

2019

Editorial: SOLON Law, Crime and History Volume 9 No.1 2019

Rowbotham, Judith

Rowbotham, J. (2019) 'Editorial', SOLON Law, Crime and History, 9(1).

<http://hdl.handle.net/10026.1/14235>

SOLON Law, Crime and History

University of Plymouth

All content in PEARL is protected by copyright law. Author manuscripts are made available in accordance with publisher policies. Please cite only the published version using the details provided on the item record or document. In the absence of an open licence (e.g. Creative Commons), permissions for further reuse of content should be sought from the publisher or author.

EDITORIAL

This issue was scheduled to appear in December, but has been delayed by a series of unfortunate (work-related) events for the new editors – we apologise to our contributors and readers! However, it is an issue worth waiting for, as the articles address topics of enduring interest to the crime historian – murder in the domestic context, sentencing strategies, class and gender as well as the political manoeuvrings associated with the presentation of crime, which opens these articles up to those interested in other aspects of law and legal history.

What they also do is to reveal the importance of the new sources becoming increasingly available to scholarship, in the shape of newspapers. These have, of course, always been there as sources but not accessible and usable by researchers in the ways that digitisation of national and local titles is now making possible. Though apparently addressing different topics from different angles, this issue's articles have one feature in common. They all rely heavily on the use of newsprint presentations of crime and social commentary on criminal events and the strategies for their appropriate management. This is permitting scholarship of greater nuance and complexity, and opening up debate on themes like violence in different forms and contexts, the associations between race, class and gender and tendencies to criminality, the visibility of criminality and above all, the role of the law in action and social reception of these phenomena. Projects such as the Digital Panopticon do draw on formal court proceedings such as those provided by the Old Bailey Proceedings Online - a digitisation project that has long proved of value to legal historical scholarship. However, the Digital Panopticon has taken investigation further, thanks to the insights enabled by the increasing digitisation of research resources. Fading into history are the days of sitting in archives of varying quality, before fragile newsprint or fuzzy microfiche on irritating microfilm readers. The quality may not always be great, but it is now possible to do research which previously would have taken decades of time and travel to enable dedicated perusals of widely-scattered sources from the relative comfort of one's own study or office. We have to be deeply grateful to those

who had the vision to undertake this leap and who continue to take forward the scholarly enterprise in imaginative ways.

As the Digital Panopticon shows, when placed alongside other digitised if more traditional resources such as prison records and census data, digitised newspaper records are also proving of huge value in constructing life course histories and tracing tendencies to rehabilitation and reform for prisoners transported to Australia. Also gone are the days when newsprint was mistrusted as a source for robust scholarship. As these articles demonstrate, newsprint provides a rich resource when framed by knowledge of editorial intent, reader reception and similar factors. It is not too much to argue that the two articles on killing – femicide in Canada and fatal child neglect in England – could not have been written effectively without drawing on this media reportage of the criminal events. They are certainly also highly topical, as a quick survey of the modern media reveals. While the national and international headlines may be more sensational when fathers deliberately kill their children (and possibly themselves) fatal neglect as a form of child abuse does form part of the reportage, especially in local and regional media. Today, paternal neglect is more often explored as a psycho-social problem associated with dysfunctional interpersonal relationships than as a moral failure on the part of the men identified as neglectful parents, as is the case with the examples discussed in Alesha Lister's insightful article. What this reminds us is that it is important to consider the cultural and social factors, those relating to class, gender and ethnicity, and how expectations of the paternal role as well as (or as part of) the individual psychological profiles of men who are so identified. As this article usefully points out, the factors involved were both dynamic and complex – and that has not changed. What has changed is the media treatment, acknowledging (possibly privileging) medical interpretations of the phenomenon in ways that eluded the Victorian perspective. No nineteenth century *Lancet* article, for instance, discusses paternal neglect in the formats it uses for today's contributions. However, the nuances and echoes of the present in this article usefully remind us that our reading of incidents in the media need to be framed also by the socio-cultural factors.

These are also at work when it comes to the echoes of the present found in Katharine Kelly's interesting reflections on Canadian coverage of wife-killing. Femicide in the domestic context regularly continues, around the globe, to grab the headlines today. Once again, the article explores the complexity of societal reactions presented through trials and their reportage in key Canadian newspaper titles. Today's reportage of the killings of their intimate partners by men who are portrayed as being aggrieved for a variety of reasons underlines a present expectation that such fatalities could have been avoided had authorities recognised and responded better to a series of warning signs. In Kelly's article, and in the experience of the editors of British nineteenth century newspapers, the media then did not manifest that dimension. This is important to note, given Kelly's emphasis in her article that the intent of the reportage was to guide readers into '*what to think about*', rather than simply what to think – in other words, how to interpret and understand (and so ascribe 'blame' and 'culpability') in these incidents. What this works to underline is that there was not, as has been assumed in some scholarship, a substantive will to blame the victim for providing the fatal provocation. If there were examples of this in the British, Australian and American, as well as the Canadian press, the reality of media presentation was complex then as it is now. What Kelly's article usefully underlines is that often, the female victim remained shadowy in these media presentations, with the emphasis being on the male partner and his character and cultural make-up. Indeed, there was a willingness in the nineteenth century media to explore this dimension in a way that is not so admirably visible in the twenty-first century media.

In both the articles provided by Lister and Kelly, the emphasis was on the offence and on the individual perpetrators thereof. Trial outcomes are considered, in the shape of the sentencing handed down, but this is not taken further. Rowbotham, looking at an earlier period, considers the attitudes and arguments of a key pressure group in Victorian penal policy evolution in the shape of lawyers and their hostility to the ending of penal transportation overseas. While the Victorians did not use the term 'risk management' in relation to the choices made over penal strategies, essentially this is what the article focuses on – contemporary concerns about the risks to the community provided by the release of serious offenders back into the community on probation (then called ticket-of-leave). The UK development of domestic penal servitude from

the 1840s on was an experiment which was exhaustively discussed in the Victorian media. The fundamental question was whether prison sentences could work in a way that guaranteed the safety and welfare of the community when individuals emerged from their periods of incarceration for reintegration back into society. The domestication of the ticket-of-leave system pioneered with Australian transportation was closely monitored, and the proponents of transportation to new penal colonies kept a careful watch on examples of failed rehabilitation (time in prison was in itself the punishment; the intention was to use the prison context to reform, not punish). At a time when there is huge public debate and concern in the UK over the same question – does (*can*) prison work as a channel for desistance from crime? – it is interesting to note how significant the impact of the media has always been on how penal strategy is understood and approved of (or not) by the wider community. The fear of release on licence created by the Victorian opponents of domestic penal servitude lingers on, fairly or not, as has been shown by the negative reaction to the suggestion of Rory Stewart, the Prisons Minister, that short sentences be done away with in favour of community based reparation for offences.

Judith Rowbotham, February 2019