

## CLAIRE PRIEST

Simeon E. Baldwin Professor, Yale Law School  
127 Wall Street, New Haven, CT 06511  
P.O. Box 208215, New Haven, CT 06520-8215  
[claire.priest@yale.edu](mailto:claire.priest@yale.edu)

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### ACADEMIC APPOINTMENTS

#### Yale Law School

*Simeon E. Baldwin Professor of Law*, 2014-present; *Professor of Law*, 2009-14; *Visiting Professor*, Spring 2009; *Senior Research Scholar*, Fall 2008;

**Yale History Department**, Secondary Appointment, 2022-present;

**Yale Graduate School of Arts and Sciences**, 2015-present (appointment by courtesy);

*Recognition*: Yale Law Women Faculty Excellence Award, 2020-2021

*Courses Taught*: Property, Advanced Property and Property Colloquium (seminars co-taught with Taisu Zhang), Political Economy, Institutions, and Property in the Age of the American Revolution (seminar co-taught with Steve Pincus), American Legal History, Legal History Colloquium

#### Harvard Law School

*Louis D. Brandeis Visiting Professor of Law*, Winter Term 2022; *Charles Warren Visiting Professor of American Legal History*, Winter Term 2009

#### Columbia Law School

*Visiting Professor*, 2007-08

#### Northwestern University School of Law

*Professor of Law and History* (by courtesy), May 2007-09; *Associate Professor*, 2006-07; *Assistant Professor*, 2002-06

#### New York University School of Law

*Samuel I. Golieb Fellow in Legal History*, 2000-01

### JUDICIAL CLERKSHIP

The Honorable Jon O. Newman, U.S. Court of Appeals for the Second Circuit (2001-02)

### EDUCATION

#### Yale Graduate School of Arts and Sciences, Ph.D. 2003 (History)

*Prizes*: Yale Graduate School's George Washington Egleston Prize for the best dissertation in American History (2003);  
Economic History Association's Allan Nevins Prize for the best dissertation in American or Canadian Economic History (2003).

#### Yale Law School, J.D. 2000

*Prizes*: John M. Olin Prize (best paper on law, economics, and public policy);  
Joseph Parker Prize (best paper on legal history);

*Activities*: *Yale Law Journal*: Articles Editor, 1999-2000; Symposium Committee Chair, 1998-99;  
Editor, 1997-98;  
*Director*, Yale Legal History Forum, 1999-2000;  
John M. Olin Fellow in Law and Economics, 1995-96, 1996-97, 1997-98, 1998-99;

*Yale Journal on Regulation*: Lead Editor and Editor 1995-96, 1996-97.

**Yale College**, B.A. 1994, with Distinction in History.

*Employment*: Yale Law School Legal Services Organization, Prison Clinic (for Brett Dignam) (1990-1994)

**City Year**, Boston, MA, 1989-1990 (corps member of the first year of City Year's national service program)

## PUBLICATIONS

### Book

CREDIT NATION: PROPERTY LAWS AND LEGAL INSTITUTIONS IN EARLY AMERICA (Princeton University Press, 2021, Series: Joel Mokyr, ed., The Princeton Economic History of the Western World)

### Articles and Essays

*Enforcing Sympathy: Animal Cruelty Doctrine after the Civil War*, 44 LAW & SOCIAL INQUIRY 136 (2019);

*The Stamp Act and the Political Origins of American Legal and Economic Institutions* (with Justin DuRivage), 88 S. CAL. L. REV. 875 (2015);

*The End of Entail: Information, Institutions, and Slavery in the American Revolutionary Period*, 33 LAW AND HISTORY REVIEW 277 (2015);

[\*Law and Commerce\*](#), in THE CAMBRIDGE HISTORY OF LAW IN AMERICA (2008);

[\*Creating an American Property Law: Alienability and Its Limits in American History\*](#), 120 HARVARD L. REV. 385 (2006); reprinted in ECONOMICS OF LEGAL HISTORY (D. Klerman, ed. 2015);

[\*The Nature of Litigation in Early New England\*](#), 111 YALE L.J. 1881 (2002);

[\*Currency Policies and Legal Development in Colonial New England\*](#), 110 YALE L.J. 1303 (2001); reprinted in ECONOMICS OF LEGAL HISTORY (D. Klerman, ed. 2015);

[\*Colonial Courts and Secured Credit: Early American Commercial Litigation and Shays' Rebellion\*](#), 108 YALE L.J. 2413 (1999).

