

AMERICAN SOCIETY
FOR
LEGAL HISTORY



1989

Nineteenth Annual Meeting
at

Marriott Marquis Hotel
Atlanta, Georgia
February 8-10, 1990

MUTANDA

In using this printed program prepared for the cancelled San Francisco Meeting the following changes should be made:

For October 19, 1989 read February 8, 1990

For October 20, 1989 read February 9, 1990

For October 21, 1989 read February 10, 1990

Room changes -- Thursday P.M. through Saturday A.M.:

For "Imperial A" read Yukon/McKenzie

For "Imperial B" read Rio Grande

For "Sakura A" read Yukon/McKenzie

For "Sakura B" read Danube/Tigris

The Friday p.m. Reception will be held in Skyline South.

The Saturday Luncheon will be held in Marquis Salon I.

Room changes -- Saturday P.M.:

For "Sakura A" read Danube/Tigris

For "Sakura B" read Yukon/McKenzie

Any changes in Panel Sessions will be announced by the Panel Chairs.

PROGRAM

Registration

2:00-5:00 p.m., February 8

8:30-12:00 1:00-4:00 February 9

8:30-11:00 a.m., February 10

Thursday, October 19, 1989

General ASLH Business Meeting

7:30 p.m. - 8:00 p.m., Room: Imperial A

Board of Directors Meeting

8:00 p.m., Room: Imperial A

Friday, October 20, 1989

The Legal System of Eighteenth-Century America: "The Formative Period" of American Law?

8:30 - 10:20, Room: Sakura A

James Henretta, Chair

Department of History, University of Maryland

Panelists:

David Thomas Konig
Department of History
Washington University

Eben Moglen
School of Law
Columbia University

A.G. Roeber
Department of History
University of Illinois, Chicago

Deborah A. Rosen
Department of History
Columbia University

Commentator:

Bruce Mann
School of Law/Dept. of History
University of Pennsylvania

Friday, October 20, 1989

Law and the Quincentenary

8:30 - 10:20, Room: Sakura B

Joseph McKnight, Chair
School of Law, Southern Methodist University

"Law, Morality and the Columbian Exchange: The Struggle Over Legitimacy and the Legacy of Hernando DeSoto"

John Wunder
Center for Great Plains Studies
University of Nebraska-Lincoln

Lawrence Goodman
Harvard University

"The Introduction of Conciliation into Modern Spanish Law"

David J. Langum
Cumberland School of Law
Samford University

Commentators: Jane Dysart
Department of History
University of West Florida

Joseph McKnight

Western Legal History

10:30 - 12:30, Room: Sakura A

G. Edward White, Moderator
School of Law/Department of History University of Virginia

Panelists: Gordon Bakken
Department of History
California State University, Fullerton

Lawrence M. Friedman
School of Law
Stanford University

Christian Fritz
School of Law
University of New Mexico

David J. Langum
Cumberland School of Law
Samford University

John Reid
School of Law
New York University

Harry Scheiber
School of Law
University of California, Berkeley

Friday, October 20, 1989

Federal Jurisdiction in the Early Republic

10:30 - 12:30, Room: Sakura B

Ruth Wedgwood, Chair
School of Law, Yale University

"The Judiciary Act of 1789: A Reappraisal"

Wythe Holt
School of Law
University of Alabama

"Implementing The Constitution: Judicial Federalism"

Mary K. Bonsteel Tachau
Department of History
University of Louisville

"Federal Equity Jurisdiction, 1789-1861: The Retreat from Discretion"

Peter Charles Hoffer
Department of History
University of Georgia

Commentators: Sandra Frances Van Burkleo
Department of History
Wayne State University

Ruth Wedgwood

12:30 **LAW AND HISTORY REVIEW**
Editorial Board Luncheon

Asuka Brasserie
CANCELED

Friday, October 20, 1989

Literature and Crime in Early Modern England

1:45 - 3:30, Room: Sakura A

Kathryn Preyer, Chair
Department of History Wellesley College

"Richard Overton's *The Arraignment of Mr. Persecution*:
Attitudes About Jury Trial During the Puritan
Revolution"

