.upenn.edu)

**Women and the Law in the United States** – *Aria A Room*

Chair: Philip Girard, Dalhousie University, [philip.girard@dal.ca](mailto:philip.girard@dal.ca)

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

Kimberley A. Reilly, University of Baltimore, [kreilly@ubalt.edu](mailto:kreilly@ubalt.edu)  
“Wronged in Her Dearest Rights: Marriage and the Transformation of Consortium, 1870–1920”

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

Comment: Philip Girard

**Race, Law, and Social Control in Comparative Perspective – *Aria B Room***

Chair: Ariela Gross, University of Southern California, [agross@law.usc.edu](mailto:agross@law.usc.edu)

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

Michael A. Livingstone, Rutgers-Camden School of Law,  
[weissliv@comcast.com](mailto:weissliv@comcast.com)  
“One in a Thousand: The Italian Race Laws in Legal and Historical Perspective”

Timothy L. Schroer, University of West Georgia, [tschroer@westga.edu](mailto:tschroer@westga.edu)  
“The Birth of Codified Racial Segregation of Prisoners of War”

Comment: Ariela Gross

**Fundamental Rights in the U.S. and Canada: A Comparison – *Maestro B Room***

Chair: Anders Walker, St. Louis University, [awalke16@slu.edu](mailto:awalke16@slu.edu)

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

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

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

Comment: Anders Walker

**The Problem of Imperial Sovereignty: Law and Lawlessness in the British Empire – *Maestro A Room***

Chair: Daniel Hulsebosch, New York University, [daniel.hulsebosch@nyu.edu](mailto:daniel.hulsebosch@nyu.edu)

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

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

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

Comment: Daniel Hulsebosch

4:15 to 6:00

**Saturday, Session D**

**The Legal Construction of an American Imperial Order, 1877–1913 – *Aria A Room***

- Chair: Rachel St. John, Harvard University, [stjohn@fas.harvard.edu](mailto:stjohn@fas.harvard.edu)
- Panelists: Dan Margolies, Virginia Wesleyan College, [dmargolies@vwc.edu](mailto:dmargolies@vwc.edu)  
“Loose Space, Jurisdiction, and Sovereign Exception on the U.S.-Mexican Border, 1877–1898”
- Robert McGreevey, The College of New Jersey, [mcgreeve@tcnj.edu](mailto:mcgreeve@tcnj.edu)  
“Constructing Borders: Colonial Law and Migration in Puerto Rico and the Mainland United States, 1898–1904”
- Benjamin Coates, Columbia University, [bac2104@columbia.edu](mailto:bac2104@columbia.edu)  
“Investments, Intervention, and International Law in U. S. Foreign Relations, 1904–1913”
- Comment: Christina Duffy Burnett, Columbia University, [cburne@law.columbia.edu](mailto:cburne@law.columbia.edu)

**Jurisdiction: A Moving Target in Medieval and Early Modern Europe and the Mediterranean – *Minuet Room***

- Chair: Jeffrey Bowman, Kenyon College, [bowmanj@kenyon.edu](mailto:bowmanj@kenyon.edu)
- Panelists: Jessica Goldberg, University of Pennsylvania, [goldbejl@sas.upenn.edu](mailto:goldbejl@sas.upenn.edu)  
“A Law Merchant? Contracts and Contract Enforcement in the Medieval Mediterranean”
- Kelly De Luca, Algoma University, [kelly.deluca@algomau.ca](mailto:kelly.deluca@algomau.ca)  
“Territorial Sovereignty and Extraterritorial Jurisdiction in Early Modern England”
- Ellen Wurtzel, Oberlin College, [ellen.wurtzel@oberlin.edu](mailto:ellen.wurtzel@oberlin.edu)  
“City Limits and State Formation: The Custom of Lille in the Early Sixteenth Century”
- Comment: Jeffrey Bowman

