

AMERICAN SOCIETY
FOR
LEGAL HISTORY



Historia Omnium Legum

1987

Seventeenth Annual Meeting

at

Sheraton Society Hill

Philadelphia, Pennsylvania

October 23-24, 1987

Program

Registration

From 3:00 - 5:00 p.m., October 22
Beginning at 8:30 a.m., October 23

Ballroom Foyer
Sheraton Society Hill

Friday, October 23, 1987

Lawyers From The New Deal

8:30 a.m.-10:20 a.m., Cook Room

Melvin Urofsky, Chair
Department of History
Virginia Commonwealth University

The New Deal Legal Generation

G. Edward White
University of Virginia Law School

The Subsequent Careers of New Deal Lawyers

Peter Irons
Department of Political Science
University of California, San Diego

Commentators: Richard M. Abrams
Department of History
University of California, Berkeley

Milton Freeman
Arnold & Porter, Washington, D.C.

Crime in Early Modern Europe

8:30 a.m.-10:20 a.m., Claypoole Room

Charles Donahue, Jr., Chair
Harvard University Law School

The Secularization of Sin:

Church Courts and the Common Law in Elizabethan Kent

Victoria List
Department of History
Washington & Jefferson College

The Criminal Law System of Early 15th Century Florence

Laura Stern
Department of History
University of Michigan

Commentators: Sarah R. Blanshei
Provost, Lafayette College

Richard Fraher
Indiana University School of Law

Friday, October 23, 1987

***The Constitution, Republicanism, and
Women in the New Nation:
A Roundtable Discussion***

10:30 a.m.-12:20 p.m., Cook Room

Barbara Black, Chair
Columbia University Law School

Participants: Hendrick Hartog
University of Wisconsin Law School

Elizabeth Clark
Cardozo School of Law, Yeshiva University

James Henretta
Department of History
University of Maryland

Constance Backhouse
University of Western Ontario Law School

***The Forgotten
Reconstruction Amendments***

10:30 a.m.-12:20 p.m., Claypoole Room

William Nelson, Chair
New York University School of Law

Revisiting the Thirteenth Amendment

Robert Cottrol
Boston College School of Law

The Coming of the Fifteenth Amendment

Earl Maltz
Rutgers University School of Law, Camden

Commentators: Herman Belz
Department of History
University of Maryland

William Nelson

Friday, October 23, 1987

***Use It or Lose It:
A Workshop On Archives***

12:35 p.m.-1:35 p.m., Claypoole Room

Paul Finkelman, Chair
Department of History
State University of New York at Binghamton

Federal and State Archivists will examine issues such as criteria for deciding which judicial records will be saved and the types of court records available for scholarly use.

Participants: R. Michael McReynolds
National Archives and Records Administration

Robert J. Plowman
National Archives - Philadelphia Branch

Christopher Fritsch
Lancaster Historical Society

Al Palazzo
New York Office of Court Administration

James D. Folts
New York State Archives
& Records Administration

***Differing Approaches to Legal Realism:
A Roundtable with Lawyers and Historians***

1:45 p.m.-3:30 p.m., Cook Room

Carol Weisbrod, Chair
University of Connecticut Law School

Participants: Laura Kalman
Department of History
University of California, Santa Barbara

Edward Purcell
Paul, Weiss, Rifkind, New York

Zipporah Batschaw Wiseman
University of Texas Law School

John Skaggs

Friday, October 23, 1987

English Popular Constitutional Thought

1:45 p.m.-3:30 p.m., Claypoole Room

Douglas Hay, Chair
Osgoode Hall Law School

*Legal Thought and Political Consciousness
in Early 17th Century England*

Christopher Brooks
Department of History
University of Durham

*The Constitutional Idiom: Radical Rhetoric,
Reason, & Action, 1790 - 1850*

James Epstein
Department of History
Vanderbilt University

Commentators: Charles Gray
Department of History
University of Chicago

Stewart Weaver
Department of History
University of Rochester

Friday, October 23, 1987

Approaches to the Emergence of Modern Corporation Law

3:45 p.m.-5:30 p.m., Cook Room

Victor Brudney, Chair
Harvard University Law School

*The New Economic Theory of the Firm in
Historical Perspective*

William Bratton
Cardozo Law School
Yeshiva University

*Conceptions of the Corporation and Doctrinal Change:
The Development of the Shareholder's Derivative Suit*

Charles Yablon
Cardozo Law School
Yeshiva University

Commentators: David Sugarman
The Davis Center for Historical Studies
Princeton University

Peter Temin
Department of Economics
Massachusetts Institute of Technology

Origins and Implementation of Desegregation

3:45 p.m.-5:30 p.m., Claypoole Room

David Garrow, Chair
Department of Political Science
City University of New York

Desegregation as a Cold War Imperative

Mary Dudziak
University of Iowa School of Law

Florida's Governors Confront the Brown Decision

David Colburn
Department of History
University of Florida

Commentators: J. Mills Thornton
Department of History
University of Michigan

Adolph Reed
Department of Political Science
Yale University

Friday, October 23, 1987

Reception

6:00 p.m.-7:30 p.m.

