

## Landmark Law Cases and American Society

Peter Charles Hoffer and N.E.H. Hull, series editors

### **Fugitive Slave on Trial** **The Anthony Burns Case and** **Abolitionist Outrage**

Earl M. Maltz

"A level-headed, learned account of the most important contest between law and morality in American history."—Mark A. Graber, author of *Dred Scott and the Problem of Constitutional Evil*

192 pages, Cloth \$34.95, Paper \$17.95

### **Bush v. Gore** **Exposing the Hidden Crisis in** **American Democracy** **Abridged and Updated**

Charles L. Zelden

"Ten years later, this fascinating book invites us to look at *Bush v. Gore* in a new light—not only as the case that decided a presidential election but as a warning call to the country, sadly unheeded, to fix a broken electoral system. A terrific account."—Linda Greenhouse, author of *Becoming Justice Blackmun*

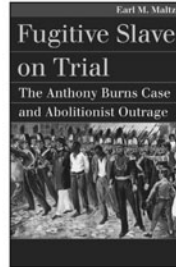
312 pages, Paper \$19.95

### **The Sleepy Lagoon** **Murder Case** **Race Discrimination and Mexican-** **American Rights**

Mark A. Weitz

"A good book and an important contribution to Mexican-American history that offers strong insights into the controversial legal issues surrounding the Sleepy Lagoon Case."—George Sanchez, author of *Becoming Mexican American*

232 pages, Cloth \$34.95, Paper \$17.95



### **Roe v. Wade** **The Abortion Rights Controversy in** **American History** **Second Edition, Revised and Expanded**

N. E. H. Hull and Peter Charles Hoffer

This revised and expanded edition adds two new chapters covering abortion politics and legal battles in the post-9/11 era.

"Skillfully marshals an impressive amount of material from social history, legal history, and politics."—*Washington Post Book World*

"An astute and balanced guide to a much debated subject."—Mark V. Tushnet, author of *Abortion: Constitutional Issues*

384 pages, Cloth \$39.95, Paper \$19.95

### **Gibbons v. Ogden** **John Marshall, Steamboats, and the** **Commerce Clause**

Herbert A. Johnson

"An original and authoritative study of the 'steamboat monopoly case' by a master historian that should be required reading for all serious students of American constitutional law."

—Charles F. Hobson, author of *The Great Chief Justice: John Marshall and the Rule of Law*

216 pages, Cloth \$34.95, Paper \$17.95



**University Press of Kansas**

785-864-4155 • Fax 785-864-4586 • [www.kansaspress.ku.edu](http://www.kansaspress.ku.edu)

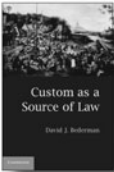
CAMBRIDGE

## Outstanding Scholarship from Cambridge

Custom as a Source of Law

DAVID J. BEDERMAN

\$85.00; Hb: 978-0-521-89704-4; 256 pp.  
\$29.99; Pb: 978-0-521-72182-0



Blackstone in America

Selected Essays of Kathryn Preyer

MARY SARAH BILDER,  
MAEVA MARCUS,  
AND R. KENT NEWMYER

\$88.00; Hb: 978-0-521-49087-0; 302 pp.

Repressive Jurisprudence

in the Early American Republic  
The First Amendment and the  
Legacy of English Law

PHILLIP I. BLUMBERG

\$120.00; Hb: 978-0-521-19135-7; 432 pp.

The Constitutional Origins  
of the American Revolution

JACK P. GREENE

*New Histories of American Law*  
\$80.00; Hb: 978-0-521-76093-5; 224 pp.  
\$21.99; Pb: 978-0-521-13230-5



Legal Publishing in  
Antebellum America

M. H. HOEFELICH

\$90.00; Hb: 978-0-521-19206-4; 208 pp.

Race and Citizen Identity in the  
Classical Athenian Democracy

SUSAN LAPE

\$90.00; Hb: 978-0-521-19104-3; 356 pp.

