

REVIEW QUESTION ANSWERS

Introduction

1. Why is history important to our understanding of criminal justice?

A historical overview of the origins and development of the modern criminal justice system and changes in our understanding of crime from pre-modern to modern times, the emergence of modern, formal police forces; the changing nature of punishment and the growing role of imprisonment as a key response to crime as the use of both capital punishment and transportation declined all show how attitudes towards, and perceptions of, crime have changed in recent centuries.

2. What are the main differences in approach in 'traditional' and 'revisionist' histories?

There is on the one hand what has variously been called the 'Whig', 'traditional', 'orthodox' or 'cop-sided' view of history. The contrasting approach is the 'revisionist', 'radical' or, in Reiner's (2002) terms, 'lop-sided' view of history.

'Whig', 'traditional', 'orthodox' or 'cop-sided' view of history holds to a general view of social progress in which the new police are not only presented as being a clear advance on previously existing arrangements, but are a necessary response to the general problems of crime and disorder of the period.

The contrasting approach is the 'revisionist', 'radical' or, in Reiner's (2002) terms, 'lop-sided' view of history. In this view, by contrast, the notion that it is possible to conceive of this organisation as *our* police is challenged, initially by a group of radical historians in the 1960s. Beginning from the position that our social order is fractured, particularly along class lines, historians such as Storch argued that the new police were primarily an instrument by which the ruling classes disciplined and controlled the newly burgeoning and non-deferential working classes (Emsley, 2003).

3. In what ways did Robert Peel and the other main architects of the 'new police' seek to minimise the threat they were perceived to pose?

The architects of the new force ensured through various other means that there was a clear symbolic distinction between police and army. Officers wore tail coats that bore little decoration, none of the epaulettes and braid of military uniforms, as well as top hats.

4. *What are the main elements of the modern, bureaucratic system of justice?*

The emergence of what we might understand as the 'modern' criminal justice system – essentially a bureaucratic extension and expression of the nation state – came into being during the eighteenth and nineteenth centuries. Prior to that, 'crime control' was much more a localised matter. The transition toward a centralised state system of justice reflects, in part, changing perceptions of crime or, more accurately, changing perceptions of deviance and, within this, the emergence of something akin to our contemporary notion of 'crime'.

Emergence of a modern criminal justice system

1. *What was the 'Bloody Code'?*

The large number of statutes passed during the eighteenth century which contained the penalty of death.

2. *What were the main reasons for the ending of transportation?*

Transportation declined in popularity during the nineteenth century, for a number of reasons.

- Public opinion slowly turned against the practice.
- Doubts as to its effectiveness increased.
- The colonies themselves began to resent and resist the practice (see Braithwaite, 2001).

Ending the practice was far from easy as some alternative had to be found for the many thousands who hitherto had been sent overseas. In the event that alternative was the prison.

3. *What are the main origins of probation?*

'Probation' has its origins in the Victorian temperance movement and what were then known as *police court missionaries* and new laws also gave the courts greater supervisory powers over juvenile offenders.

Crime and violence in history

1. What are the main differences between Gatrell's and Taylor's views of what crime statistics tell us about trends in crime?

Gatrell (1994) has argued that there was something of an increase in executions in the early nineteenth century, rather in contrast to much historical opinion which suggests that punishment was becoming less harsh during this period. In this vein, the Bloody Code has often been viewed as a prime illustration of the harshness and violence of much contemporary punishment.

Taylor argues there is some evidence that the authorities manipulated the system in order to prevent some cases of murder being recognised as such, primarily in order to save money (see Taylor, 1998).

2. What are the main facets of a 'modern' understanding of crime?

Changes in our understanding of crime from pre-modern to modern times include the emergence of modern, formal police forces; the changing nature of punishment and the role of imprisonment as a key response to crime as the use of both capital punishment and transportation declined; the changing role of the victim, in particular in relation to the prosecution process and also asking what is known about levels of crime in British society prior to the introduction of criminal statistics, and how attitudes towards, and perceptions of, crime have changed in recent centuries; Finally, to what extent it is possible to estimate levels and trends in crime in previous eras and, perhaps most intriguingly, whether we appear to be becoming a more or less crime-ridden society.

3. In the absence of official criminal statistics, how have historians attempted to assess levels of crime in previous periods?

By and large, historians use court data as the basis for understanding earlier periods. There are a number of difficulties with this, however. Such records are rarely complete, and they are generally only available for particular local areas. Even where records are available, and consistently so over a period of time, there remains the problem that besets all official records: to what extent are they able to tell one anything other than how particular systems operated in certain historical periods?