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2002 ANNUAL MEETING, SAN DIEGO

The Society's thirty-second annual meeting will be held Thursday-Saturday, November 7-9, in San Diego. Registration materials and the draft program for the meeting are bound in the center of this newsletter. Be sure to return the registration forms by the dates indicated.

In addition, please note these special events, for which you are asked to indicate on the pre-registration form your planned attendance:

Thursday, November 7th

5:30-7:00 pm, ASLH reception, U. S. Grant Hotel

Friday, November 8th

7:30-8:45 am, continental breakfast, U. S. Grant Hotel

Noon-1:30, California Supreme Court Historical Society lunch (Speaker will be Ray E. McDevitt, Esq., author of *California Courthouses: An Illustrated History*, and partner at the San Francisco firm of Hanson, Bridgett, Marcus &

California Courthouses. An Illustrated History, and partner at the San Francisco firm of Hanson, Bruggett, Marcus & Vlahos. The title of his presentation will be "Courthouses and Communities: Doing Justice, Past and Future.")

4:00 pm, Plenary Session, Charles Donahue, Jr., Paul A. Freund Professor of Law, Harvard Law School

5:15 pm, Reception following the Plenary address

(Transportation will be provided between the U. S. Grant Hotel and the University of California San Diego)

Saturday, November 9th

7:30-8:45 am, continental breakfast, U. S. Grant Hotel

12:15-1:45 pm, annual luncheon

6:00-8:00 pm, reception, California Western School of Law (transportation provided)

Special thanks for their work in arranging the annual meeting go to Michal Belknap, Professor of Law, California Western School of Law and Adjunct Professor of History, University of California, San Diego; Michael Parrish, Professor of History, University of California, San Diego and Adjunct Professor of Law at California Western School of Law; and Julie Sandusky, Events Coordinator at California Western School of Law.

Thanks also to the program committee for its work, David Rabban, University of Texas, chair, and Susanna Blumenthal, University of Michigan, Adrienne Davis, University of North Carolina, Sarah Barringer Gordon, University of Pennsylvania, Mark Graber, University of Maryland, Michael Klarman, University of Virginia, Adriaan Lanni, Harvard University, Tahirih Lee, Florida State University, Rebecca Scott, University of Michigan, Stephen Siegel, DePaul University, David Sugarman, Lancaster University, Claire Valente, Independent Scholar, Richard Wetzell, German Historical Institute.

The Society is also most appreciative of the financial support provided by Law School of the University of California, San Diego, and by the California Western School of Law.

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BALLOT

The ballot, bound at the center of this newsletter, seeks votes for members of the Society's Board of Directors and for the Nominating Committee. Many thanks to this year's nominating committee for their conscientious work: Victoria Woeste, American Bar Foundation, chair, Bob Cottrol, George Washington University, Thomas Gallanis, The Ohio State University, Annette Gordon-Reed, New York Law School, and Sarah Hanley, University of Iowa.

NOMINEES FOR BOARD OF DIRECTORS

THOMAS GARDEN BARNES is Professor of History and Law, and Co-Chair of the Canadian Studies Program, University of California, Berkeley. A native of Pittsburgh (born 1930), his A.B. (History) was Harvard 1952, and his D.Phil. in History was Oxford, 1955. Concurrently he read for the English bar at Lincoln's Inn. He began teaching at Lycoming College, Williamsport, Pennsylvania, before moving to Berkeley in 1960, where he has taught since (and is still teaching full-time). There he has seen it all, including a stint as an Assistant Dean of Students eyeball-to-eyeball with Marlo Savio, 1964. His research interests have long centered on English legal institutions of the Tudor-Stuart period, specifically Star Chamber 1596-1641, with much done and much still to do. He has worked on the contemporary French cognate, the *Conseil Privé* under Henri IV, and early Massachusetts law. The latter, with a familial motivation (Loyalist Nova Scotian), has turned him to studying early Nova Scotia law especially in relation to the expulsion of the Acadians in 1755. American legal education intrigued him when he wrote the Centennial History of Hastings College of the Law, and broader aspects of legal history were vented in ninety-one introductory essays to Gryphon Editions' Legal Classics Library volumes, from Hammurabi to Rehnquist. He is an Editor of the Public Record Office, long a member of the Council and onetime Vice-President Overseas as well as California Correspondent of the Selden Society, was Project Director of the Anglo-American Legal History Project of the American Bar Foundation, 1965-1986, was on the Editorial Board of the *American Journal of Legal History*, 1960-1974, and a member of the Board of Directors of the American Society for Legal History, 1979-1982, and is currently President of the Association for Canadian Studies in the United States.

