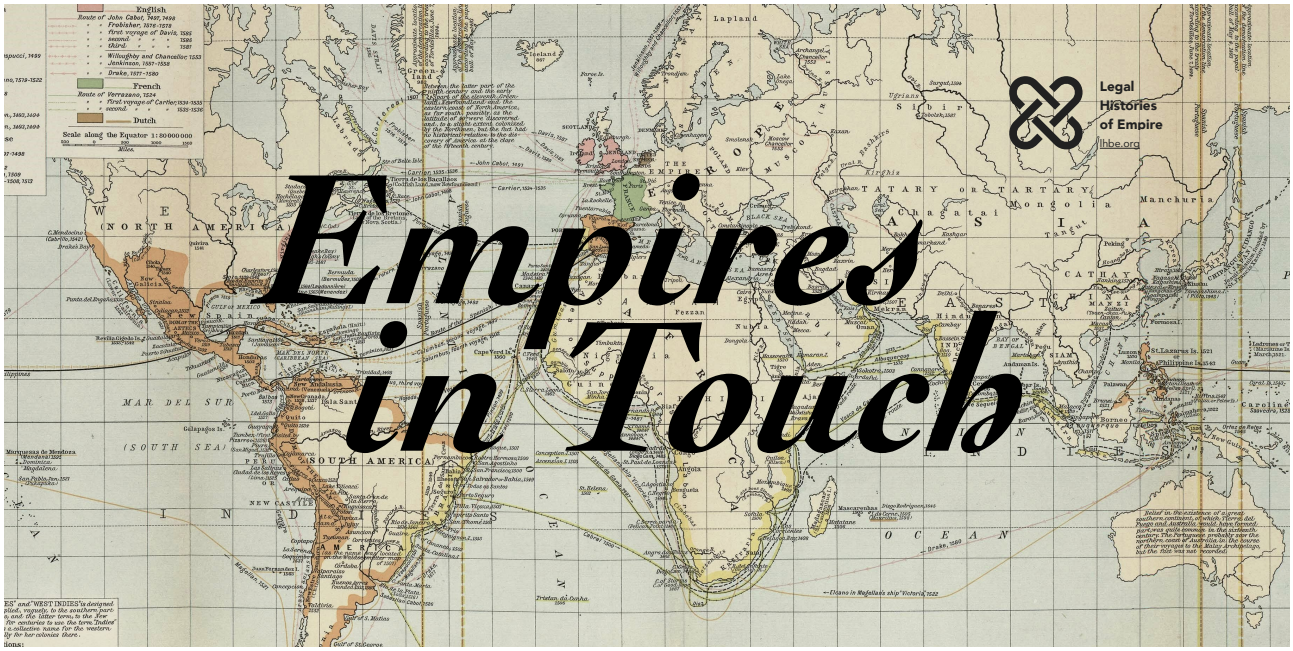

Abstract Book

Panels

Denoted with a * on the program

Listed in Session Order

Individual Abstracts

Listed by Presenter in Alphabetical Order

PANEL: Mobility, Illegality and Imperial legalism

Stream: Illegality – Session A

Perched around the theme of mobility, legality, and illegality within and across empires as well as across different territorial jurisdictions within the region of South Asia, this panel aims to underscore two chief characteristics of imperial legalism as developed between the late eighteenth and the early twentieth century: one, law was susceptible to be extremely malleable when confronted with spatial variations and movements of people. In individual papers, it appears in relation to complex engagements between coast and mainland, British territory and princely states, and predicaments of oceanic shipping. Two, while attempting to uphold a universal value since the late eighteenth century, social conditions along ideas of race, nativity, criminality, and labour upended the law's claim of universality. Ethnic, cultural, and gendered identities percolated deep into the functioning of the law. Imperial legalism was as much about the desire to be universally lawful as it was about its limits to be imperial.

Sukhalata Sen

Deviant Spaces: Smuggling and Counterfeiting in Colonial India

This paper looks at the braided histories of smuggling and counterfeiting of silver in late nineteenth century India. In the context of global depreciation of silver from 1873-1899, the changes in the global monetary policies and the shift to gold standard resulted in a carving of the hemispheres into two: the silver regions (colonies) and the gold regions (colonists). Such marking off of the two hemispheres encouraged acute consciousness of regional, national, and global identities. This consciousness became intensely felt in the Princely States, which emerged as liminal spaces within the colonial authority of the British Indian government. The paper argues two things: first, how law and policing carved out the world of the Princely States as deviant spaces, as home of smugglers and counterfeiters. It will look at how such spaces became the testing grounds for new technologies of rule in policing, customs and minting. Second, it will locate the limits of imperial control over the movement of silver, money and people in such regions. It will argue that counterfeiting emerged as a dominant lens to sweep over all ambiguities of space, social, regional identities by imperial governance. In trailing this, it will reveal how a financial crime gets submerged under the Criminal Tribes Act, designed to contain the mobility of itinerant subjects, and thereby revealing not only the limitations of the counterfeiting laws, but also the fragility of laws buttressing the empire in a moment of global silver crisis.

Sukhalata Sen is a legal historian with specialisation in histories of capitalism and crime. Her PhD titled 'A Sleight of Hand: Counterfeiting Money in Colonial India' studied counterfeiting money and the laws around it as contested sites for notions of value, social obligations, and politics of resistance. She has published papers on evolution of law reporting and counterfeiting in India. She has previously taught at Ashoka University (New Delhi) and National Law School of India University (Bangalore).

Rukmini Chakraborty Rukmini

"Fraudsters, Tricksters and Registers": the politics of maritime protection in mid nineteenth century Indian Ocean

This paper intends to chart a chequered itinerary of early nineteenth century British Shipping Registry Acts(a document denoting the points of origin of the ships and their journeys) prevalent in the Indian Ocean rim. It draws attention to the manner in which the mid nineteenth century British shipping pass regime was shifting towards devising quotidian structures of authority instead of an early modern protection regime based on spectacular demonstrations of punitive power accompanied by retributive violence. In the wake of the abolition of the Company's India (1813) and China Monopolies (1833), the English East India Company, driven by mundane needs of revenue collection inaugurated a process to "regulate", "catalogue" and "order" the maritime traffic in the Indian Ocean. The first section of the paper examines the processes by which Shipping lobbies from India, Company officials, and London elites struggled to determine the precise jurisdictional boundaries

of the Company pass system in the domain of intra-Asian commerce. The next section of the paper brings in individual cases and legal vignettes, to understand how European doctrines and legal precedents travelled and were translated, applied and subverted in quotidian commercial dealings in the Indian Ocean. In a study of micro-historical vignettes and legal cases concerning Muscati, American and Parsee interlopers, this paper will demonstrate how the normative conflicts within the European traditions of international law, emerged as a critical malleable legal tool in the hands of Asian commercial subjects, throwing into sharp relief the liberal dilemmas surrounding the 'Empire of Free Trade'

Rukmini Chakraborty Rukmini is a graduate student at the European University Institute, Firenze. She holds a second master's degree from Cornell University where her field of emphasis was Southeast Asian Studies. In her MA dissertation, she looked at the gift-giving practices in the archipelagic world of Southeast Asia and argued how the gift-giving practices between European powers and Southeast Asian principalities form an understudied episode in the genealogy of early modern international law and contract laws. She also holds an Mphil from Centre for Studies in Social Sciences Calcutta and a master's degree from Jawaharlal Nehru University, New Delhi in Modern South Asian History. Her research interests are in the legal history of the Indian Ocean region , and how law emerged as a bridge between the human actors and the "non-human" in the early nineteenth century eastern Indian ocean world.

Nitin Sinha

Global subalterns and porous legalities: Calcutta, 1760s-1800s

Calcutta was not only the city of European and Indian elites with sumptuous possession of wealth and opulence but also of servants, coolies, workmen, prostitutes, French fugitives, Portuguese pirates, Manila men, international seamen, runaway sailors, coffrees (enslaved people of African descent), Chinamen, Malay ship deserters and, not least, the British 'low and licentious' who spent their nights in punch houses, brothels, taverns, and, not so infrequently, were found loitering on the streets. Vagrant Europeans, sailors, Portuguese, Haitians, Germans, Italians, Spaniards and many others formed 'multi-ethnic and multinational gangs' committing robberies and burglaries.

The global subalterns of the second imperial capital created a grave situation for legal order in the city. While the language of crime treated Indians and Europeans almost similar, the practice of law made a difference between them. In general, 'foreign Europeans', when convicted, had to be deported to Europe; the Indian marginals often ended up in jail. While adopting a biographical approach to some of the most colourful characters of late eighteenth-century global subalterns moving in and out of Calcutta, the paper will investigate the legal mechanism, overlapping with territorial-cultural identities, designed to control this group.

Nitin Sinha is a social historian of eighteenth and nineteenth centuries colonial India. He is currently leading an ERC funded project, 'Timely Histories: A Social History of Time' on a history of time and temporality in early modern and modern South Asia. He is a permanent fellow at the Leibniz-Zentrum Moderner Orient, Berlin. He has worked and published on histories of transport, communication, labour, and law.

Vidhya Raveendranathan

Taming the Shore: Making labour laws in the late eighteenth and nineteenth century Madras

This paper looks at how a series of regulations changed the Madras coastline into a spatially coherent legal space through property laws, fortifications, policing, and a punitive summary justice system. It explores the enduring tensions between the colonial fixing of boundaries between land and sea and its disruption by the lived social practices, moral economies and everyday interactions of a range of itinerant coastal populations. In the absence of a natural harbour in Madras, the early colonial state in the late eighteenth and early nineteenth centuries was dependent on the hard labour of a motley group of fishermen to transport essential supplies from the ships to the shore. The fluid boundaries between land and sea and the anomalous juridical status of the beach enabled the coastal communities to pilfer and land the precious cargo at strategic points without getting impounded by the port officials. As the port attracted increased shipping traffic in the nineteenth century,

multiple channels of pilferage and smuggling via cheaply manufactured masulah boats threatened to unsettle the colonial rule of law. Despite attempts of the Company state to co-opt Indian? local authorities and to fuse local authority with bureaucratic authority, their goal to fix coastal labour into a spatial and social arrangement suitable for their mode of labour discipline often failed. Coastal labour resisted the bureaucratic and jurisdictional logics of a commercial economic space constructed around labour discipline, criminalization of perquisites and contractual obligations mediated by legal jurisprudence and jurisdictions.

Vidhya Raveendranathan is a final year graduate at the Centre for Modern Indian Studies, Georg- August-Goettingen University. Her dissertation titled ' Beyond slavery : Histories of urban labour in colonial Madras' is at the intersection of urban, legal and labour history with a special focus on the impact of infrastructure building, property making, policing and legal regulation and sanitary engineering in reworking a broad range of occupations formerly subject to particularistic obligations and social ties into abstract labour. She taught previously at the National Law School University, Bangalore.

PANEL: Exploring the British Empire through the Work and Records of the Judicial Committee the Privy Council

Stream: General – Session A

The Judicial Committee was created under the Judicial Committee Act 1833 to act, amongst other things, as the highest court of appeal for the rapidly expanding British Empire. Sitting in Downing Street, in London, it administered the legal affairs of an empire which in many respects reflected the organic, pragmatic, common law constitution of the country at its heart. As it did so, it grappled with, not only the multi-faceted diversity of the British Empire and its peoples and places, but also with the undeniable complexity and variety of its laws, legal systems, and institutions. It encountered, too, both the shifting and heterogenous ideas, understandings, and conceptions of imperial officers as to the laws of empire and their proper administration, and, at least on occasion, the agency and acuity displayed by colonial subjects as they negotiated the legal labyrinth in pursuit of justice. In consequence, as the contributors to this panel will demonstrate, the appeal papers of the Court (PCAP 6 at The National Archives, UK) offer a fascinating window upon the legal world of the British Empire from a point at which the metropole and its imperial possessions met.

Panel lead: Dr Charlotte Smith, The National Archives, UK

Ray Cocks

The Judicial Committee of the Privy Council and 'a Calcutta Problem'

Regarding Indian appeals to the Judicial Committee of the Privy Council, in the 1870s contemporaries clearly thought that there was 'a Calcutta problem'. A notably large number of appeals came from that city, particularly in respect of intricate land disputes. These appeals were disproportionally successful when compared with appeals from other Indian High Courts. The responsible local department was under-staffed and extensive delays in taking cases forward were endemic. The documents presented on appeal could be prolix and uncoordinated. The courts of first instance in the countryside in Bengal might not apply the same laws as were being used in the city by the High Court. The record of evidence arising out of first instance trials was limited in respect of appeals to the High Court but more extensive on appeal to the Privy Council: as a result, the latter tribunal might be faced with different evidence making the decision of the High Court difficult to understand. Even in respect of points of law, the role of special appeals in the High Court did not necessarily dove-tail with the analysis of legal issues in the Privy Council. In short, the arrangements were not an advertisement for imperial law-making and they alarmed contemporaries.

Professor Ray Cocks:
Employment: Professor of Law Emeritus, Keele University.
Research: History of English law, legal thought and legal biography with a focus on the long nineteenth century, legal history of empire – especially in relation to India. Presentation and publication details available on request.
Service: Editorial Board of the Journal of Legal History.

Mark Lunney

Australian Federation and the Changing Role of the Judicial Committee of the Privy Council

When delegates came to London seeking approval for Australian federation, they brought a draft constitution that abolished appeals to the Privy Council and put the High Court of Australia in its place. This did not prevail. But the creation of an alternative source of authority in the High Court necessarily changed the Privy Council's status – a change which this paper traces through cases from the mid-1890s to the end of the first decade of the twentieth century. At the beginning of this period, pursuit of a definitive statement of the law necessarily meant an appeal to the Privy Council. By the end, tensions as to the locus of ultimate judicial authority had surfaced. As a remnant of the old order, the Privy Council could be set-off against the High Court by opponents of federation. Equally, it could infuriate when it failed (according to Australians) to recognise that Australians

might know how best to develop the common law in Australia. Ultimately, the question begged is not whether the Privy Council justified its legal pre-eminence as the apex court but, rather, how the right of appeal was maintained for as long as it was in light of domestic legal ambivalence as to the value of its product.

Professor Mark Lunney:
Employment: Professor of Tort Law, Dickson Poon School of Law, King's College London; Adjunct Professor, School of Law, University of New England (Australia)
Professional Qualifications: Solicitor of the Supreme Court of Queensland (non-practising); Solicitor of the Senior Courts of England and Wales (non-practising).
Education: BA; LLB (Hons) (University of Queensland); LLM (University of Cambridge).
Research: Tort Law and Legal History, particularly the history of private law, especially tort law, in white Australian history. Presentation and publication details available on request.
Service: Fellow, Australian Academy of Law; Council member, Francis Forbes Society for Australian Legal History; Executive Committee, World Tort Law Society; Fellow, Australian Centre for Private Law, TC Beirne School of Law, University of Queensland.

Catharine MacMillan

Canada, Canadians and the Judicial Committee of the Privy Council

The decisions of the Judicial Committee of the Privy Council shaped the Canadian constitution in ways which endure into the twenty-first century, long past the point at which Canada stopped sending appeals to the Judicial Committee. Unsurprisingly the role of the Judicial Committee has long been studied and the motivations of a group of British judges, sitting in Downing Street, carefully analysed. Less considered by contemporary scholars are the large number of cases that had little to do with public law issues, but which were concerned with private law. Even less considered is the relationship that Canadians had, individually and collectively, with the Judicial Committee itself. It is to these matters which this paper addresses itself.

Professor Catharine MacMillan:
Employment: Professor of Private Law and Vice Dean (Academic Staffing) at the Dickson Poon School of Law, King's College London.
Professional Qualifications: Barrister and Solicitor, British Columbia (non-practising); Solicitor of the Supreme Court of England and Wales (non-practising).
Education: BA (University of Victoria); LLB (Queen's University, Canada); LLM (University of Cambridge).
Research: Modern British and colonial legal history (1750-1950) and contemporary Contract Law with a wide number of international speaking engagements and publications. Details available on request.
Service: Senior Research Associate, Institute for Advanced Legal Studies, London; Selden Society (Council Member and Treasurer); Council Member, Society of Legal Scholars (and Past President); Scientific Advisory Board, Max Planck Institute for Legal History and Legal Theory; Membership Committee and (pending) Digital Initiatives Working Group, American Society for Legal History.

Charlotte Smith

Narratives of Empire and the Judicial Committee of the Privy Council: Special Reference as to the ownership of the Unalienated Land in Southern Rhodesia [1918] UKPC 78

In Special Reference as to the ownership of the Unalienated Land in Southern Rhodesia (1918), the Judicial Committee of the Privy Council articulated the common law principles governing native title. Its statement of the law dominated legal thinking in this area for well over half a century, arguably at least until the decision in Mabo v Queensland (no 2) in 1992. Here, however, it is used as a way of exploring competing narratives of law, empire, and authority. Specifically, using the records of the Treasury Solicitor (in the absence of the Privy Council Appeal Papers), it explores the role of the Judicial Committee of the Privy Council as a place where those narratives were negotiated, shaped, and articulated by parties with radically differing positions in, and experiences of, empire. In doing so, it looks beyond the stylised articulation of legal principle, and the neat

binaries which that tends to generate, and reflects upon the complex role of law and its actors within a shifting, organically evolving and often deeply pragmatic common law empire.

Dr Charlotte Smith:
Employment: Modern Legal Records Specialist within Collections Expertise and Engagement at The National Archives, UK.
Education: LLB (KCL); PhD (KCL).
Research: Modern British and imperial legal history and ecclesiastical history in the long nineteenth century, legal biography. Details of presentations and publications available on request.
Service: Visiting doctoral supervisor for the Lambeth Palace Degrees Programme.

PANEL: Constructed Boundaries: Creating the Realm of "Illegal" in West Africa

Stream: Africa and Empire – Session D

The papers in this panel all examine how the realm of "illegal" activity was created in various contexts in West Africa. All begin from a premise that the meaning of illegal activity was not self-evident, but rather had to be constructed. In exploring this process they all examine a number of shared questions including what acts were deemed illegal (customary behavior of indigenous chiefs, political acts that either questioned colonial authority or created disorder in the post-colony and various activities that accompanied the development of the new technology of the railroad) and who participated in the definition and enforcement of that category (colonial officials, including judges and district commissioners, indigenous chiefs and their subjects, other local residents). In addition to investigating the act of creating the category of "illegal," all three papers query what effect these constructions had on colonial and post-colonial societies themselves.

Chair/Commentator: Elizabeth Thornberry

Elizabeth Thornberry is an associate professor of history at John Hopkins University. She is the author of Colonizing Consent: Rape and Governance in South Africa's Eastern Cape (Cambridge University Press, 2018). She is currently working on two major research projects: an intellectual history of customary law, and a history of intellectual disability in South Africa from 1902-1948.

Erin Braatz

False Imprisonment and the Construction of "Native" Authority in Colonial Ghana

In 1888 the case of *Oppon v. Ackinnie* established the principle that indigenous chiefs in British colonial Ghana had customarily imprisoned their subjects, and thus could not be found guilty of false imprisonment when they engaged in this practice. This was neither the first, nor the last, time a chief would be accused of false imprisonment. This paper considers this category of offense as part of series of attempts on the part of British officials and indigenous subjects to define the boundaries of chiefly sovereignty. Indigenous subjects and the British used colonial categories of "crime" to create the boundaries of how a chief may treat his subjects and in so doing they constructed the category of "native authority." At the same time, this construction turned on the development of contemporary liberal notions of governmentality and the requirements/limits that notion of governmental authority imposed not only on the native authorities but also on the metropole and the colony.

Erin Braatz is Associate Professor of Law at Suffolk University Law School. Her dissertation, Governing Difference: Penal Policy and State Building on the Gold Coast, 1844-1957, examines British criminal law and penal regimes in colonial West Africa and connects these practices to broader debates concerning governance and the global circulation of imprisonment as a technique of punishment during the nineteenth and early twentieth centuries.

Samuel Fury Childs Daly

Illegality and Judicial Philosophy in Nigeria, 1950-1970

Political thought in twentieth century Africa had many stripes, and its thinkers took many forms. One category of thinker, very different from the firebrands and philosopher-kings who make up much of modern Africa's intellectual history, is the judge. Clad in sober robes and sometimes a European-style wig, Africa's judges are easy to see as relics of colonialism, or as the enforcers of other people's politics – the muscle of state policy, rather than the brains behind it. But at least in some settings, judges were the people who crafted politics, not just the faces of law and order. Many of the important questions among African judges in this era revolved around the question of illegality: what factors made a coup legal or illegal? What forms of lawbreaking had been admissible in the struggle against colonialism? In late colonial and postcolonial Nigeria, illegality and cognate ideas like "disorder" sat at the center of political debates, and many judges derived their philosophies from them.

Samuel Fury Childs Daly is Associate Professor of History at the University of Chicago. He is the author of Soldier's Paradise: Militarism in Africa After Empire (Duke University Press, 2024) and A History of the Republic of Biafra: Law, Crime and the Nigerian Civil War (Cambridge University Press, 2020).

Trina Leah Hogg

The emergence of 'Railway Crimes' in the Sierra Leone Protectorate in the early 20th Century

In the nineteenth century, the development of the railway in Britain introduced a set of laws known as "railway crimes." These laws aimed to ensure the orderly flow of transportation while protecting individuals and their property. When railways were constructed in the colonies, similar legislative codes were enacted. But how were these new laws understood and interpreted by colonial subjects? This paper examines how the construction of the Sierra Leone Railway introduced new types of crime and notions of criminality among people living in the Protectorate. Drawing on court transcripts from the District Commissioner Court in Moyamba from 1902 and 1903, the paper explores cases such as theft, arson, assault, obstruction of the tracks, and trading or storing goods without a license. The courts introduced new concepts of illegality that reshaped social and economic relationships between men and women, chiefs and their people, Krios and Indigenous people, slaves and masters, and colonial officials and their subjects. In doing so, the paper demonstrates how the creation of "railway crimes" not only redefined the political landscape but also transformed the physical one.

Trina Leah Hogg is an Assistant Professor of history at Oregon State University. Her research centers on the history of West Africa and colonial law. Her first book The Paradox of Protection: the Making of Indirect Rule in Southern Sierra Leone, 1850-1915 will be published my Michigan State University Press in 2025.

PANEL: Law and Order on the Edge of Empire: Colonial Judges, Police, and Militiamen in Winnipeg, 1840-1919

Stream: General – Session D

At the junction of the Red and Assiniboine Rivers, Winnipeg, the heart of the province of Manitoba, has traditionally been a meeting place and consequently the location where different systems of governance and worldviews have both mixed and collided. This panel considers the constitution and contested development of law and order on the edge of empire. These three papers consider eighty years of colonial consolidation in Manitoba, first through the establishment of the General Quarterly Courts of Red River, then the struggle to establish a Canadian monopoly on legitimate physical violence in its new province, and finally the conflicted experience of Winnipeg's police officers during the General Strike of 1919, forced to choose between loyalty to the state and working-class solidarity.

Panel Chair: Beatrice Jauregui is an associate professor of criminology and sociolegal studies at the University of Toronto's Department of Anthropology. Her research focuses on the anthropology of police and military operations and she is currently working on a SSHRC Insight Grant funded research project on global police unionism and comparative police worker politics in India, Brazil, Canada, and the United States.

M. Max Hamon

"The jurisdiction of Canada… is utterly repugnant to justice and humanity": Legal pluralism in the British Northwest, 1840-1860

By 1860 the General Quarterly Courts of Red River exercised jurisdiction over the district of Assiniboia, Rupert's Land, and the Peace River. These courts, located in what is now known as Winnipeg, were presided over by Justices of the Peace appointed by the Governor of Rupert's Land. This essay examines cases of murder, debt, and theft that came before the courts of Red River between 1840 and 1870. The legal reasoning and indictments of the court records are a window into a nineteenth century legal mind on the frontier. Despite the ambiguity and overlapping "spaces of power", the institutional complexity of the company-state that administered the region allowed remarkable claims to authority in the frontier. As a result, when Rupert's Land was annexed by the Dominion of Canada in 1870 it overturned legal pluralism as constituted under empire. As will be argued, Confederation therefore constituted a legal revolution rather than continuity of British imperial tradition. Attention to how imperial legal traditions bound and ordered the Northwest challenge nation-state centred history that follows a colony to empire narrative.

M. Max Hamon is a historian of western Canada with a specialization on the emergence of the state. He is an assistant professor at the University of Northern British Columbia in Prince George. His first book The Audacity of his Enterprise: Louis Riel and the Métis nation that Canada Never Was 1840-1875 documents the role that the Métis played in the creation of a state in the Northwest.

Tyler Wentzell

Militias in Early Manitoba and the Contest for Legitimacy

The Red River Settlement, later the province of Manitoba, was home to a variety of military and paramilitary forces between 1869 and 1871. Louis Riel's Provisional Government established an armed force to police the settlement, secure provisions, and exclude unwanted visitors. Riel's forces confronted an armed party from Portage la Prairie (initially established on a commission of dubious legality), but dissolved before the arrival of Colonel Garnet Wolseley and the Red River Expeditionary Force (RREF). In 1871, when Fenian raiders threatened the new province, it was met by what remained of the RREF, as well as an emergency force established by the lieutenant-governor and an additional military force formed by the Métis. The province was briefly home to one military force formed under the authority of the governor general in Ottawa, another under authorities delegated to the lieutenant-governor in Winnipeg, and yet another formed by the customary methods of the Métis people. This paper considers the formation and legal status of these forces, and considers the

struggle for to establish a legitimate monopoly on the use of force in Manitoba as an element of Canadian state formation.

Tyler Wentzell is a doctoral candidate at the University of Toronto Faculty of Law where his research has focused on the development of the state's monopoly on violence in early Canada. His first book, Not for King or Country: Edward Cecil-Smith, the Communist Party of Canada, and the Spanish Civil War considers the mobilization of volunteers for the Spanish Republican Army (1936-1939).

Jon Weier

Winnipeg's Police and Collective Action

Police unions have, at best, a conflicted relationship with the labour movement. During the revolutionary period of the early 20th century, however, police unions were just as likely to throw their lot in with striking workers than uphold the anti-labour policies of their government employers. This was most famously the case with the Winnipeg Police Union whose members, during the Winnipeg General Strike of 1919, eventually resigned en masse in a show of solidarity with striking workers.

By the second decade of the 20th century the Winnipeg Police Service had evoloved into a conventional North American big city police service, fit for policing Canada's third largest city. In the ten-year period in which the City experienced the First World War, the global influenza pandemic and the General Strike, however, numerous factors conspired to undermine the willingness of Winnipeg police officers to police and oppress their fellow, European, citizens. This paper will examine the evolution of the Winnipeg police service during the 1910s and the factors that contributed to the radicalization of its members during this period.

Jon Weier is a historian of social movements, labour unions, and political parties. He is an Adjunct Professor at George Brown College in Toronto. He is an active trade unionist and political organizer, and sits on the board of the Douglas, Coldwell, Layton Institute for Social Democracy.

PANEL: Assembling India's Constitution: A New History of Constitution Making - A Book Discussion

Stream: General – Session F

Assembling India's Constitution (Cambridge University Press, 2025) explores how between 1946 and 1950, during the transition from colonial rule, diverse publics across India's territory, among them publics from the social margins, drove the constitution making outside the Constituent Assembly. This process, the authors argue, decolonized India and produced a resilient constitution that became an open site of struggle. This panel reflects on this new history of constitution making from a comparative perspective, and discusses its implications for the understanding of constitutionalism, federation and state making in India and across other former British colonies. It brings together scholars of Ireland, Palestine/Israel and colonial India to think through the new archives of constitution making offered in this book.

Rohit De is an Associate Professor of History at Yale University and a historian of South Asia and the British common law world. He is the author of A People's Constitution: The Everyday Law in the Indian Republic (2018) which won the Hurst Prize from the Law and Society Association and Honorable Mention from the American Society for Legal History. His second book, Assembling India's Constitution, co-authored with Ornit Shani examines how thousands of ordinary Indians, read, deliberated, debated and substantially engaged with the anticipated constitution at the time of its writing and will be published in 2025. Supported by a Carnegie Fellowship he is currently working on a history of human rights and civil liberties lawyering across the decolonizing world. Rohit completed his PhD from Princeton University and has law degrees from Yale Law School and the National Law School of India.

Donal Coffey is an Assistant Professor at Maynooth University school of law, and an Affiliate Researcher of the Max Planck Institute for Legal History and Legal Theory, Frankfurt am Main. Donal's research interests are in the fields of public law and legal history, and particularly in the fields of contemporary constitutional law and comparative constitutional history, with a specific interest in the constitutional history of the British Empire. He holds a PhD from University College Dublin. He is the author of Drafting the Irish Constitution 1935-1937 (Palgrave Macmillan, 2018) and Constitutionalism in Ireland, 1932-1938 (Palgrave Macmillan, 2018). He has published articles in the fields of international law, constitutional law, and legal history. His work has been cited by the House of Commons library, the Northern Ireland Assembly, the Irish Law Reform Commission, and by the Committee on Legal Affairs and Human Rights of the Council of Europe.

Assaf Likhovski is the Danielle Rubinstein Professor of Comparative Law and Jurisprudence at Tel Aviv University Faculty of Law. He is the author of Law and Identity in Mandate Palestine (University of North Carolina Press, 2006), and Tax, Law, and Social Norms in
Mandatory Palestine and Israel (CUP, 2017), and articles on Israeli, American and English legal history. He is co-editor of several collections on legal history including "Histories of Legal Transplantations" Theoretical Inquiries in Law (with Ron Harris). He was visiting professor at Yeshiva University, the University of Toronto, UCLA, Georgetown University, and the University of Bordeaux. He is a graduate of Tel Aviv University and Harvard Law School, where he was a Fulbright and Rothschild fellow. He was later a Golieb fellow at the NYU School of Law, and a fellow at the Institute for Advanced Studies in Jerusalem. He was co-founder of the Israeli Legal History Association.

Ornit Shani is an Associate Professor in the history of India's democracy and South Asia politics at the University of Haifa. She is the author of How India Became Democratic: Citizenship and the Making of the Universal Franchise, Cambridge University Press and Penguin Random House, 2018, winner of the Kamaladevi Chattophadyay NIF Book Prize; and Communalism, Caste, and Hindu Nationalism: The Violence in Gujarat, CUP, 2007. Her forthcoming book, co-authored with Rohit De, Assembling India's Constitution: A New History of Constitution Making, Cambridge University Press and Penguin Random House, explores how diverse publics across India's territory drove the constitution making outside the Constituent Assembly, arguing that this process produced a resilient constitution that became an open site of struggle. She is currently working on a history of the First Indian Elections. Ornit received her PhD from the University of Cambridge. She was a Research Fellow at St John's College.

Mitra Sharaf is a legal historian whose research focuses on South Asia. She holds law degrees from Cambridge and Oxford (the UK equivalent of a JD and LLM) and history degrees from McGill (BA) and Princeton (PhD). Her first book, Law and Identity in Colonial South Asia: Parsi Legal Culture, 1772-1947 won the Law and Society Association's 2015 Hurst Prize. She is completing her second book manuscript, provisionally entitled, Fear of the False: Forensic Science and the Law of Crime in Colonial South Asia. Sharafi published articles on the history of abortion, blood-stain testing, forum-shopping for divorce, the legal profession, constitutionalism and the rule of law, and slavery. Her research has been funded by, among other, the American Council of Learned Societies, Institute for Advanced Study, and the Shelby Cullom Davis Center. She is president-elect of the American Society for Legal History. Sharafi teaches at the UW Law School.

