

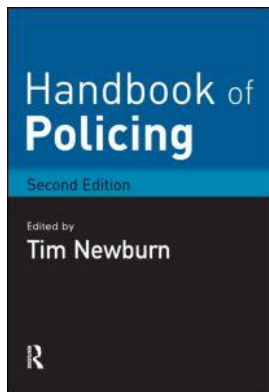
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## **Handbook of Policing**

Tim Newburn

### **Policing before the police**

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## Chapter 3

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# Policing before the police

*Philip Rawlings*

### Communal policing

The title of this chapter highlights problems of definition in writing police and policing history. Who are the police and what is policing? Is policing the work that police do, or are the police those who do policing? One tradition assumes that these terms are unproblematic and that their meaning can be read from the organisation and practice of the modern police, that is, the police created by the Metropolitan Police Act 1829 and later legislation. This has led to the characterisation of the period before 1829 as merely a defective prologue to the modern police. Without pre-empting too much any conclusions on that view, this chapter adopts the words 'police' and 'policing' as shorthand terms (see Radzinowicz (1956: 1–8) for the meaning of police before 1829). By policing is meant the maintenance of order, the control of disorder, the prevention of crime and the detection of offenders, and by the police is meant those officials concerned with policing matters.

Before the Conquest of 1066 the primary responses to wrongdoings in England doubtless came from the victim, the victim's kin and the community. The state's intervention was relatively limited and to a large extent reflected the customary practices of the blood-feud and communal involvement. Nevertheless, the codes of law drawn up by Anglo-Saxon kings beginning with Æthelbert (died 616) were expressions of royal authority and as such they sought to rearticulate the rights of the victim and the roles of kin and the broader community into duties owed to a superior authority. The rights of the victim and the community to kill a wrongdoer were restricted and, instead, an expectation was established that offenders would be brought before the courts. The laws of Æthelbert directed that anyone who 'take revenge before he demand justice' was to provide compensation (Thorpe 1840: 109), and the laws of Ine (died 726) required that the killing of a thief be justified by showing that 'he whom he killed was a thief trying to escape' (Simpson 1981: 74). The codes also restructured the role of the community. The assistance of neighbours in the pursuit of a suspected offender became an obligation owed to the Crown – 'the hue and cry'. The laws of Athelstan (died 939) stated that a thief who fled 'shall be pursued to his death by all men who are willing to carry out the



king's wishes' (Riggs 1963: 46). Similarly, the system of frankpledge turned the tendency of a community to exclude strangers into a duty by requiring adult male inhabitants to be members of a tithing and obliging each to swear, 'I . . . will not be a thief nor the fellow of a thief, nor will I conceal a theft nor a thief but will reveal it to those to whom it should be revealed' (Maitland and Baildon 1891: 76). These themes survived the Conquest. For example, the Statute of Winchester of 1285 sought to strengthen the hue and cry through a requirement that the community compensate the victim of a robbery, who had raised the hue, if the offender escaped. In addition, the statute stipulated that town gates were to be closed at night and in the summer months when drier roads facilitated travel a watch was to be posted with authority to arrest strangers 'where they find a Cause for Suspicion'. The town bailiff was also to ensure that any resident who gave lodging to a stranger was ready to 'answer for him', typically by giving security for good behaviour.

While it can be argued that the victim and the community remained central to law enforcement because this reflected customary practice and lent legitimacy to the new system, it was also the case that the Crown had neither the inclination nor the resources to intervene itself. The feudal system meant the connection between the Crown and its subjects was not direct but ran through various intermediaries, who were expected to maintain order. Furthermore, the immediate threat posed by thieves was to the local community, and local people were likely to be better equipped to identify offenders, even though this might allow powerful criminals to operate with impunity. At the same time, the Crown could raise revenue through this system, not just through the penalties and confiscations imposed on offenders, but also through the fines levied on those who neglected their duties in relation to enforcement. As much as anything, it was this revenue potential that over many centuries began to drive the formalisation of these duties and the creation of complex systems of accountability that ran through parish, county and royal officials and the courts. Indeed, the law enforcement process at this time could be characterised as developing into a means of identifying offenders and as establishing a network of interlocking obligations on officials, witnesses, victims and whole communities. A case from Northampton in 1329 illustrates communal policing (Sutherland 1983: i, 168–9):

At Heyford on 30 May 1317, Robert fitz Bartholomew of Heyford received certain unknown thieves as guests in his house. The watchmen of the town saw that those thieves were staying up suspiciously late in the night and therefore went to enter the house; when they came to one door Robert and the rest of the thieves went out the other door. The hue and cry were raised at once and the men of the town came to pursue and arrest the aforesaid felons. Among the men of the town came a certain John of Bannebury, who has now died, who pursued the felons, calling upon them to surrender to the king's peace. They would by no means surrender or permit themselves to be judged by the law, nor could those who were pursuing them take them alive. A general fight ensued between the felons and their pursuers, and John of Bannebury cut off the head of the aforesaid Robert. The chattels of the aforesaid Robert are confiscated for flight.

While this may not accurately reflect how communities really dealt with suspected offenders, it does provide some understanding of what the Crown – in the shape of the royal justices who heard the case – expected. It also nudges us towards a problem encountered by writing the history of policing, namely, the difference between the system of policing as constructed by the state and the practice of policing by officials, victims and so forth.

**The rise of the official: the constable**

Well before Robert fitz Bartholomew met his grisly end, it was feared that crime had continued to rise in spite of the Statute of Winchester. One reason given for this was that the provisions of the statute were being ignored, but the truth may have been that key assumptions underpinning communal policing no longer held true. To some extent, communal policing was the progeny of feudalism and, like it, depended on the existence of relatively stable communities. However, by the late thirteenth century the feudal system was in decay. The economy was stagnating and food prices were being forced up by a rise in population coupled with a decline in production. Then, severe famines in the early fourteenth century and later the plague of 1348 decimated the population, destroying many communities. The labour shortage that resulted pushed up wages and encouraged greater mobility. This mobility raised concerns that the economic and political order was being undermined and created obvious difficulties for a policing system that depended on an internally coherent community with a stable population. These problems led many in the political elite to swallow their reservations about the centralisation of power and support a national strategy co-ordinated by justices of the peace appointed by the Crown and operating in the counties (Palmer 1993).

