

Comparative Histories of Crime



EDITED BY

Barry Godfrey
Clive Emsley
Graeme Dunstall

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Foreword

Martin Wiener

Comparative history is an approach to the past long urged by many but actually practised by few. This is not surprising: it is difficult and time-consuming, for it demands a mastery of more than one body of sources and, if it is nationally comparative (as is usually the case), of more than one body of scholarship. Of course, as Barry Godfrey, Clive Emsley and Graeme Dunstall note in their enlightening introduction, all history is fundamentally comparative: historians cannot help at least implicitly comparing the present in which they live to the past they study. Yet as the historical profession continues to specialise, the need for specifically comparative historical work becomes ever clearer. Comparison alone makes it possible to understand just what is particular about particular histories to give them their proper place in the larger picture.

The history of crime and criminal justice is still a young branch of study, and its scholars have been preoccupied with establishing basic understandings of national patterns of crime over time and of the workings of national systems of criminal administration. By now, however, sufficient knowledge about crime and criminal justice in particular locales and eras has begun to accumulate to permit serious comparative work to begin. Eric Monkkonen has pointed to 'a growing international standard of definition and communication' which is now making cross-national comparisons feasible. Some guidelines may be appropriate for this sort of scholarship. Comparison seems to work best when its subjects are

different but not too different: when they have enough in common to make their differences revealing, for example comparison between England (or Britain, bearing in mind the unique Scottish system of law) and her settlement colonies, or between two or more of those colonies. Here a legal and to a significant degree a social and cultural heritage is shared, and differences can highlight other differences – in environment, politics and society – as well as the omnipresent influence of contingency. Another potentially rewarding approach is comparison between England and the United States; here again, a shared early history and legal framework can bring into sharp relief differences emerging over several centuries of divergent development. A third angle of attack is to compare European states, as wholes or in part. In each of these approaches what is shared can provide a meaningful context for highlighting and examining differences, and can suggest fruitful generalisations for further exploration. The essays in this collection all adopt one or other of these approaches, and each in its own way advances our understanding of the complex contours of 'crime' and its 'administration' in the western world in the past two centuries.

Martin J. Wiener
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We would also like to thank John Locker and Bronwyn Morrison who helped to organise that conference and the British Academy who sponsored the event. Not least we thank the authors who contributed to this edited collection promptly and with grace despite demanding deadlines.

Notes on the editors and contributors

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Chapter I

Introduction: do you have plane-spotters in New Zealand? Issues in comparative crime history at the turn of modernity

Barry S. Godfrey, Clive Emsley and Graeme Dunstall

A cultural gulf seems to lie at the heart of the detention of 12 British plane-spotters in Greece. The Greeks, progenitors of philosophies and the idea of the well-rounded life, just don't get the notion of grown men (and the occasional woman) standing for hours on end looking at planes and jotting down their numbers. There are, it seems, some things that EU harmonisation can never reconcile. (*The Guardian*, 23 November 2001)

At the time when this edited collection was first proposed, the English newspapers reported that a Greek court's inability to recognise the eccentric 'English' hobby of collecting numbers from various forms of transport – railway trains or aeroplanes normally – had had serious repercussions for a group of twelve tourists 'caught' taking photographs of Greek jet aircraft. The sentences of between one and three years imprisonment for the crime of espionage (*The Guardian*, 27 April 2002) were a salutary reminder that laws and criminal justice systems are embedded within cultural norms, and that legal codes emerge from specific cultural contexts that have evolved over time. In this case, the specificities of Greek culture and history had produced an outcome that would be unlikely in an English court. Cultural differences and their displacements, of course, are very much the theme of this edited collection, this introduction to which will sketch out some of the issues

and concerns that have arisen in comparative research over recent years; and also (in the second part) offer a commentary both on the historiography of comparative crime history in general and the specific contributions made by the essays in this volume.