PANEL: The Empire's Common Law Methods

Stream: The American Empire – Session F

Legal historians have integrated study of substantive common law, particularly the common law of property, into their accounts of the design and processes of imperial legal orders. There is, for example, an extensive literature on how imperial administrators, lawyers, and land speculators constructed the doctrine of discovery in the service of dispossessing Indigenous Peoples from their homelands. This panel's focus is different: It will explore the methods, norms, and definition of common law reasoning in imperial settings. Panelists will discuss how the common law was defined and contested through case studies of customary and common-law practices in the Cherokee Nation, common law methodology in territorial courts within the American Empire, uses of a common law metaphor to make claims about property and sovereignty in international law during the long twentieth century, and the role of Hawaiian practices around land within the law of the Hawaiian Kingdom

Chair and Commentator: Kellen Funk

Kellen Funk is the Michael E. Patterson Professor of Law at Columbia Law School and a historian of legal practice, procedure, and remedies. His book, Law's Machinery (Oxford 2024) traces the development of modern American litigation practices and their migration across the continent during the era of Reconstruction. His digital text analysis article describing the contours of New York's "domestic empire of capital" and creditor remedies appeared in the American Historical Review in 2018.

Tanner Allread

Codes and Courts: Customary and Common-Law Practices in the Pre-Removal Cherokee Nation

In the 1820s and 1830s, the Cherokee Nation underwent a profound legal transformation as it faced increasing pressure to remove, constructing an extensive written legal code and a multilevel judicial system. But this simultaneous rise of codes and courts had a surprising feature: Cherokee judges more often employed both unwritten Cherokee custom and Anglo-American common-law practices than the Nation's written laws in resolving disputes. In particular, actions at English common law–such as trover, replevin, and assault and battery–flooded the courts' dockets. And the Cherokee populace demonstrated that they were well-versed in the legal methods of their Anglo-American neighbors even as they continued to rely on customary notions of property and kinship. This paper explores this phenomenon while challenging previous scholarly understandings of the pre-Removal Cherokee Nation as divided between a nascent formal system of written Euro-American law and a continuing shadow system of Cherokee custom. Rather, it illustrates that the Cherokee development of a court system led to the creation of a new form of common law born of both Indigenous and Anglo-American elements, showcasing legal hybridity rather than opposition in the southern American Empire.

W. Tanner Allread is a Richard M. Milanovich Fellow at UCLA School of Law and a Ph.D. candidate in History at Stanford University. His research lies in federal Indian law, tribal law, Indigenous legal history, and constitutional law. His current projects focus on early nineteenth-century Native American history, with a specific interest in the creation of the first tribal constitutions and the sovereignty arguments deployed during the era of southern Indian Removal. Allread's publications have appeared in the Columbia Law Review. He is a citizen of the Choctaw Nation of Oklahoma.

James T. Campbell

Policing Judicial Maturity in the American Empire

In 1974, the Territory of Guam's nascent legislature passed a measure authorizing a "Supreme Court of Guam" to wrest the island's common law from the grip of an anomalous, non-Article III federal court. Although the U.S. Supreme Court struck down this attempt at self-determination, a Congress committed to the appearance

of consent-based institutional relationships quickly amended its organic statutes to formally authorize new territorial Supreme Courts – but with a subtle catch. Rather than leave the process of court-creation in the hands of its territorial subjects, Congress crafted a novel gatekeeping mechanism in which administrative bodies of Article III judges would evaluate whether these new territorial courts were achieving "sufficient institutional traditions" to warrant parity with state-court counterparts. In this provisional condition, nascent territorial judiciaries would invest significant resources – and many years – proving their worth as the final authority on questions of local law. This paper will explore the ways in which modern territorial courts have adopted and adapted the methods of the common law to navigate the line between political autonomy and the varied constraints of colonial jurisprudential policing.

James T Campbell is an Adjunct Professor of Law at Yale Law School and Georgetown University Law Center. His research centers primarily on citizenship, indigenous recognition, federal courts, and overseas imperialism in U.S. constitutional thought. His work is animated by both his native CHamoru background and experiences as a U.S. Army veteran.

Seth Davis

The Bundle of Rights Conception of Sovereignty

What are we talking about when we talk about the legal concepts of property and sovereignty? This paper focuses upon the long twentieth century, stretching from around 1870 until 2010. During this period, lawyers used the same common law metaphor for both property and sovereignty: a bundle of rights. In 1888, for example, Henry Maine's posthumously published lectures on international law labeled sovereignty a bundle of rights and said the bundle was divisible. In that same year, an American lawyer, John Lewis, labeled property a bundle of rights and argued that each of the sticks in the bundle was protected against the government's power of eminent domain. The bundle metaphor reflected an understanding of sovereignty and property as somehow wrapped up with administration, or the daily operations of government. The bundle metaphor conveyed a modern lawyer's mindset about what sovereignty and property are, why they matter, and how to resolve political conflicts about them. The bundle stands for an ideal of flexibility, a commitment to purposive legal analysis, and the lawyerly task of allocating governmental competences to achieve social purposes – an ideal that would be challenged by those seeking to build and those trying to resist imperial administration.

Seth Davis is a Professor of Law at the University of California, Berkeley School of Law. His research explores questions of sovereignty, responsibility, and redress as they arise in both public law and private law, focusing upon administrative law, the federal courts, federal Indian law, fiduciary law, and tort law. His scholarship has appeared in leading law reviews and has been honored by the Association of American Law Schools (AALS). In addition, Davis is co-author of Cohen's Handbook of Federal Indian Law, the leading treatise in the field. He is a public member of the Administrative Conference of the United States (ACUS) and has served on the Editorial Board of Law & Social Inquiry and as the Chair of the Federal Courts Section of the AALS.

José Argueta Funes

The King's Wharf, Custom, and Common Law

To a degree that scholars have not appreciated, Hawaiian practices around land were part of the law of the Hawaiian Kingdom. Scholars have missed the role of practices in law because they have erroneously assumed that these practices would find their way into law through the doctrine of custom. To get a more accurate picture, it is necessary to recover how nineteenth-century lawyers trained in the common law articulated what they believed to be the kingdom's unwritten law. Through a contest over ownership of the King's Wharf in Honolulu, this article explores how the common law's ideological foundations provided a framework for thinking about Hawaiian land ways as sources of authority that could give content and meaning to private landownership. The seventeenth-century English notion that the common law was nothing more than English customs found its way to Hawai'i, guiding legal practitioners to seriously engage with Hawaiian land ways as they articulated the meaning of property in the aftermath of land reform in the 1840s. The contest over the

King's Wharf in Honolulu thus challenges our understanding of custom in colonial contexts and offers a new chapter and perspective in the history of the common law.

José Argueta Funes is an Assistant Professor of Law at the University of California, Berkeley School of Law. His research investigates the development of American law in the context of empire. He is particularly interested in how common law methods offered nineteenth-century lawyers a framework with which to approach, and at times incorporate, Indigenous legalities into evolving legal regimes.

PANEL: Queering Legal History in Canada: Explorations into criminal, legal and social histories

Stream: General – Session H

This panel, composed of three generations of legal and social historians, seeks to offer papers that approach the law from the perspectives of gender, race and sexualities histories. Constance Backhouse's paper offers a window into the first lesbian assault case tried in Canada, in Yellowknife, NWT in 1955, analyzing the dynamics of race, class and region at play. Margaret Ross' paper seeks to explore the genealogy of vagrancy laws over the twentieth century, focussed on the ways that vice laws impacted marginalized communities of sex workers, gay men, racialized and working-class people and, by centuries end, galvanized them to activism. Finally, Valerie Korinek's paper analyzes how, within a remarkably short period of time (1990s-2004) Canada went from marginalization of same sex couples (in the eyes of the law) to full recognition of same-sex marriages. What unites this trio of papers is their critical focus on the intersection of queer sexualities, Canadian law and legal practices. We explore those criminalized by the law and later, those welcomed into the warm embrace of the Canadian nation state via family law litigation and activism. In focussing on the role of the law in regulating, punishing, recognizing and spurring lesbian, gay and/or queer Canadians to activism our panel crosses disciplines, eras and regions with critical questions about the role of law in the daily lives of Canadians.

Constance Backhouse

Canada's First Lesbian Sexual Assault Prosecution: When Racism Intersects with Homophobia

Willimae Moore (1923-2007) was put on trial in Yellowknife, NWT in 1955 for "grabbing" and "attempting to kiss" a female stenographer. Her prosecution remains the first lesbian sexual assault trial found in Canada so far. None of the legal records connected with this case mentioned race. Without the oral history interview of the Edmonton lawyer (now deceased) who represented her, we might never have known that racism combined with homophobia to initiate Canada's first lesbian sexual assault prosecution. Using census documents, familial recollections, the memories of Yellowknife residents, and press clippings, this research captures vivid details about Williemae Moore's life. Born in Harlem, raised in a lower middle-class, deeply religious, Black family, Moore took secretarial training and travelled to Yellowknife in 1954 to work for the federal government. Targeted by the RCMP, whose officers were notorious for alcoholic misbehavior, she was tried, convicted, acquitted on appeal, and lived the rest of her life in Edmonton. Her legal experience provides us with a window that permits exploration into the history of a much-neglected, racialized, LGBTQ2 population in Canada's north-west.

Professor Constance Backhouse is a Professor of Law and Distinguished University Professor at the University of Ottawa. Her *Petticoats and Prejudice: Women and the Law in 19th-Century Canada* (Toronto: Women's Press, 1991) received the Willard Hurst Prize in American Legal History. Her *Carnal Crimes: Sexual Assault Law in Canada, 1900-1975* (Toronto: Irwin Law, 2008) and *Claire L'Heureux-Dubé: A Life* (Vancouver: University of British Columbia Press, 2017), both received the Canadian Law & Society Association Book Prize. Her 2022 book, *Reckoning with Racism: Police, Judges, and the RDS Case* (Vancouver: University of British Columbia Press, 2022), was listed in Best Books for Canada for 2022, *Hill Times* (2023). She is a Fellow of the Royal Society of Canada and has served as President of the American Society for Legal History. She has received the Order of Ontario and the Order of Canada.

Margaret Ross

Contesting "Vagrancy" in the History of Sex Work: Vice, Policing, and Queer Activism in Canada

This paper is a genealogy of Canadian vagrancy legislation, interrogating both its historical roots in criminalizing vice, and investigating the methodological challenges of researching social and legal history through this all-encompassing charge. Vague in nature and subject to broad interpretation by police, vagrancy laws historically criminalized sex work, homosexuality and gender nonconformity, homelessness and unemployment, drunkenness, and other public morality infractions.

Although vagrancy has traditionally been segregated for different area studies, I contend that to explore vagrancy primarily through the lens of prostitution, homosexuality, or any other public order offence risks mischaracterizing how individuals experienced social exclusion and how law enforcement targeted vulnerable populations. Vagrancy offers an important methodological reminder that vice was interconnected, that marginalized peoples experienced street life in entangled ways, and that an expansive understanding of vice justified comprehensive police surveillance of marginalized communities.

In light of these observations, this paper critically reinterprets vagrancy's conceptual challenges for historical studies, examining how vice intersected in lived experiences, policing, and the law. I conclude by sketching the political possibilities of vagrancy for activism today, for it was the same wide-ranging groups historically targeted by Canadian vagrancy legislation—sex workers, queer activists, and other sexual dissidents—who successfully lobbied in coalition for its repeal in 2019.

Margaret Ross is an upper year History PhD Candidate at Queen's University, Kingston, Ontario. Her dissertation explores the political, legal, and social history of prostitution in nineteenth- and early twentieth-century Ontario. In 2024, she developed and taught a fourth-year undergraduate seminar on global histories of sex work. Her research has been supported by the W. C. Good Memorial Fellowship, Canada Graduate Scholarships from SSHRC, and Ontario government scholarships. She is currently a R. Roy McMurtry Fellow in Legal History for 2024-2025, an honour from the Osgoode Society for Canadian Legal History. Margaret's article, "Your Town is Rotten": Prostitution, Profit, and the Governing of Vice in Kingston, Ontario, 1860s-1920s, was published by the Journal of the History of Sexuality in 2023. In 2024, she was awarded the Best Article Prize from the Canadian Historical Association's Committee on the History of Sexuality. Margaret is currently the editorial assistant for the Journal of the History of Sexuality.

Valerie J. Korinek

'It isn't about marriage' until it was: Analyzing the path from M vs. H to Halpern vs. Canada in the eyes of the Canadian public, politicians and litigant couples

In the now famously influential case of M vs. H, lead lawyer Martha McCarthy repeatedly told the Supreme Court of Canada that "it isn't about marriage" as she strove to get same-sex couples included in Canada's common law partnership regime. This landmark Supreme Court ruling paved the way for the "predictable" outcome of Halpern vs Canada, where McCarthy, again, argued the opposite—that it was very much about marriage, and marriage equality for same-sex couples. These ground-breaking cases have been much written about, from legal and political perspectives, but not from the perspective of historians. Over twenty years after the Halpern decision, my paper seeks to nuance the legal history written about these cases, by focussing on a deep dive into the queer social, cultural and political histories at work here – with the lawyers and their teams, the international backdrop to the cases, the litigating couples, the press, and the politicians. My work is based upon on oral histories, media coverage and political commentary and seeks to explore how Canadian society, and the law, shifted so dramatically from 1999-2003. Furthermore, a more sustained focus on the litigating couples offers a unique perspective on the varied gendered, activist, and socio-economic rationales for same-sex marriage.

Professor Valerie J. Korinek is the A.S. Morton Professor of History at the University of Saskatchewan. An award winning scholar, she is the author or editor of four books, Roughing it in the Suburbs: Reading Chatelaine Magazine in the Fifties and Sixties (UTP, 2000) and Prairie Fairies: A History of Queer Communities and People in Western Canada, 1930-1985 (UTP 2018) and two co-edited anthologies on Canadian food history (Edible Histories, Cultural Politics, UTP 2012) and western Canadian feminism and Indigenous scholarship (Finding a Way to the Heart, U of M Press 2012). She is currently working on a SSHRC Insight Grant for a project entitled "Love + Litigation = Marriage: Canadian Same-Sex Marriage and the International Implications" which explores the ways that Canadian law both benefitted from international legal developments, but also contributed to global advances in access to same-sex marriage. She is a fellow of the Royal Society of Canada.

PANEL: Dominion of Dissonance: Others, Outsiders, and the Law in the Canadian Imperial World

Stream: General – Session L

This panel will explore aspects of the tensions between local/colonial knowledge and imperial unity in 19th- and early 20th-century Canada. All three consider "outsiders" brought within the imperial legal framework in different ways and with different effects. Alexander compares age based and developmental paradigms in Canada's 1876 Indian Act and its predecessors with the paternalist and infantilizing justifications for slavery and empire across the Anglo-American world from the 18th century on. Gossage examines how a British controversy over the legal and moral meanings of matrimony struck an especially dissonant chord in Quebec, with its French-Canadian majority and its distinctive legal, religious, and familial cultures. Reiter focuses on how litigants in fatal accident cases presented Quebec civil law before the imperial Privy Council in ways that acknowledged jurisdiction while at the same time stressing legal and social differences. These three outsider stories each reveal continuing dissonances within the settler colonial legal order.

Panel lead: Eric Reiter
Chair: Bradley Miller

Kristine Alexander

Historicizing Paternalism: Age, Development, and the History of Canadian Indian Policy

The racist paternalism at the heart of Canadian Indian policy is well known. It is also surprisingly understudied, in large part because age and intergenerational relations are often understood – even by researchers who study the social constructs of gender, race, and class – as natural and universal things. Yet as childhood studies scholars remind us, the assumptions about age, development, and capacity that permeate Western culture and law are neither natural nor neutral. They are also centrally related to histories of colonialism, race-making, authority, subjection, and rights. Based on close readings of the 1857 Gradual Civilization Act, the 1869 Gradual Enfranchisement Act, and Canada's 1876 Indian Act, I will ask how white politicians and policymakers used particular understandings of time (as linear, and rooted in progress or development), of children (as malleable, vulnerable, and potential threats to the social order) and of adults (as rational and autonomous actors, possessed of a natural authority) to position Indigenous peoples as legal minors and childlike wards of the 'adult' settler state. I will also contextualize my findings by tracing connections between this Canadian legislation and the developmental and age-based justifications of slavery and liberal imperialism that were deployed across the Anglo-American world.

Kristine Alexander is Associate Professor of History at the University of Lethbridge, where from 2013-2023 she was a Tier 2 Canada Research Chair in Child and Youth Studies. Her publications include Guiding Modern Girls: Girlhood, Empire, and Internationalism in the 1920s and 1930s (UBC Press, 2017), A Cultural History of Youth in the Modern Age (Bloomsbury, 2022) and Small Stories of War: Children, Youth, and Conflict in Canada and Beyond (McGill-Queen's University Press, 2023). Her current SSHRC-funded book project, Children of the State: Age, Race, and Settler Colonialism in Canada, uses the concept of age and its relationship to time as an analytic or method – to understand the history of settler colonial state-making and justifications for white supremacy and land theft.

Peter Gossage

Degrees of Affinity: Imperial Law, Colonial Practice, and Marriage with the Deceased Wife's Sister in Lower Canada/Quebec

The legality, or otherwise, of a widower's remarriage with his deceased wife's sister generated a vigorous debate throughout the British Empire in the nineteenth century. Should these marriages be denounced as a form of incest, having been framed as such for centuries by religious authorities and prohibited in 1835 by the British Parliament? Or was there room for a more liberal interpretation of Leviticus and, indeed, for more secular understandings of marriage and of the nature of the kinship bonds it established? In this paper, I will focus on

this debate as it played out in Lower Canada/Quebec between 1840 and 1920. I will do so, in the first instance, by probing the ideas of Désiré Girouard, the prominent jurist and Member of Parliament who sponsored federal marriage-reform legislation in the early 1880s. Secondly, I will examine a range of primary-source materials about individual widowers – and a few widows – who chose to remarry within the prohibited "degrees of affinity" in the province, materials that include at least five civil cases heard in Quebec Superior Court. Overall, I intend to show how understandings of marriage in the British Empire collided with French-Canadian legal traditions, religious culture, and patterns of family formation.

Peter Gossage is a Professor of History at Concordia University in Montreal. Among other publications, he is the author of Families in Transition: Industry and Population in NineteenthCentury Saint-Hyacinthe (McGill-Queen's University Press, 1999); co-author, with J. I. Little, of An Illustrated History of Quebec: Tradition and Modernity (Oxford University Press, 2012); and co-editor, with Lisa Moore, of Family and Justice in the Archives: Historical Perspectives on Intimacy and the Law (Concordia University Press, 2024). He is currently working to complete a social and legal history of remarriage and blended families (avant la lettre) in Quebec between 1860 and 1920.

Eric H. Reiter

Local Positions, Imperial Dispositions: Quebec Fatal Accident Cases before the Judicial Committee of the Privy Council

From its creation in 1833 to the abolition of Canadian appeals in 1949, the Judicial Committee of the Privy Council heard some 360 appeals from Quebec, about half of which dealt with civil law issues (contracts, property, successions, matrimonial matters, civil liability). Despite the JCPC's wide experience in negotiating the legal pluralism of the Empire, commentators in Quebec regularly challenged its judgments and questioned the appropriateness of subjecting Quebec private law to the interpretation of an outside court seen as out of touch with Quebec society, its values, and its language. This paper will explore the tension between local expectations and the rulings of Canada's final court of appeal in an area of Quebec civil law strongly shaped by judicial interpretation: civil actions claiming damages for fatal accidents. It is based mainly on the twenty-five JCPC appeals in Quebec accident cases from 1872 to 1935. I compare how the parties presented Quebec civil law to the Committee in their submissions with how the JCPC itself interpreted the law and decided the cases. I will also contrast the Quebec accident cases with the more than forty similar cases from common-law Canada.

Eric H. Reiter is full professor in the Department of History, Concordia University, Montreal, a member of the Barreau du Québec (retired status), and a member of the Centre interuniversitaire d'études québécoises. His research focuses on the legal history of Quebec and Canada. His recent book Wounded Feelings: Litigating Emotions in Quebec, 1870-1950 (Toronto, 2019) was awarded prizes from the Canadian Historical Association and the Governor General of Canada. His current project is a social and legal history of fatal accidents in Quebec, centring on a widow's eight-year litigation against the Canadian Pacific Railway.

Ely Aaronson

Transcolonial Legal Diffusions and the Historical Origins of Cannabis Prohibitions

This paper uses the case study of the global diffusion of cannabis prohibitions in the late nineteenth and early twentieth centuries to examine how racialized narratives about illegality travelled within and across empires and became embedded in international legal norms. The discussion traces the influence of the civilizing mission ideology on the early diffusion of laws criminalizing cannabis across colonies in the British and French empires. It then considers how the proliferation of scientific racism in the early twentieth century transformed the discursive channels through which such models of criminal legislation diffused across jurisdictions. In particular, this analysis explores how the embedding of racialized and orientalist assumptions within bodies of psychiatric and criminological knowledge circulating across imperial forums of scientific debate paved the way for the institutionalization of international norms prohibiting the consumption of cannabis during the League of Nations era. Challenging the methodologically nationalist tendency to examine the origins of drug prohibitions within supposedly discrete national contexts, this paper demonstrates how global scripts of criminalizing cannabis were shaped by interactions between racialized frames originating in different locations, including colonial jurisdictions and metropoles in the British and French empires, states emerging from colonialism, and the United States

Ely Aaronson is Associate Professor and Vice Dean at the University of Haifa. His scholarship explores the interactions between transnational and domestic processes of criminal justice policymaking, the connections between practices of criminalization and racialization, and the history of drug policy. He is the author of *From Slave Abuse to Hate Crime: The Criminalization of Racial Violence in American History* (Cambridge University Press, 2015) and the coeditor of *Transnational Legal Ordering of Criminal Justice* (Cambridge University Press, 2019). His articles have been published in leading peer-review journals, such as *American Journal of Comparative Law, Law and Social Inquiry, and Regulation and Governance*. He earned his PhD at the LSE, and was a visiting scholar at the Center for the Study of Law and Society at UC Berkeley, Sydney Institute of Criminology, the Institute of Advanced Legal Studies (London) and the LSE.

Oyinade Adekunle

Colonial Legislation and Capital Punishment in Nigeria: British Legal Influence in the Administration of Justice

Beyond the much-discussed political and economic influence of the British empire in its colonies, this paper explores the dual role of British colonial legislation as both an "influence" and "catalyst" in the legal administration of British West African colonies, with a focus on Nigeria. The implementation of capital punishment in colonial Nigeria was characterized by a non-autonomous criminal justice system led by colonial authorities, which often overlooked Nigerian cultural and societal norms. By juxtaposing indigenous punishment modalities with colonial legal provisions, processes, applications, and outcomes, this paper aims to dissect the impact of colonial capital punishment laws on traditional Nigerian legal practices. It will also examine racial and social disparities in the application of capital punishment. Key questions include: To what extent was capital punishment disproportionately applied in colonial Nigeria? How did imperial subjects react to these legal changes? What role did colonial courts and human agency play in administering capital punishment? Through comparative analysis, this paper provides a platform for critical examination of the discrepancies and impositions of the British legal framework on capital punishment within Nigeria's legal paradigm. As well as instigate deliberations on the broader implications for indigenous legal systems.

Oyinade Adekunle is a Doctoral Candidate in the Department of History at McMaster University, Ontario, Canada. Her research focuses on African history, legal history, human rights, and crime. She holds a Bachelor of Arts (Hons.) and a Master of Arts (Hons.) in History and Strategic Studies from the University of Lagos, Nigeria. She also serves as an Assistant Lecturer in the Department of History and Strategic Studies at the University of Lagos. Adekunle is actively involved as a research assistant on various projects, including with the Human Rights Cluster at Participedia and the Centre for Human Rights and Restorative Justice (CHRRJ). Her current research centers on her dissertation, "Judges and the Judged: Law and Politics in the Implementation of Capital Punishment in Nigeria (1904- 1960)." Adekunle has presented her work at multiple conferences and has several publications to her credit.

Adewale A. Adeyeye

Amodu Tijani: The Lagos Treaty of Cession and Judicial Approaches to Indigenous Land Rights in South-Western Nigeria and Canada

On 6 August 1861, Britain utilized the international law of treaty-making to occupy Lagos Island in South-Western Nigeria under the "Lagos Treaty of Cession." Sixty years later in 1921, this Treaty was challenged at the Privy Council in *Amodu Tijani v. Secretary of Southern Nigeria*. The judgement and principles of law that emanated from *Amodu Tijani* reverberated across the British colonial empire and set a lasting international precedent for Indigenous land rights claims, especially in Canada where lands were appropriated under the "Numbered Treaties." Thus, this work investigates conflicting courts' approaches to land rights of the Indigenous peoples of Nigeria and Canada to determine the influence of the historic decision of the Privy Council in *Amodu Tijani* on land jurisprudence/law and policies in Canada.

Using multiple archival and relevant primary and secondary sources, this work provides a novel and systematized exposition of the centrality of *Amodu Tijani's* decision to the legal history of Indigenous land rights in Canada and Nigeria. This work answers two key questions on how the case of *Amodu Tijani*, decided on an African situation, contributed to the development of twentieth-century international law generally and to Canada's land laws and policies particularly.

Adewale A. Adeyeye is a PhD student of Indigenous Studies, and Comparative International Legal History at Osgoode Hall Law School, Canada. He also holds a Master of Laws (LLM by research) in International Legal History from Osgoode Hall.Born in South-Western Nigeria, Adewale has four academic/university degrees in History and Law. His ongoing doctoral research is on the contribution of the landmark decision of the Privy Council in Amodu Tijani's case to the development of International law. In addition to his teaching and research experiences, Adewale is currently the Research Assistant to the Principal Investigator of the Pre-colonial African International Legal History Project led by Professor Rabiat Akande, and the African Institute of International Law. Adewale's volunteer works include co-founding the "Alice and Eagles Foundation" through which he provides financial support for some orphans, and widows in Ibadan Nigeria. His extracurricular activities include writing/performing songs and directing musical video shoots.

Himanshu Agarwal

The Rise and Fall of Whipping: Towards a Political Economy of Punishments of Colonial India

I examine the purposes of punishments in colonial India, focusing on the punishment of whipping. Studying the legislative debates from 1858 to 1864, I demonstrate the economic and political logic underlying the Whipping Act.

I analyse the administration of whipping as part of a 'coercive network of punishments', which was administered in tandem with the punishment of fines and imprisonment. Prisons, which served as sites of profit-making industries, were too expensive for short-term convicts. Petty offenders who could not pay a fine were subjected to whipping. The use of whipping was at its highest during famine years, when the economic logic is particularly visible as most offenders were unable to pay fines and maintaining prisons became expensive with rising costs of grain.

I also demonstrate how the administration of whipping was used to reinforce racial and class differences between Europeans and Indians and also among different classes and castes of Indians. Blurring of these lines, especially as educated, middle-class Indians were whipped, of the nationalist movement led to pushback against whipping, and its ultimate decline.

Studying the administration of punishment offers clarity into its purposes as whipping's economic basis and reinforcement of difference emerge as its prime drivers.

Himanshu Agarwal is an Associate Professor at the Jindal Global Law School, India. He litigated in several courts in New Delhi and was involved with capital defence work at Project 39A, National Law University, Delhi. He teaches courses on the death penalty, legal methods and criminal psychology at JGLS. His research interests lie in criminal legal histories, psychology and law, and histories of punishment.

Eleonora Angella

Italian consul-judges in the colonial period (1866-1956)

For a few decades now, colonial, post-colonial and global studies have been investigating on legal regimes in world history. By this route, legal pluralism – once thought to be a prerogative of early modern states than emerged as a feature of many states in the 19th and 20th centuries – has become an important (and discussed) category for the study of old societies. With my paper, I aim to present the contribution of Italian consoli-giudici ("consul-judges") to the maintenance of legal pluralism in the colonial period. The consul-judges were magistrates who assisted the consuls in the application of the law in those countries where the capitulations regime gave the consuls the faculty to exercised contentious jurisdiction over their own nationals (or protected persons). Envisioned by the Italian consular law of 1866, the first consul-judges were sent where Italy had large expatriate communities: Alexandria, Constantinople, Tunis, Cairo and in a second time to Shanghai. Follow the archival traces left by consul-judges (mainly kept in Rome, at the Historical Diplomatic Archives of the Ministry of Foreign Affairs (ASDMAE) and at the Central State Archives (ACS)), we will see how consul-judges – sometimes in contrast to Italian consuls or colleagues from other countries – have built their "border careers" between Italy, the Ottoman Empire and China by exploiting different cultures, languages, and laws.

Eleonora Angella: I am currently a post-doctoral researcher at the Università per Stranieri in Siena. After completing a PhD in International Studies at the University of Naples "L'Orientale," I held positions as a visiting scholar at the University of Bern (2021-2022) and as a post-doctoral researcher at the Università della Tuscia in Viterbo (2022-2023). My research examines the lives of the Italians in Egypt during the late 19th century, with particular attention to the impact of extraterritoriality on social history; the agency of subalterns within the justice system; and the history of the Italian consulate in Egypt. I am the author of the monograph *Italiani al Cairo, Consoli Giurisdizione e Società* (Palermo: New Digital Frontiers, 2023/2024).

Olasunkanmi Victor Asaju

Between Conflict and Collaboration: Native Courts Administration and the British Colonial Governance in Kabba Division Northern Nigeria, 1900-1968.

Through a critical analysis of archival sources, historical documents, court records, and oral histories, this study underscores the complexity of the significant role of Native Courts in shaping British Colonial rule in Kabba Division, Northern Nigeria between 1900 and 1968. Kabba became the first territory to be officially occupied by the British colonialists in Northern Nigeria, perhaps its lack of emirate tradition that preexisted colonial rule in other parts of Northern Nigeria must have been responsible for the British early occupation of Kabba area. This coupled with the fact that legal transformation was at the core of British colonial administration made the establishment of Native Courts in Kabba Division paramount to the British because they felt there was no law until there were courts to interpret it. Thus, more than elsewhere in Northern Nigeria, Kabba became a testing ground in which the British authorities displayed their commitment to the policy of indirect rule. For the British colonial powers to assert their influence and consolidate their rule, the first Native Court was created in Kabba in 1904 sequel to Proclamation No. 5 of 1902. Arising from the above analysis, this study explores the dynamics of local agency within the British colonial native authority courts in Kabba Division, Northern Nigeria, examining the dichotomy between conflict and collaboration. The study highlights the broader implications of these interactions for the post-colonial legal landscape in Nigeria, providing insights into the enduring legacy of colonial judicial practices. This paper therefore emphasizes the role of Native Courts as pivotal institutions where colonial policies and local customs intersected, often resulting in a blend of administrative practices.

