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Ideologies, structures, and contingencies: writing the history of British criminal justice since 1975

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Ideologies, structures, and contingencies: writing the history of British criminal justice since 1975

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Chris A. Williams

This article has benefited from viewing unpublished work by Laura Allan and Richard MacMahon, and conversational input over the years from many of the people whose work is referenced here, for which I am grateful. The errors remain mine.

Introduction

- 1 The social history of criminal justice is no exception to the massive expansion in history scholarship that has occurred in the last thirty years. It is a complex task to construct a coherent picture from the mass of work available; but nevertheless, some patterns are noticeable. Perhaps the most important trend is the ongoing progress of empirical revision, which tends to nuance large-scale claims, and usually narrows their scope. Yet within this increasingly complex picture, there are some visible broad trends.
- 2 This article draws on an existing body of historiographical reviews, which have variously sought to: proclaim new approaches in the field; defend the social history of criminal justice against the claims of traditional legal history; analyse the context and main features of the newly-arrived 'crime wave'; characterise ongoing research; introduce the topic to criminologists; and look back over the most recent period.¹ The amount of work it must cover is illustrated by the Royal Historical Society's bibliography of books and articles, two relevant headings from which are represented in the table below. There is some overlap between the categories but each tells a consistent story of steady growth.

Table: Books and articles published on British criminal justice history²

Period	'Law Enforcement'	'Crime and misdemeanour'
1975-9	51	205
1980-4	56	208
1985-9	80	278
1990-4	132	399
1995-9	150	540
2000-4	163	807
Totals	632	2437

Source: Royal Historical Society's Bibliography of British and Irish History.

- 3 It is obvious that this discussion can only touch on a fraction of this work: it will concentrate on some of the main trends and how they have manifested themselves in the coverage of certain selected topics.

Four Key Interventions

- 4 The social history of crime was initially justified chiefly as a means to an end. Through the records of the criminal justice system, the lives of the poor and marginalised Britons who otherwise made little impact on the official sources could be explored; thus the project held out the prospect of a window into a 'total history'.³ The period under consideration opened with four defining interventions into criminal justice history, which have continued to reverberate to the present:
- 5 Firstly, Foucault's inversion of the traditional image of advancing penal humanitarianism and its links to modernity gave historians a new insight into the concepts of power, knowledge, and the technologies of bodily control: these offered a set of ideas which could be, and were, used to examine fruitfully many other topics.⁴
- 6 Secondly, the 'Warwick School' produced a number of linked and highly influential works on the eighteenth-century criminal justice system, which they saw as a chief bulwark of the state.⁵ Hay offered a persuasively-argued reading of the eighteenth century Assize courts, which argued that elite hegemony was maintained in the way that the law was reified, and the royal prerogative of mercy was implemented.⁶
- 7 Thirdly, in three highly influential articles which developed the 'revisionist' reading of policing, Storch challenged the idea that British 'new police' were the uncontentious product of a cosy consensus.⁷
- 8 Fourthly, Gatrell and Hadden's work on the decline of serious crime in the later nineteenth century was among the first to make systematic use of the statistics of

prosecutions and recorded crimes which were compiled officially from 1805, and in greater detail from 1858.⁸

- 9 I will go on to trace the way that these have influenced subsequent research, before examining some additional factors and then advancing a conclusion.

