

History of Policing, Crime, Disorder, Punishment

Peter Joyce · Wendy Laverick

History of Policing, Crime, Disorder, Punishment

palgrave
macmillan

Peter Joyce
Department of Social and Life Sciences
Wrexham University
Wrexham, UK

Wendy Laverick
School of Criminology, Sociology
and Policing
University of Hull
Hull, UK

ISBN 978-3-031-36891-2 ISBN 978-3-031-36892-9 (eBook)
<https://doi.org/10.1007/978-3-031-36892-9>

© The Editor(s) (if applicable) and The Author(s), under exclusive license to Springer Nature Switzerland AG 2023

This work is subject to copyright. All rights are solely and exclusively licensed by the Publisher, whether the whole or part of the material is concerned, specifically the rights of translation, reprinting, reuse of illustrations, recitation, broadcasting, reproduction on microfilms or in any other physical way, and transmission or information storage and retrieval, electronic adaptation, computer software, or by similar or dissimilar methodology now known or hereafter developed.

The use of general descriptive names, registered names, trademarks, service marks, etc. in this publication does not imply, even in the absence of a specific statement, that such names are exempt from the relevant protective laws and regulations and therefore free for general use.

The publisher, the authors, and the editors are safe to assume that the advice and information in this book are believed to be true and accurate at the date of publication. Neither the publisher nor the authors or the editors give a warranty, expressed or implied, with respect to the material contained herein or for any errors or omissions that may have been made. The publisher remains neutral with regard to jurisdictional claims in published maps and institutional affiliations.

Cover illustration © whitemay/Getty Images

This Palgrave Macmillan imprint is published by the registered company Springer Nature Switzerland AG
The registered company address is: Gewerbestrasse 11, 6330 Cham, Switzerland

To Julie, Emmeline and Eleanor

and

To Benjamin, Charlie, Joseph, Emily, Bethany and Lee

Preface

Both of the authors are criminologists whose impetus for writing this work is to provide students of criminology with a flavour of the social, economic and political background that is relevant to key areas of criminological and penological study and within which the criminal justice system developed. In so doing, it illustrates that criminology draws upon many academic disciplines, in particular asserting how historical issues and events and sociological and political debates weave a tapestry within which crime, criminology, penology and the development of the criminal justice system can be studied.

The scope of the book is ambitious—covering the period 1689–1920. In addition to discussing crime, issues related to crowd behaviour, public order and politically motivated violence are considered to highlight their importance in shaping the way in which state responses to all forms of crime were fashioned.

This book is written as a text book and considerations of length mean that it can do little more than scratch the surface of the large range of issues that it considers. It aims, therefore, to provide students of criminology who may have little or no knowledge of history and politics with a grounding that equips them for more detailed study of the concerns and considerations that form the substance of the book.

In addition to considering crime, the book pays particular attention to public disorder and social unrest. In order to illustrate these issues, a small selection of key events associated with crowd behaviour and disorder from 1689 to 1920 are covered, seeking to provide some introductory knowledge

of some of the main issues that helped shape the content and implementation of the state's response to public disorder. This includes the role of the military in civilian affairs and the concept of 'high policing'.

The book is organised into four parts. Parts I and II are organised chronologically, giving coverage to the period 1689–1850. Part III, however, is subject specific, dealing with the development of professional policing in this period. This material is organised as a discrete part of the book as it covers ideas and actions that occurred across the period covered in Parts I and II of this work. Part IV is organised chronologically, dealing with a range of issues, including policing, that relate to the development of criminological and penological thought and to criminal justice policy that took place in the period 1850–1920.

Reforms that occurred to criminal justice policy between 1689 and 1920 took place within the context of broader administrative, economic, political and social changes that in particular affected the role performed by the central state.

Initially the reforms that occurred in the early decades of the nineteenth century resulted in the professionalisation of service delivery within a state that remained highly decentralised. Local government played an important role in service delivery while other public services such as the New Poor Law were delivered by localised machinery subject to central inspection which was designed to ensure that Parliament's wishes were put into effect. The inspection procedure also applied to factories and mines so that dents were made in the doctrine of *laissez faire* whereby owners and manufacturers could not conduct their businesses totally free from government-imposed restrictions.