**U. S.-Canadian Borderlands – *Aria B Room***

- Chair: Lyndsay Campbell, University of Calgary, [lyndsay@iii.ca](mailto:lyndsay@iii.ca)
- Panelists: Tony Freyer, University of Alabama, [tfreyer@law.ua.edu](mailto:tfreyer@law.ua.edu)  
“African American Freedom Struggles and Contested Sovereignties in the Antebellum US/Canadian Borderlands”
- Aviam Soifer, University of Hawaii, [soifer@hawaii.edu](mailto:soifer@hawaii.edu)  
“Federalism and Freedom: Famous Judges and the Clash of First Principles”
- Stephen Middleton, Mississippi State University, [smiddleton@aas.msstate.edu](mailto:smiddleton@aas.msstate.edu)  
“Defining Whiteness in the Borderlands of the Old Northwest, 1803–1870”
- Harvey Amani Whitfield, University of Vermont, [hwhitfie@uvm.edu](mailto:hwhitfie@uvm.edu)

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

John Wertheimer, Davidson College, [jowertheimer@davidson.edu](mailto:jowertheimer@davidson.edu) and  
Daphne Fruchtman, [dafruchtman@davidson.edu](mailto:dafruchtman@davidson.edu)

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

Comment: The Audience

**The Ongoing ‘Resource Wars’: Legal, Environmental, and Cultural Implications of Indigenous Resource Extraction – *Rhapsody Room***

Chair: Paul Rosier, Villanova University, [paul.rosier@villanova.edu](mailto:paul.rosier@villanova.edu)

Panelists: Jaime Allison, University of Virginia, [jra5x@virginia.edu](mailto:jra5x@virginia.edu)  
“Sovereign Spaces: Expanding Sovereignty, Shifting Governance, and Energy Development on the Crow Reservation”

Sidney Haring, CUNY Law School, [haring@mail.law.cuny.edu](mailto:haring@mail.law.cuny.edu)  
“San Lands in Southern Africa: Foraging, Farms, Game Parks, and Diamonds”

Judith Kimerling, CUNY Law School/Queens College, [judith.kimerling@qc.cuny.edu](mailto:judith.kimerling@qc.cuny.edu)  
“Huaorani Land Rights in Ecuador: Oil, Contact, and Conservation”

Comment: Brian C. Hosmer, University of Tulsa, [brian-hosmer@utulsa.edu](mailto:brian-hosmer@utulsa.edu)

**Lost Intersections: Labor, Civil Rights, and Feminism in Twentieth Century U. S. Legal Advocacy – *Concerto A & B Room***

Chair: Mary Dudziak, University of Southern California, [mdudziak@law.usc.edu](mailto:mdudziak@law.usc.edu)

Panelists: Tomiko Brown-Nagin, University of Virginia, [tb3u@virginia.edu](mailto:tb3u@virginia.edu)  
“‘The Only Woman in the Courtroom’: Constance Baker Motley and Twentieth-Century Struggles for Equality”

Sophia Z. Lee, University of Pennsylvania, [slee@law.upenn.edu](mailto:slee@law.upenn.edu)  
“More than a Hamburger: The Labor Roots of the Sit-In Cases”

Serena Mayeri, University of Pennsylvania, [smayeri@law.upenn.edu](mailto:smayeri@law.upenn.edu)  
“Rethinking Legal Feminism, Race, and Civil Rights in the 1970s”

Comment: Nancy MacLean, Northwestern University, [nkm050@northwestern.edu](mailto:nkm050@northwestern.edu)

