

ASLH ELECTIONS 2009

Introduction

This document contains all necessary information for members of the Society who wish to participate in the annual election of members of the **Board of Directors** and the **Nominating Committee** to replace those members retiring on completion of their terms. We list here the candidates with biographies, followed by a ballot paper to be printed out and filled in. To be counted, the ballot paper must be returned to ASLH Secretary Tom Gallanis at the address provided on the ballot paper **postmarked no later than 30 September 2009**.

Officers: The Society's president-elect is selected by the Nominating Committee and runs for election uncontested. After a two-year term, he or she succeeds the president for a two-year term. The president then becomes immediate past president with an *ex officio* seat on the Board of Directors. This year the Nominating Committee has selected Bruce H. Mann to be president-elect (biography below). Constance Backhouse will become president; Maeva Marcus will become immediate past president, and Charles Donahue, Jr., will be put out to pasture. The secretary and treasurer are appointed by the president on the recommendation of the Nominating Committee.

Board of Directors: The Board of Directors, together with the Society's officers, is the Society's governing body. Society by-laws require annual election of one third of the elected membership (currently fifteen). Elected members serve a three-year term. In 2009 five "at large" members will be elected (ten candidates).

Nominating Committee: The Nominating Committee selects candidates to stand for vacant elected positions on the Board of Directors and the Nominating Committee and recommends candidates for appointment to non-elected society offices (Secretary and Treasurer). The Nominating Committee also selects the Society's president-elect (uncontested office). The by-laws require annual election of up to one-third of the Committee (total five). Committee members serve a three-year term. In 2009 two members will be elected (four candidates).

Currently, the elected members of the Society's **Board of Directors** are:

Lauren Benton, New York University	—Retiring Member
Alfred L. Brophy, University of Alabama	
Christine Desan, Harvard University	—Retiring Member
Mary Dudziak, University of Southern California	
William Forbath, University of Texas	—Retiring Member
Sally Hadden, Florida State University	—Retiring Member
Martha S. Jones, University of Michigan	
Adam Kosto, Columbia University	
Michael Lobban, Queen Mary College, University of London	
Matthew C. Mirow, Florida International University (Miami)	
Annette Gordon-Reed, New York Law School	
Rebecca J. Scott, University of Michigan	
Robin Chapman Stacey, University of Washington	—Retiring Member
Karen M. Tani (graduate student representative), University of Pennsylvania	
John Wertheimer, Davidson College	

Currently, the members of the **Nominating Committee** (all elected) are:

Christina Duffy Burnett, Columbia University
Christopher Capozzola, Massachusetts Institute of Technology —Retiring member
Amalia D. Kessler, Stanford University
David S. Tanenhaus, University of Nevada, Las Vegas —Retiring member
Barbara Welke [Chair], University of Minnesota

Nominee for President-elect 2009

Bruce H. Mann is the Carl F. Schipper, Jr. Professor of Law at Harvard Law School. He has also taught at the University of Pennsylvania, Washington University in St. Louis, and the universities of Connecticut, Houston, Texas, and Michigan, and in the Department of History at Princeton. He has been a member of the Society and attended all but one or two annual meetings since 1976, when he was a graduate student. He has twice served on the Board of Directors and has chaired the Publications Committee since 2001. He has also been a member of the Nominating Committee, the Surrency Prize Committee, and three Program Committees, including as chair for the 1986 annual meeting in Toronto. He has presented or commented on papers and chaired panels at ten annual meetings. He was editor of *Law & History Review* from 1987–1993.

His first book, *Neighbors and Strangers: Law and Community in Early Connecticut*, was published in the Society's Studies in Legal History series. His other publications include *The Many Legalities of Early America*, which he co-edited with Christopher Tomlins, and articles and essays in various history journals and law reviews. His most recent book, *Republic of Debtors: Bankruptcy in the Age of American Independence*, received prizes from the Society for Historians of the Early American Republic, the American Historical Association, and the Law and Society Association. His primary research interest is the relationship among law, economy, and society in early America, although he occasionally writes on the law of wills and charitable foundations.

