American Society for Legal History

48th Annual Meeting Program

Hilton Americas
Houston, Texas
USA

8-11 November 2018
2018 Plenary Lecturers

Ariela Gross

John B. and Alice R. Sharp Professor of Law and History; Co-Director, Center for Law, History, and Culture; University of Southern California. Professor Gross received her BA from Harvard University, her JD from Stanford Law School, and her PhD in History from Stanford University. She received a Guggenheim Fellowship, a Frederick J. Burkhardt Fellowship and an NEH Huntington Library Long-Term Fellowship. In 2010, she was appointed a Distinguished Lecturer by the Organization of American Historians. Her book, *What Blood Won’t Tell: A History of Race on Trial in America* (Cambridge: Harvard Univ. Press, 2008) garnered numerous awards including: the CHOICE Outstanding Academic Title, the J. Willard Hurst Prize (co-winner), the Lillian Smith Book Award, and the APSA-Race, Ethnicity & Politics Best Book Award.

Alejandro de la Fuente

Robert Woods Bliss Professor of Latin American History and Economics; Professor of African and African American Studies and of History; Director, Afro-Latin American Research Institute, Hutchins Center for African and African American Research; Harvard University. Professor de la Fuente holds Licenciado in Law from the Universidad de La Habana, Graduate Certificate in Latin American Studies and PhD in History from the University of Pittsburgh. He received the Lydia Cabrera Award from the Conference on Latin American History. His book, *A Nation for All: Race, Inequality, and Politics in Twentieth-Century Cuba* (Chapel Hill: University of North Carolina Press, 2001) received the Latin American and Caribbean Section of the Southern Historical Association Book Prize for the “best book in Latin American history.”
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Welcome to the 2018 Annual Meeting of the American Society for Legal History in Houston, Texas. Houston has many wonderful sites for exploration and research. But as you will see from our program, our time here will also be filled with great scholarship, which will both entice and challenge us all. The great breadth of our growing field and the quality of our annual conference testify to the value of our engagement with the legal past. Participants in the program and pre-conference sessions range from graduate students entering the field to renowned senior scholars from a wide variety of institutions and geographic locations. The depth and variety of our formal sessions and our convivial gatherings testifies to the many rewards of our shared interest in legal history.

Our commitment to working with early career scholars, in particular, is a hallmark of the Society. In light of that commitment, we welcome all those who have not attended before, or for whom this might even be their first formal conference. Our programs dedicated to early career scholars include the Student Research Colloquium (held this year at Rice University), the inaugural session of the Wallace Johnson First Book Program (also at Rice), and the Hurst Summer Institute (to be held at the University of Wisconsin in June 2019), as well as grants, prizes and awards to be announced at our Saturday members’ luncheon, all aimed at graduate and pre-tenure scholars.

Our annual meeting is among the most important things that the Society does. Like other major efforts, including our journal (the *Law and History Review*) and book series (Studies in Legal History), the meeting is organized by dedicated volunteers. There are so many to whom we are indebted that we cannot thank them all here, but our 2018 Program Committee Chairs, Catharine MacMillan (King’s College London) and Matthew Mirow (Florida International University) have overseen the process of putting together both engaging and pathbreaking sessions. We thank the entire program committee as well as our presenters, chairs, and commentators whose fine work will be presented over the next several days. And our local arrangements have been ably stewarded by Local Arrangements Chair Craig Joyce and his committee, who have smoothed the way and opened our eyes to the many delights of Houston and its environs.
We are also profoundly indebted to our officers, board members, and committees, who together work hard to make our Society a vibrant and welcoming organization, dedicated to scholarship and collegiality at all times of year. Their work shows to greatest effect when we are gathered together at the Annual Meeting.

Finally, we are grateful to the University of Houston Law Center, particularly Dean Leonard Baynes, for hosting our plenary lecture and the reception to follow. We are equally grateful to Vanderbilt University for its generous support our pre-modern workshop on Thursday, to Wallace Johnson for his funding of the innovative first book program in his name, and to Rice for its hosting and support for our pre-conference programs. In addition, the William Nelson Cromwell Foundation has provided critical and steady support for prizes and grants to early career scholars, as well as for work by senior scholars in the field. We are fortunate to work with them, and to benefit from their generosity and insight. We thank also Cambridge University Press and the meeting exhibitors and program advertisers, and our members who contributed to support the attendance of graduate students and independent scholars.

Enjoy!

Sarah Barringer Gordon
President, American Society for Legal History
Arlin M. Adams Professor of Constitutional Law
and Professor of History
University of Pennsylvania
On behalf of the faculty of the University of Houston Law Center, I am delighted to welcome you to Houston for the 48th Annual Meeting of the American Society for Legal History. We are honored to sponsor the Society’s welcome reception at the Hilton-Américas and to host the Plenary Lecture and Reception at the University of Houston campus. I am grateful to Law Center faculty and long-time ASLH members Craig Joyce and Robert C. Palmer, and to all the members of the local arrangements committee, for the hard work that has made this meeting possible. We are delighted to host you, in Houston!

We are particularly delighted with the meeting emphasis on Houston as the gateway to las Américas. The University of Houston Law Center takes pride in the Center for U.S. and Mexican Law, founded by the late Steven T. Zamora and now headed by Alfonso López de la Osa Escribano. It is the first and only academic center focusing on comparative law issues between U.S. and Mexico. Professor López de la Osa will chair a conference panel entitled: “Mexico’s Current Legal System: The Influence of Multiple Legal Historical Factors.” The Center for U.S. and Mexican Law continues to serve as a leader in its field.

This is an exciting time for the Law Center, where we recently celebrated the school’s 70th anniversary by looking to the future with a strategic vision and detailed plans to enhance UH’s standing among the nation’s top law schools. From its humble beginnings in converted World War II barracks, the school has built a national and international reputation of academic excellence in the fields of health law, intellectual property, energy, environmental and natural resource law, tax, and other disciplines.

The Law Center has a long legacy of educating students who, through the power of legal education and their grit and determination, have been pioneers in their communities. Justice Ruby Kless Sondock was the valedictorian of the 1962 graduating class, which consisted of only a handful of women. She went on to become the first woman to serve on the Texas Supreme Court in regular session. In 1970, James Lemond was the first African American to graduate from the Law Center and later became the first African American partner at the Winstead Firm. Raul Gonzalez was the child of migrant farm workers from Mexico, who worked in the fields as a youth. He graduated from the Law Center in 1966, and in 1984 became the first justice of Hispanic/Latino descent to serve on the Texas Supreme Court. In the 1970s, Phyllis Frye transitioned from male to female and was out while a student at the Law Center; she went on to become the first openly transgender judge in our nation’s history. Rehan Alimohammad, a partner at Wong Fleming, graduated from the Law Center in 2001; he became the Chair of the Board for the State Bar of Texas, the first Asian American to serve in that capacity. Today, almost 40% of our students are members who represent racially and ethnically diverse communities. Our alumni remain leaders in courtrooms and boardrooms both nationwide and abroad.
Our faculty are renowned for their scholarship as well as their skills in the classroom. Twenty faculty members are members of the American Law Institute. Our faculty, students, and staff are also heavily involved in community service through our extensive clinical programs, as well as through volunteer efforts to partner with our urban neighbors and provide legal help to those in need.

Our academic mission is simple: To provide a high quality, affordable legal education to students of diverse backgrounds to ensure that they have the knowledge and skills necessary for a successful career, and to serve as a hub for important legal research and scholarship. We believe we are meeting those goals, but to take the Law Center to the next level, we have embarked on an ambitious campaign to replace our nearly 50-year-old building with a new facility that will reflect the academic excellence provided within its walls.

The new building will reinforce the school’s name as a true “law center,” a cross-disciplinary facility with state-of-the-art modern technology and flexible space to enhance the educational experience for students and faculty alike. The new building will include additional space for expansion of our clinical outreach to the community. Improved facilities and enhanced technological capabilities will provide opportunities for greater interaction with local, national, and international industries. Modern spaces for judicial proceedings will serve local and regional courts, giving students and the public valuable insight into the justice system.

The University of Houston Law Center is on the move, expanding its presence in the legal world and the community.

We trust you will have a successful meeting, and also the opportunity to enjoy some of what America’s fourth largest city has to offer. If you can find the time during your busy weekend, we also invite you to visit our law school.

Leonard M. Baynes
Dean and Professor of Law
THURSDAY, NOVEMBER 8, 2018

12:00 – 4:00  **Registration** *(3rd Floor Pre-Function West)*

12:00 – 5:00  **Exhibits** *(335A-C)*

8:30 AM - 4:30 PM

**Student Research Colloquium** *(Rice University Department of History)*

At the annual Student Research Colloquium, three faculty members discuss graduate students’ early-stage research projects with them. Participation is by invitation only, but we encourage the ASLH community to chat with student presenters about their projects throughout the conference. This event is closed to the public.

