

Gendered Murder on Trial in Australia, England, and the United States

2009 Annual Meeting of the American Society for Legal History
Panel Proposal

Panelists and papers:

Marianne Constable, University of California-Berkeley, *“The Justification was Perfect”—Jessie Hopkins’ Acquittal*

Carolyn B. Ramsey, University of Colorado Law School, *Violence and Respectability: Intimate-Partner Homicide in Australia and the American West, 1860-1930*

Martha Merrill Umphrey, Amherst College, *Reconstructing Responsibility: Narrating Violence in the Trials of Harry K. Thaw*

Martin Wiener, Rice University, *The New Leniency Towards Female Murderers in Victorian England*

Cynthia Grant Bowman, Cornell Law School (Discussant)

Caroline Forell, University of Oregon School of Law (Chair)

Panel description:

In the late nineteenth and early twentieth centuries, fixed gender roles and values were thought to be essential to the maintenance of order. Intimate homicide trials produced anxiety about gender because they revealed marital relationships as chaotic, violent distortions of the social ideal. Historical study of intimate-partner homicide in turn has the potential to upset accepted scholarly narratives about the relationship between intimate murder defendants, the criminal justice system, and the public in the late nineteenth and early twentieth centuries. The papers on this panel present revisionist histories. Marianne Constable traces the development of the “new unwritten law” exonerating women who killed their husbands in Chicago between 1885 and 1915 by focusing on the Jessie Hopkins acquittal and its aftermath. Carolyn Ramsey compares the treatment of intimate-partner homicide cases in Australia and the American West and identifies sympathy for abused women who killed their husbands or lovers and comparative severity towards male defendants in both societies. Martha Merrill Umphrey explores how testimony and other narratives of violence surrounding the murder trial of Harry K. Thaw in early twentieth-century New York unsettled assumptions about gender relations. Martin Wiener presents evidence of an increased reluctance to convict female defendants of murder or to punish them severely for their acts in Victorian England. Taken together, these papers offer insights about public attitudes towards violence against women, wives killing their husbands, and the policing of respectable masculinity that resonated across geographic and cultural boundaries in societies whose criminal law derived from the English model.

***“The Justification was Perfect”
Jessie Hopkins’ Acquittal***

**Marianne Constable
University of California-Berkeley, Department of Rhetoric**

In 1905, Jessie Hopkins was acquitted of the murder of her husband. Directing the jury to find for the defendant (a practice over which the state legislature and Court would later have something to say), Chicago trial Judge George Kersten maintained that “the justification was perfect.” Newspapers far and wide quoted Kersten and his colleagues when they declared that married women had the same rights to self-defense as did men. In regard to formal laws of self-defense and of marriage, however, Kersten neither made nor announced new law. Indeed, immediately after Hopkins’ acquittal, the State’s Attorney or prosecutor maintained that he was not surprised by the outcome: the surprise, he claimed, was that the coroner’s jury had not previously exonerated her. An examination of the two dozen or so instances of Chicago husband-killing before the Hopkins case shows that coroner’s juries seldom exonerated wives who killed their husbands before 1905 though. The surprise thus comes in the apparent doubling of the rate with which they do so in cases *following* Hopkins’ acquittal.

Drawing on police and court records, newspapers, and other archival material, this paper explores the institutional and ideological changes between 1885 and 1915 that correlate with Hopkins’ exoneration and that of the many Chicago husband-killers who came after her. The paper is part of a larger project exploring the exoneration, under what newspapers later dubbed “the new unwritten law,” of Chicago women killers. Even as it tells the story of the unwritten law, the paper - like the project as a whole - draws attention to the challenges of writing a history of a law that remains unwritten.

Violence and Respectability: Intimate-Partner Homicide in Australia and the American West, 1860-1930

Carolyn B. Ramsey
University of Colorado Law School

This paper considers the role that emerging norms of respectability played in public responses to gendered violence in colonial and frontier societies. It compares the legal treatment of intimate-partner homicide in Australia during the late nineteenth and early twentieth centuries with the way such crimes were handled in the American West during the same time period. Many scholars argue that Australian women have been treated as sexual commodities and subjugated by violence since their country's early years as a penal colony in which males vastly outnumbered females. They further contend that the government has systematically ignored intimate-partner abuse. Yet, there is another side to this story, as my research suggests—the sustained (but largely ineffectual) effort by a rising Australian elite to police and civilize men by punishing violence against women.

Despite differences in history and culture, courts and juries in Australia and the American West during the late nineteenth and early twentieth centuries treated intimate-partner homicide in remarkably similar ways. In both societies, men who killed their wives or girlfriends were typically convicted of murder and given substantial prison sentences. Female defendants often fared better than men. Women who killed their husbands or lovers attracted the sympathy of juries, the press, and the governor when their cases involved evidence of past abuse. As Australians sought to shed their convict past, the desire to display civilized protectiveness towards women tempered the violence of patriarchy. Western American states and territories wanted to attract female settlers and make a bid for urbanity. Thus, for somewhat similar reasons, men policed and punished other men for intimate-partner homicides and showed comparative leniency to female murder defendants in both Australia and the American West.

Reconstructing Responsibility: Narrating Violence in the Trials of Harry K. Thaw

Martha Merrill Umphrey

Amherst College, Department of Law, Jurisprudence, and Social Thought

In Harry K. Thaw's 1907-08 trials for the murder of famed New York architect Stanford White, Thaw's wife Evelyn Nesbit took the stand in her husband's defense and, in doing so, was forced to tell two stories of violence: one of her rape by Stanford White and another of a number of beatings at the hands of Thaw. In this paper I will explore the ways in which the narrative and performative dynamics of Thaw's trials both provoked and shaped Nesbit's interpretation of the violence done to her; and I will argue that violence, at least once it enters the legal process, can never be understood apart from the conditions of narration that produce and reproduce retrospective stories about it. I will also suggest that in a broader cultural sense Nesbit's testimony let loose its own kind of scandalous violence not only in revealing well-guarded secrets concerning White and Thaw, two men well-known in high society, but in complicating the era's melodrama-inflected understanding of intimate violence. Nesbit's trial testimony provoked national calls for censorship and engendered enormous anxiety among the millions following the first "trial of the century." Insofar as her testimony revealed Nesbit to be a sexual agent as well as a victim – not, as melodramas of the era would have it, one or the other – it exemplified the ways in which the trial itself, as a vehicle for storytelling about violence, by its very nature unsettled certain assumptions about gender relations – assumptions that went to the very heart of the unwritten law (Thaw's defense in the first trial) – and shored up Thaw's claim of insanity, which ultimately won him an acquittal.

The New Leniency Towards Female Murderers in Victorian England

Martin J. Wiener
Rice University, Department of History

One of the changes wrought by "Victorianism" which historians have only recently acknowledged was a new reluctance to apply the severe sanctions of the law to women who killed. As women's "nature" was increasingly viewed as "purer" or at least more "moral" than men's, women who killed could only be understood as either cruelly provoked by bad men or as insane. Thus, fewer women killers were found guilty of the full charge of murder, and those few who were, were less and less likely to be subject to the full penalty for that crime. Consequently, during the 19th and early 20th centuries, the legal treatment of male and female killers in England diverged ever more. This paper will illustrate this claim by both statistics and examples.

MARIANNE CONSTABLE
University of California, Berkeley

Rhetoric Department
7409 Dwinelle Hall
University of California
Berkeley, CA 94720
510.642.2176
E-mail: constable@berkeley.edu

Ph.D. Jurisprudence and Social Policy, UCB 1989
J.D. Boalt Hall School of Law, UCB 1987
A.B. Philosophy and Political Science, Honors, UCB 1978
 Edinburgh University, Scotland 1976-77

Academic Employment

Department of Rhetoric, UC-Berkeley (teaching fields: law and social theory; legal rhetoric and philosophy; legal traditions; continental philosophy)

2004 Professor;
1994-2004 Associate Professor
1989-1994 Assistant Professor
1988-1989 Acting Assistant Professor

Affiliated Faculty: Designated Emphasis in Women, Gender and Sexuality;
Center for the Study of Law and Society

Sociology Board, University of California at Santa Cruz
Fall 1986 Lecturer, Sociology of Law

Honors and Awards since 2003

2006 Short-term Grant, Newberry Library, Chicago (July)
2005-06 Member/NEH Fellow, Institute for Advanced Study, School of Social Science, Princeton NJ
2005 UC Humanities Research Institute, Residential Group Convener (with Felipe Gutterriez): Law and Humanities in an "Age of Information" (Irvine; spring)
2005 Franklin Research Grant, American Philosophical Society
2004 Townsend Center for the Humanities, Mellon Strategic Working Group Participant, "The Idea of Redress"
2003 Townsend Center for the Humanities, Faculty Initiative Grant, UCB
02-03 Faculty Grant (competitive), Comm. on Research, UCB; also 04-05; 06-07
2002 Distinguished Undergraduate Research Mentoring Award, UCB
2002 Ferdinand Schoeman Honorary Lecture in Philosophy and Law, University of South Carolina

BOOKS

Just Silences: The Limits and Possibilities of Modern Law (Princeton University Press, 2005)

Law of the Other: The Mixed Jury and Changing Conceptions of Citizenship, Law and Knowledge (University of Chicago Press, 1994; winner of Law and Society Association J. Willard Hurst Prize in Legal History)

Everyday Practices and Trouble Cases in Law and Society Research, eds. Austin Sarat, Marianne Constable, David Engel, Valerie Hans, Susan Lawrence (Evanston: Northwestern University Press, 1998).

Crossing Boundaries: Traditions and Transformations in Law and Society Research, eds. Austin Sarat, Marianne Constable, David Engel, Valerie Hans, Susan Lawrence (Evanston: Northwestern University Press, 1998).

PUBLICATIONS since 2003

“On Not Leaving Law to the Lawyers,” ed. Austin Sarat, **Legal Scholarship and the Liberal Arts** (Cornell Univ. Press, 2004), 69-83.

“Despotic Observation: Montesquieu and the Sociology of Law,” eds. Simona Goi and Frederick M. Dolan, **Between Terror and Freedom: Philosophy, Politics, and Fiction Speak of Modernity** (Lexington Books, 2006), 195-219.

“Chicago Husband-Killing and the New ‘Unwritten Law’,” **TriQuarterly** 124 (2006), 85-96.

“The Shuffle of Things: Law and Knowledge in ‘Modern Society’,” **Theoretical Inquiries in Law** 8:1 (2006), 185-200.

“On the (Legal) Study Methods of Our Time: Vico Redux,” 83:3 **Chicago-Kent Law Review** (2008) 1303-1332

OCCASIONAL PIECES since 2003

“Conflicts as a Law of Laws?” (“Afterword” to symposium on “The Return of the Private: Private International Law Meets Global Governance”) eds. Karen Knop, Ralf Michaels, Annelise Riles) 71:3 **Law and Contemporary Problems** (2008)

“This Jurisprudential Moment” (“Commentary”) in **On Philosophy in American Law** ed. Frances J. Mootz III, Cambridge U. Press (2009)

“Analyzing the Trial: Interdisciplinary Methods,” participant in panel discussion that has been transcribed for **PoLAR (Political and Legal Anthropology Review)** (forthcoming 2009)

Review essay: “A Global Vision of Social Justice?” (Review essay of Sally Merry, Human Rights and Gender Violence”) in **American Anthropologist** (7 ms. pp, forthcoming, 2008)

Book review: Elizabeth Mertz: **The Language of Law School: Learning To “Think Like a Lawyer,”** in 43:2 **Law and Society Review** 433-5 (2008)

Book review: James Oldham: **Trial by Jury: The Seventh Amendment and Anglo-American Special Juries,** in **American Journal of Legal History** (forthcoming)

“Jury: U.S. Law,” **Encyclopedia of Legal History,** ed. Stan Katz, Oxford U. Pr. (in press, 2009)

“Rhetoric,” **Encyclopedia of Law and Society,** ed. David S. Clark, Sage Publications (2007)

“Comments on the Collected Writings of Takao Tanase: Modernism,” Proceedings from the 2005 Sho Sato Conference in Honor of Takao Tanase; published electronically and available at http://www.law.berkeley.edu/certers/ilr/pub_sho_sato_2005

Introduction to Symposium on Lloyd Burton’s **Worship and Wilderness: Culture, Religion and Law in Public Lands Management,** in 39 **Law & Society Review** (2005), 677-679.

Introduction to Symposium on Robert P. Burns’ **A Theory of the Trial,** in 28 **Law and Social Inquiry** (2003), 523-526.

RECENT PROFESSIONAL SERVICE

- Law & Society Association (Treasurer, 2003-2005; Dissertation Prize Chair 02-03; Grad Student Workshop: 2003, 2007; Summer Legal Institute, Local Proposal Committee 2003)
- Law and Literature, Editorial Advisory Board, 2007-
- POROI, E-Journal of the Project on the Rhetoric of Inquiry, Advisory Board
- Assoc. for Study of Law, Culture and the Humanities (Associate and Book Review Editor, 2004-07; Co-chair, Local Arrangements, Berkeley, 2007-08)
- Referee of articles and ms’s for various legal studies journals, Univ. of Chicago Press, MLA Publications
- Taught short-course for Judges, University of Nevada, Reno (July 2005)
- External examiner: LLM Thesis (2006), University of Victoria, CANADA
- Jr Faculty External Referee/Mentor (2006): University of Michigan, Ann Arbor

CAROLYN B. RAMSEY
401 UCB, University of Colorado Law School
Boulder, CO 80309
Office: (303) 735-5028
Email: Carolyn.Ramsey@colorado.edu

EDUCATION

Stanford Law School: J.D. with Distinction, June 1998

- Articles Editor, *Stanford Law Review*.
- Extern, Office of the United States Attorney, Criminal Division, Northern District of California.

