



# ASLH Newsletter

Summer- Fall 2007

## CONTENTS

Note from Charlie Donahue.....	2
ASLH Election 2007:	
Introduction.....	2
Nominee for President (uncontested).....	3
Nominees for Board of Directors, At Large (8 candidates; top 4 elected) .....	4
Nominees for Board of Directors, Graduate Student Representative (2 candidates, top 1 elected).....	7
Nominees for Nominating Committee (4 candidates; top 2 elected).....	8
Election Ballot 2007 .....	10
ASLH Annual Meeting 2007:	
Tentative Program.....	11
Registration Form .....	23
Hotel Information.....	24
Room Share Program.....	25
Editor's Note.....	26
Announcement— <i>Journal of Legal History</i> .....	26
Announcement—Charles Warren Center .....	27
Order Form: UNC Discounted Books.....	28

## NOTE FROM CHARLIE DONAHUE

The October 25–27 Tempe meeting date is not so very far ahead on the calendar now, and the Society is very much indebted to Risa Goluboff and Jon Rose (co-chairs) and to their program committee for an exciting line-up of panels. The program is also spiced with some social events that will offer the time and relaxed atmosphere for informal conversation and seeing old and making new friends in the profession. The recent meetings have set a high standard, but all signs indicate that it will be matched by the Tempe event.

Last year's experiment of making the Newsletter available online and putting only a small part of it in the post was not a success. The entire Newsletter will be sent to all the members (at considerable cost to the Society), although those of us who use the internet will probably find the online version more convenient. The forms in the online Newsletter (ballot, preregistration form, room-sharing form) can be printed from the online version and mailed in.

## ASLH ELECTIONS 2007

### Introduction

This issue of the *Newsletter* contains all necessary information for society members who wish to participate in the annual election of members of the **Board of Directors** and the **Nominations Committee** to replace those members retiring on completion of their terms. Society members will find in the following pages a list of candidates with biographies and a ballot paper. To be counted, your ballot paper must be returned to ASLH Secretary Tom Gallanis at the address provided on the ballot paper **postmarked no later than 26 September 2007**.

**Board of Directors:** The Board of Directors, together with the society's officers, is the Society's governing body. Society by-laws require annual election of one third of the elected membership (currently fifteen). Elected members will serve a three year term. In 2007 four "at large" members will be elected (eight candidates), and one graduate student member (two candidates).

**Nominations Committee:** The Nominations Committee selects candidates to stand for vacant elected positions on the Board of Directors and the Nominations Committee and recommends candidates for appointment to non-elected society offices (Secretary and Treasurer). The Nominations Committee also selects the society's president-elect (uncontested office). Society by-laws require annual election of up to one third of the Committee (total five). Committee members serve a three year term. In 2007 two members will be elected (four candidates).

Currently, the elected members of the Society's **Board of Directors** are:

Lauren Benton, New York University	
Richard B. Bernstein, New York Law School	– Retiring member
Lyndsay Campbell, University of California, Berkeley	– Retiring member
Christine Desan, Harvard Law School	
William Forbath, University of Texas Law School	
Thomas P. Gallanis, University of Minnesota Law School	– Retiring member
Michael Grossberg, Indiana University	
Sally Hadden, Florida State University College of Law	
James Oldham, Georgetown University Law Center	– Retiring member
Kenneth Ledford, Case Western Reserve University	

Lynda Przybyszewski, University of Notre Dame  
Reva Siegel, Yale Law School – Retiring member  
Robin Chapman Stacey, University of Washington  
David Sugarman, Lancaster University Law School (UK)  
Emily Zack Tabuteau, Michigan State University

Currently, the members of the **Nominations Committee** (all elected) are:

Christopher Capozzola, Massachusetts Institute of Technology  
Kenneth Mack, Harvard Law School – Retiring member  
W. Wesley Pue, University of British Columbia Law School – Retiring member  
David S. Tanenhaus, University of Nevada, Las Vegas  
Christopher Tomlins, American Bar Foundation

## **NOMINEES FOR ASLH ELECTION 2007**

### **President Elect (Uncontested)**

**Professor Constance Backhouse** is Distinguished University Professor and University Research Chair at the University of Ottawa. Professor Backhouse teaches in the University of Ottawa's Faculty of Law in the areas of criminal law, human rights, legal history, and women and the law. During her academic career to date Professor Backhouse has taught at four Canadian universities and colleges, and served as director of the University of Ottawa's Human Rights Centre from 2001 to 2003. She is a graduate of the University of Manitoba, Osgoode Hall Law School, and Harvard University.

During a long and energetic career, Professor Backhouse has been the recipient of many awards and honors: an honorary doctorate (2002) and law society medal (1998) from the Law Society of Upper Canada, the Bora Laskin Human Rights Fellowship (1999), the Joseph Brant Award for multicultural history (2002), the Jules and Gabrielle Léger Fellowship (2006), the Trudeau Fellowship (2006), and the Ramon Hnatyshyn Award of the Canadian Bar Association for outstanding contributions to legal scholarship in Canada (2006). Early in her career she was awarded the Augusta Stowe-Gullen Affirmative Action Medal by the Southwestern Ontario Association for the Advancement of Learning Opportunities for Women (1981). In 2004, Professor Backhouse became a Fellow of the Royal Society of Canada. Professor Backhouse has also received teaching awards from the University of Ottawa in 2001-02 and 2002-03, and in 2006 she was selected by the University of Ottawa for its "Award for Excellence in Research."

Professor Backhouse is known internationally for her feminist research and publications on sex discrimination and the legal history of gender and race in Canada. Her work documents violations of human rights, and, in particular, past neglect of gender equality in the Canadian legal system. A legal scholar who uses a narrative style of writing, her most recent books and articles have concentrated on the ways in which women and racialized communities have struggled for justice within the legal system. Professor Backhouse's most recent book, co-authored with her sister, the Hon. Justice Nancy L. Backhouse, is *The Heiress versus the Establishment: Mrs. Campbell's Campaign for Legal Justice* (Vancouver: UBC Press, 2004). Her other books include *Colour-Coded: A Legal History of Racism in Canada, 1900-1950* (Toronto: University of Toronto Press, 1999), winner of the 2002 Joseph Brant Award of the Ontario Historical Society ("best book in multicultural history published within the past three years"), and *Petticoats and Prejudice: Women and the Law in Nineteenth-Century Canada* (Toronto: Women's Press, 1991), winner of the 1992 Willard Hurst Prize in American Legal

History of the Law and Society Association. In 1993, another of her books, *Challenging Times: The Women's Movement in Canada and the United States* (Montreal and Kingston: McGill-Queen's U. Press), co-edited with David H. Flaherty, was named "Outstanding Book on the Subject of Human Rights in the United States" by the Gustavus Myers Center for the Study of Human Rights in the U.S. She is, additionally, the co-author with Leah Cohen of two books on sexual harassment: *Sexual Harassment on the Job* (Englewood Cliffs, NJ: Prentice-Hall, 1981) and *The Secret Oppression: Sexual Harassment of Working Women* (Toronto: Macmillan, 1979). The latter was the first book published in Canada on the topic, and the second in North America. All told, Professor Backhouse has over 50 publications to her credit. Her work has been supported by the Law Foundation of Ontario, the Osgoode Society, the Department of Justice, and the Social Sciences and Humanities Research Council of Canada, most recently (2005-07) for her current project on the history of sexual assault law in Canada, 1900-1975.

In addition to her academic and scholarly activities, Professor Backhouse has served for many years as a mediator and adjudicator of human rights complaints. In that capacity she served as an adjudicator for the compensation claims arising from the physical, sexual and psychological abuse of the former inmates of the Grandview Training School for Girls (1995-98), and continues to adjudicate compensation claims for the former students of Aboriginal residential schools across Canada. She has served as an expert witness and consultant on various aspects of sexual abuse and violence against women and children. She is a member of the board of directors for the Claire L'Heureux-Dubé Fund for Social Justice and the Women's Education and Research Foundation of Ontario, Inc.

**Board of Directors: "at large" positions (choice of 8 candidates; the 4 candidates receiving most votes will be deemed elected)**

**Alfred L. Brophy** is Professor of Law at the University of Alabama School of Law, Tuscaloosa. He has been book reviews editor of the *Law and History Review* since 2003. He has written *Reconstructing the Dreamland: The Tulsa Riot of 1921* (Oxford University Press, 2002), *Reparations Pro and Con* (Oxford University Press, 2006) as well as a number of articles on colonial and antebellum law. He is currently working on moral philosophy in the old South. He graduated from Columbia Law School and has a Ph.D. in the History of American Civilization from Harvard. Al Brophy writes: "I hope the Society will continue its important role in bringing together scholars who are interested in the history of law and reach out to historians and others who work in legal sources, but who have not been as frequent participants in the legal history world. Along those lines, I hope the Society will focus on making membership inviting and affordable to a wide range of scholars, particularly those in early stages of their careers."

