

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES, *et al.*,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

No. 1:23-cv-00108-LMB-JFA

**DECLARATION OF PROFESSOR JOHN G.H. HUDSON IN SUPPORT OF
GOOGLE'S MOTION TO STRIKE UNITED STATES' JURY TRIAL DEMAND**

I, John Geoffrey Henry Hudson, hereby declare as follows:

CREDENTIALS

1. I am the Bishop Wardlaw Professor of Legal History in the School of History and Director of the Institute of Legal and Constitutional Research at the University of St Andrews in St Andrews, Scotland, and the L. Bates Lea Global Professor of Law at the University of Michigan. A true and correct copy of my current curriculum vitae is attached to this Declaration as Exhibit A.

2. My area of academic expertise is generally English and continental legal history. Within that broad field, I focus particularly on the legal history of ninth to thirteenth-century England and France. I further specialize in historical writing, late nineteenth-century study of medieval England, and the relationship between legal history and legal practice. I have worked on aspects of both historical and contemporary use of jury trial. (*e.g.*, <https://ilcr.wp.st-andrews.ac.uk/news/>)

3. My scholarly works include the *Oxford History of the Laws of England* (2012), *The Formation of the English Common Law* (1996/2017) and *Land, Law, and Lordship in Anglo-Norman England* (1994). I am also co-editor of Patrick Wormald's *Papers*

Preparatory to the Making of English Law: King Alfred to the Twelfth Century, Volume II: From God's Law to Common Law (University of London: Early English Laws, 2014), *Law and Government in Medieval England and Normandy: Essays in Honour of J.C. Holt* (Cambridge University Press, 1994), *Diverging Paths? The Shapes of Power and Institutions in Medieval Christendom and Islam* (Brill, 2014), a third edition of Sir James Holt's *Magna Carta* (Cambridge University Press, 2015), and "*The Making of Europe*": *Essays in Honour of Robert Bartlett* (Brill, 2016). I also edited and contributed to a volume of the Proceedings of the British Academy on *The History of English Law Before the Time of Edward I: Essays Commemorating the Centenary of the Publication of "Pollock and Maitland"* (1996), and in 2006 gave the Selden Society Lecture to mark the centenary of Maitland's death, which was published in 2009 as *F. W. Maitland and the Englishness of English Law*.

4. Among other activities, I have given a plenary lecture to the British Legal History Conference entitled "Maitland and Austin: Legal History and Legal Theory in Nineteenth-Century England" (2013), the lecture inaugurating the Harvard Law School European Legal History Series (2017), and the Fulton Lecture in Legal History at the University of Chicago Law School in 2018 on "F. W. Maitland, Common Law, and Civil Law." In 2023 I gave the Carlyle Lectures at the University of Oxford on "Custom, Common Law, and Civil Law."

5. I have been elected to the Royal Society of Edinburgh, the British Academy, and the Academia Europaea.

6. For this investigation, I have worked in collaboration with my Post-doctoral Fellow, Dr. Andrew Cecchinato. He has written a book on law in the thought of Thomas Jefferson [L'EDUCAZIONE GIURIDICA DI THOMAS JEFFERSON (2021)] and is an expert on Sir William Blackstone and his *Commentaries* (e.g., Cecchinato, *The nature*

of custom: legal science and comparative legal history in Blackstone's Commentaries (2021)).

ASSIGNMENT AND SUMMARY OF OPINION

7. I have been asked by counsel for Google in this matter to address the following question: At the time of the ratification of the Seventh Amendment to the United States Constitution (1791), if the British Crown were to bring an action for damages against a private person, including a corporation, would that action customarily be heard at law with a trial by jury, or would it instead be heard in equity without a jury?

8. As courts and treatises alike have recognized, “Classifying which actions belong to law and which to equity for the purpose of defining the jury trial right continues to be one of the most perplexing questions of trial administration.” Charles Alan Wright & Arthur R. Miller, 9 Fed. Prac. & Proc. § 2302 (4th ed. 2023); see also *Ross v. Bernhard*, 396 U.S. 531, 538 n.10 (1970) (noting the “extensive and possibly abstruse historical inquiry”). For this question, there are limitations in the historical sources, including the restricted number of Reports from the Court of Exchequer in the eighteenth century (JAMES OLDHAM, ed., CASE NOTES OF SIR SOULDEN LAWRENCE 1787-1800 xvi-xvii (Selden Society 128, 2013); W.H. BRYSON, THE EQUITY SIDE OF THE EXCHEQUER 200 (1975)), and the focus of the existing Reports on pleading, decisions regarding issues of law, and review of trial outcomes, (JOHN H. LANGBEIN, THE ORIGINS OF ADVERSARY TRIAL 7 (2005)). Nonetheless, the review of these sources should allow for some conclusions about “appropriate analogies,” *Tull v. United States*, 481 U.S. 412, 420 (1987), that illustrate the likely common practice of the era, (Patrick Devlin, *Jury Trial of Complex Cases: English Practice at the Time of the Seventh Amendment*, 80 COLUMBIA L. REV. 76-80 (1980)).

CROWN VERSUS SUBJECT DAMAGES SUITS

9. The leading source to determine the customary practices of the English courts in the eighteenth century is the authoritative eighteenth-century treatise on English law published less than two decades before the ratification of the Seventh Amendment—William Blackstone’s *Commentaries on the Laws of England*.

10. I understand that U.S. courts frequently rely on Blackstone when deciding Seventh Amendment issues. *E.g.*, *Jarkesy v. Securities & Exchange Com’n*, 34 F.4th 446, 453 (5th Cir. 2022); *Full Spectrum Software, Inc. v. Forte Automotive Sys., Inc.*, 858 F.3d 666, 676 (1st Cir. 2017); *U.S. v. Stanfill El*, 714 F.3d 1150, 1154-55 (2d Cir. 2013); *Johansen v. Combustion Engineering, Inc.*, 170 F.3d 1320, 1330 (11th Cir. 1999); *Goar v. Compania Peruna de Vapores*, 688 F.2d 417, 425-26 (5th Cir. 1982); *Ruggiero v. Compania Peruna de Vapores Inca Capac Yupanqui*, 639 F.2d 872, 880 n.10 (2d Cir. 1981); *U.S. v. One 1976 Mercedes Benz 280S*, 618 F.2d 453, 468-69 (7th Cir. 1980).

