
PROGRAM

Registration

Thursday, October 19

3:00 - 6:00 p.m.

Friday, October 20

8:00 a.m. - 5:00 p.m.

Saturday, October 21

8:30 a.m. - 10:30 a.m.

Observation Elevator Lobby

12th Floor

Wyndham Warwick Hotel

Thursday, October 19, 1995

OPENING RECEPTION

6:00-8:00 p.m.

Museum of Fine Arts

SUMMARY OF PROGRAM

Friday, October 20, 8:45 A.M.		
Medical Malpractice in Twentieth-Century America	The History of Crime and Punishment	Law, Constitutionalism, and Sentimentality in Nineteenth-Century America
10:30 A.M.		
Credit Mechanisms and the Law in the Nineteenth-Century South	<i>Ius Commune and Ius Proprium:</i> Marriage and Marital Property in Renaissance Italy	Topics in the Social History of Latin American Law
2:00 P.M.		
Constitutionalism, Law, and Social Policy in Twentieth-Century America	The Celtic Fringe: Law in Medieval Ireland, Wales, and Scotland	Traditions of Family Law in East Asia
3:45 P.M.		
Concepts of Liberty in the Seventeenth Century	Law, Lawyers, and Legal Culture in Colonial America	Policing the Social in the Progressive Era
Saturday, October 21, 9:00 A.M.		
Fiefs and Vassals: Where Do We Go From Here?	Greasing the Wheels of Urban Growth: Houston, Oil, and the Legal Profession in the Twentieth Century	Due Process in Slave Trials
11:00 A.M. Annual Lecture "The Lost World of Legal Classicism" William M. Wiecek		
2:00 P.M.		
The New Deal and American Law	Constitutional Issues in Latin American History	Contributions of the Republic of Texas to American Jurisprudence
3:45 P.M.		
Labor and Law in the United States	Comparative Military Justice	Law and Constitutionalism in Eighteenth-Century America

BOARD OF DIRECTORS MEETING

7:30 p.m.

Presidential Room

Friday, October 20, 1995

COMPLIMENTARY CONTINENTAL BREAKFAST

7:45-8:45 a.m.

Twelfth Floor Lobby

Medical Malpractice in Twentieth-Century America

8:45-10:15 a.m.

Murat Room

Chester Burns, Chair

University of Texas Medical Branch at Galveston

Panel:

"The History of Medical Malpractice in the Twentieth Century: An Explanatory Framework"

Kenneth De Ville

East Carolina University School of Medicine

"The Changing Nature of Suits: Periodizing Malpractice in the Twentieth Century"

Neil Hogan, Department of the History of Science
Harvard University

Commentator:

James C. Mohr, History

University of Oregon

Friday, October 20, 1995

The History of Crime and Punishment

8:45-10:15 a.m.

Presidential Suite

Victoria List, Chair

Washington and Jefferson College, History

Panel:

"Victorian Punishment: An Unappreciated Success Story?"

Martin Wiener, History
Rice University

"Reconstructing Punishment: The Freedmen's Bureau and the Reform of Southern Penal Practice"

Jonathan Simon
University of Miami School of Law

"The Right to Be Punished"

Markus Dubber
SUNY Buffalo School of Law

Commentator:

Guyora Binder
SUNY Buffalo School of Law

**Law, Constitutionalism, and Sentimentality in
Nineteenth-Century America**

8:45-10:15 a.m.

Versailles Room

Elizabeth Clark, Chair
Boston University School of Law

Panel:

"Sentiment and the Law of Evidence in
Nineteenth-Century America"

Michael Millender, History
Princeton University

"From Sociability to Sentimentality:
Constitutional Reform in Antebellum America"

Jacob Katz Cogan, History
Princeton University

Friday, October 20, 1995

"He Must Monopolize Power, Property, and
Privilege: Anti-Polygamy, Anti-Monopoly, and
Church-State Relations in the Late Nineteenth
Century"

Sarah Barringer Gordon
University of Pennsylvania School of Law

Commentators:

Allan Steinberg, History
University of Iowa

Elizabeth Clark

Complimentary Snacks

10:00-10:30 a.m.