**Christina Duffy Burnett** has recently been appointed to the faculty of Columbia Law School, where she will be in residence as an Associate Research Scholar during the 2007-08 year before commencing full-time teaching in the fall of 2008. Burnett's scholarship focuses on the constitutional and international legal history of American empire. Her current project examines the encounter among multiple constitutional traditions (American, Latin American, Spanish) in the context of empire at the turn of the twentieth century. Burnett is the co-editor (with Burke Marshall) of *Foreign in a Domestic Sense: Puerto Rico, American Expansion, and the Constitution* (Duke University Press, 2001), and the author of "Untied States: American Expansion and Territorial Deannexation," *University of Chicago Law Review* 72 (2005), among other articles. A Puerto Rican and an advocate of self-determination for the territories of the United States, Professor Burnett has spoken to audiences throughout the country about the historical, constitutional, and political dimensions of territorial status under U.S. sovereignty. She holds a J.D. from Yale Law School, an M.Phil. in political thought and intellectual history

from Cambridge University, and a Master's degree in American history from Princeton University where she is currently completing a doctorate in American legal history. Burnett served as a law clerk to Associate Justice Stephen G. Breyer on the United States Supreme Court in the October 2004 Term and to Judge José A. Cabranes on the Second Circuit Court of Appeals in the August 2000 Term.

**Mary L. Dudziak** is the Guirado Professor of Law, History and Political Science at the University of Southern California, and a Member of the School of Social Science, Institute for Advanced Study, Princeton (2007-08). She has also taught at Harvard Law School and the University of Iowa. Publications include *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton University Press, 2000); editor, *September 11 in History: A Watershed Moment?* (Duke University Press, 2003); co-editor (with Leti Volpp), *Legal Borderlands: Law and the Construction of American Borders*, published as a special issue of the *American Quarterly* (September 2005), republished by the Johns Hopkins University Press (2006); and articles on civil rights history and 20th-century constitutional history in law reviews and history journals. *Exporting American Dreams: Thurgood Marshall's African Journey*, is forthcoming from Oxford University Press in 2008, and *How War Made America: A 20th Century History* is under contract with OUP. She is the author of the Legal History Blog. Education: A.B., University of California, Berkeley; J.D., M.A., M.Phil., Ph.D. (American Studies), Yale University. Honors include: Guggenheim Fellowship, 2007-08; ACLS Fellowship, 2006-07; Distinguished Lecturer, Organization of American Historians; and others. Past ASLH service (partial list): Chair, Nominating Committee, 2001; Board of Directors and Executive Committee, 1/1995-12/1997, and 1989-92; Program Committee Chair, 1993; Program Committee, 1988; Editorial Board *Law and History Review* since 2005. Mary Dudziak writes: "I would bring to the Board ideas from my work in other historical organizations, an interest in transnational and comparative legal history, and interest and experience in promoting legal history on the web."

**Annette Gordon-Reed** is Professor of Law at New York Law School and Professor of History at Rutgers University (Newark). Born and raised in Texas, she is a graduate of Dartmouth College and Harvard Law School, where she was a member of the Harvard Law Review. At NYLS she teaches Property, Legal History, Criminal Procedure, and American Slavery and the Law. At Rutgers she teaches "Topics in American Political and Legal History 1776-1828" (graduate level) and "The Creation of the American Republic, 1776-1828" (undergraduate). In 1997 Gordon-Reed published *Thomas Jefferson and Sally Hemings: An American Controversy*. She has also written numerous articles and book reviews, edited *Race on Trial: Law and Justice in American History*, and worked with civil rights leader Vernon Jordan on his memoir, *Vernon Can Read*. Two books are in press: *The Hemings Family of Monticello: A Story of American Slavery*, the first volume of two, forthcoming from W.W. Norton in fall, 2008; and *Andrew Johnson*, on the presidency of Andrew Johnson, forthcoming from Times Books, also 2008. Those works will be followed by *A Jefferson Reader on Race* for Princeton University Press. Gordon-Reed is active in several scholarly societies, and currently serves on the Advisory Council of the Society for Historians of the Early American Republic (SHEAR). She also serves on the Advisory Committee for the Omohundro Institute of Early American History and Culture and on the Editorial Board of the *William & Mary Quarterly*; the Advisory Committee for the International Center for Jefferson Studies; the Advisory Committee on African American Interpretation at Monticello; the Advisory Board of The Papers of Thomas Jefferson (where she serves on the Executive Committee) and the Council on Foreign Relations. She is also currently a Non-Fiction judge for the 2007 National Book Award. Gordon-Reed has previously served on the ASLH Nominating Committee and is one of the judges for the Society's John Philip Reid

Prize. She lives in Manhattan with her husband Robert Reed, and their children Susan and Gordon.

**Adam Kosto** is Associate Professor of History and Department Chair at Columbia University, New York. He specializes in the institutional history of medieval Europe, with a focus on Catalonia and the Mediterranean. He received his B.A. from Yale in 1989, an M.Phil. from Cambridge in 1990, and his Ph.D. from Harvard in 1996. He is the author of *Making Agreements in Medieval Catalonia: Power, Order, and the Written Word, 1000-1200* (Cambridge University Press, 2001), and co-editor of *The Experience of Power in Medieval Europe, 950-1350* (Ashgate, 2005) and of *Charters, Cartularies and Archives: The Preservation and Transmission of Documents in the Medieval West* (Pontifical Institute of Medieval Studies, 2002). He is currently working on a book on hostages as a mode of surety in medieval Europe and a project on the legal and documentary practices of laypeople in the Early Middle Ages. Kosto has served the ASLH most recently as chair of the Nominating Committee (2005-6). Adam Kosto writes: "I am particularly interested in maintaining the chronological, geographical, and disciplinary breadth of the Society's membership and its work."

**Andrea McKenzie** is Assistant Professor in the Department of History at the University of Victoria, British Columbia. She received her PhD in History from the University of Toronto in 1999. From 2000-2004 she was an adjunct lecturer and honorary research advisor at the University of Queensland in Brisbane, Australia. She took up her current position in July 2004. McKenzie has presented numerous papers on crime and print culture in seventeenth- and eighteenth-century England at conferences in Canada, Australia, the United States and Britain, and has published articles in *The Huntington Library Quarterly*, *Cultural and Social History*, *Law and History Review*, *London Journal*, and the *Journal of British Studies*. Her article, "'This Death Some Strong and Stout Hearted Man Doth Choose': The Practice of Peine Forte et Dure in Seventeenth- and Eighteenth-Century England," published in the *Law and History Review*, 23, 2 (2006) was awarded both the ASLH Surrency prize and the ASLH Sutherland prize for 2006. Her first book, *Tyburn's Martyrs: Execution in England, 1675-1775*, is in press with Hambledon Continuum (forthcoming October 2007). Her next project, a history of the cultural politics of manly courage in early modern England, is tentatively entitled *Playing the Man: Masculinity and Courage in England, 1660-1750*. McKenzie's scholarly interests lie at the intersection of the criminal law and cultural and social history, with an emphasis on class, gender, power, legitimation and inequality. Andrea McKenzie writes "I have had several years' experience organizing a province-wide graduate student history conference, and I am keen to contribute to the ASLH."

**Dylan C. Penningroth** is an Associate Professor of History at Northwestern University and a Research Fellow at the American Bar Foundation. He is also affiliated with Northwestern University's Department of African American Studies. He received a BA from Yale University (1993) and an MA and PhD from Johns Hopkins (2000). Before joining Northwestern he taught at the University of Virginia. Penningroth works in African American history, and in U.S. social and legal history. His research has focused on the history of black family and community life, on the ownership of property by slaves, and on ideologies of slavery in the U.S. and Ghana. Recent publications include "The Preacher's Wife: Law, Divorce, and Respectability Among African Americans, 1865-1930" (*Journal of Family History*, forthcoming) and "The Claims of Slaves and Ex-Slaves to Family and Property: A Transatlantic Comparison" (*American Historical Review*, forthcoming). His book, *The Claims of Kinfolk: African American Property and Community in the Nineteenth-Century South* (University of North Carolina Press, 2003) won the Avery O. Craven Award of the OAH (2004); as a dissertation it was awarded the Allan

Nevins Prize of the Society of American Historians. Penningroth is currently at work on two projects: a study of African Americans' engagement with local courts in the late-nineteenth and early-twentieth century South, and a study of the legacy of slavery in early-twentieth-century Gold Coast/Ghana colonial courts. He has held fellowships from the Smithsonian Institution, the Carter G. Woodson Institute, and the Newberry Library/NEH. A member of ASLH since 2002, he has presented papers at the annual meeting and has served for the past two years on the Surrency Prize Committee. Dylan Penningroth writes: "If elected to the Board, I would be particularly interested in exploring ways of bringing the ASLH into closer engagement with scholars of the legal histories of Africa."