He is a Fellow of the Massachusetts Historical Society and an elected Member of the American Antiquarian Society, and is a long-time member of the Advisory Council of the McNeil Center for Early American Studies in Philadelphia.

Nominees for ASLH Election 2009

Board of Directors: “at large” positions (choice of 10 candidates; the 5 candidates receiving most votes will be deemed elected)

Mary Sarah Bilder is Professor of Law and teaches property, trusts and estates, and American legal and constitutional history at Boston College Law School, where she is a Michael and Helen Lee Distinguished Scholar. She is the author of *The Transatlantic Constitution: Colonial Legal Culture and the Empire* (Harvard University Press, 2004), awarded the Littleton-Griswold Award from the American Historical Association. Her articles appear in *The Many Legalities of Early America*, *The Cambridge History of Law in America*, and law reviews, including the Yale Law Journal, the Stanford Law Review, and the Yale Journal of Law and the Humanities. She has received a grant from the Cromwell Foundation, the Emil Slizewski Faculty Teaching Award, a Boston College Distinguished Research Award, and a Mellon Fellowship in the Humanities. She currently serves on the editorial boards of *Law and History Review*, the *New England Quarterly*, and the *Journal of Legal Education*. Her B.A. is from the University of Wisconsin at Madison and her J.D., A.M., and Ph.D. are from Harvard University. She believes

that the ASLH should work to ensure that newer members, as well as long-time members, have opportunities to serve on committees and to continue to broaden, diversify, and strengthen the Society's membership and long-term future.

Holly Brewer. After earning her undergraduate degree in History and Science from Harvard (magna cum laude), Brewer earned her doctorate from UCLA, where she focused on early American history and particularly on questions about justice in the early modern British empire (particularly in early America). She is Associate Professor of history at NC State University. Her first book, *By Birth or Consent: Children, Law, and the Anglo-American Revolution in Authority* (UNC Press, 2005) was awarded three legal/legal history prizes, the Cromwell Prize from the ASLH, the Hurst Prize from the Law and Society Association, and the Biennial Book Award of the Order of the Coif, given for the book that “evidence[s] creative talent of the highest order” by the Association of American Law Schools. That book focused on the emergence of informed consent as a crucial legal and political concept, helping to reshape early American and English society and the struggle over just authority. She has also written on questions of property law and inheritance, tracing how older legal norms become part of political and cultural struggles about justice and in turn helped to shape institutions in the new world, including slavery in a prize winning article called “Entailing Aristocracy in Colonial Virginia: ‘Ancient Feudal Restraints’ and Revolutionary Reform” WMQ (1997). She is currently finishing a book for Cambridge UP entitled *Transforming the Common Law: Authority in the Early Modern Atlantic World*, which connects “domestic law” including that of husband and wife, master and servant, to the broad debates about power. She is also working on a book on the legal and ideological origins of slavery entitled “*Inheritable Blood*”: *Slavery and Sovereignty in Early Virginia and the Anglo-Atlantic*. If elected to the board, Brewer writes: “I would work to encourage conversations across disciplines and areas and chronological periods to trace themes in the struggles over justice.”

Risa L. Goluboff is Professor of Law, Professor of History, and Caddell & Chapman Research Professor at the University of Virginia. Her scholarship focuses on the history of civil rights, labor, and constitutional law in the 20th-century United States. Her book, *The Lost Promise of Civil Rights* (Harvard University Press, 2007), won the Law and Society Association's 2008 James Willard Hurst Prize. In 2009, she received a Guggenheim Foundation Fellowship for her current work on how vagrancy laws—prevalent in the U.S. since the colonial era—became constitutionally illegitimate as part of the social and legal transformations of the 1960s. Like her first book, this one approaches legal change as resulting from interactions among individual rights assertions, grassroots mobilization, litigation strategies, scholarly production, judicial decision-making, and legislative innovation. At Virginia, Goluboff teaches a survey course on 20th-century U.S. constitutional history, as well as seminars on civil rights history and the history of constitutional protection for the poor. Since 1999, Goluboff has been a member of the ASLH and a regular presenter and commentator at its annual meetings. She served as chair of the Program Committee for the 2007 meeting, and as a member of the Committee in 2006. Currently a member of the Cromwell Prize Committee, Goluboff also served as a guest scholar at the 2009 J. Willard Hurst Summer Institute in Legal History co-sponsored by the ASLH and the University of Wisconsin Law School's Institute for Legal Studies. Within ASLH, she hopes to reinforce the Society's commitment to welcoming of a wide range of people, legal traditions, and methodological approaches.

