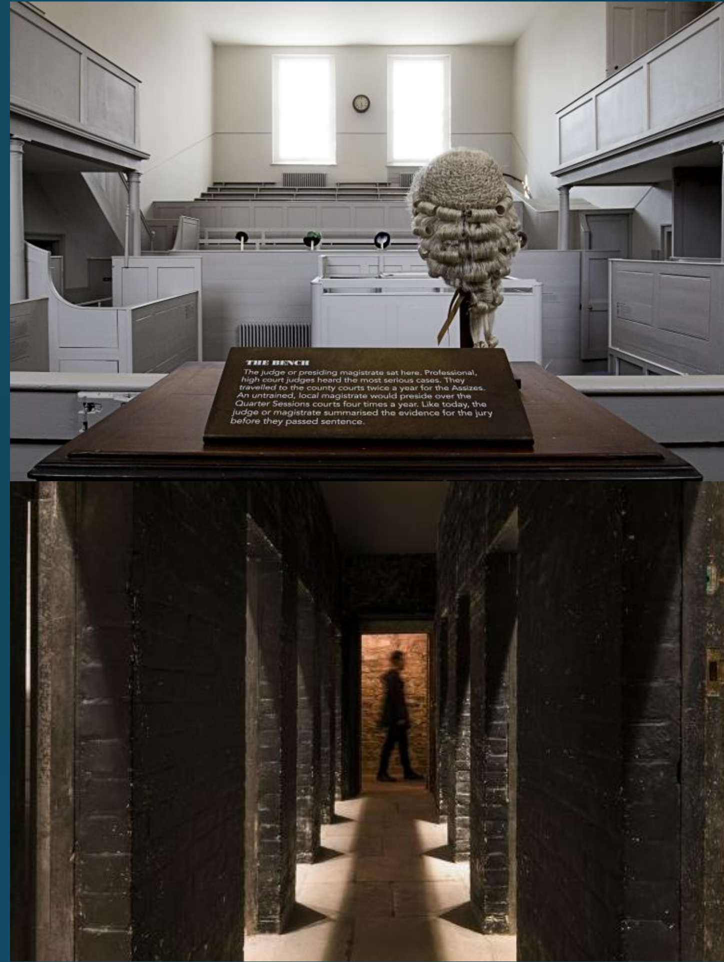


More than Horrible Histories

A manifesto for effective and ethical interpretation of criminal justice histories

Compiled and edited by Rose Wallis

More than Horrible Histories: a manifesto for effective and ethical interpretation of criminal justice histories

This manifesto (p.10) and the accompanying discussion are the product of a collaborative workshop held in February 2020 exploring public engagement with criminal justice histories in heritage contexts.

Stories, sites and the material culture of crime and punishment in the past are a continued source of popular interest. They also offer an opportunity to engage audiences with debates concerning the nature of crime, justice and punishment in the present. However, interpreting histories of criminal justice poses significant challenges: how do we create accurate, ethical and accessible visitor experiences that actively engage the public in the role of law past and present? Experiences that fulfil our aims as heritage organisations and practitioners, to educate and inspire, whilst still being commercially viable and a good day out?

The workshop brought together social and public historians, academics working in law, criminology, and heritage tourism, museum curators, and heritage interpretation consultants, to explore how collaborative working can help us achieve our aims. Through a series of lightening talks and provocations, group activities and discussions, we reflected on our aims as academics, practitioners and heritage organisations, our audiences and the opportunities and challenges we face, and considered ethics and the interpretation of criminal justice. The workshop provided a forum to discuss these issues and share experiences and new research, to develop the set of principles and best practice solutions presented here, and intended to support the effective and ethical interpretation of criminal justice histories.

Workshop Participants

The workshop was facilitated by Dr Rose Wallis, social historian of criminal justice based at UWE Bristol, and Iona Keen, independent heritage consultant. Rose and Iona collaborated on the redevelopment of Dorset Shire Hall as a new courthouse museum, opened in 2018.