To some extent, these events merely accelerated a long-established trend whereby the obligations of the community and the victim for law enforcement were being shifted into the hands of officials who were linked in a network that sought to achieve accountability. For instance, all members of a tithing were required to appear periodically before the sheriff for the relevant county to answer questions about the performance of their functions, but in practice the tithing was represented by a chief pledge or tithingman, who, typically, later evolved into the constable. There was also nothing new about the Crown seeking to increase its authority at the expense of local power-holders through the appointment of royal officials. Some of these officials were permanent appointments, such as coroners; some were appointed to deal with temporary crises, such as the keepers of the peace; and some were periodically sent to hold local officials and communities accountable for their actions, such as assize judges. Indeed, the extent of the legal reforms implemented by Henry II during the late twelfth century has led one historian to conclude that, 'Judicial activity and law continued to be characterized by a considerable degree of local self-government, but in important aspects it was self-government at the king's command' (Hudson 1996: 141). Yet, this is a depiction of the system and not its practical impact. How far was the behaviour of local officials influenced by, on the one hand, the expectations of

the people among whom they lived, and by, on the other hand, their relationship with higher officials? The difficulty of enforcing supervision means that the impact of county and royal officials on the practice of the constable may have been limited. So, for instance, the report on the killing of Robert fitz Bartholomew may have been shaped by the system of accountability rather than what actually happened. Yet, this flexibility may have been regarded as unproblematic and even essential in order to adapt to local circumstances (Clayton 1985). It may also have been the case that a shift of policing responsibilities towards officials deepened the split between procedural obligations placed on officials, such as the requirement that the constable lead the hue and cry, and the actual detection of offenders, which remained primarily a matter for communities and victims well into the nineteenth century and beyond (Herrup 1984; King 1989; Gaskill 1996).

Although the varied nature of medieval and early modern local government makes it difficult to generalise, in most communities the main official in terms of law enforcement was the constable, whose office probably derived from that of chief pledge. He served for one year, was unpaid and was appointed from the more substantial people in a parish. Shakespeare's depiction of the constable as incompetent, lazy and ignorant may have influenced how these officials have been viewed, but it must be remembered that his characters served dramatic and comic purposes and so they should not necessarily be taken at face value. It is certainly possible to find examples of poor quality constables and doubtless Shakespeare was appealing to his audience's perceptions. Yet, complaints seem to have been rare. This may merely reflect unwillingness among parishioners to criticise important figures in a community or recognition of the difficulties involved in a job that the potential complainant will have to take on in due course. Kent, in her history of Tudor and Stuart constables, confessed herself 'impressed by the time, effort, and even financial sacrifice that was expected, and so often given' (1986: 222) by constables. This was in spite of a relentless growth in duties which meant their role extended so far beyond what we would recognise as crime that a twenty-first-century observer might describe them as more like general civil servants than police officers. By the early seventeenth century the constable was responsible for such matters as military organisation, tax collection, the regulation of alehouses, weights and measures, the maintenance of public order, the control of vagrants and environmental pollution, in addition to the duties relating to the arrest and custody of suspects. It was also evident that the provision of constables did not reflect changes in the demography of some communities. In the City of London in 1663 there was one constable for every 25.5 houses in the Bread Street ward, but only one for every 486.5 houses in Cripplegate Without (Beattie 2001: 114–68). Efforts to implement reform had to contend with complexities in the structure and politics of local government, so that an apparently uncontroversial proposal to increase the number of constables in the City took decades to achieve.

What appears to be neglect by some constables in performing their functions may have been symptomatic of the complex position in which they found themselves. On one side, the constable's performance was liable to scrutiny by the justices of the peace, who might themselves be under pressure from central

government, and, on the other side, the constable might have his own interests to pursue and also depended on maintaining a good relationship with the community, both because without it many aspects of the work would have been difficult to perform and because these people were his neighbours. Writing in 1626, James Gyffon acknowledged the problem (Wrightson and Levine 1995: 115):

The Justices will set us by the heels  
If we do not as we should  
Which if we perform, the townsmen will storm  
Some of them hang 's if they could.

Uncertainty about the constable's legal powers laid them open to harassment by litigation, although, presumably, they were more likely to face the sort of verbal abuse meted out in the 1660s by William Shepheard who, when angered by Thomas Webb, a Norfolk constable, provided an insight into a world of invective that we seem to have lost: 'I wonder what rogues made you a constable. I could shit a better constable, the devil take you . . . You Goodman Jackanapes, what will you do to me Goodman Constable, Goodman Turd' (Rosenheim 1991: 65). The motive for such attacks varied. In 1583 a constable in Colchester was set upon by a crowd trying to obtain the release of a prisoner (Emmison 1970: 106) and, more generally, the dislike of puritan restrictions on popular culture and the hatred of taxes imposed by the governments of James I and Charles I led to assaults on some of those constables who were regarded as over-zealous in their enforcement of these laws. The economic, social, religious and political upheavals of the fourteenth to seventeenth centuries tended to deepen the cultural gap between the prosperous members of a community from whom the constable was appointed and their poorer neighbours. This often created the sort of divisions within communities from which emerged both the enthusiasm of puritan constables for their work in enforcing laws against popular leisure pastimes and the opposition of those who resented these intrusions. On the other hand, constables knew that it was difficult in practice for the justices of the peace to hold them accountable and this provided an opportunity to obstruct or delay policies with which they did not agree and to pursue their own agendas (Langelüddecke 2007).

By the eighteenth century London householders were reluctant to serve as constables (Beattie 2001). Fulfilling that function as well as continuing to earn a living was burdensome so it became common practice to hire a deputy and, indeed, legislation was passed in 1756 to formalise arrangements for their appointment in Westminster. Soon after, the Bow Street magistrate, John Fielding, who, generally, supported the professionalisation of policing, praised the 'general good Behaviour, Diligence and Activity' of the Westminster deputies (Reynolds 1998: 46-7), although much later there was concern that, as one writer put it in 1829, 'the office has fallen into the hands of the lowest class of retailers and costardmongers, who make up the deficient allowance of their principals by indirect sources of emolument' (Wade 1829: 78). Nevertheless, events in London do not necessarily describe what happened in the rest of the country. Certainly, the idea that householders were anxious to shrug off

their obligations to serve does fit in with the history of policing as a gentle slide towards professionalism, but against this there was by the late seventeenth century an influential strand of political thinking which regarded the fulfilment of these civic duties as fundamental to the safeguarding of liberty that might otherwise be threatened by an unrestrained government backed by armies of its own officials (Dodsworth 2004).

The key official in connecting the parish officers to the Crown was the justice of the peace. This office emerged during the crises in the fourteenth century as a means of controlling wages and prices, but the justices later acquired a broad range of judicial and administrative responsibilities and formed an 'elaborate and co-ordinated system which for the first time provided the crown with a permanent judicial presence' (Musson and Ormrod 1999: 74). Although the Crown used its powers of appointment and dismissal to influence political opinion among the justices, they were not mere puppets. Most came from the land-owning gentry and some were members of Parliament, so that, while they were doubtless often flattered by the connection with the Crown and wary of making such a powerful enemy, their position in the county gave them an authority that could not lightly be ignored. Indeed, even when the shortage of active justices in the eighteenth century, particularly in towns, led to more appointments from the middling classes, the government did not necessarily find these men any more compliant.

### Public and private police in the eighteenth century

All towns were required by the Statute of Winchester in 1285 to establish a watch and householders were periodically obliged to perform this duty. Aside from guarding the entrances to the town during the night, the watchman patrolled the streets and maintained order by, for instance, arresting drunks and prostitutes. The watchmen of sixteenth-century Devises were instructed to challenge those who 'suspiciously walk about the Towne in the nyght' (Cunnington 1925: ii, 1), and little had changed by the eighteenth century when London watchmen were authorised to arrest 'all night walkers, malefactors, rogues, vagabonds, and other disorderly persons whom they shall find disturbing the publick peace, or shall have just cause to suspect of any evil designs' (10 Geo. II, c. 22). The burgeoning economy and leisure industry in the eighteenth century may have changed expectations of the watch. People stayed out into the night and many towns facilitated this by street lighting schemes, so that the idea of the watch enforcing an informal curfew no longer seemed appropriate. Instead, the expectation was that the watch would protect those whose legitimate business or pleasure took them onto the streets at night (Beattie 2001: 169–225).