Stanford University: M.A. in History, June 1991

- Completed coursework and qualifying exam for Ph.D. in History.
- Academic awards included receiving Distinction on doctoral qualifying exam, a Stanford Humanities Fellowship, and a Mellon Research Fellowship.

University of California, Irvine: B.A. in History, June 1990

- Academic awards included graduating *summa cum laude*, being inducted into Phi Beta Kappa, and appearing on the Dean's List during all quarters.

JUDICIAL CLERKSHIPS

Clerk to the Honorable Marilyn Hall Patel

Chief Judge, United States District Court for the Northern District of California, San Francisco, CA: 1999-2000

Clerk to the Honorable Paul J. Kelly, Jr.

United States Court of Appeals for the Tenth Circuit, Santa Fe, NM: 1998-1999

LEGAL ACADEMIC EMPLOYMENT

Associate Professor of Law:

University of Colorado Law School, Boulder: January 2001 to the present

With tenure: Spring 2007 to the present

- **Visiting Fellow, Australian National University, College of Law (Canberra, ACT, Australia), 2007-2008:** research on public responses to intimate homicide in Australia.
- **Courses taught at the University of Colorado:** Criminal Law; Criminal Procedure (Investigative Phase); Domestic Violence; History of Anglo-American Criminal Justice; and a Gender, Law & Public Policy seminar.
- **Other teaching interests:** English Legal History, American Legal History, and Constitutional Law.

- **Research interests:** My research centers on the historical background of criminal justice and gender issues. Although many of my research interests lie in legal history, some of my work has a modern focus.

ACADEMIC AWARDS

2007 Jules Milstein Faculty Writing Award, for *Intimate Homicide: Gender and Crime Control, 1880-1920*, 77 UNIV. OF COLORADO LAW REVIEW 101-191 (2006) (recipient of annual award recognizing excellence in scholarship by a member of the University of Colorado Law School Faculty).

PUBLICATIONS

Publications in Law Reviews:

Restructuring the Debate over Fetal Homicide Laws, 67 OHIO STATE LAW JOURNAL 721-782 (2006).

Intimate Homicide: Gender and Crime Control, 1880-1920, 77 UNIV. OF COLORADO LAW REVIEW 101-191 (2006).

Homicide on Holiday: Prosecutorial Discretion, Popular Culture, and the Boundaries of the Criminal Law, 54 HASTINGS LAW JOURNAL 1641-1703 (2003).

The Discretionary Power of “Public” Prosecutors in Historical Perspective, 39 AMERICAN CRIMINAL LAW REVIEW 1309-1393 (2002).

California’s Sexually Violent Predator Act: The Role of Psychiatrists, Courts, and Medical Determinations in Confining Sex Offenders, 26 HASTINGS CONSTITUTIONAL LAW QUARTERLY 469-504 (1999).

Subtracting Sexism from the Classroom: Law and Policy in the Debate over All-female Math and Science Classes in Public Schools, 8 TEXAS JOURNAL OF WOMEN & THE LAW 1-49 (1998).

Sex and Social Order: The Selective Enforcement of Colonial American Adultery Laws in the English Context, 10 YALE JOURNAL OF LAW & THE HUMANITIES 191-228 (1998).

Peer-reviewed Publications:

In the Sweat Box: A Historical Perspective on the Detention of Material Witnesses, 6 OHIO STATE JOURNAL OF CRIMINAL LAW (forthcoming 2009).

Public Responses to Intimate Violence: A Glance at the Past, 121 PUBLIC HEALTH REPORTS 460-463 (2006).

Other Publications:

Book Review, Mike McConville & Chester Mirsky, *Jury Trials and Plea Bargaining: A True History*, 25 LAW AND HISTORY REVIEW 446-448 (2007).

Criminal Law: United States Law, in OXFORD ENCYCLOPEDIA OF LEGAL HISTORY, Stanley Katz et al, eds. (New York: Oxford University Press, forthcoming 2009).

Was the Bill of Rights Irrelevant to Nineteenth Century State Criminal Procedure?, JOURNAL OF CONTEMPORARY LEGAL ISSUES (forthcoming) (invited).

Works in Progress (not yet submitted for publication):

Houses of Pain: A Legal History of Public Responses to Intimate Homicide (working title of book project).

Provoking Change: Comparative Reflections on Feminist Homicide Law Reform (working title of article)

Violence and Respectability: Intimate-Partner Homicide in Australia and the American West, 1860-1930 (working title of article)

ACADEMIC AND PROFESSIONAL PRESENTATIONS

Invited Commentator, *Was the Bill of Rights Irrelevant to Nineteenth Century State Criminal Procedure?* (remarks on a paper by Professor Donald Dripps), “The Fourteenth Amendment and the Bill of Rights: What Have We Learned? Why Does it Matter?” conference, University of San Diego Law School, January 2009.

Invited Speaker, *Scrutinizing the Historical Basis of Material Witness Detention*, Center for Law, History, and Culture, University of Southern California, Gould School of Law, April 2007.

Speaker and Co-organizer (with Professor Bruce Smith), “Cautions and Confessions: *Miranda v. Arizona* after 40 Years” conference, University of Colorado Law School, October 2006.

Guest Blogger, The Volokh Conspiracy, November 2006 (blogged about my research on the legal history of intimate-partner homicide).

Restructuring the Debate over Fetal Homicide Laws, Faculty Research Workshop, University of Colorado Law School, July 2006.

Invited Speaker, *Methodology Wars: Historians’ Approaches to Criminal Law*, Faculty Brown Bag, University of Colorado Law School, August 2005.

Intimate Homicide: Gender and Crime Control, 1880-1920, Faculty Research Workshop, University of Colorado Law School, January 2005.

Speaker and Organizer, “New Approaches to Domestic Violence: Transcending Boundaries” panel, University of Colorado, November 2004.

Invited Speaker, *Gender, Civility, and Crime Control in the Metropolis, 1880-1920*, “Crime, Prosecution, and Politics in Nineteenth and Early Twentieth Century New York City” panel, 2004 Annual Meeting of the American Society for Legal History, Austin, Texas, October 2004.

Speaker and Organizer, “Consent and Sexuality” panel, University of Colorado, April 2004.

Invited Chair, “Law and the Formation of American Culture” panel, Rocky Mountain Interdisciplinary History Conference, University of Colorado, September 2003.

Invited Speaker, *Dangerous Games: Prosecutorial Discretion, Popular Culture, and the Boundaries of the Criminal Law*, Center for International Legal Studies Conference on International Criminal Justice and White Collar Crime, Steamboat Springs, Colorado, February 2003.

Invited Comment, Conference on Law, Family, and State Organization in the Early Modern Atlantic World, University of Wisconsin Law School, November 2002.

Invited Comment, Works-in-Progress Colloquium, University of Colorado Department of History, April 2002.

The Discretionary Power of “Public” Prosecutors in Historical Perspective, Faculty Colloquium, University of Colorado Law School, February 2002.

SERVICE

Law School Committees:

Evaluations Committee (2008-2009)
Building Campaign Committee (Spring 2006)
Assistant Dean Search Committee (Fall 2005).
Judicial Clerkship Advising Committee (2001-2003; Chair, 2003-2007)
Academic and Student Affairs Committee (2003-2006)
Self-Study Committee (2001-2003)
Building Project Committee (2000-2001)
Competitions Committee (2000-2001)

Other Service:

Co-founder (with Professor Mike Radelet) of the Interdisciplinary Crime, Law, and Policy Working Group (2006-present): Founded a working group for University of Colorado scholars who study criminal law, criminal procedure, deviance, punishment, and criminal-justice social policy from a variety of perspectives. The goal of this group, which includes criminologists and historians, as well as law professors, is to sponsor speakers, visiting scholars, and collaborative interdisciplinary research. The ICLP ultimately aspires to become a “Center.”

Member of History Ph.D. Dissertation Committees, University of Colorado: Served on the dissertation committees of Anne Vonhof (2004-present) and John Dwyer (2001). I also informally assisted Diana DiStefano (2005) by reading and commenting on several chapters of her dissertation.

Member of Sociology Ph.D. Dissertation Committees, University of Colorado: Served on the dissertation committees of Tara Opsal (2006-2008) and Devon Gray Thacker (2008-present).

Invited Moderator, “Cultural Relativism” panel, ILSA Conference on Challenges Facing Developing Countries, University of Colorado Law School (October 2004): Moderated panel discussion by international law experts.

Invited Speaker, “Meet Members of the Faculty,” Class of 2007 Reception, University of Colorado Law School (April 2004):
Gave a brief talk about my published articles, current research projects, and teaching to students accepted for the Class of 2007.

Invited Panelist, Women in Law Day, University of Colorado Law School (2003, 2004):
Served as a panelist on women in legal careers.

Women’s Law Caucus Fellowship Committee, University of Colorado Law School (2001, 2003, 2005, 2006): Reviewed and voted on student applications for summer public-interest fellowship.

OTHER EMPLOYMENT EXPERIENCE

Summer Associate: O’Melveny & Myers LLP
Washington DC: Summer 1997

Summer Associate: Heller, Ehrman, White, & McAuliffe
San Francisco, CA: Summer 1996 and Summer 1997

Paralegal: U.S. Department of Justice, Antitrust Division
Washington, DC: 1994–1995

Teaching Assistant: Department of History, Stanford University
Stanford, CA: 1991–1992

BAR MEMBERSHIPS

California
United States Court of Appeals for the Tenth Circuit

PROFESSIONAL SOCIETIES

Member, American Society for Legal History

Executive Board, Law and Humanities Section of the American Association of Law Schools

Executive Board, Criminal Law Section of the American Association of Law Schools

Member, Women in Legal Education Section of the American Association of Law Schools

MARTHA MERRILL UMPHREY

DEPARTMENT OF LAW, JURISPRUDENCE
& SOCIAL THOUGHT
AMHERST COLLEGE

PO Box 5000
Amherst, MA 01002
ph: 413/542-8206
fax: 413/542-2207

88 Woodside Ave.
Amherst, MA 01002
413/256-3024
e-mail: mmumphrey@amherst.edu

Education

PhD University of Michigan, Program in American Culture, 2000

Dissertation: "Dementia Americana': Harry K. Thaw, the Unwritten Law, and Narratives of Responsibility"

JD University of Michigan Law School, cum laude, 1991
Admitted to Michigan Bar, 1991

BA University of Michigan, English, summa cum laude, with highest honors and highest distinction, 1986

Alliance Francaise, Paris, Winter 1984

Cambridge University, Cambridge, England, Fall 1983

Northwestern University, 1981-1983

Academic Positions

Professor, Department of Law, Jurisprudence & Social Thought, Amherst College.

Associate Professor, Department of Law, Jurisprudence & Social Thought, Amherst College,
2001-

Assistant Professor, Department of Law, Jurisprudence & Social Thought, Amherst
College, 1993-2000

Visiting Assistant Professor, Univ. of California - Irvine, 2000-01

Visiting Fellow, History Department, Princeton University, 1997-98

Professional Activities, Honors, and Fellowships

AWARDS AND FELLOWSHIPS

Mellon 8 Fellowship, Fall 2004
Visiting Fellow, University of Michigan Law School, February 2003
Karl Loewenstein Fellowship, Amherst College, 1997-98
Hunting Family Fellow, Univ. of Michigan Institute for the Humanities, Fall 1993
University of Michigan Research Partnership Fellowship, 1992-93
University of Michigan Outstanding Teaching Assistant Award, 1992
National Association of Women Lawyers Award, 1990
Joe Lee Davis Fellowship, Summer 1991
Joe Lee Davis Fellowship, 1989-90
Rackham First-Year Fellowship, 1989-90
Phi Beta Kappa, 1986

Professional Association Memberships and Activities

Associate Editor, *Law, Culture, and the Humanities*, 2004-2007.
Review Essays Editor, *Law and Society Review*, **2002-2004**

Law and Society Association:

Organizing Committee, Northeast Regional Law and Society Retreat, 2007, 2008
Trustee (by virtue of editorship), 2002-2004
Program Committee, 1998-99
Program Committee, 1996-97
Strategic Study Committee, 1996-97
Willard J. Hurst Prize Committee, 1995-96

Association for the Study of Law, Culture, and the Humanities:

Organizing Committee, 2007 -
Julien Mezey Dissertation Prize Committee, 2008
Chair, Graduate Student Travel Stipend Committee, 2007
Chair, Julien Mezey Dissertation Prize Committee, 2005
Chair, Nominations Committee, 2002

American Society for Legal History

Program Committee, 2004

Interdisciplinary Law & Humanities Junior Scholars Workshop

Advisory Board, 2006 -

Referee, 2003-2008

Participant, 2003, 2005-2008

Other professional activity:

Psychoanalysis Reading Group, 2005-

Law and Cultural Studies Reading Group, 1995-06

Boston-Amherst Legal Seminar, 1995-2000

Law and Culture Working Group (co-convenor), 1995-96

Legal Theory Reading Group, 1994-95

LJST summer seminar in curricular development, 1994

Amherst College:

Committee on Educational Policy, 2006-09

Chair, 2007-09

Committee of Six, 2003-2004

Health Insurance Review Committee, 2002-2003

Faculty Computing Committee, 2001-2002

Orientation Committee, 1998-2000

Expository Writing Committee, 1999-2000

Committee on Special Programs, 1996-97

Committee on Guidance, Counseling, and Health Services, 1995-96

Works-in-Progress groups:

The Rhetoric of Law, 2007-08

Culture and History, 2007-09

Manuscript reviewer for *Law, Culture, and the Humanities*, *Law and Society Review*; *Studies and Law*, *Politics, and Society*; *Law and Social Inquiry*, *Radical History Review*; and various presses.