Participants

Bev Baker, Senior Curator and Archivist, National Justice Museum

Amber Druce, Curator of History, Bristol Museums, Galleries and Archives

Laura Harrison, Senior Lecturer in Modern History, University of the West of England

Dan Johnson, Public Historian and Heritage Interpretation Professional

Jackie Keily, Independent Heritage Consultant

Leah Mellors, Curator at Ripon Museum Trust (to September 2020)

Jessica Moody, Lecturer in Public History, University of Bristol

Michael Radford, Learning Officer, National Justice Museum (to 2020)

Judith Rowbotham, Visiting Research Professor in Law, University of Plymouth

Simone Schroff, Lecturer in Law, University of Plymouth

Maryse Tennant, Senior Lecturer in Criminology, Canterbury Christchurch University

Brianna Wyatt, Lecturer in Events Management, Oxford Brookes Business School

1. Our aims and audiences

As historians and heritage professionals, we have an opportunity and a responsibility to challenge misconceptions about criminal justice past and present. All of the participating museums recognise the value of reflecting on the role of law in society in terms of social justice. This is made explicit in their aims: both the National Justice Museum in Nottingham and Shire Hall historic courthouse museum in Dorset, seek to inspire visitors to become 'active citizens' and 'to make a difference to society' to ensure 'justice for all'. Ripon Museum Trust has recently redefined its vision, to 'use our heritage assets to inspire people to seek a fairer society.'

However, pursuing these aims raises a number of issues. As one participant asked: *'How do we market fairness – is it too worthy?'* How do we turn a social justice agenda into an engaging visitor experience? Do we really understand what our audiences' preconceptions are, or their motivations for visiting?

Lessons we can learn from dark tourism

Emphasising the violent and oppressive potential of the criminal justice system poses serious ethical questions and challenges. Presenting inaccurate, sensationalised, histories that trivialise the lived experiences of people in the past have been widely criticised for degrading past lives and preventing real engagement with their experience. However, attractions like the *Dungeons* franchise see hundreds of thousands of visitors a year. There is little doubt there is an appetite for 'horrible histories.'

Dr Brianna Wyatt, academic specialist in heritage tourism, shared her research into 'lighter dark visitor attractions': heritage attractions that rely on 'edutainment', using character re-enactment, animated and sensory technologies in their interpretation to engage visitors. Although the sites concerned in this research were not focused on criminal justice, they present similarly difficult histories of poverty, disease and death. Dr Wyatt's research raises important points that can inform how we think about audience engagement and the interpretation of 'darker pasts' at other heritage sites.

Contrary to many well-documented and widely shared critiques of similar sites, this research has shown that these sites are committed to presenting narratives founded on historical research. Blood and gore are not represented wantonly, but to illustrate - in an impactful way - disease and its treatment in the past. They are intentionally provocative, and their popularity testifies to visitors' desire for a visceral experience - and, as one of Dr Wyatt's interviewees pointed out, visitors have the choice to leave if they don't like it. The use of performance, and immersive and comedic interpretation is also demonstrably engaging, and although concerns were expressed about the use of comedy when dealing with difficult pasts, there are recognised connections between learning and enjoyment.

Dr Wyatt's research also highlighted a number of organisational problems at these sites. Despite the important role frontline staff play in mediating visitor experiences and the site's interpretation, their input was rarely acknowledged. Staff were keen to present accurate accounts of the past, but felt commercial imperatives led to poor interpretative decisions and a less engaging visitor experience. It was also revealed that these sites did not undertake audience research and visitor evaluation.

Reflecting on our shared aim to engage audiences with criminal justice histories in meaningful ways, and the opportunity we have to do this in heritage contexts, the popularity of Dark Tourism offers a number of possibilities as well as pitfalls:

Dark Tourism provides *'an in'*; we can work with people's preconceptions: *'curiosity of any kind has to be the starting point, without curiosity, no one will visit, learn or question anything'*.

Perhaps the conception of museums as trusted spaces of historical knowledge has made us overly concerned with presenting objective or balanced accounts of the past. Considering the aim to promote a social justice agenda that will affect change, should we be more provocative?

But there are risks in adopting more sensational strategies: *'the gore factor can take over from the facts.'* We do not want to trivialise and disrespect the lives of those whose stories we tell. Nor do we want to alienate our audiences through excessively graphic interpretation. Where do we need to draw the line? Who gets to decide what is difficult content?

'history can be too different to the present to be meaningful'

Criminal justice is a live issue, but most people have relatively little direct experience of it. Histories of criminal justice are often represented to the public in ways that emphasise repression in the past, and present an unproblematic account of change over time. This limits critical engagement by distancing audiences from the complex lived experience of historical actors; it negates discussion of judicial and penal decision-making, and reflection on the function of criminal justice in the past and present. We have to find ways of making criminal justice – and its history – relatable and relevant.

