

## ASLH NEWSLETTER, Vol. 28, No.1, Summer 1997

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President: Paul L. Murphy, University of Minnesota

Vice President: Laura Kalman, University of California, Santa Barbara

Secretary-Treasurer: Michael de L. Landon, University of Mississippi

Editor: Robert J. Haws, University of Mississippi

Editorial Assistant: Joanna R. Boersma

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**NEWS OF THE SOCIETY**

1997 Annual Meeting

The Society's 1997 Annual Meeting will be held October 16- 18, in Minneapolis, Minnesota at the REGAL MINNEAPOLIS HOTEL. The room rates per night are \$105 (single/double), \$115 (triple), \$120 (quad), and \$190 (suite). Reservations need to be made prior to September 16 to insure getting the Meeting rate. For reservations call 1 800-522-2697. The hotel's web address < <http://www.regal-hotels.com/minneapolis>>. Full information about the Meeting, including registration forms and a draft program will be mailed out to members around August.

By-Laws Amended

Only 34 of the ballots (included as an insert in the Winter 1997 NEWSLETTER) on the amendments to the Society's by-laws proposed by the Board of Directors at the 1996 Meeting in Richmond, were mailed back in. But the result was a decisive one. The Society's top two officers are now the President and the President-Elect, with the latter automatically succeeding the former. The terms for both offices remain, as before, for two years, beginning on the first business day after the end of the Annual Meeting immediately following the election of the incoming President-Elect.

Beginning on July 1, 1998, the office of Secretary-Treasurer will become appointive for a three year term, with the possibility of reappointment.

New Secretary-Treasurer

On the recommendation of the Nominating Committee, Chaired by DAVID J. SEIPP (Boston University Law School), President PAUL MURPHY has appointed DONALD G. NIEMAN, chair of the History Department at Bowling Green State University in Bowling Green, Ohio, to serve as our Society's Secretary-Treasurer for a three year term beginning January 1, 1998. Professor Nieman served as Program Committee Chair for our 1995 Meeting in Houston, Texas.

Changeover Details

MICHAEL LANDON'S term as Secretary-Treasurer runs through December 31 of this year, but he will be handing over most of the job to Don Nieman as of July 1. There are two reasons for the early changeover. Most importantly, Landon will be out of the country, June 28-August 16, when both this NEWSLETTER and the Annual Meeting information packet will need to be mailed out to the members. Also his student assistant for the past two years graduated and left town in May, and it did not seem practical to recruit and train a replacement for just a few months. Nieman is scheduled to spend a couple of days, June 20-22, on the University of Mississippi campus being briefed by and going through the files.

Thanks

Warmest thanks and hearty congratulations to MARTHA E. HUTCHINSON, of Gallatin, Tennessee, who has served as the "clerk/typist" and Editorial Assistant for the NEWSLETTER in the Society's office for the past two years. Martha graduated in May, summa cum laude, with a major in English and a minor in French. She has our very best wishes for a happy and successful future, as she gets ready to go on to the University of Tennessee (Knoxville) as a graduate student in English next year.

Thanks also to JOANNA R. BOERSMA, of Ruston, Louisiana, a Millsaps College graduate, and graduate student in Spanish, who is filling in as assistant in the office through May and June, and helping particularly with putting together this number of the NEWSLETTER. And to SARAH L. GOLDSMITH, of Radford, Virginia, a Davidson graduate and History graduate student. Sarah is systematically going through the assortment of old battered and spider-infested cardboard boxes in which our Society's records for the past forty years are stored. She is cataloging and setting aside all items of significance for eventual designation to the Archives and Special Collection Department at the University of Illinois (Urbana-Champaign) Library, which has expressed an interest in accessing them. Everything else she is throwing out, and her diligence in that regard has earned for Bishop Hall, in which the Society's office is located, a "Recycling Award" in the form of an ornate, framed certificate signed by the Chancellor of the University.

Finally, thanks to ROBERT J. HAWS, who served as co-editor of the NEWSLETTER with Michael Landon from 1978 to 1987, and as sole editor for the past ten years. In his capacity as Chair of the History Department, Haws has been the person mainly responsible for providing ASLH with an office here on the University of Mississippi campus since 1987. And thanks also to Dean M DALE ABADIE, of the College of Liberal Arts, for his continuing and strong encouragement and support.

### Communications

As of June 30 of this year the old telephone number and email address for the ASLH Secretary-Treasurer's office: 601-232- 5600 and <[mlandon@olemiss.edu](mailto:mlandon@olemiss.edu)>, will be closed down permanently. The fax number: 601-232-7033 (U of MS History Department office) will still reach Michael Landon. Landon's personal office phone number is 601-232-7105, and his personal e-mail address is <[hslandon@olemiss.edu](mailto:hslandon@olemiss.edu)>.

Incoming Secretary-Treasurer Donald Nieman's office phone number is 419-372-2030. His fax number is 419-372-7208, and his e-mail address is <[dnieman@bgnet.bgsu.edu](mailto:dnieman@bgnet.bgsu.edu)>.

The e-mail address of our ASLH sponsored electronic bulletin board is <[h-law@msu.edu](mailto:h-law@msu.edu)> and our Web Page address is <<http://hnet2.msu.edu/~law/aslh>>.

### All About Us

An analysis of our Society's membership statistics, as of the end of 1996, reveals virtually no change in numbers or distribution in and around the United States. Our non- U.S. membership, however, rose by thirteen percent, with the biggest increase happening in Canada.

