The professor who turned famous cases into poetry. The students who decided to teach their own classes on “fragments of the law.” The Shakespeare-loving death-penalty scholar who spent decades swapping letters with Katharine Hepburn. The 1904 alumna and her years-long love triangle with two high-profile UChicago women.

The Law School has always enjoyed a rich history, one marked by expansive inquiry, colorful personalities, and new ways of thinking. Those values are evident in the Law School’s big moments—but, often, they can also be seen in some of the lesser-known stories that have grown from the community’s passionate devotion to ideas, people, and the school itself.

For the past three and a half years, we’ve been sharing some of these stories in our occasional “Throwback” series on the Law School’s website. In this issue of The Record, we offer excerpts of a few of our favorites. You can read the pieces in their entirety, and see other stories and photos in the series, at https://www.law.uchicago.edu/story-series/throwback-thursday.
Zeisel and Hepburn: A Tale of Lavender Water, Shakespeare, and Capital Punishment

In early 1950, not long after taking his daughter Jean to see Katharine Hepburn play the heroine Rosalind in Shakespeare’s *As You Like It* on Broadway, future Law School Professor Hans Zeisel wrote the actress a letter offering notes on her interpretation of a line in a scene with the character Sylvius.

“You are undoubtedly right about the Sylvius scene,” Hepburn replied in a typed letter that March. “So much has been cut out of the scene that it is very difficult to know exactly how what remains should be played as Sylvius must understand her somewhat as he ends the scene saying, ‘Call you this railing?’ However, I think the truth probably lies somewhere between the two, and I am glad you took the trouble to write to me about it.”

Thus began a decades-long correspondence marked by Zeisel’s cordial commentary on Hepburn’s work, her gracious appreciation for his notes and gifts of lavender fragrance, and occasional intellectual musings. The letters, about a dozen of which are part of the Hans Zeisel Papers at the Regenstein Library’s Special Collections Research Center, document a predigital connection between Law School intellect and Hollywood celebrity that was fueled, at least in the beginning, by a shared fondness for the Bard.

“It was quite formal—he was the fan and she was the great actress,” said Zeisel’s daughter, Jean Richards, a stage actress who lives in Rockland County, New York. “But I guess because he was a professor, and perhaps because he cared about and knew Shakespeare, she answered him. She seemed to have taken him seriously, and I’d imagine that she was quite pleased that he was such a fan. But that relationship of fan to great actress always stayed.”

Zeisel, a sociologist and lawyer who was an authority on juries, capital punishment, and market survey techniques, joined the Law School faculty in 1953 to collaborate with Professor Harry Kalven Jr. on a study of the American jury system funded by the Ford Foundation. Zeisel retired in 1974 but maintained an office at the Law School and continued to write, consult, and do research. He fervently opposed the death penalty; his letters with Hepburn, in fact, appear to have fizzled in 1989 over differing views on capital punishment before resuming in 1992, the year he died.

“That of course would have been a big rift—the death penalty was his main pro bono passion,” Richards said. “He wrote so many papers on capital punishment, how it wasn’t a deterrent. He felt that no civilized country should have it, that it was a shame and that it was awful. In fact, two days before he died, he was still working on an anti–death penalty study.”

Exchanged between 1950 and 1992, the letters, only some of which are preserved in the collection, maintain an air of formality; although it appears the two may have met in person, the relationship was one of pen pals. Many of his notes are typed on Law School letterhead, and many of hers are written on personal stationary emblazoned in red with her full name, Katharine Houghton Hepburn. The topics range from small talk to deeper social commentary.

“If you are up to it, here is a bit more about my idea to assess the individual and social costs of bringing unwanted children into the world,” Zeisel wrote in January 1983 to the four-time Oscar winner, the daughter of a birth control activist and herself a public supporter of Planned Parenthood. “In the attached N.Y. Times column, Tony Lewis does precisely that for the children’s lunches. I would get in direct touch with the Planned Parenthood people, but somehow I thought that if you did it, having done so much for them, there would be much weight behind it.”

The following month, he sent a short note, as well as a copy of his 1983 book, *The Limits of Law Enforcement*, which argued that society should rely less on law enforcement to reduce crime and focus more on educating and guiding young children.