Temple University School of Law will host a Reception
in the Faculty Reception Room of the Law School

1719 North Broad Street.

Saturday, October 24, 1987

Developments in Nineteenth Century American Constitutional History

8:40 a.m.-10:50 a.m., Cook Room

R. Kent Newmeyer, Chair
Department of History
University of Connecticut

*Social Federalism: Nonprofit Corporations from Dartmouth
College to Pierce V. Society of Sisters*

Bruce Campbell
University of Toledo College of Law

*The Roots and Significance of the Vested Rights Doctrine –
A Fresh Look*

William Fisher
Harvard University Law School

*The Lochner Era Jurisprudence and the American
Constitutional Tradition*

Stephen Siegel
DePaul University College of Law

Comments: Avi Soifer
Boston University School of Law

Charles McCurdy
Department of History
University of Virginia

Saturday, October 24

Recurring Issues in English Private Law

8:40 a.m.-10:50 a.m., Claypoole Room

Richard Helmholz, Chair
University of Chicago Law School

The Legal Reforms of Henry II

Joseph Biancalana
University of Cincinnati College of Law

*Bracton, the Year Books, and the 'Transformation of
Elementary Legal Ideas' in the Early Common Law*

David Seipp
Boston University School of Law

Reinterpretations of 18th Century English Contract Theory

James Oldham
Georgetown University School of Law

Commentators: Richard Helmholz

A. W. Brian Simpson
University of Michigan Law School

General Address

11:00 a.m.-12:00 p.m., Ballroom A

Slavery, the Framers, and the Antebellum Constitution

Don E. Fehrenbacher
Department of History
Stanford University

Luncheon

12:00 p.m., Ballroom C

Presiding: Barbara A. Black
Columbia University School of Law
President, American Society for Legal History

Address: The State of the Society

Saturday, October 24, 1987

A Roundtable on Social Science Theory and American Legal History

1:30 p.m.-3:30 p.m., Cook Room

Kermit Hall, Chair
University of Florida Department of History

Participants: Michael Les Benedict
Department of History
Ohio State University

Lawrence Friedman
Stanford University Law School

Gerald Gawalt
Library of Congress

Frank Munger
State University of New York at
Buffalo School of Law

Maxwell Bloomfield
Department of History
Catholic University

Doctors' Commons and the Influence of the Civilians on Anglo-American Law

1:30 p.m.-3:30 p.m., Claypoole Room

Alan Watson, Chair
University of Pennsylvania Law School

The Post-Restoration English Civilians (1653-1750)

Daniel Coquillette
Boston College School of Law

Dr. Lushington's Ecclesiastical Decisions

Stephen Waddams
University of Toronto Faculty of Law

*The Question of Reception
in Late Nineteenth-Century England*

Michael Hoeflich
University of Illinois College of Law

Commentators: Brian Levack
Department of History
University of Texas

Alan Watson

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1987

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Washington, DC

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Studies in Legal History

Thomas A. Green, University of Michigan Law School

Schedule of Forthcoming Meetings of the Society

October 21-22, 1988
Francis Marion Hotel
Charleston, South Carolina

October 20-21, 1989
San Francisco, California

October 19-20, 1990
Chicago, Illinois

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," 1621-1628*. (1979)
David Thomas 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: Crime, Justice, and Authority in Massachusetts and South Carolina, 1767-1878*. (1980)
Paul Finkelman, *An Imperfect Union: Slavery, Federalism, and Comity*. (1981)
Robert C. Means, *Underdevelopment and the Development of Law: Corporations and Corporation Law in Nineteenth Century Colombia*. (1980)
On the Law 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 from the 1850s to the 1980s*. (1983)
- Hendrik Hartog, *Public Property and Private Power: The Corporation of the City of New York in American Law, 1730-1870*. (1983)
- R. Kent Newmyer, *Supreme Court Justice Joseph Story: Statesman of the Old Republic*. (1986)
- Norman Rosenberg, *Protecting the Best Men: An Interpretive History of the Law of Libel*. (1986)
- Michael Grossberg, *Governing the Hearth: Law and the Family in Nineteenth Century America*. (1985)
- Marylynn Salmon, *Women and the Law of Property in Early America*. (1986)
- Laura Kalman, *Legal Realism at Yale, 1927-1960*. (1986)
- Bruce H. Mann, *Neighbors and Strangers: Law and Community in Early Connecticut*. (1987)
- Stephen D. White, *Custom, Kinship, and Gifts to Saints*. (forthcoming)
- James Oldham, *Unpublished Legal Papers of Lord Mansfield*. (forthcoming)
- John Henry Schlegel, *American Legal Realism and Empirical Social Science*. (forthcoming)

Membership in the American Society for Legal History is available to all persons interested in the general history of law, its origins, and its institutional growth. The annual dues are \$10.00 for student members, \$18.00 for regular members, \$35.00 for sustaining members, \$45.00 for institutional members, \$100.00 for sponsoring members, and \$400.00 for life members. Dues include the cost of a subscription to the *Law and History Review* which is published twice a year, and to the *Newsletter*, which also appears twice a year, and the right to receive all publications of the Society upon terms set for each type of volume published. Communications concerning the Society may be addressed to Professor Michael de L. Landon, University of Mississippi, Department of History, University, Mississippi 38677.

