

## **Interview with Constance Backhouse about her term as President of the American Society for Legal History**

Conducted on January 18, 2015 in Puerto Rico

Interviewer: This is Craig Klafter. I am sitting here with Constance Backhouse who was the President of the American Society for Legal History from 2009 to 2011. For the next hour, we are going to have a conversation about Constance's life and role as President of the ASLH. So, you were born and raised in Winnipeg. What was it like?

Constance: Cold, very cold. Winnipeg is right in the middle of Canada. It prides itself on being a cultural oasis in the middle of a frigid prairie and of course it was the home historically of the Winnipeg General Strike. With that said, I left Manitoba as soon as I got my first degree and I have never moved back, and that was a deliberate choice.

Interviewer: So you went on to Osgoode Hall?

Constance: Yes, I left Manitoba for good when I went to law school in Toronto. Osgoode Hall is the oldest law school in Canada and it was the largest. It was the first to set up a legal clinic and it had the reputation of being the most progressive at the time. So, I was delighted to sign on and be a student there for three years.

Interviewer: You went from a university that was focused more on access, very democratic in its nature, to a very elite institution. How different were the experiences?

Constance: Canadian law schools don't feel part of an institution; they feel very autonomous. They are professional, you are in a different medium. So it's hard to compare the University of Manitoba and Osgoode Hall Law School. But it was scary going to law school. There were about – I think there were 375 students in my first year class, which may not seem large by some American standards but it was very large in Canada. And there were about 15 of us from Winnipeg, and we all lived fairly close to each other and often socialized together. But it was a scary business, because I – and I think this is true of many law students - you either figure you are going to get As or you are going to fail, and there is nothing in between, and if it's in between, it's oblivion. So I didn't know in the beginning which end I was going to show up in, the failures or the As, but I got As much to my surprise. I was one of those people who took to the arcane business of writing exams easily. But I used to tell my students that I cried every day in law school because the materials we were studying were so boring in comparison to the history I had studied at the University of Manitoba, which I did not find boring.

Interviewer: Did the Winnipeg students feel they had something to prove, was there a sense of competition with students from other provinces?

Constance: Oh, there is a great deal of regional jingoism in Canada. Every region has its own champions and its own slights imagined or real. There was definitely a Manitoba mafia, and I was part of it. We had our own Thanksgiving parties, we had our own dinners and get-togethers and it was very nice; I enjoyed that a lot.

Interviewer: Did your interest in feminist history start there or later?

Constance: No, I was a late bloomer on feminism. I didn't really come to grips with how much sexism would interfere with my life until I worked at the Parkdale Community Legal Clinic and discovered that you couldn't actually be a woman law student, you had to be a "girl" first. And, it was very difficult to be an equal lawyer and that carried on when I articulated and went to work. I was just so appalled at the level of discrimination perpetrated against women that I quickly grew into a rabid feminist. But it wasn't until after law school that it really flourished.

Interviewer: Was it then that you thought about pursuing legal history?

Constance: Not quite. I had plans to become a labor lawyer, only they wouldn't hire "girls" to work in union-side labor law. And so I worked for the government for a bit, for it would hire "girls," and I am using 'girls' in quotation marks of course. And I lost the job I had because of sexual harassment. I quit, I wasn't fired, I left; I realized then that there was no future where I was and so I threw out all my labor law books and rethought my life. In the framework of doing that I met up with another woman who had also lost her job for sexual harassment. This was in the mid 1970s, and the term "sexual harassment" had only just come into public discussion; it was brand new. The other woman's name was Leah Cohen (she wasn't a lawyer, but a business woman) and the two of us decided that we wanted to write a book on sexual harassment.

We did that. We took a year out, we did research, we wrote a popular book, and we became front page news. And here I was blooming into feminism, but I didn't know what I wanted to be when I grew up, I couldn't see a law career out there that I wanted. So instead I said, well I'll just ignore life for a bit and I'll go back and do more graduate work. And since I had always preferred history to law I thought to myself this can be good, I can do legal history. And it was right around that time that Morton Horwitz published the 'Transformation of American Law.' It got widespread public recognition and discussion. I read it and I said, 'That's where I am going.' Off I went to Harvard and studied under Morton. So I was able for the first time to combine my legal work with history, and I was a feminist, which Morton very kindly encouraged. He didn't have to and it was kind of unusual for a male law professor to encourage someone in feminism, but he gave me complete license and in fact encouraged me to do feminist legal history, which didn't even exist at the time, and so that was a lovely experience that year.

