



Who gave historical criminology a name? A history of 20th-century historical criminology[☆]

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ABSTRACT

While popular interest in notorious criminals and their deeds can be said to be perennial, ‘crime history’ and ‘criminal justice history’ were scarcely explored subjects in the 1970s. Over the past 50 years or so, however, the history of crime and criminal justice has matured into an internationally recognized field of research, and the British Crime Historians have been meeting regularly since 2008. The contribution of criminologists to the development of a historiography of crime and criminal justice remains a relatively under-explored topic in this burgeoning academic field. The purpose of this paper is to contribute to an understanding of the place of historical criminology within the historical study of crime. The paper traces the usage of the term ‘historical criminology’ – mostly in the English language – throughout the 20th century with the aim of developing a preliminary history of historical criminology.

1. The historical turn in criminology

At the turn of the 21st century, when J. A. Sharpe (1999, p.1) claimed in the opening sentence of *Crime in Early Modern England 1550–1750* that “crime is now accepted as a serious subject of historical study”, he was clearly stating a truism. Yet, the point that he was making is arguably more contentious than it may seem; what made the phenomenon of crime accepted as a ‘serious subject’ of historical analysis is the fact that historians had devoted decades of their work to crime-related phenomena, thus leading to the development of a ‘historiography of crime and criminal justice’. Sharpe was not lauding criminologists for taking history seriously; he was mostly praising the efforts of historians who made it their task to systematically apply historical methods to a neglected and yet important aspect of life – namely, crime. Sharpe’s take on the issue of meritocracy in this field of research is far from exceptional. Though there is little doubt that, today, participants in the historical study of crime make up a “mature and vibrant academic community” (Lawrence, 2016, p.31), it is common sense to assume that criminologists have contributed little to such a state of academic vibrancy. In fact, throughout most of the 20th century, it was perfectly normal to maintain that, with a few exceptions, criminologists had very little to offer to the academic study of the past. Since criminology is a fundamentally present-centred area of study and since historical inquiry is essentially concerned with knowledge of the past, there has always

seemed to be a fundamental methodological and attitudinal incompatibility between the disciplines of history and criminology. Prominent criminologists and historians have long recognized this.

A couple of decades after World War II, for instance, Mannheim, ([1965] 2001, pp.422–424) mentioned the history of crime in passing while writing about the sociology of crime, noting that it had been largely neglected when compared to the history of criminal law and the history of punishment. Fifty years ago, David Matza acknowledged that “a main defect of sociology and criminology is that they’re not historical. We’ve always admitted it, but we haven’t done anything about it” (Weis & Matza, 1971, p.53). In the late-1970s, Robert A. Nye (1978, p.491) claimed that “historians interested in the study of crime have been hamstrung in their work by the relative poverty of theoretical vision provided them by the criminological sciences” and that “it ought not to be surprising that historical investigations of crime have been neither numerous nor, until recently, especially fruitful”. At the start of the 1980s, Douglas Hay (1980, p.45) asserted that “recent histories of crime and criminal law make little use of criminology, partly because it is notably indifferent to what interests historians most: cultural, political, and economic change”. In the mid-1990s, John Pratt (1996, p.62) noted that the positivistic tendencies of 20th-century criminology and the past-oriented stance of orthodox historical scholarship conspired to keep history “an esoteric luxury” of little relevance for the study of crime. David Dixon (1996, p.67) similarly pointed out that, back then, history

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remained “marginalized as, at best, introductory or background matter in criminology”. Peter King (1999, p.161) stated at the turn of the 21st century that, though the relationship between history and criminology “can no longer be described a dialogue of the deaf, it is still being conducted very largely in discreet whispers”. In short, the relationship between history and criminology has long been viewed to be, at best, an uneasy one and, at worst, an unnecessary one.

This is starting to change. Dialogues between history and criminology are no longer conducted in discreet whispers. Instead, they are becoming loud and clear ones and, as Yeomans, Churchill and Channing (2020) put it, today’s historico-criminological discussions can reasonably be characterized as *conversations in a crowded room*. Three special issues in academic journals have been devoted exclusively or almost exclusively to historical criminology in less than a decade: *i*) Special Issue: Historical Criminology in the *European Journal of Criminology* (Vol. 11, Issue 2, March 2014), edited by Sverre Flaatten and Per Jørgen Ystehede, *ii*) Special Issue: Can History Make a Difference? The Relationship Between the History of Crime and Criminal Justice Policy in *The Howard Journal of Crime and Justice* (Volume 59, Issue 3, September 2020), edited by Barry Godfrey, and *iii*) Special Issue: The Past as Our Future: Historical Lessons to be Drawn from Interrogating Theory, Practice, and Policy in the *Journal of Criminal Justice* (2022), edited by Michael Rocque and Brendan D. Dooley. Recently published texts – like Kehoe and Pfeifer’s (2021) *History & Crime* and Churchill, Yeomans and Channing’s (2022) *Historical Criminology* – endeavour to discuss historical criminology in a substantive manner instead of treating it as a footnote to the history of crime. Moreover, the past few years have witnessed the launching of multiple historical criminology networks and subdivisions within criminological societies in the English-speaking world: the *British Society of Criminology* has a Historical Criminology Network, the *American Society of Criminology* has a Division of Historical Criminology, the *Australian and New Zealand Society of Criminology* has a Historical Criminology Network, and the *European Society of Criminology* has a Historical Criminology Working Group.

Hence, though it is somewhat unsurprising that historians have, up to this point in time, taken most of the credit for the growing popularity of the historical study of crime, the tide is starting to turn. Recent developments in historical criminology indicate that it is finally time to turn Sharpe’s claim upside down; *history is now accepted as a serious subject in criminological study*. Unlike the final decades of the 20th century, when criminological contributions to the study of the past were quite rare and undervalued, it can be asserted with a degree of confidence that, today, a *historical turn* is taking place in criminology. This should not necessarily be taken to mean, however, that there was a time when criminology was ‘pre-historical’ or ‘a-historical’. The fact that Luke Owen Pike published *A History of Crime in England* in 1873, for instance, indicates that the historical study of crime is at least as old as modern criminology itself. That said, the label ‘historical criminology’ is generally used to designate the emergence of a relatively new field of research (Churchill, 2018, p.10). This is arguably because, though there is nothing new about historical research in criminology, it is only in recent years that concerted efforts by an international community of scholars have started to crystallize around the criminological study of the past (Churchill & Nagy, 2021). In other words, the historical turn in criminology signals a progression towards a stage of disciplinary maturity and independence rather than a shift from a pre-historical to a fully historical criminology.

If that is the case, then, it could be argued that one of the key tasks of today’s historical criminologists is that of making clear that historical criminology is a substantive field of research and not a lower-ranking variation of crime history. One way of demonstrating this would be to show that historical criminology has its own history. As Rafter (2010, p.339) illustrated in the 2009 American Society of Criminology Sutherland Address, the fact that “criminology lacks a history” remains a key problem in the discipline to this very day. Garland (1985, p.110) had already noted this almost 40 years ago when he argued that

criminologists had failed “to reflect critically upon their own practice” and that this had led to an inadequate understanding of criminology’s past and its historical development. Since knowledge of the history of a discipline equips practitioners of that discipline with a capacity to develop a sense of purpose, tradition, and identity, excavations of the various traditions, subjectivities, and discourses that have historically shaped criminological practice are essential to an understanding of criminology today. As Laub (2004, p.1) put it, “the field of criminology lacks a sense of its own history” and the temptation to make sense of criminological activity simply by looking at what the present moment requires must be resisted at all costs:

There is a “presentism” in our field that I find contrary to the spirit of a healthy, intellectually vibrant enterprise such as criminology. It seems to me “new” developments in our field are constantly offered in an environment characterized by a collective amnesia. As we enter the new millennium, we can rectify this by taking our past more seriously so that we will be better able to create our future. (Laub, 2004, pp.1–2)

The purpose of this paper, then, is to expose the poverty of ahistorical criminology, to make sure that historical criminology today does not develop in an environment characterized by collective amnesia, and to enable its practitioners to appreciate the value of knowing the history of their craft.

