

## **JAMES RUSSELL GORDLEY**

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### **Education:**

J.D. Harvard Law School, 1970, *magna cum laude*

M.B.A. University of Chicago Graduate School of Business, 1968

B.A. University of Chicago, 1967

### **Employment:**

2007- W.R. Irby Distinguished University Professor, Tulane Law School

2024-25 Distinguished Professor of Legal History, Bocconi University, Milano

1996-2007: Shannon Cecil Turner Professor of Jurisprudence, School of Law, University of California at Berkeley; emeritus since 2007

1981-2007: Professor of Law, School of Law, University of California at Berkeley

1978-81: Acting Professor of Law, School of Law, University of California at Berkeley

1977-78: Fellow, Institute of Medieval Canon Law, University of California at Berkeley  
concurrent with Thayer fellowship at Harvard)

1972-78: Ezra Ripley Thayer Fellow in Comparative Law, Harvard Law School

1971-72: Associate, Foley, Hoag and Eliot, Boston, Mass.

1970-71: Fellow, Istituto di Diritto Comparato, Florence, Italy

### **Memberships:**

Fellow, The American Academy of Arts and Sciences

Corresponding Fellow, The British Academy

*Membre titulaire, Académie internationale du droit comparé*

Member, The Society of Bartolus

**Honors:**

Lifetime Achievement Award, American Society of Comparative Law 2022  
Patrick Glenn Award, American Society of Comparative Law, 2015  
Felix Frankfurter Distinguished Teaching Award, Tulane Law School, 2010.  
“Best Professor at Boalt,” awarded 2005 by the Gun Club (a student society founded by Earl Warren and his friends which, incidentally, has nothing to do with firearms).  
Rutter Award for Excellence in Teaching, School of Law, University of California at Berkeley, 2001  
Distinguished Teaching Award, University of California at Berkeley, 1984.  
Herbert L. Bernstein Senior Scholar Prize (for the article “Impossibility and Changed Circumstances, published in *The American Journal of Comparative Law*)

**Other fellowships:**

Guggenheim Fellow, 1995-96  
Fulbright Fellow, 1995-96  
Fellow, Consiglio Nazionale delle Ricerche, 1995-96  
Senior NATO Fellow, 1991  
Fellow, *Deutscheforschungsgemeinschaft*, 1983  
Fellowship awarded, Center for Advanced Study in the Behavioral Sciences, Stanford, California, 1982 (not taken).

**Visitorships:**

Jean Monnet Distinguished Visiting Professor in Comparative Law, University of Trent, Italy, 1992.  
Visiting Professor: University of Bologna 2023. University of Trent, Italy, 1989, 1995-96; University of Regensburg, Germany, 1995; University of Fribourg, Switzerland, 1995; University of Milan, Italy, 1992, 1995; Università Commerciale Luigi Bocconi, Milan, Italy, 1992; University of Munich, Germany, 1983.  
Visiting Scholar: University of Bologna, 2022, Bocconi University, 2021, Max Planck Institut für ausländisches und internationales Privatrecht, Hamburg, Germany, 2023, 2024, 2021, 2012, 2005, 1996; Max Planck Institut für Rechtsgeschichte, Frankfurt, Germany, 2017, 2011; University of Milan, Italy, 1996; University of Regensburg, Germany, 1992; Istituto di Diritto Comparato, Florence, Italy, 1989; European University Institute, Fiesole, Italy, 1986; University of Cologne, Germany, 1980.

### **Positions as director or advisor:**

Co-Director, Tulane-Siena Institute for International Law and the Arts 2007-2012  
Member, Scientific Advisory Council (*Fachbereich*), *Max Planck Institut für ausländisches und internationales Privatrecht*, Hamburg, Germany (2006-12)  
Member, International Editorial Board, *Comparative Legal History*  
Correspondent, Center of Civil Law Studies, Louisiana State University  
Member, Commission for the Election of the Director (*Berufskommission*) of the *Max-Planck-Institut für europäische Rechtsgeschichte*, Frankfurt, Germany, 2005-08  
Referee, Fellowship Awards, American Council of Learned Societies 2005-06, 2006-07  
Consultant, Louisiana State Board of Regents, 2001  
Program Committee, 30th Annual Meeting of the American Society for Legal History, 1999-2000  
Board of Electors of the Regius Professor of Comparative Law, Oxford University, 1998-99  
Director, 14th Course: *Rights and Obligations in the Ius Commune*, International School of Ius Commune, Ettore Majorana Centre for Scientific Culture, Erice, Italy, March 27 - April 3, 1996  
Leiter der Arbeitsgruppe für deutsche und amerikanische Rechtskultur (with Prof. Reinhard Zimmermann), Akademie VII, Studienstiftung des Deutschen Volkes, Alpbach, Austria, September 16-29, 1995

### **Editorial positions:**

Executive Editorial Board, *The American Journal of Comparative Law* 2008-2012  
Co-Editor in Chief, *The American Journal of Comparative Law* 2003-2008  
Board of Editors, Trento Project on the Common Core of European Law 1995-2012.  
Convenor, Study Group on Fault Liability between Neighbours, European Legal Development Project, Cambridge University  
Conseil scientifique, *Revue juridique de l'Isaïdat*  
Advisory Board, *Journal of Private Law*  
Board of Editors, *Journal of Tort Law*  
Board of Editors, *Journal of Bi-Jural Studies*  
Co-editor, *Issues in Legal Scholarship*  
Board of Advisors, *Studies in the History of Private Law*  
Associate Editor, *The Global Jurist*  
Consulting Board, *The European Review of Contract Law*  
Advisory Board, *The Journal of Tort Law*  
Board of Editors, *Catholic Social Tradition*, University of Notre Dame Press  
Board of Advisors, *Comparative Law Abstracts*, *Legal Scholarship Network*  
Contributing Editor, *Tulane Law Review*  
Board of Editors, *Quadrimestre* (Milan, Italy) 1991-93.  
Member, Working Group on the History of Contract Law of the *Forschungsprojekt für*

*kontinentaleuropäische und anglo-amerikanische Rechtsgeschichte*, 1983  
Manuscript analysis and description, 1977-78, for *A Catalogue of Canon and Roman Law Manuscripts in the Vatican Library* Volume 1 *Codices Vaticani latini* 541-2299 (Stephan Kuttner, director)(Vatican City 1986).

## **Publications:**

### **Books:**

*Foundations of American Contract Law* (Oxford University Press. 2023).

*The Eclipse of Classical Thought in China and the West* (Cambridge University Press, 2022).

*An Introduction to the Comparative Study of Private Law Readings, Cases, Materials* (with Hao Jiang, Arthur von Mehren, rev. ed. (2021).

*The Jurists: A Critical History* (Oxford University Press, 2013).

*Enforcing International Cultural Heritage Law*, ed. (with Francesco Francioni) (Oxford University Press, 2013).

*The Development of Liability between Neighbours*, ed. (Cambridge University Press, 2010).

*Foundations of Private Law* (Oxford University Press, 2006), Chinese translation *Sz-fah duh jee-choo: tsai-chahn, cheen-chywan, huh-toong huh boo-dahng duh-lee* (Zhang Jiazong, trans. The Law Press, (Beijing, 2007).

*The Enforceability of Promises in European Contract Law* (Cambridge University Press, 2001).

*Gratian, The Treatise on Law with the Ordinary Gloss* (translation) (with Augustine Thompson) published as volume 2 of *Medieval and Early Modern Canon Law* (K. Pennington, ed., Catholic University Press, 1993).