11. Blackstone addresses injuries affecting the Crown in Book III, chapter 17 of his *Commentaries*. There he gives a summary account of the procedure followed to obtain “satisfaction in damages for any personal wrong” against the monarch. (*Commentaries*, Book III, chapter 17, par. 261). Actions could include a “suit for recovering money or other chattels” for wrongs done to the Crown. (*Id.*) They could also concern “intrusion and debt”: an intrusion concerned “trespass committed on the lands of the crown” and a debt suit concerned “any contract for monies due to the king, or for any forfeiture due to the crown upon breach of a penal statute” (*Commentaries*, Book III, chapter 17, par. 261).

12. The procedure for the Crown to seek redress was denominated an “information.” According to Blackstone, “An *information* on behalf of the crown, filed in the exchequer by the king’s attorney general, is a method of suit for recovering money or other chattels, or for obtaining satisfaction in damages for any personal wrong committed in the

lands or other possessions of the crown.” (*Commentaries*, Book III, chapter 17, par. 261). Such a procedure was “instituted to redress a private wrong, by which the property of the crown is affected” (*Commentaries*, Book III, chapter 17, par. 261).

13. In the eighteenth century, the Court of the Exchequer, where Blackstone makes clear an “information” would be filed, had both an equity side where a judge would conduct trials and a common law side where jury trials were available. (D.B. FOWLER, *THE PRACTICE OF THE COURT OF EXCHEQUER UPON PROCEEDINGS IN EQUITY, IN TWO VOLUMES* (1795); cf. *Com. v. ONE (I) 1984 Z-28 CAMARO COUPE*, 530 Pa. 523 (1992) (referring to the Exchequer as a Common Law Court); BYRSON, *supra* (for the earlier history of the court).

14. The most significant source of reported cases from the Court of Exchequer in the 1790s is *Anstruther's Reports*. (A. ANSTRUTHER, *REPORTS OF CASES ARGUED AND DETERMINED IN THE COURT OF EXCHEQUER* (2nd ed., 1817)). Those reports offer no indication that cases brought by the Crown against a private individual for damages would customarily have gone to a jury. This reflects both the lack of such cases in the reported materials as well as the significant range of activities of the equity side of the Court of Exchequer, which is confirmed by the standard historical literature about that court. (FOWLER, *supra*; BRYSON, *supra*).

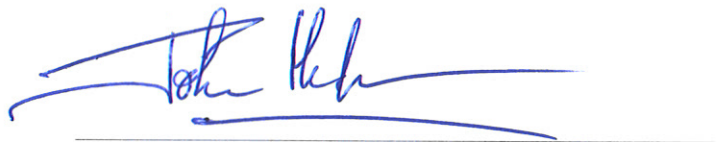
15. Further there is evidence that complex cases for damages would have been tried by a single judge rather than a jury, as has been shown by the renowned English high court judge and legal scholar Lord Devlin. (Devlin, *supra*; see also Douglas King, *Complex Civil Litigation and the Seventh Amendment Right to a Jury Trial*, 51 U. CHICAGO L. REV., 581-614 (1984)). Such complex cases provide the closest analogue to the present case of a complex antitrust suit brought by the government against a private corporation.

CONCLUSION

16. Given the weight of this evidence—including the lack of mentions of jury trial in suits by the Crown for damages in the Reports, the significant equity jurisdiction of the Court of Exchequer and the use of non-jury trials in complex cases—there is good reason to conclude that claims brought by the Crown for damages against a subject in a complex case in the eighteenth century would have been heard by a judge and not by a jury.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 15th day of May, 2024.

A handwritten signature in blue ink, appearing to read "John G. H. Hudson", is written over a horizontal line. The signature is stylized and cursive.

John G. H. Hudson

Exhibit A

CURRICULUM VITAE

(last updated: 15 v 2024)

NAME: HUDSON, John Geoffrey Henry

AGE: 62 DATE OF BIRTH: 7 May 1962

NATIONALITY: British

ADDRESS: Department of Mediaeval History, 71 South St.,
St. Andrews, Fife, KY16 9QW. (01334) (46)2888
jghh@st-andrews.ac.uk

CAREER:

Undergraduate: Worcester College, Oxford. 1980-83

Graduate: University of Toronto, 1983-4: M.A. in Mediaeval Studies.

Worcester College, Oxford, 1984-8.

D.Phil. 1988: Thesis: 'Legal Aspects of Seigneurial Control
of Land in the Century after the Norman Conquest.'

APPOINTMENTS:

Research Fellow, Institute of Historical Research, University of London, 1987-8

Junior Research Fellow, Worcester College, Oxford, 1987-8

Lecturer in Mediaeval History, University of St. Andrews, 1988-1997

Reader in Mediaeval History, University of St Andrews, 1997-2003

Professor of Legal History, University of St Andrews, 2003-2017

William W. Cook Global Law Professor, University of Michigan Law School, 2012-20

Bishop Wardlaw Professor of Legal History, University of St Andrews, 2017-

L. Bates Lea Global Professor of Law, University of Michigan Law School, 2020-

Fellow of the Royal Historical Society

Fellow of the Royal Society of Edinburgh (elected 2014)

Fellow of the British Academy (elected 2016)

Member of the Academia Europaea (elected 2019)

Lansdowne Memorial Lecturer in Medieval Studies, University of Victoria, British Columbia (Feb. 1997)

Visiting Professor, University of Michigan Law School, Ann Arbor (2010-11)

Carlyle Lecturer, Oxford (Hilary term, 2023)

Guest Professor, Law Faculty, University of Vienna (Dec. 2023)

EXTERNAL FUNDING - INDIVIDUAL

Semester's leave under British Academy Research Leave Scheme, Martinmas semester, 1997.

British Academy Neil Ker Memorial Fund: £555 grant, 1997
£800 grant, 2000

Rubric Translation award: £800 grant, 1999

British Academy Research Readership 2004-6

AHRC Research Leave Scheme, 2009

EXTERNAL FUNDING - PROJECT

ERC Advanced Grant 2017: 2.1 million Euros for project on 'Civil Law, Common Law, Customary Law'

EXTERNAL FUNDING - COLLABORATIVE PROJECTS

Project leader, British Council / Ministerio de Educación y Cultura
'Acciones Integradas' programme, 1999-2001: 'Political discourses: a comparative study of ideologies of legitimation.'

- collaboration with historians at CSIC, Madrid
- £7800 grant for staff exchanges.

