

Theories and Origins of the Modern Police

Edited by
Clive Emsley



The History of Policing

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Series Editor: Clive Emsley

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The Open University

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Series Preface

In modern society it is scarcely possible to read a newspaper, to enter a bookshop, to watch television or to visit a cinema without rapidly finding a story concerning the police. The police, according to the popular image, fight crime, and are there to protect ‘us’ – ordinary, law abiding folk – from the criminal ‘other’ – often some international gang or a vicious, sexual predator-cum-serial killer. When pressed, many ordinary observers will probably admit that this is escapism and that the reality is much more mundane. It is left largely to scholars and academics to probe that reality and, by so doing, to provide a coherent analysis of how the police institution developed and functioned and, through a better overall understanding, to encourage policy-makers and practitioners in reforms and reassessments.

Until the last third of the twentieth century the history of police and policing was rarely undertaken by anyone other than former police officers or people closely connected with the police service. Their research could be extensive and detailed, but their narratives were generally congratulatory. The cultural and intellectual climate of the 1960s, however, prompted a generation of young scholars to reassess the origins and development of police institutions. These scholars came from a variety of discipline areas. They looked back at the origins of the word ‘police’ and traced how a concept of governance became a bureaucratic institution. They challenged the common-sense assumptions that the police were created to fight crime and to preserve law and order and they probed the conceptualisations of ‘crime’, ‘law’ and ‘order’.

The volumes in this series note the traditional narrative of police history, but really commence with the significant reappraisals published in the late twentieth century and then continue with the reassessments and debates that followed. The volumes are organised in a broadly chronological manner. The first begins with significant analyses of the concept of ‘police’ and policing structures under the old regime; subsequent volumes move through the development of policing in the nineteenth century, consolidation in the twentieth and the manner in which models have been structured with a view to export into the twenty-first century. The essays and articles in each volume have been selected by a historian with personal expertise in the area and each volume commences with an editor’s introduction reviewing the literature, the shifting perspectives of research and debate, and the lacunae. The result is an accessible, organised and authoritative collection of the key articles on the history of police and policing that will prove an invaluable tool for both research and teaching.

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Introduction

It is difficult to conceive of a society in the past that did not have ways of enforcing its norms whether or not they were written and labelled as law. The institution most commonly associated with enforcing the laws of contemporary society is the police, and most countries now have institutions with some variant of the word 'police' in them. But the use of the word or a variant of the word 'police' to denote such institutions did not emerge until the late eighteenth and early nineteenth centuries. Moreover in spite of the ubiquity of the policing role and the centrality of institutions called 'police' in contemporary societies, it was not until the last quarter of the twentieth century that any serious analysis of the development of such institutions was undertaken by academic historians.

This volume is the first of four providing some of the most significant, English-language essays on the historical development of the police institution. The essays included in this particular volume introduce some of the theoretical outlines proposed for the origins of police institutions and explore the systems of enforcement, and the criticisms of them, that had emerged on the eve of the revolutionary upheavals that convulsed Europe and inflicted a terminal blow to the *ancien régime* at the close of the eighteenth century. The decision to reproduce essays in their original format obviates the opportunity for including translations of some of the key essays in, for example, French and German that would provide a clearer picture of developments on continental Europe; and there is also the issue of space. Nevertheless, care has been taken to ensure that what follows is not entirely Anglo-centric. Similarly the essays that follow should dispel some of the assumptions about continental policing that have long been based on Anglo-Saxon prejudice rather than on any proper awareness and understanding of what went on in continental Europe.

Theorising Police

Once upon a time it all seemed so simple. Until the early 1970s the history of policing remained the preserve of enthusiasts who were often former police officers or who had cordial connections with the police. The result was that while the research was often prolific and the detail extensive, the history tended to be congratulatory. More serious, however, was the way in which the arguments of late eighteenth- and early nineteenth-century reformers were taken at their face value.

The first historians of police, particularly those working on the British experience, never acknowledged any theoretical position. This was not a deliberate attempt at obfuscation. They took it as read that the police were necessary to society; implicitly they bought into Edmund Burke's assumption that the constitutional structure of Britain was organic, that it had been developed through the wisdom of ancestors and that it provided a model for less fortunate people. Essentially their perception of British history was what Herbert Butterfield defined as Whig. The Whig historian, Butterfield argued, 'busies himself with dividing the world into the

friends and enemies of progress' (1931, p. 5); reform generally came about because far-sighted reformers had identified problems correctly and set the appropriate changes in motion. Whig history was a form of presentism by which the historian looked back from the contemporary world and saw movement to his or her present largely in terms of progress. Butterfield did not discuss the interpretation of police history in his book but, extrapolating from his arguments, it is apparent that while the police system in the present of the Whig police historian might not have been perfect, it was broadly fit for the purposes required and it was developing in the appropriate fashion. It was essentially the system that the far-sighted reformers had envisaged when they established the police institution; abuses had been few; such abuses as there were, together with other problems, had been and continued to be ironed out by properly selected commanders abiding by the proper rules and regulations.

There was a further, central element to this Whig theory of police development, namely that British society was based on consensus; and in consequence of this, the Whig argument went, the police were rapidly accepted by the majority of the population. The police in Britain were, as Charles Reith (1952, p. 20) the most prolific and in many ways the most influential of Whig police historians put it, 'kin' police as opposed to the police across continental Europe that were imposed on the citizenry from above by the directing powers of the state.¹ The police in Britain, according to the Whigs, were established because of an awareness of rising crime and increasing public disorder. The reasons for the greater incidence of crime and disorder were never precisely explained; the assertions that these problems were becoming worse were never probed. Indeed, the arguments of those advocating improvements in policing were taken at face value and, in consequence, the London magistrates Henry and Sir John Fielding and Patrick Colquhoun, who made changes or who wrote urging changes, and the Home Secretary Robert Peel, who established the Metropolitan Police in 1829, acquired heroic status. Their critics and opponents, in turn, were dismissed as short-sighted and foolish, or worse. For the Whigs the institution of the police was the rational response of public-minded reformers to real problems of crime and public order, problems with which the old system could not cope. The brief essay by Reith that opens this volume (Chapter 1), written in the patriotic fervour of the Second World War, encapsulates much of this but without openly espousing any theoretical perspective.

The Whig interpretation of police history began to be unpicked and to come under fire from the early 1970s. Chapter 2, by Cyril D. Robinson, was one of the earliest, and most sharply focused of such critiques, stressing the way in which a consensual understanding of social relations in England had shaped the thinking of the best known of the historians of the English police up to that period. Subsequently a succession of books and essays, several of which are included in later volumes of this collection, have further undermined the old certainties.

Historians, however, are often eclectic in their use of theory. As a body they are generally less inclined to develop the broad-brush interpretations and theories of development commonly constructed and deployed by other social scientists. Significantly the earliest, wide-ranging

¹ Reith produced another five books on police history: *The Police Idea* (1938); *Police Principles and the Problem of War* (1940); *British Police and the Democratic Ideal* (1943); *A Short History of the Police* (1948); and *A New Study of Police History* (1956). Reith himself was neither a former police officer nor an academic. He studied medicine at Aberdeen, but never graduated, worked as a tea and rubber planter in Ceylon (now Sri Lanka), served as an officer in the Indian Army and then, returning to London, worked again in the tea and rubber business. See Hjellemo (1977).

arguments about the historical development of the police were presented by Allan Silver and David H. Bayley, neither of whom would probably acknowledge history as their principal academic home. Equally significant, these essays appeared not in academic journals, but in sociological essay collections exploring policing practice and the development of the nation-state respectively.

Silver admits that his essay (Chapter 3) was shaped partly in response to the growing concerns that a new ‘dangerous class’ was emerging in the USA during the 1960s. His aim in the essay was to examine the historical interrelationships between police reform and the burgeoning research into both the culture of riotous protest and the changing demands for order in eighteenth- and early nineteenth-century England. His perception of the new police in England was shaped by his need to rely largely on the work of the Whig historians and their assumptions about the consensual nature of English society. His understanding of the eighteenth-century English crowd, however, drew on the often unashamedly Marxist research of historians such as George Rudé and Eric Hobsbawm, and his work was one of the prompts to the new generation of police historians such as Wilbur Miller and Robert Storch (see Miller, 1999; Storch, 1975, 1976).

David H. Bayley’s aim in Chapter 4 was to explore the interrelationship between the political structures of the emerging nation-states in Europe during the eighteenth, nineteenth and early twentieth centuries and their respective police systems. Like Silver his assessment had to depend on the published work available at the time that he was writing, and much of this followed a Whiggish line. What Bayley brings out clearly, however, is the range of police tasks, the variations in police forms and the sheer complexity of police development. Seeking to assign a single cause to the creation and pattern of police systems is a fruitless enterprise, nevertheless a range of common factors can be identified, but with varying degrees of significance, coming into play at different moments and with different chronologies. Perhaps the most challenging conclusion to the essay is the lack of importance that crime and economic, urban and population change appear to have played in police development – a direct challenge to the Whig argument.

Silver makes the point that in the policed society ‘the central power exercises potentially violent supervision over the population by bureaucratic means’ (p. 30). Bayley agrees: ‘A police force is an organization authorized by a collectivity to regulate social relations within itself by utilizing, if need be, physical force’ (p. 47). Elsewhere he has emphasised that the police is the only state institution allowed to use force in its daily dealings with the public and that this ‘concentration on the application of force’ (Bayley, 1985, pp. 12–13) is a defining characteristic of the police institution – again not something that would fit well with the perspective of the Whig historians.

Shifting Meanings of Police

The institutions that, today, are gathered under the title of ‘police’ are essentially creations of the bureaucratic nineteenth-century state. The old British Whig historiography of police could conveniently point to the foundation of London’s Metropolitan Police in 1829 as the ‘first’ modern police – though some of their Scots equivalents jealously pointed to the creation of the police of Glasgow in 1800, and of Edinburgh a few years later, both a good twenty years

before that for London.² Yet, as stressed at the beginning of this introduction, it is difficult to conceive of a society that did not seek to enforce its norms in some way or other.

The word ‘police’ has its origins in the Classical Greek *πολιτεία* (*politeia*) which referred to all matters relating to the survival and well-being of the *polis*, the city state. *Politia* had a similar meaning in ancient Rome, and the sense of ‘police’ meaning ‘government’, particularly in the sense of good government that maintained a sense of order and well-being within the community, continued through into early modern Europe. The broad sense in which ‘police’ in its various spellings – *Policey*, *Pollizey*, *Pullucey* and so on – was understood in the empires, principalities and city states of, particularly, the German-speaking parts of Europe is addressed in detail in Chapters 5 and 6, by Franz-Ludwig Knemeyer and Roland Axtmann respectively. Knemeyer traces the shifts in meaning over a very long timeframe, beginning in the early modern period and continuing through to the aftermath of the Second World War. Axtmann focuses in detail on the early modern period in the German lands. He describes princes using the term ‘police’ when seeking ways to maximise the resources and potential of their states. Eighteenth-century German professors gave lectures and wrote treatises on what was called *Polizeiwißenschaft* (which might be translated as ‘police science’ or simply ‘policy science’). And throughout Europe during the Enlightenment intellectuals used the term ‘police’ when debating the role of the law and the rights of individuals within the state. Police institutions gradually emerged to enforce the various policies that were formulated.

Marc Raeff (1983) explored this ground in an important monograph focusing on the police ordinances passed in the German lands and in Russia during the seventeenth and eighteenth centuries. The ordinances sought to establish the procedures by which a peaceful and orderly existence could be secured for the population. Simultaneously they had the joint aim of increasing the wealth and happiness of the population at the same time as advancing the power and wealth of the state and its rulers. In his book, and in an article that predated it, Raeff (1983, p. 124) drew attention to Nicolas Delamare’s *Traité de Police* (1707), the first serious treatise on police in the seventeenth- and eighteenth-century sense. Delamare was an officer of the Châtelet, the busiest royal court in Paris, and while his work came after many of the German ordinances, Delamare’s Paris had a police institution far greater than anything then in existence in the German lands.

In France during the seventeenth and eighteenth centuries, the word ‘police’ became more firmly tied to the regulation of a town or city, rather than of a state in the broader sense. In 1606 Jean Nicot, in his *Thresor de la langue françoise*, defined police as the regulation of ‘supplies, clothing, commerce and other things affecting the good of all’. A century later, in *Nouveau Dictionnaire françoise* (1719), Pierre Richelet considered that ‘police consists in making various regulations for the well-being of a city, and these diverse regulations ought to concern themselves with supplies, occupations, streets and roads’ (quoted in Williams, 1979, p. 12). Delamare himself divided the duties of police into eleven categories: religion; manners and morals; public health; food and the necessaries of life; highways, including the freedom and safety of movement along them; security and the maintenance of the public peace; sciences and the liberal arts; commerce; manufacturing and the mechanical arts; workers, labourers and domestic servants; the poor. These categories were accepted as the responsibility of the police

² A useful introduction to the historiography of Scottish policing can be found in Barrie (2008b, ch. 1).

until the Revolution and beyond, notably, for example, in *L'Encyclopédie* of D'Alembert and Diderot (Emsley, 2007, pp. 63–64). The *lieutenant général de police de Paris*, first appointed by Louis XIV in 1667, was given broad authority for supervision in each of these areas.

In theory the other *lieutenants généraux de police* created by royal ordinance for the principal towns of France in 1699 had similar authority. But there were other local jurisdictions in the towns jealous of their powers and determined to resist, or to absorb, the new *lieutenants*. Moreover Louis XIV's motivation in creating the posts appears to have been primarily to raise money for his wars through the sale of the new appointments. The position of *lieutenant de police*, like other appointments under the *ancien régime*, was venal.

