

Law, Religion, and Social Discipline in the Early Modern Atlantic World

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There has been much scholarship in the last generation on the intertwined use of law and religion in early modern Europe to “discipline” populations. Discipline in this context does not mean “social control” so much as an ambition to cultivate virtue, godliness, industry, and civility. Curiosity about the nature and effects of early modern legal-religious discipline have animated studies of the English “reformation of manners and morals,” of Calvinist consistories and Scottish kirks, and of Continental and Irish “confessionalization.” Many of these works, particularly those under the rubric of confessionalization, have proceeded comparatively and inquired into the similarities and differences among the methods and implications of Calvinist, Lutheran, and post-Tridentine Catholic programs. On this view, criminal justice and police regulations, church courts and consistories, poor relief, censorship and confessional propaganda, manuals teaching proper behavior and private devotions, catechizing, the Inquisition, and ecclesiastical visitations served as techniques deployed, variously, by Calvinists, Lutherans, and Catholics pursuing parallel disciplinary agendas.

This work on early modern Europe suggests a valuable way to look at New World colonization, which presents a particularly rich site for the comparative study of linked legal-religious discipline. Comparisons might be made less among confessions than among empires. England, Spain, and France each worried about encouraging piety, industry, morality, and order among settlers whom they viewed as unruly, quick to violence, overly greedy, liable to cultural degeneration, and too ready to elevate short-term personal advantage over long-term communal and imperial goals. With varying degrees of commitment, each sought to Christianize, order, pacify, and “civilize” indigenous peoples and slaves. A comparative study of New World legal-religious disciplinary efforts opens up a host of questions. To what extent did the English, French, and Spanish empires see themselves as facing similar or different disciplinary challenges and to what extent did they employ similar or different techniques? Can one understand the seemingly disparate disciplinary institutions and practices of the English, French, and Spanish empires as functional substitutes? How did disciplinary techniques familiar from Europe require adaptation given colonial conditions—in particular, given the exigencies of territorial expansion, the existence of unprecedented racial and ethnic diversity, and the presence of forms of community and relations of domination unknown in Europe? In what ways did religious syncretism and notions of religious freedom coexist with, or flow out of, disciplinary efforts? What tensions emerged between the virtues that disciplinary programs were designed to encourage—for instance, between Christianization and civilization, or between piety and industry? How does the adoption of a comparative perspective alter inherited understandings of patterns of cooperation and rivalry among legal and religious authorities in the British, French, and Spanish empires? To what extent were disciplinary strategies developed in the colonies imported back into European metropolises? In what ways was the British empire a special case given its significant number of multi-confessional jurisdictions (for instance, New York, Pennsylvania, Maryland, and Ireland), which set it apart from the confessional monopoly obtaining in the French and Spanish empires?

By encouraging a comparative perspective, the conference hopes to enrich, and test, claims about the nature, causes, and implications of legal-religious discipline made from within one national historiography. Contrasting multiple empires could reveal common sequences and dynamics or could highlight the unique and distinguishing features of a particular system liable to be overlooked if examined in isolation.

The conference will feature four panels, each with two or three papers plus comments. Participants include: Herman Bennett (Rutgers History); Jorge Cañizares-Esguerra (University of Texas History); Charles Cohen (University of Wisconsin, Madison History); Cornelia Hughes Dayton (University of Connecticut History); Charles Donahue, Jr. (Harvard Law); Philip Gorski (Yale Sociology); Richard Helmholz (University of Chicago Law); Richard Kagan (Johns Hopkins History); Karen Kupperman (New York University History); Ute Lotz-Heumann (Faculty of History, Humboldt University [Germany]); Jessica Millward (University of Illinois at Urbana-Champaign History and Afro-American Studies); Sarah Pearsall (Northwestern History); Gregg Roeber (Pennsylvania State University History); Richard Ross (University of Illinois at Urbana-Champaign Law and History); Sharon Salinger (University of California, Irvine History); Jon Sensbach (University of Florida History); Karl Shoemaker (University of Wisconsin, Madison History and Law); Bruce Smith (University of Illinois Law); and Margo Todd (University of Pennsylvania History).

The conference on “Law, Religion, and Social Discipline in the Early Modern Atlantic World” is an offering of the Symposium on Comparative Early Modern Legal History, organized by Prof. Richard Ross of the University of Illinois (Urbana-Champaign) College of Law and History Department. The Symposium will gather yearly under the auspices of the Center for Renaissance Studies at the Newberry Library in Chicago in order to explore a particular topic in the comparative legal history of the Atlantic world in the period c.1492-1815. Funding has been provided by the University of Illinois College of Law. Last fall, the Symposium presented a conference on “Membership in Communities and States in the Early Modern Atlantic World: Legal Rules, Social Judgments, and the Negotiation of Citizenship.”

Attendance at the Symposium is free and open to the public. Participants and attendees should preregister by contacting the Center for Renaissance Studies at the Newberry Library at renaissance@newberry.org or at 312-255-3514. For information about the conference, please consult the Center for Renaissance Studies website at <http://www.newberry.org/renaissance/seminars/legal06.html> or contact Prof. Richard Ross at Rjross@law.uiuc.edu or at 217-244-7890.