BARRY CUSHMAN is Professor of Law and Professor of History at the University of Virginia, where he serves as Director of the Program on Legal and Constitutional History and of the Joint Degree Program in Legal History. He received his B.A. from Amherst College and his M.A., J.D., and Ph.D. degrees from the University of Virginia. He has been a member of the Society since 1990, and has appeared on several panels at its annual meetings. His research focuses on late-19th and early-20th century constitutional development in the United States. His book, *Rethinking the New Deal Court: The Structure of a Constitutional Revolution* (Oxford University Press), was awarded the American Historical Association's 1998 Littleton-Griswold Prize. Recent articles include "Mr. Dooley and Mr. Gallup: Public Opinion and Constitutional Change in the 1930s," 50 *Buff. L. Rev.* 7 (2002) (Mitchell Lecture); "Lochner, Liquor and Longshoremen: A Puzzle in Progressive Era Federalism," 32 *J. Mar. L. & Com.* 1 (2001); "Formalism and Realism in Commerce Clause Jurisprudence," 67 *U. Chi. L. Rev.* 1089 (2000); "Lost Fidelities," 41 *William & Mary L. Rev.* 95 (1999); "The Hughes Court and Constitutional Consultation," 1998 *J. Sup. Ct. Hist.* 79; and "The Secret Lives of the Four Horsemen," 83 *Va. L. Rev.* 559 (1997). He serves as a referee for *Law & History Review*, *Law & Society Review*, *Law & Social Inquiry*, the *American Journal of Political Science*, and *Political Research Quarterly*.

LAURA F. EDWARDS is associate professor in the History Department at Duke University, where she teaches courses in women's history and legal history. She is the associate editor for *Law and History Review*; she is finishing a three-year term on the American Historical Association's Littleton-Griswold Prize committee, which determines the recipient of the annual award for the best book in American legal history; and she has participated in regularly in panels at the ASLH since 1992. Her first book, *Gendered Strife and Confusion: The Political Culture of Reconstruction* (1997) placed law and legal issues at the center of a larger analysis of gender, politics, and social change during Reconstruction in the U.S. South. Her second book, *Scarlett Doesn't Live Here Anymore: Southern Women in the Civil War Era* addressed her interests in women's history more directly than those in legal history. But her third book project, *Citizenship and Authority: Law and the Creation of Inequality and Difference in the Antebellum South* centers explicitly on central questions and debates in U.S. legal history. Her articles and essays include "Law, Domestic Violence, and the Limits of Patriarchal Authority in the Antebellum South," *Journal of Southern History* 65 (November 1999), which received the Fletcher M. Green and Charles W. Ramsdell Award, awarded by the Southern Historical Association, and "The Problem of Dependency: African Americans, Labor Relations, and the Law in the Nineteenth-Century South," *Agricultural History* 72 (Spring 1998), which received the Vernon Carstensen Award, awarded by the Agricultural History Society. She has also received fellowships from the National Endowment for the Humanities, the Newberry Library, and the Smithsonian Institution.

