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Editorial

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EDITORIAL

This is the second of the three projected issues for this year. In academic terms, this is supposedly a quiet time – inter-REF *and* largely post exam boards and into vacation. But the context in which this issue is produced is far from quiet and peaceful, in ways which suggest that there is much work that will need to be produced by lawyers and criminologists to discuss the implications of prospective prosecutions and enquiries, and that sense of the historical dimension to incidents and individuals will be essential to comprehend them properly. At a time when there is a will to look to the historical past in terms of marking the centenary of World War One, there is international unease over tension and conflict in regions including the Ukraine and the Levant, and at the news that Japan's Prime Minister, Shinzo Abe, has successfully reinterpreted his country's constitution to give the Japanese military more flexibility to 'come to the aid of allies facing attack'. Assurances that Japan will never forget the lessons learned in World War Two have not convinced many commentators, just as there is alarm at President Putin's ambitions and agenda in the Ukraine. Equally, the practical redrawing (at least for a while) of the map of the Levant created by the treaties unpicking the Ottoman Empire at the end of World War One with the establishment of a new Islamic Caliphate across parts of Syria and Iraq has created alarm as well as heightened security and longer queues at airports. And that is not to mention on-going conflict affecting parts of Africa, including Sudan and Southern Sudan and the Democratic Republic of Congo and Rwanda, as well as tensions in Asia, including those between North Korea and its neighbours. What seems certain is that relief work and peace-keeping operations will need to expand in many areas, rather than contract. This puts a burden of expectation on various international institutions and their personnel – something addressed in the recent Global Summit organised by the UK's Foreign Office. This issue contains a substantive report on that event – but only on the Fringe events. We have yet to hear officially, and in detail, about what was discussed and what lessons were learned within the formal Summit itself. A Facebook page has been set up (End Sexual Violence in Conflict), along with a number of blogs such as the WIS one (available at <http://wiisglobal.org/wordpress1/2014/06/17/global-summit-to-end-sexual-violence-in-conflict/>) and other initiatives. But besides the Chair's Summary issued at the Summit conclusion (and available at <https://www.gov.uk/government/publications/chairs-summary-global-summit-to-end-sexual-violence-in-conflict/chairs-summary-global-summit-to-end-sexual-violence-in-conflict>), we still await more than occasional reflections from participants such as Brigid Inder and Stephanie Barbour, recently delivered in a lecture in The Hague. *The Guardian* is maintaining a page (<http://www.theguardian.com/global-development/ending-sexual-violence-in-conflict-summit>),

but if it is 'Time to Act', is all of this sufficient? Our Conference report suggests more needs to be done by a variety of international players including the UN and the British Foreign Office.

Domestically, this is also a lively time with a strong historical dimension. The intense scrutiny on the culture surrounding popular entertainers in the period of the 1960s and 1970s in particular, following the revelations of the almost incredible scale of abuse perpetrated apparently with impunity by Jimmy Savile has seen the very recent conviction and moral downfall of another high profile family favourite in the shape of Rolf Harris. Following the accidental or deliberate 'disappearance' of 114 files alleging child abuse dating back to the 1970s and 1980s, there is to be another major enquiry into whether this was mismanagement or conspiracy to cover up criminality. The pressure for investigation into this latest scandal comes at a time when child abuse by members of the Establishment has enabled or encouraged the Home Secretary to widen the focus from one simply on potentially criminal wrongdoing by Members of Parliament to one that will examine state institutions and their role in reporting, or not, child abuse and the motivations for so doing. Already, there is debate over whether the choice of Baroness Butler-Sloss to head the enquiry into how the duty of care to protect children from sexual abuse has been performed by public bodies is appropriate (albeit her recommendations from the Cleveland Inquiry in 1987 which were so well received at the time seem to have been ignored and she will no doubt experience a sense of *deja vu*). Equally, thinking of Leveson and the initial brief that the investigation he presided over was to report promptly and in timely manner, one can only ponder just how long it will be before any answers are given and how many cans of worms will end up being opened as a result – as well as how many cans will remain firmly closed. It is worth remembering that while Leveson linked proceedings may have seen trials for phone hacking ending in the conviction of Andy Coulson and the acquittal of Rebekah Brooks, there are ongoing enquiries linked to the retrial that Coulson faces which affect not just investigative journalism but also the role of that other element of the Establishment: the police forces of the UK. How many years will it be before anything bar trials of odd individuals result from things like Operation Elvedon? It is worth noting, also, that though there has been over 80 arrests linked to Operation Elvedon, the subsequent trials have not achieved the media coverage awarded to the trials of Coulson and Co, almost certainly because the participants have not the fame (or notoriety) to make proceedings against them inherently sensational, and we have yet to sensationalise – if we ever do – the issue of improper contacts between the police and investigative journalism.

The first of the articles featured in this issue, by Kate Bates, reveals that sensationalism has many purposes besides catching popular attention – a factor often not considered in studies of sensationalist media. This article argues that it was intended to highlight the complexities that lie behind sensational crimes such as murder – the key criminal focus of her article. The claim is powerfully made that appeals to popular compassion and understanding of the motivations of murderers were intrinsic to these information summaries. Her case is that they were the forerunners to modern tabloid titles today: but her conclusions also raise the question of how far today's media is similarly successfully nuanced in terms of how they pitch their popular appeal. We are delighted to publish this, not just because it complements the work of the journal's editorial board on the history of crime reportage in newspapers in their book *Crime News*. This stands as an important contribution to the debate on media sensationalism in its own right, taking the considerations of previous scholars like Victor Neuberg, David Vincent and Richard Altick to a different level, and linking it to considerations of depictions and understandings of violence in societies.