1. The History of the Prison and Penal Policy

- 10 Foucault's impact on the history of the British penal system has been paradoxical: his work generated much fruitful research, but the outcome of this was largely critical of his central arguments about changing penal practice. Ignatieff offered perhaps their most complete defence in 'A Just Measure of Pain', but this was followed by a retreat and autocritique.⁹ The desire to create a total institution was certainly present, and the early penitentiaries tried to meet it: but they were only ever a tiny part of the prison system. The most impressive test of Foucault's hypotheses is probably DeLacey's study of the outcomes of penal policy in Lancashire. She emphatically concluded that, apart from a brief period in one prison, none of the county's prisons ever resembled the regulated and controlled world of their supposed exemplar, Pentonville. Another tendency of research in this field has been to push back the 'start date' for many innovations. King's description of the Refuge for the Destitute, which in the first decades of the nineteenth century functioned as London's reformatory in all but name, is but one example of change on the ground driving reform in advance of legislative sanction.¹⁰ In the 1980s, Beier characterised London's sixteenth-century Bridewell as 'a proto-penal institution that failed'.¹¹ The close control of the prisoners' bodies and their routines in the various early modern Bridewells casts doubt on Foucault's association between the desire to punish the psyche and the advent of modernity.
- 11 Substantive work on the effects of nineteenth-century penal policy has also been carried out from within older intellectual traditions, such as Forsythe's work on the origins and outcomes of the debate in the 1830s between the advocates of the 'separate system' – who justified themselves in religious terms – and those of the 'silent system', whose motivation often derived from materialist psychology.¹² This is essentially empiricist, as is the work of Gatrell and McGowan, whose (not identical) positions on the role of empathy in the decline of the public execution in Britain both derive from primary source research, rather than from any over-arching ideas about social evolution.¹³ The most fruitful works of research into the histories of penology and penal policy are Weiner's 'Reconstructing the Criminal', and Garland's 'Punishment and Welfare', both of which cover the later nineteenth century. They look at the area of policy formation in detail, and portray a complex and convincing picture of changes in the nature of penal policy.¹⁴ Yet they too are exposed to a critique from Bailey which draws on other sources to offer new conclusions about penal discourse, and analyses events on the ground, which as ever did not always move in the intended directions. He circumscribes their conclusions and points out that the chief social fact of the early twentieth century was a massive decarceration.¹⁵ Brown has taken this viewpoint one step closer to the event, and used a close analysis of prison disturbances to back up and extend Bailey's critique.¹⁶
- 12 Foucault's views on the close relationship between knowledge and power within the criminal justice system have certainly contributed to some fruitful avenues of research, such as that into the creation of a bureaucratically-identified 'criminal class', subject to

police supervision. This development took place against a background of disquiet about the ending of criminal transportation, and the precipitating event was a series of crime scares, known as 'garrotting panics', in the mid-nineteenth century. Bartrip, Davis and Sindall have all looked at the mechanics of these panics and the way that they led to new legislation, including the re-introduction of corporal punishment, and (from 1864) allowing police supervision of released convicts.¹⁷ The way that this officially-defined 'criminal class' influenced the development of the Metropolitan Police has been explored by Petrow.¹⁸ The key theme in the science of tracking the criminal is identification, and Ireland and Sekula have assessed the wider significance of police use of photography for this purpose.¹⁹ This area is one example (another is the study of Bentham's Panopticon) of the process whereby historical research has provided an essential starting point for the emerging discipline of surveillance studies: paradoxically, Foucault's impact is felt most strongly outside the prison walls.

2. The history of British police

- 13 In the history of British policing, the old 'Whig' view – teleological and celebratory – is now long gone, largely owing to the work of Storch and Philips in the 1970s. Yet the task of explaining and describing the transition from 'old' to 'new' policing remains.²⁰
- 14 Wrightson identified 'two concepts of order' in early modern England: one emanating from statute law, the other from popular norms and values. It was in the enforcement (or non-enforcement) of the law that these two concepts collided.²¹ Parishes or wards controlled and financed the 'old' policing systems, and thus had discretion to under-enforce unpopular law. Perhaps the most important change attendant on the introduction of 'new police' systems in the nineteenth century was the ending of this local veto over enforcement. There has been an impressive degree of correlation in historical research on the unreformed 'old' police systems.²² It has uniformly shown how the view of old policing as ineffectual, corrupt and contemptible was a falsehood largely deriving from the polemics of a later generation of police reformers. The best systematic study of the rural constable in the early modern period is Kent's 'The English Village Constable'.²³ This challenges the accuracy of those critiques of the constable which accused them of low status and incompetence. Kent concludes that despite the tension between the demands of the justices and the norms of their local communities, overall the men were of respectable status and the system worked.
- 15 Another concept which has failed to survive the last twenty years is the notion of the new police as a sudden and complete innovation. In fact, in advance of the accepted dates of 'reform', there were many locally-controlled reformed police forces.²⁴ Reynolds has shown that many parishes of Westminster were operating sophisticated and effective watch systems well before 1829.²⁵ Many of these forces outside London were set up under the 1830 and 1833 Lighting and Watching Acts; Davey has examined the one in Horncastle, Lincolnshire, between 1838 and 1857 and shown how it overcame initial opposition to set a new threshold of order: local control in this case kept the force flexible and effective.²⁶ A consensus has developed that while the traditional focus of analysis has been the conflict over control between the local and the national state, much antagonism occurred between the ultra-local (parish or ward) and the city or county level of government.²⁷