Olasunkanmi Victor Asaju is currently pursuing his PhD at the University of Ghana, Accra with a focus on Native Court Administration in Kabba Division, Northern Nigeria, 1900-1968. He is an Assistant Lecturer at Prince Abubakar Audu University since 2018 and previously he was a history teacher at St. Joseph Centenary Catholic College. He holds a Master's degree in History from the University of Ilorin and a Bachelor's from Kogi State University which he earned in 2016 and 2012 respectively. Victor has published several articles in local journals and has attended many local and international conferences. He is a member of the Historical Society of Nigeria and the Teachers' Registration Council of Nigeria.

Paolo Astorri

The *Ius Gentium* in the Spanish and British Empires: A Comparison

Since ancient Rome, the *ius gentium* was an ambiguous concept. It was associated with natural law and positive law common to all nations; it derived from custom or natural reason. It concerned wars, the inviolability of ambassadors, contractual fidelity, slavery and ownership. At the threshold of the sixteenth century, the so-called Spanish scholastics, or early modern scholastics revitalized the concept of *ius gentium.* The discovery of the Indies brought out new issues, where natural law was not applicable. Natural law was strictly dependent from Christian revelation and thus difficult to work with infidels. The scholastics considered the *ius gentium* as more flexible platform, suitable to be applied on all people. On the other side of Europe, however, many Protestant reformers did not claim that the *ius gentium* was a separate branch of law. For them, law was either human or divine. The precepts of *ius gentium* were not binding in conscience. Focusing on a number of examples, such as the Spanish theologians Francisco de Vitoria (1483-1546) and Francisco Suárez (1548-1617), the English William Ames (1576-1633) and Jeremy Taylor (1613-1667), and others, this paper will investigate these different approaches. It will also shed some light on the implications of these differences for the governance and functioning of the Spanish and British empires.

Paolo Astorri is Assistant Professor in Legal History at the Centre for Privacy Studies, University of Copenhagen. He earned his Ph.D. in Law from the KU Leuven, and also holds an M.A. in Law from the University of Macerata, and a J.C.L. in Canon Law from the Pontifical Lateran University. Astorri was a member of the Junior Research Group of the LOEWE Research Focus 'Extrajudicial and Judicial Conflict Resolution' at the Max-Planck-Institut für europäische Rechtsgeschichte in Frankfurt am Main (2013-2014), and a visiting researcher at the Bodleian Library at the University of Oxford (summer 2012). Astorri's research interests include early modern interactions between Catholic and Protestant legal, political and economic thought. He is the author of *Lutheran Theology and Contract Law in Early Modern Germany (ca. 1520-1720)*, published in Brill's new series *Law and Religion in the Early Modern Period*, in 2019.

Irit Ballas and Arik Moran

General Will or Public Order? The Debate on Criminal Justice Policy in Early Colonial Himalaya, 1815–1816

When the East India Company (EIC) conquered the West Himalaya region in the 1810s, it encountered a challenge frequently confronted by colonial empires: determining the extent of their involvement in intracommunity criminal matters. This challenge was compounded by the marked perception of otherness attributed to the Hill people, whom they considered to be exceptionally prone to criminal behavior. In this paper, we examine the discussions surrounding criminal justice policies among EIC officials during the initial year of conquest, showing how the hill people's otherness was harnessed to support both interventionist and non-interventionist policies, at one and the same time. These policies, in turn, align with two fundamental principles of criminal law associated with the Enlightenment era. The first, "general will," posits that criminal law should mirror the collective will of society. The second, "public order," posits that criminal law should be exclusively enforced by a centralized authority. While these two principles were closely intertwined in the Euro-American context, the paper reveals how they diverged in the colonial setting, reinforcing opposing policies. The analysis highlights the constraints and inherent contradictions of punishment in colonial contexts, where centralization and representation are in stark contrast.

Irit Ballas is a lecturer (assistant professor) at the College of Law and Business and a research associate at the Centre for Criminology, University of Oxford. Her research focuses on the social, political and historical aspects of the criminalization of terror and political crimes, with a particular focus on the jurisprudence of emergencies; the role of secrecy in state power, emotions in security and criminal law, and representations of crime and punishment in popular culture. Her articles have been published in leading academic journals, including Law & Social Inquiry; University of Toronto Law Journal and Theoretical Criminology.

Arik Moran (DPhil in History, Oxon 2010) is Senior Lecturer in the Department of Asian Studies, University of Haifa. He studies the history and culture of Himalayan societies in the modern era on the basis of textual and ethnographic research methods. He is the author of Kingship and Polity on the Himalayan Borderland (Amsterdam University Press, 2019) and has published widely on South Asian history and the vernacular traditions of the Western Himalaya. His current research, funded by the Israel Science Foundation, explores the interplay of ritual tradition and social history in modern Himachal Pradesh, India

Yaqoob Khan Bangash

Sir Shadi Lal: First Indian Chief Justice in the 'Loyal' Province

This paper explores the judicial legacy of Sir Shadi Lal, the first Indian Chief Justice of a chartered high court in British India. Appointed to the Lahore High Court in 1920, his tenure marked a critical juncture in the Indianisation of the colonial judiciary. It examines Shadi Lal's pivotal role in institutional consolidation, judicial reform, and the elevation of court efficiency amid growing political, communal, and class tensions in colonial Punjab. The paper discusses his efforts to professionalise the subordinate judiciary, improve case management, and uphold impartial justice, while navigating challenges of communal representation and corruption. His leadership fostered public confidence in the judiciary, setting a precedent for Indian leadership within the colonial legal framework. By highlighting his contributions and the broader implications of his appointment, the study underscores how Shadi Lal's legacy helped bridge the colonial and post-colonial judicial orders in South Asia.

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James P. Barry

John Reeves and Slaveholding in the Atlantic World, 1787-93

his paper examines connections between the Newfoundland fishery and slaveholding in the West Indies through the legal career of John Reeves. From 1791 to 1793, Reeves served as the first chief justice of Newfoundland, first under the statute 31 Geo III c. 29, which established a civil court on the island, and then under the statute 31 Geo III c. 46, which amended the first, and gave to that court full jurisdiction in criminal matters. In that position, Reeves advised the Board of Trade on the development of legal infrastructure on Newfoundland, with a view to better regulating the island's fishery and securing its place within the British colonial system. While scholars have given some attention to these activities, none have acknowledged Reeves's work in drafting legislation regulating slaveholding in the West Indies, and in advising the Board of Trade on related points of law. This paper draws on previously unexamined archival materials to shed light on Reeves's involvement with the legal regulation of slaveholding. In so doing, it positions Reeves and his work in relation to Newfoundland within the broader context of a colonial system based on maritime trade, in which slave labour played an integral role.

James P. Barry is a fifth-year doctoral candidate at Osgoode Hall Law School at York University in Toronto, Ontario, Canada. He is working in the field of legal history under the supervision of Professor Emeritus Philip Girard. He holds two Masters degrees, in History and in Law, from Dalhousie University in Halifax, Nova Scotia, Canada. He was called to the Bar in 2020 and since that time has been a member of the Law Society of Ontario. He has taught upperyear Law courses in Alternative Dispute Resolution, Judicial Remedies, and Law and Religion at the Schulich School of Law at Dalhousie University. His doctoral dissertation is on the barrister and legal writer John Reeves (1752-1829), with particular attention to his efforts in strengthening the legal regulation of Britain's maritime trade networks after the American Revolutionary War.

Binyamin Blum

Bones of Contention: Using Skeletal Maturity to Determine Criminal Responsibility in British and its Empire, 1870-1960

For centuries, chronological age has played a significant role in determining various legal rights and duties, including criminal responsibility. But how did legal systems determine which ages were appropriate for assigning these various rights? And how was age determined in legal fora before the emergence of birth certificates and centralized state registration? This paper explores the scientific and quasi-scientific methods used to determine age during the late nineteenth and early twentieth century, both in Britain and in its empire. Focusing on capital cases, it demonstrates the somewhat arbitrary choice of 18 as the age of eligibility for the death penalty. It further shows how the Crown would prove chronological age using x-rays of the wrist in cases where the defendant's chronological age was unknown and contested. Through this case study, I demonstrate the British invention of forensic science in and for the empire, and how forensic science was used to obfuscate the more critical question of a criminal defendant's moral maturity and capacity for reform. Particularly in the colonies, where even adults were considered to remain "child-like," the use of skeletal maturity exposes ideological inconsistencies in the the use of both law and science to justify state violence.

Binyamin Blum is Professor of Law and Associate Dean for Global Programs at UC San Francisco.

Joe Borsato

“They sowe and plant in divers places”: Euro-Kalinago Relations and Natural Law on Liamuiga (St. Kitts), 1620 – 1630

This paper examines the relations between the Carib-speaking Kalinago nation and both English and French colonizers on Liamuiga (St. Kitts), one of the Lesser Antilles in the Caribbean, in the early seventeenth century. In contributing to the historiography on Roman law in early modern empires by scholars such as Lauren Benton and Andrew Fitzmaurice, this paper investigates a combination of English colonial office records and printed accounts by French missionaries to explore the impact of Kalinago warfare and discourses on the natural law tradition. Beginning in 1624, the Kalinago ouboutou (leader) Tegremante demonstrated to the newcomers that his people were a political society, or one in which they could rightfully govern themselves and possess territory according to the natural law tradition. As relations between the Kalinago and the English deteriorated in 1626, Kalinago self-preservation forced the colonizers to adopt a new comparative ethnology based on the writings of the Jesuit José de Acosta that inverted the force of natural law arguments to argue for the legitimacy of colonization on the island. Thus, this paper argues that Kalinago agency played a fundamental role in natural law arguments about the justice of empire in the early colonial Caribbean.

Joe Borsato is a PhD Candidate in the Department of History at Queen’s University in Kingston, Ontario (Canada). With a previous background in consulting, including with Yunesit’in First Nation in British Columbia, he now researches the histories of Indigenous peoples and European empires in early modern global contexts. He has published articles in the peer-reviewed journals of *Global Intellectual History* and the *Journal of History*.

Jacqueline Briggs

Canada, Colonialism and Capital Murder: Legal Aid and the 1926-1928 Wrongful Conviction of Joseph Sankey

This paper - a chapter draft from my book manuscript under contract with UBC Press - is a critical socio-legal history that explores the late 1920s wrongful conviction of Joseph Sankey in northern British Columbia, Canada. When white school teacher Loretta Chisholm's body was found on a forest walking trail outside the small cannery town of Port Essington, BC, it was only a few hours until Joseph Sankey was arrested by police. The only evidence against Sankey, a Tsimshian cannery worker, was circumstantial: a child had seen him sitting on a lawn across from her house eating an ice cream, then later had seen Loretta Chisholm walk by, but Sankey was never placed anywhere near the scene of the crime. Sankey was convicted of capital murder and sentenced to hang at his fall 1926 trial, but Indigenous community members and the Allied Tribes of BC organization helped arrange an appeal by the Vancouver proto human rights lawyer Joseph Edward Bird (who had previously represented Winnipeg General Strikers and the claimants of the a Komagata Maru). The case twists when Bird requested financial assistance from the federal Department of Indian Affairs to appeal the case to the Supreme Court of Canada, and becomes even more twisty when generous assistance is provided by the infamous head of the DIA, Duncan Campbell Scott, at the exact time that the Allies Tribes of BC were appearing at a special committee on the BC Indigenous 'land question' in Ottawa, and the federal Indian Act was being amended to prohibit Indigenous band or tribes from hiring lawyers to pursue legal claims against the government (the s.141 restriction on counsel). Joseph Bird's zealous advocacy for Joseph Sankey eventually led to a new trial and acquittal, saving him from the death penalty. Examining Sankey's case in context allows us to connect the DIA's conciliatory legal aid program to the broader state objectives of colonial consolidation.

Michael Bromby

Illegality in Empire: Sending prisoners from one jurisdiction to another, questions of legality relating to historical examples and pragmatic solution

This paper will explore the non-legality of sending prisoners out of a jurisdiction to complete their sentence elsewhere, primarily due to the lack of facilities or special circumstances which present in the home jurisdiction. Examples will be used from the Cayman Islands, a small British Overseas Territory, when prisoners were sent to neighbouring Jamaica during the 1970s before the existence of a properly established local prison facility. This process arose from a legal construct when both jurisdictions were enmeshed as a Crown Colony and a Dependency, yet continued post Jamaican independence as a practical solution despite questions now arising as to the illegality of such arrangements. In contrast, twenty-first century examples will be contrasted where prisoners are instead removed from the Cayman Islands to the UK. This process has raised various human rights challenges and led to the introduction of new legislation to prevent the disclosure of governmental intelligence gathering and additionally necessitated the rebuilding the islands' prison facilities. These intended and unintended consequences will be explored using historical examples to question whether prisoners and their families suffered additional hardship and punishment that extended beyond their incarceration, and how, if at all, this can be remedied

Michael Bromby is a senior lecturer at the Truman Bodden Law School of the Cayman Islands. The Law School is partnered with the University of Liverpool in the UK and delivers the undergraduate LLB programme for a primarily local population in the Caribbean. Michael's area of research is presently focussed on prisoner transfers and sentencing policy in a small jurisdiction. Previously, he has worked for a number of UK universities before moving to the Cayman Islands in 2017.

Katherine Bruce-Lockhart

Negotiating the Nelson Mandela Rules: Colonialism, Prisoners' Rights, and Global Governance

In 2015, the United Nations renamed the global standards for prisons the "Nelson Mandela Rules" to honour the legacy of South Africa's former president. First developed in the 1920s, the Rules have served as a "soft law" designed to safeguard the human rights of incarcerated people. This paper traces the origins of the Rules and their entanglement with colonialism. Early attempts to determine "universal" prison standards emerged when European empires stretched across the globe. The International Penal and Penitentiary Commission (IPPC), which was founded in the 1870s, drafted the original set of standards, but was later discredited after it allowed Nazi Germany to host one of its major conferences. The UN took over in the post-World War II period, launching the Congress on the Prevention of Crime and Treatment of Offenders, which became a crucial arena for setting international penal norms. While participants from the Global North often used these meetings to promote philosophies and practices rooted in coloniality, Global South participants also used them to challenge Eurocentric ideas about crime and punishment. Tracing this history is especially important given the continued existence of the UN Congresses and the centrality of the Mandela Rules to the global human rights order.

Dr. Katherine Bruce-Lockhart is an Associate Professor in History at the University of Waterloo and a faculty member at the Balsillie School of International Affairs. Her research examines the global history of prisons, punishment, and human rights. Dr.Bruce-Lockhart's recent book, *Carceral Afterlives: Prisons, Detention, and Punishment in Postcolonial Uganda*, analyzes how colonial carceral spaces persisted in Uganda after independence and critiques their ongoing existence. She is currently working on several projects: one on British colonial incarceration and punishment on the African continent; another historicizing the Nelson Mandela Rules and movements for prisoners' rights and prison abolition within the UN and other international forums; and one looking at mass releases of prisoners during the COVID-19 pandemic. Dr. Bruce-Lockhart's work has appeared in Punishment & Society, the Journal of World History, Incarceration, the Journal of Eastern African Studies, and the Oxford Handbook of Late Colonial Insurgencies and Counter-Insurgencies amongst other places.

Elisabeth Bruyère

Constructing Latecomer Colonial Models: Transformation of the Traditional Theory of Nationality in the Face of Belgian Expansionism

At the turn of the 20th century, Belgian legal science was not ready to absorb a colonial situation that it had never had to consider before. However, developments of comparative law networks during the nineteenth century and the emergence of international scientific institutions enabled jurists to draw freely on foreign colonial models to develop their own expansionism in Africa. The British systems, which were particularly earthy and flexible, gained considerable favour at the time.

Nevertheless, these imported regimes of colonial possession struggled to find their place in the Belgian theory of the State. As a result, throughout the period of colonisation, Belgian jurists remained laconic, if not silent, on the constitutional status of Congolese territory and the people who inhabited it. Relegated to the status of 'subjects', which covered no ground in Belgian law, the Congolese found themselves plunged into a pragmatic indeterminacy.

Élisabeth Bruyère holds a doctorate in law from Ghent University and is a researcher in contemporary history. After working for KADOC - KU Leuven and the Vrije Universiteit Brussel she is currently a postdoc researcher at the Università Federico II in Naples for a project on the construction of the Belgian colonial model at the time of the takeover (1908) for the PRIN "Imperial Entanglements". On October 1st she will start a senior postdoctoral mandate through the Fonds voor Wetenschappelijk Onderzoek (FWO) at the University of Leuven on the African policy of the Holy See and the native clergy of Congo, Rwanda and Burundi (1930-1960).

Arlena Buelli

Procolonial Censorship and 'Seditious' Literature: The British and French Models in Colonial Africa and the Caribbean

This paper examines the colonial powers' efforts to control anticolonial and antiracist press in the 19th and 20th centuries. It focuses on the relationship between procolonial censorship and 'seditious' literature in African and Caribbean colonies, presenting it as a complex negotiation process. It argues that, while censorship in the colonies was largely prohibitive, imperial rulers also strategically used anti-government publications for intelligence, and government-sponsored vernacular newspapers for competition.

The paper analyzes the British Empire's systematic press-control efforts, tracing the evolution of legal frameworks from British India, which served as a blueprint for other colonies, to the regulation of anticolonial and antiracist press in British Africa and the West Indies. The case study of Grenada's Seditious Publications Ordinance of 1920 illustrates the broader public debate and resistance incited among Afro-Grenadians by its racist implications. The narrative underscores the aftermath of World War I as a turning point, with widespread colonial discontent and increased intercolonial circulation prompting stricter control measures.

Finally, the paper advocates for a transimperial approach, reconstructing the main features of the French procolonial censorship model, rooted in exclusionary citizenship principles and the Indigénat system, its application, and everyday surveillance practices. It highlights the differences between the two imperial censorship models while pointing out borrowings and growing collaboration, notably in intelligence and police operations.

The research relies on archival work conducted at the British Library's India Office Records, the British National Archives, the French Archives Nationales, Archives nationales d'outre-mer, and Service Historique de la Défense.

Arlena Buelli is a Research Fellow and Adjunct Professor at the University of Naples Federico II. She obtained her PhD in Global History from the University of Bologna and was a Research Fellow at the Luigi Einaudi Foundation. Her research, supported by archival work in South Africa, Morocco, the US, the UK, and France, includes peer-reviewed publications exploring transimperial policing of anticolonialists, intercolonial antifascism, and Arab-Black encounters during the Spanish Civil War. One of her first major articles, published in the Journal of Global History, won the prestigious 2023 Annual Article Prize of the Italian Society for the Study of Contemporary History. She is currently working on her first book, focusing on the transnational circulation of anticolonial and antiracist periodicals in Africa and the African diaspora during the 1910s-40s
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Lyndsay Campbell

Printers, Publishing and Privilege: Law and Practice in Vexing Circumstances, 1785-1830

This presentation will mark a tentative venture into the law and practice of the House of Commons and colonial assemblies, between about 1785 and 1830, concerning their own printing and publishing. Until around the beginning of the nineteenth century, reporters were not allowed to record the doings of the House of Commons, and parliamentarians could not be sued or prosecuted for anything they said in debate. Documents created for and by the House of Commons were often marked as being printed only for the use of members. However, by the 1830s, reporters had been attending and reporting on the debates of the House of Commons for a generation, and the Liberals were reimagining the Commons as a body responsible to the public (or at least a broader segment of it than previously). In British North America, newspapers had become political forces to be reckoned with. These shifts created uncertainties around parliamentary privilege and around the more or less complementary doctrine in libel law of absolute privilege afforded to (some) reports of parliamentary speeches and (possibly) other documents. This presentation will analyze and contextualize, perhaps rather tentatively, the law and practice concerning the jurisdiction of these representative bodies to prevent the texts they produced from being the basis of libel claims, and the scope of their printing and publishing ventures, their sense of responsibility to their constituents, and the legal protections given to the records of their debates and the other documents and reports they received and generated.

Lyndsay Campbell is a professor at the University of Calgary, cross-appointed between the Faculty of Law and the Department of History. She holds an LLB and LLM from the University of British Columbia and a PhD from the University of California, Berkeley. Her research has explored understandings of the constitutional and legal treatment of expression and race, largely in the place that has become Canada but also in Massachusetts, Toronto and Calgary. Her monograph *Truth and Privilege: Libel Law in Massachusetts and Nova Scotia, 1820-1840* (Cambridge University Press, 2022) explores the divergence of the common law of libel and slander in the context of different places and constitutional traditions. She co-edited (with Tony Freyer) *Freedom's Conditions in the U.S.-Canadian Borderlands in the Age of Emancipation* (Carolina Academic Press, 2011); (with Ted McCoy and Mélanie Méthot) *Canada's Legal Pasts: Looking Forward, Looking Back* (University of Calgary Press, 2020) and (with Shaunnagh Dorsett) *Navigating Legalities: Legal Histories of Empire* (Routledge 2024).

Matilde Cazzola

For a Comparative Legal History of Protective Stations: The Singapore Chinese Protectorate in Context

During the 19th century, British imperial administrators sought to address the violence that the empire itself had caused globally by establishing protective stations across different jurisdictions. Between the 1820s and the 1890s, Protectorates of Slaves, Aborigines, and Immigrants/Emigrants opened in different colonial settings as social and legal departments for the "treatment" of colonial subjects portrayed as both vulnerable, disorderly, and reformable. This paper investigates what is arguably the least studied type of protective department, the Protectorates of Chinese Immigrants established across British Malaya, starting from the Chinese Protectorate that opened in Singapore in 1877. This office, initially installed to oversee the immigration of labourers from China, was put in charge of the administration of several ordinances against secret societies, the spread of contagious diseases, and the exploitation of prostitution. The analysis of the Singapore Protectorate serves as a valuable addition to the history of protective stations by integrating the Indian Ocean within a stream of research that has hitherto focused primarily on the Pacific. Furthermore, by contextualizing this Protectorate within the wider history of protective departments and emphasizing the trans-colonial analogies, exchanges, and "points of contact" among them, this paper interrogates the legal and conceptual foundations of British imperial protection.

Matilde Cazzola earned her PhD in History from the University of Bologna, Italy, in 2019. Since November 2020, she is a postdoctoral researcher at the Max Planck Institute for Legal History and Legal Theory in Frankfurt Am Main, Germany, where she is the co-organizer and convenor of the "Common Law Research Seminar". As a researcher in the field "Legal Transfer in the Common Law World", Matilde works on a project titled "Policing mobility through protection: Social knowledge and legal practices in the 19th-century British Empire". She is the author of two monographs and of several journal articles and book chapters on British imperial thought and administration. Matilde took part in the "Legal Histories of Empire" conferences II (Barbados, 2018) and III (Maynooth, 2022).

Matthew Cerjak

Nuptial Nuances: Marriage Contracts Throughout Empire in Colonial New Orleans

In March of 1750, Rebecca Slocumb appeared before the Accomack County Court during its sitting in Chancery to sue her husband for his extravagant spending and eke out a separate estate for her maintenance. While some accounts of women's interactions with Anglo-American law during the eighteenth century may categorize Rebecca's efforts as extraordinary, this paper suggests the opposite. Indeed, by analyzing over 11,000 cases arising from Chancery sittings in county courts across Virginia during the latter part of the eighteenth century, I demonstrate that women regularly participated in legal proceedings, although their presence sometimes varied considerably by individual county. In short then, through both close readings of case files as well as statistical analyses and spatial visualizations of litigation patterns, this paper suggests that courts of equity offered women a meaningful alternative to the common law in colonial and early national Virginia—one that they often used to assert and/or protect their interests.

Matthew Cerjak is a PhD student in the Department of History at the University of Michigan. As a legal historian of the early modern British Atlantic World, Matthew's research examines how and why women of every rank utilized judiciaries—especially Chancery courts—across the Empire. More broadly, his work often revolves around questions related to the intersections between gender, race, status, and law as he combines legal records with other archival remnants to reveal the worlds people inhabited and navigated centuries ago.

Shiu Chung Chan

Law and Economic Order in British Hong Kong: A Legal Pluralism Perspective

In the mid-19th century, Hong Kong was ceded to the British Empire for the purpose of conducting business with Qing China. Business-related laws, among other areas of laws, should have been a major concern for the Hong Kong government. Interestingly, Chinese law and custom, deemed primitive by the British, was partially maintained in the field of business operations in the early period of British Hong Kong. What were those Chinese business law and custom? Instead of imposing English law, what were the considerations behind the British to choose to maintain certain Chinese business law and custom in Hong Kong? To answer this research question, this paper will conduct archival research using materials from both official and unofficial sources, including newspapers. This paper argues that officials were well aware of the potential negative effects of imposing English law and that the maintenance of Chinese law and custom was a compromise solution. This paper further suggests that in an area of law as crucial as business law in British Hong Kong, the co-existence of two laws was the outcome of complex considerations rather than a simple de facto legal pluralism as part of the British Empire's policy.

Shiu Chung CHAN is a lecturer at the Department of Law and Business at Hong Kong Shue Yan University. He is currently a Doctor of Legal Sciences candidate at the University of Hong Kong. His doctoral thesis and research interests are in the areas of legal history and law and society. In particular, he focuses his research on the history of British Hong Kong and the British Empire. He is publishing an article in the Journal of History of International Law, where he is the sole author, studying the British Empire and extraterritoriality in Qing China under the Treaty of Tientsin.

Faisal Chaudhry

"Stillborn Together? Property and the Rule of Law under the East India Company"

Did the East India Company inaugurate merely a rule *by* law in the South Asian subcontinent rather than a rule *of* law? Is to argue as much a good way of gaining purchase on the 'legal history' of colonial rule or one that raises more questions than it answers? Drawing on my recently published book, *South Asia, the British Empire, and the Rise of Classical Legal Thought: Towards a Historical Ontology of the Law* (Oxford University Press, 2024), in this talk, I will explore these questions by considering how the discourses of early colonial rule left the ostensibly all-important right to property largely extrinsic, so to speak, to legality. Focusing on the period between the Company's acquisition of the power of diwani and before Cornwallis' permanent settlement of the land revenue with Bengal's zamindars in 1793, my talk rereads some of the key texts that were part of the culture of public contemplation through which the Company's scandal-ridden beginnings were parsed. In doing so, I argue that the underlying vision articulated in these texts was one that was indicative of a broader early modern way of aligning rights talk with notions of administration, adjudicatory rectification, and sovereignty based on an ontology of laws rather than an ontology of the law, considered as an infinitely generative system of rational ordering according to norms. By opening a new vista on an old question about the colonial rule of/by law, my talk also urges that we press the question of the history of 'South Asian legalities,' as Michael Anderson so well put it in the early 1980s, to the very notion of the law itself, in all its plainly economic and social contingency.

Faisal Chaudhry is Assistant Professor in the Faculty of Law at UMass Dartmouth.

Donal Coffey

The University of Toronto and Empire in the inter-War period

This paper examines the way in which constitutional law was taught and theorized in the University of Toronto in the inter-War period. The examination papers of the period provide a means of understanding the manner in which the faculty of the law school, in particular W.P.M. Kennedy and A.R. Clute, engaged with Empire in the lecture theatre. These will be compared to the questions set in the University of London and by the Council of Legal Education in the United Kingdom (Toronto acted as an overseas venue for these latter exams to be taken at the time). This allows us to consider the points of imperial public law that were regarded as being particularly salient at the time, as well as allowing us to identify how imperial constitutional law in Toronto differed from that in the metropole at the time. We can then supplement these papers with the published work of the faculty, in particular Kennedy, to construct a more detailed understanding of the approach towards imperial constitutional law in Toronto.

Donal Coffey is an Assistant Professor at Maynooth University school of law, and an Affiliate Researcher of the Max Planck Institute for Legal History and Legal Theory, Frankfurt am Main. Donal's research interests are in the fields of public law and legal history, and particularly in the fields of contemporary constitutional law and comparative constitutional history, with a specific interest in the constitutional history of the British Empire. He holds a PhD from University College Dublin. He is the author of Drafting the Irish Constitution 1935-1937 (Palgrave Macmillan, 2018) and Constitutionalism in Ireland, 1932-1938 (Palgrave Macmillan, 2018). He has published articles in the fields of international law, constitutional law, and legal history. His work has been cited by the House of Commons library, the Northern Ireland Assembly, the Irish Law Reform Commission, and by the Committee on Legal Affairs and Human Rights of the Council of Europe.

Ernesto De Cristofaro

The racial boundaries of empire. Legislative pathways of segregation in Italian colonial domains

The conquest of Ethiopia by fascist Italy, in baptizing a new empire, radicalizes the tendency - coessential to colonial policy - to establish relations between whites and natives inspired by a clear hierarchical domination of the former over the latter. The violent modes of the Italian military campaign in East Africa are accompanied by legislative and administrative action designed to dig an unbridgeable furrow between victors and vanquished. In the course of a few years, fascism exhibited its intention to govern the territories of Italian East Africa with the stick of the strictest and most severe segregation of the indigenous population. Royal legislative decree 880 of 1937 introduced sanctions to punish marital relations between citizens and subjects. Converted into law in December of the same year, it would be expanded shortly thereafter by Law 1004 of 1939, which coined the category of conduct "detrimental to the prestige of race," according to which any possible closeness, familiarity, conviviality between whites and blacks must be averted, since it would lower the former to the level of the latter and debilitate their just claim to appear, as well as to be, the dominant race. Article 20 of that law refers to the condition of half-breeds, signaling that it will be regulated by separate enactment. This is what happens the following year with the enactment of Law 822 inspired by a harsh classificatory stricture against persons born of mixed unions, hitherto the subject of more elastic and tolerant legislation. These three laws are respectively the premise and development of each other, and a reconnaissance in the parliamentary record describing the conditions of their genesis, the theses and intentions that sustained them, and the auspices formulated in the legislative chambers that produced them, can help clarify the racial philosophy of the Fascist empire.

Ernesto De Cristofaro (1972), Law degree (University of Catania, 1994) Philosophy degree (University of Venice, 2001), PhD in "Profiles of Citizenship in the Construction of Europe" (University of Catania, 2005). Worked as a fellow at the Max-Planck-Institut für europäische Rechtsgeschichte in Frankfurt am Main (2004, 2009) and at the Lloyd Robbins Collection at the University of California-Berkeley (2004, 2006). From November 2010 to February 2020, he served as Researcher of Medieval and Modern History of Law at the Department of Law, University of Catania. Since March 2020, he has been Associate Professor of History of Medieval and Modern Law at the same institution. In the academic years 2014-15 and 2015-16, he taught Common Law and History of Italian Law at the Department of Law, University of Messina. In the academic years 2014-15 and 2015-16, at the Law Department of the University of Catania, he coordinated the University Workshop on the Genesis and Transformations of Regulatory Instruments to Counter Mafia Associations. In academic years 2021-22 and 2022-23, he taught History of Modern and Contemporary Law at the Department of Political Science, University of Catania. Since the academic year 2021-22 he has been teaching the course - valid as Further Educational Acrivity - of History of Total Institutions: asylums, prisons, criminal asylums at the Department of Law, University of Catania. Since the academic year 2023-24, he has been teaching the course - valid as Further Educational Activity - of History of Crime in Italy 1861-1992 at The Department of Law, University of Catania. From 1999 to 2003 he worked as a volunteer lecturer at the Catania-Bicocca Juvenile Criminal Institute. From 2005 to 2013 he served as an honorary judge at the Juvenile Court of Catania. He has published in many journals.

Bruno Cunha

Judicial Dialogue Across Empires: U.S. Supreme Court Precedents in Brazil's Constitutional History.