Publications

Books

Dementia Americana: Narrating Responsibility in the Trials of Harry K. Thaw (in progress).

Trials. International Library of Essays in Law and Society. London: Dartmouth/Ashgate Publishing, 2008.

Law and Catastrophe. Co-edited with Austin Sarat and Lawrence Douglas. Stanford University Press, 2007.

How Law Knows. Co-edited with Austin Sarat and Lawrence Douglas. Stanford University Press, 2006.

Law and the Sacred. Co-edited with Austin Sarat and Lawrence Douglas. Stanford University Press, 2006.

The Limits of Law. Co-edited with Austin Sarat and Lawrence Douglas. Stanford University Press, 2005.

Law on the Screen. Co-edited with Austin Sarat and Lawrence Douglas. Stanford University Press, 2005.

Lives in the Law. Co-edited with Austin Sarat and Lawrence Douglas. University of Michigan Press, 2003.

Law's Madness. Co-edited with Austin Sarat and Lawrence Douglas. University of Michigan Press, 2003.

The Place of Law. Co-edited with Austin Sarat and Lawrence Douglas. University of Michigan Press, 2003.

Articles

"Watching Trial Watching," *Studies in Law, Politics, and Society* (forthcoming).

Review of Marianne Constable's *Just Silences: The Limits and Possibilities of Modern Law*, *Law, Culture, and the Humanities* 4:2 (June 2008).

"Law's Bonds: Eros and Identification in *Billy Budd*." *American Imago* 64:3 (Fall 2007): 413-431.

"Fragile Performances: The Dialogics of Judgment in Robert Burns' *A Theory of the Trial*." *Law and Social Inquiry* 28:2 (2003): 527-533.

Review of *Whispered Consolations: Law and Narrative in African-American Life*, by Jon-Christian Suggs, *Law and Politics Book Review* 11:5 (May 2001): 239-43.

"Media Melodrama! Sensationalism and the 1907 Trial of Harry Thaw." *New York Law School Law Review* 43:3/4 (1999-2000): 715-739.

"The Dialogics of Legal Meaning: Spectacular Trials, the Unwritten Law, and Narratives of Criminal Responsibility." *Law and Society Review* 33:2 (1999): 393-424.

"Gender (De)mystified: Resistance and Recuperation in Female Hard-Boiled Detective Fiction." With Timothy Shuker-Haines. In *The Modern Detective in Fiction and Film: New Approaches in Criticism*. Ed. Jerome H. Delamater and Ruth Prigozy. Westport, Ct: Greenwood Press, 1998.

"The Sun Has Been Too Quick for Them': Criminal Portraiture and the Police in the Late Nineteenth Century." *Studies in Law, Politics, and Society* 16 (1997): 139-63.

"The Trouble with Harry Thaw." *Radical History Review* 62 (Spring 1995): 8-23. Reprinted in *Queer Studies: An Interdisciplinary Reader*. Eds. Robert J. Corber and Stephen Valocchi. Malden, MA: Blackwell Publishing, Ltd., 2003.

"The Mystery of Gender: The Female Hard-Boiled Detective." With Timothy Shuker-Haines. *Michigan Feminist Studies* 6 (Fall 1991): 3-16.

PAPERS AND LECTURES

"Watching Trial Watching," Association for the Study of Law, Culture, and the Humanities, Berkeley, CA, 28 March 2008.

"Law and Loss: Justice and Mourning in Touch of Evil," Association for the Study of Law, Culture, and the Humanities, Berkeley, CA, 28 March 2008.

Chair and Comment, "Law and the Sacred," Association for the Study of Law, Culture, and the Humanities, Berkeley, CA, 29 March 2008.

"Law Noir: *Touch of Evil* and the Borderlands of Justice," American Studies Association Annual Meeting, Philadelphia, PA, 13 October 2007.

"Law's Bonds; or, The Suffering of Captain Vere," Association for the Study of Law, Culture, and the Humanities, Washington, DC, 23 March 2007.

"Law's Bonds: The Eros of Positive Law in Melville's *Billy Budd* and Beyond," University of Massachusetts Law and Society Initiative Colloquium, Amherst, MA, 22 February 2007.

Invited guest lecturer, ITD, Amherst, MA, January 2006, July 2006, January 2007.

Chair and Comment, "Popular Culture, Moral Reasoning, and the Development of Civic Imagination," Law and Society Association, Baltimore, MD, 7 July 2006.

Roundtable, "Emotion at the Edges of Law," Law and Society Association, Baltimore, MD, 8 July 2006.

"Constituting the United States," University of Reykjavik, Iceland, March 21-22, 2006.

Chair and Comment, Author-Meets-Reader session on Marianne Constable's *Just Silences: The Limits and Possibilities of Modern Law*, Association for the Study of Law, Culture, and the Humanities, Syracuse, NY, 17 March 2006.

"Dementia Americana': Melodrama and the Unwritten Law in the Trial of Harry Thaw," American Society for Legal History, Austin, TX, 30 November 2004.

Senior Commentator, Law and Humanities Interdisciplinary Junior Scholar Workshop, Columbia University Law School, New York, 31 May 2003.

"Trials as Legal Performances: Spectacles of the Girl in the Red Velvet Swing," Law, Culture, and Humanities Conference, New York City, 8 March 2003.

"The Woman in the Case: Subversive Self-Fashionings and the Melodrama of the Unwritten Law," Subversive Legacies Conference, Austin, TX, 22 November 2002.

"Trials as Performance and Performativity," Law and Society Association Annual Conference, Vancouver, BC, 1 June 2002.

Roundtable on Robert Burns' *A Theory of the Trial*, Law and Society Association Annual Conference, Vancouver, BC, 30 May 2002.

"The Woman in the Case: Inscribing and Reinscribing Evelyn Nesbit," Law, Culture, and Humanities Conference, Philadelphia, PA, 8 March 2002.

"Dementia Americana': Legal Insanity, Literary Naturalism, and the Cultural Production of Criminal Responsibility," Law and Society Association Annual Conference, Budapest, Hungary, 7 July 2001.

"Discourse in the Trial: A Bakhtinian View of Legal Meaning," Law, Culture, and Humanities Conference, Austin, TX, 10 March 2001.

"A Dialogics of Criminal Responsibility: Honor, Passion, and the Unwritten Law," University of Southern California, 15 November 2000.

“Passions of the Masculine,” Law and Society Association Annual Conference, Miami, Florida, 28 May 2000.

“Violence in Public,” Working Group on Law, Culture, and the Humanities, Washington, DC, 11 March 2000.

Roundtable, “Narrating Law and Social Life: Afterthoughts and Premonitions,” Working Group on Law, Culture, and the Humanities, Washington, DC, 11 March 2000.

“Media Mimicry: The *New York Herald* and the Trials of Harry Thaw,” and the Trials of Harry Thaw,” New York Law School, 5 March 1999.

“Passing, Property, and Self-Possession: The Legal Value of Social Reputation,” University of Michigan, 6 February 1999.

“Harry Thaw and the Unwritten Law: The Dialogics of Legal Meaning,” Boston University Law School, 10 November 1998.

“In Passing, An Identity: A Genealogy of the Legal Value of Social Reputation,” Law and Society Association Annual Meeting, Snowmass, CO, 4 June 1998.

“The Legal Value of Social Reputation: Passing and the Politics of Identity,” Working Group on Law and the Humanities, Washington, DC, 27 March 1998.

Comment, American Society for Legal History, Minneapolis, MN, 16 October 1997.

“Violence in Fact and Theory: Narrative Force in the Case of ‘Mad’ Harry Thaw,” plenary session, Law and Society Association Annual Conference, St. Louis, MO, 30 May 1997.

“‘Dementia Americana’: Reading the First ‘Trial of the Century,’” the Max and Etta Lazerowitz Lecture, Amherst College, 8 April 1997.

Chair and comment, Conference on Capital Punishment in Law and Culture, Amherst College, 5 April 1997.

“‘Dementia Americana’: Narrative Force in the Trials of ‘Mad’ Harry Thaw,” Princeton University, 3 April 1997.

“The Insanity Defense in Thaw’s Trials for the Murder of Stanford White,” Conference on Notable Murders in Gilded Age New York, The New York Historical Society, 16 March 1996.

“Visions of Judgment,” American Studies Association Annual Conference, Pittsburgh, PA, 9 November 1995.

"Vengeance and Honor: Murder, Manhood, and the Unwritten Law," Law and Society Association Annual Meeting, Toronto, Canada, 2 June 1995.

"The Trouble With Harry Thaw," Women's And Gender Studies Faculty Workshop Series, Amherst College, 14 April 1995.

"Reading the Unwritten Law," Five College Women's Studies Research Center, Mt. Holyoke College, 3 April 1995.

"Colorblindness," comment at the Conference on Brown at 40: Perspectives on Law, Culture, and Change, Amherst College, 3 December 1994.

"The Laws of Genre; or, the Trials of Mad Harry Thaw," Law and Society Annual Meeting, Phoenix, AZ, 17 June 1994.

"Still Life, Still Death: A Genealogy of Photography in Criminal Law," University of Michigan Law School, 12 April 1994.

"'The Sun Has Been Too Quick for Them': Photographic Captures of Criminals in Late 19th Century America," Law and Society Association Annual Meeting, Chicago, IL, 27 May 1993.

"Who Was That Man?: Queer Identity in the Case of Mad Harry Thaw," Organization of American Historians Conference, Anaheim, CA, 17 April 1993.

"Gender (De)mystified: Resistance and Recuperation in Female Hard-Boiled Detective Fiction," with Timothy Shuker-Haines, "Detective Fiction and Film," Hofstra U., October 1991.

"The Mystery of Gender: The Female Hard-Boiled Detective," with Timothy Shuker-Haines, Eighth Annual National Graduate Student Women's Studies Conference, Ann Arbor, MI, March 1991.

Teaching Experience

Undergraduate courses: Law and Love; Law, Speech, and the Politics of Freedom; The Trial; Imagining Crime; Law, Crime, and Culture in the United States; Law, Crime, and Criminal Processes; Law, Gender, and the Body; Policing: Legal Practices and Popular Imagination; Law and Social Relations; Law's History; The Image of Law in Social and Political Thought; Law's Madness; Law, Myth, and Film; Introduction to American Culture; Introduction to Women's Studies; The Contemporary Women's Movement

Graduate courses: Law and the Historical Imagination

REFERENCES AVAILABLE UPON REQUEST.

**MARTIN J. WIENER
CURRICULUM VITAE
December 2008**

[boldface indicates 2008]

b. June 1, 1941, Brooklyn, New York

**3007 Rice Boulevard
Houston, TX 77005
(713) 218-6821**

Department of History
MS 42
Rice University
6100 South Main Street
Houston, TX 77005-1892
(713) 348-4948
FAX (713) 348-5207
wiener@rice.edu

EDUCATION

**B.A., Brandeis University, 1962, with honors in History [thesis: "The new society of Walther Rathenau"]
Ph.D., Harvard University, 1967**

TEACHING POSITIONS

Teaching Fellow, Harvard University	1964-1965, 1966-1967
Assistant Professor, Rice University	1967-1972
Associate Professor, Rice University	1972-1980
Professor, Rice University	1980-1982
Mary Gibbs Jones Professor, Rice University	1982-present

HONORS AND AWARDS [apart from awards given to published books]

**NEH Junior Research Fellow 1973-74
American Philosophical Society Research Fellow 1979
American Council of Learned Societies Fellow 1982
NEH Senior Research Fellow 1986-87
Fellow, Rice Center for Cultural Studies 1987-89, 1995-96
Fellow, Royal Historical Society 1987-
Who's Who in America 1988-
NEH Summer Stipend 1994
National Humanities Center Fellow 1997-98 [declined]
Woodrow Wilson International Center for Scholars Fellow 1997-98
National Science Foundation Grant 1997-98, \$81,000 [Law & Social Science Program]
John Simon Guggenheim Memorial Foundation Fellowship 2005-06**

PUBLICATIONS

Books

Between Two Worlds: The Political Thought of Graham Wallas (Oxford University Press, 1971).

English Culture and the Decline of the Industrial Spirit, 1850-1980 (Cambridge University Press, 1981) (paperback edition, 1982) (Japanese and Italian translations, 1984) (Penguin Books edition, 1985) (still in print as of 2002). Awarded Robert Livingston Schuyler Prize of the American Historical Association, 1981, as the best American book on Britain or the Commonwealth published in the preceding five years.

