

Hurst Summer Institute in Legal History
– University of Wisconsin –
June 10-21, 2013



PROGRAM

Sponsored by
The Institute for Legal Studies
at the University of Wisconsin Law School
Cosponsored by the American Society for Legal History



2013 Hurst Summer Institute in Legal History

Program

Monday, June 10th

Chair: Hendrik Hartog, Class of 1921 Bicentennial Professor in the History of American Law and Liberty, Professor of History, and Director of the Program in American Studies at Princeton University.

Readings:

- (1) Robert W. Gordon: "Introduction: J. Willard Hurst and the Common Law Tradition in American Legal Historiography"
- (2) Hartog: "Snakes in Ireland: A Conversation with Willard Hurst"
- (3) [Optional] Welke and Hartog: "'Glimmers of Life' A Conversation with Hendrik Hartog"
- (4) Hartog: Chapter 4 "Things Fall Apart" from *Someday All This Will Be Yours: A History of Inheritance and Old Age*.
- (5) Hartog: "Gibbons ASLH Talk"
- (6) Hartog: "Two Stories About Slavery Of (But Only Partly In) New Jersey Or, Why New Jersey Law is Good to Think About" (New Jersey Historical Commission Keynote Address)

Agenda:

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| 8:30-9:00 | Coffee and Conversation in the Lower Lounge Meeting Room |
| 9:00-10:30 | "Introductions and Plans" |
| 10:30-11:00 | Break |
| 11:00-12:30 | "Generations of Legal History - Part 1" |
| 12:30-1:30 | Buffet lunch at the Pyle Center (a few doors down from the Lowell Center, about a five minute walk; two tables will be reserved for "Hurst") |
| 1:30-2:30 | Break |
| 2:30-4:00 | "Generations of Legal History - Part 2" |
| 4:00 | Adjourn until dinner |
| 7:00 | Group Dinner at Husnu's, 547 State Street (Turkish/Mediterranean) |

Tuesday, June 11th

Guest Scholar: Kenneth Mack, Professor of Law, Harvard Law School.

Readings: Essay and selections from *Representing the Race: The Creation of the Civil Rights Lawyer*.

- (1) "Civil Rights History: The Old and the New" (reply to review by Risa Goluboff)
- (2) Introduction
- (3) Chapter 2: "Racial Identity and the Marketplace for Lawyers"
- (4) Chapter 4: "A Shifting Racial Identity in a Southern Courtroom"
- (5) Chapter 9: "The Trials of Pauli Murray"
- (6) Conclusion: "Race and Representation in a New Century"

Agenda:

8:30-9:30	Coffee and conversation in the Lower Lounge
9:30-12:00	<i>Representing the Race</i>
12:00-1:30	Lunch in the Audubon Room at the University Club, 803 State Street
1:30-2:30	Break
2:30-4:00	"The Life of a Legal Historian Teaching at a Law School"
4:00	Adjourn

Dinner on your own.

Wednesday, June 12th

Guest Scholar: Michael Grossberg, Sally M. Reahard Professor of History and Professor of Law, Indiana University.

Readings:

- (1) *The Politics of Childhood: Protecting Children in Modern America*, Chapter 1, "Mary Ellen and the Creation of Child Protection"
- (2) "From Feeble-minded to Mentally Retarded: Child Protection and the Changing Place of Disabled Children in the Mid-Twentieth Century United States," *PAEDAGOGICA HISTORICA*, 47 (2011), 729-47.
- (3) "Taking Stock: Five Years of Editing the AHR," *AHA PERSPECTIVES*, 38 (September 2000).
- (4) "Friends of the Court: A New Role for Historians," *AHA PERSPECTIVES*, 48 (2010).

