This special edition features five articles that can be described as examples of socio-legal scholarship; though unlike many special editions, there does not seem (at least on the basis of abstracts and titles) to be much in common between the papers. Yet they have been deliberately chosen to appear together by the editors of this issue because there is a key commonality: they all draw on historical methodology in developing themes which are clearly socio-legal in remit. Despite their diffuse but controversial subjects ranging from the Wolfenden Report and decriminalization of homosexuality (Gleeson), the recent enactment of the Race and Religious Hatred Act 2006 (Bakalis and Nash), the ‘semi-criminal’ juvenile (Pegg), to contributions from the editors themselves (Stevenson on Rape and Rowbotham on the Baroda Incident 1875) all implicitly apply a common methodological approach that imports a genuinely historico-legal understanding to the specific subjects covered. In particular they challenge the more traditional discourse of legal and historical disciplines by adopting what Baker argues is the only way to discover, and uncover in any reliable way, past legal practice and juridical understanding – the utilisation of the best evidence available.¹

Significantly, much socio-legal research and legal-orientated historical research fails to achieve this, because of a long-entrenched assumption that what constitutes ‘best evidence’ is obvious: viz, official records, essentially, with some words of the great and good. Nevertheless, incorporating a historical perspective into socio-legal studies permits us to see the fallacy of this conclusion, and the importance of challenging it if we are to achieve better (in the sense of more relevant and useful) socio-legal outputs. One leading historian, Professor Richard Evans, was heard to comment at a Social History Society conference that law and history had little to say to each other. In terms of much of the scholarship in both fields produced

since the 1950s, this can seem an accurate comment. For instance, legal scholars tend to adopt a very technical and analytical approach without questioning the broader context of the legal rules under introspection, notably the factors leading to the introduction of legislation and its original intended purpose. Historians tend to focus on the causes of legislative initiatives and to assume that a law, once passed, works as intended unless there is blatant evidence to the contrary. In other words, they fail to consider its normative social impact and effect unless their interest is rejuvenated by some intervening crisis. True, both disciplines can resort to the typically predictable chronological narrative where the focus is on an essentially progressive assumption of continuing legal development as ‘reform’ created by promoting ongoing criticism of past shortcomings. But such an approach is itself very vulnerable to criticism: legislative initiatives, as the last decade has underlined, cannot automatically be assumed to be a positive, despite the constructive emphasis that the term ‘reform’ implies. These articles successfully demonstrate this point.

Any holistic theoretical critique exploring the rationale underlying the impact of legislation on social norms and behaviour needs to be examined, we argue, not only from a legal and/or historical perspective but within its legal and/or historical context. As Lorie Charlesworth asserts, ‘Such contextualisation interprets the past not for its own sake but rather to allow the significance and implications of current events to be more adequately understood than would otherwise be the case’. The validity of this comment is amply borne out by the comments made in the accompanying five articles, which also make the key point that use of history’s methodologies and perspectives do not need what is traditionally thought of as a historical situation to be effective tools for scholarship: they are as useful for interpreting the events of last week as they are for those of the nineteenth century. What the SOLON project has shown (another thing that all the contributors have in common is that they are associated with SOLON http://www.research.plymouth.ac.uk/solon/) is that there is a real potential for collaboration where use of historical methodologies and perspectives, applied to present as well as past themes and developments in the law, can enhance the depth and the

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