February 4, 1983

Dear Katharine Hepburn,

I am worried about your well being. I am sending you my new book; it is a new look at an old problem. You might care to browse through the first 88 pages, if you have nothing better to do.

With kind regards,
Yours,

Hans Zeisel

A few weeks later, she sent a short thank you:

II-23-83

Dear Hans Zeisel:

My well being is fine—just a really badly smashed ankle—but almost mended—and it works.

Thanks for the book and the bittersweet.

Katharine Hepburn
February 14, 1992
Dear Katharine Hepburn,

We stopped corresponding over our different views on the death penalty. But having seen your interview with Phil Donahue, I am moved to write you a letter with two-fold congratulations: First, to your triumph over Parkinson’s disease and secondly, for your put-down of that oaf by courageously sticking to your atheist position. Not many public figures would dare do this.

One more question. (I will not reveal the answer to anyone.) Did you really not know your interviewer’s name, or did you just superbly put him down another notch?

With kind regards,
As ever yours,
Hans Zeisel

Less than a month later, Zeisel died. But these snippets of his correspondence with Hepburn highlight two of his life’s greatest passions: Shakespeare and his opposition to capital punishment.

“He was an unbelievably intelligent man with a wide variety of interests,” his daughter said. “And he was passionate about his work.”

Read the entire story and see additional photos online at https://www.law.uchicago.edu/news/zeisel-hepburn.
For the Shame of Rose of Aberlone

It isn’t every day that one encounters a poet/law professor, much less one who has employed 350 lines of comic verse to toast contracts law, the doctrine of mutual mistake, and a 19th-century tussle over an unexpectedly pregnant cow.

But in the 1950s, the Law School had Brainerd Currie, a noted scholar on conflicts of law, the father of the late Professor David P. Currie—and, as it so happened, a writer of rhymes laced with witty commentary on the law and legal education.

“I am sure that for Currie putting cases in poetic form . . . seemed as natural a thing to do as briefing them,” wrote Mercer University law professor Jack L. Sammons in the introduction to Quidsome Balm: The Collected Nonsense of Brainerd Currie, a seven-by-seven-inch book published by The Green Bag in 2000. “For Brainerd’s love of verse developed at the same time as his love for the law.”

Currie, a member of the University of Chicago Law School faculty between 1953 and 1961, had apparently developed his passion for poetry as a young man. He referred to his own work as “rhymes” or, in at least one case, a “bit of doggerel,” and those who knew him said his forays into poetic humor reflected an appreciation for language and storytelling.

“He approached to each case was to narrate it well first,” the late Walter Blum, a longtime Law School professor, once told Sammons, now a professor emeritus at Mercer. “Only in the process of narrating, only by starting cleanly with the facts, could the right issues emerge in their right relationships.”

Currie’s poetic output seemed to coincide with the publication of some of his most important articles on the conflicts of law, Sammons wrote, noting that it was a “period of truly extraordinary creativity.”

The younger Currie wrote the book’s preface, explaining that many of his father’s poetic works were “rhymed paraphrases of exotic cases”—a description borne out by the material that followed. In “Tenebrous Reflections,” the subject was the badly botched circumcision at the center of the 1953 case Bates v. Newman. (“It has never been published before, and chances are pretty good it will never be published again,” David Currie wrote of the rhyme.) In “Eino, a Sailor,” the elder Currie expounded on Koistinen v. American Export Lines, a case involving a seaman who was injured jumping out the window of a Yugoslavian brothel. And in “Casey Jones Redivivus,” Currie recounted a 1957 US Supreme Court case, Ringhiser v. Chesapeake & Ohio Railway, involving an engineer who lost a leg while relieving himself in a gondola car.

Currie’s best-known poetic turn, though, was his ode to the not-so-infertile cow, Rose 2d of Aberlone, at the center of the 1887 Michigan Supreme Court case, Sherwood v. Walker. As first-year Contracts students know, Hiram Walker had agreed to sell his supposedly barren cow to Theodore Sherwood for beef. But then Rose turned up pregnant, her value rose—and Walker tried to back out of the deal. The Michigan Supreme Court ultimately ruled that because the contract was based on the mutual mistake over Rose’s fertility, Walker could keep his with-calf cow.