Student Presenters:

**Amber Armstrong,** University of Pennsylvania (armstro@sas.upenn.edu)
*A Prison and a School: The Problem of Delinquency and Legal Responsibility in Early National Philadelphia*

**Casey Hedstrom,** Princeton University (caseynh@princeton.edu)
*“Not that All Men Know the Law”: Pension Attorneys, Disability, and Fraud in the United States Civil War Pension System, 1862-1900*

**Peter Labuza,** University of Southern California (labuza@usc.edu)
*From Authors to Artists: Negotiating Intellectual Property Rights and the Migration of Live Television Writers to Hollywood*

**Ivan Lee,** University of Cambridge (wil2@cam.ac.uk)
*How Legal Historians Can Learn from Administrative History: Legal Politics and Official Rivalry in the Mid-nineteenth-century British Far East*

**Naama Maor,** The University of Chicago (naamam@uchicago.edu)
*The Adult Delinquent in the Kids’ Court: Age, Power, and Accountability in Progressive Era Juvenile Justice*

**Alyssa Penick,** University of Michigan (agpenick@umich.edu)
*“As a Body Politick or Corporate”: Religious Establishment and Incorporation in Colonial America*
Jake C. Richards, University of Cambridge (jcr56@cam.ac.uk)
*The Adjudication of Slave Ships, Liberated Africans, and the Limits of British Jurisdiction in the South Atlantic, c. 1839 - 1870*

Alexander Stephens, University of Michigan (amstep@umich.edu)
*“Surplus, Vagrant Vagabonds” in Miami: Cuban Migrants and the Small-Scale Dynamics of Immigration Law*

Discussants: Jacqueline Briggs, University of Toronto (jacq.briggs@utoronto.ca), David Tanenhaus, University of Nevada, Las Vegas (david.tanenhaus@unlv.edu), Laurie Wood, Florida State University (lmwood@fsu.edu)

8:30 AM - 4:30 PM

**Johnson Program for First Book Authors (Rice University, Humanities Building)**

The Johnson Program for First Book Authors provides advice and support to scholars working toward the publication of their first books in legal history. In conversation with peers and with the advice of senior scholars, the Fellows will develop and revise book proposals and sample chapters. They will also meet with guest editors to learn about approaching and working with publishers. Fellows will meet several times during the year, with the first session being at the ASLH Annual Meeting. Participation is by invitation only, but we encourage the ASLH community to chat with the Fellows about their projects throughout the conference. The Johnson Program is made possible by a generous gift from Wallace H. Johnson and support from the ASLH Endowment. This event is closed to the public.

Inaugural Johnson Fellows:

Kevin Arlyck, Georgetown University, *Judging Sovereignty: The Federal Courts and Foreign Affairs in the Age of Revolution*


Wesley Chaney, Bates College, *Stolen Land, Broken Bodies: Law, Environment, and Violence in Northwest China*

Trina Leah Hogg, Oregon State University, *“Our Country Customs”: Law and Trade in Southern Sierra Leone, 1861-1915*
Amanda Hughett, University at Buffalo, *Silencing the Cell Block: The Making of Modern Prison Policy in North Carolina and the Nation*

Elizabeth Lhost, University of Wisconsin, Madison, *The Office of Islamic Law: Paperwork, Politics, and Possibilities in Modern South Asia, 1800-1950*

Convener: Reuel Schiller, University of California, Hastings College of the Law

9:00 AM – 5:00 PM

**Women's Lives Seminar (346B)**
This workshop is closed to the public.

11:00 AM – 4:00 PM

**Pre-Conference Workshop on Teaching Legal History (346A)**

Participants will have an opportunity to share their own challenges and successes in dialogue with workshop facilitators on topics ranging from digital and creative pedagogies, to co-convened JD/graduate seminars and undergraduate legal history curriculum building. Lunch is provided to all pre-registered participants through the generous sponsorship of University of Nebraska Lincoln’s College of Arts & Sciences Instructional Improvement Fund.

Ari Z. Bryen, Vanderbilt University (ari.z.bryen@vanderbilt.edu) & Kimberly Welch, Vanderbilt University (kimberly.m.welch@vanderbilt.edu)

*Building an Undergraduate Legal History Program*

Katrina Jagodinsky, University of Nebraska, Lincoln (kjagodinsky@unl.edu)

*Digital Pedagogies for Legal History*

Sally Hadden, Western Michigan University, (sally.hadden@wmich.edu)

*Teaching American Legal History: Digital Resources and Teaching Opportunities*

Martha S. Jones, Johns Hopkins University (msjonz@jhu.edu) & Karen Tani, University of California, Berkeley (ktani@law.berkeley.edu)

*Teaching Legal History Seminars w/ Graduate and JD Students*
Pre-Conference Workshop on Medieval Legal History (344A)

The American Society for Legal History (with the support of Vanderbilt University) is hosting a workshop on medieval legal history, broadly defined both chronologically and geographically.

Daniel Smail, Harvard University, (smail@fas.harvard.edu), The Legal Ecology of Debt Collection

Paper-workshop session:

- Ari Z. Bryen, Vanderbilt University, (ari.z.bryen@vanderbilt.edu) The Judgment of the Provinces: Law, Culture, and Empire in the Roman East
- Geoffrey Koziol, University of California, Berkeley, (gkoz@berkeley.edu) Learning to Legislate: From the Carolingians to the Peace of God and Beyond

Comment: Caroline Humfress, St. Andrews University (ch226@st-andrews.ac.uk); William Caferro, Vanderbilt University (william.p.caferro@vanderbilt.edu)

Alice Taylor, King’s College, London (alice.taylor@kcl.ac.uk) What does Scotland’s Earliest Legal Tractate Actually Say (and What Does it Mean)?

Early-Career Scholar Panel:

- Jesse Abelman, Yeshiva University, Violence and Jewish Courts in High Medieval Northern Europe
- Sara Ludin, University of California, Berkeley, Protest, Veridiction, and Legal Speech Acts in Early German Reformation Litigation, 1529-1555
- Dana Lee, Princeton University, Early Debates on Excuses in Islamic Legal History: The Case of the Stolen Veil in Seventh Century Ṭāʾif
- Charlotte Whatley, University of Wisconsin, Madison, Kingship and Collusion: Extra-Legal Negotiation and Legal Fictions in the Age of Edward III

Comment: Lena Salaymeh, אֱלֵהַ סַלַּיְמֵה (slena@post.tau.ac.il)
4:00 – 5:00  Finance Committee (342)

5:00 – 6:30  Opening Reception (BOAPF D-F)
Sponsored by the University of Houston Office of the Provost, University of Houston Law Center, Institute for Intellectual Property & Information Law and Center for U.S. and Mexican Law

6:30 – 7:30  Executive Committee (342)

7:30 – 10:00  Board of Directors Meeting (BOA DE)

10:00 – 11:00  Nightcap (Lobby Bar)

FRIDAY, NOVEMBER 09, 2018

7:30 – 4:00  Registration (3rd Floor Pre-Function West)

7:30 – 4:15  Exhibits (335A-C)

7:30 – 8:30  Continental Breakfast (335A-C)

8:30 AM – 10:00 AM

A Roundtable on Hendrik Hartog's *The Trouble with Minna: A Case of Slavery and Emancipation in the Antebellum North* (343 AB)

Chair and Commentator: Amy Chazkel, City University of New York (amychazkel@gmail.com)

Discussants: Bianca Premo, Florida International University (premob@fiu.edu), Martha S. Jones, Johns Hopkins University (msjonz@jhu.edu), Hendrik Hartog, Princeton University (hartog@princeton.edu) and Dylan C. Penningroth, University of California, Berkeley (dcap@berkeley.edu)
The Secularization of Criminal Law in Europe (17th-19th Centuries): A Critical and Comparative Analysis *(336 AB)*

Chair: **Renée Lettow Lerner**, George Washington University (rlerner@law.gwu.edu)

Commentator: **Jacob Giltaij**, Helsingin yliopisto (jacob.giltaij@gmail.com)

- **J. (Pim) Oosterhuis**, Universiteit Maastricht (janwillem.oosterhuis@maastrichtuniversity.nl)
  *Grotius, Matthaeus and the Secularization of Early Modern Criminal Law in the Dutch Republic*

- **Yves Cartuyvels**, University of Saint-Louis (yves.cartuyvels@usaintlouis.be)
  *Law and Morality in 18th Century Codification: Towards a Pontifical Model of Governmentality*