Interviewer: When did you first go to an ASLH meeting?

Constance: I got a job right after Harvard at the University of Western Ontario Faculty of Law, the second woman on the faculty. And to be frank the faculty members really weren't sure they wanted a feminist law professor although the dean at the time did, but he left before I arrived. So he hired me and he abandoned me and it was a very unwelcoming environment to put it mildly. I was a bit of a fish out of water, but Morton had given me a trajectory of the kinds of research I should be doing on women's legal history, and even a design for how to create a book. So I was doing some of that, and I ran into David Flaherty who was a faculty member in the department of history at the University of Western Ontario who did legal history and was well known in the American Society for Legal History. And, David took me under his wing, and

said, “The work you are doing is excellent, now you need to learn” – and none of the law folks knew this – “you need to learn how to apply for research grants, this is how we do our work.” So, I got taught entirely by him.

And he said, “You should come to the American Society for Legal History meeting.” And I said, “I am too busy, and I don’t have any money.” And he said, “I don’t care, you must go to the annual meeting, and I will introduce you to people who will make a difference in your career.” So I did, and he did. He had a knack for being able to take 10 people in the room during a reception at an academic conference and introduce them to 12 others. And he just circulated the room like a full-blooded politician. I met a number of people that year and in following years who have been enormously important in my own thinking about legal history and in my own career. So David Flaherty was absolutely right, going to the American Society for Legal History Annual Meeting was essential to somebody at my stage.

Interviewer: Did the annual meeting meet your expectations in other ways?

Constance: As a newcomer, I didn’t really know much about legal history. There was a small cabal of us at the ASLH who were interested in women’s legal history and we would have a dinner every year. There weren’t many of us actually presenting on the program, but I went to all kinds of sessions – the legal history of Rome, American legal history, slavery - none of which had connections to anything I was doing. I was struck by the fact that people asked the same questions ~~of~~ about data so that I could see patterns. And I think I struggled with larger questions in those early meetings. I could see that the brilliant superstars of the legal history field were individuals who had developed an elegant theory - an interpretation that was innovative, a lovely stream of analysis. I couldn’t see that coming out of my own work at all. My own work was muddled, I had an entire 19<sup>th</sup> century full of primary [source](#) and legal documents; legislative enactments, judicial decisions and judges’ note books, and it was a complete mess. It was not an elegant theory, it was not a beautiful stream of creative analysis. It was a polyglot of many, many things.

I went to a panel that Lawrence Freidman spoke at, and he was admonishing all the young scholars in a very gentle way, saying, “I don’t know why none of you are in the archives, we cannot do legal history without archival research, you have to go down to the sources, don’t just sit up and develop these beautiful theories.” So I said – and I was cross, and I raised my hand and I didn’t usually speak in these sessions – and I said “Well you know, excuse me Professor Freidman, but if we all do this kind of archival work, we’re not going to have elegant theories, we’re going to have a mess. And so I hope you’re going to be kind to us when this research turns out to be a mess and not the most brilliant new theory.” I don’t know what he made of my question but I was really cross and I was worried about how one makes a mark as an important legal historian and yet remains true to the data, so that was a struggle in my earlier years.

Interviewer: And so how did you start to get involved with ASLH committee work? Were you arm twisted to get involved or was it something that you were keen to do?

Constance: I’m sure I didn’t suggest it myself but somebody must have asked if I would let my name stand for election to the board directors. And I would have thought at the time that I would

never be elected. And I don't think it was actually the first time I ran but it was the second time that I won. So I came to the board meetings and began to learn more about the Society and to learn more about who is who in it and how it had evolved and what facets of its work different people did and how. So I began to develop some institutional knowledge but it was sporadic. It was not like some people within the Society who have been involved from the beginning and have never stopped.

That was not me – I just had a couple of years I'd be on the board; for a couple of years I might be on the program committee, but I wouldn't have said I was a consistent contributor.

Interviewer: When did the idea of standing for president come up?

Constance: I had a phone call, I still remember where I was standing; it was in my kitchen in Ottawa and Chris Tomlins called. I believe he was chairing the nomination committee, and he said, "I need about an hour of your time to talk right now if you're able," and I said yes, and he said, "The nominating committee would like you to consider letting your name stand for president," and I was shocked. Again, I had no idea that my name would ever be considered. There had at that point never been somebody who wasn't an American who served as president.