Currie wrote about the case in 1950 in his five-section poem, “Aberlone, Rose of: Being an Entry for an Index,” for the amusement of his students at UCLA, where he was teaching law at the time. It is written in the style of Samuel Taylor Coleridge’s “Christabel,” with a hint of Ogden Nash thrown in—both of whom Currie references in text that appears at the beginning. Currie apparently revised the rhyme over the years, eventually adding 17 footnotes with comments such as “Pun. (Hardly original)” and “The author is aware that testosterone is the male sex hormone, and hence that the choice of words is not ideal” and “Look it up for yourself.”
His final version, which appeared in 1965 in *The Student Lawyer Journal*, is one that he declared would be the last, “so that I will never have to fool with it again.”

It begins with a sad Rose:

’Tis the middle of the night on the Greenfield farm
And the creatures are huddled to keep them from harm.
Ah me! — Ah moo!
Respectively their quidsome balm
How mournfully they chew!

And one there is who stands apart
With hanging head and heavy heart.
Have pity on her sore distress,
This norm of bovine loveliness.
... 
If one should ask why she doth grieve
She would answer sadly, “I can’t conceive.”
Her shame is a weary weight like stone
For Rose the Second of Aberlone.

And it ends with a legal legacy that would follow law students for generations:

A dismal specter haunts this wake—
The law of mutual mistake;
And even the reluctant drone
Must cope with Rose of Aberlone.
... 
In fiddles of dubious pedigree,
In releases of liability,
In zoning rules unknown to lessors,
In weird conceits of law professors,
In printers’ bids and ailing kings,
In mutations and sorts of things,
In many a subtle and sly disguise
There lurks the ghost of her brown eyes.
That she will turn up in some set of facts is
Almost as certain as death and taxes:
For students of law must still atone
For the shame of Rose of Aberlone.

Read the entire story online at https://www.law.uchicago.edu/news/rhymes-brainerd-currie.

**Sophonisba in Love**

It was the summer of 1928, and Sophonisba Breckinridge was in love. Times two.

The educator and social reformer, who had become the Law School’s first female graduate in 1904, was traveling with one woman and desperately missing another. And both, like Breckinridge, were influential women on the University of Chicago campus: Marion Talbot, who had served as the University’s Dean of Women before retiring in 1925, and Edith Abbott, Dean of the School of Social Services Administration that she and Breckinridge had cofounded.

“I don’t see how I can go on tomorrow,” Breckinridge wrote to Abbott that May as she traveled to Europe with Talbot. “I can think only of how good you are to me, and how I am so foolish and uncertain. I think you understand, though, dear.” The story of what appears to be a decades-long UChicago love triangle—marked by an evocative intertwining of intellectual and personal devotion, a fraught tussle for Breckinridge’s affections, and quiet acknowledgments that stopped short of actually labeling the women lesbians—was discovered by University of Montana history professor Anya Jabour, who had been researching Breckinridge for several years and is the author of a forthcoming book on Breckinridge.

The details she uncovered offer glimpses into the University of Chicago’s formative years, the sexual politics of the early 20th century, and the inner workings of the enigmatic pioneer who was part of the Law School’s first graduating class. Known affectionately as “Nisba,” Breckinridge was a strikingly complex figure: a woman of unfailing modesty who grew prickly when she wasn’t taken seriously, a progressive leader who could be seen strolling the campus in Victorian garb well into the 20th century.

She was barely five feet tall; when she was at the Law School, janitors had to shorten her desks so her feet would
touch the ground. But she was powerful and persistent, and she had racked up a litany of University firsts in addition to her JD: she was a founder of the SSA, the first woman to earn a PhD in political science, and the first woman granted a named professorship. In 1905, she also began teaching what was arguably the first women’s studies course in the United States—a class in the University’s Department of Household Administration that focused on the legal and economic status of women.

But despite her boldness, Breckinridge could also be vulnerable, loving, and prone to loneliness. She was a prolific letter writer, composing heartfelt missives to her loves, even when she was busy. “I’ve been hustling a little over students, and degrees, and theses, and so forth,” Breckinridge once wrote to Talbot. “I love you just the same, all the time.” In another letter to Talbot, she pined: “I shall be loving you, and thinking of you, and wishing that I could know just how you are.”