- **Heikki Pihlajamäki**, Helsingin yliopisto (heikki.pihlajamaki@helsinki.fi)
  *Separating Faith and Law: Criminal Law in the Nineteenth-century Lutheran Europe*

- **Aniceto Masferrer**, Universitat de València (aniceto.masferrer@uv.es)
  *The Limits of the Utilitarian Influence in the 19th-century Criminal Law of France and Spain: A Comparative Approach*

Twentieth-Century Child Protection and Children’s Rights in Comparative Perspective *(337 AB)*

Chair: **Michael Willrich**, Brandeis University (willrich@brandeis.edu)

Commentator: **Ton Liefaard**, Universiteit Leiden (t.liefaard@law.leidenuniv.nl)

- **Maximo Langer**, University of California, Los Angeles (langer@law.ucla.edu) &
  **David Tanenhaus**, University of Nevada, Las Vegas (david.tanenhaus@unlv.edu)
  *American Juvenile Justice and the Adversary System*

- **Juandrea Bates**, Winona State University (juandreabates@gmail.com)
  *Our Desperate Pleas: Working Families and the Cultural Politics of Child Protection in Argentina 1870-1930*

- **Kathryn Schumaker**, University of Oklahoma (schumaker@ou.edu)
  *The Fourth Amendment and the Rights of Children at School*
8:30 AM – 10:00 AM

Constitutional Magical Thinking: The Electoral College 2016-2017 as a Case Study (340 AB)

Chair and Commentator: Charles Zelden, Nova Southeastern University (zelden@nova.edu)

Discussants: Mark Graber, University of Maryland (mgraber@law.umaryland.edu), Franita Tolson, University of Southern California (ftolson@law.usc.edu), Lori Ringhand, University of Georgia (ringhand@uga.edu) and R.B. Bernstein, City University of New York (rbernstein@ccny.cuny.edu)

8:30 AM – 10:00 AM

Ecclesiastical Normativity in Colonial Ibero-America and the Philippines (338)

Chair & Commentator: Joshua C. Tate, Southern Methodist University (jctate@smu.edu)

Gustavo César Cabral, Max-Planck-Institut für die europäische Rechtsgeschichte (gustavocesarcabral@gmail.com)

Ecclesiastical normativity, Moral Theology and Particularism: The Sacraments in the Synod of Salvador da Bahia (1707)

Natalie Cobo, University of Oxford (natalie.cobo@bnc.ox.ac.uk)

Creating Authority and Promoting Normative Behavior: Confession, Restitution, and Moral Theology in the Synod of Manila (1581-82)

Juan Cobo Betancourt, University of California, Santa Barbara (jcobo@history.ucsb.edu)

Canon Law, Paper Artefacts, and the Circulation of Knowledge: Indigenous Societies in the Synods and Provincial Council of Santalé, 1556-1625

8:30 AM – 10:00 AM

Reading Legal Texts in Chinese History: Sources, Materiality, and Authority (339 AB)

Chair: Philip Thai, Northeastern University (p.thai@northeastern.edu)

Commentator: Xiaoping Cong, University of Houston (xcong@uh.edu)
Weiting Guo, Simon Fraser University (weitingg@sfu.ca)
Speaking of Justice: Narratives of Laws and Crimes in a Village Man’s Diary, 1888–1942

Qiaomei Tang, Grinnell College (tangqiao@grinnell.edu)
Why A Woman Was Considered Divorced by the State: Defining Divorce in Early Medieval China (3rd-4th Century CE)

Quinn Javers, University of California, Davis (qdjavers@ucdavis.edu)
Mapping Disputes: Conflict, State Power, and Vernacular Maps in late Qing Sichuan

Weiwei Luo, Grinnell College (luoweiwei@grinnell.edu)
The Grammar of Ownership: Public Inscriptions of Property Rights in Qing China

10:00 AM – 10:40 AM Mid-Morning Break (335A-C)

10:40 AM – 12:10 PM

Seizure, Mutiny, and Deceit: Enforcing and Evading Legal Prohibitions on the Atlantic Slave Trade (343 AB)
Chair and Commentator: Gautham Rao, American University (gauth.rao@gmail.com)
Additional Commentator: Rebecca J. Scott, University of Michigan (rjscott@umich.edu)

Priya Khangura, U.S. District Court, Middle District of Florida (priya.khangura@gmail.com)
A Law-Bound Conspiracy: How 43 Men, Women, and Children Were Sailed into Slavery Aboard the Brig Mary Ann

Craig Hollander, The College of New Jersey (hollandc@tcnj.edu)
“The Highest Grade of Prize Goods”: America’s Treatment of Foreign Slaves After the Abolition of the Slave Trade

Andrew Walker, University of Michigan (ajwalk@umich.edu)
The Flight of the Firefly: Mutinous Sailors and the Law of Antislavery in the Courts of Haiti
Controlling Administrative Action: New Directions in Legal and Political History (336 AB)

Chair: Gillian Metzger, Columbia University (gmetzg1@law.columbia.edu)
Commentator: Reuel Schiller, University of California, Hastings College of the Law (schiller@uchastings.edu)

Noah A. Rosenblum, Yale University (nr2324@columbia.edu)
Separation of Powers and the Administrative State: From Obstacle to Cornerstone

John Dearborn, Yale University (john.dearborn@yale.edu)
The Foundations of the Modern Presidency: Presidential Representation, the Unitary Executive Theory, and the Reorganization Act of 1939

Catherine Baylin Duryea, Stanford University (kbaylin@gmail.com)
"Crumbs" of Judicial Relief: The Emergency Court of Appeals and Oversight of Price Control During World War II

Erik M. Erlandson, University of Virginia (erlandson.erik@gmail.com)
Ex Parte Communications and the Origins of Presidential Administration, 1977-1981

The Mind on Trial: Mental Capacity, Psychiatry, and the Law in the United States (337 AB)

Chair and Commentator: Joel Eigen, Franklin & Marshall College (joel.eigen@fandm.edu)

Courtney Thompson, Mississippi State University (cthompson@history.msstate.edu)
Phrenology on the Stand: Experiments in Medico-legal Expertise in the United States, 1830-1865

David Korostyshevsky, University of Minnesota (koros003@umn.edu)
Inquisitions of the Mind: Intoxication, Lunacy Trials, and Property Ownership in New Jersey, 1820-1860

Samuel Scharff, Johns Hopkins University (sam.scharff@jhmi.edu)
Psychiatrist Hervey Cleckley’s Pursuit of Criminal Justice Reform in the United States, 1941-1976
10:40 AM – 12:10 PM


Chair: Robert Gordon, Stanford University (rwgordon@stanford.edu)

Commentators: John Witt, Yale University (john.witt@yale.edu), Michael Lobban, London School of Economics (m.j.lobban@lse.ac.uk), Cynthia Nicoletti, University of Virginia (cnicoletti@law.virginia.edu) and Stephen Vladeck, University of Texas, Austin (svladeck@law.utexas.edu)

Author: Amanda Tyler, University of California, Berkeley (atyler@berkeley.edu)

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10:40 AM – 12:10 PM

**Twenty-Five Years of Law, Labor, and Ideology (339 AB)**

Chair: Christopher Tomlins, University of California, Berkeley (ctomlins@law.berkeley.edu)

Commentator: Robert Steinfeld, University at Buffalo (steinfel@buffalo.edu)

- Nate Holdren, Drake University (nate.holdren@drake.edu)
  *Holdren on Law, Labor and Ideology*

- Eric Tucker, York University (etucker@osgoode.yorku.ca)
  *Tucker on Law, Labor and Ideology*

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10:40 AM – 12:10 PM

**Transcending Categories: Transgender Law and Identity in American History (338)**

Chair and Commentator: Regina Kunzel, Princeton University (r kunzel@princeton.edu)

- Jesse Bayker, Rutgers University (jesse.bayker@rutgers.edu)
  *Vagrancy and the Criminalization of Transgender Practices in Antebellum America*
Kate Redburn, Yale University (kate.redburn@yale.edu)
Before Equal Protection: Defining Transgender Identities in Cross-Dressing Ordinance Challenges

Marie-Amelie George, Wake Forest University (georgemp@wfu.edu)
Getting to LGBT

12:10 PM - 1:20 PM
Lunch Break

Committee Lunch Meetings
• Peter Gonville Stein Book Award Committee (342)
• Law and History Review (346AB)
Sponsored by Cambridge University Press
• Standing Committee on the Annual Meeting (344AB)

1:20 PM – 2:45 PM

Author-Meets-Readers: Tamar Herzog’s A Short History of European Law: The Last Two and a Half Millennia (343 AB)

