

Sarah Barringer Gordon

Arlin M. Adams Professor of Constitutional Law & Professor of History
University of Pennsylvania

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Employment

2008-present Professor of History
2006-present Arlin M. Adams Professor of Constitutional Law
1998 - 2006 Professor of Law, University of Pennsylvania Law School
1994 - 1998 Assistant Professor of Law, University of Pennsylvania Law School
1998 - 2008 Joint Appointment, History Department, University of Pennsylvania
1987 - 1989 Associate, Fine, Kaplan & Black, Philadelphia
1986 - 1987 Law Clerk, Hon. Arlin M. Adams, United States Third Circuit
Court of Appeals, Philadelphia

Teaching Fields

Church and State, Property, American Religious History, American Legal History,
American Revolution, Constitutional History

Publications

Books

[The Spirit of the Law: Religious Voices and the Constitution in Modern America](#)
(Harvard University Press, 2010)

[The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth-Century America](#) (Univ. of North Carolina Press, 2002), Best Book Award, Mormon History Association, 2003; Best Book Award, Utah Historical Society, 2003; Chapter 1 reprinted in [Chicago-Kent Law Review](#) 78 (2003), and in [Not Your Father's Law](#), Russell Castronovo & Gregory Jackson, eds. (Duke University Press)

In progress

Freedom's Holy Light: Disestablishment in America, 1776-1876 (book-length project on separation of church and state, including focus on development of new religious organizations, slavery, taxation, schism, political entities, enterprise, bankruptcy, and more)

Convictions: Mormon Polygamy and Criminal Law Enforcement in Nineteenth-Century Utah, Kathryn Daynes, co-author

Articles

"The First Wall of Separation between Church and State: Race, Religion, and Disestablishment in Late Eighteenth-Century Virginia," Journal of Southern History (forthcoming)

"Fatal Convergence: The Mountain Meadows Massacre in Religious History," Jan Shipps, co-author, Journal of the Early Republic (July 2017)

"The African Supplement: Religion, Race, and Corporate Law in Early National America," William and Mary Quarterly (July 2015), co-winner, 2015 Lester A. Cappon Award, William and Mary Quarterly

"The First Disestablishment: Limits on Church Power and Property before the Civil War," University of Pennsylvania Law Review (January 2014)

"Where the Action Is: Religion and Law," Religion and American Culture (summer, 2008)

"'Free' Religion and 'Captive' Schools: Catholics, Protestants, and School Funding at Mid-Century," DePaul Law Review 2007

Friendship and Scholarship: A Report from the Archives (Utah State University Press, 2007)

"Law and Everyday Death: Infanticide and the Hester Vaughn Case," Lives in the Law, Austin Sarat, Lawrence Douglas and Martha Merrill Umphrey, eds. (University of Michigan Press, 2006)

"Blasphemy and Religious Liberty in Antebellum America," American Quarterly 52 (December 2000)

"The Liberty of Self-Degradation": Anti-Polygamy, Woman Suffrage and the Law of Marriage and Divorce, Journal of American History 83 (December 1996), reprinted in Law in the

West, Gordon Bakken & Brenda Farrington, eds. (Garland Publishing, 2001)

"Our National Hearthstone": Anti-Polygamy Fiction and the Sentimental Campaign Against Moral Diversity in Antebellum America, Yale Journal of Law & the Humanities 8 (1996)

"The Creation of a Usable Judicial Past: Max Lerner, Class Conflict, and the Propagation of Judicial Titans," New York University Law Review 70 (1995)

"The Doctrine of Accommodation in the Jurisprudence of the Religion Clauses," 37 DePaul Law Review (1988) (Arlin Adams, co-author)

Book Chapters

"Religious Corporations and Disestablishment, 1780-1840," in Micah Schwartzman and Zoe Robinson, eds., The Rise of Corporate Religious Liberty (Oxford University Press 2016)

"Mormons and the Law," in Philip Barlow and Terry Givens, eds., Oxford Handbook of Mormonism (Oxford University Press 2015)

"The Landscape of Belief: Disestablishment and Confiscation of Religious Property in the Early Republic," in Daniel J. Hulsebosch and Richard B. Bernstein, eds., Making Legal History: Essays in Honor of William E Nelson (NYU Press 2013)

"The New Age and the New Law: Malnak v Yogi and the Definition of Religion in Constitutional Law" in Leslie Griffin, ed., Religion and Law Stories (Aspen Press 2010)

"Religion and Law, 1790-1920," in Cambridge History of American Law, eds. Michael Grossberg & Christopher L. Tomlins (Cambridge University Press 2008)

