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Towards Historical Criminology

David Churchill

Unlike many others in this collection, the present essay is not concerned with a clearly-defined body of scholarship. “Historical criminology” exists in the sense that there are particular studies which can readily be identified as such; yet it does not exist in the same way as “criminal justice history”, “criminology”, “police studies” or “the history of violence” – that is, as a clearly identified field of intellectual enquiry. Historical criminology lacks a recognised scholarly lineage, shared conceptual resources or common methodological tools and conventions. Most of all, it is without a clear sense of itself as a collective intellectual enterprise, and hence without a sustained programme of critical reflection upon its scholarly practices. “Historical criminology” seems to demand accompanying quotation marks, as if to hold it together; the phrase is not an uncontentious reference to an existing endeavour, but rather an assertion, *in spite of appearances*, that there is such a thing at all.

Accordingly, this essay does not suggest directions for future research *within* historical criminology; rather, it recommends the development of several broad lines of research *towards* historical criminology. Firstly, and of necessity, it asks what historical criminology might be, as a line of intellectual enquiry, and how it might be distinguished from closely related work in criminology and criminal justice history. Central to this attempt to distinguish historical criminology is an engagement with concepts of historical time. Thereafter, building on these conceptual resources, the essay suggests directions for developing future research, which together might lead to clearer recognition of historical criminology as a discrete intellectual enterprise. Throughout, historical criminology is constructed as a broad church, encompassing studies pursued for various purposes and via different methods; nevertheless, the essay argues that even such disparate scholarly endeavours have something significant to gain from development within the context of a shared intellectual enterprise and common conceptual framework.

WHAT IS “HISTORICAL CRIMINOLOGY”?

The term has appeared occasionally in recent years, yet there has been little effort to identify its distinguishing characteristics¹. “Historical criminology” speaks immediately to engagement between two established disciplines or fields – history and criminology – which may range from cross-disciplinary dialogue to interdisciplinary fusion. However, its primary scholarly domain would appear to be criminology: the phrase suggests *historical* works of *criminology*, rather than a work of history as such. One

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¹ See Bosworth (2001); Godfrey *et al.* (2008, ch.2); Knepper and Scicluna (2010); Flaatten and Ystehede (2014); Deflem (2015).

might thus posit a provisional definition of “historical criminology” as: *the work of criminology done in an historical mode*². This definition allows one to draw contrasts with “criminal justice history” and “criminological history”. In the first case, criminal justice history is the work of history concerned with crime and criminal justice, as topics; in the second, one might define criminological history as the work of history informed by criminological concepts, theories or methods. By contrast with each, historical criminology is not the work of history as such, but an historical work of criminology.

The most urgent question, then, is what it means to do criminology “in an historical mode”. I take this to mean something more than doing a criminology of the past, or to do criminology as if one were doing history: beyond this, historical criminology should exhibit how “the historical” is central to the core categories, concepts and theories of criminology at large³. There are several aspects of “the historical” and of “historical” enquiry, yet I wish here to focus on one: a regard for *time*, and for *historical time* in particular. Hence, the directions for future research towards historical criminology, outlined below, are essentially suggested means of engaging more deeply and creatively with concepts of historical time in criminological research. Studies of history are, on the main, concerned with historical time in a quite specific (and restricted) sense: they are commonly oriented to a delimited section of the past (a “period”), and to change within and between periods of past time. By contrast, most historical works in criminology gain traction from their orientation to the present – from their use of historical enquiry to speak to contemporary concerns⁴. The purposes of such works vary widely, and include, amongst others: providing historical context for contemporary enquiry; explaining present arrangements; revaluing present institutions or practices; characterising contemporary crime and justice; and testing or building criminological theories or frameworks. In each case, scholars find recourse to the past not for its own sake, but to shed light on matters of concern in the present or in contemporary scholarship; in this way, the practice of historical criminology tends to reflect the prevailing temporal horizons of criminology as a field⁵.

