

AMERICAN SOCIETY
FOR
LEGAL HISTORY



Historia Omnium Legum

Twelfth Annual Meeting
at
The Marriott
St. Louis, Missouri
on
October 22-23, 1982

Program

Registration

Beginning at 8:30 a.m., October 22, 1982

Hawthorne Foyer

Friday, October 22

Anglo-American Commercial Law in Historical Perspective

9:00 a.m., Hawthorne 4

Chair: Francis N. Stites
San Diego State University

*Special Juries: Nineteenth-Century Usage
and Reform*

James C. Oldham
Georgetown University Law Center

Anglo-American Law in Historical Perspective

Charles A. Bane
Isham, Lincoln & Beale, Chicago

Comment: Richard H. Kilbourne, Jr.
Paul M. Herbert Law Center

Comment: Alan Schwartz
University of Southern California Law Center

Panel Discussion: Teaching Legal History

9:00 a.m., Hawthorne 5

Chair: Maxwell H. Bloomfield
Catholic University

Panelists: Barbara A. Black
Yale University Law School
John V. Orth
University of North Carolina School of Law
Phyllis S. Lachs
Bryn Mawr College
Donald W. Sutherland
University of Iowa

Friday, October 22

Brief Communications

11:15 a.m.

1. Hawthorne 4
Early English Contract Law

Chair: Kathryn L. Reyerson
University of Minnesota

*Evidentiary Concerns and the Evolution
of Contract Law*

Kevin M. Teeven
Bradley University

2. Hawthorne 5
Civil Liberties in Time of Emergency

Chair: Stanley I. Kutler
University of Wisconsin

*The Impact of the Vietnam War on
American Civil Liberties*

Michal R. Belknap
University of Houston
College of Law

3. Senator 1
Judicial Biography

Chair: Kermit L. Hall
University of Florida

Thomas Ruffin

Walter F. Pratt, Jr.
Duke Law School

Friday, October 22

Panel Discussion:
The Married Women's Property Acts
— A Comparative View

2:30 p.m., Hawthorne 4

Joint session with the Society for the Study of
Women in Legal History

Chair: Nancy S. Erickson
Ohio State University College of Law

Panelists: Mississippi

Lucie R. Bridgeforth
Memphis State University

New York

Norma Basch
Rutgers University College

Ohio

Michele Hilden Willard
Columbus, Ohio

The Influence of Jeremy Bentham:
A Sesquicentennial View

2:30 p.m., Hawthorne 5

Chair: Richard A. Cosgrove
University of Arizona

Bentham's Visions, Chadwick's Deeds:
How 'Utilitarian' was the
Victorian Revolution in Government?

Anthony Brundage
California Polytechnic State
University — Pomona

Bentham in America: The Early Nineteenth Century

Charles M. Cook
New England Association of
Schools and Colleges

Comment: Richard A. Cosgrove
University of Arizona
Gerard W. Gawalt
Library of Congress

Friday, October 22

Reception

5:30 p.m.

Rotunda, Old Court House

Site of the Dred Scott Trial

By special permission of the National Park Services

Across the street from Marriott Hotel

Saturday, October 23

Outsiders View Legal Historians

9:00 a.m., Hawthorne 4

Chair: Tony Freyer
University of Alabama

An Outsider Looks at Legal Historians

Edward Pessen
City University of New York

Comment: Stephen Botein
Michigan State University
Mark V. Tushnet
Georgetown University Law Center

Origins of Public-Private Doctrine in the Middle Ages

9:00 a.m., Hawthorne 5

Chair: Richard Fraher
Harvard University

*Law and the Commonweal in
Early Medieval Europe*

Michael H. Hoeflich
University of Illinois
College of Law

Legal Origins of the Private-Interest Doctrine

John F. McGovern
University of Wisconsin-Milwaukee

Comment: Brian P. Levack
University of Texas at Austin
Kenneth Pennington
Syracuse University

