
ASLH NEWSLETTER



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NOTE FROM THE ASLH PRESIDENT: THE CINCINNATI MEETING, AND A NEW SECRETARY-TREASURER

The November 10-12 Cincinnati meeting date is not so very far ahead on the calendar now, and the Society is very much indebted to Tom Gallanis and Michael Parrish (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 Cincinnati event.

Please make your hotel reservations early, so as to take advantage of the favorable convention rate we've been given. In selecting Cincinnati as a site, the city's attractiveness for an academic gathering was important (we're preceded there by a huge convention of the chemical engineering society, for example). Other important considerations were reasonable hotel rates and the ease of transportation for most of our membership: It's a Delta hub and the airport is served by United, American, and other lines. With the superb program of panels and events that has been put together, we are hopeful that all members will want to attend!

It is a special pleasure to announce that William LaPiana of New York Law School, a dedicated long-time member of our Society, has accepted appointment as our Secretary-Treasurer beginning

immediately after our meeting in November. Bill is author of *Logic and Experience: The Origins of Modern American Legal Experience* (Oxford University Press, 1994), a book of course well known to our members and widely cited in the literature. He is also a major contributor to scholarship and practice in trusts and estates, and he holds the Rita and Joseph Solomon Chair Professorship of Wills, Trust, and Estates; and serves as the Director of Estate Planning studies for the Graduate Tax Program at the School. In the admirable, and extraordinarily selfless, tradition of those who have served as the Society's secretary-treasurer in past years, he takes on the burden of being the principal business and management officer of our organization while continuing to carry these other research and teaching responsibilities.

The board, the other officers, and certainly the membership are greatly indebted to Jack Pratt, who has performed with distinction and extraordinary dedication in this office for nearly five years. Jack's achievements will be duly celebrated, albeit too briefly, at the luncheon at Cincinnati. But it must be said at once that his creativeness, sound judgment, and willingness to give seemingly limitless time and energy to the job have been a mainstay for ASLH during his term in office. The pro bono service that Jack and his predecessors have given to the Society is a large debt indeed, one that we members can only hope is met in a significant way by the vigor with which the field of legal history has developed flourished during their time in service.

Elsewhere in this Newsletter, the Society acknowledges the donors whose generosity has put our endowment campaign into high gear from almost the first day, and now has produced a result in donations and pledges that we believe will go far to assure the continued vitality of our meetings, book and journal publications, awards, and other activities. Here too, selfless and dedicated service by members of the Future of the Society Committee has been the crucial element in giving this fund campaign its momentum. Without the leadership of that committee's chair, Sally Gordon, we could hardly have hoped to achieve the results that she will be reporting at Cincinnati. The campaign is far along toward the goal, but we're not there by any means. I earnestly ask every member to donate or pledge now, and to be represented on the donors' list as we move toward the end of this second year of the campaign. As we seek gifts from individuals and firms outside our membership, the percentage-giving figures from members, and the generosity that has been shown – especially in pledges of \$100 to \$1,000 annual gifts, or even more – have been of crucial importance in obtaining significant outside support. Please join the other donors now, if you've not made your 5-year pledge already.

In sum: Please plan to come to the meeting, please do fill out the ballot for directors and a president-elect, and please donate to the campaign and then also consider sponsoring a graduate student or junior colleague with a one-year guest membership.

Here's to a good end-of-summer for all, and to a memorable gathering of friends and fellow historians in Cincinnati this Fall!

All best - Harry N. Scheiber

INAUGURAL DONORS

We are pleased to announce that our fund-raising efforts on behalf of the Society have been met by an enthusiastic and extraordinarily generous response from our members. Below is a list of inaugural donors, who together have donated and pledged \$418,500 toward the future of the Society. Their support and leadership is gratefully received, and is essential to the on-going financial stability and growth of ASLH. We still have a ways to go to reach our \$500,000 goal – but thanks to you all, we are closing in quickly. We will update this list and report on the status of our campaign at the 2005 meeting in Cincinnati.

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2005 ANNUAL MEETING, CINCINNATI, OHIO

The Society's thirty-fifth annual meeting will be held Thursday-Saturday, November 10-12, in Cincinnati, Ohio. Registration materials and the draft program for the meeting are bound in the center of this newsletter. Be sure to return the registration forms by the dates indicated.

Helping with local arrangements committee have been Linda Przybyszewski, University of Cincinnati, <przybyL@email.uc.edu> [Linda has since moved to the University of Notre Dame, <Przybyszewski.l@nd.edu>], and John Douglass, University of Cincinnati, <john.douglass@uc.edu>. Co-chairs of the Program Committee have been Thomas P. Gallanis, Washington & Lee University, <gallanist@wlu.edu>, and Michael Parrish, University of California, San Diego, <mparrish@ucsd.edu>. Additional, and updated, information about the annual meeting is available on the web <http://aslh.net>.

INFORMATION ABOUT LOCAL ARRANGEMENTS

Blocks of rooms are reserved for the Society's meeting at the Hilton Cincinnati Netherland Plaza – the rate for single/double is \$129/night + taxes. Reservations may be made by phone: 800-HILTONS or 513-421-9100; or via the web: From the Hilton home <www.hilton.com> find the Hilton Cincinnati Netherland Plaza; type in dates, and the group/convention code ALH.

IF YOU DO NOT WANT TO PARTICIPATE IN THE ROOM-SHARE PROGRAM, YOU MUST MAKE YOUR OWN RESERVATIONS DIRECTLY WITH EITHER THE HOTEL NO LATER THAN OCTOBER 11TH.

BALLOT

The ballot, bound at the center of this newsletter, seeks votes the President-Elect, for members of the Society's Board of Directors, and for the Nominating Committee. Many thanks to this year's nominating committee for their conscientious work – Sally E. Hadden, Florida State University, Chair; Adam Kosto, Columbia University; Tahirih Lee, Florida State University; Kenneth Mack, Harvard University; Wesley Pue, University of British Columbia.

NOMINEE FOR PRESIDENT-ELECT

MAEVA MARCUS, director and editor of *The Documentary History of the Supreme Court of the United States, 1789-1800*, is working with her colleagues on the eighth and final volume of the series. She is also director of the Institute for Constitutional Studies at George Washington University. For four years (1983-1987) she was Visiting Professor of Law at Georgetown University Law Center, where she taught a variety of legal and constitutional history courses to faculty and students. In addition to the volumes of *The Documentary History of the Supreme Court* (Columbia University Press), her publications include *Truman and the Steel Seizure Case* (Columbia University Press, 1977; paperback, 1979; reissued by Duke University Press, 1994); *Origins of the Federal Judiciary: Essays on the Judiciary Act of 1789* (editor and contributor, Oxford University Press, 1992); "Louis D. Brandeis and the Laboratories of Democracy" in *Federalism and the Judicial Mind* (Harry N. Scheiber, ed. 1992); "Judicial Review in the Early Republic" in *Launching the "Extended Republic": The Federal Era* (University Press of Virginia, 1996); and many other essays and articles in books and law reviews in the United States and abroad. With her coeditors, Howard Gillman, Mark Tushnet, and Melvin Urofsky, she has begun a publication series with Cambridge University Press entitled "Cambridge Studies on the American Constitution." Actively involved in several professional organizations, she served on the Board of Directors (1987-1990, 1996-1999) of the ASLH, the program committee, the publications committee, and the documentary preservation committee, as well as the board of editors for *Law and History Review*. She is a member of the Permanent Committee for the Oliver Wendell Holmes Devise (2001-2009).