_____ selections reprinted in D. Coates, ed., *The Debate on Britain's Economic Decline* (London, 1985), A. Cross & B. McCormick, eds., *Technology in Schools* (London, 1986), M. Casson, ed., *Entrepreneurship* (London, 1989), Y. Cassis, ed., *Business Elites* (London, 1993), P. Joyce, ed., *The Oxford Reader on Class* (Oxford, 1995), Giles & Middleton, eds., *Writing Englishness* (London, 1997), Rohan McWilliam and Kelly Boyd, eds., *THE VICTORIAN STUDIES READER*, (Routledge, 2007).

[a thorough, multi-author examination of the argument of this book is provided in *British Culture and Economic Decline*, ed. Bruce Collins and Keith Robbins (London, 1990)]

_____ Second edition, in hardback and paperback, with new introduction, Cambridge University Press, November 2004.

[I am listed and discussed in *The Oxford Companion to Twentieth-Century British Politics*, ed. John Ramsden (Oxford U.P., 2002), for the influence of *English Culture and the Decline of the Industrial Spirit* on British politics in the 1980s. In addition there has been since 2004 a biographical entry on me in Wikipedia, which also discusses this political influence.]

Editor, "Humanitarianism or Control? Nineteenth Century Reform Reappraised," issue of *Rice University Studies*, Winter, 1980.

Editor, *Crime and Punishment in England 1850-1922*, 30 volume reprint series (Garland Press, 1984).

Reconstructing the Criminal: Culture, Law and Policy in England 1830-1914 (Cambridge University Press, 1990; paperback ed. 1994). Awarded Honorable Mention (2nd place), John Ben Snow Foundation Prize of the North American Conference on British Studies, 1991. Still in print as of 2004.

Men of Blood: Violence, Manliness and Criminal Justice in Victorian England (Cambridge University Press, February 2004). Co-winner of the NACBS Albion Book Prize for 2005, for the best book published anywhere by a North American scholar on any aspect of British studies since 1800. Paperback edition 2006.

An Empire on Trial: Race, Murder and Justice under British Rule, 1870-1935 (Cambridge University Press, December 2008) (simultaneous publication in hardback and paperback).

Articles

"England is the Country: Modernization and the National Self-Image." *Albion* III, no. 4 (Winter, 1971), 198-211.

"The Cultural History of Modern Britain: Some Methodological Reflections," *Rice University Studies*, LVIII, no. 4 (Fall, 1972), 145-155.

"The Changing Image of William Cobbett," *Journal of British Studies* XIII, no. 2 (May, 1974), 135-154.

- "The Myth of William Morris," *Albion* VIII, no. 1 (Spring, 1976), 67-82.
- "Economic Growth and English Values," *Contemporary Review* (London, October, 1976), 194-199.
- "Social Control in 19th Century Britain," (review essay), *Journal of Social History* XII, no. 2 (Winter, 1978), 314-321.
- "Some Leaders of Opinion and Economic Growth in Britain, 1918-1974," *Journal of Contemporary History* XIV, no. 2 (April, 1979), 353-368.
- "Graham Wallas," in John Saville and Joyce Bellamy (eds.), *Dictionary of Labour Biography* V (London, 1979).
- "Introduction," *Humanitarianism or Control? Nineteenth Century Reform Reappraised*, *Rice University Studies*, Winter, 1980.
- "Conservatism, English Culture and Economic Growth," *Parliamentary Affairs* (Oxford), XXXIV, no. 4 (Autumn, 1981), 409-422.
- "What Is the Origin of the 'English Sickness'?", *ESP* [Economy, Society, Politics] (Tokyo), April 1983.
- "Is Britain's Decline a Myth?" (with Lincoln Allison of the University of Warwick), *New Society*, Nov. 17, 1983.
- "The March of Penal Progress?", *Journal of British Studies*, XXVI, no.1, (January 1987), 83-95. [Reprinted in *Criminal Policy Making*, ed. Andrew Rutherford (London, 1996)].
- "Some Images of Man and Their Relation to the Administration of the Criminal Law in Britain, 1830-1914," in T. Watkin, ed., *Legal Record and Historical Reality: The Proceedings of the Eighth British Legal History Conference* (London, 1989).
- "Market Culture, Reckless Passion, and the Victorian Reconstruction of Punishment", in *The Culture of Capitalism: Historical Essays*, ed. T. Haskell and R. Teichgraeber (Cambridge and New York, 1993).
- "The English Style of Huxley's Thought," in *Julian Huxley: Biologist and Statesman of Science*, ed. C.K. Waters & A. Van Helden (Houston, 1993).
- "The Unloved State: Twentieth Century Politics in the Writing of Nineteenth Century History," *Journal of British Studies*, July 1994.
- "The Health of Prisoners and the Two Faces of Benthamism," in *The Health of Prisoners: Historical Essays*, ed. Richard Creese, W.F. Bynum and J. Bearn, *Clio Medica* 34/The Wellcome Institute Series in the History of Medicine, Editions Rodopi B.B., Amsterdam and Atlanta Georgia, 1995.
- "The Victorian Criminalization of Men." *Men and Violence: Masculinity, Honor Codes and Violent Rituals in Europe and America, 1600-2000*, ed. Pieter Spierenburg (Columbus, Ohio: Ohio State University Press, 1997), 197-212.
- "New Women vs. Old Men?", *Journal of Victorian Culture*, Fall 1997.
- "Treating 'Historical' Sources as Literary Texts: Literary Historicism and Modern British History," *Journal of Modern History*, September 1998.
- "The Sad Story of George Hall: Adultery, Murder and the Politics of Mercy in Mid-Victorian England," *Social History*, 24, 2 (May 1999) 173-195.

“Judges v. Jurors: Courtroom Tensions and the Development of the Law of Criminal Responsibility in Nineteenth-Century England,” *Law and History Review*, 17, 3 (Fall 1999), 467-506.

Chapter in *Rethinking Decline: Britain Towards 2000*, ed. Richard English and Michael Kenny (London: Macmillan, 1999).

“Domesticity: Disciplining Women or Feminizing Society?,” in *An Age of Equipoise? Mid-Victorian Britain Reassessed*, ed. Martin Hewitt (London: Scholar Press, 2000).

" Alice Arden to Bill Sikes: Changing Nightmares of Intimate Homicide in England, 1558-1869", *Journal of British Studies*, 40, 2 (April 2001), 184-212.

"An Avenging Angel: The Trial of Annette Myers," in Kerry Greenwood, ed., *On Murder 2* (Melbourne: Black Inc., 2002).

Foreword to *Comparative Histories of Crime*, ed. G. Dunstall, C. Emsley & B. Godfrey (London: Willan Publishing, 2004).

“Graham Wallas,” *The New Dictionary of National Biography* (Oxford: Oxford University Press, 2004).

“Murder and the Modern British Historian,” *Albion* 36, 1(Spring, 2004), 1-12.

“Homicide and ‘Englishness’: Criminal Justice and National Identity in Victorian England,” *National Identities* 6, 3 (2004), 203-214.

“Murderers and 'Reasonable Men': The 'Criminology' of the Victorian Judiciary,” in *Criminals and Their Scientists*, ed. Peter Becker and Richard Wetzell (Cambridge,, 2005).

“Martin Wiener: Profile of a Scholar,” *Dialogue* (newsletter of the Rice Center for the Study of Cultures), Spring 2005.

"Race, Class & Maritime Authority in Late Victorian England: The Surprising Murder Trials of Charles Arthur (1888) and Bagwahn Jassiwara (1891)," in *The Cultural History of Violence*, ed. Stuart Carroll (Palgrave Macmillan, 2007).

"Probing the Fault Lines of Imperial Authority: Inter-Racial Homicide Trials in British India," in *Modern Histories of Criminal Law*, ed. Markus Dubber (Stanford University Press, 2007).

"Convicted Murderers and the Victorian Press: Condemnation vs. Sympathy," *Crimes and Misdemeanours: Deviance and the Law in Historical Perspective*, Vol. 1, No. 2 (November 2007), 110-125.

“Evolution and History-Writing: A Comment on J. Carter Wood, ‘The Limits Of Culture?’” ,

Cultural and Social History, Vol. 4, No. 4 (December 2007) , 545-551.

REVIEWS

Stanley Pierson, Marxism and the Origins of British Socialism, in Victorian Studies XVII, no. 1, September 1973.

- Peter Clarke, Liberals and Social Democrats and Duncan Wilson, Leonard Woolf, in American Historical Review, December 1979.
- Reba Soffer, Ethics and Society in England: The Revolution in the Social Sciences, 1880-1914, in Albion, Summer 1980.
- Lincoln Allison, Condition of England, in London Review of Books, December 3, 1981.
- Dorothy Thompson, The Chartists in New York Times Book Review, July 1, 1984.
- John Chandos, Boys Together, in New York Times Book Review, October 21, 1984.
- Lawrence and Jeanne Stone, An Open Elite? England 1540-1880, in Albion, Spring 1985.
- D. P. Crook, Benjamin Kidd: Portrait of a Social Darwinist, in American Historical Review, October 1985.
- F. M. Leventhal, The Last Dissenter: H.N. Brailsford and His World, in American Historical Review, April 1986.
- Christopher Harding et. al., Imprisonment in England, and Philip Priestley, Victorian Prison Lives, in Albion, Fall 1986.
- Robert Skidelsky, John Maynard Keynes, Volume One, in American Historical Review, December 1986.
- Mary Langan and Bill Schwartz (eds.), Crises in the British State, 1880-1930, in Victorian Studies, December 1986.
- Michael Freeden, Liberalism Divided, in History, January 1987.
- Margaret DeLacy, Prison Reform in Lancashire, 1700-1850, in Albion, Spring 1987.
- W. J. Forsythe, The Reform of Prisoners 1830-1900, in American Historical Review, February 1988.
- Sidney Pollard, Britain's Prime and Britain's Decline: The British Economy 1870-1914, in Victorian Studies, Spring 1990.
- W.J. Forsythe, Penal Discipline, Reformatory Projects, and the English Prison Commission 1895-1939, in American Historical Review, February 1992.
- Harold Perkin, The Rise of Professional Society: England Since 1880, in Comparative Studies in Society and History, -- 1992.
- Michael Veseth, Mountains of Debt: Crisis and Change in Renaissance Florence, Victorian Britain, and Postwar America, in Comparative Studies in Society and History, -- 1992.
- Gary McCulloch, Philosophers and Kings: Education for Leadership in Modern England, in Journal of Interdisciplinary History, -- 1992.
- Ellen Meiksins Wood, The Pristine Culture of Capitalism: A Historical Essay on Old Regimes and Modern States, in American Historical Review, -- 1993.
- H.L. Malchow, Gentleman Capitalists: The Social and Political World of the Victorian Businessman, in Victorian Studies, -- 1993.

Janet Fyfe, Books Behind Bars: The Role of Books, Reading, and Libraries in British Prison Reform, 1701-1911, in History of Education Quarterly, Fall 1993.

Adam J. Hirsch, The Rise of the Penitentiary: Prisons and Punishment in Early America, in Medical History, January 1994.

John Hostettler, The Politics of Criminal Law Reform in the Nineteenth Century, David J.V. Jones, Crime in Nineteenth Century Wales, and Lucia Zedner, Women, Crime and Custody in Victorian England, in Victorian Studies, December 1994.

Piers Beirne, Inventing Criminology: Essays on the Rise of 'Homo Criminalis', and Marie-Christine Leps, Apprehending the Criminal: The Production of Deviance in Nineteenth-Century Discourse, in Law and History Review, Spring 1995.

Stefan Petrow, Policing Morals, in Victorian Studies, Spring 1996.

Joel Eigen, Witnessing Insanity, in Law and History Review, Summer 1997.

James Vernon, ed., Rereading the Constitution, in Albion Summer 1998.

Clive Emsley, Crime and Society in England 1750-1900, in Crime, Histoire & Societes, Spring 1999.

Stephanie L. Barczewski, Myth and National Identity in Nineteenth-Century Britain: The Legends of King Arthur and Robin Hood, in Journal of Modern History, October 2001.

Joel Eigen, Unconscious Crime: Mental Absence and Criminal Responsibility in Victorian London, in American Historical Review, April 2004..

Behaving Badly: Social Panic and Moral Outrage – Victorian and Modern Parallels, ed. Judith Rowbotham and Kim Stevenson, in Crime, History, Societies, 2004, #2 [appeared fall 2005].

Criminal Conversations: Victorian Crimes , Social Panic and Moral Outrage, ed. Judith Rowbotham and Kim Stevenson, on H-Net, June, 2005.

Pieter Spierenburg, Written in Blood: Fatal Attraction in Enlightenment Amsterdam , in Crime, History, Societies, 2005 #1.

John Carler Wood, Violence and Crime in Nineteenth-Century England, in Journal of Social History, Fall 2005.

PRESENTATIONS

"Ruralism in British Culture from Wordsworth to Baldwin", Institute of Historical Research, London, March 1974.

"England is the Country': Modernization, Nostalgia and the National Self-Image," Southern Conference on British Studies annual conference, November 1974.

"The Myth of William Morris," Pacific Coast Conference on British Studies annual conference, Santa Barbara, April 1975; lecture, Stanford University, April 1975.

"The Edwardian Reinterpretation of the Industrial Revolution," Rocky Mountain Conference on British Studies annual conference, Snowbird, Utah, October 1976.

