

**American Society  
for  
Legal History**

**Annual Meeting  
Fairmont Chateau Laurier Hotel  
Ottawa, Ontario  
Canada  
13–15 November 2008**

**Program**







uOttawa

Université d'Ottawa  
Faculté de droit  
Common law

University of Ottawa  
Faculty of Law  
Common Law

September 15, 2008



Dear Guests:

The Faculty of Law at the University of Ottawa is delighted to welcome the members of the American Society of Legal History to Canada, to Ottawa, and to our University. We hope that you find our capital city sufficiently different from home to intrigue you, yet sufficiently similar to be comfortable. Our law school is the largest in Canada, and also the most complex. Here, we teach both common law and civil law, in English and in French. The English common law program attracts more applications than any other Canadian law school, and we attract students from all over the country. We benefit from our capital location, offering four formal concentrations of study: Environmental Law, International Law, Technology Law, and Social Justice. The Faculty has a vibrant graduate program and offers numerous joint degree programs including several LL.B.-J.D. programs in cooperation with U.S. law schools. uOttawa is one of the strongest research intensive universities in Canada, with an emphasis on multi-disciplinary research. Legal historians will find themselves completely at home here. You are most welcome to visit the law school during your stay in Ottawa. Legal historians will find the Brian Dickson Reading Room located in our law library of particular interest. We wish you a productive and pleasant meeting.

Bruce Feldthusen  
Dean and Professor of Law,  
Common Law Section, Faculty of Law  
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Carleton University welcomes the American Society for Legal History to Ottawa. We are proud of the contributions of Carleton scholars to the growth of the field of legal history in the past three or four decades. Many at this conference will know that Canadian-based historians such as Murray Greenwood, Louis Knafla, John Beattie, Douglas Hay and John Bellamy at Carleton, and legal scholars such as Dick Risk and Graham Parker did much to spark interest in the area. By the 1980's the workshops/symposia organized by David Flaherty and the emergence of the Osgoode Society for Canadian Legal History reflected the development of interest and a critical mass of scholarship that supported the first national legal history conference in 1987, convened by Wes Pue and Barry Wright at Carleton University. Canadian legal history has continued to grow, along with productive collaborations with legal historians in the US, the UK, Australia and elsewhere. The 2008 ASLH Conference promises to provide further opportunities for exploring common interests and Carleton University is delighted to be associated with hosting this event.

## THE OSGOODE SOCIETY for Canadian legal history



The Osgoode Society is delighted to be a sponsor of the 2008 ASLH meeting in Ottawa. Welcome to all those attending the conference. Founded in 1979, for almost thirty years the Society has been the leading organization promoting legal history within Canada and showcasing Canadian work to an international audience. Our mandate is to study and promote public interest in the history of the law, and to stimulate research and publication on these subjects. We have two principal programs. Our oral history program involves collecting and transcribing oral histories from judges, lawyers and other cognate professionals, from a wide variety of backgrounds. To date we have interviewed almost 500 people, and have well over 70,000 pages of transcript. The oral histories are kept at the Archives of Ontario and consulted there by researchers. Many scholars have made use of it over the years. We are probably best known for our publishing program. Since 1981 we have published 74 books, and now typically publish four a year, most of them with the University of Toronto Press. We publish in all fields of legal history - judicial biographies, histories of courts, regional studies, case histories, and historical studies of the law relating to women and ethnic and racial minorities. A full list of our publications is included in the conference materials. Our books have won many awards, including the John A. MacDonald Prize, awarded annually by the Canadian Historical Association for the best book in any field of Canadian history, and the J. Willard Hurst Prize of the Law and Society Association, for the best book in English on socio-legal history for any country. We are a membership organization, supported by hundreds of individual members as well as the Law Society of Upper Canada and the Law Foundation of Ontario. Individual membership in the Society, which includes the annual book, is only \$45. It is a happy coincidence that our members' book for 2008 is *Carnal Crimes: Sexual Assault in Canada, 1900-1970*, by Constance Backhouse, Professor of Law at the University of Ottawa and president-elect of the ASLH. This is the fourth book by Constance published with the Society. More information about all our books and other activities can be found on our website at [www.osgoodesociety.ca](http://www.osgoodesociety.ca). You can also visit our book display at the conference.



**Private Walking Tours** of the Supreme Court of Canada and the Parliament of Canada courtesy of the Local Arrangements Committee will be led by professional tour-guides from the respective institutions on Thursday in the late afternoon and Friday during the lunch break. Specific times are given below. Pre-registration was required.

### **Thursday, November 13**

2:00pm to 6:00pm Registration (Drawing Room Foyer)

4:00pm to 5:30pm Private Tour of the Parliament of Canada (advance sign-up required)

4:30pm to 5:30pm Private Tour of the Supreme Court of Canada (advance sign-up required)

5:00pm to 6:00pm Executive Committee (Palladian Room)

6:30pm to 8:30pm Board of Directors (Quebec Suite)

7:00pm to 10:00pm Welcome Reception (Adam Room)

### **Friday, November 14**

7:15 to 8:30am Committee Breakfasts: Membership Committee (Palladian Room); Future of the Society Committee (Frobisher Room)

7:30am to 3:00pm Registration (Drawing Room Foyer)

9:00am to 5:00pm Book Exhibits (Drawing Room)

7:30am to 8:45am Continental Breakfast (Drawing Room Foyer)