NOMINEES FOR BOARD OF DIRECTORS

FELICE BATLAN is Associate Professor of Law and Adjunct Professor of History at Tulane University, and will serve on the University's Women's Studies Program Committee. She received her Ph.D. in History from New York University in January 2005, where she received the CCWH/Berkshire Conference on Women Historians Dissertation Award. She earned a J.D. *magna cum laude* from Harvard Law School and a B.A. *summa cum laude* from Smith College. Following law school, she clerked for a federal district judge in New York. She then practiced law, first at a prominent New York law firm, and then as associate general counsel and head of global compliance for an international investment bank. At Tulane, she teaches law, undergraduate, and graduate students in the fields of U.S. legal history, feminist legal theory, and business law. Her recent publications have appeared in *Law and Social Inquiry* and the *Columbia Journal of Law and Gender*. She has authored numerous book reviews for H-Law.

She is currently working on a book entitled "Gender and the Path of the Law: Public Bodies, State Power, and Municipal Reform in Late Nineteenth Century New York." She works as a historical consultant to and serves on the museum committee of the Securities and Exchange Commission Historical Society. She has served on the board of editors of H-Law since 2003, is an associate editor of *Continuity and Change*, and has served as a referee for the University of Tennessee Press. She has previously taught at New York University, Marymount College, and Hofstra Law School.

MARY ANNE CASE is Arnold I. Shure Professor of Law and a member of the board of the Center for Gender Studies at the University of Chicago. She has studied History, the Arts and Letters at Yale College, the intellectual history of humanism at Munich's Ludwig-Maximilians University, and law at Harvard Law School; litigated for Paul, Weiss, Rifkind, Wharton and Garrison in New York; taught law at the University of Virginia and NYU, as well as Chicago; received fellowships from the Bosch Foundation, the American Academy in Berlin, the German Academic Exchange Service, and the Bankard Fund for Political Economy, among others; served as chair of the section on Comparative Law of the AALS; and appeared on a variety of panels at meetings of the ASLH, as well as the AHA, the AALS, and the APA. Her scholarship to date has concentrated on the regulation of sex, gender and sexuality and on the early history of feminism, characteristically using evidence from history to make observations about ongoing jurisprudential controversies. For example, her most recent publication, "Marriage Licenses: The William B. Lockhart Lecture," 89 *Minn. L. Rev.* 1758 (June 2005), combines a case study of the earliest reported U.S. same-sex marriage case with observations about the history of the regulation of corporations, bankruptcy, church-state relations, constitutional sex discrimination and marriage to account for some otherwise potentially puzzling features of today's same-sex marriage debates.

MICHAEL GROSSBERG is the Sally Reahard Professor of History and a Professor of Law at Indiana University. He is also the co-director of the Indiana University Center on Law, Society, and Culture. He has recently completed a ten-year term as Editor of the *American Historical Review*. His research focuses on the relationship between law and society in United States history, particularly the intersection of law and the family. He has written a number of books and articles on legal and social history. His 1985 book, *Governing the Hearth, Law and the Family in Nineteenth-Century America*, won the Littleton-Griswold Prize in the History of Law and Society in America given by the American Historical Association. He published *A Judgment for Solomon: The d'Hauteville Case and Legal Experience in Antebellum America* in 1996 and a co-edited volume, *American Public Life and the Historical Imagination*, in 2003. He is currently working on a history of child protection in the United States to be published by Harvard University Press and is co-editing *The Cambridge History of Law in the United States*. Grossberg has also been involved in a number of public policy research projects, including a current one designed to devise guidelines for genetic testing in child custody cases. He has held fellowships from the Guggenheim Foundation, the National Endowment of the Humanities, the American Council of Learned Societies, the Newberry Library, the American Bar Foundation, and has been a Fellow at the National Humanities Center. He teaches courses in United States legal and social history. Grossberg has served the ASLH in a number of capacities: Program Chair (1989); Board of Directors (1989-92); Editorial Board, *Law and History Review* (1991-93); Editor, *Law and History Review*, 1993-95; Publications Committee, 1996-99; Nominating Committee (1997-2000); and numerous panel presentations.

KENNETH F. LEDFORD is Associate Professor of History and Law at Case Western Reserve University, where he teaches both in the Department of History and the School of Law. His main research interests include the intersection of legal thought and middle-class formation in Germany in the 19th and 20th centuries, which results in his focus on the study of legal professions and legal professionals. Teaching interests include modern Germany, European legal history, historiography, and the history of European Union law. He received his B.A. and J.D. from the University of North Carolina, Chapel Hill, and after practicing law for four years in Richmond, Virginia, he received his M.A. and Ph.D. in modern German and European history from the Johns Hopkins University. Before coming to Case in 1991, he was Research Fellow at the German Historical Institute, Washington, D.C., and taught at the Paul H. Nitze School of Advanced International Studies. He is the author of one book, *From General Estate to Special Interest: German Lawyers, 1878-1933* (Cambridge University Press, 1996) and is finishing a second, *Prussian Judges and the Rule of Law in Germany, 1848-1914*. He has published articles in several volumes of collected essays, as well as in *Law and History Review*, *Law and Social Inquiry*, and *Central European History*, and he has held fellowships from the American Academy in Berlin, the German-American Fulbright Commission, the German Marshall Fund of the United States, the American Council of Learned Societies, and the German Academic Exchange Service. He is a member of the Board of Editors of *Law and History Review*, where he has served since 1996, has served on the Membership Committee of the Society and on the Program Committees for the meetings in 2001 and 2004, and has presented papers or commented at the Annual Meetings in 1992, 1997, 2001, and 2002. Outside the Society, he has served since July 1, 2004, as Editor of *Central European History*, sponsored by the Conference Group for Central European History of the American Historical Association.

PABLO PICCATO is associate professor at the Department of History, Columbia University. His research approaches the law as experienced by social actors through judicial, penal and policing practices. His current work combines questions and methods from social, political and cultural history to understand criminal trends and practices, and social responses to crime. A forthcoming book focuses on legal and cultural definitions of honor and their place in the development of the public sphere in Mexico. He received his B.A. from the Universidad Nacional Autónoma de México and his M.A. and Ph.D. from the University of Texas at Austin. Since 1997 he has taught at Columbia and at Mexican institutions. His published work includes *City of Suspects: Crime in Mexico City, 1900-1931* (Durham, 2001), *Congreso y Revolución: El parlamentarismo en la XXVI Legislatura* (Mexico City, 1991), the edition of *El Poder Legislativo en las décadas revolucionarias* (Mexico City, 1997), and, with Cristina Sacristán, of *Actores, espacios y debates en la historia de la esfera pública en la ciudad de México* (Mexico City, 2005), besides articles and chapters in several journals and edited books. He won, with Robert Buffington, the Tiberzar Prize in 2000 and has been a fellow of the Center for U.S.-Mexican Studies, University of California, San Diego, the Centro de Investigaciones y Estudios Avanzados en Antropología Social, the Fondo Nacional para la Cultura y las Artes, and the Instituto Nacional de Estudios Históricos de la Revolución Mexicana, in Mexico City. He is a member of the editorial boards of *Signos Históricos*, *Hispanic American Historical Review*, and since 1999 the *Law and History Review*.

LINDA PRZYBYSZIEWSKI is Associate Professor of History at the University of Notre Dame. She has served on the Publications Committee of the ASLH and is the Local Arrangements Chair for

the 2005 annual meeting. Her research interests include the relations of law and religion in the 19th Century United States, constitutional history, and judicial biography. She is the author most recently of "The Fuller Court (1888-1910): Property and Liberty," in *The Supreme Court of the United States: The Pursuit of Justice* (2005) and "The Secularization of the Law and the Persistence of Religious Faith: The Case of Justice David J. Brewer," *Journal of American History*, (2004). She edited *Some Memories of a Long Life, 1854-1911* by Malvina Shanklin Harlan (2002), and is the author of *The Republic According to John Marshall Harlan*, (1999). She received a B.A. with distinction from Northwestern University, and an M.A. and Ph.D. in History from Stanford University. She has held fellowships at the Program in Law and Public Affairs at the Woodrow Wilson School at Princeton University, the Virginia Center for the Humanities, the Heyman Center at Columbia University, and the Institute for Legal Studies at the University of Wisconsin-Madison.