- 16 The nature of change and its frequent unpopularity are now taken as given, but this leaves a number of outstanding problems to which there is no consensus answer. Most of these deal with issues of causation and with attempts to identify the precipitating factors for change.²⁸ In their work on police reform in the counties, Philips and Storch conclude that although the Chartist threat in 1839 accelerated legislation, this ran along the lines of a pre-existing desire for increased order and lower crime, and was not merely a response to the organised working class.²⁹ In the City of London, the reform agenda which led in 1838 to the centralisation of police responsibility was largely justified by concern about crime, although there was never any consensus view of whether crime was in fact rising, and the (in)ability of the ward constables to deal with riots was becoming increasingly important.³⁰ One factor which has been increasingly studied is the direct effect of war- and peace-making on criminal justice practice and policy. Ekirch has noted spikes in rates of transportation in postwar periods of the eighteenth century and Hay has linked war and crime waves.³¹ King looked at the role of anticipated postwar crime waves driving crime panics in the late eighteenth century.³² Police reform has also been linked to the experience of war and its aftermath, in the 1780s, 1815, 1855, and 1919.³³ As well as extraneous events like war, the timing of police reform had as much to do with local politics and the balance of power as it did with abstract theories of public order or the exact level of concern about crime.³⁴
- 17 The relative role of London in the process has also been explored, though hardly clarified. Research since the 1970s has stressed the fundamentally local context of police reform in some parts of Britain, even though other parts did indeed import a Metropolitan model.³⁵ The effect of police ideas and practices imported from the Empire has been advanced to explain how and why the system of new police took hold and developed. Brogden's view of the influence of colonial practice on British innovation advances this thesis: it was subject to an immediate critique by Styles, who stresses instead the domestic motors of development.³⁶ More detailed is Palmer's 'Police and Protest in England and Ireland', which shows how Robert Peel's experiences as Chief Secretary for Ireland gave him knowledge of the system of new police which he was to introduce in London in 1829. Another significant (and well-researched) intervention from the British Empire was the role played by British police in India in the adoption of fingerprints for the purposes of identification: a technology which came to London with the person of Edward Henry, later Commissioner of the Metropolitan Police.³⁷ For the twentieth century, Sinclair has shown that, far from the British and colonial police being hermetically sealed worlds operating mutually incompatible models, there was significant exchange of personnel and techniques, often linked with decolonisation.³⁸
- 18 Many other themes have also contributed to this research agenda. Storch discovered the bitter hatred that some working-class communities had for the new police; subsequently the nature and duration of this conflict has been variously investigated.³⁹ Increasingly, studies about British police are being seen in the context of western Europe as a whole. This has been especially marked for the mid twentieth century, exemplified by recent essays by Klein, Emsley, and Roodhouse.⁴⁰ A slowly growing number of books relate to the history of political policing, where state activity and the criminal law intersect. Some, such as Bunyan's work on political police, have an overtly

political motivation, often informed by Marxist perspectives, while others adopt a more detached approach.⁴¹

