



**Personal History Interview
Professor Harold M. Hyman
by Michael Les Benedict
May 9, 2014
(second of two)**

PROFESSOR BENEDICT: This interview is of Professor Emeritus Harold M. Hyman. The interviewer is Michael Les Benedict. The date is May 9th, 2014 and the location is Brookshire, Texas, at The Brookwood Community, near Houston.

Harold, we've talked about your career up to when you became president of the ASLH. Do you recollect how you first heard about the ASLH?

PROFESSOR HYMAN: Through its journal, I suppose.

PROFESSOR BENEDICT: The journal began publishing

in 1982. Before that, we had to publish in the *American Journal of Legal History*, put out at Temple [Law School]. The ASLH was meeting since the 1950s, but when I was your graduate student, it was not one of the societies we talked about.

PROFESSOR HYMAN: That's right. My best recollection is that the lawyers used it and analogous vehicles to help their careers, especially those attorneys who were history minded and mixed academic law with practice.

PROFESSOR BENEDICT: Yes. I'm trying to guess where we would have learned about the Society?

You visited at NYU one year and members of its law Faculty, William Nelson and John Reid, were active in the Society. They might have mentioned it to you.

PROFESSOR HYMAN: Certainly possible.

PROFESSOR BENEDICT: And, as you said, University of Houston Law Professor Craig Joyce might have mentioned it to you.

PROFESSOR HYMAN: Yes. I think the greater likelihood is Craig, who was the most active salesman for the idea of a scholarly law history journal.

PROFESSOR BENEDICT: We have to ask Craig how he became involved. The Society predates him, but he certainly was one of the active most members.

PROFESSOR HYMAN: I don't know what credit he got in the law faculty for his championship of legal history.

PROFESSOR BENEDICT: Can you recollect any of the early meetings? When we were starting, we used to go to the Southern Historical Association meetings. The SHA

was then about the same time as the ASLH.

PROFESSOR HYMAN: That's timing.

PROFESSOR BENEDICT: Yes. I don't think we went to the ASLH meetings in its early years. I think the first time because you told me to go, or maybe somehow I had gotten on the program. Now it's hard to remember who we would have associated with at our first meeting. Michael Landon, of course, who was the secretary/treasurer.

PROFESSOR HYMAN: Bill Nelson surely.

PROFESSOR BENEDICT: Bill Nelson at a certain point began bringing his seminar and having dinners at ASLH meetings, and I remember attending some of those. Do you remember being much involvement in the Society before they came to you and asked you to serve as vice president and president?

PROFESSOR HYMAN: Good question. No. I wasn't much involved.

PROFESSOR BENEDICT: But you went to ASLH meetings. I would see you every year at the SHA meeting, and then maybe at the OAH meeting; but I don't remember you at a ASLH meeting until quite a bit later. Do you remember how the nominating committee and you were notified by, asked to become president?

PROFESSOR HYMAN: Craig Joyce and a couple of other people kind of told me. I was shanghaied.

PROFESSOR BENEDICT: Around the time when you were named, Peter Hopper and Kermit Hall were serving on the nominating committee.

PROFESSOR HYMAN: Yes.

PROFESSOR BENEDICT: Judith Schafer may also have been serving on it. All people who knew and

appreciated your work. I know you remember Craig coming to talk to you about it. Do you remember any others?

PROFESSOR HYMAN: Craig was touching buttons regardless of what office he held. He is a good operator.

PROFESSOR BENEDICT: Kermit Hall was the kind of guy who would have contacted you, too.

PROFESSOR HYMAN: Indeed. I remember also an ASLH Executive Committee session where Kermit gave his committee report and was ready to leave having done what he was supposed to, and I stopped him. I told my committee mates that any communication from Kermit deserved our respect and attention because he did what he was supposed to do. We were going to hear a lot more from him, I predicted.

Kermit was very ambitious. He wanted to be president of the ASLH, and entertained much larger horizons.

He wanted, I think, to be president of a university one day.

PROFESSOR BENEDICT: And he became one.

PROFESSOR HYMAN: Oh, yes.

PROFESSOR BENEDICT: I think he became president of maybe two, one and then another. He may have been president of only one. What a tragedy that he drowned.

He began his climb by being History chair at Florida and then becoming Dean of the College of Humanities at Ohio State. I worked with him at OSU for about five years.

PROFESSOR HYMAN: Perhaps only God could stop Kermit.

PROFESSOR BENEDICT: And He did.

PROFESSOR HYMAN: And He did. Kermit produced at the same time. He worked like the devil. I am told that he cut much social life, and even family life, in order to do all that he did.

PROFESSOR BENEDICT: I think he made his family and social life a part of his academic career. He was regularly hosting people at his house when he was at Ohio State as dean.

PROFESSOR HYMAN: That's what I meant to imply when I said something to the effect that he touched all the bases and he enjoyed it.