DIRECTIONS FOR FUTURE RESEARCH

Having established a working definition of historical criminology, the remainder of this essay outlines some means of further developing it as a research area. As already stated, it seeks specifically to elaborate ways in which scholars might engage further with concepts of historical time, and thus exhibit the historical character of matters of criminological concern. The present moment is well suited to exploring further how to conceptualise historical time in studies of crime and justice, for two

² This definition differs from the only other which I have come across (Flaatten and Ystehede 2014, p.136): “We class all historical studies relevant to topics and discussions in the field of criminology, criminal law, the criminal sciences and the criminal justice system as Historical Criminology.”

³ Compare with Calhoun’s vision of historical sociology (1996, p.328).

⁴ Lawrence (2012). Compare with Hayden White’s (2014) contrast between the “historical past” and the “practical past”.

⁵ See Rock (2005); Lawrence (2012).

reasons. Firstly, recent years have seen a growth in work on time and temporality within criminology, which touches upon how time shapes governmental projects of security and law, and how it informs everyday experiences of crime, security and justice⁶. Secondly – and, for present purposes, more significantly – recent years have seen a burgeoning interest in time in historical theory and the philosophy of history⁷. Much of this work has stressed the plurality of historical time – rather than seeing it as a unitary, continuous thread running through the chronological expanse, newer interpretations centre on multiple speeds, planes or movements of time, intersecting and interrelating in complex ways. Especially influential here is the work of Reinhart Koselleck, whose notion of “layers of time” (*Zeitschichten*) suggests multiple lineages from pasts to futures, which flow through any given present⁸. Koselleck’s work on historical time was part of his attempt to provide a theory of history, a project in which historical criminology will necessarily be little concerned; however, the insights of Koselleck and other theorists of historical time have left a rich and versatile set of conceptual resources, which suggest innovative directions for historical research in crime and justice which breaches the confines of conventional historiography.

Firstly, historical criminology could benefit from rethinking approaches to perhaps its most familiar terrain – that is, to long-term analysis of change through time, which links past with present. There is always a danger in such works – which certainly affected the classical, long-term accounts of change in crime and justice in modern times – to cast historical change as an essentially unitary process of passage from an alien past to a familiar present. Thus, historians and sociologists traced the journey of criminal justice history along a linear path of modernisation, from a traditional system of communal control to a modern complex of state policing⁹. Future work in historical criminology might usefully confront the limitations of such well-worn modes of long-term analysis, by reflecting on the plurality of historical time and the diversity of developments through any given timeframe¹⁰. In this way, rather than tracing a single thread of historical transformation, one might instead chart multiple lineages of historical passage, and thus reveal the nuances, complexities and ironies of long-term change. The result would be a less totalising view of historical change, yet also a view more generous in terms of its referents in past time. The notion of layers of historical time contains the potential for an assault on conventional lines of periodisation, and the sharp division between modern and pre-modern eras – and, hence, the “closure of history” (*Stilllegung der Geschichte*) – which they serve to entrench in many areas of scholarship¹¹. Rather than tracing the origin and fruition of present arrangements back through a delimited (“modern”) chronological horizon, a pluralistic approach would allow greater scope for present-oriented enquiry stretching back before the supposed dawn of the “modern” age.

⁶ See especially Farmer (2010); Valverde (2014); Crawford (2014); Crawford and Hutchinson (2016).

⁷ See for example Corfield (2007); Lorenz and Bevernage (2013).

⁸ Koselleck (2002, 2004). See also Zammito (2004).

⁹ For a critical survey, see Churchill (2014). Note that, in the main, it is local histories – of particular times and/or places – which have upset such accounts of macro-historical change, rather than alternative accounts of the *longue durée*.

¹⁰ For a complementary argument concerning genealogy, see Stenson (1998).

¹¹ Zammito (2004, p.133); Jordheim (2012).