Nonetheless, the term 'nightwatchman state' (Townshend, 2000: 15) was applied to the minimal government that arose during this period, which was further justified by accusations of ineffectiveness in the operations of the regulatory regime imposed through the process of inspection (see, for example, Bartrip, 1983: 69 in relation to the immediate impact of the 1833 Factory Act).

However, as the nineteenth century progressed, the central state secured additional powers and this trend was enhanced by developments that took place in the late nineteenth and early years of the twentieth century, inspired by concerns of national decline and the need for national efficiency (which was encouraged by British shortcomings displayed during the Second Boer War, 1899–1902) and by an awareness of social problems such as urban poverty which served to popularise collectivist sentiments (and political organisations that were inspired by such perspectives) at the expense of individualism.

Although the social reforms performed by post-1905 Liberal governments reflected a blend individualism and collectivism (in the sense that although state action became viewed as legitimate to uphold individual rights [especially social rights], the need for the individual to take some responsibility for his or her own circumstances was not entirely abandoned being reflected, for example, in the contributory aspect made by employees in the 1911 National Insurance Act towards costs arising from unemployment and ill health). However, War 1 enhanced the importance of the interventionist, collective state and the period especially witnessed considerable state interventions in economic and social life.

Reference will be made, where appropriate, to criminal justice initiatives that sit within the broader context which has been briefly outlined above. However, the periodisation used in this book does not seek to precisely mirror these broad changes but, rather, aims to illustrate how the development of criminal justice policy was influenced by factors that were unique to crime, disorder and the state's response.

These include discussions as to how changes to what has been referred to as the 'penal temper of society' (Hudson, 2003: 96) influenced the aims and methods of punishment, the importance of public disorder in fashioning the state's physical responses to crowd behaviour and how developments affecting the nature and character of crime influenced the development and responses of key criminal justice agencies such as the police service.

Sociological perspectives on the rationale of punishment (as outlined by Joyce and Laverick, 2023: 364–70) further provide an understanding as to why the aims of punishment and the manner in which those aims were delivered change over historical time periods and the contribution made by key figures that include Emile Durkheim, Max Weber and Michel Foucault are considered within this work.

We would finally like to thank our commissioning editor, Josie Taylor, and our editorial assistant, Sarah Hills, at Palgrave for the help and support they have given us while undertaking this project. Particular thanks is due to the helpful comments of the reviewers who looked at both the proposal and the completed manuscript.

Wrexham, UK
Hull, UK
May 2023

Peter Joyce
Wendy Laverick

References

- Bartrip, P. (1983). "State Intervention in Mid-Nineteenth Century Britain: Fact or Fiction?" *Journal of British Studies*, 23(1), 63–83.
- Hudson, B. (2003). *Understanding Justice* (2 ed.). Open University Press.
- Joyce, P., & Laverick, W. (2023). *Criminal Justice: An Introduction* (4th ed.). Routledge.
- Townshend, C. (2000). *The Oxford History of Modern War*. Oxford University Press.

Contents

Part I Crime and Punishment, 1689–1750

1	Introduction	3
	The 1689 Bill of Rights and the English Legal System	3
	Introduction	3
	Monmouth's Rebellion and the 1689 Bill of Rights	4
	Monmouth's Rebellion and the 'Bloody Assizes'	4
	The 'Glorious Revolution' and the 1689 Bill of Rights	7
	The Punishment of Crime—The Juridical Perspective	10
	Reductivism	10
	Retributivism	14
	Methods Used to Punish Crime in the Eighteenth Century	16
	The Death Penalty	16
	Other Penalties for Felonies	25
	Custodial Sentences	26
	Penalties for Misdemeanours	28
	Conclusion	30
	References	31
2	The Character and Nature of Crime in the Early Eighteenth Century	35
	Introduction	35
	Traditional Forms of Crime	35
	Robbery and Highwaymen	36

