

Transcript

History Now: The Ethics of Crime Histories

Jesse Adams Stein: 0:09

My name is Jesse Adams Stein and I am the Program Director for History Now 2024, and I represent both the History Council of New South Wales and the Australian Centre for Public History at UTS. Today's topic is the ethics of crime histories, and I'm delighted that we are joined by Dr Meg Foster, Dr Rachel Franks and tonight's chair is Nerida Campbell, who I will introduce shortly, and Nerida will then introduce our speakers. Before that, I'd like to start by acknowledging the country on which we are holding this event. We are on Gadigal country, standing here at the State Library of New South Wales. We are on the top of the hill close to Warrane, Sydney Cove, and Woccanmagully, Farm Cove. I'd like to acknowledge that the Gadigal are the traditional custodians of this country and pay my respects to elders and acknowledge that we are on stolen land. Before we dive into the ethics of crime histories, I would like to give just a little bit of background about History Now as a series, particularly for those who haven't attended one of these events recently. History Now is, in fact, a long-running public history talk series which always had the aim to bring excellent historical research into public discourse. We feature professional and academic historians, as well as experts who use historical research in their practice. History Now has had various homes and iterations over the years, different organisers, different groups running it, and this year, in 2024, History Now was a collaboration between the History Council of New South Wales, the Australian Centre for Public History and, with venue support from the History Council of New South Wales, the Australian Centre for Public History, and with venue support from the State Library of New South Wales, and we thank them for the use of this space. We have been really fortunate this year. If you'll indulge me a minute, I actually am going to read out the names of all the wonderful speakers we've had at History Now in 2024. It's been such a fabulous group and we were really lucky, with everyone's generosity, to give their time and time to deliver papers and chair, so I'll just quickly read this for the purposes of our recording as well.

Jesse Adams Stein: 2:13

Frances Flanagan, Alison Bashford, Jarrod Hore, Mike Beggs, Hannah Forsyth, Sophie Loy Wilson, Cara Cross, Heidi Norman, John Maynard, Linda June Coe, Effie Karagorgos, Catherine Colborne, James Dunk, Nancy Cushing, Lorena Allan, Dirk Moses, Umit Kurt, Livia Rezende, Isabel Rousset, Jessie Adams Stein - don't know who put her in! - Warwick Anderson, Emily O'Gorman, Taylor Coyne, Nerida Campbell, Meg Foster and Rachel Franks. Let's give them all a clap, please. And look, I will have a whole list of

people to thank for History Now in general at the end of the session, but I will save that for the event at the end of the event.

Jesse Adams Stein: 2:58

For now, I'd like to introduce our chair for today, Nerida Campbell, and Nerida will introduce our speakers and the topic. Nerida is a curator with over 20 years experience working in collections, sites and stories related to crime, policing and the courts. She has a particular interest in the historical experience of female criminals within the New South Wales justice system. Campbell is currently working with the Harbour Trust on a series of interpretation projects for Cockatoo Island, which, as we know, is a UNESCO World Heritage Site that has a complex past that includes convict, juvenile justice and prison histories. Please join me in welcoming Nerida. Thank you.

Nerida Campbell: 3:44

Thank you, Jesse. Authors of crime history are constantly questioning and being questioned about what stories they have the right to tell, how they can tell them in a manner that combines rigorous, respectful and relevant storytelling. Those of us who work with these darker histories must constantly field queries about whether our work is voyeuristic, salacious and a little bit grubby. In turn, we question ourselves is that detail necessary? Is this story relevant? Is this narrative too intrusive? Will my work cause secondary harm to a consumer? Am I censoring the content and treating my audience like children? It is a fraught space in which to work, and a rewarding one. It provides an opportunity to shine a light into dark places, tell stories that were once considered untellable and, by reviewing the hidden, the shameful, the distasteful, gain a better understanding of the past. To write about what society has valued, what it finds abhorrent, and how these boundaries morph over time, reveals a broader spectrum of experiences, a more nuanced view of the past. The ideal of authoring works that create empathy and understanding of difference is having a moment in scholarly discourse, and crime histories have an interesting, if contested, role to play in this space. Writers of crime histories have become better attuned to reminding themselves and their audiences that the narratives involve real people, real hurt and real scars. Successfully navigating the space between detached theorising and salacious scandal-mongering takes care, heart, intellect and integrity. Both of tonight's speakers have successfully navigated the nuances of writing ethical crime histories and investigating some of the more difficult areas of true crime and storytelling. They have succeeded in writing works that have great intellectual gravitas and appeal to general readers who debate, appreciate and buy their works. Their success lies in their ability to treat both the

challenging subject matter and their audiences with deepest respect. It is now my pleasure to introduce our two speakers for tonight.

