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Editorial

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EDITORIAL

In putting together this issue, the original intention was to provide a supplement to the second issue for 2013. However, we have now agreed to make it a discrete, third issue for 2013 as it contains a selection of the types of material featured in *Law, Crime and History*, and not merely some extra articles which needed (with REF etc in mind) to appear in 2013 but had not quite made our September deadline (this is the joy of the e-journal at such uncomfortable academic times). Even without such an imperative, there can be a very sound argument for issuing material in a timely fashion, and the first issue of *Law, Crime and History* for 2014 is expected to be a special issue, making the argument for including all the material we had ready to appear to be incorporated and thus transforming a supplement into an issue! The Conference Report, for instance, on the recent Panel meeting organised by Jackie Jones on the issue of women, human rights and sexual violence in global context is timely because of the intrinsic importance of the issue. But it is also important for us, in SOLON, because currently the original Feminist Crime Research Network (FRCN) is being revamped and rebranded as the Feminist Legal Activism Network (FLAN), under the leadership of Jackie Jones at UWE – taking up the torch from Shani D'Cruze. It will undertake a number of SOLON-style initiatives, including a project to explore the contemporary history of female legal activism in the context of women's twentieth century participation in the legal process as lawyers, magistrates and other legally-associated roles, adding therefore to our understanding of the ways in which that participation has inflected the legal system in the UK.

As Lizzie Seal comments in her article, there has been a much longer active feminist consciousness of that process and consequent participation in criminology (theoretical and applied) than is often presumed. It certainly predates substantially the 1960s. However, there is too little recognition of that, either by today's feminist scholarship or in wider work in law, crime and history. But one of the challenges FLAN will face is for that knowledge and the understanding thereby generated, to become part of the mainstream of scholarship in these areas. It remains far too easy to see women's issues as a discrete category of policy planning and implementation. A gender perspective, as Lesley Abdela regularly comments, is *still* far too often an add-on – an optional extra. Fiona Tate reminds us that so long as meetings such as that on 5 November, at the Unison building, are seen practically as 'specialist' events attracting an overwhelmingly female audience, this will not shift.

As well as the Conference Report, we include a Discussion piece, a piece of Work in Progress, and book reviews including one of a recent and important contribution to the

history of law and sexuality; a work which – as the review acknowledges – provides us, in its comprehensiveness, with a powerful challenge to the cultural moral thinking surrounding this topic. In this, the fiftieth year since the assassination of President Jack Kennedy, the discussion contribution achieves something which, in these days of specialism (chronological and locational as well as thematic), is too often not even attempted: a wide-ranging overview of a topic. Assassination is a term often bandied around and used inappropriately. Many of us know, vaguely, of its origins with a ‘mysterious’ Islamic sect – the *Hashashin* – but how have we, in the West, subsequently adopted and (mis)used the term? How useful is it? This survey provides the basis on which a more informed discussion of the issue could take place. We hope that it will generate some interest from those interested in international criminal law, and war crimes, for instance. It is certainly both instructive and thought-provoking to see such an assemblage – such a very comprehensive and encyclopaedic one – of killings of elite figures (often by other elite figures, as is pointed out here). It is the huge array of information which, in itself, raises issues, in particular about what, how when and why the terminology is used (or not used): something which this contribution broadly outlines. It is a relatively modern term: is it useful, as here, to apply it backwards to historical periods when there was no such conscious lexicon of that form of killing? How do we incorporate assassination into our conceptions of criminality? What perspective does use of a particular descriptor convey, in terms of the authority of interpretation it carries, within the legal process? Victoria’s ministers, as the piece briefly notes, were particularly keen that her would-be assassins were charged only with attempted murder and avoided the use of the term assassin (unlike the Victorian popular press). What point were they seeking to make thereby? This assemblage reveals a tradition stretching over thousands of years of killers of rulers (or their representatives as well, more latterly – something probably we simply know about more than for earlier periods rather than it being unique to modern times). There is also a tradition of claiming a justification that goes beyond personal motivations (revenge, ambition etc). Has assassination only recently, in a disillusioned world, become ‘acceptable’ and so preferable to perpetrators as a charge which enables a claim of martyrdom in a just cause to be made (especially if caught, either after a successful or unsuccessful act)? Or actually, does this piece reveal that it has always been capable of being so justified and so constitutes an inherent risk in the ‘profession’ of ruling (or representing a ruler or dominant power like the USA)? And what is also implicit in this paper is how powerless law bolstering elite authority can be in the face of a formidable array of motivations to eradicate an individual, ranging from (moral) need to (ambitious) greed.