PROFESSOR BENEDICT: He did. He loved doing the social duties. He was an ideal administrator. Once he made a decision, that decision was made. He never came back to review it, to wonder whether he had done the right thing.

Quite a tragedy that he lost his life. And especially because when he went to Florida in the summers, that was his time to relax. I mean, that was the only time that he cut himself off from everything.

PROFESSOR HYMAN: He was exactly on target.

PROFESSOR BENEDICT: For what he wanted to do. After the initial presidencies, he hoped to become president of one of the most important universities or perhaps he would have followed in Stan Katz's footsteps and become head of the American Council of Learned Societies, or something else really major. He was on his way.

Do you remember any other of the people that were active in this Society, that we would have been associating with? We have mentioned Craig and Kermit.

PROFESSOR HYMAN: Wasn't there a Milton

somebody? [Professor Hyman is referring to Milton Klein, president of the ASLH from 1980 to 1982.]

PROFESSOR BENEDICT: Yes. But who was it? John Reid was a character.

PROFESSOR HYMAN: John was John. You couldn't invent him.

PROFESSOR BENEDICT: Did you lunch with him when you were in New York?

PROFESSOR HYMAN: Yes. And I enjoyed very much listening to John. He had a keen nose for any inadequacies discerned among law academics, and he had very little respect for almost anything we talked about. I don't know why. He wasn't bitter in ordinary terms. He was a man of good, if quirky, humor. He liked hints of scandal, especially about NYU colleagues. So I enjoyed occasions with John.

He was wonderful with my late wife Ferne. He was courtly. Like an old fashioned beau. She was charmed by him and she liked him.

And sometimes I'd bitch because his monologues went on for a long time.

PROFESSOR BENEDICT: Which also had to do with his being hard of hearing. He would talk at length because it was hard for him to hear, I think.

PROFESSOR HYMAN: Could be. But I think he would have done it anyway. John's scholarship didn't match [i.e., reflect] his personality. [That is, it was not quirky but of the highest quality.] People who knew him didn't choose him for major committees. I think he was a bit bitter.

PROFESSOR BENEDICT: I think that may relate to the Society. He was not chosen to be on committees in the Society. I don't remember him serving on the Board, and it may have been because people felt that he would be opinionated and domineering. I remember well when the Society named the Reid Prize in his honor.

PROFESSOR HYMAN: I certainly supported it.

PROFESSOR BENEDICT: And he was very pleased by this.

PROFESSOR HYMAN: Very pleased.

PROFESSOR BENEDICT: Just smiling. He was one of the great founding figures in legal history. Much of his work was transmitted through Jack Green, who appreciated John's work and incorporated it into his own work on colonial legal history.

I spoke to a colleague recently who said he was learning a lot [about colonial America] from Jack Green. And I pointed out that he was really learning from John Reid.

What was your impression of [Reid's colleague] Bill Nelson and how did you get along with him?

PROFESSOR HYMAN: We got along very well. We traded gossip, jokes and scandalous opinions about colleagues, students, and scholarly societies. Bill depicted himself as a nonconformist, even in clothing. He was the wild Irishman in the profession. And he overtly, at least, had no respect for most people or things that were going on. He was very ambitious. He worked fairly hard. I can judge Bill best from our personal encounters. He was fun to be around.

PROFESSOR BENEDICT: He certainly was. He did publish a great deal, always tightly disciplined. Bill would take down a certain amount of notes, do a certain amount of investigation, and then he would write. In seminars people would suggest doing a bit more to add something that was rationally connected to what he had discovered, and he would say, "No, I am done. I can't do all sorts of things. I would never finish."

PROFESSOR HYMAN: I think he wrote history like lawyers' briefs. He said what he wanted to say, briefly. He was practical.

PROFESSOR BENEDICT: Yes, very concise in that way. Did you see Peter Hoffer very often?

PROFESSOR HYMAN: No. Not often enough.

PROFESSOR BENEDICT: I know he had a very high regard for you.

PROFESSOR HYMAN: Well, I also admired his work, but we didn't meet personally very often, to my regret. In his own way, he was a nice person, yet many people disliked Peter.

PROFESSOR BENEDICT: He was very intense.

PROFESSOR HYMAN: Very intense. That's it. And he didn't get along with people he didn't respect. A lot of people dislike that. But Peter was intellectually honest in his professional and personal relationships.

PROFESSOR BENEDICT: He was interested in ethics. He's written many different books, and among them were books on ethics in the profession. He wrote the plagiarism rules for the American Historical Association.

PROFESSOR HYMAN: He was very talented. I

don't think he had found his focus when I knew him.

PROFESSOR BENEDICT: Did he ever find a focus? Because he has written on everything. You know, he has written on everything from the Salem witch trials, to equity, to professional methodology. He's amazingly prolific.