Nerida Campbell: 6:20

Dr Meg Foster is a historian of banditry, settler colonial, and public history. She is a Chancellor's Research Fellow at the University of Technology in Sydney and was recently an ABC Top 5 Media resident for the humanities and previously a Junior Research Fellow at the University of Cambridge. Meg has a passion for connecting academia with the contemporary world and has appeared in diverse outlets such as ABC, BBC and SBS, as well as Mianjin, Overland and the Australian Book Review. Her latest book, published by New South, is *Boundary Crossers: the hidden history of Australia's other bush rangers*. The next speaker after Meg will be Dr Rachel Franks, and she is the coordinator of scholarship at the State Library of New South Wales.

Nerida Campbell: 7:11

She holds PhDs in Australian crime fiction and in true crime texts. A qualified educator and librarian, her extensive work on crime fiction, true crime, popular culture and information science has been presented at numerous conferences, as well as on radio and television. An award-winning writer, her research can be found in a wide variety of books, journals, magazines and online resources. She is the author of *An Uncommon Hangman the Life and Deaths of Robert Nosey Bob Howard*, published in 2022. Would you please join me in making our first speaker, Dr Meg Foster, welcome.

Meg Foster: 7:57

I'd like to echo Jessie by acknowledging the Gadigal people of the Eora Nation, on whose lands we meet today. I'd like to pay my respects to elders, past and present, and recognise that Aboriginal sovereignty was never ceded. This has been a site of rich history and storytelling for millennia and I feel privileged to speak here today. When Jesse asked me if I had any ideas for a History Now talk, I volunteered this topic because it's one I'm passionate about, but also one I struggle with. For those of you who don't know my work, as Nerida said, I'm an Australian of banditry and I specialize in Australian bush ranging, especially bush rangers, who are people of color and women. So at a base level, I look at criminals, but ones who are unique in our country for not only drawing mass sympathy but being celebrated as Australian icons so long as they were white guys. You'd be hard-pressed to find many Australians who have no idea who Ned Kelly is, and these are some of the reasons why, for the purpose of the audio, we're looking at lots of popular images of Ned Kelly. But how to balance competing popular narratives about these figures: Of bushrangers as heroic colonial Robin Hoods who pushed back against an unjust system; and a minority yet passionate view of them as

greedy thieves, murderers and cop killers. How to balance the interests of descendants of both criminals and victims, how to recognise that the average Australian has deeply felt opinions about this facet of our shared past? And what to do with the bushrangers? I look at the ones who weren't white men and didn't fit the mould, the people who were rarely remembered on a national stage and certainly never celebrated in the mythic light we're used to. There are a lot of questions there, so I thought I'd start with a vignette from my research before trying to tackle some of these very thorny questions. okay.

Meg Foster: 10:04

So in 1865 in central west New South Wales, a police officer named John Ward was traveling from Mudgee to Coonabarabran. He received reports of a Chinese bushranger in the area. Near present-day Dunedoo, he spied a Chinese man who he called on to surrender, but instead of going quietly, this man shot the officer, who later died of his wound. After several weeks of searching for the culprit of this crime, Sam Poo was captured. He was tried and found guilty of Ward's murder and hanged at Bathurst Jail. Over the last 40 years, Poo's story has been revived in the local community, where he's remembered as Australia's only Chinese bushranger. Now this is a very condensed version of the supposed criminal career of Sam Poo and it's where most references to him really start and stop. As one local told me recently, Sam Poo just came on the scene when he decided to murder John Ward, and that was about it for me. So if we're reading straight from the court records and newspaper articles from the time, it seems like a pretty uncomplicated story. There's a clear victim, Ward, and a clear villain, Poo, and Poo only really exists from that moment in 1865 when he supposedly chose to engage in crime.