This paper investigates the extensive influence of United States constitutional law and practices on the development of Brazil's legal system, spanning from the era of the Brazilian Empire to the establishment of the Republic. It explores how U.S. constitutional principles and jurisprudence have served as a model for Brazil, shaping its legal institutions and constitutional framework. The analysis focuses on the Brazilian Federal Supreme Court's adoption of U.S. Supreme Court precedents, which has significantly impacted its constitutional interpretations. By examining key historical periods and landmark cases, the research illustrates the integration of American legal concepts into Brazilian jurisprudence and the transformative effects on Brazil's legal landscape. This study employs historical and legal analysis to uncover the ways in which U.S. constitutional law has been utilized as a reference point by Brazilian legal actors and institutions. It also delves into the political and legal dynamics between the two nations that have facilitated this cross-jurisdictional influence. This paper is submitted for consideration in the "Comparing Empires: Judicial Institutions and Legal Actors" or "The American Empire" streams at the Legal Histories of Empire: Empires in Touch conference.

Bruno Santos Cunha is a State Attorney and Constitutional Law Professor based in Recife, Brazil. He holds a Bachelor of Laws from the Federal University of Santa Catarina (Brazil, 2007), a Master of Laws from the University of São Paulo (Brazil, 2014), and an LL.M. from the University of Michigan Law School (USA, 2017). Currently a PhD Candidate in Constitutional Law at the Federal University of Pernambuco (Brazil, 2021-2025), he is also a Visiting Research Scholar at The Ohio State University Moritz College of Law (USA, 2022-2024). He is an associate editor of The International Review of Constitutional Reform (IRCR) since 2020 and authored the chapters about Brazil in the 2022 and 2023 Global Review of Constitutional Law (both published by the Constitutional Studies Program at the University of Texas at Austin). His research focuses on constitutional law, constitutional history, globalization of constitutional law, global judicial dialogue, the use of foreign law by national constitutional courts, and how the Brazilian Federal Supreme Court engages in this global discourse.

Christopher M. Curtis

The Trials of the Bishop of Cape Town and the Judicial Disestablishment of the Colonial Churches.

In 1863 and, again, in 1864, the Judicial Committee of the Privy Council adjudicated two significant cases on appeal challenging the authority of the Reverend Robert Gray, the Bishop of Cape Town and concluding that the Church of England was not a church "by law established" in the colonial possessions of the British empire. The cases of Long v. Bishop of Capetown (1863) and In re the Lord Bishop of Natal (1864) both involved questions of clerical discipline and removal. In delivering verdicts against Bishop Gray in each case, the Judicial Committee resolved long standing questions from colonial magistrates about the source of ecclesiastical authority and the legitimacy of a church establishment in the colonies. The resulting judicial disestablishment of the colonial churches corresponded with the Committee's rulings in other ecclesiastical causes in England, which promoted the principles of religious freedom and redefined the relation between the church and the state. An examination of the issues involved in the trials of Bishop Robert Gray, therefore, sheds insight into the historical process of the desacralization of government and the imposition of religious freedom as one of the core governing technologies of liberalism.

Christopher M. Curtis is Professor of History at the Georgia Southern University.

Raja Venkata Krishna Dandamudi

Strategic Engagement with Colonial Law in British India: Normative Posturing and the Emergence of Colonial Constitutionalism

Why did colonial subjects in British India engage with colonial law, even though they knew that it was undemocratically imposed by an alien ruler? This paper will argue that colonial subjects in British India adopted the normative posture of 'strategic engagement' with colonial law, whereby they acknowledged the authority of colonial law over them and innovatively used it to further their political projects, "to work law to their advantage" (as the call for papers of this conference puts it), to safeguard civil liberties and to impose constitutional limitations on the colonial government, even while they did not acknowledge its moral legitimacy. Colonial subjects reserved their right to contest colonial rule and law, and call for independence, even when they strategically engaged with them. In colonial India, subjects adopted the posture of strategic engagement because the colonial government itself had a strategic attitude towards its own law, as a result of an ambiguous policy of simultaneous repression and reform (which it thought would stabilize its control over India). This ambidextrous attitude towards colonial law, of moral denouncement and strategic engagement, has not been duly appreciated by legal historians and theorists thus far. Drawing from archival material and jurisprudential theories, this chapter conceptualises the peculiar phenomenon.

Raja Venkata Krishna Dandamudi: I am a PhD candidate and Cambridge International Scholar at the Faculty of Law, University of Cambridge, where I research the development of constitutionalism in late colonial India (1857-1947) under the supervision of Professor Lars Vinx. I read for an undergraduate degree in law and humanities at Jindal Global Law School, India, before working as a Law Clerk-cum-Research Assistant to a Judge of the Supreme Court of India. After the clerkship, I read for an LLM in Legal Theory at New York University School of Law, where I wrote a dissertation on the jurisprudential connotations of the dignity of labour under the supervision of Professor Jeremy Waldron. Apart from constitutional history, my research interests include human rights, jurisprudence and British imperial history

Orna Alyagon Darr

Gender-based classification of prisoners in Mandate Palestine

This paper traces the history of gender-specific carceral regimes in Mandate Palestine, exploring the prominence of gender in the hierarchy of carceral classification and offering explanations for this phenomenon. By the end of the Ottoman period, female inmates were held in separate cells. The British, who ruled Palestine from 1918 to 1948, expanded gender-based separation beyond women's cells and employed female wardresses. The ultimate form of separation was the establishment of distinct institutions for females: the Girls' Home in Jerusalem in 1919 and a separate women's prison in Bethlehem in 1930. Not only were placements gender-based, but the penal regime and rehabilitation within the prisons were as well.

Gender-based carceral classification intersected with other categorizations under British rule, but gender often outweighed other criteria. Age-based classification was less strictly enforced for female prisoners, with women and girls sometimes held together. Jewish and Arab female inmates were less separated from each other than their male counterparts. Criminal and political female prisoners were housed in the same prisons, though under different conditions.

This study highlights how gender shaped the carceral landscape in Mandate Palestine, reflecting broader colonial policies and social hierarchies.

Orna Alyagon Darr is an Associate Professor at the Law School of Sapir Academic College, Israel. She is the author of *Marks of an Absolute Witch: Evidentiary Dilemmas in Early Modern England* (Ashgate, 2011) and *Plausible Crime Stories: The Legal History of Sexual Offences in Mandate Palestine* (Cambridge University press, 2019). Her work explores evidence law, criminal law and criminal procedure in their cultural, social and historical context, and her articles have been published in leading academic journals such as Law and History Review, Law and Social Inquiry, Continuity and Change and Yale Journal of Law and the Humanities

Serge Dauchy

Bridging Legal and Cultural Differences between the French Colonial and Annamite Empires in the late Nineteenth and early Twentieth Centuries

In response to the call for papers "Legal Histories of Empires IV: Empires in touch"? I propose to look at French justice in Indochina through the example of the Justice of the Peace of Tourane (now Da Nang, Vietnam. The archives of this court, which operated from 1898 to 1914 (now kept at the State Archives in Hanoi), make it possible to study how the French judicial Institutions have formed and re- formed, succeeded, failed, and produced intended and unintended consequences

The interest of this case study lies in the fact that Tourane was a French concession located in the Annam Protectorate. The study of the Tourane Justice of the Peace (with extended jurisdiction) allows us to compare the French judicial organization and actors in a protectorate (Annam) with those of a colony (Cochinchina). It also allows us to tackle the problem of differentiated relations between the French legal and judicial order and those subject to its jurisdiction: European settlers and merchants, the local population but also foreigners, in particular the Chinese community.

Serge Dauchy is Senior Research Fellow at the French *Centre National de la Recherche Scientifique* (CNRS) and professor of Legal History at the University of Saint-Louis (Brussels). After undergraduate studies in history and law, he completed a PhD in Procedural Law at Paris 2 University (1987) and a PhD in Legal History at Ghent University (1991). From 2009 to 2019, he was director of the Doctorate School for Law, Political Sciences and Management of the University of Lille. He is Director of the Centre d'Histoire Judiciaire (CNRS – University of Lille) and co-director (with O. Cruz-Barney) of the International Associated Laboratory in Legal History ULille (France)-UNAM (Mexico). He also teaches Legal Methodology and Ethics at the Law Faculties of Can Tho and Ho Chi Minh City-UEL (Vietnam). Since 2011, he has been a member of the Editorial board of *Tijdschrift voor Rechtsgeschiedenis / Legal History Review* and, since 2014, a member of the International Editorial and of the Advisory board of the *Comparative Legal History Journal*. He is also a founding member of the electronic Journal Clio@Thémis. From 2002 to 2022, he was president of the Royal Commission for the editing of the Ancient Laws and Customs of Belgium (Federal Department of Justice). He has published on the history of civil procedure and case law, on the comparative history of Central courts, on the circulation of legal literature in early modern Europe and is actually working mainly on legal transplants in seventeenth and eighteenth century New France (Québec and Louisiana). In 2010, he was awarded the Sarton Medal for the History of Science by the University of Ghent.

Clare Davidson

‘The Anglo-Saxon, the Feudalist, and the Modern Conveyancer’: Ancient Genealogies for Land Law Reform in Colonial South Australia

In 1858 when the South Australian parliament passed a statute that created a novel system of land transfer by registration, the success of the reform was in no small part dependent on the work of local jurist Ulrich Hübbe (1805–1892). For Hübbe, the greatest benefit of title by registration was that it brought the security of public scrutiny to transactions so that land could no longer be transferred between people in private. In this way, he framed registration as a return to the manner in which Anglo-Saxon owners would transfer land by directly handing turf or a twig to purchasers at a public meeting, which provided secure and full rights and ensured there were no subsisting interests. Hübbe’s medievalist framing of Torrens Title was extremely influential within other colonial jurisdictions, which quickly moved to introduce registration as a more efficient and less expensive method of transferring newly dispossessed lands. This paper shows how Hübbe introduced European historical jurisprudence to colonial Australia as a means of legitimising law reform. I consider his use of medievalist discourse in relation to the broader construction of the ‘Middle Ages’ as a historical, cultural, and legal legacy in the British Empire, with particular attention to the development of ‘Anglo-Saxonism’ as an ethnic category.

Clare Davidson is a research fellow in medieval studies at Australian Catholic University. Her interdisciplinary research examines the premodern history of emotions, law, and the political and legal reception of British history in colonial Australia. She has published research in a variety of historical, literary, and legal journals. Her first book *Love in Late Medieval England* is contracted with Manchester University Press. Some recent works include an article on gender, land law, and natural resource management in *Australian Historical Studies* and an edited special issue of *History Australia* on gender and law with Dr Jessica Lake.

Graydon Dennison

More Stick than Carrot: U.S. Law Enforcement in the Canal Zone and Republic of Panama, 1912-1936

Law, as we know, followed empires as they expanded. And as the United States pursued overseas empire, the legal mechanisms of its metropole spread, too. But what about spaces where the United States was not the only sovereign? Just as it holds outright colonies, it has also operated from bases and other strategic footholds that have granted U.S. power an ambiguous shape. This paper will use Panama, a country that once featured a U.S. controlled asset----the Panama Canal----and a U.S. colony----the Canal Zone----within an ostensibly independent republic to shed light on how law functioned in such an asymmetrical relationship. Here, during what I and other scholars refer to as the protectorate era of 1912-1936, U.S. Canal Zone law enforcement looked to extend domestic U.S. visions of law and order over not just the Zone, but the broader Republic of Panama as well. This initiative manifested in U.S. attempts to export its ideals on narcotics and corrections to the Republic of Panama. By curtailing the drug trade *inside* sovereign Panamanian space and having certain specialists train isthmians on U.S.-style prisons, U.S. actors fashioned the terrain surrounding their most strategic colony in their image. Panamanians, though, found ways to circumvent U.S. anti-narcotics policies or steer U.S. legal experts toward their interests, clarifying the limits of U.S. legal imperialism. Nevertheless, law proves a noteworthy arena of U.S. empire in a space not fully under any one nation's sovereignty.

Graydon Dennison holds a Ph.D. from Temple University in the history of the United States in the world. His dissertation, currently under conversion into book form, examined how U.S. actors spilled U.S. power and influence beyond the Canal Zone colony to compromise the sovereignty of the Republic of Panama and, consequently, usher in the imperial modalities that came to define the postwar empire of bases. This process not only reveals the true history of U.S.-Panamanian relations during this era, but demonstrated how Great Powers remained hegemons without necessarily taking territory as they did before. His research interests include the history of U.S. empire, the comparative colonialism of the United States and other powers, and how the subaltern have collaborated with or resisted imperialism in all its forms. Graydon is currently a Visiting Assistant Professor at the College of Charleston, teaching U.S. history and that of Twentieth Century Crisis.

David M. Doyle

British Colonialism and the Criminalization of Homosexuality in Ireland.

From the 1860s onwards, the British Empire spread or imposed a specific set of laws that proscribed male-to-male sexual relations throughout its colonies (including in Ireland – its first colony). Placing the "sodomy" laws imposed during British imperial rule within the wider colonial context, this paper examines the relationship between British colonialism, the legal prohibition on homosexual conduct, and the enduring impact of the criminalisation of same-sex relations in the formative decades of the independent Irish state. Drawing on hitherto restricted archival files on prisoners who were convicted of homosexual offences between 1924 and 1950, it charts the processes through which homosexual conduct – oft-condemned as an imported British vice – became 'a form of depravity' that reputedly spread with 'malign vigour' after independence. The findings reveal the modus operandi of the 'agents' (the persons who effected the intercourse constituting buggery) and 'patients' (the persons against whom the offence of buggery was committed), the extent to which these offences were consensual or exploitative, and the difficulties that law enforcement encountered in its efforts to suppress homosexual activity using a legislative framework that was introduced pre-independence as part of the colonial programme to civilize the Irish. The paper also investigates the veracity of the claim that some adult offenders practiced it 'habitually on children of tender years', and explores the degree to which these 'grosser forms of sexual violence' were 'in vogue' and a 'habitual vice in the case of most adult offenders' who were convicted.

David M. Doyle is a Senior Lecturer in the School of Law and Criminology, National University of Ireland Maynooth.

Umoh Adetola Elizabeth

In the Case of values of English liberty, Subjects of his Majesty and Sedition Offences Ordinance of 1909 In Southern Nigeria

Sedition ordinance was transplanted from Britain and India to Nigeria to suppress criticism of the British monarchy, prevent the Indigenous people from complaining about colonial government policies, criticism, and restrict the press from publishing materials that criticized the British colonial administration. Sedition laws suppress speech, and the crime of sedition in 16th-century England is traceable to crimes under treasonable words. Consequently, the sedition ordinance resulted in the imprisonment of educated Nigerian elites and nationalists like Herbert Macaulay, who was sentenced to 6 months imprisonment and other subsequent prosecution that followed. In light of this, this paper discusses the sedition ordinance in British colonial Nigeria. It examined these from flash-points a) Sedition Ordinance fine (two hundred and fifty pounds) payable to Her Majesty; b) objection by locals to the Ordinance, c) the Ordinance as the legal basis of curtailment of freedom of expression in Nigeria, d) how the sedition ordinance trigged an intense period in the British colonial territorial consolidation and conflict between the colonialist and dissenting natives. Data from the historical, colonial records archive, archival, oral history and documentary suggest that sedition laws sought to protect the British colonialist as political awareness increased in Nigeria and to control the spread of nationalism and the spate of attacks by the educated African. The paper argues that Nigerian nationalists considered the Ordinance as "disgusting to all principles of justice and an outrage upon the established values of English liberty, which subjects of his Majesty, the King, has an undoubted right to."

Umoh Adetola Elizabeth is a researcher, journalist and bagged PhD from the University at KwaZulu-Natal in 2023. Her research interests cover colonial history, socio-legal studies, and UNHCR persons of concern . She is affiliated with Kaldor Centre for International Refugee Law, Australia, the Institute For Justice & Reconciliation and Law and Development Research Network, South Africa

Oksana Ermolaeva

The Concept of the «Especially Protected Border Strip» and its Implementation at the Russian Western Frontier

Throughout the history of the Russian/ Soviet empire border security has been an issue of primary concern, with the obsessive fear of imperial decay remaining a driving force of its international and internal policy targeted at safeguarding and expanding the borders. This is also the case with contemporary Russia, which, advancing its aggressive foreign policy and seeking to reclaim its superpower status, has inherited from the former Russian empire and the Soviet Union a rich tapestry of political and military thinking patterns. The current paper explores a legal concept of the so-called «especially protected border strip,» as it was elaborated at the end of the 19th — beginning of the 20th century by the Russian military theorists (Zolotarev 1889; Novitsky 1910), and later implemented in practice at Soviet and post-Soviet Western borders. The paper demonstrates, how current securitization of Russian Western borders largely repeats a complicated process happening in the USSR of 1930s which was known in Soviet and Russian historiography as the "mobilization preparation." It also considers how in turbulent periods of Russian history geopolitics was substituted by the necessities of economic survival, and how the «enemy-threatened zone», divided into the elaborated system of «especially protected border strips», was transformed into a space of corruption schemes, transborder smuggling, and illegal recreational areas. The study draws from a wide array of published and unpublished sources, including archival materials, legal acts of the Russian state, social media, documents of federal and local customs.

Oksana Ermolaeva: I earned a Master's and then a Ph.D. degree in History of Central and Eastern Europe from Central European University (Budapest, Hungary), with the dissertation topic related to the case-study in social history of the Soviet Gulag in a North-Western Russian borderland. In the recent years I was enrolled as a research fellow at the Institute for Advanced Studies, New College Europe, Bucharest, Romania (https://nec.ro/fellowships/current-fellows/), and as a Global Digital Fellow, Council for European Studies (Columbia University); I am a recipient of Ab Imperio Journal Project "Retaining Critical Historical Scholarship and Supporting Displaced Russian Historians in the Context of the Crisis of Russian War Against Ukraine." (RCHS) (July 1, 2023- March 8, 2024). From October, 15, 2023 I work as a Visiting Researcher, Complutense University of Madrid, Spain, under the aegis of the Scholars at Risk Program, 2023-2025, Gerda Henkel Stiftung, Dusseldorf, Germany.

Catherine Evans

‘An Uneasy Microcosm’: Imperial Constitutionalism and Scale in the Turks and Caicos Islands

In the spring of 1986, a Commission of Inquiry met in the Chamber of the Legislative Council on the small Caribbean island of Grand Turk, in the Turks and Caicos archipelago. Over eleven days, fifty witnesses took the stand to describe the circumstances surrounding a suspected arson attack on a public building. In his report, the Commissioner, English barrister Louis Blom-Cooper, revealed a conspiracy involving secret tape recordings, ministerial corruption, and political intrigue. The primary culprit was not, however, the unknown wielder of the torch, but rather the island’s tiny size. In the centuries since it fell under the sway of seventeenth-century British-Bermudian salt merchants, the colony, today a British Overseas Territory (BOT), had undergone repeated attempts to establish a “Westminster style” British constitutional system. Each time, in Blom-Cooper’s view, it had been foiled by problems of scale that made corruption and dependence almost inevitable. The Commissioner saw in Grand Turk’s troubles “an uneasy microcosm of the system of government appropriate to the Imperial, constitution-giving power.”

This paper uses the case of the Turks and Caicos Islands to explore the challenges that micro-colonies posed to British constitutional ideals. The Blom-Cooper inquiry offers broad insights into the material, quotidian barriers to British-style governance faced by colonial and perhaps even post-colonial administrators in the empire’s sparsely populated enclaves.

Catherine L. Evans is Associate Professor in the Centre for Criminology and Sociolegal Studies at the University of Toronto. She is the author of *Unsound Empire: Civilization and Madness in Late-Victorian Law* (Yale University Press, 2021).

Lisa Ford

Complaint and Reform in post-Napoleonic Colonial Inquiries

From 1819 to 1832 the British Empire sent commissions of inquiry to visit most of its colonies in an effort to take stock of and reform colonial law. This effort was central to Britain's counterrevolutionary project. It promised to improve law in lieu of broadening colonial participation in governance. Improving law would also serve to strengthen central control over public and private affairs in the colonies. Here I focus on a different aspect of the 1820s inquiries. Only partly by design, these commissions entered a wide-ranging polylogue with colonial subjects. Not only disgruntled white men, but free People of Colour, slaves and Africans liberated from the slave trade all rushed to have their say in the reformulation of empire.

In this paper, I explore the nature and limits of that discussion through one of the most transformative of inquiries: the Commission of Eastern Inquiry into Ceylon. Nowhere else in empire did so many people contact commissions – hundreds of petitions containing ~10,000 signatures were delivered to the commissioners during their 18 month visit to Ceylon. Most of these pertained to legislation or litigation. And nowhere else in empire did commissioners propose such radical reforms. This does not mean, however, that there was a direct line from Ceylonese petitions to the commissioners proposals. In exploring the fate of complaint in the Ceylon reports and reforms, I suggest the importance of understanding imperial reform through the interface of data gathering practices, bureaucratic synthesis and reform ideology in the early nineteenth century.

Lisa Ford is Professor of Modern British Imperial History at The George Washington University. Her prize winning publications include The King's Peace (2021); Rage for Order (2016) (co-authored with Lauren Benton); and Settler Sovereignty (2010). This paper is drawn from a book manuscript (due for publication by Cambridge in early 2025) coauthored with Kirsten McKenzie, Naomi Parkinson and David Roberts. It draws on research funded by the Australian Research Council.

Daniel Friedman

“No one admires the oriental more than we do”: Chinese Law and American Law Reform

In a way that has almost never been recognized, domestic law reform in the United States was deeply influenced by the country’s imperial entanglements. This paper examines a number of major influences on the founding and direction of the American Law Institute, one of the most consequential promoters of legal change in the twentieth century. These influences include David Dudley Field, whose push for codification in the mid-to-late-nineteenth century operated as the catalyst for the debates that produced the ALI; Elihu Root, who was the ALI’s first honorary president and secured the funding necessary to its establishment; and the Carnegie Corporation, from which that funding was secured. All were considerably more concerned with or involved in the legal aspects of America’s burgeoning empire than is ever recognized by scholars writing about the ALI’s history: Root, for example, oversaw American legal administration in the newly acquired Philippines, while Carnegie organizations anxiously studied how to prevent the loss of white dominance throughout the world by promoting the export of American ideas to its colonies. A focus on these aspects adds considerably to our understanding of the Institute’s origins, and thus of the origins of major American legal change over the last century.

Daniel Friedman: I hold a BA in languages and literature from the University of Texas at Austin, a JD from Yale Law School, an MA in Sinology from SOAS, and a PhD in History from UC Berkeley. I taught American criminal law and procedure as well as legal history for two years at Villanova law school and I am currently a Postdoctoral Research Scholar at Columbia Law School’s Hong Yen Chang Center for Chinese Legal Studies. I write about little-considered aspects of the history and development of American criminal and constitutional law. My current focus is on how American legal reformers and the massive private philanthropies that supported their work were influenced by what they thought about the cultures and people American empire sought to dominate, including their views of contemporary and ancient Chinese law.

Christopher N. Fritsch

From British Empire to Pennsylvania German Colonists: Teaching Legal Administration to a Non-British Province

By 1761, with a growing Pennsylvania "German" population, Henderson published Des Landmann's Advocat as a work to educate "German" residents in the British legal-political tradition. The work outlines local political and legal officers, and the role these people play within the county administration and, more broadly, the community. The book fills an interesting legalcultural gap within colonial Pennsylvania. To some degree, Des Landmann's Advocat became a cultural and intellectual bridge between the English common law empire, and Pennsylvania German residents culturally disconnected, but living within this imperial system. William Penn's colony offered very unique opportunities. In its initial decades, Penn found willing colonists from within the British Isles, and sought colonists from continental Europe, who were not steeped in the English common law. Swiss, Palatinate, and Bohemian colonists settled towns and participated in operating the English county court system. Pennsylvania, with its substantial non-English population, became a unique province within the British Empire. In this light, Henderson's Des Landesmann's Advocat, acted as the means by which Pennsylvania Germans understood their worlds.

Mr. Fritsch was awarded undergraduate and postgraduate degrees from Millersville University of Pennsylvania. He later attended Lancaster University, where he studied under Professor David Sugarman. After this, he matriculated at St. Cross College, Oxford, and he studied under, then, Rhodes Professor Emeritus J. R. Pole. His thesis, of which this paper is a part, should be completed within a year. Currently, he is an adjunct instructor of history at the University of North Texas.

Rotem Giladi

Emancipatory Flogging: Jewish Bodies, Corporal Punishment, and the Empire's Political Authority

Accounts of 20th century Jewish political history tend to privilege both the state and seminal texts of political thought. As a counterpoint, my paper proposes to bring empire and its laws into view. The paper narrates the meeting point between modern Jewish political agency and empire through a focus on the , and its punishment, as a politically and legally meaningful arena. I treat the body, specifically, as a medium through which the political authority of the British empire could be invoked, asserted, coopted, and resisted.

To that end, the paper revisits three episodes involving the imposition of corporal punishment on Jewish bodies: the first concerns Zion Mule Corps in Gallipoli during WWI; the second, the retaliatory 1946 flogging of British officers and NCOs in Mandatory Palestine; and the third, the adoption of the *Whipping (Abolition) Law*, 1950 by the Israeli *Knesset*. Reading these episodes together offers new perspectives on how empire's law enabled and shaped modern Jewish politics of emancipation.

Rotem Giladi is an associate professor of law at the University of Roehampton and a Research Associate at the Jacob Robinson Institute at the Hebrew University. His research focuses on the history of international law and on the meeting points between modern international law and modern Jewish history. His book, *Jews, Sovereignty, and International Law* was published by OUP in 2021. He read law at the University of Essex (LLB), the Hebrew University of Jerusalem (LLM), and the University of Michigan Law School where he obtained his doctorate (SJD 2011). He practiced law in diplomatic service and with the International Committee of the Red Cross.

Afroditi Giovanopoulou

Sovereignty in the History of American Progressive Legal Thought

In the early twentieth century, intense contests over power and authority in the United States transformed the way that the international category of sovereignty was perceived. This questioning of state power took place in two distinct contexts: the "labor question" and the legal management of settler colonialism and empire. This Progressive-era interplay between the legal pluralism of empire and that of industrial relations, both of which portrayed sovereign authority as diffuse, malleable and pluralistic, subsequently informed the founding of our current international order at the end of World War II.

In their efforts to bring about social and economic change, however, Progressives had paradoxically espoused a bifurcated approach to the state: they at once promoted more pluralistic arrangements within civil society and greater bureaucratic efficiency and centralization. New Deal lawyers planning for postwar peace mirrored this bifurcated approach: they institutionalized a consolidated "warfare" state at home alongside more diffuse sovereign arrangements abroad. In the domain of the economy, they maintained a deformalized approach to sovereignty but abandoned the earlier, concomitant agenda for economic justice. Torn between fidelity to a strong executive state and to a pluralist international society, and reduced to a "compensatory" economic vision, the postwar settlement carried within it a series of compromises that we encounter to this day.

Afroditi Giovanopoulou: I am currently an Assistant Professor of Law at Cornell University Law School. Previously I taught at Florida State University. I hold an SJD (doctorate in law) from Harvard Law School, MA and MPhil degrees in history from Columbia University and am currently working towards a PhD degree in history from Columbia University.

Philip Girard

The Rise of a New Empire? The League of Nations and the Reform of National and Sub-National Law

The decade of the 1910s saw the demise of several empires, such as the German, the Austro-Hungarian, and the Ottoman, and the enfeebling of others such as the French and the British. Newly liberated nations no longer had imperial models to guide them while self-governing dominions of the British Empire no longer felt the same need to defer to metropolitan precedents. Into this void stepped the newly created League of Nations and its constituent bodies such as the International Labour Organisation, which launched studies of a variety of social and economic problems affecting many of the world's nations. Almost invariably the final reports analyzed existing national laws, identified emerging trends and recommended model laws. While not an empire in the traditional sense, for law reformers in various countries the League of Nations represented a supra-national body with significant financial and intellectual resources and a certain credibility that could be mobilized to assist national law reform efforts. This paper queries whether the League of Nations can usefully be considered a new type of empire focused on encouragement and aspiration rather than coercion.

Philip Girard is Professor Emeritus at Osgoode Hall Law School. He is the author of many scholarly articles and books, including co-author (with Jim Phillips and Blake Brown) of the three-volume *History of Law in Canada*. He is an Honorary Fellow of the American Society for Legal History.

Nishant Gokhale

Playing with Fire: Sati and Legal Authority in Company Western India (c. 1818-1827)

The attitudes of the English East India Company ('Company') towards sati (ritualised widow sacrifice) has been the subject of considerable scholarship. Yet scholarly focus has largely been on Bengal which eventually abolished sati in 1829 across Company India. This paper examines voluminous yet under-researched legal archives about sati in western India. Here, the Company had only recently defeated the Marathas to emerge as the dominant power. The Company's new territories were controlled from the former Maratha capital Poona (today Pune) which comprised influential Brahmin populations. This paper's focus on the Poona Collector, Henry Dundas Robertson, enables situating regional officials within the Company's organisational hierarchy. This reveals that although the legal authority of individual officials was geographically bounded, they often had an outsized influence in shaping Company practises. Simultaneously, this paper considers contemporaneous accounts of various Indians that survive as legal testimonies and inquiries often conducted at the site of a sati. These provide insights into both, the tenuous nature of legal authority wielded by regional Company officials, and also into myriad considerations weighed before acting in ways they considered justified. Legal historical study thus reveals the uncertainties of empire, and provides an understanding of the Company's wavering attitudes towards sati.

Nishant Gokhale is a lecturer in law at the University of the West of Scotland, and is completing his doctoral studies at the University of Cambridge. In 2024, Nishant received the Carnegie Trust for the Universities of Scotland Research Incentive Grant, and is working on legal biographies of three Scottish men at different levels of the Company hierarchy. Before moving to the United Kingdom, Nishant practised law in India for several years and has an LL.M. from Harvard Law School. Nishant has researched and published in the fields of legal history, criminal law, Indigenous Peoples issues, and law & literature

Renata Gravina

The Russian Provisional Government: A Study of the Contradictory Dynamic between Illegality and Legality

This reflection aims to examine the contradictory dynamic between illegality and legality that characterised the Russian Provisional Government. In order to achieve this, I would draw on my dissertation on the Russian Constitutional Democratic Party, the party with the most votes in the first Russian Duma (1906) and the protagonist in the establishment of the Provisional Government in February 1917. It might be said that the Russian Provisional Government, in asserting its legitimacy as the representative of the Duma, was operating beyond the reach of the law, given that the Tsar had fallen and no government had yet been elected. In order to re-establish democratic legitimacy and legality, the Provisional Government put forth the proposal of an election for a pan-Russian Constituent Assembly. However, it ultimately became both the victim and the protagonist of the absence of law. The Government oscillated between two extremes: the concept of res nullius, or things that belong to no one, in private law, and a breach of law (rechtsbruch), or an interruption of any pre-existing legal form with no precedent in the past. Following the abdication of the Tsar, the Russian Empire appeared to be a desecrated land

Renata Gravina holds a PhD in European history. She addressed the Russian liberal phenomenon from a historical, political, and legal perspective. The question of legitimacy was, in fact, a central issue in the Russian liberal movement between 1905 and 1921. Miss Gravina is a lecturer at Sapienza (University of Rome) and UCO (Ouest Catholic University, Nantes) and a researcher in the History of Eastern Europe at Sapienza. Her research interests include the eventual history and thought of Russia and the Balkans between modern and contemporary times. Among her recent publications: Recent French Historiography and the Legacy of the Revolutions of 1917 (2024); Russian Nationalism: Herzen and the Going to the People's Seduction (2024); Putin, Liberalism, and the Struggle Between East and West (2023). On the legal question in Russia (in Italian): Soviet Theory and Constitutional Evolution: from the USSR to the Russian Federation (2017)

Arjan de Haan

Labour law in late-colonial empire, and its complex and long-lasting implications

Colonial labour laws and regulation were imposed to ensure a steady labour supply, exert control over labour, and guarantee profit margins for capitalist enterprises. With the growth of manufacturing and growing international and national advocacy for workers' conditions, from the late 19th century a series of reformist measures and legislation were put in place. This paper will analyse the complex and wide-ranging implication labour laws had particularly in the context of South Asia. This includes a very poorly understood fusion of 'modern' labour practices with a 'traditional' social structure and norms, including through emerging trade unions and the nationalist movement, and continuing to rely on pre-capitalist modes of production and a very poor rural hinterland. New acts and reforms contributed to a labour market bifurcated between 'formal' and 'informal' sectors, and a predominantly male work force in the large-scale industries, two phenomena that remain significant until the present.

