

PREFACE

Crime and Punishment in Time and Space – Introduction

Guest editor

JØRN ØYREHAGEN SUNDE*

What happens when you invite a group of legal historians to pick and reflect on the aspects of criminal law they find the most interesting? This question was the starting point when Nordic legal historians were invited to Bergen in December 2010 for a workshop on criminal law history. The outcome is published in this issue of the Bergen Journal of Criminal Law and Criminal Justice - five articles covering a wide range of themes, still giving us a time line for, and a coherent and overarching perspective on this discipline of legal science.

Time is on one hand a barrier to understanding. What has been is done and over with, and immediately becomes more and more a stranger even to those who took part in the events or shared the ideas. The alien feeling just increase as time passes. But the passing of time leaves us with a liberating distance to these events and ideas. Time is hence, on the other hand, also a bridge to understanding.

The workshop on criminal law history in Bergen was initiated because we wanted to use the liberating distance that history renders us to achieve a better understanding of a discipline of legal science that is increasingly haunted by the uneasiness the flows from long term intellectual settlement. We wanted to get impulses to think things over from new perspectives. And we got it.

Heikki Pihlajamäki has in his contribution to this volume investigated to what extent Livonian criminal law changed in the 17th century under the Swedish reign, displaying how dependent legal reform is on subsequent social reform to obtain effect. Dag Michalsen takes his starting point in the French revolution and the guillotine, and displays the role of emotions in the rationality of criminal law and legal science. Marie Sandström compares the legal science of private law with that of criminal law, to find a receptiveness of politics and society in criminal legal science that gives an escape route from the

* Professor at the Faculty of Law, University of Bergen.

imprisonment of rigid legal systems. Henrik Stevnsborg reminds us in his contribution of how long it took to establish policing and criminal law as a part of the public and not the private sphere of society. Christian Häthén examines the relationship between criminal law reforms and emergence of welfare related legislation, and displays the role of criminal law as one instrument of several to govern society. And hence, the circle is completed and criminal law as a social phenomenon emerges from the creative outcome of the workshop in Bergen.