There is evidence that by, at least, the seventeenth century watch duty was unpopular. In 1665 John Callin attacked William Child, a Norfolk constable, who had told him it was his turn to serve (Rosenheim 1991: 59). Yet, relatively few refusals were recorded, although it is difficult to know whether this was because people undertook the duty, or because they hired a substitute, or because enforcement action was only taken at times of crisis: in 1665 the Surrey

justices, alarmed at the possibility of the plague spreading from London, fined a large number of people for neglecting their duty (Powell and Jenkinson 1938: 69, 245–6). In any event, by the eighteenth century few householders in London were choosing to serve, which led to the appointment of paid deputies, who might continue to undertake this function for long periods of time.

An important change came when the London parishes of St James, Piccadilly and St George, Hanover Square obtained legislation in 1735 under which householders exchanged the duty to serve in the watch for the duty to pay a watch rate (8 Geo. II, c. 15). Other parishes followed this example, but the initial enthusiasm had been prompted by a crime panic and this faded with the outbreak of war in 1739 which, it was supposed, would remove into the armed forces the young men who were assumed to be responsible for most of the crime. The next surge in reform did not occur until peace came in 1748. Nevertheless, by the end of the century many London parishes had either established or improved watch schemes. Reform did not necessarily stop once a new watch scheme was in place. Many parish watch committees continued to seek improvements so that by the early nineteenth century some places had fairly sophisticated regulations about the qualifications, pay, working methods and discipline of the watchmen, and had even extended their cover by the appointment of patrol officers with greater freedom to operate (Harris 2004).

In other parts of the country, as growing economic activity expanded villages into towns, the local elite often wanted their town to acquire the trappings of civic status, including a professional watch system. There was also a snowball effect whereby reform of the watch in one place led neighbouring communities to introduce changes because of the fear that criminals would migrate from well- to poorly-policed areas – a fear that sometimes accompanied the construction of a turnpike road, which enabled faster travel. At Clapham in Surrey, for instance, a proposal to reform the watch in 1785 was put forward because the village ‘is become large and populous, and, from its Vicinity to the Metropolis, the Inhabitants thereof, and also all Persons passing to and from the same in the Night Time, are much exposed to Robberies, and other Outrages’ (*Journal of the House of Commons* 1785: xl, 616). These reform proposals did encounter difficulties. Householders who were unwilling to serve or critical of the professional watch might also be unenthusiastic about contributing to the cost. The complex structure of the government in many boroughs could also obstruct reform, and there were often struggles between local political and interest groups to gain control over any watch forces.

The question remains as to whether these reforms made a real difference. The records of trials at the Old Bailey indicate that after 1740 victims, who had previously cried out for assistance from their neighbours, were more likely to call for the watch (Shoemaker 2004). This might suggest they had some confidence in the new professional forces, although it might merely indicate that, their neighbours having paid for this service, they no longer expected them to respond, or there was a belief that saying they had called for the watch would in some sense reinforce their testimony against an offender. Certainly, criticism of the watchmen persisted throughout the eighteenth and early



nineteenth centuries, although it is not always easy to judge whether this was because they were inefficient and/or corrupt, or because expectations about what they should achieve had risen (Hurl-Eamon 2005). Newspapers delighted in recounting stories of the incompetence of watchmen, such as when the *London Evening Post* (29 February 1772) reported that lead had been stolen from the roof of a London watch-house, and it is not difficult to find confirmation of these types of story in parish records. John Pizzey, who served as a watchman in Holborn, London, was rewarded by the watch committee in 1819 for making an arrest, but within 18 months he had been dismissed for 'improper conduct'. Reinstated following a petition of support from householders on his beat, he was dismissed again three months later for falsely charging a gentleman with assaulting him, which offence he compounded by his defiant attitude before the watch committee (St Andrew, Holborn, B/1D21). The alleged deficiencies of the watch were not always blamed on the watchmen. In 1770 John Fielding complained to a select committee of the House of Commons that the watch in Westminster 'is insufficient, their Duty too hard, and Pay too small' (*Journal of the House of Commons 1770*: xxii, 879), and he attacked the parishes for their parsimony and their failure to co-operate with each other. Difficulties were caused by the limits on the jurisdiction of watchmen, especially in London: Stephen Haydon told the Old Bailey in 1741 that, although he had heard the cries of a robbery victim, he had not gone to her assistance because 'it being out of my Parish I durst not venture to go' (*Old Bailey Sessions Paper July 1741*: 4). In some places, such as Southwark in 1766, neighbouring watch schemes were joined together, although this was just as likely to be prompted by financial savings as by considerations of greater policing efficiency.

Another area of concern was the ability of the watch forces – in London and elsewhere – to cope with major disturbances. The authorities could be overwhelmed by a demonstration against food prices, or by a crowd gathered to celebrate Guy Fawkes' night or to gawk at an execution. The Gordon Riots dramatically exposed this weakness in 1780, when large parts of London fell into the hands of the rioters for five days. The army could be used to support the civil authorities in the eighteenth century, but this raised a number of problems. The distrust of powerful government meant there was strong opposition to the existence of a large standing army and the use of troops against civilians. Moreover, the magistrates, who had the power to request assistance from the army, had a number of concerns about doing so: the nearest barracks might be at some distance, which meant the soldiers could arrive too late; there was uncertainty about who could order the soldiers to use force and what force might be used; and it was feared that the presence of soldiers could stir up resentment that might otherwise have dissipated peacefully. The civil authorities had been criticised for failing to use the army early enough to quell the Gordon Riots, but there were also accusations that the troops themselves had been sympathetic to the rioters. At the other extreme, in 1761 the North Yorkshire Militia became known as the Hexham Butchers after charging into a crowd gathered in that market town to protest against new methods of conscription and hacking 40 people to death.

After the Gordon Riots and particularly during the French Wars (1793–1815) efforts were made to reduce the dependence on soldiers by establishing

paramilitary forces composed of part-time volunteers, but they often proved difficult to control, as when in 1819 a charge by one such force turned a peaceful meeting in Manchester into the Peterloo Massacre. On the whole, therefore, the government and local authorities continued to rely on the army. To improve the distribution of troops around the country, a large number of barracks was built. In 1812, at the height of the industrial protests known as the Luddite disturbances, about 12,000 soldiers were stationed in the Midlands and the North – more than Wellesley (later the Duke of Wellington) took to Portugal. Even so, the uncertainty about the use of the army remained and was again exposed during the riots in London in support of Queen Caroline in 1820–21. It is not clear whether there had been a rise in disorder in the early nineteenth century or just a growing intolerance of public gatherings (Harris 2003). In any event, these events seem to have caused consternation to one observer in particular, Robert Peel, who became Home Secretary in 1822 and who later introduced the Metropolitan Police Bill, but, even if he did contemplate the formation of a civil force that might take on riot control, the issue remained politically sensitive and did not feature prominently in his public pronouncements on policing in London.