"Law and the Contact of Cultures," Blackwell Companion to the American West, William Deverell, ed. (Blackwell Publishers 2004)

"Politics, Marriage, and the Texture of History," in Women and the Unstable State in Nineteenth-Century America, Alison M. Parker & Stephanie Cole, eds. (Texas A&M University Press, 2000)

Reviews, Essays, Comments

Review, Tisa Wenger, Religious Freedom: The Contested History of an American Ideal, Journal of American Studies (forthcoming, 2018)

Review, Joseph S. Moore, Founding Sins: How a Group of Antislavery Radicals Fought to Put Christ into the Constitution, American Nineteenth Century History (forthcoming 2017)

Review, John L. Compton, The Evangelical Origins of the Living Constitution, Journal of American History (2015)

Review, David Sehat, The Myth of Religious Freedom, Journal of American History (2012)

"Religion," and "Property," Encyclopedia of Legal History (Oxford University Press, 2009)

Inlaws and Outlaws: Lessons in Research, Friendship and a Report from the Archives, Utah State University Press, 2007

Review, Patrick Garry, Wrestling with God: The Courts' Tortuous Treatment of Religion Journal of Church and State (Journal of Church and State, Autumn, 2007)

Reynolds v. United States, @in Controversial Supreme Court Decisions, Melvin Urofsky, ed. (Congressional Quarterly Press 2006)

Review, The *Yoder* Case: Religious Freedom, Education and Parental Rights, Journal of Interdisciplinary History (2006)

Review, Polygamy, Prostitution and Power: Salt Lake City, 1847-1918 (2002), American Historical Review (2005)

George Reynolds, in One Hundred Americans Making Constitutional History, Melvin Urofsky, ed. (Congressional Quarterly Press, 2004)

Review, Moral Reconstruction (2001), H-Law, April 2003

Review, Separation of Church and State (2002), American Historical Review (October, 2003)

Chapel and State, Legal Affairs, January/February, 2003

Review, More Wives than One (2001), Brigham Young University Studies 41 (summer, 2002)

Review, Sex & Citizenship in Antebellum America (1998), Law & History Review 18 (spring 2000)

"Legal Heroes: Lewis Hall and the Construction of a Usable Legal Past, 1900," Penn Law Journal 31 (winter 1996)

Review, Kidnapped From That Land: The Government Raids on the Short Creek Polygamists (1993), Western Historical Quarterly 25 (summer 1994)

Fellowships, Prizes and Awards

Maguire Chair in Ethics and American History, Library of Congress, Fall 2017

Lester Cappon Award, co-winner, William and Mary Quarterly, 2016

Guggenheim Foundation fellow, 2015-16

Dorothy Tepper Goldman Foundation fellow, 2015-16

Research Fellow, Huntington Library, January-February, 2016

International Center for Jefferson Studies fellow, Monticello, June 2015

2011 Lindback Foundation Award for Distinguished Teaching, University of Pennsylvania

2008-09 Robert A. Gorman Teaching Prize, Penn Law School

2003-04 Robert A. Gorman Teaching Prize, Penn Law School

Rockefeller Fellow, Center for Human Values, Princeton University, 1997-98

Pew Fellow in Religion and American History, Yale University, 1997-98
Fellow, Huntington Library, San Marino, June, 1998
Young Scholar, Ethics in Public Life Program, Cornell University, 1996-97
Trustees' Council of Penn Women, Research Stipend Award, Summer 1996
Charlotte W. Newcombe Dissertation Fellow, Woodrow Wilson National Fellowship
Foundation, 1992-93
Samuel I. Golieb Fellow, New York University Law School, 1991-92
Littleton-Griswold Fund, Research Support, American Historical Association, 1992
DeGolier Graduate Fellowship, Vassar College, summer 1992
Mary Cady Tew Prize, Yale Divinity School, 1986
Phi Beta Kappa Prize, Vassar College, 1982
DeGolier Prize, Vassar College, 1981

