

## In This Issue

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Our final issue of 2019 begins with Sara Kimble's "Of 'Masculine Tyranny' and the 'Women's Jury': The Gender Politics of Jury Service in Belle Epoque France." French juries composed solely of men had come under scrutiny for being too soft on crime and criminals and, therefore, legal minds began to wonder whether mixed-sex juries might be a better alternative for criminal justice. They looked in part to Wyoming, which had recently introduced mixed-sex criminal juries, as a potential model for reform. But the National Assembly quickly fell into a debate over women's limited citizenship rights. Kimble turns to the documentary history of this debate to illustrate how reformers argued that gender difference made women more reliable jurors, especially in cases of infanticide and abortion. In Paris between 1905 and 1910, an unofficial "women's jury" (*jury féminine*) seemed to substantiate that women were possessed of sound legal decision-making ability. What emerged was a feminist critique of French law, and particularly the legal system's handling of domestic violence, reproduction, and marriage.

Next, we offer a forum on Orit Malka's "Disqualified Witnesses, Between Tannaitic Halakha and Roman Law: Archaeology of a Legal Institution." Malka begins from the widely known fact that from late antiquity onward in the West, legal systems created strict limitations on the eligibility of some individuals and classes to serve as witnesses. For Malka, the specificity of these restricted persons and populations requires commensurately specific explanations, especially in the case of Jewish and Roman rules of disqualification. She focuses on the tannaitic halakha in Roman Palestine between the first and third centuries CE, which excluded "the dice player, the usurer, pigeon flyers, and traders of the Seventh Year produce" from being witnesses. Why them? For Malka, rabbis' laws for disqualifying witnesses built on the Roman legal institution of *infamia*. Both Jewish and Roman laws regarding disqualified witnesses thus shared a common framework in the ethics of self-control. Rounding out the forum are comments by three scholars who assess Malka's contribution from different angles. Amalia Kessler takes a comparative perspective and sees in Malka's work a powerful check on positivist teleologies of the modernization of law and procedure. Paul J. Du Plessis is ultimately not convinced by

some of Malka's claim, but sees the great potential in her methodology. Christine Hayes concurs with Du Plessis's assessment of Malka's method, especially looking for parallels between Roman and Jewish laws instead of searching in vain for exact Latin legal terms in rabbinic literature.

Our Associate Editors Elizabeth Papp Kamali, Angela Fernandez, and Jedidiah Kroncke are pleased to bring you a Reviews section that features eleven reviews of major recent works.

*The Docket*, our digital imprint, continues to publish outstanding features, book reviews, and other content at [lawandhistoryreview.org](http://lawandhistoryreview.org). The latest double issue of *The Docket* features further reflections on the relationship between originalism and legal history with contributions by Lindsay Chervinsky, Aaron Hall, Logan Everett Sawyer, Paul Baumgardner, Bernadette Meyler, and Michael Douma. We also offer several other author interviews and research articles. Readers interested in contributing to *The Docket* will find contact information on the Web site.

Readers can keep track of the latest goings on at *Law and History Review* through our twitter account @history\_law. The American Society for Legal History's redesigned Web site can be accessed at <https://aslh.net>, for all the Society's latest announcements and news.