3. Crime and the courts

- 19 The 'Warwick school' –the group of historians inspired by E.P. Thompson who collaborated to produce *Albion's Fatal Tree* – took the Marxist conception of the bourgeois revolution as their point of departure (though they never felt constrained to keep it as their destination also, and tended to transcend a simplistic view of the economic base determining the political superstructure) and put class at the heart of their analysis of eighteenth-century law. That the hegemony of the ruling class was both powerful and incomplete was explained by the notion of the relative autonomy of the law. As Thompson put it in the influential afterword to 'Whigs and Hunters': 'The rhetoric and rules of a society are something a great deal more than sham . . . They may disguise the true realities of power, but, at the same time they may limit that power and check its intrusions.'⁴² The first major challenge to this view came in 'An Ungovernable People', edited by Brewer and Styles: its various essays took several positions with regard to Hay's thesis, but the editors concluded that the law was not merely the property of the elite, but 'a multiple use-right available to most Englishmen', except – significantly – to the very poor.⁴³ Other challenges followed. Langbein has criticised Hay's thesis on theoretical and empirical levels, although the former critique suffers from the fact that Langbein's view of legal history is every bit as teleological as he considers Hay's to be.⁴⁴ More convincing criticism has come from historians such as King who have examined the social composition of jurymen and prosecutors, to conclude that they represented a far wider cross-section of the population than the 'elite' of Hay's model.⁴⁵
- 20 In the main, the pioneering studies of the 1970s focused on the courts of Assize and quarter sessions, in which the most serious offences were tried.⁴⁶ During the next decade historians began to pay more attention to the records of the lower, summary courts, where all criminal cases originated, and the vast majority (between about 90% and 95%) of them were dealt with. Historians are now increasingly willing to work from depositions as well as indictments and printed trial records.⁴⁷ Several important local studies make use of all available records on a regional basis.⁴⁸ This change in focus has had an impact on the history of legal procedure. To take one example, Cairns has shown how the Old Bailey – by far the best documented of the Assize courts – was not representative of the other circuits in its legal practice.⁴⁹ This broadening of focus fed into the debate about legitimacy. Shoemaker's study of summary courts in London found that people of all social classes were willing to use the law, often in order to settle pre-existing disputes. This did not imply support for the legitimacy of the courts at all times: the most common attitude to them was highly instrumental and certain aspects of the lower courts' work, such as attempts to impose laws related to morality, remained highly unpopular. Summary law was revealed, not as a bulwark of authority, but as a useful set of tools.⁵⁰ King has extended this argument on the basis of his research into the activity of summary courts outside London and concluded that they were the main forum in which eighteenth-century Britons encountered the law.⁵¹ Echoing Thompson's view from 'Whigs and Hunters', King concludes that the summary courts could both function as 'people's courts' and protect the propertied. Looking at

the nineteenth century, both Philips and Davis came to the same conclusion: the mass of the population were willing to use the courts, although on their own terms.⁵²

- 21 A concentration on the administrative history of the courts' activities has often tended to eclipse attempts to describe the subjective experience of crime and the social world within which it existed. One exception is Linebaugh's 'London Hanged' which controversially links the life-histories of those executed in the eighteenth century with the creation of an urban proletariat.⁵³ The (often contentious) definition of 'social crime' has been followed up by much useful work about the struggle over changing definitions of property, especially at work.⁵⁴ In Norfolk, Archer's study of nineteenth-century poaching appeared to fix it as an archetypical 'social crime' but his work on Lancashire tells a very different story. There, poachers were often in organised gangs from urban areas, whose main motivation was financial.⁵⁵ In opposition to the traditional view of social crime, Munsche has defended the eighteenth century game laws against the charge of excessive harshness. He concedes, though, that they were indeed an example of 'class legislation' which structured and exemplified inequality.⁵⁶ Rule has found examples of sheep-stealing motivated by acquisition, by desire for revenge on employers, and by hunger: the much harder task is to attempt to reconcile these motivations in the aggregate.⁵⁷ The topic was relatively under-explored for many years; a significant recent contribution to it has come from Shakesheff's work on rural crime in Herefordshire. Through a study of the timing and geographical distribution of sheep-stealing in the county, he strongly suggests that in the nineteenth century there was a genuine causal link between rural poverty and crime.⁵⁸ The issue of structural inequality in the law has also been tested through research into white collar crime. The Draconian steps taken against forgers in the late eighteenth century have been explored by McGowen.⁵⁹ The traditional view of the nineteenth century white collar criminal is that although sometimes he attracted harsher penalties because he was deemed to have been breaching a trust, on other occasions there were calls to let him off because he had 'suffered enough'.⁶⁰ Recent work by Locker on railway companies, though, argues that embezzlers were treated consistently harshly, even when the crime was never reported to the official criminal justice system.⁶¹
- 22 The Warwick school's agenda served to propel the study of eighteenth-century law into a series of broader themes. Despite the piecemeal criticism of many of their discrete conclusions, their initiative has led to a large and growing body of work which enables us to understand both the legal system and the broader social trends of which it was a part.