"The Rise of Preservationism: Another View," Pacific Coast Conference on British Studies annual conference, Oakland, April 1978.

- "Attitudes toward Economic Growth in Britain after 1850," Midwest Conference on British Studies annual conference, Urbana Illinois, October 1978.
- "Liberation through Control: The Reform of Character in Early Nineteenth-Century Britain," American Historical Association annual conference, December 1980.
- "English Culture and the Decline of the Industrial Spirit," Faculty Seminar on British Studies, University of Texas, November 1981; British Study Group, Center for European Studies, Harvard University, April 1982; President's Luncheon, Rice University, January 1984.
- "Criminal Offenders and Moral Order in Victorian Britain," Harvard Victorian Society, April 1982.
- "Economic Growth and Cultural History: The British Example," Rice University Provost's Lecture, February 1983.
- "Victorian Criminals: from Villains to Victims," Northeast Victorian Studies Association annual conference, April 1983.
- "The Victorian Reinterpretation of Juvenile Criminality," North American Conference on British Studies annual conference, October 1983.
- "Medicalization and Its Discontents in English Criminal Justice, 1850-1914," American Society for Legal History annual conference, October 1983.
- "Punishment or Treatment of Criminal Offenders: A Victorian Dilemma," invited lecture, Auburn University at Montgomery, February 1984.
- "Two Modes of Medical Discourse and their Implications for Criminal Justice in Britain, 1850-1914," Rice-UT Symposium on "Images of Health and Illness," February 1985; Wellcome Unit for the History of Medicine, University of Glasgow, July 1987.
- "Why Was There a Penal Crisis in the 1890s?," Northwest Conference on British Studies annual conference, Tacoma, Wash., April 1985.
- "The Origins of Modern British Penal Reform," University of Chicago Social History Seminar, October 1985; Rutgers University, Camden, October 1986.
- "A 'Museum Society'? Past-Consciousness and Economic Decline in Modern Britain," University of Pittsburgh West European Studies Program, April 1986; Symposium on "British Culture versus British Industry?," University of Glasgow, May 1986.
- "'The Decline of the Industrial Spirit' Five Years On", Alexander Stone Memorial Lecture, University of Glasgow, May 1986.
- "Elizabeth I: Femininity and Power," Rice University Continuing Studies Program, February 1987.
- "Liberalism and Punishment," Pacific Coast Conference on British Studies annual conference, Stanford, March 1987.
- "Some Images of Man and Their Relation to the Administration of the Criminal Law in Britain, 1830-1914," Eighth British Legal History Conference, University College, Cardiff, Wales, July 1987.
- "The English Style of Huxley's Thought," symposium on Julian Huxley: Biologist and Statesman of Science, Rice University, September 1987.

- "Nineteenth Century Moral Sensibilities: Widening the Terms of Discussion," Rice Center for Cultural Studies, February 1988.
- "Dickens and the Liberal War on Crime," conference on "Legal Fictions: Dickens, Victorian Society and the Law," University of California at Santa Cruz, August 1988.
- "Capitalism and Early Victorian Images of Criminality and Punishment," Pacific Coast Conference on British Studies annual conference, March 1990.
- "From 'Moral' to 'Scientific' History: The Transformation of History-Writing in Nineteenth-Century Britain," Rice University Continuing Studies Program, November 1990.
- "Placing Blame for Unnatural Death in Victorian England," Northeast Victorian Studies Association annual conference, April 1991.
- "Law and the 'Civilizing Process' in Nineteenth-Century Britain," lecture, Harvard University, December 1990; Syracuse University, April 1991; Centre for the Social and Philosophical Study of Law, University of Edinburgh, May 1992.
- "The Unloved State: Changing Valuations in the Writing of Modern British History 1960-90", All Souls Modern British History Seminar, Oxford; King's College Social History Seminar, Cambridge; Institute for Historical Research Victorian-Edwardian Seminar, London, May 1992; University of Texas Faculty Seminar on British Studies, February 1993.
- "Utilitarians and the Health of Prisoners in Nineteenth-Century Britain", Wellcome Institute for the History of Medicine, London, March 1993.
- "The Vitality of Britain?," invited participant in conference sponsored by the Institute for European and International Studies, Luxembourg, December 1993.
- "Feminism and Criminal Justice History," Social History Society of the United Kingdom annual conference, London, January 1994.
- "Changing Attitudes to Violence in Nineteenth-Century Britain," Colloquium on "Violence and Context", Maison des Sciences de l'Homme, Paris, June 1994.
- "The Victorian Criminalization of Men," annual conference of the Victorians Institute, Richmond, Virginia, October 1994.
- "Explaining the Decline in Interpersonal Violence in England, 1650-1950," History Department, the Hebrew University, Jerusalem, December 1994.
- "The Criminalization of Men, 1790-1990," the Jowett Society, Balliol College, Oxford, May 1995.
- "Victorian Punishment: An Unappreciated Success Story?," American Society for Legal History annual conference, Houston, October 1995.
- "Domestic Violence in Historical Perspective: The Case of Nineteenth-Century Britain," First European Social Science History Conference, Amsterdam, May 1996.
- "Domesticity: Disciplining Women or Feminizing Society?" Conference on "An Age of Equipose? Reassessing Mid-Victorian Britain," Leeds Centre for Victorian Studies, University of Leeds, U.K., July 1996.
- "Men Behaving Badly: Victorian Spousal Homicide and the Reconstruction of 'Masculinity'," Third Carleton Conference on the History of the Family, Carleton University, Ottawa, Canada, May 1997.

- "Changing Nightmares of Intimate Violence, 1709-1872," annual meeting of Conference on British Studies, Pacific Grove, California, October 1997.
- "The Sad Story of George Hall: Adultery, Murder and the Politics of Mercy in Victorian England," invited lecture at Catholic University of America, November 12, 1997; University College, Northampton, United Kingdom, February 27, 1998; Princeton University, May 1998.
- "Victorian Homicide and Homicide Statistics: a Debate," with Howard Taylor, European Centre for the Study of Policing, The Open University, UK, February 1998.
- "Prosecuting Violence in Nineteenth-Century England," Institute for Crime and Policing, Open University, United Kingdom, February 1998.
- "Judges v. Juries: Courtroom Tensions in Murder Trials and the Development of the Law of Criminal Responsibility in Nineteenth Century England," Georgetown University Law Center, April 1998.
- "Reconstructing Men: Gender and Law in Nineteenth-Century England," Keele University (UK), June 1998; George Washington University, October 1999.
- "Murderers and 'Reasonable Men': The 'Criminology' of the Victorian Judiciary," conference on the history of criminology, European University Institute, Florence, October 1998; revised version to the annual conference of the British Criminology Association, Keele University, July 2002.
- "Victorian Values: The Search for Stability," Rice University Continuing Studies Program, November 1998.
- "The Trial of Annette Myers: the 'Crime of Passion' in Victorian England," American Society for Legal History annual conference, Toronto, October 1999.
- "A Monument to Victimized Womanhood: The Trial of Annette Myers," plenary address to the Australian Victorian Studies Association, Ballarat, January 2001.
- "Homicide and 'Englishness'," plenary address to the Australian Modern British History Association, Melbourne, February 2001, and to the Western Conference on British Studies, Houston, October 2001.
- "'Englishness' and the Avenging of Adultery", guest lecture in Rice English Department mini-conference on "The Victorian Marriage Plot," May 3, 2001.
- "The 'unexpiable wrong' and the unforgiveable response: killers of unfaithful wives in the dock", plenary address to the international conference on the History of Violence, Liverpool, U.K., July 5-7, 2001; invited presentation to the University of Michigan Legal History Workshop, February 14, 2003.
- "Violence Against Wives as a Defining Characteristic of the Victorian 'Underworld,'" conference on "The Victorian Age Reinterpreted for the Twenty-First Century," Imperial College London, July 12-15, 2001.
- "The 'Un-Englishness' of Crimes of Passion," invited plenary paper to the international conference on Comparative Histories of Crime, Keele University, U.K., July 2002.
- "Homicide and National Identity in Victorian England", invited keynote address to the Victorian Studies Association of Western Canada, Winnipeg, September 2002.

Commentator, panel on “The Homicide Problem in America,” annual meeting of the Social Science History Association, St. Louis, October 2002.

“The Prosecution of Wife Murder: Another Front in the Victorian War on Drink,” Middle Atlantic Conference on British Studies annual meeting, Rutgers U., March 22, 2003.

“Murder & the Modern British Historian”:Invited lecture, University of Texas, Austin, April 18, 2003; Presidential Address, North American Conference on British Studies, Portland, Oregon, October 24, 2003.

Commentator, panel on "Murderesses," Conference on "Gender and Crime," International Association for the History of Crime and Criminal Justice Colloquium, Maison des Sciences de l'Homme, Paris, July 6, 2003.

“The Feminist Legacy of Victorian Judges,” keynote address, Victorian Interdisciplinary Studies Association of the Western United States annual conference, Austin, Texas, October 9, 2003.

Commentator, panel on “Exploring Ideas of Citizenship in the Victorian City,” Southern Conference on British Studies annual meeting, Houston, November 8, 2003.

“Dealing with Violence Against Women: ‘Lessons’ From Victorian England,” Graduate School in Social Sciences, Universite Paris XIII, January 15, 2004.

“‘Men of Blood’: Gender and the Criminal Law in Victorian and Edwardian England,” invited plenary address, annual meeting of Societe francaise d’etudes victoriennes et edouardiennes, Paris, January 16, 2004; also to joint meeting of Victorian Studies Group and Nineteenth-Century Enquiry Workshop, Rice University, April 3, 2004.

“Convicted Murderers and the Victorian Press: The Role of Class and Gender,” European Social Science History Conference, Berlin, March 24-27, 2004.

“Convicted Murderers and the Victorian Press: Local Newspapers Carve Out a New Role,” International Association for the History of Crime and Criminal Justice, Colloquium on “Crime and the Media,” Budapest, June 4-5, 2004.

“Violence in History”, Scientia (Rice University), October 26, 2004 [viewable at <http://www.rice.edu/webcast/speeches/20041021weiner.html>]. Lecture in Rice University Continuing Studies program, February 22, 2005.

“An Empire of Law? Interracial Violence & the 'Rule of Law' in British India,” Association for the Study of Law, Culture and the Humanities Annual Conference, Austin, Texas, March 12, 2005.

“Typicality’ in History and in Literary Historicism”, Conference on “Disciplinary Flashpoints.” University of Houston and Rice University, April 2, 2005.

“Race, Class and Maritime Authority in Late Victorian Courts: Two Surprising Murder Trials,” Conference on the Cultural History of Violence, University of York [UK], April 23, 2005.

“Tipping Points: Dealing with Criminal Violence in Victorian England and in Recent America,” Fourth [Invited] Seminar on the Study of Interpersonal Violence, International Association

for the History of Crime and Criminal Justice, Rotterdam [Netherlands], April 26, 2005.

“Interracial Violence & the 'Rule of Law' in British India,” Invited Seminar on “New Histories of Criminal Justice,” Baldy Center for Law and Social Policy, [University at Buffalo Law School](#), June 11, 2005.

“‘Manliness’ and Criminal Liability: James Fitzjames Stephen as a Judge,” British Legal History Conference, University College, London, July 6, 2005.

“The Rise & Fall of Wife Killing, 1800-2005,” Conference on “Placing Violence in Historical Context,” St. Anne’s College, Oxford, July 9, 2005.

“Criminal Trials and the Historian: Lessons from British East Africa,” British Society for Criminology Annual Conference, Leeds, July 13, 2005.

“An Empire of Law? Interracial Violence & the 'Rule of Law' in British India,” History Department, University of Miami, November 10, 2005.

“Probing the Fault Lines of Imperial Authority: Inter-Racial Homicide Trials in British India,” workshop devoted to this essay at North American Victorian Studies Association annual meeting, Purdue University, August 31, 2006.

“Empire and Human Rights Law – A Forgotten Landmark,” paper to conference on Crime, Violence and the Modern State – Historical Perspectives, University of Crete, Rethymno, Greece March 9-11, 2007 [my participation was invited, and my expenses while there were paid by the conference organizers].

“Can Savages Be Kidnapped?,” paper presented to conference on “Cruelty and the Law,” Boston University, April 19-22, 2007; also to Fourth British Worlds Conference, Bristol University, UK, July 11-14, 2007 [my participation at the Boston conference was invited, and all my expenses were paid, in addition to a small honorarium].

“Some Difficulties of Colonial Judging: the Bahamas, 1886-1893,” paper to Fifteenth British Legal History Conference, Oxford, UK, July 2-5, 2007.

“Who knows the Empire who only the Empire knows? Reconnecting British and Imperial History From the Other Side”, Keynote address, First British Scholars Conference, Center for British Studies, UT Austin, Nov. 2, 2007 [my participation was invited; my expenses were paid plus an honorarium].

Comments on Peter Mandler, *The English National Character*, North American Conference on British Studies annual meeting, San Francisco, Nov. 9-11, 2007 [my participation was invited].

“Race at the Old Bailey, 1870-1900: ‘Chivalry’ and Democracy,” Center for the History of Crime and Policing, the Open University, UK, July 11, 2008 [invited talk].

