

**The Experience of Mobility across time:
Between Precariousness and Trust**

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USC, Jan.19-20 2018

Law School Faculty Lounge, rm. 432.

January 19

8:15 am - Breakfast

9:00 am - *Introduction*: **Claudia Moatti** (University of Paris 8 and USC)

1. *The organization of mobility: networks, guilds, documents of identity*

Session Chair/Commentator: **Christelle Fischer Bovet** (USC)

9:30 am - Cedric Brelaz (Université de Fribourg): Deviating Soldiers: Officials on the Move and Local Communities at Risk in the Roman East

Instead of providing security, Roman soldiers and officials travelling across the provinces of the Roman Empire were also considered in some cases a threat by local communities. Deviating from the main routes and breaking the law they were supposed to enforce, soldiers and officials sometimes abused local populations. This paper will explore the paradox of law enforcement officers becoming a source of insecurity and assess the risk experienced by local communities because of these 'institutions on the move'.

10:15 am - Adam Kosto (Columbia University): Safety "Coming and Going" in the Middle Ages

In medieval regimes of protection, security can inhere in a place (as in the concept of sanctuary) or in personal status (as in the inviolability of heralds during warfare), but it often appears connected to mobility, especially in the context of "safe conduct." This paper explores a widespread manifestation of the protection of mobility, namely safety en route to and from (*eundo et redeundo*) a particular place. Such protection benefitted merchants with respect to fairs, representatives with respect to parliaments, witnesses and litigants with respect to courts, and knights with respect to tournaments, among other traveler/place pairs. The paper examines the roots of this particular construction of protection and its possible significance in comparison to others.

Pause: 11:00-11:15

11:15 am - Juliette Bourdin (University of Paris 8): The mechanisms of trust: the emigrants' response to the dangers of the overland trails to Oregon and California in the 1840s

This paper intends to explore the mechanisms of trust on the overland trails to Oregon and California from the beginning of the westward migration until the peak of the Gold Rush in 1850. How did the emigrants get ready to face the dangers of the overland crossing? How did they weigh the (un)reliability of the sources of information at their disposal? Who and

what did they decide to trust, and why?

12:00 pm - General discussion

2. *Mobility and Law*

Session Chair/Commentator: **Ariela Gross** (USC)

2:00 pm - Emmanuelle Chevreau (Université Paris II Panthéon-Assas):
Contractual clauses facilitating the mobility of people and goods in the Roman Empire

By the 3rd c. B.C., the Roman conquest of the overseas territories led to a huge movement of people all across the Roman Empire and increased trade between Roman citizens and Peregrines. There was the question concerning the suitable legal framework for contracts between Romans and strangers. A common law market was gradually designed by the Pretorian edict and it was based on good faith and law of nations. This common law spread throughout the Roman world through edicts of provincial governors. In other words, the Roman law granted legal certainty in contractual transactions involving the mobility of people and goods. This paper will focus on the maritime transport contract and in particular in the letting and hiring contract (*locatio-conductio*) used in the transport of passengers and goods. It will aim at studying the specific contractual provisions concerning the risk associated with the maritime transport (storm, shipwreck, pirate attack, offenses committed by vessel's crew etc.).

2:45 pm - Rowan Dorin (Stanford University): Migrant Moneylenders and the Threat of Expulsion in Medieval Europe

In 1274, the bishops assembled at the Second Council of Lyon promulgated a series of measures aimed at stemming the rising tide of moneylending in western Christendom. Most dramatically, they ordered all secular and ecclesiastical authorities to expel from their territories any foreigners who were engaging in usury, a tacit admission that even the severest of spiritual punishments for Christian usurers had failed to markedly impede their activities. The threat of eternal suffering was now to be reinforced by the immediacy of earthly sanctions.