### **Friday, Session A, 8:30-10:15**

#### **Rights, Politics, and Principle on the Waite Court (MacDonald Room)**

Chair: T. J. Davis, History, Arizona State University,  
tjddavis@asu.edu

Panelists: Paul Kens, Texas State University, San Marcos,  
pk05@txstate.edu  
“The Waite Court: Economic Regulation and The Last Gasp for the Rights of the Community”

Christopher Waldrep, San Francisco State University,  
cwaldrep@sfsu.edu  
“Samuel Miller and Joseph Bradley on the Meaning of Privileges and Immunities”

Pamela Brandwein, University of Michigan,  
pbrand@umich.edu  
“Rethinking *United States v. Cruikshank*: Law and Politics  
in a Transitional Period”

Commentator: Michael Les Benedict, Ohio State University,  
benedict.3@osu.edu

**Censoring Justice: Silence and Exposure in Twentieth-Century U.S.  
Military History** (Renaissance Room)

Chair: Michael Belknap, California Western School of Law,  
mbelknap@cwsl.edu

Panelists: Terese Svoboda, Davidson College, svoboda@el.net  
“Rape, Execution, and Secrecy in Post-World War II  
Japan”

Jack Hamann, Seattle, Washington,  
jackhamann@comcast.net  
“Injustice and Redress in the Fort Lawton Court-Martial of  
1944”

Derek Seidman, Brown University,  
derek\_seidman@Brown.edu  
“GI Civil Liberties, the Legal Left, and Military Justice  
during the Vietnam War”

Commentator: Elizabeth L. Hillman, University of California, Hastings  
College of Law, hillmane@uchastings.edu

**Medieval Canon Law in Practice** (Burgundy Room)

Chair: Giulio Silano, University of Toronto,  
gsilano@chass.utoronto.ca

Panelists: Emily K. Wood, Harvard University,  
ewilson@fas.harvard.edu  
“Royal Influence Over Papal Judicial Delegation in  
Twelfth-Century France”

Elizabeth Hardman, Fordham University,  
lizhardman@yahoo.com  
“Discipline and Honor: Adjudicating Assaults in the  
Fifteenth-Century Church Court of Carpentras”

Sara McDougall, Yale University,  
sara.mcdougall@yale.edu  
“The Bishop’s Justice in Late-Medieval Troyes”

Commentator: Robert Figueira, Lander University, [figueira@lander.edu](mailto:figueira@lander.edu)

### **Codification and Nationalism in Europe (L’Orangerie)**

Chair: Anna di Robilant, Boston University,  
[anicolis@law.harvard.edu](mailto:anicolis@law.harvard.edu)

Panelists: Cornelis Hendrik Van Rhee, Maastricht University,  
[Remco.vanRhee@metajur.unimaas.nl](mailto:Remco.vanRhee@metajur.unimaas.nl)  
“An Ideal Marriage of Codification and Nationalism? The Netherlands”

Aniceto Masferrer, Valencia University,  
[Aniceto.Masferrer@uv.es](mailto:Aniceto.Masferrer@uv.es)  
“Old Regional Identities and Codification: Spain”

Dirk Heirbaut, Ghent University, [dirk.heirbaut@ugent.be](mailto:dirk.heirbaut@ugent.be)  
“A Country without a National Codification: Belgium”

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

### **Customary Law as Handmaid to Modernity: Surveys of Customs in Late Nineteenth and Early Twentieth Century China, Korea, and Japan (Tudor)**

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

Panelists: Jérôme Bourgon, Institut d’Asie Orientale, CNRS/ ENS  
LSH, France, [jerome.bourgon@ens-lsh.fr](mailto:jerome.bourgon@ens-lsh.fr)  
“The Baptismal Certificate of Chinese Customary Law:  
The Surveys on Local Customs in the Last Years of the  
Qing (1910-1911)”

Tahirih V. Lee, Florida State University College of Law,  
[tlee@law.fsu.edu](mailto:tlee@law.fsu.edu)  
“The Blending of Customary Law and Foreign  
Imperialism: The System of Land Ownership and Transfer  
in Shanghai in the Late Nineteenth and Early Twentieth  
Century”

Marie Seong-Hak Kim, St. Cloud State University,  
mskim@stcloudstate.edu  
“‘The Invention of Tradition’ Revisited: The Construction  
of Customary Law in Colonial Korea”

Comments: The Audience

**10:00am to 11:00am Mid-Morning Break** (Drawing Room)

**Friday, Session B, 10:30-12:15**

**The Making of the Cambridge History of Law in America** (MacDonald Room)

Chair: Laura Kalman, University of California, Santa Barbara,  
kalman@history.ucsb.edu

Panelists: Michael Grossberg, Indiana University,  
grossber@indiana.edu

Christopher Tomlins, American Bar Foundation,  
clt@abfn.org

Comments: The Audience

Reception to Follow

**Administrative Law and the Reconstruction of States in the U.S.,  
Europe and Japan** (Renaissance Room)

Chair: Jerry L. Mashaw, Yale University,  
jerry.mashaw@yale.edu

Panelists: Daniel R. Ernst, Georgetown University,  
ernst@law.georgetown.edu  
“Freund, Frankfurter and an American *Rechtsstaat*, 1894-  
1932: A Transatlantic Shipwreck”

Rande W. Kostal, University of Western Ontario,  
rwk@uwo.ca  
“Laying Down the Law: New Deal Lawyers and the Legal  
Reconstruction of Postwar Germany and Japan”