Sarah Hanley, Professor of History and Law at the University of Iowa, studies the intertwined socio-political processes of family formation and state building in Early Modern France (1500s-1700s) with attention to legal thought, political theory, and law practice. Her publications include, *The Lit de Justice of the Kings of France: Constitutional Law in Legend, Ritual, and*

Discourse (and French translation), *Les Femmes dans l'histoire: La Loi Salique*. Her current book projects are: *The King's One Body: From the Fraudulent Salic Law to the Political Theory of Male Right in France, 1400–1800* (on legal and political theory); and *The Social Sites of Political Practice in France: Law, Litigation, and Local Knowledge, 1500s-1700s* (on cases litigated). A participant at ASLH meetings, she has served on the Nominating Committee, as well as a reviewer (manuscripts and books) for *Law and History Review*. Her work has received numerous prizes, including the Surrency prize for “The ‘Jurisprudence of the Arrêts:’ Marital Union, Civil Society, and State Formation in France, 1550–1650.” Having served for seven years as the Executive Director of the Society for French Historical Studies (elected), she would hope, if elected as a board member of ASLH, to bring some insights from that task to this learned society. In the best of possible worlds, Hanley would like to persuade French colleagues to present papers at meetings and articles to the journal.

Ron Harris is a Professor of Law and Legal History at Tel-Aviv University. He earned an LL.B. and M.A. in history from TAU and a Ph.D. in history from Columbia University. He spent two years as a visitor at UC Berkeley, the last fall term at USC and extended research periods in Oxford and London. He served on the membership committee and program committee of the ASLH. Harris works on the intersection of legal history and economic history. His main research fields are the history of the corporation and of other forms of business organization, the history of bankruptcy and consumer credit, and Israeli legal history. Harris is the author of *Industrializing English Law: Entrepreneurship and Business Organization, 1720 - 1844* (CUP, 2000), the editor of two other books, and the author or co-author of numerous articles. He is currently working on the legal-economic organization of early modern Eurasian trade; on the comparative history of Private Limited Companies in France, Germany, Britain, and the US (with Naomi Lamoreaux, Timothy Guinnane and Jean-Laurent Rosenthal); and on the transplantation of company law in the British empire with particular focus on British ruled Palestine. If elected to the ASLH board, Harris notes that he would hope to be involved in further expanding the scope of ASLH research interests beyond Anglo-American law and in promoting cooperation with economic historians.

Randy McGowen is a professor of History at the University of Oregon. He received his Ph.D. from the University of Illinois in 1979, and he has been teaching at Oregon since 1982. He has been a member of ALSH for over a decade, has frequently given papers at its meetings, and has served on the Membership and Program committees. He has also served on the board of the North American Conference on British Studies. He has written some thirty articles on various aspects of eighteenth and nineteenth century criminal law in England, including “Managing the Gallows: The Bank of England and the Death Penalty, 1797–1821,” *Law and History Review* 2007; “The Bank of England and the Policing of Forgery, 1797–1821,” *Past and Present*, 2005; “Knowing the Hand: Forgery and the Proof of Writing in Eighteenth-Century England,” *Historical Reflections*, 1998; “The Body and Punishment in Eighteenth-Century England,” *Journal of Modern History*, 1987; “The Image of Justice and Reform of the Criminal Law in Early Nineteenth-Century England,” *Buffalo Law Review*, 1983. He is co-author with Donna Andrew, *The Perreaus and Mrs. Rudd: Forgery and Betrayal in Eighteenth-Century London* (University of California Press, 2001). A collection of essays is forthcoming from NYU press, “Capital Punishment between Past and Present,” ed. Randall McGowen, David Garland, and Michael Meranze. “If chosen to serve on the ASLH board, I would like to help strengthen the ties between legal historians and the community of British historians, especially those working in social and cultural history.”