Secondly, historical criminology might profit from further development of comparative modes of historical analysis. I have in mind here not comparisons between different localities *within* a given time, but less conventional forms of historical comparison *across* times. Perhaps the most obvious variant is the past/present comparison: this approach has been pursued in specific fields, including public responses to child murder cases and plural policing arrangements¹², yet it might usefully be developed more widely. Additionally, it might be worthwhile to reflect critically, in a more sustained fashion than hitherto, on the methodological and conceptual issues which such comparative enquiries confront. The very notion of comparison seems to suggest a certain affinity between two (or more) objects of study – that they are “comparable”. Yet historical juxtapositions might also be used critically to interrogate that notion in specific cases: for example, to ask whether, by juxtaposing the governance of crime and disorder in the Regency period and in the contemporary era, one may speak of “policing” in the same sense across both cases. Furthermore, comparative work of this type poses a major challenge in terms of historical familiarity. As a leading scholar of comparative criminal justice has argued, one can avoid glib or superficial comparisons only by understanding both cases richly, in detail, on their own terms. In a contemporary context, this involves having a foot in (at least) two camps – two languages, two cultures, two histories, two social structures, two legal systems, and so on¹³. This discipline might be replicated in historical comparison: yet, to take the case of the past/present comparison, how few scholars are there who can be said to live and breathe the crime and justice in both the past and the present? Hence, in developing historical comparisons of crime and justice in particular, one might justly prescribe a greater level of collaboration – and sustained mutually learning – between scholars of different historical eras, the contemporary included.

Thirdly, historical criminology might be advanced through more sustained attention to how traces of the past – in material and memorial forms, both within particular institutions and amongst the population at large – persist in the present, and the role these traces play in contemporary crime and justice. Such enquiries might focus on the contemporary era (present-past in present-present) or upon a specific period in past time (past-past in past-present). There is, of course, a distinguished pedigree of this kind of work concerning crime and justice, perhaps especially concerning the role of idealised depictions of past time (as a “golden age”) in contemporary politics and culture¹⁴. Yet there are other fertile fields also. Promising avenues for further development include delving deeper into the mechanics of “institutional” memory within criminal justice institutions of various kinds, and how they have shaped policy and practice¹⁵. There are also further opportunities to explore the role of popular memory in shaping public attitudes towards crime and justice, and especially how diverse pasts are mobilised by different social groups¹⁶. Perhaps especially, there are vital roles for historical research to play in confronting contemporary crime and

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¹² Rowbotham *et al* (2003); Zedner (2006).

¹³ Nelken (2010).

¹⁴ See for example Pearson (1983).

¹⁵ See for example Dunnage (2017).

¹⁶ See for example Loader and Mulcahy (2003).

justice challenges which have an explicit memorial component, notably historic criminal offences and transitional justice. Historical research may help to place such contemporary engagements with the past in the context of the times concerned, and thus to aid understanding of past wrongs and responses to them¹⁷. Yet there are other potentially fruitful purposes to pursue here too: given the intrinsically historical quality to such phenomena, work within historical criminology might usefully explore the processes by which contemporary investigative, judicial or otherwise “official” representations of the past are produced, the political struggles by which troublesome or compromising pasts may be marginalised within official culture, and the capacities for critical insight which might derive from the development of “alternative” spaces of archival or oral knowledge¹⁸.

Finally, historical enquiry has an important role to play in contributing to studies of crime and justice not just past and present, but also in the future. Recent years have seen increasing interest in prospective modes of governing crime, via risk governance and other preventative logics of security and justice¹⁹. There is already a body of work in crime science which seeks to illuminate likely future trends in crime, by feeding anticipated future developments in the contexts of offending through particular theoretical frameworks (notably those derived from rational choice and routine activity theory)²⁰. However, there is a need for such attention to contemporary horizons to be complemented by specifically *historical* work on crime and justice futures. An appreciation of historical time suggests that understanding futures – whether that means imagining, simulating, predicting, anticipating or otherwise making sense of them – requires grasping not just emerging directions and developments, but also recognising how times change and the manifold (often unforeseen) consequences such change. Historical futures research may proceed by analogy with visions of futures past, analysing the combination of persistence and divergence in visions of the future, past and present, in specific contexts²¹. Yet there is also a more direct role for historical research in understanding possible, probable and preferable futures in crime and justice from the vantage point of our present. As significant investments are made in better understanding what the future may hold for crime and justice²², it is incumbent upon historical researchers – who are used to dealing with times of change – to contribute to such debates²³.

