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- 1 This collection of essays addresses, for the most part, not deviant behavior itself but its definition and treatment, its place in law and culture. The editors attempt to demonstrate the relevance of history to present concerns by looking at Victorian and contemporary deviance issues together, comparing continuities and differences. The hope is expressed to «resist... the remorseless focus on the present moment in so much of contemporary life» by «engaging with the present through a re-appropriation of the past.» [xiii] This volume casts its net more widely than the usual focus on crime and criminality in order to highlight the «essentially fluid boundary» between the criminal and the anti-social, both in the past and the present.
- 2 In one of the essays the volume's editors, Judith Rowbotham and Kim Stevenson, compare the links between the media and the law then and now, suggesting that even in the earlier period such links were stronger than often appreciated. David Bentley, a judge and legal historian, approaches the present crisis of confidence in the English criminal trial system by examining how key features of the system compare to its Victorian form, finding not only improvement in many respects but retrogression in

some, chiefly in the area of evidential protection. Policing in the two eras is examined by Tom Williamson, a former Deputy Chief Constable and a forensic psychologist, who highlights the continuance of certain public myths, as does Roger Hopkins Burke, a criminologist. A legal scholar, Sarah Wilson, explores financial crime – the Victorian «discovery» or «invention» of it as compared to its contemporary manifestations. David Nash, an historian, examines the history of the crime of blasphemy down to its surprising continuing existence, if in quite different form than that of the nineteenth century. Gambling, as a social and a legal issue, is looked at by the criminologist, Mike Ahearne.

- 3 The control of public protest is interestingly addressed by the legal scholar Richard Stone through a comparison of the legal treatment of the disturbances provoked in the 1880s by anti-Salvation Army rioters with that of the anti-hunting protestors of the 1990s. He finds firstly the Victorian Home Office relying on local authorities but its contemporary counterpart turning to national legislation, and secondly, the Victorian law controlling the behavior of the lawful group – the Salvation Army – provoking the protestors, but the contemporary law concentrating its sanctions upon the protestors. He draws from this comparison a warning against «the modern rush to legislation» as well as an implied criticism of the contemporary Home Office for its readiness to discipline anti-hunting protestors. In a similar mood, Kiron Reid, a Lecturer in Law, contrasts the pronounced move to centralization and increased state intervention in recent criminal justice legislation with the greater localism and flexibility allowed by Victorian legislation, and queries whether the recent rush of legislation represents an advance or a retrogression.
- 4 An essay on husband-murder (a rather straightforward sort of «bad behavior») by Judith Knelman, a media scholar, complains that «wife-murder was taken less seriously than any other kind of murder in the English justice system», but fails to supply any evidence for this dubious claim. [193] She points to a continuity between Victorians and our time in the criminal law's disadvantaging of women, citing several well-known recent cases. M.E. Rodgers, a solicitor and legal scholar, similarly argues for the continuities between Victorian and contemporary propensities to perceive «unwomanly» behavior as mental illness, bringing in analyses of several legal cases from the 1990s.
- 5 Pornography is the subject of some of the most interesting contributions. A postgraduate student in law and technology, Gavin Sutter, looks at moral panics over new corrupting media, comparing Victorian panic about «penny dreadfuls» with contemporary panic about cyberporn. In one of the most thoughtful essays, the solicitor and legal scholar Tom Lewis looks at Victorian and modern legal responses to pornography and highlights the central paradox of the Victorian legal response. «The law», he observes, «was caught between polar aims. On the one hand it was necessary to protect the home from the pollution of obscenity – the product of the public world... But on the other hand the law was desperately concerned lest it interfere with the privacy of the freeborn Englishman – the freedom to read and view whatever he wanted in his own private domain.» [157] The paradox is heightened, he points out, by the fact that the very separation of public and private worlds that produced the cult of domesticity was created by the same technological and social changes that made the wide dissemination of pornography itself possible. In some ways, he concludes, Victorian tensions remain today, in our own highly confused responses to

pornography. Also dealing with pornography, the leading feminist legal scholar, Susan Edwards, takes up a somewhat different stance from the rest of the volume's contributors, finding in both Victorian and contemporary responses to child pornography not panic but denial. She writes more as the reformer than the social analyst, passing quickly over the past to get to the present, and seeking to explain why a real social evil was for so long unacknowledged, and even today, in her view, addressed with insufficient vigor. Her answer focuses less on resistance to what might be called enlightened values, but, more intriguingly, within enlightened values themselves: «rights in the abstract», she notes, «have become the contemporary force to be reckoned with, where the right to freedom of speech (which includes pornography), and the right to privacy (which includes possession of child pornography), wage war against the right of the child to be protected.» [191] One wishes several of the other contributors to the volume had as perspicaciously confronted such difficult contradictions within their own progressive values.

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