In tracing the history of historical criminology throughout the 20th century, the aim is neither that of providing a historical justification for a given conceptualization of historical criminology nor that of discovering its essence. The paper’s chief objective is that of determining whether historical criminology can reasonably be said to have its own independent scholarly tradition. The paper follows a ‘nominalist’ approach to writing the history of historical criminology in the 20th century, that is to say, it traces ‘the name’ (*nomen*) of historical criminology since its first known uses down to the end of the 20th century. The paper starts with an exploration of the earliest uses of the term ‘historical criminology’ in the very first decades of the 20th century. At the time, the term ‘historical criminology’ appears to have been used to refer to early texts in the history of criminology and their practical value (intellectual *nomen*). Next, the paper goes on to show that, between the 1930s and 1950s, an alternative use and meaning of the term made its historical appearance. Particularly thanks to the work of German legal scholar and criminologist Gustav Radbruch, the term ‘historical criminology’ started to designate a particular form of comparative historico-criminological analysis (comparative *nomen*). It is in the 1970s and 1980s, then, that a critical use of the term ‘historical criminology’ started to take shape, as historical criminology begins to be equated by some with a tradition ‘within’ radical and critical criminology (critical *nomen*). The nominalist history of historical criminology developed in this paper ends with an account of the emergence of a Foucauldian *nomen* of historical criminology in the 1990s.

2. A (nominalist) history of historical criminology

This paper scrutinizes the 20th-century development of historical criminology from the limited point of view of ‘the history of social-scientific terminology’. The paper attempts to write a history of the idea of ‘historical criminology’ by tracing *the usage of the term* – almost exclusively in the English language – throughout the 20th century via a strictly nominalist approach. Nominalism and historiography have a contentious relationship (see Franchetti, 2013). Historical nominalism was popularized by Veyne (1984) in *Writing History* and is generally characterized by a rejection of ‘universals’ and by a search for ‘particulars’ in history. This study is nominalist in orientation in the sense that it denies that historical criminology has a general existence independent of its history; to understand the general idea of historical criminology is to appreciate its ‘historical singularities’ and the uniqueness of its historical moments. That said, the paper is not interested in defending a

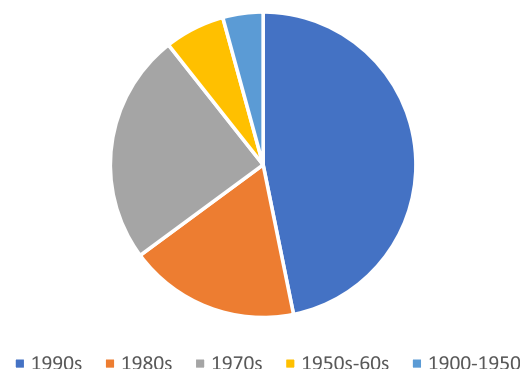
nominalist version of history and it should be approached as being written ‘in the spirit’ of nominalism rather than ‘in defence’ of it. Moreover, the paper adheres to a limited conception of nominalism that is primarily interested in language and terminology rather than forms and ontology. In this context, nominalism can be understood in its most basic metaphysical form as the assertion that “a thing exists only when it is given a name” (Quinney, 2017, p.xxiii). A nominalist approach places restrictions on what counts as historical criminology; only those works that were labelled as such at the time of writing – either by their own authors or by contemporary writers – are taken into consideration, whereas those to which the label has been retrospectively applied decades later are not taken into account. Through a nominalist approach to the history of historical criminology, the usage of the term ‘historical criminology’ can be traced back to its first known public appearances and its conceptual and terminological developments through recent history can then be observed. *Who gave historical criminology a name?*

2.1. A word on method: in search of historical criminology

The nominalist orientation of this paper allowed for a simple research method to be followed. The paper followed standard guidance on systematic literature reviews (see for instance Xiao & Watson, 2019) to i) determine inclusion and exclusion criteria, ii) choose suitable procedures for literature identification and screening, iii) assess quality and eligibility, iv) evaluate options relating to data extraction and analysis. Since the paper aims to trace the usage of the term ‘historical criminology’ throughout the 20th century, the literature search was conducted by utilizing the ‘Advanced search’ feature on Google Scholar to identify all digitized works ‘with the exact phrase’ “historical criminology” published (in English) between 1900 and 1999. Though digitized works mentioning ‘historical criminology’ cannot be taken to constitute the entire literature published in the field of historical criminology, they do provide a sizable representative sample. The digitized literature search generated 125 results, with the earliest result dating from 1914. Of these, 31 are repetitions of the same works (11), cataloguing errors (7), and works that could not be accessed and scrutinized because either not fully digitized or not actually in English (13). Of the remaining 94, 4 were published in the first half of the 20th century, 6 in the 1950s and 1960s, 23 in the 1970s, 17 in the 1980s, and 44 in the 1990s. Some other uses of the term ‘historical criminology’ that do not come up in the digitized literature search were identified through further research. Table 1 shows the distribution of works containing the term ‘historical criminology’ based on the decade in which they were published.

Though almost half of all works mentioning ‘historical criminology’ were published in the 1990s, the 1970s and 1980s also saw a noticeable proliferation of explicit references to ‘historical criminology’. This is

Table 1
Distribution of publications with the term ‘historical criminology’.



also true for the French and German equivalents “criminologie historique” and “historische kriminologie”. A similar analysis to the one conducted in this study could easily be replicated with German and French works, and doing so would provide an even more complete picture of the history of the use of the term ‘historical criminology’ in the 20th century on the European continent. 3 German works by Gustav Radbruch are included in the review (but not in the Tables) as they are relevant for the analysis. Some of Middendorff’s works translated from German are also included in the analysis. Table 2 shows the distribution of uses of the term ‘historical criminology’ based on the type of source in which they were found. As shown in the table, most uses of the term ‘historical criminology’ are found in academic articles and book reviews. The fact that significantly fewer books seem to contain the term ‘historical criminology’ when compared to academic articles and book reviews most probably highlights issues relating to the digitization of academic sources. 8 works contain the term ‘historical criminology’ only

Table 2
Distribution of uses of the term ‘historical criminology’ based on their sources.

1900–1969 SOURCE	N.
Books	2
Articles	4
Book Reviews	4
Author Bio	0
Title of Work	0
MA/PhD Thesis	0
Interview	0
Bibliography	0
TOTAL	10
1970–1979 SOURCE	N.
Books	1
Articles	11
Book Reviews	3
Author Bio	0
Title of Work	4
MA/PhD Thesis	2
Interview	1
Bibliography	1
TOTAL	23
1980–1989 SOURCE	N.
Books	3
Articles	7
Book Reviews	2
Author Bio	3
Title of Work	1
MA/PhD Thesis	1
Interview	0
Bibliography	0
TOTAL	17
1990–1999 SOURCE	N.
Books	3
Articles	24
Book Reviews	10
Author Bio	1
Title of Work	3
MA/PhD Thesis	0
Interview	0
Bibliography	3
TOTAL	44

in their bibliographies (4) or in the author's biographical note rather than in the text (4), as in [Little \(1988, p.274\)](#), i.e., "Craig B. Little is Professor and Chair in the Department... His research interests center on historical criminology". A significant number of uses of the term 'historical criminology' (18) are found in book reviews, some of which will be discussed in this paper. In each relevant source selected for inclusion in the analysis, the 'find box' (Ctrl + F) was used to locate uses of the exact phrase "historical criminology" in the text. Most works reviewed only use the exact phrase "historical criminology" once, with only a couple of works mentioning 'historical criminology' more than twice. The sections that follow discuss the various uses of the term 'historical criminology' identified through the digitized literature search in chronological order: *i*) the first half of the 20th century, *ii*) the 1950s and 1960s, *iii*) the 1970s, *iv*) the 1980s, and *v*) the 1990s.