4. Official statistics

- 23 These emanate from local as well as central sources and contain some very reliable numbers, largely dealing with the activity of the criminal justice system, alongside some 'discretionary statistics' such as numbers of crimes committed and of suspicious persons at large. Broadly, the approaches taken by historians to aggregate records of crime fall into three categories. Gattrell and Hadden's approach was 'positivist', in that it sought to use them to explain some aspects of crime. They concluded that although official figures for recorded crime were highly dubious indicators of actual crime, in the late nineteenth century all the relevant factors that could influence them could be expected to make them increase. Given that there was an actual *decrease*, they concluded that crime levels had fallen. Another example of positivist use of criminal

statistics has been in the testing of hypotheses about long-term trends in violence. This has tended to get bogged down in arguments about the representativeness of statistics, population figures, and the status of homicide as a marker for violence generally.⁶² Cockburn's last word in a debate that also involved Stone and Sharpe was:

Between the mid-sixteenth and the twentieth centuries there was, almost certainly, an overall decline in the incidence of homicide in England. The scale of and reasons for that decline are, however, less clear. Homicide rates over the four hundred years under review have been shaped by a wide range of variables, few of them constant and some probably still undetected.⁶³

- 24 The methodological difficulties seem to have put a damper on the 'positivist' use of long-term datasets relating to crime.
- 25 Perhaps the most popular approach taken to statistics was labelled by Philips as 'interactionist': this pays attention to the official statistics of crime, but merely as an indicator of the activity of the criminal justice system, not in order to make judgements about crime rates.⁶⁴ One recent example of such a perspective is Sharpe's work on infanticide in the Cheshire court records, which concentrates on an analysis of the declining severity of the court's verdicts.⁶⁵ As we have seen from the previous section, most general statements about the nature of the courts are usually based on numerical evidence: the same is true about many analyses of police activity.⁶⁶
- 26 The weakness of official statistics is stressed by those who take a 'pessimist' position, declaring that the official figures offer such a distorted picture of reality that they ought not be studied for their content: they are useful merely as guides to what contemporaries thought was happening. As such, though, Sindall has argued that they are an essential ingredient to any analysis of criminal justice policy.⁶⁷ Sindall thought that the figures are reflections of reality distorted beyond usefulness. In the 1990s, Taylor went beyond this position to make a series of controversial interventions, asserting that a number of key series of crime statistics – notably the number of murder prosecutions in the nineteenth century and the police returns of crime in the mid-twentieth, were respectively the result of financial constraints and of total fabrication for political reasons.⁶⁸ The former charge, though, has been convincingly critiqued by Morris.⁶⁹ Several academics with police experience have also drawn upon the lessons of their careers to point to the unreliability of much official data: none, though, has yet followed Taylor's line that it is entirely fabricated.⁷⁰
- 27 Overall, historians of British criminal justice have followed Gatrell and Hadden to the statistical returns, but they have been less willing to treat every number that they discover as a useable measure, and most have resisted the temptation to use them as measures of social phenomena extraneous to the criminal justice system itself. This consistent academic view of the unreliability of criminal statistics as long-term indicators has yet to significantly influence popular discourse on crime, which remains largely confined to proving how things have got worse.⁷¹

A wider picture: a trend towards complexity?