So it would have seemed like a non sequitur to me that anyone would have considered me. But I was intrigued by what he said. He said, "There are two fronts on which we need development and we think you are the person for both. The first is international. We are called the American Society for Legal History but we have aspirations to encompass legal historians across the globe. We would like this to be a meeting place, the apex, a connection for international, comparative cross-pollination, and it would be helpful to have you do that." And that struck me as odd at the time because I was a Canadianist. I wasn't a comparative historian and I wasn't an internationally-focused legal historian. I just did Canadian work. People have faulted me for that over the years.

I should correct that and add that I dabbled in Australian legal history the year I did my sabbatical there. But people generally said, "You really won't be a contender until you get into American materials...or English materials. You need to do comparative research." And I stood my ground and said, "I'm a Canadian, there aren't enough Canadian legal historians, we have a brilliantly interesting legal history of our own and God damn it I'm sticking with Canada." So I had done this nationalist thing, and now they wanted me to internationalize the American Society.

Interviewer: The ASLH had tried to internationalize when Stanley Katz was president, but that initiative was not successful. Why do you think the ASLH developed as an ethnocentric society?

Constance: One possible reason is that the legal history communities in other countries may have been too small, it may have been premature. When I got started in 1979, which is when I had finished my Master's thesis, there was a tiny group of us - maybe five, six people in Canada doing legal history. But we bloomed over the next 10 years into 30 people who were in touch; they came from history, they came from law, they came from criminology, they came from Canadian studies...there was a whole cross-section of us...law and society programs,

sociologists who wanted to do legal history. So we grew and we became, in my opinion, the most impressive group of scholars within the law academy in the country.

And I believe that was also happening in Australia and New Zealand, to some extent in the UK as well. It may have been that when all of a sudden there was an international call to connect, there was a much stronger, much more focused group of scholars out there than had been the case before. Why else? Well I think just the way so much of the world is becoming globalised, it gave an additional push for the American Society for Legal History to be more international.

Chris Tomlins would be my idea of a central player here. He was somebody who had Australian, American connections, everywhere really. And Chris would travel around to the different meetings, he edited the *Law and History Review*, I was at meetings in Australia where he went and he said to them, “Don’t be surprised but we’re looking for your scholarship, we want to publish you, we are interested in your pieces in our journal; come to our meetings, we want connection.” And he was very believable, and he delivered. And he – it’s no accident that it was Chris who came to me to say, “You need to be president because we need to internationalize.” I’m not sure I was the right person, but the fact that he was spearheading the request made a difference.

Interviewer: Other than to internationalize the Society, why else did Chris think you were right to be the next president of the Society?

Constance: I meant to say the second piece of why Chris said we need you, is he said we are too white an organization, we must have more racial inclusivity; it’s an embarrassment. And I said to him, I 100% agree. The problem is that you cannot have inclusivity if the scholars have not been hired in the first place by racially discriminatory institutions. If you don’t have racialized people on faculties, you can’t bring them to the conference to speak, or to get involved with the ASLH. So I said, “This is a tall order Chris, I’m not sure it’s doable in one mandate. But I certainly agree 100%.”

Interviewer: So, you agreed to stand?

Constance: Funny you should say “stand.” It’s sort of an embarrassment, but it doesn’t usually mean that your candidacy is put out for a contested election. Once the nominating committee has found somebody they recommend, that they have researched, who has accepted the nomination, I don’t know whether we’ve had a contender who has ever run alongside.

Interviewer: Not in my memory.

Constance: The nominating committee makes the ultimate decision – if I’d had to compete for the position I might not have done it.

Interviewer: You were elected, and spent two years as President-elect while Maeva Marcus was completing her term.

Constance: Yes.

Interviewer: How did that year go?

Constance: It was a bit disorienting. I had the sense that some of the key players in the American Society for Legal History thought it was very unusual to have somebody like me as President-elect. I mean they must have worried about what if the place goes to hell under somebody who hadn't been centrally part of the American Society for Legal History. So, that year was more about them getting used to the idea.

Interviewer: How much did you learn about the role?

Constance: Not enough. I went to the meetings, I saw the board and the executive committee emails that circulated; but I have to say that's one of the patterns that I noticed, that there's very little preparation and passing down of detailed knowledge about the job.

Interviewer: There was no "red book" passed from president to president?