*The Philosophical Origins of Modern Contract Doctrine* (Clarendon Law Series, Oxford University Press, 1991), Chinese translation, *Min shang fa jing dian xian dai he tong li lun de ze xue qi yuan*, (Zhang Jiazong, trans., The Law Press, Beijing, 2006).

*Toward Equal Justice: A Comparative Study of Legal Aid in Modern Societies* (with Mauro Cappelletti and Earl Johnson, Jr.) (Giuffrè, Oceana, 1975; reprinted 1981).

*The Civil Law System: An Introduction to the Comparative Study of Law* (with Arthur von Mehren) (Little, Brown & Co., Boston, 1977).

## Articles

“Freedom of Contract,” in *Research Handbook on the Philosophy of Contract Law* (Mindy Chen-Wishart & Prince Saprai, eds., Edward Elgar, 2025), 150.

“*Regulae iuris*: The Medieval Understanding” in *Regulae Iuris in the Medieval and Modern Age: Essential Stability vs. Evolving Contexts* (Ilya A. Kotlyar, ed., Brill, 2025), 191.

“Will Theory and Conceptual Jurisprudence” in *Il Volere che si fa Norma* Quaderno Secondo. *Volontà e Arbitrio*, (Edoardo Ferrante, ed., Mulino, Bologna, 2025), 11.

“Fairness in Chinese Contract Law: A Borrowed Mistake.” 32 *European Review of Private Law* 241 (2024) (with Hao Jiang).

“The Lost Doctrines of *Causa* and the Incoherence of Contemporary Contract Law,” 98 *Tulane Law Review* 1023 (with Hao Jiang) (2024).

“Damages for Breach of Contract: The Legacy of Conceptualism,” *The Grand Strategy of Comparative Law - Essays in Honour of P.G. Monateri* ch. 7 (Luca Cinelli, ed., Routledge Press, 2024).

“Comparative Law and its Aspirations,” in *The World Picture of Comparative Law* 187 (William E. Butler & O.V. Kresin, eds., Talbot Publishing, 2024).

“Economic Duress in Labor Contracts,” 43 *Comparative Labor Law and Policy Journal* 481 (2023).

“The Rule of Law in Traditional China” in *The Making of the Chinese Civil Code* 235 (Hao Jiang and Pietro Sirena, eds., Cambridge Univ. Press., 2023)

“*Causa* and Consideration,” *Elgar Encyclopedia of Comparative Law* (with Hao Jiang) (2023).

- “The Maze of Contemporary Contract Theory and a Way Out,” 68 *The American Journal of Jurisprudence* 1 (with Hao Jiang) (2023)
- “Professor Sir Frederick Pollock (1845-1937),” in *Jurists of Contract Law* 149 (James Goudkamp & Donal Nolan, eds., Hart, 2023).
- “*Regulae Juris* and Legal Principles: Whence and Whither?” 36 *Tulane European & Civil Law Forum* 1 (special issue in honor of Reinhard Zimmermann) (2023).
- “In Defense of Roman Law,” 2022 *Osservatorio del diritto civile e commerciale* 413.
- “Christian Origins of Private Law,” in *Christianity and Private Law* (Robert F. Cochran, Jr. & Michael P. Moreland, eds., Routledge, 2022).
- “The Metamorphosis of the Right to Property,” in *Sjef-Sache. Essays in honour of Prof. mr. dr. J.H.M. (Sjef) van Erp*, 135 (B. Akermans & A. Berlee, eds. 2021).
- “*Culpa Levissima* and the Eclipse of Strict Liability,” 42 *Grotiana* 5 (2021).
- “Peter Gerhart on Good Faith: Following a Trail of Breadcrumbs,” 72 *Case Western Reserve Law Review* 317 (2021) (special issue honoring Peter Gerhart).
- “Contract as Voluntary Commutative Justice,” 2020 *Michigan State Law Review* 725 (with Hao Jiang).
- “Unjust Enrichment: A Comparative Perspective and a Critique” in *Handbook on Unjust Enrichment and Restitution* 41 (Elise Bant, Kit Barker & Simone Degeling, eds., Edward Elgar, 2020).
- “Comparative Law and Legal History,” *The Oxford Handbook of Comparative Law* (R. Zimmermann & M. Reiman, eds, 2nd ed., Oxford University Press, 2019).
- “Comparison, Law and Culture: A Response to Pierre Legrand,” 65 *American Journal of Comparative Law* (special issue) 133 (2017).
- “First Possession and the Origin of Property,” in *Scritti in Onore di Antonio Gambaro* (Ugo Mattei & Albina Candian, eds., Giuffrè, 2017).
- “In Defense of Roman Contract Law,” *Comparative Contract Law* 19 (P.G. Monateri, ed., Elgar Publishing, 2017).

“The Parol Evidence Rule and Transnational Law: the CISG and the UNIDROIT Principles,” in *“Eppur si muove: The Age of Uniform Law – Festschrift for Michael Joachim Bonell, to celebrate his 70<sup>th</sup> birthday”* 462 (Unidroit, Rome, 2016).

The Architecture of the Common and Civil Law of Torts: An Historical Survey,” in *Comparative Tort Law Global Perspectives* 173 (M. Bussani & A. Sebok, eds., 2nd ed., Elgar Publishing, 2015).

“The Just Price: The Aristotelian Tradition and John Rawls,” 11 *European Review of Contract Law* 197 (2015).

“Declassifying Legal Systems and Classifying Laws,” 3 *Annuario di Diritto Comparato* 94 (2013).

“The Method of the Roman Jurists,” 87 *Tulane Law Review* 933 (2013).

“Reclaiming one Nation’s Cultural Heritage in Another Nation’s Courts,” in *Enforcing International Cultural Heritage Law* 110 (F. Francioni & J. Gordley, eds., Oxford University Press, 2013).

“Why the Rule of Law Matters: A Natural Law Perspective,” 57 *American Journal of Jurisprudence* 1 (2012).

“Extraterritorial Legal Problems in a World without Nations: What the Medieval Jurists Could Teach Us,” in *“Extraterritoriality”: Transnational Legal Authority in an Age of Globalization* 35 (G. Handl & J. Zekoll, eds., Martinus Nijhoff, 2012).

“The Functional Method,” in *Methods in Comparative Law* 107 (P.G. Monateri, ed., Elgar Publishing, 2012).

“Suárez and Natural Law,” in *The Philosophy of Francisco Suárez* 209 (B. Hill & H. Langelund, eds., Oxford University Press, 2012).

“The Future of Private Law,” in *The Law of the Future and the Future of Law* 367 (S. Muller., S. Zouridis, M. Frishman & L. Kisenmaker, eds., Torkel, Oslo, 2011).