Chair and Commentator: Amalia Kessler, Stanford University (akessler@law.stanford.edu)

Additional Commentators: Clifford Ando, The University of Chicago (clifford.ando@uchicago.edu) and Thomas Duve, Max-Planck-Institut für die europäische Rechtsgeschichte (sekduve@rg.mpg.de)

Author: Tamar Herzog, Harvard University (therzog@fas.harvard.edu)

1:20 PM – 2:45 PM

Violence Against Women: Cultural Contexts and Courtroom Contests (339 AB)

Chair and Commentator: Victor Uribe-Uran, Florida International University (uribev@fiu.edu)

Brandon Jett, Rollins College (bjett@rollins.edu)
“I Want Him Put In; I Don’t Want Him to Kill Me”: Black Women, Domestic Violence, and the Law in the Jim Crow South
Angela Perez-Villa, Rollins College (aperezvilla@rollins.edu)
"An Offense of Little Importance": Violence Against Women and the Law in Colombia, 1825-1830

Katherine Luongo, Northeastern University (k.luongo@northeastern.edu)
Witchcraft Accusations and Domestic Violence: Cross-Cultural (Mis)understandings in the Arena of Asylum

1:20 PM – 2:45 PM

New Perspectives on the Constitutional History of the American Civil War (340 AB)

Chair: Timothy Huebner, Rhodes College (huebner@rhodes.edu)
Commentator: Daniel Hamilton, University of Nevada, Las Vegas (daniel.hamilton@unlv.edu)

Paul Finkelman, Gratz College (paul.finkelman@yahoo.com)
The Revolutionary Congresses of 1861-1865

Nicholas Mosvick, University of Mississippi (nmmosvic@go.olemiss.edu)
Constitutional Challenges to Conscription in Civil War New York

Robert Faith, University of Akron (rof2@zips.uakron.edu)
Critiquing the “Tyrant” Across the Atlantic: Popular British Observations and Attitudes Surrounding Lincoln and Civil Liberties

1:20 PM – 2:45 PM

Lightning Round: Reception and Perception of Law, Empire, and Colonialism - International Perspectives (336 AB)

Chair: Justin Simard, Northwestern University (justin.simard@northwestern.edu)

Justin Broubalow, George Mason University (jbroubal@masonlive.gmu.edu)
Territory without Territoriality: The Problem of American Interwar Immigration Law Enforcement in the U.S. Virgin Islands

Ofra Bloch, Yale University (blochofra@gmail.com)
Hierarchical Inclusion: the Untold History of Israel’s Affirmative Action for Palestinians Arabs (1948-1968)
Jacqueline Briggs, University of Toronto (jacq.briggs@mail.utoronto.ca)

British Columbia Circuit and Appeal Court Criticism of Indian Affairs Policy in Canada, 1870s to 1960s

Andre Deckrow, Columbia University (akd2120@columbia.edu)

Nativism and Economic Nationalism as Anti-Federalism: The Question of Immigration in the 1934 Brazilian Constitution

Christian Burset, University of Notre Dame (cburset@nd.edu)

Relativizing the Rule of Law in the Eighteenth-Century British Empire

Alexandra Havrylyshyn, University of California, Berkeley (ahavry@berkeley.edu)

A Spirit of Liberty That is Dangerous to the Republic: The World American Slaves Encountered in France (1818-1848)

Luisa Stella de Oliveira Coutinho Silva, Universidade de Lisboa (luisastella@gmail.com)

Marriages Between Slaves in Colonial Paraíba: Interethnic and Ethnic Relations after the Brazilian Colonial Encounter, 1661 - 1822

José Ernesto Pimentel, Fl., Universidade Federal da Paraíba (jpima2001@yahoo.fr)

Adoption of Federalism in 1891: Portuguese-Brazilian Monarchical Constitutionalism and the United States of Brazil

1:20 PM – 2:45 PM

“Nondisabled Normalcy” in U.S. Law and Policy (337 AB)

Chair and Commentator: Susan Schweik, University of California, Berkeley (sschweik@berkeley.edu)

Rabia Belt, Stanford University (belt@law.stanford.edu)

Voting in the Shadow of the Institution

Mary Dudziak, Emory University (mary.dudziak@emory.edu)

War Injury, Isolation, and the Social Construction of Normalcy

Karen Tani, University of California, Berkeley (ktani@law.berkeley.edu)

Training the Citizen-Enforcers of Disability Rights

Felicia Kornbluh, University of Vermont (fkornblu@uvm.edu)

1:20 PM – 2:45 PM

People and Proprietary Rights in the New World (338)

Chair and Commentator: Alison Dundes Renteln, University of Southern California (arenteln@usc.edu)

Asya Ostroukh, University of the West Indies, Cave Hill (assyaa_ostroukh@yahoo.co.uk)
*The Role of Customs and Customary Law in the Development of Legal Systems in the Commonwealth Caribbean*

Iker Saitua, University of California, Riverside (saituaidarraga@gmail.com)
*Criminalizing “the Hoofed Locusts;” Nevada’s Anti-Sheep Legislation in the Late Nineteenth and Early Twentieth Centuries*

2:50 PM – 4:15 PM

Arguing about the Rule of Law: Using the Hebrew Bible and Caricatures of Native Societies in Spanish and British America (336 AB)

Chair and Commentator: Stuart Banner, University of California, Los Angeles (banner@law.ucla.edu)

Additional Commentator: Michelle McKinley, University of Oregon (michelle@uoregon.edu)

Jorge Cañizares-Esguerra, University of Texas, Austin (canizares-esguerra@austin.utexas.edu)
*The Rule of Law and Sixteenth-Century Spanish Abolitionism*

Adrian Masters, University of Texas, Austin (adrianmmasters@gmail.com)
*Inca Absolutists, Merciful Israelites: Spanish Ideas of Ancient Law Enforcement in the Sixteenth Century New World*

Richard Ross, University of Illinois, Urbana-Champaign (tjross@illinois.edu)
*Indigenous Law as Counterpoint: Thinking with Indians about the Rule of Law in British and Spanish America*
2:50 PM – 4:15 PM

**Marriage, Credit, and the Law in North America, 1700-1900** *(338)*

Chair: **Mary Sarah Bilder**, Boston College (bilder@bc.edu)
Commentator: **Cornelia Dayton**, University of Connecticut (cornelia.dayton@uconn.edu)

* Sara Damiano, Texas State University (sdamiano@txstate.edu)*

*The Petitioner’s Wife Incautiously Paid*: Coverture, Credit and Wives’ Ability to Contract in Colonial British North America

* Daniel Platt, Brown University (daniel_platt@brown.edu)*

*In This Particular Their Ignorance Is a Jewel*: Women and Household Credit in the United States, 1840s-1890s

* Kimberley Reilly, University of Wisconsin, Green Bay (reillyk@uwgb.edu)*

*Rethinking the 'Lady Who Shops': Consumption, Dependency, and the Law of Necessaries*

2:50 PM – 4:15 PM

**Author-Meets-Readers: Christopher W. Schmidt’s The Sit-Ins: Protest and Legal Change in the Civil Rights Era** (The University of Chicago Press, 2018). *(343 AB)*

Chair: **Jane Dailey**, The University of Chicago (dailey@uchicago.edu)
Commentators: **Sophia Lee**, University of Pennsylvania (slee@law.upenn.edu), **Daniel Sharfstein**, Vanderbilt University (daniel.sharfstein@vanderbilt.edu) and **H. Timothy Lovelace**, Indiana University (lovelace@indiana.edu)

Author: **Christopher Schmidt**, American Bar Foundation (cscmidt@kentlaw.iit.edu)

2:50 PM – 4:15 PM

**Black Californians, Washington Women, and Mexicans in Texas: Legal Histories of Borderlands & Citizenship** *(339 AB)*

Chair and Commentator: **Martha S. Jones**, Johns Hopkins University (msjonz@jhu.edu)
Dana Elizabeth Weiner, Wilfrid Laurier University (dweiner@wlu.ca)
Testing the Borders of Black Citizenship in Nineteenth-Century California

Katrina Jagodinsky, University of Nebraska, Lincoln (kjagodinsky@unl.edu)
Washington Women’s Habeas Corpus Petitions & Contests of Territorial Power

Allison Powers Useche, University of London (allison.powers@sas.ac.uk)
The Specter of Compensation: Mexican Claims Against the United States Government, 1868-1941

2:50 PM – 4:15 PM

Crossing the Atlantic: "Constitutional Ideas Travelling in Early Constitutionalism" (337 AB)

Chair: Ulrike Müßig, Universität Passau (Ulrike.Muessig@Uni-Passau.De)

Commentator: Judithanne Scourfield McLauchlan, University of South Florida, St. Petersburg (dr_jsm@fulbrightmail.org)

Ulrike Müßig, Universität Passau (Ulrike.Muessig@Uni-Passau.De)
The British American Eighteenth Century Discursive Common Law Community

Michał Gałędek, Uniwersytet Gdańsk; Marcin Michalak, Uniwersytet Gdańsk (michal.galedek@prawo.ug.edu.pl)
In What Aspects did the Constitution of 3 May 1791 Represent a Founding Moment for the Development of Polish Constitutionalism in the First Part of the 19th Century?