**Jonathan Rose** is Professor of Law and Willard H. Pedrick Distinguished Research Scholar at the Sandra Day O'Connor College of Law, Arizona State University. He is active in the American Society of Legal History and is currently Chair, Local Arrangements Committee, and Co-Chair, Program Committee for the 2007 Annual Conference. His published research focuses on medieval and early modern English legal history, including the regulation of the legal profession ("The Ambidextrous Lawyer: Conflict of Interest and the Medieval Legal Profession," 7 *U. Chi. Law School Roundtable* 136 (2000), and "The Legal Profession in Medieval England: A History of Regulation," 48 *Syracuse L. Rev.* 1 (1998)); early defamation law ("Early Occupational Defamation and Disloyal Lawyers: 'He is Ambodexter. There Cannot Be A Greater Slander'," 33 *Cambrian L. Rev.* 53-66 (2002), and "Of Ambidexters and Daffidowndillies: Defamation of Lawyers, Legal Ethics and Professional Reputation," 8 *U. Chi. Law School Roundtable* 423 (2001)); and historiography ("English Legal History and Interdisciplinary Legal Studies," in Anthony Musson, ed., *Boundaries of the Law: Geography, Gender and Jurisdiction in Medieval and Early Modern Europe* (Ashgate, 2005), "Doctrinal Development: Legal History, Law, and Legal Theory," 22 *Oxford J. Legal Studies* 323 (2002), and "Learning to be a Legal Historian: Reflections of a Non-Traditional Student," 51 *J. Legal Educ.* 294 (2001). Recent research involves the operation of the 15th century justice system: "Feodo de Compedibus Vocato le Sewet: The 15th Century Prison 'Oeconomy'," in Paul Brand, Andrew Lewis & Paul Mitchell eds., *Law In The City: Proceedings of the Seventeenth BLHC, 2005* (2007), and "Litigation and Political Conflict in Fifteenth-Century East Anglia: Conspiracy and Attaint Actions and Sir John Fastolf," 27 *Journal of Legal History* 53-80 (2006). Work currently in progress examines the legal and social norms governing maintenance in late-medieval England.

**Board of Directors: graduate student position (choice of 2 candidates; the candidate receiving most votes will be deemed elected)**

**Roman J. Hoyos** is a Ph.D. Candidate in American History at the University of Chicago. He also holds a law degree from Northwestern University School of Law (2001), where he served as the Special Sections Editor for the Law Review. Mr. Hoyos' primary interests lie in nineteenth century American legal and constitutional history. Currently, he is working on his dissertation, "In Convention Assembled: Constitutional Conventions, Law and Democracy in 19th Century America," which explores the role of state constitutional conventions in nineteenth century American public life. For the past five years, Mr. Hoyos has been a Board of Trustees Fellow at the University of Chicago. In 2007 he was a Fellow at the ASLH Hurst Summer Institute in Legal History at the University of Wisconsin, Madison.

**Karen Tani** is a doctoral candidate at the University of Pennsylvania and a law clerk to the Honorable Guido Calabresi, Second Circuit Court of Appeals. She holds degrees from

Dartmouth College (B.A.) and the University of Pennsylvania (J.D., M.A.). Her research focuses on twentieth-century poverty policy, poverty law, and the development of the American welfare state. She is the author of “*Flemming v. Nestor: Anticommunism, the Welfare State, and the Making of the New Property*,” forthcoming in the *Law and History Review* (Summer 2008), for which she was named an ASLH Kathryn T. Preyer Scholar in 2006. Her dissertation, supervised by Sarah Barringer Gordon, Michael Katz, and Tom Sugrue, is tentatively titled “Litigating the American Welfare State, 1937-1976.” Recent honors include graduating *magna cum laude*, Order of the Coif from the University of Pennsylvania Law School, where she also won the Fred G. Leebron Memorial Prize for the Best Paper in Constitutional Law. Karen Tani writes: “I hope to bring to the Board my enthusiasm for the field of legal history and my desire to make it even more accessible to graduate and undergraduate students. I also hope that my perspective as a graduate student and a participant in a growing joint degree program will help the Society find ways to continue encouraging young scholars.”

**Nominating Committee (choice of 4 candidates; the 2 candidates receiving most votes will be deemed elected)**

**Bernie D. Jones** is Assistant Professor in the Department of Legal Studies at the University of Massachusetts-Amherst, where she is also Adjunct Assistant Professor in the Department of History. She received her J.D. from the New York University School of Law and her Ph.D. in History from the University of Massachusetts. She is currently working on a book manuscript, *Policing the Color Line: Southern Justices on Miscegenation in the Antebellum Will Contest*. The book is a study of slaveholding men in the antebellum South who used trusts and estates law to recognize slave women partners and their mixed-race slave children, in contravention of the law of slavery which denied the women and children status as family members. In 2005 Jones was the recipient of an American Society for Legal History William Nelson Cromwell foundation fellowship to work on this project. More recently (Spring 2007), she received an American Association of University Women short-term research publication grant for the same project. Her publications include “When Critical Race Theory Meets Legal History,” 8 *Rutgers Race and the Law Review* 1-25 (fall 2006); “Righteous Fathers, Vulnerable Old Men and Degraded Creatures: Southern Justices on Miscegenation in the Antebellum Will Contest,” 40 *Tulsa Law Review* 699-750 (summer 2005); “International and Transracial Adoptions: Toward a Global Critical Race Feminist Practice?”

10 *Washington and Lee Race and Ethnic Ancestry Journal*, 43-64 (spring 2004); “Single Motherhood By Choice, Libertarian Feminism, and the Uniform Parentage Act,”

12 *Texas Journal of Women and the Law* 419-449 (spring 2003); and “Critical Race Theory: New Strategies for Civil Rights in the New Millennium?” 18 *Harvard BlackLetter Law Journal* 1-90 (spring 2002). Jones has taught classes in legal history, slavery and the law, law and the family, women and the law, and legal theory. In 2005 she was a Fellow at the ASLH Hurst Summer Institute in Legal History at the University of Wisconsin, Madison.

**Martha S. Jones** is Associate Professor at the University of Michigan, Ann Arbor, in the Department of History, the Center for Afroamerican and African Studies and the Law School. She holds a Ph.D. in history from Columbia University (2001) and a J.D. from the CUNY School of Law (1987). She is the author of *All Bound Up Together: The Woman Question in African American Public Culture, 1830-1900* (2007), which examines nineteenth-century African American debates over the rights of women, and “Leave of Court: African-American Legal Claims Making In the Era of *Dred Scott v. Sandford*” forthcoming in Manisha Sinha and Penny Von Eschen, editors, *Contested Democracy: Politics, Ideology and Race in American History*

(2007). Jones has been a fellow with the University of Michigan Institute for the Humanities, the Library Company of Philadelphia, and the Gilder-Lehrman Institute of American History. She was a recipient of the AHA's Littleton-Griswold research grant (2002), and a visiting professor at the École des Hautes Études en Sciences Sociales, in Paris (2006 and 2007). She directs, with Rebecca J. Scott (Michigan) and Jean Hébrard (EHESP), the Law and Slavery and Freedom Project, an international research collaborative, and serves on the editorial board of the *Journal of Women's History*. Her current book project, *Riding the Atlantic World Circuit*, is a comparative study of slavery and law in the late-eighteenth and early-nineteenth century French Caribbean and United States. She has been a regular attendee and presenter at ASLH conferences since 2002.

**Amalia D. Kessler** is Associate Professor of Law and (by courtesy) History at Stanford University. She holds an A.B. from Harvard (1994), a J.D. from Yale (1999), and a Ph.D. from Stanford (2001). Her book, *A Revolution in Commerce: The Parisian Merchant Court and the Rise of Commercial Society in Eighteenth-Century France*, will appear in the fall of 2007. She has also written several articles concerning early-modern French commercial law and culture, including: "Enforcing Virtue: Social Norms and Self-Interest in an Eighteenth-Century Merchant Court," *Law and History Review* 22 (2004), which received the ASLH's Surrency prize; and "Limited Liability in Context: Lessons from the French Origins of the American Limited Partnership," *Journal of Legal Studies* 32 (2003). Her current research explores the procedural tradition of early American equity courts and its surprising, continental European parallels. She has published an article on these themes—"Our Inquisitorial Tradition: Equity Procedure, Due Process, and the Search for an Alternative to the Adversarial," *Cornell Law Review* (2005)—and is now undertaking a new book project, research for which is being funded by a Ryskamp Fellowship from the ACLS. She is actively involved with the ASLH, having served on the 2006 Program Committee and, since May 2007, as Associate Editor (Book Reviews, Non-Americas) for the *Law and History Review*. In addition, she is currently serving as a member of the Executive Committee of the AALS Section on Comparative Law. Amalia Kessler writes: "Should I be elected to the Nominations Committee, one of my main goals will be to try to ensure a greater representation of topics and scholars from outside the U.S. in ASLH activities."