European Legal History

A Cultural and Political Perspective

RANDALL LESAFFER

TRANSLATED BY JAN ARRIENS

\$120.00; Hb: 978-0-521-87798-5; 560 pp.  
\$54.99; Pb: 978-0-521-70177-8

Marriage Law and Practice  
in the Long Eighteenth Century  
A Reassessment

REBECCA PROBERT

*Cambridge Studies in  
English Legal History*

\$102.00; Hb: 978-0-521-51615-0; 370 pp.

Industrial Violence and the  
Legal Origins of Child Labor

JAMES D. SCHMIDT

*Cambridge Historical Studies in  
American Law and Society*

\$85.00; Hb: 978-0-521-19865-3; 304 pp.  
\$27.99; Pb: 978-0-521-15505-2

Literary Copyright Reform  
in Early Victorian England

The Framing of the 1842 Copyright Act

CATHERINE SEVILLE

*Cambridge Studies in  
English Legal History*

\$60.00; Pb: 978-0-521-17450-3; 312 pp.

The Victorian Taxpayer  
and the Law

A Study in Constitutional Conflict

CHANTAL STEBBINGS

*Cambridge Tax Law Series*

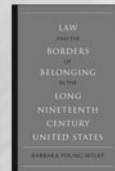
\$144.00; Hb: 978-0-521-89924-6; 244 pp.

Law and the Borders of  
Belonging in the Long  
Nineteenth Century  
United States

BARBARA YOUNG WELKE

*New Histories of American Law*

\$74.00; Hb: 978-0-521-76188-8; 256 pp.  
\$19.99; Pb: 978-0-521-15225-9



The Sins of the Fathers

The Law and Theology of  
Illegitimacy Reconsidered

JOHN WITTE, JR.

\$89.00; Hb: 978-0-521-83941-9; 226 pp.  
\$28.99; Pb: 978-0-521-54824-3

Law's Cosmos

Juridical Discourse in  
Athenian Forensic Oratory

VICTORIA WOHL

\$99.00; Hb: 978-0-521-11074-7; 376 pp.

Prices subject to change.

[www.cambridge.org/us](http://www.cambridge.org/us)



CAMBRIDGE  
UNIVERSITY PRESS

CAMBRIDGE

## NEW from Cambridge University Press

### Freedom Bound

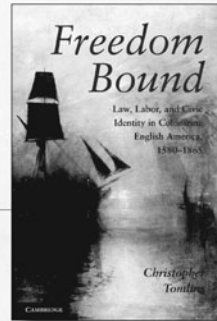
Law, Labor, and Civic Identity in Colonizing  
English America, 1580–1865

CHRISTOPHER TOMLINS

*University of California, Irvine and American Bar Foundation*

\$115.00 | Hardback | 978-0-521-76139-0

\$36.99 | Paperback | 978-0-521-13777-5



*“Freedom Bound is a truly magisterial work by one of the finest minds currently working in the field of legal history.”*

–**John Comaroff, University of Chicago and American Bar Foundation**

*“Beautifully written, deeply researched, and elegantly argued, Freedom Bound is legal history that changes the way we understand U.S. history. Tomlins masterfully retells the story of America’s founding by following the developing relationships among labor, law, and civic identity. While focused on early America, Freedom Bound speaks broadly to questions about freedom and equality that continue to define the nation’s history into the twenty-first century.”*

–**Laura F. Edwards, Duke University**

*“An ambitious effort to remake the landscape of the history of the origins of American culture, Tomlins’ learned and masterful volume may well turn out to be the most important work published in American history over the past quarter century.”*