Bodie Ashton, Universität Passau (bodie.ashton@uni-passau.de)
“Subjects of our most gracious Majesty.” Setting up Legal Accountability in a “Free” Colonial State: Constitutionalism and Constitutionalization in South Australia Colony

Marcin Byczyk, Universität Passau (marcinbyczyk@googlemail.com)
The Fiction of Ministers’ Accountability in the Kingdom of Poland (1815-1830) Consideration about the Inefficaciousness of the Extrajudicial Bodies in the Field of Criminal Responsibility
England's Law in Theory and Practice *(340 AB)*

Chair and Commentator: **Victoria Barnes**, Max-Planck-Institut für europäische Rechtsgeschichte (barnes@rg.mpg.de)

**Kiran Mehta**, University of Oxford (kiran.mehta@history.ox.ac.uk)

*“Prisons for the Poor”?: A Re-evaluation of London Bridewells*

**Jerome Sgard**, Sciences Po (jerome.sgard@sciencespo.fr)

*The Private Governance of a Global Market: The Experience of the “London Corn Trade Association” (1885-1914).*

**David Williams**, University of Auckland (dv.williams@auckland.ac.nz)

*Bagehot, King George V and The English Constitution*

4:30 - 5:00  **Buses to University of Houston**

5:15 - 6:30  **Plenary Lecture (Cullen Performance Hall)**

**Becoming Free, Becoming Black: The Law of Race and Freedom in Cuba, Virginia, And Louisiana, 1500-1860**

**Ariela Gross**

John B. and Alice R. Sharp Professor of Law and History; Co-Director, Center for Law, History, and Culture; University of Southern California

**Alejandro de la Fuente**

Robert Woods Bliss Professor of Latin American History and Economics; Professor of African and African American Studies and of History; Director, Afro-Latin American Research Institute, Hutchins Center for African and African American Research; Harvard University
6:45 - 8:15  **Plenary Reception** recognizing Legal Historians in the Texas Judiciary *(Main Library)*

Sponsored by the University of Houston Office of the Provost, University of Houston Law Center, Institute for Intellectual Property & Information Law and Center for U.S. and Mexican Law

7:45 - 8:15  **Buses to Hilton Americas**

9:45 – 11:00  **Graduate Student Gathering** *(Lobby Bar)*

**SATURDAY, NOVEMBER 10, 2018**

7:45 – 12:00  **Registration** *(3rd Floor Pre-Function West)*

7:45 – 8:45  **Continental Breakfast** *(335AC)*

7:45 – 8:45  **Committee Breakfast Meetings**

• Graduate Student Outreach Committee *(342)*
• Publications Committee *(346AB)*

8:45 AM – 10:15 AM

**The Meltdown of Constitutional Orders: Constitutional Law, Authoritarianism, and Political Crisis in the Twentieth Century** *(336 AB)*

Chair: **Sueann Caulfield**, University of Michigan (scaul@umich.edu)

Commentator: **Jeremy Adelman**, Princeton University (adelman@princeton.edu)

**Julio César Guanche**, Facultad Latinoamericana de Ciencias Sociales Sede, Ecuador (jcguanche@gmail.com)

“Ties of Singular Intimacy” between Constitutionalism and Authoritarianism: Cuba in the First Half of the Twentieth Century
Leonardo Barbosa, Centro de Formação, Treinamento e Aperfeiçoamento (CEFOR)/ Brasília-DF (laab2301@gmail.com)

Jed Shugerman, Fordham University (jshugerman@law.fordham.edu)
Partial Justice: Partisan Attorneys General Undermining the DOJ's Independence and the Rule of Law in the 20th Century

8:45 AM – 10:15 AM


Chair: Joanna Grisinger, Northwestern University (joanna.grisinger@northwestern.edu)
Commentators: Susanna Blumenthal, University of Minnesota (blume047@umn.edu), Anne Fleming, Georgetown University (anne.fleming@law.georgetown.edu) and Camilo Leslie, Tulane University (cleslie1@tulane.edu)

Author: Ed Balleisen, Duke University (eballeis@duke.edu)

8:45 AM – 10:15 AM

Intersections Between Legal History and the History of Medicine (337 AB)

Chair: Daniel Ernst, Georgetown University (ernst@law.georgetown.edu)
Commentator: Keith Wailoo, Princeton University (kwailoo@princeton.edu)

Aziza Ahmed, Northeastern University (az.ahmed@northeastern.edu)
“Dead But Not Disabled”: The Feminist Intervention into the AIDS Response

Binyamin Blum, University of California, Hastings College of the Law (blumb@uchastings.edu)
Bones of Contention: The Use of X-Rays to Determine Criminal Responsibility in the British Empire

Lewis Grossman, American University (lewsg@wcl.american.edu)
Life, Liberty, [and the Pursuit of Happiness]: The Struggle for Access to Medical Marijuana in Historical Perspective
Alix Rogers, Stanford University (alixrogers@stanford.edu)  
*The Civil War’s Transformational Effect on the Legal Status of Human Remains*

8:45 AM – 10:15 AM

**Nationality in the Nineteenth-Century Mediterranean: Towards a Connective History of Law between Europe and the Middle East (340 AB)**

Chair and Commentator: Fahad Bishara, University of Virginia (bishara@virginia.edu)

Will Hanley, Florida State University (willpdfs@gmail.com)  
*Abd-ul-Messih v. Farra, Extraterritoriality, and Precedent in Private International Law*

M’hamed Oualdi, Princeton University (moualdi@princeton.edu)  
*Recovering Local Conceptions of Nationality Before and After the European Colonization of Tunisia (1880s-1890s)*

Jessica Marglin, University of Southern California (marglin@usc.edu)  
*The Extraterritorial Century: Nationality in the Nineteenth-Century Mediterranean*

8:45 AM – 10:15 AM

**Feminism, Capitalism, and the Problem of Equality in the Late 20th Century (339 AB)**

Chair and Commentator: Alice Kessler-Harris, Columbia University (ak571@columbia.edu)

Caley Horan, Massachusetts Institute of Technology (cdhoran@mit.edu)  
*Reopening a Closed Case: The Insurance Industry and the ERA*

Alison Lefkovitz, New Jersey Institute of Technology and Rutgers University, Newark (alison.lefkovitz@njit.edu)  
*Prenuptial Agreements in the Wake of Second Wave Feminism*

Allison Schwartz, University of Minnesota (schw1570@umn.edu)  
*The Persistent Gap Between Law’s Promise and Performance: Fair Housing Laws and Women’s Enduring Income Equality*
Legal Thought and Practices in Medieval Europe (338)

Chair and Commentator: David Waddilove, Harvard University (dwaddilove@law.harvard.edu)

Samuel Klumpenhouwer, University of Toronto (samuel.klumpenhouwer@gmail.com)

John of Kent and the Medieval Court of Conscience

Yanay Israeli, האוניברסיטה העברית בירושלים (yanay.israeli@mail.huji.ac.il)

In Search of Swift Justice: The Spatial and Temporal Dimensions of Petitionary Practices in Late Medieval Castile

Jason Brown, University of Toronto (jasonaaron.brown@mail.utoronto.ca)

From Legal Cases to Cases of Conscience

Noga Morag-Levine, Michigan State University (nmorag@law.msu.edu)

Itinerant Commissions, Legal Ideologies, and Polluting Trades: The Fork in the Road between Edward I and Edward III

10:15 AM – 11:00 AM    Mid-Morning Break (335A-C)

11:00 AM – 12:30 PM

Piercing the Veil: New Perspectives on the Rise and Rights of the Corporation (339 AB)

Chair and Commentator: Adam Winkler, University of California, Los Angeles (winkler@ucla.edu)

Gregory Mark, DePaul University (gmark@depaul.edu)

Creating the Modern Corporation: The Symbiosis of Reform, Legal Innovation, and Lawyerly Entrepreneurship

Evelyn Atkinson, The University of Chicago (ematkinson@uchicago.edu)

Child of the State or Persecuted Class: Debating the Corporate “Person”