Talbot had entered Breckinridge’s life at a pivotal time. Breckinridge had grown up in Kentucky, the daughter of a politically prominent attorney who served in Congress. “But like many women of her generation, she struggled to find an acceptable outlet for her intelligence and her ambition,” said Jabour, a women’s history scholar who came across Breckinridge while researching what she calls her “southern schoolmarm project.”

Breckinridge had attended the University of Kentucky and then Wellesley, returning to her home state to study law after graduation in 1888. She was admitted to the Kentucky bar in 1892—10 years before she enrolled at the Law School. Breckinridge declined to pursue a law career because of poor prospects for women lawyers, but—contrary to many writings—she did try at least two cases in the late 19th century, Jabour discovered. One was a custody case in which Breckinridge represented a mother of four who had fled an abusive husband in the middle of a cold winter night. Despite laws that favored the husband, Breckinridge succeeded in having the two youngest children placed with the mother.

“I was floored,” Jabour said. “Most people don’t realize that Breckinridge practiced law.”

During these post-Wellesley years, Breckinridge lost her mother, struggled with depression, and discovered that her beloved father had been having an affair with a much younger woman. But in 1894, she visited a Wellesley classmate in Chicago and met Talbot, who convinced her to pursue graduate work at the University. This move changed the trajectory of Breckinridge’s life: she began studying political science with her mentor, Professor Ernst Freund, who helped found the Law School and encouraged Breckinridge to enroll. She became an integral part of the University fabric and played an important role in social causes throughout Chicago, living for a time in Jane Addams’ Hull House with other social reformers.

Talbot continued to be a key figure in her Chicago life. She hired Breckinridge as her assistant in the Dean of Women’s Office, as well as in the women’s residence halls. The two grew close personally and professionally, sharing adjoining offices, traveling together, and becoming increasingly recognized as an inseparable pair. Talbot, who became Breckinridge’s “tireless advocate” at the University, often accompanied Breckinridge to visit her family in Kentucky. In 1912, Talbot’s parents deeded their family vacation home to both women, and the two continued to visit it together until the 1930s.

But in 1905, a new woman—Abbott—entered the scene. She was a student in Breckinridge’s women’s studies class, and the two grew close, emotionally and professionally, eventually becoming as inseparable as Breckinridge and Talbot had once been. Although Breckinridge and Abbott didn’t live together until the 1940s, they attended events together, shared hotel rooms at conferences, and merged their personal and professional lives. They wrote several books together, cofounded the SSA, and worked together...
in government agencies and on committees. Students referred to them as “A” and “B” and became accustomed to seeing them together, utterly absorbed in their conversation and each other, Jabour said.

A Chicago graduate once wrote: “I had seen Edith Abbott and Sophonisba Breckinridge walking from the Law building to the Gothic turrets of their offices in Cobb Hall. Their preoccupation and leisurely pace gave them a pathway to themselves. Students walked around them on the grass. These diminutive Victorian ladies seemed larger because of their dress. Their skirts swept the sidewalk. Miss Abbott loomed larger in her black hat and dark dress. Miss Breckinridge’s floppy Panama hat and voile dress set off a soft, vivacious face and slender feminine figure.”

Of course, the growing closeness left Talbot feeling uneasy, jealous, and threatened, and she and Abbott became increasingly contentious, even exchanging a series of perturbed letters.

“They appeared to be locked in a battle to prove which of them loved Breckinridge the most,” Jabour said of the letters. “Later events would indicate that [Breckinridge] did indeed have so much room for life and loving and that she could, and did, maintain a close relationship with both Talbot and Abbott for the rest of her life.”

Read the entire story and see additional photos online at https://www.law.uchicago.edu/news/sophonisba-in-love.

Fragments of the Law

Nearly 21 years ago, during the spring quarter of their third year, a small group of University of Chicago Law School students decided to teach each other a series of lunchtime law classes. One student spoke about presidential powers in Eastern Europe, and another showed clips from Warner Bros., The Dukes of Hazzard, and old Buster Keaton films for a session on the law of the chase. Two women—one married and one engaged, both to classmates—lectured on the laws of broken engagements.