Arjan de Haan recently contributed the chapter on colonial labour in *The Cambridge Economic History of Modern South Asia (*L. Chaudhary, T. Roy and A. Swamy, eds., forthcoming). Since his PhD research on *Migrant Workers and Industrial Capitalism in Calcutta (*1994), he has published widely on urban labour markets in colonial and post-colonial periods (including the edited volume with Samita Sen *A Case for Labour History*; Calcutta 1999), on migrant labour (including with Ben Rogaly *Labour Mobility and Rural Society,* 2002*),* and social exclusion in labour markets and women's labour force participation (including with Sabina Dewan, forthcoming). He taught history at universities in the Netherlands, UK, and India, and currently works for Canada's International Development Research Centre, based in New Delhi.

Thao Anh Hoang

Empire's Subject in French Indochina: A Question on Applicable Law under Colonial Context

After arriving in and conquering the Empire of Đại Nam (Vietnam) through military force, the French established colonies and protectorates in the region. A legal division was created between Europeans, primarily from Western empires, and the native population, along with other Asian subjects in Vietnam. By decree, the French Civil Code was applicable to French citizens and Europeans, while Vietnamese law governed civil and commercial matters among the native population and Asians. This division also extended to jurisdiction.

This paper examines how this legal division, which determines applicable law and jurisdiction based on personal status, led to different treatments for subjects from various empires. The research also shows that, based on the international status of their respective states, nationals held different legal statuses in French Indochina, such as privileged expatriates (étrangers privilégiés) or Asian expatriates assimilated to natives (étrangers asiatiques assimilés aux indigènes), and thus, making illegal treatment in colonial context.

A prominent case to be analyzed is that of the Chinese and Japanese subjects, representing two notable oriental empires of the late 19th and early 20th centuries: one being a declining traditional empire and the other an emerging empire gaining recognition in the "international club."

Thao Anh Hoang is currently a second-year PhD candidate at the Institute of Legal History (IHD), Faculty of Law, University of Montpellier (France). Her thesis, written in French, is titled "French Judges and Conflicts of Law in Vietnam under Colonial Context." Since 2017, HOANG has also served as a lecturer-researcher at the University of Law, Hue University (Vietnam), where she teaches international private law to third-year students and an introduction to law for non-law students. Her research and publications focus on legal history, comparative law, civil law, and international private law.

Jessie Hohmann

Legal Histories of Botanical Empire:

In 2002, the United Kingdom nominated the Royal Botanic Gardens, Kew for inscription on the UNESCO World Heritage List. In its nomination, the UK stressed that Kew is of 'outstanding universal value' because Kew represents the achievements of the British Empire: 'Kew has been situated at the heart of agricultural, technological, scientific and landscape design developments *due to its association* with … the British Empire' and it 'exemplified the achievements of this civilisation, while its role as the hub in the translocation of plants across the empire led to the introduction of key agricultural and industrial crops … further enhancing the success and status of the empire'(UK Nomination, Justification for Inscription p 14-15).

The nomination places the gardens, their collections, ambitions and legacies at the heart of empire, while enrolling international law to recognise and venerate that empire, its economy and its 'civilisation'. The inscription of Kew to the UNESCO World Heritage List in 2003 provides a window to consider the seldom explored legal history of botanical empires. Using the UK's bid for Kew's world heritage listing as a starting point, the paper considers how international law memorialises the translocations and connections wrought through and within those empires, and the reverberations today.

Jessie Hohmann is a professor at the University of Technology Sydney Faculty of Law. She is an international lawyer whose historically informed work has focussed on the objects and material culture of international law, international law and Indigenous Peoples, and on economic, social and cultural rights. She holds degrees from the University of Cambridge, the University of Sydney, Osgoode Hall Law School, and the University of Guelph. Her current research focusses on the multiple unexplored engagements between international law and botanic gardens.

Victoria Hooton

Dissent and Dissatisfaction: Poor Relief Court Records in 19th Century Colonial Halifax

This paper considers the experience of colonial Nova Scotia in implementing and enforcing an 'English' style poor law system. It particularly assesses how dissent against and dissatisfaction with the poor law system manifested in the region. While the early 19th century was rife with political discussions about the sustainability and desirability of the Elizabethan 'Old' Poor law in England, with many complaining of the increasing costs of the system, similar dissatisfaction can be witnessed in the legal records of 19th century Halifax. First, in the legislation lamenting the failure of rate-payers to undertake their duties under the poor law system, and secondly, in the Court records highlighting the enforcement procedures relating to those duties brought by the overseers of the poor. This paper discusses how the complaints and pressures regarding the poor law system may have been similar between the metropole and colonial Halifax, but the stage in which they played out (the political and the legal) may have been determined by the different power structures accorded by the poor relief legislation.

Dr Victoria Hooton is a postdoctoral researcher at the Max Planck Institute for Legal History and Legal Theory in Frankfurt am Main, where she researches the development of welfare legislation and policies in early colonial maritime Canada. Her main research interests lie at the intersection of welfare and immigration law, and in the consideration of how access conditions for social assistance in the form of monetary relief are applied to mobile populations. Having originally published in the area of EU free movement law and welfare access, she now looks at this intersection of laws from a legal-historical perspective, by studying how the transfer of the English poor law system to Nova Scotia and New Brunswick worked in practice, given the more mobile population of this region compared to Britain.

Inge Van Hulle

“Liberation” through Warfare: The Legal Status of Prisoners of War in the Congo Free State

This paper explores the legal dimensions of the Congo-Arab war (1892-1894) between the Congo Free State (CFS) and Arab leaders in Eastern Congo. While scholarship on colonial warfare has focused heavily on British and French cases, Belgian colonial history, particularly the CFS, remains marginalized in histories of international law. This paper seeks to fill this gap by analyzing the legal status of prisoners of war during the Congo-Arab conflict, using primary sources, such as the private correspondence and diaries of officers of the *Force Publique*. It argues that the war reveals a ‘legal bubble’ in which local conditions shaped the rules of engagement, and the CFS leadership operated with significant autonomy, deviating from European laws of war. The *Force Publique*, comprising a diverse, largely African army, adapted local practices of enslavement and brutality towards prisoners, justified under the guise of humanitarian liberation. This challenges Eurocentric assumptions concerning the laws of war and highlights the fluidity between legality and violence in colonial contexts, suggesting that these ‘peripheral’ wars played a significant role in the evolution of international law, despite their exclusion from formal legal doctrine.

Inge Van Hulle is a Research Professor of Legal History at KU Leuven. She teaches courses on the history of public law, the history of private law and European legal history. Her research expertise lies in the intersection of (international) law and colonialism, with a particular focus on the legal aspects of European imperialism in Africa during the nineteenth century. Before joining KU Leuven, she was an assistant professor at Tilburg University and a Max Planck Research Group Leader at the Max Planck Institute for Legal History and Legal Theory.

Somadina Ibe-Ojiludu

The Empire and the Construction of Human Rights in Nigeria

the 1950s to today all the Nigerian constitutions have a bill of rights which is patterned after the European Convention on Human Rights. This arrangement, which ignored things African, was foisted by the colonial government following a recommendation from a commission headed by Harry Willink. The commission, which was constituted to address the fear of minorities in Nigeria, was established by the European colonial government, staffed by only Europeans and came out with a proposal which appeared to gratify the wishes of the European colonial government and members of its commission. Some scant attention was given to the preference of the locals which was far removed from the aforementioned bill of rights. In the insertion of the bill of rights in Nigeria's constitution, the empire struck. The empire still strikes in the sense that the influence of the commission is still felt today. The European style bill of rights still forms part of the extant Nigerian constitution. Thus, utilising the Third World Approaches to International Law, the paper answers in the affirmative the following research question: Is colonialism pivotal and influential in the construction of human rights in Nigeria?

Apart from his undergraduate degrees in Philosophy and Theology got from University of Ibadan, Nigeria and Pontifical Urban University, Rome, Italy, respectively**, Somadina Ibe-Ojiludu** has an LLB in Law from City University of London, England. He has a Master of Laws (LLM) on Human Rights, Conflict and Justice from SOAS, University of London. His LLM dissertation was awarded a distinction. His PhD research in Law and Development utilised the human-rights based approach. A fellow of Institute for Global Law and Policy at Harvard Law School, Somadina Ibe-Ojiludu is currently in the Faculty of Law of Godfrey Okoye University, Enugu, Nigeria with the following research interests: International and Municipal Protection of Human Rights, Third World Approaches to International Law, Law and Development, Conflict, Justice (including Transitional Justice), the Common Law System, etc. He has published some peer-reviewed articles in journals indexed in reputable platforms like Scopus and Thompson-Reuters.

Nozomu Ishiwi

Encounter with a Dutch ship in the Senkaku Islands under the maritime law of the Tokugawa Shogunate

The Shogun of Japan was the de facto ruler, while the feudal lords divided the whole empire. In 1616, Tokugawa Shogunate achieved national unification including the Ryukyu Islands, and the feudal system became stable.

From around 1630 until the Meiji Restoration, the Shogunate implemented maritime restriction, which became the ancestral law of Japan. However, it still had the Dutch Factory in Nagasaki for foreign trade. The area of maritime restriction included the Ryukyu Islands, with Yonaguni Island as the westernmost boundary. China has never ruled Ryukyu.

In 1660, a Dutch ship sailing from Taiwan to Nagasaki, drifted to Torishima (Bird Island), encountered a shipwreck, causing the ship to catch fire. The ship was filled with valuable goods, all of which were moved out by the Yonaguni people and loaded onto the Japanese vessel. These goods were then transferred far away to Nagasaki, handed over to the Dutch East India Company under the management of the Nagasaki Governor.

Previous researchers misidentified Torishima as the Sulfuric Bird Island in the northern part of Ryukyu, but it is actually the Senkaku Islands. This shipwreck showed that the maritime prohibition law was effective throughout Ryukyu, covering the Senkaku Islands.

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Mary Jiyani

Treason in the Protectorate: Legal Fictions and Colonial Reality in the Suppression of the 1915 Chilembwe Uprising

This paper investigates the 1915 Chilembwe uprising in the Nyasaland Protectorate (now Malawi). The British colonial administration's response to the uprising exemplifies how legal boundaries were transgressed in times of crisis. While the abrogation of the rule of law is a hallmark of British imperial governance, this study focuses on an extreme instance where the minimal restrictions of martial law provisions were disregarded. In the aftermath of the Chilembwe uprising, treason trials of over a thousand men were conducted in the protectorate. The offence of treason is anomalous in this legally foreign territory where indigenous inhabitants owed no allegiance to the Crown. Those convicted were either executed or deported, and fines were imposed on all villages that passively aided in the rising Drawing on primary archival material from The National Archives in London and The National Archives in Zomba, Malawi, this paper argues that the Nyasaland case illustrates the paradoxical nature of colonial legal systems, where measures to maintain order often resulted in egregious legal violations. This study contributes to understanding the complex relationship between law, power, and legitimacy in colonial contexts, revealing the fragile nature of legal order under imperial rule.

Mary Jiyani is a Lecturer in Property/Land Law at the University of Kent. She holds an undergraduate law degree (LLB) from the University of Cape Town, a Bachelor of Civil Law (BCL), a Master of Studies in Legal Research (MSt), and a Doctor of Philosophy in Law (DPhil) degree from the University of Oxford. Her doctoral research focused on the nature of colonial subjectivity in the Nyasaland Protectorate 1875-1915 doctrinal legal methods alongside archival research in order to understand power relations, their formulation in law, and the social transformation of the lives of indigenous people. Her research agenda includes analysing the use of law in imperial contexts and developing effective approaches to mitigate the enduring effects of colonialism in the present day.

Miranda Johnson

Petitioning in the wake of war: History, authority, and reparative justice in nineteenth-century Māori political discourse

Petitioning is an established political practice in Māori society, extending back to early colonial interactions with missionaries and British authorities in the nineteenth century. In this paper, I discuss petitions authored by Māori as a particular form of claims-making on the colonial state in the mid-nineteenth century, following wars in the north island and extensive land sales in the south. These petitions exposed the manifold gaps between the administration of law and the historical experience of injustice. While not backed up by the force of law or arms, petitioning has its own efficacy, particularly because of the plasticity of the form, which was put to striking use by some Māori petitioners. Petitioning signified an attempt to adjust colonial law by appealing to a shared understanding of justice. Petitions insisted on the authority of the Māori writers and demanded that the causes of war and the reasons for land alienation be inquired into. The plasticity of the form afforded the writer the capacity to assert their own understandings and explanations of events as a kind of historical writing. Writers thereby exposed the gap between the actions of the colonial state and the meaning of reparative justice, often derived from Christian teachings.

Miranda Johnson is an associate professor of History at the University of Otago. She works in the area of colonial and postcolonial history in the south Pacific, with a focus on questions of historical agency, citizenship, race and power. Her first book The Land Is Our History: Indigeneity, Law and the Settler State (OUP 2016) won the W. K. Hancock prize from the Australian Historical Association for the best first book in any field of history. Her articles and book chapters have appeared in a wide variety of outlets including the American Historical Review, Journal of History of International Law, and the forthcoming Cambridge History of Rights volu 5 (ed Meredith Terretta and Samuel Moyn). With Dr. Paerau Warbrick, she is currently working on a project on Indigenous petitioning in Aotearoa New Zealand.

Joshua E. Kastenberg

Law from the Height of Empire to its End: The United States Court-Martial Experience from Homer E. Grafton to William Calley

As the European Empires were in a final retreat, the United States, along with a small number of allies, committed its military forces to a conflict in Vietnam. During this conflict, several military members were prosecuted for "war crimes" while others were exempted from the legal system. If one considers the end of the Vietnam War as a "sunset" on an "American Empire," there was a continuity in the use of courts-martial – a solely military function – from the beginning of the empire with the conquest and capture of the Philippines in 1899. The United States preserved its sovereignty over empire, in part, by having the military keep full jurisdiction over its service-members and civilians accompanying the military. In wartime, this also meant that the United States' allies, including Canada and the United Kingdom waived their authority to prosecute service-members and United States civilians working on war-related projects within their territories. While the relegation of military forces to military jurisdiction might appear to be commonsense, the American practice was conducted contrary to established norms in law, and prevailing approaches to Constitutional law. One cannot understand the strength of American imperialism without first considering the nature of its military's control over all of its members, including its civilians.

Joshue E Kastenberg is Professor of Law at the University of New Mexico School of Law.

Sung Yup Kim

From Settler Colony to Empire State: Contesting and Policing the Boundaries of 'Lawful' Dispossession in Pre-Revolutionary New York

In a particularly revealing episode highlighting the deeply intertwined histories of settler colonialism, imperial governance, and legal professionalization in mid-eighteenth-century British North America, the flamboyantly speculative venture of Albany trader John Lydius led to a lengthy legal struggle within and beyond New York's courts. In an early expression of popular constitutionalism, Lydius and his supporters grounded their claims on having privately purchased indigenous land and made it broadly available to plebeian settlers willing to improve the land with labor. His detractors, which comprised the colony's leading lawyers and landowners, foregrounded a provincialized language of imperial authority and technical common law not only to deny the validity of Lydius's claim, but to define his enterprise as a criminal act. Neither side came out as clear winner in the protracted contest. But the legal language honed in the process pointed to how aggressive settler states like New York would gradually adapt imperial governance to the on-the-ground forces of settler colonialism. With New York providing an early example, law would increasingly play a crucial role in setting the parameters of contest over North American indigenous land, thus helping create a working structure of governance that could buttress an expansive and expanding settler state

Sung Yup Kim teaches U.S. history and global histories of law and colonialism at Seoul National University. Broadly interested in law, society, and politics in early America and the British settler colonies, he explores state formation with an emphasis on dialogues between local legal culture and imperial governance. His work has been published in the *American Journal of Legal History, Pennsylvania History: A Journal of Mid-Atlantic Studies,* and *The Journal of the Early Republic*. His current projects include a book about the contrapuntal development of lawyerly and popular notions of legality, justice, and due procedure in eighteenth-century New York, and a transnational history of local magistracy as a key site of formative contests between settler autonomy and imperial governance from the late eighteenth to early nineteenth centuries.

Linda Kinstler

“The Dull Goddess”: Articles of Oblivion as Instruments of Empire

In the early modern era, “acts,” “articles,” and “laws” of oblivion were structural elements of international relations and in domestic political reconciliations. Modeled on ancient Greek and Roman precedents, these measures functioned as prescriptions of public forgetfulness that blended ritual and juridical, oral and written traditions. Early modern peace treaties often began with an “oblivion clause” in which all signing parties agreed to “bury in oblivion” the wrongs committed between them. My paper interrogates oblivion’s operation as a juridical location and imaginative political condition: I argue that “oblivion” can be thought of as an undefined space that is implied but never wholly articulated in law and interrogate how legal oblivion operated as an imperial technology, a way for states to establish new boundaries and putatively obliterate their old ones. Tracing the usage of “oblivion” in imperial peace treaties from the early modern era reveals that it was an unstable yet enduring mechanism of conquest, domination, and negotiation, a legal idea that evaded the rigid boundaries that its drafters attempted to impose. At times ridiculed, ironized, and ignored as a mere fantasy of finality, it was also mythologized, idealized, and invoked as a “closing formula” that could inaugurate perpetual, inviolable peace.

Dr. Linda Kinstler is a junior fellow at the Harvard Society of Fellows, where she is working on a monograph about the legal history and philosophy of “oblivion.” She received her Ph.D. from the U.C. Berkeley Rhetoric Department in 2023. Her work has appeared in Law, Culture, & the Humanities, Space & Culture, and Nonsite. Her first book, Come to This Court and Cry: How the Holocaust Ends, won a 2023 Whiting Award in Nonfiction.

Diane Kirkby

'As a stewardess sees it': Gendering maritime labour rights, Britain and Australia

The sinking of the world's largest liner the *Titanic* in 1912 exposed the stark gender imbalance then existing in shipping crews: out of nearly 900, there were 21 women, one of whom was Australian. All were working as stewardesses. Ocean liners had changed the type and range of shipping occupations as they increased passenger traffic and provided catering and other hotel-type services, but these were sharply differentiated between men and women. British merchant shipping law regulated aspects of this work. Bringing a focus to Australia offers another perspective. Australian women wanting to work on ocean-going passenger liners could only work for British companies, and be recruited in UK home ports. Those who worked for Australian companies were confined to the Australian coast and required to join the Australian colonial marine stewards union, first established in 1884. A closed shop and registration with the Court of Conciliation and Arbitration established by federal legislation in 1904 were determining features of Australian labour conditions. The first time the wages and conditions of stewardesses were submitted for regulation was when the union brought a case to the Arbitration Court in 1920. At that time British shipping interests controlled three of the four major companies on the Australian coast. This paper explores the shaping of Australian stewardesses struggle for workers rights within this British imperial shipping dominance and exposes a lesser-known aspect of imperial maritime legal history.

Diane Kirkby is Professor of Law and Humanities, University of Technology Sydney, author of *Maritime Men of the Asia-Pacific: True-Blue Internationals Navigating Labour Rights,1906-2006,* and currently writing a history of Australian maritime women workers.

Jedidiah Kroncke

Colonizing Liberia: The Constitution of American Empire before the Insular Cases

Over the 20th century, a variety of scholars have explored aspects of "American imperialism" or "American empire" as the United States progressively spread its influence across the globe. Much of this work explored the varied territorial regimes through which the U.S. exerted sovereignty abroad, including the many lands that would never be incorporated into its body politic. The *Insular Cases*—a set of early 20th century U.S. Supreme Court decisions—were critical in enabling this ongoing regime of perpetually deferred democratic accountability.

The traditional focus on the era immediately surrounding, and then following, the *Insular Cases* had unintentionally diminished attention to earlier exercises of American sovereignty abroad. This paper explores one such example: the effective U.S. colonization of the West African lands that would become the nation of Liberia in 1847. Witness to precursors forms of modern empire operating through private institutions under public aegis, the U.S. government's role in Liberia provoked debate about the legal and moral bounds of such overseas colonial projects involving a wider range of constitutional and social possibilities than what came to be later enshrined in the *Insular Cases*. This history is one of ongoing contemporary legacies while formative in the early internationalization of the American economy, especially in regards to the global circulation of racialized labor.

Jedidiah Kroncke was trained in law and anthropology and currently serves as an associate professor of law at the University of Hong Kong, where he teaches private law and comparative law subjects. His research centers on international legal history and the comparative law and political economy. Recent publications have addressed transnational Sino-American history, authoritarian law, labor and empire, and alternative private law institutions.

Ivan Lee

The *Satsuma* Mutiny and the Inter-colonial Origins of the Fugitive Offenders Act 1881

This paper explores the origins of the Fugitive Offenders Act 1881, the statute that regulated the surrender or "rendition" of fugitives between British territories until 1967. Also notable as the precursor to modern laws regulating extradition between independent Commonwealth nations—laws that still exist today—the Act was enacted after a mutiny on the *Satsuma*, a British merchant ship, in 1874. The story of this mutiny and its legal backdrop has never been told. Recorded in court depositions, newspaper reports, and official correspondence, the case involved five seamen who assaulted their captain and dispersed to Melbourne, London, and Hong Kong. Imperial and colonial authorities struggled to bring the mutineers to justice, as the case exposed the inadequacies of existing laws for arresting and trying fugitives who crossed the many internal borders of the nineteenth-century British Empire. Indeed, earlier attempts to reform the law had failed owing to a combination of official apathy, parochialism, and the perceived constraints of the "repugnancy" doctrine in the imperial constitution. Where these attempts failed, the Fugitive Offenders Act succeeded in establishing a new rendition regime, anchoring the imperial history of international criminal law.

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I am a legal historian working on the evolution of ideas and practices of criminal law, jurisdiction, and procedure in the British Empire and former British colonies. My book, *Extradition and Empire: Sovereignty and Subjecthood in Hong Kong* is forthcoming with Cambridge University Press. It explores the interwoven origins of British colonial rule in Hong Kong and the British imperial law of extradition during 1842–73

Niko Letsos

American Financial Power: How the U.S. Government Used the Latin American Debt Crisis of the 1980s to Further Entrench American Hegemony

Lending and alliances are central components of imperial power. American hegemony has been very dependent on lending to create allies. Any state can find a use for dollars, the world's dominant reserve currency. Even erstwhile enemies of the U.S., including Fidel Castro's Cuban regime and the Islamic Republic of Iran, tried to retain access to American-based credit lines. American laws and regulatory rules ensured access to American finance benefited U.S. imperial reach, including the Johnson Act and Federal Reserve swap lines.

Latin America in the 1980s, and Mexico especially, offers a window on how the U.S. government turned countries into allies through the regulation of private lending. When the dollar's gold standard was severed from 1971-1973, it didn't dent American financial power as dollar-denominated borrowing expanded at a torrid pace. Those dollars went to Latin America most of all. American officials understood this financial flow as benefitting the U.S. position in the world and encouraged it. When that unsustainable borrowing run ended in summer and fall of 1982, American officials turned the crisis into a generative period of alliance building. Through a system of coerced lending and borrowing over six years, the U.S. government prevented a collapse of both the U.S. banking system and the regimes of its Latin American allies that implemented U.S.-approved policies. A more financialized U.S. empire with more policy-aligned Latin American allies emerged from the crisis.

Nick Letsos is a recent JD-PhD graduate from Northwestern and currently an attorney and independent scholar.

Preston Jordan Lim

The New Deal References and the Reshaping of Canadian Federalism

Over the course of 1935, Prime Minister R.B. Bennett proposed a Canadian New Deal: a package of significant reforms to Canada's economic order. Upon his return to office, Prime Minister Mackenzie King quickly referred Bennett's New Deal to the Supreme Court, which held unconstitutional most of the legislation. King appealed the Court's decisions to the Judicial Committee of the Privy Council in London, which until 1949 was Canada's apex court; the Privy Council largely agreed with the Supreme Court.

At the conference, I would present a paper in which I tell the story of how the New Deal judgments led Parliament to abolish appeals to the Privy Council. Although the story is a well-trodden one, legal historians have focused almost entirely on the Privy Council's 1947 judgment that Parliament could abolish appeals in civil cases. I broaden that narrative by conveying the contours and changes in press, political, and public perspectives on the Privy Council between the 1937 New Deal decisions and the 1949 abolition of appeals. Many Canadians saw Privy Council appeals not merely as a legal mechanism but as a bond of Empire. The debate about appeals was therefore a debate about the postwar identity of Canada itself.

Preston Jordan Lim is an Assistant Professor at Villanova University Charles Widger School of Law. He is on leave during the 2024-2025 academic year to commence an SJD at the University of Toronto Faculty of Law. He holds an A.B. from Princeton University, a Master's of Global Affairs from Tsinghua University—where he studied as a Schwarzman Scholar—and a J.D. from Yale Law School. Following his graduation from law school, he clerked for the Justices of the Court of Appeal for Ontario and then for Chief Justice Richard Wagner of the Supreme Court of Canada. He also previously served as Foreign Policy Advisor to the Honourable Erin O'Toole. He writes primarily on the history of Canadian federalism and on public international law. He is the author of The Evolution of British Counter-Insurgency During the Cyprus Revolt, 1955-1959.

Arlie Loughnan

Between Innovation, Experimentation and the Status Quo: Criminal Law reform across Empire

The story of the reform of the criminal law across the British Empire is typically told around codification. In brief, the story is one of experiments in codification of law and procedure in the colonies while codification was regarded as unnecessary or undesirable or just impossible 'at home' in Britain. But this simplistic story masks the intricacies of reform of the criminal law and criminal procedure that took place over the nineteenth century, in which reform looks more complex and multidirectional, marked by borrowings and lendings from periphery and metropole. In order to bring the complexity of the story of criminal law reform to the surface, this paper presents an overview of key criminal law and process reforms over the nineteenth century, arguing that the dynamism of the line between innovation, experimentation and the status quo meant that both Britain and British colonies moved across it at different points in time and in different areas of criminal law.

Arlie Loughnan is Professor of Criminal Law and Criminal Law Theory at the University of Sydney.

Karin Loevy

Territorial Scope in the Lausanne Treaty: Marking a New Imperial Beginning for International Law in the Middle East

The Lausanne Treaty (July 1923) was the last of the post-WWI peace settlements. But while the instruments that preceded it expressed a vision of the region as a fluid and open territorial space, Lausanne introduced for the first time in the region's history – a vision of distinct, jurisdictionally divided nation states. The paper places the Lausanne treaty among the period's international legal instruments that still inform our understanding of the territorial scope of the Middle East - the MacMahon Hussein correspondence (1915-16), the Sykes Picot agreement (1916), the Balfour declaration (1917), article 22 of the Covenant of the League of Nations (1919) and the mandate agreements (1920-1923). It shows how in Lausanne the (Ottoman) empire was transformed into a sovereign nation state – jurisdictionally bounded, and formally equal to other states, but all powerful to act according to its will within its borders. Imperial power was thus re-introduced into the region and legitimized anew under the territorial model of the sovereign nation state.

The paper is the final chapter of my book project, titled: "Visions of Territory: Negotiating the Future of the Middle East 1915-1923". In the project I follow a trail of international legal instruments that were drafted during and right after WWI, to uncover a moment of international law in the Middle East in which the region was not yet divided into sovereign nation states and was rather open for very different ideas about the relationship between legal and political authority and geographical space.

Dr. Karin Loevy is the manager JSD Program at NYU School of Law and a researcher at the Institute for International Law and Justice (IILJ) where she leads the History & Theory of International Law workshop series. Dr. Loevy's book, Emergencies in Public Law: The Legal Politics of Containment, was published by Cambridge University Press in 2016. Chapters from her current book project titled, Visions of Territory: Negotiating the Future of the Middle East 1915-1923, won best article prizes from the Israel Law Review Prize in 2018 and from Humanity: An International Journal of Human Rights, Humanitarianism, and Development, in 2021. Dr. Loevy teaches international law courses at the New School's Global Studies Program.

Neil Maddox

The Nineteenth Century Party Processions Acts: Irish Parading and Legal Transfer in the Common Law World

This paper examines the nineteenth century party processions acts, a series of legislative measures designed to prohibit Irish Orange and Green political parading, initially in Ireland, and, subsequently, in areas of the Commonwealth where Irish communities had become established. The most famous of these acts was the Irish Party Processions Act 1832, which enacted a complete ban on processions of a 'party' nature on the island. Nonetheless, in the Commonwealth nations where immigrant Irish communities of both religions developed after the industrial revolution and the famine, parading retained a distinctly Irish flavour and was often the flashpoint for disputes between the new immigrant groups. Both Canada and Australia passed Party Processions Acts inspired by the Irish measure to deal with the problem, and it was lamented in Britain that a similar measure did not exist there. This paper seeks to examine this legislative transfusion and also compare the manner in which the legislation, and violations of it, were constructed, both at home and abroad.

Neil Maddox BCL, PhD. Barrister-at-Law (Kings Inns) is a barrister and Associate Professor of Law in the School of Law and Criminology at Maynooth University. He holds a doctorate in nineteenth century Irish Legal History, and has published numerous articles in this area as well as in property law and constitutional law, his other areas of expertise.

Wafa Ben Mahmoud

Concessions under the French empire in Tunisia during the late nineteenth century

A case study of concessions granted to corporations in colonial Tunisia between 1860 and 1900 show us the centrality of the foreign corporation and the concessionaire in the process of French territorial expansion. The research looks at how central were foreign corporations in the process of ownership acquisition. This study brings the focus on how colonial concessions favored novel forms of territorial expansion. It sheds light on the interdependent dynamics between colonial property laws especially colonial process of land tenure reform and capital accumulation through the expansion of foreign corporation and capital owners in the markets of the periphery. It is argued that property law secured land concessions in favor of foreign corporations through the repertoire of juridical techniques it utilized for appropriation and dispossession of land in order to secure concessionaires land tenure interests in the colonial context in Tunisia. This study is based on a rich assortment of primary literature (concession contracts, land tenure decrees and correspondences) collected in the French, Tunisian and British archives. It is also combing a historical reading Samir Amin's theory of dependency of the world structures along with Brenna Bhandar analysis on the racial and capitalistic foundations of property laws.