**Barbara Y. Welke** is Associate Professor of History and Professor of Law at the University of Minnesota. Welke received her Ph.D. in History from the University of Chicago (1995) and her J.D. from the University of Michigan Law School (1983). Her current work addresses legal personality and citizenship in the long nineteenth century and the history of product liability from the last quarter of the nineteenth century through the twentieth century. Publications include *Recasting American Liberty: Gender, Race, Law and the Railroad Revolution, 1865-1920* (Cambridge 2001), awarded the AHA Littleton-Griswold Prize; and "When All the Women Were White, and All the Blacks Were Men: Gender, Class, Race, and the Road to *Plessy*, 1855-1914," *Law & History Review*, awarded the ASLH Surrency Prize. Welke has been involved in the ASLH since the early 1990s and has served on the Board of Directors (2002-2005), the Editorial Board of *Law and History Review* (1995-Present), the Cromwell Prize Committee (2004-2006), and the Program Committee (2005, 2001, 1998). In 2007 she has been chair of the Hurst Summer Institute in Legal History (June 2007).

# American Society for Legal History

## ELECTION BALLOT 2007

Complete and Return to:

Professor Thomas P. Gallanis  
University of Minnesota Law School  
229 19th Avenue South  
Minneapolis, MN 55455

RETURNED BALLOTS MUST BE POSTMARKED NO LATER THAN SEPTEMBER 26, 2007

### Board of Directors – At Large (vote for *four*)

Alfed L. Brophy [ ]

Christina Duffy Burnett [ ]

Mary L. Dudziak [ ]

Annette Gordon-Reed [ ]

Adam Kosto [ ]

Andrea McKenzie [ ]

Dylan C. Penningroth [ ]

Jonathan Rose [ ]

### Board of Directors – Graduate Student Representative (vote for *one*)

Roman Hoyos [ ]

Karen Tani [ ]

### Nominating Committee (vote for *two*)

Bernie D. Jones [ ]

Martha S. Jones [ ]

Amalia D. Kessler [ ]

Barbara Y. Welke [ ]

For biographies of all candidates see this Newsletter and/or the ASLH web site  
<http://www.h-net.msu.edu/~law/ASLH/aslh.htm>

**ASLH ANNUAL MEETING 2007 – TENTATIVE PROGRAM [AS OF JUNE 2007]**

**OCTOBER 25-27, 2007**

**TEMPE, ARIZONA**

	Panel 1	Panel 2	Panel 3	Panel 4	Panel 5
<u>Friday A</u> 8:30-10:15	Grassroots Lawyering in the Long Twentieth Century	Making Places, Making People: The Legal History of the Southwest	Courts, Corruption, and Democracy, 1800-1876	Crime and Punishment in Britain, c. 1550-1900	The Mixed Constitution: Ancient and Modern
<u>Friday B</u> 10:30-12:15	The <i>Dred Scott</i> Case at 150: Politics, Law, and the Competing Constitutional Histories of Slavery	<i>The Craft of Legal History Seminar:</i> Documenting Legal History Roundtable	The Invention of Modern Anglo- American Intellectual Property Law	The Development of Insurance Law: English Common Law and Continental Influences	Social Control in Ancient Societies: Norms, Contracts, and Fundamental Law
<u>Friday C</u> 1:45-3:30	Constituting Gender and Citizenship in the American Polity	<i>The Craft of Legal History Seminar: Telling the Story: Legal History and the Art of Documentary Filmmaking</i>	Unusual Origins in American Legal History	The Legal System in Late Medieval and Modern Europe	Preyer Prize Panel
<u>Friday D</u> 4:30-6:00	Plenary Address: Paul Brand, Oxford University				
<u>Saturday A</u> 8:30-10:15	Governing American Sexuality	<i>The Craft of Legal History Seminar: Friends of the Court: History Meets Law</i>	Law at the Margins in the Early National South	Evolution and Institutions of the Medieval Ius Commune	
<u>Saturday B</u> 10:30-12:15	Religion and Activism in Twentieth-Century Law	<i>The Craft of Legal History Seminar: The Use of History in Constitutional Interpretation</i>	Halfway Measures: U.S. and Canada's Judicial Decisions against Racial Deed Restrictions, 1900-1950	The Rule of Law: Ancient and Modern	The Role of Land in National-Local Relations: A Comparative Perspective
<u>Saturday C</u> 2:15-4:00	Episodes in the History of Modern Territorialism	<i>The Craft of Legal History Seminar: Micro- Histories, Macro- Projects</i>	American Trials: Lawyers, Litigants, and Legal Strategies	Emerging Issues in Canon Law	Latin American Public Law
<u>Saturday D</u> 4:15-6:00	Roundtable on Keith Whittington's <i>The Political Foundations of Judicial Supremacy</i>	<i>The Craft of Legal History Seminar: Literature as Legal History</i>	American Indians and the Federal Government	Legal Issues in Feudal Society	Crime and Punishment in Nineteenth- Century European Empires

## **Friday A (8:30-10:15)**

### **Grassroots Lawyering in the Long Twentieth Century**

Chair: Marjorie E. Kornhauser, Sandra Day O'Connor College of Law, Arizona State University, Marjorie.Kornhauser@asu.edu

Panelists: Felice Batlan, Chicago-Kent College of Law, fbatlan@kentlaw.edu  
“The Ladies Health Protective Association: Municipal Housekeeping and the creation of Urban Public Interest Lawyering”

Gwen Jordan, University of Wisconsin Law School, gjordan@wisc.edu  
“ ‘Them Law Wimmin’: The Protective Agency for Women and Children, 1886-1905”

Christopher Schmidt, Harvard Law School, cschmidt@law.harvard.edu  
“The Sit-Ins, the NAACP, and the Role of the Constitution in the Civil Rights Movement”

Commentator: David Spinoza Tanenhaus, University of Nevada, Las Vegas, [tanenhad@nevada.edu](mailto:tanenhad@nevada.edu)

### **Making Places, Making People: The Legal History of the Southwest**

Chair: John Reid, New York University, reidj@juris.law.nyu.edu

Panelists: Allison Tirres, De Paul University, atirres@fas.harvard.edu  
“Reconfiguring Borders in Nineteenth-Century El Paso”

Laura Gomez, University of New Mexico, lGomez@law.unm.edu  
“Manifest Destinies: The Making of the Mexican American Race”

Tom Romero, Hamline University, tromero01@gw.hamline.edu  
“Multiracial Dissonance, Cold War Containment and the Law of Municipal Boundaries in the Metropolitan West”

Commentator: Mary Romero, Arizona State University, mary.romero@asu.edu

### **Courts, Corruption and Democracy, 1800-1876**

Chair: Paula Baker, Ohio State University, baker.973@osu.edu

Panelists: James Pfander, University of Illinois College of Law, jpfander@law.uiuc.edu  
“Fees, Salaries, and Judicial Independence in the Early Republic”

Jed Handelsman Shugerman, Harvard Law School, jshugerman@law.harvard.edu  
“The Wave of Judicial Elections, 1846-1851”

Renée Lettow Lerner, George Washington University Law School, rlerner@law.gwu.edu  
“Reform of Judicial Elections After the Civil War”

Commentator: Alexander Keyssar, John F. Kennedy School of Government, Harvard University, Alex\_Keyssar@harvard.edu

## **Crime and Punishment in Britain, c. 1550-1900**

Chair: Wendie Schneider, University of Iowa, [wendie-schneider@uiowa.edu](mailto:wendie-schneider@uiowa.edu)

Panelists: R. A. Houston, University of St. Andrews, [rah@st-andrews.ac.uk](mailto:rah@st-andrews.ac.uk)  
“Punishing the Dead: The Law on Suicide in Historic Scotland”

Randall McGowen, University of Oregon, [rmcgowen@darkwing.uoregon.edu](mailto:rmcgowen@darkwing.uoregon.edu)  
“An Unsettling Crime and a Disturbing Spectacle: The Punishment of Forgery in Eighteenth-Century England”

Bruce Smith, Law, University of Illinois at Urbana-Champaign,  
[smithb@law.uiuc.edu](mailto:smithb@law.uiuc.edu)  
“Rethinking the Origins of Plea Bargaining in England”