Peter L. Lindseth, University of Connecticut,  
peter.lindseth@law.uconn.edu  
“Transatlantic Functionalism: New Deal Models and  
Administrative Governance in Postwar Western Europe”

Commentator: Elizabeth Borgwardt, Washington University,  
eborgwar@artsci.wustl.edu

**Colonial Judges and the Challenge of Navigating the Scylla of Law and the Charybdis of Politics, 1825-1951 (Burgundy Room)**

Chair: Philip Girard, Dalhousie University, philip.girard@dal.ca

Panelists: John A. McCurdy, Ontario Institute for Education,  
john.mccurdy@utoronto.ca, and John McLaren, University  
of Victoria, jmclaren@uvic.ca

“Against the Tide: John Walpole Willis, Henry John  
Boulton and the Perils of the Political Involvement of  
Colonial Judges in British North America, 1825-1840”

Andrew Buck, Macquarie University,  
andrew.buck@mq.edu.au

“Chief Justice Sir Alfred Stephen and the relationship  
between law and politics in colonial Australia”

Graham Price, Calgary, Alberta, gprice@telusplanet.net  
“Colonial Justice in Canada’s North (1936-1951)”

Commentator: Barry Wright, Carleton University, b\_wright@carleton.ca

**Roman Law in Rule and Practice (L’Orangerie)**

Chair: Mortimer Sellers, University of Baltimore,  
mortimer.sellers@gmail.com

Panelists: Ernest Metzger, University of Glasgow,  
e.metzger@law.gla.ac.uk

“Administering Justice and Avoiding Further Litigation”

Paul du Plessis, University of Edinburgh,  
p.duplessis@ed.ac.uk

“Theory and Practice in the Roman Law of Contracts”

Leanne Bablitz, University of British Columbia,  
lbablitz@interchange.ubc.ca

“Adjudication and Obligation in the Roman Courts”

Commentator: Claude Eilers, McMaster University, eilersc@mcmaster.ca

**Assessing Canadian Feminist Legal History: a panel in honour of  
Constance Backhouse (Tudor)**

Chair: Joan Sangster, Trent University, jsangster@trentu.ca

Panelists: Amanda Glasbeek, York University, aglasbee@yorku.ca  
“Reported Cases, Daily Struggles and the Construction of Women’s Legal History”

Tamara Myers, University of British Columbia,  
tamara.myers@ubc.ca  
“Making Bad Kids: Law and the Category of Age”

Dorothy E. Chunn, Simon Fraser University,  
chunn@sfu.ca  
“‘Pregnant by Chance’: Unmarried Motherhood in British Columbia, 1892-1940”

Lori Chambers, Lakehead University,  
lchambe2@lakeheadu.ca  
“Marriage, Cohabitation, and Farm Partnerships in Canadian Legal History”

Comments: The Audience

### **12:15pm to 1:45pm Lunch Break**

12:15pm to 1:45pm Private Tour of the Parliament of Canada (advance sign-up required)

12:15pm to 1:00pm Reception to Celebrate Publication of *The Cambridge History of Law in America* (Adam Room)

12:30pm to 1:30pm Private Tour of the Supreme Court of Canada (advance sign-up required)

12:30 to 1:45 Committee Lunches: Law and History Review Editorial Board (Champlain Room); H-Law (Frobisher Room); 2009 Program Committee (Palladian Room); Finance Committee (Wilfrid’s Restaurant)

### **Friday Session C., 1:45-3:30**

#### **Sexuality and Civil Rights at Century's End (MacDonald Room)**

Chair: Ariela Dubler, Columbia University,  
aduble@law.columbia.edu

Panelists: Robert Self, Brown University, robert\_self@brown.edu  
"Gender, Citizenship, and the Privacy Quandary in  
American Politics and Law, 1965-1975"

Claire Bond Potter, Wesleyan University,  
cpotter01@wesleyan.edu  
"Feminism, Conservatism, and the Politics of  
Pornography, 1968-1990"

Timothy Stewart-Winter, University of Chicago,  
timsw@uchicago.edu  
"Black Politics and Gay Rights: Urban Governance and  
Social Movements in Chicago, 1960s-1980s"

Commentator: Siobhan Somerville, University of Illinois, sbs@uiuc.edu

#### **Women, Narratives, and the Law (Renaissance Room)**

Chair: Jim Schmidt, Northern Illinois University,  
jschmidt@niu.edu

Panelists: Susan Paterson Glover, Laurentian University,  
sglover@laurentian.ca  
"Letters of the Law: The Correspondence of Samuel  
Richardson and Sarah Chapone"

Felicity Turner, Duke University, felicity.turner@duke.edu  
"Narratives of Infanticide: Constructing Gender in the  
Post-Revolutionary Era"

Kristin A. Olbertson, Alma College, olbertson@alma.edu  
"She stedfastly accused him in the time of her travail":  
Women's Words and Paternity Suits in 18th-Century  
Massachusetts"

Commentators: Cornelia H. Dayton, University of Connecticut,  
cornelia.dayton@uconn.edu

The Chair

### **Kathryn T. Preyer Prize Panel (Burgundy Room)**

Chair: Harry Scheiber, University of California, Berkeley,  
scheiber@law.berkeley.edu

Panelists: Cynthia Nicoletti, University of Virginia,  
cln4x@virginia.edu  
“The American Civil War as a Trial by Battle”