It is also delightful that this issue is dominated by contributions from scholars who have recently completed their PhDs. Kate Bates' article, for instance, derives from her recent PhD at Keele. It is complemented by a contribution from another young scholar which owes much to her PhD – the piece by Cerian Griffiths on the Prisoners' Counsel Act 1836. Examining the development of the criminal trial process over much the same period as that focused on by Bates, this contribution provides a useful challenge to established thinking about the emergence of the modern adversarial trial and the contribution made by this much understudied piece of legislation. It is a broadly interdisciplinary piece, showing real insights into the nature of the Bar, and the complex motivations of would-be legal reformers as well as revealing the weight of opinion which opposed changes, emanating – tellingly – from figures like Brougham and Jeremy Bentham. Her use of Hansard to explore the dimensions of reactions to the legislation is particularly useful: it could be remembered that not only were many members of both Houses in touch with legal practitioners of the day, but also – were lawyers themselves (only ten years later, an editorial in *The Times* would complain about the predominance of the legal profession in the Commons in particular). It is also useful that the low status and opinion of the profession at the time is invoked as a factor in promoting understanding of the passage of the legislation and the muted reaction from the Bar to it. It is not often that important legislative measures are given the detailed scrutiny afforded to this Act in this article: we would welcome more contributions which did the same. Object lessons about the complexity of the factors combining to enable the passage of 'reforms' can be usefully learned from this, and they have a relevance today, when the nature and shape of the criminal trial is also being scrutinised – especially in the light of the legal aid issue and

how far the use of counsel is an important tool in the provision of justice for the defence in particular.

Our third article, by Ellen Leichtman, moves across the Atlantic, and also moves chronologically, with a focus on the interwar period in US policing. Again provided by an up and coming scholar drawing on recent PhD scholarship at Brown, this raises provocative questions about the nature of militarism in Western police forces. Given that former military men were so regularly appointed to senior police positions, how far can the claims of an avoidance of militarism be sustained? This closely argued contribution shows the insidious nature of the militarism such men could bring, and while Smedley Butler's tactics were particularly provocative and overt, leading to his downfall, not all the contextual cultural contributions were. As Leichtman points out, the language of 'wars' on crime which is so commonplace today derives from such attitudes – certainly it was not rhetoric that predates modern uniformed policing!

The issue is also complemented by a contribution to our occasional research forum section (and we do always welcome such contributions, especially from practitioners and other interested parties engaging with the legal process). John Kirkhope provides for us a highly individual perspective on how, and why, he became engaged in various legal tussles with the Duchy of Cornwall. He reveals his perspective on what the Duchy represents, and the relevance of the 'arcane' for modern constitutionalism. It is not a piece written by a formal academic scholar, but perhaps for that reason, it is the more challenging to academic readers. It should make readers question a number of research practices and motivations, as well as the impact of the intrusion of personal 'baggage' on the research project. If we are honest, such baggage is brought by all of us to research projects we care passionately about: but we rarely make it plain even though it has a clear impact on our perspectives and judgments. It is often felt to be 'not done': one of the editors remembers vividly the criticism of historian Antoinette Burton for acknowledging that one of her works was written from the perspective she adopted because she was a woman, and white. Much tut-tutery was expressed and it is that atmosphere of academic propriety which encourages so many of us not to frame our researches and writings with the honesty that is shown here. It is refreshing as well as instructive to read a piece such as this which lays plain the origins of particular angles of research and how this underpins the conclusions reached. As such, we believe it

earns, unequivocally, a place in a journal such as *Law, Crime and History*, not simply because of its intrinsic merits but also because of its extrinsic ones. We chose to include it in the journal under this heading partly because we wanted to highlight that we hope that it will be seen and understood as a debate piece on many levels. Finally, we provide two book reviews, which speak for themselves and so need no extra notice taken in the editorial.

SOLON News

First, SOLON is proud to announce that it has again re-entered the modern world, after a first attempt a couple of years ago which failed largely due to the incompetence of the editors! Thanks to Iain Channing's role in SOLON, we have started tweeting again this summer. This time there are two accounts under the SOLON umbrella. The first is the already established [@SOLONNetwork](#) which will continue to promote the research, conferences and events which have been published and organised by SOLON members. The second, [@LawCrimeHistory](#) will be used to promote the research published in the journal *Law, Crime and History*. It is hoped that by tweeting links and commenting on individual articles, this will open up a platform for debate that will stimulate further discussion (albeit within only 140 characters at a time!). By cross-tweeting between these two accounts as well as the accounts that the journals contributors may use, this will help promote the work of both the individual researcher and the SOLON network.

In addition, the Routledge SOLON series is doing well, with the appearance of its latest volume, by Sarah Wilson, *The Origins of Modern Financial Crime*. We remind readers we are always happy to receive new proposals for the series!

Judith Rowbotham, Kim Stevenson and Samantha Pegg
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