At Shire Hall, all of the historic case studies selected for the interpretation were chosen to support a discussion of how the criminal justice system changed over the court's lifetime, but also to speak to current concerns to prevent the narrative being limited to a story of progress. Emphasis was also placed on the stories of ordinary people, stories that were more representative of the society that Shire Hall served – not merely the most notable or exceptional. The cases were shared in outline with focus groups during the museum's development, and it was the stories of otherwise unknown people that they wanted to hear. They are more relatable. One respondent, reflecting on a case concerning youth justice, said: "You can relate it back to yourselves…I can relate it to my boys."

Recent exhibitions at Ripon Museum Trust have demonstrated the potential in making explicit links between the past and present. In *Rogues and Vagabonds/Homeless Not Faceless*, and *Prisoners on Prisoners*, the museum trust has worked with people directly affected by poverty, homelessness and incarceration, using creative content to make their voices heard, and connecting them to the museums' historical collections. Visitors can see the reality of lived experience, but also striking historical parallels and continuities. In *Rogues and Vagabonds/Homeless Not Faceless* Ripon also partnered with campaign groups providing a pathway for visitors to actively engage to make a difference.

Ripon Museum Trust encompasses three historic sites: a former workhouse, a 19th century prison and police station, and courthouse. Together they provide an almost unique opportunity for visitors to explore the links between poverty and crime, punishment, justice and welfare. Two of its most recent exhibitions demonstrate how Ripon Museum Trust are actively engaging visitors with current social questions through historical reflection.

Rogues and Vagabonds, running throughout 2019, explored vagrancy in the Victorian period across its three sites, and examined the realities of homelessness today. Accounts of the experience of vagrancy in the past were paralleled with *Homeless Not Faceless*. Working with the Harrogate Homelessness Project and Ripon YMCA, the exhibition featured a series of portraits of people who gave their own accounts of being homeless. Ripon also worked with the Labour homelessness campaign to draw attention to the continued criminalisation of homelessness under the still-used 1824 Vagrancy Act and more recent public protection orders.

Prisoners on Prisoners (2020-2021), an art installation produced with Faye Claridge, connects inmates at HM Askham Grange with historic prison archives. The conversations produced powerful, candid reflections on the experience of incarceration and changes and continuities in our criminal justice system from a personal perspective. The recorded reflections are shared with the public through audio, textile and photography displayed in one of the cells at the Prison and Police Museum.

'history can be too different to the present to be meaningful'

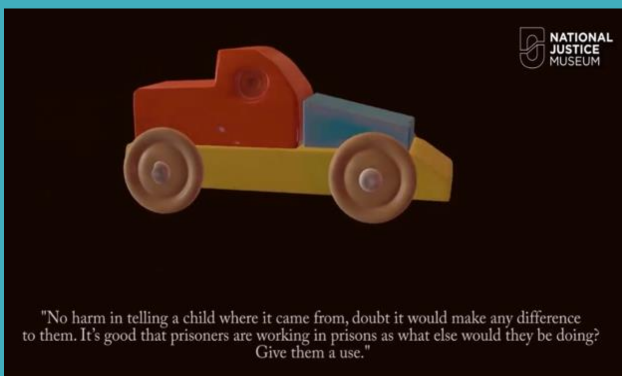
The National Justice Museum also work with external criminal justice organisations for their *Choices and Consequences* workshop programme for schools. In collaboration with the Ben Kinsella Trust, this award-winning scheme has been proven to help change young people's attitudes to knife crime. The workshops represent all sides affected by knife crime: from perpetrators to victims, the police and medical teams, and the victims' families; as well as considering the law and the realities of prison life. This breadth of perspectives is used to support young people to make up their own minds, creating an informed space to reflect on the consequences of carrying a knife and how to make positive choices to stay safe.

These examples highlight the scope for historic sites of criminal justice to address current social concerns. In the same way that the stories of individual historic actors can help connect audiences with past experiences, making visible the lived experiences and perspectives of people today humanises the issues presented and makes their relevance clear. Incorporating a range of voices of those directly involved, whether historically or in the present, provides a holistic narrative, and greater context in which social issues and their impact are more apparent. This richly contextual and humanised approach is not didactic, but provides a powerful framework for audiences to reflect and make up their own minds, and even space for them to act.