Diane Parkin-Speer
Department of English
Southwest Texas State University

"Drunks, Whores and Idle Apprentices: The Popular
Literature of Crime in 18th Century England and Wales"

Philip Rawlings
Department of Law
University College of Wales

Commentators: Susan Staves
Department of English
Brandeis University

Russell Osgood
School of Law
Cornell University

Reconceptualizing Police in Europe and America

1:45 - 3:30, Room: Sakura B

Robert Gordon, Chair
School of Law Stanford University

"Law, Police, and the Pursuit of Happiness in the Early
American Republic"

Christopher Tomlins
Senior Fellow
Commonwealth Center for the Study
of American Culture
College of William and Mary

"Police and Public Power in Ancient Regime France"

Thomas Brennan
Department of History
United States Naval Academy

Commentators: Robert Schwartz
Department of History
Mount Holyoke College
Robert Gordon

Friday, October 20, 1989

How To Do Single or Quantitative Case Studies: The Late-Medieval Judicial Models

3:45 - 5:45, Room: Sakura A

Eleanor Searle, Moderator
Division of Humanities and Social Sciences
California Institute of Technology

"Common Pleas and King's Bench"

Sue Sheridan Walker
Department of History
Northeastern Illinois University

"Exchequer"

DeLloyd Guth
School of Law
University of British Columbia

"Chancery and Conciliar Courts"

Tim Haskett
Department of History
University of Victoria

"Church Jurisdictions"

Charles Donahue
School of Law
Harvard University

"Customary Courts (Manorial and Borough)"

Elaine Clark
Department of History
University of Michigan-Dearborn

Friday, October 20, 1989

Twentieth Century California Legal History

3:45 - 5:45, Room: Sakura B

Harold Hyman, Chair
Department of History Rice University

"Rose Bird and the Rule of Law"

Brenda Farrington Myers
Department of History
California State University, Fullerton

"California Law and Water Supply"

Katha Hartley
School of Law
University of California-Berkeley

"From Equity to Efficiency: The Legal Culture of
Agricultural Cooperation in California, 1890-1912"

Victoria Saker
Jurisprudence and Social Policy Program
University of California-Berkeley

Commentators: Mark Connelly
Department of History
University of Kansas

William Novak
School of Law
University of Wisconsin

Reception

Hosted by University of California, Hastings College of
Law, at Hastings College, 200 McAllister Street, San
Francisco.

6:00 - 8:00 p.m.

Saturday, October 21, 1989

Law and Economics in Qing and Republic China

8:45 - 10:45, Room: Sakura A

William Alford, Chair
School of Law, University of California-Los Angeles

"Economic Regulation in the Qing Code"

William Jones
School of Law
Washington University

"The *Dian* Transaction, Family Property, and Violence
in Late Imperial China"

James Feinerman
Georgetown University Law Center

"Economic Implications of Legal Education in Republic
China"

Alison Conner
Faculty of Law
University of Hong Kong

"The Role of Courts in Resolving Commercial Disputes
in Republican China"

Tahirih Lee
Kukin Scholar
Center for International Affairs
Harvard University

Commentator: William Alford

Saturday, October 21, 1989

Nuremberg Revisited: The War Crimes Trials of Neurath, Papen, and Weizsacker

8:45 - 10:45, Room: Sakura B

Agnes F. Peterson, Chair
Hoover Institution, Stanford University

"C. v. Neurath"

John L. Heineman
Department of History
Boston College

E. v. Weizsacker"

Leonidas E. Hill
Department of History
University of British Columbia

"F. v. Papen"

George O. Kent
Department of History
University of Maryland

Commentators: James Weingartner
Department of History
University of Southern Illinois
Edwardsville

Agnes F. Peterson

Law and Literature in Turn-of-Century America

8:45 - 10:45, Room: Imperial B

L. Lynn Hogue, Chair
College of Law, Georgia State University

"Creative Writers and Criminal Justice: Confronting the
System, 1890-1920"

Maxwell Bloomfield
Department of History
Catholic University

"The Law in Spoon River"

John V. Orth
School of Law
University of North Carolina, Chapel Hill

Commentators: David Papke
School of Law
Indiana University-Indianapolis

Herbert Johnson
School of Law
University of South Carolina

Saturday, October 21, 1989

Plenary Session

11:00 - 12:00, Room: Imperial B

"The Contribution of the Southern Legal Profession to
the Slaveholders' World View."

