

2011

# Editorial

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Rowbotham, J., Stevenson, K. and Pegg, S. (eds.) (2011) 'Editorial', Law, Crime and History, 1(2). Available at: <https://pearl.plymouth.ac.uk/handle/10026.1/8861>  
<http://hdl.handle.net/10026.1/8861>

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SOLON Law, Crime and History  
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## EDITORIAL

Welcome to the second issue under our new title! It is a little later appearing than we hoped, thanks to a number of practicalities and the number of articles published and we would also like to take this opportunity to express our thanks to the IT technicians at Plymouth University, and indeed to the University, for supporting this aspect of SOLON's work. SOLON is also excited (for anyone who has not already picked up on this) to have signed a contract with Routledge for the *Routledge-SOLON series, Explorations in Crime and Criminal Justice Histories*. We are already developing several projects, and hope to see the first publications in this list within the next 18 months! Please be in touch with either Judith Rowbotham, Kim Stevenson or David Nash as the General Editors to express your interest if you have a volume which might suit us in mind....

This edition of *Law, Crime and History* showcases some particularly interesting work in three developing areas of interdisciplinary debate linking law and history.

At the end of a summer that has seen a short but concerted period of public disorder, riot and looting in Britain it is especially valuable to be revisiting the concerns of past societies as they seek to control disorderly populations. Placing this alongside contemporary approaches, contexts and concerns is also important and this is accomplished in this issue by two interesting articles. David Cox's article demonstrates that order was maintained by an alliance of political and social elites that were pressed into service to protect localities. Early nineteenth century society would have argued that they were best placed to do so although the article gives us a crucially important insight into what happens when policing methods fail, with telling consequences. Ian Channing's comparison of attempts to police Fascism in the streets of 1930s Britain with attempts to control post 9/11 extremism demonstrates the development of ambition amongst Home Office and policing authorities. This has produced a limit in practice upon total free speech as policing methods operate prior restraint against protestors. Although laws are more draconian now, Channing suggests that the impact of the Human Rights Act 1998 and European 'oversight' of our legal process may in the long run offer some much needed protection.

Leading from this into the second theme of human rights, Chris Monaghan's very substantial article on Warren Hastings brings an intriguing modern legal critique to the trial. In analysing the trial and its context in such extensive detail, this article is able not only to offer a modern reading of human rights perspectives in the case but interestingly to offer speculation about the status of this concept within the eighteenth century. Edmund Burke's adoption of this concept is particularly intriguing offering much to the historiography of law in this period but also to the consideration of Burke himself.

Our third theme of the historico-legal perspective upon, and control of, intoxicants is elaborated by two articles on the alcohol and opium trades respectively. Lisa Denmark's study of prohibition in the Georgia savannah between the end of the nineteenth century and the roaring twenties further emphasises the gap between federal/state will and active compliance with laws on the ground. In Georgia during this period the enactment of prohibition in State law was actively defied by citizens in localities whilst local government decided on a course of inaction which failed to limit the manufacture and distribution of liquor. Elements of this situation also inform the article by James Windle who seeks to find a viable policy for controlling the manufacture and trade in opium in contemporary

Afghanistan. Drawing on lessons learned from the successful campaign operated by the People's Republic of China from the 1950s onwards it becomes obvious how an effective strategy must have allies and effective consent in localities whether they are benign or hostile places.

In addition, we publish a truly interdisciplinary article by Haia Shpayer-Makov. She examines how we understand aspects of policing through fictional depictions of police detective work. It is not new for literary scholars to debate and discuss the presentations of famous fictional detective characters from nineteenth and twentieth century literature, including Sherlock Holmes and Poirot. What is distinctive about this article is that it comes from an acknowledged historian of policing, which enables a different contextualisation, adding importantly to our understanding of how the police interact with society through a number of ways outside the formal legal process. While this is not, strictly speaking, addressing human rights issues it flags up our need to understand such issues in cultural as well as purely legal, criminological and historical terms. Popular culture is an important dimension for scholars in these fields to draw on and the article highlights our need for more work to be done in this broad area, especially on media presentations past and present.

In conclusion, we are particularly happy, in this 'bumper' edition, to have been able to include two very substantial articles, thanks to our e-format. As both of these articles show, there are times when it is important to be able to discuss at greater length or in more substantial detail a theme or topic if the full, interdisciplinary implications are to be adequately dealt with. We look forward to more substantive articles in the near future, including a linked series from Martin Baumann.

This edition also contains the usual conference report section, with two extensive reports on the SOLON 2<sup>nd</sup> Biennial War Crimes Conference, held last March. It was a very significant occasion, attracting delegates as well as speakers from all around the world to discuss the theme of 'Justice – *Whose Justice*' in the field of the international prosecution of war crimes. SOLON is proud to have organised such an event and is warmly grateful to its collaborators, including its regular ones in the shape of the Institute of Advanced Legal Studies as well as the Centre for Contemporary British History @ KCL. We are also, as ever, happy to publicise news relating to items such as that sent to us by Theresa de Langis, to be found in this issue. It is important, we know, to keep up information and momentum between biennial conferences!

In the next issue, we will provide conference reports on the recent *Crime Violence and the Modern State III* conference, held in Lyon 8-10 September 2011, in association with Lyon Lumiere 2; and on our next *Experiencing the Law* conference, to be held as usual on the first Friday in December. This year's theme will be *Assessing Justice*. We also look forward to an interesting collaboration in late June next year, between SOLON @ Liverpool John Moores, the CCBH @ Kings and Liverpool University, in the shape of a four day conference on Modern Activism. For once, SOLON is going 'large'! There will be another conference with a SOLON interest at our new partner institution, UWE, organised by one of our Directors there, Jackie Jones, on human trafficking. We are also delighted to announce that the English version of the conference collection from the *Crime, Violence and the Modern State* conference in St Petersburg has gone to the publishers (Routledge, naturally!), and that the conference volume in Russian is actually out! Contact Judith Rowbotham or David Nash for further details.

Lastly we also welcome the statements of interest from two SOLON members; Arlie Loughnan who is researching mental incapacity as a concept in criminal law and Tom Keene who is researching aspects of the Special Operations Executive. We also include, to complement the War Crimes reports, a reflection provided by Rebeca Blackwell on another SOLON member of longer standing, Jose Pablo Baraybar, who has recently been honoured for his work. In the next issue, we will include We would like to remind conference organisers that it is not just SOLON conferences we report on. We are delighted to receive substantive, or more brief, conference reports for inclusion in this regular section.

We look forward, next year, to three issues of *Law, Crime and History*, including a special edition from the War Crimes conference.

The Editorial Team September 2011