### U.S. Membership Count According to Region (1995 membership in parentheses)

Central		Southeast	
DC	43	Alabama	6
Delaware	2	Arkansas	6
Maryland	37	Florida	27
New Jersey	27	Georgia	14
New York	103	Kentucky	12
Pennsylvania	30	Louisiana	10
West Virginia	2	Mississippi	9
	----	North Carolina	19
Total	244 (245)	South Carolina	6
		Tennessee	9
		Virginia	39
		-----	
			157 (163)
Midwest		West	
Illinois	53	California	82
Indiana	19	Colorado	6

Iowa	10	Hawaii	2
Michigan	27	Idaho	1
Minnesota	21	Kansas	5
Missouri	13	Montana	2
Ohio	35	Nebraska	3
Wisconsin	6	Nevada	1
-----		South Dakota	1
184 (183)		Utah	4
		-----	
		107 (102)	

Northeast		Southwest	
Connecticut	23	Arizona	7
Maine	3	Oklahoma	7
Massachusetts	47	New Mexico	3
New Hampshire	6	Texas	72
Rhode Island	3	-----	
Vermont	2	89 (91)	
		-----	
		84 (85)	

## Northwest

Alaska	1	Guam	1 (0)
Oregon	16		
Washington	9		
-----			
26 (26)			

TOTAL U.S. (individual) MEMBERS-892 (894)

## Others

Argentina	2 (0)	Italy	1 (0)
Australia	11 (10)	Japan	2 (2)
Belgium	1 (1)	Mexico	1 (1)
Canada	38 (33)	Netherlands	1 (1)
Ethiopia	1 (0)	New Zealand	3 (2)
France	2 (2)	South Africa	1 (2)
French Polynesia	1 (1)	Spain	1 (1)
Germany	3 (2)	Sweden	3 (3)
Israel	3 (2)	United Kingdom	20 (20)
		-----	
		Total 95 (84)	

The numbers of "Who We Are" still show that our Society's membership is still made up mainly of history and law professors, with practicing lawyers and judges making up the third-largest segment. It is encouraging to note, however, that the percentage of student members continues- perhaps mainly thanks to H-LAW- to increase steadily. Two years ago it was 2.1%; a year ago, 6.9%, and now, 9%.

## Who Are We?

## Professional Affiliation

Historian (01)	41.7%
Law Teacher (03)	24.6%
Practicing Lawyer	17.8%
Student (11)	9.0%
Judge (02)	3.1%
Political Scientist (06)	1.7%
Librarian (09)	.91%
Archivist (10)	.65%
Sociologist (08)	.13%
Philosopher (05)	.13%

#### Sponsoring and Sustaining Members

Thanks are due to those who contribute to our General Fund by becoming "sponsoring" (\$100 dues-paying) or "sustaining" (\$55 dues-paying) members of the Society. As of June 1 this year they were:

#### Sponsoring Members

Sarah Barringer Gordon  
 Stephen B. Presser  
 Rayman L. Solomon

#### Sustaining Members

Gregory J. Alexander	N. E. H. Hull
Mary Sarah Bilder	Herbert Johnson
Barbara A. Black	Alfred S. Konefsky
John Robinson Block	David Konig
Maxwell H. Bloomfield	Michael de L. Landon
David S. Bogen	Janet S. Loengard
Harold I. Boucher	Joseph M. McKnight
Henry J. Bourguignon	Peter T. Middleton
Donald P. Brewster	Justice Pamela B. Minzner
Bruce A. Campbell	James C. Oldham
Thomas F. Cope	Kathryn T. Preyer
James W. Ely Jr.	Anthony Roeber
Henry N. Ess III	David J. Seipp
Lawrence M. Friedman	Thomas M. Steele
Barry H. Garfinkel	Sue Sheridan Walker
Robert M. Goldman	Ruth G. Wedgewood
Thomas A. Green	David P. Wood
Geoffrey C. Hazard Jr.	Stephen C. Yeazell
Michael H. Hoeflich	Martha A. Ziskind

Peter C. Hoffer

#### Missing Persons

The following persons are on our membership list, but their Winter 1997 NEWSLETTERS were returned to us without forwarding addresses. If anyone knows of the whereabouts of these "missing persons", please let them or us know.

Jacqueline Bruzio - Philadelphia, PA  
 George W. Curtis III- Hanover, IN

Lindsey Gorman- Lansing, NY  
 John Fulton Hart- Wilmington, DE  
 Roy Huddle-Houston, TX  
 Charlotte Hyams- Dallas, TX  
 Gilbert Midonnet-New York, NY

#### Donald Sutherland Prize

The Sutherland Prize Committee invites you to nominate any article deemed the most significant contribution to English Legal History published in the last year 1996. This may include your own publication. It is vital that the Committee be informed of as many potential nominations as soon as possible.

Please direct all nominations, and off-prints or copies if available, before 1 September 1997, to: Professor DeLloyd J. Guth; Chair, Sutherland Prize Committee; Faculty of Law; University of Manitoba; Winnipeg, Manitoba; CANADA R3T-2N2

#### 1997 Elections

This year's Nominating Committee chaired by DAVID J. SEIPP (Boston University Law), and also including ELIZABETH CLARK (Boston University Law), SARAH BARINGER GORDON (University of Pennsylvania Law), AVIAM SOIFER (Boston College of Law), and RAYMAN SOLOMON (Northwestern University Law), has nominated THOMAS A. GREEN as the Society's president-elect. The committee has also selected ten nominees to fill five positions for three-year terms on the Board of Directors and four candidates to fill two three-year terms on the Nominating Committee. Brief biographies of each of the candidates for the various positions are included in this issue of the NEWSLETTER, together with a tear-out ballot sheet which must be mailed back to reach Donald Nieman's office no later than October 1.