Saturday, October 23

General Address

11:15 a.m., Hawthorne 4

Why the History of Western Law is not Written

Harold J. Berman
Harvard Law School

Luncheon

12:30 p.m., Pavilion E

Presiding: Morris S. Arnold
University of Arkansas at Little Rock School of Law
President
American Society for Legal History

Address: *The State of the Society*

Saturday, October 23

**The Law of Slavery:
A Comparative View**

2:30 p.m., Hawthorne 4

Chair: Walter Ehrlich
University of Missouri-St. Louis

*Race & Law in the Antebellum North:
Some Reconsiderations of the Status of
Free Blacks Two Decades After Leon Litwack*

Paul Finkelman
Fellow, Harvard Law School

*Direction & Development in the Law of Slavery —
More and Less Interesting Explanations
of the Peculiar Social Relationships*

A.E. Keir Nash
University of California,
Santa Barbara

Slavery in Ancient Rome

Alan Watson
University of Pennsylvania
Law School

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Legal History**

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Robert M. Ireland, University of Kentucky (1983)
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Michael de L. Landon, University of Mississippi

Studies in Legal History

G. Edward White, University of Virginia School
of Law, *Editor*

Studies in Legal History

C.H.S. Fifoot, *Frederick William Maitland:
A Life*. 1971
Raoul Berger, *Impeachment: The Constitutional
Problems*. 1973
*The Autobiographical Notes of Charles Evans
Hughes*, edited by David J. Danielski and
Joseph S. Tulchin. 1973
John H. Langbein, *Prosecuting Crime in the
Renaissance: England, Germany, and
France*. 1974
Raoul Berger, *Executive Privilege: A Constitutional
Myth*. 1974
George Dargo, *Jefferson's Louisiana: Politics and the
Clash of Legal Traditions*. 1975
William E. Nelson, *Americanization of the Common
Law: The Impact of Legal Change on
Massachusetts Society, 1760-1830*. 1975
Maxwell H. Bloomfield, *American Lawyers in a
Changing Society, 1776-1876*. 1976
Morton J. Horwitz, *The Transformation of American
Law, 1780-1860*. 1977
Robert Stevens, *Law and Politics: The House of Lords
as a Judicial Body, 1800-1976*. 1978
Stephen D. White, *Sir Edward Coke and the
Grievances of the Commonwealth*. 1979
David Konig, *Law and Society in Puritan
Massachusetts, Essex County, 1629-1692*. 1979
Richard A. Cosgrove, *The Rule of Law: Albert Venn
Dicey, Victorian Jurist*. (1980)
Michael S. Hindus, *Prison and Plantation: Criminal
Justice in 19th Century Massachusetts and
South Carolina*. (1980)
Paul Finkelman, *An Imperfect Union: Slavery,
Federalism, and Comity*. (1981)
Robert C. Means, *Underdevelopment and the
Development of Law: Corporations and
Corporate Law in 19th Century Colombia*.
(1981)
*On the Laws and Customs of England: Essays in
Honor of S.E. Thorne*, edited by Morris S.
Arnold, Thomas A. Green, Sally A. Scully, and
Stephen D. White. (1981)
John Philip Reid, *In Defiance of the Law: The
Standing-Army Controversy, The Two
Constitutions, and the Coming of the American
Revolution*. (1981)
A.G. Roeber, *Faithful Magistrates and Republican
Lawyers: Creators of Virginia Legal Culture,
1680-1810*. (1981)

William E. Nelson, *Dispute and Conflict Resolution in Plymouth County, Massachusetts, 1725-1825*. (1981)

Lawrence M. Friedman and Robert V. Percival, *The Roots of Justice: Crime and Punishment in Alameda County, California, 1870-1910*. (1981)

Robert Stevens, *The Law School: Legal Education in America*. (forthcoming 1982)

Michael Grossberg, *Law and the Family in Nineteenth Century America*. (forthcoming 1983)

James Oldham, *Unpublished Legal Papers of Lord Mansfield*. (forthcoming 1983 or 1984)