Kunal Parker is a Professor of Law at the University of Miami School of Law. He obtained a PhD in History (2007) from Princeton University, a J.D. (1994) from Harvard University, and a

B.A. (1990) from Harvard University. He has written extensively in fields ranging from Indian legal history to the history of immigration and citizenship in the United States to the history of legal thought in the nineteenth century United States. He is currently at work on a book entitled “Custom and History: Common Law Thought and the Historical Imagination in Nineteenth Century America” (forthcoming, Cambridge University Press), the subject of which is located at the intersection between the history of American legal thought, American intellectual history and the philosophy of history. Future work includes a book on notions of membership and territory in 18th and early 19th century New England. If elected to the Board of Directors of the ASLH, Parker notes that he “would like to make the Society more well-known and available to scholars working outside of Anglo-American history as well as to scholars working at the intersection of history and other fields (anthropology, sociology, etc.)”

Dylan C. Penningroth is Wayne V. Jones Associate Professor of History at Northwestern University (with an affiliation in African American Studies) and a Research Fellow at the American Bar Foundation. He received a BA from Yale University (1993), an MA and PhD from Johns Hopkins (2000), and taught for three years at the University of Virginia before coming to Northwestern. Penningroth works in African American history, and in U.S. social and legal history. His research has focused on the history of black family and community life, on popular engagements with law and legal institutions, and on ideologies of slavery in the U.S. and Ghana. Recent publications include “Writing Slavery’s History,” *OAH Magazine of History* (2009); “The Preacher’s Wife: Law, Divorce, and Respectability Among African Americans, 1865–1930” (*Journal of Family History*, 2008); and “The Claims of Slaves and Ex-Slaves to Family and Property: A Transatlantic Comparison” (*American Historical Review*, 2007). His book, *The Claims of Kinfolk: African American Property and Community in the Nineteenth-Century South* (University of North Carolina Press, 2003) won the 2004 OAH Avery Craven Award; as a dissertation it was awarded the Allan Nevins Prize of the Society of American Historians. Other awards include the OAH Huggins-Quarles Prize, an NEH Fellowship, the 2009 EBSCOhost America: History and Life award, and a Northwestern Distinguished Teaching Award. From 2008–2011, he is serving on the Editorial Board of the *Journal of American History*. Penningroth is currently at work on two projects: a study of African Americans’ engagement with local courts in the late-nineteenth and early-twentieth century South, and a study of the legacy of slavery in courts of colonial Gold Coast (Ghana). A member of ASLH since 2002, he has presented papers at the annual meeting and served for two years on the Surrency Prize Committee. Dylan Penningroth writes: “I would bring to the Board an interest in transnational and comparative history, including the history of Africa, and in reaching out to scholars whose work may draw on legal sources but may not consider themselves legal historians.”

Mitra Sharafi is a legal historian whose work focuses on religious communities and the legal profession in colonial India. Originally Canadian, she did two law degrees in Britain (BA Cambridge, 1998; BCL Oxford, 1999), followed by a doctorate in history at Princeton with Dirk Hartog and Gyan Prakash (2006). Her dissertation received the Canada-based South Asia Council’s 2007 Dissertation Award. Sharafi is currently working on a book manuscript, “Parsing Law: Zoroastrians and Litigation in Colonial South Asia.” In 2009–10, she will be completing archival research for the project in the UK and India, funded by an NSF research grant. Sharafi joined the University of Wisconsin Law School in 2007, following a Junior Research Fellowship at Cambridge University (Sidney Sussex College) and a short visiting fellowship at Griffith University, Australia. She teaches contract law at the UW Law School. She also teaches undergraduate courses on legal pluralism and on law and colonialism. Sharafi served on the ASLH Program Committee in 2008–9. If elected to the Board of Directors, Sharafi would work

to promote the study of legal history beyond the Euro-American context. She would also like to see the ASLH continue to strengthen academic links between legal historians in the US and in the Commonwealth, particularly in Canada, Australia and Britain.

