

## In This Issue

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All the articles in this issue deal with an important and newsworthy theme: crime. The exploration of the topic begins with four articles that look at crime and criminal justice in the period between the two world wars. The first, Jeffrey Adler's study of police torture in New Orleans, reminds the reader that the problems of race and police misconduct that dominate the current news cycle are not novel. Adler argues that the evidence from New Orleans reveals that even after 1936, when the United States Supreme Court held that torture violated the constitution, police officers continued to use the third degree and increasingly did so to bolster racial hierarchy.

The next article, by Paul Knepper, offers a historical perspective on another contemporary problem, human trafficking. Focusing on the 1920s, Knepper looks at battles over the League of Nation's investigation into the worldwide trafficking of women. In Knepper's account, those battles took place on two fronts: Within the League, disputes over the role of sociological jurisprudence divided the investigative team. The League's efforts were also subject to external pressures; when its investigation uncovered a trafficking route that ran between Panama and New York City, a federal prosecutor tried to force the League's agents to testify before a grand jury.

Philip Thai's article on the Chinese war on smuggling between 1928 and 1937 considers how the Nationalist regime created the crime of smuggling. Having defined the crime, the regime then used its enforcement and law-making powers to increase state authority and national sovereignty. For Thai's Nationalists, criminal justice was a way to move beyond legal imperialism. In the final article in the foursome, by Badi Hasisi and Deborah Bernstein, trials of honor killings were a space for negotiation between the colonizer (in this case the British Empire) and the colonized (the people of Mandate Palestine). Ultimately, they argue, custom won this struggle between law and custom and the cultural codes of the community shaped punishments for the crime.

The last two articles pull the reader back in time. Elizabeth Bussiere's article takes us to the 1820s, to show how Antimasonry, that favorite of

United States history survey courses, helped undermine the democratic nature of the criminal jury. She argues that divisions between Masons and Antimasons prompted some to fear that political polarization would destroy the jury system. Using that fear to their advantage, conservative judges began to set limits on juries, weakening juror autonomy and constraining jurors' ability to act as popular checks on judicial abuse of power.

The issue ends in England in the late seventeenth century with Krista Kesselring's study of the development of the doctrine that adultery could mitigate murder. Arguing that the doctrine arose later than then is commonly understood. Kesselring also shows the gendered nature of the doctrine as it originally arose. In late seventeenth century courts, adultery mitigated the act of a husband who killed his wife's lover, but did not excuse him when he killed his wife. It was not until the late nineteenth century, Kesselring argues, that shifting theories of marriage and female sexuality led courts to conclude that adultery mitigated the murder of an adulterous wife.

This issue concludes with a selection of book reviews. We invite readers to also consider American Society for Legal History's electronic discussion list, H-Law, and visit the Society's website at <http://www.legalhistorian.org/>. Readers may also be interested in viewing the journal online, at <http://journals.cambridge.org/LHR>, where they may read and search issues of the journal.

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