### Shorter Pieces

*Reading Early Colonial Legal History as Bob Gordon's Student*, 70 STANFORD L. REV 1659 (2018);

*Political Economy and the American Revolution*, 36 LAW & HIST. REV. 181 (2018) (book review of Steve Pincus, *The Heart of the Declaration: The Founders' Case for an Activist Government*);

*State-Making through the Custom Houses*, 35 LAW & HIST. REV. 549 (2017) (book review of Gautham Rao, *National Duties: Custom Houses and the Making of the American State*);

*Property and Democracy in the History of the United States*, Prologue to DERECHO Y HUMANIDADES, No. 24 (2015) (Chile);

*Shays's Rebellion* (with Taylor Spence), in *THE ENCYCLOPEDIA OF THE AMERICAN ENLIGHTENMENT* (Mark G. Spencer, ed.) (2014);

[\*To Borrow Money on the Credit of the United States\*](#), in *THE HERITAGE GUIDE TO THE CONSTITUTION* (2005, 2014);

[\*Lawyers and Legal Change\*](#), 25 *LAW & HIST. REV.* 635 (2007) (book review of Martha J. McNamara, *From Tavern to Courthouse, Architecture and Ritual in American Law, 1658 to 1860*);

Dissertation summary: *Currency Policies and the Nature of Litigation in Colonial New England*, 64 *J. ECON. HIST.* 563 (2004);

## PODCASTS

**Rhodes Center for International Economics and Finance, Brown University** on Claire Priest, *Credit Nation: Property Laws and Legal Institutions in Early America* (November 12, 2021);

**Digging a Hole: A Legal Theory Podcast** on Claire Priest, *Credit Nation: Property Laws and Legal Institutions in Early America* (February 16, 2021)

## OP-ED/OPINION PIECES

*Will the Supreme Court Abandon Federalism to Defeat Pro-Labor Regulation?*, *The Hill* (April 5, 2021)

## WORKS IN PROGRESS

### Book

THE GREAT PERUVIAN PROPERTY EXPERIMENT

### Articles

*Cuba in 2015 through the Lens of the Sugar Industry* (article in draft);

*Optimal Alienability in the Law of Property and the History of Numerus Clausus* (article in draft);

## YALE UNIVERSITY AND YALE LAW SCHOOL SERVICE

*Yale University Service*: Advisory Committee, Council on Latin American and Iberian Studies, May 2017 to present; President's Advisory Committee to Review Dean Heather Gerken's First Term, Yale Law School, 2021-22; Dean's Search Committee, Yale Law School, 2016-17 (resulting in appointment of Dean Heather Gerken); University Title IX Coordinator, 2013-14, 2015 (Spring), 2015-16

*Yale Law School Service*: YLS Intellectual Culture Committee (2021-22); Faculty Appointments Committee (2021-22; spring 2019); Clinical Appointments Committee (2020-21; 2016-17; 2015-16; 2014-15; Co-chair 2010-11; 2009-10); Yale Law School Faculty-Student Working Group (2018-19); Discipline Policy Committee (Chair, 2017-18 (Led reform of YLS Title IX Policies); Chair, 2016-17; Chair, 2015-16; Co-

Chair, 2014-15); Curricular Appointments Committee (2012-13); Governing Board, SELA (Seminario en Latinoamérica de Teoría Constitucional y Política) (2010-present).