#### Biographies

##### President-Elect

Thomas A. Green

Thomas A. Green, the John Philip Dawson Professor of Law and Professor of History at the University of Michigan, has been a member of the ASLH for twenty-five years. He has served as chair of the Publications Committee (1976-84); as member of the Board of Directors (1981-84); as Vice President (1984-86); and as Editor (1987-92) and Co-Editor (with Hendrik Hartog, 1993- present), of Studies in Legal History. He received his B.A. from Columbia and his Ph.D. and J.D. from Harvard. At Michigan, he teaches English and American legal history in the Law School and the History Department and has served on the executive committees of the History Department, Program in American Culture, Medieval and Renaissance Collegium, Program in British Studies, Institute for the Humanities, International Institute, and the University of Michigan Press. His principal field of interest is the history of criminal justice in England and America. His publications include: *Verdict According to Conscience: Perspectives on the English Criminal Trial Jury, 1200-1800* (1985); "The Jury and the English Law of Homicide, 1200-1600" [74 Mich. L.R., 415-99 (1976)]; "Freedom and Criminal Responsibility in the Age of Pound" [93 Mich. L.R., 1915-2053 (1995)]; as co-editor (with Morris S. Arnold, et. al.), *On the Laws and Customs of England: Essays in Honor of Samuel E. Thorne* (1981); as co-editor (with James S. Cockburn), *Twelve Men Good and True: The Criminal Jury in England, 1200-1800* (1988); and other articles, book chapters, and reviews. He is currently working on a book tentatively entitled, "Conventional Morality and the Rule of Law: Freedom, Responsibility, and the American Criminal Trial Jury Since 1800." He has held fellowships from the John Simon Guggenheim Memorial Foundation and the National Endowment for the Humanities, and has been a fellow of the Center for Advanced Studies in the Behavioral Sciences. He has served on the editorial boards of *American Journal of Legal History*, *Journal of British Studies*, and *Law and Society Review*. He currently serves on the Council of the North American Conference on British Studies.

#### Board of Directors

Mary Sarah Bilder

Mary Sarah Bilder is Assistant Professor of Law at Boston College Law School, where she teaches courses in American legal history, property, and a seminar on law, society, and culture. She received a B.A. from the University of Wisconsin. a J.D. from Harvard Law School. and an A.M. in History from Harvard University. She is currently

completing her dissertation, "Salamanders and Sons of God: The Culture of Appeal in Rhode Island, 1630-1830," in Harvard University's History of American Civilization program. A forthcoming article, "The Origins of the Appeal in America," will appear in the *Hastings Law Journal*. She has also published articles on copyright and biography, and indentured servitude, slavery, and early immigration law in the *Stanford Law Review* and the *Missouri Law Review*. She serves on the Board of Overseers of the Massachusetts Supreme Judicial Court Historical Society and on the editorial board of its journal, *Massachusetts Legal History*. She has received a Research Fellowship from the John Nicholas Brown Center for the Study of American Civilization at Brown University and a Mellon Fellowship in the Humanities.

#### Jonathan A. Bush

Jonathan A. Bush is Associate Professor of Law at Santa Clara University, where he has taught since 1994. He received his A.B. in history from Princeton in 1975, his B. Litt. in modern history from Oxford in 1977, and his J.D. from Yale in 1980. He has published numerous articles on early modern English legal history, on colonial American slavery, and on the law of war and war crimes trials after World War II. Currently, he is co-authoring a book with Telford Taylor, chief American prosecutor at the twelve Nuremberg Trials (1946-49), about those trials. While working on the Nuremberg book, he is a visiting fellow at the U.S. Holocaust Memorial Museum (1996-97) and the Institute for Advanced Study, Princeton (1997-98). For the two previous years, he has also been busy as co-organizer of the 1997 British Legal History Conference, Cambridge (England).

#### Robert J. Cottrol

Robert J. Cottrol is Professor of Law and History at the George Washington University. He received his A. B. in American Studies from Yale University in 1971 and his Ph.D. in American Studies from Yale University in 1978. He received his J. D. from the Georgetown University Law Center in 1984. He is the author of *The Afro-Yankees: Providence's Black Community in the Antebellum Era* (Greenwood Press, 1982) and has edited *Gun Control and the Constitution: Sources and Explorations on the Second Amendment* (Garland Publishing, 1993, 1994). Robert Cottrol is currently editing *From African to Yankee: Narratives of Slavery and Freedom in New England* (M. E. Sharpe, Inc.) and *Race, Law, and History* (Oxford University Press – co-editors Raymond T. Diamond, Paul Finkelman and Davison Douglas). His articles and essays have appeared in the *American Journal of Legal History*, *Georgetown Law Journal*, *Yale Law Journal*, *Tulane Law Review*, *Chicago Kent Law Review*, and the *Law and Society Review*, among others. Robert Cottrol's service to the American Society for Legal History includes membership on the editorial board of the *Law and History Review* (1985-1994) and service on the program committee (1995 and 1997).

#### Laura F. Edwards

Laura F. Edwards received her B.A. in American Culture from Northwestern University in 1985 and her Ph.D. in history from the University of North Carolina in 1991. This fall she joins the History Department at the University of California, Los Angeles as an assistant professor and will be teaching courses in nineteenth century U.S. and legal history. Before that, she spent four years as an assistant professor in the History Department at the University of South Florida and held postdoctoral fellowships at the Smithsonian Institution and the Newberry Library. Her book, *Gendered Strife and Confusion: The Political Culture of Reconstruction* (University of Illinois Press, 1997) links postwar transformations in private and public life through the lens of gender and legal sources. Recent articles on gender, race, class, and the law have appeared in *Law and History Review* and *Feminist Studies*. Her North Carolina Historical Review article, "Sexual Violence, Gender, Reconstruction, and the Extension of Patriarchy" won the Martin Luther King, Jr. Award for the best article in African-American history published in the years 1991-92. She is now working on a new book, *The Politics of Private Life: Law, Culture, and Power in the Nineteenth-Century South*, which focuses on the primary domestic relationships—master/slave, master/servant, husband/wife, and parent/child. But its larger goal is to rethink the nature of political conflict by revealing how southerners of all kinds continually renegotiated these relationships, and, in the process, the content of public life.