'Our audiences aren't hard to reach, we're hard to reach'

It was clear from our discussions that we need to do more to better understand our audiences in order to produce ethical and accessible visitor experiences; to establish what visitor expectations are, and what they consider to be difficult.

Colleagues from the National Justice Museum shared some of the ways in which they engage with audiences outside of the museum. They start from the position that *'our audiences aren't hard to reach, we're hard to reach'*. Their outreach activities are not just a means to engage people with the work of the museum, but they are structured to create feedback that can be used to inform the museum's interpretation and activity planning.



'No harm in telling a child where it came from, doubt it would make any difference to them. It's good that prisoners are working in prisons as what else would they be doing? Give them a use.'

A colourful truck painted by someone living in prison. Visitors to the National Justice Museum held it and offered their thoughts.

The museum has been taking objects from their collections out into the community on 'Object Walks'. Visiting a range of local organisations and community groups, people are invited to handle the object, and asked about their views on it and how it makes them feel. This tactile moment, the opportunity to physically connect with part of the collection, creates a dialogue. People ask questions about who made the object or used it, and without prompting, begin to relate it to their own lives. The responses from the community provide valuable insights into audience perspectives, and have been used to shape the museum's activities and exhibition programme and interpretation.

'Doing it with them, not to them'

The importance of making connections with visitors and supporting them to make their own meanings is well understood in interpretative practice, but perhaps it takes on greater significance with criminal justice heritage if our audiences have limited experience of the criminal justice system, or no personal connection to it.

We can work with popular stereotypes, providing fuller historic and current contexts, to confirm, qualify and challenge people's perceptions of criminal justice. Sharing real stories, both historic and modern, can create powerful emotional connections: whether that is through elements of the familiar or unfamiliar, or presenting audiences with the perspectives of those directly impacted by crime, criminal justice, and punishment. Working with organisations actively involved in criminal justice can help us make these connections more relevant.

The examples of best practice discussed here do not seek to tell audiences what to think, they are provocative. They are carefully designed to actively engage visitors to make their own meanings, to question and debate. The collaborations with campaign groups provide pathways for visitors to build on their experience and act beyond it.

The need for collaborative work is clear. Working with experts in criminal justice past and present enables the creation of relatable and relevant content. But we have to be proactive in collaborating with our audiences too. Outreach activities can promote what we do, but also provide invaluable insights into our audiences; helping us understand what their preconceptions and expectations are, what they consider to be difficult histories and appealing experiences. We can incorporate this into our planning and use it to structure our activities and learning outcomes. Listening to our frontline staff can likewise provide a valuable means of evaluating the visitor experience in real time, further informing the ways in which we can engage audiences.

2. Ethics and interpreting criminal justice

Concern for ethical interpretation permeated our discussions throughout the day, particularly the need to respect past and present experiences of criminal justice while still creating provocative and engaging visitor experiences. Which stories we tell, and how we tell them have significant implications. The research and practice shared by participants demonstrated how due regard for the ethical issues raised by our stories and objects can be used to support more effective audience engagement.

Reconstructing the past

Dr Dan Johnson, a public historian and interpretation professional, shared his research into the narratives of past lives presented in British prison museums, arguing for historical accuracy as an integral part of creating ethical interpretation.

In comparing public representations of prisoners and prisons with the surviving archival material on which they are based, it was clear certain historical information is left out. Although sympathetic to the need to make often complex and traumatic histories accessible, this research highlights the ethical implications of interpretative choices that can misrepresent past lives and perpetuate particular popular understandings of the operation of criminal justice. This is not about getting it 'right', but acknowledging that as trusted places of knowledge, museums have a significant role in shaping public perceptions.

Dan Johnson, Considerations for Ethical Interpretation:

- Avoid interpretations that lack complexity and nuance, which may inform visitors and result in unethical entertainment led narratives
- Check for common tropes and stereotypes that could reduce the significance of the context whilst sensationalising the historical individuals
- Be careful that attempts to create prisoner agency do not come at the expense of the complicated histories, omitting or altering historical facts
- Remember that museums have a responsibility to the public to ensure that the representations of histories are truthful to the available information relating to these individuals
- Current representations do little to challenge the popular narrative of 'penal progressivism.' What are we trying to say by using these individual narratives? What good will it do?
- Finally, remember that these were real people, with real lives, families and stories. We have chosen to bring the most horrific parts of their lives into the 21st century, essentially for entertainment. If you wouldn't want your descendants to see you interpreted in that way, then don't do it to them.