Agenda:

8:30-9:30	Coffee and conversation in the Lower Lounge
9:30-12:00	"Expanding Boundaries? Age as a Useful Category of Analysis in Legal History"
12:00-1:30	Buffet lunch at the Pyle Center (a few doors down from the Lowell Center, about a five minute walk; two tables will be reserved for "Hurst")
1:30-2:30	Break
2:30-4:00	"What's Scholarly Work? Gatekeeping, Collaborating, and Advocating"
4:00	Adjourn until dinner.
7:00	Group Dinner at Chautara, 334 State Street (Himalayan/Nepalese)

Thursday, June 13th

Guest Scholar: Natalie Zemon Davis, Henry Charles Lea Professor of History Emerita, Princeton University and Adjunct Professor of History, University of Toronto.

Readings:

- (1) "Judges, Masters, Diviners: Slaves' Experience of Criminal Justice in Colonial Suriname"
- (2) Introduction & Chapter 1: "The Time of Storytelling" in *Fiction in the Archives: Pardon Tales and their Tellers in Sixteenth-Century France*.
- (3) "A Life of Learning" 1997 Haskins Lecture (for afternoon discussion)

Agenda:

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| 8:30-9:30 | Coffee and conversation in the Lower Lounge |
| 9:30-12:00 | "The Suriname Study" and "The Pardon Tales" |
| 12:00-1:30 | Lunch on the veranda at the University Club |
| 1:30-2:30 | Break |
| 2:30-4:00 | "Life as a Historian" |
| 4:00 | Adjourn until dinner. |
| 7:00 | Group Dinner at Porta Bella, 425 N. Francis Street (Italian) |

Friday, June 14th

Chair: Hartog

Agenda:

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| 8:30-9:00 | Coffee and Conversation in the Lower Lounge Meeting Room |
| 9:00-10:30 | Fellow Presentation #1: Michael Schoeppner
"Debating the Seamen Acts: Regulation and Legal Change in the Antebellum South" |
| 10:30-11:00 | Break |
| 11:00-12:30 | Fellow Presentation #2: Jesse Nasta
"Mobility and the Multiple Laws of Slavery in Early Illinois, 1787-1824" |
| 12:30-1:30 | Box Lunches delivered to meeting room. |
| 1:30-2:30 | Break |
| 2:30-4:00 | Fellow Presentation #3: Matthew A. Axtell
"White Gaps in a White Mountain: Black Riverboat Entrepreneurs, Commercial Law, and Slavery's Liquidation, 1832-1868" |
| 4:00 | Adjourn until dinner |
| 7:00 | Wisconsin Fish Fry at the Capital Tap Haus, 107 State Street. We have the four pub tables at the front reserved. (Salads and sandwiches also available.) |

Saturday, June 15th

Chair: Hartog

Agenda:

- Early option: Walk up to the Capitol Square for the Farmers Market
9:30-10:00 Coffee in the Lower Lounge
10:00-11:30 Fellow Presentation #4: Suzanne Kahn
"A New Entitlement for New Families: Divorce Insurance and the Role of Marriage in America's 1970s Social Welfare State"
- 11:30-12:00 Light lunch from the Farmers Market.
- 12:00-1:30 Fellow Presentation #5: Anne Fleming
"The Rise and Fall of Unconscionability as the 'Law of the Poor'"
- 1:30-2:00 Break
2:00-3:00 Optional tour of the Wisconsin Historical Society Library. One-hour tour designed for legal historians by Librarian Nancy Mulhern. Check in at the reception desk by 2:00. Following the tour, there will be about 90 minutes for additional library research before closing.

Dinner on your own.

Sunday, June 16th: Free Time

Monday, June 17th

Chair: Hartog

Agenda:

- 8:30-9:00 Coffee and Conversation in the Lower Lounge Meeting Room
9:00-10:30 Fellow Presentation #6: Lily Chang
"Conceptualising Childhood: Judicial Discretion in Wartime Collaborationist China, 1940-1941"
- 10:30-11:45 Break
11:45-12:00 Walk to Law School for lunch in Lubar Commons (7200)
- 12:00-2:00 Buffet Lunch with faculty and staff in Lubar Commons
About 12:30 Howie Erlanger will introduce Dirk, who will briefly introduce the Hurst Fellows before his talk:
"Imagining *Gibbons v. Ogden* without the Commerce Clause: A Sketch"
- 2:00-3:00 Break
3:00-4:30 Fellow Presentation #7: Lisa Eberle
"Property, Land and Territory in the Statecraft of the Roman Republican Empire"
- 4:30 Adjourn

Dinner on your own.