From then on, foreign Christian moneylenders – or Lombards, as they were usually known – lived under an unstable legal regime: even as they were continually welcomed into communities with promises of privileges and protection, they were simultaneously menaced by an expulsion decree whose penalties could readily be invoked. This paper will explore responses to the resulting precariousness, from the emergence of new legal defenses to the shifting geographies of Lombard migration.

Pause: 3:30 – 3:45

3:45 - Evelyne Oliel-Grausz (Université Paris 1-IHMC/ ConfigMed ERC/ Centre de recherches français à Jérusalem): Being a foreigner at court : Jews in Livorno, mobility and litigation in the 18th century

Using situations of litigation between early modern Jews in Livorno which, at first glance could be understood as intra cultural situations of familiarity, I will emphasize the particular stance of foreign Jews either finding themselves in the free port or coming to Livorno to litigate, questioning their relation to the local legal resources, Jewish and non-Jewish : three cases will be analyzed, that of a Persian Jew made famous by Francesca Trivellato in her study of the « Big diamond affair », of a family disembarked from Constantinople quarantined in the Lazzaretto, and of a North African Arab speaking merchant involved in a complex Mediterranean letter of exchange dispute. We will question the linguistic, religious, cultural obstacles they encounter as opposed to the legal advantages and benefits they could hope to derive from their very status of foreigners, whether in the Jewish court of the Massari or in local courts.

4:30 pm - Hiroshi Motomura (UCLA): Legal framework and policy issues raised by refugees, asylum seekers and forced migrants in the 21st century US.

In the 21st century, large-scale movements of migrants, many of them seeking protection as refugees, have placed tremendous pressure — both conceptual and political — on existing laws and policies governing refugees and asylum. One sign of this pressure is the acute tension between the lived experiences of migrants and the legal frameworks and approved narratives into which they must fit to achieve their goal of protection through migration. This paper will explore this tension by unpacking its various dimensions, and by situating national and regional variations of this tension in particular traditions of immigration and citizenship.

5:15-5:45: General discussion

January 20

8:45 am - Breakfast

3. Mobility, knowledge and representations

Session Chair/Commentator: **Tom Habinek** (USC)

9: 30 am – Susan Lape (USC): Female Immigrants in New Comedy: Precarity and Accommodation

This paper explores New Comedy's depiction of female immigrants in the Hellenistic city. Female immigrants in comedy face a variety of dangers - including enslavement, abandonment, and starvation, possibilities that resonate with the real-world experiences of female immigrants in Athens and elsewhere. At the same time, comedy also depicts some of the strategies employed by these women to deal with their situation, including maintaining friendships and networks with other immigrants, engaging in sex work, fostering, and forming relationships with more securely situated natives. Yet, while precarity is an inescapable fact of the female immigrant's life in comedy, an emphasis that operates to shield the natives with whom they live from their own vulnerability to loss and displacement,

comedy also grants these women a potential for assimilation, equivocal though it is, that appears to be unimaginable in the case of male immigrants. The paper concludes by considering what the ambiguities surrounding the female immigrant experience in comedy might tell us about female immigrants in the Hellenistic city and comedy's work in creating space for them.

10:15 am - Jennifer Devereaux (USC): From Vulnerability to Collectivity in the Ancient World

This paper attempts to reorient the mythology of exile by considering myth in terms of embodied cognition. However, that is not to say I will be considering myth in terms of the science it supposedly came before – its *terminus ad quem*. Rather, I will treat the body and its range of experiences as a *terminus a quo* – a point of departure that myth seeks to understand through a variety of analogies. My focus will be on an analogy made between *ira* and the sea. In particular, I will evaluate the cognitive structure of the concept(s) *Scylla* and *Charybdis* and consider what this structure might tell us about experiences of exile and the literary practices associated with it. My discussion will be grounded in Ovid's *Tristia* and Seneca's *Epistles*, because both authors experienced exile and relate many experiences of travel in these texts. The primary focus, however, will be on Seneca's *De Ira*, which is thought to have been written around the time of his exile by Claudius. Of particular note is that Seneca begins the treatise by materializing *ira*-as-water through the text itself -- a feature of his *ars* that has previously gone unnoticed. I will suggest that this feature enables us to catch a glimpse of a purposefully ambiguous emotional and sociopolitical concept that renders the treatise at once protreptic and documentary, revealing a deeply entrenched cognitive feature of Roman exilic literature.