The past and future of comparative criminology

As Durkheim noted, all sociological inquiry is fundamentally comparative in both content and method (Durkheim, 1895: ch. 6). However, comparative criminology exists as a separate sub-discipline today, though the borders between it and mainstream criminology have become much more blurred over the last few years. From a position of under-representation in the sociological canon, there is now a growing body of criminological work that seeks to investigate the similarities in approaches to crime and disorder across national boundaries (see Nelkin, 1996, and his modified view in the 2002 edition), or to invigorate developing models of justice – the reliance of theories of restorative justice on indigenous and traditional shaming and punishment practices for example (Braithwaite, 1997; Karstedt, 2001: 295), and also to undermine and critique the harmful generalisations that have pervaded imperial and ‘first-world’ approaches to non-westernised countries. The organising dynamics for comparative research are therefore both evaluative and critical, and its ecumenical inclusivity has allowed various methodological and theoretical traditions to flourish within its realm. Where some researchers have examined one or two countries in considerable depth, some have expanded their scope to take in huge parts of the globe; some researchers have juxtaposed countries that are fundamentally different in ways which immediately present themselves, while others have focused on groups of countries that can be moulded together to outline, say, a European perspective (Cox and Shore, 2002: ch. 1).

Understanding ‘the other’ – the possibilities of comparison?

Underpinning all categories of comparative approach is the belief that researchers can disaggregate, interrogate and theorise a culture that is not their own. No social scientific research would be possible if we could not understand ‘the other’ to some extent (Leavitt, 1990), but this issue is a more explicit one for comparative researchers. It reduces to a set of interlinking beliefs in effect:

- That the cultural world in which the researcher was socialised is not a straitjacket which forever inhibits comprehension of other cultures

Culture is inalienable and insoluble, being, as Susanne Karstedt terms it, 'a specific social force' (Karstedt, 2001: 288) which forms an integral part of the human condition. The transmission of social and behavioural norms begins at birth and ends with death: no one escapes culture. That is not to say, however, that this social force is fixed and monolithic. Researchers can understand differing cultural codes through the study of ritual, symbol and the exchange of various forms of information. Although, even over time, the understanding may not be complete, it is possible to gain what we might term a 'functional understanding', which allows all (perhaps) but the subtlest of understandings to be 'read'. It is also the case that some put down one set of cultural 'clothes' and pick up another – to adopt a set of cultural attributes, consciously or unconsciously, that grants them admission to a different cultural milieu. Historically this can be seen in the sailors who jumped ship in New Zealand and became 'Pakeha' (European) Maori' in the early nineteenth century, adopting the moko (tattoos) and Maori modes of dress and behaviour (see Bentley, 1999; see also Colley, 2002 for stories of coercive identity shifts during the Imperial period); or, to take another example from modern anthropology, Liza Dalby adopting the life of a Maiko (trainee Geisha) in 1970s Japan (Dalby, 2000).¹ Although we are discussing the ability to understand rather than 'be', many people successfully exchange one culture for another and come to belong to the new group, although this process is usually dependent on initial acceptance by the 'insiders'. To the extent that they can adapt to new situations and acquire the necessary linguistic competency, empathetic researchers should have the ability to approach the study of different cultures with some confidence of success.

- That universal phenomena exist but are conditioned by specific contextual and local factors

Gottfredson and Hirshi, as is well known, attempted to suppress local differences in order to prioritise a general theory of crime.² It has not been disputed that universals exist: that men feature more prominently in modern criminal justice systems; that youths offend more than adults; that the poor are successively disadvantaged at every stage of the criminal justice system, and so on. Yet grand unifying theories do not, and cannot, account for the infinite variety that general truths present in different cultural settings.

For example, all modern societies prohibit the arbitrary murder of one person by another – this is a universal given. Yet some countries permit judicial homicide in exceptional circumstances, while others do not. While countries with different policies could justifiably claim that they are acting

in accordance with other universal values – harm limitation, the exercise of powerful authority in order to safeguard the weak, and so on – markedly different legal, policing and political situations have arisen. The ecologies of justice that have evolved around the globe all balance the interplay of competing universals, and with different results, which will be discussed in this book.