There were syllabi and handouts and vague promises of food, although all these years later it’s hard to say whether the vodka and brown bread, popcorn and candy, or cake and champagne actually materialized. It’s hard to say, even, who first suggested the offbeat project—although most people are fairly sure it was Ross Davies and Dan Currell, both ’97—or whose idea it was to assign final grades by asking each student to toss a single-sheet exam onto the library steps, which were marked with scores of varying respectability.

What the dozen or so participants, mostly members of the Class of 1997, do remember is this: Fragments of the Law was quintessentially UChicago, rich with humor, tightknit collegiality, and the fruits of unbounded curiosity. The legal discussions that unfolded in each class were real, but so was the laughter. And some two decades later, it’s a thread of
Law School history that remains lodged in the minds of its participants—albeit in various fragments of detail—as a quirky reminder of an academic culture that taught them the value of expansive, nonjudgmental inquiry and the virtue of clever amusement.

“The project was simultaneously really silly and really serious, and like many things, I think it came out of talking in the Green Lounge,” said Davies, who coyly denies leading the charge. “The faculty knew we were doing this. The administration was perfectly fine letting us use a classroom. The Law School is an intellectually entrepreneurial culture, and this is the kind of thing our instructors modeled for us: if you have a good idea, do something with it, and do it well. Do it thoroughly and in a disciplined way. And so this Fragments of the Law thing, yes, it was sort of a silly joke. But at our law school, we do these things right—incorporating the nonsense. And that’s what it was: very highly refined nonsense.”

Everything about the project—from the eclectic topics to the “self-graded final” to the affectionate and teasing recollections—reflects two things, participants said: the personalities of those involved and the sort of thing that develops when a community is both ideologically diverse and willing to mix it up a bit. The Class of 1997, after all, isn’t alone in its dual devotion to intellectualism and jest—just ask Senator Amy Klobuchar, ’85, and her peers in the “happy class” or anyone who has ever participated in the Law School Musical.

“One thing I remember strongly to this day is the sense of fun—and it was, of course, a very Chicago thing to consider that our idea of fun,” said Anna Ivey, ’97, who later returned to the Law School as the dean of admissions and is now the CEO of Inline, which makes software that helps people with their college applications. “It really reflects the culture of the Law School and the University at large because it was all built around intellectual curiosity and inquiry. You could apply that curiosity to serious things, and you could apply it to silly things.”

Many of the Fragmenters worked on Law Review—Davies, naturally, was the editor in chief—and several participated in the Musical. That year’s show, a send-up of Charlie and the Chocolate Factory, featured Oompa Loompas in bicycle helmets and bright yellow pants—a nod to the yellow slicker pants Davies often wore when he rode his bike to the Law School in inclement weather. Like many of their Law School peers, the Fragments crew were polymathic in their interests and eager to learn and share.

“I didn’t know anyone in my class who was interested in just one thing,” Davies said. “You could sit down to talk about one thing and learn that someone was an expert on some other thing or had some passion that you never knew about. Every conversation was a really good documentary, and you never knew where you were going to end up. It’s one of the things I enjoyed then, and still enjoy, about my classmates.”

The unofficial class—no actual credit was given—was intended as “antimatter” to the first-year jurisprudence class Elements of the Law and preserved in a hardbound book that Davies made as a memento. The 1.25-inch volume contains reprints of all the handouts, as well as posters advertising each class, beginning with “A Comparison of Presidential Powers in Eastern Europe: Custom-Made Constitutions.” That session was taught by Mary Ellen Callahan, ’97, who before law school had worked at the Congressional Research Service of the Library of Congress as part of the Special Task Force on the Development of Parliamentary Institutions in Eastern Europe.

“And I was like, ‘OK I’m in.’ The project was driven by this pure desire to educate ourselves a little bit more about life and society and to learn from others. It was hilarious, and it was a fun way to end a law school career, to do something smart and funny and frivolous.”

Read the entire story and see additional photos online at https://www.law.uchicago.edu/news/fragments-law.