CAROL ROSE is the Gordon Bradford Tweedy Professor of Law and Organization at Yale Law School. Her current research focuses on the history and theory of property, and on the relationships between property and environmental law. Her degrees are from Antioch College (B.A. Philosophy), the University of Chicago (M.A. Political Science, J.D. Law), and Cornell University (Ph.D. History). She has taught at a number of law schools, including those at Harvard, Stanford, Berkeley, and Northwestern, and she will soon be joining the University of Arizona as the Lohse Professor of Water and Natural Resources. She has also been a visiting scholar at a number of universities, including the University of Adelaide in Australia and the University of Cologne in Germany. Prior to going to law school, Professor Rose taught in the History Department at the Ohio State University, where she taught early modern and modern European history, and where she was also one of the founders of the Women's Studies Program. Her historical research at that time centered on early modern representative institutions in Germany and Continental Europe, and she published several articles and reviews relating to those subjects. Several of her legal articles have continued those interests, notably "The Ancient Constitution vs the Federalist Empire" (NwU. L. Rev 1989). Among her other historically-informed legal works are "The Comedy of the Commons," (U.Chi. L. Rev. 1986), "Energy and Efficiency in the Realignment of Common Law Water Rights," (J. Legal Stud. 1990), "Property and Expropriation: Themes and Variations in American Law" (Utah L. Rev. 2000), and "Shelley v. Kraemer," (Property Stories 2004). She is the author of *Property and Persuasion* (1994), and the co-author of *Perspectives on Property Law* (2002, with R.C. Ellickson and B. A. Ackerman), and she has written numerous other articles on traditional and modern property regimes, environmental law, environmental ethics, natural resource law, and intellectual property. She is on the Board of Editors of the Foundation Press, and she has an honorary degree from The University of Illinois-Chicago Kent Law School. Since 1995 she has been a member of the American Academy of Arts and Sciences.

DAVID SUGARMAN is Professor of Law and Director of the Law in History Program, Lancaster University Law School, England. He is a Fellow of the Royal Historical Society; Senior Research Fellow, Institute of Advanced Studies, London; and Research Affiliate, Centre for Comparative Legal History, Macquarie University, Australia. He completed graduate work in law at Cambridge University and Harvard Law School, where he was awarded a doctorate in legal history. His publications include 15 books and over 60 articles. His work has been translated into Dutch, French, German and Japanese. Recent publications include: *Lawyers and Vampires: Cultural Histories of Lawyers* (2004) co-ed.; "Legal Profession" in *Oxford Encyclopedia of*

Economic History (2003); *Property Law, Personhood and Citizenship. A Comparative History of Property Rights* (2000) co-ed.; and "Reassessing Hurst", *Law & History Review* (2000). He has played an active role in the ASLH, presenting and commenting on papers at annual meetings, organising panels, serving on the Programme Committee for the 2002 meeting and the Committee on the Future of the Society. He founded and co-organised, with Paul Brand, the "Law and Society" Seminar, Institute of Historical Research, London, 1985-92; founded and chaired the Society of Legal Scholars Legal History Section, 1994-96; and founded and co-convened, with Wes Pue, the Project on the Cultural History of the Legal Profession, International Sociological Association, 1992-2004. He has developed innovative legal history courses, including a taught Masters degree program on the history of law in society, and a course on "law and society, 1750-1950: culture, gender and the visual". He has been a visiting professor of legal history at university law schools in Canada, Germany, Japan, Spain and the United States. He is a member of the editorial board of the *Journal of Legal History*, and has acted as a consultant to the BBC on historical topics.

EMILY ZACK TABUTEAU teaches English constitutional and legal history at Michigan State University, where she also currently serves as Associate Chair of the Department of History. She received her doctorate from Harvard in 1975 under the direction of Samuel E. Thorne and is the author of *Transfers of Property in Eleventh-Century Norman Law* (Studies in Legal History, 1988) and articles on related topics. She has previously served both on the Board of Directors and on the Program Committee of the ASLH and on the Board of Directors of the North American Conference on British Studies and currently serves on the Editorial Board of the *Law and History Review*. She has been a member of the American Society for Legal History since at least 1971.

MARTHA MERRILL UMPIREY is Associate Professor of Law, Jurisprudence and Social Thought at Amherst College. She holds a J.D. and a Ph.D. in American Culture, both from the University of Michigan. She writes from an interdisciplinary perspective about intersections of law and culture, focusing primarily on the late-nineteenth- and early-twentieth-century United States, with a particular interest in trials, public culture and representation, and the politics of identity. Relevant publications include "Media Melodrama! Sensationalism and the 1907 Trial of Harry Thaw," *New York Law School Law Review* 43:3/4 (1999-2000); "The Dialogics of Legal Meaning: Spectacular Trials, the Unwritten Law, and Narratives of Criminal Responsibility," *Law and Society Review* 33:2 (1999); "The Trouble with Harry Thaw," *Radical History Review* 62 (Spring 1995), reprinted in *Queer Studies: An Interdisciplinary Reader* (Blackwell 2003); and "'The Sun Has Been Too Quick for Them': Criminal Portraiture and the Police in the Late Nineteenth Century," *Studies in Law, Politics, and Society* 16 (1997). Presently she is completing a book, "'Dementia Americana': Narrating Responsibility in the Trials of Harry K. Thaw," on the problem of criminal responsibility in Harry Thaw's 1907-08 trials for the murder of Stanford White; and is editing an anthology, "Trials," for the *International Library of Essays in Law and Society* (Dartmouth/Ashgate). She has also co-edited a number of current and forthcoming books in the Amherst Series in Law and Jurisprudence, including *Lives in the Law*, *Law's Madness*, *Law on the Screen*, *The Place of Law*, *The Limits of Law*, *Law and Catastrophe*, and *Law and the Sacred*. She served on the 2004 ASLH Program Committee, and has served as well on a number of committees (including Program, Willard Hurst Book Prize, Nominations, and Strategic Study committees) in the Law and Society Association and in the Association for Law, Culture, and the Humanities. Currently she is an associate editor of a new journal, *Law, Culture, and the Humanities*, and has just completed a term as review essays editor of *Law and Society Review*.

NOMINEES FOR NOMINATING COMMITTEE

RISA GOLUBOFF is an Associate Professor of Law at the University of Virginia Law School, where she teaches courses in American legal and constitutional history, civil rights, constitutional law, and related areas. She has been a member of the ASLH since 1999, and has presented papers and commented on panels at the annual meeting. She received her A.B. *summa cum laude* from Harvard University (1994), her J.D. from Yale Law School (2000), her M.A. in History with distinction from Princeton University (1999), and her Ph.D. in History (2003) also from Princeton. She is currently completing *The Lost Origins of Modern Civil Rights* (under contract with Harvard University Press), which as a dissertation won the Law and Society Association Dissertation Prize. Her recent publications include "'Let Economic Equality Take Care of Itself': The NAACP, Labor Litigation, and the Making of Civil Rights in the 1940s," 52 *UCLA L. Rev.* 1393 (2005); "The Unusual Journey of Vernon Lawhorn, Sam Austin, and the Green Brothers: Reverse Migration, Agricultural Work, and Rights Consciousness in World War II," in Eric Arnesen, ed., *The Human Tradition in Labor History* (2003); "'We Live's in a Free House Such as It Is': Class and the Creation of Modern Civil Rights," 151 *U. Penn. L. Rev.* 1977 (2003); and "A Road Not Taken: The Thirteenth Amendment and the Lost Origins of Civil Rights," 50 *Duke L.J.* 1609 (2001). Honors include a Fulbright Scholarship (South Africa) and the William Nelson Cromwell Foundation Fellowship. She served on the 2005 Program Committee for the Law & Society Association and serves as a referee for *Law & History Review*, *Law & Society Review*, *Law & Social Inquiry*, *International Labor and Working-Class History*, and *Perspectives on Politics*.