“Crime and Justice in the Empire: the Next Frontier,” plenary address, conference on “New Directions in the History of Crime,” Leeds Metropolitan University, Leeds, UK, Sept. 4-5, 2008.

“Why Have Women Been Less Violent than Men?,” plenary address, conference on

“Women and Crime in Britain and North America, 1500-Present,” University of Lyon, France, Sept. 11-13, 2008.

Invited participant, panel on “The Experience of Defeat,” annual meeting of the North American Conference on British Studies, Cincinnati, Oct. 3-5, 2008.

PROFESSIONAL ACTIVITIES & POSITIONS

Major:

Executive Board, Southern Conference on British Studies, 1973-77

Nominating Committee, North American Conference on British Studies, 1982-85

Steering Committee, Council for European Studies, 1985-90

Robert Livingston Schuyler Prize Committee, AHA, 1986

Council, Executive Committee & Research Division of the American Historical Association, 1988-91

Council, North American Conference on British Studies, 1992-96

Ad Hoc Committee on the Future of the Profession, North American Conference on British Studies, 1999

[for its Report, see: <http://www.nacbs.org/NACBS/report.html>]

Editorial Advisory Board, H-Albion [electronic bulletin board for British history], 1993-94

Editorial Board, *Journal of Modern History*, 1997-2000

Editorial Board, *Law and History Review*, 2000-2009

Editorial Board, *Crime, Histories, Societies*, 2004-2007

Advisory Board, *Victorian Studies*, 2005-2008

Sutherland Prize Committee of the American Society for Legal History, 1999-2002; Chair, 2001-2002

North American Conference on British Studies, Vice President, 1999-2001; President, 2001-

2003; Immediate Past President, 2003-2005; Chair, Finance Committee 2005-2006

Minor:

Consultant, Hudson Institute (Europe), April-May, 1974

Referee for hirings and promotions since 1982 for U. of Alabama (twice), All Souls College, Oxford ; Arizona State U., U. of California at Berkeley, Brown U., U. of California at Irvine, Cambridge U. [UK](three times), Case Western Reserve U, Clarkson U, Columbia U (twice), Emory U., U. of Florida, Griffiths U. [Australia], Harvard U., U of Kansas (twice), Keele U (UK); Lake Forest College, Louisiana State U., George Mason U, U. of Missouri, U of Houston (twice), U of Illinois Law School, New York University, U. of North Carolina at Charlotte, Northwestern U., U. of Oregon, Princeton U. (2), U. of Rochester, SMU, Tulane U. (2), U of Utah, Vanderbilt U. (twice), U. of Washington (twice), U of Texas at Arlington, Trinity College Hartford, Warwick U. (UK), Washington U.

Reader since 1982 of book manuscripts for Allen & Unwin, California, Cambridge (4), LSU, North Carolina, Ohio State, Oxford (4), Princeton, Routledge, Yale, Johns Hopkins, Stanford (3) and Toronto University Presses; of article manuscripts for Albion (2), American Historical Review (4), Canadian Journal of History, Crime, History, Societies (2), The Historical Journal [UK], History Compass, Journal of British Studies (8), Journal of Criminal Justice and Popular Culture, Journal of Legal History, Journal of Modern History (7), Law and History Review (12), Law and Social Inquiry, London Journal, Social Science Quarterly, Studies in Eighteenth Century Culture, Studies in English Literature, Transactions, Victorian Review, Victorian Studies (5).

Evaluator since 1986 of grant and fellowship applications for American Council of Learned Societies, American Philosophical Society, Council on European Studies, Economic and Social Research Council [UK], National Endowment for the Humanities [for Collaborative Projects, and for Summer Stipends], National Science Foundation [Law and Social Science], Social Sciences and Humanities Research Council of Canada, Woodrow Wilson International Center for Scholars.

Evaluated proposal for 11 volume edition of Collected Works of Sir James Fitzjames Stephen for Oxford University Press, 2007.

Consultant 1992-94, NEH-funded project of University of Wyoming and Yale Center for British Art on "Art and Society in Nineteenth-Century London"

Organizer and director, symposium on "Meanings of Violence," Rice Center for the Study of Cultures, February 24-25, 1995

Invited Participant, Liberty Fund Colloquia: one on "Karl Polanyi's *The Great Transformation*", Richmond, Virginia, April 1992, and one on "George Orwell: Liberty and Responsibility", Gisburn, Lancashire, Sept. 5-9, 2001 [declined invitation for another colloquium in 2000 because of prior commitment].

PUBLIC ACTIVITIES RELATED TO SCHOLARSHIP

Participated in making a one hour television program based on my book, "The Betrayal of British Industry," World in Action , Independent Television (U.K), November 1982

Interviewed for background by Financial Times, Sunday Times and various British radio and television programs, 1982-91

Invited discussant, BBC 2 Television, The Next 25 Years, December 1983

Interviewed, BBC Radio , Workforce , December 1985

Interviewed, BBC Radio, Analysis: "From Clogs to Clogs?", March 1991

Interviewed, BBC World Service, program on English Character, October 1993

Interviewed, BBC Radio, program on Science and Technology in British Culture, December 1995

Interviewed, BBC Radio (Andrew Neill program), March 1996

Interviewed, BBC-2 Television, July 1999, for a program on what official documents contain ("Breaking the Seals"), shown in the UK Feb. 2000

MEMBERSHIPS

American Historical Association; American Society for Legal History; International Association for the History of Crime and Criminal Justice; North American Conference on British Studies; Royal Historical Society; Social History Society of Great Britain; Social Science History Association.

RICE UNIVERSITY SERVICE

Secretary, Committee on the Undergraduate Curriculum, 1982-83

Chair, Committee on the Undergraduate Curriculum, 1983-84

Member, Research Council, 1984-86

Member, Graduate Council 1986-87, 2002-

Chair, Graduate Council, 1987-88

Director of Graduate Studies, History Department, 1988-90, 1996-97

Chair, Rice University Press Board, 1990-92

Chair, Department of History, 1990-94

Founder and Chair, Nineteenth-Century Studies Faculty Workshop, 1992-95

Chair, History Department Promotion Committee, Fall 1995

University and Faculty Councils, Fall 1996 [replacing a member on leave]

Chair, History Department Search Committee Latin American History 1996-Nov97

Member, Advisory Panel, Rice Center for the Study of Cultures 1996-97

Chair of History Department Promotion committee, Fall 1998

Chair, History Department Library Committee 1999-

Member, Search Committee for a Humanities Reference/Collection Development librarian, Spring 2000
Member, Committee on Scholarships and Awards 1999-2001
Member, Faculty Council, 1999-2000 [including Committee on Committees, Appeals and Grievances, and Policy Committees]
 Acting "Department Chair" for promotion process of John Zammito, 2000-1
Member, Promotion Review Committee for R. Lane Kaufmann, Hispanic and Classics Department, Spring 2001
 Member, Graduate Council, 2002-5
Advocate for promotion of Carl Caldwell 2002-3; Chair, Promotion Review Committee for Lora Wildenthal 2003
Chair, History Department Prize Committee, 2002-3
 Library Liaison, History Department 2001-3
Member, Search Committee for a Dean of Humanities, 2002-3
Member of various History Department search committees
 Co-organized the conference "Disciplinary Flashpoints" held at Rice and UH, April 2005
 Member, University Council 2005-7
 Member, Graduate Council, 2004-
 Chair, Department of History, 2006-2010

THESES DIRECTED

M.A.

- 1982 - Norma Chudleigh, "Using British Sources for American Family History"
 1986 - Victor Feske, "The Anglo-Russian Rapprochement 1889-1910: A Study in Public Opinion and Policy in Britain" [Feske, Yale Ph.D. 1993, has since published a book with the U. of North Carolina Press]
 1986 - Janice L. Hewitt, "Tennyson's 1859 Idylls of the King: A Reflection of the Mid-Victorian Social Issues"
 1989 - Cathy Monholland, "Willful Child Murder in Victorian England: Thirty Legal Cases, 1860-1880"
 1990 - Annette Scarpitta, "'Formal Feeds': The Dinner Party in Victorian Social History"
 1991- Arvella Oliver, "Shaking the Foundation: Reform and Extension of the Laws of Divorce in England: 1850-1937"

Ph.D.

- 1975 - John Indakwa, "King Lewanika and the Expansion of British Rule in Barotseland: 1890-1923"
 1990 - G. Roger Chadwick, "Bureaucratic Mercy: The Home Office and Treatment of Capital Cases in Victorian England" [published, under same title, Garland Press, 1992]
 1991 - Ginger S. Frost, "Promises Broken: Breach of Promise of Marriage in England and Wales, 1753-1970" [published, as *Promises Broken: Courtship and Class in Victorian England*, University Press of Virginia, 1995]

1992 -JoanneMarie Klein, "Invisible Working-Class Men: Police Constables in Birmingham, Liverpool and Manchester 1900-1939"

1997 - Andrew J. Hood, "The 'Native Problem': Developing British East Africa, 1890-1954"

1998 - Tammy Whitlock, "'Selling Without Substance': Women and the Rise of Consumer Culture in Nineteenth-Century England" [published as *Crime, Gender and Consumer Culture in Nineteenth-Century England* (Ashgate, 2004)].

2002 - Susan Hanssen, "Imagining England: G.K. Chesterton and National Identity"

2007 - Martin Wauck, "Unitarian Thinking and English Society, 1830-1870"

COURSES TAUGHT

History of England/Britain from the Reformation to the Present

British Urban History

British Legal History, 18th Century to the Present

Crime and Punishment in British History

Rise and Fall of the British Empire

Film and Empire

Social Thought and Social Policy in Modern Britain

Victorian Morality

Victorian Crime and Punishment (with Robert Patten of the English Department)

Victorian Marriage (with Helena Michie of the English Department)

History of Men in Britain

Work in Modern Society (with Chandler Davidson of the Sociology Department)

Graduate Seminar: Introduction to Doctoral Studies in History

Graduate Seminar: Gender and Social Policy in Britain, 1830-Present

Graduate Seminar: Reinterpreting Modern British History

Graduate Seminar: Class and Gender in Modern British Historiography

Graduate Seminar: British Legal Sources as Tools for Political, Economic, Social and Cultural History

Graduate Seminar: Key Issues in Modern British History

Lecture in Continuing Studies course, "Queen Victoria's World," Nov. 12, 1998

Co-taught BAKER 201: Shakespeare: His Life, His Plays, His England, 1999

Lecture in Continuing Studies course, "Voyages of Discovery," Oct. 2000

MELLON SUMMER WORKSHOPS FOR COLLEGE TEACHERS(taught under a grant to Rice University from the Mellon Foundation)

1982: Crime and Punishment: Historical and Social Perspectives

(with George E. Marcus, Anthropology)

1985: Enduring Issues in English and American Legal History

(with Harold M. Hyman, History)

1987: Macrohistory (with Gale Stokes, History)

CURRICULUM VITAE (12/2008)

CYNTHIA GRANT BOWMAN

Cornell Law School
Myron Taylor Hall
Ithaca, NY 14853-4901

Phone: (312) 503-6607
Fax: (312) 503-2035
E-mail: cgb28@cornell.edu

Employment:

Dorothea S. Clarke Professor of Feminist Jurisprudence, Cornell University Law School,
2007-present

Marc and Beth Goldberg Distinguished Visiting Professor of Law, Cornell University Law
School, 2006-2007

Northwestern University School of Law, Chicago, Illinois
Professor of Law, 1995-2007
Professor of Gender Studies, 2000-present
Professor of Preventive Medicine, 2001-present
Associate Professor of Law, 1992-1995
Assistant Professor of Law, 1989-1992
Visiting Assistant Professor, 1988-1989

Jenner & Block, One IBM Plaza, Chicago, Illinois
Associate, 1983-1988

United States Court of Appeals for the Seventh Circuit, Chicago, Illinois
Law Clerk, Hon. Richard D. Cudahy, 1982-1983

Illinois Institute of Technology, Chicago, Illinois
Assistant Professor, Department of Political Science, 1972-1978
Acting Chairman, 1973-1974

Columbia University, New York, New York
Preceptor, Department of Contemporary Civilization, 1971-1972

Education:

Northwestern University School of Law, Chicago, Illinois
J.D. cum laude, 1982; Order of the Coif
Articles Editor, Northwestern University Law Review

University of Chicago, Chicago, Illinois
National Endowment for the Humanities Postdoctoral Fellow in the history and
philosophy of the social sciences, 1978-1979

Columbia University, New York, New York
Ph.D., 1972, Department of Political Science
Honors: Fellow of the Faculty, 1966-1967
Fellow of the European Institute, 1968-1969
Alice B. Stetten Fellow, Summer 1967

Swarthmore College, Swarthmore, Pennsylvania
B.A. with Honors, 1966
Major: Political Science
Minors: English and German literature
Honors: Fulbright Fellowship awarded, 1966

Publications:

Books:

With Akua Kuenyehia, Women and Law in Sub-saharan Africa (Sedco Publications, 2003)

With Mary Becker, Victoria F. Nourse, and Kimberly A. Yuracko, Cases and Materials on Feminist Jurisprudence: Taking Women Seriously (3d ed. West Publishing 2006) (2d ed. 2001; orig. pub'd 1994)

Scholarly Articles and Essays:

Women in the Legal Profession, 1920-1970s: What Can We Learn from Their Experience about Law and Social Change?, forthcoming, *Maine Law Review* (2008)