Project leader, European Science Foundation 'Exploratory Workshop' programme, 2002:
'Power and authority: comparative analyses of history, law and legitimation'

- collaborations with historians at Paris, Budapest, Madrid, Dublin, Glasgow, Warsaw, Vilnius.
- 12,000 Euro grant for workshop in Madrid, Sept. 2002

Joint co-ordinator, Acciones Complementarias, Ministerio de Educación y Ciencia (Spain)
2009-11: Processos de institucionalización: un estudio comparado entre Oriente y Occidente en la Edad Media

- collaboration with historians at CSIC Madrid, London, Glasgow, Lisbon, Rome, Birmingham, Paris.
- 40,000 Euro grant.

Research Lead, Marie Curie ITN, 2012-2016: 'Power and Institutions in Medieval Islam and Christendom'

- 3.3 million Euro grant

AHRC Cultural Engagement, 2016: 'Talking Law'

- £25,000 grant

Scottish Funding Council, 2021: 'Mapping Medieval Legal Culture'

- £25,134 grant

Marie Curie Global Fellowship for Dr Andrew Cecchinato, 2021-4

- £200,000 grant

TEACHING

Oxford, 1988: Christ Church, Worcester, and Jesus Colleges

University of St Andrews, 1988-.

Lectures: British History 5th-15th centuries. European History 6th-13th centuries.

Honours Options:

'Courtroom Dramas: Law, Literature, and Lordship'

Supervisor of Honours dissertations in Mediaeval

M. Litt. in Mediaeval History core course: 'Sources and Source criticism'

M. Litt. in Legal and Constitutional Studies: 'Approaches to Legal History';
'Comparative Studies in Legal History'; 'The Idea of Law' (core course);
'Comparative Studies in Legal and Constitutional Research' (core course)

M.Litt. in Mediaeval Studies

University of Michigan Law School (March/April 2010-2012, 2014, 2016-)

University of Vienna, Law Faculty (Dec. 2023)

Fellow of the Institute of Learning and Teaching, now Higher Education Academy

Nominee for University of St Andrews Students's Association Teaching Award: 2011 (ug), 2016 (pg), 2024 (Mentorship)

Winner University of St Andrews Students's Association Teaching Award: 2017 (dissertation/project supervisor)

Post-graduate students supervised:

(i) dissertations for 1-year courses (since 2014):

Ethan Birney: Hugh the Chanter and the Primacy (MLitt, 2014)

Meghan Woolley: Anger in the Becket dispute (MLitt, 2014)

Rebecca Searby: The Jews in the Plea Rolls to 1250 (MLitt, 2015)

Maria Merino Jaso: Verse in Henry of Huntingdon (MLitt, 2015)

Ian Moret: Maintenance and receiving in England in the Thirteenth Century (MLitt, 2015)

Jessie Bonafede: Authority and violence in the earliest Kentish laws (MLitt, 2015)

Josephine Amos: Mutilation in twelfth-century England (MLitt, 2017)

Maya Metzger: Fairies in the Middle Ages (MLitt, 2017)

John Chan: University regulations, legal pluralism, and the rule of law (MLitt, 2017)

Richard Nicholl: "From bias free of every kind": utilitarianism and the English trial jury, 1808-1914 (MLitt, 2018)

Abigail Hartman: In death a victor: Songs on the rebel Simon de Montfort in the thirteenth and fourteenth centuries (MLitt, 2018)

Meagan Clark: An analysis of herbal medicine in Hildegard von Bingen's *Plants* (MLitt, 2018)

Callum Jamieson: Papal judges-delegate and the diocese of Lincoln, c.1159 - c.1199 (MLitt, 2018)

Corranne Wheeler: A mirror of princes: a comparative study of kingship between Henry II of England and Fulk of Jerusalem (MLitt, 2018)

Harriet O'Connor-James: An Examination of medieval graffiti, with particular reference to the identity, motivation, choice of venue and images used by the artists (MLitt, 2018)

Joshua Phillips: *Voluntatem vero propriam ita facere prohibemur*: St Anselm's concepts of obedience and authority within the Bec Letters, 1063-1093 (MLitt, 2019)

Julia Rohn: The progression of West-Saxon vs. Kentish diplomatics in Anglo-Saxon charters (MLitt, 2019)

Alasdair Wilde: Free Samples?: An investigation of U.S. Copyright Legislation through an analysis of music sampling. (MLitt, 2019)

Paolo Celeridad: *Marbury v. Madison* and *R (Miller) v. The Prime Minister*: An Attempt at Comparative Constitutional Rhetoric (MLitt, 2020)

John Priddy: The Canary in the Coal Mine: The Right to Counsel and Public Defense in American Law (MLitt, 2020)

Scarlett Swain: To What Extent did the Principle of Judicial Independence Play a Part in the Transition From the House of Lords to the Creation of the UK Supreme Court? (MLitt, 2020)

David Ponwitz: Violence, Honour and Law in the “Feud” of Sihar and the Saga of Þorgils and Hafliði (MLitt, 2020)

Cheng Zhu: “The Last Constitutional Fight”: What can the Prohibition on Face Covering Regulation Tell Us About Legal Resistance of the High Court of Hong Kong During the 2019-2020 Protest? (MLitt, 2020)

Jonathan Carey: How do Marxist Theories of Law advance Understanding of the Rule of Law, considering Current Government Policy (MLitt, 2021)

Alix de Broons: Defining Kingship in Times of Trial, Scotland c. 1286-1329 (MLitt, 2021)

Kathrin Nickel: Gendered Space, Property, and Women’s Clubs: The Contrasting Managerial and Financial Structures Facilitating Property Transactions for the Purposes of Housing Female Establishments in London, c. 1883-1934 (MLitt, 2021)

Anna Brainin: Anatomy of a Leading Case: The Great Gleaning Case of 1788, its Judicial Reasoning, and its Jurisprudential Meaning (MLitt, 2022)

Poppy Kershaw: “An atmosphere of trust” – Conscience, Chancery, and the Moral Personality of English Jurisprudence in F.W. Maitland (MLitt, 2022)

Julia Horn: The use of *ius commune* sources in *Bracton*, *Britton*, and *Fleta* (MLitt, 2023)

Lauren Parker: Queenly Anger in the twelfth and thirteenth centuries (MRes, 2023-4)

Eliza Hobbs: Orphans and fostering in late medieval Italy (MLitt, 2024)

