



CENTER FOR THE STUDY OF LAW AND SOCIETY  
BERKELEY LAW

## CSLS SPEAKER SERIES

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Monday, March 1, 2021

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### "The Division of an Empire: The Settler Colonial and Revolutionary Entanglements of *Dartmouth v. Woodward*"

The 1819 Supreme Court case of *Dartmouth v. Woodward* continues to be cited, taught, and debated as a foundational case in the emergence of the modern corporation and the rise of liberal capitalism in the U.S. As the bicentennial commentary reinforced, scholars largely study *Dartmouth* anticipating its influence. The Marshall Court extended the Constitution's Contract Clause to corporate charters, it is accordingly argued, to insulate corporations from state regulation and encourage the rise of the business corporation still so pervasive and powerful today. By contrast, I recontextualize and reassess *Dartmouth* not simply as a foundational precedent for liberal capitalism, but also as part of the long contestation over the imperial succession of colonial charters and corporate forms following the American Revolution. Far from a prescient modernization of the corporation and charter expecting 19th century economic developments, *Dartmouth* showcases instead how the Marshall Court remained entangled in post-Revolutionary debates over charters and corporations even by 1819. Indeed, I find that it is in and through these disputes that the Marshall Court first sought to protect corporate and chartered claims to property—laying the groundwork for what would retrospectively be celebrated as the beginnings of the modern corporation.

**PLACE**     [Register here for Zoom link.](#)  
**TIME**     12:45 – 2:00p.m.  
**INFO**      [csls.berkeley.edu](http://csls.berkeley.edu)

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