

## CURRICULUM VITAE

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### EDUCATION AND DEGREES

Princeton University, A.B., 1962  
Harvard Law School, LL.B., 1965  
University of California (Berkeley), M.A., 1966, Ph.D., 1970  
Trinity College, Dublin, LL.D. (h.c.), 1992

### ACADEMIC EMPLOYMENT

University of Chicago  
Professor of Law, 1981-84; Ruth Wyatt Rosenson Professor of Law, 1984-99;  
Ruth Wyatt Rosenson Distinguished Service Professor of Law, 2000-present  
Washington University, St. Louis  
Assistant Professor of History to Professor of Law and  
History, 1970-81; Visiting Professor of Law, 2007-08

### HONORS AND OFFICES HELD

Alexander von Humboldt Foundation, Research Prize, 1992-93  
All Souls College, Oxford, Visiting fellow, Michaelmas term, 1998; Chichele  
Lecturer, Trinity Term, 1999  
American Academy of Arts and Sciences, Fellow, 1991-present  
American Bar Foundation, Legal History Fellowship Committee, 1980-86  
American Council of Learned Societies, Delegate, 1992-2000  
American Law Institute, Member, 2000-present  
American Society for Legal History, Vice-President, 1989-91; President, 1991-93;  
Honorary Fellow, 2004-present  
Association internationale d'histoire du droit, Executive Committee,  
1992-2000; Vice-President, 2000-present  
Brill Publishers, Series on Medieval Law and its Practice, Editorial Board,

2006-present  
British Academy, Corresponding Fellow, 1998-present  
Cambridge University, Maitland Lecturer and Visiting Fellow Commoner,  
Trinity College, 1986-87, Arthur Goodhart Professor and Fellow,  
Gonville and Caius College, 2000-01  
Charles Homer Haskins Society, Council, 1988-93  
Comparative Studies in Continental and Anglo-American Legal History  
(Berlin), Co-editor, 1997-present  
Ecclesiastical Law Journal, Editorial Advisory Board, 2000-present  
European Society for Comparative Legal History, Board of Advisors, 2011-present  
Fulbright Scholarship, University of Kent, 1968-69  
Guggenheim Fellowship, 1986-87  
Institute of Medieval Canon Law, Board of Directors, 2008-present  
International Commission for Parliamentary and Representative  
Institutions, President, American Section, 1981-86  
Journal of Law, Philosophy and Culture, External Editorial Bd, 2005-present  
Journal of Legal History (London), Editorial Board, 1980-present  
Law and History Review, Editorial Board, 1982-89  
Medieval Academy of America, Fellow, 1997-present  
New Dictionary of National Biography, Associate Editor, 1998-2004  
North American Conference on British Studies, Council, 1985-90  
Revista General de Derecho Canónico y Derecho Eclesiástico del Estado,  
International Advisory Board, 2007-present  
Rivista Internazionale di Diritto Comune, Editorial Board, 1996-present  
Royal Historical Society, Fellow, 1978-present  
Selden Society, Council, 1980-present, Vice-President, 1984-87  
Washington University, St. Louis, National Councils,  
Olin Library, 1986-94, School of Law, 1995-present

## SELECT PUBLICATIONS

*La Magna Carta del 1215: Alle origini del costituzionalismo inglese ed europeo,*  
(Dolores Freda trans. Rome 2012)

*Three Civilian Notebooks, 1580-1640,* Selden Society, Vol. 127 (London 2010)

*The Law of Presumptions: Essays in Comparative Legal History* (Berlin 2009) (editor  
and contributor, with W. David H. Sellar)

*Relations between the ius commune and English Law* (Genoa 2009) (editor and  
contributor, with Vito Piergiovanni)

*The Canon Law and Ecclesiastical Jurisdiction from 597 to the 1640s* (Oxford History of the Laws of England, Vol. 1) (Oxford 2004)

*The ius commune in England: Four Studies* (Oxford and New York 2001)

*Grundlagen des Rechts: Festschrift für Peter Landau zum 65. Geburtstag* (Paderborn 2000) (editor with P. Mikat, Jörg Müller, and Michael Stolleis)

*Fundamentals of Property Law* (Charlottesville 1999, 3d ed. 2010) (with Barlow Burke and Ann M. Burkhart)

*Itinera Fiduciae: Trust and Treuhand in Historical Perspective* (Berlin 1998) (editor and contributor with Reinhard Zimmermann)

*The Privilege against Self-Incrimination: its Origins and Development* (Chicago 1997) (with Charles M. Gray et al.)