Joshua M. Stein, UCLA, jostein@ucla.edu  
“A Right to Violence: The Meaning of ‘Public’ in  
Nineteenth-Century American Law Treatises and the  
Jurisprudence of Violence”

Commentator: Ariela Gross, University of Southern California,  
agross@law.usc.edu

Michael Grossberg, Indiana University,  
grossber@indiana.edu

### **What Were They Thinking?: Judges and the Operation of the Criminal Law in Eighteenth-Century England (L’Orangerie Room)**

Chair: Greg Smith, University of Manitoba,  
gsmith@cc.umanitoba.ca

Panelists: Douglas Hay, Osgoode Hall, dhay@osgoode.yorku.ca  
“Hanging and the Judges in Georgian England”

James Oldham, Georgetown University,  
oldham@law.georgetown.edu  
“Under the Radar: Informal Law-Making by the Twelve  
Judges in the Late 18th and Early 19th Centuries”

Randall McGowen, University of Oregon,  
rmcgowen@uoregon.edu  
“Forgery and the Twelve Judges”

Commentator: Allyson May, University of Western Ontario,  
amay6@uwo.ca

### **Steps in Shaping Israeli Law (Tudor Room)**

Chair: Binyamin Blum, Stanford Law School,  
blum@stanford.edu

Panelists: Ron Harris, Tel Aviv University, harrisr@post.tau.ac.il  
“The Transplantation of British Company Law in Post-Ottoman Palestine”

Assaf Likhovski, Tel Aviv University,  
likhovsk@post.tau.ac.il  
“Argonauts of the Eastern Mediterranean: Legal  
Transplants and Signaling”

Prina Lahav, Boston University, plahav@bu.edu  
“Legal Education: The Shift to the US”

Commentators: Yifat Holzman-Gazit, Stanford Law School,  
yifat@stanford.edu

The Chair

3:30pm to 4:00pm Busses depart from the Chateau Laurier for the University of Ottawa

### **Plenary Session, 4:30–6:00**

The Honourable Rosalie Silberman Abella,  
Puisne Justice of the Supreme Court of Canada  
will speak.

The plenary session will be held in Tabaret Hall, Room 112, University of Ottawa, 550 Cumberland Street

### **Plenary Reception: 6:00 to 8:00**

The reception will be held in the Rotunda of Tabaret Hall. It will be sponsored by the University of Ottawa and the Osgoode Society for Legal History.

7:30pm to 8:00pm Busses depart from the University of Ottawa for the Chateau Laurier

### **Saturday, November 15**

7:30am to 12:00pm Registration (Drawing Room Foyer)

9:00am to 5:00pm Book Exhibits (Drawing Room)

7:30am to 8:45am Continental Breakfast (Drawing Room)

**Saturday, Session A, 8:30-10:15**

**Pauli Murray's Human Rights Revolution (MacDonald Room)**

- Chair: Tomiko Brown-Nagin, University of Virginia,  
tomiko@virginia.edu
- Panelists: Davison Douglas, College of William & Mary,  
dmdoug@wm.edu  
“Pauli Murray’s Conception of Human Rights”
- Serena Mayeri, University of Pennsylvania,  
smayeri@law.upenn.edu  
“Pauli Murray and the Reinvention of American Legal  
Feminism”
- Commentators: Cynthia Grant Bowman, Cornell University,  
cgb28@cornell.edu
- Rosalind Rosenberg, Barnard College,  
rosenberg@barnard.edu

**Blood, Race, and Faith: Property, Power, and Status in the Empire, the Republic and the Church (Renaissance Room)**

- Chair: Jim Phillips, University of Toronto, j.phillips@utoronto.ca
- Panelists: Holly Brewer, North Carolina State University,  
hbrewer@social.chass.ncsu.edu  
“Inheritable Blood: Royalist and Republican struggles over  
Slavery in Virginia and the British Empire in the wake of  
the Glorious Revolution”
- Kathleen S. Sullivan, Ohio University, sullivak@ohio.edu  
“Racial Status and State Political Authority in Antebellum  
United States”
- Linda Przybyszewski, Notre Dame University,  
przybyszewski.l@nd.edu  
“Power, Property, and Status within the Catholic Church  
and American State: The Sisters of Notre Dame de Namur  
in Nineteenth-Century America”
- Commentator: TBA

**Constructing Legal Boundaries of Personhood: Free Black Communities: Fugitive Slaves and White Immigrants on the US-Canadian Borderland 1830-1860** (Burgundy Room)

Chair: Constance Backhouse, University of Ottawa,  
constance.backhouse@uottawa.ca

Panelists: Lyndsay Campbell, University of California, Berkeley,  
lyndsay@iii.ca  
“The Canadian Borderlands”

Tony Freyer, University of Alabama, tfreyer@law.ua.edu  
“Boundaries of Personhood: African-American Communities, Fugitive Slaves and Irish Immigrants on the Antebellum US-Canadian Borderland”

Kelly Kennington, Duke University, kmk9@duke.edu  
“‘In Contempt and Defiance of the Ordinance’: The Nature of Freedom in a Border Community”

Commentator: Stephen Middleton, Mississippi State University,  
smiddleton@aas.msstate.edu

**Violence, Law, and Politics in the Ancient Athenian Courts** (L’Orangerie Room)

Chair: Adriaan Lanni, Harvard University,  
adlanni@law.harvard.edu

Panelists: Michael Gagarin, University of Texas, Austin,  
gagarin@mail.utexas.edu  
“Law and Politics in the Case ‘On the Crown’”