2.2. The early history of historical criminology

Though today it is common to speak of 'historical criminology' as if the term had only recently entered academic jargon, usage of the term 'historical criminology' is at least as old as the Austro-Hungarian declaration of war on Serbia that started World War I. In fact, the first time the term 'historical criminology' appears in the digitized literature reviewed in the following pages is in a paper on 'Bibliography and its Relation to Social Work' by [Jenkins \(1914\)](#). This is not necessarily the first time the term 'historical criminology' was ever used, and there is no reason to believe that it was Jenkins who gave historical criminology a name. But it is significant that, already in the early 20th century, scholars were using the term 'historical criminology' to designate some sort of interaction between history and criminology. Jenkins was praising the New York Public Library for issuing a bibliography on criminology that the author regarded as "a permanent addition to the bibliography of historical criminology" (1914, p.48). This is the only time Jenkins mentions the term 'historical criminology' in the paper and it is therefore unclear what the term is taken to mean. The context in which the term is used, however, suggests that by 'historical criminology' Jenkins meant early criminological writings from previous centuries. Around the same time, the term 'historical criminology' also appeared in [Havelock Ellis' \(1915\) Impressions and Comments](#). Here, 'historical criminology' seems to have a meaning that can be taken to either overlap with or diverge from the one found in Jenkins, depending on interpretation.

The term is found in a passage in which Ellis critiques the Archbishop of Canterbury for publicly expressing approval of the application of the lash to individuals engaged in the 'white slave traffic'. Ellis cites a prominent historian of flagellation to indicate that such a punishment would be inhumane and ineffective, and states that "the futility for deterrence or reform of the lash or other physical torture as applied to adults has long been a commonplace of historical criminology" ([Ellis, 1915, p.n/a](#)). Ellis' usage of the term 'historical criminology' could be interpreted in two ways: that torture is morally bankrupt and does not work is a theme found in the writings of pioneers in criminology such as [Cesare Beccaria \(1738-1794\)](#), hence it is possible that by 'historical criminology' Ellis meant early criminological writings, just like Jenkins. Alternatively, it could be that, in writing that passage, Ellis had in mind criminological or penological explorations of corporal punishments in previous centuries, in which case his use of the term 'historical criminology' could be associated with a sort criminological study of the past. This would align with more recent connotations of the term 'historical criminology' and especially with [Lawrence's \(2019, p.495\)](#) definition of historical criminology as "research which incorporates historical primary sources while addressing present-day debates and practices in the criminal justice field", since that seems to be quite clearly what Ellis was doing in the passage cited above; critiquing the Archbishop of Canterbury's punitive proposal to use the lash on individuals trafficking white slaves by resort to historical evidence, arguments, and sources.

Though some might be justifiably inclined to prefer the second

interpretation – purely because it furnishes evidence that a distinctive historico-criminological kind of analysis was already possible over 100 years ago – there is a danger in relying on modern-day social-scientific labels and conceptions when studying the past. As [Lucien Febvre and Marc Bloch](#) made clear in a number of historiographic admonitions, the temptation to project the present into the past must be resisted at all costs when engaging with historical events, as it constitutes "the worst sort of anachronism" ([Febvre, \[1938\] 1973, p.9](#)) and "the most unpardonable of sins in a time-science" ([Bloch, \[1949\] 1984, p.158](#)). To claim that Ellis used the term 'historical criminology' in a way similar to Lawrence 100 years earlier might be regarded as a serious confusion of epochs, i.e., a form of anachronism and presentism that, as [Ranci re \(2015, p.23\)](#) put it, is widely regarded as "the mistake against history par excellence". Accusations of anachronism are based on the claim that 'X could not have existed at a given date' – in this case, that historical criminology [as we know it] could not have existed in the 1910s. In other words, it may well be anachronistic and presentist to read Ellis' passage in a way that "fits in with the direction of one of our own modes of feeling" ([Febvre \[1937\] 1982, p.5](#)) about historical criminology and in a way that accords with 21st-century modes of knowing in the social sciences. The very few mentions of 'historical criminology' from the first half of the 20th century, however, do not necessarily support this accusation of anachronism and presentism – i.e., that early-20th century authors could not have possibly used the term 'historical criminology' in a way similar to today's usage.

As an example, a reference to 'historical criminology' from the first quarter of the 20th century is found in an article on 'The Crime Complex' by [Harry Elmer Barnes \(1924\)](#). Though Barnes did not use the term himself, the author's description at the start of the article calls Barnes "author of many studies in historical criminology" (1924, p.359). Barnes begins the article with a discussion of a hotly debated and controversial issue from his own days – the famous [Leopold and Loeb case of 1924](#) – and then goes on to use historical materials such as early developments in criminological discourse to produce a historically-informed commentary about it. Irrespective of what definition of historical criminology one works with – be it Lawrence's definition mentioned above or [Churchill's definition of historical criminology as "the work of criminology done in an historical mode" \(2017, p.380, italics in original\)](#) – there is little doubt that Barnes was indeed practising a kind of historical criminology that would easily be recognized as such today. In fact, his approach is not entirely different from the one used recently by [Bleakly \(2021\)](#) to study Smiley Face murders. The fourth and final reference to 'historical criminology' in English from the first half of the 20th century identified in this paper is found in [Lindesmith and Levin's \(1937\) 'The Lombrosian Myth in Criminology'](#). Lindesmith and Levin were frustrated that the priority accorded to Lombroso and the Italian School of criminology by studies on the origins of modern criminology inadvertently contributed to the concealment of valuable contributions to early criminological discourse made by scholars internationally; as they put it, early criminological developments in countries other than Italy appeared as "a sort of no man's land in historical criminology" (1937, p.654). A few words should now be said about the commonalities shared by the 4 studies analyzed so far.

Though the usages of the term 'historical criminology' by [Jenkins \(1914\)](#), [Ellis \(1915\)](#), [Barnes \(1924\)](#) and [Lindesmith and Levin \(1937\)](#) can hardly be said to belong to a single tradition of intellectual practice, they seem to share an orientation as well as a feature. All 4 usages seem to hint at the fact that a feature of historical criminology in its earliest form was its relation with or reliance on early criminological writings and its interest in the early history of criminology. In other words, the usages analyzed point in the direction of an understanding of historical criminology that is distinguished by a 'past-oriented' feature. Seemingly contradicting this point, however, the authors scrutinized also share a 'present-centred' orientation, as they speak of historical criminology in a way that – in one way or another – has some bearing on the present moment. In Jenkins, a bibliography of historical criminology has value

for social workers in the author's own day. In Ellis, teachings of historical criminology are used to challenge punitive proposals circulating at the time of writing. In Barnes, historical criminology provides insights into contemporary criminal cases that are presently in the spotlight. In Lindesmith and Levin, historical criminology protects contemporary criminology from myth and mystification through "a sound appreciation of its own past" (1937, p.671). A two-fold conclusion can be drawn from this. Originally, historical criminology was both the 'name' (*nomen*) given to a certain kind of interpellation of early criminological discourses and the *nomen* given to a certain kind of analysis that uses such discourses to address relevant criminological discussions, debates, and controversies in the present.

Starting with a discussion of the physical causes of crime and psychiatry's denial of free will, for instance, Barnes (1924, p.359) reviews "some of the outstanding phases in the progress of criminal science in the last century". He assesses the significance of Lombroso's theories of criminality, outlines the early contributions of psychiatry and medical psychology to criminal procedure, discusses classic debates between the doctrines of free will and determinism, and the related debates about punishment and rehabilitation, criminal responsibility and social protection. Importantly, he does all of this to critique the cruelty of the penal system of his days and to produce an erudite and theoretically-informed commentary on a highly publicized criminal court case of his times. Similarly, Lindesmith and Levin look at the early history of criminology and dispel the Lombrosian myth in criminology not simply to correct the historical record but chiefly to enable true scientific progress in criminology and to facilitate the implementation of better approaches to the crime problem. In Barnes and Lindesmith and Levin more than in Jenkins and Ellis, a historico-criminological approach emerges that is visibly dualistic, i.e., equally historical and criminological. Such an approach relies on the study of the early history of criminology – i.e., the discipline's origins and founders, its early debates and theoretical developments, its initial shortcomings and controversies, and so on – and it therefore approximates an 'intellectual history' of criminology's most prominent thinkers and its most influential schools of thought. Such an endeavour – i.e., the intellectual history of criminology – is perhaps best typified by the *Pioneer Series in Criminology* launched in 1954 by Robert H. Gault, Elio Monachesi, Francis E. Allen and others (see Gault, 1954; Jeffery, 1959) and works like Hermann Mannheim's (1960) *Pioneers in Criminology* and should not be taken to represent a purely intellectualistic journey into the past of the discipline.