### **GRANTS AND FELLOWSHIPS**

Oscar M. Ruebhausen Grant to Study Peru's Property Reform Movement to Grant Formal Title to Communities Living Informally on Land, 1990-2020;

Oscar M. Ruebhausen Grant to Study Cuban Slavery and Current Cuban Economic Reforms through the Lens of the Sugar Industry (2015);

Lone Mountain Fellow, Property and Environmental Research Center, Bozeman, Montana (2011);

### **PRESENTATIONS**

#### **CREDIT NATION: PROPERTY LAWS AND LEGAL INSTITUTIONS IN EARLY AMERICA**

Yale Law School, Faculty Workshop (March 14, 2022)

Rhodes Center for International Economics and Finance, Brown University (November 12, 2021)

Wharton School, University of Pennsylvania, Legal Studies and Business Ethics Workshop (November 11, 2021)

**Book Conference**, Yale Law School Conference on CLAIRE PRIEST, CREDIT NATION: PROPERTY LAWS AND INSTITUTIONS IN EARLY AMERICA (2021) (September 17, 2021);

Omohundro Institute, Coffee Roundtable (August 23, 2021)

**Book Conference**, Georgetown Law School Conference on CLAIRE PRIEST, CREDIT NATION: PROPERTY LAWS AND INSTITUTIONS IN EARLY AMERICA (2021) (April 19, 2021);

Seminar with Prof. Mark Peterson, Yale Graduate School (April 12, 2021);

Harvard Law School, Private Law Lunch Series (March 24, 2021);

Northwestern Law School and American Bar Foundation, Legal History Colloquium, Chicago (October 9, 2019);

University of Illinois College of Law, Champaign, Faculty Workshop (April 25, 2019);

Harvard Law School, Faculty Workshop (November 15, 2018);

Book Session, Property Works in Progress Conference, Boston University School of Law/Northeastern Law School (October 20, 2018);

University of Chicago, Empires and Atlantics Forum (October 5, 2018);

Keynote Address, Latin American and Iberian Law and Economics Association (ALACDE), Asunción, Paraguay (June 25, 2018);

University of Virginia School of Law, Legal History Workshop (November 28, 2017)

**Chair and Commentator, Panel on *Slavery, Abolition, and Reparations*, American Society for Legal History Annual Conference, New Orleans, LA** (November 5, 2021)

**Interlocutor, “Is Per Se Takings Analysis Per Se Better?”** Yale Law School Federalist Society, Debate with Ilya Shapiro of Cato Institute on *Cedar Point Nursery v. Hassid* (October 12, 2021);

**Comment on Christian Buset (Notre Dame): *An Empire of Laws: Legal Pluralism in the Eighteenth-Century British Empire***, Junior Scholars Colloquium, Federalist Society Faculty Division and the Searle Freedom Trust (June 25, 2021);

**Commentator**, Georgetown Law School Conference on Greg Ablavsky’s *Federal Ground: Governing Property and Violence in the First U.S. Territories* (2021), (March 1, 2021)

**Commentator**, Stanford Law School Conference on Greg Ablavsky’s *Federal Ground: Governing Property and Violence in the First U.S. Territories* (2021), (February 16, 2021)

**Chair and Commentator, Panel on *Unsettling Legal Histories of the Modern Business Corporation***, American Society for Legal History Annual Conference, Boston, MA (November 23, 2019)

**Keynote Address to the *Yale Law Journal***, New Haven, CT (April 13, 2019)

**Comment on Maureen Brady, *The Forgotten History of Metes and Bounds***, North American Workshop in Private Law Theory, Yale Law School (October 26, 2018);

**The Challenge of Pre-Civil Rights Era Legal History**

A Conference on Robert W. Gordon’s *Taming the Past*, Stanford Law School (January 13, 2018);

**Conquest and Property**

Book Talk on Daniel Sharfstein’s *Thunder in the Mountains: The Clash of Two American Legends, Oliver Otis Howard and Chief Joseph of the Nez Perce* (2017), Yale Law School (April 19, 2017)