CHRISTOPHER TOMLINS is Senior Research Fellow at the American Bar Foundation, Chicago, and adjunct professor of law at Northwestern University School of Law. Before joining the American Bar Foundation in 1992, he was Reader in Legal Studies at La Trobe University, Melbourne. He has also occupied visiting positions of various kinds at Harvard (Charles Warren Fellow), William & Mary (Commonwealth Center Senior Fellow and visiting professor of law) and Tel Aviv University (visiting professor of law). He holds degrees from Oxford University (B.A., M.A.), the University of Sussex (M.A.) and the Johns Hopkins University (M.A., Ph.D.). Current research addresses (a) the legal culture of colonization and work in early Anglo-America, and (b) the formation of the modern juridical field in the United States. He is also currently editor of *The Cambridge History of Law in America* (3 volumes) with Michael Grossberg of Indiana University. From 1995 until 2004, he was editor of the *Law and History Review*; he is currently co-editor (with Jack Heinz) of *Law & Social Inquiry*. He also edits the Cambridge University Press book series Cambridge Historical Studies in American Law and Society. Since gaining productive academic employment in 1980, he has written and/or edited *The State and the Unions: Labor Relations, Law and the Organized Labor Movement in America, 1880-1960* (New York and Cambridge: Cambridge University Press, 1985), *Labor Law in America: Historical and Critical Essays* (Baltimore, 1992, with Andrew King), *Law, Labor and Ideology in the Early American Republic* (New York and Cambridge, 1993), *The Many Legalities of Early America* (Chapel Hill, 2001, with Bruce H. Mann), and *The Supreme Court of the United States: The Pursuit of Justice* (Boston and New York, 2005), as well as publishing about eighty chapters, articles, working papers, and other bits and pieces. He has been an active member of the

American Society for Legal History since the early 1980s and has served on the Board of Directors and various committees.

ANNOUNCEMENTS

Law and History Review On-Line Manuscript Submissions

The *Law and History Review* is delighted to announce the opening of its electronic office at <http://lhr.law.unlv.edu>. This site facilitates on-line manuscript submission, refereeing, and journal management. I encourage all ASLH members to explore the website. Beginning on September 1, 2005, authors should use this site for on-line submission of their manuscripts. Step-by-step instructions on the website explain the submission process. Please don't hesitate to contact me if you have any questions or concerns.

David Tanenhaus
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CONFERENCE ON CITIZENSHIP

"Membership in Communities and States in the Early Modern Atlantic World:
Legal Rules, Social Judgments, and the Negotiation of Citizenship"
Location: Newberry Library, Chicago
Date: Friday, October 14, 2005

Between the sixteenth and eighteenth centuries, the linked processes of statebuilding and overseas colonization in the Atlantic world drew upon and helped transform inherited citizenship practices. This conference explores, in comparative perspective, the ways that communities, municipalities, organizations, and states in early modern Europe and the Americas identified their members, regulated participation, and adjusted burdens and opportunities. Colonial political and legal systems established forms of community and relations of domination unknown in Europe and confronted unprecedented racial and ethnic diversity. An array of statuses, including a variety of kinds of citizenship, helped define the political, civil, and economic rights of settlers, of European foreigners and religious and ethnic minorities, of indigenous populations, of Africans, and of "mixed race" peoples. Colonists and imperial administrators adjusted these statuses in order to attract or exclude settlers, manage dependent and forced laborers, and calibrate privileges in heavily regulated transatlantic trade systems.

The conference has two main intellectual ambitions beyond further integrating the domestic and imperial perspectives on early modern citizenship. First, by encouraging a comparative perspective, it hopes to enrich, and test, claims about the nature and causes of citizenship regimes made from within one national historiography. Second, the conference hopes to attract work inspired by recent efforts to move away from the traditional treatment of citizenship as a "category" or "status" defined by the state and extended at its discretion to particular classes of people. Historians and social scientists are increasingly thinking of citizenship rights as claims that, while grounded in law or social convention, were only made operative, reshaped, or denied through contingent negotiations in local institutions and communities. On this view, law served as a resource. It provided a repertoire of ill-defined, incomplete, sometimes contradictory rules and precedents that labeled the issues and values at stake in a dispute and could be mobilized to support a wide variety of positions. Yet the limits of the repertoire and the dissimilar appeal of its constituent elements worked to constrain and predispose negotiations about citizenship claims in local settings.

The conference will consist of three panels and an author-meets-reader session focusing on Tamar Herzog's *Defining Nations: Immigrants and Citizens in Early Modern Spain and Spanish America* (New Haven, 2003). Confirmed speakers and commentators (so far) include: Lauren Benton (NYU History), Douglas Bradburn (SUNY, Binghamton History), Clare Crowston (University of Illinois at Urbana/Champaign History), Max Edelson (University of Illinois at Urbana/Champaign History), William Forbath (University of Texas Law and History), Malick Ghachem (MIT Political Science), Tamar Herzog (Stanford History), Amalia Kessler (Stanford Law), Erika Pani (Faculty of History, CIDE, Mexico), Kunal Parker (Cleveland-Marshall Law), Gregg Roeber (Pennsylvania State University History), Richard Ross (University of Illinois at Urbana/Champaign Law and History), Peter Sahlins (University of California, Berkeley History), Rogers Smith (University of Pennsylvania Political Science), Holly Snyder (Brown University Library), Margaret Somers (University of Michigan Sociology), Miranda Spieler (University of Arizona History), Christopher Tomlins (American Bar Foundation), and Mark Weiner (Rutgers-Newark Law).

The conference on citizenship will be the inaugural 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. Primary funding has been provided by the University of Illinois College of Law, and additional funding by the University of Chicago Law School and the Pennsylvania State University History Department.

Attendance at the Symposium is free and open to the public. Participants and attendees should preregister by contacting Katherine Gardner at the Newberry Library at <renaissance@newberry.org> or at 312-255-3514. For information about the conference, please consult the Newberry Library's Center for Renaissance Studies website at <<http://www.newberry.org/renaissance/L3renaissance.html>> or contact Prof. Richard Ross at <Rjross@law.uiuc.edu> or at 217-244-7890.

2006 OAH Midwest Regional Conference
 "Historic Heartland: Celebrating a Century of the OAH"
 Lincoln, Nebraska * July 6-8, 2006

In 2006 OAH, in conjunction with the University of Nebraska Department of History, will host its third regional conference. Its aim is to reach members and other historians and teachers with an interest in the Midwest and Great Plains. The regional hopes to involve those located in the Midwest at community colleges and high schools, and those employed in government, museums, and the private sector as well as in four-year colleges and major universities. The conference also seeks to encourage graduate students, who will soon serve in these diverse capacities, to get involved in professional activities early in their careers.

The regional conference will be held in Lincoln, Nebraska, near the campus of the University of Nebraska, at the Cornhusker Hotel, July 6-8, 2006. Its special purpose is to launch the centennial celebration of the Organization of American Historians, which was founded as the Mississippi Valley Historical Association in Lincoln. The committee would like to use this opportunity to celebrate the Midwestern roots of the OAH and to allow historians in and of the Midwest to share their work. The benefit of a regional conference is that its size allows for close engagement with other historians practicing in diverse settings. Considerable attention at this conference will also be paid to professional development and the practice of history both in classrooms and in public settings in the Midwest.