Commentator: Thomas P. Gallanis, University of Minnesota, [gallanis@umn.edu](mailto:gallanis@umn.edu)

## **The Mixed Constitution: Ancient and Modern**

Chair: Ileana Porras, Arizona State University, [ileana.porras@asu.edu](mailto:ileana.porras@asu.edu)

Panelists: David Lieberman, University of California, Berkeley, [dlieb@law.berkeley.edu](mailto:dlieb@law.berkeley.edu)  
“The Mixed Constitution and the Common Law”

David Bederman, Emory University, [lawdjb@law.emory.edu](mailto:lawdjb@law.emory.edu)  
“North American Mixed Constitutions”

TBA

Commentator: Audience

## **Friday B (10:30-12:15)**

### ***The Dred Scott Case at 150: Politics, Law, and the Competing Constitutional Histories of Slavery***

Chair: Michael Les Benedict, Ohio State University, [benedict.3@osu.edu](mailto:benedict.3@osu.edu)

Panelists: Mark A. Graber, University of Maryland School of Law, [mgrab@gypt.umd.edu](mailto:mgrab@gypt.umd.edu)  
“Conflicts of Interest: Race, Class and Dred Scott”

Ariela J. Gross, University of Southern California School of Law,  
[agross@usc.law.edu](mailto:agross@usc.law.edu)  
“When Is the Time of Slavery? The History and Politics of Slavery in Contemporary Legal Argument”

Daniel W. Hamilton, Chicago Kent College of Law, [dhamilton@kentlaw.edu](mailto:dhamilton@kentlaw.edu)  
“The Dred Scott Case, Emancipation, and the Rise of the Fifth Amendment”

Commentator: Pamela Brandwein, University of Michigan, [pbrand@umich.edu](mailto:pbrand@umich.edu)

### *The Craft of Legal History Seminar*

#### **Documenting Legal History Roundtable**

Moderator: Linda K. Kerber, University of Iowa, [linda-kerber@uiowa.edu](mailto:linda-kerber@uiowa.edu)

Participants: Maeva Marcus, [maevamarcus@verizon.net](mailto:maevamarcus@verizon.net)  
Documentary History of the Supreme Court

John Kaminski, [jpkamins@wisc.edu](mailto:jpkamins@wisc.edu)  
Documentary History of the Ratification of the Constitution

Ann Gordon, [agordon@rci.rutgers.edu](mailto:agordon@rci.rutgers.edu)  
Papers of Elizabeth Cady Stanton and Susan B. Anthony

Charlene Bickford, [bickford@gwu.edu](mailto:bickford@gwu.edu)  
Documentary History of the First Federal Congress

#### **The Invention of Modern Anglo-American Intellectual Property**

Chair: Christine Desan, Harvard Law School, [desan@law.harvard.edu](mailto:desan@law.harvard.edu)

Panelists: Oren Bracha, University of Texas School of Law, [OBracha@law.utexas.edu](mailto:OBracha@law.utexas.edu)  
“The Ideology of Authorship Revisited”

Ronan Deazley, University of Birmingham School of Law,  
[r.deazley@bham.ac.uk](mailto:r.deazley@bham.ac.uk)  
“Copyright and Playright: An Historical Perspective”

Steven Wilf, University of Connecticut School of Law, [swilf@law.uconn.edu](mailto:swilf@law.uconn.edu)  
“The Moral Lives of Intellectual Properties in 19th Century America”

Commentator: Meredith McGill, Rutgers University, [mlmcgill@rci.rutgers.edu](mailto:mlmcgill@rci.rutgers.edu)

#### **The Development of Insurance Law: English Common & Statutory Law and Continental Influences**

Chair: A. W. Brian Simpson, University of Michigan, [bsimpson@umich.edu](mailto:bsimpson@umich.edu)

Panelists: David Ibbetson, Cambridge University, [dji22@cam.ac.uk](mailto:dji22@cam.ac.uk)  
“Early Modern Insurance and the Law”

Jean Meiring, Cambridge University, [jjm38@cam.ac.uk](mailto:jjm38@cam.ac.uk)  
“Insurance: Continental Influences on the Common Law in the 17<sup>th</sup> & 18<sup>th</sup>  
Centuries”

Michael Lobban, University of London, [m.j.lobban@qmul.ac.uk](mailto:m.j.lobban@qmul.ac.uk)  
“Developing the Law of Insurance in Nineteenth-century England”

Commentator: Geoffrey Clark, Potsdam University, [clarkgw@potdam.edu](mailto:clarkgw@potdam.edu)

#### **Social Control in Ancient Societies: Norms, Contracts, and Fundamental Law**

Chair: Adam Chodorow, Arizona State University, [Adam.Chodorow@asu.edu](mailto:Adam.Chodorow@asu.edu)

Panelists: Pamela Barmash, Washington University, [pbarmash@artsci.wustl.edu](mailto:pbarmash@artsci.wustl.edu)  
“Kinship and Contract in the Hebrew Bible”

Adriaan Lanni, Harvard Law School, [adlanni@law.harvard.edu](mailto:adlanni@law.harvard.edu)  
“Social Norms in the Athenian Courts”

Geoff Miller, New York University, [geoffrey.miller@nyu.edu](mailto:geoffrey.miller@nyu.edu)  
“The Golden Calf Episode and Fundamental Law”

Commentator: Steven Johnstone, University of Arizona, email address: [sjohnsto@u.arizona.edu](mailto:sjohnsto@u.arizona.edu)

### **Friday C (1:45-3:30)**

#### **Constituting Gender and Citizenship in the American Polity**

Chair: Michael Grossberg, [grossber@indiana.edu](mailto:grossber@indiana.edu)

Panelists: Kristin Collins, Boston University School of Law, [collinsk@bu.edu](mailto:collinsk@bu.edu)  
“‘Let the Government Become their Guardians:’ Early-Nineteenth-Century Family Military Entitlements and the Origins of American Welfare Administration”

Rebecca Rix, Department of History, Yale University, [rebecca.rix@aya.yale.edu](mailto:rebecca.rix@aya.yale.edu)  
“Reconstituting Enfranchisement after WWI: Carrie Chapman Catt's ‘Applied Democracy’ and the Significance of the Nineteenth Amendment”

Serena Mayeri, University of Pennsylvania Law School, [smayeri@law.upenn.edu](mailto:smayeri@law.upenn.edu)  
“‘Equality in Theory’ or ‘Equality in Fact’?: Reviving the Equal Rights Amendment in the Reagan Era”

Commentator: William Novak, University of Chicago, [nov9@uchicago.edu](mailto:nov9@uchicago.edu)

#### ***The Craft of Legal History Seminar***

##### **Telling the Story: Legal History and the Art of Documentary Filmmaking**

Moderator: Donna Schuele, University of Southern California, [dcsclv@pacbell.net](mailto:dcsclv@pacbell.net)

Panelists: Judy Branfman, University of California, Los Angeles, [branfman@ucla.edu](mailto:branfman@ucla.edu)  
“Land of Orange Groves and Jails”

Paul Espinosa, Arizona State University, [paul.espinosa@asu.edu](mailto:paul.espinosa@asu.edu)  
“The Lemon Grove Incident”

Eric Paul Fournier, Fournier Films, [fournier\\_films@hotmail.com](mailto:fournier_films@hotmail.com)  
“Of Civil Rights and Wrongs: The Fred Korematsu Story”

Commentator: Audience

#### **Unusual Origins in American Legal History**

Chair: Angela Fernandez, University of Toronto, [angela.fernandez@utoronto.ca](mailto:angela.fernandez@utoronto.ca)

Panelists: Bernadette Meyler, Cornell Law School, [bernadette-meyler@lawschool.cornell.edu](mailto:bernadette-meyler@lawschool.cornell.edu)  
“Crusoe in the Carolinas: Daniel Defoe’s Social Contract Theory of Judicial Review”

Simon Stern, University of Toronto, [simon.stern@utoronto.ca](mailto:simon.stern@utoronto.ca)  
“Detective Fiction and the Case Method”

TBA

Commentator: Gregg Crane, University of Michigan, [gdcrane@umich.edu](mailto:gdcrane@umich.edu)

### **The Legal System in Late Medieval and Early Modern Europe**

Chair: Janet Loengard, Moravian College, [loengardj@moravian.edu](mailto:loengardj@moravian.edu)

Panelists: Mia Korpiola, University of Helsinki, [mia.korpiola@helsinki.fi](mailto:mia.korpiola@helsinki.fi)  
“Pastime or Professionalism? Legal Riddles in Swedish Sixteenth- and Early Seventeenth-Century Manuscripts”

Blair Newcomb, Independent Scholar, [bdnewcomb@earthlink.net](mailto:bdnewcomb@earthlink.net)  
“Fear, Torture, and the Law of Duress in the Nullification Trial of Joan of Arc, 1455-1456”