Social Science and Legal Policy: The Case of Heterosexual Cohabitation, 9 *J. Law & Family Stud.*1 (2007)

With Dorothy Roberts and Leonard S. Rubinowitz, Race and Gender in the Law Review, 100 *Nw. U.L. Rev.* 27 (2006)

Legal Treatment of Cohabitation in the United States, 26 *Law & Policy* 119 (2004)

Book review of Kristin A. Kelly, Domestic Violence and the Politics of Privacy, 2 *Perspectives on Politics* 120 (2004)

Domestic Violence: Does the African Context Demand a Different Approach?, 26 *International J. Law & Psychiatry* 473 (2003)

Theories of Domestic Violence in the African Context, 11 *Am. Univ. J. Gender, Social Policy & Law* 101 (2003)

With Ben Altman, *Wife Murder in Chicago: 1910-1930*, 92 *J. Crim. L. & Criminology* 739 (2002)

The Development of Remedies for Domestic Violence: The American Experience, Amanee (Accra, Ghana), April 2001

Feminist Critiques of Law, *International Encyclopedia of Women's Studies* (Routledge, 2001)

With MaryBeth Lipp, *Legal Limbo of the Student Intern: The Responsibility of Colleges and Universities to Protect Student Interns Against Sexual Harassment*, 23 *Harv. Women's L.J.* 95 (2000)

The History of the Women's Movement in the United States: Continuing Themes, Amanee (Accra, Ghana), April 2000

Book review of David Peterson del Mar, *What Trouble I Have Seen: A History of Violence Against Wives*, *Law & History Review*, Spring 2000, at 234

Book review essay, *Spectral Evidence: the Ramona Case: incest, memory, and truth on trial in Napa Valley*, by Moira Johnston, *Violence Against Women*, Mar. 2000, at 337

The Supreme Court's Patronage Decisions and the Theory and Practice of Patronage, in David K. Ryden, ed., *The U.S. Supreme Court and the Electoral Process*, Georgetown University Press, 2000

With Eden Kusmiersky, *Praxis and Pedagogy: Domestic Violence*, 32 *Loyola L.A. L. Rev.* 719 (1999)

Bibliographical Essay: *Women and the Legal Profession*, 7 *J. Gender, Social Policy & Law* 149 (1998-99)

Earlier version published as "Women and the Legal Profession," in Taylor, Rush & Munro, eds., *Feminist Jurisprudence, Women and the Law: Critical Essays, Research Agenda, and Bibliography* (1999)

With Elizabeth Mertz, *Attorneys as Gatekeepers to the Court: The Potential Liability of Attorneys Bringing Suits Based on Recovered Memories of Childhood Sexual Abuse*, 27 *Hofstra Law Review* 223 (1998)

With Elizabeth M. Schneider, *Feminist Legal Theory, Feminist Lawmaking, and the Legal Profession*, 67 *Fordham Law Review* 249 (1998)

The Manipulation of Legal Remedies to Deter Suits by Survivors of Childhood Sexual Abuse, 92 *Nw. U. L. Rev.* 1481 (1998)

Should the Law Regulate the Public Harassment of Women?, in 9 Perspectives on Social Problems 103 (Carol Brooks Gardner, ed. 1997)

The Abolition of Common Law Marriage: A Feminist Analysis, 75 Oregon L. Rev. 709 (1997)

With Elizabeth Mertz, What Should the Courts Do About Memories of Sexual Abuse? Toward a Balanced Approach, The Judges' Journal, Fall 1996, at 6

The Law of Patronage at a Crossroads, 12 J. Law & Politics 1 (1996)

With Elizabeth Mertz, A Dangerous Direction: Legal Intervention in Abuse-Survivor Therapy, 109 Harv. L. Rev. 555 (1996)

Street Harassment and the Informal Ghettoization of Women, 106 Harv. L. Rev. 517 (1993)

The Arrest Experiments: A Feminist Critique, 83 J. Crim. Law & Criminology 200 (1992)

Republished in Richard C. Monk, ed., Taking Sides: Clashing Views on Controversial Issues in Crime and Criminology (3d ed. 1993)

“We Don't Want Anybody Anybody Sent”: The Death of Patronage Hiring in Chicago,” 86 Nw. U.L. Rev. 57 (1991)

Republished in Samuel K. Gove, ed., The Illinois Public Service: Problems and Perspectives 18-52 (1992)

The 1990 Report of the Illinois Task Force on Gender Bias in the Courts (1990)

The “Money Damages Exception” to the Administrative Procedure Act and Grant-in-Aid Litigation, 21 The Urban Lawyer 557 (1989)

Fair Representation and the Erosion of Collective Values, 76 Nw. U.L. Rev. 201 (1981)

Luther and Resistance to Legitimate Authority, 40 Journal of the History of Ideas 3 (1979)

The Development of the Lutheran Theory of Resistance: 1523-1530, 8 Sixteenth-Century Journal 61 (1977)

Popular and journalistic articles:

Protect Judges Who Serve Us, Chicago Tribune, op. ed., May 23, 2005

Massachusetts Gov's Political Problem: Men, op ed., Newsday, May 22, 2001

With Elizabeth Mertz, Fight Against Sexual Abuse Still a Difficult Road, Chicago Tribune, op-ed., February 3, 2000

Check's in the mail – if the state can work out the kinks, Chicago Tribune, op-ed, November 26, 1999

Keep Third-Party Malpractice Suits against Therapists Out of Court, Chicago Tribune, op-ed, April 7, 1997

Fashion weighs in on Simpson case, Chicago Tribune, October 30, 1994, §6, at 8

Spouse abuse: A disparity of power, Chicago Tribune, op-ed, June 23, 1994

Taking a second look at the law, Chicago Tribune, May 22, 1994, §6, at 8

With Jane E. Larson, Where Equity Is Still Only a Shadow, Chicago Tribune, op-ed, May 5, 1994

Has Sexual Correctness Gone Too Far?, USA Today, op-ed, April 4, 1994

A Year of Inaction on Gender Bias Report, Chicago Lawyer, June 1991

Sexism in the Courtroom, Chicago Tribune, op-ed, July 24, 1990

Honors:

Mazur Research Professor, 2000-2001

Woman of Vision Award from Women's Bar Association of Illinois, for work on feminist jurisprudence, Oct. 2000

Stanford Clinton Professor, 1995-1996

First prize, Association of American Law Schools Scholarly Papers Competition, 1990-1991, for "'We Don't Want Anybody Anybody Sent': The Death of Patronage Hiring in Chicago"

Selected Invited Speeches, Lectures, Presentations:

Commentary, "Pauli Murray's Human Rights Revolution," Annual Meeting, American Society for Legal History, Ottawa, Canada, November 15, 2008

"Changing the Law: Education," Veteran Feminists of America, Salute to Feminist Lawyers: 1963-1975, New York City, June 9, 2008

"Social Science and Heterosexual Cohabitation," at "Working From the World Up: Equality's Future" A New Legal Realism Conference Celebrating the 25th Anniversary of the Feminism and Legal Theory Project, Madison, Wisconsin, March 15, 2008

"Child Sex Abuse within the Family in Sub-Saharan Africa: The Inadequacy of Current Legal and Mental Health Approaches," Annual Meeting, International Association of Law and Mental Health, Padua, Italy, June 25, 2007

"Women in the Legal Profession: 1920-1970s: What Can We Learn from Their Experience About Social Change?," Gender and Law Conference, Santa Clara University Law School, April 20, 2007

"Doing legal work in Africa," AALS Annual Meeting, Atlanta, January 6, 2004

"Equal Access of Women to the Courts," Program of African Studies Conference on Governance in West Africa, Northwestern University, Evanston, November 14, 2003

"Studying Domestic Violence through the Chicago Homicide Records," American Society of Criminology Annual Meeting, Chicago, November 16, 2002

"Freedom from Domestic Violence as a Human Right: Does the African Context Demand a Different Approach?," Law and Society meeting, Vancouver, B.C., May 29, 2002

"The Development of Remedies for Domestic Violence: The U.S. Experience," U.S. Embassy, Accra, Ghana, March 22, 2001

"The History of the Women's Movement in the United States: Continuing Themes," U.S. Embassy, Accra, Ghana, March 17, 2000

Presentation concerning innovative pedagogy (Northwestern course on domestic violence involving student representation of battered women who killed their abusers on clemency petitions), Society of American Law Teachers Conference, Loyola Law School, Los Angeles, California, October 16, 1998

"Potential Liability of Attorneys Representing Sexual Abuse Survivors," Tel Aviv University Law School, Tel Aviv, Israel, June 16, 1998

“The Manipulation of Legal Remedies to Deter Suits by Survivors of Childhood Sexual Abuse,” Northwestern University Institute for Policy Research, Evanston, May 1, 1998

“The Manipulation of Legal Remedies to Deter Suits by Survivors of Childhood Sexual Abuse,” Northwestern University Law Review Symposium, Chicago, April 4, 1998

“Feminist Legal Theory: Practical Applications,” Society of Women in Law Conference, IIT-Kent College of Law, Chicago, March 6, 1998

“Title IX and Athletics,” Northwestern University Alumni College, Evanston, February 23, 1998

Appeared on Channel 11 TV (PBS), Chicago Tonight, May 22, 1997, concerning the Kelly Flynn case (court martial of first woman B-52 pilot for adultery)

“Third-party Liability of Therapists in Sexual Abuse Survivor Cases,” Legal Theory Workshop, IIT-Kent College of Law, Chicago, February 20, 1997

“The Teaching of Feminist Jurisprudence,” Chicago Bar Association Alliance for Women, November 19, 1996

“Treatment of the Adult Survivor: Legal Issues,” keynote address, American Society of Clinical and Experimental Hypnosis Annual Meeting, Tampa, Florida, November 8, 1996

“Third-party Liability in Sexual Abuse Survivor Cases,” Northwestern University Seminar on Major Issues in Law IV: Reform of the Legal System 1995-96: The Debate About Repressed Memory, Chicago, March 27, 1996

"Sexual Harassment: Recapping the Road Traveled and A Look Ahead," Illinois Benedictine College, March 26, 1996

Testimony to Illinois Senate Judiciary Committee concerning reform of divorce law, March 23, 1996

“Feminist Legal Theory,” Symposium: Women's Studies and Feminist Thought: The Next Millenium, Northwestern University, Evanston, March 6, 1996

“The Effects of the Abolition of Common Law Marriage,” University of Chicago Feminist Theory Workshop, February 22, 1996

"Law and Patronage," American Political Science Association Annual Meeting, Chicago, August 30, 1995

"Legal Parallels and Differences between Public Harassment and Sexual Harassment," Sociologists Against Sexual Harassment, Washington, D.C., August 20, 1995

"Legal Responsibility of the Medical Community," Domestic Violence Seminar for Physicians, Northwestern Memorial Hospital and Northwestern University Medical School, Chicago, April 29, 1995

"Harassment of Women on the Street," keynote speech, Lawyers Club of San Diego, San Diego, California, March 23, 1995

"Social Science Studies of Mandatory Arrest," Chicago Bar Association Domestic Violence Enforcement Seminar, January 31, 1995

"Recent Issues in Sexual Harassment Law," Federal Bar Association, Chicago, December 7, 1994

"Feminist Jurisprudence," Chicago Women's History Conference, Newberry Library, Chicago, September 17, 1994

Member, panel of experts on reform of divorce law, 3 and 1/2 hour cable TV show, Ch. 17, taped on February 5, 1994, and sold for educational use

"Advocacy, Lawyering and Clinic in the Community," Third International Conference on Lawyers and Lawyering, Lake Windermere, England, July 10, 1993

"The Law of Sexual Harassment," Department of Psychiatry, Evanston Hospital, Evanston, Illinois, February 16, 1993

"Impact upon Public Personnel Policy of the Prohibition of Patronage," American Society for Public Administration Annual Meeting, April 13, 1992

"Street Harassment of Women," Critical Networks Conference, Harvard Law School, April 11, 1992

"Gender Bias in the Courts - an Update," Women's Bar Association of Illinois, Chicago, March 19, 1991

"The End of Patronage Hiring in Illinois," AALS Annual Meeting, Washington, D.C., January 5, 1991

Radio and TV appearances and media interviews on legal subjects:

Appeared on A&E TV Investigative Reports program on Same Sex Marriage, February 15, 1997

Appeared on Channel 11 TV (PBS), Chicago Tonight, March 15, 1995 concerning working women and custody, in light of the custody petition filed against Marcia Clark, prosecutor in the O.J. Simpson murder trial

Interview on radio station KOA in Denver concerning street harassment, April 9, 1994

Interviewed on NBC Channel 5 Chicago News re sexual harassment, February 14, 1994

Interview, Vicki Quade, "Redefining Notions: Feminist Legal Theory Pushes into the Mainstream -- Human Rights Interview with Cynthia Bowman," Human Rights, Fall 1993, at 8-11

Appeared on CBS-TV Connie Chung newsmagazine show about problem of and legal remedies for street harassment of women, August 1993

Appeared on CBS radio Gil Grove radio program to debate and answer call-in questions about street harassment, July 23, 1993

Interview, "A Move to Protect Women From Street Harassment," New York Times, July 2, 1993, at D19, col. 5