'Police' during the Enlightenment was a concept discussed and debated by a range of thinkers concerned with classifying, controlling and regulating populations. There were those who, following the German notion of *Polizei*, were concerned with theorising the preservation and extension of the state upon which depended all public happiness and security. Adam Smith, in contrast, expected a major reduction in crime with the growing independence of individual workers since this ought to relegate the need for 'police' to the margins of society. For Smith, the close regulation of the workforce impeded prosperity and he considered that the cities that possessed the most rigorous police enjoyed the least security. An acquaintance of Smith, Patrick Colquhoun, who was active in trans-Atlantic trade as well as serving as Lord Provost of Glasgow, appears to have bought in to these ideas. But Colquhoun also regarded a new system of police as essential for enabling the wheels of commerce to prosper and, after moving to London where he became one of the first stipendiary magistrates, he became convinced that there were many who preferred idleness and pillaging the great entrepôt of empire to engaging in honest labour. Colquhoun's *Treatise on the Police of the Metropolis*, which was first published in 1796 and which went through seven editions in ten years, situates him at the significant moment of the change in Britain of understanding police as a specific set of tasks and as an institution of supervision and control.³ Mark Neocleous (Chapter 14) prefers to see him as writing in the broad European context of *Polizei* than as a simple advocate of the police system that was established for the metropolis in 1829 (see also Barrie, 2008a). And long after the beginning of the nineteenth century 'police' was often (and indeed it continues to be) a descriptive term added to another noun – *agent de police* in France, police constable in Britain.

Constables and Watchmen

The word 'constable' appears to have been brought to England by the Normans: the *comes-stabuli* was originally a post in the feudal lord's stable. But before the Norman Conquest of England there had been a structure for maintaining order in small communities based on the system of locally appointed tythingmen. The English constables, as they developed during the Middle Ages, were officers of the parish, chosen in a variety of ways to serve their community, often for one year at a time. They presented before local courts those that transgressed local regulations and those that committed criminal offences; as an early thirteenth-century authority explained it:

³ Rigakos *et al.* (2009) is a reader containing significant extracts from German and British thinkers (but sadly nothing from a French source) on policing during the long eighteenth century.

It is the duty of the constable to enrol everything in order, for he has record to the things he sees; but he cannot judge, because ... the third element of a judicial proceeding is lacking, namely a judge and jurisdiction. He has record as to matters of fact, not matters of judgement and law. (quoted in Guth, 1994, pp. 5–6)

Similar kinds of local official were to be found across medieval and early modern Europe. It was the same with watchmen. Town watches had been formed in the Middle Ages; initially they depended on local householders patrolling the streets of their neighbourhood after dark and by rotation. Often the watch was only required to patrol during a time of particular concern about food shortages, with the concomitant potential for riot, or a panic over crime. In the eighteenth century towns and cities sometimes had a permanent, paid watch; but sometimes the watch was confined only to the parishes capable of funding such or where a particular problem had been identified; and, in a few instances, watches continued to be formed only on an ad hoc basis to deal with emergencies or momentary panics.

Many of the traditional histories of English policing, or of the maintenance of law and order, began with references to Shakespeare's comic watchmen and constables, Dogberry and Verges in *Much Ado About Nothing* and Elbow in *Measure for Measure* (see, for example, Keeton, 1975, pp. 14–15; Ascoli, 1979, p. 21). The implication here is that Shakespeare was writing a social critique of the system of policing and that this system essentially continued, without reform, from the late sixteenth century to the early nineteenth. When Oliver Cromwell declared that he understood his position as Lord Protector to be like that of 'a good Constable set to keep the peace of the parish' (Emsley, 2009, p. 14) he clearly did not have Shakespeare's comic characters in mind; and the traditional histories were either ignorant of Cromwell's example, or simply ignored it as it did not fit with their account. The great virtue of A.M.P.'s short, little-known essay (Chapter 10) is that it shows that Elizabethan and Stuart dramatists as a group portrayed a much wider range of constables and watchmen than the two or three usually singled out from Shakespeare by the Whig historians. More recent research, typified by Chapter 11 by Joan Kent, has suggested that parish officials, such as the constables, were not all uneducated, incompetent and ineffectual bumbles. During the sixteenth and seventeenth centuries they appear to have been drawn from the local parish elite. They were men of some substance and social standing, and as such were likely to have had the respect of members of their community (see also Kent, 1986; Herrup, 1987). In Chapter 12 Keith Wrightson's discussion of the differing concepts of order over this period, while recognising that some local officials probably did leave much to be desired, reveals the complexities of resolving nuisances and torts in small communities, not least given the ways in which social divisions were evolving. It seems possible that during the eighteenth century the social standing of the parish constable declined. But it is also the case that some constables became increasingly professional and served for longer periods than the traditional year-long appointment. These semi-professionals offered, for a fee, to serve in place of the householder selected and they worked as the local constable for the fees that various tasks generated. Watchmen too became more professional. Work that has been done on London, for example, reveals parishes carefully selecting fit men, often former soldiers, and kitting them out with overcoats (sometimes emblazoned with the parish name and an individual number), lanterns

and various forms of weaponry (Reynolds, 1988).⁴ Much more research might usefully be conducted into constables and watchmen during the eighteenth century, and particularly those outside London.⁵

***Sbirri*, Soldiers and Spies**

In continental Europe village headmen seem to have played policing roles similar to those in England who acted as constables, but this is a subject that also needs more research. Similarly, it would be useful to know more of what passed for policing in the widest sense in the towns and cities.

Sbirri (or the singular *sbirro*) is a term of abuse used against policemen in contemporary Italy. From the late medieval period *sbirri* were responsible for many policing roles in Italian towns; they also carried out many punishments, regarded as necessary but ‘vile’ by respectable citizens. The activities of, and the popular attitudes towards the *sbirri* in the papal cities of Bologna and Rome are discussed in Chapter 7 by Steven Hughes. Similar bodies were to be found elsewhere in the Italian states. Goethe described a run-in with a group in Umbria during the mid-1780s; he got off with offering a gratuity which, in turn, led to an invitation to return to Assisi for the Festival of St Francis and the promise of an introduction to a beautiful and respectable woman (Emsley, 1999, p. 149).

The *sbirri* provided an example of dubious practice that may well have been present beyond the Italian peninsula. The Germans provided extensive theorising about the value and significance of *Polizei* to the emerging state. But, as in so much else, for many, probably most, of the princes of Enlightenment Europe the French provided the best example of police institutions to emulate.

By the middle of the eighteenth century the *lieutenant général de police de Paris* commanded around 3,000 men for a city of about half a million.⁶ The *lieutenant’s* men fulfilled a variety of roles in keeping with the broad definition of police. About half of them were uniformed watchmen manning police posts and mounting patrols through the streets. Another 450 or so acted as refuse collectors and fire-fighters; but the *lieutenant’s* principal subordinates were the 48 *commissaires de police* who each had responsibility for the supervision of a separate district and the twenty *inspecteurs* who had separate, city-wide responsibilities. The police were sometimes praised and used by Parisians for their benefit, but they were also disliked and feared for their role in maintaining the regime and prying into people’s affairs. *Lieutenant général* Antoine de Sartine allegedly boasted that when three people met in the streets of Paris, one of them would be his informant. The number of spies (*mouches* or *mouchards* as they were known) probably never reached more than 340, but the fear of police ubiquity

⁴ There are two important studies of policing developments in the square mile of the City of London during the eighteenth century: Beattie (2001) and Harris (2004).

⁵ But see the comments on Essex, particularly, in King (2000, pp. 65–75) and, more generally, in Emsley (2009, pp. 26–29).

⁶ Other than Williams (1979) there is little in English on the police of eighteenth-century Paris. Darnton (1970) provides a valuable introduction to the memoirs of one of the lieutenants, but four-fifths of the essay (an edited section of the memoirs) remains in French. Some excellent work has been done recently by, among others, Vincent Milliot; see, for example, Milliot (2005a, 2005b, 2006).

suited those seeking to maintain the regime, and to suppress criticism and the potential for disorder (Williams, 1979, pp. 104, 111).⁷

The main roads of eighteenth-century France were patrolled by another police institution, the *maréchaussée*. This was a military body, literally the men of the marshals of France, formally established in the sixteenth century to protect the king's subjects from depredations by the king's soldiers. Under Louis XIV it had been given a number of civilian duties; its role and its effectiveness are the subject of Chapter 8 by Iain A. Cameron, which concentrates particularly on two companies, that of the Auvergne in the centre of France, and that of the western province of the Guyenne. The *maréchaussée*, which was expanded, improved and transformed by the Revolution and Napoleon into the *Gendarmerie nationale*, was essentially an instrument of the state. Yet in eighteenth-century France it was dwarfed by a much larger police institution which was not linked directly to the monarchy. Taxation under the *ancien régime* was literally farmed out to wealthy financiers who organised collection for the monarch at a profit. The tax farmers established their own police largely recruited from the same reservoir as *cavaliers* of the *maréchaussée* but its men no longer had the direct link with the army and the state (see Chapter 9 by Earl Robisheaux). On the ground there could be considerable rivalry and hostility between men of the two forces.

Changes in Eighteenth-Century English Policing

Britain/England and France were rivals throughout the eighteenth century.⁸ The rivalry was not just economic and military, but also constitutional. While the French monarchy provided a model for most monarchs and princes, the British constitutional structure was a model for many of those intellectuals seeking to set limits on royal power. The English in particular looked back to the constitutional struggles of the seventeenth century as giving them unique freedoms from absolutist monarchs and also from the Catholic Church, which they perceived as the oppressive kin of such monarchs. The freeborn Englishman, in the popular understanding of the term, enjoyed the liberty of not having his politics and his private life investigated by an absolutist's agents, and not being held in check by the threat of an absolutist's standing army. Such beliefs contributed to the ways in which the freeborn Englishman regarded the police institutions of continental Europe, and those of France particularly.

During the early 1750s Sir William Mildmay lived in Paris and, believing that there was much less robbery and violence there than in London, he set out to assess why this might be the case. Publication of his book, *The Police of France*, was held up because of the Seven

⁷ *Mouche* is the French word for fly, and the idea of the spy, permanently on the wall listening and observing, is apposite. But another story has it that the terms *mouche* and *mouchard* originated from a celebrated sixteenth-century spy named Mouchy.

⁸ There is a problem of nomenclature here. It was common to speak of the British government, though much of the constitutional structure, especially that 'separation of powers' identified by Montesquieu and various other *philosophes*, was essentially that to be found in England. Wales had been united with England finally under the Tudors. Scotland had been united with England by a common monarchy in 1603, and by the Act of Union in 1707; it maintained its own independent legal system. Ireland was ruled by the British monarch, but had its own parliament until the Act of Union of 1801.

Years' War; it eventually appeared in 1763. Mildmay was full of praise for the police of Paris and for the *maréchaussée* that appeared to exist

in a kind of war, not against a foreign enemy, but against such of the native subjects as disturb the peace and violate the laws of their country; and who, as such, must be deemed common enemies to all society. Happy therefore is it for the honest part of mankind, to find so formidable a force, ready to fight their quarrels, and protect their properties. (1763, pp. 31–32)

The problem was, however, that both the *maréchaussée* and the Parisian watch were 'military establishments, and consequently cannot as such be imitated by our administration, under a free and civil constitution of government' (Mildmay, 1763, p. vi). It is interesting to note how this attitude in many ways prefigures the Reithian-Whig assumption about the later English/British police and their continental neighbours.

Anglophobes mocked London and, more generally, England for the lack of a police system and the lack of a word for 'police' in the English language. But there were other continental visitors, including the leading *philosophe* Baron Montesquieu, who saw relatively effective policing, though they did not go into any details about the practices of magistrates, constables and watchmen or about the detection, pursuit and surveillance of criminal offenders (Emsley, 2007, p. 63). Nor did they pick up on the fact that, in spite of the boasts of the unique qualities of English liberties regarding a standing army, when it came to dealing with significant outbreaks of public disorder, the military was the last line, and often the only line of defence for both local and central government.

Reith maintains, in Chapter 1, that during the eighteenth and early nineteenth centuries the British were 'the most disorderly people in Europe' (p. 3). While the Gordon Riots, which shook the metropolis for a week in the summer of 1780, were extremely serious, and while foreign visitors often noted that the freeborn Englishman showed a marked lack of deference for his social superiors and his king, this might be difficult to prove. Other European cities had serious riots, and few more so than Paris during the 1790s. The problem for English magistrates was how to deal with disorder. Parish constables were thin on the ground; it was possible to swear in special constables, though this could take time, and there was no certainty that untrained special constables would stand against a crowd, especially a crowd that contained their neighbours. In spite of the general dislike of the army, and particularly the deployment of the army on British soil, magistrates invariably felt more comfortable with military backing when faced with a potential riot. Legally, a rioter was a felon and there should have been no problem about the death of a rioter in a military action to suppress a riot, but this was not how many contemporaries saw the situation. The prosecution of a magistrate and soldiers for firing on a crowd in 1768 left a lasting impression and, as Emsley shows in Chapter 18, led to a lengthy discussion involving the Crown law officers a generation later. This essay also describes similar concerns when a police action involving soldiers or naval personnel was directed against smugglers, and exposes how, in the nervous days of the French Revolution, in spite of its own espousal of English freedom, the British government was prepared to build barracks as, to all intents and purposes, police stations.

Magistrates, unlike *lieutenants*, *commissaires* and *inspecteurs*, did not purchase their posts and thus have a financial interest in them. They were recruited from well-to-do gentlemen; a few of them, particularly those who acted in busy urban centres, took fees. In Chapter 13 Francis Dodsworth sets out to situate the intellectual thinking that underpinned governance,

including the system of policing, in eighteenth-century England. Civic duty, carried out voluntarily, was the ideal. Some of the individuals entered onto the Commission of the Peace did very little and a few did not even go to the trouble of swearing the *Dedimus* which enabled them to act as a magistrate. Others went to considerable effort and even expense in undertaking their duties and, in instances of crime, in pursuing offenders. John Hewitt, who was both a county magistrate and an alderman of Coventry, provides one notable example of a magistrate who went to great lengths to track down a particular gang of offenders (Morgan and Rushton, 2004, pp. 87–89). In passing John Styles describes the activities of another, Samuel Lister of Little Horton in the West Riding, in his essay on Sir John Fielding (Chapter 16). But it was also possible to find magistrates who, whatever the perceived seriousness of the situation, were not prepared to spend their own money on something that was not personal to them (Emsley, 1981).