Meg Foster: 11:32

Many popular public-facing histories take this sort of matter-of-fact approach. They view crime records, especially court verdicts, as accurate depictions of a finite yet factual and knowable past. In other words, they read the record straight. An historical source is taken at face value, its authors, believed unquestioned and copied into history, sometimes verbatim. But viewing historical sources in isolation and believing their contents without testing them, placing them in context and unveiling their agendas is problematic. It's not only bad history. In many cases it's unethical, marginalised and elevates the voices of a small yet powerful elite, casting their opinions as historical fact, something solid, unrelenting and true. In this way, many issues facing crime history are issues for history as a field, as Nerida very beautifully introduced, historians are trained to ask themselves who gets to speak for the past? Whose voices are privileged and whose are silenced? How do we recreate past times from necessarily fragmentary and skewed records? How do we balance our responsibility to the past, to representing the

past's own present, with our responsibility to our present and to the future? These questions are especially pressing for crime history. This is because crime involves both punishment and power.

Meg Foster: 13:20

Crime is seen as a threat to society. It's a breach of law that is also meant to be, a breach of social mores, protocols and expectations, a breach that is so severe it must be corrected, redressed and deterred through punishment. In colonial times, severe crimes could result in imprisonment, corporal punishment, labour or even state-sanctioned execution. So the stakes were really high. But my emphasis on crime and society here is important. Crime isn't natural. To engage in crime is to break the law. But who makes the law? It's also created by elites and used to ensure the established order remains the same. Now this might sound like quite a grandiose statement, but many of us have experienced times when something defined as crime at law doesn't seem like a crime to us. It doesn't threaten our moral framework. It doesn't breach our social mores.

Meg Foster: 14:30

Since the 1970s, many of us have taken this view when it comes to understanding convict ancestors. From about that time, a convict inheritance has largely been repositioned from one of shame and secrets to one of pride and celebration. Many descendants see themselves as having a special tie to the nation because their colonial roots run deep. But the way they do this is not to deny their criminal inheritance but to explain and contextualise it to minimise its deviancy. This takes many forms. So understanding the crime of which their ancestor is accused, so blasphemy or robbery. The legal definition of crime becomes specific and softened to stealing a handkerchief, taking a loaf of bread. When the inheritance is our own, even more severe crimes can be explained by looking at the bigger picture. An ancestor convicted of assault was pushing aback against those who oppressed them. A highway robber had few other options when their farm was taken away to make way for a factory, or their cattle could no longer graze on common land.

Meg Foster: 15:41

These same sorts of specifics, context and empathetic understanding are often applied to white bush ranging men, the most prolific of which is Ned Kelly. Kelly and his family are repeatedly depicted as hunted and persecuted by the authorities. Ned's turn to crime cast as a noble quest to defy his oppression. White bush ranging men provide something of a national inheritance for our country, an imagined community where rebellious underdog traits represent those of the typical Australian. But it's harder for

many of us to identify with the oppressed if they're not white men. So take my example of Sam Poo. People I spoke to recognised that they knew very little about Poo but still believed he was a villain who killed Senior Constable Ward. Many of these same people saw Ned Kelly as a hero. One even had a statue of him in his front yard, which he had carved himself, and it was right near his Australian flag. So Poo was cast as a cop killer. Ned Kelly, who, to be clear, killed far more police than Sam Poo was ever alleged to have done, remains a national hero.

Meg Foster: 17:02

To make things more complicated, I've actually gone back and accessed court records, depositions and newspaper articles from the time and to me there are glaring holes in the historic case against Sam Poo. I believe there's reasonable doubt that he killed Ward and it's likely the wrong man was executed for this crime. But Sam Poo did resist arrest and this was something several locals and one reviewer of my book used to show Poo's guilt. Surely he wouldn't resist arrest if he had nothing to hide. So this is where context is important. When you look at racial attacks against Chinese by Europeans at the time, resisting arrest makes a lot of sense, especially in a situation where enraged locals and police posses are actively searching for a Chinese suspect. Besides, Poo was actually tried separately for this offence of shooting with intent to kill while resisting arrest, and he was sentenced to 14 years imprisonment. So it wasn't a death sentence.