“The Abuse of Rights in the Civil Law Tradition,” in *Prohibition of Abuse of Law: A New Principle of EU Law?* 33 (S. Vogenauer, ed., Hart Publishing, 2011); reprinted in T. Ginsburg, P.G. Monateri & F. Parisi, eds., *Classics in Comparative Law* 3 *Private Law* ch. 3 (Elgar Press, 2014)

- “The Foreseeability Limitation on Liability in Contract,” in *Towards a European Civil Code* 699 (A.S. Hartkamp, M. Hesselink, E. Hondius, C. Mak & E. du Perron, eds., 4rd ed., Kluwer, 2011)(revised from 3rd ed., 2004).
- “*Ius Quaerens Intellectum*: The Method of the Medieval Civilians,” in *The Creation of the Ius Commune: From Casus to Regula* 77 (P.J. du Plessis & J.W. Cairns, eds., Edinburgh University Press, 2010).
- “The Origins of Sale: Some Lessons from the Romans,” 84 *Tulane Law Review* 1437 (2010).
- “Disturbances among Neighbours: An Introduction,” in *The Development of Liability between Neighbours* 1 (James Gordley, ed., Cambridge University Press, 2010).
- “Disturbances among Neighbours in French Law,” in *The Development of Liability between Neighbours* 65 (James Gordley, ed, Cambridge University Press, 2010).
- “A Case-Based Assessment of the Draft Common Frame of Reference,” 58 *American Journal of Comparative Law* 343 (2010)(with Louisa Antonioli & Francesca Fiorentini).
- “The Bicentennial of the Digest of 1808 – Collected Papers, Louisiana and the Common Law: Le Jour de Gloire Est-Il Passé?” 24 *Tulane European and Civil Law Forum* 191 (2009).
- “*Ius civile* and Civil Codes: Lessons from the Romans,” 54 *Loyola Law Review* 555 (2008).
- “Takings,” 82 *Tulane Law Review* 1505 (2008).
- “The State’s Private Law and Legal Academia,” 56 *The American Journal of Comparative Law* 641(2008), also printed in *Beyond the State – Rethinking Private Law* 219 (N. Jansen & R. Michaels, eds., Mohr Siebeck, 2008).
- “When is the Use of Foreign Law Possible? A Hard Case: The Protection of Privacy in Europe and the United States,” published with the proceedings of the Louisiana State University Symposium on “Law Making in a Global World,” 67 *Louisiana Law Review* 1073 (2007).
- “Morality and Contract: The Question of Paternalism,” published with the proceedings of the conference “Law and Morality,” held at the William and Mary School of Law, March, 2006, 48 *William and Mary Law Review* 1733 (2007).



- “Contract Law: A Catholic Approach?” in *Self-Evident Truths: Catholic Perspectives on American law* 191 (M.A. Scaperlanda & T.S. Collett, eds., Catholic University Press, 2007).
- “Consideration,” *The Edward Elgar Encyclopedia of Comparative Law* 180 (J. Smits, ed., Edward Elgar Publishing, 2006), 216 (2d ed. 2012).
- “Damages Under the Necessity Doctrine,” *Issues in Legal Scholarship*, Symposium: *Vincent v. Lake Erie Transportation Co. and the Doctrine of Necessity* (2005): Article 2. <http://www.bepress.com/ils/iss7/art2>
- “The Future of European Contract Law on the Basis of Europe's Heritage,” [2005] *The European Review of Contract Law* 163.
- “Impossibility and Changed and Unforeseen Circumstances,” 52 *The American Journal of Comparative Law* 602 (2004), Spanish translation, *Imposibilidad, alteración de las circunstancias e imprevisión*, 21 *Ius et veritas* (2011).
- “Mistake in Contract Formation,” 52 *The American Journal of Comparative Law* 433 (2004).
- “Takings: What Does Matter?” 31 *The Ecology Law Quarterly* 291 (2004).
- “The Universalist Heritage,” in *Comparative Legal Studies: Traditions and Transitions* 31 (P. Legrand & R. Munday, eds., Cambridge University Press, 2003).
- “The Rule Against Recovery in Negligence for Pure Economic Loss: An Historical Accident?” in *Recovery for Pure Economic Loss in European Tort Law* 25 (V. Palmer & M. Bussani, eds., Cambridge University Press, 2003).
- “Reconceptualizing the Protection of Dignity in Early Modern Europe: Greek Philosophy Meets Roman Law” in *“Ins Wasser geworfen und Ozeane durchquert” Festschrift für Knut Wolfgang Nörr* 281 (M. Ascheri, F. Ebel, M. Heckel, A. Padoa-Schioppa, Pöggeler, F. Ranieri & W. Rütten, eds., Böhlau Verlag, 2003).
- “Morality and the Protection of Dissent,” 1 *Ave Maria Law Review* 127 (2003).
- “Servitudes,” 3 *Global Jurist Frontiers* <http://www.bepress.com/gj/frontiers/vol3/iss1/art3> (2003).
- “Contract,” in *Oxford Handbook of Legal Studies* 3 (P. Cane & M. Tushnet, eds., Oxford University Press, 2003).

- “Why Look Backward,” 50 *The American Journal of Comparative Law* 657 (2002).
- “The Moral Foundations of Private Law,” 47 *The American Journal of Jurisprudence* 1 (2002).
- “Restitution Without Enrichment? Change of Position and *Wegfall der Bereicherung*,” in *The Law of Unjustified Enrichment* 227 (D. Johnston & R. Zimmermann, eds., Cambridge University Press, 2002).
- “The Origin of Riparian Rights,” in *Themes in Comparative Law in Honour of Bernard Rudden* 107 (P. Birks & A. Pretto, eds., Oxford University Press, 2002).
- “Economics and the Cardinal Virtues: The Ethics of Profit-Seeking,” in *Rethinking the Purpose of Business: Interdisciplinary Essays from the Catholic Social Tradition* 65 (S.A. Cortright & M.J. Naughton, eds., University of Notre Dame Press, 2002).
- “Water Rights,” in *Law and Justice in a Multistate World: Essays in Honor of Arthur T. von Mehren* 683 (J.A.R. Nafziger & S. Symeonides, eds., Transnational Press, 2002).
- “Labor and Commutative Justice,” in *Labor, Solidarity and the Common Good: Ethical Perspectives for Management* 43 (S.A. Cortright, ed., Carolina Academic Press, 2001).
- “When Would Private Law Excuse Payment of a Money Debt?” in *Debt Beyond Contract La Dette au delà du Contrat* 29 (E. Dommen, ed., *Observatoire de la Finance*, 2001).
- “A Perennial Misstep: From Cajetan to Fuller and Perdue to “Efficient Breach,” *Issues in Legal Scholarship* “ (Online Edition): (2001): Article 4.
- “Comparative Law and Legal Education,” published with the proceedings of the Centennial World Conference on Comparative Law, 75 *Tulane Law Review* 1003 (2001).
- “The Common Law in the 20th Century: Some Unfinished Business,” 88 *California Law Review* 1817 (2000).
- “The Achievement of Baldus de Ubaldus (132?-1400),” [2000] *Zeitschrift für Europäisches Privatrecht* 820.
- “Mapping Private Law,” in *Making European Law Essays on the “Common Core” Project* 27 (U. Mattei & M. Bussani, eds., Università degli Studi di Trento, 2000), reprinted in *The Common Core of European Law* 61 (M. Bussani & U. Mattei, eds., Kluwer, 2002).