The novelist Henry Fielding and his half brother Sir John Fielding were lionised by the Whig historians for the way in which they sought, from the magistrate's office that they worked from in Bow Street, to develop policing in London through the creation of street patrols and the small detective force of constables popularly known as the Bow Street Runners. Bow Street and its police had acquired a formidable reputation by the end of the eighteenth century. A few of its officers succumbed to the corruption that entrepreneurial policing fostered and appear to have fitted up individuals as earlier thief-takers had done for the sake of the rewards paid by the government for highway robbers and burglars. But at Old Bailey trials the fearsome confrontational barrister William Garrow tended to treat the Bow Street detectives with rather more respect than he did other thief-takers (Beattie, 2006, 2007).

The Bow Street Police Office became the model for the new police offices established by act of parliament in 1792. The reputation of the Runners spread and they were hired to detect crime and pursue offenders elsewhere in the country (Cox, 2010). Sir John Fielding aspired to improving the police system across the country; he and his brother had recognised the importance of the spread of information about crimes and offenders, and with his General Preventive Plan of 1772 he sought to establish an effective nation-wide system (see Chapter 16 by Styles). Clearly, as Randall McGowen shows in Chapter 19, it was possible to develop effective links across the country even with the old system of entrepreneurial police. The key point here was that the Bank of England could afford to make it worth the while of those that they employed in the provinces to track down forgers.

As has been noted above, there remain significant gaps in our knowledge about the policing outside the metropolis, though one area has been studied in some detail. Associations for the Prosecution of Felons are the subject of David Philips's lengthy essay (Chapter 15). A subscription to such an association meant that a victim could call upon its funds for the pursuit and prosecution of an offender; and in some instances the associations provided their own police patrols. These groups, as Philips explains, built on the long tradition of voluntary societies in English history. But Philips challenges the idea that they were, necessarily, a manifestation of a general dissatisfaction with the existing criminal justice system and that their development must be considered as similarly motivated to the calls for change made by the Fieldings, Colquhoun and others.

Perhaps, as Mark Neocleous maintains in Chapter 14, even those historians generally critical of the old Whig line have been too keen to make a link between Colquhoun's arguments for a preventive police and the form of preventive policing created for London in 1829. But Ruth

Paley, who in Chapter 17 gives a good outline of the policing structure in London before the creation of the Metropolitan Police, goes so far as to challenge Colquhoun's role as an influential reformer. She notes, for example, that, in preference to Colquhoun, the central government generally relied on the practical abilities of others among the body of stipendiary magistrates established in 1792. Colquhoun was a self-publicist; and probably there were those within the late eighteenth- and early nineteenth-century Home Office whose hearts sank on the arrival of one of Colquhoun's long, detailed letters in tiny spidery handwriting. In his unpicking of the ideology of governance Dodsworth (Chapter 13) shifts the argument in a novel direction. Rather than emphasise fears about rising crime and disorder and the desire to establish a new threshold of order for urban society – both of which have been central to many of the arguments about why the institution of the New Police was created – he points to concerns about those within the system who ignored the civic ideal. The problem he identifies was how contemporaries felt they should deal with 'obnoxious persons' (p. 304) who worked in the system for their own, rather than the public interest. The answer for many reformers was the development of bureaucratic and disciplinary practices that led, ultimately, to the New Police of 1829.

Further Reading, Further Research

There has been an enormous amount of research and publication since the 1970s on the systems and effectiveness of policing during the *ancien régime*. But much (indeed probably most) of the important theoretical work and empirical work on police and policing structures in Enlightenment Europe remains accessible only in French, in German or in other continental languages. Part One of Clive Emsley's *Crime, Police and Penal Policy* (2007) provides an overview of some of this work and compares the different policing structures of different states. George S. Rigakos *et al.*'s *A General Police System* (2009) provides a useful introduction to some of the theorising about police in Germany and England during the eighteenth century.

As far as policing before the police in Britain is concerned, there has been a concentration on the situation in London, both the square mile of the City proper and the wider metropolis. No one interested in the topic can afford to ignore the work of John Beattie (2001), Andrew Harris (2004) and Elaine Reynolds (1998). Stanley Palmer (1998) compares the development of policing in England and Ireland, but for the eighteenth century his attention on the English side of St George's Channel is largely confined to London. David Barrie's work on urban Scotland (2008b) is important, not merely for being the first serious academic study of the subject, but also for the way in which it demonstrates how, north of the border, policing developments appear to have been much less concerned with crime and disorder, and much more with the older, European perceptions of police.

The old-style thief-takers are addressed in Gerald Howson's book on Jonathan Wild (1970) and in Ruth Paley's essay on the McDaniel Gang (1989). But much remains to be done on, for example, the professionalisation of officers in the cities, even in London: indeed, the availability of fully searchable records of the Old Bailey online should facilitate the study of how watchmen and constables perceived of themselves and their job, and how such perceptions changed, from the late seventeenth century to the formation of the Metropolitan Police. Above all there is the need to explore in more detail how policing functioned outside of the principal cities and especially in the smaller towns and in village communities. Peter King

touches on this in *Crime, Justice and Discretion in England* (2000) as do Gwenda Morgan and Peter Rushton (1998, 2004), and there have been several magistrate's journals published that provide the occasional insight into constables' activities (see, for example, Paley, 1991; Morgan and Rushton, 2000), but we still await a serious, extended analysis of eighteenth-century parish constables and non-metropolitan watchmen.

There is also the question of the use of the military. Tony Hayter (1978) has provided a valuable account of the deployment of troops against crowds and the kinds of tactics that the military began to develop. But there has been very little work on the use of the army, and the navy for that matter, as an aid to revenue men along the coasts. The free-born Englishman might have been wary of a standing army, and the ruling elite went along with such ideas. But this did not prevent the use of soldiers and sailors in emergencies, with magistrates and other figures in authority fully aware of potential problems and often acting with great reluctance.

It is easy to challenge the Whig view of eighteenth-century society falling into disorder replaced by a policed society based on consensus. It is equally easy to think in terms of a ruling elite prepared to coerce the majority with its forces of order and to seek to structure a workforce compliant to its needs. But as E.P. Thompson pointed out a generation ago in a paragraph that has particular resonance for the study of the development of police and policing:

The rhetoric and the rules of a society are something a great deal more than a sham. In the same moment they may modify, in profound ways, the behaviour of the powerful, and mystify the powerless. They may disguise the true realities of power, but, at the same time, they may curb that power and check its intrusions. (1975, p. 265)

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Part I
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[1]

PREVENTIVE PRINCIPLE OF POLICE*

Charles Reith

Britain is accustomed to hearing the phrase "Your police are wonderful!" from overseas visitors, and people usually greet it with a smile.

They are willing to agree that their police deserve praise, but they are so used to them that they do not see anything particularly "wonderful" in the fact that Britain's high standard of public order and public insistence on law observance is maintained by unarmed policemen who are regarded and treated as friends by men, women, and especially, children of all classes; and whose behavior towards the public is consistently kindly and readily good-humored and helpful at all times in solving personal difficulties and facing dangers, whether the peace-time dangers of the streets or the wartime menace of aerial bombardment.

Foreign visitors often conclude that what they find wonderful and astonishing in Britain's system of police can be accounted for by the highly-developed sense of orderliness and love of public order inherent in the character of the people. It is assumed that these traits make the task of the police easy, and insure for them ready and willing obedience which makes it unnecessary for them to carry arms.

History proves that this reasoning is fallacious. It is true that the people of Britain show how innate faith in Law and respect for it, but during the eighteenth and early decades of the nineteenth centuries they were the most disorderly people in Europe.

They never experienced the *gendarmerie* police-system which had maintained a degree of public order in European countries by military repressive methods. Britain's police-system had been that of the conscript parish-constable, working in conjunction with the local Justices of the Peace, but it was effective only as long as the country was an agricultural community.

With the Industrial Revolution of the eighteenth century, and the accumulations of population in towns, the parish-constable and Justice system broke down completely, at first in London, and later in all other industrial centers throughout the country. There was no *gendarmerie* system to take its place, and Britain embarked on a period in which the helplessness of Law and authority and the sufferings which ensued from the absence of public order are outstanding features.

*This article constitutes a portion of the book "British Police and the Democratic Idea" by Charles Reith, which is soon to be published by the Oxford University Press, England.

The appearance of orderliness and love of public order is coincident with the adoption of the system of Preventive Police inaugurated throughout the country during the middle years of the nineteenth century.

In 1750, Henry Fielding, the novelist, a magistrate in London during the last four years of his life, proposed the formation of a body of men who would go into the streets to frustrate and prevent the activities of potential criminals. Successive governments in the latter part of the century tried to develop the idea by creating a Police Force for London, but the plans were defeated by powerful, gangster-elements among the City Merchants who profited by the inability of the authorities to enforce observance of Law.

Patrick Colquhoun, a Scots magistrate in London, developed the police idea in books and pamphlets, and coined the phrases, "The Preventive Principle of Police" and "The New Science of Preventive Police," but he, also was defeated. Not until 1829, when the helplessness of authority and Law had created an intolerable situation, was the idea of a Preventive Police Force made practicable. Peel succeeded that year in putting through Parliament an Act which created the "New Police," a small Force which tried out the preventive principle in a defined area of London.

The new Police found, as soon as they appeared in the streets, that their creation had united against them, in a demand for their immediate disbandment, all parties, classes, and factions in the state. Even the Tories were their enemies, on account of Peel's own unpopularity with his Party. The Whig Government which succeeded the Tories in 1830 disliked the Police because they were a Tory invention.

Through the medium of the Parish Vestries, whom Peel had deprived of their constables, the opponents of the Police succeeded, by skillful propaganda, in stirring up the hostility of the middle and working-classes, largely on the plea that the New Police were modeled on the Secret Police of France, which was palpably untrue. The criminal classes required no stimulus for their animosity. Every man's hand was against the Police, and their sufferings amounted in many instances to martyrdom. They were attacked in the streets, maltreated, and thrown into the Thames.

Some remarkable consequences followed. The Police, under the able leadership of the first Commissioners, Charles Rowan and Richard Mayne, discovered that they were completely unable to fulfill their task unless they could secure public approval of their existence. By the exercise of a skillful combination of courage and firmness, patience, tact, and modesty of manner, they succeeded in less than a decade.

In the process they made the following additional discoveries. To gain the approval of the public it was necessary to offer un-

stinted personal service and sacrifice, and to treat all people alike, without distinction of wealth or social standing. It was necessary to avoid carefully behavior that could be construed as pandering to any form of sectional public opinion, and to demonstrate perfect impartiality of service, in complete independence of government policy and Party or class politics, and in complete disregard of the nature of the laws which had to be enforced and the justice or injustice of their substance.

When the motives and the ideals of the Police were at last clearly understood, from the evidence of their daily behavior and accomplishments, the public began not only to approve of their existence, but to respect and like them. These feelings found expression in willingly-offered public co-operation and, in increasing volume, public insistence on law observance without the aid of the Police.

The Police had discovered their fundamental dependence on public approval and co-operation, and had learned that these were an infinitely more powerful force for compelling observance of laws than physical compulsion. They used only the minimum degree of physical force which the occasion made necessary.

Co-operation between the Police and the public produced a new and hitherto-unimagined standard of public order, and people quickly realized the personal and communal benefits which could be derived from it. This sense of order is largely the basis of the national unity which, in 1940, enabled the people of Britain to rally round effective leadership and face, alone, the menace of German aggression after the fall of France.

Another important rule which the Police discovered as the result of their successful application of the preventive principle was the need of keeping completely separate Police and judicial functions.

They realized early the need of consistently refraining from even an appearance of usurping judicial functions such as judgment of guilt or ignorance, and punishment of the guilty.

The Commissioners were active and successful in securing improved legislative definition of Police functions in 1839. By this time the little London Force had become famous. Its organization and the principles on which it was based were being rapidly copied and applied in all parts of the country and throughout the Commonwealth; a process which was complete less than thirty years after the first appearance of the "New Police" in the streets of London.

Today military force is never used either in Britain or in the Commonwealth for the purpose of maintaining internal order, except in support of Police functioning in accordance with the

preventive and other principles, who are temporarily unable to secure a Police objective by their own efforts.

Britain's preventive and other principles of Police are among her most valuable contributions to civilization. Their evolution is still in its infancy. Their possibilities in the task of the future reconstruction of the world, and the part they can play in making Democracy secure, are great.

Democracy's strength lies in the methods which it provides for insuring that laws have the approval of the people. Its weakness is the difficulty, inherent in the system, of finding means for securing efficient observance of laws without undue and unjust interference with individual liberties.

In all human communities it is essential to provide authority with force for the purpose of securing observance of laws. Britain's system of a preventive Police Force is one answer to the problem. It is a fully-effective alternative to the use of repressive military force, and to Police who depend for their power on their ability to terrorize the people.

Ideology as History: A Look at the Way Some English Police Historians Look at the Police

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This article compares four English police historians whose writings are principally concerned with the founding of the centralized English police in 1829. A comparative study of this kind is able to reveal common ideological strains running through their writing which individual examination might overlook. Moreover, their work has contemporary importance because present rationalizations by American and English police of their relationship to the community being policed is substantially similar to that developed by these writers for the relationship of the English police to the English public.¹

The rationalizations developed by these authors can be reduced to four themes: (1) that the need for police arises out of the division of society into good and bad citizens; (2) that one result of the growth of police power is to protect the weak against the powerful; (3) that the police is dependent for its effectiveness on public support, and (4) that historically the business of policing has been confided to the people themselves.

The four historians to be discussed are W. Melville Lee, Charles Reith, T.A. Critchley and Leon Radzinowicz. Except for Radzinowicz, who specifically limits his history of the English criminal law "from 1750," these authors begin with an inquiry into the police systems of their Anglo-Saxon forbears. Such a point of departure is in sharp contrast to American police historians who normally begin police history at the end of the eighteenth century.² This expansive coverage by these English authors encourages a search for historical themes and for system characteristics purportedly unique to the English people.