#### Michael de Laval Landon

Michael de Laval Landon, a native of Canada, is a Professor of History and Acting Chair of the Department of Modern Languages at the University of Mississippi, where he has taught since 1964 and served as Acting Director of Libraries in 1986-87. He holds an M.A. degree from Oxford University in England and a Ph.D. in history from the University of Wisconsin (Madison), where he returned as a Visiting Associate Professor (1970-71), and has published four books: *The Challenge of Service: A History of the Mississippi Bar's Young Lawyers* (1995); *Erin and Britannia: The Historical Background to a Modern Tragedy* (1981); *The Honor and Dignity of the Profession: A History of the Mississippi State Bar, 1906-1976* (1979); and *The Triumph of the Lawyers: Their Role in English Politics, 1678-1689* (1970), and numerous articles. He has also completed a book-length study of "Serjeant Maynard: The Professional

(1970) and numerous articles. He has also completed a book-length study of "The Professional and Political Careers of a Seventeenth Century Common Lawyer," which is presently being revised for future publication. His service to the ASLH includes membership on the Board of Directors (1982-84), co-editing the Newsletter of the Society (1978-87), and secretary treasurer (1988-1997).

#### Linda Przybyszewski

Linda Przybyszewski has been Assistant Professor of History at the University of Cincinnati since 1991 where she teaches courses in the intellectual and cultural history of the United States. Her most recent publication is a review article entitled "The Dilemma of Judicial Biography, Or Who Cares Who is the Great Appellate Judge? Gerald Gunther on Learned Hand," *Law and Social Inquiry* 21 (Winter 1996): 135-171. She has held fellowships at the Heyman Center at Columbia University and the Institute for Legal Studies at the Law School of the University of Wisconsin-Madison. She is finishing a book on the first Justice John M. Harlan.

#### David M. Rabban

David M. Rabban is Thomas Shelton Maxey Professor at the University of Texas School of Law. He received his B.A. in History and Religion from Wesleyan University in 1971 and his J.D. from Stanford Law School in 1974. He joined the University of Texas faculty in 1983 after serving as counsel to the American Association of University Professors. His book, *Free Speech in Its Forgotten Years*, will be published by Cambridge University Press in September 1997. His articles on the history of free speech in the United States have been published in the *Stanford Law Review*, *Texas Law Review*, *University of Chicago Law Review*, *Virginia Law Review*, and *Yale Law Journal*. He has written review essays of books dealing with law and labor for the *Columbia Law Review* and the *University of Chicago Law Review*, and has contributed short book reviews to the *Journal of American History* and *Labor History*. In addition to presenting papers at the annual meetings of the Association of American Law Schools and the Organization of American Historians, he has been a speaker at the 1992 Oliver Wendell Holmes Devise Symposium at Georgetown Law School and at the 1987 Fulbright Colloquium for the Bicentennial of the American Constitution in Great Britain. Professor Rabban has received fellowships for his work in legal history from the American Bar Foundation, the National Endowment for the Humanities, and the Woodrow Wilson International Center for Scholars.

#### Frances Howell Rudko

Frances Howell Rudko is Associate Professor of Law at Southern New England School of Law in North Dartmouth, Massachusetts, where she has taught since 1991. She teaches contracts, evidence, international law, constitutional law, and various courses in legal history, including United States Legal history, civil rights and civil liberties, and the Fourteenth Amendment as an instrument for change. She received her B.A. from Southern Methodist University in Dallas, her J.D., M.D., and Ph.D. from the University of Arkansas at Fayetteville. She served as law clerk for Chief Judge Franklin Waters of the Western District of Arkansas and has practiced law. She taught United States history, history of federalism, and history of civil rights and liberties as a Visiting Assistant Professor of History at Ohio State University. She is author of *Truman's Court: A Study in Judicial Restraint* (1988) and *John Marshall and International Law: Statesman and Chief Justice* (1991). Current research includes work on John Marshall and international law, the equal protection clause, and affirmative action. She has served on numerous boards, held offices in various bar associations, and presently serves on the Meetings Committee of the American Society for Legal History.

#### David Warrington

David Warrington, Librarian for Special Collections at the Harvard Law School since 1986, administers the Harvard Law School Library's substantial collections of primary materials in the history of the law. He received the B.A. from the City College of New York and the M.S. (in special collections librarianship) from Columbia University. Among other publications, he is the author of an exhibition catalog, *Sherlock Holmes and the Law*, and has been a contributor to *The Oxford Companion to the Supreme Court of the United States* and other reference books. He has served as the American secretary for the Selden Society since 1991 and was elected to membership in the American Antiquarian Society in 1995. Since 1989, he has co-taught with Morris Cohen, Librarian Emeritus of the Yale Law School, a course at the University of Virginia's Rare Book School, "Collecting the History of Anglo-American Law." His current research focuses on topics in the history of American law librarianship and legal publishing. He is particularly interested in promoting the use of law students' notebooks, law books annotated by their owners, and other frequently overlooked sources of legal history.

#### Carol Weisbrod

Carol Weisbrod is Ellen Ash Peters Professor of Law at the University of Connecticut. She is the author of *The*



Boundaries of Utopia (1980); and co-author of a casebook on Family Law (with Harris and Teitelbaum [1996]). She has published law journal articles in the areas of political theory, feminist theory, church and state and legal history, and has recently completed a book on law and narrative (to be published by the University of Michigan Press). She is now working on a book on pluralism.

#### Nominating Committee

##### Daniel Ernst

Daniel Ernst is a professor of law at the Georgetown University Law Center and an adjunct professor in Georgetown's history department. He received a J.D. from the University of Chicago, a Ph.D. from Princeton University, and an LL.M. from the University of Wisconsin-Madison. He served as chair of the Local Arrangements Committee for the 1994 annual meeting and organized or appeared on panels at the 1990, 1994, and 1996 annual meetings. In 1996 he spent six months as a Fulbright scholar at the National Library of New Zealand in Wellington. He is the recipient of teaching awards from Princeton University and the Georgetown University Law Center, as well as the Littleton-Griswold Prize of the American Historical Association for Lawyers against Labor: From Individual Rights to Corporate Liberalism, which appeared in the University of Illinois Press's series, "The Working Class in America." His most recent publication is "'In Short He Is a Stupid Man:' The Judges and the [New Zealand] Arbitration Court," *Turnbull Library Record* 29 (1996).

