

AMERICAN SOCIETY
FOR
LEGAL HISTORY



Historia Omnium Legum

1994

Twenty-Fourth Annual Meeting
Omni Shoreham Hotel
Washington, D.C.
October 20-22, 1994

PROGRAM

Registration

Thursday, October 20
2:00 - 6:00 p.m.

Friday, October 21
8:30 a.m. - 4:30 p.m.

Saturday, October 22
8:00 a.m. - 12:00 Noon

Friday, October 20, A.M.			
8:45	A	B	C
	Telling the Truth: Problems in Evidence in 17th Century England	City State Under the <i>Ius Commune</i> in Late Medieval & Renaissance Italy	Issues in Documentary Preservation
10:30	A	B	C
	Western American Legal History	Lawyers and Lawyering in Medieval England	Hannah Arendt's Philosophy and Law: A Reconsideration
Saturday, October 22, A.M.			
8:45	A	B	C
	Politics, Labor and the Constitution. Perspectives on the Thirteenth Amendment	Ancient Law	Law, Group Practice, and Community in Past Societies
10:30	A	B	C
	Roundtable on Stories of Scottsboro: Legal History and Literary Method	Translations and the Treatise Tradition	Social Conflict and the Evolution of Legal Culture in America
Saturday, October 22, P.M.			
1:30	A	B	C
	The Courts at Work in Early Modern England	German Idealism and German Justice	New Perspectives on Comparative Slave Law
3:15	A	B	C
	Law, Media, and Memory	The Republicanism Debate and Beyond: Exploring the Relationship between Liberalism, Republicanism, and Domesticity	Murphy's Law Revisited

Plenary Session: Friday, October 21
 "Varieties and Levels of Legal History: A Conversation"
 Robert Gordon and A.W.B. Simpson

Thursday, October 20, 1994

5:00-6:30 p.m. Garbo Room

Welcoming Reception

7:30 p.m. Capitol Room

Board of Directors Meeting

Friday, October 21, 1994

**Telling the Truth: Problems in Evidence
 in 17th Century England and America**

8:45-10:15 a.m. Congressional Room

Richard Ross, Chair
 University of Chicago, Law

Panel:

"Spectral Evidence in the Salem Witchcraft Trials"

Peter C. Hoffer, History
 University of Georgia

"Dis-Crediting the King's Evidence: Varieties of
 Credibility in the Popish Plot"

Sarah Harrison, History
 University of Michigan

"Convicted by a Corpse: Serjeant Maynard and the
 Evidence of the Accusing Cadaver"

Michael de L. Landon, History
 University of Mississippi

"THE BLOODY ASSIZES: Whig Martyrologies
 and the Manipulation of Memory"

Melinda S. Zook, History
 Purdue University

Commentator:
 Richard Ross

Friday, October 21, 1994

**City States Under the *Ius Commune*
in Late Medieval and Renaissance Italy**

8:45-10:15 a.m. Forum Room

Thomas Kuehn, Chair
Clemson University, History

Panel:

"The Pazzi Conspiracy as a Legal Problem"

Oswaldo Cavallar, History
University of Chicago

"Conceptualizing Women as Citizens"

Julius Kirshner, History
University of Chicago

"Roman Law, Politics and Procedure: A
Comparison between Florence and Venice"

Laura Ikins Stern, History
University of North Texas

Issues in Documentary Preservation

8:45-10:15 a.m. Cabinet Room

Rayman L. Solomon, Chair
Northwestern University, Law

Panel:

"Selecting which Court Records to Save: The
Federal Experience"

Michael J. Churgin, Law
University of Texas

"A View from Canada: Judges' Papers and
Court Records"

DeLloyd J. Guth, Law
University of Manitoba

Friday, October 21, 1994

"The 'Outsider' as 'Insider': The Historian's
Dilemma in Advising the Federal Government
on Records"

Anna K. Nelson, History
American University

Western American Legal History

10:30 a.m.-12:00 p.m. Congressional Room

Lawrence Friedman, Chair
Stanford University, Law

Panel:

"Curbing the Courts: Oregon Populism and
Sylvester Dennoyer's Critique of the Courts in
the 1890's"

Margaret Holden, History
University of Nevada, Las Vegas

"The Judicial Faultline: Ninth Circuit Battles
over Natural Resource Development,
1900-1915"

David Frederick
Sherman & Sterling, Washington, D.C.