Marie Kim, University of Minnesota, St. Cloud, [mskim@stcloudstate.edu](mailto:mskim@stcloudstate.edu)  
“Michel de L’Hôpital, Legal Humanism, and Ideals of Legal Unification in Sixteenth-Century France”

Commentator: Kjell Modeer, Lund University, [Kjell\\_A.Modeer@jur.lu.se](mailto:Kjell_A.Modeer@jur.lu.se)

### **Preyer Prize Panel**

Chair: TBD

Panelists: Gautham Rao, University of Chicago, [g.rao.uchicago@gmail.com](mailto:g.rao.uchicago@gmail.com)  
“The Federal *Posse Comitatus* Doctrine: Slavery, Compulsion, and Statecraft in Mid-Nineteenth Century America”

Laura Weinrib, Princeton University, [lweinrib@Princeton.edu](mailto:lweinrib@Princeton.edu)  
“The Sex Side of Civil Liberties: *United States v. Dennett* and the Changing Face of Free Speech”

Commentators: TBD

### **Plenary Session (4:30-6:00)**

**Paul Brand, Oxford University,**  
**[paul.brand@all-souls.ox.ac.uk](mailto:paul.brand@all-souls.ox.ac.uk)**  
**“Thirteenth-century English Royal Justices: What We Know and Do Not Know About What They Did”**

## **Saturday A (8:30-10:15)**

### **Governing American Sexuality**

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

Panelists: Margot Canaday, Princeton University, mcanaday@Princeton.EDU  
“‘We are Merely Concerned with the Fact of Sodomy’: Sexual Perversion and State Incapacity in the World War I-era Military”

Mary Anne Case, University of Chicago, macase@law.uchicago.edu  
“From Before Lord Harwicke’s Act to After the Defense of Marriage Act”

Colin Johnson, Indiana University, Bloomington, crj2@indiana.edu  
“Sexual Morrill-ity: The Land Grant College Act, Eugenics and the Nationalization of Sexual Normativity”

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

### ***The Craft of Legal History Seminar***

#### **Friends of the Court Roundtable: History Meets Law**

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

Panelists: James Oldham, Georgetown University, oldham@law.georgetown.edu

Tomiko Brown-Nagin, University of Virginia, tomiko@virginia.edu

Bruce Mann, Harvard University, mann@law.harvard.edu

Deborah Dinner, Yale University, deborah.dinner@yale.edu

### **Law at the Margins in the Early National South**

Chair: Christian Fritz, University of New Mexico, fritz@law.unm.edu

Panelists: Sally Hadden, Florida State University, shadden@mailers.fsu.edu  
“ADR and the Early Republic: The Charleston Chamber of Commerce Resolves Legal Disputes, 1784-1794”

Deborah Rosen, Lafayette College, rosend@lafayette.edu  
“Wartime Prisoners and the Boundaries of Law in the Early National Period”

Fay Yarbrough, University of Oklahoma, fyarbrough@ou.edu  
“Sam Dent, Molley, and the Intersection of Federal, State and Cherokee Law”

Commentator: John Wertheimer, Davidson College, jowertheimer@davidson.edu

### **Evolution and Institutions of the Medieval Ius Commune**

Chair: Charles Donahue, Harvard Law School, jreader@law.harvard.edu

Panelists: Ken Pennington, Catholic University, Pennington@cua.edu  
“The Beginnings of the Ius commune: The Big Bang”

Anders Winroth, Yale University, [anders.winroth@yale.edu](mailto:anders.winroth@yale.edu)  
“Law Schools in the Twelfth Century”

James A. Brundage, University of Kansas, [jabrun@ku.edu](mailto:jabrun@ku.edu)  
“Tools of the Trade: Medieval Lawyers and Their Libraries”

Commentator: James Whitman, Yale Law School, [james.whitman@yale.edu](mailto:james.whitman@yale.edu)

### **Saturday B (10:30-12:15)**

#### **Religion and Activism in Twentieth-Century Law**

Chair: Linda Przybyszewski, University of Notre Dame, [Linda.Przybyszewski.1@nd.edu](mailto:Linda.Przybyszewski.1@nd.edu)

Panelists: Nathan Oman, William & Mary Law School, [nboman@wm.edu](mailto:nboman@wm.edu)  
“Preaching in the Courthouse and Judging in the Temple”

Victoria Saker Woeste, America Bar Foundation, [vswoste@abfn.org](mailto:vswoste@abfn.org)  
“Lawyering in the Shadow of Brandeis: Louis Marshall’s Constitutional Jurisprudence, 1900-1929”

Sarah Barringer Gordon, University of Pennsylvania Law School, [sgordon@law.upenn.edu](mailto:sgordon@law.upenn.edu)  
“Quickening: Secularism, Women, and Legal Activism, 1975-1990”

Commentator: Philip Goff, Indiana University Purdue University Indianapolis, [pgoff@iupui.edu](mailto:pgoff@iupui.edu)

#### ***The Craft of Legal History Seminar***

#### **The Use of History in Constitutional Interpretation**

Chair: Robert Gordon, Yale University, [robert.w.gordon@yale.edu](mailto:robert.w.gordon@yale.edu)

Panelists: Gerard N. Magliocca, Indiana University, Indianapolis, [gmaglioc@iupui.edu](mailto:gmaglioc@iupui.edu)  
“Counterfactuals in Constitutional Interpretation: The Case of Huey P. Long”

Reva Siegel, Yale University, [reva.siegel@yale.edu](mailto:reva.siegel@yale.edu)  
“The Role of Post-Ratification History in Constitution Interpretation”

TBA

Commentator: William Forbath, University of Texas, [wforbath@mail.law.utexas.edu](mailto:wforbath@mail.law.utexas.edu)

#### **Halfway Measures: U.S. and Canada’s Judicial Decisions against Racial Deed Restrictions, 1900-1950**

Chair: Annette Gordon-Reed, New York Law School/Rutgers University, email address: [Agordon@nyls.edu](mailto:Agordon@nyls.edu)

Panelists: Richard Brooks, Yale University, [richard.brooks@yale.edu](mailto:richard.brooks@yale.edu) (Carol M. Rose, coauthor)  
“Racing Property: Law, Norms, and Restrictive Covenants in the Segregation of 20<sup>th</sup> Century American Neighborhoods”

Wendy Plotkin, Arizona State University, [Wendy.Plotkin@asu.edu](mailto:Wendy.Plotkin@asu.edu)  
“‘Public Policy’ in the Racial Restrictive Covenant Cases in the U.S., 1900-1948”

Isaac Crawford, [icrawford33@hotmail.com](mailto:icrawford33@hotmail.com)  
“‘Public Policy’ in the Racial Restrictive Covenant Cases in Canada, 1930-1950”

Commentator: Paul Finkelman, Albany Law School, [pfink@albanylaw.edu](mailto:pfink@albanylaw.edu)

### **The Rule of Law: Ancient and Modern**

Chair: Carl Landauer, Charles Schwab, [carl.landauer@schwab.com](mailto:carl.landauer@schwab.com)

Panelists: Fred Miller, Bowling Green State University, [fmiller@bgnet.bgsu.edu](mailto:fmiller@bgnet.bgsu.edu)  
“The Rule of Law in Antiquity”

Brian Tamanaha, St. John’s University, [tamanahb@stjohns.edu](mailto:tamanahb@stjohns.edu)  
“The Development of European Rule of Law Ideology”

Michael Hoeflich, University of Kansas, [hoeflich@ku.edu](mailto:hoeflich@ku.edu)  
“The American Reception of the Rule of Law”

Commentator: Audience

### **The Role of Land in National-Local Relations: A Comparative Perspective**

Chair: Richard J. Ross, University of Illinois College of Law, [rjross@law.uiuc.edu](mailto:rjross@law.uiuc.edu)

Panelists: Rebecca Hardin, University of Michigan, [rdhardin@umich.edu](mailto:rdhardin@umich.edu)  
“The Colonial History of Protected Area History and Management in Africa, in Relation to Concessions for Extractive Industry”

Christopher Boyer, University of Illinois at Chicago, [crboyer@uic.edu](mailto:crboyer@uic.edu)  
“Working the Forests: Colonization, Development, and Community in Northern Mexico, 1950-1980”

Tahirih V. Lee, Florida State University College of Law, [tlee@law.fsu.edu](mailto:tlee@law.fsu.edu)  
“Extended Land Leasing, Foreign Enclaves, and the Rise of Federalism and Local Politics in Early Twentieth Century China”

Commentator: Claire Priest, Northwestern University, [c-priest@law.northwestern.edu](mailto:c-priest@law.northwestern.edu)