Meg Foster: 18:08

Now, I should probably pause here and clarify that I'm not saying real crime doesn't exist. I'm not saying that historic convictions were all a ploy by the elite or that victims of crime never saw justice through the law. This is only to say that, when it comes to crime history, we can't take the official record for granted. We need to look at who has power, understand people's actions on their own terms and work to situate them in context. We need to do this not only when we're trying to justify our own criminal ancestors. We need to apply this care, specificity and nuance across the board.

Meg Foster: 18:50

Okay, so, since colonisation 1788, crime in Australia and law in Australia has been geared towards a white male settler subject, in my view an ethical crime. History recognises this, denaturalises it and asks how it might be otherwise, for instance from a First Nations perspective. Crime history in Australia did not begin with sentencing British convicts back in England. Not only do Aboriginal and Torres Strait Islander communities have their own systems of law, governance and crime that have developed over millennia. The first crime in Australian colonial history was that of Indigenous dispossession, the illegal seizure of land by a foreign power and the violent colonisation

that followed. This is a foundational crime, so naturalised in our history it's rarely seen in this light as a crime. But when we recognise that terra nullius was a lie and we look at settler atrocities committed to take land and shore up colonial rule, it can hardly be seen as anything but crime. In fact, British law and definitions of crime were also used to control First Nations people and remove them from their country.

Meg Foster: 20:08

We need only look at the numbers of Aboriginal deaths in custody today to see this criminal inheritance continue into the present. The William Faulkner quote the past is never dead, it's not even past, is clear here. In instances such as these, historians have an ethical responsibility to highlight the way this fraught colonial foundation manifests in both the past and continues to live in the present. Only then can we hope to overcome it. Now this might sound straightforward, but recently professional historians have started to ask some pretty thorny questions. Do we have the right to use real people's lives to make a broader point about crime? Do we have the right to recover criminals at all? Now this might seem a bit jarring.

Meg Foster: 21:00

Since the 1960s and 70s there's a strong tradition of history designed to bring back the marginalized from the past. This was not only championed to more fully people past worlds, so not only looking at the elite but the broad swathe of humanity. It was also important reparatory work to bring stories from the margins back into the centre. Julia Late, a British historian, is among scholars who have criticised well, she's criticised her own past work on this score. Basically she's been critical of where she started from and where she wants to be Looking at the criminalisation of sex work. Her first book used individuals as illustrative examples of this broader trend at work. Her next book looked at the life circumstances and choices of one New Zealand woman who was trafficked to the UK via South America, named Lydia Harvey For late.

Meg Foster: 21:57

There are issues with distilling a real person into a handy quote or passing reference. It erases their humanity and it represents them in ways that they wouldn't have seen themselves, making us strangers to historical figures' own sense of their experience. Now, when you're surrounded by reams of very exciting documentation and you feel like you've got a direct access point into the past, it's actually also very easy for us to forget that we're often encountering people at some of the worst moments of their lives rather than moments that represent the entirety of them. A friend of mine recently asked, kind of tongue-in-cheek, whether it was like if a parking fine was all your descendants had to know you by. But stories that are left to us in crime archives are often a good deal worse

than a parking fine. To overcome these issues, leight and I are kind of similar in seeing crime as an entry point into a larger story rather than just the end of it. So in my work I look at people of colour's encounter with bush ranging but also try to see their lives before and after their supposed turn to crime. I seek to challenge the kind of British colonial crime frame of reference too British colonial crime frame of reference too. So in Sam Poo's case, for instance, it's likely he would have seen the bushranging crimes of which he was accused in relation to a Chinese tradition of banditry that actually goes back to the 12th century, or perhaps even in relation to the banditry of his own hometown of Amoy in the Fujian province of China. He didn't necessarily see being accused of being a bushranger. It's like being a colonial.

Meg Foster: 23:42

Ben Hall, scholars of colonial Africa, Catherine Bruce Lockhart and Tololope Akande have recently taken this actually one step further. So they raised the issue of consent in colonial crime archives. Incarcerated people didn't consent to have documentation about them be made or to be shared. Crime carries with it stigma, prejudice and dehumanisation for both criminalised people and often for their descendants. In colonial context, the imprisonment of colonised subjects was used to reinforce their status as deviant, and that in turn served to legitimise British colonisation. These issues also continue into the present.