Eugene D. Genovese
University of Rochester; Visiting Professor
School of Law, University of Michigan

Luncheon

12:15, Room: Imperial A

President's Address

Barbara A. Black

Eighteenth Century English Justice

1:45 - 3:20, Room: Sakura A

Thomas Barnes, Chair
Department of History, University of California-Berkeley

"Arbitration and the Royal Courts in Eighteenth Century
England"

James Oldham
Georgetown University Law Center

"The Rise of Defense Counsel"

John Beattie
Department of History
University of Toronto

Commentators: David Lieberman
School of Law
University of California-Berkeley

Thomas Barnes

Saturday, October 21, 1989

**Women, Religion, and Politics in Nineteenth
Century America**

1:45 - 3:20, Room: Sakura B

Michael Grossberg, Chair
Department of History/School of Law
Case Western Reserve University

"Radical Religion and the Tradition of Political Dissent
in Antebellum America"

Nancy Isenberg
Department of History
University of Wisconsin, Madison

"Liberal Feminism and the Separation of Church and
State in Late Nineteenth Century America"

Elizabeth Clark
School of Law
University of Pennsylvania

Commentators: Reva Siegel
School of Law
University of California-Berkeley

Carol Weisbrod
School of Law
University of Connecticut

Constitutionalism and the French Revolution

3:30 - 5:30, Room: Sakura A

Hendrik Hartog, Chair
School of Law, University of Wisconsin-Madison

"Revolution as a Constitutional Concept: Some
Comparative Reflections"

Guyora Binder
Faculty of Law and Jurisprudence
State University of New York-Buffalo

"Family Formation and State Building on the Eve of the
French Revolution"

Sarah Hanley
Department of History
University of Iowa

Commentators: James Kloppenberg
Department of History
Brandeis University

Thomas Grey
School of Law
Stanford University

Saturday, October 21, 1989

**Doing Case Biographies, Some Canadian and
American Perspectives**

3:30 - 5:30, Room: Sakaura B

David Flaherty, Moderator and Commentator
Department of History, University of Western Ontario

"New York Times v. Sullivan"

Kermit Hall
Department of History
University of Florida

"Johnson v. Santa Clara"

Melvin Urofsky
Department of History
Virginia Commonwealth University

"Monk v. Morris"

Thomas Johnson
Osgoode Hall Law School
York University

"Lipski, Shortis, and Patrick"

Martin Friedland
Faculty of Law
University of Toronto

American Society for
Legal History

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Schedule of Forthcoming Meetings of the Society

October 19-20, 1990
Chicago, Illinois

October 18-19, 1991
Atlanta, Georgia

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, 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 Columbia*. (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 1850's to the 1980's*. (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: The Laudatio Parentum in Western France, 1050-1150*. (1988)
- Emily Zach Tabuteau, *Transfers of Property in Eleventh-Century Norman Law*. (1988)
- Allen Steinberg, *The Transformation of Criminal Justice: Prosecution, Politics and Popular Life in Philadelphia, 1800-1880*. (1989)
- James Oldham, *Unpublished Legal Papers of Lord Mansfield*. (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, \$25.00 (\$28.00 non-U.S.) for regular members, \$50.00 for sustaining members, \$45.00 (\$48.00 non-U.S.) 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 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 the Secretary, Professor Michael de L. Landon, University of Mississippi, Department of History, University, Mississippi 38677.