### **Saturday C (2:15-4:00)**

#### **Episodes in the History of Modern Territorialism**

Chair: Kal Raustiala, UCLA School of Law, [raustiala@law.ucla.edu](mailto:raustiala@law.ucla.edu)

Panelists: Ralf Michaels, Duke University School of Law, [michaels@law.duke.edu](mailto:michaels@law.duke.edu)  
“Globalizing Savigny? The State in Savigny’s Private International Law and the Challenge from Europeanization and Globalization”

Teemu Ruskola, American University, [truskola@wcl.american.edu](mailto:truskola@wcl.american.edu)

“An American Common Law of China: On the Colonial History of Extraterritorial Jurisdiction”

Clyde Spillenger, UCLA School of Law, [spillenger@law.ucla.edu](mailto:spillenger@law.ucla.edu)  
“Territorialism and the Emergence of ‘Interstate Law’ in the Post-Civil War United States”

Commentator: Mathias Reimann, University of Michigan Law School

***The Craft of Legal History Seminar***

**Micro-Histories, Macro-Projects**

Chair: Laura Edwards, Duke University, [ledwards@duke.edu](mailto:ledwards@duke.edu)

Panelists: John Witt, Columbia University, [jwitt@law.columbia.edu](mailto:jwitt@law.columbia.edu)  
“Lieber’s Code: Biography and Big Stories in the Law of War”

Daniel Sharfstein, New York University, [daniel.sharfstein@law.vanderbilt.edu](mailto:daniel.sharfstein@law.vanderbilt.edu)  
“Sun & Shade: Three American Families Journey from Black to White”

Emma Rothschild, Cambridge University, [er10005@cam.ac.uk](mailto:er10005@cam.ac.uk)  
“Bell alias Belinda: A Slave from Bengal in Scotland and Virginia”

Commentator: Lawrence Friedman, Stanford University, [lmf@stanford.edu](mailto:lmf@stanford.edu)

**American Trials: Litigants, Lawyers, and Legal Strategies**

Chair: Ann Southworth, Case Western Reserve Law School,  
[annsouthworth1@adelphia.net](mailto:annsouthworth1@adelphia.net)

Panelists: Constance Backhouse, University of Ottawa, [Constance.Backhouse@uottawa.ca](mailto:Constance.Backhouse@uottawa.ca)  
“Don’t You Bully Me; Justice I Want If There Is Justice To Be Had”: The Rape of Mary Ann Burton, London, Ontario 1907

Norman W. Spaulding, Stanford Law School, [nspaulding@law.stanford.edu](mailto:nspaulding@law.stanford.edu)  
“Professional Identity On Trial: Antebellum Legal Ethics Criminal Representation”

Christopher Beauchamp, New York University Law School,  
[christopher.beauchamp@gmail.com](mailto:christopher.beauchamp@gmail.com)  
“Technology’s Trials: Patent Litigation in the United States Courts, 1865-1900”

Commentator: Robert Weisberg, Stanford Law School, [weisberg@stanford.edu](mailto:weisberg@stanford.edu)

**Emerging Issues in Canon Law**

Chair: Edward Peters, University of Pennsylvania, [empeters@sas.upenn.edu](mailto:empeters@sas.upenn.edu)

Panelists: R.H. Helmholz, University of Chicago, [dick\\_helmholz@law.uchicago.edu](mailto:dick_helmholz@law.uchicago.edu)  
“Conscience & the Medieval Canon Law: Evidence from the Court Records”

Andreas Thier, University of Zurich, [lst.thier@rwi.uzh.ch](mailto:lst.thier@rwi.uzh.ch)

“Law and Time in Medieval Canon Law: The Retroactivity of Laws and its Limitations in the Canonistical Discourse until the 14<sup>th</sup> Century”

Stan Chodorow, University of California, San Diego, [schodorow@ucsd.edu](mailto:schodorow@ucsd.edu)  
“Reconsidering Gratian’s Legal Thought”

Commentator: James Gordley, Boalt Hall School of Law, [jgordley@tulane.edu](mailto:jgordley@tulane.edu)

### **Latin American Public Law**

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

Panelists: Bob Cottrol, George Washington University, [bcottrol@law.gwu.edu](mailto:bcottrol@law.gwu.edu)  
“Equality and Slavery in Nineteenth-century Brazilian Constitutionalism”

Ernst Pijning, Minot State University, [ernst.pijning@minotstateu.edu](mailto:ernst.pijning@minotstateu.edu)  
“How Pernicious is the Trade? Smuggling and the Law in Eighteenth-century Brazil”

Juan Javier Del Granado, George Mason University, [jdelgranado@ajsl.us](mailto:jdelgranado@ajsl.us)  
“Law Sources and Interpretation in the History of Latin American Public Law”

Commentator: TBD

### **Saturday D (4:15-6:00)**

#### **Roundtable on Keith Whittington’s *The Political Foundations of Judicial Supremacy***

Moderator: Michelle Landis Dauber, Stanford University, [MLDauber@law.stanford.edu](mailto:MLDauber@law.stanford.edu)

Panelists: Jack N. Rakove, Stanford University, [rakove@stanford.edu](mailto:rakove@stanford.edu)

Leslie Friedman Goldstein, University of Delaware, [lesl@udel.edu](mailto:lesl@udel.edu)

Barry Friedman, New York University School of Law, [barry.friedman@nyu.edu](mailto:barry.friedman@nyu.edu)

Keith E. Whittington, Princeton University, [kewhitt@princeton.edu](mailto:kewhitt@princeton.edu)

#### ***The Craft of Legal History Seminar***

##### **Literature as Legal History**

Chair: Carla Spivack, Oklahoma City University, [cspivack@okcu.edu](mailto:cspivack@okcu.edu)

Panelists: Jon-Christian Suggs, John Jay College, [jsuggs1@nyc.rr.com](mailto:jsuggs1@nyc.rr.com)  
“African American Literature as Legal History”

Christopher Buccafusco, University of Chicago, [chrstphr@uchicago.edu](mailto:chrstphr@uchicago.edu)  
“‘Mischievous nonsense well calculated...to delude the vain, the weak, the foolish, and the superstitious’: Spiritualism, Literary Realism, and the Law of Wills in Late 19<sup>th</sup>-century America”

Christopher Tomlins, American Bar Foundation, [clt@law.northwestern.edu](mailto:clt@law.northwestern.edu)  
“Revolutionary Justice in Brecht, Conrad and Blake”

Commentator: R. B. Bernstein, New York Law School, [rbernstein@nyls.edu](mailto:rbernstein@nyls.edu)

### **American Indians and the Federal Government**

Chair: Peter Iverson, Arizona State University, [peter.iverson@asu.edu](mailto:peter.iverson@asu.edu)

Panelists: Kevin Gover, Arizona State University (Robert Clinton, coauthor),  
[Kevin.Gover@asu.edu](mailto:Kevin.Gover@asu.edu)  
“The Reemergence of Federal-Tribal Treaty Making”

Bethany Berger, University of Connecticut, [bethany.berger@law.uconn.edu](mailto:bethany.berger@law.uconn.edu)  
“Race-ing the Indian Tribe”

Christian McMillen, University of Virginia, [cwm6w@virginia.edu](mailto:cwm6w@virginia.edu)  
“Making Indian Law”

Commentator: Sid Haring, City University of New York, [haring@mail.law.cuny.edu](mailto:haring@mail.law.cuny.edu)

### **Legal Issues in Feudal Society**

Chair: Paul Brand, Oxford University, [paul.brand@all-souls.ox.ac.uk](mailto:paul.brand@all-souls.ox.ac.uk)

Panelists: Robert Stacey, University of Washington, [bstacey@u.washington.edu](mailto:bstacey@u.washington.edu)  
“Jews and the Law in England, 1154-1216”

Dirk Heirbaut, University of Ghent, [dirk.heirbaut@ugent.be](mailto:dirk.heirbaut@ugent.be)  
“Feudalism in Galbert of Bruges”

Joshua Tate, Southern Methodist University, [jctate@mail.smu.edu](mailto:jctate@mail.smu.edu)  
“The Writ of Quare Impedit and the Development of English Property Law, 1180-1250”

Commentator: Emily Tabuteau, Michigan State University, [tabuteau@msu.edu](mailto:tabuteau@msu.edu)

### **Crime and Punishment in Nineteenth-Century European Empires**

Chair: Jonathan Miller, Southwestern Law School, [jmiller@swlaw.edu](mailto:jmiller@swlaw.edu)

Panelists: Lauren Benton, New York University, [lauren.benton@nyu.edu](mailto:lauren.benton@nyu.edu)  
“From Presidio to Penal Colonies: Spanish Imperial Geographies and Convict Transportation”

Aniceto Masferrer Domingo, Universidad de Valencia, Derecho,  
[Aniceto.Masferrer@uv.es](mailto:Aniceto.Masferrer@uv.es)  
“Legal Reform and Tradition in the Nineteenth Century. The Codification of Spanish Criminal Law in Imperial Context”

Miranda Spieler, University of Arizona, [mspieler@email.arizona.edu](mailto:mspieler@email.arizona.edu)  
“Exile in the Non-City: The Legal Framework for Convict and Ex-convict Life in French Guiana 1852-1870”

Commentator: Kif Augustine-Adams, Brigham Young University, [adamsk@lawgate.byu.edu](mailto:adamsk@lawgate.byu.edu)

**PRE-REGISTRATION FORM / ASLH ANNUAL MEETING  
OCTOBER 25-27, 2007  
TEMPE, ARIZONA**

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 September 19**, to William P. LaPiana, Treasurer ASLH, New York Law School, 57 Worth St., New York, NY 10013. Tel.: 212-431-2883; Fax: 212-431-1830.

