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Editorial

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SOLON Law, Crime and History

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EDITORIAL

Introduction

This is the first issue of the SOLON e-journal in its new guise as *Law, Crime and History* – and we hope that you will find that it does ‘what it says on the box’. This is also one of our rather longer editorials, as we want to introduce the new title to you, as well as commenting on the content of our first issue.

We, the SOLON Directors, have found in the last year in particular that, as the SOLON consortium itself has expanded to take in more institutions and to develop overseas links, the previous title (*Crimes and Misdemeanours*) was becoming a limitation on the articles and other work which we were interested in publishing as a reflection of SOLON’s wider interests, in law itself and in its interdisciplinary links. That is why we decided, in the autumn of 2010, that we would rename the journal and as a consequence, that we would not put up the second issue of *Crimes and Misdemeanours* for 2010 in November last – as it seemed to us that the articles and Debate pieces we had in hand were better suited to the new title.

Our Remit

It is worth restating, in the first issue of our new title, what our aims and objectives are. *Law, Crimes and Misdemeanours* is essentially conceived along the same lines as before. It remains a peer-reviewed journal, free to access and download, with the objective of showcasing work which confronts and challenges the accepted stereotypes and expectations of how processes and systems work in the area of law, socio-legal studies, criminology, legal history, crime history, crime and policy-making. We continue to be interested in broad conceptualisations of these areas and innovative ways of exploring and linking these areas and topics within them. We remain committed to exploring and (we hope) enlivening the interdisciplinary study of topics which are of intense academic and public concern. In particular, we seek to promote a historical perspective wherever that is feasible and appropriate: we believe that the invocation of either a historical dimension in a chronological sense or a methodological one often provides a powerful way of thinking afresh about issues. It can, for instance, provide a strategy for avoiding the short-termism that is so often a problem bedevilling our

understanding of present dilemmas and crises in law and its use in the management of and by society.

While history never repeats itself exactly, it is worth remembering that there are echoes and similarities which can inform and inspire both present understanding and current policy making (as the work of both the Centre for Contemporary British History and the History and Policy initiative underline also). Thus we encourage – but we do not require – an exploration of a historical dimension to the work we publish, emphasising also that that dimension can be very contemporary indeed! What happened last year counts, for us, as ‘history’, especially when a historical methodology is utilised to test conclusions.

We seek to publish the work of academic lawyers, criminologists, historians, and encourage contributions from sociologists, political scientists, literary scholars and psychologists. We also actively welcome, and have published, submissions from practitioners and those engaged in the delivery of services and responses to law, crime and offensive/anti-social behaviour. Although these disciplines, institutions and practices have their own individual insights which the Journal seeks to reflect, our track record shows the importance of an outlet for cutting edge interdisciplinary or cross-disciplinary publications. Ever mindful of the growth of this area and the duty the Journal owes to scholarship and professional practice, this journal especially looks to encourage the work of young scholars either still engaged in doctoral work or beyond, and also of young practitioners seeking to challenge established traditions. Thus, alongside refereed articles, there is the opportunity to publish work in progress or to showcase the introductions and conclusions of recently completed PhDs. Whilst clearly accepting new and challenging work from within the disciplines mentioned, we continue to have a particular interest in articles, debate pieces and other formats which are multi-disciplinary and cross disciplinary/practice boundaries. *Law, Crime and History* will continue, also, to publish conference reports (and not just on SOLON conferences: we welcome reports from other conferences in areas of interest to SOLON members). The Debate Forum will also remain a key part of the journal. We remain happy to accept both longer and shorter pieces (around 5,000 - especially for practice-based articles - and up to 16,000 for sustained explorations of a topic).

Issue 1

We start as we hope to go on, with a rich variety of offerings from Debate Pieces to Articles. We also introduce what we hope will be a regular feature – an introduction of SOLON members and their current research interests to a wider public, in the interests of fostering broader scholarly links. We have also our usual diet of conference reports, alerting you to some of the current work being done in areas of interest to law, crime and history.