Massachusetts Historical Society Short-Term Fellowships

The MHS will offer approximately twenty short-term research fellowships in 2006. Each grant will provide a stipend of \$1,500 for four weeks of research at the society sometime between July 1, 2006, and June 30, 2007. Short-term awards are open to independent scholars, advanced graduate students, and holders of the PhD. or the equivalent, with candidates who live fifty or miles from Boston receiving preference. Candidates must be U.S. residents or foreign nationals with permission from the U.S. government to hold such awards.

Short-Term Fellowship Awards:

African-American Studies Fellowship. This award will support research at the Massachusetts Historical Society in African American History.

W.B.H. Dowse Fellowship. The Society's W.B.H. Dowse Fund will provide support for two scholars studying the history of colonial New England.

Marc Friedlaender Fellowship. Documentary editing projects and research on the Adams family receive priority for this award.

Massachusetts Society of the Cincinnati Fellowship. The grant supports research projects pertaining to the era of the American Revolution.

Andrew W. Mellon Fellowships. The Society will appoint approximately nine Mellon fellows. Any project for which the Society's collections are appropriate is eligible for consideration.

Ruth R. Miller Fellowship. Supported by the Ruth R. Miller philanthropic Fund, this award is to encourage research in women's history.

Andrew Oliver Research Fellowship. This fellowship will support research in the Society's collections of portraits, engravings, silhouettes, and other graphic materials.

Society of Colonial Wars of Massachusetts Fellowship. The Massachusetts Historical Society is able to offer this award thanks to the generosity of the Society of Colonial Wars of Massachusetts. The stipend supports research on the early history of Massachusetts, with priority given to projects pertaining to military, political, and diplomatic history.

Benjamin F. Stevens Fellowship. This award supports research on any aspect of the history of New England.

Application deadline: March 1, 2006.

For more information about the MHS Short-Term fellowships and about the Massachusetts Historical Society's other awards, including the MHS-NEH Long-Term Fellowships and support through the New England Regional Fellowship Consortium, please check the Society's web site, www.masshist.org, or contact Cherylinne Pina, Massachusetts Historical Society, 1154 Boylston Street, Boston, MA 02215 (e-mail cpina@masshist.org).

Massachusetts Historical Society-NEH Fellowships

The Massachusetts Historical Society will award at least two long-term MHS-NEH fellowships for the academic year of 2006-2007. MHS-NEH fellowships are made possible by an award from the National Endowment for the Humanities, an independent federal agency. The stipend, governed by an NEH formula, will be no more than \$40,000 for a term of six to twelve months or \$20,000 for a term of four to five months. Within the constraints of the NEH's guidelines, the Society will also supplement each stipend with a housing allowance of up to \$500.00 per month. MHS-NEH fellowships are open to U.S. citizens and to foreign nationals who have lived in the United States for at least the three years immediately preceding the application deadline. Applicants must have completed their professional training; NEH-sponsored fellowships are not available to graduate students. The awards committee will give preference to candidates who have not held a long-term grant during the three years prior to the proposed fellowship term.

Application deadline: January 15, 2006.

For information about MHS-NEH fellowships and about the Society's other awards, including short-term grants and support through the New England Regional Fellowship Consortium, please check the Society's web site, www.masshist.org, or contact Cherylinne Pina, Massachusetts Historical Society, 1154 Boylston Street, Boston, MA 02215 (e-mail cpina@masshist.org).

New England Regional Research Fellowships

The New England Regional Fellowship Consortium, a collaboration of thirteen major cultural agencies, will offer at least eight awards in 2006-2007. Each grant will provide a stipend of \$5,000 for eight weeks of research at participating institutions.

Applications are welcome from anyone with a serious need to use the collections and facilities of the organizations. Candidates must be U.S. citizens or foreign nationals with permission from the U.S. government to hold such awards.

The Consortium's grants are designed to encourage projects that draw on the resources of several agencies. Each award will be for research at a minimum of three different institutions. Fellows must stay at each of these organizations for at least two weeks.

Participating Institutions: Boston Athenaeum, Baker Library-Harvard Business School, Colonial Society of Massachusetts, Connecticut Historical Society, Francis A. Countway Library of Medicine, Harvard Law School-Special Collections, Maine Historical Society, Massachusetts Historical Society, Mystic Seaport Museum, New England Historic Genealogical Society, New Hampshire Historical Society, Rhode Island Historical Society and Schlesinger Library.

Application deadline: February 1, 2006.

For more information about the New England Regional Research Fellowships and about the Massachusetts Historical Society's other awards, including short-term grants and MHS-NEH long-term fellowships, please check the Society's web site, www.masshist.org, or contact Cherylinne Pina, Massachusetts Historical Society, 1154 Boylston Street, Boston, MA 02215 (e-mail cpina@masshist.org).

SOCIETY'S ON-LINE MEMBERSHIP DIRECTORY

REMINDER: The Society now has an online membership directory. You can get a view of how the complete system works by going to <<http://www.press.uillinois.edu/journals/lhr/directory/>>. You will be asked for your subID (which is the number on the mailing address for this newsletter) for this "first time" login. Next, you'll need to provide a personal password to use for subsequent logins. That's it; you can forget your subID from this point forward. For those who misplace their password, the manager of the directory has installed an auto-reply system to email the password to the address on file. You'll also notice the check-box option to remember your login information at this point so that your future connections will go directly into the database. However, you will still need to re-type your password if you chose to edit your personal record. This is an added safety measure to only give access to edit your personal account information.

**NOTE: If you DO NOT want your membership information displayed, CONTACT
PAUL ARROYO <PARROYO@UILLINOIS.EDU>**

Draft Program **Thursday, November 10th**

3:00-6:00 pm

Registration

3:00-7:00 pm

Book Exhibits

5:00-6:30 pm

Executive Committee dinner

6:30-8:45 pm

Board of Directors Meeting

9:00-11:00 pm

Reception sponsored by Dean Christopher Edley and Boalt Hall School of Law, University of California, Berkeley, honoring the Society's officers and our colleague Harry N. Scheiber at the completion of his term as president.

Friday, November 11th

7:30-8:45 am

Continental Breakfast & Committee Breakfasts

8:00 am-3:00 pm

Registration

8:00 am-3:00 pm

Book Exhibits

Session #1 **8:30am - 10:15am**

Party, Politics and Corrupt Practices: The Use of Campaign Finance Law in the Gilded Age and Progressive Era

Chair: Adam Winkler; Law, University of California, Los Angeles; winkler@law.ucla.edu

"Wings Over Washington: Public Policy and Party Angels in Gilded Age America"
Mark Wahlgren Summers; History, University of Kentucky; msumm2@pop.uky.edu

"Prosecuting 'Excessive Spending': The Peculiar Case of the Corrupt Practices Act"
Paula Baker; History, Ohio State University; pscbaker@ameritech.net

“‘The Best Purpose in the World’: The Liberty Bond Women as 1920 Campaign Fundraisers”
Kurt Hohenstein; History and Law, University of Virginia; hohenstein@virginia.edu

Discussant: Robert Mutch; rmutch@earthlink.net

New Perspectives on Civil Rights History

Chair: Annette Gordon-Reed; Law, New York Law School; agordon@nyls.edu

“Leave of Court: African-American Claims-Making in the Era of *Dred Scott v. Sanford*”
Martha S. Jones; History and Law, University of Michigan; msjonz@umich.edu

“Grassroots Litigation: James R. Walker, Jr., and the Fight against North Carolina’s Literacy Test, 1956-1961”
John Wertheimer; History, Davidson College; jowertheimer@davidson.edu

“Before and after *Loving v. Virginia*: Marriage, Identity, and Law, from Interracial to Same-Sex”
Peter Wallenstein; History, Virginia Polytechnic Institute & State University; pwallens@vt.edu