In 1792 the Middlesex Justices Act was passed. Although it did not apply to the City, across the rest of the metropolis there were established seven police offices. Each office was staffed by stipendiary magistrates and a small group of officers whose jurisdiction was not confined by parish boundaries. Nevertheless, the implementation of a unitary watch scheme in London remained unlikely. Legislation had been passed in 1774 to bring some uniformity to the parish forces in Westminster in terms of pay, duties and force strength, but Fielding’s proposal to establish a single watch and place it under the control of the Middlesex magistrates – of which he was one – failed, as had similar proposals earlier in the century, including one put forward in 1749 by Henry Fielding. In 1785, however, the government introduced a bill to unify policing in London. This was part of the reaction to a crime panic that followed the demobilisation of a huge army and navy at the end of the American War of Independence. The authorities increased the number of people hanged and searched for a destination to which convicts might be transported as a replacement for the American colonies, but there were also innovations in the form of new prison building by local authorities and the proposal by William Pitt’s government that the policing of the metropolis be put into the hands of commissioners. The bill was rejected. Although the decisive issue in this instance was the City of London’s resentment at what it regarded as an invasion of its privileges, such proposals were, typically, opposed because of concerns over cost and the loss of parochial authority. Ratepayers wished to retain control over their own watchmen and spending, and the members of the parish vestries, who managed the watch, were often reluctant to relinquish their power. Rich parishes, such as Marylebone, which had well organised forces, feared that a unified watch in Westminster would lead to reduced coverage because resources would be channelled to boost provision in poorer areas. Finally, there was the belief that unification would increase the power of central government and so threaten liberty. In 1822, a select committee of the House of Commons accepted that such a system might improve crime

control, but rejected the idea as 'difficult to reconcile . . . with that perfect freedom of action and exemption from interference, which are the great privileges and blessings of society in this country' (Select Committee 1822: 9; see Emsley, this volume).

Aside from the constable and the watch, there were other types of public police provision. After the revolution of 1688, government became more involved in the criminal justice system. The removal of James II and the subsequent Jacobite rebellions and plots made governments sensitive about internal order, including crime. Changes in government finance also provided the resources that allowed a more aggressive approach to criminal justice policy, and MPs, who acquired greater significance as a result of the new constitutional settlement, were often enthusiastic about such policies, as the rapid creation of a large number of new capital offences testifies. From the 1690s, the government funded a number of initiatives, including statutory rewards, transportation of convicts to North America and some prosecution costs. The government also reinforced state police officers. Increases in public spending were, in part, funded by duties on a wide range of goods, and this increased the opportunities for illicit trading and smuggling, which, in some cases, was well organised, attracted popular support and even involved violence. This led the government to increase the number of customs and excise officers and even to deploy troops in support of them, as happened in the campaign in the mid-eighteenth century against the Hawkhurst gang in Sussex (Winslow 1977). Other government departments, such as the Mint and the Post Office, also used rewards and employed officers to enforce laws relating to their spheres of interest.

The government encouraged active magistrates and from the 1720s appointed a 'court justice' to advise on policing in London, which role eventually fell to Henry and then John Fielding at Bow Street. During a panic over crime that began after the end of war in 1748, public funds were given to the Fieldings to establish a detective force to tackle street robbery. This force had, at most, 12 men, and became known as the Bow Street Runners. It represented a significant shift in policy since it was not under the control of the parishes within which it operated and, instead, was accountable to a magistrate and to government, which provided funds. This pattern was extended by the creation of other Bow Street forces. John Fielding used the opportunity of a crime panic after the end of the Seven Years War in 1763 to obtain government funding for the appointment of officers under his direction to patrol the highways leading into London. This Horse Patrol was made permanent in 1805 and continued until absorbed into the Metropolitan Police in 1836. Other forces followed: the Foot Patrol was made permanent in 1790 and operated in 16 central districts of London until replaced by the Metropolitan Police in 1829, and there was also the wonderfully named Dismounted Horse Patrol, which was responsible for areas outside the jurisdiction of the other patrols. By 1829, these patrols together comprised around 400 officers.

Alongside these public policing schemes, there seems to have been an expansion in privately employed watchmen during the eighteenth century. In some prosperous areas neighbours joined together to fund patrols and by the mid-nineteenth century some 150 communities in London were using guarded

gates for protection against traffic and thieves (Draper 1984). Several hundred subscription societies were established across the country from the mid-eighteenth century for the prosecution of offenders, and some of these provided patrols to guard members' property. Many warehouse owners, dockyard operators and turnpike trustees operated small forces of watchmen, some of whom were sworn as constables or enjoyed special statutory powers. In Yorkshire worsted manufacturers obtained legislation to outlaw certain working practices and employed inspectors to enforce these laws. The most famous of these private forces was the Thames River Police. It was established in 1797 by dock owners as part of a strategy to impose new working practices and the intervention of these officers led to a riot in October 1798, which resulted in the death of a foreman and the execution of a dockworker. The force survived and expanded, and in 1800 its funding and control passed into the hands of the government.

### The practice of policing: maintaining order

Transformations in social, economic and political relationships after the fourteenth century led to officials and the Crown playing a greater role in policing, and provided those officials with an agenda in which the focus was on the regulation of labouring people rather than the detection of offenders.

Laws on work, vagrancy, poor relief and morality proliferated, encompassing the whole of the labouring population in both their economic and social lives. The Statute of Labourers 1351 was passed to deal with, among other things, the rising labour costs that had resulted from the shortage of workers. This shortage was, however, ascribed by the statute to the attitudes of workers rather than the plague: '[some] will not serve unless they may receive excessive wages, and some rather willing to beg in idleness, than by labour to get their living'. Working people, it was believed, had to be closely regulated otherwise they would drift into idleness and immorality, and from there to poverty, vagrancy and crime.

Vagrants were regarded as symbolising the dangers posed both by the labouring people and by inefficient regulation (Slack 1988). They were defined in law as those engaged in jobs that involved moving around, such as pedlars, but, more broadly, they were 'all wandering persons and common Labourers being persons able in bodye using loitering and refusing to worcke for . . . reasonable Wages' (39 Eliz. I, c. 4 (1597), s. 2). Vagrants were routinely blamed for spreading crime and disease, and they were subject to severe punishments, such as whipping. In 1596, during a severe economic depression, a series of poor harvests and the demobilisation of large numbers of troops, Edward Hext, a Somerset magistrate, wrote to Elizabeth's chief minister, Lord Burghley, claiming that:

the Infynyte numbers of the Idle wanderynge people and robbers of the land are the chefest cause of the dearthe, for thowghe they labor not, and yet they spend dobyly as myche as the laborer dothe, for they lye idlyly in the ale howses daye and nyght eatinge and drynkynge excessively (Tawney and Power 1951: iii, 341–2).