Appeared on CNN Spanish-language TV to discuss street harassment of women, July 1993

Appeared on WGN radio Roy Leonard show to discuss and answer questions about problem of and legal remedies for street harassment of women, March 24, 1993

Appeared on National Public Radio show "Talk of the Nation" to discuss and answer questions about problem of and legal remedies for street harassment of women, March 18, 1993

Interview, James Warren, "The Women's Ghetto: Law professor offers a remedy for sex harassment in the street," Chicago Tribune, March 14, 1993, §5, at 2

Interview, Harold Henderson, "Against the Law," The Reader, Feb. 5, 1993, at 1, 16-20

Radio interview concerning legal remedies for street harassment of women, WPNT, December 10, 1992

Appeared on WBEZ radio program "Studio A" to discuss law of sexual harassment, November 19, 1991

Appeared on CNN television "Sonya Live" show to comment on potential gender bias and jury selection in Kennedy rape case, October 30, 1991

Appeared on WGN Radio Milt Rosenberg show to discuss the Clarence Thomas confirmation hearings and sexual harassment law, October 11, 1991

Selected Board and Committee Memberships:

Chair, University Hearing Board, Cornell University, 2008-

Chair, Faculty Advisory Committee, Northwestern University School of Law, 2004-2006

Chair, Faculty Development Committee, Northwestern University School of Law, 2002-2006

Co-chair, Organization of Women Faculty, Northwestern University, 2001-2002

Chair, Northwestern University General Faculty Committee, 1997-1998

Board member, Illinois Clemency Project for Battered Women, 1993-present

Board of Governors, Society of American Law Teachers, 1992-2001

Chair, Membership Committee, 1994-1997

Chair, Emergency Conference on Hopwood, Sept. 1996

Co-chair, Conference on Affirmative Action, CUNY Law School, April 1997

Chair, Annual Awards Committee, 1997-2001

Planning Committee, joint program of the American Bar Association Commission on Women and the Chicago Bar Association Alliance for Women, on "Is The Law Male?", October 15, 1992

Chair, Chicago Bar Association Alliance for Women Committee on Gender-free Legal Education, 1992-1994; member 1992-1997

AALS Committee on Scholarly Papers, 1991-92

Reporter, Illinois Task Force on Gender Bias in the Courts, 1988-90

Courses taught:

Torts I

Family Law

Comparative Family Law

Feminist Legal Theory

Domestic Violence

International Team Project: Ghana

Women, Public Policy and Law (undergraduate course in Gender Studies)

International Perspectives on Violence (co-taught with Department of Preventive Medicine in Northwestern medical school)

Current Professional Association Memberships:

American Bar Association
Law and Society Association
Society of American Law Teachers

Consultancies:

July 2004: Advised Dutch Foreign Ministry on partnerships with law schools and practitioners in Africa at weekend retreat in The Netherlands

March 23, 1996: Testified, by invitation of the Illinois Senate Judiciary Committee, at hearing concerning reform of the divorce law

December 1995: Two-week trip to Ethiopia to advise Addis Ababa School of Law concerning establishment of a clinical curriculum, under auspices of the American Bar Association African Law Initiative and United States Information Service

April 1993: Advised California Senator Tom Hayden concerning draft of legislation on sexual harassment

March 1993: Advised American Bar Association Standing Committee on Military Law about possible remedies for sexual harassment in the military-duty context

International Work Experience:

Lived and worked in Kenya, 1969-1971

ABA-USIS grant to consult on law school curriculum, Addis Ababa, Ethiopia, December 1997

ABA-USIS grant to develop curriculum on women and the law, October-December 1998; organized and chaired workshop of African women law professors and activists in Accra, Ghana, December 1998

Co-director, U.S. Department of State-sponsored Affiliations grant between Northwestern University School of Law and University of Ghana Faculty of Law, 1999-2004

Faculty seminar, Center for International and Comparative Studies, Northwestern University, 2003 (Dubrovnik, Croatia); 2004 (Istanbul, Turkey); 2005 (Krakow, Poland)

CAROLINE FORELL
CLAYTON R. HESS PROFESSOR OF LAW

cforell@uoregon.edu

www.law.uoregon.edu/faculty/cforell

Home

40 W. 20th Avenue
Eugene, Oregon 97405
(541) 345-7520 (home)
(541) 954-8475 (cell)

Work

School of Law
1221 University of Oregon
Eugene, Oregon 97403
(541) 346-3864 (office)
(541) 346-1564 (fax)

EDUCATION

Legal

The University of Iowa School of Law
Graduated with High Distinction May 1978, J.D.
Class Standing: ranked 12th out of 195
Order of the Coif
Member of the Iowa Law Review

Received American Jurisprudence 2d book award for coming first in the class in: Constitutional Law I, Torts, Corporations I, Family Law, Labor Law

Undergraduate

The University of Iowa
B.A. in English and Political Science, May 1973
Phi Beta Kappa

EMPLOYMENT

University of Oregon School of Law
Eugene, Oregon

Clayton R. Hess Professor, 2005 to present;
Professor, 1994-2005;
Interim Director, Wayne Morse Center
for Law & Politics, January 2003 – May 2004;
Associate Professor, 1988-1994;
Assistant Professor, 1982-1988;
Assistant Dean, 1979-1982;
Instructor, July 1978 - May 1979

PUBLICATIONS

Book

A LAW OF HER OWN: THE REASONABLE WOMAN AS A MEASURE OF MAN, with Donna Matthews (NYU Press 2000)(Paperback 2001).

Law Review Publications

Gender Equality, Social Values and Provocation Law in Australia, Canada and the United States, 14 American University Journal of Gender, Social Policy, and the Law 27-71(2006); <http://ssrn.com/abstract=883725>;
<http://law.bepress.com/expresso/eps/699>

The Meaning of Equality: Sexual Harassment, Stalking and Provocation in Canada, Australia, and the United States, 28 Thomas Jefferson Law Rev. 151 (2006), *reprinted in* A Krishna Kumari, GENDER DISCRIMINATION AND EQUALITY (Amicus Books 2007); <http://ssrn.com/abstract=907164>.

Making the Argument that Stalking is Gendered, 8 Journal of Law & Social Change 52-110 (2006); <http://www.ssrn.com/abstract=991428>

Book Review, Homicide & the Unreasonable Man, 72 George Washington Law Rev. 1701-1726 (2004) (reviewing Cynthia Lee's Murder & the Reasonable Man).

Statutes and Torts: Comparing the United States to Australia, Canada, and England, 36 Willamette L. Rev. 865-897 (2000).

Statutory Torts, Statutory Duties, and Negligence Per Se: What's the Difference?, 77 Or. L. Rev. 497-534 (1998).

Comments in Reply, 47 J. of Leg. Ed. 445-448 (1997).

What's Wrong with Faculty-Student Sex? The Law School Context, 47 J. of Leg. Ed. 47-72 (1997).

Essentialism, Empathy, and the Reasonable Woman, 1994 Ill. L. Rev. 769-817 (1994).

Tribute, Practical Justice: Edwin Peterson's Contribution to the Making and Teaching of Tort Law, 73 Or. L. Rev. 767-784 (1994).

Essay, The Good News and the Bad News About Buchler v. Oregon Corrections Division, 72 Or. L. Rev. 919-932 (1993).

Attorney-Client Sex: Ethical and Liability Issues in Oregon, 29 Willamette L. Rev. 711-765 (1993).

The Reasonable Woman Standard of Care, 11 U. of Tasmania L. Rev. 1-16 (1992).

Lawyers, Clients and Sex: Breaking the Silence on the Ethical and Liability Issues, 22 Golden Gate L. Rev. 611-671 (1992).

Replacing Pragmatism and Policy with Analysis and Analogy: Justice Linde's Contribution to Oregon Tort Law, 70 Or. L. Rev. 815-854 (1991).

Foreword to the Student Symposium on Women and the Law, 70 Or. L. Rev. 585-591 (1991).

Stopping the Violence: Mandatory Arrest and Police Tort Liability for Failing to Assist Battered Women, 6 Berkeley Women's Law Journal 215-262 (1991).

The Statutory Duty Action in Tort: A Statutory/Common Law Hybrid, 23 Ind. L. Rev. 781-819 (1990).

The Safety Belt Defense Statute: A Schizophrenic Compromise, 69 Or. L. Rev. 147-156 (1990) reprinted in Oregon Lawyer (Summer 1990).

The Interrelationship of Statutes and Tort Actions, 66 Or. L. Rev. 219-275 (1987).

Reassessing the Negligence Standard of Care for Minors, 15 New Mex. L. Rev. 485-508 (1985).

Note, Constitutional Protection of Private Sexual Conduct Among Consenting Adults: Another Look at Sodomy Statutes, 62 Iowa L. Rev. 568-590 (1976).

Accepted For Publication

The Tort of Betrayal of Trust (with Anna Sortun), forthcoming in 42 University of Michigan Journal of Law Reform (2009);
<http://www.ssrn.com/abstract=1112073>

Essay, Using A Jury of Her Peers to Teach About the Connection Between Domestic Violence and Animal Abuse, forthcoming in 15 Animal Law (2009); <http://www.ssrn.com/abstract=1131528>

Norms, Proportionality, Provocation and Imperfect Self-Defense, commenting on Cynthia Lee's Reasonable Provocation and Self-Defense: Recognizing the Distinction Between Act Reasonableness and Emotion Reasonableness, in the book collection CRIMINAL LAW CONVERSATIONS, *forthcoming* Oxford University Press 2009.

Works in Progress

A book titled Rebels, Convicts, Thieves, Domestics and Wives in Colonial Australia: The Lives of Ellen Murphy and Jane New

An article titled McTorts: Why Lawsuits Involving McDonald's Matter

A screenplay titled Seduction

Other Publications

Women & Privacy, entry in Encyclopedia of Privacy 613-15 (Greenwood Press 2006)

2006 Revision of Oregon State Bar Continuing Legal Education Torts Handbook - Chapter 32-1 through 32-37, Negligence Per Se, Statutory Torts, and Statutory Duties, (with David Sugarman).

A Word From the Wayne Morse Center for Law & Politics, 6 Or. Rev. of Int'l. L. 5-6 (2004)

Director's Columns, Morse Independent (Spring '03), (Spring '04)

1996 Oregon State Bar Continuing Legal Education Torts Handbook - Chapter 32 - Negligence Per Se, Statutory Torts and Statutory Duties; Supplement (1999).

Oregon Women and the Law, chapter titled Sexual Misconduct Claims Against Professionals (Oregon Commission on Women) (December 1996).

Written testimony to Oregon Senate Judiciary Committee on S.B. 385 relating to tort reform/loser pays, February 9, 1995.

Oregon's \$500,000 Cap on Noneconomic Damages Held Unconstitutional, 4 Toxic Tort Section Newsletter 2-3 (November 1994).

Hands-Off Rule is Unique, Oregon State Bar Bulletin 34-35 (July 1994).

Sexual and Racial Harassment: Whose Perspective Should Control, TRIAL Magazine 70-76 (March 1993).

Written testimony to Oregon Senate Judiciary Committee on LC429 relating to regulating attorney-client sexual relations, September 23, 1992.

Here's One for the Defense Bar: Dahl v. BMW, 8 Oregon Lawyer 11-13 (Summer 1988).

Oregon State Bar Continuing Legal Education Torts Handbook - Chapter 28 on Statutory Torts (1987) co-authored with attorney Theodore Falk.

Statutory Torts and Duties in Oregon, 6 Oregon Lawyer 8-9 (Fall 1986).

Oregon Law Institute's Recent Developments in the Law, Torts Section (1982).

Amicus Curiae Briefs

Amicus Curiae Brief on the Merits in Bryant v. Walker, 190 Or. App. 253, 78 P.3d 148 (2003), rev. allowed, 337 Or. 34 (2004) - I presented oral argument on November 4, 2004 to the Oregon Supreme Court on the issue of incorporating gender into the objective standard concerning the alarm of a stalking victim. My book was cited for this proposition by the Oregon Court of Appeals in 190 Or App. at 257,n.1, 78 P.2d at 151 n.1 when the majority expressly considered gender in determining whether the victim's alarm was objectively reasonable. After oral argument, the Oregon Supreme Court, on November 12, 2004, dismissed the stalker's petition for review as having been improvidently granted, thereby leaving the court of appeals' decision intact.

Amicus Curiae Brief, First Interstate Bank of Oregon v. Young, Oregon Court of Appeals No. CA A71103, August 1992 (with Leslie Harris).

Op-Eds

Girls' State? Not in Oregon's Top Levels of Leadership, The Oregonian (February 9, 2005)

Sexual Abusers Exploit Their Power, The Register-Guard (July 9, 2004)

The Missing Voice on the Oregon Supreme Court, The Oregonian (March 13, 2003)

Medical Negligence Caps Unfair, The Register-Guard (February 16, 2003); The Oregonian (February 14, 2003) (on-line edition)

What if a Prosecutor Pursued Bush?, The Register-Guard (February 12, 2001)

Who Should Pay? All of Us, The Los Angeles Times (May 4, 1999); The Register-Guard (May 16, 1999)

It Wasn't Just About Sexual Harassment, The Oregonian (April 5, 1998)

After All These Years Gender Does Matter, The Register Guard (November 26, 1997)

Girls and Women Demand Respect, The Register-Guard (January 9, 1997)