*The Spirit of Classical Canon Law* (Athens, Georgia, 1996, pb. ed. 2010)

*Canon Law in Protestant Lands* (Berlin 1992) (editor and contributor)

*Notaries Public in England since the Reformation* (London 1991) (with C. W. Brooks and P. G. Stein); translated as *Notai in Inghilterra prima e dopo la Riforma* (Milan 1991)

*Roman Canon Law in Reformation England* (Cambridge 1990, pb. ed. 2004)

*Canon Law and the Law of England* (London 1987)

*Select Cases on Defamation to 1600*, Selden Society, Vol. 101 (London 1985)

*Canon Law and English Common Law* (London 1983) (reprinted in *The Selden Society Lectures, 1952-2001*, Buffalo, NY 2003)

*Marriage Litigation in Medieval England* (Cambridge 1974) (reprinted Holmes Beach, Florida, 1986, pb. ed. 2007)

Richard Zouche (1590-1661), 15 *Ecclesiastical L. J.* 204 (2013)

Judicial Duty and the Law of Nature: A view from European Legal History, 6 *J. Law, Philosophy and Culture* 73 (2013 for 2011)

Roger, Bishop of Worcester (ca. 1134-1179), 15 *Ecclesiastical L. J.* 75 (2013)

- The Canon Law of Annual Pensions: A brief historical study, in *Recto Ordine procedit magister: Liber amicorum E.C. Coppens* 161 (L. Berkvens et al. eds. (Brussels 2012)
- The Law of Slavery and the European Ius Commune, in *The Legal Understanding of Slavery: From the Historical to the Contemporary* 17 (Jean Allain ed. Oxford 2012)
- Annuities and Annual Pensions, in *Law, Lawyers and Texts: Studies in Medieval Legal History in Honour of Paul Brand* 69 (Susanne Jenks et al. eds. Leiden 2012)
- Religion and Succession in the History of English Law, in *Der Einfluss religiöser Vorstellungen auf die Entwicklung des Erbrechts* 103 (R. Zimmermann ed. Tübingen 2012)
- Regulating the Number of Proctors in the English Ecclesiastical Courts: Evidence from an Early Tudor Tract, in *Law as Profession and Practice in Medieval Europe: Essays in Honor of James A. Brundage* 173 (K. Pennington and M. H. Eichbauer eds. Farnham 2011)
- Natural Law and the Trial of Thomas More, in *Thomas More's Trial by Jury* 53 (H. A. Kelly ed. Woodbridge 2011)
- University Education and English Ecclesiastical Lawyers 1400-1650, 13 *Ecclesiastical L. J.* 132 (2011)
- Conscience in the Ecclesiastical Courts, in *Proceedings of the Thirteenth International Congress of Medieval Canon Law* 71 (Peter Erdö and Sz. Anzelm Szuromi eds. Vatican City 2010)
- Alberico Gentili e il Rinascimento. La formazione giuridica in Inghilterra, in *Alberico Gentili: Atti dei convegni nel quarto centenario della morte* 311 (2010)
- Were the English Ecclesiastical Tribunals Courts of Law? in *Law and Private Life in the Middle Ages* 11 (Per Andersen et al. eds. Copenhagen 2010)
- Human Rights in the Canon law, in *Christianity and Human Rights: An Introduction* (John Witte, Jr. and Frank Alexander eds. Cambridge 2010)
- Scandalum* in the medieval Canon Law and in the English ecclesiastical courts, 127 *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kan. Abt.* 258 (2010)
- Citations and the Construction of Procedural law in the Ius Commune, in *The Creation of the Ius Commune: from Casus to Regula* 247 (J.W. Cairns and Paul