Victoria Saker Woeste is Research Professor at the American Bar Foundation and the author of *The Farmer's Benevolent Trust: Law and Agricultural Cooperation in Industrial America, 1865–1945* (UNC Press, 1998) and the forthcoming *Henry Ford's War: Jews, Equality, and America's First Hate Speech Case*. She has been a member of the ASLH, regularly presented and commented at annual meetings, and served the society in many capacities for almost two decades, including chairing the 2004 program committee and 2001 local arrangements committee; doing three-year stints on the Surrency Prize committee (2006–08), the Nominating Committee (1999–02), and the Membership Committee (1997–2000); and a previous term on the Board of Directors from 1996–1998. She also served on the 1992 program committee, which just goes to show how long she has been around. She is pleased with the direction in which the organization is moving, both in terms of financial development and membership; the infusion of young blood and folks with joint JD/PhD training has transformed the ASLH since the first meeting she attended in 1990. She'd like to continue efforts to cross bridges of all kinds (generational, subspecialty, etc.) within the ASLH and to think of creative ways to make the ASLH more visible and more vocal within academia and before the larger reading public.

Nominating Committee (choice of 4 candidates; the 2 candidates receiving most votes will be deemed elected)

Sally Gordon teaches at Penn and works broadly in the legal history of religion in America. Gordon is the author of *The Mormon Question* (UNC press, 2002), and *Sacred Rights* (Harvard Press, forthcoming 2010), as well as a forthcoming article in *Law and History Review*, "Faith as Liberation: The Nation of Islam and Prisoners' Religious Rights, 1945–1975." She has presented her work at ASLH most recently at the Tempe conference in 2007, and has chaired and commented on panels on a regular basis. She has been active in the Society for the past fifteen years and has served on the Board as well as on the Future of the Society, Budget and Finance, and Preyer Scholars committees. She also chaired the Program Committee for the Toronto meeting in 1999. Gordon notes, "I consider ASLH a wonderfully substantive yet also supportive organization, the kind of place where a new scholar presenting her first paper can expect generous as well as critical feedback of the most useful kind. The Society's work in supporting the book series, the journal, and the annual meeting means that it has broad capacity to nurture the field. I would be honored to be part of the nominations process, which is a vital part of continuing the Society's commitment to the finest work in legal history."

David T. Konig is Professor of History and Professor of Law at Washington University in St. Louis where he teaches colonial American history and civilization. His scholarship addresses the intersection of law, politics, and society in the English-speaking cultures of the 17th and 18th centuries, as well as the collision of slavery and freedom in American law. The Society has been his intellectual base since 1973, when he gave his first professional paper at its annual meeting. Since that time, he has participated regularly at annual meetings with papers, comments, and chairing sessions. He has also served the Society in many capacities – local arrangements chair, program committee, prize committees, and two terms on the Board of Directors. In recent years, he has directed his efforts toward supporting the scholarship and professional progress of younger members, recognizing the obligation that more established scholars have toward assuring the continued vigor of the discipline. As Konig notes, "I feel this can be accomplished

through welcoming new ideas and perspectives, and the inclusion of members who can contribute to that goal.” To that end, he helped launch the Society’s Cromwell prize competition recognizing the best work of junior scholars, and now chairs the Preyer award committee that arranges for students and junior scholars to present their work at the Society’s annual meeting.