Twelfth Floor Lobby

**Credit Mechanisms and the Law in the
Nineteenth-Century South**

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

Versailles Room

Tom Russell, Chair
University of Texas School of Law

Panel:

"Assignments, Preferences, and Trusts: The
Failed Bank of the United States in the Courts
of Mississippi and the Nation"

Richard Kilbourne, Kilbourne Law Offices
Clinton, Louisiana

"Postbellum Law and the New South Plantation
System"

Harold D. Woodman, History
Purdue University

Commentator:

Tony Freyer
University of Alabama School of Law

Friday, October 20, 1995

Ius Commune and Ius Proprium: Marriage and Marital Property in Renaissance Italy

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

Murat Room

Julius Kirshner, Chair
University of Chicago, History

Panel:

"Marriage Payments and Reciprocity in Late Medieval Italy: A Cautionary Tale on the Relations Between Law and Custom"

Jane Bestor, Anthropology
Harvard University

"Illegitimacy in Florence"

Thomas Kuehn, History
Clemson University

"Can We Believe the Facts of Consilia?"

Jacques Pluss, History
William Patterson College

Paper not presented

Commentator:

Osvaldo Cavallar, History
University of Chicago

Topics in the Social History of Latin American Law

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

Presidential Suite

Robert Cottrol, Chair
Rutgers/George Washington Schools of Law

Panel:

"Indian Litigants, Spanish Rules: The Spread of Spanish Legal Culture in Early Mexico"

Jo Carillo
Hastings College of Law

Friday, October 20, 1995

"Patrimony, Paternity, and Republicanism in Brazil: The 1916 Civil Code"

Linda Lewin, History
University of California, Berkeley

"To Be Continued? The Social History of Law and Legal Practitioners in Latin America"

Victor Uribe, History
Florida International University

Commentators

Susan Kellogg, History
University of Houston

Robert J. Cottrol

COMPLIMENTARY POOLSIDE LUNCHEON

12:00 Noon

Second Floor Pool Area

Constitutionalism, Law, and Social Policy in Twentieth-Century America

2:00-3:30 p.m.

Versailles Room

David Baldus, Chair
University of Iowa College of Law

Panel:

"Challenging School Segregation in the North During the Pre-Brown Era"

Davison Douglas
College of William and Mary School of Law

"Court Appointed Attorneys in Massachusetts Capital Cases, 1923-1974"

Alan Rogers, History
Boston College

Friday, October 20, 1995

"Youth, Gender, Race, and Murder: The Execution of Virginia Christian"

Derryn E. Moten, American Studies
University of Iowa

Commentator:

Mary Dudziak
University of Iowa College of Law

**The Celtic Fringe: Law in Medieval Ireland,
Wales and Scotland**

2:00-3:30 p.m. Murat Room

Sue Sheridan Walker, Chair
Northeastern Illinois University, History

Panel:

"Voices of Authority in Early Irish Law"

Robin Chapman Stacey, History
University of Washington

"Kinship, Lordship, and the Alienation of Land to Churches in Wales, 1140-1240"

Huw Pryce, History and Welsh History
University of Wales, Bangor

Commentator:

Cynthia Neville, History
Dalhousie University

Traditions of Family Law in East Asia

2:00-3:30 p.m. Presidential Suite

Tahirih V. Lee, Chair
University of Minnesota School of Law

Panel:

"Good Law, Odd Markets: Informational Asymmetries and Property Rights in Japanese Legal History—Families"

Mark Ramseyer
University of Chicago School of Law

Friday, October 20, 1995

"Breaking the Law: Family Violence, Kinship, and Gender in the Legal Code of Ming Dynasty China"

Ann Waltner, History
University of Minnesota

Commentator:

Tahirih V. Lee

Michael Grossberg, History
Indiana University

Complimentary Snacks

3:15-3:45 p.m. Twelfth Floor Lobby

Concepts of Liberty in the Seventeenth Century

3:45-5:15 p.m. Presidential Suite

Michael Mendle, Chair
University of Alabama, History

Panel:

"The Law and the Constitution in Scotland and England: A Comparative Approach to the Glorious Revolution"

Timothy Harris, History
Brown University

"Law, Liberty, and the Constraints on the Crown in the Seventeenth Century"