Constance: No, and no full-time staff to guide you, so it was a bit rocky settling in.

Interviewer: You had high hopes for your presidency.

Constance: Yes.

Interviewer: As you came into the position, did you have thoughts about the stamp that you wanted to make on the Society – perhaps different from the mandate that Chris spoke to you about?

Constance: Well I definitely agreed with the mandate. By internationalization, I would have understood my expertise, my interests, and the inclusion of legal history communities outside of the U.S. And of course I knew everything about the Canadian field, and I wanted them to be more centrally involved, and I knew something about the Australian - New Zealand group, and wanted them involved. I didn't know much about the rest of the Commonwealth or former British colonies, I didn't know many of those countries and their legal historians, or about Latin America, or about Europe. But I would have essentially thought that was a useful thing to do. I would of course have been interested in feminism and making sure feminism, critical race analysis, class analysis, all of those factors of equality perspectives should be given very serious treatment within our scholarship, our organization, and everything else so that would have been on my agenda. And also I think I was interested in people who felt like they were outsiders within the society.

If you look at our meetings, despite the fact that they are very welcoming and non-stuffy as many of us would have described them, there are always people who feel very isolated and anxious at the meetings. I was hoping that I could do something to make them feel more included.

Interviewer: The president's powers are limited. He or she can embrace individuals, can appoint people to committees, can select the plenary speaker and perhaps influence the work of the Program Committee.

Constance: You get a chance to do it a little bit at the receptions, you get a chance to do it big time at the annual lunch. There were a number of opportunities where I was able to try to reach out to people who were new to the meeting or felt that they were on the outside of the meeting. Whether I succeeded or not in making outsiders feel more included is, of course, a different question.

As for the ASLH's publications mandate, Bruce Mann who would be the President after me was the Chair of the Publications Committee. So all of my discussions about the journal, and the book series, would have been undertaken through him. He was very capable and I just let that one go through him; whenever he needed or wanted, I tried to assist. I think all of us would agree that the Society's publications came through those years in great shape, under Bruce's able leadership.

"Plenary speakers" were a very big issue for me. In my view, being asked to be the plenary speaker at the annual meeting is the pinnacle of what legal historians might aspire to in their career. It is the crowning moment, where the whole community says that you are good enough to address the whole shebang at the special event with a special reception after. So it's quite lovely and it's an opportunity. And it was ~~a~~an event that occupied quite a lot of my attention. I thought very hard about who I would most want to be honored for that. The first one I picked was Dirk Hartog, who is I think an exquisite member of the legal history community and who deserves acclaim. He deserves to be known really well even by people whose lives he doesn't touch, because he is such a brilliant illustration of what scholarship, mentorship, community building, and just being a friend can mean. And his work on ageing, the legal history of people who die or are elderly and ~~infirm~~infirm, is so relevant to all of us and so understudied that I was delighted that he chose to speak on that.

The second speaker I chose was Linda Kerber. I asked her if she could produce a blockbuster speech on why feminism mattered to legal history and she did not disappoint us. She gave a riveting, intense, intellectually wide-ranging, deeply knowledgeable assessment of why if you're not including feminism you are making a huge error~~-. Both those~~. Both those keynotes I was thrilled about. There was a lot of planning in picking them, and neither of them disappointed.

Interviewer: One of the things that struck me in the audience on both of those occasions were your introductions. Your introductions were very substantive. You used them to start developing the topic to be addressed by the speakers. It struck me ~~in the audience~~ that you were much more engaged in the presentation through your introductions than other presidents.

Constance: Yes, I have very high standards for public speaking. I think introductions are typically wasted time, people just drone on with the CV or they say he's a fine fellow and sit down. I don't like to waste air time when you have an audience like that – this is a special audience in those keynotes, everybody's all dressed up and they're all sitting in a nice venue

admiring the architecture, the historical significance of the place that we're in, and they're paying attention. Now you don't get that many legal historians paying attention very often.

So here's your moment and I had given so much thought to whom should give the keynotes. I wanted to be really clear with the audience that this mattered – I wanted to explain why I did this. Why are they so special, what makes them special, what things might you not know about them that would draw you in and have you listening a bit more intently, would make their words more meaningful? So yes introductions are I think an art form, and it is fun to experiment with trying to do them well.

Interviewer: You also provided summaries after the lectures.

Constance: That would not have been prepared and I don't remember what I said but I must in both cases have been so delighted with the substance and the manner of the presentations that I talked on a little bit.