Just like history in general has, since the times of Herodotus and Thucydides in Ancient Greece, been understood as "a pedagogical and indeed practical discipline par excellence" (White, 2014, p.12), so the intellectual history of criminology is not meant to simply teach about criminology's past. Its aim is not that of divorcing criminologists from their current practice and distracting them from living problems by taking them into the realm of the dead. Instead, it is intended to enrich the criminological spirit. To paraphrase Heidegger (1997, p.7), it could be said that the past which criminologists seek to access via the intellectual history of their discipline is not separated from them but is them. Understanding the history of criminology means understanding criminology today – not in the sense that criminologists might establish various things about themselves, but that they experience what they ought to be. Hence, the first chapter in the history of historical criminology could be understood as follows; at some point in the first decades of the 20th century, criminologists, sociologists, historians, and other scholars with an interest in the study of crime started to compile bibliographies of criminology, to write about criminology's past, to offer reflections about the discipline's intellectual foundations, to contest its defining historical moments, and so on, thus making it possible to access and understand the history of criminology. In turn, access to and understanding of criminology's past allowed scholars to draw on historical content to discuss questions of criminological relevance in their own day. If this is the case, then, it can be argued that, in its earliest form, historical criminology was about the history of criminology and about

using knowledge of criminology's past to address contemporary criminological debates and questions.

There are reasons to be sceptical about the anachronism and presentism of such an account, for it admittedly resembles too closely the most widely accepted *nomen* of historical criminology today and, therefore, seems to deny the notion that historical criminology has evolved over time. Churchill (2019), for instance, takes historical criminology's motto to be 'history matters to criminology' in the sense that it helps criminologists make sense of their own times, it contributes to explanations and critiques of contemporary phenomena, and it allows criminologists to characterize the present. Knepper (2014) argues that historical research must go a step beyond revealing the past to be of interest for criminologists – it must relate to present experience – and that historical criminologists make a commitment to 'futurism'. Deflem (2015) similarly points out that historical criminology should not be understood as merely a criminology of the past. Catello (2019) argues that 'present-centredness' is the most distinctive trait of works in historical criminology and the feature that distinguishes them from crime histories. The unifying theme of historical criminology, Catello (2022) argues elsewhere, is its anti-historicist posture – i.e., its unwillingness to study the past for the sake of knowing the past and its insistence that knowledge of the past is valuable for present purposes in criminology and criminal justice. Though it needs to be acknowledged that such explicitly present-centred characterizations of historical criminology were absent in the early 20th century, there are ways to show that recent formulations of historical criminology have roots in the first half of the 20th century. In particular, a certain *nomen* of historical criminology became intelligible between the 1930s and the 1950s which started a second, early chapter in the history of historical criminology. Surprisingly, such a *nomen* is even more similar to contemporary manifestations of historical criminology.

While Jenkins, Ellis, Barnes, and Lindesmith and Levin have in common a focus on early criminological advances or writings, such a focus is absent in another work from the first half of the 20th century that also mentions the term 'historical criminology' – though in German (*historische kriminologie*). German politician, legal scholar and Heidelberg criminologist Gustav Radbruch (1878–1949) used the term 'historische kriminologie' in 'Der Raub in der Carolina' (1931) – a text on the *Constitutio Criminalis Carolina*, the first body of German criminal law – and in a collection of essays titled *Elegantiae Juris Criminalis* ([1938] 1950). Radbruch's use of the term historical criminology suggests that, already in the 1930s, the term 'historical criminology' was starting to refer to a distinctive kind of historico-criminological analysis that incorporates an explicit element of present-centredness. In an article on the origins of criminal law in the class of serfs published in *Elegantiae Juris Criminalis*, for instance, Radbruch argued that the origins of modern criminal law are found in intra-household discipline of household members, and that modern criminal law bears traces of its origins in domestic disciplinary practices and slave punishments. While it is not particularly clear why this sort of investigation deserves to be labelled 'historical criminology' rather than 'historical jurisprudence', 'penal history', 'history of criminal law', and so on, one of Radbruch's subsequent works seems to suggest rather clearly that he was working on a distinctive criminological approach to the study of the past meant to complement the history of criminal jurisprudence. After World War II, with the publication Radbruch and Gwinner's *Geschichte des Verbrechens: Versuch einer Historischen Kriminologie* (Radbruch & Gwinner ([1951] 1991)) – which can be translated as *History of Crime: An Attempt at Historical Criminology* – the term historical criminology began to designate a kind of analysis meant to disclose the historicity of contemporary manifestations of crime by comparing the 'criminological physiognomy' of different historical periods.

It is arguably around this time that the term 'historical criminology' starts to designate an independent scholarly enterprise and a distinctly criminological analysis of the past. This is probably due to the fact that the historical criminology of Radbruch and Gwinner was explicitly

'comparative' rather than intellectual in scope. Among other efforts, for instance, it compared the German criminality at the times of the Reformation with the Italian criminality at the times of the Renaissance. The comparative essentiality of the historical criminology found in Radbruch and Gwinner's work is lucidly demonstrated by a passage found in the opening pages of *History of Crime: An Attempt at Historical Criminology*:

It is the task of historical criminology to compare the criminological physiognomy of different cultural periods and to show how the atmosphere and the conditions of the time influence its criminality, thereby making us aware of the fact that the criminality of our age is also dependent on its historical setting.

(Radbruch & Gwinner ([1951] 1991), p.6)

What the comparative approach of Radbruch and Gwinner revealed is that studying crime historically requires an appreciation of the fact that crime, criminal justice, criminal law, and criminal punishment are *products of history*. Crime-related phenomena possess an inherently historical quality and, precisely because of their 'historicity', they need to be studied in historical context if they are to be properly understood in their present form. As (O'Brien 1978) succinctly put it, crime and punishment are to be regarded as 'historical problems'.

2.3. The poverty of historical criminology in the 1950s and 1960s

By the mid-20th century, then, two main usages of the term 'historical criminology' were already in circulation – one grounded in intellectual history, the other in comparative history. An intellectual *nomen* and a comparative *nomen*. In the 1950s and 1960s, use of the term 'historical criminology' does not proliferate much and is found almost exclusively in a handful of book reviews (Mueller, 1958; Barnes, 1959; King, 1969) and two texts by a German judge and criminologist (Middendorff, 1962, 1968). This section briefly discusses these few mentions of the term 'historical criminology', with an emphasis on comments made about tensions between present-centredness and past-orientedness in historico-criminological works. Mueller (1958) made an interesting reference to 'historical criminology' in a review of Radzinowicz's (1948) *A History of English Criminal Law*:

Those among the legal historians, and scholars of historical criminology who believe with Ranke that it is the task of a historian to describe *wie es eigentlich gewesen*, will be fully satisfied. Those who believe that historical writing must be constantly evaluative, especially in terms of reference to the present, will be somewhat disappointed.

(Mueller, 1958, p.158)

This quote is interesting for three main reasons. The first is that Radzinowicz ought to be regarded as one of the key figures in historical criminology. Although Garland (1995, p.194) dubbed him the "leading historian of the age of penal progress", Radzinowicz was not a trained historian but the first Wolfson Professor of Criminology as well as the founding director of the Cambridge Institute of Criminology. Hence, though Radzinowicz did not use the term historical criminology to classify his own writings, his contribution to the historical study of crime must be duly acknowledged – consider only the fact that he did such a formidable amount of archival research into penal records to write the history of English criminal law that his work on Victoria and Edwardian criminal justice policy alone produced 800 annotated pages drawn from primary material (Radzinowicz & Hood, 1990).