Joyce Malcolm, History
Bentley College

"Locke, Law, and Liberty"

John Marshall, History
University of Denver

Commentator:

Michael Mendle

Friday, October 20, 1995

Law, Lawyers, and Legal Culture in Colonial America

3:45-5:15 p.m. Versailles Room

Eben Moglen, Chair
Columbia University School of Law

Panel:

“‘Honest Lawyers, If Any Such Thing Be in Nature’: Attitudes Toward Lawyers in the Early Colonies”

Larry D. Eldridge, History
Widener University

“The Intellectual and Political Challenges of Print in Early Modern Legal Culture”

Richard J. Ross
University of Chicago School of Law

Commentator:

Kermit L. Hall, College of Humanities
Ohio State University

Policing the Social in the Progressive Era

3:45-5:15 p.m. Murat Room

William J. Novak, Chair
University of Chicago, History

Panel:

“The Discovery of Disorder: Juvenile Justice in Chicago, 1899-1925”

David Spinoza Tanenhaus, History
University of Chicago

Friday, October 20, 1995

“‘The Socialization of Law:’ Chicago and Its Municipal Court, 1906-1930”

Michael Willrich, History
University of Chicago

“From Private Prosecution and Public Service to Public Prosecution and Profit: Ohio Justices of the Peace, 1896-1927”

Barbara Terzian, History
Ohio State University

Commentator:

Lucy Salyer, History
University of New Hampshire

ANNUAL RECEPTION

Honoring Legal Historians in the Texas Judiciary
6:00-8:00 p.m. Museum of Natural Science

Saturday, October 21, 1995

COMPLIMENTARY CONTINENTAL BREAKFAST

8:00-9:00 a.m. Twelfth Floor Lobby

Fiefs and Vassals: Where Do We Go From Here?

9:00-10:30 a.m. Presidential Suite

Charles Donahue, Chair
Harvard University School of Law

Panel:

Susan Reynolds, Institute of Historical Research
London, England

Bernard Bachrach, History
University of Minnesota

Saturday, October 21, 1995

Paul Hyams, History
Cornell University

Stephen White, History
Emory University

Commentators:

The Audience

**Greasing the Wheels of Urban Growth: Houston, Oil,
and the Legal Profession in the Twentieth Century**

9:00-10:30 a.m. Murat Room

Hon. Lee Hyman Rosenthal, Chair
U.S. District Court for the Southern District of Texas

Panel:

"To Protect and Serve: Houston's 'Judge' James
Elkins Defends the Pure Oil Company, 1931"

Nick Malavis
Houston, Texas

"Houston's Dance of Development: The U.S.
District Court for the Southern District of Texas
and Oil, 1900-1960"

Charles Zelden, History
Nova Southeastern University

Commentator:

Joseph Pratt, History
University of Houston

Due Process in Slave Trials

9:00-10:30 a.m. Versailles Room

William E. Forbath, Chair
UCLA School of Law

Saturday, October 21, 1995

Panel:

"Due Process for Mississippi Slaves"

Christopher Waldrep, History
Eastern Illinois University

"Due Process for Louisiana Slaves"

Judith Kelleher Schafer
Murphy Institute of Political Economy
Tulane University

Commentators:

Jonathan Bryant, History
University of Baltimore

William E. Forbath

10:30-10:45 a.m.

Buses leave hotel for Rice University Campus

ANNUAL LECTURE

"The Lost World of Legal Classicism"

William M. Wiecek

11:00-11:45 a.m.

124 Herring Hall
Rice University

ANNUAL LUNCHEON

12:00 p.m.

Rice University Faculty Club
Cohen House

"The State of the Society"

President Harold M. Hyman

1:30-1:45 p.m.

