

Law and History Review

Law and History Review

The purpose of *Law and History Review* is to further research and writing in the fields of the social history of law and the history of legal ideas and institutions. The Review is sent to all members of the American Society for Legal History.

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In This Issue

This issue of *Law and History Review* comes in three parts, in addition to the book review section at the end. The issue opens with two articles that look at the legal treatment of women and marriage in nineteenth-century America from two perspectives. The first, by Kristin A. Collins, traces congressional actions with respect to military widows' pensions between 1792 and 1858. Her study shows how a benefit that had been limited to the widows of officers became an entitlement that extended to the widows of enlisted men. Collins argues that the petitions of widows played a significant role in shaping this response, breaking down distinctions based on class. In the other article in this section, Kimberley A. Reilly looks at how judicial responses to marital tort claims by women evolved across the turn-of-the-twentieth century in response to legislation and shifts in popular assumptions about marriage. Reilly's article tells a story of changes in law that gradually extended the protections of marital tort law to wives, even as they continued to assume that gender differences were fundamental.

The forum that makes up the next section of this issue offers an extended meditation on the ways in which legal historians can look at legislatures and legislation. It begins with an article by Roman Hoyos that examines at the franking privilege in the nineteenth century, using it to explore how early nineteenth century senators and their constituents understood the nature of political representation. One aspect of Hoyos' story is the significance of partisan activity and claims in the correspondence between constituents and senators in the early nineteenth century. That theme carries over into the article by Jeffrey Jenkins and Justin Peck. Their piece considers how debates over four civil rights initiatives drove partisan realignment in Congress in the 1940s. Jenkins and Peck used a case study method, based on an analysis of shifts revealed by roll call votes, to

trace that realignment. In the final article in the forum, Robert Tennyson relied on a statistical analysis to argue that changes in parliamentary procedures encouraged a rise of enclosure actions in eighteenth century England.

The last section in this issue offers the first of what I hope will be an occasional series on applied legal history. A first, introductory essay by Alfred Brophy sketches the concept's contours, suggests its possibilities, and considers some of the criticisms it has received. His essay is followed by an article by James Oldham and Su Jin Kim that provides an example of how applied legal history can be practiced. Their study recovers and reinterprets the history of American arbitration law in order to challenge the view that American courts have always been hostile to arbitration.

As this issue of *Law & History Review* marks the start of my term as editor, I would like to close with some words of appreciation. Most obviously, I thank David Tanenhaus, whose work and vision over his term as editor has done so much to make the journal the intellectual force that it is today. It is a testament to David's ability to do the small stuff gracefully, even as he grapples with the sometimes overwhelming logistical and substantive problems posed by putting out a journal, that the transition from editor to editor has passed uneventfully for me and, more importantly, for the authors and referees who make this journal what it is. I also thank the retiring book review editors, Dan Hamilton and Amalia Kessler, for their work as book review editors over the years and for the help they gave to the incoming book review editors during the transition. I also appreciate the help and the words support I received from the members of the old editorial board over the past several months. As endings also mark beginnings, I want to close by welcoming the new book review editors, Felice Batlan and Will Hanley, and the members of the new editorial board. In a giddy moment early on in the transition period, I assured someone that I thought being editor of *Law and History Review* would be at least as much fun as it would be intellectually challenging. I hope that this is true for us all.

Elizabeth Dale
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