There has apparently been no prior attempt to analyze the writings of English police

historians apart from contemporary book reviews. Works of police historians have received little notice from British historiographers.³ Perhaps such lack of attention may be partially explained because, until recently, both English and American police historians generally tended not to be professional historians. Police history has been an avocation directly related to the author's occupation. T.A. Critchley was an Assistant Under-Secretary of State in the Home Office, in charge of a police division. Radzinowicz was Director of the Institute of Criminology at Cambridge University. Writing police history seems to have been Lee's method to prepare himself for a hoped for post of chief constable. As a "political journalist" in the 1930s "with a special concern with the international scene," Reith apparently turned to the police as a means of bringing order to what he conceived to be a world of disorder.⁴

Of the authors, only Radzinowicz was attached to a university. This is not surprising if we take into consideration the relative lack of academic interest in police history until recently and the further fact that historians were not generally considered a profession nor were they connected with universities until the latter part of the nineteenth century.⁴

In surveying the works of each author I will organize my analysis around the following five questions:

1. Did the author approach his work with some organizing factor or theory of historical interpretation?
2. How does the author treat the four themes I have set forth above?
3. What developments, in his view, led to or inhibited the formation of the New Police of 1829?
4. How did the author conceive of the police

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function?

5. What has been the author's contribution to police history?

In determining whether these authors employ an accepted theory of historical interpretation, I will use classifications suggested by a standard text, the *Harvard Guide to American History*:

(1) interpretations assuming a plurality of separate civilizations and dealing with the reasons for their cyclical rise and decline, such as those of Toynbee and Spengler; (2) interpretations setting forth, in systematic rules, the general principles of continuous social change applicable to all civilizations, such as those of Hegel and Marx; (3) interpretations, such as F.J. Turner's frontier thesis, which emphasize neglected factors in the historical development of a civilization, without claiming that those factors explain its whole development; (4) interpretations which deny the need for interpretation, asserting that objectivity is an attainable ideal, that the facts "speak for themselves," and that history is ultimately "scientific" . . . ; (5) interpretations . . . which assert that objectivity is an unattainable ideal and rest on the frank belief that all history is contemporary history; (6) interpretations which concede that perfect objectivity is unattainable but remain hostile to rigid or dogmatic historical theories.⁶

Our first author, William Lauriston Melville Lee (1865-1955), who in 1901 published *A History of Police in England*, "came from an old distinguished family." He attended the Royal Military Academy and reached the rank of captain during his army service. Aspiring to a position of chief constable, he studied police history to prepare himself for a position that he was finally prevented from attaining by a subsequent injury. Lee calls his book "unpretentious," and he makes no claim that his is scholarly work (Lee, *xxi*).*

"References have been but sparingly given throughout, and in answer to those critics who may possibly object that the array of authorities quoted is too meagre, the author can only plead in extenuation that opportunities for taking full advantage of good reference libraries are often denied to dwellers in camps and barracks" (*xxi*).

*Citations to the works of the four Englishmen discussed in this article will be cited in brackets to avoid copious footnoting. The full citations of the writings of these authors will be found at the end of the article under References.

Lee would, I think, have denied that he was approaching the police with any theoretical framework or that the police themselves can be so explained. Like the common law, the police institution, he might have said, does not lend itself to systematic analysis for the police represents an empirical adaptation to changing conditions.

"However numerous and outrageous may be the theoretical imperfections of our method for maintaining the peace, its practical superior has yet to be discovered . . .

"English police, however, is not the creation of any theorist nor the product of any speculative school, it is the child of centuries of conflict and experiment (*xxx-xxxii*).

The third historical approach, that which emphasizes "neglected factors in the historical development of a civilization," would seem therefore to approximate most closely Lee's method.

Lee writes this book because "on the institution of police, we have not a single work, except perhaps the matter-of-fact publication of the late Dr. Colquhoun."

Lee will

"attempt . . . to approach this strangely neglected subject, not indeed by the avenue that a scientist would use, but simply to trace in outline the story of English police, keeping in view the underlying principles that have directed, as well as those political and other considerations that have controlled, its evolution; . . . amongst all our institutions it would be hard to find one so eminently characteristic of our race, both in its origin and in its development, or one so little modified by foreign influences . . ." (*xxv-xxvi*).

There are a series of themes that run through his book, common enough so that we will find all or most in the work of the other authors. Unifying all of these "themes" is the conception that England is a democracy and that the police, like her other institutions, either is identical with or is representative of her people. But if this is true, how explain the fact that the police pursue, arrest and imprison some of those people? Lee deals with this apparent paradox by citing the first of the four themes I have suggested above:

"[A]ll but a small minority of the king's subjects were . . . good citizens—and personally interested in keeping the king's peace inviolate; and that they might therefore safely be trusted to do everything in their power to

preserve it, without any necessity arising for the use of coercion. Had all men been equally trustworthy in this respect no police measures would have been required and none devised; but there existed on the fringe of Anglo-Saxon society, *as will occur with all societies*, a certain number of delinquents perpetually on the look-out for opportunities of preying on their fellows . . . " (9,328. Emphasis added.)'

A second theme found in Lee's writing is that law and order is tied to growth of the royal power [the state] and that the general and final effect of the growth of police power is to protect the weak against the powerful. It is the constabulary which is "the primary constitutional force for the protection of individuals in the enjoyment of their legal rights [citing the Report of the Police Commissioners, 1839], designed to stand between the powerful and the weak, to prevent oppression, danger and crime . . ." (xxix-xxx)⁸

A third theme is embodied in the idea that the police in England has deep historical roots, that it is unique to the English people and dependent on them for its support, and without that support, police effectiveness, even its existence, would be in doubt.

Lee expresses this theme as follows:

"Our English police system . . . rests on foundations designed with the full approval of the people, we know not how many hundreds of years before the Norman conquest, and has been slowly moulded by the careful hand of experience, developing as a rule along the line of least resistance, now in advance of the general intelligence of the country, now lagging far behind, but always in the long run adjusting itself to the popular temper, always consistent with local self-government, and even at its worst, always, English" (xxvii, 329).

Consistent with his belief in this democratic nature of the English police, Lee fairly bristles at the notion that the police might be utilized to stop a popular rebellion:

"It has been said that if anything like an adequate police force had been available in 1381, Wat Tyler's movement [lower-class protest against a poll tax to support wars in France and Scotland] might have been arrested . . . Such may, or may not, be true of this particular rising; but happily for English liberty there has never existed in this country any police force at the disposal of the central

government, powerful enough to coerce the nation at large. Our national police has always been of the people and for the people, and obviously at no time could long be used to oppress those from whom its strength was derived, provided only that one and the same sentiment pervaded a majority of the oppressed . . .

The constitution of the general police [is] of such a nature that it was powerless to enforce any universally unpopular measure . . ." (Lee, 61-62).

The fourth theme is taken up by Lee from an earlier treatment by John Wade, published the same year, 1829, that the Metropolitan Police was organized. Wade wrote that "in England the business of police is chiefly confided to the people themselves."⁹ Lee derives this principle from his "Anglo-Saxon conception of police functions."

"[T]he internal peace of the country was held by them to be of the first importance, and every free man had to bear his part in maintaining it; theoretically all men were policemen, and it was only for the sake of convenience that the headborough . . . answered for those of his neighbours . . ."

Lee's discussion of the reasons that led to the formation of the New Police are not particularly enlightening. He recounts in a clear, coherent fashion, but without systematic analysis, the development of the decline of the parish-constable system, the inefficiency of the constables, the dishonesty of the magistrates, the fear of a continental system of police, the inability of soldiers to suppress riots, and so forth. At the end of the century, considering the currents let loose by the French Revolution, he finds "the attitude assumed by the Government . . . altogether incomprehensible" in its apparent unconcern for the need of police to better maintain the peace (Lee, 174).

Lee attributes the creation of the New Police to the work and foresight of Sir Robert Peel, observing that perhaps it was fortunate that there was such a long wait "for when the inevitable change was brought about, we got a better article than we should have done if an earlier model had been adopted . . ." (230).

Lee sees the function of the police "as necessary to the welfare of society as are self-imposed moral and physical restraints to the health of the individual" (xxxix).

Police are seen to have a dual function. "[T]he object of police is not only to enforce

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compliance with the definite law of the land, but also to encourage a general recognition of the unwritten code of manners which makes for social progress and good citizenship" (xxviii-xxiv).

The police are "not servants of any individual, of any particular class or sect, but servants of the whole community—excepting only that part of it which in setting the law at defiance, has thereby become a public enemy"¹⁰ (328)

Perhaps, most revealingly, Lee quotes the following statement from the *Edinburgh Review* to indicate public reaction to the New Police soon after their appearance:

"The arrangements are so good, the security so general, and the complex machinery works so quietly, that the real danger which must always exist where the wealth and luxury of a nation are brought into juxtaposition with its poverty and crime, is too much forgotten: and *the people*¹¹ begin to think it quite a matter of course, or one of the operations of providence, that they sleep and wake in safety in the midst of hordes of starving plunderers" (Lee, 229. Emphasis added).

The sum of Lee's thoughts present a belief framework with surface coherence but with clear internal contradictions. At the same time that Lee sees the police as the protector of the *good* part of the population, he likewise sees the relationship between crime, disorder and poverty. For example, Lee perceives with acuity the economic base to transportation of prisoners¹² and sees the "prison-houses and convict establishments" as "universities of crime," (215-16) a metaphor which he may or may not have originated, but one that has endured with the conditions that provoked it.

Though Lee was obviously an extremely perceptive observer of economic injustice, he was unable to mold his individual observations into an overall theory to aid in analyzing the events about which he wrote.¹³

Nevertheless, Lee's contribution to police history is important. He has been called "the father of English police history," and his book, "the pioneer classic in the field" (Introduction by P. J. Stead, Lee x-xvi). Charles Reith is said to have found in Lee's book the "great principle which distinguished English policing—responsibility of the local community as opposed to that of the nation-state" (viii-ix). Lee can still be profitably read as a clear, concise history of the relevant economic, legal and ad-

ministrative events in the development of the English police from the Anglo-Saxon period to the end of the nineteenth century.

Our next writer, Charles Reith, authored six books on police history spanning a period from 1938 to 1956. Reith worked as a tea and rubber planter in Ceylon, served as an officer in the Indian Army during the First World War, published a novel on army life, worked as a foreign correspondent and edited his own monthly publication of foreign news before writing his books on the police.¹⁴

Reith writes with such dedicated passion of the cause of the police and with such recurring themes throughout all his books that it is relatively easy to categorize his historical approach. He clearly falls into the first category of historical theory which conceives of the police in terms of the cyclical rise and decline of civilizations.

Reith's most comprehensive attempt to set forth a universal "history of human communities" is in his book, *Police Principles and the Problem of War*. Impressed as he was by the on-coming Second World War, he saw the application of "the preventive principles of police [as] solving the problem of recurring war among the nations" (Reith, 1940 viii).

Reith concludes that there are "certain simple and significant facts of community evolution . . . which are the common experience of all communities since the world began . . . It cannot be too strongly emphasized that a framework of rules and force in adjustment is a fundamental necessity of all community existence" (Reith, 1940:1-2). Reith thereafter attempts to show the universality of his theory to various civilizations throughout history,¹⁵ and concludes:

"The part played by war, disease, and other similar calamities, in the disintegration of communities, is in providing circumstances in which force ceases to act in securing or compelling observance of law . . . The real cause of failure and final disintegration are inability or disinclination to repair it" (2-3).

Can we find the same themes in the work of Reith as in that of Lee? Our first theme involved the idea that the need to use force arose because of the supposed division of society into good and bad citizens. In *The Blind Eye of History*, Reith asserts that in the growth of a community

"there comes, always and inevitably, discovery or recognition of the facts that some members of the community will not

keep some or all of the rules; that by their behavior in this respect they weaken and endanger the welfare and lives of other members and the existence of the community as a whole; and that to ensure its continuing welfare and survival, means must be found for compelling observance of rules" (14).

Reith also adheres to the second theme, namely that one result of the growth of police power is to protect the weak against the powerful. Reith makes this theme apparent in various forms, particularly in his oft-repeated notion that "the police have replaced the military as the use of armed force against the people . . ." (Reith, 1943:9). He points to "the sufferings endured by the working classes as the consequence of absence of police . . ." (Reith, 1956:203), and that thief-takers were of some benefit to the wealthy who could bargain back for their goods but of no benefit to the poor (Reith, 1956:204).

At numerous places in his books Reith makes the point that the police are dependent for their support and effectiveness on the people. In *A New Study of Police History*, he states:

"The power of our police is almost entirely derived from cooperation given them by the public. If this, for one reason or another is withdrawn, our police are helpless, and must cease to function"¹⁶ (265).

That the police and the people are one Reith finds embodied in the Seventh Principle adopted by the English police soon after their organization in 1829:

"To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police; the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen, in the interests of community welfare and existence" (Reith, 1952:163).

Reith has a rather elaborate analysis of how the Police Bill became law. In the early part of the nineteenth century there was economic dislocation due to the Napoleonic Wars, fighting between troops and "hunger-driven rioters," shock among the "educated" classes from the Peterloo Massacre, the threat of mutiny in the Guards, and increasing crime. From the standpoint of the likely success of the Police Bill in Parliament, Reith balances the foregoing threats against "growth and

hostility to the idea of establishing police: which spread to men of good-will in all classes." Reith does not, however, indicate the relative importance of these forces in the final result. Instead, he concentrates on the parliamentary skills of Peel, appointed Home Secretary in 1822. Between 1823 and 1828 Peel secured the passage of a number of criminal law reforms which "were expected to ease court and other difficulties" for the police. When Peel believed he had control of both Houses of Parliament he appointed a committee which reported back as planned, favorably recommending a Metropolitan police. According to Reith, Peel was able to secure the acquiescence of the opposing Whig Party and their allies, the City of London, by first including the City in the coverage of the Police bill and then by "compromise," dropping the City from the Bill (Reith, 1956:122, 124).

For Reith, civilization, or at least democratic civilization, literally *depends* on the establishment of the police.

". . . I submit that all means of enforcing laws comprise physical, or military, force, moral and police force, used separately or together, and that military force and moral force alone or together always fail to secure sustained observance of laws in a community unless they are provided with police force, as a medium through which they can function" (Reith, 1952:10).

If laws "are not observed, the most perfect laws which the wit of man can devise are useless, and rulers and governments are impotent" (Reith, 1952:13). Reith begins his book, *British Police and the Democratic Ideal*, with the vision of an Englishman patiently waiting in line in order to pay his taxes, picturing "the smooth and orderly collection of Income Tax in Britain" as "one of the wonders of the world." Looking to the cause of this docility, Reith sees it in the omniscient presence of the English policeman.

