

Proposed Topic: “Sources of Law in 15th-18th century Europe”

Chair: Jeremy Duquesnay Adams, Professor, Department of History, Southern Methodist University

Panelist: Amalia D. Kessler, “The law merchant in Old Regime France”

This paper examines the sources of this body of law--and reflects on/criticizes the standard account of the law merchant, which suggests that there was a coherent, clearly defined body of customary rules and practices known as the "law merchant," created entirely by merchants (uninfluenced by the ordinary civil law), enforced entirely by merchants (without meaningful state intervention), and oriented entirely towards promoting market growth.

Associate Professor of Law, Stanford: A.B., Harvard (1994); M.A., Stanford (1996); J.D., Yale (1999); Ph.D. Stanford (2001).

Publications: A REVOLUTION IN COMMERCE: THE PARISIAN MERCHANT COURT AND THE RISE OF COMMERCIAL SOCIETY IN EIGHTEENTH-CENTURY FRANCE (New Haven: Yale University Press, 2007); “Our inquisitorial tradition: equity procedure, due process, and the search for an alternative to the adversarial,” 90 Cornell Law Review 1181 (2005); “Enforcing virtue social norms and self-interest in an eighteenth century merchant court,” 22 Law & History Review 71 (2004); “Limited liability in context: lessons from the French origins of the American limited partnership,” 32 Journal of Legal Studies 511 (2003); Book Review, “Revisiting the question of French and American difference,” 18 Yale Journal of Law & the Humanities 327 (2006); Book Review, 52 American Journal of Comparative Law 777 (2004).

Panelist: Emily E. Kadens, “The "origin" of commercial laws in early modern Europe”

Assistant Professor of Law, University of Texas: B.A. University of Chicago (1992); Diploma, 1995, Catholic University of Louvain (1995); Ph.D., Princeton University (2001); J.D., University of Chicago (2004).

Publications: “Order within law, variety within custom: the character of the medieval merchant law,” 5 Chicago Journal of International Law 39 (2004)

Panelist: Alan Watson, “Sources of Law in Early Modern Europe”

Ernest P. Rogers Professor & Research Professor, University of Georgia: M.A. (1954), LL.B. (1957), Glasgow; B.A. (1957), M.A. (1958), D.Phil. (1960), Oxon. Lecturer, Wadham College, Oxford (1957-1959); Fellow in Jurisprudence, Oriel College, Oxford (1959-1965); Douglas Professor of Civil Law, University of Glasgow (1965-1968); Professor, Civil Law, University of Edinburgh (1968-1979); Professor, Pennsylvania (1979-1984); Professor, University of Georgia (1984-present)

Selected publications: COMPARATIVE LAW: LAW, REALITY AND SOCIETY (Lake Mary, FL: Vandeplas, 2007); THE EVOLUTION OF WESTERN PRIVATE LAW (Baltimore: Johns Hopkins University Press, Expanded ed. 2001); ANCIENT LAW AND MODERN UNDERSTANDING: AT THE EDGES (Athens, GA: University of Georgia Press, 1998); THE MAKING OF THE CIVIL LAW (Cambridge, MA: Harvard University Press, 1981); THE NATURE OF LAW (Edinburgh: University of Edinburgh Press, 1977); LAW MAKING IN THE LATER ROMAN REPUBLIC (Oxford: Clarendon Press, 1974).

Commentator: Joseph W. McKnight, Professor of Law, Southern Methodist University