Interviewer: From what I remember, you were exceptional about points that they made, highlighting a few key points. I remember also thinking that this was a bit courageous given that members were waiting for dinner.

Constance Backhouse: Yes, and people are anxious to get out.

Interviewer: They didn't show it. The audiences were not looking at the door for they were so engaged with what you were saying

Constance Backhouse: Well and that's the lovely part, right? If you have a good speaker in the right venue with the right moment, your audience is going to stay with you, right? It's like you can make a great speech greater because the audience is with you, and so that's your opportunity. I always feel badly when our keynote people are not as gripping or as riveting as I would hope they would be. And, the problem is that you're speaking to such a diverse group and you need to put material forward so it's accessible to everybody and that doesn't always happen.

Interviewer: How conscious were you in appointing people to committees to appease the intellectual diversity in the society - trying to please the English legal historians or other groups that we have in the Society?

Constance Backhouse: I would say that I did not upset the applecart at all with appointments. I pretty much followed the rules - on some committees you have to have representation from both the Americanists and the people who do English legal history. So, I don't think my committee appointments were significantly unusual.

One committee I paid particular attention to was the Projects and Proposals Committee. The issue was that we had an endowment for the first time in the Society's history that was earning money and we had never been a spending society. So we had to decide whether we were just going to continue collecting interest and capital gains on it or whether we were going start



behaving differently. And there was a push towards making us a different kind of a society, spending and investing in legal history for the future, for international work and so on.

So I put Ray Solomon in charge of spending. He chaired this Projects and Proposals Committee that was to vet proposals and set out some kind of guidelines for spending before it came before the Finance Committee and the Board for approval. I would have said that he did an exemplary job when we were just getting our feet wet about how to do it. Everybody loves Ray Solomon. He's smart, he's innovative, and he's funny. He had more support than almost anyone else I could think of to start making those kinds of changes, more than many of the rest of us. I think he did a terrific job on that.

Then I developed an international sub-committee and you (Craig Klafter) were central to that and Chris Tomlins was central to that and both of you gave me great ideas about things we might do concretely - sometimes with a bit of the money that we now had and sometimes just as a formal extension of our meetings and our program committee invitations and so on. That was thought through and I think I had great people working on those initiatives. You both told me what we could do and what we couldn't and so we were realistic but we were adventurous.

And then lastly and this is always so surprising to me, but the Honors Committee was something that I worked to reinvigorate. I always tell myself I want to get more radical as I get older. Instead I find myself working on ways to award and honor and recognize senior scholars and retiring professors and I think to myself, "Oh I'm not sure that fits the definition of radicalism." But nonetheless I think this is important. Academics, legal historians, all of us scholars labor in isolation most of the time. Almost every one of us, if we're honest, will say that we are not entirely certain that our work is important -or makes any worthwhile difference.

We all have nagging doubts about how brilliant we are. It doesn't stop us but we wonder. The more great work that we can recognize, the stronger our community gets because more people recognize "oh that's excellence!" And so I thought to myself, look the Honors Committees has been in abeyance for God knows how many years! I looked at who we had honored in the past and found there were two categories. One was called "honorary fellows" and it was reserved for Americans (but Canadians were apparently lumped in with that group). And then there was the other category called "Corresponding Fellows" which was for the rest of the world. We looked at the list and I think there were one or two women in the entire group and it was all white and it was almost all American. We made the decision at the end -- Chris was helpful on this -- we made a decision to merge it into one group called "honorary fellows" and we decided to revamp the Honors Committee. We set out to induct three "honorary fellows" a year, and to use that process to reach out to international communities of legal historians who needed the recognition that comes from being celebrated at the American Society for Legal History. The sad part is, you know being a Canadian, they pay more attention to me if the American Society for Legal History awards me something than if Canadians award me something. It is just a very embarrassing thing but that's true about much of the world. And so here at the American Society for Legal History there was such potential to recognize people around the world. I think we have done really good work in the last couple of years. We have inducted more women, we have more international diversity, and more race diversity. It's slow but we're on the right track and it matters. Even to a radical, it matters.

Interviewer: You had one Hurst Institute during your tenure as president?

Constance Backhouse: Yes.

Interviewer: How much were you involved?