"It is true that individual resistance to taxation will lead, quickly and inevitably, to the appearance of a policeman, and to the setting in motion, against the individual, of the smooth-functioning and overwhelming machinery by which the most wonderful police institution in the world unobtrusively enforces the observance of order" (Reith, 1943:1).

But at this point in time, it is not only this show of force that makes him submit. It is,

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rather, that his "awareness of the consequences has become subconscious," and that "the British mind is more alive to the value of individual contribution to public orderliness than that of any other race on earth" (Reith, 1943:1).

"It is an unquestionable historical fact that the appearance of public orderliness in Britain [after its disappearance for centuries], and of individual willingness to co-operate in securing and maintaining it coincides with the successful establishment of the police institution . . . in 1829 . . ." (Reith, 1943:3).

He concludes, therefore, that "British Police Principles may be briefly defined as the process of transmuting crude physical force . . . into the force of public insistence on law observance; and of activating this force by inducing, unobtrusively, public recognition and appreciation of the personal and communal benefits of the maintenance of public order" (Reith, 1943:4).

To Reith it follows that the function of the police is to be found in the maintenance of this finely balanced system, of the interplay between the police and the public, in which the policeman is in the role of teacher of nonviolent conduct in the school of public affairs.

This vision of the police system at work is not inconsistent with Reith's sympathy for the working class. It is, after all, they who had suffered by the violence of the earlier period. A violence might then have been occasionally necessary in order to win the political rights that now allow them to participate in democratic government; they now benefit, at least as much as the rest of the public, from a police that prevents violence and permits democratic processes to take place in a non-Wilkesian, peaceful environment, so thought Reith.

In all Reith's books he continually pounds away at the same idea: that the central task of a civilized nation is to find the means of providing "authority with force which will enable it to compel respect for its laws," concluding that the means to attain that end is the police. A reader of any of Reith's six books finds a familiar echo resounding through all of his works and leaves Reith open to the charge that he has written but one extended book. The failure to take his work more seriously can probably be attributed to his over zealous and repetitious advocacy of the police as the literal answer to all worldly problems.

In reviewing Lee's book in 1951 for the *Police Review*, Reith really describes what he

believes to be the important facets of the police institution:

"[Lee's book] describes the prolonged inability of authority to enforce laws; its helplessness and the people's sufferings in face of the consequences; the Police remedy which was suggested; and the fierce opposition which this encountered, causing long delay in its adoption. . . . It is a basic study of police principles and duties of which it can be truly said that, without it, no subsequently published book on the history of the Police could ever have been written" (Lee, x).

Reith's review reveals his own proclivity to excessively broad statements as well as his generosity to another author to whom he genuinely felt a debt of gratitude.

J.J. Tobias, a contemporary police historian, regards Reith as "an invaluable if somewhat naive and uncritical historian of the Metropolitan Police . . ." "I believe this statement to be a just evaluation of Reith. Critchley credits Reith as the source of some of his material.¹⁸ My view is that Reith's most significant contribution to police history is the very thing for which he has been criticized, his attempt to set forth a theory of the police. Naive and incomplete as it is, it is important to have this perspective before us.

T.A. Critchley wrote three books about the police between 1967 and 1971. The two that principally concern us are *A History of Police in England and Wales, 900-1966*, and *The Conquest of Violence, Order and Liberty in Britain*, the latter being of special interest as a comparison of the way Reith and Critchley treat the "taming" of violence. Critchley's other book, *The Maul and the Pear Tree*, coauthored with P.D. James, is a study of early nineteenth century London police organization. This task is accomplished by vividly describing the police investigation of a brutal murder of two London families. The obvious incompetence of the magistrates and the police to adequately investigate the crime (a matter heavily covered by the press of the day), provoked agitation in England for police reform.

In writing his *History of Police*, Critchley sees the historical process of police development in a remarkably similar way to that of Lee—if one disregards the professional cynicism of the long-term public servant to accepted police mythology.

"A central purpose of this book is to attempt to trace the way in which this unique and valuable system has been fashioned by the

needs and fears of society as they have been expressed from time to time in political currents. No grand design emerges, and there is no evidence of adherence to lofty constitutional principles. The empirical process about to be described gives little support to the common view that policing in England owes much of its excellence to attachment to the ideal of local responsibility for law and order, or to a mystical fusion between the policeman and the ordinary citizen. The system has never been a tidy one or logical one. It was built up with little regard to principle, but much concern, at the center, for the political expediencies of the day, and the need for popular support for the police and a measure of technical competence" (xiv).

Critchley's hostility to "rigid or dogmatic historical theories" seems to place him in the sixth category of historical interpretation.¹⁹ This is not to say that Critchley took an unsophisticated simplistic view of police history. On the contrary, his disclaimer of a "grand design" seems to be in marked and perhaps intended contrast to the expansive approach taken by Reith.

Critchley's more critical method deprives us, however, of our theme of the division of the population into good and bad. Instead, Critchley recognizes that the confrontations he describes are between the "rulers and the ruled" (1971:201). It is this realization that ultimately the police system has a class base that leads him to reject the "mystical fusion between the policeman and the ordinary citizen." Consistent with this consciousness of class dynamics, he observes a certain identity between the unpaid working constable of Tudor times and the vagabond he was called on to ship out of town (1967:12). Nevertheless, Critchley is agreeable to the next theme, that the poor are better off for having the organized police. He notes:

"The desperate and starving mobs that characterized the latter part of the [eighteenth] century, were left to police themselves . . . After twelve hours in factory or mine, they ought, for all the law cared, to serve in rotation as night-watchmen . . .

"Meanwhile, the wealthy paid game-keepers to protect their property, slept with arms near to hand, and the middle-class tradesmen formed voluntary protection societies. The poor simply managed as best as they could until the reform of rural police was at last put in hand" (1967:24-28).

Critchley is all fours with Lee and Reith in agreeing that the English police is dependent on the public for its effectiveness. "The police," says Critchley, "represent the collective interests of the community . . ." The police "sustains our civilization; and, at the same time, promotes the freedom under a rule of law without which civilization is worthless . . ." (1967:xiii, xiv).

"The device which is most characteristically English has been to arm the police with prestige rather than power, thus obliging them to rely on popular support. Associated with this is the principle that every policeman is personally responsible to the courts for any wrongful act. These arrangements . . . are only likely to continue to work smoothly if the laws which the police enforce are themselves acceptable to public opinion" (1967:xiv, 52, 319-320).

While Critchley has pointedly rejected the "mystical fusion between the policeman and the ordinary citizen," he nevertheless substantially accepts the idea that there is a historical relationship between the police and the people.

"By involving everyone in the business of keeping the peace it taught English people from early times to accept that everyone had a stake in it" (1971: 28-29, 199).

His description of the causes of the delay in the enactment of the Metropolitan Police Act and the reasons for its enactment are similar to those of Reith. He gives a good deal of credit to the strategy conceived by Peel; and he attributes more credit to the propagation of ideas on "influential public opinion" than does Reith; but with the same incredulity felt by Reith, Critchley sees the bill's passage as "one of the most remarkable facts about the history of police in England that, after three-quarters of a century of wrangling, suspicion, and hostility toward the whole idea of professional police," the Act "was passed without opposition and with scarcely any debate" (1967:50). Critchley suggests, however, that the reason that "the English upper and middle classes successfully resisted the idea of professional police for three-quarters of a century after Fielding had pointed the way . . . was because some feared the loss of liberty and most objected to the expense" (1967:320). He does not suggest, however, what might have occurred in 1829 to remove these concerns.

On the surface, Critchley's notion of the police function is quite different, if not the

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exact opposite, from that of Reith. While Reith believes that the "orderliness" of the English people is due to the police, Critchley states that the "gentility" of the police issues from the historical roots of the English people. The source of violence in society is the working class. Although Critchley is sympathetic to that class, it is against them that the police must be used. It is, after all "from the working classes from whom [sic] most criminals" come (quoting a Parliamentary Commission Report, Critchley, 1967:73), and while demonstrations may be peaceful, "evil" may work "its way to the fore" (1967:77). After centuries in which the British were "long habituated to violence [they were "constrained"] by a native self discipline which was rooted in antiquity, and which flowered . . . during part of the twentieth century."²⁰ This period of relative peace was due to a number of factors, of which the police were but one: the demands of the working-class Chartist movement were met; religious differences disappeared as a motive force in English politics and racial prejudice was absent in Britain.

"The forces of law and order were belatedly strengthened with the spread of professional police forces throughout the country; the unique character of our police (as a force of unarmed civilians, in contrast to the soldiers who had in earlier times provoked as much violence as they repressed) enabled a rapport to be established between police and trouble-makers that has been of incalculable value . . . [In addition there was] the growth of trade unions and the use of strike action as a means of protest . . . finally, the spread of the franchise, together with growing literacy and the Penny Press, gave increasing numbers of men and women a sense of involvement in their own destinies that earlier generations lacked. Thus the prime causes of public violence in Britain had, by the year 1900, been largely . . . eliminated . . . (Critchley, 1971:25).

By the General Strike of 1926, "both sides in the encounter 'played the game' according to unwritten rules, as though the standards of Arnold's public schoolboys had permeated all classes" (1971:202). "The police," he says, "are used for different purposes from one generation to another."

"In the nineteenth century the main problems were poaching, vagrancy, and petty crime; during the first three decades of the twentieth, public order constituted a major

problem; now the challenge is from crime of all kinds, and road traffic" (1967:320).

Though Critchley does not discuss which segment of society wrote the rules and delineated the problem, he writes with verve and intellectual pique. His writings are full of literary allusions, catches of song and limerick.

One reviewer of his *History* forecasts that it will be "the main historical manual for a long time," and notes that "the sources to which Mr. Critchley has had special access [as Assistant Secretary in the police department of the Home Office and as secretary of the last Royal Commission on the Police] have enabled him to trace with authority the key development of modern times, which is the bringing of the uneven and assorted police forces of the country into the standardized police service of today."²¹ But it should be noted that in order to carry out his plan Critchley relegated 800 years of history to a single chapter so as to concentrate on the "next 200 years" which, he writes, "help illuminate or explain the working and problems of the police service of modern times . . ." (1967:xiv).

This is indeed an understandable decision, but in making it, Critchley obscures the crucial development of change in police function from pre- to post-state transition. Once the state has evolved, some would argue, the function of the police undergoes a qualitative change.

Of like importance is Critchley's treatment of violence in *Conquest of Violence*. In both books Critchley writes from a conservative bent, to be expected from an official of the Home Office writing about mob action. Both books involve Critchley's view of the slow elimination of mob violence (and thereby the elimination of government restriction on its policies in fear of potential violent response) through the action over the years of a series of public servants such as Critchley himself. Critchley gains his perspective on violence by examining "the causes of violence . . . and not[ing] how authority . . . responded to its threat" (1971:2).²²

Given that mob violence has subsided, the question arises, has the working class gained or lost bargaining power as a result of giving up the "right" to shake the duke's carriage on his way to Parliament? What has been the worth of *political* gains where there is limited *economic* ability to assert these gains? These are questions historians may wish to consider when evaluating Critchley's analysis.

Sir Leon Radzinowicz, Wolfson Professor of

Criminology and Director of the Institute of Criminology at Cambridge, is the author of four volumes of *A History of English Criminal Law and its Administration from 1750*, published over a 20-year period from 1948 to 1968. Radzinowicz's series is certainly the most scholarly and detailed work²⁸ of the four authors considered.

The magnitude of the labor performed is described in the introduction to the first volume:

"For his chosen period from the middle of the eighteenth century down to the present day he tells us that he had to consult some 1,250 Reports of Commissions and Committees of Inquiry, 3,000 Accounts and Papers, 800 Annual Reports and 1,100 volumes of Parliamentary debates; British as well as foreign authors, criminological, popular and historical literature so as to produce 'a full and comprehensive study of the phenomena of a great social evolution' . . ." (Radzinowicz, I:iv).

Although no theory of analysis is explicitly set forth, it seems evident that Radzinowicz, both from his arrangement of material and from his own sparse comments, is heavily influenced by economic considerations. Of particular interest is his overview of his findings:

"From a study of documents—proclamations, advertisements, offers of reward, Home Office correspondence—there emerges a system by which men hoped that the public peace might be preserved and offenders brought to justice, a system which was as ingenious as it was perplexing. It was largely inspired by the creed of *laissez-faire* and to an appreciable extent was worked by private initiative, principles which were so natural to the Englishman's way of life and thought" (Radzinowicz, II:vii).

What Radzinowicz implies is that the system of criminal justice of the period is a reflection of the economic organization of the rest of the society of which it is a part, in this case, a society in the grips of a rising capitalist class struggling with a declining landed aristocracy.

Of the theories of historical interpretation, Radzinowicz seems to rely principally on the second category, "general principles of continuous historical change." It would be inconceivable for a man of Radzinowicz's erudition and European background to be unfamiliar with the writings of Hegel and Marx, the

main exponents of this theory, or that he would undertake a work of this scope without a clear conceptual plan for dividing the relevant from the irrelevant.²⁴

Radzinowicz seems considerably concerned with the interplay between events and ideas in the manner of Hegel. As Handlin sums up Hegel's conception of history, and social change,

"the discrepancy between ideas and social conditions reacts upon social conditions: and as ideas bring conditions up to their level, new ideas arise, and out of the ideas new conditions—until history reaches its ultimate fulfillment."²⁵

Radzinowicz seems to apply this conception to the subject-matter of the criminal law:

"Child of the Common Law, nourished and moulded by Statute, the criminal law of England has always been sensitive to the needs and aspirations of the English people, and it has continuously changed under the impact of the predominant opinion of the day. Yet while it has never been static, its rate of growth has been uneven, and the main features which it presents today were built up from the movement for reform which began in the middle of the eighteenth century. To that development the forces of morality, of philosophical thought and of social consciousness all made their contribution" (I:ix).

It would not be inaccurate, therefore, to characterize the work of Radzinowicz as a social with a heavy component of intellectual history of the criminal justice system for the period covered. Therefore, in the case of Radzinowicz, in setting out themes, we will usually be setting forth his synthesis of the ideas of others rather than conceptions which purport to be his own.