Flora MacKechnie: Property and Social Control in the Early Common Law (MLitt, 2024)

Cooper Smith: Peremptory Challenges to Jurors (MLitt, 2024)

(iii) doctorates

Nicola J. Castles: The Transmission of Classical and Patristic Texts in late Anglo-Saxon and early Norman England, (Ph.D., 1994) [jointly with D.A. Bullough and A. Gratwick]

Julie Kerr: Perceptions and Practices of Benedictine Hospitality in England (Ph.D., 2000)

April Harper, Representations of adultery in Old French Literature (Ph. D., 2003)

Amanda Martinson, Ecclesiastical Patronage of Henry II (Ph.D., 2007)

Elizabeth Thomas, Royal marriages in twelfth and thirteenth century England (Ph.D., 2009)

Linsey Hunter, Lordship and land-holding between the Humber and the Forth (Ph.D., 2011)

Kate Hammond, Politics and family relations in eleventh and twelfth twelfth-century Normandy (Ph.D., 2013)

Matthew McHaffie, Lordship, law, and violence in Anjou, c. 950-1150 (Ph.D., 2013)

Eilidh Harris, Representations of Sanctity in twelfth-century English Hagiography (PhD 2014)

Michael French, Churchmen and reform in England c. 1100 (PhD 2015)

Jane Edwards, The writing of short histories in twelfth-century England (PhD 2015)

Will Eves, The Assize Mort d'Ancestor (PhD 2016)

Maxine Esser, John of Salisbury and law (PhD, 2017)

Lydia Hayes, Images of women in Romance (PhD, 2017)

Joshua Hey, Political oaths in England, c. 871-1272 (PhD, 2017)

Sarah White, Litigation and legal argument in English ecclesiastical courts in the thirteenth century (PhD, 2017)

Cory Hitt, Codes of honour and law in mediaeval French and Icelandic literature (PhD, 2018)

Ethan Birney, East Anglian monasteries in Stephen's reign (PhD, 2019)

Ingrid Ivarsen, Grammar and Structure of Anglo-Saxon laws (PhD, 2020) [jointly with Prof. C. Humfress]

David De Concilio, *Via Brocardica*: The Development of Brocards and the Western European Legal Tradition (c. 1160-c. 1215) (PhD, 2022; co-tutelle with Roma Tre)

Dan Armstrong, Anglo-Papal Relations, c. 1066-c. 1135 (PhD, 2022)

Dominika Brzezinska, Aspects of illegitimacy in the Middle Ages (PhD, 2022)

Calum Jamieson, England and the Papacy 1170-1220 (PhD, 2023) [jointly with Dr S Marritt, Univ. of Glasgow]

Kim-Thao Le, Crime and Reputation in Thirteenth-Century England, (in progress; co-tutelle with Paris Nanterre)

Cinnamon Ducasse, Ecclesiastical Property in Roman Law and *Ius Commune* (in progress) [jointly with Prof. C. Humfress]

Lili Scott Lintott, Royal Grief in England 1066-1307 (in progress) [jointly with Prof. M. Strickland, Univ. of Glasgow]

Poppy Kershaw, F.W. Maitland and late Victorian learning (in progress)

Alex Lombardo, Carolingian and Anglo-Saxon Legislation (in progress)

(iv) others (since 2014):

Ole-Albert Rønning (Univ. of Oslo, M.A., 2016 – external supervisor): Aristocratic political refugees in 12th-century Scandinavia.

David Moen (Univ. of Oslo, M.A., 2017 – external supervisor): Chroniclers and the 1173 rebellion against Henry II

Yaoling Dai (PhD student, Capital Normal University, Beijing, China, 2018-19 – visiting student): Sheriffs and the development of the Common Law.

Rebeka Laucikova (PhD student, Charles University, Prague – visiting student): Outlawry in English law c. 870-1220.

Meghan Woolley (PhD student, Duke University, 2019-21): The Role of Emotions in Shaping English Law, c. 1114-1272.

ADMINISTRATION:

(a) St Andrews (Selected - since 2010)

Mediaeval History M. Litt. co-ordinator (2007-9, 2014-17)

Legal and Constitutional Studies MLitt. co-ordinator (2019-2023)

Convenor, ME1003 (2023-)

Director of Teaching, School of History (1998-2001)

Director of Research (2010-11)

Head of School of History (2001-4, 2011-14)

Co-director, Centre for Mediaeval and Early Modern Law and Literature (2011-16)

Founder and Director, Institute for Legal and Constitutional Research (2015-19, 2022-)

Deputy Director, Institute for Legal and Constitutional Research (2020-22)

Organiser Mediaeval Studies Research Seminar; Dark Age Studies committee;
Interdisciplinary Research Seminar committee.

600th Anniversary Committee (2010-11)

Promotions Panel (2011-16)

Professorial salary review panel (2012)

Senate Supervisory Board for Rectorial Election (2014)

Research Excellence Board (2018-19)

(b) National

Academic assessor for History, SHEFC Assessment of the Quality of Teaching and Learning 1995-6 programme

Academic Reviewer, QAA trials, 1999

(c) Learned Societies

European vice-President, Haskins Society (1997-2002)

Selden Society Council (1998-)

Selden Society Doctoral Scholarship committee (2013-)

Selden Society Yale Prize committee (2020-)

Royal Society of Edinburgh, Sectional Committee (2014-16)

Royal Society of Edinburgh, Young Academy application reviewer (2014-)

Royal Society of Edinburgh, Nominations Group (2020-)

British Academy Stenton fund committee (2018-), vice-Chair (2021-)

British Academy Medieval Studies Section Committee (2024-)

MEDIA (selected)

1999-2000: Historical Consultant for BBC 'A History of Britain': programme on Henry II

2001: BBC Radio interview: Magna Carta and the UK Independence Party

2002: Consultant, ITV, 'Adventures of English'.

2003: BBC Radio 4 'Making History' interview: 'The after-life of King Harold II'

BBC Radio 4 'Making History' interview: 'The hundred rolls and the Black Book of the Exchequer'

2004: BBC Radio 4 'The Norman Way'

2004: Consultant and interviewee, Discovery Channel 'Violent Nation'

2005: BBC Radio 4 'Making History' interview: 'King Harold and Bosham'

2007: Channel 4 'History of English Law': consultant and interviewee

2008: BBC 'Coast': consultant

2010: BBC History animation for children: consultant

2011: BBC4 History of law series 'The Strange Case of the Law': consultant and interviewee (broadcast 20 June 2012)

2012: BBC Learning series on crime and punishment: consultant

2014: Contratiempo (Spain): joint lead contributor on feature on PIMIC project

2015: Delo (Slovenia): Interview 'Magna Carta med spominom, mitom in zapisano besedo'.