Nikolas Bowie, Harvard University (nbowie@law.harvard.edu)

The Corporate Constitution: The Origins of Written Constitutionalism in the Massachusetts Bay Company
Enabling Exploration: Legal History Scholarship and the Anglo-American Legal Tradition Website (340 AB)

Chair: Susanne Brand, The Anglo-American Legal Tradition Project
(S13.Brand@posteo.de)

Commentator: Charles Donahue, Harvard University (jreader@law.harvard.edu)

Paul Brand, All Souls College, Oxford (paul.brand@all-souls.ox.ac.uk)
Dower "by the Father's Consent"

H. Tomás Gómez-Arostegui, Lewis and Clark College (tomas@lclark.edu)
Patent Validity Litigation in England in the Long 18th Century

Margaret McGlynn, Western University (mmcglyn@uwo.ca)
Chasing Convict Clerks through Time and Space

Elizabeth Papp Kamali, Harvard University (ekamali@law.harvard.edu)
Drunk on AALT

Stage and Screen Lawyers: Early Twentieth-Century Attorneys and the Production of American Arts and Culture (338)

Chair and Commentator: Oren Bracha, University of Texas (obracha@law.utexas.edu)

Britt Tevis, Deakin University (b.tevis@deakin.edu.au)
Setting the Scene: Non-Elite Lawyers and the Early Twentieth-Century Origins of Entertainment Lawyering

Peter Labuza, University of Southern California (plabuza@gmail.com)
Tinseltown Torts: Martin Gang and the New Deal in Entertainment Law

McCulloch v. Maryland at 200 — A Reappraisal (343 AB)

Chair and Commentator: David Schwartz, University of Wisconsin, Madison
(dsschwartz@wisc.edu)
### The ASLH Annual Meeting at a Glance

#### THURSDAY

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>8:30 AM – 4:30 PM</td>
<td>Student Research Colloquium <em>(Rice University Department of History)</em></td>
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<tr>
<td>8:30 AM – 4:30 PM</td>
<td>Johnson Program for First Book Authors <em>(Rice University, Humanities Building)</em></td>
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<td>9:00 AM – 5:00 PM</td>
<td>Women’s Lives Seminar <em>(346B)</em></td>
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<tr>
<td>11:00 AM – 4:00 PM</td>
<td>Pre-conference Workshop on Teaching Legal History <em>(346A)</em></td>
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<td>12:00 PM – 5:50 PM</td>
<td>Pre-Conference Workshop on Medieval Legal History <em>(344A)</em></td>
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<td>5:00 PM – 6:30 PM</td>
<td>Opening Reception <em>(BOA PRE-FUNCTION - FLOOR 2)</em></td>
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#### FRIDAY

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<tr>
<th>Time</th>
<th>Location</th>
<th>Session I</th>
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<tr>
<td>7:30 AM – 8:30 AM</td>
<td>335A-C</td>
<td>Continental Breakfast</td>
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<td>8:30 AM - 10:00 AM</td>
<td>343AB</td>
<td>Roundtable on The Trouble with Minna</td>
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<td>336AB</td>
<td>Secularization of Criminal Law in Europe</td>
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<td>Twentieth-Century Child Protection</td>
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<td>Constitutional Magical Thinking</td>
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<td>338</td>
<td>Ecclesiastical Normativity</td>
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<td>Reading Legal Texts in Chinese History</td>
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<th>Time</th>
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<th>Session II</th>
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<td>10:00 AM – 10:40 AM</td>
<td>335A-C</td>
<td>Mid-Morning Break</td>
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<td>10:40 AM - 12:10 PM</td>
<td>343AB</td>
<td>Seizure, Mutiny, and Deceit</td>
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<td>336AB</td>
<td>Controlling Administrative Action</td>
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<td>337AB</td>
<td>The Mind on Trial</td>
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<td>340AB</td>
<td>Author-Meets-Reader: Habeas Corpus in Wartime</td>
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<td>338</td>
<td>Transcending Categories</td>
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<td>339AB</td>
<td>Twenty-Five Years of Law, Labor, and Ideology</td>
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<th>Time</th>
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<th>Session III</th>
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<tr>
<td>1:20 PM - 2:45 PM</td>
<td>343AB</td>
<td>Author-Meets-Readers: A Short History of European Law</td>
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<td>336AB</td>
<td>Lightning Round: Reception and perception</td>
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<td>337AB</td>
<td>Nondisabled Normalcy</td>
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<td>New Perspectives on the Constitutional History</td>
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<td>338</td>
<td>People and Proprietary Rights in the New World</td>
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<td>Violence Against Women</td>
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<th>Time</th>
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<th>Session IV</th>
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<td>2:50 PM - 4:15 PM</td>
<td>343AB</td>
<td>Author-Meets-Readers: The Sit-Ins</td>
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<td>336AB</td>
<td>Arguing about the Rule of Law</td>
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<td>Crossing the Atlantic</td>
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<td>England’s Law in Theory and Practice</td>
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<td>338</td>
<td>Marriage, Credit, and the Law</td>
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#### FRIDAY

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<td>5:15 PM – 6:30 PM</td>
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<td>Plenary Lecture <em>(UH Cullen Performance Hall)</em></td>
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<td>Becoming Free, Becoming Black: The Law of Race and Freedom in Cuba, Virginia, and Louisiana, 1500-1860 Ariela Gross &amp; Alejandro de la Fuente</td>
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<td>6:45 PM – 8:15 PM</td>
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<td>Plenary Reception <em>(UH Main Library)</em></td>
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<td>Graduate Student Gathering <em>(Lobby Bar)</em></td>
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<td>Time</td>
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<td>Session VI</td>
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<td>7:45 AM – 8:45 AM</td>
<td>Author-Meets-Readers:</td>
<td>McCulloch v. Maryland at</td>
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<td>8:45 AM – 10:15 AM</td>
<td>The Meltdown of</td>
<td>Social Change in Transnational</td>
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<td>Intersections Between Legal</td>
<td>Latin American Lightning</td>
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<td>11:00 AM – 12:30 PM</td>
<td>Nationality in the</td>
<td>Enabling Exploration</td>
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<td>12:30 PM – 2:30 PM</td>
<td>Legal Thought and Practices</td>
<td>Stage and Screen Lawyers</td>
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<td>and the Problem of Equality</td>
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Closing Reception

Saturday, 343AB, 336AB, 337AB, 340AB, 338, 339AB
Richard Primus, University of Michigan (richard.primus@umich.edu)
“The Essential Characteristic”: Enumerated Powers and the Bank of the United States

Alison LaCroix, The University of Chicago (lacroix@uchicago.edu)
From the Bank to the Harbors: Federalism’s Middle Ground in the Early Nineteenth Century

John Mikhail, Georgetown University (mikhail@law.georgetown.edu)
McCulloch’s Strategic Ambiguity

Mark Killenbeck, University of Arkansas (mkillenb@uark.edu)
McCulloch in Context

11:00 AM – 12:30 PM

Social Change in Transnational Perspective: Uses and Limits of Law (336 AB)

Chair and commentator: Eric M. Freedman, Hofstra University (Eric.M.Freedman@hofstra.edu)

Myra Houser, Ouachita Baptist University (myra.ann.houser@gmail.com)
Stalled Social Change?: Lawyering and Cross-Border Interactions in Southern Africa

Melissa Milewski, University of Sussex (m.l.milewski@sussex.ac.edu)
Some Kind of Justice: African Americans’ Cases in Southern Courts, 1865-1950

Troy Andrade, University of Hawai‘i, Mānoa (tandrade@hawaii.edu)
E Ola Mau Ka Ōlelo Hawai‘i: Protecting the Hawaiian Language and Providing Equality for Kānaka Maoli

Wesley Chaney, Bates College (wchaney@bates.edu)
The Post-Bellum Courtroom and Narratives of Violence on the Sino-Tibetan Border
Latín American Lightning Round *(337 AB)*

Chair: Lois Parkinson Zamora, University of Houston (lzamora@uh.edu)

Andrew Rutledge, University of Michigan (ajrutled@umich.edu)

*“Rumbos Sospechosos”: Contesting Spain’s Anti-Contraband Laws in the Eighteenth-Century Atlantic*

Mario Cajás, Universidad Icesi (mcajas@icesi.edu.co)

*Lessons from the History of Judicial Review of Constitutional Amendments in Colombia*

Faustino Martinez, Universidad Complutense de Madrid (fmartine@der.ucm.es)

*Moderate, Conservative, Neo-Scholastic: Bravo Murillo’s Reformal Projects on the Spanish Constitution*

Alfredo Flores, Universidade Federal do Rio Grande do Sul (ajdmf@yahoo.com.br)