- “Contract Law in the Aristotelian Tradition,” in *The Theory of Contract Law New Essays* 265 (P. Benson, ed., Cambridge University Press, 2000).
- “Legal Reasoning: Some Parallels in Common Law and Civil Law,” in *Different Legal Cultures -- Convergence of Legal Reasoning* 63 (H.D. Assmann, G. Brüggemeier, R. Sethe, eds., Nomos-Verlag, 2000).
- “The Principle Against Unjustified Enrichment,” in *Gedächtnisschrift für Alexander Lüderitz* 213 (K. Luig, H. Schack & H. Wiedemann, eds., C.H. Beck Verlag, 2000).
- “Good Faith in Contract Law in the Medieval *Ius Commune*,” in *Good Faith in European Contract Law* 93 (R. Zimmermann & S. Whittaker, eds., Cambridge University Press, 2000).
- “The Purpose of Awarding Restitutionary Damages A Reply to Professor Weinrib,” 1 *Theoretical Inquiries in Law* 39 (2000).
- “Good Faith and Profit Maximization,” 19 *Review of Business* 11 (1998).
- “Is Comparative Law a Distinct Discipline?” 46 *The American Journal of Comparative Law* 701 (1998).
- “Responsibility in Crime, Tort, and Contract for the Unforeseeable Consequences of an Intentional Wrong: A Once and Future Rule?” in *The Law of Obligations Essays in Celebration of John Fleming* 175 (P. Cane & J. Stapleton, eds., Oxford University Press, 1998).
- “Just Price,” 2 *The New Palgrave Dictionary of Economics and the Law* 410 (P. Newman, ed., The Macmillan Press, London, 1998).
- “Contract, Property and the Will--The Civil Law and Common Law Traditions,” in *The State and Freedom of Contract* 66 (H. Scheiber, ed., Stanford University Press, 1998).
- “Codification and Legal Scholarship” published with the proceedings of the American Society of Comparative Law Symposium on “Law in the Twenty-First Century,” 31 *Davis Law Journal* 735 (1998), Chinese translation, “Fa dian bian zuan yu fa lu zue shu,” 1 *Si fa yan jiu* [Private Law Review] 52 (2002).
- “*Immissionsschutz*, Nuisance and *Troubles de Voisinage* in Comparative and Historical Perspective,” [1998] *Zeitschrift für Europäisches Privatrecht* 13.

- “When Paths Diverge: A Response to Albert Alschuler on Oliver Wendell Holmes,” 49 *University of Florida Law Review* 441 (1997).
- “*Ardor quaerens intellectum*: Sex within Marriage according to the Canon Lawyers and the Theologians of the 12th and 13th Centuries,” 83 *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte Kanonistische Abteilung* 305 (1997).
- “Contract and Delict: Toward a Unified Law of Obligations,” 1 *Edinburgh Law Review* 345 (1997).
- “Law ... and the Imagination?” 1 *Logos: A Journal of Catholic Thought and Culture* 128 (1997).
- “Contract in Pre-Commercial Societies and in Western History,” Chapter 2 of Volume VII, *Contracts in General* (A. von Mehren, ed.) of the *International Encyclopedia of Comparative Law* (1997).
- “An American Perspective on the Unidroit Principles,” *Saggi, conferenze e seminari* no. 22, Centro di studi e ricerche di diritto comparato e straniero (Rome, 1996).
- “Protecting Possession” (with Ugo Mattei), 44 *The American Journal of Comparative Law* 293 (1996), Chinese translation, Lun bau hu zhan you, (trans. by Li Fengzhang), 41 *Min shang fa lun cong* [*Civil and Commercial Law Review*] 214 (2011).
- “Tort Law in the Aristotelian Tradition,” in *Philosophical Foundations of Tort Law: A Collection of Essays* 131 (D. Owen, ed., Oxford University Press, 1995), reprinted in *Lecturas sobre el pensamiento político y jurídico de Aristóteles* 71 (S. Rus Rufino, ed., Universidad de León & Universidad de Sevilla, 1999).
- “Comparative Legal Research and its Function in the Development of Harmonized Law An American Perspective,” in *Towards Universal Law Trends in National, European and International Lawmaking*, 5 *De Lege Juridiska Fakulteten I Uppsala Årsbok* 37 (1995), reprinted 43 *American Journal of Comparative Law* 555 (1995), Spanish translation, “Investigación jurídica comparada: Su function en el desarrollo de la armonización del Derecho,” 34 *Derecho & Sociedad* 319 (2012).
- “Enforcing Promises,” 83 *California Law Review* 547 (1995), also published as Working Paper No. 94-13, Working Paper Series, Program in Law and Economics, Center for the Study of Law and Society, School of Law, University of California at Berkeley.
- “The Cultural Justification of Unearned Income: An Economic Model of Merit Goods Based on Aristotelian Ideas of Akrasia and Distributive Justice” (with Robert Cooter), in *Profits and Morality* 150 (R. Cowan & M. Rizzo, eds., University of Chicago Press,

1995).

- “Myths of the French Civil Code,” 42 *The American Journal of Comparative Law* 459 (1994). reprinted in *Lecturas sobre el pensamiento y politico de la Europa de las nacionalidades Actas del congreso internacional “Racionalismo y nacionalismo en la Europa Moderna, León 26-29 de Octubre de 1999* (S. Rus Rufino, ed., University of León, 2000), translated as “Fa Guo Min Fa Dian De Ao Mi,” 5 *Min Shang Fa Lun Cong (Forum of Civil and Commercial Law)* 577 (1996).
- “Common law und civil law: eine überholte Unterscheidung,” [1993] *Zeitschrift für Europäisches Privatrecht* 498; Italian version, “Common Law v. Civil Law: una distinzione che va scomparendo?” in 1 *Scritti in onore di Rodolfo Sacco* 559 (P. Cendon, ed., 1994).
- “Mere Brilliance: The Recruitment of Law Professors in the United States,” 41 *American Journal of Comparative Law* 367 (1993).
- “Humanists and Scholastics,” in *Essays on Law and Religion The Berkeley and Oxford Symposia in Honour of David Daube* 13 (The Robbins Collection, Univ. of Calif. at Berkeley, 1993).
- “Profili della disciplina dei fondi pensione nel diritto americano” (with A. Candian), 4 *Diritto ed economia dell'assicurazione* 695 (1992).
- “La teoria della persona giuridica negli Stati Uniti,” 90 *Rivista del diritto commerciale e del diritto generale delle obbligazioni* 1069 (1992).
- “The Rights of Organizations,” 26(2) *Listening* 134 (1991).
- “Natural Law Origins of the Common Law of Contract,” in *Towards a General Law of Contract* (J. Barton, ed., Duncker & Humbolt, Berlin, 1990) 367 (volume 8 of *Comparative Studies in Continental and Anglo-American Legal History*, H. Coing & K. Nörr, eds.).
- Introduction to *St. Thomas Aquinas on Law and Justice* (Legal Classics Library, Birmingham, Ala., 1988).
- “Law and Religion: An Imaginary Conversation with a Medieval Jurist,” 4 *Journal of Law and Religion* 193 (1986); reprinted 75 *California Law Review* 169 (1987); Spanish translation (by Salvador Rus Rufino) “Derecho y Religión. Una Conversacion Imaginaria con un Jurista Medieval, 33 *Persona y Derecho Revista de fundamentación de las Instituciones Juridicas y de Derechos Humanos* 179 (1995).

“Legal Reasoning: An Introduction,” 72 *California Law Review* 138 (1984).

“Equality in Exchange,” 69 *California Law Review* 1587 (1981), reprinted in *The International Library of Essays in Law and Legal Theory*, 2 *Contract Law* 3 (L. Alexander, ed., New York University Press, N.Y., 1991); reprinted in *Aristotle and Modern Law*, R.O. Brooks & J.B. Murphy, eds., Dartmouth Publ. Co., Aldershot, U.K., 2003); reprinted in T. Ginsburg, P.G. Monateri & F. Parisi, eds., *Classics in Comparative Law* 3 *Private Law* ch. 15 (Elgar Press, 2014).