Wafa Ben Mahmoud : I hold a bachelor's degree in public law (2017), a master's degree in international law (2018) from Sorbonne University and a Master of International Economic Law (2019) from Paris-Panthéon-Assas University. During my studies, I completed an internship at the International Chamber of Commerce in Paris and another internship at Lalive, a Swiss international law law firm. In 2022, I joined the Max Planck Research Group headed by Dr.Inge Van Hulle 'Legal Connectivities and Colonial Cultures in Africa'. Trained as an international lawyer I am combining legal and historical methodologies in my doctoral work. My work is linguistic as much as it is intellectual. My writing is in English while the archival documents are mainly in Arabic and French. Arabic is my mother tongue and I am fluent in English and French and I combine all of the three for my work.

Nathaly Mancilla-Órdenes

Unpacking new meanings of law on colonial ground: administration and conflicts of jurisdiction on the Diamond District, Brazil (1731-1808)

On December 9th of 1737, the officers of the municipal council of Vila do Principe claimed (representaram) to the Portuguese King D. João V urging action against the alleged despotism of the Intendant of Diamonds, Rafael Pires Pardinho. The main argument of the officers was that Pires Pardinho didn't follow the local custom while performing his office, and legal conflicts under the Intendant's authority were not resolved with justice or proper legal knowledge (justiça e letras). Some scholars have pointed out that such claims became more common in the district after the separation of jurisdiction between local judges (ouvidores) and the Intendant, which occurred in 1734, with the intention to centralize and rationalize the activity of diamond mining, and that included jurisdictional matters. Furthermore, they emphasize that the officers were driven by personal interests tied to the economic significance of the diamond trade. While acknowledging the validity of this argument, this paper seeks to demonstrate that the conflict was, in fact, a broader dispute over the concept of law, with local agents on one side and the Portuguese crown on the other. This marked the emergence of a more abstract interpretation of law—less tied to local customs and more suited to the strategic needs of an activity crucial to the kingdom's interests.

Nathaly Mancilla-Órdenes: LL.B. University of Chile (2013). Master in Law (LLM) at the University of Brasilia (2016). PhD in Law at the University of Brasilia (2023), Visiting researcher at the Institut für Rechts- und Verfassungsgeschichte, Universität Wien (2020-2021). Since 2022 I'm postdoctoral researcher at the project Comparing Early Modern Colonial Laws (CoCoLaw), University of Helsinki. On that context I'm researching the relevance of 'Policey' law to the emergence of the modern legal system, a comparative approach to the case of the Portuguese colonial administrations in Goa, Macau and Diamond District.

Alex Martinborough

Contesting Settler Constitutionalism in the Late Nineteenth Century British Empire

As written constitutions proliferated throughout the British Empire in the late nineteenth and early twentieth centuries, debates over their implementation exacerbated existing tensions in the unwritten imperial constitution. This paper explores how Indigenous peoples in settler colonies mobilized British and settler constitutions to resist settler expansion and advocate for the protection of certain rights. In turn, Caribbean and Indian reformers drew on settler constitutions to advance demands for self-government. This paper considers settler constitutionalism's dual role in the empire as the basis for imperialist ideas about a bifurcated empire of settler and non-settler colonies, and the foundation of colonial political activists' challenges to the ideas of 'civilization' and 'progress' that were used by British politicians to deny self-government. Constitution-writing moments opened space for the articulation of different visions of constitutions. These instances of contesting settler constitutionalism were critical to its globalization. By examining constitutional proposals and the commentaries of Indigenous peoples, Caribbean and Indian activists, British humanitarians, and imperial officials in a moment of extended uncertainty, I argue that through debates over written constitutions, imperial obligations to Indigenous peoples, and responsible government, the imperial constitution was being reformed and redefined through multi-sited debates.

Alex Martinborough is a PhD candidate at Queen's University in Kingston, ON. His dissertation "Constituting a Settler Empire: Written Constitutions and Reordering the British Empire, 1860-1930," explores how settler constitution-writing encouraged participation in intercolonial conversations that forged a shared settler constitutionalism. It also demonstrates how those same networks could be used to challenge settler and British imperial states. He has published on settler constitutionalism in 1820s Upper Canada in the Canadian Historical Review and has a forthcoming article in a special issue of Parliamentary History.

Lindsay Massara

Constituting Emergency: Property, Legal Necessity, and Empire

Deployed across Ireland, adapted as a tool to suppress rebellion in Jamaica and India, emergency law is synonymous with imperial techniques of managing insurgent racialized subjects and containing threats of violence. Less synonymous—although arguably just as enduring—is the constitutive relationship between colonial emergency and common law property logics. Picking up this thread, this paper explores the enduring constitutive relationship between the legal category of colonial emergency and common law formations of property throughout the mid-nineteenth and early twentieth century. Evidence gathered from colonial administrative correspondence, governing directives, and law commission reports form a diverse archive of materials memorializing martial law invocations in Jamaica, Ireland, and India. An archive of emergency, these materials reveal particular relations and dependencies between evolving common law property formations across colonies of extraction and an ever more ideological measure of legal necessity preempting emergency. As I argue, narratives of colonial legal necessity emerge as vitally important to understanding the constitutive relationship between emergency and property. Particularly, because necessity serves a dual function between colony and empire: first, as the description of conditions for immediate invocation of martial law and later as the factual justification for indemnity when colonial state violence tests the outer most limits of British law.

Lindsay Massara is a doctoral student at the Peter A. Allard School of Law at the University of British Columbia. Lindsay's research broadly considers British colonial administration and the genealogy of common law emergency. She traces the phenomena of emergency and martial law through case studies across Jamaica, Ireland, and India in an effort to magnify circuits of power and complicate common law formations of race, property logics, and a rule of law. Her work is situated within sociolegal and legal history spaces, informed by critical legal studies and TWAIL (Third World Approaches to International Law). Recently, Lindsay co-authored a chapter with Michelle McKinley (University of Oregon Law School) on slavery and speculative history for The TWAIL Handbook (Antony Anghie, Karin Mickelson, and Vasuki Nesiah eds.) (Elgar Publishing, forthcoming).

Ilaria Masseroni

Polygamy and Missionary Discourse: Catholic Conceptions of Marriage in the Congo Free State

This paper addresses a significant gap in the literature by investigating Catholic missionary attitudes towards polygamy in the Congo Free State, with a particular focus on the efforts by missionaries to challenge and reshape indigenous marital practices. Notably, the extensive missionary archives, which include private correspondence and journals, have never been thoroughly analyzed, highlighting the need for this research. By examining Jesuit archives at the African Museum of Tervuren in Brussels and the Revue Illustrée des Missions en Chine et au Congo of the Scheut Fathers, particularly the writings of Constant Pierre-Joseph de Deken and his memoir Deux ans au Congo, the study elucidates the complex interactions between Catholic teachings and local customs. The analysis reveals how missionaries aimed to promote monogamous marriage as a core component of their broader evangelizing mission, confronting the deeply ingrained practice of polygamy among both the évolués (partially assimilated elites) and non-Christian Congolese. This examination highlights the cultural and doctrinal tensions that emerged from these missionary endeavors, illustrating the challenges faced in reconciling Catholic marital ideals with traditional Congolese social structures. The paper argues that the missionary discourse on marriage was not merely a religious imposition but a strategic element in the broader process of cultural transformation and colonial influence in the Congo Free State.

Ilaria Masseroni (1996) is, as of November 2023, a PhD Candidate in Colonial Legal History at the Department of Roman Law and Legal History of KU Leuven's Faculty of Law. More specifically, she is developing a project called “Polygamy in the Congo Free State and Belgian Congo: A Comparative Study between Law and Literature” under the supervision of Prof. Dr. Inge Van Hulle. She graduated in Law at the University of Trento (March 2021). In 2017, she won a merit-based scholarship to complete a double degree program of one year at Washington University in St.Louis, MO, USA. Thus, in May 2018, she obtained an LLM in Intellectual Property and Technology Law. As she strongly believes in the value of interdisciplinarity and on the importance of the dialogue between different subjects, she has also successfully completed a Master in English and French Literary Studies and Linguistics at Vrije Universiteit Brussel (August 2023).

Sami Mehmeti

Legal Pluralism in the Ottoman Empire: The Case of Albanian Customary Law - put with others on pluralism

Most pre-modern empires embraced some form of legal pluralism. They were compelled to cope with this plurality because they did not exercise complete control throughout the entirety of their territories or over all of their subjects. The Ottoman Empire presents a notable example of legal pluralism. Ottoman authorities acknowledged the heterogeneity of religious and ethnic communities that comprised the empire and they created the millet system which granted certain religious and ethnic communities a degree of nonterritorial autonomy to manage social life and to settle disputes. Albania was a province of the Ottoman Empire for five centuries. The Ottoman law was applied in the urban areas, while the Albanian customary law was applied in isolated mountainous regions where imperial authorities did not exert full control. Despite its roughness, the customary law brought order when the government failed. At the beginning of the twentieth century, it extended its influence into the plains and valleys and the Ottoman Empire had to deal with growing Albanian demands for a general application of the customary law, which at that period was portrayed as a manifestation of Albanian national legal thought and a core component of Albanian national identity.

Sami Mehmeti was born October 3, 1981 in Tetovo, Republic of North Macedonia. He received BA in Law from Southeast European University in Tetovo, North Macedonia in 2005, MA in Civil law from the University of Prishtina, Kosovo in 2010 and PhD in Legal history from the University of Skopje, North Macedonia in 2015. In 2005 he was granted DAAD scholarship as the best ranked student of generation. Since 2005 he has been teaching law at the Southeast European University School of Law in Tetovo, North Macedonia. Currently he holds the title of associate professor of Legal History and Comparative Law. He has published numerous articles in international journals and has presented in international conferences in USA, England, Sweden, Spain, Turkey, etc. In 2011 he was visiting fellow at Brooklyn Law School in New York.

Bradley Miller

International Arbitration vs. Domestic Courts: The Anxiety of Overruling

This paper examines a little-known, early-twentieth-century debate about the power of international arbitration tribunals to overrule the decisions of domestic courts. The debate took place in a series of cases heard by the American-British Claims Tribunal (formed by treaty in 1910), at the height of the popularity of international arbitration just before World War One. It exposed fundamental anxieties about the international rule of law and particularly the scope of arbitration, which many jurists had posited as crucial in achieving global legal order. These cases turned in part on whether arbitrators would accept factual and legal findings from Canadian courts. Lawyers from the US, British, and Canadian governments argued the issues in sometimes sweeping conceptual terms. The US posited a potentially gigantic role for arbitration in correcting domestic as well as international injustice while British and Canadian jurists warned the tribunal members that if they interpreted their powers too broadly they would not just make a legal error but would erode the entire project of the peaceful resolution of international disputes under law. As I show in this paper, this debate illustrates legally tenuous and conceptually fragile nature of international arbitration, even at the height of its power.

Bradley Miller is an associate professor of history at the University of British Columbia, where holds the Keenleyside Chair in Canada and the World. His research and teaching focus on legal history, especially international law as well as Canadian criminal and constitutional law. He is the author of Borderline Crime: Fugitive Criminals and the Challenge of the Border, 1819-1914 (Osgoode Society/UTP, 2016). His articles and essays have appeared in the Law and History Review, the Canadian Historical Review, the Journal of the Canadian Historical Association, and several edited collections. He is currently finishing a co-authored book with Angela Fernandez (University of Toronto law school) on the case of R. v. Gerring, which involved the clash of domestic resource conservation and international law. His next project examines the American-British Claims Tribunal and the law of international arbitration in the decades immediately surrounding World War One.

Thomas Mohr

Imperial History and the Arbitration Courts of Revolutionary Ireland, 1917-1920

The Easter rising of 1916 radicalised an Irish nationalist movement that demanded complete secession from the British Empire. This paper examines external influences on the Irish revolutionary "arbitration courts" (1917-1920) that were created as alternatives to the "Crown courts" maintained by British authorities.

One of the most important external influences was derived from the campaign for democratic reform and responsible government in French-speaking Lower Canada in the 1830s. The "patriotes" created a system of arbitration courts in a number of Catholic parishes as alternatives to British courts. Another important source of inspiration for the use of arbitration courts concerned their use by Hungarian nationalists in the Austrian Empire in the mid-19th century.

This paper will outline these, and other, external influences on the Irish revolutionary arbitration courts. It will assess the importance of these external influences as part of a wider assessment of the history of the Irish arbitration courts. The conclusion will compare the experiences in Ireland, Canada and Hungary to assess the significance of arbitration courts as tools of resistance to external power.

Thomas Mohr is an associate professor at the School of Law, University College Dublin. He is vice president of the Irish Legal History Society and book review editor of the Irish Jurist, Ireland's oldest law journal. His publications on Irish legal history range from medieval Gaelic law to the law of the independent Irish state in the 20th century. His latest books are *Guardian of the Treaty – The Privy Council Appeal and Irish Sovereignty* (2016) and *Law and the Idea of Liberty in Ireland – From Magna Carta to the Present* (2023).

Chandra Murdoch

Transferring the Indian Department from Empire to Colony: Imperial strategy and Indigenous Response through the 1858 Grand General Council

In 1858, a Grand General Council of fifteen Haudenosaunee, Anishinaabe and Munsee Delaware communities met at Six Nations on the Grand River in Canada West. The gathering protested the imposition of the 1857 Gradual Civilization Act and the proposed transfer of Indian Affairs from Britain to the Province of Canada. Overlooked in the historical record, this council is an important instance of international and intra-Indigenous diplomacy in response to 19th century encroachments of settler law at the intersection of imperial and local interests. This paper examines the political and economic foundations of the transfer of the Department from imperial to Provincial control, and the Indigenous laws through which delegates in Council rejected these changes. While the 1858 Council was a continuation of longstanding alliances between Indigenous nations, it was also a precursor to a nascent cross-reserve political network that met until 1936 to respond to the Indian Act and other statutory legislation in Canada. I argue that the 1858 Council set important precedents in Crown-Indigenous diplomacy that influenced legal negotiations later in the nineteenth century.

Chandra Murdoch is a Social Science and Humanities Research Council of Canada (SSHRC) Postdoctoral Fellow at Osgoode Hall Law School, York University under the supervision of Philip Girard and Karen Drake, and holds a PhD in History from the University of Toronto. Her research focuses on Crown-Indigenous relations and the interaction of Indigenous and settler law in nineteenth-century Canada. Her book manuscript, titled Confronting the Indian Act: Colonial Strategy and Indigenous Response in Nineteenth Century Ontario examines Anishinaabe and Haudenosaunee political response to the development of the Indian Act through the Grand General Indian Council of Ontario. Her post-doctoral research examines the involvement of the Department of Indian ARairs in property and inheritance law for settler properties and lands on reserves.

Zülâl Muslu

Legal Architects of Sovereignty: Navigating Imperial Pressure in Late 19th-Century Semi-Colonies

This paper aims to compare the legal actors in 19th-century China, the Ottoman Empire, and Japan, three major non-colonized regions that underwent significant legal and administrative transformations under Western imperial pressure. The paper intends to draw on the ways each region's legal institutions and key legal actors responded to the challenges posed by Western encroachment, the balance of traditional and imported legal frameworks, and the role of central authority in maintaining sovereignty. The comparative study will explore how these legal actors influenced the trajectory of each region's integration into the global order. By examining the distinct legal reforms and the figures who spearheaded them—such as Lin Zexu in China, Mustafa Reşid Pasha in the Ottoman Empire, and the legal architects of Japan's Meiji Restoration—this paper seeks to uncover commonalities and divergences in their strategies to preserve autonomy and modernize in the face of external pressures. In doing so, the paper contributes to a deeper understanding of how legal transformations in these regions shaped their responses to imperialism while managing the transition from traditional empires, ultimately influencing their roles in the contemporary world order.

Zulal Muslu is an assistant professor of legal history with the Department of Public Law and Governance at Tilburg University, after working as a postdoctoral researcher at the Vienna University and as the deputy head of the research group "Translations and Transitions" at the Max Planck Institute for Legal History and Legal Theory. She completed her dissertation in law at the University of Nanterre. She is a passionate teacher and researcher, specializing in the history of international law and global history, with an expertise on the Late Ottoman Empire. She has held several invited lectures on the Ottoman Empire and the legacies of colonialism in the Middle East. She has published numerous articles in leading journals such as The Journal of the History of International Law as well as book chapters, including a recent encyclopedic entry on the Ottoman mixed courts (Oxford University Press, 2023).

Theshaya Naidoo

Legal Resistance And Imperial Control: A Critical Evaluation Of The Role Of Alternative Legal Systems In Subverting Imperial Rule

Empires have historically sought to impose their legal systems on diverse societies, yet resistance movements have frequently employed legal strategies to challenge imperial dominance. Consequently, this research evaluates the use of legal frameworks by these movements to subvert imperial control, including the creation of alternative legal systems. Through the adoption of desktop study methodology, this research examines historical cases where resistance movements adopted legal strategies to undermine imperial rule, primarily focusing on the formation and operation of alternative legal systems., including a comparative review of primary sources such as legal documents, historical records, and scholarly interpretations.

Preliminary results demonstrate that resistance movements effectively employed legal strategies with the aim of disrupting imperial legal frameworks and establishing competing systems that asserted local autonomy, often involving reinterpretation of existing laws, the development of parallel legal institutions and strategic legal confrontations. Notably, some movements successfully integrated indigenous legal practices with new legal frameworks to create hybrid systems that resisted imperial control while maintaining local traditions. It is proposed that this study is significant as it positions the rule of law as a tool of resistance and its impact on the dynamics between empires and their subjects. The study contributes to a nuanced understanding of how legal ideas and institutions evolve in response to imperial pressures, thus suggesting broader consequences for legal study within imperial contexts demonstrating the role of legal strategies in shaping and transforming power relations.

Theshaya Naidoo is a PhD candidate at the University of KwaZulu Natal.

Aseel Najib

Recollecting the Past: The Force-Treaty Distinction

This paper captures a particular moment in time. The conquests that sowed Islam throughout Asia, Africa, and Europe had ground to a halt, and their chief beneficiaries were losing their shape. Members of the conquest elite were beginning to settle the conquered territories, to enter into marriage and concubinage relationships with the conquered populations, and to have children who were the products of these relationships. As conquest transformed gradually into settlement, certain questions became more pressing. What was the status—free or enslaved—of the conquered populations, and what was the status of their land? What access did the conquerors have to the labor and land resources of the conquered populations, and how could these resources be extracted? What was the ethical basis of this process of resource extraction, and what were its limits? This paper examines the efforts of eighth-century Islamic legal scholars to provide a comprehensive and systematic answer to these questions by utilizing the distinction between conquest through force and conquest through treaty. This distinction was the foundation for the legal infrastructure they developed in order to determine matters of post-conquest governance and resource extraction.

Aseel Najib is an Assistant Professor in the Department of History at Dartmouth College. She studies the legal history of early Islam, focusing on questions of conquest, fiscality, and empire. She is currently at work on her first book, a study of the laws relating to resource extraction and post-conquest governance in Iraq between the eighth and tenth centuries.

Sugata Nandi

From Lawlessness To Labour: F.J. Mouat's Prison Reforms In Colonial India, 1855-1891

This paper interrogates how Frederick J. Mouat (1816-1897), the founder of modern prisons in colonial India, envisioned the creation of lawful subjects for the British empire. Mouat, an English physician often remembered as a founder of the Cellular Jail in the Andaman Islands, went to India as an Assistant Surgeon in the Bengal Presidency in 1841. He had a remarkably successful career as the founder of the Bengal Medical College and paved the way for establishment of modern universities in India from 1854. In 1855 as the Inspector General of Prisons in Bengal he initiated reforms which would win him global renown from the 1870s. Being informed by - Bentham's ideas of the penitentiary, the idea of discipline of the industrial revolution, the nineteenth century political ideal of liberty and the then discourses of public health, he turned jails into correctionaries to make law-abiding and industrious individuals out of convicts in colonial India. He was acutely aware of why many prisons failed as reformatories and authored four papers on prison reforms in India between 1862 and 1891 in which he drew up his scheme for remunerative labour which became the bedrock of prison discipline in India and set the template for prison reform world over.

Sugata Nandi (Indian/50/he, his) teaches modern Indian and European history at the West Bengal State University, Kolkata, India. For his PhD, which he earned from the Jawaharlal Nehru University, New Delhi, in 2015 he researched the history of the Goondas, a rough equivalent of the hooligans, of twentieth century colonial Calcutta, focusing on how the fear of their criminality influenced the class and communal relations and institutional politics in the city. He is currently working on a history of globalization of Indian Magic from around the 1790s to the 1950s. He has presented papers at more than 30 international conferences, and is the recipient of six international research fellowships, including the Fulbright Fellowship (2011-12), Fellowship at IASH of the University of Edinburgh (2018), UK, Senate House Library of the University of London Fellowship (2019), National Library of Australia Fellowship (2022), Junior Research Fellowship of the Institute for Advanced Studies of the Central European University (2023), Budapest, Hungary, and the John W. Kluge Fellowship at the Library of Congress, Washington DC, USA (2024).

Olindo De Napoli

Colonial women and racist legislation in the fascist Empire, 1936-1941

In conjunction with the invasion of Ethiopia, and more precisely between 1936 and 1937, fascist Italy took a sharp turn in colonial policies in the direction of racism. In April 1937, the regime issued a criminal law that criminalized racially mixed couples, a social phenomenon commonly known as madamato. This norm was very complicated, and its interpretation sparked much debate among colonial courts and even lawyers and intellectuals in Italy. In the end, as for the heterosexual couples, according to the prevailing opinion, only the Italian men involved in the mixed (or "racialized") relationships were to be punished with up to 5 years of imprisonment, as, reportedly, it was their behavior that degraded the "superior race" they belonged to. How widespread was the so-called madamato in the Italian colonies of the Horn of Africa and what impact did this criminal law have on this phenomenon? What effect, in particular, on the African women involved? And, finally, what space did such a law open for their social and judicial agency? The presentation aims to answer these questions through different sources, such as legal journals and judicial records.

Olindo De Napoli is an Associate Professor of Modern History at the University of Naples Federico II. PhD in Analysis and Interpretation of European Societies (2008) and in History of Law (2013), De Napoli has received fellowships from various research institutes, among which the Institute for Advanced Study – Princeton (2014- 2015). De Napoli is a member of the board of the PhD in Global History and Governance at the Scuola Superiore Meridionale (Naples, Italy). He is Principal Investigator of the project "Imperial Entanglements: Latecomer Colonial Empires and the "Politics of Comparison" (1880s-1940s)", a project jointly funded by the Italian government and the European Union (www.imperialentanglements.it). His main research interests focus on the history of colonialism, citizenship, criminal law, and racism. His latest book is a history of colonial deportation in Nineteenthcentury Italy: Selvaggi criminali. Storia della deportazione penale nell'Italia liberale (Laterza, 2024).

Sumaira Nawaz

Ottoman Law in Other Worlds: The Case of Istanbul's Persian-Language Periodical Aḵhtar, c. 1876-96

This paper explores the conception of rights (ḥuqūq) and equality (musāwāt) as reported in Istanbul's foremost Persian-language periodical Aḵhtar. Late nineteenth century saw a period of intense and expansive print activity between the Ottoman empire and Qajar Iran as the regions came to terms with a new language of political modernity and imperial belonging. Launched by Iranian émigré community of Istanbul, Aḵhtar enthusiastically Ottoman debates on equality before law for its Persian publics. The periodical introduced Persian readers to Ottoman experiments with constitutionalism, especially the status of non-Muslim minorities within a "modernizing" Islamic polity, and effectively set up the Ottoman Empire as an example for Qajar political future. In this study, I investigate how Aḵhtar intertwined piety with civic culture and upheld equality before law and respect for the rights of non-Muslim social groups as a mark of Islamic virtue. My objective is to underline the entangled zone of Ottoman legal vocabulary and Qajar periodical culture, sustained through trans-imperial networks of print, bodies, and concepts that seem to have fallen off the maps of global history.

Sumaira Nawaz is a PhD candidate at McGil University's Institute of Islamic Studies. Her dissertation explores the global dimensions of Urdu and Persian-language print cultures as they pondered over Ottoman legal and social reforms to frame their own vision of political modernity. The project studies Ottoman reform in relation to Qajar, Afghan, and Indian print-worlds and unsettles boundaries of nationalist historiography that treat these regions as hermetically sealed entities. She works primarily with trans-regional periodicals to explore narratives of cosmopolitanism and madaniyat (civic culture) premised on Islamic imperial networks.

Ngozi S. Nwoko

Economic Empires in Nigeria's Oil Industry: From the Global North Actors to a Global South Actor

The history of the Nigerian state was shaped by the 19th-century colonial and imperial practices of the British Empire. More importantly, the history of the regulation of Nigeria's oil industry was largely influenced by British oil imperialism. The regulatory powers of the British Empire over petroleum resources and operations in colonial Nigeria were unassailable. For example, a British oil policy made in 1904 required that oil concessions on Crown lands in British colonies would be granted only to companies under British control. Consequently, non-British companies were excluded from obtaining oil concessions in colonial Nigeria. British oil imperialism inaugurated a pattern of acquisition, domination, and exploitation that served only to further the economic fortune and social needs of the metropole. As oil exploration is inextricably associated with the ownership of the continental shelf, the exclusive economic zone, and the territorial sea, some legal stratagems were employed by Britain to enjoy unhindered access to petroleum resources. The British Crown, for example, was vested with unfettered powers to acquire title to land in the colony. Petroleum exploration in Nigeria was monopolized by a British entity – the Nigerian Bitumen Co. & British Colonial Petroleum that was succeeded by the Anglo-Dutch company – Royal Dutch Shell. By the year 2000, the Nigerian government's interest in attracting and retaining oil investors from the West had begun to wane. Indeed, the year 2004 marked a watershed in the history of Nigeria's oil industry through the launch of the Sino-Nigeria oil-for-infrastructure investment arrangements, where Chinese national oil companies are at various times awarded oil blocks by the Nigerian government in exchange for undertaking to invest in various infrastructure projects in the host state. This paper will identify underdevelopment and lack of infrastructure as the threads that have bound Nigeria and China together. China's domestic political economy and Nigeria's need to fill its infrastructure gaps have led the African state to use its oil blocks to obtain huge loans from China with no transparent mechanism for obtaining and repaying the loans

Using primary data, this policy-oriented paper will analyze the China-Nigeria oil-for-infrastructure deals, how the deals exacerbate the foreign debt profile of Nigeria and becomes a recipe for a new form of imperialism. It will offer a modest proposal for Nigeria to break lose from its historical debt burden.

Ngozi S. Nwoko, PhD, joined the Bora Laskin Faculty of Law (BLFL), Lakehead University, in July 2024 as an Assistant Professor. Ngozi completed a PhD in Law from the University of Victoria (UVic), Canada. He holds a Master of Laws degree from Osgoode Hall Law School, York University. He graduated with a Bachelor of Laws degree from Abia State University, Nigeria, and was admitted to practise law in Nigeria. Before joining the BLFL, he was a Sessional Lecturer at UVic where he taught Business Associations and Immigration & Citizenship Law. Ngozi teaches contracts, torts, and property law, respectively, at the BLFL. Ngozi's research is on China's approach to law and development, the impacts of Chinese investment on resource-producing states in Africa, and how China's approach differs from Anglo/Euro approaches to law and development. His work is theoretically informed by Third World Approaches to International Law, comparative law, and legal pluralism.

Lucie O'Brien

Charles Dickens' narratives of bankruptcy in colonial Australia

Literary fiction played a vital role in the transmission of legal culture from England to the Australian colonies. Charles Dickens was uniquely influential in shaping settler colonists' perceptions of the English legal system they inherited, including its bankruptcy laws. In novels such as David Copperfield, Dombey and Son and Little Dorrit, Dickens savagely critiqued English bankruptcy law and championed a more humane approach to financial failure. His work was rapturously received by colonial audiences when it initially appeared, in serialised form, between the 1830s and the 1860s. As late as 1924, when debating Australia's first national bankruptcy laws in Parliament, the Labor politician Frank Brennan invoked Dickens, 'that great reformer, to whom the present and succeeding generations cannot be too grateful'. This paper traces the influence of Dickens in legal, political and literary accounts of bankruptcy in late nineteenth and early twentieth-century Australia. It argues that Dickens' depictions of the legal system provided settler-colonial readers with a reassuring sense that they formed part of a continuous imperial culture. At the same time, with his alternately comic and poignant accounts of bankruptcy, Dickens shaped these readers' emotional responses to the bitter realities of widespread and recurrent financial failure.

Dr Lucie O'Brien is a postdoctoral fellow at Melbourne Law School at the University of Melbourne. She holds Honours degrees in Arts and Law and a PhD in English literature. Since 2014, in collaboration with colleagues at Melbourne Law School, she has researched and published in the fields of personal insolvency and consumer law. Her postdoctoral project (2024-2027) is a cross-disciplinary study of bankruptcy in Australian law and literature.

Martin O'Donoghue

The old or the new? Establishing Irish and Indian parliaments and the Westminster model

While Ireland and India had different experiences of British rule in many ways, both had to deal with different forms of British parliamentary inheritance when constructing their respective democracies. In both cases, many nationalist figures were wary of this inheritance – whether it was the promotion of Gandhian ideas or concepts associated with the Gaelic state. Irish constitutional drafters in 1922 distrusted the party system and the Westminster model of government while Indian drafters in the 1940s studied Irish innovations among other global examples to consider ideas not present in the London model. In both cases, popular sovereignty was emphasised. However, they would develop parliamentary systems – in Ireland, scholars have noted the strong Westminster influence while India built on many structures even if in Kumarasingham's view it became an 'Eastminster' with distinctive differences from the London model. Both India and Ireland saw the emergence of strong disciplined parliamentary parties like the Indian National Congress and Fianna Fáil. This paper will look at some of the main legal arguments about the parliaments proposed in both states before assessing the actual outcomes and the composition of the parliaments just after independence, asking how idealism and political pragmatism interacted in each case.

Dr Martin O'Donoghue is Researcher at the Max Planck Institute for Legal History and Legal Theory in Frankfurt where his work examines the Westminster legacy and the establishment of parliamentary democracy in India and Ireland. He was awarded his PhD from the University of Galway in 2017 and subsequently taught history at the University of Sheffield, Northumbria University and the University of Limerick. In Spring 2025, he will be a Max Planck Law Exchange Fellow at the Faculty of Laws, University College London. He has also been awarded visiting fellowships at University College Dublin and Maynooth University. He is the author of The Legacy of the Irish Parliamentary Party in Independent Ireland, 1922-1949 (Liverpool University Press, 2019), and with Emer Purcell, editor of John Redmond and Irish Parliamentary Traditions (UCD Press, 2024).

