

bulk of this chapter explains the different types of ADR, mainly mediation and arbitration, and addresses their strengths and weaknesses.

The last chapter provides an overview of the how all of these legal instruments operate together to establish the law of the protection of cultural property. It examines the longevity of the UNESCO Convention, and how it is being cited by national courts and serves as an underpinning for other international conventions, such as ones protecting underwater cultural heritage and diversity of cultural expressions. In looking at all of the means available for protecting cultural property, this final chapter concludes that there is growing international respect for and cooperation in the prevention of illegal movement of the cultural property.

*Cultural Property Law and Restitution* represents a detailed discussion of the major laws and conventions that exist in the area of the protection of cultural property. Appendices present the full text of the conventions, European Union legislation, and the codes of ethics discussed in the book. These are useful in providing the documents in their entirety, in addition to the quotations of the texts throughout the book. There are also extensive explanatory footnotes and a long list of references included for further research or reading. While the author mentions a few cases as being relevant to application of the conventions, many of these references are made in passing and do not discuss the specifics of the case. More examples of how the law applies in real situations would make the topic come alive to the reader. As a straight-forward overview of cultural property law, *Cultural Property Law and Restitution* is a valuable addition to this “rather recent and fast evolving area of law.” (p.1)

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***Medicine, Law, and the State in Imperial Russia.*** By Elisa M. Becker.  
Budapest, Hungary; New York, NY: Central European University Press,  
2011. Pp. xiii, 399. ISBN 978-963-9776-81-4. US\$55.00; €50.00; £45.00.

In February 1867, a court in Moscow, Russia tried a female peasant accused of murdering her husband, cutting his body into two parts and hiding it in the cellar of their house. Even though all evidence pointed at her as being the perpetrator, the defense decided to apply a newly introduced law that gave legal weight to a physician's conclusions and requested a chemical microscopic analysis of the blood found at the crime scene. This was the first open court trial where this type of analysis was conducted and the expert's

testimony in court was used to persuade the jurors. Eventually they found the defendant not guilty. This and other cases reviewed by Elisa Becker illustrate her study of forensic medicine and legal profession in the 19<sup>th</sup> century Russia.

Unlike other recently published works, which combine medical and legal history (e.g., *Forensic Medicine in Western Society* by Katherine Watson), this study is not a mere comparison of the legal and medical thought that circulated in imperial Russia. Organized thematically and chronologically, it is focused on the involvement of physicians, especially psychiatrists, in the judicial process. Analyzing the spectrum of viewpoints within Russian medical and legal professions, Dr. Becker demonstrates the social and political evolution of the Russian professional community. She starts with a review of forensic medical practice, which emerged as a state service in the 18<sup>th</sup> century, evaluates transformations within the Russian state system in the course of ongoing reforms, studies the emergence of independent professional groups in a centralized autocratic state, and examines their impact on legal order and the role of medical expertise. She concludes that the simultaneous development of professional groups and the rule of law had mutual impact based on an analysis of the papers written by major Russian medical and legal scholars, university curricula, and official government publications.

The first chapter of the book focuses on the issue of procedural immunity for medical practitioners. She starts with the establishment of forensic medicine as a university discipline in 1804 and follows the parallel careers and teachings of two university professors to show how Russian forensic medicine combined European experience and national specifics and was practiced by students of law and medicine who “perceived themselves as partners with and allies of” each other because their occupational areas were “conjoined and administratively interlocking.” (p. 57)

Chapter 2 of the book covers the years of great reforms (1865-67) and discusses how medical experts in Russian courts accepted newly introduced adversarial procedures. Becker briefs the reader on the basics of the judicial reform and argues that in order to secure legal significance for physicians’ conclusions, medical experts “exercised social influence and occupational authority through the levers of state institutions.” (p. 59) In her opinion, the reformed judicial institutions were viewed by educated Russians “as the appropriate vehicles for carrying out the social promise of science and its methods.” (p. 129) She supports her position that the advancement of science shortened the gap between state and society by finding examples of how reformers in the government shared social thought with leading lawyers and forensic scientists in ministerial papers and legislative history documents. An analysis of cases tried in Moscow and St. Petersburg courts provides additional illustration of what role physicians started to play in shaping the

position of juries and how forensic experts introduced scientific origin into judicial institutions.

Chapters 3 and 4 are entitled “Legal mechanics” and “Criminal procedure in social context” respectively. They discuss judicial reforms relevant to physicians and the procedural role of forensic medical experts. The author describes how forensic medical statutes were drafted and chronicles the unsuccessful fight by physicians to secure their independence. She demonstrates how members of the medical profession expressed their disagreement with government efforts to turn them into state functionaries in court room debates. Such a discourse was possible in courts established under 1864 law, especially because forensic medicine became an authoritative source of knowledge and influence but the role of forensic experts remained uncertain. Becker researched regulatory documents and comments on the role of experts who attempted to advance their status and involvement in legal decision making, especially through collaboration with the jurists in preliminary investigations and during trials.

This makes a logical segue to the book’s final chapter where the role of medical experts in post-reform Russian courts is discussed. Using case studies, papers of the National Association of Physicians, and documents of provincial joint medical-legal commissions, Becker lays out the debates about the legal role of doctors and their professional response to the judicial reform and renewed views on various medical, especially psychiatric, problems. While these debates did not produce legal changes, a review of efforts to resolve the expert status issue in the late imperial Russia is novel. It is particularly interesting that by offering an in-depth view of the participation of medical experts in the judicial process, Becker allows the reader to look at the problem from the lawyer’s and physician’s perspectives simultaneously and see from an unusual angle how the implementation of the rule of law idea was approached in the 19th century Russia.

*Medicine, Law, and the State in Imperial Russia* is well organized. It has more than 100 pages of detailed notes and each chapter begins and ends with an introduction and conclusion where the author highlights major ideas. Many archival sources used in researching and writing this book were brought into scholarly circulation for the first time and it was an interesting way to demonstrate the evolution of particular ideas through describing career paths of major figures in Russian medical and legal circles. Carefully selected photographs add to better understanding of the book’s content.

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