We cannot, therefore, expect a statement from this author as we did from Lee and Reith, that society can be divided into good and evil men. But we do find that in Radzinowicz's description of the political affairs of the time that a belief in such a division actuated public policy. What for Lee and Reith was division of society into good and bad citizens is for the more sophisticated Radzinowicz clearly a class division. Volume III, *Reform of the Police*, begins with the following statement:

"Severe laws were held to be essential for the internal safety of the nation. Often, as in the case of the Riot Act, they were also a much

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needed weapon in the hand of the Justice of the Peace who alone with the soldier barred the way of the riotous mob: for 'to those two it is entirely owing that they [the mob] have not long since rooted all the other orders out of the commonwealth'. The diligent and impartial execution of these laws was the honourable mission of the English police . . ."¹

The ruling class understands this threat only too well. A constant threat of violent mob action runs through the work of Reith and Critchley. They teach that to the police belongs the credit for the taming of the mob.

Although one finds in Radzinowicz an occasional comment concerning the law's protection of the weak from the powerful (as in the quotation from the *Quarterly Review* that because of the current wave of thefts, "The small proprietor . . . could hardly be called the owner of what he enjoys, but for the strong hand of the law" Radzinowicz, I:30), such statements are rare. Much more common is the expressed fear of the power of the mob, of the burden of the poor on the rich, or the criminality of the poor.

Radzinowicz is concerned to a greater degree with the actual arrangements made by the government to protect certain of its citizenry than in vague concepts concerning the dependence of the police on the public. In the first place, he shows in considerable detail that the pre-1829 police were totally ineffective in controlling crime. Secondly, as we will hereafter discuss in more detail, it was a time when societal organization promoted "private interest," a concept inconsistent with the notion of collective security. Thus, far from the picture of an historic idyllic continuity that our earlier writers have posited between the "people" and the police, Radzinowicz notes that:

"[W]ith the advent of the eighteenth century, this method [collective security] of stimulating local inhabitants to make better provision for the preservation of the peace ceased to be of any practical importance. Hopes were centred instead on the positive system of incentives. . . . of earning a reward of sharing in a fine" (Radzinowicz, II:167).

In fact, by the early 1800s, there was strong hostility to the proposed establishment of a new police system for the very reason that the police were regarded by some as having already departed "from those principles by which they had . . . been guided . . ." (Radzinowicz, III:335).

As to the theme that the business of policing had been confided to the people themselves, with the transformation of the constable and watchman from ordinary citizens who took their turns at service to paid substitutes from the lowest class of society, that idea lost all coherence.

Radzinowicz suggests a more complex path to the enactment of the New Police Act than that described by the other authors. There was, during the time from 1750 to the passage of the act, a series of riots, disturbances, a perceived increasing poor population and mounting crime. Yet,

"During this long period . . . there was no section of public opinion, no group in Parliament or outside, no leading newspaper or periodical which would advocate a reform in the traditional machinery for keeping the peace" (Radzinowicz, III:374).

Radzinowicz, like our other authors, is able to explain the opposition to the proposal but not its final successful passage. Until 1732 the word "police" was not even a part of the English vocabulary; it was only slowly that the concept entered public consciousness. The inefficiency of the contemporary system became apparent and was accepted; a further step was taken when it was realized that "arrangements for the maintenance of peace, as distinct from laws relating to offences against the peace, were a fit subject for a parliamentary enquiry . . ." (III:2, 63, 64). Over this whole period there were incremental changes, the effect of which was to broaden laws covering powers of arrest, and various offenses of public order and theft. Inhibiting the acceptance of such a law were the vested interests of the City of London, sheriffs, magistrates, and various other groups that either derived benefits from the old system or foresaw problems with the new (Radzinowicz, IV:167).

In addition, there was the belief among a good part of the members of Parliament and almost all reformers that a centralized police would represent a formidable threat to liberty. An important, though not the sole factor in the successful passage of the Metropolitan Police Act, was Peel's commitment to a scheme of reform of the whole criminal justice system, including earlier reforms of the criminal law. By the time, therefore, that the police bill was presented to Parliament it may no longer have seemed threatening but merely the next incremental step (Radzinowicz, I:567-589).

Radzinowicz does not himself discuss his

concept of the police function but he does recount that of Colquhoun "whose views on crime, poverty and police made so deep an impression on the public around the turn of the [eighteenth] century . . ." (Radzinowicz, IV:36).

To Colquhoun, "the labouring class represented the productive force of the country" but "inevitably" that class carried within it certain "noxious" elements. Thus the police would perform an important societal task in controlling this class.

"It was inevitable that its members should live in some degree of poverty, and that they might even on occasion sink into indigence or pauperism. The 'indigent and noxious classes', however, were hardly distinguishable from the elements 'supported by criminal delinquency'. Indigence 'is one of the greatest calamities which can afflict civil society, since . . . it generates every thing that is noxious, criminal and vicious in the body politic.'" (Radzinowicz, III:233).

Colquhoun believed that "it is a state of *indigence*, fostered by idleness, which produces a disposition to moral and criminal offenses, and they are so linked together that it will be found impracticable to ameliorate the condition of the poor without taking more effectual measures at the same time for the prevention of criminal offences" (Emphasis in original Radzinowicz, III:233).

Colquhoun would have the police "promote the moral improvement of the labouring classes by the exercise of supervision and restraint. It would remove temptations and strengthen the moral fiber as well as the social sense of those lower orders which at present filled the ranks of the army of crime, vagrancy, dissipation and insubordination" (Radzinowicz, III:234-235).

Radzinowicz's materials argue for a more straight-forward economic analysis to better explain the conflict over the establishment of the police, the form it took and its function.

Summary and Conclusions

This article began with the statement that the relationship of the police to the community, as developed by the four English police historians discussed, could be reduced to four themes. The themes were united, it was said, by the conception that England is a democracy and that the police, being one of her institutions, is a democratic institution, either identical with or representative of her people. It was found

that these themes ran through the work of the four English police historians in amazingly similar concepts and language, leading to the conclusion that, in varying degree, we are here dealing not merely with history but with ideology serving as history.

Each of these historians accepts a consensual conception of government. For them, as Critchley put it, the English people, as a whole, have a "sense of involvement in their own destinies." The alleged "fusion" of the police and the community is part of this historical "sense." Such a view sees the police as having a historical role in the absorption of the former threatening "mob" into the political process.

It is apparent that these writers have relied heavily on the thinking of John Locke. The themes of the division of society into good and evil men, and the supposed function of the police to protect the innocent from powerful evil-doers are found in Locke's assertion that some men engage in a "state of war" against other men in an otherwise idyllic state of nature. That act of war gives a right, on the part of the man attacked, "to destroy a man who makes war upon him."²⁶

Locke further argues that such a right by the injured party to use individual force may be necessary while a society is in the state of nature. But once man enters into the social contract there is a "common superior on earth to appeal to for relief." Then, says Locke, "the state of war ceases . . . because then there lies open the remedy of appeal for the past injury and to prevent future harm." A major reason "of men's putting themselves into society and quitting the state of nature" is that in society, "there is an authority, a power on earth from which relief can be had by appeal . . ."²⁷

From Locke too comes the notion that the police are the public and the public are the police. Locke suggests that "every man has a power to punish the crime to prevent its being committed again, by the right he has of preserving all mankind and doing all reasonable things he can in order to that end . . ."²⁸

Even more important is his underlying philosophy of the social contract between free, independent persons to form their own government. Our historians, therefore, like Locke himself, were largely relying on a mythical state of nature out of which issued the "authority to decide between contenders"—the notion of a neutral nation-state dear to the heart of consensualists.²⁹ The concept of the "neutral" state is itself confused and contra-

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dictory for it is this very state, through its police, that supports one part of society against the other—the “good” against the “evil.” All of our authors accept this implicit challenge to the consensus theory and apparently resolve it, in the manner of Locke, by placing evil people outside society itself.³⁰ Thus, the *public* identified with the police, has been purified of its evil segment. It is only in this segmental sense that the people are the police and the police the people.

Yet, each of the writers, being themselves perceptive of the social relations about which they write, cite numerous instances in which this societal division cannot be so easily disposed of, and in which the police cannot so easily be utilized as enforcer of good laws against bad men. In a particularly trenchant comment on the historical role of the police officer, Critchley states:

“The dissolution of the monasteries created a huge army of vagrants whose only alternative to starvation was plunder, and under the barbaric laws of the Tudors the parish constable was the principal agent in maiming, burning with hot irons and other refinements of torture, before whipping the vagabond, until his or her body be bloody, out of the village or town. It is surely fair to suppose that many men refused to have anything to do with such practices (1967:12).

Our authors (Lee, Reith, Critchley and Radzinowicz, quoting Colquhoun), while purportedly discussing good and evil persons, or “authority” and the “mob,” were describing class and class conflict under a mystique that divided the population into those who keep and those who wilfully refuse to keep the rules. Even though each of these authors devoted a substantial part of their histories to working-class “mob” action directed against the ruling landed aristocracy and rising bourgeoisie, class was never seen as a relevant “historical question.”

As a possible explanation of “patterns in men’s relationships, their ideas and their institutions,”³¹ class was ignored. Without such an understanding of the ongoing class struggle between the back-sliding land-owning class and the emerging bourgeoisie in the period just before the creation of the centralized police, Lee, Reith and Critchley could be only incredulous (as they were) at the prospect of “authority” refusing to adopt the remedy that seemed to them to be most obvious and efficient—the organized police.

But to the competing classes, replacing an “inefficient” system with an “efficient” police weapon, did not appear to be such an obvious benefit to either class until it was clear at which class this weapon might ultimately be pointed. Neither class could know that the class in power at any moment might not use the weapon against the other. Only when it became clear to leaders of both classes that the police represented a threat to neither but on the contrary could be a means of controlling the threat to both—the working class—could the centralized police become a reality.³²

In a quotation cited earlier in this article, Critchley describes in detail how a combination of “the forces of law and order” together with a number of liberalizing political concessions by “authority” resulted in working-class “trouble-makers” adhering to rules—rules, of course, made by and for the ruling class. This role of the police as teacher-carrier of good behavior from the upper class to the working population has been observed by Reith, Critchley, Colquhoun, as well as contemporary authors, Banton and Silver.³³

These critical comments do not in any way reduce the extremely important contribution all of these authors have made to police history. It would have been extraordinary, particularly at the time at which they wrote, if they had approached their subject differently. But now it is time to ask, what should be the criteria for a proper *social* history of the police?

Rusche and Kirchheimer, in their history of the penal system, suggest one comprehensive historical approach: “It is thus necessary to investigate the origin and fate of penal systems, the use or avoidance of specific punishments, and the intensity of penal practices as they are determined by social forces, above all by economic and then fiscal forces.”³⁴

Marxian analysis, which Rusche and Kirchheimer employ, concerns itself with productive forces as they historically affect the configuration of most significant societal institutions.³⁵ With this perspective in view appropriate questions to be pursued by a social history of the police that do not seem to have been adequately examined by previous writers, English or American, include:

1. What is the origin of the police function? At what point in evolutionary development did the police function begin to appear and in what form?
2. To what extent is the development of the

police function related to changes in the nature of the community, and to resulting changes in social relations?

3. How is the incidence of the police function related to the development of a state society as compared to a stateless society, or to a class society as compared to a classless society?⁸⁶
4. What is the historical development of the ideology necessary to support a police function? What was the process by which an élite was able to obtain and maintain police loyalty?⁸⁷
5. How is the origin and development of the police function related to the mode of production of any particular epoch of history?
6. How do the police fit within the total system of social control?

A comment by Radzinowicz makes a fitting introduction to such an historical effort. In summing up the result of 32 years of English police history, he stated:

"By 1861 the country was covered by a network of professional police charged with the prevention of crime, the detection of offenders and the maintenance of order. Systematic enforcement of the law had replaced suspended terror as the accepted basis of control . . . Tradition, inertia, local jealousies, class distrust, fear of expense and fear of tyranny all contributed to evasions and delays. Yet the poor might engulf the country in a tide of disorder and crime, so the search continued for more acceptable expedients. Charity and relief could be used not merely to placate but to coerce the poor . . . Of all such expedients the most far-reaching was transportation . . . What does emerge is that its existence made it easier to relinquish reliance on the death penalty and its withdrawal clinched the argument for a general system of police.

"The nation had to live with its criminals, in or out of confinement. It could no longer eliminate them. It had arranged to police them" (Radzinowicz, IV:v).

Footnotes

1. Typical sentiments found in most American police-community relations texts may be summarized as follows: The police are agents of the people they police; the laws that the police enforce are those of a democratic society in which the people being policed participate and consent; the police do not favor one segment of society over another; all are treated fairly and equally. See L.A. Radlet, *The Police and the Community* (Beverly Hills: Glencoe Press, 1973) pp. vii-viii; National Advisory Commission on Criminal Justice and Goals (Washington: GPO, 1973), p. 9; D.W. McCroy, *The Police and Their Public* (Metuchen, N.J.: The Scarscrow Press, 1976), p. 29; R.M. Mombouisse, *Community Relations and Riot Prevention*

(Springfield, Ill.: Charles C. Thomas, 1967), p. 4; M. Symonds, "Policeman and Psychodynamic Understanding" in A. Niederhoffer and A.S. Blumberg (eds.), *The Ambivalent Force: Perspectives on the Police* (Hinsdale, Ill.: Dryden Press, 1976), pp. 72-73; W.J. Bopp, *Police Rebellion: A Quest for Blue Power* (Springfield, Ill.: Charles C. Thomas, 1971), p. 47.

2. J. F. Richardson, *Urban Police in the United States* (New York: Kennikat Press, 1974) briefly mentions a few events of the late 17th century for the purpose of showing the "English background of the American police." The doctoral dissertation of S.D. Bacon, *The Early Development of American Municipal Police* (Ann Arbor: University Microfilms, 1966 reprint of 1939 dissertation), traces American policing from the 17th century in five American cities.

3. Police historians go unmentioned in H.J. Ausubel et al., *Some Modern Historians of Britain: Essays in Honor of R.L. Schuyler* (New York: Dryden Press, 1951). In R.W. Prouty, "England and Wales, 1820-1870 Recent Historiography: Selective Bibliography," in E.C. Furber (ed.), *Changing Views on British History, Essays on Historical Writing since 1839* (Cambridge: Harvard University Press, 1966), C. Reith and L. Radzinowicz are mentioned. Among Reith's six books, only *British Police and the Democratic Ideal* is noted.