**The Centrality of Slaves as Collateral in Colonial Credit Markets**

Conference on *Property and Subordination*, University of Dayton School of Law (March 24, 2017);

**History of Land Title Registration**

Property Works in Progress Conference, Boston University (September 24, 2016);

**Comment:** Harvard/Stanford/Yale Junior Faculty Forum, Yale Law School (June 28, 2016);

**Cuba’s History and Transformation through the Lens of the Sugar Industry**

Head of School Symposium, Lake Forest Academy (April 17, 2017);

SELA (Seminario en Latinoamérica de Teoría Constitucional y Política), Havana, Cuba (June 10, 2016);

**Institutional Origins in the United States**

Organization of American Historians Annual Meeting (April 17, 2015);

American Bar Foundation, United States Legal History Round Table (May 9, 2014);

Conference on *Finance, Communication and Coordination in Eighteenth-Century Empires*, Dundee University, Scotland (July 5, 2013);

American Society for Legal History Annual Meeting (November 12, 2011) (the paper was then entitled *Land Title Registries and the Property System of British America*);

### **The Stamp Act and American Institutional and Economic History**

Center for Historical Enquiry and the Social Sciences, Yale University (October 31, 2014)

SELA (Seminario en Latinoamérica de Teoría Constitucional y Política), Lima, Peru (June 20, 2014);

### **Optimal Alienability in the Law of Property and the History of Numerus Clausus**

Yale Law School, Faculty Workshop (April 7, 2014)

Notre Dame Law School, Faculty Workshop (January 31, 2014)

**Comment: Inheritance Law, Emancipation and Legal Actors in Early Modern England and America**, American Society for Legal History Annual Meeting (November 8, 2013);

**Comment: Property Panel**, Harvard/Stanford/Yale Junior Faculty Forum, Yale Law School (June 14, 2013);

**Event Convenor & Moderator:** Author meets readers conference on BERNADETTE ATUAHENE, WIPING OUR TEARS: LAND RESTITUTION IN SOUTH AFRICA'S CITIES, American Bar Foundation, Chicago (May 17, 2013);

### **Creating an American Property Law: The Colonial Transformation of Property and Inheritance Law and the Formation of an American Legal Order**

University of Colorado, Boulder School of Law (January 24, 2013);

Yale Law School, Faculty Workshop (April 16, 2012);

Property and Environmental Research Center, Bozeman, Montana (July 6, 2011);

SELA (Seminario en Latinoamérica de Teoría Constitucional y Política), San Jose, Costa Rica (June 11, 2011);

Conference on *The Struggle for Land: Property, Territory, and Jurisdiction in Early Modern Europe and the Americas*, Chicago (April 8, 2011);

Columbia Law School, Conference on *Globalizing Property Rights* (October 22, 2010);

**Comment: Stuart Banner's *American Property***, Author Meets Readers, Association for Law, Property and Society Annual Meeting (March 2, 2012);

**Comment: The Paradox of American Freedom and American Slavery: The Legacy of Edmund S.**

**Morgan's AMERICAN FREEDOM, AMERICAN SLAVERY**, Yale Afro-American Cultural Center (February 7, 2012);

**Comment: The Aftermath of Financial Crises**, American Society for Legal History Annual Meeting (November 14, 2009);

**Comment:** Symposium on *The Law of Nations and the Early Modern Atlantic World* (Chicago, April 3, 2009);

### **The End of Entail: Information, Institutions, and Slavery in the American Revolutionary Era**

NYU School of Law Legal History Colloquium (March 24, 2010);

University of Pennsylvania Economic History Workshop (February 19, 2010);

American Society for Legal History Annual Meeting (November 14, 2009);

University of Chicago, Legal History Workshop (May 21, 2009);

American Law and Economics Association Annual Meeting (May 15, 2009);

Yale Law School, Faculty Workshop (December 8, 2008);

Harvard Law School, Faculty Workshop (November 20, 2008);

Boston University School of Law, Legal History Workshop (November 12, 2008);

Yale University, Transitions to Modernity Colloquium (October 13, 2008);

Property Works in Progress Conference, Boulder, CO (June 14, 2008);

Harvard University, Conference on *People and the Land in the Atlantic World* (April 26, 2008);

Columbia Law School, Faculty Workshop (April 24, 2008).