Piracy	37
Slavery and the Slave Trade	40
Smuggling	42
Poaching	46
The Growth of Towns and New Forms of Crime in the Early Eighteenth Century	48
Causes of Early Eighteenth-Century Crime—Anomie Theory	48
The Nature of Early Eighteenth-Century Crime	50
Women and Crime	52
The Role of Receivers	55
Conclusion	56
References	57
3 Urban Policing	61
Introduction	61
The 1285 Statute of Winchester	62
The Hue and Cry and Posse Comitatus	64
Parish Constables, Night Watchmen and Beadles	65
Parish Constables	65
The Night Watch	66
Beadles	67
Special Constables	68
Privately Funded Police Work	68
The Erosion of the Voluntary Principle	69
The Detection of Crime	71
Thief Takers	71
Public Order Policing	72
Examples of Early Eighteenth-Century Disorders	74
Conclusion	78
References	79
Part II Crime and Disorder 1750–1850	
4 Crowd Disorders, 1750–1800	85
Introduction	85
The Crowd in Eighteenth-Century Politics	85
Disorders 1750–1800	88
Food Riots	88
Spitalfield Weavers' Disorders	95
The John Wilkes Agitation (1768)	97

	Contents	xiii
	The Gordon Riots (1780)	100
	Conclusion	103
	References	104
5	Public Disorder and the state's Response, 1800–1850	107
	Introduction	107
	Disorders in the First Half of the Nineteenth Century	108
	The Industrial Revolution and Public Disorder	108
	Key Events Associated with the Radical Politics—Plots and Conspiracies	112
	Key Events Associated with Radical Politics—The Reform of the Conventional Political System	114
	Chartism and Political Disorder	124
	Rural Disorder	130
	Public Order Policing, 1750–1850	133
	The Physical Response to Disorder	133
	Political Policing—1750–1850	140
	The Eighteenth- and Early Nineteenth-Century Secret State	140
	Conclusion	143
	References	144
6	Reform of Prisons, the Penal Code and Legal System	149
	Introduction	149
	Sociological Perspectives to the Punishment of Offenders:	
	Durkheim and Weber	150
	Durkheim	150
	Weber	151
	Prison Reformers	151
	Sir George Onesiphorus Paul	154
	Elizabeth Fry	155
	Jeremy Bentham	157
	The Separate and Silent Systems	159
	The Eighteenth and Early Nineteenth-Century Legal System	161
	The Court System	162
	Trial Procedure	164
	Reform of the Penal Code in the Nineteenth Century	168
	Abolition of the Death Penalty	172
	Consolidation of the Legal Code	173
	Reform to Other Punishments	174
	Brandings	174
	Fines	175

Whipping	175
William Garrow and Reforms to Legal Procedure	175
Conclusion	177
References	178

Part III The Development of Professional Policing from the Late Eighteenth Century—1856

7 Police Reformers and Police Reform in the Late Eighteenth and Early Nineteenth Centuries	183
Introduction	183
The Context of Crime and Disorder—Urban Population Growth	183
Eighteenth-Century Views Regarding the Causes of Crime and Responses to It	184
Police Reformers and Police Reform	189
Henry and John Fielding and the Bow Street Runners	189
The Bow Street Runners	190
Patrick Colquhoun and Police Reform	193
Jeremy Bentham and Police Reform	196
The 1780 Gordon Riots and Police Reform	197
Conclusion	201
References	202
8 The Development of Professional Policing in London	205
Introduction	205
Background to the Formation of the Metropolitan Police Force	206
Population Growth	206
Violence and Disorder in London	206
Peel and Police Reform	209
The Development of Professional Policing in London	210
Creation of the City of London Police Force (1839)	212
The Slow Take up of Professional Policing Outside of London	214
Difficulty in Securing Appropriate Recruits	215
Propping up the Old System	216
Police Reform and Civil and Political Liberties	218
Joseph Fouché and the ‘Continental Model of Policing’	219
Initial Popular Dissent Towards Policing	221
The Philosophy of Policing—Legitimacy and Consent	221
The Legitimacy of the Police	221

