In This Issue

Our first issue of 2019 features bold arguments, big questions, and innovative approaches. We begin with two articles that seek to uncover heretofore overlooked stories about medieval and early modern England.

Merriddee Bailey embraces a fairly new methodology in turning to the history of emotion. Emotions, she argues, were not part of the jurisdiction of any court. Nor was there any legal interest in evoking them or recording them. And yet, she argues, a closer look at cases before the court of chancery between 1386 and 1558 nonetheless finds emotions, while providing social and legal historians with an example of how to tease them out. Cordelia Beattie takes a more traditional approach, but her findings are no less significant. Beattie challenges the argument that sometime near 1450 wives stopped making wills. She explores the surviving wills in the deanery of Wisbech in 1465–77, its connected diocese of Ely from 1449 to 1505, and the probate acta of the Archdeaconry of Buckingham from 1483 to 1497 and finds that the story of women's wills was subject to far more regional variation than has been previously understood. In particular, she turns to court books to argue that wives with some land or buildings continued to make wills, and that wives married to churchwardens or church court jurors were more likely to have their wills proved.

Hannah Callaway writes the microhistory of a single case in late eighteenth century France. François Baudon had been a tax farmer until his death in 1781. His widow, her children, and Baudon's children from his first marriage each made claims on his considerable fortunes. For Callaway, the adjudication of these claims opens a window on the changing relationship between family life and legal practice. Specifically, she reads the case as part of an enlightenment legal challenge to the concept of the family that predated formal political reform of family life during the French Revolution.

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We then move to two articles on the problematic relationship between race and belonging in nineteenth century America. Kimberly Welch tells the story of William Johnson, a free black barber and businessman in antebellum Natchez, Mississippi. Johnson, argues Welch, studied the law and believed that he "knew the law." Johnson's diary is itself a compelling narrative. But in Welch's hands, Johnson's story becomes evidence that scholars should prioritize personal understandings of what it means to "know the law" before theorizing about the legal consciousness of free blacks and slaves in early America. The next article addresses the problem during the period after the Civil War. Giuliana Perrone's article examines how Reconstruction Era judges decided domestic law cases brought by former slaves. Perrone argues that these judges failed to understand the reality of slavery as a lived institution and the inter-racial relationships that persisted even after slavery's formal demise. These judges sought to treat slavery as an immediately remediable set of legal disabilities. Their refusal to resolve the lingering shadows of slavery on freedpeople undercut abolition in profound ways. Perrone's article is noteworthy for one more reason: a previous version was awarded the Kathryn T. Preyer Award from the American Society for Legal History (ASLH) in 2016. Perrone is the fourteenth Preyer Award winner to publish in *Law and History Review*.

Kevin Crosby's article takes us back to England and Wales in the years immediately following the Sex Disqualification (Removal) Act of 1919. Scholars commonly assumed that the law broadened the jury franchise by including some women, but Crosby finds that the unintended consequences of reform actually removed some women from the jury franchise. The Western Assize circuit had long ignored property qualifications for jury qualification, which in fact limited the number of women who could participate. Reforming this problem proved expensive and, more importantly, the eventual solution of basing juror qualification on electoral registration ended up excluding women who had met the old property qualification.

Boyd Van Dijk then presents us with a seemingly familiar recounting of the formation of the Geneva Conventions, but tells a very different story than the typical narrative that identifies the Conventions as the byproduct of liberal humanitarianism and Western European intentions. Surprisingly, Van Dijk illustrates how the Soviet Union had an important, if mixed, legacy in developing the Conventions. He identifies areas of close cooperation between the Soviets and the International Committee of the Red Cross, especially when it came to reforming "inhumane" measures in war. At the same time, however, the Soviet delegation opposed certain enforcement mechanisms, thus setting the stage for the future successes and failures of the Geneva Conventions.

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Julia Ogden's groundbreaking study of the legal and judicial vulnerability of male youth in Buenos Aires in sixty-five sodomy and rape cases between 1853 and 1912 demonstrates courts' shifting understanding of males who experienced sexual assault in the years between the codification of the criminal law and the passage of the first consent laws. Judicial authorities were slow to integrate boys into the legal order because of cultural aversion to sodomy, a societal preoccupation with female sexuality, and the prevailing liminality of boys in prevailing laws.

This issue also features Ignacio De La Rassilla's article about the problem of periodization in the historiography of international law. He breaks down several generations of scholarship into a broad typology before proposing an alternative, multiperspectival model for periodizing international law.

We are pleased to announce that a forthcoming issue of *The Docket* (lawandhistoryreview.org) will feature an interview with Ariela Gross and Alejandro de la Fuente about their plenary lecture at the 2018 Annual Meeting of the ASLH. Because of the leadership and guidance of Christopher Beauchamp, the society's web site has also been redesigned and is an outstanding resource for scholars, including a new, simplified page for joining the society or renewing membership: https://aslh.net. Finally, we want to call attention to the Call for Applications for the 2019 Kathryn T. Preyer Scholars competition, which is available on the society's web site and appears below.

Gautham Rao
American University

Call for Applications: Kathryn T. Preyer Scholars

At the annual ASLH conference, two early career legal historians designated Kathryn T. Preyer Scholars will present what would normally be their first papers to the Society. Although papers simultaneously submitted to the ASLH Program committee are eligible, Preyer Scholars must present their paper as part of the Preyer panel and will be removed from any other panel. **Submissions are welcome on any topic in legal, institutional and/or constitutional history. Early career scholars, including those pursuing graduate or law degrees, those who have completed their terminal**

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degree within the previous year, and those independent scholars at a comparable stage, are eligible to apply.

Submissions should be a single MS Word document consisting of a complete curriculum vitae, contact information, and a complete draft of the paper to be presented. Papers should not exceed fifty pages (12 point font, double-spaced) and must contain supporting documentation. In past competitions, the committee has given preference to draft articles and essays, although the committee will also consider shorter conference papers, as one of the criteria for selection will be the suitability of the paper for reduction to a 20 minute oral presentation.

The deadline for submission is March 15, 2019.

The two Kathryn T. Preyer Scholars will receive a $500 cash award and reimbursement of expenses up to $750 for travel, hotels, and meals. Each will present the paper that s/he submitted to the competition at the Society's annual meeting. The Society's journal, *Law and History Review*, has published several past winners of the Preyer competition, although it is under no obligation to do so.

Named after the late Kathryn T. Preyer, a distinguished historian of the law of early America known for her generosity to early career legal historians, the program is designed to help legal historians at the beginning of their careers. The competition for Preyer Scholars is organized by the Society's Kathryn T. Preyer Memorial Committee.

Please send submissions by March 15, 2019 to Laura Kalman, Chair, Preyer Award Committee, University of California, Santa Barbara, kalman@history.ucsb.edu. She will forward them to other committee members.

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