2016: Contratiempo (Spain): lead contributor on feature on Magna Carta

2021: Massolit: 'Crime in Anglo-Norman England'

2021- : 'Talking Constitutions' podcasts

2023: Scottish Futures podcast: 'Jury trial in Scotland'

SELECTED NON-UNIVERSITY PRESENTATIONS

Lectures and talks given at various secondary schools; also to University Open Association.

Lectures at teachers' conferences, St Andrews, 1992, 1993
Course on Norman Britain, Historical Association Summer School, St Andrews, 1993
Lecture on 'Symbols of Power and Lordship', University of St Andrews Museum Maces
Exhibition, Nov. 2013
Lecture on 'French law and Common law', Franco-Scottish Society, St Andrews, 2024

INTERNAL POST-GRADUATE EXAMINING

Elisabeth Austin, Ph. D. (May 1996)
Mark Hagger, Ph. D. (Oct. 1998)
Bjorn Weiler, Ph. D. (Dec. 1998)
Richard Yarlett, Ph. D. (Jan. 2004)
Brian Briggs, Ph. D. (June 2004)
Sally Crumplin, Ph. D. (April 2005)
Nancy Mitton, Ph. D. (April 2007)
Lynsey Robertson, Ph. D. (August 2007)
Will Kay, Ph. D. (June 2012)
Ed Roberts, Ph. D. (December 2013)
Vittorio Mattiolo, Ph. D. (November 2017)
Peter King, Ph. D. (July 2018)
Suzette van Haaren, Ph. D. (Jan. 2022)
Cameron Houston, Ph. D. (August 2022)
Hailey O'Harrow, PhD. (May 2023)

EXTERNAL EXAMINING

Undergraduate: University College, Scarborough (1993-7)

Post-graduate:

Oxford, Medieval History M.St., (2009-11)

J.A. Meddings, Loyalty and War in Twelfth-Century England, (Leeds, M.A., 1994)

J. Bickford Smith, Orderic Vitalis and Norman Society, c. 1035-87 (Oxford, DPhil., 2006)

Thomas Roche, (Paris, PhD, 2006)

Sarah Tullis, Glanvill after Glanvill, (Oxford DPhil., 2007)

Thomas Lambert, Protection, Feud and Royal Power: Violence and its Regulation in English Law c. 850 c. 1250 (Durham, PhD, 2009)

Sarah Raich, The Sea in the Anglo-Norman Realm, c. 1050 to c. 1180 (Cambridge, PhD, 2014)

James Lawson, The Influence of Civilian and Canonist Learning on the English Royal Law, 1152-1189 (Cambridge, PhD, 2015)

Jonathan Paletta, Identities and Interactions in English Towns 1066-c. 1166 (Cambridge, PhD, 2015)

Janice Musson, Commoners and the Assize of Novel Disseisin 1194-1221 (Nottingham, PhD, 2016)

Miriam Tveit, In Search of Legal Transmission (Tromsø, PhD, 2017)

Kenneth Duggan, Communal Justice in Thirteenth-century England (King's College London, PhD, 2017).

Robert Cohen, Taxation in England, c. 991-1135 (Oxford, DPhil, 2017)

Hannah Boston, Lordship and locality: multiple lordship in the north Midlands during the long twelfth century (c.1066-c.1216) (Oxford, DPhil, 2018)

Richard Purkiss, Royal administration in East Anglia, c. 917-1066 (Oxford, DPhil, 2019)

Suzette van Haaren, The Digital Manuscript: approaches to digital codicology, (Groningen, PhD, 2022)

Meghan Woolley, The Heart of the Court: The Role of Emotions in Shaping English Law, c. 1114-1272, (Duke, PhD, 2022)

EXTERNAL ASSESSOR FOR GRANTS

AHRB Resource Enhancement grants

AHRC grants

British Academy Small Grants

British Academy Mid-Career Fellowships

British Academy Global Professorships

British Academy Talent Development Awards

European Science Foundation Exploratory Workshops

European Science Foundation Pool of Peer Reviewers (2006-16)

European Science Foundation College of Expert Reviewers (2016-)

Foundation of Polish Science

Irish Research Council for the Humanities and Social Sciences – Government of Ireland Post-Doctoral Fellowship Scheme

Institute of Advanced Studies, Princeton (2010-)

Italian Ministry of Education, Universities and Research (MIUR) (2011-)

Leverhulme Major Research grants

St John's College, Cambridge, Research Fellowships

ADVISORY BOARDS FOR FUNDED PROJECTS

2008-9 AHRC funded Anglo-Norman Research Group (based at University of Edinburgh)

2008-11 AHRC funded Early English Laws Project (based at IHR, London)

2009-12 Leverhulme-funded Anglo-Saxon Assemblies sites project (based at University College London).

2019-22 British Academy Legal Jurisdictions project (based at University of Sheffield and King's College London)

EXTERNAL ASSESSOR FOR CHAIR APPOINTMENTS

Universities of Birmingham and Exeter

EXTERNAL ASSESSOR FOR PROMOTIONS

Department of History, University of Keele
Department of History, University of California Riverside
Department of History, Cardiff University
William and Mary Law School
Trinity College, Dublin
Modern History Faculty, University of Oxford
Department of History, University of Pennsylvania
Department of Law, University of Melbourne

PUBLICATIONS:

(A) Books:

(a) sole author / scholarly editions and translations:

- (i) Land, Law, and Lordship in Anglo-Norman England, (Oxford, 1994). [320 pp.]
(Paperback edn., 1997)
- (ii) The Formation of the English Common Law: Law and Society in England from the Norman Conquest to Magna Carta, (Longmans, 1996). [271 pp.]
(Chinese translation, 2006)
- (iii) The History of Abingdon Abbey, vol. ii, (Oxford, 2002). [533 pp.]
- (iv) The History of Abingdon Abbey, vol. i, (Oxford, 2007). [647 pp.]
- (v) The Oxford History of the Laws of England, vol. ii, (Oxford, 2012). [980 pp.]
- (vi) The Formation of the English Common Law: Law and Society in England from the King Alfred to Magna Carta, (Routledge, 2017). [234 pp.]
(much expanded new edition of (ii) above)
- (vii) The Balliol Glanvill (online publication, 2019)
- (viii) Laws in Common? (submission, 2024)