Managing the more traumatic aspects of personal histories for a broader audience can result in reductive and problematic representations. Violent crimes and punishment, Johnson notes, can be both sanitised and sensationalised in their interpretation. Light-hearted representations of public physical punishment and execution detract from and even degrade the experience of suffering. Considering a number of cases of infanticide presented straightforwardly as murder, no room is left to question the circumstances of the offence, how it was prosecuted and defended, or what the public response was to the trial or punishment. While this may have been adopted as a 'more family friendly' approach, it does little to engage visitors with the issues the cases raise. Indeed, this research has highlighted how the representation of crimes committed by women frequently focuses on exceptional violent offences. A category that bears little resemblance to historic or current patterns of crime, and one that tends to reinforce the conception of women who commit crime as 'mad or bad'.

Drawing out the voices of historic actors to create engaging interpretation is difficult when many people left no account of themselves. However, endeavouring to give agency to individuals through the creation of first-person narratives can come at the expense of accuracy; leading both interpreters and audiences to make assumptions about an individual's character, or their experiences.

A lack of historic context, failing to recognise broader life stories, limits, indeed objectifies, historical actors, reducing them to representations of crime or punishment without scope to consider the wider causes or impact of their encounters with criminal justice.

The same simplification of narratives concerning the operation of the penal system and how it changed was also evident in the research. A progressive account of penal reform was prevalent, emphasising the oppressive nature of the system in the past, and presenting the process of change as straightforward. The lack of nuance and context here confines problems with criminal justice to the past, distancing the audience from critical discussion of its operation then - and now.

As Dan reminded us all, criminal justice is a live issue and these narratives play an important role in shaping public attitudes to crime and punishment. We have to consider carefully what the purpose of these historical accounts is; and remember that our subjects were living, feeling people – just like us. This is not just about an ethical requirement for respect. As the experiences of Shire Hall, the National Justice Museum and Ripon Museum Trust demonstrated, humanising stories makes them more relatable, it enhances connections with our audiences, which is where the opportunity to shape perceptions can occur.

All of the stories told at Shire Hall are based on real trials that took place there. The museum established an interpretation team including social historian, Rose Wallis, and interpretation consultant, Iona Keen, to work collaboratively with the museum staff and creative media producers, from the initial strategy development stage through to the interpretation delivery, to ensure that the fullest and most accurate historical accounts were portrayed in an accessible and engaging way.

Making the court's archive visible to the public was considered integral to the visitor experience. It enhances the connection between the visitor, past events and the spaces in which they occurred – they can quite literally follow in the footsteps of historic individuals. Visitors can also see that these accounts are real, that they have not been sanitised. This means there is a degree of discomfort, but that was considered important to help people understand the significance of these past experiences.

The archival material is made accessible in multiple ways: it is quoted and actively cited in the scripted audio interpretation and fixed interpretation. Using the multi-media guides, visitors who want to find out more can access layers of additional information including facsimiles of the original primary evidence. These collections of evidence are also available to all visitors in hardcopy in the courtroom. Archival material is even incorporated into aspects of the design.

As well as connecting visitors with the archive, all of the cases are contextualised using expert commentary from historians and contemporaries actively connected to the issues raised by each of the case studies. Putting the cases in context supports visitors to consider why these crimes were prosecuted, why particular decisions were made, and how these historic cases are still relevant today.

Making the archive visible at Shire Hall

An ethical and inclusive decision-making process

Jackie Keily, heritage interpretation consultant and co-curator of *The Crime Museum Uncovered* at the Museum of London, shared the process the exhibition team undertook to ensure ethical considerations were at the heart of their interpretative decisions.

The Crime Museum Uncovered (2015-2016) proved to be the most successful exhibition held at the Museum of London. It put parts of the Metropolitan Police museum collections on public display for the first time. Covering more than a century, the collection offered an unprecedented insight into crime and policing in London, but equally, raised a whole range of ethical issues in displaying material connected to victims, their families, and often, violence.