##### Michael Grossberg

Michael Grossberg is Professor of History at Indiana University and Editor of the *American Historical Review*. His research focuses on the relationship between law and social change, particularly the intersection of law and family. He has written a number of articles on legal and social history, particularly on the history of legal professionalism and the methodology of legal history. His history of the creation of American domestic relations law, *Governing the Hearth, Law and Family in Nineteenth Century America* (1985), won the American Historical Association's Littleton-Griswold Prize in the History of American Law and Society. He recently published *A Judgment for Solomon: The d'Hauteville Case and Legal Change in Antebellum America*, which chronicles a controversial 1840 parental custody dispute and explores the role of trials as social dramas in American society. He is currently working on a study of child protection in the United States. Grossberg has held fellowships from the National Endowment for the Humanities, the American Council of Learned Societies, the Newberry Library, the American Bar Foundation, and has been a fellow at the National Humanities Center. He has also served on the ASLH Board of Directors, chaired the 1989 ASLH Program Committee, and edited *Law and History Review*. Grossberg teaches courses in American legal and social history.

##### W. Wesley Pue

W. Wesley Pue is Nemetz Professor of Legal History and Director of the Graduate Program in Law at the University of British Columbia. Educated at Oxford, Alberta, and York, he has previously taught at York University (Toronto), Oklahoma City University, Carleton University and the University of Manitoba (serving as Director of the Canadian Legal History Project). He has published in the fields of English and Canadian legal history (with particular emphasis on histories of legal professions) and in law and geography in U.S., British, and Canadian journals and books. Current enthusiasms include cultural histories of legal professions and comparative legal history. He has served on editorial boards or advisory boards for several journals, on the Surrency Prize Committee, and is currently President of the Canadian Law and Society Association/ Association canadienne droit et soci=E9t=E9.

##### Victoria List

Victoria D. List received her J.D. from the University of Wisconsin in 1984 while working on her doctorate in history, which she received from the University of Michigan in 1991. She has been a quarter of the History Department at Washington & Jefferson College since 1987, and is now an Associate Professor of History there. Her teaching responsibility includes everything from Ancient Civilization to American Constitutional History, but she still likes to think of herself as an English legal historian, and occasionally gets to teach on that subject. In addition, she has been a Golieb Fellow at New York University School of Law, and has held a fellowship from the American Bar Foundation. She is currently engaged in seemingly endless revisions on an article concerning the clash of royal and ecclesiastical jurisdictions in post-Reformation England. She has given a number of papers at ASLH meetings over the years, has served on the Program Committee, and is now finishing up her tour of duty on the Sutherland Prize Committee.

#### **INFORMATION SUPERHIGHWAY BILLBOARD**

## Intellectual Property in the Digital Environment

The Committee on Libraries and Intellectual Property of the National Humanities Alliance, of which our Society is an Active Member, earlier this year drafted a statement on "Basic Principles for Managing Intellectual Property in the Digital Environment." The statement, based largely on an earlier University of California System document on "Copyright Legislation and Scholarly Communication Basic Principles", was endorsed by the NHA membership at its Annual Meeting in Philadelphia on May 1 of this year, and by the American Council of Learned Societies (ACLS) Annual Meeting on May 2. Several other scholarly organizations have also voted their approval of it, and the ASLH Board of Directors will be asked to give it their approval at our Meeting in Minneapolis in October. The main points are as follows:

1. Copyright law provisions for digital works should maintain a balance between the interests of creators and copyright owners and the public that is equivalent to that embodied in current statute. The existing legal balance is consonant with the educational ethic of responsible use of intellectual properties, promotes the free exchange of ideas, and protects the economic interests of copyright holders.
2. Copyright law should foster the maintenance of a viable economic framework of relations between owners and users of copyrighted works.
3. Copyright laws should encourage enhanced ease of compliance rather than increasingly punitive enforcement measures.
4. Copyright law should promote the maintenance of a robust public domain for intellectual properties as a necessary condition for maintaining our intellectual and cultural heritage.
5. Facts should be treated as belonging to the public domain as they are under current law.
6. Copyright law should assure that respect for personal privacy is incorporated into access and rights management systems.
7. Copyright law should uphold the principle that liability for infringing activity rests with the infringing party rather than with third parties. Institutions should accept responsibility for acts undertaken at their behest by individuals but should not be held liable for the acts of individuals- whether or not associated with the institution acting independently. This principle is an essential underpinning for academic freedom.
8. Educational institutions should foster a climate of institutional respect for intellectual property rights by providing appropriate information to all members of the community and assuring that appropriate resources are available for clearing rights attached to materials to be used by the institution, e.g., in support of distant learning.
9. New rights and protections should be created cautiously and only so far as experience proves necessary to meet the Constitutional provision for a limited monopoly to promote the "Progress of Science and useful Arts."
10. Copyright enforcement provisions should not hinder research simply because the products of a line of inquiry might be used in support of infringing activity.