Tuesday, June 18th

Chair: Hartog

Agenda:

8:30-9:00 Coffee and Conversation in the Lower Lounge Meeting Room
9:00-10:30 Fellow Presentation #8: Nurfadzilah Yahaya
"Dutch Colonial Law Governing Arabs in the Netherlands Indies, 1860-1941"
10:30-11:00 Break
11:00-12:30 Fellow Presentation #9: Laurie M. Wood
"A Choreography of Justice in France's Early Modern Empire"

12:30 Box lunches delivered to the meeting room
Adjourn until 6:00 for dinner and special session.

6:00 Convene in the Audubon Room at the University Club

Guest Scholar: Mitra Sharafi, Assistant Professor of Law, UW Law School
Readings: (1) Cover Note
(2) Chapter 5: "The Jury and Intra-Group Control: The Parsi Chief Matrimonial Court"
6:00-7:00 Dinner
7:00-8:30 Presentation and discussion: *Law and Identity in Colonial South Asia: Parsi Legal Culture, 1772-1947* (forthcoming, Cambridge University Press, 2013)
8:30 Adjourn

Wednesday, June 19th

Chair: Hartog

Agenda:

8:30-9:00 Coffee and Conversation in the Lower Lounge Meeting Room
9:00-10:30 Fellow Presentation #10: Gregory Ablavsky
"The Indian Founders: Rethinking Native American Influence on the U.S. Constitution"
10:30-11:00 Break
11:00-12:30 Fellow Presentation #11: Taja-Nia Henderson
"Slavery in the Antebellum Jail"

12:30-1:30 Buffet lunch at the Pyle Center
1:30-2:30 Break
2:30-4:00 Fellow Presentation #12: Jessica Lowe
"Guarding Republican Liberty: St. George Tucker and Judging in Federal Virginia"
4:00 Adjourn

Dinner on your own.

Thursday, June 20th

Guest Scholar: Barbara Young Welke, Professor of History and Professor of Law, McKnight Distinguished University Professor, University of Minnesota.

Readings:

- (1) Barbara Young Welke: "Owning Hazard, A Tragedy"
- (2) Barbara Young Welke: "The Cowboy Suit Tragedy: Spreading Risk, Owning Hazard in the Modern American Consumer Economy"

Agenda:

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| 8:30-9:30 | Coffee and Conversation in the Lower Lounge Meeting Room |
| 9:30-12:00 | "Owning Hazard" |
| 12:00-1:30 | Lunch on the veranda at the University Club |
| 1:30-2:30 | Break |
| 2:30-4:00 | "My Life as a Historian" |
| 4:00 | Adjourn; reconvene in Lowell Lobby by 5:50. |
| 6:00-6:15 | Group Photo in Lowell Lobby: We have a photographer booked for a very short period. Please gather in the lobby before 6:00 so we can do this in 15 minutes and be on our way to the reception. Thank you! |
| 6:30-9:00 | Reception and Banquet at Harvest Restaurant, 21 North Pinckney Street. This is about a ten minute walk from the Lowell Center. |

Friday, June 21st

Chair: Hartog

Agenda:

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| 8:30-9:00 | Coffee and Conversation in the Lower Lounge Meeting Room |
| 9:00-12:00 | Closing Discussion |
| 12:00 | Box lunches delivered to meeting room. |

Hurst Institute ends – Happy Trails and best wishes with your careers as you carry on the Hurstian tradition.