“European Codes and American Restatements: Some Difficulties,” 81 *Columbia Law Review* 140 (1981), Chinese translation, “Ou zhou ge guo fa dian he mei guo de fa lu zhong shu: yi xie nan yi jie de bei lun,” 1 *Si fa yan jiu* [Private Law Review] 23 (2002).

“The Meaning of Equal Access to Legal Services,” 10 *Cornell International Law Journal* 220 (1977).

“Legal Aid: Modern Themes and Variations. Part Two: Variations on a Modern Theme, 24 *Stanford Law Review* 387 (1972)(Part One, by Mauro Cappelletti, appears at p. 347).

Comment, “Congressional Power to Exclude Members-Elect,” 83 *Harvard Law Review* 62 (1969).

Note, “The Federal Common Law,” 82 *Harvard Law Review* 1512 (1969).

### **Short articles and commentary:**

“The Legacy of Roldolfo Sacco,” forthcoming 7 *Italian Law Journal* (2022).

“Introduction,” in *Enforcing International Cultural Heritage Law* 1 (F. Francioni & J. Gordley, eds., Oxford University Press, 2013).

Entries for “Aquinas” for “Common Law of Europe,” for “Roman Law, for “Savigny” in *The New Oxford Companion to Law* 44, 171, 1031, 1046 (P. Cane & J. Conaghan, eds., Oxford University Press, 2008).

“Preface” to the Chinese translation of James Gordley, *Philosophical Origins of Modern Contract Doctrine*, forthcoming Zhang Jinyang, trans., The Law Press, Beijing, China.

“Arthur von Mehren (1922-2006),” 53 *The American Journal of Comparative Law* 801 (2006).

“A Tribute to Richard Buxbaum,” 23 *The Berkeley Journal of International Law*, 283 (2005); reprinted in *Issues in Legal Scholarship*, “Symposium on Richard Buxbaum,” [www.bepress.com/ils/iss9/art2](http://www.bepress.com/ils/iss9/art2).

Contributor, *The Contracts Experience* (DVD video)(J. Weistart, G.A. Spann, H.J. Powell, eds., 2002).

Discussant in “Dibattito: Linee e tendenze in tema di leggibilità e trasparenza dei testi contrattuali assicurativi (with Antonio Gambaro, Aurelio Candian & Francesco Nanni), 39(1) *Diritto ed economia dell'assicurazione* 221 (1997).

“Comments on Articles 7.4.4 and 7.4.13 of the Principles for International Commercial Contracts,” Study L - (WG) WP.2 (Unidroit, Rome, 1993).

Symposium introduction, “Economic Analysis in Civil Law Countries: Past, Present, Future” (with Robert Cooter), 11 *International Review of Law and Economics* 261 (1991).

#### **Edited symposia:**

For *Issues in Legal Scholarship* ([www.bepress.com/ils](http://www.bepress.com/ils))

*Vincent v. Lake Erie Transportation Co. and the Doctrine of Necessity* (issue 7, 2005).

*Joseph Sax and the Public Trust Doctrine* (issue 4, 2003).

*Fuller and Perdue* (issue 1, 2001).

#### **Book reviews:**

“The Philosophy of Tort as a Subfield,” a review of *Philosophical Foundations of the Law of Torts* by John Oberdiek, ed., *Jurisprudence: An International Journal of Legal and Political Thought* (2015), <http://dx.doi.org/10.1080/20403313.2015.1067490>.

*Law as a Means to an End* by Brian Z. Tamanaha, 4 *Journal of Law Philosophy and Culture* 101-05 (2010).

*The New German Law of Obligations* by Reinhard Zimmermann, forthcoming in *The German Law Review* (translation rights into Chinese under negotiation).

*Ideas and the Man: Remembering David Daube* by Calum Carmichael, 54 *The American Journal of Comparative Law* 269 (2006).

*Common Law in the Court and in the Classroom* by Sir Basil Markesinis, 80 *Tulane Law Review* 325 (2005).

*The History of Water Rights at Common Law* by Joshua Getzler, 121 *The Law Quarterly Review* 337 (2005).

*From Promise to Contract* by Dori Kimel, 29 *The Australian Journal of Legal Philosophy* 202 (2004).

*The Science of Conjecture: Evidence and Probability Before Pascal* by James Franklin, 6 *The International Journal of Evidence and Proof* 194 (2002).

*Gemeineuropäisches Deliktsrecht* by Christian von Bar, 65 *Rabels Zeitschrift für ausländisches und internationales Privatrecht* 304 (2001).

*An Historical Introduction to Private Law* by R.C. van Caenegem, (in German) 1 *Zeitschrift für europäisches Privatrecht* 710 (1995).

*The Law of Obligations Roman Foundations of the Civilian Tradition* by Reinhard Zimmermann, 40 *American Journal of Comparative Law* 1002 (1992).

*Law and Revolution* by Harold Berman, 37 *Harvard Alumni Bulletin* 38 (1985).

*The Death of Contract* by Grant Gilmore, 89 *Harvard Law Review* 452 (1975).

#### **Invited lectures:**

“Liability for Negotiating in Bad Faith,” presented at the Max Planck Institut für Vergleichendes und Internationales Privatrecht, Hamburg, Germany, June 6, 2024.

“Christian Origins of Private Law,” presented at the University of Milan, Italy, Nov. 26, 2024.

“Fault and Strict Liability A Perennial Puzzle,” presented at the University of Torino, Italy, Dec. 22, 2024.

“The Eclipse of Classical Thought in China and the West,” presented at Bocconi University, Milan, Italy, Dec. 10, 2024.

“The Myth of ‘Expectation Interest,’” presented (by Zoom) at the Colloquium on Private Law at the University of Southern California, February 26, 2021.



“Contract Law as Voluntary Commutative Justice” presented at the University of Trieste, Oct. 5, 2021, Bocconi University, Milan, Italy. Oct. 12, 2021, at the 14th International Conference for Contract Law (New Orleans, March, 2019) (with Hao Jiang), and at the Edinburgh Legal Theory Festival (May, 2019).

“In Defense of Roman Law” presented at the Bocconi University, Milan, Italy. Oct. Nov. 3, 2021.

“Sir Frederick Pollock,” presented (by Zoom) at the conference Jurists of Contract Law, Oxford University, April 23, 2021.

“Private Rights and the Common Good,” presented (by Zoom) to the Grupo de Perquisa Filosofia do Direito Privado, Universidade Federal do Rio Grande do Sul, Brazil, April 14, 2021, and at the Acton Institute Consultation on Private Law and Natural Law at Gulf State Park, Alabama, May 14, 2021,

“The Myth of ‘Expectation Interest,’” presented (by Zoom) at the Colloquium on Private Law at the University of Southern California, February 26, 2021.

“The Natural Law Schools and the Passing of Strict Liability,” presented at the Workshop: Strict Liability in Historical Perspective (IE University, Madrid, January 10, 2020.

“The Good of Being in Transition,” presented at the conference “Beyond Childhood and Adulthood: A Multi-Disciplinary Conversation about Humanhood,” Villanova Law School, October 27, 2017.

“‘Revolutionary Principles’: From the Late Scholastics to the Declaration of Independence,” presented at the Max Planck Institute für Rechtsgeschichte, Frankfurt, Germany, July 26, 2017.