Buses leave to return to hotel

Saturday, October 21, 1995

The New Deal and American Law

2:00-3:30 p.m. Versailles Room

Michael Parrish, Chair
University of California, San Diego, History

Panel:

“Telling the Story of the Hughes Court”

Richard Friedman
University of Michigan School of Law

“Robert Jackson: Trustbuster”

Steve Alton
Texas Wesleyan School of Law

“Justice Jackson’s Struggle with Judicial
Supremacy”

Barry Cushman
St. Louis University School of Law

Commentator:

Michael Parrish

Constitutional Issues in Latin American History

2:00-3:30 p.m. Presidential Suite

Jonathan Miller, Chair
Southwestern University School of Law

Panel:

“Brazilian Constitutionalism in Historical
Perspective”

Keith Rosenn
University of Miami School of Law

“State and National Perspectives on Church-State
Relations in Mexico in the 1930’s”

Peter L. Reich
Whittier Law School

Commentator:

Jonathan Miller

Saturday, October 21, 1995

**Contributions of the Republic of Texas
to American Jurisprudence**

2:00-3:30 p.m. Murat Room

Hon. Lynn N. Hughes, Chair
United States District Court, Southern District of Texas

Panel:

“An Unrecognized Nineteenth-Century Texas
Women’s Rights Initiative”

James W. Paulsen
South Texas College of Law

“The Emergence of Homestead Protection”

Joseph McKnight
Southern Methodist University School of Law

Commentator:

Lynn N. Hughes

Complimentary Snacks

3:15-3:45 p.m. Twelfth Floor Lobby

Labor and Law in the United States

3:45-5:15 p.m. Versailles Room

Daniel Ernst, Chair
Georgetown University Law Center

Panel:

“Unlawful and Felonious, Wicked, Fraudulent, and
Malicious: Conspiracy Cases and the Regulation of
Chicago’s Economy, 1900-1935”

Andrew Cohen, History
University of Chicago

Saturday, October 21, 1995

“The State of the Courts: Employers’ Liability and Workmen’s Compensation in New York”

Randolph Bergstrom, History
University of California, Santa Barbara

Commentator:

Daniel Ernst

Comparative Military Justice

3:45-5:15 p.m. Presidential Suite

Michal Belknap, Chair
California Western School of Law

Panel:

“The Civilization of European Military Justice, 1900-1950”

Rolf Nygren
Juridiska Institutionen, Uppsala University

“The United States Supreme Court and Due Process Protection for the Military: Sound and Fury Signifying”

Jonathan Lurie, History
Rutgers University, Newark

Commentator:

Harry Scheiber
Boalt Hall School of Law

**Law and Constitutionalism
in Eighteenth-Century America**

3:45-5:15 p.m. Murat Room

Eben Moglen, Chair
Columbia University School of Law

Saturday, October 21, 1995

Panel:

“‘The Sole Gaurdian [sic] of the Oppressed?’: Law, Masters, and Servants in Early America, 1650-1800”

Christopher Tomlins
American Bar Foundation

“The Imperial Constitutions of New York, 1750-1777”

Daniel Hulsebosch, History
Harvard University

“Principles of Representation and the Politics of Rights: Legislative Redress in Colonial New York”

Christine Desan
Harvard University School of Law

Commentator

Eben Moglen

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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 Phillip 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 Corporations 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 Zack 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)

Robert J. Steinfeld, *The Invention of Free Labor in the United States*. (1991)

James Oldham, *The Mansfield Manuscripts and the Growth of English Law in the Eighteenth Century*. (1992)

Robert Palmer, *English Law in the Age of the Black Death, 1348-1381: A Transformation of Governance and Law*. (1993)

Eileen Spring, *Law, Land, and Family: Aristocratic Inheritance in England, 1300 to 1800*. (1993)

Richard F. Hamm, *Shaping the Eighteenth Amendment: Temperance Reform, Legal Culture, and the Polity, 1880-1920*. (1995)

John Henry Schlegel, *American Legal Realism and Empirical Social Science*. (1995)

Howard Nenner, *The Right to Be King: The Succession to the Crown of England, 1603-1714*. (1995)

Peter W. Bardaglio, *Reconstructing the Household: Families, Sex and the Law in the Nineteenth Century South*. (1995)

Lucy E. Salyer, *Laws Harsh as Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law*. (1995)

Thomas D. Morris, *'The Institution of Southern Service': Southern Slave Law, 1619-1861*. (Forthcoming 1996)

William J. Novak, *Salus Populi: The Roots of Regulation in America, 1780-1880*. (Forthcoming, 1996)

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