–**Jack P. Greene, Johns Hopkins University**

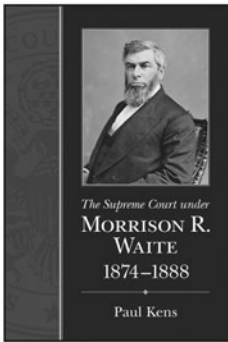
*Freedom Bound is about the origins of modern America – a history of colonizing, work, and civic identity from the beginnings of English presence on the mainland until the Civil War. It is a history of migrants and migrations, of colonizers and colonized, of households and servitude and slavery, and of the freedom all craved and some found. Above all it is a history of the law that framed the entire process. Freedom Bound tells how colonies were planted in occupied territories, how they were populated with migrants – free and unfree – to do the work of colonizing, and how the newcomers secured possession. It tells of the new civic lives that seemed possible in new commonwealths, and of the constraints that kept many from enjoying them. It follows the story long past the end of the eighteenth century until the American Civil War, when – just for a moment – it seemed that freedom might finally be unbound.*

*Prices subject to change.*

[www.cambridge.org/us](http://www.cambridge.org/us)



**CAMBRIDGE**  
UNIVERSITY PRESS

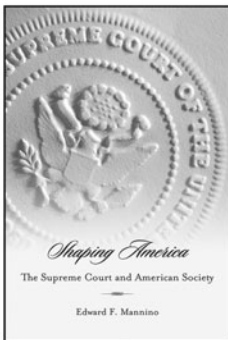


**The Supreme Court under  
Morrison R. Waite, 1874–1888**  
**Paul Kens**

“In this adroit survey of Supreme Court history from 1874 to 1888, Paul Kens brings an authoritative narrative packed with insightful analysis of the key cases, historical incident, and personalities, all placed in a dynamic historical context of racial violence, westward expansion, and increasingly powerful business interests.”

—Chris Waldrep, San Francisco State University  
272 pp., 8 illus., cloth, \$49.95

*Chief Justiceships of the United States Supreme Court*  
Herbert A. Johnson, series editor



**Shaping America**

*The Supreme Court and American Society*

**Edward F. Mannino**

“In this superb volume of legal history by a top trial lawyer turned historian, Ed Mannino reviews the full breadth of the Supreme Court’s impact on American society, and vice versa. I rate it a must-read for any student of the law and history.”—Jerold S. Solovy, trustee of the Supreme Court Historical Society

328 pp., cloth, \$44.95

Available at local bookstores or from  
800.768.2500 • [www.uscpress.com](http://www.uscpress.com)



NEW FROM GEORGIA



### Who Gets a Childhood?

Race and Juvenile Justice in Twentieth-Century Texas

William S. Bush  
\$24.95 pa

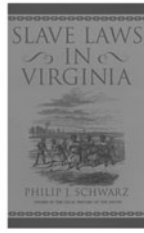
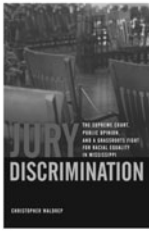
POLITICS AND CULTURE IN THE  
TWENTIETH-CENTURY SOUTH

### Jury Discrimination

The Supreme Court, Public Opinion,  
and a Grassroots Fight for Racial Equality  
in Mississippi

Christopher Waldrep  
\$44.95 cl

A volume in the series *Studies in the Legal  
History of the South*



NEW IN PAPERBACK

### Slave Laws in Virginia

Philip J. Schwarz  
\$24.95 pa

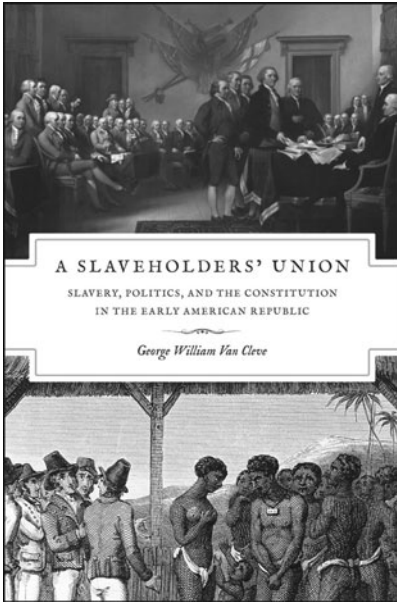
A volume in the series *Studies in the Legal  
History of the South*