Keynote address: “Christianity, Natural Law and the So-Called Liberal State,” presented at the Nootbaar Conference on Religious Perspectives on Law, Pepperdine University School of Law, March 9, 2017.

“Subjective and Objective Theories of Contract: From Savigny to Eisenberg,” presented at the Berkeley Conference in Honor of Melvin Aron Eisenberg, University of California at Berkeley, October 29, 2015.

“Summary and Critique” presented at the conclusion of the “International Symposium: Towards a Role for Price Justice in Contemporary Contract Law,” Università Cattolica del Sacro Cuore, Milan, Italy, June 6, 2014.

“Method in Medieval Law,” presented at the *Max Planck Institut für ausländisches und internationales Privatrecht*, Hamburg, Germany, July 11, 2012.

“Bartolus of Sassoferrato: His Achievement,” presented to the Society of Bartolus, New Orleans, May 11, 2012.

Keynote address: “Foundations of Private Law Revisited,” presented at the conference, *Foundations of Private Law*, Villanova Law School, March 23, 2012.

“A Comparative Look at Appellate Systems,” presented at the Florida Conference of District Court of Appeal Judges,” September 14, 2011.

“Projects of the Jurists. A Key to Legal History?” presented at Sciences-Po, Paris, May 31, 2011.

“Reclaiming one Nation’s Cultural Heritage in another Nation’s Courts,” presented at the conference *Defending Aphrodite: Enforcing International Cultural Property Law*, Siena, Italy, June 3, 2011.

“Extraterritorial Problems in a World Without Nations: What the Medieval Jurists Could Teach Us,” presented at the Tulane-Frankfurt Workshop on Extraterritoriality, Tulane Law School, November 13, 2009.

“*Ius Quaerens Intellectum*: The Method of the Medieval Civilians,” presented by proxy at the conference *From Casus to Regula*, University of Edinburgh, December 12, 2008.

“The Abuse of Rights in the Civil Law Tradition,” presented at the conference “Prohibition of Abuse of Law: A New Principle of EU Law?” Oxford Institute of European and Comparative Law,” October 3, 2008, and at the Yale Law School, October 28, 2008.

“Suárez and Natural Law,” presented at the conference “Francisco Suárez, Last Medieval or First Early Modern?” University of Western Ontario, September 13, 2008.

“Origins of the Roman Law of Sale,” presented at the Max Planck Institute for Comparative and International Private Law, Hamburg, Germany, July 24, 2008.

“*Ius civile* and Civil Codes: Lessons from the Romans,” presented as the Brendan Brown lecture, Loyola School of Law, New Orleans, April 17, 2008.

“The Liability of Public Authority in Tort: Is it Sui Generis?” presented at the conference *Law and Society in the 21<sup>st</sup> Century*, Humboldt University, Berlin, July 25, 2007.

- “The State’s Private Law and Legal Academia,” presented at the symposium “Beyond the State – Rethinking Private Law” sponsored by the Max Planck Institute for Comparative and International Private Law, Hamburg, Germany, July 13, 2007.
- “When is the Use of Foreign Law Possible? A Hard Case: The Protection of Privacy in Europe and the United States,” presented at the Louisiana State University Symposium on “Law Making in a Global World, January 25, 2007.
- “Takings,” presented at the Northwestern School of Law, January 18, 2007 at the Duke School of Law, January 20, 2007 and at the Tulane School of Law, January 22, 2007.
- “Llewellyn and Aristotle on the Force of Reason,” presented at a symposium for judges on “The Nature of the Judicial Function” sponsored by the Law and Economics Center of the School of Law, George Mason University, at Captiva, Florida, December 3, 2006.
- “Why the Rule of Law Matters: A Natural Law Perspective,” presented as “The 2006 Natural Law Lecture” at Fordham Law School, October 3, 2006.
- “Morality and Contract: The Problem of Paternalism,” presented at a conference on “Law and Morality” at the William and Mary School of Law, March 17, 2006.
- “The Moral Foundations of Contract law,” presented at the University of Pennsylvania School of Law at a program sponsored by the St. Thomas More Society, February 23, 2006.
- “The Premises of the Economic Analysis of Law,” presented at the *Institut für Recht und Ökonomik* of the University of Hamburg, Hamburg, Germany, December 15, 2005.
- “Necessity and Negligence,” presented at the *Max Planck Institut für ausländisches und internationales Privatrecht*, Hamburg, Germany, December 8, 2005; at the Ad Hoc Faculty Lecture Series at the University of Pennsylvania School of Law, February 28, 2006; at the Faculty Workshop of the Duke University Law School, April 8, 2006; and at the Notre Dame School of Law, October 5, 2006.
- “Sacrifice and the Common Good,” presented as a plenary address at the inaugural conference on “The Catholic Intellectual Tradition and the Good Society” of the Terrence J. Murphy Institute for Catholic Thought and Public Policy at the University of St. Thomas School of Law, April 8, 2005.
- “Christianity and Private Law,” presented at a conference on “Christian Ideas and Law,” San Francisco, January 8, 2005.

“Different Camouflage, Common Confusion,” presented at a conference on “National Legal Educational practices and Modes of Legal Reasoning,” Harvard Law School, December 10, 2004.

“Catholic Origins of Modern Private Law?” presented to the St. Thomas More Society of Orange County, February 17, 2004.

Keynote Address, “Forum. Catholic Perspectives on Corporate Governance: A Conversation,” sponsored by the John F. Hennig Institute and The Center for the Study of Fiduciary Capitalism at St. Mary’s College of California, December 6, 2002.

Lecture book review (*presentazione*) of *Introduction to Italian Law* edited by Ugo Mattei & Mauro Bussani at the University of Trent, July 5, 2002.

“Equity in Medieval Roman Law” presented at the conference “Equity in Jewish Law,” Harvard Law School, May 20, 2002.

“The Moral Foundations of Private Law” presented as “The 2002 Natural Law Lecture” for the Natural Law Institute at the University of Notre Dame, April 11, 2002. and at the University of Pennsylvania School of Law, April 8, 2002.

“A Catholic Approach to Contract Law?” presented at the conference “Self Evident Truths: Catholic Perspectives on Law,” Catholic University, March 4, 2001.

“The Protection of Personal Dignity in Early Modern Europe” presented to the Section on Comparative Law of the Annual Meeting of the Association of American Law Schools on January 5, 2001.

“Comparative Law and Legal Education,” presented at the “Centennial World Conference on Comparative Law,” sponsored by the International Academy of Comparative Law and the American Society of Comparative Law, Tulane University, November 3, 2000.

“The Universalist Tradition,” presented at the conference “Comparative Legal Studies: Traditions and Transitions A Conference at the Millenium,” Cambridge University, England, July 27, 2000.

“Why the Common Law Should Look More Like the Civil Law,” presented at Louisiana State University, March 30, 2000.

“Promises to Pay a Debt in Private Law,” presented at the Colloquium, “Under What Conditions is it Legitimate to Demand Payment of a Money Debt,” sponsored by the Observatoire de la Finance, Geneva, Switzerland, September 25, 1999.

“Legal Reasoning: Some Parallels in Common Law and Civil Law,” presented at the 27. Tagung für Rechtsvergleichung, sponsored by the Gesellschaft für Rechtsvergleichung, at the Albert-Ludwigs-Universität, Freiburg, Germany, September 23, 1999, and at the Civilian Society, Louisiana State University, March 30, 2000.

“Restitution without Enrichment? Changed Circumstances and *Wegfall der Bereicherung*,” presented at the conference “The Comparative Law of Unjustified Enrichment,” Cambridge University, England, April 8, 1999.