*The concepts of “United Provinces” and “United States” according to Domingo Sarmiento: Argentinian constitutional unity in face of the American constitutional model in the middle of the 19th century*

Henrique Fernandes, Universidade Federal do Rio Grande do Sul (montagnerfernandes@gmail.com)

*The American Federation as a Model for South America: United States Influence on Political Concepts During the ‘Farroupilha Revolution’ (1835-1845)*

Andres Botero, Universidad Industrial de Santander (botero39@gmail.com)

*General Considerations about the Judicial Oath in the European and Spanish-American Legal Tradition*

12:30 PM – 2:30 PM  **Annual Lunch and Awards Ceremony (BOA DEF)**

Chair: **Li Chen**, University of Toronto (lc2069@gmail.com)

- **Pär Cassel**, University of Michigan (cassel@umich.edu)
  *Discussant for Zhang, Laws and Economics of Confucianism (1)*
- **Maura Dykstra**, California Institute of Technology (maura@caltech.edu)
  *Discussant for Zhang, Laws and Economics of Confucianism (2)*
- **Ron Harris**, אוניברסיטת תל אביב (harrisr@post.tau.ac.il)
  *Discussant for Zhang, Laws and Economics of Confucianism (3)*
- **Huaiyin Li**, University of Texas, Austin (hli@utexas.edu)
  *Discussant for Zhang, Laws and Economics of Confucianism (4)*

**Author:** **Taisu Zhang**, Yale University (taisu.zhang@yale.edu)

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**Africans, Law, and the Making of the Atlantic Legal World: Views from the Iberian Empires** (337 AB)

Chair and Commentator: **Erika Edwards**, University of North Carolina (eedward27@uncc.edu)

- **Mariana Dias Paes**, Max-Planck-Institut für europäische Rechtsgeschichte (diaspaes@rg.mpg.de)
  *Living as Free, Living as Slave: An Atlantic Perspective on Possession in Brazil and Angola*
- **Alex Wisnoski, III**, University of North Georgia (alwisnoski@ung.edu)
  *Witnessing, Community, and Intimate Knowledge in Colonial Lima*
- **Fernanda Bretones**, Vanderbilt University (f.bretones@vanderbilt.edu)
  *Fugitive Slaves and Asylum Laws in the Spanish Caribbean*
Renzo Honores, Instituto Internacional de Derecho y Sociedad
(rhonoresg@gmail.com)

Law, Freedom and Identity in Sixteenth-Century Lima: The Case of Domingo de Goa in 1561

Common Law Versus French Law: Birth and Echoes of a Confrontation Between Two Legal Models in the Nineteenth Century (338)

Chair and Commentator: Peter Johnstone, University of North Texas
(pjohnstone@unt.edu)

Gwenaël Guyon, L’Université Paris Descartes; Sorbonne Paris Cité
(gwenael.guyon@parisdescartes.fr)

British Reformers Facing French Codes: Controversies, Biases and Stereotypes

Sylvain Soleil, Université Rennes 1 (sylvain.soleil@univ-rennes1.fr)

To Codify or not to Codify American Law? The Influence of English / French Legal Rivalry on Sampson and Duponceaux Controversy (1823-1826)

David Gilles, Université de Sherbrooke (david.gilles@usherbrooke.ca)

Between the Civil Code and Common Law: “Universal Law?” Struggle to Civil Roots under Chief Justice of the Supreme Court of Canada, Sir Henri-Elzéar Taschereau

The Past and Future of Marxist Legal History (Roundtable) (340 AB)

Chair: Maeve Glass, Columbia University (maeve.glass@law.columbia.edu)

Discussants: Jeremy Kessler, Columbia University (jkessler@law.columbia.edu), Christopher Tomlins, University of California, Berkeley (ctomlins@law.berkeley.edu), William E. Forbath, University of Texas (wforbath@law.utexas.edu) and Allison Powers Useche, University of London (allison.powers@sas.ac.uk)
2:30 PM – 4:00 PM

**Originalism and History (343 AB)**

Chair and Commentator: Matthew Steilen, University at Buffalo (mjsteile@buffalo.edu)

*Saul Cornell*, Fordham University (scornell1@fordham.edu)
*Communicative Confusion: The Irredeemable Wrongness of the New Originalism*

*Bernadette Meyler*, Stanford University (bmeyler@law.stanford.edu)
*Originalism and Common Law Meanings: The Case of Confrontation*

*Jonathan Gienapp*, Stanford University (jgienapp@stanford.edu)
*Originalism's Unfounded Original Constitution*

2:30 PM – 4:00 PM


Chair and Commentator: Serena Mayeri, University of Pennsylvania (smayeri@law.upenn.edu)

*Reva Siegel*, Yale University (reva.siegel@yale.edu)
*Popular Constitutionalism and the Pregnancy Discrimination Act at 40*

*Julie Suk*, City University of New York (jsuk@gc.cuny.edu)
*The Feminist Constitutional Legacy of Prohibition and its Repeal*

*Katie Eyer*, Rutgers University, Camden (kre22@camden.rutgers.edu)
*The Return of the Technical McDonnell Douglas Paradigm*

*Ofra Bloch*, Yale University (ofra.bloch@yale.edu)
*Diversity Gone Wrong: A Historical Inquiry into the Evolving Meaning of Diversity from Bakke to Fisher*

4:10 PM – 5:40 PM

**Judges and Courts in Islamic History (338)**

Chair and Commentator: Intisar Rabb, Harvard University (irabb@law.harvard.edu)
Elizabeth Lhost, University of Wisconsin, Madison (elizabeth@wisc.edu)
*From Forum-Shopping to Forum-Hopping: Navigating Islamic Legal Advice in British India (1880–1940)*

Amir Toft, The University of Chicago (atoft@uchicago.edu)
*Timurtashi and Theories of Circumstantial Evidence in Islamic Jurisprudence*

Raha Rafii, University of Pennsylvania (rafii@sas.upenn.edu)
*Giving a Ruling, Finding the Truth: Medieval Muslim Jurists and Constraints on Judicial Decision-Making, 11th-13th Centuries CE*

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**Gender, Ability, and United States Citizenship in the Long 19\textsuperscript{th} Century (336 AB)**

Chair and Commentator: Martin Wiener, Rice University (wiener@rice.edu)

Laurel Daen, College of William & Mary (laureldaen@gmail.com)
*A Mind to Marry*: Gender, Capacity, and Authority in Antebellum Nullity Suits

Kara Swanson, Northeastern University (k.swanson@northeastern.edu)
*Proving Inventive Power: Ability, Patents, and the Vote in Suffrage Activism*

Lauren MacIvor Thompson, Georgia State University (lmacivor1@gsu.edu)
*Doctors’ Rights, Female Citizenship, and Eugenics in United States vs. One Package of Japanese Pessaries*

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**Mexico’s Current Legal System: The Influence of Multiple Legal Historical Factors? (337 AB)**

Chair and Commentator: Alfonso Lopez de la Osa Escribano, University of Houston (alopezde@central.uh.edu)

Pablo Mijangos y Gonzalez, Centro de Investigación y Docencia Económicas (pablo.mijangos@cide.edu)
*The "New" Legal History in Mexico and its Uses (or lack thereof)*

William Suarez-Potts, Rice University (wsuarezpotts@rice.edu)
*Foreign and National Legal Interests in Post-Colonial Mexico, 1820-1840s*
Catherine Andrews, Centro de Investigación y Docencia Económicas (catherine.andrews@cide.edu)

*Getting Past Philadelphia and Cadiz: A History of Mexican Federalism on its Own Terms*

4:10 PM – 5:40 PM

**Property as Illusion of Permanence and Control: Examples from Colonial Shanghai and Colonial Southwestern Central Africa.** *(Boardroom 334)*

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

Commentator: **Mary Szto**, Mitchell Hamline School of Law (mary.szto@mitchellhamline.edu)

- **Tahirih Lee**, Florida State University (tlee@law.fsu.edu)
  
  *Judicial Interpretation of Property Rights in Colonial Shanghai.*

- **Rebecca Hardin**, University of Michigan (rdhardin@umich.edu)
  
  *French Colonial Concessions and the Undermining of Indigenous Rights in Land in Southwest Central Africa*

4:10 PM – 5:40 PM

**Federal Claims and Congressional Power** *(340 AB)*

Chair and Commentator: **Christine Desan**, Harvard University (desan@law.harvard.edu)

- **Emilie Connolly**, New York University (ec1893@nyu.edu)
  
  *The Empire’s Dead Hands: Seneca Dispossession and Robert Morris’ Dynasty*

- **K-Sue Park**, University of California, Los Angeles (park@law.ucla.edu)
  