The second reason why Mueller's quote is interesting is because it is most definitely wrong. The idea that Radzinowicz's history of criminal law conforms to Rankean historiography and simply describes *wie es eigentlich gewesen*, i.e., 'what actually happened in the past', has been systematically disputed by crime historians and historical criminologists. Today, Radzinowicz's criminological histories are widely regarded

to be not objective but *Wiggish*, that is, they were written with 'an eye on the present' – they are presentist. In fact, because of his habit of narrating the history of penal justice from a present-centred point of view of penal progress, Radzinowicz can be regarded as "the king of Whig history" (Knepper, 2016, p.9) in the historiography of crime and criminal justice. The third reason that makes Mueller's quote worth analysing is that it highlights a major tension in the historical study of crime-related phenomena between works that are primarily interested in the historical past and works whose historical orientation is fundamentally subordinate to a desire to make better sense of present-day issues in criminology and criminal justice through historical methods. Even today, the historical study of crime today can be said to revolve around such a tension between two main analytic camps. One consists of studies that are interested in discovering historical truths about crime-related phenomena from the past. The other consists of studies that are only tangentially interested in such historical truths and whose main aim is that of broadening contemporary understandings of crime-related phenomena by linking past and present and by providing clear routes to criminal justice reform (Pisciotta, 2014).

H. E. Barnes (1959, p.388) wrote in a review of Williams (1959) *Vogues in Villany, Crime and Retribution in Ante-Bellum South Carolina* that the work serves as "a valuable addition to the available bibliography of historical criminology and penology". Of particular interest to Barnes was the comparative value of the reviewed work, which undermined commonly-held beliefs about the prevalence of violence in the ante-bellum South. Another use of the term 'historical criminology' from the 1960s is contained in Middendorff's (1962) discussion of advances in German criminology from that period. Middendorff claims that two areas of criminology were receiving considerable interest at the time in Germany: 'historical criminology' and 'traffic offences'. By 'historical criminology' Middendorff meant the criminological task of making portraits of crime and criminality from the past, as well as understanding the broader historical context of which crime-related phenomena are a manifestation. Historical criminology, said Middendorff (1962, p.381), teaches that "crime has always been". A few years later, Middendorff endeavoured to develop a historico-criminological portrait of political murders in his *Political Murder: A Contribution to Historical Criminology* (1968). A more dubious mention of the term 'historical criminology' from this period is found in a book review of West (1967) *The Young Offender* written by King (1969). King asserted that West's text fits well within "the framework of historical criminology and modern psychiatric practice" (1969, p.139). West's work is not historical in nature, hence it is likely that King was referring to the 'criminological history of offenders' rather than to the criminological study of the past as applied to youth crime.

Lastly, in a book review of Powers (1966) *Crime and Punishment in Early Massachusetts 1620–1692: A Documentary History* and Fox (1968) *Science and Justice: The Massachusetts Witchcraft Trials*, Hess (1970, p.122) claimed that "two types of books can be distinguished in the historical criminology writings of today":

The first is mainly interested in establishing historical facts out of which then grow – usually to only a limited degree – analysis and interpretation. The second type is much less concerned with researching historical events and depends largely on earlier studies for its information, but it focuses to a much greater extent on interpretation and theoretical considerations.

(Hess, 1970, p.122)

Powers' book belongs to the first type of historico-criminological works, primarily because it uses historical data to draw comparisons "with the present situation" (Hess, 1970, p.123), whereas Fox's book belongs to the second type, for it examines "a specific and limited topic in the relationship between the justice and the science of the day". This is another lucid manifestation of the above-mentioned tension between historico-criminological works that contain an element of present-centredness and others that are primarily past-oriented. As already

suggested, such a distinction remains at the heart of contemporary debates in historical criminology. As Hess (1970, p.124) recognized, the value of historico-criminological analyses can be said to reside in the fact that such analyses can “widen our criminological horizon and encourage those who believe we can learn something from history in our search for solutions of present-day problems”.

2.4. Proliferation and developments in the 1970s

In the 1970s, the term ‘historical criminology’ starts to be used more widely and liberally. It features in books (Macfarlane, 1977), book reviews (Adams, 1978; Heidensokn, 1975; Hess, 1970; HR, 1979; KHR, 1978), titles of papers (Faber, 1978; McCleary, 1971; Middendorff, 1973; Tahourdin, 1971), interviews (Snodgrass, 1972a), postgraduate dissertations and doctoral theses (Ndabandaba, 1974; Snodgrass, 1972b), criminological bibliographies (Kaiser & Wurtenberger, 1972), as title of symposia and conferences (Alexander, 1972; McCleary, 1972; Ylikangas, 1976), in critical criminology papers (Taylor, Walton and Young, 1974), reports on research collaborations between sociologists and jurists (Hartwig, 1978), and authors’ biographical notes (Einstadter, 1979). 15 uses of the term ‘historical criminology’ from this decade are reviewed in the following pages. A couple of works from the early-1970s contain the term ‘historical criminology’ in their titles – ‘Historical Criminology: Social Work in Illinois in the ‘30s and ‘40s’ (McCleary, 1971) and ‘Historical Criminology: A Refuge for Prostitutes in 18th-Century Britain’ (Tahourdin, 1971). Similar to these are 2 contributions to a ‘Symposium on Comparative Criminology: Section IV. Historical Criminology’ published by the *International Journal of Offender Therapy and Comparative Criminology* in 1972 (Alexander, 1972; McCleary, 1972). These are ‘memoirs’ that contain short flashbacks with both personal and historical considerations about themes of criminological relevance. Another contribution to the Symposium from Section III on psychiatric criminology also mentions ‘historical criminology’, emphasising its comparative value: “criminals and crimes differ from country to country and generation to generation (hence our interest in historical criminology!)” (Schmidberg, 1972, p.65).

Next, it is worthwhile taking a look at an interview with Marvin Wolfgang prepared for *Issues in Criminology* in 1971. Wolfgang speaks of a “historical tradition that has characterized criminology at the University of Pennsylvania” (Snodgrass, 1972a, p.46). Wolfgang mentions two criminological studies undertaken by doctoral students that make use of historical approaches: a study of German criminologist Avé-Lallemant (1809–1892) entitled *Historian of the Underworld* and a study based on a prison inspector’s report on prison conditions in Rome between 1625 and 1650 entitled *The Punishment for Crime in Baroque Rome*. Even more relevant is the fact that, in the interview, Wolfgang acknowledges to be in debt to Sellin and his pursuit of historical investigations in criminology. When asked about the appropriateness of labelling Sellin’s work as ‘historical’, Wolfgang replies that Sellin had an “interest in historical criminology” (Snodgrass, 1972a, p.43). This should not come as a surprise; Sellin was a prolific writer on the history of penology, prisons, and criminal punishment (see for instance Sellin, 1931a, b, 1934, 1965, 1967a, b) and his *Slavery and the Penal System* (1976) was a work expressly designed to test Radbruch’s hypothesis on the origins of modern criminal punishment. His *oeuvre* may, therefore, be regarded as a continuation of Radbruch’s comparative approach to historical criminology. Consider, for example, the following quote from Sellin’s work on ‘Philadelphia Prisons of the Eighteenth Century’: “When we consider the present character of the prison system of Pennsylvania”, Sellin (1953, p.326) wrote, “it is difficult to conceive that this state once was regarded as a fount of inspiration for penal reformers in the old countries of the civilized world”. It is hard to read such a passage and not agree that Sellin was interested in the penological and ‘criminological physiognomy of different cultural periods’ – as Radbruch would put it.

A criminological bibliography by Kaiser and Wurtenberger (1972) makes a peculiar reference to historical criminology, as the term is used

in a way that encompasses both ‘the history of criminology’ and ‘the history of crime’ – i.e., ‘Historical Criminology’ is the title of section 5 and ‘History of Criminology’ and ‘History of Crime’ are the titles of subsections 5.1 and 5.2 respectively. In his doctoral thesis on the American criminological tradition and pioneers in criminology, Snodgrass (1972b) critiques the lack of systematicity and critical analysis found in accounts about the intellectual history of criminology. As he put it: “Unjudgmental and noncommittal, historical criminology is often a series of excerpts between quotation marks” (1972b, p.2). Middendorff (1973, p.61) made yet another contribution to historical criminology – “a new and still underdeveloped branch of the science devoted to crime” – in an analysis of the trial of August Sangret, the French-Canadian soldier who was hanged in 1943 for murdering Joan Pearl Wolfe in Surrey, England. In Middendorff’s (1973, p.61) words, the task of historical criminology is that of “portraying a picture of criminality in earlier times” so that crime can “be seen in its own time”. Here, historical criminology once again approximates Radbruch’s comparative *nomen*. The focus, however, is exclusively on criminal cases, and one of the duties of the historical criminologist is said to be that of collecting and evaluating “criminal cases which are of special importance and from which we can learn” (1973, p.61). In a postgraduate dissertation on crime in the South African town of Mtunzini, Ndabandaba (1974, p.52) quoted Radbruch’s comparative definition of historical criminology *verbatim*, i.e., the task of historical criminology is to compare ‘the criminological physiognomy of different cultural periods’.