“Why Look Backward” presented to the Section on Comparative Law of the Annual Meeting of the Association of American Law Schools on January 9, 1999.

“Intra-marital Sex in Medieval Theology and Canon Law,” presented at Aquinas House, Dartmouth College, November 17, 1998.

“The Philosophical Foundations of Contract Law,” presented in the series Law and the Liberal Arts, at Dartmouth College, November 16, 1998.

“Economics and the Cardinal Virtues: The Ethics of Profit Seeking,” presented at the conference, “The Nature and Purpose of the Business Organization within Catholic Social Thought,” sponsored by the Center for Catholic Studies, University of St. Thomas, August 15, 1998, and at St. Mary's College of California in a series of lectures on business ethics sponsored by the John F. Henning Institute, January 19, 1999.

“Contract in Pre-commercial Societies,” presented at the Law and Society Association Annual Meeting, Aspen, Colorado, June 4, 1998.

“Codification and Legal Scholarship,” presented at the American Society of Comparative Law Annual Meeting and Symposium “Codification in the Twenty-First Century” at the School of Law of the University of

California at Davis, September 26, 1997, and at the Government Department, Dartmouth College, November 16, 1998.

“Is Comparative Law a Distinct Discipline?” presented at the conference, “Comparative Law in the United States: Quo vadis?” Second Meeting at the Hastings College of Law, September 24, 1997, and, under the title “The Aims of Comparative Law,” at the Legal Theory Workshop, McGill University, Montreal, Canada, October 23, 1998, and at the Vermont Law School, November 17, 1998.

“Contracting in Good Faith: The Problem of Profit Maximization,” presented at the Second International Symposium on Catholic Social Thought and Management Education, Antwerp, Belgium, July 28, 1997.

“An Aristotelian Theory of Tort Law,” presented at the Legal Theory Workshop, Columbia Law School, April 14, 1997.

“Labor and Commutative Justice,” presented at the conference, “Labor, Solidarity and the Common Good,” inaugurating the John F. Henning Institute, Saint Mary's College of California, January 18, 1997.

“Mapping Private Law,” Introductory address to the Plenary Session, Second General Meeting for the project, The Common Core of European Private Law, Trento, Italy, July 11, 1996.

“L'influenza della seconda scolastica sul diritto privato,” presented at the University of Valladolid, Spain, May 27, 1996, and at the University of Burgos, Spain, May 28, 1996.

“Contract and Delict: Toward a Unified Theory of Liability,” presented as the Second W.A. Wilson Lecture at the University of Edinburgh, Scotland, May 8, 1996; at the Vrije Universiteit, Amsterdam, The Netherlands, May 10, 1996; at the University of Palermo, Italy, April 3, 1996; at the Chicago Kent College of Law, October 23, 1996; at the School of Law of the University of California at Berkeley, October 29, 1996.

“The Unidroit Principles Viewed from an American Perspective,” presented at the University of Rome (La Sapienza), Italy, April 29, 1996, sponsored by the International Institute for the Unification of Private Law.

“Contract Formation and Precontractual Negotiations,” presented at the University Institute of European Studies, Turin, Italy, April 18 - 19, 1996.



- “Theories of Obligation and the *Ius Commune*,” presented at the 14th Course of the International School of Ius Commune, Ettore Majorana Centre for Scientific Culture, Erice, Italy, March 29 - 30, 1996.
- “La giurisprudenza americana: il suo ruolo come una fonte di diritto e la base d'istruzione,” presented at the University of Florence, Italy, March 11, 1996.
- “Common law e civil law a confronto,” presented at the Università Commerciale Luigi Bocconi, Milan, Italy, November 28, 1995; English version presented at the University of Milan, Italy, November 28, 1995; at the University of Florence, March 1, 1996.
- “Contract, Property, and the Will: The Civil Law and Common Law Traditions,” presented at the conference, “The State and Freedom of Contract: Studies of the Legal System and Economic Liberty” at the Center for the History of Freedom, Washington University, St. Louis, Missouri, October 13, 1995.
- “Enforcing Promises: Are the Civil Law and the Common Law Based on the Same Principles?” presented at the University of Passau, Germany, July 25, 1995; at the University of Milan, Italy, February 15, 1996; at the University of Tübingen, Germany, June 18, 1996.
- “Comparative Legal Research: Its Function in the Development of Harmonized Laws,” presented at the Jubilee Symposium celebrating the 400th anniversary of the University of Uppsala, Uppsala, Sweden, March 24, 1995; at the University of Fribourg, Switzerland, May 21, 1995; at the conference “Back to the Roots European Legal History as a Perspective?” sponsored by the European Law Students Association, University of Regensburg, Germany, June 24, 1995; at the University of Milan, Italy, February 8, 1996; at the University of Regensburg, Germany, June 29, 1996.
- “La comparazione giuridica alle soglie del terzo millennio,” presented at the University of Turin, Italy, on November 21, 1994.
- “The Protection of Possession,” presented at Hastings College of the Law, October 7, 1994, and at the University of California at Berkeley, October 17, 1994.
- “Sex and a Single Jurist: The Marriage Debt according to Huguccio and the Decretists,” presented at a conference on the topic “Medieval Margins” at the University of Oregon, April 9, 1994.
- “American Law and Natural Law: What the American Common Law Owes to the Natural Law Tradition,” presented in Tucson, March 2, 1994.





- “Myths of the French Civil Code,” presented at the Legal Theory Workshop, McGill University, Montreal, Canada, September 24, 1993.
- “Common Law v. Civil Law: A Vanishing Distinction,” presented at the University of Regensburg, Germany, July 22, 1992.
- “Profili della disciplina dei fondi pensione nel diritto americano” prepared for the Centro di Ricerche Assicurative e Previdenziali of the Università Commerciale Luigi Bocconi, and presented to the Sezione Tecnica: Vita of the Associazione Nazionale fra le Imprese di Assicurazione, Milan, Italy, June 17, 1992.
- “Force Majeure and Frustration of Purpose in the Law of International Trade,” presented at the University Institute of European Studies, Turin, Italy, June 1, 1992.
- “Che cosa un giurista del common law può imparare dalla civil law,” presented at the Scuola Superiore S. Anna, Pisa, Italy, March 23, 1992.
- “La teoria della persona giuridica negli Stati Uniti,” presented at the University of Rome (La Sapienza), Italy, January 18, 1992.
- “L'abuso della contraparte nel diritto dei contratti negli Stati Uniti,” presented at the University of Rome (La Sapienza), Italy, January 20, 1992.
- “Mere Brilliance: The Recruitment of Law Professors in the United States,” presented at the Conference on the topic “Selecting Minds” at the University of Trento, Italy, November 4, 1991.
- “The Cultural Case of Unearned Income: An Economic Model Based on Aristotelian Ideas of Akrasia and Distributive Justice” (with Robert Cooter), presented at the Liberty Fund Symposium on the topic “The Morality of Profits,” Montreal, Canada, December 1-3, 1990.
- “Models for the Study of the Interaction of Philosophy and Law,” presented at the Colloquium on Legal History of the Robbins Canon and Civil Law Collection on the topic “Sources and Methods in Legal History” at the School of Law, University of California at Berkeley, April 14, 1990.
- “Riflessioni sulla morte del contratto,” presented at the University of Rome, Italy, April 15, 1989.
- “Quattro errori nel diritto costituzionale americano,” presented at the University of Trento, Italy, March 13, 1989.