Discussant: Risa Goluboff; Law, University of Virginia; goluboff@virginia.edu

Political Economy as a Legal Form in Early America

Chair: Charlotte Crane; Law, Northwestern University; ccrane@law.northwestern.edu

“Creating an American Property Law: The Political Economy of Property Regulation from the Colonial Period through Jackson”
Claire Priest; Law and History, Northwestern University; c-priest@law.northwestern.edu

“Abigail Adams, Bond Speculator: Gender, Class and Virtue in the Creation of the Constitution”
Woody Holton; History, University of Richmond; aholton@richmond.edu

“From Blood to Profit: Money and the Move Towards Capitalism”
Christine Desan, Law, Harvard Law School; desan@law.harvard.edu

Discussants:

Allan Kulikoff; History, University of Georgia; kulikoff@arches.uga.edu

Charles McCurdy; History and Law, University of Virginia; cwm@virginia.edu

Children and the Courts in Latin America

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

“The Kindness of Strangers in the Shadow of the Law: Informality, Extralegality and Child Circulation in Chile, 1857-1930”
Nara Milanich; History, Barnard College; nmilanich@barnard.edu

“Negotiating Patriarchy: Boys, Girls, Family and State in Rio de Janeiro, Brazil, 1850-1889”
Erica M. Windler; History, Michigan State University; windler@msu.edu

“Patriarchalism, Law, and Nation Building in Nineteenth-Century Venezuela”
Arlene Diaz; History, Indiana University, Bloomington; ardiaz@indiana.edu

Discussant: Linda Lewin; History, University of California, Berkeley; llewin@berkeley.edu

Wives and Mothers

Chair: Kristin Brandser; Law, University of Cincinnati; kristin.brandser@uc.edu

“The Myriad Roles of Women in Will-Making and Testamentary Litigation in Late Seventeenth Century England”
Lloyd Bonfield; Law, Tulane Law School; lbonfield@law.tulane.edu

“Interspousal Custody Battles and the Unfulfilled Promise of the 1858 Divorce Court”
Danaya Wright; Law, University of Florida; wrightdc@law.ufl.edu

“Racializing Motherhood: Black and White Women’s Experiences in Mississippi Chancery Courts, 1870-1920”
Kevin McCarthy; History, University of Mississippi; kevin@olemiss.edu

Discussant: Laura Edwards; History, Duke University; ledwards@duke.edu

Session #2 10:30am - 12:15pm

History, Memory, Justice in the Trials of World War II

Chair: Michael Marrus; History, University of Toronto; michael.marrus@utoronto.ca

“Judges on Trial: History, Memory and Justice in Post-War France”
Sarah Spinner; Law, Yale University; sarah.spinner@yale.edu

"History and Memory in Perpetrator Trials: Nuremberg, Eichmann, Milosevic"
Lawrence Douglas; Law, Amherst College; lrdouglas@amherst.edu

"The Eichmann Trial and the Legacy of Jurisdiction: Lessons for the 'New Political Trial'"
Leora Bilsky; Law, Tel Aviv University; bilskyl@post.tau.ac.il

Discussants:

Robert O. Paxton; History, Columbia University; rop1@columbia.edu

Henry Rousso; History, Institut d'Histoire du Temps Present; rousso@ihp.cnrs.fr

Judicial Review, Public Opinion and Slavery

Chair: Ariela Gross; Law, University of Southern California; agross@law.usc.edu

"The Negro Seamen Affair"
Gary Rowe; Law, University of California, Los Angeles; rowe@law.ucla.edu

"The People's Courts: Slavery and the Adoption of the Judicial Elections, 1846-1860"
Jed Shugerman; Law, Harvard University; jshugerman@law.harvard.edu

"Judicial Review's Darkest Hour"
Barry Friedman; Law, New York University; barry.friedman@nyu.edu

Discussant: Renée Lerner; Law, George Washington University; rlerner@law.gwu.edu

Public Authority and Private Matters in Early American Law

Chair: Elaine Crane; History, Fordham University; ecrane@fordham.edu

"Escaping the Hangman: Suicide in Legal Thought in the Early Republic"
Rick Bell; History, Harvard University; rjbell@fas.harvard.edu

"Cried Down and Published: Newspapers, Neighborhoods, and the Regulation of Early America"
Kirsten Sword; History, Indiana University, Bloomington; ksword@indiana.edu

"Republicanism, the Public/Private Divide, and the Truth-Plus Defense to Libel Law in Early Nineteenth Century Massachusetts"
Lyndsay Campbell; Law, University of California, Berkeley; lyndsay@iii.ca

Discussant: Michael Grossberg; History, Indiana University, Bloomington; grossber@indiana.edu

Outliers, Objectors, and the Modern American State

Chair: Michele Landis Dauber; Law, Stanford University; mldauber@law.stanford.edu

"The World According to Thorpe"
Michael Willrich; History, Brandeis University; willrich@brandeis.edu

"Objecting to the Wartime State: Conscientious Objectors in the United States, 1917-18"
Christopher Capozzola; History, Massachusetts Institute of Technology; capozzol@mit.edu

"Through the Back Door: Illegal Chinese Border Crossings During the Exclusion Era, 1882-1943"
Emily Ryo; Sociology, Stanford University; eryo@stanford.edu

Discussant: Ron Levi; Criminology, University of Toronto; ron.levi@utoronto.ca

Widows and the Law

Chair: Bruce Smith; Law, University of Illinois, Urbana-Champaign; smithb@law.uiuc.edu

"Taking Thirteenth-Century Statutes Seriously: The Strange History of Remedies Based on Chapter Seven of the Statute of Gloucester (1278)"
Paul Brand; All Souls College, Oxford; paul.brand@all-souls.ox.ac.uk

"Widow and Warrantor: Tenure and the Land Law in Thirteenth Century England"
Sue Sheridan Walker; History, Northeastern Illinois University

"Deciding What a Widow Needs: Paraphernalia in the Courts"
Janet Loengard; History, Moravian College; j.loengard@verizon.net

Discussant: W. Hamilton Bryson; Law, University of Richmond; hbryson@richmond.edu

12:30-1:45 pm

Committee lunches

Session #3
1:45pm-3:30pm

"Matters of Definition": Law and Meaning in Nineteenth Century America

Chair: Polly Price; Law, Emory University; pprice@law.emory.edu

"Judging 'Freedom' in Slave Transit Cases and Slave Narratives"

Edlie L. Wong; English, Rutgers University, New Brunswick; edlie@rci.rutgers.edu

"A New Race Has Sprung Up": 'Bartleby' and the Prudent Person Standard"

John Matteson; English, John Jay College of Criminal Justice; matteson151@earthlink.net

"Transgressing the Law: The Pursuit of Reparations in African American Literature"

Jesse J. Scott; American Studies, University of Maryland, College Park; jjscott@umd.edu

Discussant: Jon-Christian Suggs; English, City University of New York; jcsjj@sprintmail.com

Author-Meets-Readers: From Jim Crow to Civil Rights

Chair: Judith K. Schafer; History and Law, Tulane University; jschafer@tulane.edu

Readers:

David E. Bernstein; Law, George Mason University; dbernste@gmu.edu

Paul Finkelman; Law, University of Tulsa; paul-finkelman@utulsa.edu

Thomas M. Keck; Political Science, Syracuse University; tmkeck@maxwell.syr.edu

Response: Michael Klarman; Law and History, University of Virginia; mjk6s@virginia.edu

Intellectual Origins of the U.S. Constitution

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

"Constitutionalism and the United States Constitution"

Barbara A. Black; Law, Columbia University; bab@law.columbia.edu

"Republicanism and the United States Constitution"