Kehinde Folake Olaoye

“United Africa at the Bar of the Family of Nations”: Lawyers in British Africa, 1925-1970

On 7 August 1925, Ladipo Solanke and Herbert Bankole-Bright founded the West African Students’ Union (WASU) as a social, cultural and political association for West African students in Britain. While Hebert Bankole was a Sierra Leonean who studied medicine at Edinburgh University, Ladipo Solanke, a Nigerian, studied law at University College London. With the exception of Bankole-Bright, all the twenty-one students who joined the first meeting of WASU were law students. Although several historical studies of WASU have been carried out, few studies examine the legal history of WASU and the roles played by its members in colonial and post-colonial Africa. This paper fills this research gap by examining the biographies of the law students who would go on to become prominent lawyers in the 1950s and 1960s. It also examines the life-long connections between these lawyers. These lawyers include Kwame Nkrumah, Jomo Kenyatta, and Herbert Oladele Davies. This paper is based on archival documents including publications of WASU. This paper shows that as legal education was impossible in African colonies, organizations like WASU created a hub for a ‘united African bar’, transnational lawyering and building of pan African international law.

Kehinde Folake Olaoye is an Assistant Professor of Law at the College of Law, Hamad Bin Khalifa University (HBKU) College of Law, Qatar. At HBKU, she is the program director for the LLM in International Economic Law and Business Law. Prior to this, she worked as a Postdoctoral Researcher and Lecturer in Hong Kong SAR. Kehinde studied Law at the University of Ibadan, Nigeria, King’s College London and the Chinese University of Hong Kong.

Michelle M. Ong

Contesting Imperial Merchant Shipping at the International Labour Organisation's Maritime Conferences

In the 1920s and 1930s, the International Labour Organisation (ILO) held its initial maritime conferences, marking early attempts to regulate maritime labor on an international level. Though the conferences were seminal in international maritime regulation, coloniality played a large role in the discussions. This paper thus examines the conferences as a site of contestation for the Indian and Chinese delegates and other seamen's delegates against corporate-imperial subjugation. Empires and shipping companies existed in symbiosis. Shipping companies provided infrastructure for the colonial apparatus and thus profited from colonial endeavors. Maximizing profits, however, depended on minimizing costs at the expense of seafarers, especially colonial seafarers whose racialization was used to justify inferior treatment. In opposition were seafarers, Indian and Chinese shipping companies, and the Chinese government. Due to their shared experiences of oppression and the interconnected labor market, seafarers, both colonized and not, united to demand better and equal treatment. Engaging in shipping nationalism, Indian and Chinese shipping companies challenged imperial shipping hegemony while supporting their respective nations' seafarers. Finally, the Chinese government had an interest in both protecting Chinese seafarers and its nations' sovereignty and thus, acted in favor of seafarers' rights.

Michelle Ong is a research assistant in the Faculty of Law of The Chinese University of Hong Kong working on projects concerning workers' rights, human rights, and empire. Previously, she was in legal practice at a global law firm in Singapore. She received her J.D. from the University of Southern California.

Danny Orbach and Ziv Bohrer

Atrocity and Reciprocity during the Boxer War (1900-01): Socio-Legal Perspectives

In recent years, a robust discussion has emerged regarding the effectiveness of the Laws of Armed Conflict (LOAC) in minimizing harm to legally protected groups such as civilians and POWs. Our presentation aims to contextualize this debate within the framework of imperial history by exploring the application of LOAC during the Boxer Rebellion in China (1900-1901). This conflict provides a unique case study, as it occurred between the first and second Hague Conventions (1899 and 1907). We will specifically examine whether the various members of the anti-Boxer coalition considered themselves bound by the laws of war when interacting with Chinese civilians and POWs, and how this commitment, or lack thereof, influenced their conduct on the ground. By concentrating on five major powers— the United States, Great Britain, Imperial Germany, Imperial Russia, and notably, the Empire of Japan—we aim to demonstrate that the application of the international laws of war is influenced not only by the alignment of expectations between belligerents but also by the relationships and competitions among allies, as well as each nation's unique historical and cultural context.

Danny Orbach is an associate professor in the History and Asian Studies Departments at the Hebrew University of Jerusalem. After graduating from Tel Aviv University, he studied in Tokyo University and received his PhD from Harvard University. Orbach has published extensively on the modern history of Japan, Germany and the Middle East, focusing on military coups d'état, political assassinations, disobedience of officers, military adventurers, intelligence and espionage in the Cold War, irregular warfare, the dynamics of unsanctioned military massacres and the history of military law. Among his books: *The Plots against Hitler* (Houghton Mifflin Harcourt / Head of Zeus), *Curse on this Country: The Rebellious Army of Imperial Japan* (Cornell university Press) and *Fugitives: A History of Nazi Adventurers during the Cold War* (Pegasus / Hurst). Orbach's current research project, "Punishment: Behind Japanese Military Brutality" is a long-durée history of Japanese war ethics, laws of war and attitude towards enemy civilians from 1868 to 1945. It was accepted for publication with *Hurst*.

Dr. Ziv Bohrer is a senior lecturer at the Bar-Ilan University Faculty of Law and a senior research fellow at the Begin-Sadat Centre for Strategic Studies. His main research area is Public International Law, with an emphasis on both current and historical issues relating to International Humanitarian Law (The Law of War) and International Criminal Law. Dr. Bohrer is a member of the Academic Advisory Board of the Journal of the History of International Law.

Yolanda Chinelo Osondu

Justice Mason Begho and the 1954 Flogging 'Scandals' in Lagos

Under colonial rule, British officials had the power to decide what form of punishment was suitable for the indigenous people of Southern Nigeria. The practice of flogging colonial subjects was integrated into the colonial criminal law and justified by its perceived legitimacy as a traditional form of punishment in indigenous societies. Indeed, the colonial criminal law stipulated that criminals could be flogged for their involvement in petty crimes, military misconduct and offences committed while serving prison terms. As the colonial period evolved, various attempts were made by the colonialists to limit and even abolish the flogging of offenders. By the 1930/40s, some members of the British government in the metropole, educated Nigerian elites and the press began to earnestly advocate for the abolishment of corporal punishment in the country. Although certain reforms were introduced across British colonial African territories, officials in Southern Nigeria only slightly modified the law regarding corporal punishment. In the 1950s, two incidents in Lagos that involved the sentencing of British citizens to flogging and imprisonment by an indigenous magistrate sparked an outburst from the local press and British citizens in the metropole. Using court records and newspaper sources, this study examines the circumstances surrounding these cases to reveal the tension and racialized nature of the British colonial criminal justice system.

Yolanda Chinelo Osondu has a PhD from the University of Calgary.

Hazal Özdemir

Becoming and Unbecoming Imperial Subjects: Mobility, Law and Nationality at the End of Empire

Focusing on the denaturalization of Ottoman Armenian transatlantic migrants, my paper examines how to un-become an Ottoman. Although the field of Ottoman Armenian history has long been preoccupied with physical violence, this study directs its focus on nationality and law. Starting with a pivotal moment in 1896 under the administration of Sultan Abdülhamid II (1876-1909), this paper explores the policy that compelled Armenian migrants to renounce their Ottoman subjecthood and vow never to return. The analysis sheds light on the imperial and transimperial anxieties about circular mobility, law of nationality, and the regulation of undesirable subjects at the end of the nineteenth century. Although Armenian migration was not officially an exile, the requirement for migrants to submit two photographs and sign a document attesting that they would never return effectively halted circular migration. This policy transformed the temporary sojourn of male migrants into permanent settlements of families. By reconstructing the discriminatory nature of Ottoman nationality, this paper reveals the steps taken by the Hamidian state to undermine the previously fluid notion of imperial belonging, paving the way for the more exclusionary concept of nation-state membership.

Hazal Özdemir is a historian of migration, displacement, and law in the Ottoman and post-Ottoman Middle East. Her dissertation reconstructs late Ottoman policies of denaturalization and shows how surveillance methods devised to control the mobility of a population, including a photographic archive, were a crucial part of a broad repertoire of state governance aimed at the Armenian community. Hazal received her PhD in History from Northwestern University and is currently the Manoogian Postdoctoral Fellow at the Center for Armenian Studies of the University of Michigan, Ann Arbor.

Allison Powers

Arbitrating Empire: United States Expansion and the Transformation of International Law

My proposed paper is based on my forthcoming book, Arbitrating Empire: United States Expansion and the Transformation of International Law (Oxford University Press, December 2024). Arbitrating Empire offers a new history of the US rise to global power—one shaped as much by attempts to conceal colonial violence from international legal scrutiny as it was by efforts to project influence across the globe. Between the 1870s and the 1930s, thousands of dispossessed residents of US-annexed territories petitioned arbitral Claims Commissions to charge the United States with violating international protections for life and property. Tracing their legal critiques of state violence, I demonstrate how unexpected plaintiffs—from colonized subjects to migrant workers—transformed a series of tribunals designed to establish the legality of US interventions into sites through which to challenge the legitimacy of US governance. Moving between Arizona copper mines, Texas cotton fields, Samoan port cities, the locks and stops of the Panama Canal Zone, and the arbitrations convened in metropolitan capitals to which claimants turned for redress, the book uncovers how seemingly ordinary people used international law to hold the United States accountable for state-sanctioned violence during the decades when the nation was first becoming a global empire.

Allison Powers: I am an Assistant Professor of History at the University of Wisconsin-Madison. My research and teaching focus on legal histories of the United States Empire and social histories of international law. I received my B.A. from the University of California, Berkeley and my Ph.D. in History from Columbia University.

Daniel R. Quiroga-Villamarín

'For the Sake of Friends': The Rights of Allies as a Pretext for Violence in International Legal Thought

Regardless of how one prefers to periodize the "birth" of international law, we can generally agree that its life has been marked by its aspiration to tame violence through law. Indeed, from late medieval debates about the "justness" of war to twentieth century efforts to bring about its "abolition," international legal thought has been consistently concerned with the project of regulating coercion in interpolity affairs. At least rhetorically, the field can claim to have prohibited force —or at least rendered it proportional and somewhat exceptional. And yet, as years of scholarship and disappointment have shown, international legal actors continue to deploy arguments in relation to "self-defense" and "protection" to create exceptions to these strict prohibitions on violence. Absent from these debates, however, has been the relation between force and "the sake of friends and allies" —a phrase I take from Vitoria's famous De Indes lecture of 1539. With this in mind, in this piece I argue that arguments related to the "rights of allies" have been also used to create wide exceptions in otherwise generally strict regimes that claim to prohibit violence. In particular, using Vitoria's discussion of Roman imperial expansion as an example, I argue that considerations of "friendship" have been used to the loosen the requirement of proportionality in the conduct of hostilities. The legal entitlement to enact punishment on my friend's enemies, in other words, has played a central —and relatively uninterrogated role— in the ways in which excessive and selective violence has been justified in international legal thought. With friends like these, I wonder, who needs enemies?

Daniel Ricardo Quiroga-Villamarín holds a Law degree from the Universidad de los Andes (Bogotá, Colombia) and a MA in International Law from the Graduate Institute of International and Development Studies (Geneva, Switzerland). He is currently pursuing his doctoral degree in International Law (with a minor in International History & Politics) at this same institution (2020-2024), with the financial support of a Swiss National Science Foundation (SNSF) Doc.CH grant (2021-2024). In tandem with his graduate studies in Geneva, he has also been an exchange student at Melbourne Law School (fall 2019); visiting researcher at Harvard Law School (fall/winter 2019-2020); an adjunct lecturer of European History at Sciences Po Nancy (fall 2020); visiting researcher at the Vrije Universiteit Brussel (spring 2022); visiting exchange scholar at Yale University's History Department (fall 2022); adjunct lecturer at the Universidad de los Andes School of Law (spring 2023); a Junior Visiting Fellow at the Institut für die Wissenschaften vom Menschen (Vienna, Austria); and a guest researcher at the Berlin Potsdam Research Group "The International Rule of Law - Rise or Decline?" From March 2024 onwards, he has been based at Max Planck Institute for Social Anthropology in Halle (Saale), Germany, as a PhD Writing-up Fellow.

Reeju Ray

The Ins and Outs of Jurisdiction: The Excluded and Partially Excluded Tracts of British India

Plurality and hybridity of jurisprudence in the British Empire in India did not simply entail the coexistence and co-constitution of colonial and indigenous laws. A more complex historical process resulted in the production of notions of minority laws and minority governance. For instance, the legal category tribe was produced during the 19th century by identifying differences from revenue yielding caste communities. The autonomy of tribal communities from dominant state structures was noted, simultaneously attributing civilizational, political, and social backwardness to them. Tribal and indigenous/Adivasi rights in India are understood as minority rights, although the categories are socially, politically, and historically diverse and heterogenous. This paper is part of a larger project that examines the production of such differentiated subjects of law in British India through an evolving relationship between imperial spatiality and layered practices of jurisdiction. In this paper I will examine the development of laws of exclusion in the colonial provinces of Bengal and Assam, that evolved into colony wide legislation of the Scheduled Districts Act of 1874. The Laws of Local Extent Act, named the Scheduled Districts Act of 1874 (SDA), gave a map for the territorial extent of colonial laws across the British India. It identified laws that were not applicable in areas referred to as "scheduled districts". This colony wide exclusionary framework included parts of Bengal, central and north India, and the northeastern frontier such as the Assam Chief Commissioner's province. Successive regulations reiterated degrees of exclusion of tribal subjects from early 19th century. The paper will examine the relationship between the local application of laws of exclusion such as the SDA in the spatially patchy imperial space and the consolidation of an overarching jurisprudence of minority laws for specific populations. There were large differences in the local application of the SDA and persistent debates about the nature and extent of "excluded tracts". The notion that "minority" tribal societies living in the province of Assam were too primitive for modern governance pervaded official and public discussions on legal reform. These debates reflect the stakes of local communities, and elite and commercial agents in "excluded tracts". In this way the paper will demonstrate the engagement of local "excluded" communities with laws of exclusion and in producing minority laws.

Dr. Reeju Ray is a Researcher at the Max Planck Institute of Legal History and Legal Theory. Ray's area of expertise is Southern Asian history, and her research interests include legal history, theories of space and place, human geography, gender studies, indigenous studies. Ray's first book Placing the Frontier in British North East India: Law, Custom, and Knowledge (Oxford University Press, 2023). Her latest publication is an essay in an anthology of women's writings published by Zubaan called We Come from Mist: Writings from Meghalaya. Ray is currently working on two projects: First, on the contours of legal history in India and building institutional cooperation between MPI-LHLT and Indian law institutions. Second, a research project on the histories of jurisdiction and minority laws in British India.

Zaki Rehman

Islam, Religious Freedom, and Human Rights

This paper explores the ways in which different ideas of religious freedom were constructed in and across empires in the twentieth century. It focuses on the Ahmadiyya, a minority Muslim movement which emerged in late nineteenth century British India with the goal of converting the world to Islam. In pursuing this goal, Ahmadi missionaries theorised religious freedom in great depth, and argued for this right both across the lands of the British empire and beyond, from French Syria to the United States of America. But these ideas have largely been forgotten, with scholars such as Samuel Moyn and Rabiat Akande instead focusing on the ways in which Christian thinkers have shaped ideas of religious freedom, particularly through the development of international human rights law. However, such work has missed how the Ahmadiyya's Muslim missionising led them to make contributions which were just as significant. For example, prominent Ahmadi Muhammad Zafrulla Khan was fundamental to the formulation of Article 18 of the Universal Declaration of Human Rights, that governing religious freedom. By tracing this untold history, the paper asks questions about how those subjugated by empire used law to imagine more just future on the world stage.

Zaki Rehman: I completed my undergraduate degree in History at Cambridge University, before moving to Oxford University for a Masters in Global and Imperial History. I am currently in the final year of a PhD in History at Oxford. My research explores the relationship between global Islam, religious freedom, and human rights in the twentieth century. For the past three years, I have also been a Research Assistant at the Bonavero Institute of Human Rights, based in the Law Faculty at Oxford, where I conduct research on human rights history.

Kate Alba Reeve

Leasing and Renting in the Settler Empire

‘Leasing and Renting in the Settler Empire’ examines how Indigenous peoples interacted with leasing land in Canada and South Australia from 1851 to 1894. One important difference between the two places lies in the relationship created by leasing or renting: in Canada, Indigenous individuals and communities became landlords relative to settler tenants, whereas in South Australia, Aboriginal people held discretionary usufruct rights on pastoral leaseholds. The paper finds that the creation of new Indigenous rights – to lease land, to use land leased to others – occurred through the very institutions and processes of settler colonialism. It concludes with some reflections on implications of leasing as a form of long-term alienation and how the practice of leasing Indigenous land is implicated in settler state formation.

My name is **Kate Alba Reeve**. I am a third year PhD student in History at Columbia University in New York City. Previously, I completed my MA in History at McGill University and my BA at the University of Toronto. I work on the history of property formation in the British empire and am supervised by Professor Susan Pedersen.

Keith Richotte, Jr

The Worst Trickster Story Ever Told: Native America, the Supreme Court, and the U.S. Constitution

This paper will explore the development of the plenary power doctrine – a doctrine of U.S. law in which the federal government has gifted itself essentially limitless authority over Native peoples, lands, and resources. When it was first articulated, the Supreme Court denied any connection between the plenary power doctrine and the U.S. Constitution (yet embraced the doctrine anyway). At present, however, the Supreme Court claims that it has traditionally found the basis for the doctrine in the Commerce Clause of the U.S. Constitution. This paper will ask the question of when this change in reasoning occurred at the Supreme Court to get that the deeper question of what this change in reasoning means for Native America, constitutional law, and the American colonial project. Furthermore, this paper will Indigenize the discourse by analyzing Supreme Court precedent through the lens of the trickster story. By regarding the plenary power doctrine through an Indigenous analysis it is possible to both reveal the true nature of the doctrine and to suggest alternatives that are more just and in keeping with the spirit of the U.S. Constitution.

Keith Richotte, Jr. is the Director of the Indigenous Peoples Law and Policy Program and Professor of Law at the James E. Rogers College of Law. Professor Richotte has served his tribal nation, the Turtle Mountain Band of Chippewa Indians, as an Associate Justice on the appellate court since 2009 and also serves as the Chief Justice of the appellate court of the Spirit Lake Nation. He received his J.D. from the Minnesota Law School, his Ph.D. from the University of Minnesota, and his LL.M. from the IPLP Program.

Christopher Roberts

Recovering Forced Labor: Colonial Foreclosures and Forgotten Potentials

This paper aims to reopen the question of the meaning of forced labor. It undertakes this task through a detailed exploration of the history of the 1930 Forced Labour Convention, based on a careful reading of the archival record. The history of the Forced Labour Convention, and its closely linked predecessor, the Slavery Convention, reveals that while the processes leading to both were initially open-ended, colonial interests ultimately produced sharp limitations in both texts. Recognizing the colonial foundations of contemporary international law in this area should enhance our openness to reconsidering how we think about coercive labor today. The development of the Forced Labour Convention did not only consist in limiting dynamics, however. While they were pushed to the margins, this article also highlights three areas—conditions of work, conditions of life and worker freedoms—in which the historical record helps to suggest a more expansive, progressive understanding of forced labor than that which has become commonplace. Reconstructing our approach to forced labor with attention to these potentials can revitalize the concept in the contemporary world, overcoming close to a century of foreclosure.

Professor Roberts is an Associate Professor in the Faculty of Law at the Chinese University of Hong Kong. Professor Roberts' research focuses on the evolution of public order legality, human and workers' rights and the idea of development in the late nineteenth and early twentieth century British Empire and at the international level. Professor Roberts is the Chair of the Transnational Legal History Group within the Law Faculty's Centre for Comparative and Transnational Law. In addition to his academic work, Professor Roberts has worked as an expert legal consultant addressing issues such as constitutional and legal reform, the rule of law and human rights with intergovernmental and non-governmental organizations and mandate holders such as the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, the African Commission on Human and Peoples' Rights, the Cairo Institute for Human Rights Studies, the Egyptian Initiative for Personal Rights, Transparency Maldives and others.

Marco Roscini

The principle of non-intervention as a balancing mechanism ensuring the co-existence of empires

The proposed presentation, based on my recently published book on the subject, examines how the principle of non-intervention has worked at the contact point between empires. The principle of non-intervention originally expressed the rejection of a superstate after the consolidation of national kingdoms *superiorem non recognoscentes* in 15th century Europe led to the progressive abandonment of the idea of Universal Monarchy. During the 18th century, it served the absolutist states' purpose to shield themselves from interferences by other states and to consolidate internal sovereignty within their territorial borders. By the 1830s, the principle of non-intervention, as a balancing mechanism ensuring the co-existence of different forms of political legitimacies in Europe, had become a well-established rule of the *jus publicum europæum*. While apparently pluralistic, however, the principle was only applied between the European great powers: it was indeed a corollary of sovereignty, but sovereignty pertained almost exclusively to the European family of nations while relations with the peripheries and semi-peripheries were based on empire. The principle of non-intervention also played an important role in the sharply divided world of the Cold War, as it reduced the risks of a nuclear confrontation between blocs. With the fall of the Berlin Wall, the principle of non-intervention started to look outdated. The demise of the communist bloc, however, did not lead to the global adoption of a single model of political order and the present is once again an ideologically and economically divided world where the principle of non-intervention acts as an instrument to defuse tensions.
All in all, the legal history of the principle of non-intervention in the last 500 years shows little evidence of historical progression. The frequency of intervention has been directly proportional to the uniformity of the great powers' ideologies and security interests. When they have shared the same values and interests, they have tended to use them as grounds to intervene in smaller states in pursuit of imperial ambitions. When the great powers' mutual relations have been confrontational, on the other hand, the principle of non-intervention has contributed to establishing a balance of power which has reduced the risk of major conflicts.

Marco Roscini is Professor of International Law at Westminster Law School and the Swiss IHL Chair at the Geneva Academy of International Humanitarian Law and Human Rights. He has a PhD in international law from Sapienza University of Rome and is the author of three books and of several articles and chapters in important international peer-reviewed journals and edited books. His publications have been widely cited in legal literature and judicial decisions. His latest book, International Law and the Principle of Non-Intervention: History, Theory, and Interactions with Other Principles (Oxford University Press 2024) explores the historical development of the principle of non-intervention through an examination of over 200 cases of intervention from the mid-1800th century to the present day.

Anushka Roy

The Missing Corpse and Coroner's Inquest: Tracing the Development of Medico-legal Death Investigation System in Colonial India

The colonial archive in India from the 1830s is replete with references to dead bodies and the use of medico-scientific vocabulary to narrate their deaths as events. The British colonial state along with its laws transported its judicial apparatus that included its lay jury, oral testimony, its coroner and the famous inquest. It is through the medico-legal death investigation that the medical experts, the court officials acted as tools of empire facilitating racial prejudices and promoting unequal forms of justice system while acting as legal alibis to the colonial project.

This paper attempts to look at the issue of surveillance of the native bodies, be it alive or dead, the anxieties that riddle the state surrounding deaths in the India colony. The paper aims to study such an issue through the figure of the coroner and the setting up of the death investigation system. This paper uses a close reading of the legislative proceedings surrounding the Coroner's Bill introduced by Fitzjames Stephens alongside the debates in the metropole regarding the post of coroner.

The deliberations and correspondences regarding the Coroner's Act of 1871 bring to light the colonial anxieties regarding the 'missing corpse', I intend to unravel the language that constitutes and highlights the colony as a state of exception as a spatial entity that has been fundamentally conceived as different and it intends to do so by focussing on the corpse, the lifeless spectre that haunts the imperial power by comparing it with the debates that took place in the 19th century Coroner's court in the metropole as a standoff between the central bureaucracy, its penal regime and the poor and marginalised subjected to its vagaries.

I am **Anushka Roy**, a first year Phd Research Scholar at the department of Humanities and Social Sciences (HUSS) at IIT Delhi. My research is on the canonisation of medical jurisprudence texts and the institutional development of forensic sciences in colonial India. I have a bachelor's degree in History (Honors) from St. Stephen's College , University of Delhi (2019). I also have a Masters degree in History from the University of Delhi (Miranda House, 2024).

Katherine Sanders

Fiction, fantasy and New Zealand's Native Land Court

New Zealand's Native Land Court – established by legislation in the nineteenth century – was charged with the conversion of indigenous Māori land tenure to title held subject to Crown grant. It is an interesting feature of the Court that a number of its judges became known for their writings *off* the bench. Professor Richard Boast has considered some of this extrajudicial work in the context of the relationship of the Native Land Court to the writing of New Zealand history. Boast analyses the Court's judgments as historical narratives and considers its judges as historians and ethnographers.

In this paper, I widen the lens to consider fiction and fantasy in the extrajudicial writings of Native Land Court judges. I focus on the work of FOV Acheson, judge of the Native Land Court from 1919 – 1943 and author of the popular novel *Plume of the Arawas*, published 1930. *Plume of the Arawas*, a flowery romantic adventure set in an imagined pre-colonial past, can be seen as part of a "literature of settlement", which appropriated indigenous Māori motifs and narratives.

Here I enquire into the relationship between Judge Acheson's legal thought and his fiction. Whilst Acheson's judgments and fictional writings are both historical – in that they narrate and interpret the past – I will argue that, read together, they speak also to the future and to Acheson's ideal of colonial development and nationhood.

Katherine Sanders is a senior lecturer in the Faculty of Law, University of Auckland, Aotearoa New Zealand. Katherine's research is in legal history and land law. This presentation is part of her doctoral project – a biography of Judge FOV Acheson.

David Schorr

Systemization of Law in the British Empire

The question of what law was to apply in the various territories of the British Empire is often thought of as a tension between two poles – imposition of English law; and a dizzying diversity of individual legal systems, typically inherited partly from other empires, but each with its own history and particular mix of norms from different legal origins.

Yet to be studied (at least not together, nor as an empire-wide phenomenon) are efforts to systematise the diverse laws of the Empire in ways other than imposition of English law. This paper will examine two such efforts: creation of regional appellate courts (not always, as might be assumed, in lockstep with political association); and harmonisation of related legal systems, with origins in the Romanist civil-law world or along religious lines, through court decisions and scholarly works.

These two projects sometimes worked in tandem, as in the case of the systemisation of Hindu law on the Indian subcontinent, and sometimes in tension with one another, for example with regard to the harmonisation of Roman-Dutch law across far-flung territories, each also part of a regional grouping of colonies that were being subjected to a regional appellate court.

David Schorr teaches law at Tel Aviv University (where he currently also heads the Berg Institute for Law and History) and researches various aspects of the legal history of the British Empire. He has participated in each of the previous LHE conferences.

Christine Schwöbel-Patel

International Law as Empire's 'Frontier Law'

In this paper, I propose a reading of international law as 'frontier law', namely as the law that enables the expansion of empires at the juncture between the capitalist core and its periphery. I base this on a novel (re)reading of the revolutionary theorist of imperialism Rosa Luxemburg. Luxemburg's work on the accumulation of capital read together with her work on botany offers a historical and materialist understanding of the legalisation and legitimisation of imperialist expansion. I illustrate these dynamics through revisiting The General Act of the Berlin Conference on West Africa 1885 as 'frontier law' in the so-called Scramble for Africa. These dynamics are then placed into a contemporary context of the scramble for rare earth minerals for the green transition in Greenland, where we see international law once more facilitating capital expansion as frontier law.

Christine Schwöbel-Patel is Professor of Law at Warwick Law School, where she is Co-Director of the Centre for Critical Legal Studies. She has published books and edited volumes on aesthetics and international justice (*Aesthetics and Counter-Aesthetics of International Justice*, Counterpress 2024), international criminal law (*Marketing Global Justice*, CUP 2021 and *Critical Approaches to International Criminal Law*, Routledge 2014), and global constitutionalism (*Global Constitutionalism in International Legal Perspective*, Brill 2011). Her current work is concerned with extractivism in the context of the green transition, in particular in Greenland.

Devika Singh Shekhawat

Empire of Tea: British Planter Raj and System of Indenturement Contracts in Assam

The historical trajectory of tea in Assam is completely intertwined with the history of the British Empire in the north east frontier region of present day India. Vast tracts of so called virgin forest were cut down to set up plantations under the 1878? waste land act of the British govt of India? The project of setting up of tea plantations set forth a peculiar problem for the British raj, that of a steady flow of docile and controllable labour force to work on the plantations. The paper looks at how the legal, para legal and illegal system functioned in colonial India to procure labour to work in Tea Plantations from the labour catchment areas of present-day Bengal, Bihar and the Chota Nagpur region. With study of the system of indenture, the paper explores how tea as a commodity of empire grew in Assam through the dichotomy of the legal, para legal and illegal.
Focusing on the workers narratives the paper attempts to understand how the workers themselves perceived the indenturement system and the British plantation raj. By going beyond a legal history perspective, the project understands how people negotiated the everyday reality of the indenturement contract. Archival data, oral histories, along with historiography allows an inquiry into how the illegal worked within the legal system in the time of the empire of and for tea

Devika Singh Shekhawat is a writer, educator and research scholar in the field of sociology. She is a published author with Zubaan Publications on the history and memory of migration of tea plantation workers of Assam and a co-author of a book chapter with the Programme of Social Action's The Research Collective on the 'Ecological Crisis of Shrimp Aquaculture and discourses of migration and infiltration in Coastal Odisha'. Having completed her bachelors from St. Stephens College, New Delhi she has completed her Masters in Sociology from Jawaharlal Nehru University, New Delhi and is currently pursuing her PhD from Dr. B.R Ambedkar University Delhi on questions of work, health and labour in tea plantations of Assam. She has a keen interest in writing, teaching, curation and research work. Her area of expertise lies in the intersections of gender and labour studies, ecology, cultural studies, sociological theory, oral histories, folklore studies, migration, and developmental issues. She is currently working on questions of work, health, education and labour in tea plantations of Assam with special emphasis on understanding the dynamics of health governance, labour relations and the changing political economy of tea production in Assam. She has been a part of multiple projects which study the rural public health care infrastructure in relation to migrant communities. She has presented her work at multiple conferences, workshops and international seminars and has recently completed the 2023-24 Fulbright-Nehru Doctoral Research Fellowship. She was working with Dr. Sarah Besky at the South Asia Program and the School of Industrial and Labour Relations at Cornell University during her visiting research position.

Adam Shinar

The continuity of Empire: Film and Theatre Censorship in Mandate Palestine and Israel, 1927-1991

Law played a significant role in the British control of the populations it governed. One pervasive form of control was through speech regulation. To avoid dissent and insurrection, draconian censorship measures were often embraced, targeting mostly literature and the press. In the early twentieth century, the British created film and theatre review boards to address the burgeoning visual arts. Almost identical ordinances propped up in British controlled territories, enabling censorship of plays and films. Undergirding the various boards was a uniform policy: to minimize resistance to British rule and to reduce social strife among the local population.

This article focuses on British censorship in Palestine and how that censorship translated to modern day Israel. British logic sought to both prevent animosity between Jews and Arabs and to curtail Zionist expressions. Curiously, however, Israel preserved the British censorship apparatus in its entirety when it was established in 1948. The article shows how the incorporation of British legal architecture enabled the newly constituted Israeli Board to apply censorship, but this time to achieve the new state's political aims, which were the opposite of British political goals. Whereas the British objective was the suppression of local identity, Israel harnessed censorship to forge a new Israeli identity, making censorship a crucial instrument in nation building.

Adam Shinar is professor of Law at the Harry Radzyner Law School in Reichman University, Israel. I hold SJD and LL.M degrees from Harvard Law School. Before entering academia, I clerked for the President of the Israeli Supreme Court, Aharon Barak, and worked as an attorney for several human rights NGOs in Israel and India. My primary research interests are constitutional law and theory and comparative constitutional law. I have written on obedience to law by public officials, judicial review, constitutional interpretation, constitutional rights in the Occupied Territories, and freedom of speech. My current project is the history of censorship of films and plays in Israel.