Constance Backhouse: Not at all, partly because Barbara Welke was running it and she is the best of the best of the best of anybody who could do that, and so I didn't feel a great need to oversee or supervise it, it's perfect already. I am sorry that financial and administrative changes might threaten its future. It is hugely important to our Society and its future. It nurtures new, incoming scholars in a venue that fosters superb legal history. It is one of the crucial ways in which our Society can grow.

Interviewer: You introduced panel swaps.

Constance Backhouse: Yes. That's very important. It's hard work but we created these swap panels. Some would say they have been successful, some would say less so, but the theory was that the various legal history societies internationally would agree to "swap panels" at their annual conferences. The plan was that we would make space on each of our programs for one panel from the other group to come every year. We were trying to make linkages, we were trying to honor them while they were there. I had hoped that honoring an Australian legal historian as an "honorary fellow" at the time that the panel swap was going on might bring a whole group of Australian and ASLH legal historians together. We've seen some examples of that with the annual meeting in Miami and the expansion of our Latin American participants and members. Then we used that base to induct a Brazilian as an "honorary fellow." We need to build on all of those different layers to make the international community deeper.

Interviewer: The panel swaps have been less effective at attracting North American scholars to go abroad than to attract foreign scholars to our meetings.

Constance Backhouse: Well that's a typical pattern when you are comparing a dominant world power with other countries. It's to be expected, I think. It is easier for the rest of the world to understand why they need to learn more about the United States and get involved with American events than it is for some Americans to see the need to internationalize. So there is less of a flow out than there is a flow in and that's just the nature of the world. But I remain convinced that we should keep trying to get more Americanists to go offshore. Certainly we tried to convince them to come to Puerto Rico for an annual meeting and it didn't fly. I had people from England telling me that there should be a meeting of the American Society for Legal History in the UK, and that didn't go anywhere either.- I don't know why they haven't done it in the past but it's a big gap in our work ~~and that didn't go anywhere either~~. So it's a bit of a conundrum. And we need to keep trying.

Interviewer: Miami was a compromise with the understanding that it would be used to do outreach into Latin American and the Caribbean and the travel budget for foreign scholars to

attend the meeting was increased substantially for that meeting to facilitate that inward traffic. We had more non-North American attendees at the Miami meeting than ever before.

Constance Backhouse: Well you know, I think you don't want to give me credit that's not due. There were many people involved in getting Miami organized and making it so successful. So maybe that's the difference between when Stan Katz tried to internationalize and not much came of it. We now have more interest within the American Society for Legal History for reaching out. So the swap panels have continued. And Michael Grossberg, our ~~current~~ president of the American Society for Legal History, gave a keynote at the most recent Australian - New Zealand Law and History meeting. I was there and it was a big thing. He was brilliant and he was really well received.

And I think ultimately what will happen if connections are made between scholars and different countries is that there will be massive career spinoffs that are useful as we cross-fertilize ideas and offer advice about research agendas, and we learn to be able to write reference letters for each other back and forth and we learn to be able to write nominations for prizes and so on. All of that will make legal historians stronger across the world. The ramifications of a success in Miami may not be felt for 10 years but they may be much bigger than it is at the front end.

Interviewer: When you became president, Bruce Mann became President-elect.

Constance Backhouse: Yes.

Interviewer: How much communication did you have with him in terms of taking over the helm of the Society?

Constance Backhouse: He was so lovely. He took me to lunch the very first year that he was President-elect. ~~I guess I was just coming in, and I didn't know nearly enough of what I needed to know about the position. I still felt like I was new at the job a new president and unsure how things all worked.~~ And he said let's go for lunch and then he said, "What do you want to accomplish? How can I help? How can we make sure that we take these ideas and bring them through not just two years of your presidency but the next two and the following two? How do we make this a longer sweep for implementation?" And he was so generous about asking me instead of telling me. It is very easy to work with somebody like that. And in the end, I copied him on email with every problem that I had as president. I would just bring him in with a CC on the emails and ask his advice. He gave me great advice. And he was really funny when he gave it and really sympathetic and it made doing that job feel like I had a twin, like I had a pal in the wings who was there to call on for support, and feeling the same things I was; so it was fun. And as a result I also think that Bruce came into the job having seen close up an entire year's worth of the problems we faced and the issues we dealt with. And so, he was very well prepared. And he made a great success of his presidency – it was really impressive. And we continued to have lunch.

Interviewer: It's been four years since your presidency. As you look back, would you do it again?