Mark Sundahl, Cleveland State University,  
mark.sundahl@law.csuohio.edu  
“Legislative Intent in Ancient Athens”

Victoria Wohl, University of Toronto, v.wohl@utoronto.ca  
“Athenian Law in a Field of Pain and Death”

Commentator: David Mirhady, Simon Fraser University,  
dmirhady@sfu.ca

Friday A, 8:30 to 10:15am		
Rights, Politics and Principle on the Waite Court (MacDonald Room)	Censoring Justice: Silence and Exposure in Twentieth-Century U.S. Military History (Renaissance Room)	Medieval Canon Law in (Room)
Friday B, 10:30 to 12:15		
The Making of the Cambridge History of Law in America (MacDonald Room)	Administrative Law and the Reconstruction of States in the U.S., Europe and Japan (Renaissance Room)	Colonial Judges and the Navigating the Scylla of Charybdis of Politics, 1 (Room)
Friday C, 1:45 to 3:30		
Sexuality and Civil Rights at Century's End (MacDonald Room)	Women, Narratives, and the Law (Renaissance Room)	Kathryn T. Preyer Prize (Room)
Friday D, 4:00-6:00		6:00-8:00
Plenary Session, Tabaret Hall, Room 112, University of Ottawa, 550 Cumberland Street		Plenary Reception, Rot (Street)
Saturday A, 8:30 to 10:15		
Pauli Murray's Human Rights Revolution (MacDonald Room)	Blood, Race, and Faith: Property, Power, and Status in the Empire, the Republic and the Church (Renaissance Room)	Constructing Legal Boundaries: Free Black Communities, White Immigrants on the Borderland 1830-1860 (Room)
Saturday B, 10:30 to 12:15		
Freedom is Not Enough: A Discussion about Civil Rights and Legal History with Author Nancy MacLean (MacDonald Room)	Law and Community in Two Eighteenth-Century Cities (Renaissance Room)	New Directions in the Late Nineteenth-Century American Business (Room)
Saturday, 12:30-2:00		
Annual Luncheon (Adam Room)		
Saturday C, 2:15 to 4:00		
Who Cares?: The Politics and Law of 19th- and 20th-Century American Caregiving (MacDonald Room)	Brown's Discontents: Reconsidering Civil Rights Constitutionalism (Renaissance Room)	The Role of Honor in the Nineteenth-Century United States (Burgundy Room)
Saturday D, 4:15 to 6:00		
Racial Determination and the Law in Comparative Perspective: The Jim Crow South, British Colonial Africa, and Nazi-Era Germany (MacDonald Room)	Black Lawyers in the Reconstruction South: New Perspectives on the Origins of the African-American Bar (Renaissance Room)	Work, Discrimination, and (Burgundy Room)
Saturday, 6:00 to 8:00		
Closing Reception (Drawing Room)		

Practice (Burgundy	Codification and Nationalism in Europe (L'Orangerie)	Customary Law as Handmaid to Modernity: Surveys of Customs in Late Nineteenth and Early Twentieth Century China, Korea, and Japan (Tudor)
e Challenge of of Law and the 1825-1951 (Burgundy	Roman Law in Rule and Practice (L'Orangerie)	Assessing Canadian Feminist Legal History: a panel in honour of Constance Backhouse (Tudor)
e Panel (Burgundy	What Were They Thinking?: Judges and the Operation of the Criminal Law in Eighteenth-Century England (L'Orangerie Room)	Steps in Shaping Israeli Law (Tudor Room)
Lunda of Tabaret Hall, University of Ottawa, 550 Cumberland		
Boundaries of Personhood: s: Fugitive Slaves and the US-Canadian (Burgundy Room)	Violence, Law, and Politics in the Ancient Athenian Courts (L'Orangerie Room)	Transatlantic Connections in Late Nineteenth-Century Legal Thought (Tudor Room)
Legal History of 20th- ness (Burgundy Room)	Discretion, Donation, and Grace: Royal Power and Lawyer Beneficence in Medieval Britain (L'Orangerie Room)	Muslim Historiography in Islamic Legal Reasoning (Tudor Room)
the Nineteenth Century y Room)	Late Medieval Marriage (L'Orangerie Room)	Indian/Aboriginal Law: Litigating Native Rights in the United States and Canada in the Twentieth Century (Tudor Room)
and Human Rights	The English Law of Torts in the 19th Century: Some Key Issues (L'Orangerie Room)	Implications of Judicial Decision-Making in Latin America in the Twentieth Century (Tudor Room)

**Transatlantic Connections in Late Nineteenth-Century Legal Thought**  
(Tudor Room)

Chair: Richard Cosgrove, University of Arizona,  
rcosgrov@email.arizona.edu

Panelists: Joshua Simon Getzler, Oxford University,  
joshua.getzler@law.ox.ac.uk  
“Is Anglo-American Law Common or Comparative?: A  
Study in Equitable Doctrine During the Long Nineteenth  
Century”

David M. Rabban, University of Texas Austin,  
drabban@law.utexas.edu  
“From Maine to Maitland via America”

Lewis A. Grossman, American University,  
lewisg@wcl.american.edu  
“The Custom of the Country: Carter, Savigny, Maine, and  
the Varieties of Historical Jurisprudence”