Conference Papers & Presentations

The First Separation of Church and State: Disestablishment and Slavery in Late
Eighteenth-Century Virginia (British Group of Early American Historians, Cambridge,
September 2016; Library of Congress, June 2017)
Polygamy, Law Enforcement, and the Constitutional Law of Religion ("Polygamy
Debates Seminar"). Radcliffe Institute, July 2016
"Fatal Convergence" (Colloquium, Danforth Center on Religion and Politics, September
2015; Huntington Library, January 2016)
The Rise of the Religious Right, Stanford Legal History Workshop, February 2015
The State of the Union: Law and Religion (Organization of American Historians, April
2014)
Prayer in American Public Life: Fifty Years of Conflict over Religion in Government
(University of Missouri Kansas City, February 2014; Utah Valley University, April 2014; Cabrini
College, September 2014)
Trusteeism: Catholicism and the American Law of Religious Corporations in Nineteenth
Century America (University of Detroit-Mercy, March 2014)
The African Supplement: Religion, Race and Corporate Law in Early National America
(British Group of Early American Historians, August 2013, Princeton, Davis Center, November
2013, University of Georgia, April 2014; SHEAR, July 2014; Columbia University, October 2014;
USC Law and Literature Conference, February 2015)
Church v State: Disestablishment and Religious Power and Property (American Society
for Legal History, November 2013, Stanford Legal History Workshop, February 2013; Yale Legal
History Forum, March 2013; Organization of American Historians, April 2013)
The Law and the Lawyers, Mormons & Politics conference (Columbia University,
February 2012; Miller Eccles Group, February 2013)
The Sins of the Fathers: The Mountain Meadows Massacre in Religious History
(American Society for Church History, January 2012)
The Property Consequences of Disestablishment, 1776 – 2009 (NYU Law School, May
2010; British Group of Early American Historians, September 2012)
The Mountain Meadows Massacre as a Religious Event (with Jan Shipps) (Mormon

History Association, May 2010)

A More Perfect Union: Progressive Judaism and Same Sex Marriage, 1970 – 2007
(Princeton University, February 2009)

Faith as Liberation: The Nation of Islam and Prisoners' Rights to Religious Exercise, 1945–1970 (New York University Legal History Colloquium, 2008)

"Holy War: Women's Legal Activism and the Battle against Secularism, 1975 - 1990,@
(American Society for Legal History, October 2007; George Washington University Law School, November 2007; American Bar Foundation, November 2008; King College, November, 2008)

"The Devil: The Nation of Islam and the Religious Rights of Prisoners, 1955 - 1970" (Yale Legal History Forum, October, 2007; NYU Legal History Colloquium, December 2007))

Slavery and Polygamy in the Territories, Mormonism & Politics Conference (Princeton University, November 2007)

"Authors Meet Critic," American Academy of Religion (Washington, D.C., November 2006)

The Spirit of the Law: Catholics and Protestants at Mid-Century (presented at University College (London) November 2004; Clare College, Cambridge University, February 2005)

The State of Play: Religion, Law and the Constitution (presented at the Religion Newswriters Association, September 2004)

"The Almighty and the Dollar: Catholics, Protestants, and School Funding at Mid-Century" (presented at Princeton University, May, 2003; William and Mary Law School, February, 2004; University of North Carolina Law School, February 2004; New York University Legal History Colloquium, April, 2004; Harvard Law School, December, 2006)

Author Meets Critics, American Academy of Religion North American Book Group session on The Mormon Question, November 2004

Getting the Record Straight: Prosecution of Mormon Polygamists in Utah Territory@ (presented at the Western History Association, Fort Worth, Texas, October 2003)

The Legal World of Early Mormonism@ (presented at Mormon History Association, May 2003, Kirtland, Ohio)

Law and Everyday Death: Infanticide in Nineteenth-Century Philadelphia@ (presented at Law, Culture and Humanities, March 2000; American University Law School, April 2000)

The Second American Disestablishment: Blasphemy, Polygamy, and Church-State Relations in the Nineteenth Century (presented at Cornell Program in Ethics & Public Life, Young Scholars Weekend, April 1997; Fordham Law School, February 1998, NYU School of Law, April 1998)

"He Must Monopolize Power, Property and Privilege": Anti-Polygamy, Anti-Monopoly, and the Marital Economy (presented at the American Society for Legal History, October 1995; Cornell Program in Ethics & Public Life, April 1997; Center for Human Values, Princeton University, April 1998)

Mormon Polygamy and the Problem of Authority (presented at University of Utah Law School, March 1998, and Pew Program in Religion and American History, Yale University, May 1998)

The Hester Vaughn Case and Woman's Rights Activism: Sex, Class and the Double Standard (presented at the Organization of American Historians, Chicago, March 1996; NYU

Legal History Colloquium, October 1996)

"The Dynamite of Law": Anti-Polygamy, Woman Suffrage and the Law of Marriage and Divorce (presented at Yale Legal History Forum, October 1994; Legal Studies Workshops, University of Pennsylvania, February 1995; Chicago Law School Workshop in Feminist Legal Theory, January 1995; University of Chicago Comparative Legal History Workshop, February 1995)

"Crimes by the Laws of all Civilized and Christian Nations": The Polygamy Cases in the Supreme Court (presented to the NYU Legal History Colloquium, February 1995)