That the government agreed with this view is suggested by a proclamation issued in the same year ordering monthly searches for 'pretended soldiers' and appointing provost marshals with wide powers to sweep up vagrants.

Alongside this penal attitude to vagrancy, the Tudors did introduce a statutory system of poor relief. This was made necessary, in part, because of the Reformation, which diminished the role and resources of the church. In its place, the parish acquired responsibility for the poor. Yet, although the poor laws amounted to an acknowledgement of the state's obligation to provide assistance to the indigent, they also provided a flexible and broad disciplinary regime that had an impact on all labouring people, whether they required assistance or not. A pauper could be incarcerated in a workhouse or house of correction, or returned to her or his place of settlement (broadly, the place of birth or long residence or, in the case of a married woman, the settlement of her husband). Since settlement defined the responsibility of a parish to provide relief for a pauper, casual workers were likely to be moved on before they could acquire a settlement and pregnant local women pressured to marry someone from another parish, even if no claim for relief had been made.

There were also labour laws that regulated various aspects of work, including wages, controlled or prohibited attempts by workers to organise strikes or trade unions, and gave justices of the peace broad powers to discipline employees. Employers were subject to some regulation, but to a lesser extent than the workforce and the sanctions involved were of a quite different order, so that, for instance, while an apprentice who ran away might be imprisoned, an abusive master or mistress would, at worst, only suffer the cancellation of the apprenticeship agreement. Finally, the labouring population was subject to a maze of legislation on morality, which concentrated on the control – or eradication – of popular culture rather than the leisure pastimes of the rich. Once again, the justification for these laws lay in the connections that were made between immorality, crime and poverty. A statute of 1606 declared drunkenness to be:

the root and foundation of many other enormous sins, as bloodshed, stabbing, murder, swearing, fornication, adultery, and such like, to the great dishonour of God, and of our nation, the overthrow of many good arts and manual trades, the disabling of divers workmen, and the general impoverishing of many good subjects, abusively wasting the good creatures of God. (4 Jac. I, c. 5)

Administration of the laws on vagrancy, poor relief, labour and morality was largely placed into the hands of parish officials, such as the constable and the overseers of the poor, under the supervision of the justices of the peace. In practice, this gave the officials flexibility because there was little likelihood of their decisions being challenged. Edward Hext was concerned about lax enforcement, which encouraged what he believed to be the natural idleness of the labouring people: he complained 'of Constables and Tythingmen that suffer [vagrants] to wander, and of inhabitants that releve them contrary to the lawe' (Tawney and Power 1951: iii, 344). Yet parish officials faced problems in carrying out their duties. The law was often obscure or difficult to enforce. For

instance, the identification of a pauper's place of settlement was likely to depend on information supplied by that person, which an official would have neither the time nor the resources to verify, even if he were inclined to do so: Amy Moore was arrested in Salisbury for vagrancy three times between 1603 and 1607, and on each occasion was removed to a different place because of the information she gave concerning her settlement (Slack 1975). Undoubtedly, officials were not always as rigorous in their enforcement of the law as Hext would have wished. Some were either sympathetic or simply unwilling to spend time enforcing the law: encouraging someone to move to the next parish and even giving a few pence to help them on their way may have seemed the kindest or easiest option. Not all were as critical of such flexibility as Hext. William Lambarde, a Kent justice, was certainly willing to use the whip against vagrants, but he was also critical of the harsh policy adopted towards demobilised soldiers. Writing in the same year as Hext, he observed:

what marvel is it if after their return from the wars they do either lead their lives in begging or end them by hanging. Nevertheless we are by many duties most bounden to help and relieve them, considering that they fight for the truth of God and defense of their country; yea, they fight our own war and do serve in our places, enduring cold and hunger when we live at ease and fare well. (Read 1962: 183–4)

Another aspect of this issue of enforcement has already been touched on, namely, the relationship between the officials, the communities within which they lived and the justices of the peace. Communities would have agreed on the need for a moral order, but that did not mean there was agreement about its shape or how it was to be maintained. This, in turn, could lead to conflict around enforcement and even reluctance to use the law, not least because it placed control over the definition of moral order outside the community. Instead, informal methods would often be used to impose order, such as rough music, which involved noisy demonstrations aimed at an individual whose behaviour was regarded as objectionable, 'to make soe notorious an abuse exemplar ye whereby others evill disposed might be discouraged from committing the like' (Reay 1998: 160). Sometimes there seemed no alternative to the law, although it is safe to assume that, in common with most litigants, a community resorted to the law in the expectation of receiving confirmation of its view of a 'difficult' neighbour. In the 1590s the villagers of Little Onn in Staffordshire petitioned the justices to have William Alcocke bound over to keep the peace. They complained that he did not repair his fences, took fuel from his neighbours' hedges and that:

he ys so stout and prodigall that he may in no wyse be reprehended for any of these his manifest faultes and suspiciouse lyffe but he thereupon threateneth to kill . . . the manner of his lyffe ys so suspicious as wee greatlie doubt hym . . . [He] thinketh hym selfe a man Lawlesse and therefore lyvethe without the compasse of all good order. (Burne 1932: 25–7)

Yet, as has been seen in the context of those constables who enthusiastically enforced the laws on morality in the late sixteenth and early seventeenth centuries, communities were often internally divided over these issues: a complaint to the Somerset Quarter Sessions in 1608 about the immorality of John Newman's lifestyle was met by a petition from 26 of his neighbours which provided an unqualified endorsement of his honesty and industriousness (Bates Harbin 1907–08: i, 16).

In the eighteenth century the laws regulating the labouring people continued to grow, but there does appear to have been a shift in the reasoning behind them and their enforcement. Some did continue to view the immorality of the labouring people in fairly apocalyptic terms, as Hext had done, and to pursue the issue vigorously. Societies for the reformation of manners were formed in 1690 as voluntary organisations to prosecute offences against morality (see Claydon 2004, for the politics behind this movement), but initial enthusiasm among the political elite soon evaporated in the face of criticism, which was neatly summarised in some lines by Daniel Defoe (1709): 'Your Annual Lists of Criminals appear/But no Sir *Harry* or Sir *Charles* is there'. By the 1720s the societies had lost most of their support and attempts to revive them later in the century met with only limited success. Assumptions about the inherent dishonesty, immorality and idleness of the labouring people and the link with poverty and crime continued to hold sway, but they were no longer seen as the threat to the political order that, in part, underpinned Tudor policy. Such fears had largely been displaced by concern over the cost of poor relief and by the belief that, 'Our domestic safety and comfort, our private wealth and prosperity, our national riches, strength, and glory, are dependent upon an industrious and well-order'd Poor' (Potter 1775: 1). This acknowledgement that the labouring people created wealth in which they did not share was not meant to generate sympathy for them, it was regarded as placing them under an obligation to work or to work harder: 'having nothing but their labour to bestow on the society, if they withhold this from it they become useless members; and having nothing but their labour to procure a support for themselves they must of necessity become burdensome' (Fielding 1988: 228). In short, the immorality of the labouring people led to personal and national disaster, while the immorality of the rich had little impact and, indeed, might even benefit the economy through increased expenditure on luxuries.