### The Spirit of Classical Canon Law

R. H. Helmholz  
\$28.95 pa

A volume in the series  
*The Spirit of the Laws*

The University of  
**GEORGIA**  
PRESS  
800-266-5842  
www.ugapress.org



## A SLAVEHOLDERS' UNION

SLAVERY, POLITICS, AND THE  
CONSTITUTION IN THE  
EARLY AMERICAN REPUBLIC

*George William Van Cleave*

"Van Cleave's treatment of the subject of slavery as central to nearly every aspect of political and legal life in the late eighteenth and early nineteenth centuries is so thoroughly researched and comprehensive that it becomes the definitive work on the subject."

Richard R. Beeman, author of *Plain, Honest Men:  
The Making of the American Constitution*

CLOTH \$39.00

The University of Chicago Press  
www.press.uchicago.edu

CAMBRIDGE



## CAMBRIDGE LIBRARY COLLECTION

*Books of enduring scholarly value*



In the spirit of Cambridge University Press's continued commitment to innovation and enterprise, the Cambridge Library Collection launched in July 2009, making an initial group of 475 out-of-print books available again. Another 1,000 will follow by the end of 2009 and 3,000 titles a year will be added as the program continues.

Drawing from the world-renowned collections in the Cambridge University Library, these books are carefully selected by experts in each subject area because of their scholarly importance or as landmarks in the history of their academic discipline.

Cambridge University Press is using state-of-the-art scanning machines to capture the contents of each book. The files are processed to give a consistently clear, crisp image, and the books finished to the high-quality standard for which the press is recognized around the world. The latest print-on-demand technology ensures that the books will remain available indefinitely.

The Cambridge Library Collection will revive books of enduring scholarly value across a wide range of disciplines in the humanities, social sciences, science and technology.



[www.cambridge.org/us](http://www.cambridge.org/us)

 **CAMBRIDGE**  
UNIVERSITY PRESS

CAMBRIDGE

JOURNALS



# Legal Theory

## EDITORS:

MATTHEW D. ADLER  
*University of Pennsylvania Law School, USA*

LARRY ALEXANDER  
*University of San Diego Law School, USA*

DAVID O. BRINK  
*University of California, San Diego, USA*

SCOTT J. SHAPIRO, *Yale Law School, USA*

*Legal Theory* draws contributions not only from academic law, but from a wide range of related disciplines in the humanities and social sciences, including philosophy, political science, economics, history and sociology. Topics covered fall mainly into the broad categories of analytical and normative jurisprudence, doctrinal theory, policy analyses of legal doctrines and critical theories of law.

## **Legal Theory Digital Archive 1995-1998**

- is a repository of every single article published in the journal from 1995 to 1998 reproduced as high-resolution, searchable PDFs
- marks the complete digitisation of *Legal Theory*, with all material available through Cambridge Journals Online

*For pricing information in the Americas:* [USJournals@cambridge.org](mailto:USJournals@cambridge.org)

*In the Rest of the World:* [jnlsales@cambridge.org](mailto:jnlsales@cambridge.org)

## **Subscribe to *Legal Theory***

Quarterly. Volume 17, 2011  
ISSN 1352-352. E-ISSN 1469-8048  
Individuals, print only: \$75 / £43  
Institutions, print + online: \$307 / £175  
Institutions, online only: \$262 / £151

## Recommend

### ***Legal Theory***

directly from its homepage -  
**FREE** online access for you  
when your library subscribes!