Peel's Nine Principles of Policing	223
Theory into Practice—The Underpinnings of Policing	
by Consent: Creating Trust and Confidence	226
Local Organisation, Control and Accountability	226
Conclusion	230
References	231
9 The Development of Professional Policing in England and Wales (Outside of London)	235
Introduction	235
Pressures for Police Reform	236
The Imposition of Social Discipline on the Working Class	236
The New Poor Law and Police Reform	238
The 1835 Municipal Corporations Act	240
The 1839 County Police Act	242
Special Police Legislation	246
The 1856 County and Borough Police Act	248
The 1856 County and Borough Police Act: Summary	250
The Development of Professional Policing in Ireland	251
The Irish Constabulary	251
Policing in Dublin	252
The Ethos of Irish Policing	253
The Development of Professional Policing in Scotland	254
Conclusion	255
References	255
Part IV Crime and Punishment 1850–1920	
10 Issues Affecting Policing 1850–1920	261
Introduction	261
Policing in the Middle Decades of the Nineteenth Century	262
Recruitment and Retention	262
Changes to Police Governance in the Nineteenth and Early Twentieth Century	267
Late Nineteenth-Century Legislation	267
The Role of Central Government	268
The Role of Chief Constables	270
Chief Constables and Watch Committees	271
Key Issues Affecting Policing in the Late Nineteenth and Early Twentieth Century	273
Corrupt Behaviour in Policing	273

Police Industrial Action	276
Women and Policing	278
Formation of the Women Police	280
Policing by Consent	280
Orthodox Police Historians	281
Revisionist Police Historians	281
Police Property	284
Conclusion	285
References	285
11 Policing Politically Motivated Activities 1850–1920	289
Introduction	289
Disorders in the Middle Decades of the Nineteenth Century	290
The Murphy Riots (1866–1871)	290
The 1866 Hyde Park Riot	291
Late Nineteenth-Century Politics and Public Disorder	294
Socialist Societies and Organisations	295
Demonstrations	296
‘Black Monday’	297
‘Bloody Sunday’	297
Consequences of These Events	298
Policing Industrial Unrest in the Late Nineteenth Century	298
Developments Affecting Working-Class Politics	298
Examples of Late Nineteenth-Century Industrial Militancy	301
The London Dock Strike (1889)	301
Disorder in the Early Decades of the Twentieth Century	303
Policing Industrial Unrest 1909–1914	303
The South Wales Miners’ Dispute 1910–1911	304
The 1911 Transport Strikes	306
The National Coal Strike 1912	308
Policing the Suffragette Campaign	309
Irish Home Rule	310
Revolt to Revolution—Disorder in Ireland	313
The Physical Response to Political Actions: The Role of the Military	316
The Intelligence-Gathering Response to Political Actions	318
Conclusion	323
References	323

	Contents	xvii
12 Responses to Crime		327
Introduction		327
Crime and the Working Class		328
The ‘Criminal Class’		329
Crime Detection		332
Forensic Science		333
Serious Crime in the Latter Decades of the Nineteenth Century		336
Gang-Related Crime and the Formation of the Metropolitan Police Flying Squad		336
Examples of Serious Crime in the Late Nineteenth Century		338
The London Garrotting Panic 1862		338
The Ripper Murders		340
Disorderly Youths and Scuttling Gangs		341
Policing Hate Crime		346
The Prosecution of Crime in the Late Nineteenth Century		350
Punishments in Late Nineteenth Century		351
Prison Regimes and the Philosophy of Prisons After 1850		352
The Punishment of Young Offenders		360
Conclusion		366
References		367
Additional Resources		371
Index		377

List of Figures

Fig. 5.1	A poster issued during the ‘Swing Riots’ (<i>Source</i> https://www.henleyherald.com/2019/04/09/hahg-lecture-the-swing-riots/?doing_wp_cron=1605959625.8789939880371093750000)	131
Fig. 8.1	A poster attacking the Metropolitan Police Force in the early years of its creation (<i>Source</i> https://digital.nls.uk/jma/gallery/title.cfm?id=24)	222
Fig. 8.2	A poster calling for the abolition of the Metropolitan Police Force (<i>Source</i> https://www.nationalarchives.gov.uk/education/candp/prevention/g08/g08cs2s3.htm)	223
Fig. 8.3	An anti-police poster published in Aberystwyth, Wales in 1850 (<i>Source</i> https://worldhistoryfacts.com/post/188481082898/anti-police-poster)	224
Fig. 12.1	The Whipping Post Lawford’s Gate Prison	354
Fig. 12.2	An illustration of the silent system	355