Commentator: Morton J. Horwitz, Harvard University,  
horwitz@law.harvard.edu

**10:00am to 11:00am Mid-Morning Break** (Drawing Room)

**Saturday Session B, 10:30-12:15**

**Freedom is Not Enough: A Discussion about Civil Rights and Legal  
History with Author Nancy MacLean** (MacDonald Room)

Chair: Sarah Barringer Gordon, University of Pennsylvania,  
sgordon@law.upenn.edu

**Law and Community in Two Eighteenth-Century Cities** (Renaissance Room)

Chair: John Reid, New York University, john.reid@nyu.edu

Panelists: Carlton F. W. Larson, University of California, Davis,  
clarson@ucdavis.edu  
“The Revolutionary American Jury: A Case Study of the  
1778-79 Philadelphia Treason Trials”

William Nelson, New York University,  
william.nelson@nyu.edu  
“The Law of an American City-State: Charlestown, South  
Carolina, 1670-1775”

Commentators: Sally Hadden, Florida State University,  
sally.hadden@fsu.edu

David Konig, Washington University in St. Louis,  
dtkonig@artsci.wustl.edu

**New Directions in the Legal History of 20th-Century American Business**  
(Burgundy Room)

Chair: Eduardo Canedo, Princeton University,  
efc15@columbia.edu

Panelists: Edward Balleisen, Duke University, eballeis@duke.edu  
“Self-Relegation over the Long-Term: Better Business  
Bureaus and the Policing of Deceptive Marketing, 1933-  
1975”

Sally H. Clarke, University of Texas, Austin,  
sclarke@mail.utexas.edu  
“Acid Rain and the Question of Innovation in Scrubbers”

Pamela W. Laird, University of Colorado, Denver,  
pamela.laird@ucdenver.edu  
“Corporate Accommodation to the Civil Rights Act of  
1964”

Commentator: Robert Gordon, Yale University,  
robert.w.gordon@yale.edu

**Discretion, Donation, and Grace: Royal Power and Lawyer Beneficence in Medieval Britain (L'Orangerie Room)**

Chair: Jonathan Rose, Arizona State University,  
jonathan.rose@asu.edu

Panelists: Cynthia J. Neville, Dalhousie University, cneville@dal.ca  
“The Quality of Scottish Mercy: Royal Letters of Remission in Medieval Scotland, 1100-1450”

Susanne Jenks, Independent Scholar, susanne.jenks@spd-online.de  
“Exceptions in General Pardons in 15th century England”

Anthony Musson, University of Exeter,  
a.j.musson@exeter.ac.uk  
“Lawyers’ Testamentary Dispositions, 1258-1558: Charity or Conscience?”

Commentator: Brian Simpson, University of Michigan,  
bsimpson@umich.edu

**Muslim Historiography in Islamic Legal Reasoning (Tudor Room)**

Chair: Mitra Sharafi, University of Wisconsin-Madison,  
sharafi@wisc.edu

Panelists: Mohammad Fadel, University of Toronto,  
mohammad.fadel@utoronto.ca  
“‘No folk that appoints a woman to lead them shall prosper . . .’”

Intisar Rabb, Princeton University, irabb@princeton.edu  
“Fixed Criminal Sanctions and Punishment of Adultery”

Lena Salaymeh, University of California, Berkeley,  
lenas@berkeley.edu  
“Alms-giving, Poverty, and Islamic Legal Reasoning”

Commentator: Sherman Jackson, University of Michigan,  
sajackso@umich.edu

**Annual Lunch, 12:30–2:00 (Adam Room)**

The President will speak on the state of the Society.

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

**Who Cares? The Politics and Law of 19th- and 20th-Century American Caregiving (MacDonald Room)**

Chair: Stanley Katz, Princeton University, [snkatz@princeton.edu](mailto:snkatz@princeton.edu)

Panelists: Dirk Hartog, Princeton University, [hartog@princeton.edu](mailto:hartog@princeton.edu)  
“Breach of Contract Suits and the World of 19th-Century Caregiving”

Jennifer Klein, Yale University, [jennifer.klein@yale.edu](mailto:jennifer.klein@yale.edu),  
and Eileen Boris, University of California, Santa Barbara,  
[boris@womst.ucsb.edu](mailto:boris@womst.ucsb.edu)  
“Home Health-Care Workers and New York City Welfare Politics”

Sandra R. Levitsky, University of Michigan,  
[slevitsk@umich.edu](mailto:slevitsk@umich.edu)  
“Care By Family Members and Demand For State Assistance”

Commentator: Barbara Welke, University of Minnesota,  
[welke004@tc.umn.edu](mailto:welke004@tc.umn.edu)

***Brown’s Discontents: Reconsidering Civil Rights Constitutionalism***  
(Renaissance Room)

Chair: Reva B. Siegel, Yale University, [reva.siegel@yale.edu](mailto:reva.siegel@yale.edu)

Panelists: Sophia Z. Lee, Yale University, [sophia.lee@yale.edu](mailto:sophia.lee@yale.edu)  
“Whose Rights?: Litigating the Right to Work, 1950-1980”

Christopher W. Schmidt, American Bar Foundation,  
[cschmidt@abfn.org](mailto:cschmidt@abfn.org)  
“The Sit-Ins and the Failed State Action Revolution”

Anders Walker, St. Louis University, [awalker16@slu.edu](mailto:awalker16@slu.edu)  
“Strategic Liberalism: Herbert Wechsler, Neutral Principles, and the Long Civil Rights Movement, 1934-1964”