Kenneth F. Ledford is Associate Professor of History and Law at Case Western Reserve University, where he teaches both in the Department of History and the School of Law. His main research interests include the study of legal professions and legal professionals. Teaching interests include modern Germany, European legal history, historiography, and the history of European Union law. Ledford received his B.A. and J.D. from the University of North Carolina, Chapel Hill, and his M.A. and Ph.D. in modern German and European history from the Johns Hopkins University. He is the author of one book, *From General Estate to Special Interest: German Lawyers, 1878–1933* (Cambridge University Press, 1996) and is finishing a second, *Prussian Judges and the Rule of Law in Germany, 1848–1914*. Ledford has published articles in several volumes of collected essays, as well as in *Law and History Review*, *Law and Social Inquiry*, and *Central European History*, and has held fellowships from the American Academy in Berlin, the German-American Fulbright Commission, the German Marshall Fund of the United States, the American Council of Learned Societies, and the German Academic Exchange Service. He has been a member of the Society since 1992 and of the Board of Editors of *Law and History Review* since 1996. He has served on the Membership Committee of the Society, on the Program Committees for the meetings in 2001, 2004, and 2009, and on the Board of Directors from 2005–09. He has presented papers or commented at the Annual Meetings in 1992, 1997, 2001, and 2002. Outside the Society, he has served since July 1, 2004, as Editor of *Central European History*, sponsored by the Conference Group for Central European History of the American Historical Association and as a member of the Executive Committee of the Conference Group. Ledford writes, “I would like to serve on the Nominating Committee of the Society in order to sustain and extend the welcoming policy of inclusion of scholars whose work focuses on regions outside of Britain and the United States which I have experienced myself.”

Claire Priest is a Professor at Yale Law School (starting July 1, 2009). She teaches and researches in the areas of property and American legal and economic history. Her article, “Creating An American Property Law: Alienability And Its Limits In American History,” 120 *Harv. L. Rev.* 385 (2006), investigated a neglected aspect of property systems and American economic development, the extent to which creditors may reach land and slaves in satisfaction of their debts. She is in the process of expanding this article into a book which will more broadly examine the evolution of property and inheritance law in early America through the lens of credit and financial markets, slavery, and debtor/creditor concerns. Her essay “Law and Commerce” in the *Cambridge History of Law in America* (2008) provided a detailed account of how British mercantilist policies affected colonial legal and economic development and shaped the political setting in which the revolutionary generation rejected the mercantilist model. Professor Priest is a graduate of Yale Law School, the Yale Graduate School of Arts and Sciences (Ph.D. History), and Yale College. At Yale Graduate School, her dissertation was awarded the Egleston Prize for the best dissertation in American History and also received the Economic History Association’s Nevins Prize for the best dissertation in American or Canadian economic history. Professor Priest clerked for Jon O. Newman on the Second Circuit Court of Appeals and was a Samuel I. Golieb Fellow in Legal History at New York University School of Law. “As a recently tenured professor,” Priest writes, “I am tremendously grateful for the mentoring and support of the ASLH community that guided me to tenure. If elected, I would encourage the society to think of creative ways to mentor younger scholars, to maintain the society’s liveliness, and to strengthen the sense of community in an atmosphere of expanding interests.”

American Society for Legal History

Election Ballot 2009

Complete and Return to:

Professor Thomas Gallanis
ASLH Secretary
University of Iowa Law School
Boyd Law Building
Iowa City, Iowa 52242

RETURNED BALLOTS MUST BE POSTMARKED NO LATER THAN SEPTEMBER 30, 2009

Board of Directors – At Large (vote for *five*)

Mary Sarah Bilder []

Holly Brewer []

Risa L. Goluboff []

Sarah Hanley []

Ron Harris []

Randy McGowen []

Kunal Parker []

Dylan C. Penningroth []

Mitra Sharafi []

Victoria Saker Woeste []

Nominating Committee (vote for *two*)

Sally Gordon []

David T. Konig []

Kenneth F. Ledford []

Claire Priest []