

In This Issue

This issue of the *Law and History Review* presents an abundance of fresh empirical research that ranges across a wide front of pre-twentieth-century legal and professional history.

We begin with Elisa Becker's investigation of the development of forensic medicine in late imperial Russia. Becker, a doctoral candidate at the University of Pennsylvania, examines how, in the years following the judicial reforms of 1864, medical and legal professionals cooperated in attempts to enhance the legal role of medical experts. Through an analysis of the extent of legislative and procedural continuity between pre- and post-Reform eras, Becker is able to show that the reforms served as a springboard for professionals' efforts to expand physicians' rights and authority within the new judicial system, transforming an otherwise arbitrary judicial process along the lines of technical expertise. Through an examination of medico-legal debates over the status and significance of medical expertise, Becker seeks to demonstrate the ways in which the professional evolution of forensic medicine in Russia took a different turn from the Western model and how the process of professionalization in late Imperial Russia became associated with the idea of legality and led to demands for liberal legal reform. (Note that in our last issue, *Law and History Review* 16.3, Stephan Landsman addressed the use of medical experts as witnesses in English criminal cases, 1717–1817.)

Our third article comprises the lead essay in this issue's "forum" section. It revisits debates over a famous, even notorious, figure in the history of professional legal education—Christopher Columbus Langdell, Dean of Harvard Law School from 1870 to 1895—but in a profoundly original fashion. In a labor of archival recovery of major proportions, Bruce Kimball has identified and examined a substantial body of writings by Langdell and his students dating from the 1870s and 1880s. He has used this research to reconstruct Langdell's bibliography and teaching schedule and to offer a tripartite periodization of Langdell's intellectual development that distinguishes "Early" (1870–1883), "Middle" (1887–1892), and "Late" (1897–1906) Langdells. On this foundation Kimball then explores Langdell's "Early" period. Particularly noteworthy is his use of casebook annotations as a means to imaginative reconstruction of three lengthy discussions from Langdell's classroom. Kimball's reconstructions lead him to propose that, contrary to the traditional view of Langdell as a closeminded teacher who

dogmatically transmitted a formalized orthodoxy to his students, the early Langdell changed his mind, confessed ignorance or uncertainty, and invited students to challenge his views, to criticize the judges and counsel in the case reports they studied together, and to venture their own conclusions. Kimball also uses previously unresearched correspondence to spark an investigation of how and why Langdell's views and methods shifted so dramatically between the early and later periods of his career. The forum continues with commentaries by William LaPiana, Howard Schweber, and John Henry Schlegel, each offering his assessment of the significance of Kimball's achievements. It concludes with a response from the author.

Between the first and third articles we encounter Elizabeth Dale's narrative dissection of the trial and execution of Zephyr Davis. Situated thus, Dale's article interrupts the flow of an issue that situates law, and legality, in the forum of expertise and professional training, and for a while shoves us out into the more elemental world of the city street, where law's claim to do justice meets others. In Chicago, in 1888, seventeen-year-old Zephyr Davis was tried, convicted, and executed for the murder of fourteen-year-old Maggie Gaughan. The case aroused considerable public interest: mobs threatened to kill Zephyr before the law could act and a variety of groups used different stages in the case as opportunities to protest the workings of law. Dale employs the case to examine the relationship between formal law and popular, or extralegal, expressions of justice in the specific time and place of late nineteenth-century Chicago. In addition, she raises more general questions about the rule of law and its relation to justice.

The final essay in this issue is a research note on a matter of no little importance in the history of marriage law. By going back to the original Edinburgh Commissary Court records, Leah Leneman has unearthed the details of the Scottish case that allegedly precipitated passage of Lord Hardwicke's Marriage Act, ending irregular marriage in eighteenth-century England (but not in Scotland). For some twenty years, Jean Campbell had lived as the wife of Captain John Campbell of Carrick, but after his death in 1746, another woman, Magdalen Cochran, claimed that a prior irregular marriage to the Captain made her his lawful widow. Campbell against Cochran *et contra* continued for seven years, with numerous appeals, finally ending in the House of Lords. Its ramifications led Parliament to legislate for an end to all forms of irregular marriage in England. In Scotland, however, free consent continued to be the criterion of a marriage. Thus the laws of the two lands diverged.

As usual, this issue presents numerous book reviews and the next in our continuing series of electronic resource pages, this one designed to draw readers' attention to the presence that the *Law and History Review* has established on the Internet. As always, we encourage readers of the *Law*

and History Review to explore and contribute to the American Society for Legal History's electronic discussion list, H-Law, which offers a convenient forum for, among other matters, discussion of the scholarship on display in the *Review*.

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