- du Plessis eds. Edinburgh 2010)
- Due and Undue Delay in the English Ecclesiastical Courts (ca. 1300-1600), in *Within a Reasonable Time* 73 (C. H. van Rhee ed. Berlin 2010)
- A Note on French and English Officialities on the Eve of the Council of Trent, in *Mélanges en l'honneur d'Anne Lefebvre-Teillard* 509 (2009)
- Bonham's Case, the Law of Nature, and Judicial Review, 1 *J. Legal Analysis* 324 (2009)
- Quonian contra falsam* (X 2.19.11) and the Court Records of the English Church, in *Als die Welt in die Akten kam* (Susanne Lepsius and Thomas Wetzstein eds. Frankfurt 2008)
- The Law of Nature and the early History of Unenumerated Rights in the United States, 9 *U. Pa. J. Const. L.* 401 (2007)
- Children's Rights and the Canon Law: Law and Practice in later medieval England 67 *The Jurist* 39 (2007)
- Marriage Agreements in Medieval England, in *To Have and To Hold: Marrying and its Documentation in Western Christendom, 400-1600*, 260 (Philip Reynolds and John Witte, Jr. eds. Cambridge 2007)
- The *Ratio decidendi* in England – Evidence from the Civilian Tradition, in *Ratio Decidendi: Guiding Principles of Judicial Decisions* 73 (W. Hamilton Bryson And Serge Dauchy eds. Berlin 2006)
- Thomas More and the Canon Law, in *Medieval Church Law and the Origins of the Western Legal Tradition: A Tribute to Kenneth Pennington* 375 (Wolfgang Müller and Mary Sommar eds. Washington, D.C., 2006)
- Ockham's Razor in American Law, 21 *Tulane European and Civil Law Forum* 109 (2006)
- Scots Law in the New World: Its Place in the Formative Era of American Law, in *Miscellany V*, 52 *Stair Society* 169 (Hector MacQueen ed. Edinburgh 2006)
- The Law of Charity and the English Ecclesiastical Courts, in *Foundations of Medieval Ecclesiastical History: Studies presented to David Smith* 111 (Philippa Hoskin et al. eds. Woodbridge 2005)
- Natural Law and Human Rights in English Law: From Bracton to Blackstone, 3 *Ave Maria L. Rev.* 1 (2005)

- Undue Delay in the English Ecclesiastical Courts (circa 1350 – 1600), in *The Law's Delay: Essays on Undue Delay in Civil Litigation* 134 (C.H. van Rhee ed. Antwerp 2004)
- The “*ius commune*” and Sanctuary for Insolvent Debtors in England, 2 *Panta Rei: Studi dedicati a Manlio Bellomo* 581 (Orazio Condorelli ed. Rome 2004)
- The Saga of Van Valkenburgh v. Lutz: Animosity and Adverse Possession in Yonkers, in: *Property Stories* (Gerald Korngold and Andrew Morriss ed. New York 2004; 2d rev. ed. 2009)
- The *Mitior Sensus* Doctrine, 7 *The Green Bag*, 2d ser. 133 (2004)
- Canonical Remedies in Medieval Marriage Law: The Contributions of Legal Practice, 1 *U. St. Thomas L. Rev.* 647 (2003)
- El privilegio y el *ius commune*: de la Edad Media al siglo XVII, in: 15 *Cuadernos de doctrina y jurisprudencia penal* 269 (2003).
- Canonical ‘Juries’ in Medieval England, in: *Ins Wasser geworfen und Ozeane durchquert: Festschrift für Knut Wolfgang Nörr* (Mario Ascheri et al. eds. 2003)
- Natural Human Rights: The Perspective of the *Ius Commune*, 52 *Cath. U. L. Rev.* 301 (2003).
- Judges and trials in the English ecclesiastical courts, in: *Judicial tribunals in: England and Europe, 1200-1700*, Vol. 1, (Maureen Mulholland and Brian Pullan eds. Manchester 2003)
- Christopher St German and the Law of Custom, 70 *U. Chi. L. Rev.* 70 (2003)
- Discipline of the Clergy: Medieval and Modern, 6 *Ecclesiastical L. J.* 189 (2002)
- Money and Judges in the Law of the Medieval Church, 8 *U. of Chicago Law School Roundtable* 309 (2001)
- Richard Hooker and the European *ius commune*, 6 *Ecclesiastical L. J.* 4 (2001).
- Fundamental Human Rights in Medieval Law* (Maurice and Muriel Fulton Lecture, Chicago 2000)
- The *litis contestatio*: its Survival in the Medieval *ius commune* and Beyond, in: *Lex et Romanitas: Essays for Alan Watson* (Michael Hoeflich ed. Berkeley 2000)