Meg Foster: 24:33

Historians must seek full and informed consent when conducting oral history interviews with living respondents. Bruce Lockhart and Akande ask why this same consent isn't asked for when it comes to the dead. Their solution isn't just to destroy or crime archives. I should say that from the get-go. They propose that we speak about incarcerated people's experiences anonymously, if the situation kind of suits that or that. We use minimal identifying information unless consent can be sought from incarcerated people themselves, their descendants or their community. Historical recovery isn't always reparative. We're not always fixing something by trying to bring back marginal voices from the past, and this is something we need to be aware of.

Meg Foster: 25:20

The Indigenous Data Sovereignty Movement speaks to similar in kind of similar terms about material created by and about Indigenous people. There's a long and painful history of non-Indigenous people taking, looting, recording and otherwise documenting Indigenous people without their full and informed consent. This material was often used to criminalise and dehumanise Indigenous people and justify oppressive colonial policies. Worimi scholar Kirsten Thorpe is among researchers who work to ensure First

Nations people, their descendants and communities have sovereignty over this material. Non-indigenous scholars do not have an automatic moral right to use this material because it's freely accessible in an archive.

Meg Foster: 26:09

The issue of consent is really alive here too. This was a lot of information to cover, so thank you for sticking with me. But in conclusion, the ethics of crime history are difficult. They're messy and fraught and the stakes are really high. There's not a one-size-fits-all and it's really a constantly shifting landscape. Although this is history, it has a direct bearing on the present. Writers of crime history have an ethical responsibility to ask tough questions of historical material, be reflective and recognise the power inherent in any attempt to capture this aspect of the past. Basically, I think that if we stop questioning and start feeling comfortable about writing this sort of history, we're probably doing it wrong.

Nerida Campbell: 27:10

Thanks, Meg. I'd like you to join me in welcoming Dr Rachel Franks to the stage.

Rachel Franks: 27:14

I begin by acknowledging that we meet and learn on country. I pay my respects to the Gadigal people on whose lands I live, work and write. We might be reconciled to death and to taxes, but crime is different. Crime, despite its ubiquity, is something we can work to avoid becoming a victim of, something, as politicians are fond of saying, that we can control, that we can be tough about that, we can even declare war on. Crime is timeless and universal, and my purpose here is to highlight how nestled tightly alongside criminal events are the dual desires to tell and consume stories about those who would do us harm. As criminologist Philip Rawlins has explained, crime is everywhere. Everyone has been both victim and offender, but the most frequent contact with crime is through newspapers, books, television, film, video, computer games, political speeches and the rantings of drunks in pubs. Drunken arguments aside, the ethics around criminal acts that challenge the legal and moral parameters that we set for ourselves, and which we do edit over time, are relatively clear. For example, especially heinous offences such as murder, rape and arson are comprehensively condemned by those who would consider themselves law-abiding citizens. Yet the telling of these stories is never black and white, even when writers of true crime and I will be focusing on published true crime align themselves with ideals of reporting the facts and telling an engaging tale, there are challenges for writers, publishers and readers. This murkiness is exacerbated by who stands to profit with crime histories, unable to avoid its own rap sheet when it comes to taking crime and reimagining it as a mercantile enterprise. As the British magazine

Punch pointed out in 1842, we are a trading community, a commercial people. Murder is doubtless a very shocking offence. Nevertheless, as what has been done cannot be undone, let us make our money out of it. Hereupon, we turn a murderer into a commodity and we open an account with homicide. One way to try and push the pursuit of profit to one side in considering the ethics of crime histories is to look at these works through the lens of Emile Durkheim's idea of the conscience collective.

Rachel Franks: 30:22

A French sociologist born in 1858, Durkheim was a man who one biographer described as retaining an exacting sense of duty and a serious, indeed austere, view of life. He could never experience pleasure without a sense of remorse. So a serious bloke and spoiler alert, not unproblematic. His first significant work was the Division of Labour in Society, published in 1893. And in this book he posited that we become more connected to each other in line with the increasing compartmentalisation of our labour. So by concentrating on one specific sort of labour, we connect to those who perform all the other types of labour that we need to function. These connections inspire comfort and camaraderie, encouraging us to trust that our efforts fit neatly with the labours of others and consolidate social structures.