Commentator: Risa Goluboff, University of Virginia,  
[goluboff@virginia.edu](mailto:goluboff@virginia.edu)

**The Role of Honor in the Nineteenth Century United States (Burgundy Room)**

Chair: Jonathan Lurie, Rutgers University, Newark,  
jlurie@andromeda.rutgers.edu

Panelists: Jason M. Barrett, University of Michigan, kvjr@umich.edu  
“Honor and Race in the Movement for Manhood Suffrage  
and the 1829 Virginia Constitutional Convention

Williamjames Hull Hoffer, Seton Hall University,  
hofferwi@shu.edu  
“The Caning of Charles Sumner: Honor-Bound Assault  
and the Origins of the U.S. Civil War”

Linda Tvrdy, Columbia University,  
lat2003@columbia.edu  
“Character Evidence and Honor in Reconstruction North  
Carolina”

Commentator: Michael Kent Curtis, Wake Forest University,  
curtismk@wfu.edu

**Late Medieval Marriage (L’Orangerie Room)**

Chair: Joseph Goering, University of Toronto,  
goering@chass.utoronto.ca

Panelists: Shannon McSheffrey, Concordia University, Montreal,  
shannon.mcsheffrey@concordia.ca  
“Review of Donahue, *Law, Marriage, and Society in the  
Later Middle Ages*”

Charles Donahue, Harvard University,  
jreader@law.harvard.edu  
“Review of McSheffrey, *Marriage, Sex, and Civic Culture  
in Late Medieval London*”

Commentators: R. H. Helmholz, University of Chicago,  
dick\_helmholz@law.uchicago.edu

Ruth Mazo Karras, University of Minnesota,  
rmk@umn.edu

**Indian/Aboriginal Law: Litigating Native Rights in the United States and Canada in the Twentieth Century (Tudor Room)**

Chair: W. Wesley Pue, University of British Columbia,  
wes.pue@ubc.ca

Panelists: Bethany R. Berger, University of Connecticut,  
bethany.berger@law.uconn.edu  
“*Williams v. Lee*: Tribal Rights, Civil Rights, and the U.S. Supreme Court”

Arthur J. Ray, University of British Columbia,  
ajray@princeton.edu  
““What do you mean? How do we Measure it?” The Challenge and Legacy of Ethnohistorical Research Undertaken for United States Indian Claims Commission [USICC] Cases in the 1950s”

Darlene Johnston, University of Toronto,  
darlene.johnston@utoronto.ca  
“Overcoming Impressions of Discontinuity in the Conventional Historiographic Record of the Anishnaabeg of the Great Lakes Region”

Commentator: Christian W. McMillen, University of Virginia,  
cwm6w@virginia.edu

**4:00pm–5:00pm Mid-afternoon Break (Drawing Room)**

**Saturday Session D, 4:15-6:00**

**Racial Determination and the Law in Comparative Perspective: The Jim Crow South, British Colonial Africa, and Nazi-Era Germany (MacDonald Room)**

Chair: Matthew C. Mirow, Florida International University,  
mirowm@fiu.edu

Panelists: John Wertheimer, Davidson College,  
jowertheimer@davidson.edu, Jessica Bradshaw, Davidson College, jebadshaw@davidson.edu, and Allyson Cobb, North Carolina A&T State University,  
allyson94131@yahoo.com  
“Community Reputation and Racial Identity in Progressive Era South Carolina”

Christopher J. Lee, University of North Carolina, Chapel Hill, [cjlee1@email.unc.edu](mailto:cjlee1@email.unc.edu)  
“The ‘One Drop’ Rule in the World: Negotiating Racial Descent and Fractional Identities in Colonial Southern Africa”

Thomas Pegelow-Kaplan, Davidson College, [thpegelowkaplan@davidson.edu](mailto:thpegelowkaplan@davidson.edu)  
“‘In the Interest of the *Volk*’: Paternity Suits and Racial Re-categorization in Nazi-German District Courts, 1938-1945”

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

**Black Lawyers in the Reconstruction South: New Perspectives on the Origins of the African-American Bar** (Renaissance Room)

Chair: Bernie D. Jones, Suffolk University, [bjones@suffolk.edu](mailto:bjones@suffolk.edu)

Panelists: W. Lewis Burke, University of South Carolina, [lewis@law.law.sc.edu](mailto:lewis@law.law.sc.edu)  
“Reconstruction and the First Civil Rights Lawyers: South Carolina as a Case Study”

Judith Kilpatrick, University of Arkansas, Fayetteville, [jkilpat@uark.edu](mailto:jkilpat@uark.edu)  
“Early African-American Lawyers in Arkansas”

J. Gordon Hylton, Marquette University, [joseph.hylton@marquette.edu](mailto:joseph.hylton@marquette.edu)  
“The Failure of the African-American Legal Profession in Virginia, 1865-1879”

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

The Chair

**Work, Discrimination, and Human Rights** (Burgundy Room)

Chair: Joseph Slater, University of Toledo, [joseph.slater@utoledo.edu](mailto:joseph.slater@utoledo.edu)

Panelists: Carmela Patrias, Brock University, [cpatrias@brocku.ca](mailto:cpatrias@brocku.ca)  
“Class, Community and Resistance to Racism in Wartime Canada, 1939-1945”