Madhavi Shukla

Shooting the Colonial Penal State: A Visual Analysis of H.L. Adam's Indian Criminal (1909)

Hargrave Lee Adam was a English writer born in 1867 who specialized in real-life subjects of crime and his published works as, — The Police Encyclopaedia (1910), the Trial of George Henry Lamson (1912), Pritchard the poisoner, C.I.D. Behind the scenes at Scotland Yard, to name a few—included matters of jurisprudence in the western world. However his 1909 publication titled 'Indian Criminal' centred on the Indian experience of criminality in the Andaman Island, a text that carried 32 chapters accompanied with fifteen albumen prints. This present paper attempts a visual analysis of the photographic illustrations used in the book to picture the colonial penal state exclusively dedicated to managing Indian criminals in the island jail based at Port Blair. These images not only included the officials managing the jail along with the inmates (that included men and women with occasional descriptions of their caste) but also panoramic views of the island city. To quote the adage, "a picture is worth a thousand words'; this presentation thereby focuses pictorially notions of Indian criminality captured by the gaze of the empire through the book.

Madhavi Shukla has finished her M.Phil. at the Centre for the Study of Law and Governance, Jawaharlal Nehru University at New Delhi. She is an independent researcher whose research interests include law and visual culture, law and society, and law and sexuality within Indian colonial and postcolonial context. As a legal feminist she is passionate about feminist jurisprudence and likes to dream of possibilities for equal futures for everyone. When she is not dreaming of equality, her other hobbies involve tending to her plants and playing with cats.

Shiwangi Singh

The case of Queen Victoria versus Khairati: Detours, Digressions and Convergences in the Colonial Construction of 'Desire'

This study interrogates the case of Queen Victoria versus Khairati, in which the accused Khairati was found to be persecuted on the charges of being an 'incomplete eunuch'. This is a testimony which pertains to the colonial intervention of codifying the stream of 'desires' into normative categories which was vehemently shifted the discourse on history of desire in India in a different direction. The colonial trajectory of legal constructions shows the backdrop within which the section 377 of the Indian Penal Code and the Code of Criminal Procedure was established. It traces the colonial action on sodomy which was evaluated on the practice of 'cross-dressing' by the opposite sex amongst the other criteria. In this conjecture, the Victorian notion of 'exotic crimes' or 'unnatural offences' suffices the then colonial activity of censoring and moulding the society into newer standards of 'collective criminality' that seem to have mislaid the indigenous cultural link of 'intimate relations' from the general flux of the South Asian community and society. These attempts by the colonial-imperial authority in the early modern times laid the provisions of 'homophobic' sentiments to flow in the society targeted as impure 'effeminacy'. Therefore, through in depth understanding of the colonial legal discourse from the prism of the urban socio-cultural milieu of the subcontinent, this research puts forward the phenomenon of 'conspiracy of silence' extended by scholar Janaki Nair.

Shiwangi Singh was born in the village Balia (Uttar Pradesh) and brought up in a small township in West Bengal. I got my Graduation degree (Batch of 2019-2022) and Master Degree in History major (Batch of 2022-2024) from Presidency University, Kolkata. Until now, my scholarship broadly deals with the time period of early modern India looking from the pedagogical lens of history of emotions, gender, legality, culture, polity and their intersectional conjunctures. Besides my academic life, I am a self-taught artist inspired by our many entangled past(s).

David Chan Smith

Near and Global Networks: How Early Modern Dark Markets made (Il)licit Trade

The literature on smuggling in Europe and the Atlantic world has recently expanded significantly, yet remains fragmented into valuable, but regional or commodity-based studies. This paper will begin to map out the global (il)licit networks that facilitated the running trade around Britain from 1680-1765. How did these networks function and what can they reveal about early modern ideas about legality and illegality? Making use of a valuable, but not unique source, the port books of the Isle of Man, the paper will demonstrate the global linkages and hybridity of the trade. Man's port books reveal the island's trade with Asia through various continental East India companies, its outward trade to Africa, and its extensive commercial connections with the American colonies. Offshore entrepots such as Man were vital to the (il)licit trade, blurring the legality of commodities that were brought to the island and then often exported for running ashore or smuggling into France and Britain. The paper will demonstrate the usefulness of sources like Man's port books for reconstructing European "dark markets," diagram the global trade centered on the island, and explain how this research can provide new insights into the relationship between illegality and the dynamism of early modern empires.

David Chan Smith is an associate professor of history at Wilfrid Laurier University, Canada. His research in the history of business and law explores the political economy of empire, marketization, and illicit trade from the seventeenth to the nineteenth centuries. Recent publications include 'The Mid-Victorian Reform of Britain's Company Laws and the Moral Economy of Fair Competition', *Enterprise & Society*, and research into the moral economy and illicit trade, Fair Trade and the Political Economy of Brandy Smuggling in Early Eighteenth-Century Britain, in *Past & Present*.

Stefano Stanca

The definition of illegality and madness in Moroccan legal system in the years of the Protectorate

In the wake of the latest research on law and madness in the colonial horizon in the alveus of ANRAMIAF project directed by Silvia Falconieri, this work aims to address the legal problems connected to madness and illegality regulation on the Moroccan soil under French protectorate. The institutional impossibility to translate automatically French legal system in Maghreb al Aqsa, results, from the one hand, in the non-applicability of the "Loi des aliénés" (30 June 1838), from the other, in the administrative reorganisation of Morocco. In this legal restructuring, whereof the dahir of 8 April 1917 is an expression, the new system for taking care of the mentally ill was born by the residential circular letter of 21 June 1922. How to build a legislative framework defining deviance and illegality in a country where French law must coexist with Sharia and Berber local law, in which the same behaviour, legitimised by Sharia and culturally motivated by local customs can be sanctioned as criminal under French law? The archives of Berrechid psychiatric hospital, the most important institution in the protectorate, reveal several protagonists on the border of legality: how to define who is outside of French normality? Criminal, mad or rebel?

Stefano Stanca University of Naples "Federico II"- Institut des Mondes Africains (IMAF) Graduated in "Medicine and Surgery" -Thesis: Qualitative analysis of performance of subjects with Subjective Cognitive Decline, Mild Cognitive Impairment and Parkinson's Disease in the ReyOsterrieth complex figure test- and in "Philosophy and Forms of Knowledge" -Thesis: The Psychopathological Apocalypse in the Anthropology of Ernesto de Martino- at the University of Pisa, now I am attending the last months of the medical specialisation in Pathological Anatomy, deepening the cellular and molecular basis of mental disorders, and the PhD in Historical Studies at the University of Naples "Federico II" on the alienation system in French Morocco. In my research on the history of psychiatry and deviance in the Arab world, I intertwine the medical approach with phenomenological and psychoanalytic perspectives to address questions relating to law and social sciences. I worked, previously, on racial legislation in the fascist period.

Verena Steller

Water, Law and Colonialism: “The Last Colony”, sovereignties, trusteeship and the International Law of the Sea, c.1919-2024

The ITLOS Advisory Opinion on Climate Change and the Law of the Sea, issued in May 2024, also at the request of Indo-Pacific states, was heralded as a landmark decision by an international tribunal to the climate crisis: it was praised as the first time that a global tribunal had addressed the issue. Also present in the Hamburg courtroom were representatives of the delegations of the UK and Mauritius. A close reading of their statements points to the ITLOS award in 2021 and arbitration proceedings in 2010 and to a much longer history at the intersection of water, international (environmental) law, human rights and (post)colonialism. At the centre of the story is the Chagos Archipelago (British Indian Ocean Territory) separated from Mauritius at independence in 1965 - the only British marine reserve with an American nuclear weapons base and extra-territorial detention centre: a 'legal black hole' of international conventions - from which the inhabitants have been deported until 1973. Based on the testimonies of the Îlois, Philip Sands, legal counsel to Mauritius, has recently unfolded the history of the island and the legal proceedings before US and British High Courts, Strasbourg, the Permanent Court of Arbitration in The Hague, up to the dispute over Marine Protected Areas or Economic Maritime Zones before ITLOS. Debates on sovereignty and trusteeship from imperial concepts to the League of Nations mandate system to the UN and the New (economic) world order in times of decolonisation and Cold War are reflected here. The paper takes up these debates and analyses their trans-imperial dimensions and the relevance of the historical argument.

A cultural historian interested in global legal concepts, **Verena Steller** is a Senior Researcher in Modern History at the University of Frankfurt. After her PhD in International History, she joined the Cluster of Excellence "Normative Orders" at Frankfurt University and served as a Temporary Principal Investigator funded by the German Research Foundation for her second book/habilitation on "Law & Empire. The Rule of Law in British India, 1858-1950", completed in 2022. She is interested in the history of concepts, Law& Society-approaches, the history of diplomacy, international law and colonialism. Currently, she is working on water rights/right to water and environmental history in the British Empire.

Sabarish Suresh

Cartojuridism across Continents: Sovereign Mapping and the Creation of Legal Territory

This paper aims to comparatively examine the role of cartography in the delimitation of territory, proclamation and representation of sovereignty, and the delineation of jurisdiction in the American mainland in the 17th century, and in Australia and the Indian subcontinent in the 18th century. As P. J. Marshall has argued, as opposed to being a distinct 'first' empire in North America, one that is seemingly detached from the 'second' empire in India, a common set of developments and axioms of the British empire make both these diverse spatial and temporal imperial projects part of the same phase of British imperial history. By including the colonial context of Australia, this paper is situated in a historical understanding that colonial cartographic transplants were relatively effective in the common law world. Based on archival research, historical and comparative scholarship on empires, literature on the history of cartography, and legal scholarship on charters and jurisdictions, this paper will demonstrate the systematic means through which cartography enabled and entrenched claims of sovereignty, jurisdiction and legal territory in America, Australia and India.

Sabarish Suresh is a Postdoctoral Fellow at the National University of Singapore Faculty of Law.

Kara Swanson

Constituting the World: Simon Greenleaf and Harvard Law School in Liberia and Hawai'i, 1846-1852

In 1846, Simon Greenleaf, a white US lawyer, reached the farthest corners of the nascent US empire from his position as professor at Harvard Law School. Through his writings and his students, Greenleaf became a node in the US imperial project. Greenleaf was active in the American Colonization Society, which had been supporting the settlement of African Americans in Liberia since 1821. The Society turned to Greenleaf to draft a constitution as it contemplated Liberian independence. The Black American-born settlers who created the Republic of Liberia in 1847 used Greenleaf's draft as a "guide." Also in 1846, Greenleaf's influence reached the Kingdom of Hawai'i in the person of his former law student, William Little Lee. Lee wrote laws, served as chief justice, and wrote a new constitution enacted in 1852, all while corresponding with his mentor, Greenleaf. This paper combines comparative constitutional history with an analysis of Greenleaf's legal philosophy as revealed in his surviving papers. It argues that through his active engagement in religious charities and the colonization movement, Greenleaf developed a Christianized understanding of the use of law in the project of spreading civilization to non-white peoples, a vision that influenced the first decades of US empire-building.

Kara W. Swanson, JD/PhD, is Professor of Law and Affiliate Professor of History at Northeastern University, Boston, MA. Her scholarship examines historical intersections among law, science, medicine, and technology, with particular attention to race and gender, and questions of property and intellectual property. Recent articles have earned prizes from the Law & Society Association, the Society for the History of Technology, and the History of Science Society. Her first book, *Banking on the Body: The Market in Blood, Milk and Sperm in Modern America* (2014), is a medicolegal history of property in the human body. In 2023-24, Swanson was in residence at the Institute for Advanced Studies, Princeton, NJ, working on her book-in-progress, *Inventing Citizens: A Surprising History of US Inventors, Patents, and Civil Rights*, a project that includes the sociolegal history of patents in the Republic of Texas, the Kingdom of Hawai'i, and the Republic of Liberia.

Christopher Szabla

Quarantine Law as Imperial Interaction

Turn-of-the-twentieth-century pandemics produced local, imperial, and global public health responses – and opposition to them. Quarantine laws, in particular, ran up against efforts to preserve freedoms of trade and movement. In colonial contexts, such positions confronted assumptions that European public health standards could not be maintained amid cultural differences and that particularly harsh restrictions were required.

Yet trade and mobility within colonized regions meant that the operation of colonial quarantine laws could also require passing judgment on the public health standards of other European or non-European empires. While some empires took a centralized approach, others allowed individual colonies autonomy in making such determinations, which could be colored by inter-imperial (dis)trust as much as public health assessments. As international law became increasingly salient in regulating international disease control efforts, however, it imposed a greater degree of uniformity on processes of quarantine-related decision-making.

This paper will look at these dynamics through the lens of Hong Kong, including debates about its distinctiveness as a colonial space, its quarantine decisions concerning other Asia-Pacific ports, and its concerns about how those ports were quarantining its own vessels. It will also incorporate perspectives from Singapore and, research prior to the conference permitting, French Indochina.

Christopher Szabla is Assistant Professor in International Law at Durham University. His work has focused on the intersections of international and global law, migration and mobilities, and legal and global histories, and has been published in the Berkeley Journal of International Law, Journal of the History of International Law, Law and History Review, Melbourne Journal of International Law, and in volumes published by Oxford University Press and others. He was previously Global Academic Fellow at the University of Hong Kong and studied at Columbia, Harvard, and Cornell Universities, at the latter of which his dissertation on the history of the international law and global governance of mass migration won the Messenger-Chalmers Prize. He has also won prizes, grants, and fellowships from the American Association of Law Libraries, Council for European Studies, Social Science Research Council, Society for Legal Studies, and others.

Zoltán Szente

Empire on Shaky Ground: The Paradoxical State Relationship between Austria and Hungary in the Habsburg Empire after 1867

The Habsburg Empire played an important role in the balance of power in Europe in the second half of the 19th century, after the revolutions of 1848/49 in Vienna, Milan, Pest-Buda, Prague and Venice were crushed, and operated as an absolute monarchy. However, due to the defeat from Prussia, the government of the Empire was forced to compromise with Hungary in 1867 and recognise the country's independence. The Great Compromise of 1867 established an unprecedented inter-state relationship between the two countries, which had a major impact on the future of this great power known as the Austro-Hungarian Monarchy. The constitutional arrangement was a real historical, political and legal paradox: the government of Hungary was partly shaped by the revolutionary laws of 1848; while the Austrian side was thinking in terms of a unified empire, Hungary insisted on its own statehood and sovereignty; and the new-born state structure was neither unitary nor federal, nor confederal. The paper describes the key institutions of this relationship, and the conflicting constitutional views on this, including attempts and proposals for reform.

Zoltán Szente is a Research Professor at the Institute for Legal Studies of the CSS, Budapest. Since the mid-1990s, he has been a member of the Group of Independent Experts (for monitoring local and regional democracy), Council of Europe. In the recent years, he was a visiting professor in UCL (London), Jagellonian University (Cracow) and between 2023 and 2024 the Fernand Braudel Fellow at European University Institute (Florence). He has published widely on Hungarian and comparative constitutional law, constitutional theory, and European constitutional history in Hungarian, English, German, Spanish, Russian and Croatian. Among his recent publications are Populist Challenges to Constitutional Interpretation in Europe and Beyond (Routledge, 2021), Constitutional Law in Hungary (Wolters Kluwer, 2024); How Not to Use History in Constitutional Interpretation: The Aborted Resurrection of the Historical Constitution in Hungary, in Comparative Constitutional History: Uses of History in Constitutional Adjudication (Brill, 2022).

Mark Toufayan

Between Intimacy and Alienation: 'Protecting' and 'Safeguarding' Armenian Property in French Imperialist Legal Thought in the Levant, 1918-1921

Contemporary debates on the legality of confiscations by Turkish authorities of property belonging to Ottoman Armenians before US courts have obscured the tensions that are central to humanitarian policies towards dispossessed Armenians. These policies – of protecting and of safeguarding Armenian property – find their roots in interwar French imperialism in the Levant. Drawing on new research on emotions and empire, this paper recasts these debates in their historical context by locating these tensions within humanitarianism in two different emotional registers in relation to legal thought. First, a discourse of intimacy of French imperialists with Armenians (in the case of French occupation of Cilicia (today, southern Anatolia)) provided the impetus for anchoring the political aspirations of Armenians for autonomy and independence in the 'protection' of their property as a civil, political and fundamental legal right. Secondly and simultaneously, a discourse of alienation of French imperialists from the Armenian population underlied their assertion of power to 'safeguard' their property through a mix of administrative ordinances, colonial laws and decrees for resettlement as well as the Franco-Turkish Agreement of 1921, which legally formalized the forced expulsion of Armenians from their ancestral lands (both before and during French withdrawal from Cilicia). The paper illustrates how decontextualized claims for restitution of property in the aftermath of genocide constitute the affective lives of subjects of empire who mobilized law and the legal language of the imperial power to resist economic domination, by entrenching hierarchies between victims of dispossession and imperial humanitarians.

Mark Toufayana: I am a Ph.D. Candidate at Osgoode Hall Law School, at York University. My research and teaching interests include the history and theory of international law and the history of humanitarianism, the interplay of law and development, and how law relates to emotions in legal reasoning and imagination. My current research focuses on how empathy for human suffering is mobilized and refracted through legal thought and the discourses and practices of humanitarianism, development and Armenian statebuilding of the interwar period.

Berna Kamay Ulusay

Euphoria of Ottomanism? 1867 Ottoman Land Code for Foreigners and Politics of Legal Belonging

Property rights were a contentious issue within imperial frameworks, transcending land regulations and shaped by contested state politics that reveal tensions between the state and diverse groups. The property rights in the Ottoman Empire have been likewise a subject of debate and analysis. This study probes into another facet of the issue, the 1867 Ottoman Land Code for Foreigners, which has not been exhaustively addressed. Foreigners who owned Ottoman property were obliged to follow Ottoman jurisdiction and tax rules, thereby forfeiting their capitulation privileges. The double allegiances of the Ottomans who enjoyed consular immunities further complicated the implication of this legislation in practice.
This study focuses on a long-standing inheritance dispute of an Ottoman-Armenian subject with an alleged Russian nationality, whose legal belonging stayed in limbo while his family could not claim any rights on the lands they used for decades. Therefore, this study questions the plausibility of Ottomanism and state politics of legal belonging. Against the backdrop of the 1877-78 Ottoman Russian War, it explores the shifting politics of legal belonging in light of property transfer, contest of power between state authorities, and diplomatic negotiations.

Berna Kamay Ulusay works at Sabancı University, FDP (Foundations Development Programme), giving lectures on the Ottoman Empire, Turkish Republic and World History. She earned her Ph.D from Boğaziçi University History Department in 2022 with a dissertation entitled “Extradition in the Ottoman International Legal Practice of the Nineteenth Century.” One of her recent studies on this topic, “The Ottoman Empire, the United States, and the legal battle over extradition: the ‘Kelly Affair,” has been published in New Perspectives on Turkey. She is specialized in Ottoman legal history, legal developments in the Early Turkish Republic, international law studies, politics of legal belonging, and diplo-legal encounters. Her recent research further delves into the questions of legal belonging, nationality, and conflicts of law in imperial and trans-imperial contexts.

Samuel Uwem

Sumptuary legislation and regulation of displays of false status 17th Century Cape Colony South Africa

Sumptuary legislation were introduced at the Cape colony South Africa by governor Ryk Tulbagh in 1755 as done in other countries like Europe and England which states Elizabeth's 1562 proclamation assertion that, "None shall wear in his apparel any silk of the color purple, cloth of gold but only the King, as a means to curb excessive ordinate expenditures on luxury, wearing silk gowns more than a specific length, apparel, food, furniture and the value of pearl necklaces was restricted. With this background, the paper examines sumptuary law in South Africa in 17th century. It analyzes the objectives of sumptuary legislation from threefold: first, how does the law distinguish social hierarchy in terms of fabrics permitted for each social class and what types of clothing; second, to stigmatize marginalized groups and prohibit commoners from dressing like aristocrats based upon economic income., morality and problems of enforcement and the failure of sumptuary law. The paper argues that sumptuary law was a clash between individuals versus states and dress as an expression of identity developed to regulate displays of false status. Also, sumptuary legislation was a means to deter the growing affluence of an urban merchant class and new elites threatened by the cultural superiority of an older aristocracy, resulting in widespread confusion and turmoil

Samuel Uwem is affiliated with the Management College of Southern Africa / University of Hradec Kralove Czech. Samuel holds a Ph.D. in International Relations from the University of KwaZulu-Natal, South Africa and a master's in history and strategic studies. He is a recipient of the Coimbra Group Scholarship Programme for Africa and a funded Research visit to the University of Duisburg. Samuel is also a member of the Institute for Justice and Reconciliation, the United States Institute of Peace, the International Association for the Study of Forced Migration (IASFM), and the Institute of Security Studies (ISS).

Florenz Volkaert

The Colonial Clause in Commercial Treaties (1860-1914): A Comparative Legal History of British Imperial Trade Policy

British commercial treaties concluded in the 1860s comprised a colonial clause regulating the trade of continental European states with the British colonies. Britain opened up its empire for foreign trade in the commercial treaties with Belgium (1862) and the Zollverein (1863). This market access was multilateralized through the most-favoured-nation clause with other European states. When white settler colonies - particularly Canada - gained the competence to conduct an autonomous trade policy, intra-imperial tensions rose. Britain was forced to denounce its treaties with Belgium and Germany against the legal advice of the Law Officers of the Crown. This paper tells this legal history in detail and compares the colonial clause in British trade policy to a similar clause in French, Dutch, Spanish and Portuguese commercial treaties.

Florenz Volkaert has a Ph.D. in Law from Ghent University. He studied law at Ghent University (BA/MA, 2018, summa cum laude) and obtained an LL.M/MSc. in Law and Economics (2018-2019, receiving the award for best student in the program) from the Universität Hamburg, Erasmus University Rotterdam and the Indira Gandhi Institute of Development Research (Erasmus Mundus). From 2019 to 2023, Florenz was a PhD Fellow of the Research Foundation Flanders (FWO). He successfully defended his thesis 'Commercial Treaties (1860-1914): A Networked History of International Law and Trade' in 2023 and received the 2022 ESIL Young Scholar Prize for his doctoral research. He obtained a Postdoctoral Fellowship from the Belgian-American Educational Foundation (23-24) and is currently researching the history of international cartels and currency unions at Yale University, on the invitation of Prof. Samuel Moyn. In 2025, Florenz will join the Université Catholique de Louvain-la-Neuve as an F.R.S.-FNRS postdoctoral fellow

Henri de Waele

“Lie There, My Art.” The Use and Abuse of International Law in the Dutch Colonial Empire, 1919-1940

In the last three decades, the ‘turn to history’ in international law appears to have been accompanied by a noteworthy ‘imperial turn’. Hitherto however, the vicissitudes of the discipline have remained curiously uncharted with regard to several global empires. In the Netherlands, despite giving birth to the celebrated ‘Grotian tradition’, the field experienced a relatively late blossoming. Whilst the country constituted one of the small powers in Europe at the dawn of the 20th century, it simultaneously commanded great possessions overseas, particularly the vast expanse of the Dutch East Indies. Though previous research delivered rich insight into the evolution of legal professionalism there, the colonial context has remained problematically underexplored. The present paper demonstrates how international law played a Janus-faced role in the suppression of Indonesian nationalism, the quixotic Wilsonian right to self-determination being a central bone of contention. The analysis highlights moreover how legal commentators, adapting their roles and crafts, elected to take up ambiguous positions vis-à-vis an incrementally tightening grip on the subjugated peoples. Besides pointing out the complicity of rank-and-file scholars in the Dutch colonial project, the study aims to showcase how this specific episode may prove instructive for the purposes of conducting critical historiography more broadly.

Henri de Waele, PhD, is currently Professor of International and European Law at Radboud University Nijmegen, the Netherlands, and served inter alia as Visiting Professor at the University of Bonn (Germany), National Taiwan University (Taiwan), and the Federal University of Santa Catarina (Brazil). Apart from his specific interest in the institutional law of the European Union, he has researched and authored numerous pieces on the history of international law, including a well cited article on the professionalization of the discipline in the Netherlands between the two world wars (European Journal of International Law, 2020; translated/published in Portuguese, 2024). He delivered talks at various national and international conferences, and is currently in the final stages of co-editing a volume on the ‘booting up phase’ (1920-1922) of the Permanent Court of International Justice with his colleague Professor Christian Tams from the University of Glasgow

Melech Westreic and Avishalom Westreich

Chief Rabbinate Regulations Economic Issues During the British Mandate Period (1922-1948)

Our paper discusses economic enactments of the Chief Rabbinate in the Land of Israel during the British Mandate period (1922-1948). Following the order of Article 9 of the Mandate for Palestine, 1922, the British Empire enacted the Palestine Order in Council, 1922, in which it principally retained the legal and judicial structure of the Ottoman era in religious and family matters. Each religion – Muslim, Jewish, and Christian – had its own judicial courts, which had jurisdiction over the members of the community and judged family matters according to its religious laws. A civil court was also founded, and it had parallel jurisdiction in certain family matters, for example, the maintenance of children. The Chief Rabbinate was established by the British sovereign, and it functioned also as a rabbinical high court of appeal over the district rabbinical courts. Our paper focuses on two enactments of the Chief Rabbinate in the period of the British Mandate. First, it imposed a legal duty on the father to maintain his young children; second, it increased the amount of the marriage contract (Ketubah). We analyze these enactments by examining their connection to the socio-economic reality at the time and to the administrative structures of the Empire.

Elimelech (Melech) Westreich is professor (Emeritus) of Law in the Faculty of Law of the Tel Aviv University and has been a visiting professor at the University of Chicago Law School. He was ordained as a rabbi by the Rabbis of Kerem Be'Yavneh Yeshiva and served as a Rabbi of a brigade in the I.D.F. He is author of "Transitions in the Legal Status of the Wife in Jewish Law - A Journey Among Traditions", Magnes Press, 5762 (2002). He was the editor of Tel Aviv University Law Review (1998-1999). He has written many articles on Jewish law especially on family topics, commercial instruments and bioethics. He is now doing a comprehensive research on: "The Legal Status of the Wife in the Sephardic and Eastern Traditions - The Challenges of Modernity and Encounters between Ethnic Groups", which is funded by the Israel Science Foundation (ISF).

Elimelech (Melech) Westreich is professor (Emeritus) of Law in the Faculty of Law of the Tel Aviv University and has been a visiting professor at the University of Chicago Law School. He was ordained as a rabbi by the Rabbis of Kerem Be'Yavneh Yeshiva and served as a Rabbi of a brigade in the I.D.F. He is author of "Transitions in the Legal Status of the Wife in Jewish Law - A Journey Among Traditions", Magnes Press, 5762 (2002). He was the editor of Tel Aviv University Law Review (1998-1999). He has written many articles on Jewish law especially on family topics, commercial instruments and bioethics. He is now doing a comprehensive research on: "The Legal Status of the Wife in the Sephardic and Eastern Traditions - The Challenges of Modernity and Encounters between Ethnic Groups", which is funded by the Israel Science Foundation (ISF).

Barry Wright

The 1945-6 Canadian Royal Commission on Espionage (Gouzenko) and the 1954-5 Australian Royal Commission on Espionage (Petrov): The Emerging Post War Security State and Judicial Independence

A comparison of royal commissions on espionage formed in response to the defections of Igor Gouzenko and Vladimir Petrov from the Soviet Embassies in Ottawa and Canberra. Gouzenko's defection, just weeks after the atomic bomb was dropped on Hiroshima and Nagasaki, heralded the new 'cold' war, and the Canadian commission's review of evidence of Soviet espionage and its domestic reach resulted in over twenty trials under the Official Secrets Act. The Venona decryptions of Soviet communications later in 1946 confirmed that similar espionage extended to the US, UK, and Australia. Australian security engineered Petrov's defection and 'rescued' Petrova from the KGB as her Moscow bound aeroplane refueled in Darwin. While Canada and Australia had developed growing international affairs and defence autonomy, London continued to coordinate military and intelligence operations during the war as Washington's interests became increasing influential and concerns emerged about Manhattan project leaks. MI5 played a significant role in the Canadian and Australian responses to revelations of Soviet espionage and the espionage commissions helped secure their status as junior partners in the post war US/UK defence and security alliance. They also spurred the local development of surveillance and security operations, reaching deeply into domestic opposition movements and the public service, seriously compromising civil liberties. My focus is the judicial role in both commissions and how it exemplifies the limits of formal claims of judicial independence and the rule of law when tested during security crisis. Justices Kellock and Taschereau of the Supreme Court of Canada presided over the secret hearings of the Canadian commission, an egregious crossing of the boundaries between executive and judicial powers. While Chief Justice Dixon turned down the government's request to lead the Australian commission, upholding the convention that High Court judges not serve on them, his ongoing informal extra-judicial advising as hearings proceeded also reflected complicity with executive security aims

Barry Wright is Professor Emeritus of Law and History at Carleton University and Honorary Professor at the T.C. Beirne School of Law, University of Queensland. His research and publications have focused on comparative colonial legal history and rule of law controversies in the nineteenth-century British Empire, in particular, the policy impact of utilitarianism on the modernisation of colonial governance and criminal law reform, notably criminal law codification from Thomas Macaulay's Benthamite India penal code and its colonial adaptations elsewhere, to the James Fitzjames Stephen-influenced Canadian (1892), New Zealand (1893), and Queensland (1899) criminal codes. Political trials and national security measures in Canadian history is another focus, reflected in his contributions to and lead editorship of the five-volume Canadian State Trials series.

Gustavo Zatelli

A contribution to the conceptual history of "police" in the early modern English-speaking world: John Wheeler's "A Treatise of Commerce" (1601)

While there are several national and regional historical writings surrounding the early modern concept of "police" available in the academic market, especially for the German territories, histories of this subject in the English-speaking context are still lacking. Aside from a still limited group of north American researchers (amongst them, Markus D. Dubber), the topic did not draw much attention. Nevertheless, during early modernity, the concept of "police" (with its broader meaning of "good government") was already widely circulating all over Europe, including England, and beyond through colonization. The investigation of the roads through which the concept circulated and how it was appropriated at different places may potentially bring added value for legal historiography. For this purpose, this research intends to focus on one source and its context of production: "A Treatise of Commerce" (1601) from John Wheeler, secretary of the Merchants Adventurers company. The aim of this presentation will be to contribute to the conceptual history of "police" by presenting one sample of how the concept of police was used to articulate legal struggles.

Gustavo Zatelli: I am a Postdoc researcher at the University of Helsinki, where I work in the project CoCoLaw (comparing early modern colonial laws). I hold a PhD in Law by the University of Brasília and a LLM in Law by the Federal University of Rio de Janeiro. My current research interest lies in the statutes and other forms of legislation that have relation to the broader concept of "police" in the English colonies during the eighteenth century.

Yuan Yi Zhu

Reverse Legal Circulation? Indian Judges on the Privy Council, 1909–1949

Between 1904 and 1949, a succession of Indian-born jurists served as members of the Judicial Committee of the Privy Council, then India and the British Empire's highest court of appeal. Recruited from the Indian bar and bench, they occupied a liminal status within the legal system, being neither members of the Indian nor of the British judiciary, and generally failed to make an impact on Indian law. Why were they recruited? How were they chosen? And why did they not serve their intended purpose of bolstering the JCPC's Indian standing?

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