- 28 The above case studies only begin to summarise the key developments in the historiography of criminal justice: there are many more. One example is the concept of 'social control' which, for a relatively brief period in the early 1980s, was frequently deployed in an attempt to link the way that the criminal justice system fitted into

wider networks of norms and inequalities.⁷² F.M.L. Thompson's 1981 critique of the concept, however, appears to have convincingly stated that it had a number of inherent problems, notably that it was too vague, and denied all agency to its working-class subjects.⁷³ Another stimulating debate has covered the exact timing of the discovery of 'juvenile delinquency': with the consensus view pushing the date backwards.⁷⁴ Like a number of other key areas (though given the demands of confidentiality, with an additional impetus), the nineteenth century is far better served than the twentieth, and it is only in the last decade that this period has come under sustained attention.⁷⁵ Similarly, the recent rise in the amount of historical work on the last century has shifted a focus on police racism away from the Irish to immigrants from the New Commonwealth.⁷⁶ Other important topics are only now opening up: much of the work on criminal justice makes at least some use of the press as a primary source, although (perhaps surprisingly) the systematic study of newspaper reporting of crime has only recently begun.⁷⁷ Unfortunately, there is no room here to consider many equally significant themes, historical periods and geographical areas.

- 29 The criminal justice system has increasingly been seen as a route into the history of *mentalité* and *habitus*, largely through the work of those who have taken gender as one of their primary categories of analysis, a tendency which grew from the 1980s. Feeley has noted that the proportion of women involved in the criminal justice system has not remained static, but approached 40% in parts of the eighteenth century, while Zedner has exhaustively mapped the ways that the nineteenth-century criminal justice system treated women differently.⁷⁸ D'Cruze, whose work has been obviously influenced by aspects of the 'linguistic turn' in social history, has carried out a thoughtful survey into the spatial, temporal and social context of marital violence, which aims to discover the meaning, as well as the nature, of this phenomenon.⁷⁹ In recent years, the work on gender has been as much about women as about men, and this has begun to produce some key studies regarding violence. Indeed, the focus of criminal justice history generally has moved from consideration of property crime to crimes of violence. Shoemaker has posited a change in the social construction of masculinity to explain the decline of violence in eighteenth century London.⁸⁰ Emsley, Weiner and Wood have looked at violence in the nineteenth century from separate yet complementary perspectives, and reached conclusions about the way that it was tied up with notions of masculinity.⁸¹ Wood's work, in particular, is important for its systematic relation to the theories of Norbert Elias, the German-born sociologist who sought to explain the long-term evolution of modern sensibilities. British historians of criminal justice have increasingly followed their European counterparts in turning to his work (chiefly his 'Civilising Process'), to seek to explain long-term change in patterns of crime and punishment.⁸²
- 30 Perhaps the most consistent conclusion from the body of work which has been done in the last 30 years is that the problems we have set ourselves resist easy answers and monocausal explanations. As Gatrell put it, when seeking to explain change in the criminal justice system, 'only rash historians would privilege material, or political, or cultural causes without interrelating all three.'⁸³ One consequence of the recognition of complexity has been to recognise the immense difficulties involved in any large-scale comparative work. Some of this, though, has been carried out. Miller's comparative study of police officers in London and New York shows how the differences in the basis of their authority on a personal level were directly derived from the political systems

that they represented.⁸⁴ Some historians have stood out for their willingness to look at the big patterns. Rawlings' long-term view of the criminal justice system allows the shape of large-scale change to reveal itself, while Pearson's demolition of the idea of a crime-free 'golden age' remains entirely valid.⁸⁵ Zedner's labelling of the period since 1800 as that of the 'modern criminal justice state' is likely to sharpen future analysis.⁸⁶ A pair of complementary textbook studies by Sharpe and Emsley survey their periods and reach a number of broad conclusions.⁸⁷

Contextual studies: the manifesto fulfilled?