PROFESSOR HYMAN: I remember well that some people discounted the quality of his publications because of the volume. That was foolish; people were jealous of how much he wrote.

PROFESSOR BENEDICT: Do you remember whether Bill Wiecek, your co-author, was active in the Society?

PROFESSOR HYMAN: He wasn't. He didn't want to have anything much to do with it. Bill liked his reflective life. He stayed in one place, wasn't climbing ladders. He was content with his personal life, too. Altogether a very nice person. Ferne and he liked each other very much, which for me was always a guide to the quality of the person, and he was fun to work with. Our telephone calls were often pretty barbed.

PROFESSOR BENEDICT: When you became president, somebody must have shown you the ropes. Was that Landon, or your predecessor Dick Helmholtz?

PROFESSOR HYMAN: I'm not sure there were ropes. The Society was small and very personal. A lot of ropes there, but I don't know who explained them -- maybe it's our friend with the jowls, Milton Klein.

Milton was very paternal. He liked giving advice. Sometimes he gave very good advice, and he hated acrimony. He wanted a placid, professional environment.

PROFESSOR BENEDICT: So when you got to be

president, in those days, as far as I can tell, there wasn't that much to do in the way of naming committees.

PROFESSOR HYMAN: That's right.

PROFESSOR BENEDICT: And do you recollect even thinking much about committees as you got on?

PROFESSOR HYMAN: No, I don't. Keep in mind that I was an innocent victim of ambitious people. No, I don't remember.

PROFESSOR BENEDICT: There were not many committee changes. I know I became Publications chair because Craig had to become Local Arrangements chair in Houston, and he didn't think he could do both jobs. But he stayed on the committee.

PROFESSOR HYMAN: He could do both jobs.

PROFESSOR BENEDICT: Well, there must have been some reason why he decided to give up the chair because I know he enjoyed being chair of the Publications Committee. It was one of the more important committees.

PROFESSOR HYMAN: A lot was happening in his university, which wanted to become a Tier I university. He was involved in that, too.

PROFESSOR BENEDICT: So he was a major guy in all these things. So, you would, of course, chair the board meetings, and would hear the committee reports. And there was an executive committee to meet in case of an emergency, or anything like that.

PROFESSOR HYMAN: I remember no crises. Finances were nothing to worry about. Meetings were very harmonious and very useful. They did the main thing they were supposed to do: Provide a link between people who otherwise didn't talk to each other. And that alone

justified the Society's existence.

PROFESSOR BENEDICT: Are you referring to people who were distant geographically, or are you talking about historians and lawyers who otherwise didn't get together that much? Would you say the main function of the Society then was the meetings?

PROFESSOR HYMAN: No, social.

PROFESSOR BENEDICT: Social?

PROFESSOR HYMAN: Intellectually social, yes.

PROFESSOR BENEDICT: Particularly at the meetings. What about Paul Finkelman, ambitious young guy who came to these meetings a lot?

PROFESSOR HYMAN: Paul -- oh, what an interesting fellow. I think he was eternally frustrated by people who didn't rate him as high as he thought they should have. He wasn't modest. He wasn't sensitive, I think, to other people's personal frailties. He could push almost in a cartoon-like way. He probably played into the lingering anti-Semitism of some members. Through the years, the Society had attracted primarily Protestants. When senior members had entered their professional lives, primarily respectable Protestants were admitted, with exceptions of course. Paul was Paul. And some Society members found him a-paul-ing. He'd challenge what he considered "bull shit" in polite academic conversations. And though he was probably right, that did not endear him to others. I liked Paul and respected his scholarship, and understood his "What makes Sammy Run" impatience. Again, Ferne wanted to be his mother, and maybe a fair

number of other ladies shared that attitude.

PROFESSOR BENEDICT: He has finally gotten a permanent position. He was an academic gypsy for a long time. And he stayed very, very busy. He was amazing at editing book and organizing conferences. He did that more as a business. He organized conferences for associations, including historical societies, that needed the help, and he got some reasonable compensation for doing it. Very, very active guy.

PROFESSOR HYMAN: It was sometimes hard to have a conversation with Paul because he went at high speed.

PROFESSOR BENEDICT: So, on the other extreme did you know Maxwell Bloomfield well?

PROFESSOR HYMAN: Oh, yes. I can see him now, with his somewhat fey quality, little wisps of hair. He was a very kind man. And he was in Galveston a lot, so we would meet there. He was never in a bathing suit. I was.

PROFESSOR BENEDICT: You mentioned the social side of the Society, and all these people were there. I remember seeing them. Max had an office or two. I don't know if he served on the board.

It was very large, especially if you took into account the committee chairs who attended board meetings.