- Brian Simpson in the United States, in: *Human Rights and Legal History: Essays in Honour of Brian Simpson* (Oxford 2000)
- Independence and Uniformity in England's manorial courts, in: *Seigniorial Jurisdiction*, 215 (Lloyd Bonfield ed. Berlin 2000)
- Scandinavian Law and English Law: An Historical Sketch and a Present Opportunity, in: *Family, Marriage and Property Devolution in the Middle Ages*, 17 (Lars Ivan Hansen ed. Tromsø 2000)
- The Canon Law, in: *Cambridge History of the Book in Britain, Volume III, 1400-1557*, 387 (Cambridge 1999)
- Magna Carta and the *ius commune*, 66 *U. Chi. L. Rev.* 297 (1999)
- The Education of English Proctors, 1600-1640, in: *Learning the Law: Teaching and the Transmission of Law in England 1150-1900* (Jonathan Bush and Alain Wijffels eds. London 1999)
- Realism and Formalism in the Severance of Joint Tenancies, 77 *Neb. L. Rev.* 1 (1998)
- Spanish and English ecclesiastical courts (1300-1500), 28 *Studia Gratiana* 415 (1998)
- The Canons of 1603: The Contemporary Understanding, in: *English Canon Law: Essays in Honour of Bishop Eric Kemp* 23 (Norman Doe et al. eds. Cardiff 1998)
- Harboring Sexual Offenders: Ecclesiastical Courts and Controlling Misbehavior, 37 *J. of British Studies* 258 (1998)
- The Universal and the Particular in Medieval Canon Law, in: *Proceedings of the Ninth International Congress of Medieval Canon Law* 641 (Peter Landau and Jorg Müller eds. Vatican City 1997)
- Records and Reports: the English Ecclesiastical Courts, in: *Case Law in the Making: the Techniques and Methods of Judicial Records and Law Reports* Vol. I:83 and Vol. II:85 (Alain Wijffels ed. Berlin 1997)
- Les officialités anglo-saxonnes et la culture juridique latine: approches historiennes, 38 *L'Année canonique* 97 (1996)
- The Learned Laws in 'Pollock and Maitland', 89 *Proceedings of the British Academy* 145 (1996)

- Canon Law as a Means of Legal Integration in the Development of English Law, in: *Die Bedeutung des kanonischen Rechts für die Entwicklung einheitlicher Rechtsprinzipien* 49 (Heinrich Scholler ed. 1996)
- Excommunication and the Angevin Leap Forward, *7 Haskins Society J.* 133 (1997 for 1995)
- Der Usus modernus Pandectarum und die Ursprünge des eigenhändigen Testaments in England, *4 Zeitschrift für Europäisches Privatrecht* 769 (1995)
- The Bible in the Service of the Canon Law, *70 Chicago-Kent L. Rev.* 1557 (1995)
- Excommunication in Twelfth Century England, *11 J. Law and Religion* 235 (1994-95)
- Ecclesiastical Lawyers and the English Reformation, *3 Ecclesiastical L.J.* 360 (1995)
- The Transmission of Legal Institutions: English Law, Roman Law, and Handwritten Wills, *20 Syracuse J. of International Law & Commerce* 147 (1994)
- The Origin of Holographic Wills in English Law, *15 J. of Legal Hist.* 97 (1994)
- Other Diocesan and Lesser Church Courts, in: *The Records of the Medieval Ecclesiastical Courts Part II* 153 (Charles Donahue, Jr., ed. Berlin 1994)
- Legal Formalism, Substantive Policy, and the Creation of a Canon Law of Prescription, in: *Prescriptive Formality and Normative Rationality in Modern Legal Systems: Festschrift for Robert Summers* 265 (Werner Krawietz et al. eds. Berlin 1994)
- And Were there Children's Rights in early modern England? The Canon law and 'intra-family violence' in England, 1400-1640, *1 International J. of Children's Rights* 23 (1993)
- Married Women's Wills in Later Medieval England, in: *Wife & Widow in Medieval England* 165 (Sue Sheridan Walker ed. Ann Arbor 1993)
- Harold Berman's Accomplishment as a Legal Historian, *42 Emory L. J.* 475 (1993), edited and reprinted as The Character of the Western Legal Tradition, in: *The Integrative Jurisprudence of Harold J. Berman* 29 (Howard O. Hunter ed. 1996)