BRUCE W. FRIER is Professor of Classics and Roman Law at the University of Michigan; his appointment is jointly in the Law School, where he is the H.K. Ransom Professor of Law, and in the Department of Classical Studies, where he is currently the Chair. In 1970 he received his Ph.D. from Princeton University, and has been at the University of Michigan since then. He is the author of numerous articles and books on Roman social history and law, including *Landlords and Tenants in Imperial Rome* (1980, recipient of 1983 Goodwin Award of Merit, from the American Philological Association for best book in Classical Studies published during the prior three years); *The Rise of the Roman Jurists: Studies in Cicero's Pro Caecina* (1985); *A Casebook on the Roman Law of Delict* (1989); and *A Casebook on Roman Family Law* (with T.A.J. McGinn; forthcoming from Oxford University Press in 2002/2003). His approach to Roman legal sources can be described as combining careful attention to the traditional methods of Roman legal history, with a broader exploitation of the distinctive perspectives of the social sciences, including sociology, economics, linguistics, and comparative history. He is currently completing an article that applies the methods of New Institutional Economics to Roman law, for the Cambridge History of the Greek and Roman Economy

WILLIAM P. LaPIANA is the Rita and Joseph Solomon Professor of Wills, Trusts and Estates at New York Law School. He is a graduate of The Nichols School, Buffalo, New York, and holds the A.B., *summa cum laude* (1973), the A.M. in history (1975), the J.D. *cum laude* (1978), and the Ph.D. in history (1987) from Harvard University. From 1979 to 1983 he was associated with Davis Polk and Wardwell where he worked primarily in the estates group. He began teaching in 1983 at the University of Pittsburgh School of Law and joined the New York Law School faculty in 1987. His teaching responsibilities include wills and trusts, property, federal estate and gift tax, estate planning, and American legal history. His dissertation was published as *Logic and Experience: The Origin of Modern American Legal Education*. He has also written on various aspects of nineteenth-century American legal history and is a regular participant in the New York University legal history colloquium. In addition, Professor LaPiana is the author of several articles on estate planning and a co-author of *Disclaimers in Estate*

reflex to public opinion.” This latter view received a boost in anthropological circles when Ruth Benedict launched the distinction between shame cultures and guilt cultures in *The Chrysanthemum and the Sword*. Since then, there has been a backlash, particularly among Japanese scholars, who have regarded the privileging of guilt as a manifestation of Western arrogance. Is there in fact a trans-historical distinction between shame and guilt?

LEA VANDERVELDE is the Josephine Witte Professor of Law at the University of Iowa College of Law, where she teaches in the areas of property, labor, and constitutional law. She was a student of Willard Hurst at the University of Wisconsin Law School, where she received her J.D. degree, Order of the Coif. She has taught at the University of Pennsylvania Law School, Yale Law School, and the Juridicum of the University of Vienna. Her writings include *The Labor Vision of the 13th Amendment*, *Mrs. Dred Scott*, with Sandhya Subramanian, *The Gendered Origins of the Lamey Doctrine, and The Legal Ways of Seduction*. She is co-author on a treatise on modern employment law as well as on the *Castler & Latham and Reynolds Law* books. Her different book projects include a biography of the litigants in the Dred Scott freedom case and a monograph entitled *The Master Narrative of 19th Century Law*, which explores how master-servant law resisted change in the 19th century to continue to be relevant in modern employment relations. She is also the primary investigator of the Freedom Project, a study of how slaves and freedpeople in St. Louis used the courts in the antebellum years. Her [bibliography](#) can be found on the web.

Today, it is commonplace to describe pride as the opposite of shame. Yet in many languages, pride (or the nearest equivalent) is a negative idea (as in pride goeth before a fall), and no positive equivalent seems to exist relevant in modern employment relations. She is also the primary investigator of the Freedom Project, a study of how slaves and freedpeople in St. Louis used the courts in the antebellum years. Her [bibliography](#) can be found on the web.