## NEWS NOTES

### ACLS 1997 Annual Meeting

Our delegate, RICHARD HELMHOLZ, reports: This year's annual meeting of the American Council of Learned Societies, held in Philadelphia's Society Hill district, was the occasion for tributes to two retiring officers. The first was to the Council's President, STANLEY KATZ, who is of course one of our Society's honorary fellows and its former president. Stan has presided over the ACLS for the past ten years, and he has done so with characteristic competence and style. Reading through his report on these years shows how much he has accomplished- old projects sustained, initiatives begun, and money raised. Above all, he has kept the flag of scholarship flying in difficult times. The Delegates to this year's meeting repeatedly expressed their gratitude to Stan, and there was nothing perfunctory about it. The second retiree was SHELDON HACKNEY, outgoing President of the National Endowment for the Humanities. Mr. Hackney has given the luncheon address for the past few years, and there has come to be a certain sameness to his careful account of the travails of the humanities. This year, he seemed liberated by the prospect of setting his burden aside. The account of travails did not vary greatly from past years, but

the talk was delivered with a new wit and charm. He departed also with the gratitude of the Delegates for his hard (and mostly successful) work in difficult circumstances.

The theme for discussion at this year's meeting was "The Transformation of Humanistic Studies". Various members of the assembly spoke about developments in their particular discipline. One of the advantages of attending these meetings is hearing exactly what these developments look like from the perspective of insiders. Some applauded them. Some do not. But the developments almost always appear different to the insider than to the outsider, at least to this outsider.

It was entirely easy to relate scholarship in legal history to the meeting's theme. Some observers may well doubt that there can be anything even vaguely humanistic about the study of legal history. My report from ASLH however, took note of the many contacts between History Departments and Law School, the expanding nature of the course offerings on both sides of the fence, and the broadening scope of inquiry among legal historians. If this did not amount to a "transformation" of the field of legal history, at least there has been some nibbling at the edges of humanistic concerns.

The Haskins Lecture, a high point of the meeting, was delivered this year by NATALIE ZEMON DAVIS. She is an early modern historian, probably best known to the world as the author of *The Return of Martin Guerre*. She has taught successively and successfully at Toronto, Berkeley and Princeton. Ms. Davis delivered a characteristically lively account of the influences—scholarly, familial, religious, personal, and accidental—that have led her to take up and master a number of different approaches to historical research.

This year's meeting ended with the introduction of the ACLS's incoming president, JOHN D'ARMS. He spoke briefly, but well, at the final luncheon, and then held a round-table discussion with the executive officers of the various societies. Reviewing the situation of the Council has led him to conclude that there is an urgent need to raise additional funds; he intends to make that a priority. At least on initial appearances, Mr. D'Arms seemed to be a good bet to accomplish this goal, and also the other goals that will inevitably present themselves during his administration. He has big shoes to fill, but he has made a positive start.

#### Blackmun Papers Go To Library of Congress

Former Supreme Court Justice HARRY A. BLACKMUN has given a collection of his personal papers to the Library of Congress. This extensive collection should strengthen the capacity of future scholars to examine how the Supreme Court has dealt with some of the most important legal issues of our time.

Justice Blackmun's papers will join those of 38 other justices and chief justices in the Library of Congress. Because an individual's papers can best yield their riches when studied in conjunction with other related collections, Justice Blackmun's decision to place his papers in the Library of Congress should greatly facilitate historical research.

Librarian of Congress James H. Billington stated: "The papers of the justices are among our most treasured collections. Our holdings will be considerably enhanced by the Blackmun papers. We are honored that Justice Blackmun has placed his trust in the library."

Justice Blackmun stated: "I am pleased that my papers will find a home in a library that also houses the papers of many other justices, going back to the earliest days of the Supreme Court. Although my work is only a small part of the court's history, I am hopeful that scholars and others will find my papers somewhat useful as they study the pertinent events of the past quarter-century."

Plans for the transfer and processing of the Blackmun papers are currently under way. Among other conditions, access to the papers is restricted until five years after Justice Blackmun's death. Further information is available from the Manuscript Division of the Library of Congress at (202)707-5383

#### Teacher Wins New Honors

ASLH member LINDA K. MILLER, a teacher at Fairfax High School, in Fairfax County, Virginia, won three awards for outstanding teaching last year, including the American Bar Association's Outstanding Law Day Activity Award (see the summer '96 NEWSLETTER, p. 17). This year, she was re-elected on April 18, as the Outstanding Secondary Teacher by the University of Virginia's Curry School of Education Foundation. Her Law Day Activities, featuring a discussion with General Suter, Clerk of the Supreme Court, on the workings of the court were carried on C-SPAN, on May 3, as part of its "America and Its Courts" series. A copy of the television broadcast can be ordered from C-SPAN at 1-800-277-2698, ID# 80894.

## MEDIEVAL LEGAL HISTORY PANEL

At the 32nd International Congress on Medieval Studies in Kalamazoo, Michigan, RICHARD KAEUPER (Rochester) and PAUL HYAMS (Cornell) put on another in their series of sponsored panels on "Law as Culture in the Middle Ages". This one focussed on "Property, Ownership, and Inheritance". The papers were as follows:

F.R.P. Akehurst (University of Minnesota), "Meanings of DROIT in the Old French Coutumiers"

Nicole Clifton (Northern Illinois University), "Women's Inheritance and Landlordship in the Middle English 'Ywain and Gawain'"

Paul Brand (London, England) "Family Values and the Law of Property Inheritance by the 'Hearth Child' in the King's Courts of Thirteenth Century England"

Some 80+ people attended and a lively discussion followed the papers. They think they can now say with undue modesty that this series is established as the place to find serious studies on Legal History at Kalamazoo. The organizers seem to agree, since they have asked our future plans for the next couple of years, on the assumption that this indeed is an ongoing project.

They have already booked the 1998 session under the following sub-title: "Ethics and the Law: The View of Medieval Lawyers".

### Irish Legal History Society Continues to Grow

At an informal gathering in the Chief Justice's chambers at the Four Courts on Wednesday 12 March, the Irish Legal History Society presented the Chief Justice, the Hon. Mr. Justice Liam Hamilton, with books from the Society's series of legal history volumes. The occasion marked the launch of a drive to recruit new members for the Society, of which Mr. Justice Hamilton and his counterpart in Northern Ireland, the Rt Hon. Sir Robert Carswell, the Lord Chief Justice, are Joint Patrons. To launch the recruitment drive, the Society has produced a handsome new brochure-cum

membership form, and the Chief Justice was presented with this as well.