(b) edited volumes of essays

- (i) ed. with G. S. Garnett, Law and Government in Mediaeval England and Normandy: Essays in Honour of J.C. Holt, (Cambridge, 1994). [387 pp.]
(Paperback edn., 2002)
- (ii) ed., The History of English Law before the Time of Edward I: essays commemorating the centenary of the publication of 'Pollock and Maitland', (Proceedings of the British Academy, 89, 1996). [288 pp.]
(reprinted 1997)
- (iii) ed. with A. Rodriguez, Diverging Paths? The Shapes of Power and Institutions in Medieval Christendom and Islam (Leiden, 2014). [435pp.]
- (iv) ed. with S. Crumplin, 'The Making of Europe': Essays in Honour of Robert Bartlett (Leiden, 2016). [319pp.]
- (v) ed. with W. Eves, I. Ingridson and S. White, Common Law, Civil Law, and Colonial Law: Essays in Comparative Legal History (Cambridge, 2021) [347 pp.]

(c) editions of books by other authors

(i) P. Wormald, Papers Preparatory to the Making of English Law volume ii, ed. with S. Baxter (2014): <http://www.earlyenglishlaws.ac.uk/reference/wormald/>

(ii) J. C. Holt, Magna Carta, ed. with G. S. Garnett (3rd edition, with new Introduction and other additional material, Cambridge, 2015)

(B) Articles

'Life-Grants of Land and the Development of Inheritance in Anglo-Norman England', Anglo-Norman Studies, xii (1990), 67-80.

'Diplomatic and Legal Aspects of the Earldom of Chester Charters', in The Earldom of Chester and its Charters: a Tribute to Geoffrey Barraclough, ed. A.T. Thacker, (1991), 153-78.

'Milsom's Legal Framework: Interpreting Twelfth-Century Law', Tijdschrift voor Rechtsgeschiedenis, lix (1991), 47-66.

'Administration, Family, and Perceptions of the Past in Twelfth-Century England', in Perceptions of the Past in Twelfth-Century Europe, ed. P. Magdalino, (London, 1992), 75-98.

'Anglo-Norman Land Law and the Origins of Property', in Law and Government in Mediaeval England and Normandy: Essays in Honour of J.C. Holt, (Cambridge, 1994), 198-222.

with G.S. Garnett, 'Preface: J.C. Holt', in Law and Government in Mediaeval England and Normandy: Essays in Honour of J.C. Holt, (Cambridge, 1994), ix-xii.

'Maitland and Anglo-Norman Law', in The History of English Law before the Time of Edward I: essays commemorating the centenary of the publication of 'Pollock and Maitland', (Proceedings of the British Academy, 89, 1996), 21-46.

'The Abbey of Abingdon, its Chronicle, and the Norman Conquest', Anglo Norman Studies, xx (1997), 181-202.

'La interpretación de disputas y resoluciones: el caso inglés, c. 1066-1135', Hispania, lvii (1997), 885-916.

'Crime and the formation of the Common Law', in T.S. Haskett, ed., Crime and Punishment in the Middle Ages, (Victoria, BC, 1998), 19-35.

'Henry I and counsel', in J. Maddicott and D. Palliser, eds, The Medieval State, (London, 2000), 109-26.

'Court cases and legal arguments in England, c. 1066-1166', Transactions of the Royal Historical Society, 6th Ser. 10 (2000), 91-115.

'Kings and crime: ideology and practice in the tenth and twelfth centuries', in Droit et société en France et en Grande Bretagne, Xe - XXe siècles, ed. J.-P. Genet and P. Chassaing (U. of Sorbonne P., Paris, 2003), 15-38.

'Legal aspects of Scottish charter diplomatic in the twelfth century: a comparative approach', Anglo-Norman Studies, 25 (2003), 121-38

'L'écrit, les archives et les débuts de la *common law* anglaise', Revue Historique, (2006), 3-35

'Faide, Vengeance et Violence en Angleterre (ca 900-1200)', in La Vengeance 400-1200, ed. D. Barthélemy, F. Bougard, and R. Le Jan (École Française de Rome, 2006), 341-82.

'Power, law, and the administration of justice in England 900-1200', in Law and Power in the Middle Ages, ed. P. Andersen, M. Munster-Swendsen and H. Vogt (Copenhagen, 2008), 153-70.

'The making of English law and the varieties of legal history', in Early Medieval Studies in Memory of Patrick Wormald, ed. S. Baxter and N. Brooks (Leicester, 2009), 421-32.

'Customs, laws, and the interpretation of mediaeval law', in Custom: The Development and Use of a Legal Concept in the Middle Ages, ed. P. Andersen and M. Munster-Swendsen (Copenhagen, 2009), pp. 1-16.

'F. W. Maitland and the Englishness of English Law' (Selden Society lecture for 2006; 2009), 31pp.

'Feud, Vengeance and Violence in England c. 900-1200', in Feud, Violence and Practice: Essays in Medieval Studies in Honor of Stephen D. White, ed. B. S. Tuten and T. L. Billado (Farnham, 2010), 29-53

'From the Leges to Glanvill: legal expertise and legal reasoning in twelfth-century England', in English Law Before Magna Carta: Felix Liebermann and Die Gesetze der Angelsachsen, ed. S. Jurasinski et al. (Leiden, 2010), pp. 221-49.

'Magna Carta, ius commune, and the Common Law', in Magna Carta and the England of King John, ed. J. S. Loengard (Woodbridge, 2010), 99-119

'Order and justice', in A Social History of England 900-1200, ed. J. Crick and E. M. C. van Houts (Cambridge, 2011), 115-23.

'War and violence', in A Social History of England 900-1200, ed. J. Crick and E. M. C. van Houts (Cambridge, 2011), 124-32.

‘Imposing feudalism on Anglo-Saxon England? Norman and Angevin presentation of pre-Conquest lordship and land-holding’, in Feudalism: New Landscapes of Debate, ed. S. Bagge *et al.* (Turnhout, 2011), 115-34.

‘The fate of Waltheof and the idea of personal law in England after 1066’, in Normandy and its Neighbours, 900-1250: Essays in Honour of David Bates (Turnhout, 2011), 223-235.