Rachel Franks: 31:28

Now you don't have to be a sociologist to see some of the flaws in his grand idea. Most of us here have experienced the anonymity and the isolation of modern work practices, while his focus on solidarity does not address issues of oppression of the many by the few. But if we narrow our focus to the absolute centre of Durkheim's argument, the division of labour with its specialisations pushed not as far as possible, as the capitalists would have, but merely as far as necessary, as the sociologists would like, then what we have is the source of social solidarity and it becomes at the same time the foundation of the moral order. If we incorporate into this foundation for a more moral society some of the ideas around the processes of punishment, the conscience collective allows for the demonstration of group norms and the strengthening of moral boundaries. In summary, crime, and specifically our shared response to crime, stabilises society. Now, in some instances, our collective attitude towards punishment also charts our social progress, and the abolition of the death penalty being the most obvious illustration of this evolution, and I will return to the history of judicial execution in a moment.

Rachel Franks: 33:10

Now I'm not going to try and explore the main theories of crime that have been rehearsed elsewhere, but it is vital to note that Durkheim believed crime events are

necessary. Breaches of laws offer opportunities to bond through shared responses to those events, while pointing out fractures in society. Basically, crime events draw our attention to issues requiring rectification, simultaneously providing the occasion for a more or less dramatic display of social solidarity in punishment. Although these responses are not always reasonable and often the noise of the response overshadows suggested solutions to what was the obvious problem in the first place. Val McDermid, in her 2019 crime novel *How the Dead Speak*, put these ideas a little bit more bluntly when she wrote societies get the crimes they deserve. Build a society based on greed, for example, and robbery will become your default crime. Turn sex into a commodity and bingo, sex crimes soon spawn like tadpoles. So if that's the underlying cause of crime, logically the remedy must be in our own hands. If we change the script people live by, then surely we should be able to alter our outcomes. Basically, one of the major points in my second doctorate in a single paragraph. But I'm fine and recovering well Now.

Rachel Franks: 35:06

What does some random and slightly awkward French guy who died in 1917 have to do with telling true crime tales today? And, and perhaps more importantly, why should historians care? The answers to these questions are found in the genre of true crime. David Schmid, who is the guy in this space in my opinion, has written that the precise origins of true crime are obscure, but the meaning of true crime is very simply, according to Jean Murley, the story of real events shaped by the teller and imbued with his or her values and beliefs about such events, with claims to truth and this is an interesting point unchallenged by its audience. These tales, usually of murder, are about real crimes and the real people entangled, by accident or design, in those criminal cases.

Rachel Franks: 36:13

Some commentators have observed that the use of the word true to classify true crime is offensive, and Charles Graber, author of the critically acclaimed *The Good Nurse*, which came out in 2013, pointed out that you will find no section in your bookseller's store for true history or true memoir or true politics but perhaps you should. Only crime gets treated like a criminal. It's as if the unethical subject matter has rubbed off on the writer and their writing. This focus on the truth and the provision of information is seen in references to events which have actually happened, citing date, time and place. True crime, traditionally consumed through newspaper columns or thin volumes printed on cheap paper with blood-stained covers, can be presented as diversionary storytelling to

satisfy voyeuristic interests of prurience and indulging in schadenfreude in criminal activities, problematising the genre but also its audience.

Rachel Franks: 37:30

These works also, as Christopher Wilson has noted, present as information, for true crime is a deeply news-dependent genre, with violent crime and stories of grossly brutal or cruel criminal acts considered the most newsworthy. But true crime's status as useful information source is continually supported by how people, usually women, return to these texts again and again to learn survival tips and strategies. So, despite the ease with which true crime is routinely dismissed, these texts play an eminent role in society because, to a far greater extent than many other genres and other types of printed material, they detail the punishment of wrongdoers, as explained by David Garland, the eminent scholar of history, law and sociology. Although the modern state has a near monopoly of penal violence and controls the administration of penalties, a much wider population feels itself to be involved in the process of punishment and supplies the context of social support and valorisation within which state punishment takes place. In emphasising punishments from fines through to executions, true crime works present and reiterate the core morals and standards of the market for which they are published. This is evidenced in how the genre is extraordinarily flexible and has reinvented itself over and over across hundreds of years to fit seamlessly in with the needs of new generations of readers. There is one element in these stories which is, though, incredibly stable. In true crime, the killers are usually incarcerated or executed at the end of the story, reassuring us with a good old-fashioned reordering of the chaos wrought by crime.