Mortimer Sellers; Law, University of Baltimore; msellers@ubalt.edu

"The Common Law and the United States Constitution"

Stephen Sheppard; Law, University of Arkansas, Fayetteville; sheppard@uark.edu

Discussant: Akiba J. Covitz; Political Science, University of Richmond; acovitz@richmond.edu

American Legal Imperialism in Asia: How Law Disciplines the Colonized and the Colonizers

Chair: Lucy Salyer; History, University of New Hampshire; lucy.salyer@unh.edu

"Why Canton Is Not Boston: The Law of Nations and the American Discovery of Asia"

Teemu Ruskola; Law, American University; truskola@wcl.american.edu

"All Law Is Local: American Consular Courts in Late 19th-Century Asia"

Eileen Scully; Social Sciences, Bennington College; scullyep@earthlink.net

"The 'Board of Control' Cases in the Philippine Islands: Containing Colonial Conflict in Constitutional Categories"

Anna Leah Fidelis T. Castañeda; Law, Harvard University; leiaca4768@aol.com

Discussant: William P. Alford; Law, Harvard University; alford@law.harvard.edu

Actions and Interests in English Law

Chair: Daniel Klorman; Law and History, University of Southern California;

dklorman@law.usc.edu

"Ownership and Possession in the Early Common Law: The Advowson Writs"

Joshua Tate; Law, Southern Methodist University; joshua.tate@aya.yale.edu

"Bills of Custody"

Susanne Jenks; susanne.jenks@spd-online.de

"The Trust Beneficiary's Interest before *R v. Holland* (1648)"

Neil Jones; Law, University of Cambridge; ngj10@cam.ac.uk

Discussant: Joseph Biancalana; Law, University of Cincinnati; joseph.biancalana@uc.edu

Session #4 4:00pm - 5:45pm

Presidential Plenary Session: Wartime Justice and Civil Liberties

Chair: Maeva Marcus; Documentary History of the Supreme Court; dochistsc@aol.com

Panelists:

"Military Justice, Non-accountability, and the Hawaiian Japanese-American Internees, 1943-45"
Jane L. Scheiber and Harry N. Scheiber; University of California, Berkeley;
scheiber@berkeley.edu

"Loyalty Screening in Wartime: The Japanese American Joint Board, 1943-44"
Eric Muller; Law, University of North Carolina, Chapel Hill; emuller@email.unc.edu

"History as Evidence in the New Military Commission Cases"
Elizabeth Hillman; Law, Rutgers University, Camden; hillman@camden.rutgers.edu

Response: The Audience

Saturday, November 12th

7:30-8:45 am
Continental Breakfast

8:00 am - noon
Registration

8:00 am - 4:30 pm
Book Display

Session #5 8:30am - 10:15am

Biography and Constitutionalism at the Grassroots

Chair: Linda Przybyszewski; History, University of Cincinnati; linda.przybyszewski@uc.edu
Papers:

"Biography of a Litigator: An Inquiry into the Constitutional Principles of Dabney Marshall (1860-1928)"
Christopher Waldrep; History, San Francisco State University; cwaldrep@sfsu.edu

"The Institutional Entrepreneurs of the 'Freedom-Based' Public Interest Law Movement"
Ann Southworth; Law, Case Western Reserve University; axs76@case.edu

"Certainly No Judicial Heroes: The Heroes and Heroines in the Brownfield and Franklyn Cases"
W. Lewis Burke; Law, University of South Carolina; lewis@law.law.sc.edu

Discussant: Timothy S. Huebner; History, Rhodes College; huebner@rhodes.edu

Grounds for Freedom: Slaves' Lawsuits in the Atlantic World

Chair: Melanie Newton; History, University of Toronto; melanie.newton@utoronto.ca

"Free Soil: Emergence and Development of an Atlantic Principle"
Sue Peabody; History, Washington State University; peabody@vancouver.wsu.edu

"Maintaining Slavery on Shifting Legal Grounds: Brazilian Government Policy Towards Illegally-Imported Slaves"
Beatriz Mamigonian; History, Universidade Federal de Santa Catarina; bgmamigo@matrix.com.br

"Slavery, Manumission and the Law in Nineteenth Century Brazil: The 'Free Soil' Principle in the Southern Border of the Brazilian Empire"
Keila Greenberg; History, Universidade do Rio de Janeiro; keka@pobox.com

Discussant: Leslie Rowland; History, University of Maryland, College Park; lrowland@umd.edu

Trusts, Corporations and Colonialism

Chair: Andrew Buck; Law, Macquarie University; andrew.buck@mq.edu.au

"Law, Trust, and Conquest: *Cobell v. Norton* and Colonialism in the United States"
Matthew Kelly; Anthropology, University of Chicago; mjkelley@uchicago.edu

"Entrusting the Faith: Zoroastrian Priests and the Udvarda Fire Temple Case (1900)"
Mitra Sharafi; History, Princeton University; mitrasharafi@yahoo.com

"Companies Law and Colonization"
Robert McQueen; Law, Griffith University; r.mcqueen@griffith.edu.au

Discussant: Ritu Birla; History, University of Toronto; r.birla@utoronto.ca

Roman Civil Law

Chair: Bruce W. Frier; Law and Classics, University of Michigan; bwfrier@umich.edu

"Roman Rhetoric and Early American Litigation"
Michael H. Hoeflich; Law, University of Kansas; hoeflich@ku.edu

"How the Romans Got Someone to Court"
Ernest Metzger; Law, University of Aberdeen; e.metzger@abdn.ac.uk

"Locatio Conductio and Virtual Reality"

Paul du Plessis; Law, University of Edinburgh; pduplessis@ed.ac.uk

Discussant: John Cairns; Law, University of Edinburgh; john.cairns@ed.ac.uk

Session #6
10:30am - 12:15pm

Presidential Panel: The Scholarship of Lawrence Friedman

Chair: Harry N. Scheiber; Law and History; University of California, Berkeley;
scheiber@berkeley.edu

"An Americanist's Perspective"

Victoria Saker Woeste; American Bar Foundation; vswoste@northwestern.edu

"A Political Scientist's Perspective"

Robert A. Kagan; Political Science and Law, University of California, Berkeley;
rak@uclink.berkeley.edu

"From the Perspective of Comparative Studies"

Thomas Ginsburg; Law and Political Science, University of Illinois, Urbana-Champaign;
tginsbur@law.uiuc.edu

"The Comparative Paradox of Church and State: America and France"

James Q. Whitman; Law, Yale University; james.whitman@yale.edu

Response: Lawrence M. Friedman; Law, Stanford University; lmf@stanford.edu

The Nineteenth Century Constitution

Chair: Keith Whittington; Politics, Princeton University; kwhitt@princeton.edu

"Overruling M'Culloch"

Mark Graber; Government and Law, University of Maryland; mgraber@gvpt;umd.edu

"The Legal Tender Cases and M'Culloch's Revival"

Gerard Magliocca; Law, Indiana University, Indianapolis; gnm2000@yahoo.com

"Habeas Corpus and States' Rights: Antebellum Conceptions of Fundamental Liberties"

Justin Wert; History, University of Oklahoma; jwert@ou.edu

The Law of Nations in the Eighteenth Century British Atlantic

Chair: David Armitage; History, Harvard University; armitage@fas.harvard.edu

"Rebellion, Criminal Law, and the Rules of War in Britain and Colonial North America, 1745-1757"

Geoffrey Plank; History, University of Cincinnati; geoffrey.plank@uc.edu

"Atlantic Maritime Legal Culture and the Law of Nations"

Lauren Benton; History, New York University; lauren.benton@nyu.edu

"States, Statelessness, and the Law of Nations in the British Atlantic, circa 1756"

Eliga H. Gould; History, University of New Hampshire; ehg@christa.unh.edu

Discussant: Leonard Sadosky; History, Iowa State University; lsadosky@iastate.edu