Name: \_\_\_\_\_ Preferred First Name: \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Institutional Affiliation: \_\_\_\_\_

I will be accompanied by\* \_\_\_\_\_ Preferred First Name: \_\_\_\_\_

(affiliation/home city): \_\_\_\_\_

\*Spouses/friends are welcome, but must pay the regular or student registration fee if they are going to attend any of the receptions, meals, coffee breaks, or program sessions.

Registration Fee \_\_\_\_\_ x \$90 (\$100 after 9/19/07) \_\_\_\_\_

Student Registration \_\_\_\_\_ x \$15 (student ID required) \_\_\_\_\_

Saturday Annual Luncheon \_\_\_\_\_ x \$25 \_\_\_\_\_

Contribution toward expenses of graduate students attending annual meeting \_\_\_\_\_

TOTAL \_\_\_\_\_

Saturday Luncheon (indicate choice of entrée): chicken ( ) salmon ( ) vegetarian ( )

I/We plan to attend (no additional charge beyond registration fee):

<b>THURSDAY</b> evening reception _____	<b>FRIDAY</b> continental breakfast _____ plenary reception _____	<b>SATURDAY</b> continental breakfast _____ evening reception _____
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If paying by credit card: Name on card: \_\_\_\_\_

Card type: VISA / MasterCard    expiration date: \_\_\_/\_\_\_    Number: \_\_\_\_\_

Signature authorization: \_\_\_\_\_

**THIS IS NOT A ROOM RESERVATION FORM.** For information about hotel reservations see the information on the Society's web site: <http://www.aslh.net/>

*Receipts, charge slips, and name tags will be mailed to pre-registrants; event tickets and programs will be held at the registration table at the Tempe Mission Palms Hotel.*

**AMERICAN SOCIETY FOR LEGAL HISTORY**

**HOTEL RESERVATIONS FOR THE 2007 ANNUAL MEETING**

**OCTOBER 25-27, 2007**

**TEMPE MISSION PALMS HOTEL**

**60 EAST FIFTH STREET**

**TEMPE, ARIZONA 85281**

You may make reservations at the meeting rate of \$169 per night (plus taxes) by phone by calling the hotel (800-574-8705 or 480-894-1400), making sure to mention that you are attending the ASLH annual meeting. You may also make reservations on the web by going to **<http://www.missionpalms.com>**. Click on "Reservations," select the dates of your arrival and departure, and in the box labeled "Group Code" enter @T17T8.

**ROOM SHARE PROGRAM FORM**

**AMERICAN SOCIETY FOR LEGAL HISTORY  
2007 ANNUAL MEETING  
OCTOBER 25-27, 2007  
TEMPE, ARIZONA**

If you want to share a room, you must complete this form. A valid credit card number is required for each occupant. Room charges will be billed directly to participants' credit cards.

If you do not want to participate in the room-share program, you must make your own reservation directly with the Tempe Mission Palms Hotel – by phone 800-574-8705 or 480-894-1400; on the web by going to <http://www.missionpalms.com>. Click on “Reservations,” select the dates of your arrival and departure, and in the box labeled “Group Code” enter 2T17T8.

**This form must be returned so that it is received by September 12, 2007.** Participants will be notified of the name of roommate by September 19, along with contact information.

Name: \_\_\_\_\_ Gender: Male \_\_\_\_\_ Female: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Institutional affiliation: \_\_\_\_\_

Telephone: (home) \_\_\_\_\_ (office) \_\_\_\_\_ Email: \_\_\_\_\_

**Nights room needed: Thurs., Oct. 25 \_\_\_\_\_ Fri., Oct. 26 \_\_\_\_\_ Sat., Oct. 27 \_\_\_\_\_**

Smoker: Yes \_\_\_\_\_ No \_\_\_\_\_ Willing to share with smoker: Yes \_\_\_\_\_ No \_\_\_\_\_

Credit card information (REQUIRED)

Name on card: \_\_\_\_\_

Type of card: \_\_\_\_\_ Expiration: \_\_\_/\_\_\_ Number: \_\_\_\_\_

Signature authorization: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_

Return to:  
William P. LaPiana  
New York Law School  
57 Worth Street  
New York, NY 10013

**This form must be received at the above address by September 12, 2007.**

## EDITOR'S NOTE

The version of the program for the 2007 ASLH convention included in this newsletter is provisional and temporary; the details appearing here are those as of 14 August 2007. Changes and revisions are still being made. Final versions of the program, incorporating all last changes, will appear in the 2007 ASLH Convention program, and also will be posted to the ASLH website. Please address any pressing inquiries presented by this provisional, temporary version of the program to the Program Committee. R. B. Bernstein New York Law School Editor, *ASLH Newsletter*

## ANNOUNCEMENT

The *Journal of Legal History* offers a student prize for work accepted for publication in the *Journal* by someone who has not previously published in a refereed journal or similar publication. The closing date for submissions is 1 December 2007. Please send all submissions or inquiries to:

Dr Neil Jones  
Magdalene College  
Cambridge CB3 0AG  
(01223) (3)32833 (phone/fax)

\* \* \* \* \*

## ANNOUNCEMENT



### **2008-09 FELLOWSHIPS: RACE-MAKING AND LAW-MAKING IN THE LONG CIVIL RIGHTS MOVEMENT**

The Charles Warren Center, Harvard's American history research center, invites applications from historians and scholars in related disciplines to participate in a workshop on Race-Making and Law-Making in "the Long Civil Rights Movement" – a term originally put into academic discourse by the noted historian Jacquelyn Dowd Hall. As its title indicates, the workshop invites scholars to question and rethink the conventional time period during which the movement for racial equality in America is believed to have taken place, including the extension of that period beyond the bounds of the twentieth century. It also invites a rethinking of the movement's geographic scope, both within and outside the United States. Finally, participants are invited to consider explicitly the relationship between strategies, organizations, personnel and successes in claims-making within state apparatuses such as courts, and the processes of racial and cultural formation that were associated with the push for equality. The workshop will focus less on the origins, successes and failures of the modern movement than on discontinuities, disruptions and ironies that attended the creation of equal citizenship in America.

Fellows will participate in a seminar led by Evelyn Brooks Higginbotham (History and African American Studies) and Kenneth W. Mack (Law), presenting their work and discussing that of invited speakers. Applicants may not be degree candidates and should have a Ph.D., J.D. or equivalent. Fellows are Harvard University members with library access, and receive a private office which they must use for at least the nine-month academic year. Stipends are individually determined in accordance with each fellow's needs and the Center's resources. The Center encourages applications, otherwise consistent with the Workshop theme, relating to the nation's life during and as a consequence of wars, and from qualified applicants who can contribute, through their research and service, to the diversity and excellence of Harvard's academic community. Application deadline: January 15, 2008. Decisions announced: early March. Obtain an application from the Center (Emerson Hall 400, Harvard University, Cambridge, MA 02138) or our web site.

phone: 617.495.3591 • fax: 617.496.2111  
cwc@fas.harvard.edu • www.fas.harvard.edu/~cwc

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### UNC PRESS

#### Titles 20% Discount and Special Sale Offers

Books in the series *Studies in Legal History*, co-edited by Thomas A. Green and Daniel R. Ernst (Listed alphabetically by author; discount prices marked with an asterisk (\*); some quantities may be limited.) Visit [www.uncpress.unc.edu](http://www.uncpress.unc.edu) for more information.

The editors welcome submission of manuscripts for consideration by the Series. Please send to:

Professor Thomas A. Green  
342 Hutchins Hall  
University of Michigan  
Ann Arbor, MI 48109-1215

and to:

Professor Daniel R. Ernst  
Georgetown University Law Center  
600 New Jersey Avenue, NW  
Washington, DC 20001

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