

## **JAMES RUSSELL GORDLEY**

### **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:**

2024 – Distinguished Professor of Legal History, Università Bocconi (joint appointment)  
2007 – W.R. Irby Distinguished University Professor, Tulane Law School  
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  
1972-78: Ezra Ripley Thayer Fellow in Comparative Law, Harvard Law School  
1970-71: Fellow, Istituto di Diritto Comparato, Florence, Italy

### **Other fellowships:**

Guggenheim Fellow, 1995-96  
Fulbright Fellow, 1995-96  
Fellow, Consiglio Nazionale delle Ricerche, 1995-96  
Senior NATO Fellow, 1991  
Fellow, *Deutscheforschungsgemeinschaft*, 1983  
Fellow, Institute of Medieval Canon Law, University of California at Berkeley, 1978

### **Memberships:**

Fellow, The American Academy of Arts and Sciences  
Corresponding Fellow, The British Academy  
*Membre titulaire, Académie internationale du droit comparé*

### **Visitorships:**

Jean Monnet Distinguished Visiting Professor in Comparative Law, University of Trent, Italy, 1992.  
Visiting Professor: University of Bologna, 2024, Bocconi University, 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.

### **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.  
Rutter Award for Excellence in Teaching, School of Law, University of California at Berkeley, 2001  
Distinguished Teaching Award, University of California at Berkeley, 1984.

### **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  
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.

### **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* (rev'd ed., Cambridge University Press, 2021)(with Hao Jiang and Arthur von Mehren).

*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 *Ssz-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 – last twelve years**

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

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

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

“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).

“The Betrayal of the French Civil Code A Tragedy in Three Acts,” 16 *Krakowskie Studia z Historii Państwa i Prawa* 163 (2023).

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

“Causa and Consideration,” *Elgar Encyclopedia of Comparative Law* 202 (Elgar, 2023) (with Hao Jiang).

“The Maze of Contemporary Contract Theory and a Way Out,” 68 *The American Journal of Jurisprudence* 1 (2023) (with Hao Jiang).

“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).

“The Myth of “Expectation Interest,” 52 *University of the Pacific Law Review* 77 (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).