Hence, both the intellectual *nomen* and the comparative *nomen* of historical criminology continue to be found in the 1970s. But around this time, a new *nomen* also emerges. A ‘critical’ *nomen* of historical criminology is found in (Taylor, Walton and Young’s 1974) paper ‘Towards a Critical Criminology’. While none of the chapters of their influential *The New Criminology* (1973) is about strictly historico-criminological themes, here the authors warn against the perils of an “a-historical criminology”, that is, a criminology that ignores “the historicity of the ‘social’” and the “historical specificity of legal norms” (1974, pp.462–463) and assumes to be eternally valid. An a-historical criminology, Taylor, Walton and Young argue, turns social problems into individual problems, thus legitimising the individualistic search for the causes of crime of positivist criminology. They therefore rebuke “the absence of any historical dimension in contemporary [criminological] work” (1974, p.462) and point out that processes of criminological knowledge-production cannot be separated from the societal conditions of a given historical period. In this particular instance, the notion of a historical criminology is not understood as a sub-discipline of criminology but as a *critical attitude*, a reflexive posture towards the historicity of crime-related phenomena and the historical time-sensitiveness of criminological studies. In a book review of Count-Van Manen’s (1977) *Crime and Suicide in the Nation’s Capital: Towards Macro-historical Perspectives*, Adams (1978) uses a similarly critical construct to characterize Count-Van Manen’s study. He claims that the book is “is an interesting contribution to the growing movement away from social-psychological, anti-historical criminology”, particularly because it shows that “the major ‘criminogenic’ factors are societally systemic in nature rather than local or psychological” (1978, p.351) and, therefore, that policy-makers are wrong in implementing solutions informed by individualistic positivist theories of crime causation.

Overall, a noticeable increase in interest about historical criminology can be detected in the 1970s compared to the 1950s and 1960s. The first international conference of historical criminology took place in New York in 1972, and historical criminology also featured as a major theme in a seminar organized by the Scandinavian Research Council for Criminology in 1974 (Ylikangas, 1976, p.82). Researchers with an interest in the historical study of crime started to more frequently refer to their own work as ‘historical criminology’ – as Ylikangas did with his “studies in Finnish historical criminology” (1976, p.81), which include ‘The Motivational Basis for Crimes of Violence in Sixteenth-century Finland’ (1971), ‘The Emergence of a Wave of Violence’ (1973), ‘The

Rogues of Härmä and the Master of Kauhava' (1974), and 'Creeping Violence: The Deeds and the Background Motives of the Ostrobothnian Knife-fighters' (1976). Yet, the development of a historiography of crime and criminal justice in the second half of the 1970s also meant that the term 'historical criminology' began to be increasingly conflated or confused with the cognate term 'crime history'. As an example, a review of 4 seminal works in the history of crime – Given's (1977) *Society and Homicide in Thirteenth-Century England*, Cockburn's (1977) *Crime in England 1550–1800*, Hay et al.'s (1975) *Albion's Fatal Tree*, and E. P. Thompson's (1977) *Whigs and Hunters* – states that “there has been a greatly increased interest into historical criminology within recent years” (KHR, 1978, p.15). Similarly, a review of Inciardi, Block and Hollowell's (1977) *Historical Approaches to Crime: Research Strategies and Issues* claims that the text is both an introductory text of “American historical criminology” and an attempt to formulate a research strategy for the study of “crime and criminals in the past” (HR, 1979, p.14).

2.5. Critical appropriations of historical criminology in the 1980s

Though it might seem surprising that in the 1980s the term 'historical criminology' did not continue to proliferate as much as it did in the 1970s, there is actually a simple reason for it. The term is mentioned sporadically in titles of papers like Hess' (1981) 'Pictorial Representations as Sources for Historical Criminology' and Geis and Goff's (1986) 'Edwin H. Sutherland's White-Collar Crime in America: An Essay in Historical Criminology', doctoral theses (Sampson, 1983), authors' biographical notes (Ditton, 1980; Little, 1982, 1988; Krohn, Massey and Zielinski, 1988), book reviews (Lynch, 1988), books (Platt & Takagi, 1981; Shelley, 1981), and a number of academic papers but, overall, seems to have lost and not gained popularity. As alluded to at the end of the previous section, this has to do with the rise of crime history in the mid-1970s, which partially eclipsed the significance of historical criminology as a distinctive academic label. This does not mean that fewer studies of historical criminology were actually produced in this decade, but that the term 'historical criminology' was more reluctantly applied to such studies. In fact, as claimed by Clarke et al. (1981, p.xi), the growing influence of British crime historians and of Foucault's (1977) and Melossi and Pavarini's ([1977] 1981) revisionist histories of the prison in the late-1970s coincided with “a major expansion of interest in historical criminology”. However, while critical historical perspectives on crime were a major success and attracted a lot of attention at the time (Godfrey, 2011), this might have costed historical criminology a number of loyal 'followers' willing to use the term 'historical criminology' instead of 'social history', 'revisionist history', 'critical history', 'genealogy', 'history of the present', and so on, to characterize their works. Such a claim seems to be supported by the fact that though “a critical tradition in historical criminology” (van Swaaningen, 1998, p.46) developed throughout the 1980s – especially in France and Germany – terms like 'critical criminological history' and 'critical historical criminology' remain virtually unused to this day. The claim is also supported by the fact that some of the most prolific writers of historico-criminological works who started publishing in the 1980s – such as David Garland – have opted not to use the term 'historical criminology' to describe their own works.

This point is perhaps best illustrated by the use of the term 'historical criminology' in an essay written by Pat Carlen (1980) on 'Radical Criminology, Penal Politics and the Rule of Law'. Carlen begins the essay by discussing 4 'radical traditions' in criminology that emerged starting in the 1960s. One of these is “a historical criminology centring on the work of E. P. Thompson in England and Michel Foucault in France” (1980, p.8). An entire section of the paper entitled 'Historical Criminology' is devoted to developing such a point. Here, Carlen claims that, with a few exceptions, criminology had traditionally been uninterested in historical works but that “in the last few years the situation has changed” (1980, p.13), as historical works were starting to populate criminology book lists, thus giving life to a new genre: 'Historical Studies

on Crime and Law'. In short, Carlen considers historical criminology to be an emerging tradition *within* critical criminology. Stanley Cohen (1986), who mentions the term 'Western historical criminology' in a paper on African history and Western criminology, is of a similar view. He argues that the development of a historical interest in criminology is to be regarded as a by-product of the rise in popularity of the critical crime histories of E. P. Thompson and other British Marxist historians, and that it was critical criminology to 'discover' and 'adopt' crime historians such as Thompson, Eric Hobsbawm and George Rudé. Like Carlen, Cohen implies that one of the chapters in the history of historical criminology corresponds to a chapter in the history of critical criminology. As Cohen put it:

For surely the enterprise of rescuing today's deviants from the wastebin of social pathology was exactly parallel to these historians' attempts to rescue machine breakers, food rioters, poachers and smugglers from – in E. P. Thompson's ringing phrase – 'the enormous condescension of posterity'.

(Cohen, 1986, p.469)

As historical criminology in the 1980s was competing with critical crime history while being subsumed by critical criminology, usages of the term 'historical criminology' were thus unable to proliferate. But a handful of works from the 1980s that make use of the term 'historical criminology' can be mentioned.