Constance Backhouse: I think it was a good thing to do. I learned a lot, I was able to watch the Society make some shifts in directions that I think are important.

Interviewer: Is there anything you wish you had done which you didn't get a chance to do?

Constance Backhouse: I'm sure there probably is if I sat and thought. -Well, there would be 10 things. It's hard to know. So much depends on those annual meetings. There are moments of pure magical potential. Many of them have arisen for me at those meetings on the outings that we used to do. And they used to be very much more incorporated into the meeting. Once we went to the gravesite of Edgar Allan Poe and we drank brandy from snifters and we heard poetry and it was dark, and it was magical. The bus trip there was an opportunity for people to sit at random, on a bus, and talk about their work. I think we need more of those moments. Our meetings have evolved in such a way that the outings are usually scheduled apart from the rest of the program. And not everybody goes. Some of the people I have met at the American Society for Legal History, who have been most influential in my work, I met on buses going to outings. So that is one thing I did not accomplish – more organized outings with buses where all the participants go together.

I had another good idea and just didn't get it executed. In other organizations that I belong to, at our annual luncheons, we say to the most senior scholars, "Would you pay for a student's lunch?" And almost all of them said "sure." You know, the students are starving, feed the students. And the deal is that the student sits with their sponsor and gets to meet them. And the sponsor gets to meet the student and it's another enforced mixer. That annual luncheon is hugely important. And so I was sorry I didn't put that idea into operation because it would be another layer of connection between more senior members and the new generation, to give them advice and give them a helping hand and have us learn more about what's happening on the ground.

Interviewer: What, in terms of your presidency, are you most proud of?

Constance Backhouse: I am proud that I was the first non-American to be elected president. I'm proud that I was able to take what I think is a feminist perspective into the front of the organization and that pleased me. And I guess I'm most proud of the keynote speakers. They were highs for me. They represented the best of what we can be and if other people notice that too that is even more exciting. But for me it was a personal high just to be able to put them up at the front and have them deliver such wonderful lectures.

Interviewer: You were the first Canadian president and now there are more Canadians overall involved in the Society and certainly I remember many of them said that seeing you as a president was an inspiration.

Constance Backhouse: Oh that's very sweet. They -- we don't have our own annual meeting, we do have our own community, but we're at the mercy of theme-based conferences and symposia that one of our members will set up and then we'll all cluster and see everybody and find out what they're doing. But really our chance to get together is at the American Society for Legal History meetings and my hope has always been we get the whole crowd of us coming and

that we would have lunch together, or dinner together and we would run our own little mini circles. I'm not sure we accomplish that as well as I would have liked. We did have fun though.

There were complaints I got from the Canadians that it seemed as if their paper proposals and panel proposals always got refused. Now you know I'd have to explain to them, "So does everybody else's proposals. We have way too many submissions and not enough space." So we came up with a plan which also we didn't operationalize permanently, but it's the Wes Pue plan. Wes Pue is such a wonderful innovative Canadian legal historian (from University of British Columbia). He developed a new protocol with legal history workshops. He said, we are bored of listening to people speak for 20 minutes, especially when they don't seem to realize when 20 minutes finishes and so they go for 30 minutes, and there's no time for conversation and this is just not going to work. So he said, "~~I~~ ~~Why don't we~~ instead of three paper givers and a commentator...why don't we have a new format for our panel? We'll put seven or eight people on it, but give them each ten minutes, that's all. And we will say there will be a hook pulling you off the stage -- 10 minutes in, that's it. You can't read your paper, just give us the icing; give us the most dazzling fun piece."<sup>22</sup> And then the people in the audience who find this work interesting will talk to you later and read the full thing." Which is way better than boring the audience to tears with a 20 minute plus 10, right? 10 minutes. And we won't have a commentator, we'll just zip through seven or eight presenters, and then there'll be time for the audience to ask questions." And then it went brilliantly. Oh my God, what a difference it made. It kept everyone's attention so much more riveted on the speakers. And then, as Jim Phillips (University of Toronto legal historian) said, no matter how bad the paper is, it's only 10 minutes, after all. Anyway, we had such success with this model that I said okay, to the program committee. Canadians want to do it differently. We can't get enough of our papers accepted. Give us two panels and we'll put eight people on each; and we'll run them with this new format. Just let us bring everybody in under the umbrella of giving these papers on a new kind of panel. And I think we did one panel like that, but basically they didn't continue; I just didn't have enough energy to keep watching this. But it's the way to go, I think. I believe we would have much, much better sessions, more lively sessions and more scholars engaged in speaking if we moved to that model. It just didn't get picked up after the initial trial.