- That cultural shifts can create new realities

This last tenet of belief stresses that culture is not ahistorical or immune to historical change. When cultures change, they bring along a new set of realities. This is, of course, well known to cultural historians, and also to historical criminologists. Researchers of, say, declining rates of violence in the late nineteenth century (see summary of this work in Godfrey, 2003) are well aware of the impact on prosecution rates of the apparent growth of civilisation (see debates on violence and Elisian/Foucauldian notions of civilisation and ‘governmentality’ in Pratt, 2002 and also Wood, forthcoming 2003). The shifts and manoeuvrings of cultural change, the motors that drive it and the implications it has for various forms of social phenomena are important areas for study. Changes over time, changes in physical, psychic and social geographies, all necessitate and demand comparative frameworks of understanding.

With these three beliefs in mind, it seems clear that comparability is possible, indeed desirable, and that by adopting appropriate methodologies, we can begin to understand ‘the other’ – but, as the following section shows, ‘otherness’ as a social construct is grounded in a concept of modernity which is being increasingly challenged by postmodern theorists.

Eurocentricity and modernity – moving towards global postmodern fracture

Dussel, among many others, has described how exclusive notions of Eurocentric modernity came to dominate the landscape from the Middle Ages through to the twentieth century (Dussel, 1998: 3–4; see also Albrow, 1996). A distinctive prism of civilisation with its shared semiotics, language and set of moral understandings characterises those countries said by some to be the heirs to the ‘Enlightenment’ project (Hegel, 1975 translation; von Ranke, 1973 translation; Toynbee, 1935: 54; see summary and critique of this view in Callinicos, 1995; Dirlik, 2000). By marginalising non-European (and later non-western) modes of thinking, western ontological frameworks have become dominant. Indeed, paradoxically,

western values have become universal while still defined against oriental 'others' – the 'civilised' West, the 'irrational' East. After September 11 (will we ever need to add the year to *that* date?) this has again become a fashionable rhetoric for the media – Afghanis referred to as 'Stone Age people' never having experienced western 'Enlightenment' (*Time Magazine*, December 2001). It might be that the end of the twentieth century witnessed the high point of this process, however, with scholars from differing theoretical viewpoints resisting traditional overarching modernist narratives. To take a specific example, Maori researcher Moana Jackson asserted the need to adopt a 'Maori methodology' and 'conceptual framework' with 'Maori concepts of causation, analysis and interpretation' in his study of Maori crime rates. He argued that previous research on the issue had 'produced little understanding' because of its 'monocultural' (or Eurocentric) nature. In his findings Jackson focused upon the deleterious effects of colonisation resulting in a 'sense of cultural and socio-economic deprivation' among Maori and the institutional racism of the New Zealand justice system (Jackson, 1988).

At a more general level, postmodern theorists have also critiqued Enlightenment/modernist historical explanations. These scholars reprise non-western knowledge and tradition, are more inclusive of popular cultures and tend to question orthodox hierarchical belief systems. The critique of modernism, as it found expression in the West, has encouraged relativism and, in its own way, democracy. Over recent years, postmodernists have entered the mainstream. Beck in *Risk Society* (1986/92: 9) asserted that the prefix 'post' had become the *key* word of our times, and 'globalisation' has now joined it as a ubiquitous shorthand for the conjunction of interlinked relationships that encompass modern society. The discontinuities of political power and security that the prefix 'post' has signalled have characterised descriptions of the globalised world: post-colonial, post-industrial, postwar, post-communist, and post-modern. Yet description appears to be the limit of postmodern aspiration. Postmodernity seems to lack the explanatory power that modernity, and modernists, value (see Henry, 2002). The tendency for postmodernity is to fracture and shatter, not to aggregate or account for collective experience.

This should be welcome news for comparative social scientists – the relativising process should bring forth more for researchers to compare, as does the breaking down of comparative 'units' like sovereign countries into sub-national groupings of communities. But, postmodernity also challenges the terms on which comparisons are made, and the significance of difference. Comparative researchers will no doubt wrestle with those demons for many years to come.