"Acequias and the State: Accommodation and
Resistance in Village Water Disputes in Northern
New Mexico During the U.S. Territorial
Period"

David A. Reichard, History
Temple University

Lawyers and Lawyering in Medieval England

10:30 a.m.-12:00 p.m. Forum Room

Janet S. Loengard, Chair
Moravian College, History

Panel:

"Understanding Plea Roles: Lawyers, Judges,
Clerks, (and Litigants) in English Royal Courts
During the Reign of Edward I"

Paul Brand
The Institute for Historical Research

Friday, October 21, 1994

**"Legal Consumers: Dower Plaintiffs and
Lawyers in Royal Courts"**

Sue Sheridan Walker, History
Northeastern Illinois University

Commentator:

David J. Seipp, Law
Boston University

**Hannah Arendt's Philosophy and Law:
A Reconsideration**

10:30 a.m.-12:00 p.m. Cabinet Room

Aviam Soifer, Chair
Boston College, Law

Panel:

Marie A. Failinger, Law
Hamline University

David J. Luban, Law
University of Maryland

Carol Weisbrod, Law
University of Connecticut and Boston College

Plenary Discussion

1:00-3:00 p.m. Diplomat Room

**"Varieties and Levels of Legal History: A
Conversation"**

Robert W. Gordon, Law
Stanford University

A.W.B. Simpson, Law
University of Michigan

3:15 p.m. Buses Depart for Library of Congress *

4:15 p.m. Buses Depart for Supreme Court Building **

* Prior reservation needed.

** Prior reservation and ticket needed.

Friday, October 21, 1994

5:00-6:30 p.m. Reception at the Supreme Court Building
Hosted by ASLH and the Supreme Court
Historical Society

Presentation of Volume V of the *Documentary
History of the Supreme Court of the United States*

Saturday, October 22, 1994

7:30-8:30 a.m. Congressional Foyer
Complimentary Continental Breakfast

**Politics, Labor, and the Constitution:
Perspectives on the Thirteenth Amendment**

8:45-10:15 a.m. Congressional Room

Lea VanderVelde, Chair
Yale Law School (1994-95)

Panel:

**"'Nor Involuntary Servitude': Antebellum
Labor Law and the Meaning of the Thirteenth
Amendment"**

James Schmidt, History
Northern Illinois University

**"The Political Origins and Original Meanings
of the Thirteenth Amendment"**

Michael Vorenberg, History
Harvard University

Commentator:

Sally Hadden, History
University of Toledo

Ancient Law

8:45-10:15 a.m. Forum Room

Andrew Kull, Chair
Emory University School of Law

Saturday, October 22, 1994

Panel:

"What the Barbarian Advocate Did"

Jacob Corre, Law
Illinois Institute of Technology
Chicago-Kent College of Law

"Significant Differences Between Roman and
Early Germanic Law"

Katherine Fischer Drew, History
University of Pennsylvania

"Measuring the Value of Women and Slaves in
Ancient Law"

James Lindgren, Law
Chicago-Kent College

**Law, Group Practice, and Community
in Past Societies**

8:45-10:15 a.m. Cabinet Room

Emily Z. Tabuteau, Chair
Michigan State University

Panel:

"Memory, Community, and Law in a Local
Society: The Henryków Region and its
Historians, 1150-1270"

Piotr Górecki, History
University of California

"To Prisoners Working in Chains': Crime and
Community in the Nineteenth Century Gold
Coast"

Ray A. Kea, History
University of California, Riverside

"Forging a Community: The University of
Kraków, Conciliar Thought, and the Tradition
for Noble Freedom in Poland"

Paul W. Knoll, History
University of Southern California

Commentator:

Jay Spaulding, History
Kean College of New Jersey

Saturday, October 22, 1994

**Roundtable on Stories of Scottsborough
Legal History and Literary Method**

10:30 a.m.-12:00 p.m. Congressional Room

Stanley Katz, Chair

American Council of Learned Societies

Panel:

Mary Frances Berry, History and Social
Thought; University of Pennsylvania

Maxwell Bloomfield, History and Law
Columbus School of Law, Catholic University

Mark Tushnet, Associate Dean
Georgetown University Law Center

Commentator:

James Goodman, History, and Social Studies
Harvard University

Translations and the Treatise Tradition

10:30 a.m.-12:00 p.m. Forum Room

Alan Watson, Chair

University of Georgia, Law

Panel:

"Problems and Policies in Translating
Seventeenth Century Ius Commune Legal
Texts from Latin into English"

Margaret Hewett, Classics
University of Cape Town

"Jean Domat in Anglo-American
Jurisprudence"

Michael H. Hoeflich, Law
University of Kansas

"Traduttori, traditori?"