In a criminological evaluation of a culpable homicide case, Middelendorff (1980, p.259) applies “the methods of historical criminology and criminal psychology”. Wells (1984, p.127) begins his study of sheep-stealing in Yorkshire in the age of the industrial and agricultural revolutions by saying that “the study of 'crime' in British history is now fashionable” and later lists a number of “normal tools of historical criminology” such as 'protest crime', 'social crime', 'rural crime' and 'poverty-induced crime'. Post (1985, p.92) makes a reference to historical criminology in a study on criminality in medieval England, claiming that “historical criminology is developing rapidly”, but he most probably had crime history in mind when making such a claim. This is because he cites an earlier paper by Sharpe (1982) on the history of crime in late medieval and early modern England as evidence of this and, in that paper, Sharpe makes no mention of historical criminology. Rather, Sharpe (1982, p.187) asserts that “the history of crime, law and order, and attitudes to such matters, has emerged as a subject of central importance to social historians”. Similarly, Hunt (1986, p.203) talks about how the 'new legal history' of the 1980s had to shift focus from criminal to civil law in response to “the historical criminology of the last two decades” – by which he most probably meant crime history. McMullan (1987, p.268) develops a critique of the theoretical poverty of the historiography of crime and criminal justice when it comes to early modern England and claims that many of the 'facts' discovered by crime historians are in fact false and produce “historical criminology as ideology”. In a critical review of Jones (1987) *History of Criminology: A Philosophical Perspective*, Lynch (1988, p.181) makes a call for a radical history of criminological thought and claims that a radical materialist perspective reveals “the poverty of historical criminology”. Lynch's call echoes the critical spirit of his generation; historical-criminological explorations – be they about the history of criminology or the history of crime – ought to be critical explorations, otherwise they are in vain.

Likewise, critical criminologists of the 1970s and 1980s realized that their rejection of both classicism and positivism “necessitated a search for theoretical structures to support the call for a more humanistic and historical criminology” (Cardarelli & Hicks, 1993, p.518; also see Meier, 1976). To many, the relationship between critical and historical criminology in the 1980s assumed an almost symbiotic form and, regardless of whether this should be celebrated or regretted, it likely prevented historical criminology from fully developing an independent existence at this point in recent history.

2.6. Variety and advances in the 1990s

The 1990s saw a revival of historical criminology – or at least of the usage of the term. The term becomes more and more integral to criminological parlance but its meaning remains often vague and unspecified. As an example, the British Criminology Conference in Cardiff in 1993 made a call for papers in “Comparative and Historical Criminology” (Emsley, 1993, p.111) without providing any specific guidance on what such areas actually cover. Also important is the fact that, in the call for papers, ‘Comparative and Historical Criminology’ is the second of 10 areas listed – following ‘Explanations of Crime’. This section reviews some of the most relevant uses of the term ‘historical criminology’ from the 1990s. For the sake of brevity, most book reviews from this decade that mention ‘historical criminology’ (Szusterman, 1991; Bonfield, 1993; Renton, 1994; Meyer, 1995; Linton, 1997; Robinson, 1998; Carlen, 1999, Sheptycki, 1999) will not be analyzed.

In a study on the industrial revolution and crime in Germany, Johnson (1990a, p.46) mentioned “the pitfalls and limits of quantitative historical criminology”. Johnson (1990b, p.x) wrote in the preface to *The Problem of Order in Changing Societies: Essays on Crime and Policing in Argentina and Uruguay, 1750–1940* that “historical criminology requires the careful elaboration of the political and social context”. In a comparative study of rural and urban crime between 1680 and 1705, Johansen (1990, p.97) claims that “the subject of historical criminology has only reached Scandinavia during the early 1980s” and that in Denmark historical criminology has mostly developed thanks to a computer-based project on a case-typological investigation of court records from Elsinore and Falster. Adrian (1990, p.876) praised historical criminology for the way it works in harmony with social history to enhance understandings of the past. Elsewhere, Adrian and Crowley (1991) studied the demography of misdemeanour convictions in Pittsburgh, Pennsylvania between 1892 and 1923 and stated that “historical criminology is just beginning its scholarly development” (1991, p.346) and that “historical criminology is a rich field, with possibilities of shedding great light on both criminal justice and social history” (1991, p.364). Haesler (1991, p.40) similarly connected historical criminology and social history, claiming that “the growing interest in socio-historical issues has enlivened the perspectives of historical criminology and has given it new impetus”. Arthur (1991, p.204) explored the colonial dimension of penal policy in British West Africa and emphasized the need to study “the historical criminology of Africa” and “the important role played by criminal justice in the process of nation-building and the political modernization of Africa”.

In an examination of gendered perspectives, explanations, and reactions to crime during the 19th and 20th centuries, Zedner built on “research by social historians and historical criminologists” (1991, p.313) to show “how far, and in what guises, Victorian assumptions about women continue to inform penal policy today” (1991, p.353). Noting that little emphasis has been placed on the question of gender among historical criminologists, Zedner relied on various intellectual developments like “recent social histories of the prison, the development of historical criminology, and the growth of writings by feminist criminologists” (1991, pp.308–309) to show that historical reasons underpin contemporary penal policy’s attitudes towards female criminals. In a study of the punishment of transportation, women offenders, and female transportees, Oxley (1991, p.89) conflated the meaning of historical criminology with that of crime history, as she mentioned a “wave of British historical criminology” that challenged “the 19th century notion of a distinct, professional criminal class” that, as a matter of fact, was first rejected by prominent crime historians like Clive Emsley and George Rudé. A similar inaccuracy is found in Kent, Townsend and Oxley (1993, p.193) who also mentioned “British historical criminology” in a context that should be reserved for British crime history. In a critique of ‘state-sanctioned criminology’, Calder (1992, p.9) speaks of a “historical criminology of organized crime”. Arguing that the secrecy over Al Capone’s records as a Chicago gangster perpetuate a state-

sanctioned criminology of organized crime that depends upon “selective dissemination of federal agency records”, Calder (1992, pp.15–16) insists that an “independent, rigorous historical criminology” must be distinguished “from a criminology which depends solely upon state information as definitive evidence”.

Forsythe (1992, p.231) claims that writings on the history of British penalty from the mid-1970s onward “have created an extraordinarily strong and vibrant branch of historical criminology” and that it is particularly thanks to the publication of Ignatieff’s (1978) *A Just Measure of Pain* that “a strong and vibrant field of British historical criminology has come into being” (1993, p.525). Elsewhere, Forsythe (1995, p.171) proclaims that “there has been a great renaissance in English Historical Criminology in the last fifteen years”. Braithwaite (1993, p.394) speaks of the importance of ‘nurturing historical criminology’ and “a cross-cultural criminology of discovery and diagnosis of past and present successful integrated crime control strategies from around the world”. Satzewich (1996, p.192) makes a contribution to “the historical criminology of cattle killing”, focusing in particular on cattle killing by First Nations in Southern Alberta, Canada between 1892 and 1895. Drawing on Thompson’s (1975) *Whigs and Hunters* – a text which is characterized as “an historical criminology of the ‘Black Act’” (1996, p.192) – Satzewich maintains that cattle killing by First Nations was both an attempt at resisting state rations policies and a result of material deprivation. A. G. L. Shaw (1999, p.8) wrote in a follow-up piece to his classic *Convicts and the Colonies* (1966) that “recent work in historical criminology makes clear that there is no correlation between conviction and even committal rates and the levels of crime and criminality”. There are some more studies from this period that make explicit mentions of historical criminology, but these should suffice. Although the studies scrutinized do not necessarily present a clear picture of what historical criminology actually is about, they do indicate that, by the end of the 20th century, there was a growing appetite for it.