The labouring people were not simply regulated by more laws, their opportunities for earning a living outside the discipline of the labour relationship were reduced. From the sixteenth century, common land, on which the labouring people might have raised some cattle, came under increasing pressure from land-owners, and non-waged work, such as gleaning, was criminalised. At the same time, there was growing political support for the removal of regulations on capital, which included the withdrawal of legal protections for labouring people and a greater willingness to oppose forms of popular action, such as trade unionism in the workplace or the use of rioting to influence food prices (Hay and Rogers 1997). It should, however, be remembered that enforcement of such laws remained uncertain because it depended on parish officers. Moreover, while the expansion of the jurisdiction of the justices of the peace to try cases summarily gave employers an

additional weapon, it also allowed the labouring people to use these courts to attack the actions of employers and landowners (King 2004).

**The practice of policing: crime control**

While the regulation of the labouring people became an important part of the parish officers' roles, the detection of offenders was left mainly to the victim, who had to identify the offender and bear at least part of the costs of prosecution. A brief glance at contemporary trials makes this evident. To take one session at random, the *Old Bailey Sessions Paper (OBSP)* for December 1720 reported 27 trials involving convictions for stealing or attempted stealing. There is too little information in five cases to draw any conclusions about the means by which the suspect was identified. In 13 cases the connection between the defendant and the crime seems to have been made fairly rapidly: in nine at least one defendant was an employee or former employee, and in the other four at least one defendant was caught near the scene of the crime. In the remaining nine cases there was a delay in identifying the suspects and it is not always clear how the identification was made, although in four the arrest was made after a pawnbroker or dealer in goods, to whom the stolen property had been taken, became suspicious.

Offenders were often taken at or near the scene of the offence. In 1637, William Stevenson reported that, as he walked through the crowds at Scarborough market, he felt the hand of John Watson 'very busie aboute his reight pocket' (Ashcroft 1991: 299). Thomas Armstrong, one of the defendants at the Old Bailey in 1720, was apprehended leaving the public house from which he had stolen goods. Mrs Richins, who worked there, 'threw him down', and, although he ran off, he was pursued and caught by two men responding to her cries of 'Stop thief!'. Employees of the victim had a greater opportunity to steal or, at least, were more likely to be identified as suspects: in another of the cases before the Old Bailey in 1720, Mary Ann de la Fountain disappeared from her employment at the same time as the theft of a silver knife and fork and this led to her arrest and the discovery of the missing items. Some victims were prepared to engage in fairly prolonged detective work. In 1784, George Arthur suspected that an ex-employee had stolen from his shop in Tower Hill, London. Resolving to track the man down, Arthur went to his lodgings in Old Street, then travelled the considerable distance to Bristol and eventually caught up with him in Bath (*OBSP* December 1784: 183-4). Victims who subscribed to one of the societies for the prosecution of offenders were encouraged to undertake a pursuit because they could claim the expenses incurred (King 1989; Philips 1989). In London, those who had valuable items stolen could report the theft to the Goldsmiths' Company, which after the early seventeenth century (and possibly before) operated a system of despatching a beadle to warn goldsmiths and pawnbrokers (Jowett 2005). The Bank of England's campaign against forgery of bank notes between 1797 and 1821 illustrates the possibilities that were open to well-resourced victims of crime. The campaign was orchestrated by the Bank's solicitors, who used rewards to encourage the co-operation of local officials and officers attached to the



Metropolitan Police offices, and who gathered and disseminated information and maintained careful records (McGowen 2005).

Since prosecutions usually depended on the involvement of victims, they had a broad discretion to decide on the responses that most suited their interests and these did not necessarily coincide with the aims of the justice system. A victim might have wished to avoid the cost and inconvenience of a prosecution that would not guarantee the return of stolen property, or might have been reluctant to bring a petty thief to the gallows. When a victim of theft identified the offender, there were a number of alternatives to prosecution: the victim might pay the thief for the return of the goods, or be content with some compensation or an apology from the thief, or just ignore the matter. In 1649, at the height of the civil war, John Dickinson, a farmer in North Yorkshire, reached a settlement with the men who had stolen his sheep 'because . . . it was a dangerous tyme and Elvard was a soldier and may been hee and his partners might have done the said Dickinson some harme' (Ashcroft 1991: 196–7). In the early eighteenth century, Jonathan Wild built a profitable business based on mediating between victims and thieves, and he cunningly reduced the effort involved by organising some of the thefts himself. As one of his biographers put it, 'The People who had been robb'd, it may be suppos'd were always willing enough to hear of their Goods again, and very thankful to the Discoverer' (Anon 1725: 8). Legislation may have terminated some of the business practices that Wild had perfected, but many victims continued to place the return of their property above the prosecution of the thief. The eighteenth-century boom in the newspaper trade enabled them to contact thieves directly by advertising rewards for the return of property, which was typically described as 'lost', with the added promise of 'no questions asked' (Styles 1989). Although illegal, compromising an offence did occur. In 1750, Horace Walpole, the son of the former prime minister, Robert Walpole, came to an agreement for the return of a watch with James Maclean, 'the gentleman highwayman', who had robbed him in Hyde Park. Even justices of the peace seem to have regarded mediation between victim and offender as part of their broader role of maintaining local harmony: in 1665 Robert Doughty, a Norfolk justice, persuaded a farmer to drop a prosecution for theft in exchange for compensation from one woman, a day's unpaid work from another and an apology from a third (Rosenheim 1991: 61).

Third parties sometimes became involved in the detection process. By the eighteenth century the hue and cry had lost its role as a means of compelling the community to pursue a suspect, but, as the arrest of Thomas Armstrong in 1720 shows, a shout of 'Stop thief!' might still bring assistance from neighbours and bystanders. The involvement of pawnbrokers and dealers in second-hand goods in the arrest of thieves may have been prompted by the tightening of the laws on receiving stolen goods in the eighteenth century. James Washfield, who was convicted at the Old Bailey in 1720, had been arrested when he tried to sell some stolen brass weights to Samuel Wood. For some reason Wood became suspicious and had 'stopt him, and upon hearing a very indifferent character of him, had him before a justice, where he confess'd he stole them'. Then, there were the chance encounters. In 1733, John Felt went to the assistance of John Cullington, who had fallen from his horse.

He noticed several bullets roll from Cullington's pocket, 'which made me suspect him for a Highwayman, and therefore I secur'd him' (*OBSP* December 1733: 10). Finally, some offenders were identified as a result of comrades being persuaded by magistrates to give evidence for the prosecution in exchange for immunity: when James Dalton was arrested in 1728, he quickly offered to appear as a witness for the Crown against the members of the gang of street robbers which he led (Rawlings 1992: 77-109).