The History of Intellectual Property Rights

Chair: Thomas Nachbar; Law, University of Virginia; tbn4n@virginia.edu

"The Free Ride of Paul Revere: The Moral Climate of IP in the Early Republic"

Doron Ben-Atar; History, Fordham University; benatar@fordham.edu

"Copyright in Transition"

Peter Jaszi; Law, American University; pjaszi@wcl.american.edu

"Who Cares What Thomas Jefferson Thought About Patents: Reconsidering the Historical Content of the Patent 'Privilege'"

Adam Mossoff; Law, Michigan State University; amossoff@law.msu.edu

Discussant: Craig Joyce; Law, University of Houston; cjoyce@uh.edu

Author-Meets-Readers: The Making of Gratian's Decretum

Chair: Richard Helmholz; Law, University of Chicago; dick_helmholz@law.uchicago.edu

Readers:

Charles Donahue; Law, Harvard University

Kenneth Pennington; Law and Religious Studies, Catholic University; pennington@law.edu

Charles Radding; History, Michigan State University; radding@msu.edu

Response: Anders Winroth; History, Yale University; anders.winroth@yale.edu

**Annual Luncheon
12:30 – 2:00 p.m.**

**Session #7
2:15pm - 4:00pm**

Futures for U.S. Legal History

Chair: Robert W. Gordon; Law and History, Yale University; robert.w.gordon@yale.edu

“Context in History and Law: The Late Nineteenth Century Jurisprudence of Custom”
Kunal Parker; Law, Cleveland State University; kmparker@princeton.edu

“Legal History and the Domain of Archaeology”
Hilary Soderland; Archaeology, University of Cambridge; has32@cam.ac.uk

“Law and History in the U.S. Case: Toward a Structural History of National Legal Practices”
Christopher Tomlins; American Bar Foundation; clt@northwestern.edu

Discussant: Marianne Constable; Rhetoric, University of California, Berkeley;
constable@berkeley.edu

The Bureaucracy of Slavery and Emancipation: Federal Power and State Building, 1800-1870

Chair: Alfred Brophy; Law, University of Alabama; abrophy@law.ua.edu

“Confiscation and Emancipation in the 37th Congress”
Daniel W. Hamilton; Law, Chicago-Kent College of Law; dhamilton@kentlaw.edu

“A Tale of Two Departments: Debates in Congress Over Education and Justice During Reconstruction”
Williamjames Hull Hoffer; History, Seton Hall University; hofferwi@shu.edu

“The Posse Principle: Federal Policing in Antebellum America”
Gautham Rao; History, Wagner College; grao@midway.uchicago.edu

Discussant: Michael Vorenberg; History, Brown University; michael_vorenberg@brown.edu

The Morality of Borders

Chair: Susanna Blumenthal; Law, University of Michigan; sblumen@umich.edu

“Chinese Culture Brokers, the INS, and the World’s Fairs, 1893-1904”
Mae M. Ngai; History, University of Chicago; maengai@uchicago.edu

“Borders and the Construction of Moral Sex”
Ariela R. Dubler; Law, Columbia University; adubler@law.columbia.edu

“Liberal and Illiberal Borders in the Law and Politics of the ‘New Immigration,’ 1884-1924”
William E. Forbath; Law, University of Texas, Austin; wforbath@mail.law.utexas.edu

Discussant: Mary L. Dudziak; Law and History, University of Southern California;
mdudziak@law.usc.edu

The 1950s at Home and Abroad

Chair: Kermit L. Hall; State University of New York, Albany; khall@albany.edu

“Eisenhower and the *Brown* Decision”
David Stebenne; History, Ohio State University; stebenne.1@osu.edu

“Braving Jim Crow to Save Willie McGee: Bella Abzug and the Fight for Civil Rights”
Leandra Zarnow; History, University of California, Santa Barbara; lean314@yahoo.com

“Law, Realism and Power: Dean Acheson and the Jurisprudence of Cold War Diplomacy”
Jonathan Zasloff; Law, University of California, Los Angeles; zasloff@law.ucla.edu

Discussant: Michael Parrish; History, University of California, San Diego; mparrish@ucsd.edu

Episodes in Early Modern Law

Chair: David Seipp; Law, Boston University; dseipp@bu.edu

“The Relationship between Code and Custom in Early Modern Commercial Law”
Emily Kadens; Law, University of Texas, Austin; kadens@alumni.uchicago.edu

“The Prehistory of Eminent Domain”

Susan Reynolds; smgreynolds@talk21.com

"Keech v. Sanford and the Birth of Fiduciary Law"

Joshua Getzler; Law, University of Oxford; joshua.getzler@law.ox.ac.uk

Discussant: James Oldham; Law, Georgetown University; oldham@law.georgetown.edu

Session #8
4:15pm - 6:00pm

A Tribute to Kitty Preyer

Chair: Mary Sarah Bilder; Law, Boston College; bilder@bc.edu

Panel TBA

Law and Regulation in the Progressive Era

Chair: Marc Steinberg; Sociology, Smith College; mwsteinb@email.smith.edu

"The Glass House Boys of Pittsburgh and the Limits of Progressive Era Child Labor Legislation"

James Flannery; Law, University of Pittsburgh; flannery@law.pitt.edu

"Law and Democracy in Progressive Era Ohio"

William Nancarrow; Politics and History, Curry College; wnancarr0904@post03.curry.edu

"Keeping Out of the 'Grandma Class': The Company Rule, Railroading Work Culture, and the Law of Workplace Accidents"

John Williams-Searle; History, University of Iowa; j.williamssearle@verizon.net

Discussant: John Witt; Law, Columbia University; jwitt@law.columbia.edu

Internationalizing American Law and Legal Norms

Chair: Barbara Welke; History, University of Minnesota; welke004@tc.umn.edu

"Chinese and Japanese Exclusion in the Americas in Transnational and Comparative Perspectives, 1880s-1930s"

Erika Lee; History, University of Minnesota; erikalee@tc.umn.edu

"Global Detention: Relocating Immigrant Detention Internationally"

David Manuel Hernandez; University of California; hernandz@berkeley.edu

"From the ALI to the ILI: The Exporting of American Legal Culture"

Jayanth Krishnan; William Mitchell College of Law; jkrishnan@wmitchell.edu

Discussant: The Audience

Criminal Law in the Twentieth Century

Chair: Albert Alschuler; Law, University of Chicago; awaa@midway.uchicago.edu

"The Age of the Trial: Responsibility, the Proof of Guilt, and the Criminal Process, 1890-1930"

Lindsay Farmer; Law, University of Glasgow; l.farmer@law.gla.ac.uk

"Criminal Law in Fascist Italy: A Reassessment"

Paul Garfinkel; History, Simon Fraser University; paul_garfinkel@sfu.ca

"Rule of Law Without Due Process: Punishing Robbers and Bandits in Early Twentieth Century China"

Xiaoqun Xu; History, Christopher Newport University; xxu@cnu.edu

Discussant: Mark Stavsky; Law, Northern Kentucky University; stavsky@nku.edu

Case Microhistories

Chair: Arthur McEvoy; Law and History, University of Wisconsin; amcevoy@wisc.edu

"To Undo What Has Been Done: Miscegenation and Inheritance in *In Re Remley*"

Kevin Maillard; Law, Syracuse University; kmaillard@alumni.law.upenn.edu

"*Pierson v. Post* and the Rules of Foxhunting"

Andrea McDowell; Law, Seton Hall University; mcdowean@shu.edu

"Shades of Red"

Victoria Sutton; Law, Texas Tech University; vickie.sutton@ttu.edu

Discussant: Rachel Godsil; Law, Seton Hall University; godsilra@shu.edu

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