[journals.cambridge.org/leg](http://journals.cambridge.org/leg)

## **In the U.S., Canada, or Mexico, in US\$:**

Journals Marketing, Cambridge University Press  
32 Avenue of the Americas  
New York, NY 10013-2473, USA  
Tel: 800-872-7423 / Fax: 845-353-4141  
Email: [journals\\_subscriptions@cambridge.org](mailto:journals_subscriptions@cambridge.org)

## **Elsewhere in the world, in £Sterling:**

Cambridge University Press, Journals Dept  
Edinburgh Building, Shaftesbury Road  
Cambridge CB2 8RU UK  
Tel: +44 (0) 1223 326070 / Fax: +44 (0) 1223 325150  
Email: [journals@cambridge.org](mailto:journals@cambridge.org)

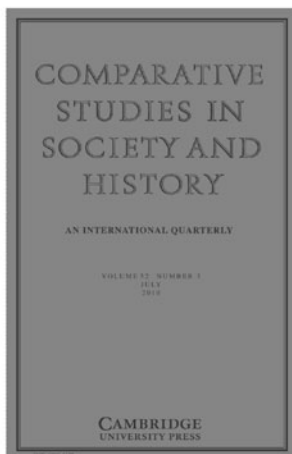


**CAMBRIDGE**  
UNIVERSITY PRESS

CAMBRIDGE

JOURNALS

Published for the Society for Comparative Study of Society and History



# Comparative Studies in Society and History

EDITOR:

ANDREW SHRYOCK, *University of Michigan, USA*

***Comparative Studies in Society and History*** is an international forum for new research and interpretation concerning problems of recurrent patterning and change in human societies through time and in the contemporary world. ***Comparative Studies in Society and History*** sets up a working alliance among specialists in all branches of the social sciences and humanities as a way of bringing together multidisciplinary research, cultural studies, and theory, especially in anthropology, history, political science, and sociology. Review articles and discussion bring readers in touch with current findings and issues.

***Comparative Studies in Society and History***

Quarterly. Volume 53, 2011  
ISSN 0010-4175. E-ISSN 1475-2999  
Students, print only: \$26 / £13  
Individuals, print only: \$56 / £29  
Institutions, print + online: \$222 / £142  
Institutions, online only: \$190 / £121

Recommend

***Comparative Studies in  
Society and History***

directly from its homepage -

**FREE** online access for you  
when your library subscribes!

**[journals.cambridge.org/css](http://journals.cambridge.org/css)**

**In the U.S., Canada, or Mexico, in US\$:**

Journals Marketing  
Cambridge University Press  
32 Avenue of the Americas  
New York, NY 10013-2473, USA  
Tel: 800-872-7423 / Fax: 845-353-4141  
Email: [journals\\_subscriptions@cambridge.org](mailto:journals_subscriptions@cambridge.org)

**Elsewhere in the world, in £Sterling:**

Cambridge University Press  
Journals Customer Service Dept  
Edinburgh Building, Shaftesbury Road  
Cambridge CB2 8RU UK  
Tel: +44 (0) 1223 326070  
Fax: +44 (0) 1223 325150  
Email: [journals@cambridge.org](mailto:journals@cambridge.org)

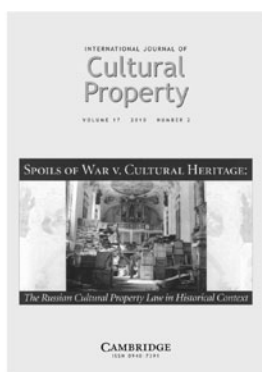


**CAMBRIDGE  
UNIVERSITY PRESS**



CAMBRIDGE

JOURNALS



# International Journal of Cultural Property

Published for the  
International Cultural Property Society

**EDITOR:**

ALEXANDER A. BAUER, *Queens College, CUNY, USA*

*International Journal of Cultural Property* provides a vital, international, and multidisciplinary forum for the broad spectrum of views surrounding cultural property, cultural heritage, and related issues.

Its mission is:

- to develop new ways of dealing with cultural property debates
- to be a venue for the proposal or enumeration of pragmatic policy suggestions
- to be accessible to a wide audience of professionals, academics, and lay readers

This peer-reviewed journal publishes original research papers, case notes, documents of record, chronicles, conference reports, and book reviews.