The nature of the work of constables and watchmen meant that they also occasionally detected suspects. Responding to the cries of a robbery victim, Moses Bennet, a London watchman, chased and caught Benjamin Beckenfield (*OBSP* December 1750); and Michael Hollingsworth was arrested in the cellar of the Half Moon in Westminster in 1817 after a watchman noticed an open window (*OBSP* October 1817: 472-3). Watchmen also made arrests as a consequence of stopping someone whose behaviour appeared 'suspicious': William Paine was convicted of stealing a pig in 1740 after being stopped while walking through Bermondsey by a watchman who heard a squeak coming from the sack slung over his shoulder (*Surrey Assizes* July 1740: 9). In general, however, watchmen and constables were concerned with order maintenance, and, unless a reward or fee was offered, many were doubtless as unenthusiastic about detection work as the constable in London who told a robbery victim in 1734 that 'he should be upon Duty that Night, and would look after such Fellows as I had describ'd' (*OBSP* December 1734: pt I, 9). Officers did make arrests and search premises, but usually this was only after a suspect had been identified by the victim. In the summer of 1739, Henry Davies suspected that Elizabeth Williams had picked his pocket, so he found out where she lived, obtained a warrant from a magistrate and only then called on the assistance of the constable to make the arrest and search her house (*Surrey Assizes* August 1739: 9).

Some of the more active justices of the peace, such as John Fielding (Beattie 2007), advertised for information about a notorious crime or instructed a parish officer to make inquiries into a suspicious person who had been arrested but against whom no specific charge had been laid. However, most justices who engaged in the criminal justice process (which, by the eighteenth century, many did not) tended to restrict themselves to their statutory duty. In felony cases they were required to collect such evidence 'as shall be material to prove the felony'. This was usually taken to mean just examining those who came before him, such as the victim, the suspect and the witnesses, and binding them over to appear at the trial with the objective of ensuring that the prosecution would not be abandoned (2 & 3 Ph. & Mar., c. 10). In theory, the justices were not concerned with any possible defence, although some seem to have considered whether the 'right' person had been arrested by testing the evidence and, as has been seen, it was not uncommon for them to step even further outside their authority by encouraging parties to reach a compromise.

The enthusiasm with which victims or officials pursued a suspect was, doubtless, influenced, not just by the time, effort and expense involved, but also by the degree of danger. Crowds could just as easily fight to free a pickpocket who had been grabbed by a victim, as seek to apprehend them. When John Warden, a constable, went to the Black Boy Inn in Lewkenor Lane,

London, to make an arrest in 1734 he was well aware that this was a dangerous area, so he armed himself and took along a number of colleagues. Nevertheless, his mission was abandoned because on entering the inn he was confronted by 'about thirty shabby Fellows, who began to mob us, so that we were glad to get away' (*OBSP* December 1734: pt I, 20). Others were less fortunate: a London watchman called Crowder was shot dead in 1750 when he joined in the pursuit of street robbers (*OBSP* 20 October 1750).

As has already been seen, active intervention in criminal justice policy became a routine part of the state's functions from the 1690s. Part of this strategy involved the offer of rewards, which had been used since the fourteenth century to encourage people to prosecute victimless crimes, such as religious nonconformity, profane swearing and operating an unlicensed alehouse or gin shop (Warner and Ivis 2001). From the late seventeenth century, this idea was extended to more serious offences and payments as high as £500 were offered for the conviction of those engaged in certain smuggling offences. In addition, victims, their families and local authorities offered rewards in response to particular crimes. These inducements encouraged some people, including professional constables and watchmen, to exploit their connections and engage in thief-taking as a supplement to their income (on the origins of thief-taking, Wales 2000).

Since payment of the reward depended on conviction, thief-takers were often keen not to leave the gathering of evidence to the magistrate, but to take charge of the process by extracting a confession. Commonly, interrogations took place in a nearby inn. In 1741, Charles Shooter, who was described in court as a child, claimed that thief-takers had tricked him to confess by getting him drunk (*OBSP* January 1741). If two suspects were taken, the thief-takers might set them in competition against each other with a promise of allowing one to appear as a witness for the Crown and so escape prosecution – a promise they had no power to make and which, with confessions secured, was often not fulfilled. The testimony of witnesses was also important and, doubtless, many were coached. When Nicholas Sweetman was asked at the Surrey Assizes in 1741 how he could be sure that the accused had robbed him, he blurted out, 'I was told by a Gentleman who makes it his Business to take up these Sort of People' (*Surrey Assizes* July 1741: 2–3). Greater care had been exercised by the thief-taker who, after a mail robbery in 1721, took two witnesses to Newgate Prison. There, as they later said in the Old Bailey, both identified William Wade, who had been arrested on suspicion, but they were careful to add that they had picked him out from a dozen or more prisoners exercising in the yard and that the thief-taker had given them no hint and had told them not to confer (*OBSP* July 1721: 7).

A cynic might be a little suspicious at the frequency with which thief-takers were victims or happened to be passing the scene of a crime in progress, and there was extra-judicial criticism that rewards encouraged perjury – a claim that drew support from cases where thief-takers were convicted of having laid false charges of robbery, such as the cases of John Waller in the 1730s and the McDaniel gang in the 1750s. Moreover, there was good reason to suppose that some thief-takers did not bother to go to the trouble of bringing a prosecution, which might end with a jury failing to produce a conviction for an offence that

carried a reward, and, instead, extorted money from people by threatening them with prosecution. In spite of the notoriety of these practices, the judges appear not to have been impressed by unsupported allegations from defendants about the behaviour of thief-takers and Beattie (2001: 244) seems right in his suggestion that they 'were tolerated because they were useful'. Indeed, thief-takers enjoyed close relationships with some of the more active London magistrates and constables and would have been familiar figures in court. It is true that the judges constructed certain rules of evidence, for example that confessions should be voluntary, but these may have posed few difficulties for thief-takers and could have even worked to their advantage because appearing to conform to the rules may have improved the chances of obtaining a conviction. What eventually caused problems for the thief-takers was that by the 1740s the trade was becoming overstocked and profits squeezed (Beattie 2001: 413). In addition, as defence lawyers became more common in the late eighteenth century, the evidence of those who stood to earn a reward was subjected to greater scrutiny (Langbein 2003).

The emergence of professional constables across the country and, more particularly, the establishment of the Bow Street Runners and later the police offices under the Middlesex Justices Act 1792 also played a significant part in the decline of freelance thief-takers. In the second half of the eighteenth century, Henry and John Fielding were energetic in their pursuit of offenders and in publicising this work. John Fielding devised a plan that involved advertising through newspapers for victims and witnesses to bring information to Bow Street. The information was then distributed to selected London thief-takers and to magistrates throughout the country (Styles 1983; Beattie 2007). He argued that this enabled the rapid exchange of information between magistrates and offered a means of tackling those offenders who travelled about the country and who drew support from an alleged network of receivers and safe houses. Fielding (1768: vi) believed that this would increase the likelihood of offenders being caught and that 'the Certainty . . . of speedy Detection, must deter some at least'.