Finaly, what are the politics of shame? How is it exploited in the media? The seminar will also consider the effects of modern technology on shame: what does it mean to have access to chemical means of reducing feelings of shame? Since she has presented papers and commented on a number of panels at the annual meeting over the last nine years, has served on the Editorial Board of *Law and History Review* since 1995, and has twice served on the Program Committee (1996, 2001). She received her Ph.D. in history from the University of Chicago (1995), J.

BARBARA Y. WELKE is Associate Professor of History at the University of Minnesota where she teaches a range of courses in American legal and constitutional history and 20th century U. S. history. She has been a member of the ASLH since she has presented papers and commented on a number of panels at the annual meeting over the last nine years, has served on the Editorial Board of *Law and History Review* since 1995, and has twice served on the Program Committee (1996, 2001). She received her Ph.D. in history from the University of Chicago (1995), J.

H-Law from the University of Michigan Law School (1983), and B.A. from the University of Kansas (1980). She is the author of *Recasting American Liberty: Gender, Race, Law, and the Railroad Revolution, 1865-1920* (Cambridge Historical Studies in American Law and Society, Cambridge University Press, 2001), which as a dissertation won the OAH Lerner Star Prize. She is also a member of the ASLH electronic list, should sign up to receive latest society announcements on other news of interest to legal scholars. For complete information on how to join H-Law, go to the ASLH/H-Law website: <http://www2.lawnet.msu.edu/~law/>. Jim Crow,” *Utah Law Review* (2000:2): 167-99; and *The web site has information about ASLH meetings, an index to Law and History Review, past newsletters, book reviews, and an archive of links to websites of interest to legal scholars.*

She has links to her webpages from the NEH, the Newberry Library, and, currently, a two-year McKnight Professorship from the University of Minnesota. Her current research includes work on race, gender and legal reform in the 1920s, and a monograph on product liability and its relationship to the rights revolution in 20th century America.

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NOMINEES FOR NOMINATING COMMITTEE

SALLY E. HADDEN is Associate Professor of History and Law, at Florida State University. She is a life member of the ASLH, and has attended its annual meetings with regularity since 1988. She has delivered papers, commented on panels, and assisted in arranging the annual meeting (1996) program. She received her B.A. from the University of North Carolina, Chapel Hill (honors); M.A., Harvard University (History); J.D., Harvard Law School; Ph.D., Harvard University (History). Her dissertation was on slave patrols (1660s-1870s), a law enforcement group created by county courts and local militia that attempted to control slave behavior. Her publications include: *Slave Patrols: Law and Violence in Virginia and the Carolinas* (Harvard University Press, 2001); “Colonial and

Revolutionary Era Slave Patrols in Virginia” in Michael Bellesiles, ed., *Lethal Imagination: History of Violence in America* (NYU Press); “Judging Slavery: Thomas Ruffin and *State v. Mann*” in Donald Nieman and Christopher Waldrep, eds., *Race and Criminal Justice in Nineteenth Century American South* (University of Georgia Press). Forthcoming: “Slavery” in Michael Grossberg and Christopher Tomlins, eds., *Cambridge History of Law in America*; “Benjamin Lynde, Jr.” in *Massachusetts Legal History*. Her editorial service includes H-Law, editorial board, 1999-present; *Law and Social Inquiry*, editorial board, 2000-present; *Florida Historical Quarterly*, 2002-present. Her other service to the profession: Program Committee, ASLH annual meeting, 1996; Membership Committee, Southern Historical Association, 1999-2002; Book Prize committee, Berkshire Conference on Women Historians.