A final point about usage of the term ‘historical criminology’ in the 1990s needs to be made. In this decade, some sustained discussions about the relationship between criminology and history started to take place and, around the mid-1990s, a new meaning of the term ‘historical criminology’ emerged. In an article on ‘Criminology and History: Understanding the Present’, Pratt (1996) elaborated on some of the ideas developed by critical criminologists about historical criminology’s relation to Foucault briefly discussed in the previous section. Noting that “a significant body of research in historical criminology” (1996, p.62) was developing in Australia and New Zealand in the 1990s, Pratt claimed that such a “build-up of historico-criminological research” (1996, p.61) in a subject ‘without a past’ like criminology could only become possible thanks to the work of Foucault. According to Pratt, the institutional and disciplinary development of criminology as a positivist, correctional ‘applied science’ made it almost impossible for criminologists to find value in historical analysis and, following from that, that it was Foucault’s *history of the present* that offered a different role for history in criminology. In Pratt’s view, criminologists discovered a common disciplinary interest in the past of crime and criminal justice when history started to be engaged with “not to hide in the past but to critically interrogate what had made possible the present” (1996, p.62, italics in original). In Pratt’s own words, Foucault brought about “a new vitality to historical criminology” (1996, p.63) by exposing the limitations of legal and penological histories which tended to assume an optimistic attitude towards the inevitability of progress and the infallibility of rationality in historical development – the so-called Whig view of history – and by offering analytic and historiographic strategies that could be put to use to look at present dilemmas in criminology through historical lens.

This argument is not necessarily new – as mentioned, Carlen said something very similar at the start of the 1980s. The difference is that, in Pratt, historical criminology is no longer talked about as a radical tradition ‘within’ critical criminology but an independent approach to the criminological study of the past. As Pratt clarified through a personal email exchange with the author, his understanding of the term

‘historical criminology’ reflects a willingness to conceive of historical criminology “as a subject in its own right” influenced by the Foucauldian impulse to write genealogies of the present. Unlike Carlen, then, Pratt gave precedence to Foucault’s ‘history of the present’ over his critical use of history. As shown in Table 3, the Foucauldian *nomen* of historical criminology that crystallizes in the 1990s can be said to prioritize the critique of the present over the critique of the past. In Pratt’s view, historical criminologists try “to get at what it is that has made the present possible” as opposed to working on past-oriented projects, i.e., works that “represent interesting catalogues of the past, but detached from the present”. It is no mystery that contemporary historical criminology has in fact been busy discussing the question of whether historiographic present-centredness should be regarded as one of its defining qualities. Lawrence (2012, p.320) made clear, for instance, that if “criminologists on occasion work from historical sources and make no attempt to link this work explicitly to the concerns of the present, they are effectively acting primarily as historians”. Relatedly, Lawrence (2019) shows that historical criminologists have predominantly made use of historical sources to ‘problematize’ and not to ‘explain’ contemporary events. This suggests that, from the 1990s onwards, what becomes increasingly important to criminologists working historically is not present-centredness per se but a Foucauldian posture towards the present – or, as Pratt put it, a desire for a critical interrogation of the conditions that made the present possible.

3. Concluding remarks

Starting in the 21st century, use of the term ‘historical criminology’ has proliferated to such an extent that developments in the last 2 decades cannot possibly be reviewed here. The history of historical criminology in the 21st century remains to be written. Hopefully, however, the insights on 20th-century historical criminology elaborated in this paper will facilitate further research in this area. It needs to be acknowledged that a nominalist perspective can be only partially successful when it comes to reconstructing the history of historical criminology. This is primarily because, beginning in the final years of the 20th century, the label ‘historical criminology’ has been widely applied by scholars engaging in a sort of ‘secondary nominalism’. Secondary nominalism can be taken to refer to the retrospective labelling of certain historical works on crime as ‘historical criminology’ as part of a kind of disciplinary revisionism. Flaatten and Ystehede’s (2014, pp.136) attempt to class “all historical studies relevant to topics and discussions in the field of criminology, criminal law, the criminal sciences and the criminal justice system as Historical Criminology” is a case in point. Pratt (1996) too retrospectively attached the label of ‘historical criminology’ in a very liberal way to works that were not classed as such by their own authors, as with Platt’s (1969) *The Child Savers*, Rothman’s (1971) *The Discovery of the Asylum*, and Scull’s (1977) *Decarceration*. Moreover, numerous scholars presently engaged in historical criminology do not label their works as ‘historical criminology’ – i.e., Pifferi (2016, p.16) prefers “historically contextualized criminology” – and this has probably been the case for a long time.

Moreover, the fact that, in the early- and mid-20th century, usages of

the term ‘historical criminology’ that are very familiar today were already in circulation seems to undermine the nominalist position adopted in this paper – i.e., the search for particulars and the rejection of universals. As a matter of fact, this only shows that historical nominalism has not done enough to address the question of continuity in history. The uses of the term ‘historical criminology’ from the 20th century analyzed in this paper point both in the direction of terminological continuity and of linguistic breaks. Such breaks have been conceptualized in terms of the emergence of a different *nomen* in each historical phase analyzed. In other words, linguistic breaks and innovations have been used to identify a number of ‘chapters’ or key moments in the 20th-century history of historico-criminological terminology. The first known uses of the term ‘historical criminology’ date back from the 1910s and designated forms of intellectual reflection on early criminological writings or the early history of criminology and their practical value in addressing questions of criminological relevance in the present. This is the chapter where an intellectual *nomen* of historical criminology first made its historical appearance. Such a chapter in the history of historico-criminological terminology is the least well-understood and clearly requires further scrutiny and study. Through the work of Radbruch from the 1930s to the mid-20th century, the term ‘historical criminology’ starts to assume an alternative significance – that of a comparative analysis of crime-related phenomena focused on the criminological and penological physiognomy of different historical periods. This chapter introduced a comparative *nomen* of historical criminology. It is clear that such a comparative *nomen* has directly informed various usages of the term ‘historical criminology’ for decades. The 1950s and 1960s did not witness the creation of a new *nomen* but rather saw a few scholars engaging with analytic questions about the relation of historico-criminological works to the historical past and the criminological present.

The term ‘historical criminology’ starts to be used more regularly from the 1970s onwards. In addition to a proliferation of both the intellectual *nomen* and the comparative *nomen*, a new, critical *nomen* of historical criminology appears in this decade in the writings of some critical criminologists – though in a primordial form. At the time, the term ‘historical criminology’ stood primarily for an antidote to orthodox criminology’s inattentiveness to the past. It is in the 1980s, then, that such a critical *nomen* takes full shape, as the term ‘historical criminology’ becomes more fully incorporated into the language of critical criminologists who start invoking it to refer to a development within critical criminology. The emergence of a critical *nomen* thus started a third chapter in the history of historical criminology. Then, in the 1990s, the term ‘historical criminology’ starts to be used quite liberally to refer to a broad and eclectic variety of analyses at the intersection of history and criminology, which arguably increased the terminological ambiguity of the ‘historico-criminological’. It is in the mid-1990s, however, that another important development in the use of the term ‘historical criminology’ can be noticed: the emergence of a distinctly Foucauldian *nomen* of historical criminology. It must be borne in mind that the history of historical criminology presented in this paper is only ‘a’ history of historical criminology, and an incomplete one. The paper’s aim was not to write a comprehensive history of an entire field of research but simply to cast light on its past for the sake of a better understanding of its present challenges and its future possibilities.

Whether historical criminology can be said to have its own independent scholarly tradition remains an open question. While it seems significant that the term ‘historical criminology’ has been around for over 100 years, the way in which the term has been used throughout the 20th century does not support the view that a single scholarly tradition is behind the popularization of a coherent, overarching use or meaning of the term. Instead, this paper showed that at least 4 distinct ways of invoking the term ‘historical criminology’ developed in the past century and that scholars in the 20th century did not pay much attention to definitional and terminological questions arising from their own uses of the term. Some might find this unexciting or even uncomfortable, but it

Table 3
The *Nomina* of historical criminology in the 20th century.

<i>Nomen</i>	Intellectual (1910s)	Comparative (1930s–50s)	Critical (1970s–80s)	Foucauldian (1990)
Distinctiveness	History of criminology	History of crime	Critique of the past	Critique of the present
Approach	Intellectual history	Comparative history	Critical history/criminology	History of the present
Exemplar	Barnes (1924)	Radbruch and Gwinner ([1951] 1991)	Carlen (1980)	Pratt (1996)

is actually quite a liberating insight. The fact that the most important chapters in the history of historical criminology may yet need to be written should not be cause for concern but rather a stimulus for historical criminologists today. The historical turn in criminology is a fascinating development in the criminology of the 21st century and, though the past of historical criminology may not be as exhilarating, it needs to be acknowledged as an important episode in the history of the social sciences.

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