PROFESSOR HYMAN: Which reflected one of the great unspoken rules; that is, if you have a young society, and you want to tie members' interests to it, you make big committees. Everybody gets his name into the proceeding and maybe gets expenses to the meeting from home universities. It was really deliberately done to have large committees.

You also knew that often only a few people would really do the committee's work. That's the way it is with academic committees.

PROFESSOR BENEDICT: Do you remember any of the women that began coming to the Society? For a long time, I don't think there were very many, yet Barbara Black was an early president of the Society. I wonder if she was the first female president. I never knew her very well.

PROFESSOR HYMAN: We became personal friends. She invited me to offer a paper at her campus. Well, she had me there to give a paper, and there was a social thing at her home. And there was some concern with threats of violence.

PROFESSOR BENEDICT: Things were blowing up then [with anti-war protests on campus].

PROFESSOR HYMAN: She had her sons, I think, each a big strapping young fellow, each with a walking stick or some kind of a club, convoy me to the train station. Barbara was okay. Columbia's structure then, and perhaps since, was hide-bound, and people like Barbara were trying to diminish encrusted academic avenues. Barnard faculty even then were not considered part of Columbia, incredible as it must seem. Barbara was gutsy. That's what I remember about her.

PROFESSOR BENEDICT: Do you remember another of the great icons of the Society, Kitty Pryor? Did you get to know her at all? Because I didn't. Many women in the Society worshipped her.

PROFESSOR HYMAN: Yes, Kitty was -- I got to

know her personally more than any other. I read her stuff and she read mine. We all did a lot of arguing. At bars. Smart person, basically gentle.

I remember another. Who was it now? Ferne and I met her and her husband in Israel. The husband was not a scholar -- the wife was. We went for a drive and he insisted on visiting Ramallah. I protested, but he was driving. Ramallah was the center of Arab unrest then. He became convinced that I was right when stones started hitting the rented car. Its license plate indicated its Israeli origins.

PROFESSOR BENEDICT: Other women were becoming active around the time that you became president.

PROFESSOR HYMAN: Judy Schafer and I didn't have an awful lot of connection, I regret to say.

PROFESSOR BENEDICT: What about another eminence in the profession? Do you remember whether Morty Horwitz was active in the Society at all?

PROFESSOR HYMAN: I don't remember him as being active.

PROFESSOR BENEDICT: I don't either.

PROFESSOR HYMAN: He should have been because he had all the good qualities. I liked him. But I don't remember Society-focused involvement with Morty.

PROFESSOR BENEDICT: What was your attitude towards the problem of getting access to law firms' materials? You have been very successful. Was that something you wanted the Society to try to work with?

PROFESSOR HYMAN: I think so. I was hoping that the Society would encourage the managing partners of law firms to allow access. In Texas cities, as elsewhere,

lawyers didn't throw anything away. The big law firms saved everything. There's the treasure for research.

PROFESSOR BENEDICT: Yes, but we can't get at it.

PROFESSOR HYMAN: As much as we historians promise confidentiality will be respected, few law practitioners believe it. They don't want to get sued.

PROFESSOR BENEDICT: After you were president you served on the Committee on Documentary Preservation, and that probably was because they knew you were interested in this, and were one of the few people who had successfully gotten access to law firm's records.

Do you remember the committee actually being able to do anything?

PROFESSOR HYMAN: Document preservation was not the problem for law firms' histories. It's document mountains. Nothing gets thrown away in case and client files. Nothing. You can't believe the depth of economic analysis about clients and litigations. Great stuff for historians if you can get at it.

PROFESSOR BENEDICT: I wonder what the Society is doing about access now. I don't know how one gets, you know, access to the people that are determining the rules for the ABA on this subject.

And then you also served for a while on the Committee on the Future of the Society.

PROFESSOR HYMAN: Did I?

PROFESSOR BENEDICT: Yes, you did. And I wondered, did it actually meet, or were there telephone calls? I would guess that that committee had a lot to do with fundraising. What else would the Committee on the Future of the Society be involved with besides trying to

figure out how it is going to get an endowment?

PROFESSOR HYMAN: I have no recollection.

PROFESSOR BENEDICT: Did you do much in the way of oral history when you worked at Vinson & Elkins?

PROFESSOR HYMAN: I did indeed. I did more, however, at Rice. I created an archive for its own history before everybody died. In 1968, when I got there, Rice was ready to celebrate its founding. It was a rather young university relatively. Ferne and I found out who the oldest living alum was. We dashed up to Tyler to interview him. He was then 103 years old. He was sharp as a button. He was in the first Rice class. The obvious question was, did you know founding President Lovett? Oh, yes, this little gnome-like fellow said. "I worked for him for four years to help to pay my expenses, even though there was no tuition, typing up his stuff. He was hard to work for. Worked me to death. But I needed the dough." You know, this guy had a great personality. He may still be alive, you know.

PROFESSOR BENEDICT: Well, let's hope so.