### **Nineteenth Century Family Law Redefined: Anti-Cruelty Reform and the Common Law Privacy Doctrine**

Columbia Law School, Colloquium on Gender and Sexuality Law (March 10, 2008)

**Comment: New Voices in Legal History**, Association of American Law Schools Annual Meeting (January 4, 2008)

**Comment: The Role of Land in National-Local Relations: A Comparative Perspective**, American Society for Legal History Annual Meeting (October 27, 2007)

**Comment: Bankruptcy and Economic Development**, American Society for Legal History Annual Meeting (November 18, 2006)

### **Creating an American Property Law: Alienability and Its Limits in American History**

University of Toronto Faculty of Law, Law and Economics Workshop (November 1, 2006);

Columbia Law School, Law and Economics Workshop (October 23, 2006);

University of Texas School of Law, Friday Colloquium (October 20, 2006);  
Harvard Law School, Legal History Colloquium (October 9, 2006);  
Economic History Association Annual Meeting (September 16, 2006);  
American Bar Foundation Workshop Series (September 6, 2006);  
UC Berkeley, Boalt Hall, Law and Economics Workshop (August 28, 2006);  
American Law and Economics Association Annual Meeting (May 5, 2006);  
UCLA Law School and Economics Department, Co-sponsored Workshop in Legal and Economic History (February 15, 2006);  
Northwestern University School of Law, Faculty Workshop (February 7, 2006);  
NYU Law School, Legal History Colloquium (February 1, 2006);  
Stanford Law School, Faculty Workshop (January 25, 2006);  
University of Florida Fredric G. Levin College of Law, Faculty Workshop (December 1, 2005);  
Chicago Legal History Seminar (November 17, 2005);  
American Society for Legal History Annual Meeting (November 11, 2005);  
University of Illinois College of Law, Faculty Workshop (September 15, 2005);  
Omohundro Institute of Early American History and Culture Annual Conference (June 25, 2005);  
Harvard University, Conference on *Atlantic Legalities* (April 16, 2005);

#### **Law and Commerce, 1580-1815**

University of Chicago, Mellon Conference entitled *Modernizing Politics?* (May 21, 2005);  
American Society for Legal History Annual Meeting (November 14, 2003);

#### **Currency Policies and the Nature of Litigation in Colonial New England\_(Ph.D. Dissertation)**

Northwestern University Economic History Seminar, Economics Department (October 2, 2003);  
Plenary Dissertation Session of the Economic History Association's Annual Conference, presented as a finalist for (and ultimately the winner of) the Allan Nevins Dissertation Prize (September 20, 2003);

#### **Currency Policies and Legal Development in Colonial New England\_(Article)**

Georgetown Law Center, John M. Olin Workshop in Law and Economics, (April 14, 2003);  
American Law and Economics Association Annual Meeting (May 11, 2001);

American Society for Legal History Annual Meeting (October 20, 2000).

**Participant:**

Liberty Fund Conference, "Property Rights, Freedom and Responsibility: The Contributions of Armen A. Alchian," Los Angeles, CA (April 22-25, 2004);

Liberty Fund Conference, "Free Market Environmentalism in Theory and Practice," Bozeman, MT (September 25-28, 2003).

**PROFESSIONAL ASSOCIATIONS**

American Society for Legal History (Cromwell Dissertation Prize Committee 2010, 2011, 2012; Program Committee 2012);

American Law and Economics Association;

Economic History Association;

Governing Council, University of Illinois Legal History Forum (2006-2008)

**PEER REVIEW**

*The William & Mary Quarterly*

*Law and History Review*

*The Yale Law Journal*

*Journal of Legal Studies*