  *Insuring Conquest Through the Indian Depredation Claims System*

- **Maggie McKinley**, University of Pennsylvania (mckinley@law.upenn.edu)
  
  *Equity & Lawmaking: Petitions and the Rule of Law in Congress*
Author-Meets-Readers: Kimberly Welch’s *Black Litigants in the Antebellum American South* (Chapel Hill: University of North Carolina Press, 2018) *(343 AB)*

Chair and Commentator: Anne Twitty, University of Mississippi  
(atwitty@olemiss.edu)

Additional Commentators: Allison Madar, University of Oregon (amadar@uoregon.edu)  
and Laura Edwards, Duke University (ledwards@duke.edu)

Author: Kimberly Welch, Vanderbilt University (kimberly.m.welch@vanderbilt.edu)

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**Kathryn T. Preyer Memorial Prize Panel** *(339 AB)*

Chair and Commentator: Jed Shugerman, Fordham University  
(jshugerman@law.fordham.edu)

Jane Manners, New-York Historical Society (jane.c.manners@gmail.com)  
*“Storehouse of the Industry of the Nation”: Fire and Federalism in the Age of Jackson*

Myisha S. Eatmon, Northwestern University  
(myishaeatmon2018@u.northwestern.edu)  
*“Righting Public Wrongs:” Black Use of Private Law in Search of Legal Recourse for White-On-Black Violence*

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**Closing Reception** *(BOAPF D-F)*
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Australian and New Zealand Law and History Society

The 37th Annual Conference

The 37th Annual Conference of the Australia and New Zealand Law and History Society will be held at the University of Wollongong, New South Wales on 10-12 December 2018.

The conference theme is: “Exclusion, Confinement, Dispossession: Uneven Citizenship and Spaces of Sovereignty”

This conference theme draws on evolutionary theory about how species form, and asks whether changes in the law and in the effects of particular laws on society occur through a gradual process of incremental change or through periods of relative stasis with intervening major shifts.

For all inquiries, see the ANZLHS website: anzlhs.org
Founded on 5 December 2009 (St Nicholas' Eve) in The Hague, the European Society for Comparative Legal History ("ESCLH") was born out of frustration with the narrow nationalism and geographical segregation of legal history in contemporary European scholarship and professional organisations. We take a wider view. The Society aims to promote comparative legal history, the explicit comparison of legal ideas and institutions in two or more legal traditions. We acknowledge, too, that comparative law and legal history (internal or external) are fundamentally related. Both comparatists and legal historians are travellers: the one in space, the other in time. If only to establish context to more restricted research, legal historians should always look beyond the spatial borders and jurisdictional boundaries—including our present national legal systems—that are themselves products of the past. This isn’t merely useful background information. Legal history in general, and European legal history in particular, was fundamentally plural, a dynamic interaction of multifarious common and particular laws. Legal historians shouldn’t ignore this.

The Society also appreciates the importance of generating dialogue across national and disciplinary boundaries to achieve our goals. To accomplish this, we have established a blog, held an inaugural conference, and begun co-operation with those with shared aims. Our blog provides a site for information and discussion. It hosts a register for those with research interests in any area of legal history.

For additional information, please see: http://esclh.blogspot.com/.
The Israeli History and Law Association

The Israeli History and Law Association, established in 2005, serves as a meeting place for scholars from all fields who deal with various aspects of the intersection of history and law. The association hosts an annual meeting each fall, awards an annual prize for best legal history article by a member, and hosts an online listserv for discussion of issues of interest to the Israeli legal history community. For more information or to join our mailing list, go to https://en-law.tau.ac.il/Berg_main/The%20Israeli_History_and_Law_Association.
Call for Applications
Application Deadline: December 3, 2018

The American Society for Legal History and the Institute for Legal Studies at the University of Wisconsin Law School are pleased to invite applications for the tenth biennial Hurst Summer Institute in Legal History. The purpose of the Hurst Institute is to advance the approach to legal scholarship fostered by J. Willard Hurst in his teaching, mentoring, and scholarship. The Hurst Institute assists scholars from law, history, and other disciplines in pursuing research on the legal history of any part of the world.

The 2019 Hurst Institute will be led by Mitra Sharafi, Professor of Law and Legal Studies (with History affiliation) at the University of Wisconsin-Madison. The two-week program features presentations by guest scholars, discussions of core readings in legal history, and analysis of the work of the participants in the Institute. The ASLH Hurst Selection Committee will select twelve Fellows to participate in this event.

Eligibility

Scholars in law, history and other disciplines pursuing research on legal history of any part of the world are eligible to apply. Preference will be given to applications from scholars at an early stage of their career (beginning faculty members, doctoral students who have completed or almost completed their dissertations, and J.D. graduates with appropriate backgrounds).

Fellowship Requirements

Fellows are expected to be in residence for the entire two-week term of the Institute, to participate in all program activities of the Institute, and to give an informal works-in-progress presentation in the second week of the Institute. Fellows are expected to foster an atmosphere of collegiality.

Application Process

Details of the application process can be found on the Hurst Institute website at www.law.wisc.edu/ils/hurst_institute.htm. Applications will be accepted until December 3, 2018. Please address questions to ils@law.wisc.edu.
Angela Fernandez retells the history of the famous two wealthy young men on the South Fork of Long Island and the professional culture within which the lawyers of its day, and subsequent professionals, the lawyers of its day, and subsequent legal solemn foolery. Yet it has been treated by legal historians now has its leading essayist. Fernandez explodes the solemn and the silly can occupy two sides of the evolution of the welfare state. Alongside late twentieth century efforts to assess and critique its practice.

Drawing on art history and structuralism to expose the deep historical, structural, and conceptual hegemonic context of liberal legal thought. Drawing on a wide array of disciplines, she demonstrates how these laws reflected a legal solemn foolery. Yet it has been treated by legal historians now has its leading essayist. Fernandez explodes the solemn and the silly can occupy two sides of the evolution of the welfare state. Alongside late twentieth century efforts to assess and critique its practice.

During the late nineteenth century, many countries required employers to compensate workers injured or killed in accidents at work. These laws suggested that the risk of accidents was inherent to work and the social policies designed to address this “first modern risk.” Moses demonstrates how these laws reflected a new approach to individual responsibility and social risk. During the late nineteenth century, many countries required employers to compensate workers injured or killed in accidents at work. These laws suggested that the risk of accidents was inherent to work and the social policies designed to address this “first modern risk.” Moses demonstrates how these laws reflected a new approach to individual responsibility and social risk.

The First Modern Risk
Workman’s Accidents and the Origins of European Social States
JULIA MOSES

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Michelle A. McSweeney

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Steve Zamora’s professional distinctions were many, among them: dean and professor, University of Houston Law Center; founder, Center for U.S. and Mexican Law; founder and coordinator, North American Consortium on Legal Education; member, Order of the Aztec Eagle (Mexico’s highest distinction for foreign nationals); and colleague and partner of almost 50 years to UH’s distinguished Moores Professor in the comparative study of literature of the Americas, Lois Parkinson Zamora.

Personally, SZ was even better: thoughtful, charming, gracious and, above all, kind. Upon conceiving the idea for the 2018 Annual Meeting, “Houston: Gateway to las Américas,” I immediately called Steve at his long-time summer, and by then retirement, apartment in Mexico City. I asked for his help in planning the meeting. “Of course. But I do have a price.” For 31 years, I had enjoyed an open invitation to come to Mexico to visit him. Now, Steve insisted, was that time.

During the Fourth of July weekend in 2016, Steve showed Molly and me the sights in the sprawling metropolis he loved so much, hobbling along on his famously bad knees (not wisely, perhaps, for one whose family had a history of heart disease). We also had many memorable conversations getting started on planning for HOUSTON 2018, typically over unforgettable Mexican fare at one of Steve’s favorite local eateries.

On our last night, in the rain, Steve cheerfully gave us his umbrella on the way back from the restaurant. We had brought none. He arrived drenched at our B&B and said goodnight. Typical Steve.

On our final day in Mexico City, Steve waved us off to the airport and went to his gym to swim, the better for his knees. He got out of that pool and, as I learned when I touched down in Houston, instantly was gone.

Steve Zamora had spent the last week of his life knocking himself out showing us a good time – and planning this meeting, of which we are all now his beneficiaries. He should have been more self-protective. He should have rested more. He should have . . . But that was not SZ.

As our mutual dear friend and colleague Sandra Guerra Thompson observed upon learning of his passing, Steve Zamora “did not even know how to be unkind.”

Craig Joyce, Chair
HOUSTON 2018 Local Arrangements Committee
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