6:00pm–8:00pm **Closing Reception – *Symphony Ballroom, Doubletree Hotel***

6:00pm–7:00pm **Program Committee Meeting**

<b>Friday</b> <b>Session A</b> <b>8:30 – 10:15</b>	<b>Defining  “Religion” under  the Law in U.S.  History</b> <i>Aria B</i>	<b>Before (and  After) <i>Roe v.  Wade</i></b> <i>Concerto A &amp; B</i>	<b>Emergence of  Legislation as a  Source of Law in  Pre-19<sup>th</sup> Century  Europe</b> <i>Rhapsody</i>	<b>Comparative  Method and  Administrative  Law History:  Europe,  America, East  Asia</b> <i>Maestro B</i>	<b>Sanctuary in  Medieval  England</b> <i>Minuet</i>
<b>Friday</b> <b>Session B</b> <b>10:30 - 12:15</b>	<b>Presidential  Panel in Honor of  Joan Sangster</b> <i>Aria B</i>	<b>New  Perspectives on  the Trial of  Socrates</b> <i>Rhapsody</i>	<b>The Future of  English Legal  History</b> <i>Maestro B</i>	<b>The  Significance of  Judge-Made  Law in Mexico,  1870–1932</b> <i>Minuet</i>	<b>New  Approaches to  the Legal  History of  American  Capitalism</b> <i>Aria A</i>
<b>Friday</b> <b>Session C</b> <b>1:45 - 3:30</b>	<b>Law, Politics, and  the American  State in the 1970s</b> <i>Aria A</i>	<b>Twentieth  Century  Democracies  and Respect for  the Rule of Law</b> <i>Aria B</i>	<b>English, Islamic and  Zoroastrian Law in  the Later British  Empire</b> <i>Maestro B</i>	<b>Kathryn T.  Preyer Prize  Panel</b> <i>Maestro A</i>	<b>Historicizing  Race in  American  Juvenile Justice</b> <i>Concerto A &amp; B</i>
<b>Friday</b> <b>4:30 - 6:30</b>	<b>Plenary:</b>				
<b>Saturday</b> <b>Session A</b> <b>8:30 - 10:15</b>	<b>Workplace  Injury and the  Legal  Construction of  Disability</b> <i>Maestro A</i>	<b>The Rise of  Substantive Due  Process Outside  the Federal  Courts</b> <i>Aria A</i>	<b>New Directions in  the History of  Citizenship and  Immigration</b> <i>Aria B</i>	<b>Families Inside  and Outside the  Law in the  Americas,  1910–2010</b> <i>Maestro B</i>	<b>Slavery, Law,  Religion, and  Power in the  Early Modern  Atlantic</b> <i>Concerto A &amp; B</i>
<b>Saturday</b> <b>Session B</b> <b>10:30 - 12:15</b>	<b>Uses and Abuses  of the <i>Ius  Commune</i>: The  Learned Law in  Medieval  Customary Law  Treatises</b> <i>Maestro A</i>	<b>Criminal Law  and Intimate  Spaces in Post-  Civil War  America</b> <i>Aria A</i>	<b>New Perspectives on  the New Deal State</b> <i>Aria B</i>	<b>Comparing the  Chinese and  English Legal  Traditions</b> <i>Rhapsody</i>	<b>Law and  History in Latin  America</b> <i>Maestro B</i>
<b>Saturday</b> <b>Session C</b> <b>2:15 - 4:00</b>	<b>New Approaches  to Antique and  Late Medieval  Islamic Criminal  Legal History</b> <i>Rhapsody</i>	<b>Women and the  Law in the  United States</b> <i>Aria A</i>	<b>Race, Law, and  Social Control in  Comparative  Perspective</b> <i>Aria B</i>	<b>Fundamental  Rights in the  U.S. and  Canada: A  Comparison</b> <i>Maestro B</i>	<b>Imperial  Sovereignty:  Law and  Lawlessness in  the British  Empire</b> <i>Maestro A</i>
<b>Saturday</b> <b>Session D</b> <b>4:15 - 6:00</b>		<b>Jurisdiction: A  Moving Target  in Medieval and  Early Modern  Europe and the  Mediterranean</b> <i>Minuet</i>	<b>U.S.-Canadian  Borderlands</b> <i>Aria B</i>	<b>Legal,  Environmental,  and Cultural  Implications of  Indigenous  Resource  Extraction</b> <i>Rhapsody</i>	<b>Labor, Civil  Rights, and  Feminism in  Twentieth  Century U.S.  Legal Advocacy</b> <i>Concerto A &amp; B</i>