The presentation to the Chief Justice on behalf of the Legal History Society was made by its President, Mr. DAIRE HOGAN, solicitor, partner in McCann FitzGerald, and the author of *The Legal Profession in Ireland, 1789-1922*, published by the Incorporated Law Society in 1986. Also in attendance as members of the Council of the Society were Professor W. N. OSBOROUGH, University College Dublin (Hon. Jt. Secretary), Mr. ROBERT D. MARSHALL, solicitor, A & L GOODBODY (Hon. Jt. Treasurer), and Mr. RODERICK O'HANLON, barrister-at-law. Present, too, was Mr. RONAN GALLAGHER (formerly of Irish Academic Press and now of Four Courts Press) who had helped to plan the new brochure and had seen it through the press.

In a short speech delivered before the actual presentation, Professor Osborough explained that it was hoped that, as a result of this new publicity drive, membership of the Society which at present hovered around 200, would rise to at least 300. He thanked Mr. Marshall and Mr. Gallagher for the Trojan work they had done in arranging for the production of the brochure and he expressed the appreciation of the Society for the generous grant in aid of printing made by the solicitors McCann FitzGerald.

The new brochure which is in full color- almost a collector's item in its own right- shows the dust-jackets of all six volumes produced by the Irish Legal History Society to date - two collections of essays, Brehons, serjeants and attorneys (1990), *Explorations in law and history* (1995); two books by Colum Kenny, *King's Inns and the kingdom of Ireland* (1992), *Tristram Kennedy and the revival of Irish legal training* (1996); and books by Jan G. Crawford, *Anglicizing the government of Ireland: the Irish privy council and the expansion of Tudor rule* (1994), and by W. N. Osborough, *Law and the emergence of modern Dublin* (1996). The brochure also reproduces the fine portrait of the Restoration serjeant-at-law, Sir Audley Mervyn, published for the first time in 1995 in the *Explorations* volume. The brochure explains the functions of the Society and carries an endorsement for its work from both Irish chief justices.

The next publication to be undertaken by the Society will be *The Bulkies: police and crime in Belfast, 1800-1865*, an account of the former Belfast borough police written by Dr. Brian Griffin. Publication is expected in the course of the summer.

Virtually all the Society's discourses, one of which is delivered to each annual meeting, have now been published (in the *Explorations* volume). Outstanding is last year's discourse delivered in Dublin in October by the former Lord Chief Justice of Northern Ireland and the Lord of Appeal, the Rt Hon. Lord Lowry, which was entitled "The Irish lords of

Justice of Northern Ireland and the Lord of Appeal, the Rt. Hon. Lord Lowry, which was entitled "The Irish Role of appeal in ordinary" It is hoped to arrange for early circulation of the printed text of this discourse to all members of the Society, both old and new.

This year's general meeting of the Society will be held in Belfast on 10 October when the Society's President, Mr. Daire Hogan, will deliver an address on Richard Robert Cherry, who served as Lord Chief Justice of Ireland from 1913 to 1916.

The Society will be celebrating its tenth anniversary next year. It is a joint North-South Society, established in Dublin early in 1988, when the audience was addressed by both Irish chief justices of the day, the Hon. Mr. Justice Finlay, Chief Justice of Ireland, and the Rt. Hon. Lord Lowry, Lord Chief Justice of Northern Ireland. By the following autumn the Society was up and running, with a constitution agreed to and approved at an inaugural general meeting. The stated object of the Society, defined in 1988, remains the following:

To encourage the study and advance the knowledge of the history of Irish law, especially by the publication of original documents and of works relating to the history of Irish law, including its institutions, doctrines and personalities, and the reprinting or editing of works of sufficient rarity and importance.

The short-term target of a membership of 300 to which

Professor Osborough referred at the meeting with the Chief Justice on 12 March is designed to produce a secure financial base from which the Society can continue to mount its programme of annual scholarly publications. But, in addition, a substantial increase in membership would enable the Society to take a number of other initiatives in line with its stated objectives. For some time, the Society has been anxious to undertake an oral history project-enabling more senior members of both branches of the profession to record on tape recollections of their respective careers. Support of research by law and history graduates into the many aspects of Ireland's legal history so far relatively unexplored or ignored altogether would represent another call on the Society's resources. With an annual subscription fixed at 35 pounds, an extra 100 members would generate an amount of income that would ease the business of getting such initiatives off the ground. The legal profession both North and South has already been generous in its support of the Irish Legal History Society. With just a little more help, diversification and expansion of the work of the Society would come within the realm of the achievable.

## **CALLS FOR PAPERS**

### Special Issue of SIGNS

Signs: Journal of Women in Culture and Society seeks submission for a special issue on "Institutions, Regulation, and Social Control," slated for publication in summer 1999. This special issue will address concerns such as the organization and enactment of particular social institutions, including militaries, prisons, schools, religious institutions, and families; the regulation of physical bodies through codes of sexuality and technologies that limit physical freedoms; political and cultural regulations through the rise to power of conservative forces such as the religious right; conflicts and complicities between state regulatory processes and situated ethnic nationalisms and allegiances; institutional processes of social control; transnational systems of regulation of populations and their migrations; influences of this multitude of systems of regulation on daily lived experiences. This special issue will also address not only resistance to this regulation and social control but also new and more complicated and nuanced thinking about resistance itself. We encourage multidisciplinary analyses that explore the dynamics of interaction between everyday actors and communities on the one hand and regulatory systems on the other. And, importantly, this issue will address intersections among systems of regulation and social control, as they reinforce, undermine, and contradict each other.

