

4 The politics of commissioned histories (revisited)

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Academic journals are often considered a sleepy backwater of litigation. Legal eyes rarely flicker over their pages; scholarly controversies may excite little more than a lawyer's yawn. No place here for the legal quarrels associated with the publication of, say, material labeled critical to national security, or magazine articles that disparage public figures. Or so it may seem. In fact, lawsuits against historians are far more common than might be thought, as I was to discover in the late 1980s and early 1990s.¹ For, in writing a review article on commissioned medical histories, called "Contracting Cancer," my publishers and I were threatened with lawsuits. Indeed, I was involved in an intense controversy that threatened to reach the higher levels of British government.

I will not keep you in suspense over one matter: *Contracting Cancer* was published, and the legal threats turned out to be bluffs. (You will find the article, as it originally appeared, beginning on p. 48 in this book.) I did not end up in court, nor did my publishers. But at the time no one could be sure that this would be the outcome. The mere threat of legal action served to intimidate, and for about two years it was quite unclear whether the article would be published. The "Cantor Affair"—as one historian called it—is thus a cautionary tale about the danger that legal action can pose to scholarly debate. My article nearly fell foul of threats of litigation, and so became part of the issue it sought to address. An essay on censorship was almost censored itself.

Contracting Cancer began life as a short book review for *Social History of Medicine* (*SHM*) of Joan Austoker's history of the Imperial Cancer Research Fund (ICRF). *SHM* was then and remains the journal of the Society for the Social History of Medicine (SSHM), the leading professional organization for historians of medicine in Britain.² Austoker's book had been commissioned by the ICRF, and it seemed to me to exemplify some of the worst features of a growing trend towards contract histories in the 1980s. So, on a fateful train journey from Manchester to London in 1988 or 1989, Roger Cooter (then the book reviews editor of *SHM*) and I agreed that I should expand the review into a longer essay that used the ICRF history to comment on the broader problems of commissioned histories.³ The expanded review was refereed and revised, and the page proofs were on my desk.

Then the problems started.