"That Troublous Period": The Bench and Bar of Territorial Utah" (presented at Western History Association, October 1994; Mormon History Association, May 1996)

"Beyond the Bounds of Civilized Society": The Prosecution of Mormon Polygamists in the Territorial Courts of Utah (presented at Law & Society Association, Phoenix, June 1994)

"Utah the Sodom of America": Popular Fiction, Domesticity and Anti-Polygamy in the 1850s (presented at American Society for Legal History, New Haven, October 1992)

"Monogamy is Woman's Doctrine, as Polygamy is Man's": Anti-Polygamy and the Critique of Marriage in Nineteenth-Century America (Law & Society Association, Toronto, June 1995)

Max Lerner and the Propagation of Judicial Titans (presented at New York University School of Law, Conference on Judicial Biography, June 1995)

Public Lectures

Inaugural McGiffert Lecture, Omohundro Institute, William and Mary, October 2016

Inaugural Mormon History Lecture, Huntington Library, January 2016

Brahms Lecture, Case Western Reserve Law School, September 2015

Keynote, J. Reuben Clark Law Society, Arizona State University, February 2015

Keynote, McKenzie Symposium, University of Missouri Kansas City, February 2014

McElroy Lecture, University of Detroit-Mercy, March 2014

Plenary Lecture, Mormon History Association, May 2013

Distinguished Lecture, Oklahoma City University Law School, April 2013

Distinguished Lecture, DePaul Law School, March 2013

Danforth Center Lecture, Washington University, November 2011

Keynote Address, Women's Legal History Conference, Chicago, September 2011

Distinguished Visitor, Trinity College, Hartford, March 2011

Annual Distinguished Lecture, Brigham Young Law School, January 2011

Supreme Court Historical Society Lecture, April 2010

Fulton Lecture, Chicago Law School, May 2010

Swenson Lecture, The Definition of Religion, Brigham Young University, March 2009

"Anti-Religious Speech in American Legal History" (New York Atheists, February 2009)

"The Meanings of Marriage," University of Wyoming (March 2008)

Annual Mormon History lectureship, Utah Valley State College (March 2008)

Philip Pro Lectureship in Legal History, UNLV Law School (April 2008)

Religious Separatists and the United States Constitution (Salzburg Seminar, Austria,

October 2006)

Kelly Lecturer, Davidson College (April 2006)

Annual Church and State Lecture (DePaul University Law School, March 2006)

Arrington Lecture, In-laws and Outlaws: Lessons from the Archives, Utah State University (October 2005)

Women's Rights and Nineteenth-Century Polygamy (Annual Women's History Month Lecture, March 2004)

Sexuality and Legal Change (Keynote speech, Conference on Law, Culture and the Humanities, Philadelphia, March 2002; University of California at Santa Barbara, December 2002; Princeton University, January 2003; Glasgow University, February 2003, St. Andrew's University, February 2003)

The Lives of Women at the Mercy of Law: Hester Vaughn and the Woman's Rights Campaign after the Civil War (Amherst College, November 1999)

Anti-Monopoly, Anti-Polygamy and the Marital Economy (Boston University Legal History Series, February 1996; Columbia Law School Family History Series, March 1996)

Anti-Suffrage and the Law of Marriage and Divorce in Nineteenth-Century America (Wayne State Law School, November 1995)

The Territorial Courts, the Raid, and Legal Strategy (presented at the Utah Center for the Humanities, January 1994)

Education

1995 Ph.D. (History) Princeton University

1987 M.A.R.(Ethics) Yale Divinity School, *magna cum laude*

1986 J.D., Yale Law School

1982 B.A., Vassar College, Phi Beta Kappa, General Honors

Law School Service

Appointments Committee, Entry-level chair 2012-13; Lateral chair, 2005-06; member 1996-97, 1998-99, 2000-01, 2001-02, 2003-04, 2006-07

Associate Dean, July 1, 2000-02

Legal History Consortium, co-convenor (with Bruce H. Mann), 1994-2006 (with Serena Mayeri), 2006-10, (with Sophia Lee and Serena Mayeri, 2010-present)

The Writer's Bloc (legal history writing group), co-convenor (with Sophia Lee and Serena Mayeri) 2012- present