DANIEL KLERMAN is Professor of Law and History at USC Law School; his principal research interest is English legal history. Prior to his move to USC in 1998, he was an Assistant Professor for three years at the University of Chicago Law School, a Fulbright Fellow in London, and a clerk to Supreme Court Justice John Paul Stevens. He has a J.D. and Ph.D. in History, both from the University of Chicago. He has organized several panels at recent ASLH annual meetings, and served on the 2001 program committee. Recent publications include: “Settlement and the Decline of Private Prosecution in Thirteenth-Century England,” 19 *Law and History Review* 1 (2001); “Was the Jury Ever Self-Informing?,” in Maureen Mulholland and Brian Pullan, eds., *The Trial in History* (University of Manchester Press, forthcoming); and “Women Prosecutors in Thirteenth-Century England,” forthcoming in *Yale Journal of Law and the Humanities*. Last summer, he won the Selden Society’s David Yale Prize “for distinguished

Journal of Law and the Humanities. Last summer, he won the Selden Society's David Yale Prize for distinguished contribution to the history of the laws and legal institutions of England and Wales."

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ANNOUNCEMENTS

Studies in Legal History

The Publications Committee is pleased to announce that Daniel R. Ernst, Professor of Law and Adjunct Professor of History at Georgetown University, has agreed to succeed Dirk Hartog as co-editor of Studies in Legal History. Dan is well-known to members of the Society. He is currently a member of the Executive Committee of the Board of Directors and was chair of the Program Committee for the 1998 Annual Meeting in Seattle. He received his law degree from the University of Chicago, an LL.M. in legal history from the University of Wisconsin, and his doctorate in history from Princeton. His book, *Lawyers against Labor: From Individual Rights to Corporate Liberalism* (University of Illinois Press, 1995), received the Littleton-Griswold Prize from the American Historical Association.

Paul L. Murphy Award

Applications are being accepted for the 2003 Paul L. Murphy Award, honoring the memory of Paul L. Murphy, late professor Emeritus of History and American Studies at the University of Minnesota and distinguished scholar of U.S. constitutional history and the history of American civil rights/civil liberties. The Murphy Award, an annual award of \$1000, is intended to assist the research and publication of scholars new to the field of U.S. constitutional history or the history of American civil rights/civil liberties. To be eligible for the Murphy Award, an applicant must possess the following qualifications: be engaged in significant research and writing on U.S. constitutional history or the history of civil rights/civil liberties in the United States, with preference accorded to applicants employing multi-disciplinary research approaches; hold the Ph.D. in History or a related discipline; and not yet have published a book-length work in U.S. constitutional history or the history of American civil rights/civil liberties. Public historians, unaffiliated scholars, as well as faculty at academic institutions are encouraged to apply. If employed by an institution of higher learning, an applicant must not be tenured at the time of the application. Applicants should submit a packet containing the following items: 1) a research project description of no more than 1000 words (4 copies), 2) a tentative budget of anticipated expenses (4 copies), 3) a current curriculum vitae (4 copies), and 4) two confidential letters of recommendation in envelopes sealed by the recommenders. All materials should be mailed to Professor Robert J. Kaczorowski, Fordham University School of Law, 140 W. 62nd Street, New York, NY 10023-7407. All materials must be received no later than February 1, 2003. Email inquiries should be addressed to rkaczorowski@law.fordham.edu.

J. Willard Hurst Summer Institute in Legal History

The first biennial J. Willard Hurst Summer Institute in Legal History convened in Madison, Wisconsin from June 11-22, 2001. The next Hurst Summer Institute is scheduled for June 2003. For information about the 2003 Institute, consult the [H-Law](#) website.

University of Texas Law Library Legal History Publication Series

A half-century of transformations at The University of Texas School of Law are retold by the late Gus Hodges in an oral history interview just published by the Jamail Center for Legal Research.

Gus M. Hodges: An Oral History Interview contains three extensive interviews conducted in 1986. "Gus Hodges was one of the most colorful and best loved professors in the history of The University of Texas School of Law," said Professor Roy Mersky, Harry M. Reasoner Regents Chair in Law and Director of the Jamail Center.

In his Foreword, former UT Law Dean M. Michael Sharlot describes Hodges as "a key participant in the enormous growth of the School of Law in terms of students, faculty and facilities." Hodges (1908-1992) discusses student life at UT during the Depression, the rise of the Law School to national prominence, and the increasing diversification of both the faculty and student body.