

The Warwick Conference on The History of Law, Labor and Crime

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The Legal Research Institute of the School of Law at the University of Warwick sponsored an international scholarly conference between 15–18 September 1983 on “The History of Law, Labour and Crime.” The conference was partly funded by the Social Science Research Council, the Nuffield Foundation, the British Academy, and the University of Warwick.

Mr. Sol Picciotto, Chairman of the School of Law, Dr. Francis Snyder, Director of the Legal Research Institute, and Dr. Douglas Hay, a Visiting Professorial Fellow at the Institute were responsible for assembling more than a hundred lawyers, historians and scholars from many parts of the world to spend three or four days in discussing thirty-nine papers. The University of Warwick provided a well-appointed conference setting not far, in one direction, from Coventry, a sometime center of international automotive production, and, in the other direction, the conference organizers arranged a tour in Warwick of a 17th-century dungeon and an 18th-century Court Room.

In his opening remarks to the conference Mr. Picciotto noted that while in the last fifteen years historical studies had been influenced by literature, philosophy and anthropology and that law had been influenced by economics, political science and sociology, neither had found much influence in each other, despite their historic association. The relationship between legal and historical methods and research provided one of the most important themes of the conference.

It was explored in greatest depth in the topics from English legal history. Prof. Beattie’s scrupulous study of 18th-century Surrey juries, Prof. Oldham on special juries, Prof. Knafla’s study of criminal administration in 17th-century Kent, Prof. Orth on combination law, Prof. Styles on embezzlement law, Prof. Sharpe on 17th-century felony indictments, two papers on juvenile delinquency, two papers on societies for the prosecution of felons, and Prof. Davis’ study of late Victorian crime in London evinced the strength of local, administrative, legal, and quantitative research and also provided learned discussions in which disagreements were muted but not lost. In these papers some regarded law only insofar as the discovery of other social relations required the historian to use legal archives, while others took a scholarly interest in legal decisions and procedures *per se*.

An evening workshop among teachers of law and legal history from Canada, England, and the U.S. provided an interesting exchange of experience and view points. The success of multi-disciplinary legal teaching in Canada was greeted with interest. The English experience was expressed with caution and keen interest in developments from other countries in Europe. Professor Wythe Holt (Alabama) referred to "the renaissance of U.S. legal history" and conveyed the experience of American critical legal studies. Although Prof. Holt proffered the dictum that "there's not much in law that's not labor law," the discussion of this workshop, like that of many of the formal papers on legal administration in England, rather assumed than explored the relation between law and labor.

A second theme of the conference emerged most vividly from the scholarly contributions of countries in the southern hemisphere in which the relationships between legal compulsions and the history of labor regimes was at the center of attention. Paolo Sergio Pinheiro offered the results of research he conducted with Michael Hall on the historical phases between the police and the working class of Brazil. B.B. Pande of Delhi delivered a thought-provoking paper on penal measures and the working class in India. David Neal and Peter Fitzpatrick provided interesting papers about New South Wales and New Guinea respectively. The African contributions were especially rich: Prof. Kapinga on wage labor and discipline in Tanzania, Prof. White on prostitution in Nairobi, Prof. Chanock's interpretative essay on crime in colonial central Africa, Prof. Cooper on the transition from slave to wage labor in East Africa, and two narrative papers, viz., Prof. Baum on the Diola witches of Senegal and Prof. Van Onselen's remarkable presentation of "Nongoloza" Mathebula, the leader of the Ninehvites in the South African gold mines, were outstanding. The papers from the southern hemisphere emphasized "labour" and "crime" rather than "law."

In contrast, the research contributions about English history stressed on the whole "law" and "crime" rather than "labour" - though there were important exceptions in Barbara Weinberger's paper on the unemployed in England and Wales between the wars, in Ken Foster's discussion of 19th-century contract, and Linebaugh's outline of late 17th-century modes of production, as well as others. Consequently, the discussions arising from the papers in English history tended to raise either technical problems about differentials in law enforcement and penal practices (so the word "police" was often heard), to the relative neglect of those questions of property and class that have in the past been the starting point of so much debate, polemic and creative research in the historiographic traditions of England.

While the two themes of the conference often appeared to go their separate ways, at least in the formal sessions, the informal discussions often brought them together. More often than not this occurred as a result of the discussions arising from the German contributions - Prof. Grüttner on the casual poor of Hamburg, Prof. Mückenberger on the German workers' movement at the turn of the century, Prof. Geary on Weimar law, welfare, and radicalism, and Prof. Evan's remarkable analysis of the history of capital punishment in Germany. If the 'Big Questions' seemed to

be asked from the southern hemisphere, and if the most intricate and careful methodologies emanated from English empiricism, then it was from Germany with its very different legal, historical, and working-class traditions that the two themes could sometimes be joined in scholarly discussion.

It was an extraordinarily interesting conference and Dr. B. Pande of Delhi was not alone in regretting the absence of E.P. Thompson who ten years earlier at Warwick University had brought together an international group to study similar topics. Certainly progress in legal studies in Warwick has been made since centuries earlier when two quarelling, litigious barons sought from the Earl of Warwick a judgement that according to Shakespeare he avoided with the words,

But in these nice sharp quilllets of the law,
Good faith, I am no wiser than a daw.