“Il mito del codice civile francese,” presented at the University of Milan, Italy, in March 1989.

“Origini della dottrina moderna dei contratti,” presented at the University of Pisa, Italy, in February, 1989.

“‘Case law’ nell’università americana,” presented at the University of Florence, Italy, in February, 1989.

“Gli interessi dei gruppi in processo civile americano,” presented at the University of Siena, Italy, in April, 1986.

“The Origins of Modern Contract Doctrine,” presented at the University of Trento, Italy, in April, 1986.

“Why I Find It Impossible to Understand American Constitutional Law,” presented at the University of Florence, Italy, in March, 1986.

“Law and Religion: An Imaginary Conversation with a Medieval Jurist,” presented at the University of California at Berkeley in November, 1985, and at the Conference on Law and Religion at the University of Loyola School of Law in February, 1985.

“Contract Theory in the Sixteenth Century,” presented at the Legal Theory Workshop of the University of Toronto, Canada, in April, 1985.

“Fact, Value and the University,” presented in San Francisco, in February, 1985.

“The Natural Law Influence on the Development of the Common Law of Contract,” presented at the first Conference of the Working Group on the History of Contract Law of the Forschungsprojekt für kontinentaleuropäische und anglo-amerikanische Rechtsgeschichte in March, 1984.

“A Theory of Contract,” presented at the Legal Theory Workshop of the Yale Law School in February, 1984; at the Legal Theory Workshop of Columbia Law School in December, 1983; at the Max Planck Institut für ausländisches und internationales Privatrecht, Hamburg, Germany, in July, 1983; at the University of Regensburg, Germany, in July, 1983; at the University of Salzburg, Austria, in August, 1983.

“The Meaning of ‘Defect’ in the American Law of Products Liability,” presented to the Deutsch-Amerikanische Juristen-Vereinigung, July 17, 1980; to the International Association of Boalt Hall Alumni, June 14, 1980.

“Preisbestimmung und Inhaltskontrolle im amerikanischen Vertragsrecht,” presented at the University of Tübingen, Germany, June 26, 1980.

“The Role of Precedent: Parallels in Anglo-American and Continental Theories,” presented at the University of Cologne, Germany, June 5, 1980.

“Aristotle, the 14th Century Lawyers, and the Problem of Consent,” presented to the Medieval Association of the Pacific, San Francisco, in February, 1979.

“A Medieval View of Law: Bartolus of Sassoferrato,” presented at the Conference on the Rule of Law in Society held at St. Louis University in April, 1977.

“American Approaches to Contracts Based on Mistaken Assumptions,” presented at the Second Conference of Polish and American Jurists, Lancut, Poland in May, 1974.

**Other participation at conferences:**

Commentator on I.A. Khan Nyazee, Shariah Bill of Rights for the New Millenium, Yale-Max Planck Institute Conference on Global Private Law, June 22, 2004, Max Planck Institut für Vergleichendes und Internationales Privatrecht, Hamburg, Germany.

Respondent at the presentation of James Gordley, *The Eclipse of Classical Thought in China and the West*, by Antonio Padoa-Schioppa to the Istituto Lombardo Accademia di Scienze e Lettere, Milan, Italy, Oct. 15, 2024.

Commentator, Panel on Comparative Contract Law; Moderator, Panel on Comparative Contract Law, 5th Annual Conference of the Committee of Younger Comparativists, March 19, Tulane Law School.

Chair, Plenary Session of the Plenary Session for the project, “The Common Core of European Private Law,” 1<sup>st</sup> and 3<sup>rd</sup> General Meetings, Trento Italy, 1995, 1997, Chair, Working Group on Contract Law, 4<sup>th</sup> – 8<sup>th</sup> General Meetings. Trento, Italy, 1198-2002, 11<sup>th</sup> and 14<sup>th</sup>- 17<sup>th</sup> General Meetings, Torino, Italy, 2005, 2007-2012.

Commentator, Panel on “Emerging issues in Canon Law,” Conference of the American Society for Legal History, Tempe, Arizona, October 27, 2007.

Participant, Conference on “Collective Decision Making/Collective Responsibility” sponsored by the Institute for Law and Philosophy and the Institute for Law and Economics at the University of Pennsylvania, March 3-4, 2006.

Commentator on Seana Shiffrin, "The Divergence of Promise and Contract," presented at the Kadish Center for Morality, Law and Public Affairs, University of California at Berkeley, April 13, 2005.

Panelist, Conference on "Virtue and Individuality in the Aristotelian and Confucian Traditions," sponsored by the Liberty Fund and held at Dartmouth College, April 19-21, 2001.

Chair, Panel on Law and Politics in Early Modern France, 29th Annual Meeting of the American Society for Legal History, Toronto, Canada, October 22, 1999.

Chair, Panel on Roman Law, Canon Law and Common Law, at the conference "The Spirit of the Laws," sponsored by the Robbins Collection, University of California at Berkeley, October 16, 1999.

Participant, Conference on "Catholic Thought in the Academy: Engaging the Disciplines," John F. Henning Institute, Saint Mary's College of California, March 12-13, 1999.

Co-organizer, Faculty Workshop on Transnational Law, University of California at Berkeley, Fall, 1998.

Respondent to Robert Kennedy, "The Virtue of Solidarity and the Purpose of the Firm," and to Michael Ambrosio and William Toth, "A Natural Law Perspective on Corporate Governance," at the conference, "The Nature and Purpose of the Business Organization within Catholic Social Thought," sponsored by the Center for Catholic Studies, University of St. Thomas, August 13 and 15, 1998.

Chair/discussant, session on "Comparative Law: Emerging Perspectives"; Chair, session on "Contracts in Pre-Commercial Societies and in Immigrant Communities," the Law and Society Association Annual Meeting, Aspen, Colorado, June 4, 1998.

Respondent to William Bassett, "The Catholic Intellectual Tradition in Law," at the Symposium, "The Catholic Intellectual Tradition," University of San Francisco, May 2, 1998.

Participant, Conference on "In Work, Leisure, and Worship: The Person in Catholic Social Thought," at the John F. Henning Institute, St. Mary's College of California, February 20-21, 1998.

Commentator at the Symposium, "Good Faith in European Contract Law," Regensburg, Germany, July 14-15, 1997.

Discussant, Conference on "Private Law Theory," at the Harvard Law School, March 10, 1997.

Discussant, Conference on “Comparative Law in the United States: Quo vadis?” at the University of Michigan, September 21, 1996.

Panelist on the topic “Rivelazioni contrattuali,” at the University of Trento, Italy, February 16, 1996.

Panelist on the topic “Clausole abusive” at the Associazione nazionale fra le imprese assicuratrici, Milan, Italy, February 8, 1996.

Panelist on Julius Kirshner's book, *A Grammar of Signs. Bartolo da Sassoferrato's Tract on Insignia and Coats of Arms*, at the University of Trento, Italy, February 1, 1996.

Panelist on the topic, “La direttiva della Comunità Europea sulle clausole abusive ed il contratto di assicurazione” at the Centro di ricerche assicurative e previdenziali of the Università Commerciale Luigi Bocconi, Milan, Italy, November 24, 1994.

Advisor at the conference of the International Institute for the Unification of Private Law, New Orleans, February 3, 1994.

Panelist on the topic, “The Existence of God,” at the University of Santa Cruz in January, 1987.