Dominique Clément, University of Alberta,  
dominique.clement@ualberta.ca  
“The Dubious Success of Anti-Discrimination Legislation  
in Prohibiting Sexual Discrimination in Canada, 1953-  
1984”

Miriam Smith, York University, mcsmith@yorku.ca  
“Comparing the Institutional and Legal Trajectories of  
Human Rights Redress in the U.S. and Canada: The Case  
of Employment Discrimination”

Commentator: Dominique Marshall, Carleton  
University, dominique\_marshall@carleton.ca

**The English Law of Torts in the 19th Century: Some Key Issues**  
(L’Orangerie Room)

Chair: Thomas P. Gallanis, University of Minnesota,  
gallanis@umn.edu

Panelists: Erika Chamberlain, University of Western Ontario,  
echambe@uwo.ca  
“The Way to Glory: Moral and Aesthetic Influences on the  
Victorian Duty of Care”

Stelios Tofaris, Cambridge University, st277@cam.ac.uk  
“The Code that Never Was: Frederick Pollock’s Indian  
Civil Wrongs Bill and the Aborted Codification of Tort  
Law”

Matthew Dyson, Cambridge University,  
mnd21@cam.ac.uk  
“Bars to Later Actions in Common Assault”

Commentator: Michael Lobban, University of London,  
m.j.lobban@qmul.ac.uk

**Implications of Judicial Decision-Making in Latin America in the  
Twentieth Century** (Tudor Room)

Chair: Kif Augustine Adams, Brigham Young University,  
adamsk@lawgate.byu.edu

Panelists: Juan Manuel Palacio, Universidad Nacional de San Martín,  
Buenos Aires, jpalacio@unsam.edu.ar  
“Judges and Justice in the ‘Populist’ Peronist State, 1943-  
1955”

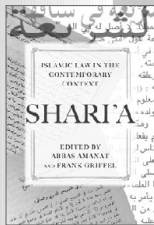
William Suárez-Potts, Kenyon College,  
suarezpottsw@kenyon.edu  
“The Mexican Supreme Court and the Making of Labor  
Law, 1917-34”

Line Schjolden, University of Bergen,  
line.schjolden@if.uib.no  
“Judge-made Labor Law: Rethinking State-Labor  
Relations in Argentina, 1900-1943”

Commentator: Victor Uribe, Florida International University,  
uribev@fiu.edu

**6:00pm–8:00pm Closing Reception** (Drawing Room)

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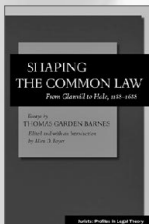
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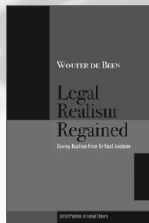
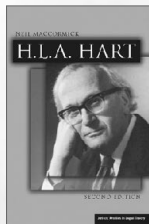
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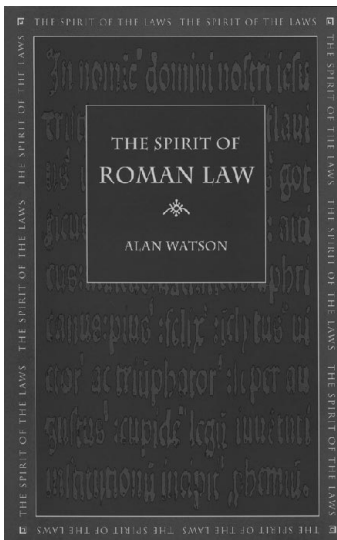
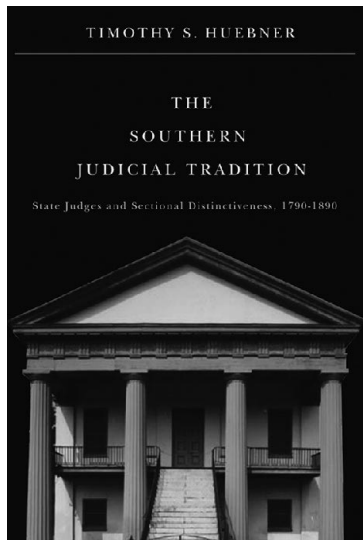
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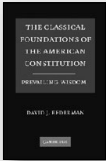
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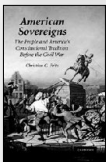
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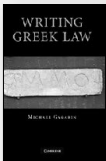
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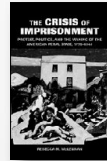


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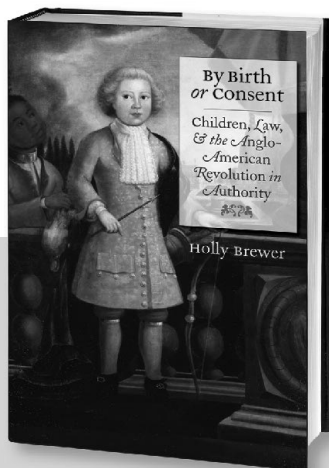
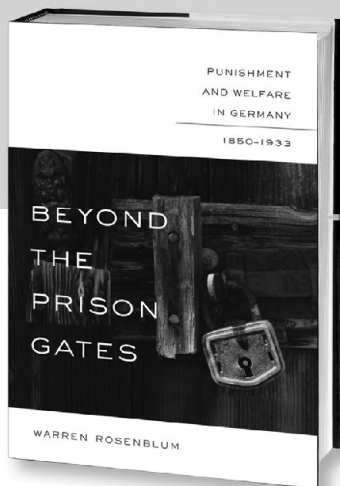
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