‘Derecho, Escritura y Memoria Real en Inglaterra, c. 870-1215’, in La Construcción Medieval de la Memoria Regia, ed. P. Martínez Sopena and A. Rodríguez (Valencia, 2011), 209-20.

‘Local History’, in The Oxford History of Historical Writing, ed. S. Foot and C. Robinson (Oxford, 2012), 457-75.

‘Constitutions of Clarendon, clause 3, and Henry II’s reforms of law and administration’, in Laws, Lawyers and Texts: Studies in Medieval Legal History in Honour of Paul Brand, ed. S. Jenks, J. Rose, and C. Whittick (Leiden, 2012), 1-19.

‘Legal history and the history of disputes’, in Disputing Strategies in Medieval Scandinavia, ed. K. Esmark *et al.* (Leiden, 2013), 333-41.

‘The abbey of Abingdon’, in English Cathedrals and Monasteries (DVD-ROM, York, 2013)

with G. S. Garnett, ‘Introduction’, in J.C. Holt, Magna Carta, ed. Hudson and Garnett (3rd edn, Cambridge, 2015), pp. 1-32.

‘Prueba y verdad en el temprano derecho inglés medieval’, in Derecho y Verdad II: Genealogía(s), ed. G. Súcar and J. Cerdio Herrán (Valencia, 2015), 499-526.

‘England and the “Making of Europe”: Conquest, Colonization and Cultural Change’, in , ‘The Making of Europe”: Essays in Honour of Robert Bartlett, ed. J. Hudson and S. Crumplin, (Leiden, 2016), 33-52.

‘Maitland and Austin: legal history and legal thought in the late 19th century’, in Law and Authority in British Legal History, 1200-1900, ed. M. Godfrey (Cambridge, 2016), pp. 293-328.

‘From the Articles of the Barons to Magna Carta’, Anglo-Norman Studies 38 (2016), 1-17.

‘Emotions in the early Common Law (c. 1166-1215)’, Journal of Legal History 38 (2017), 130-54.

‘The place of Henry I in English legal history’, Haskins Society Journal 28 (2017), 63-81.

with Mark D. West, ‘Stringer’s saga: Njal and *The Wire*’, in Emotion, Violence, Vengeance

and Law in the Middle Ages: Essays in Honour of William Ian Miller, ed. K. Gilbert and S. D. White (Leiden, 2018), pp. 271-95.

with Kimberley-Joy Knight, 'Miller(ed) in St Andrews', in Emotion, Violence, Vengeance and Law in the Middle Ages: Essays in Honour of William Ian Miller, ed. K. Gilbert and S. D. White (Leiden, 2018), pp. 19-22.

'Reading terminology in the sources of the early Common Law: Seisin, simple and not so simple', in English Legal History and its Sources: Essays in Honour of Sir John Baker, ed. D. Ibbetson, N. Jones, and N. Ramsay (Cambridge, 2019), pp. 79-99.

with W. Eves, 'Situating, researching, and writing comparative legal history', in Common Law, Civil Law, and Colonial Law: Essays in Comparative Legal History, ed. W. Eves, J. Hudson, I. Ingridson and S. White (Cambridge, 2021), pp. 1-24.

'*Glanvill*: Law, language, and identity', in Lives, Identities and Histories in the Central Middle Ages, ed. J. Barrau and D. Bates (Cambridge, 2021), pp. 264-81.

with D. L. d'Avray, 'Susan Reynolds', Biographical Memoirs of Fellows of the British Academy, 20 (2022), 139-164

'Judicial rhetoric and political legitimation', in Conflict, Language, and Social Practice in Medieval Societies: Selected Essays of Isabel Alfonso, with commentaries, ed. Julio Escalona Monge, Álvaro Carvajal Castro, and Cristina Jular Pérez-Alfaro (Turnhout, 2024), pp. 87-92.

'G. O. Sayles and the Writing of Legal History', (Aberdeen, forthcoming).

(C) Selected other pieces

'Preface', in The History of English Law before the Time of Edward I: essays commemorating the centenary of the publication of 'Pollock and Maitland', (Proceedings of the British Academy, 89, 1996), pp. ix-x.

'What did the Normans do for us', BBC History web site (2000)

'Common Law - Henry II, the Angevins, and the forming of a state', BBC History web site (2000)

'The Maitland memorial', BBC History Magazine, (2001)

'The Norman Conquest', BBC History Magazine, (2003)

'The Dialogue of the Exchequer', BBC History Magazine, (2003)

'What universities wish history candidates would do at school', TES Teacher (2003)

New Dictionary of National Biography,

short articles (500-1000 words) on: Geoffrey de Bocland; Henry of Northampton; Hugh de Bocland; Hugh de Chaucombe; Nicholas de Sigillo; William Bendings

longer articles (2000-3000 words) on: Nigel, bishop of Ely; Ranulf de Glanville; Richard fitzNigel; Richard of Ilchester

‘The Normans’, BBC web-site (2006)

‘The Miracle of Justice’, BBC History Magazine (2007)

‘Feudal law: common law’, Oxford International Encyclopedia of Legal History (Oxford, 2009)

J.C. Holt, Obituary, The Times 2014

2015: Indian Express (Mumbai): ‘Magna Carta: 1215 and After’ (16 June 2015)

2019: BBC HistoryExtra: ‘The historical differences between Scottish and English Law, and what it means for Brexit’ (<https://www.historyextra.com/period/stuart/historical-differences-scottish-english-law-what-it-means-brexit-supreme-court-session/>)

Reviews for academic journals including: Medium Aevum, History, English Historical Review, Tijdschrift voor Rechtsgeschiedenis, Cambridge Law Journal, Legal History Review, Journal of Legal History, Journal of Ecclesiastical History, Speculum, Early Medieval Europe, Times Literary Supplement, BBC History Magazine, Catholic History Review, Journal of Law and Religion

Editing of papers of P. Wormald, following his death:

‘The first code of English law’, (Canterbury, 2005)

‘Lawyers and the State: the varieties of legal history’ (Selden Society, 2008)

CONFERENCES ORGANIZED

Joint organiser, St John's House Conference on 'Latin and the Vernacular', May 1994.

Co-ordinator for 1995 British Academy symposium commemorating the centenary of Maitland's History of English Law.

Organiser, symposium on 'Political Legitimation in the Middle Ages', St Andrews, March 2001.