By engaging with notions of historical time in a more creative and reflexive spirit – by these means or others – historical research might speak more directly to the concerns of criminology as a field. Such an open-ended approach provides multiple routes for scholars to exhibit the significance of “the historical” in diverse matters of criminological concern. Furthermore, it also provides avenues by which historical

¹⁷ See for example Jackson (2015).

¹⁸ See especially Bevernage (2010).

¹⁹ Zedner (2007).

²⁰ See for example Pease (1997).

²¹ Part of my current research proceeds in this way: see Churchill *et al.* (2017).

²² Leading, for example, to the establishment of the Dawes Centre for Future Crime within the Jill Dando Institute for Crime Science, University College London, in 2016: <http://www.engineering.ucl.ac.uk/news/ucl-launches-new-centre-future-crimes/>.

²³ For example, by thinking through future scenarios: see Staley (2002).

research might contribute more effectively to criminological theory. Works of history often “borrow” and repurpose aspects of social theory in innovative ways, yet, in so doing, they rarely reflect in a sustained way on the nature of their contribution to social theory²⁴. Innovating in the “time positions” of specific pieces of historical research would likely yield implications which transcend a given period of past time, and thus provide a ready pathway to meaningful exchange with social and criminological theory.

LOOKING AHEAD

This essay has deliberately treated historical criminology as distinct from the “history and criminology” question – that is, the persistent difficulty encountered in establishing sustained dialogue and interchange between historians and criminologists. Yet it may be useful in the space remaining to suggest how the research directions outlined above might further efforts to foster more meaningful exchange between these two areas of scholarly enquiry²⁵. Paul Lawrence has valuably suggested that close relations between history and criminology require more than simply overlapping interests, or even shared political concerns – what is required in addition is a shared sense of historical time²⁶. To a considerable extent, the early social historians of crime and the “new” criminologists of the 1970s shared the conviction that the social forces governing their own time were first set in play in the era of the industrial revolution. Theirs was a self-consciously modern age, with a well-established historical pedigree. Such confidence in discerning the shape of history has since crumbled. On the one hand, assurance about “modernity” as a single, coherent historical entity has given way to either wholesale rejection of the term or an appreciation of multiple, distinct “modernities”. On the other hand, the correspondence of the “modern” to the “contemporary” has been complicated by claims that we now live in “post-modernity”, “late-modernity” or some other epoch, which has succeeded the modern world of the historian’s study²⁷.

In these circumstances – when historians, sociologists and others seem to have lost their collective bearings on historical time – how might we re-forge dialogue between history and criminology? The answer, I suggest, lies not in reasserting a modern dividing line in history, around the turn of the nineteenth century or elsewhere; no longer will the notion that a particular past era was uniquely formative of our present gain collective assent. Instead, I propose that we re-forge a shared sense of historical time by embracing its plurality. Moving away from firm, *a priori* assumptions concerning the (contemporary) “relevance” of insights and data from particular times – and the inflexible logic of pre- and post- which comes with conventional lines of periodisation – we might instead create space for a more critical and nuanced understanding of “the historical” and how it matters to criminology. Surrendering

²⁴ Sewell (2005, ch.1).

²⁵ These final paragraphs embellish an argument first outlined in Churchill (2015).

²⁶ Lawrence (2012).

²⁷ For a critical appraisal, see Savage (2009).

the notion of a singular shape to history need not leave us lost; rather, in doing so, we might actually retrieve a common understanding of how historical time moves, and thereby lay the foundations for a rather richer culture of engagement, cross-fertilisation, and collaboration across this particular disciplinary divide.

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