Gerd Schwerhoff, *Aktenkundig und gerichtsnotorisch. Einführung in die Historische Kriminalitätsforschung*

Tübingen, edition diskord 1999, 224 p., ISBN 3-899295-668-5

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- 1 The writings about the history of crime in (German) historiography are deeply influenced by the way the relations between state and the society have been conceptualized during the last decades: Until the 1970s many studies pursued a relatively straightforward conflict-theory-approach: repressive state agencies were seen as imposing their defining powers on the lower classes, thus creating criminality. But with the turn towards cultural history in the late 1980s and the 1990s matters changed, became more complicated and somehow more fluid. In Germany, Gerd Schwerhoff is one of the pioneers of this turn. His book thus raises high expectations. To put it short: Schwerhoff gives a stimulating introduction into some of the major issues addressed by the German historiography on crime and criminal justice. The book is focussed on the late medieval, pre-modern years, and on the early 19th century. Schwerhoff not only reviews German language contributions in this field, but tries to put them into an international-comparative perspective as well.
- 2 The book consists of three parts. The first chapters (pp. 9-83) give an overview about key terms (criminality, delinquency) – and the way these concepts have been used in German historiography – and provide some basic information about the relevant German language source material (statistical data, court files, crime stories). As these chapters touch upon methodological problems and theoretical concepts, they provide

interdisciplinary links as well. Schwerhoff points out the influence the concept of social control had for the beginnings of German crime and criminal justice history. According to Schwerhoff, German research in this field does not deal with delinquency only, but has a focus on interrelated topics such as the construction of social order and social conflicts and the formal and informal norms involved in these processes, thus trying to place them in the well-known triangle that consists of norms, deviant behaviour and sanctions.

- 3 In these introductory chapters, Schwerhoff discusses the impact of Foucault on German historiography, and, at more length, the impulses coming from modern criminology and criminal sociology (pp. 69-83). Initially, the reception of theories and case studies from the anglo-american sociology, among them above all labelling theories meant an innovative approach for the German historiography on crime and criminal justice, but since then, the conceptual and theoretical backgrounds of the *Historische Kriminalitätsforschung* have diversified significantly, including now foucauldian approaches and concepts from cultural history. When looking on German research from a methodological point of view, Schwerhoff sees two competing approaches: On the one hand, he (still) sees cliometrical approaches, using aggregated statistical data (crime statistics), but on the other hand, he observes a increasing (and significant) bias in favour of strictly hermeneutical interpretations (p. 46), which he sees as resulting from a growing influence of cultural history.
- 4 The first pioneering German studies appeared in the late 1970s; since the beginning of the 1990s, there is a sort of boom of German-language historical research on crime and criminal justice. Current research activities include analyses of popular and 'official' discourses of crime, among them 'modern legends' which were analysed as communication about moral ideas and concepts.
- 5 In the second part of the book (pp. 84-167), Schwerhoff summarises some results German research has provided in selected research areas (aspects of criminal justice, violent crime, the criminal underworld, gender and criminology). When discussing the history of violence, Schwerhoff disagrees with Norbert Elias' notion of an increasing affect control but instead argues for a growing de-dramatisation of violence. Schwerhoff points to the facts that it was present in the norms of male honour. Until the mid 19th century it was mostly peasants and artisans who resorted to violence.
- 6 The third part of the book is designed as an introduction into the sources of German crime and criminal justice history by reprinting selected source material (pp. 168-194). The book closes with a very well-structured bibliography (pp. 195-224). Instead of reprinting sources, I would have preferred more pages for the discussion of research results, for information on relevant websites and research networks. Having read Schwerhoff's book reinforces the impression that German language studies in this field will continue in a creative manner combining cultural and social historical approaches.

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