Organiser, European Science Foundation 'Exploratory Workshop' on 'Power and authority: comparative analyses of history, law and legitimation', CSIC, Madrid, Sept. 2002.

Organiser, Marie Curie ITN workshop: ‘Sources’, St Andrews Oct. 2013.

Organiser, Marie Curie ITN workshop: 'Complementary Skills', St Andrews June 2014.

Co-organiser: 'Emotions in the Courtroom', St Andrews May 2015.

Advisory Committee: 'Emotions in Legal Practice', Centre for the History of Emotions, University of Sydney Sept. 2016.

Co-organiser: workshop on 'Forensic Rhetoric and the History of Emotions', St Andrews August 2018.

Co-organiser: workshop on 'History of Law and Emotions', London August 2018.

Co-organiser: 'Reflections on the Union: Past, Present and Future', St Andrews October 2018.

Organiser: 'The Law's Two Bodies', St Andrews October 2018.

Chair, Organising Committee, British Legal History Conference, St Andrews July 2019.

Co-organiser (with Scotia Group): workshop on 'The UK as host of COP26: Communities, nations, and the law', St Andrews June 2021.

Organiser: 'The Law's Two Bodies: "Soft law"', St Andrews February 2022.

Co-organiser: workshop on 'Jury trial and rape in Scots Law', St Andrews October 2023.

PAPERS DELIVERED:

Named Lectures

1997 Lansdowne Memorial Lecture (University of Victoria, British Columbia):
'F.W. Maitland and the Englishness of English Law'

2004 Edwards Lecture (University of Glasgow): 'Writing, literacy, and the formation
of the English Common Law'

2006 Selden Society Maitland Centenary lecture: 'F. W. Maitland and the
Englishness of English Law'

2015 Allen Brown Memorial Lecture on Anglo-Norman Studies: 'From the Articles
of the Barons to Magna Carta'

2015 C. Warren Hollister Memorial Lecture; 'The place of the reign of Henry I in
English legal history'

2017 Harvard Law School European Legal History Series (inaugural lecture): 'Law
and Emotions in the Early Common Law'

2018 Fulton Lecture in Legal History, University of Chicago Law School: 'F. W.
Maitland, Common Law, and Civil Law'

2023 Carlyle Lectures (University of Oxford): 'Custom, Common Law, and Civil
Law'

Conferences (since 2010):

2011: Law Faculty, University of Copenhagen: ‘Histories of Disputing and Histories of Law’

2011: International Medieval Congress, Leeds: ‘Consent to alienation of land: a comparative approach’

2011: University College of London Institute of Archeology, Power and Place in Later Roman and Early Medieval Europe Conference: ‘Assemblies, Courts, and Law Courts, from Alfred to Magna Carta’

2012: Copenhagen, Law and Society Conference: ‘Law and disputing’

2013: British Legal History Conference, Glasgow: ‘Maitland and Austin: Legal history and legal thought in the late nineteenth century’ (Plenary lecture)

2015: The Magna Carta Conference, London: Magna Carta: *Ius commune* and Common Law (roundtable)

2015: International Medieval Congress, Leeds: ‘Frustration leads to anger: clerics and laymen in the courtroom’

2016: Milsom symposium, Cambridge: ‘*Glanvill*’s Legal Framework’

2017: Legal History and Legal Theory, Edinburgh: ‘Defining Law for Comparative Legal History’

2017: ‘Powerful Emotions / Emotions and Power c.400-c. 1850’ conference, York: ‘Reading Emotions in the Early Common Law’

2018: International Society for Intellectual History conference, St Andrews: ‘F. W. Maitland, Civil Law, and Common Law: Borders and Boundaries’ (Keynote lecture)

2019: International Medieval Congress, Leeds: ‘Lanfranc’s adventures in Iceland’

2019: Annual Conference of the Sheriffs of Tayside, Central Region, and Fife: ‘Children and the Law: a View from the Middle Ages’

2019: Australasian Languages and Literature Association Conference (Wollongong): ‘“Saint” Lanfranc in Iceland and Canterbury: reception and non-reception’

2019: Australia and New Zealand Law and History Society Conference: ‘Common Law, Civil Law, and English Identity’ (Keynote lecture)

2019: Australia and New Zealand Law and History Society Conference: ‘Law’s History: Responsibility as Disciplinary Practice’ (Plenary panel)

2021: British Academy ‘Jurisdictions’ project workshop (Online): William of Longchamp

2021: ‘Textualisation and Petrification: Written Sources, Identity and the Materiality of Buildings’ (CSIC Madrid, Università Roma Tor Vergata): ‘Church building in the *Historia ecclesie Abbdonensis*’

Invited External Seminars: (since 2010)

2012 All Souls College, Oxford: ‘Constitutions of Clarendon, clause 3, and Henry II’s reforms of law and administration’

2013 U. of Michigan Law School: ‘Maitland, Austin, and Maine’

2015 Oxford: ‘From the Articles of the Barons to Magna Carta’

2017 Glasgow: ‘Stringer’s saga’

2017 Oslo: ‘The civil war of Stephen’s reign and the development of English law’

2018 U. of Michigan Law School: ‘Thinking through The Law’s Two Bodies’

2018 Zurich: ‘Exploring patterns of legal development in twelfth-century Europe’

2020 Oxford/Cambridge: ‘Maitland, Civil Law, and Common Law’

2020 U. of Michigan Law School: 'Comparative legal history'

2023 Oxford University Political Thought seminar: 'Legal thought and political thought'

2023 University of Padova Faculty of Law: 'Legal development in Europe: a perspective from the 1190s'

2023 University of Nottingham Faculty of Law, inaugural lecture for Centre for History of Law and Governance: 'Historians, Lawyers and the Varieties of Legal History: a discussion of the work of J.C. Holt and S.F.C. Milsom' (with G.S. Garnett)

EDITORIAL BOARDS

Chief Editor, Brill book series 'Medieval Law and its Practice'

Advisory Board, BBC History Magazine (2000-20); Editorial Advisory Board (2006-2011)

Adviser, A Dictionary of British and Irish History, ed. R. Peberdy and P. Waller (Chichester, 2021)

Advisory Board, Journal of British Studies (1995-2001)

Editorial Board, History Compass (Blackwells, on-line)

Editorial Board, The Mediæval Journal (2011-)

Advisory Council, Reviews in History (1997-)

Advisory Board, Revista Chilena de Estudios Medievales (2011-)