The editors welcome submissions that are based on either collaborative or independent scholarship. They also welcome submissions from a wide variety of theoretical perspectives, disciplines, and approaches to this complex and multifaceted topic.

The special issue editors will include Professors CHRISTINE DI STEFANO (Dept. of Political Science) and PRISCILLA WALD (Dept. of English) of the University of Washington and the Signs Board of Associate Editors.

Additional editors will be announced shortly. Please submit articles (5000 words) no later than October 31, 1997. For

Additional editors will be announced shortly. Please submit articles (five copies) no later than October 31, 1997, to Signs, "Institutions, Regulation, and Social Control", Box 354345, University of Washington, Seattle, WA 98195-4345. For further information contact the editors at: University of Washington; C14 Padelford Hall Box 35435; Seattle, WA 98195-4345; tel:(206) 616-4705; fax: (206) 6164756; e-mail: [signs@u.washington.edu](mailto:signs@u.washington.edu)

#### Forum on European Expansion and Global Interaction

The forum on European Expansion and Global Interaction will hold its second biennial meeting at the Henry Huntington Library in San Marino, California, on April 3 & 4, 1998. The Forum is concerned with the expansion of Europe and the world-wide response to that expansion, from its beginnings in the 14th century to the middle of the 19th century. It seeks participation by scholars in all areas of the field and encourages submissions from individuals with an interdisciplinary focus. Both individual and group proposals are welcomed; proposals for round-table discussions will also be considered. Past panels have addressed questions relating to the role of the military in the governance of empire, transnational commerce, race, gender and the emergence of colonial identity. Proposals for individual papers and entire sessions, including both a 250- word abstract for each paper and a curriculum vitae for each participant must reach the forum by October 15, 1997. Inquiries and proposals should be addressed, after July 1 to: Professor David Hancock; Charles Warren Center for Studies in American History; Robinson Hall; Harvard University; Cambridge, MA 02138; tel: (617) 495-3591; fax: (617) 496-2111; e-mail: [hancockd@umich.edu](mailto:hancockd@umich.edu)

#### OHA 1998 Annual Meeting

The Oral History Association invites proposals for papers and presentations for its 1998 annual meeting, to be held October 15-18 in Buffalo, New York. The theme of the meeting is "Crossing the Boundary, Crossing the Line: Oral History on the Border." Proposals that relate to mediations among diverse communities; class, ethnic, racial, and gender perspectives; interdisciplinary approaches; transnational issues; migration, and immigration; transgressions; new frontiers in technology; lesbian and gay history; relationships in interviewing; marginality; oral history and received historical wisdom; shifting borders in oral history; and ethical and legal boundaries are especially encouraged. Proposals on other topics are also welcomed.

The Program Committee invites proposals from oral history practitioners in a wide variety of disciplines and settings, including academic institutions; museums, historical societies, archives, and libraries; community organizations; media professionals; and independent historians. They also encourage proposals from graduate students and from those involved in both precollegiate and postsecondary teaching. Sessions may address the many uses of oral history in media such as film, video, radio, exhibitions, drama, and new electronic media. Similarly, while sessions may be organized in the customary panel format, we encourage proposals for roundtables, workshops, poster sessions, and other formats that go beyond the boundaries of conventional conference presentation.

Applicants must submit 4 copies of the following: for full session proposals, a one-page description of the issues and questions the session will address and a one-page abstract of each presentation; the name of the convener; suggested commentator(s); and short vitae, including institutional affiliation, mailing address, phone numbers, and e-mail addresses for each presenter. Individual proposals should include a title, one-page abstract of the presentation, and a short vita of the presenter. **PROPOSAL DEADLINE: DECEMBER 15, 1997**

For further information or to submit proposals, contact:Debra Bernhardt; Robert F. Wagner Labor Archives, 70 Washington Square South; New York, NY 10012; tel: (212) 998-2640; fax: (212)995-4070; e-mail (queries only) [bernhrdt@elmer1.bobst.nyu.edu](mailto:bernhrdt@elmer1.bobst.nyu.edu); or Cliff Kuhn; Department of History; Georgia State University; Atlanta, GA 30303; tel: (404) 651-3255; fax: (404) 651-1745; e-mail: [hiscmk@panther.gsu.edu](mailto:hiscmk@panther.gsu.edu)

#### ANZLHS Melbourne Conference

1998 is the centenary of the Melbourne federation convention which produced the final form and principles of the Australian constitution which, while establishing the framework of a national government, retained Australia's dominion status within the British empire. In deference to this, the Australian and New Zealand Law and History Society is organizing an international conference addressing the impact and history of imperialism, colonialism, and the migration of legal cultures. The ANZLHS was formed in 1995 by a group of scholars working in different disciplines who share an interest in the connections between history and law. This is the eighteenth annual meeting of the Society, the first of its international meetings. Offers of papers are now invited on the major theme or other matters relevant to the primary concerns of the Society. Abstracts of approx. 100 words, with a brief cover page specifying audio- visual needs etc., should be sent by Dec. 31, 1997 to: Empires/Colonies/Legal Cultures Conference, Attention: Dr. D. Kirby; School of Law History; La Trobe University; Bundoora. VIC. 3083; AUSTRALIA; fax: 61 39 479 1942; e-mail: Diane.Kirby@[latrobe.edu.au](mailto:latrobe.edu.au)

### Missouri Valley History Conference

The 41st Annual Missouri Valley History Conference will be held in Omaha, Nebraska, March 12-14, 1998. Proposals for papers and sessions in all areas of history are welcome. Proposals, consisting of a cover letter, abstract(s) and vitae, should be sent by October 31, 1997 to Lorraine M. Gesick, MVHC Program Coordinator, Department of History, University of Nebraska at Omaha, NE 68182. Inquiries can be made by e-mail to [lgesick@cas.unomaha.edu](mailto:lgesick@cas.unomaha.edu). Please do not submit proposals by email.

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