Moral issues and the problematic of dealing legally with topics and themes which are part of everyday life and comfort for individuals and communities is also at the heart of the first

article, by Gary and Sarah Wilson. A highly topical, as well as challenging, contribution, it also goes to the heart of the SOLON project and its argument that adding a historical perspective or dimension (long or short – after all, yesterday is history!) is always a powerful tool in uncovering complexities. Those complexities may be practical or theoretical, legal or cultural – in the shape of how law is received and used. But as this contribution demonstrates, these complexities are at the core of understandings of troubling dilemmas. Why is there no clear strategy for managing something which is obviously, in widespread public opinion (readily available through various media formats), wrong to the point of downright criminality? This piece underlines that, consistently over time, the more specific the exploration of an issue becomes, the less obvious the levels of criminality involved often then becomes. Was there intent, and if so – was that intent foolish (and so forgivable without an invocation of the criminal law) or criminally reckless and so culpable? But the implications of this piece stretch beyond its main focus on financial wrong-doing, having implications for how the criminal justice process – and public support for that – copes (or fails to cope) with respectable criminality. Currently, the affairs of former Co-operative Bank Chairman Paul Flowers is coming under scrutiny. But, his entry into the criminal justice process has first related to revelations concerning his drug-dealing and other aspects of his personal life which have been labelled disgraceful. Trials of public and respectable figures for a range of offences, from phone hacking to rape, are seemingly proliferating at the moment. For such of them as are convicted, what will be an appropriate penalty, since they cannot be held to be motivated by the factors commonly held to motivate criminality – need, deprivation and poor environment? Are they to be held to be inherently ‘bad’ people, and so simply deserving of punishment by a justly outraged society – and if so, what form should that punishment take? Long or short? And given that, in theory at least, we have, since the middle of the nineteenth century and the development of the penal system as the usual outcome of conviction for crime, sought to justify such penal sentencing by incorporating also the idea that prison terms are about rehabilitation and reform – what reform can we usefully offer such respectable offenders to persuade them to desist from future offending? What is, not only, ‘punishment enough’ but also punishment which will ‘fit the crime’?

As Lizzie Seal explores, in an article which anticipates her forthcoming contribution to the Routledge SOLON series on the movement to abolish capital punishment in the twentieth century, the dilemma of what is an appropriate punishment provokes real passions. Convinced that capital punishment was simply legally sanctioned murder, Violet van der Elst challenged the forces of law and order in ways that were very direct and forceful. She and her supporters felt fully justified in so acting, because they felt that the law as it stood was not in tune with what could be termed older and greater laws in human society: divine law

(vengeance is mine, sayeth the Lord) or natural law. Antigone, as a figure, continues to be hauled out to represent the ongoing dilemma of which law does an individual put first: man-made authority or a higher authority? Man-made law forbade her to bury her brother; a higher law insisted that she had no option but to do so. Antigone's end was more tragic and unfortunate than that of Violet van der Elst, partly because her stance was more in line with growing feeling amongst policy-makers and legal professionals that capital punishment was no longer an acceptable element in the range of punishments within the criminal justice process. The other particularly significant thing which this article highlights is something often forgotten: that law-breaking and law-breakers can often be performative and consciously so. Two of the editors, Kim Stevenson and Judith Rowbotham, have contributed to scholarship in this area by writing on law's performativity from the side of the legal professionals and the legal process itself. This piece is a timely reminder that such performativity does not all belong to one side.

Finally, this issue includes a work in progress contribution – from a local history of law and disorder perspective. Small scale local studies used to be an important part of the historical lexicon, but are often now overlooked. One reason for including a piece which does not, in itself, fully explore all the issues that the material it includes promises is because, in many ways, that potential will be best exploited by linking it to other studies, permitting some useful comparative work. Especially with the emphasis on citations, impact and the ranking of publications, there is a tendency amongst crime historians, as amongst other scholars, to emphasise the grand-scale outputs in one's work. So you put away that small paper you did at a small conference, or that bit of work you did as a point of personal interest and so, you not place it in the public domain as a potential resource for other scholars: something which is a shame because, when added to other work, it could become significant. Here, we think of work being done on provincial management of law and disorder in studies being undertaken by other SOLON members, like Leah Bleakley, working on Chester, Birkenhead, and Crewe and Nantwich. So – we hope that this work in progress will act as an encouragement to similar studies which can be usefully built into a greater and illuminating whole, and publish it happily in that sense.

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