Anna Grear raises the issue of legal subjectivity – normally an area of what could be considered relatively arcane legal philosophy – in a way that makes her comments directly applicable to modern dilemmas and realities. It is particularly apposite as a discussion piece in this time of recession and cuts; a time which is forcing so many to consider what is morally right, as well as financially desirable (apparently) to cut. Her point about human vulnerability and its inextricable links to an impoverished environment (animate and inanimate) is telling and timely, given the current popular protests over the behaviour of bankers and other corporate institutions – a phenomenon not restricted to the UK. It resonates interestingly with the Discussion Paper by Vaughan Jones, which is the text of the paper he delivered as the keynote speaker at SOLON's recent conference, *From School Exclusion Orders to Anti Terror Laws – Human Rights and the Use of Law*. His perspective on human rights chimes with several of the points raised by Anna Grear in her broader discussion on the gap between those who are 'outsiders' in law and those who are intimately (even damagingly) involved as 'insiders', with all the benefits that they (consciously or unconsciously) enjoy. Vaughan Jones' experience with helping refugees inspires his reflections on the state's express and overt dogma/propaganda/legal provisions about respecting human rights which conflicts with the reality for many marginalised groups, such as migrants, immigrants, refugees etc.. He points to an enduring reality that what such groups need is economic justice as much as the work to protect them in terms of their 'human rights' against oppression, torture etc., in the regions from where they have fled. As Grear cogently asks – how can law and the juridical order be made to deliver a 'politics of compassion' that has substance rather than rhetoric?

With the second SOLON War Crimes conference coming up (3-5 March 2011, at the Institute of Advanced Legal Studies) and a theme of 'Justice, Whose Justice?', the

Debate Piece contributed by Sascha Bachmann and Ulf Haeussler provides us with a preliminary piece for reflection on issues which are likely to come under scrutiny there. Their point that as a generality, states and international corporations and bodies anticipate (often accurately) that they will be able to operate on a basis that they have a right to do anything not expressly forbidden them in relevant international law codes has an uncomfortable resonance also with the points raised by Anna Greal and, in terms of practical experience, by Vaughan Jones. Should civilians, under any reasonable circumstances, be legitimate targets (under the cover of the Law of Armed Conflict) when present (voluntarily or involuntarily) in a location considered to be an arena of hostilities? The authors of this piece challenge us to consider whether it is time for a re-interpretation of human rights theory in this context – and with a burgeoning of conflict in North Africa and potentially the Middle East, this is a question that may acquire more, not less, relevance to the dilemmas facing interested states like the UK and the USA, and bodies like NATO and the UN. That this is no new dilemma is underlined by Harry Bennett's article on the impact and consequences of the order issued by the Nazi government during World War II to its submariners. Using post-war trials, he analyses how this order was differently understood in relation to considerations of the actions of various individuals in some way implicated in the creation, dissemination and implementation of the order. He thus highlights the enduring issue of the pressures on individuals presented with official orders to engage in activities which challenge embedded universal legal/moral imperatives or traditions– in this case the law of the sea. As papers to be presented in the forthcoming conference will reflect, there are many complex issues surrounding the imposition of the Rule of Law in situations where no rule of law either exists in a form recognised by international standards or is applied, regardless of that recognition.

The article by Yann Phillippe provides a wide ranging contribution to several areas of historical and criminological interest – the role of the police in societies and social expectations of what they should do in order to justify their existence, for instance. It also reflects interestingly upon gender stereotypes and the consequences of labels put upon individuals in the interests of maintaining those stereotypes. While focusing on the American experience, there is a clear resonance for the experience of women police officers (arguably, not just historically) elsewhere in the West at least. It provides an interesting inflection, for instance, on work done by scholars like Louise Jackson on

British women police in the same period. Fran Wright offers a thought-provoking challenge relating to another form of stereotyping – that involving children and adults affected by some form of disability. This again, turns us back to the issue of the value of the individual and their rights – and to Anna Gear's Debate piece. Wright points out that while things have, apparently, changed in the ways in which society regards and values babies born with Down Syndrome – closer investigation reveals the continuation of a widespread social discomfort which sustains negative stereotyping of the disabled generally. We will hope for more articles dealing with this broad area, just as we hope that people will feel inspired to respond to our two Debate Pieces – we are always happy to include such responses.

We have included, as usual, a number of conference reports covering one SOLON conference and two conferences of interest to SOLON members – we draw attention in particular to the inaugural conference of the European Society for Comparative Legal History, a valuable new development much welcomed by SOLON. You can find more information about the ESCLH at <http://esclh.blogspot.com/>! In addition, we are introducing a new section to the Journal, through which we will encourage members of the SOLON network – we now have over 350 – to promote and share their current research in the context of what significance/relevance it has to the theme of *Law Crime and History*, and why such themes and interdisciplinary approaches are important to them. Sascha Auerbach, Mark Galeotti and Kelly Hignett have risen to the challenge admirably showcasing some fascinating insights and interesting commonalities into the world (respectively) of race, gender and nationalism in the inter-war years in Britain, an historical survey of organised crime through the ages, and crime in communist and post communist Europe. We hope that more SOLON members will offer (or be gently encouraged by us to offer) similar summaries!