Contributions come from the wide variety of fields implicated in the debates - **law, anthropology, public policy, archaeology, art history, preservation, ethics, economics, museum-, tourism-, and heritage studies** - and from a **variety of perspectives and interests - indigenous, Western, and non-Western; academic, professional and amateur; consumers and producers** - to promote meaningful discussion of the complexities, competing values, and other concerns that form the environment within which these disputes exist.

***International Journal of Cultural Property***

Quarterly. Volume 18, 2011  
ISSN 0940-7391. E-ISSN 1465-7317  
Individuals, print only: \$70 / £35  
Institutions, print + online: \$355 / £208  
Institutions, online only: \$290 / £171

Recommend

***International Journal of  
Cultural Property***

directly from its homepage -  
**FREE** online access for you  
when your library subscribes!

[journals.cambridge.org/jcp](http://journals.cambridge.org/jcp)

**In the U.S., Canada, or Mexico, in US\$:**

Journals Marketing  
Cambridge University Press  
32 Avenue of the Americas  
New York, NY 10013-2473, USA  
Tel: 800-872-7423 / Fax: 845-353-4141  
Email: [journals\\_subscriptions@cambridge.org](mailto:journals_subscriptions@cambridge.org)

**Elsewhere in the world, in £Sterling:**

Cambridge University Press, Journals Dept  
Edinburgh Building, Shaftesbury Road  
Cambridge CB2 8RU UK  
Tel: +44 (0) 1223 326070 / Fax: +44 (0) 1223 325150  
Email: [journals@cambridge.org](mailto:journals@cambridge.org)



**CAMBRIDGE  
UNIVERSITY PRESS**

## Note to Contributors

---

The editors welcome unsolicited article manuscripts for review, but commission all book reviews. Authors should submit their manuscripts online at <http://journals.cambridge.org/lhr>. Step-by-step instructions on the website explain the submission process. Manuscripts must be double-spaced typescript throughout, with citations prepared according to the *Chicago Manual of Style*, 15th ed. The *Review's* style guides for articles and book reviews are available on the *LHR* web page at <http://journals.cambridge.org/lhr>. Please use word processing. Submitted manuscripts are subject to double-blind peer review; authors should therefore identify themselves on the title page only. Accepted manuscripts are copyedited for style but not substance; authors remain responsible for citation accuracy and for all statements of fact or opinion. *Law and History Review* will not consider any manuscript concurrently submitted for publication elsewhere. Submission of a manuscript is understood to commit its author to publish the manuscript in *Law and History Review* if accepted by the editor.

---

# American Society for Legal History

---

The American Society for Legal History is a nonprofit membership organization dedicated to fostering scholarship, teaching, and study concerning the law and institutions of all legal systems, both Anglo-American and international. Founded in 1956, the Society sponsors the journal and *Studies in Legal History*, a series of book-length monographs available to ASLH members at substantial prepublication discounts. In addition, the Society holds an annual meeting to promote scholarship and interaction among teachers, practitioners, and students interested in legal history, and publishes a semiannual newsletter reporting developments in the field. For further information concerning the Society, please write: Sally Hadden, Department of History, Western Michigan University, 4301 Friedmann Hall, Kalamazoo, MI 49008-5334, USA.

To become a member of the Society or to renew your membership please complete, print out, and mail the following form to: Cambridge University Press, Attention: Customer Services, 100 Brook Hill Drive, West Nyack, NY 10994-2133, USA; or print it out and fax it to: 845-353-4141.