The ethical decision-making process began with consultations in advance of curatorial decisions. This included professional bodies: the London Police Ethics Panel, and the Victims' Commissioner for England and Wales; and focus groups to establish what public expectations of the exhibition might be. The curators then made a long-list of objects where there were ethical issues, and each was independently assessed by the Museum and their partners in the Metropolitan Police and the Mayor's Office for Policing and Crime.

The selection process considered three questions:

> *What is the argument for including the object?*
>
> *What is the argument for not including it?*
>
> *What mitigations might we employ to address the arguments against?*

The responses of each partner were then discussed collectively before a decision was made, and specific actions were agreed before an object would be displayed. Where possible, victims or their families were contacted by the police to give their consent.

Questions of ethical display were carried forward into the interpretation. The exhibition was framed with a set of opening questions, supporting visitors to understand the purpose and import of sharing these objects and their stories:

> *'What does it mean to put these objects on public display?'*
>
> *'What do they tell us about the people involved?'*
>
> *'Where do you draw the line?'*

Interpretative emphasis was also placed on the people involved – the victims, offenders, and the police – humanising the collection and rooting its display in the lived experiences it encompassed. Maintaining the dignity of victims was paramount. No human remains or crime scene photographs of victims were included. The importance of the victims, not just the perpetrators, was foregrounded: efforts were made to show them alive where images were available, and to include even brief biographical details, such as age, to present them as people not just victims. Visitors were also warned about the nature of the content and contacts for victim support groups were included at the end of the exhibition.

In documenting the decision-making process, the exhibition team could clearly account for their selection and their intention not to sensationalise or fetishize the objects on display. In explicitly sharing the ethical questions this collection posed with visitors, audiences were invited to share in this accountability, to engage in a respectful and meaningful way.

It's not just about getting it 'right'...

Whilst recovering the 'truth' of the past may be an impossible project, a case can be made for the importance of accurate and authentic historical accounts. Offering fuller accounts of past lives can help us to avoid sensationalising or sanitising the experience of criminal justice and present it in a more respectful, ethical way. But this approach also holds possibilities for more effective interpretation: the practical examples shared throughout the day highlighted the importance of real, humanised accounts in engaging audiences; placing these in context – presenting multiple view-points and considering historic and contemporary perspectives on these accounts – can support audiences to question and critically engage with the operation of criminal justice.

Historians can be quick to criticise museum interpretation for being inaccurate or lacking nuance, but there is perhaps a lack of consideration for the processes of interpreting complex pasts to make them accessible for a wide range of audiences with varying levels of entry knowledge and different learning styles. In collaboration we can make complex ideas and contexts accessible in varied, layered and active learning experiences.

Collaboration needs to be part of our planning processes too. Early consultation with experts, stakeholders and audiences can help us better understand people's expectations and what ethical issues need to be considered. Both Dan Johnson and Jackie Keily highlighted the importance of purpose: we have to be clear about why we have chosen to tell particular stories or display particular objects, especially when they are connected to traumatic and violent experiences. Being accountable for our selection sharpens focus on what our aims are and what we want our learning outcomes to be; indeed, sharing questions of ethics with our audiences can support their critical engagement with the issues raised by our interpretations.

A manifesto for effective and ethical interpretation of criminal justice histories

Doing Justice

- We have an opportunity and a responsibility to shape public perceptions of criminal justice past and present

In Collaboration

- Working together we can share our expertise and best practice to create effective and meaningful visitor experiences
- Working with our audiences we can better understand their perceptions of criminal justice, what they consider to be difficult histories and appealing experiences

Authenticity is Key

- Presenting the fullest and most accurate accounts of past lives is integral to ethical interpretation and emotional engagement
- Real stories can be relatable; focusing on the exceptional, sensational, and sanitised only perpetuates the distance between our audiences and past experiences

Context

- Is key to understanding past events and their significance
- It creates opportunities to question the nature, function, and experience of criminal justice

Make it Relevant

- All the stories we tell need to support our aims and learning outcomes
- Making explicit connections to criminal justice in the present supports critical engagement

Be Provocative and Proactive

- By encouraging discussion and debate
- Being a safe space for discussion doesn't mean having to be a neutral space. Criminal justice is political; its nature and function are contested. We can work with those directly affected by it to engage our audiences with its ongoing impact, and support them to make positive change.

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Image credits: Shire Hall historic courthouse museum (cover & p. 8); Ripon Museum Trust (p. 4); National Justice Museum (p. 5).