Interviewer: You also introduced the Craig Joyce Award.

Constance Backhouse: Well I like to reward people; right? Craig has been such a truly exceptional ~~top notch~~ ASLH member. I had no idea how extraordinary his contribution was until I saw it close up as President. He puts enormous energy into identifying ~~He works so hard to identify~~ where we should go for the meetings, and how we would make those ~~venues~~ truly successful. He helps the people who are running the meetings in millions of ways, with the local arrangements, ~~and~~ the fund raising, and the hotel arrangements. H, ~~and he~~'s just one of a kind.

I don't know many people in academia who are so good at that kind of work and do it for such a long period of time. And seem to enjoy it, that's the most amazing thing. So I thought we have to do something to honor this man, to let others know about his endeavours. ~~A~~ and so I spoke to you and I said what do you think if we created an award in his name and we give it first to him? And you were great, you said, "Yes you know that's a good idea. Why don't we

suggest it to the incoming president? We could get three donors to contribute to having the “Craig Joyce” medals struck and we would be able to just keep doing this in perpetuity. So we did it. And it was the right way I think to go about recognizing people who make a huge difference to our work within the Society.

Interviewer: The other piece of the work of the president concerns relations with the Cromwell Foundation.

Constance Backhouse: Yes.

Interviewer: And the Society has sometimes had a strained relationship.

Constance Backhouse: Oh, I would say it was really strained under my presidency.

Interviewer: But you actually improved the relationship during your presidency; so I am very curious as to what you did to effectuate that?

Constance Backhouse: Well, what I tried didn't work very well; I have to say I floundered around. There seemed nothing I could do personally that would assuage the concerns of the people at the foundation. Eventually Bruce Mann stepped in to help, and with his incredible diplomacy and tact, not to mention his concrete ideas about how to smooth this out, things just improved. Dramatically. All I did was ask Bruce for help. I certainly did not have the solutions and I was not the person to carry that, he did it all.

Interviewer: You also looked at some new initiatives to make the ASLH more meaningful to graduate students?

Constance Backhouse: That's another initiative that owes way more to others than to me. My only contribution was to identify John Wertheimer as someone who might contribute great ideas to this. He did more than I could possibly have imagined when he chaired an “Ad Hoc Committee on Graduate Student Outreach.” His committee's report really created a blueprint, a cornucopia of superb ideas - from ways to help grad students finance their participation in the conference, to pre-conference workshops, to explicit guides telling grad students how to prepare well-crafted paper/panel proposals, to changing our administrative structure to make grad students more central in the workings of the Society, to suggesting panel swaps between our grad student members and their counterparts at the AHA, the OAH and so forth. And I'm just scratching the surface of all the ideas that group came up with. We haven't operationalized all of this yet, but under John's leadership and guidance, some of it has come to pass. That was exciting.

Interviewer: What advice would you like to give to future presidents of the Society based on your experience?

Constance Backhouse: Thank the people who do the bulk of the Society's work – the committee chairs, local arrangements committee, treasurer, secretary -- and help them to recognize that ~~make them feel like~~ their work is central to the mission of our society. Watch for outlier people

who are new, people who are feeling like they don't quite belong and pull them right in, as close as you can to positions where they can really be central and feel like they can make a difference. Keep the membership up and make those annual meetings engaging. Why is it that many people don't actually attend the panels? That is one of our big weak spots. At the Australian - New Zealand Law and History Society, everybody goes to the panels, listening and asking questions.

Interviewer: Well this goes back to something you said earlier - we've had fewer opportunities for informal get-togethers. Our meetings have become very formalized and I suspect, because of that, people are missing sessions to have those informal get-togethers. I went to one of the Australia - New Zealand Law and History Society meetings and there were plenty of opportunities for informal conversations. They do a better job than we have in that respect.

Constance Backhouse: Yes, I think the format that we use for the presentation is off putting. I think there are too many sessions, which is why moving to an eight person panel of 10 minutes each would be a much better way to incorporate more people and have fewer sessions, giving you more options for informal activities. You want to figure out how to keep the community really engaged in the Ssociety and keep that new blood flowing and that's a task. So you know, good luck to them.

Interviewer: Thank you.

Constance Backhouse: You are welcome. And you are a great interviewer.