From Atlantic to All-American: New York Experiments in Judicial Transplant

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Abstract: One of the key areas where the United States is generally contrasted to France is law. Yet pitting the common law tradition against Napoleon's civil code obscures the diversity of the French justice system, as well as the differences between English and US experiences. This paper tells how, when preoccupied with reforming judicial procedure, both before and after the Civil War, New Yorkers were inspired by some lesser known corners of French justice, such as the conciliatory "justices of the peace" and the lay, elected, but official "commercial courts". It draws on research by Amalia Kessler on the birth of the US "adversarial tradition" and complements it with a focus on merchants and their disputes. It shows that the relationships of New York merchants with the legal system were, in the first half of the century, remarkably similar to those of their French counterparts, and in many respects shaped by shared trans-Atlantic experiences. Ironically, though, explicit attempts at importing elements from the French judicial system happened, in the late 1840s to mid-1870s, were instrumental in strengthening the idea of a distinctly US national character with, among other, procedural implications. They ultimately led to the invention of what was deemed a specifically American way to deal with (commercial) disputes.

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Central America and Caribbean. Early Fire Prevention Measures in America. English-speaking countries/america. The United States stretches from the Atlantic Ocean to the Pacific Ocean and from Canada to Mexico. Alaska is the largest state. Separated by Canada, it is washed by the Pacific and the Arctic Oceans.