- The Library in Guercino's *Portrait of a Lawyer*, 30-31 *Accademia Clementina: atti e memorie* 184 (1992)
- Bailment Theories and the Liability of Bailees: the Elusive Uniform Standard of Reasonable Care, 41 *Univ. of Kansas L. Rev.* 97 (1992)
- Use of the Civil Law in Post-Revolutionary American Jurisprudence, 66 *Tulane L. Rev.* 1649 (1992)
- The English Law of Wills and the *ius commune*, in: *Marriage, Property and Succession* 309 (Lloyd Bonfield ed. Berlin 1992)
- Conflicts between Religious and Secular Law: Common Themes in the English Experience, 1250-1640, 12 *Cardozo L. Rev.* 707 (1991)
- Continental Law and Common Law: Historical Strangers or Companions? 1990 *Duke L.J.* 1207 (1990)
- Contracts and the Canon Law, in: *Towards a General Law of Contract* 49 (John Barton ed. Berlin 1990)
- Origins of the Privilege against self-incrimination: the Role of the European *ius commune*, 65 *N.Y.U. L. Rev.* 962 (1990)
- Spanish Records, in: *The Records of the Medieval Ecclesiastical Courts: Part I* 179 (Charles Donahue, Jr., ed. Berlin 1989)
- 'Si quis suadente' (C.17 q.4 c.29): Theory and Practice, in: *Proceedings of the Seventh International Congress of Medieval Canon Law*, ed. Peter Linehan (Vatican City 1988)
- Damages in Actions for Slander at Common Law, 103 *Law Q. Rev.* 624 (1987)
- Wrongful Possession of Chattels: Hornbook Law and Case Law, 80 *Northwestern L. Rev.* 1221 (1986) (excerpted and reprinted in: *A Property Anthology*, Richard H. Chused ed. 1993)
- Usury and the Medieval English Church Courts, 61 *Speculum* 364 (1986)
- The Sons of Edward IV: a Canonical Assessment of the claim that they were Illegitimate, in: *Richard III: Loyalty, Lordship and Law*, (P. W. Hammond ed. London 1986, repr. 2000)
- More on Subjective Intent: a Response to Professor Cunningham,

- 64 *Wash. U. L. Q.* 65 (1986)
- Legitim in English Legal History, 1984 *Illinois L. Rev.* 659
- Recurrent Patterns of Family Law, 8 *Harv. J. Law & Public Policy* 175 (1984)
- Civil Trials, in *Juries, Libel and Justice: The Role of English Juries in Seventeenth and Eighteenth-Century Trials for Libel and Slander* (Clark Library, Los Angeles 1984)
- Equitable Division and the Law of Finders, 52 *Fordham L. Rev.* 313 (1983)
- Adverse Possession and Subjective Intent, 61 *Wash. U. L. Q.* 331 (1983)  
(excerpted and reprinted in: *A Property Anthology*, [Richard H. Chused ed.] 2d ed. 1997)
- Bankruptcy and Probate Jurisdiction before 1571, 48 *Mo. L. Rev.* 415 (1983)
- Crime, Compurgation and the Courts of the Medieval Church,  
1 *Law and Hist. Rev.* 1 (1983)
- Excommunication as a Legal Sanction: Attitudes of the Medieval Canonists,  
112 *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kan. Abt.* 202 (1982)
- Advances and Altered Perspectives in English Legal History,  
95 *Harvard L. Rev.* 723 (1982)
- The Writ of Prohibition to Court Christian before 1500, 43 *Mediaeval Studies* 297 (1981)
- Early Enforcement of Uses, 79 *Columbia L. Rev.* 1503 (1979)
- Debt Claims and Probate Jurisdiction in Historical Perspective,  
23 *Am. J of Legal Hist.* 68 (1979)
- Roman Law of Guardianship in England, 1300-1600, 52 *Tulane L. Rev.* 223 (1978)
- Support Orders, Church Courts, and the Rule of Filius Nullius: A Reassessment of the Common Law, 63 *Va. L. Rev.* 431 (1977)
- Writs of Prohibition and Ecclesiastical Sanctions in the English Courts Christian, 60 *Minn. L. Rev.* 1011 (1976)
- Ethical Standards for Advocates and Proctors in Theory and Practice, in:

*Proceedings of the Fourth International Congress of Medieval Canon Law* 283  
(S. Kuttner ed. Vatican City 1976)

Assumpsit and Fidei Laesio, 91 *Law Q. Rev.* 460 (1975)

Infanticide in the Province of Canterbury During the Fifteenth Century,  
2 *Hist. of Childhood Q.* 379 (1975)

Abjuration *sub pena nubendi*, 32 *The Jurist* 80 (1972)

Canonical Defamation in Medieval England, 15 *Am. J. of Legal  
Hist.* 255 (1971)

Canonists and Standards of Impartiality for Papal Judges Delegate,  
25 *Traditio* 386 (1969)

Bastardy Litigation in Medieval England, 13 *Am. J. of Legal Hist.* 360 (1969)