4. P.J. Stead, Introduction to C. Reith, *The Blind Eye of History* (1975 reprint of 1962 ed.), p. vi.

5. In England, it was 1871 before the Oxford "School of Modern History" permitted undergraduates "to study history, and history alone, for the first time, and Cambridge followed suit" in 1873. The *English Historical Review*, founded in 1886, was the first British periodical devoted to scholarly historical studies. J.R. Hale (ed.), *The Evolution of British Historiography from Bacon to Namier* (Cleveland: World Publishing Co., 1964), p. 56. The same is true for the United States, the study of history until the last decades of the 19th century being "the avocation of gentlemanly scholars and literateurs . . ." Handlin et al., *Harvard Guide to American History* (Cambridge: Harvard University Press, 1956), p. 5.

6. *Id.* at 15-16.

7. It is clear that Lee is much influenced in his argument by the thinking of John Locke. At an early point in his discussion of the origin of the police he says: "When a people emerges from the savage state its first care is the institution of some form of civil government." W.M. Lee, *A History of Police in England* (Montclair, N.J.: Patterson Smith, 1971 repr. of 1901 ed.), p. xx-vii. This point is elaborated hereafter.

8. Lee was not so naive as to think that there was no oppression of weak by the powerful, nor that the police always acted as a benefactor to the weak. But he believed that the overall effect was for the state to protect the weak against the strong. See page 22, where oppression of the poor is attributed to a weak king; and page 149, for his comments on police brutality; the extent of crime at the beginning of the nineteenth century and the relationship of the police thereto is treated at pp. 196-216.

9. The full quotation reads:

"In despotic countries people are accustomed to the exertions of authority in its most repulsive forms, and the police may be armed with all the powers essential to the prompt and efficient discharge of its duties; but in countries aspiring to free institutions, where the persons, property, habitations, and even amusements of the people are guarded by so many barriers, which no one with impunity can violate without legal and adequate occasion, a much more scrupulous and circuitous process is required. Consequently, in England the business of police is chiefly confided to the people themselves . . ."

J. Wade, *A Treatise on the Police and Crimes of the Metropolis* (Montclair, N.J.: Patterson Smith, 1972 reprint of 1829 ed.) pp. 2-3.

10. Note that this quote updates Lee's earlier statement about those who exist on the "fringe of Anglo-Saxon society."

11. The words, "people," or "society," in these quotations, can be translated to mean the middle and upper classes. Such usage is, of course, not limited to these authors but is pervasive in political science, sociological and criminal justice literature.

12. Lee notes that high prisoner mortality on ships used for transportation continued until payment to the shipowner was

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- based on each man landed alive rather than on each man embarked (209-210).
13. Lee also observes that the "large majority" of parish constables were from the "poorer classes," were unpaid for their services, were "struggling men, who have to work hard to provide for themselves, and for their families" and therefore, he comments, it is not surprising that they are "incompetent," and the duties performed in a "purely perfunctory manner" (181). But he carries this observation no further. See C. Robinson, "The Deradicalization of the Policeman: A Historical Analysis," *Crime and Delinquency*, 1978, Volume 24 (Number 2), pp. 129-151.
 14. Almost nothing has been published on the life of Reith. Therefore, it will be useful to provide a biographical footnote. This information was contained in a letter to the author, dated April 6, 1976, from Patricia Plank, Librarian of New Scotland Yard. The matter was researched by J.B. Rapkin, a former Metropolitan Police Officer. An edited version of the letter follows:

"Charles Edward Williams REITH was born on November 22, 1886 in Aberdeen. His father, a doctor, sent him to schools in Stonehaven and Bridge of Allan, Scotland.

"When he left school, Reith became a tea and rubber planter in Ceylon. With the outbreak of war in 1914 he was commissioned in the Indian Army, served with the 3rd Brahmins and later became a General's A.D.C. in Mesopotamia and Palestine. After the war he went to London and worked in the tea and rubber trades. In 1924 he married Marguerite Hannah Ellen Gordon. In 1925 his first book, a novel, was published entitled 'An Ensign of the 19th Foot'. Three years later he went to Italy but returned to London in 1933 and for a time edited his own monthly magazine. He also wrote for 'Time and Tide' magazine. It was about this time that he developed his keen interest in police matters. 'On the outbreak of the second world war in 1939 Charles Reith went to live in Cornwall, but returned to London after two years. He was asked to lecture Polish Officers in the United Kingdom on the British constitution and way of life and this he did throughout the remainder of the war. The Polish authorities in London awarded him 'The Cross of Merit. He also lectured on police principles to various law societies and at Cambridge and Durham Universities.

"In 1945 Charles Reith returned to Scotland, firstly to Stonehaven, Kincardineshire, and then, in 1950 to Edinburgh. On several occasions he lectured to students at the Scottish Police College, Tulliallan Castle, Kincardine, Allos, Clackmannanshire. When he died on February 7, 1957, he left instructions that his books which he had used for his studies of police subjects should be given to the College. They are now recorded at Tulliallan Castle as the 'Charles Reith Bequest.'"
 15. One may find many other such notions in Reith. See, for instance, *The Police Idea*, where he states:

"The fundamental problem which confronts the nations of the world today . . . is the finding of means of providing authority with force which will enable it to compel respect for its laws and without which, as all history shows, it must inevitably and repeatedly fail to function" (vi).
 16. Like statements will be found in Reith's *British Police and the Democratic Ideal* at pp. 5 and 10.
 17. J.J. Tobias, "Police and Public in the United Kingdom," *Journal of Contemporary History* 1972, volume 7, 201-219.
 18. In a footnote to a chapter entitled, "New Police of London, 1750-1830," in his book, *A History of Police in England and Wales*, Critchley cites Reith's *British Police and the Democratic Ideal* and *A New Study of Police History*, stating:

"Mr. Reith has made valuable accounts of Home Office papers in the Public Record office and the commissioner's papers in the library of New Scotland Yard" (1967:326).
 19. Although Critchley states that he has "tried to include everything . . . germane to the development of a theory about the nature and purpose of policing," he actually develops a series of observations about the "origins of the police system," the "emergence of the office of Constable," the "legal obscurity of the Constable's office," and the like. His method then is one of frequent looking back and summing up. While his insights are valuable they do not add up to a "theory." The importance
- that he gives to the use of ideas arguably would place him in category two with Radzinowicz, whom he frequently quotes. This approach accentuates the interplay between ideas of the time and other social forces. The role of ideas as advocated by certain social reformers is given a particularly important role by Critchley in the enactment of the Metropolitan Police Act. See pp. 45-50.
20. Critchley admits that such an explanation "begs more questions than it answers" (1971:25).
 21. *Times Literary Supplement*, Volume 617, Sept. 28, 1967, p. 921.
 22. Compare this rather simple view of violence with R.P. Wolff, "Violence and the Law," in R.P. Wolff *The Rule of Law* (New York: Simon and Schuster ed. 1971), and G. Rudé, *Paris and London In The Eighteenth Century: Studies in Popular Protest* (New York: Viking Press, 1973) and G. Rudé, *Wilkes and Liberty: A Social Study of 1763 to 1774* (London, Oxford University Press, 1962).
 23. Volume I, *The Movement for Reform*, undertakes to display the gradual

"growth of public opinion which has led to the reforms brought about by modern criminal legislation . . . [H]e has been able to exhibit in the most vivid form the process of law in the making" (v).

Volume II, *The Clash Between Private Initiative and Public Interest in the Enforcement of the Law*, concerns "the enforcement of the criminal law, as distinct from the reform of its substance, during the eighteenth and early nineteenth centuries" (vii).

In Vol. III, *Cross-Currents in the Movement for the Reform of the Police*,

"the movement for reform is traced through the labyrinth of trial and error, advances and regressions, theoretical anticipations, curious alternative strategems, and alarms which created a momentary readiness for change, only to give way suddenly to apathy and even hostility" (vii).

Volume IV, *Grappling for Control*,

"follows through to their culminating points two protracted campaigns, on one side for the reform of the capital laws, on the other for the establishment of regular police" (v).
 24. Radzinowicz describes his approach as

singling out . . . certain main sub-periods, and the examination of all the criminal problems as they appear in that sub-period. . . . It is far from being an accident that in a certain given period of its development society is confronted with certain specific problems and that it solves them in a certain way or disregards them altogether." L. Radzinowicz, "Some Sources of Modern English Criminal Legislation," *Cambridge Law Journal* 1943, volume 8 pp. 180-194.

Radzinowicz sees the contours of criminal law then within the larger "economic, social and political structure of English political society."
 25. O. Handlin et al., *Harvard Guide to American History* (Cambridge: Harvard University Press, 1955) p. 5.
 26. ". . . it being reasonable and just I should have a right to destroy that which threatens me with destruction; for, by the fundamental law of nature, man being to be preserved, as much as possible when all cannot be preserved, the safety of the innocent is to be preferred; and one may destroy a man who makes war upon him . . . because such men are not under the ties of the common law of reason, have no other rule but that of force and violence, and so may be treated as beasts of prey, those dangerous and noxious creatures that will be sure to destroy him whenever he falls into their power." J. Locke, *The Second Treatise of Government* (Indianapolis: Bobbs-Merrill Co., 1962), p. 11.
 27. *Id.* at pp. 13-14.
 28. *Id.* at p. 8.
 29. To the extent that this idea is attributable to Locke, it is a misinterpretation of Locke's meaning. While all other rights present in the state of nature are retained, it is precisely this right to enforce the law of nature that is lost by transition to a state form of social organization. *Id.* at p. xv.
 30. *Id.* at pp. 6-7; Cf. T.H. Marshall, *Class, Citizenship, and Social Development* (New York: Doubleday and Co., 1964) pp. 80-81.
 31. E.P. Thompson, *The Making of the English Working Class* (New York: Pantheon, 1964) p. 11.

32. *Id.* at pp. 81-82.
33. P. Colquhoun, *A Treatise on the Police of the Metropolis* (Montclair, N.J.: Patterson Smith, 1969 reprint of 1806 ed.); M. Banton, *The Policeman in the Community* (New York: Basic Books, 1964); A. Silver, "The Demand for Order in Civil Society: A Review of Some Themes in the History of Urban Crime, Police and Riot," in David J. Bordua (ed.), *The Police: Six Sociological Essays* (New York: John Wiley & Sons, 1967).
34. G. Rusche and O. Kirchheimer, *Punishment and Social Structure* (New York: Columbia University Press, 1968 reprint of 1939 ed.).
35. M. Bober, *Karl Marx's Interpretation of History, A Study of the Central Thesis of the Marx-Engels Doctrine of Social Evolution* (New York: W.W. Norton, 1966) pp. 3-4; R. Tucker, *The Marxian Revolutionary Idea* (New York: W.W. Norton, 1969) pp. 61-62.
36. M. Fried, *The Evolution of Political Society* (New York: Random House, 1967). Each writer, with the exception of Radzinowicz, who begins his history in 1750, finds the "origin" of the police system in what Reith calls the "kin" police. But it is clear that at the time of which they write, about 900 A.D., there is already a clear-cut feudal class system, and that the vestigial kin structure is being utilized by a "higher authority" in the maintenance of order. C. Jeffery, "The Development of Crime in Early English Society," *Journal of Criminal Law and Criminology* 1957, volume 47, p. 666.
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The Demand for Order in Civil Society: A Review of Some Themes in the History of Urban Crime, Police, and Riot*

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CRIMINALS AND THE "DANGEROUS CLASSES"

Crime and violence in the life of city dwellers have long evoked complaints which have a quite contemporary tone. Peaceful and propertied people in eighteenth-century London, for example, confronted a level of daily danger to which they and their spokesmen reacted indignantly. It was in such terms that Daniel Defoe dedicated a pamphlet on crime to the Lord Mayor of London:

The Whole City, My Lord, is alarm'd and uneasy; Wickedness has got such a Head, and the Robbers and Insolence of the Night are such, that the Citizens are no longer secure within their own Walls, or safe even in passing their Streets, but are robbed, insulted and abused, even at their own Doors. . . . The Citizens . . . are oppressed by Rapin and Violence; Hell seems to have let loose Troops of human Devils upon them; and such Mischiefs are done within the Bounds of your Government as never were practised here before (at least not to such a degree) and which, if suffered to go on, will call for Armies, not Magistrates, to suppress.¹

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¹ *An Effectual Scheme for the Immediate Prevention of Street Robberies and Suppressing of all other Disorders of the Night; with a Brief History of the Night-houses and an Appendix Relating to those Sons of Hell call'd Incendiaries* (London, 1730).

In the body of his pamphlet, Defoe describes a situation of pervasive insecurity, stressing the mounting and unprecedented extent of criminal attack. The idea of crime wave is already quite explicit:

Violence and Plunder is no longer confin'd to the Highways. . . . The Streets of the City are now the Places of Danger; men are knock'd down and robb'd, nay, sometimes murder'd at their own Doors, and in passing and repassing but from House to House, or from Shop to Shop. Stagecoaches are robb'd in High-Holbourn, White-Chappel, Pall-Mall, Soho and at almost all the Avenues of the City. Hackney-Coaches and Gentlemen's Coaches are stopt in Cheapside, St. Paul's Church-yard, the Strand, and other the most crowded streets, and that even while the People in Throngs are passing and repassing . . . 'Tis hard that in a well-govern'd City . . . it should be said that her Inhabitants are not now safe. . . .²

We may note in passing that equally contemporary themes richly abound in magazines that urban Americans read six decades ago. To cite but two examples:

Individual crimes have increased in number and malignity. In addition to this . . . a wave of general criminality has spread over the whole nation. . . . The times are far from hard, and prosperity for several years has been wide-spread in all classes. Large sums are in unaccustomed hands, bar-rooms are swarming, pool-rooms, policy shops and gambling houses are full, the races are played, licentiousness increases, the classes who "roll in wealth" set intoxicating examples of luxury and recklessness, and crime has become rampant.³

In that period, it was, of course, commonplace also to ascribe the fundamental causes of mass criminality to large-scale immigration:

In the poorer quarters of our great cities may be found huddled together the Italian bandit and the bloodthirsty Spaniard, the bad man from Sicily, the Hungarian, the Croatian and the Pole, the Chinaman and the Negro, the cockney Englishman, the Russian and the Jew, with all the centuries of hereditary hate back of them. They continually cross each others' path. It is no wonder that altercations occur and blood is shed. . . .