Rachel Franks: 39:47

Engaging with these histories assists us in meeting the strong emotional and social needs to bear witness to the punishment of criminals of all kinds. To bear witness to the punishment of criminals of all kinds. This in part explains our fascination with cold cases and the need for a satisfactory conclusion, regardless of the amount of time that has passed. The point of true crime delivering educational texts or of offering facts to readers is routinely debated. For example, Jack Miles has written, somewhat melodramatically, that the most true crime writers identify as informal intelligence agents. Ours is a nasty job, they imply, but somebody has to do it. Someone has to stare the horror in the eye so that we may know what it looks like. Society would be content to live in a fool's paradise were it not for the messages that we bring from hell.

Rachel Franks: 40:51

True crime narratives, from perfunctory reportage offering news as it happens through to full-length texts that study convoluted criminal cases, are often treated as simple artefacts of popular culture. Descendants of ballads and broadsides that have written on the occasion of the unusual, the quirky or the puzzling. In a field where ethics are ignored by some and a near constant concern for others, it is the historian who adds validity to the genre of true crime texts via various disciplines, including philosophy, sociology or criminology, or genres such as biography, memoir or history. The benefits of an historical approach have become so obvious we now see some journalists discarding much of their primary training to emulate the work practices of historians. For example, Dave Cullen spent nearly a decade writing and researching his award-winning book *Columbine* of 2009, with pretty much every single review of that book noting the detailed endnotes and bibliography.

Rachel Franks: 42:17

So true crime induces us to meditate on matters profound and fraught, with Mark Seltzer suggesting such histories form part of our contemporary wound culture, a culture, or at least cult, of commiseration. If we cannot gather in the face of anything other than crime, violence, terror and trauma or the wound, we can at least commiserate. As noted, most true crime tales reassure readers with details of punishment, but we are burdened with the knowledge that the victim was real, a person, someone we might have known, someone that we might be able to identify with, was robbed or raped, was a victim of manslaughter or murder. Circumstances may bring about a judicial resolution for the perpetrator, but there are rarely real resolutions for the victims, their families or their friends. In some instances, there is no resolution for anyone involved in a criminal event, with, as noted, cold cases continuing to intrigue and mesmerise.

Rachel Franks: 43:29

True crime is always about people Victims, perpetrators, investigators, prosecutors, punishers and sometimes the storytellers. True crime is also about us. There is a widespread need, from casual to obsessive, to know victims and understand their killers. In addition, the dire repetitiveness of some types of criminal offences and the committing of particularly horrific crimes that serve as flashpoints for action give us evidence to fight for a society that is better or at least marginally safer. Durkheim knew that a crime-free society was a fantasy. It was a society of saints With expectations tempered by this knowledge. Consumers of crime stories can reject an attitude towards society that is completely pessimistic and, though not naively optimistic about the world

around them, can take some solace in the idea that the conscience collective encourages a more moral community.

Rachel Franks: 44:42

In Australia we have produced vast libraries of crime stories. To avoid labels of cheap and trashy, we have caught many of these volumes' history. Each piece of criminal evidence created and collected, each investigation and court process documented, each true crime story published contributes to the complex puzzle that tells the grand narrative of crime in Australia, disputing ideas of a single monolithic convict era. It is interesting to note that Australia's beginnings as a penal colony coincided with technological developments that allowed for the greater and speedier distribution of crime stories, which is seen in how crime is central to our first non-fiction book, our first newspaper, our first major pamphlet and our first novel. Like any historical project, crime histories are challenging.