Pause: 11:00-11:15

11:15 am - Jessica Goldberg (UCLA): Becoming a local: migration and identity in the medieval Islamic world

In the eleventh century, economic opportunity and political dislocation created a great deal of migration among a variety of social classes in the medieval Islamic world. In this paper, I examine some of the most common kinds of migrants documented in the Cairo Geniza--both the powerful and the dispossessed. I examine the complex negotiations of identity that such movements provoked, looking at both the ways elite migrants sought to manipulate multiple claims of local privilege, and the ways that movements of the poor were used to create new networks of regional power.

12:00 – 12:30 : General discussion

12:30 pm - LUNCH

Session Chair/Commentator: **Roger Waldinger** (UCLA)

2:00 pm – Chiara Galli (UCLA, Sociology): Converting Human Suffering into Humanitarian Capital: Legal Brokerage between the State and Vulnerable Immigrants

Acquiring legal status is a challenge for most undocumented immigrants in the US. However, certain categories of immigrant children and adults deemed too vulnerable to be morally excluded outright may benefit from policies granting legal status on humanitarian grounds. Using ethnographic data, I analyze the implementation of a set of these policies, in which deservingness of legal status and protection is defined based on different conceptions of vulnerability, reflecting a humanitarian immigration system that rewards the suffering migrant as a matter of exception. I show how legal intermediaries determine strategies for their clients' legalization, first, by matching immigrants' lived experiences to formal legal categories. Here, I highlight the contradictions that arise, showing how formal barriers and strict eligibility criteria exclude numerous immigrants despite their actual vulnerability. Second, I illustrate how legal brokers help migrants mobilize their suffering to make claims for belonging and acquire membership rights in the US by converting migrants' suffering into "humanitarian capital," a symbolic resource legible to the adjudicators who grant legal status on a discretionary basis and according to the logic of compassion.

2:45 pm – Emily Ryo (USC, Gould School of Law): Fostering Legal Cynicism in Immigration Detention

Every year, tens of thousands of noncitizens in removal proceedings are held and processed through an expanding web of immigration detention facilities across the United States. The use of immigration detention is expected to dramatically increase under the Trump Administration's mass deportation policy. I argue that this civil confinement system may serve a critical socio-legal function that has escaped the attention of policymakers, scholars, and the public alike. Using extensive original data on long-term immigrant detainees, I explore how immigration detention might function as a site of legal socialization that helps to promote or reinforce widespread legal cynicism among immigrant detainees.

Pause: 3:30 – 3:45

3:45 - Nayan Shah (USC): "Precarious Materiality and Visual Exhibition of Refugees"

This presentation explores how contemporary photojournalism and art practice trace an archive of materiality of refugee mobility and detention and visually document the trauma of forced migration and the strategies of survival. Particularly in the last decade, in the wake of refugee crises in Europe and North America, Africa and Asia, photojournalists, visual artists such as Ai Wei Wei, and

collaborations between scholars such as anthropologist Jason De Leon and photographer Richard Barnes, have exhibited photographs and installations that have emphasized the ordinary material objects that refugees possess, discard, or were confiscated by border guards. This presentation examines the display, representation and relations of material objects to the individual refugee stories, narratives of that collective experience of forcible migration and the anticipated reception and engagement of US and European citizens. The fragility of material possession and the uncertainty of refuge particularly dovetails with the withdrawal of state protections for refugees as perceived threats of uncontrolled economic migration and security threats mount. Human connection and loss are mediated by things, which are imbued with the capacity for narratives of poignant personal loss, or a breach of familial intimacy, and precarious lives of children.

4:30-5:30: Discussion