² *Ibid.*, pp. 10–11.

³ James M. Buckley, "The Present Epidemic of Crime," *The Century Magazine*, (November 1903), p. 150.

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We claim to be a rich and prosperous city and yet we cannot afford to employ enough policemen to keep thieves and burglars out of our houses and thugs and robbers from knocking us on the head as we walk along our own streets. . . . The bald, bare, horrible fact is that the conditions existing in Chicago today are the most criminal and damnable of any large city on the face of the earth.⁴

Thus the current rhetoric of concern about crime and violence draws on established motifs of both older and newer vintage: an indignant sense of pervasive insecurity; a mounting current of crime and violence as a result of both unaccustomed prosperity and prolonged poverty; the bad example of the self-indulgent wealthy; the violent proclivities of immigrants and other newcomers; and the ironic contrast between the greatness of the metropolis and the continued spread of crime.

But at times there was a somewhat different attitude toward urban crime and violence. In the London and Paris of the late eighteenth and the early nineteenth centuries, people often saw themselves as threatened by agglomerations of the criminal, vicious, and violent—the rapidly multiplying poor of cities whose size had no precedent in Western history. It was much more than a question of annoyance, indignation, or personal insecurity; the social order itself was threatened by an entity whose characteristic name reflects the fears of the time—the “dangerous classes.” The phrase occurs repeatedly. Thus, an anonymous essayist of 1844 writes of the situation in urban England, where “destitution, profligacy, sensuality and crime, advance with unheard-of-rapidity in the manufacturing districts, and the dangerous classes there massed together combine every three or four years in some general strike or alarming insurrection which, while it lasts, excites universal terrors. . . .”⁵ But even where the term is not explicitly invoked, the image persists—one of an unmanageable, volatile, and convulsively criminal class at the base of society.⁶

⁴James Edgar Brown, “The Increase of Crime in the United States,” *The Independent* (April 11, 1907), pp. 832–33.

⁵“Causes of the Increase of Crime,” *Blackwood’s Magazine* (July 1844), p. 2. The phrase appears in another work published four years later, *The Communist Manifesto*—where, however, it is instantly interpreted in terms of the “lumpen-proletariat” idea.

⁶Honoré Antoine Frégier, *Les Classes Dangereuses de la Population dans les Grandes Villes* (Paris, 1840) is a work often cited by contemporaries. A relevant modern work on Paris is Louis Chevalier’s *Classes Laborieuses et Classes Dangereuses à Paris pendant la Première Moitié du XIX Siècle* (Paris, 1958).

This imagery is only in part the product of class antagonisms in early industrial society; rather, the working classes were included in an older and continuing concern with criminality.⁷ Urban administrators regarded the swelling numbers of the poor as unmanageable. Indeed, the image of the "dangerous classes," as distinct from that of pervasive criminality, seems to have flourished especially during periods of very rapid population growth, reflecting the migration of the numerous poor, without employment skills or a history of urban life. During this period, the labor force of the metropolis was still not primarily industrial.⁸ Thus, the events and antagonisms of early industrialism inflamed but did not create the image of the "dangerous classes." It referred primarily to the unattached and unemployed. An advocate of police reform in London, writing in 1821, defined the problem in these terms:

The most superficial observer of the external and visible appearance of this town, must soon be convinced, that there is a large mass of unproductive population living upon it, without occupation or ostensible means of subsistence; and, it is notorious that hundreds and thousands go forth from day to day trusting alone to charity or rapine; and differing little from the barbarous hordes which traverse an uncivilized land. . . . The principle of [their] action is the same; their life is predatory; it is equally a war against society, and the object is alike to gratify desire by stratagem or force.⁹

In the Paris of that time, he writes, "le prolifération des classes dangereuses était . . . l'un des faits majeurs de l'existence quotidienne de la capitale, l'un des grands problèmes de l'administration urbaine, l'une des principales préoccupations des tous, l'une des formes les plus incontestables de l'angoisse sociale." The city was one "où le crime a une importance et une signification que nous ne comprenons guère. . ." (pp. iii-iv).

⁷ Influential books expressing this concern were Henry Fielding's *Enquiry into the Causes of the Late Increase of Robbers* (1751) and Patrick Colquhoun's *Treatise on the Police of the Metropolis* (1796). According to Chevalier (*op. cit.*, pp. 451-68), the Parisian bourgeoisie made little distinction between the "industrious" and the "dangerous" poor.

⁸ According to the census, the population of London tripled in the first half of the nineteenth century. On its occupational composition, see the *Census of Great Britain in 1851* (London, 1854), p. 182, *passim*.

⁹ George Mainwaring, *Observations on the Present State of the Police of the Metropolis* (London, 1821), pp. 4-5. The anonymous essayist of 1844, quoted above on the connection between the dangerous classes and the "manufacturing districts," went on to write: "In examining the classes of society from which the greater part of the crime comes, it will be found that at least three-fourths, probably nine-tenths, comes from the very lowest and most destitute. . . . If

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As class tensions involving the threat of riot and revolutionary violence subsided in London, the older concern with diffuse criminality rather than the “dangerous classes” reemerged. Thus, Henry Mayhew’s immense reportage on London’s criminals, vagabonds, and casually employed, published in 1861, was suffused variously by moralism, indignation, pity, compassion, horror, and mere curiosity—but not by the sense of dread that had earlier afflicted those confronted by the dangerous classes.¹⁰ Indeed, contemporary writing in midcentury London exhibits a sense of relief and victory over the forces of mass violence. Contrasting the present with the past, a writer in 1856 observed that “the only quarter in which any formidable riot could take place would be eastward, in the neighborhood of the docks, where there are at least twelve thousand sailors in the river or on shore, ready for a spree, fearless and powerful, and acting with an undoubted esprit de corps. These, if associated with the seven or eight thousand dock labourers and lightermen, would certainly produce a force difficult to cope with.”¹¹ Such a prospect clearly was judged as a great improvement.

To judge from contemporary accounts, New York did not experience a comparable sense of relief or improvement. Indeed, it appears that by 1872 New York was already being compared unfavorably to London with respect to crime and violence:

. . . If the vice and pauperism of New York are not so steeped in the blood of the populace [as in London and other European

we examine who it is that compose this dismal substratum, this hideous *black band of society*, we shall find that it is not made up of any one class more than another—not of factory workers more than labourers, carters or miners—but it is formed by an aggregate of the most unfortunate or improvident of *all classes*. . .” *Blackwood’s Magazine* (July 1844), p. 12 (italics in original).

¹⁰This was the fourth and final volume of *London Labour and the London Poor*, separately titled *Those That Will Not Work*.

¹¹*London Quarterly Review* (July 1856), p. 94. Many observers, though still concerned with criminality, acknowledge a change for the better at this time. Remarking that accounts of the earlier situation in London “seem like tales of another country,” a writer in 1852 went on to detail improvements: “No member of Parliament would now venture to say that it was dangerous to walk in the streets of London by day or night. . . . Bad as the dens of infamy in London still are, they are not to be compared with those older places of hideous profligacy. . . . In the most disorderly part of the town, such as St. Giles, Covent Garden, and Holborn, the streets every Sunday morning exhibited the most outrageous scenes of fighting, drunkenness and depravity. . . . Crimes, too, are greatly diminished in atrocity. The large gangs of desperate robbers, thirteen or fourteen in number, now no longer exist. . . .” *Edinburgh Review* (July 1858), p. 12–3.

cities] they are even more dangerous. . . . They rob a bank, when English thieves pick pockets; they murder, where European prolétaires cudgel or fight with fists; in a riot they begin what seems about to be the sacking of a city, where English rioters merely batter policemen or smash lamps. . . .¹²

For this observer, whose book is largely concerned with relief and other remedial programs among New York's poor, the dangerous classes are very much a part of the city—which, after all, had only a decade earlier suffered the great Draft Riot of 1863:

There are thousands upon thousands in New York who have no assignable home, and “flit” from attic to attic, and cellar to cellar; there are other thousands more or less connected with criminal enterprises; and still other tens of thousands, poor, hard-pressed. . . . Let but Law lift its hand from them for a season, or let the civilizing influences of American life fail to reach them, and, if the opportunity afforded, we should see an explosion from this class which might leave the city in ashes and blood.¹³

Such rhetoric is not, as we have seen, an inevitable expression of concern with criminality, riot, and violence—even when these were of an order unthinkable in daily urban life today.¹⁴

What are some of the factors that underlie relationships between urban criminality and disorder and the significance ascribed to them by the peaceful and propertied classes? An adequate answer to this question would need to consider important aspects of economic, political, and urban history, the labor movement, and demography. For our purposes, however, we will focus on two aspects of the situation that until recently have been neglected: the significance of the police and the culture of riotous protest.

THE POLICED SOCIETY

Some modern nations have been police states; all, however, are policed societies. Practical men have never underestimated, though

¹² Charles L. Brace, *The Dangerous Classes of New York* (New York, 1872), p. 26.

¹³ *Ibid.*, p. 29.

¹⁴ Thus, Defoe saw the intolerable conditions of his time as a result of the arrogance and bad influence of a rapidly increasing group of prostitutes and their “bullies”; and his solution was to disperse them by raids (*op. cit.*, pp. 26–32).

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they have often distorted, the importance of the police. Sociological theory in the "social control" tradition, however, has usually slighted the police in favor of normative or voluntary processes.¹⁵ The significance of the police, for our purposes, can best be understood as they appeared to a generation for whom modern police were an unprecedented innovation—Englishmen in the middle third of the nineteenth century.

The London police, created in 1829, were from the beginning a bureaucratic organization of professionals.¹⁶ One of their tasks was to prevent crime by regularly patrolling beats, operating under strict rules which permitted individual discretion. The police also had a mission against the "dangerous classes" and political agitation in the form of mobs or riots. On all fronts they were so successful that initial and strong objections to them rapidly diminished; from being a considerable novelty, they quickly became a part of "British tradition."

¹⁵ In the book which more than six decades ago named and founded this tradition, E. A. Ross was crisply aware of the expanding role of police: "In the field of physical coercion, there is an increase in the number of lictors, bailiffs, police, and soldiers told off to catch, prod, beat, and hold fast recalcitrants, and they are brought under a stricter discipline. They are more specialized for their work, and an *esprit de corps* is carefully cultivated among them." *Social Control* (New York, 1901), pp. 398–9. Furthermore, Ross was quite tough-minded about the cause of this development: "All this does not happen by simple fiat of the social will. Certain groups of persons—the executive, cabinet, the central government, the party machine, the higher clergy, the educational hierarchy, 'authorities' of every kind in short—are always striving for more power. When the need of a more stringent control makes itself felt, they find the barriers to their self-aggrandizement unexpectedly giving way before them. Formerly they were held in check, while now they find encroachment strangely easy" (*Ibid.*). Neither kind of emphasis survived the subsequent failure of works in social control to treat the characteristics of the policed society in a comprehensive way or to see organized and legitimate coercion as intrinsic to social control. (Representative treatises are L. L. Bernard, *Social Control*, New York, 1939, and Richard T. LaPiere, *A Theory of Social Control*, New York, 1954.) Ross himself distinguished between the normative processes of "public opinion"—uniquely flexible, preventive, and ubiquitous—and the coercive effects of "law"—which were clumsy, retrospective, and remote (*op. cit.*, pp. 89–105). Important and influential as this distinction is, it tends to obscure—as we shall see—some of the distinctive features of policed society. Recent attempts to incorporate civil violence in the framework of social theory are included in *Internal War*, Harry Eckstein, ed. (New York, 1964), especially the essays by Eckstein, Parsons, and Feldman.

¹⁶ Useful accounts of British police history are the writings of Charles Reith, especially *The Police Idea* (1938), *British Police and the Democratic Ideal* (1943), *The Blind Eye of History* (1952), and *A New Study of Police History* (1956). See also F. C. Mather, *Public Order in the Age of the Chartists* (Manchester, 1959). Like most contributors to the English literature on "public order," these writers—especially Reith—work from palpably conservative assumptions.

The policed society is unique in that central power exercises potentially violent supervision over the population by bureaucratic means widely diffused throughout civil society in small and discretionary operations that are capable of rapid concentration. All of these characteristics struck contemporary observers as remarkable. Fear of mob or riot diminished when early police showed that fluid organization can overcome numbers:

There seems to be no fear a London mob will ever prove a serious thing in the face of our present corps of policemen. A repetition of the Lord George Gordon riots would be an impossibility. Those who shudder at the idea of an outbreak in the metropolis containing two millions and a half of people and at least fifty thousand of the "dangerous classes" forget that the capital is so wide that its different sections are totally unknown to each other. A mob in London is wholly without cohesion, and the individuals composing it have but few feelings, thoughts or pursuits in common. They would immediately break up before the determined attack of a band of well-trained men who know and have confidence in each other.¹⁷

Another writer put the same point in more impersonal terms:

As each police constable being alone might easily be overpowered, and as the men of each section, or even division, might be inferior in numbers to some aggregation of roughs or criminals collected in a given spot, it is arranged that . . . reserves of force can be gathered . . . and concentrated upon the disquieted area, and as the commissioners command the whole district, and the force is organized and united, while roughs act in small areas, and have diverse and selfish interests, the peace of London may be held secure against violence.¹⁸

The peaceful and propertied classes appreciated two other advantages of the modern police: they relieved ordinary respectable citizens of the obligation or necessity to discharge police functions, especially

¹⁷ "The Police and the Thieves", *London Quarterly Review* (July 1856), p. 93.

¹⁸ "The Metropolitan Police System", *Westminster Review* (January 1873), p. 16. An early historian of the New York Draft Riot of 1863 was similarly impressed by the decisive contribution of the telegraphic system in linking police stations within the city to each other and to those in Brooklyn. He devoted considerable space to the mob's attacks on the telegraphic system, citing the defense of its equipment and personnel as a key phase in the struggle for control of the streets. See J. T. Headley, *The Great Riots of New York* (New York, 1873).