Rachel Franks: 45:44

In my own work on the executioners of New South Wales, I spent many hours grappling with the truth. Specifically, how much of the truth to include? Do I gloss over crimes, implying a vengeful state happy to hang someone because we hadn't dropped anybody from a gallows for at least a week? Or do I provide too much information, too much truth, and so spark ideas in readers that maybe the death penalty is not such a bad idea after all? To be clear, in the arsenal to fight crime, capital punishment is the worst idea in the box.

Rachel Franks: 46:24

Make no mistake, the role of historians was essential to the abolition of capital punishment and although New South Wales was a little slow, with the first colony to embrace the hangman's tools in 1788, being the last state to finally abolish the remnants of the death penalty in 1985. While Violet Oldfield was raped by Joseph Campbell in 1901, the accused questioned the victim in court - a barely tolerated practice then, that seems absolutely shocking now. The nine-year-old victim was so small they put her on a chair on a table so that everybody in the courtroom could hear her and see her as she gave evidence. Decades of lobbying, in conjunction with the works of historians on sex crimes, saw the law eventually changed, but not until 2003. Perhaps Jack Miles was not exaggerating, after all, when he chastised crime writers.

Rachel Franks: 47:36

Maybe many of our messages are from hell. To conclude, writing, publishing and reading true crime tales facilitates a sense of engagement with processes of

punishment and allows for the demonstration of a group's norms and the strengthening of a society's moral boundaries. Crime histories from the distant through to the recent past reinforce our shared social values and reiterate our commitment to respond to criminal acts through punishments and sanctions. Despite the many and varied social forces separating us, including class, gender, ethnicity, race and religion, we are bound to try and protect our communities from numerous threats, such as the threat of crime. If we accept that crime serves as a barometer for the health of society, the impacts of the past on the here and now are immediately apparent. Crimes against women, for example, tell us of a misogyny that still needs to be addressed, whilst financial crimes feed debates about implementing a universal basic income.

Rachel Franks: 48:51

We want all of us want to have conversations around crime, but often we just don't know how to start them. In a vacuum, we will seek out fast and flashy headlines or crimes that have been repackaged as quick exposés. Yes, journos are key interlocutors in dialogues on crime, but they are overtly driven by circulation numbers and sales figures. And while an historian, to my knowledge, has never knocked back a royalty payment, history never appears on lists for side hustles or get-rich-quick schemes. The motivations are clearly different.

Rachel Franks: 49:37

Sure, historians are also peddlers of truth, but we add value to the recitation of facts. We can correct errors in the record, we can restore victims names and voices in powerful ways, we can contextualise and critique and we can argue for change where that is not within the journalist's remit. Historians also benefit from good training and a collegiate community placing us in a privileged position to write these histories. I am not advocating that every history should be exclusively a crime history, but I am asking that if we are writing history, any type of history, and if crime makes an interjection, that we address it. We will always quibble about the ethics of the how we do this work, but I propose it is more unethical to deny or ignore our many criminal paths. As criminal behaviour defines some in society as 'other', our participation in a shared response to crime events defines us as human. In short, the work of the historian in researching and writing about crime will never not be urgent. Thank you.

Jesse Adams Stein: 51:10

We'll wrap this up now because we've gone a little bit over time, but please join me in very warmly thanking Nerida Campbell, meg Foster and Rachel Franks, and I'll just close off today with just a few very quick thank yous in relation to history now like to thank Catherine Shirley from the History Council, Amanda Wells and Lauren Chater. Also the

State Library, particularly the events team, Lydia Tasker and Callum McLean, and the Australian Centre for Public History. As always, the History Council of New South Wales thanks our major cultural partners, in particular, our major funder, the New South Wales Government, via Create New South Wales. And just before we go, this is an interesting one.

Jesse Adams Stein: 51:51

So I convened History Now 2024 this year. It was wonderful fun. I enjoyed every minute of it. I met so many wonderful people and it was a fantastic thing to do. If you or someone in your networks might be interested in convening Directing History Now for 2025, it is a voluntary thing please do get in touch with the History Council or directly with me. There's email addresses up there. It's an absolute fantastic opportunity to meet amazing people really rewarding thing to do. It's not too much work really, I promise. So please get in touch if you or someone else you know might be interested. And thank you very much. Good night, thank you.