Olivia Robinson, Law
University of Glasgow

Saturday, October 22, 1994

Commentator:

Richard H. Helmholtz, Law
University of Chicago

**Social Conflict and the Evolution of Legal
Culture in America**

10:30 a.m.-12:00 p.m. Cabinet Room

Michael Grossberg, Chair
Case Western Reserve University, History

Panel:

"Women in a Changing Legal System:
Economic Development & Modernization of
Law in 18th Century New York"

Deborah Rosen, History
Lafayette University

"Accommodation and Transformation of
Spanish-Mexican Marital Property Law by the
State of California, 1850-1890"

Donna Schuele, Political Science
University of California, Berkeley

"'Law Became a Travesty': Night-Riding and
the Reconception of Community in California's
Central Valley, 1912-1928"

Victoria Saker Woeste, History
American Bar Foundation

12:15-1:15 p.m. Palladin Room

ASLH Luncheon

"The State of the Society"
President Harold M. Hyman

The Courts at Work in Early Modern England

1:30-3:00 p.m. Congressional Room

John Beattie, Chair
University of Toronto, History

Saturday, October 22, 1994

Panel:

"Litigation in the Early Modern Court of
Chancery"

Henry Horwitz, History
University of Iowa

"Prosecutions in Elizabethan Kent"

Louis Knafla, History
University of Calgary

"Misdemeanor Prosecutions on the Crown Side
of the Court of King's Bench"

Dr. Ruth Paley
Public Records Office, London

German Idealism and German Justice

1:30-3:00 p.m. Forum Room

James Whitman, Chair
Yale University, Law

Panel:

"The Sense of Justice in German Jurisprudence"

Markus Dubber, Law
State University of New York, Buffalo

"Kant, Herder, and the Philosophy of Law"

William Ewald, Law
University of Pennsylvania

"Hegel's Idea of Sublation (Aufhebung):
Christian Ethics and Criminal Law"

Michael Hoffheimer, Law
University of Mississippi

New Perspectives on Comparative Slave Law

1:30-3:00 p.m. Cabinet Room

Patricia Minter, Chair
Western Kentucky University

Saturday, October 22, 1994

Panel:

"Racial Ideology in Slave Warranty Disputes in the Antebellum Deep South: Civil and Common Law Comparisons"

Ariela Gross, History
Stanford University

"The Origin and Extension of Slave Laws in Barbados, 1636-1700"

Anthony D. Phillips, History
University of the West Indies

"Torture and Slavery: Evidence in Rome"

Alan Watson, Law
University of Georgia

Commentators:

Jonathan Bush, Law
Santa Clara University

Paul Finkelman, History
Virginia Polytechnic Institute

Law, Media and Memory

3:15-4:45 p.m.

Forum Room

Panel:

"Picturing Property in Phillippe de Beaumanoir: Imagery and Gesture in the *Coutumes de Beauvoisis*"

Michael Camille, Art
University of Chicago

"Speech, Writing and Performativity: From Anglo-Saxon Wills to Video Wills"

Brenda Danet, Department of Communication and Journalism
Hebrew University

Saturday, October 22, 1994

"Death of the Hypothetical in Written Legal Culture"

Arthur A. Jacobson, Law
Cardozo School of Law
Yeshiva University

**The Republicanism Debate and Beyond:
Exploring the Relationship between Liberalism,
Republicanism, and Domesticity**

3:15-4:45 p.m.

Congressional Room

Joan Williams, Chair
American University, Washington College of Law

Panel:

Ruth Bloch, History
University of California, Los Angeles

James Kloppenberg, History
Brandeis University

Daniel Rodgers, History
Princeton University

Dorothy Ross, History
Johns Hopkins University

Murphy's Law Revisited

3:15-4:45 p.m.

Cabinet Room

Paul Murphy, Chair
University of Minnesota, History

Panel:

Michael Klarman, Law
University of Virginia

David Konig, History
Washington University

Harry Scheiber, Law
University of California at Berkeley

Commentator:

Sandra VanBurkdeo, History
Wayne State University

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