Tenure and Promotions Committee, 2010-11, 2014-15

Dean Search Committee, 1999-2000

CFO search committee, 2014-15

Nominations and Sesquicentennial Committee (Chair), 1999-2000, 2013-14

Clinical Search Committee, Chair, 2006-07

Building Committee, 1995-1997; 2003-04

Educational Program Committee, 1994-96, (Chair) 2000-2001, 2009-2010
Ad Hoc Workshop Committee, 1994-95
Advisory Board, Equal Justice Foundation, 1995-present
Law School Light Opera, Adviser, 2006-07
Women's Law Group, Brown Bag Lunches, 1995, 1996, 1999, 2003-04, 2006

History Department Service

Chair, Reappointment Committee, 2015
Executive Committee, 2012-2014, 2016-18
Personnel Committee, 2014-15, 2017-18
Graduate Admissions Co-chair, American history, 2010-11; 2013-14; 2014-15
Graduate Committee, 2013-15
Dissertation adviser and/or committee member for 12 graduate students

University Service

Disciplinary Appellate Officer, spring 2017, and 2017-18
Special Inquiry Committee, 2014-15
Consultative Committee, Nursing School Dean Search, 2013
Provost's Teaching Awards Committee, 2012-13
Presidential Term Professorships Committee, 2010-12
Appellate Officer, Office of Student Conduct, 2009-12

Professional Service, Visitorships

President, American Society for Legal History, 2017-19
President elect, American Society for Legal History, 2015-17
Visiting Scholar, Center on Religion and Politics, Washington University (fall 2015)
Co-editor, Studies in Legal History, University of Cambridge Press (2010-present)
Councilor, Omohundro Institute for Early American History and Culture (2015-18)
Faculty Editorial Board, University of Pennsylvania Press (2015 -)
Program Committee, Junior Scholars in Law & Humanities Workshop (2014 -)
Member, Mellon History & Religion Working Group, Notre Dame University (2010-12)
Visiting Professor of Law, NYU Law School, fall semester 2007
Scholarly Editions Grant Committee, National Endowment for the Humanities, 2006
Mellon and Barra Fellowships Committee, McNeil Center for Early American History,
2006
Editorial Board, Law and History Review (2006-10)
Visiting Professor of History, University College (London), 2004-05
Nominator, MacArthur Foundation Fellows Program, 2004
Chair, Future of the Society Committee, American Society for Legal History, 2003 - 06

Chair, Investments Committee, American Society for Legal History, 2006 -
Visiting Research Fellow, Program in Law and Public Affairs, Princeton University, 2002-
03
Littleton-Griswold Prize Committee, Association of American Historians, 2003-
Reviewer and commentator, Junior Scholars Conference in Law and Humanities, 2002-
present
Visiting Scholar, National Constitution Center, 2001-02
Editorial Board, Law and Social Inquiry, 2000-
Chair, Program Committee, American Society for Legal History Meeting, Toronto,
October 1999
Hurst Prize Committee, Law & Society Association, 1999-2000
Nominating Committee, American Society for Legal History, 1996-1999
Littleton Griswold Prize Committee, Association of American Historians, 1996-1999,
Chair, 1997
Program Committee, 1997 American Society for Legal History Meeting, Minneapolis,
2002 Meeting, San Diego
Faculty Advisory Board, Women's Studies Program, University of Pennsylvania, 1996-
present

Public Service

Director, Omohundro Institute for Early American History and Culture, 2015-18
Faculty Editorial Board, University of Pennsylvania Press (2015 -)
Co-convenor, Junior Scholars Workshop in Law & Humanities (2017 -)
Director, William Nelson Cromwell Foundation, (2001-)
Scholarly Advisory Board, National Constitution Center (2000-)
Trustee, Vassar College (1998- 2010)
25th Year Reunion Gifts Committee (2006- 07)
Chair, Academic Affairs Committee (2005 -10)
Director, American Society for Legal History (2002-05)
Chair, Future of the Society Committee (2003- 06)
Chair, Finance and Investments Committee (2006 - 10)
Capital Campaign Committee, Yale Law School (2006 -)
Councilor, Mormon History Association (2003-06)
Member, Dean's Council of Advisers, Graduate School, Princeton University (1998-2001)
Director, Historical Society of Pennsylvania (1997-2003)
Director, Library Company of Philadelphia (1999-2006)
Director, Awbury Arboretum Association (1997-2000)
Executive Committee, Yale Law School (1995-1998)
Director, Yale Law School Fund (1991-1995)

Professional Memberships

American Society for Legal History
American Historical Association
Organization of American Historians
American Academy of Religion
Western History Association
Omohundro Institute for Early American History and Culture
McNeil Center for Early American Studies
Huntington Library
Society for the History of the Early American Republic
British Group of Early American Historians
Mormon History Association
Historical Society of Pennsylvania
Library Company of Philadelphia
Utah State Historical Society
American Society for Church History