---

## Membership Application

Please check appropriate membership below:

Regular Member, with an annual income

_____	below \$50,000	\$ 60.00	_____	Student Member	\$ 25.00
_____	\$50,000 – \$74,999	\$ 70.00	_____	Emeritus	\$ 35.00
_____	\$75,000 – \$99,999	\$ 80.00	_____	Life Member	\$ 2,000.00
_____	\$100,000 – \$124,999	\$ 90.00	_____	Sponsor	\$ 250.00
_____	\$125,000 – \$149,999	\$ 100.00	_____	Institution	\$ 175.00
_____	\$150,000 and above	\$ 125.00			

(The Society no longer accepts institutional memberships, but checking this line will make your institution an institutional subscriber to *Law and History Review*.)

Membership fees must be paid in U.S. dollars by check drawn on a U.S. bank or by MasterCard, Visa, or American Express charge. Questions? Call Cambridge University Press at 1-800-872-7423.

Total Amt: \$ \_\_\_\_\_ Visa/MC/Amex: \_\_\_\_\_

Name on card: \_\_\_\_\_ Exp. Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Institution: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Country (if not the US): \_\_\_\_\_

Phone (Home): \_\_\_\_\_ (Office): \_\_\_\_\_

Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

# American Society for Legal History

---

## Officers, 2010

Constance Backhouse  
*University of Ottawa*  
President

Bruce H. Mann  
*Harvard University*  
President-elect

Craig Klafter  
*Oxford Brookes University*  
Treasurer  
Sally Hadden  
*Florida State University*  
Secretary

## Board of Directors

Mary Sarah Bilder  
*Boston College*  
Holly Brewer  
*North Carolina State University*  
Alfred L. Brophy  
*University of North Carolina*  
Mary Dudziak  
*University of Southern California*  
Risa L. Goluboff  
*University of Virginia*  
Annette Gordon-Reed  
*New York Law School*

Martha S. Jones  
*University of Michigan*  
Adam Kosto  
*Columbia University*  
Michael Lobban  
*University of London*  
Maeva Marcus  
(Immediate Past-President)  
*George Washington University*  
M. C. Mirow  
*Florida International University*

Dylan C. Penningroth  
*Northwestern University/  
American Bar Foundation*  
Rebecca J. Scott  
*University of Michigan*  
Karen Tani  
(Graduate Student Representative)  
*University of Pennsylvania*  
John Wertheimer  
*Davidson College*  
Victoria Saker Woeste  
*American Bar Foundation*

## Publications Committee

Bruce H. Mann, Chair  
*Harvard University*  
Cornelia Dayton  
*University of Connecticut*  
Daniel Ernst  
*Georgetown University*

Cynthia Herrup  
*University of Southern California*  
Craig Evan Klafter  
*Oxford Brookes University*  
David Lieberman  
*University of California, Berkeley*

Linda Przybyszewski  
*University of Notre Dame*  
David S. Tanenhaus  
*University of Nevada, Las Vegas*  
Christopher Waldrep  
*California State University, San Francisco*

## Fellows of the American Society for Legal History

*Honorary Fellows*  
Morris S. Arnold  
Morris Cohen  
Lawrence M. Friedman  
R. H. Helmholz  
*Corresponding Fellows*  
J. H. Baker  
Raoul C. Van Caenegem  
Ennio Cortese  
Robert Feenstra

Morton J. Horwitz  
Harold M. Hyman  
Laura Kalman  
Stanley N. Katz  
John T. Noonan, Jr.  
André Gouron  
Paolo Grossi  
Peter Landau  
Anne Lefebvre-Teillard  
Hector L. MacQueen

John Phillip Reid  
Harry N. Scheiber  
A. W. B. Simpson  
W. A. J. Watson  
S. F. C. Milsom  
Kjell Modéer  
Peter G. Stein  
Michael Stolleis



**Mixed Sources**  
Product group from well-managed  
forests, controlled sources and  
recycled wood or fiber

Cert no. SGSNA-COC-004848  
www.fsc.org

©1996 Forest Stewardship Council

Cambridge Journals Online

For further information about this journal please  
go to the journal web site at:

[journals.cambridge.org/lhr](http://journals.cambridge.org/lhr)

**CAMBRIDGE**  
UNIVERSITY PRESS