- 31 Social historians began by intending to use criminal justice history to reconstruct the lives of the poor, but swiftly moved to looking at it for its own sake. And yet we have begun to fulfil our original intention. Contextualisation of a topic-based study often requires general conclusions about social history. We now understand the records generated by the criminal justice system well enough to use them to answer other, broader questions. Early modern historians pioneered this approach: one example is the work of Gaskill, whose study of early modern witchcraft, coining and murder fulfils its aim, to illuminate 'the changing mental world of the English people' between 1550 and 1750.⁸⁸ Mark Jackson's study of infanticide in the eighteenth century explores the legal issues connected with this crime, and the patterns and results of prosecutions for it. But it also deals with 'beliefs about the value, status, and appropriate behaviour of women'.⁸⁹ Voth has used the records of the Old Bailey sessions to settle one aspect of the argument between 'optimists' and pessimists over the intensity of the industrial revolution.⁹⁰ Looking at a later period, Watson's work on poisoners reveals that although some of their characteristics remain static over time, this picture is not uniform, and the reasons belong in the category of broader social history. In the mid-nineteenth century there were a significant number of poisoners, chiefly women, who did it because of a particular combination of circumstances: extreme poverty, ready availability of life insurance, and (decreasingly) lax medical standards at autopsy.⁹¹ Bailey has studied the records of suicide for nineteenth-century Hull with a view to using them to illuminate broader social trends.⁹² His conclusions relate to the levels of stress at different parts of the life-cycle, with gender also having a significant effect on the pattern; the whole nevertheless tending to confirm Durkheim's view of the importance of social isolation as a cause. Russell Davies' history of the Welsh county of Carmarthenshire between 1870-1920 takes as its starting point the study of deviance, but uses criminal justice and other sources to write a largely successful 'total history' of its topic.⁹³ Louise Jackson's recent book on women police in the twentieth century is also a work of social and cultural history which contributes significantly to our understanding of gender, welfare and surveillance in the modern era.⁹⁴
- 32 In the work of Steedman, Shpayer-Makov, Ewen and Klein, policing has been analysed not merely as an occupation in itself, but as one that can throw light on other similar occupations and on the structures of work discipline and identity in nineteenth- and twentieth-century Britain.⁹⁵ Good use has also been made of oral history to characterise the working lives of police officers and their wives during the twentieth century, while Wall's collective biography of chief constables has described the backgrounds of these men as members of an elite group and illustrated the way that their roles changed over the course of the nineteenth and twentieth centuries.⁹⁶

- 33 Perhaps the overwhelming image left by a survey of this field is of Clausewitzian 'friction', wherein no theory long survives contact with reality unsullied. Our sweeping generalisations are questioned, qualified, and hedged by the interaction between successive generations of researchers and their sources. In an era when meta-narratives became unfashionable, we have problematised our conclusions further by looking at an increasingly wide range of evidence. The picture that emerges is of a fractal landscape, wherein closer focus often only reveals an equally complex pattern in miniature. Yet fractals have large-scale patterns also, and among the millions of words, we are writing the answers to some key questions.
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ABSTRACTS

The history of British criminal justice has been characterised by a massive increase in output since 1975. This article explores four key interventions and examines their impact. Foucault's view of the birth of the prison, though not confirmed by research, has led to better knowledge of cultures of control. Similarly, the Warwick School's treatment of the eighteenth-century criminal law has sparked an interest in a wide variety of court records. Storch's work on the new police has led to the rehabilitation of the old police. Work on criminal statistics has not reliably defined trends in crime, but has served to map the effort of the criminal justice system. Overall, despite a trend towards more complex explanations, the initial promise of criminal justice history – as a vehicle for 'total history' – is being fulfilled.

L'histoire de la justice criminelle britannique a été caractérisée par une augmentation massive de la production depuis 1975. Cet article se penche sur quatre apports majeurs et étudie leur impact. La vision de Foucauld de la naissance de la prison, quoiqu'elle n'ait pas été confirmée par la recherche, a permis de mieux connaître les cultures de contrôle. De la même façon, le traitement réservé par l'école de Warwick à la législation criminelle au XVIII^e siècle a suscité un intérêt pour une grande variété d'archives judiciaires. Le travail de Storch sur la nouvelle police a conduit à la réhabilitation de l'ancienne. Le travail sur les statistiques de la criminalité n'a pas permis de définir des tendances fiables, mais a servi à préciser les efforts du système de justice criminelle. Dans l'ensemble, malgré une tendance vers des explications plus complexes, la promesse initiale d'une histoire de la justice criminelle – comme véhicule d'une « histoire totale » – est en train d'être tenue.

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