One difficulty facing the Fieldings was to convince governments to fund their plans. Crime panics, together with the Fieldings' skill in using newspapers and pamphlets to publicise their work, enabled them to extract some financial support. They found posts for some of the Bow Street thief-takers as gaolers or deputy constables, but they also relied on rewards and fees paid by victims. Although rewards were an accepted means of obtaining assistance, they were associated with some of the stink of corruption of the Waller and McDaniel cases, which the Fieldings struggled to dispel. Another difficulty was that the plan to control crime through the detection of offenders represented a departure from the assumptions that had underpinned an important part of criminal justice policy. It was believed that attaching the death penalty to a large number of offences would deter people from crime, but this required the execution of only a few carefully selected offenders because otherwise there might be revulsion at the bloodshed, sympathy for the hanged and a dilution of the message (Hay 1977). There was, in this sense, no need for a more efficient system of detection. On the other hand, the plan was in tune with other developments in criminal justice policy. Although it was

accepted that not all felons should be hanged, there were sustained efforts to establish punishments, such as transportation and later imprisonment, to deal with those who were reprieved: in other words, all offenders were to be punished. This was reinforced by policies aimed at encouraging prosecutions, such as the payment of costs and rewards.

Like the professionalisation of the watch, this professionalisation of detectives may not have been resented by victims or the community, even though the involvement of officials, who reported to magistrates, threatened to reduce the discretion that the community had over its response to criminals and to prevent victims themselves from engaging in a trade with criminals for the return of stolen property. In any event, it did not prevent – and may well have encouraged – the expansion of what came to be called private security. Private security had always been present, but seems to have expanded from the mid-eighteenth century. People were able to establish – or to believe that they had established – some control over their own security and over the response to crime as it affected them personally. The priorities of victims, which were not necessarily the same as those of the Bow Street office, could be addressed: the return of stolen property might outweigh the desire to apprehend the thief. This growth in private security undermined a rational debate on police because it stood outside the professional police structures and, therefore, did not form part of the rather narrow idea of policing that was emerging. This continues to cause problems.

### **The history of police and policing**

Early police historians took as their subject the new police after 1829 and even when looking at events before then they tended to do so with a view to identifying the commentators and practitioners whose opinions seemed in sympathy with later developments (Radzinowicz 1956). Their working assumption was that these reforms showed the police before 1829 to have been largely defective. This meant historians were not particularly concerned with previous systems and so did not look at their objectives or how they worked in the context of those objectives. This assumption has been challenged by recent work on the history of the police and, as a result, our understanding of the period before 1829 has been changed dramatically (see selected further reading; also Zedner 2006). Yet, events after that date continue to have an influence. Much of the new work engages in an argument with traditional police history, showing, for instance, that early watch schemes were efficient according to the criteria of the new police, or that the Bow Street Runners were not as corrupt and ineffective as had been assumed. This involves an implicit acceptance of the definition of police and policing as determined by the organisation and practice of the modern police. The concentration has been, therefore, on officials who resemble the modern police, such as the constable, the watch and the Runners, leaving little room for the work of victims, communities, private security and other officials (overseers of the poor, churchwardens, etc.), or for a discussion of the broader understanding of policing, such as the laws on poor relief, labour and morality and the

enforcement of informal or communal ideas of order, which requires that term to be detached from the police. It is not that these areas have been neglected by historians, but that they have been neglected by the historians of police and policing. Of course, this may be simply a matter of definition. Nevertheless, the history of the police is not the history of policing and the history of policing is not the history of the police. This is not to minimise the significance of the excellent work undertaken by the new historians of the police or to suggest that the reconstruction of eighteenth-century police and policing is completed, but to argue for other directions that both widen the inquiry and push it backwards in time.

### Selected further reading

Overviews of the whole period remain scarce, see Critchley's *A History of Police in England and Wales, 900–1966* (1967) and Rawlings's *Policing: A Short History* (2002) (see this volume for fuller reference citation). There is only a limited amount of work on policing before 1700. The definitive study of the Anglo-Saxon codes of law is Wormald's *The Making of English Law* (1999), while the administration of medieval criminal justice is discussed in Musson's *Public Order and Law Enforcement* (1995), Musson and Ormrod's *The Evolution of English Justice* (1999) and Summerson's 'The structure of law enforcement in thirteenth century England' (1979); see also the controversial account in Palmer's *English Law in the Age of the Black Death, 1348–1381* (1993). For a discussion of the range of officials in the medieval justice system, see Cam's essay (1950). Vagrancy and poor relief in the Tudor and Stuart periods have been widely discussed: Beier's *Masterless Men* (1985) and Slack's *Poverty and Policy in Tudor and Stuart England* (1988) provide excellent starting points; see also Rogers' 'Policing the poor in eighteenth-century London: the vagrancy laws and their administration' (1991). Kent's *The English Village Constable, 1580–1642* (1986) is an excellent book concerned with the Tudor and early Stuart period, as is an essay on the dilemmas facing the constable by Wrightson (1980); see also Langelüddecke's valuable contribution, "'The poorest and symplest sort of people'" (2007). The puritan regulation of morality is discussed in Underdown's *Revel, Riot and Rebellion* (1987). For a valuable case study of the administration of criminal justice in the seventeenth century, see Herrup's *The Common Peace* (1987). On the involvement of victims in the detection of crime, see Herrup's 'New shoes and mutton pies' (1984), Styles' 'Print and policing' (1989) and Gaskill's 'The displacement of providence' (1996). The societies for the prosecution of felons are discussed in King's 'Prosecution associations and their impact on eighteenth-century Essex' (1989) and Philips' 'Good men to associate and bad men to conspire' (1989). The work of the watchmen is receiving more consideration, see, Beattie's *Policing and Punishment in London, 1660–1750* (2001), Henderson's *Disorderly Women in Eighteenth-century London* (1999), which gives more focus to the practice of the watch, and Reynolds' *Before the Bobbies* (1998). Thief-takers are discussed in Beattie's book (2001), Paley's 'Thief-takers in London in the age of the McDaniel gang, c. 1745–1754' (1989) and Wales' 'Thief-takers and their clients in later Stuart London' (2000), while Howson's *Thief-taker General* (1970) analyses the practices of Jonathan Wild. The ideas and practice of Sir John Fielding are examined in Beattie's 'Sir John Fielding and public justice' (2007), Styles' 'Sir John Fielding and the problem of crime investigation in eighteenth-century England' (1983) and Rawlings' 'The idea of policing' (1995). Work is starting to emerge on the Bow Street Runners, in particular, Beattie's 'Early detection' (2006); while Cox, in his 'A certain share of low cunning'

(2006), shows the range of their work outside London. Dodsworth's 'Police and prevention of crime' (2007) suggests that those who argued for reform of the police in the eighteenth century took the view that policing should tackle the deterioration of morals, which led to crime and enfeebled the nation. The role of the army in the policing of riots is considered in Hayter's *The Army and the Crowd in Mid-Georgian England* (1978). Finally, the *Old Bailey Sessions Paper* is a valuable, if not wholly reliable, resource for the study of crime in the eighteenth century, and is available in a free-to-all online ([www.oldbaileyonline.org](http://www.oldbaileyonline.org)) version that is easy to use, allows the reader to choose between the original and a transcription, and has excellent search and statistical facilities as well as background material, a bibliography and links to other sites.

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