David Philips and Robert D. Storch, *Policing Provincial England 1829-1856. The Politics of Reform*

London-New York, Leicester University Press, 1999, 342 pp., ISBN 0-7185-0112-8

Robert M. Morris

Electronic version

URL: <https://journals.openedition.org/chs/830>

DOI: 10.4000/chs.830

ISSN: 1663-4837

Publisher

Librairie Droz

Printed version

Date of publication: 1 June 2000

Number of pages: 122-124

ISBN: 2-600-00477-7

ISSN: 1422-0857

Electronic reference

Robert M. Morris, "David Philips and Robert D. Storch, *Policing Provincial England 1829-1856. The Politics of Reform*", *Crime, Histoire & Sociétés / Crime, History & Societies* [Online], Vol. 4, n°2 | 2000, Online since 28 April 2009, connection on 22 March 2022. URL: <http://journals.openedition.org/chs/830> ; DOI: <https://doi.org/10.4000/chs.830>

Comptes rendus Reviews

David Philips and Robert D. Storch, *Policing Provincial England 1829-1856. The Politics of Reform*, London-New York, Leicester University Press, 1999, 342 pp., ISBN 0-7185-0112-8

Like all really good books, this one falls to be appreciated on a number of different levels. On the one hand, it deals at some length with a relatively neglected period of English – a point itself to come back to – policing history. On the other, it examines and explains very significant shifts in both the attitudes and the political positioning of contemporary rural political elites in a rapidly changing society. Yet again, it is a reflective meditation by two of the most original and longstanding active contributors to the history of English policing – as well as being, finally, a remarkable piece of global collaboration by authors not only domiciled outside the country being studied but also living themselves in different continents.

The history of policing is studied for two reasons: its intrinsic interest, and what it discloses about the society in which the events occurred. In Britain, it is only in the last two and a half decades that the topic has received much attention from professional historians. What this work addresses is a period of policing change in rural England hitherto either overlooked or taken for granted viz. the years between a permissive statute of 1839 and 1840 which *enabled* counties to form a paid force supported by entirely local taxes, and a compulsory statute of 1856 which *required* them to establish forces where they had not already done so and gave a government subvention equal to a quarter of the cost. In the linear, historicist historiography of the past, it had been customary to gloss over these 17 years as a mere hiccough in the grand, inexorable and celebratory march to a professionally policed society

Philips and Storch show an impressive grasp of local sources, and acknowledge the contributions of a growing band of historians who have been looking closely at the functioning of English localities in what is sometimes now called the «long eighteenth century». They depict a more nuanced, a more complex and a more interesting process than that portrayed in the displaced historiography. They aim to demonstrate that the permissive statute was in fact much more productive of policing change than is usually presented:

Our view is that the County Police Acts of 1839-1840 constitute the foundation of English provincial policing. Their passage and adoption were major consequences of the landed class' [*sic*] rethinking of provincial order keeping (p. 168).

Moreover, they grapple with the interplay *within* the political elites as the rural society faced up to the transformational powers of population growth and new

economic sources of wealth. Counties were run by magistrates in effect selected by the Lord Lieutenant of the county, a magnate himself appointed by the Crown on the advice of the Prime Minister, from the pool of those who satisfied a property qualification. Assembled four times a year in Quarter Sessions, magistrates exercised both a judicial and an administrative jurisdiction which included an ability to impose local taxes – the rates – on immoveable property. The ratepayers had no democratic redress against magisterial decisions, though they were certainly able to voice their opinions and, where Parliamentary electors, were capable of disturbing normal voting patterns at Parliamentary elections.

According to the authors, the 1839 Act is to be understood as actually *increasing* the powers of the rural elites at a time when their functions had both been reduced and challenged by the Poor Law Amendment Act 1834, and when they have commonly been regarded as heading for oblivion. In the past, although the *judicial* functions of magistrates were considerably widened from the late 1840s, the elites have been depicted as being manifestly on the way out because magisterial *administrative* legitimacy was at a perpetual discount in comparison with the elective principle adopted in the 1834 Act's case and universally in force in town councils from 1835. As Maitland put it of the magistrate: «He is cheap, he is pure, he is capable, but he is doomed»¹.

How novel is the new slant? Is it right in effect to concentrate on the background of politics to the extent that operational policing issues are almost secondary to the political issues? Why did the unelected magistrates in some counties feel able to risk the wrath of the ratepayers when establishing a paid police force could increase the rates by as much as fifty percent? Was a national subvention in support of the local rates an inevitable concomitant of compulsion in 1856 when so much had been achieved beforehand without it? Why did local opposition – intense at times in the early years – seem to evaporate in 1856?

All these questions and more are addressed. The first four chapters map the complex social and political background to the consideration of policing issues in the 1830s. Chapter 5 describes various policing experiments designed to improve or add new elements to old systems at a time when vigorous attempts were being made in a number of directions to reform ancient, inherited institutions in the British state to fit them for new circumstances. Chapter 6 examines the operation of the Constabulary Royal Commission which preceded, but did not determine, the 1839 Act. The remaining chapters look at the implementation of the Act and its supersession by the compulsory Act of 1856.

What Philips and Storch in fact examine is one of the crucial stages in the political transformation of England, not only from a society in which local oligarchies of rural wealth were unable to retain power relying entirely on local resources but also one in which the central organs of the state began more palpably to intrude on local autonomy. It was precisely in the area of criminal justice that rising performance expectations (for example, Peel's Criminal Justice Act 1826 but also more generally in enhanced behavioural expectations) had imposed burdens on a local taxation system designed to resource severely modest forms of local government action. As the authors point out, these concerns had lain behind Committees and Commissions

¹ F.W. Maitland, *Collected Papers*, ed. Fisher, 1911, quoted at p. 777 by Dunbabin, J.P.D., «British local government reform», *English Historical Review*, 1977, pp. 777-805.

of the early 1830s. Central government had taken the local bull by the horns in London by creating the Metropolitan Police – wholly under its control, but locally funded – in 1829, but had by 1833 to guarantee its funding from central resources. From 1835, central government took the first steps to support the local prosecution system and thus started on a course of subsidising local criminal justice which continued in the 1856 Act through to the expedients of the Disraeli government from 1874 and on to the extraordinary mechanisms of 1888–1890. There was, not surprisingly, great formal difference between the powers – and, more to the point, the influence – available to the Home Secretary under the 1856 as opposed to the 1839 Act. Money was given but with the strings of inspection and conditionality.

The paradox of 1839 was that central government subvention both strengthened the position of the county magistracy and, ultimately, weakened its political legitimacy. For spending decisions, its unrepresentative character became increasingly exposed, and successive later changes in the Parliamentary franchise meant that MPs were both less the magistracy's fraternal delegates at the centre and, therefore, less inclined to support continuing their administrative functions. Even so, and irrespective of the decline in their administrative functions, the magistracy has shown a remarkable resilience: they remain members of police authorities alongside elected members, and they have even entered the new police authority for the metropolis following the Home Secretary's decision to resign to the new Greater London Authority powers he has held since 1829. There could not be a better illustration of how political change in Britain is rarely strictly linear.

As indicated at the beginning, Philips and Storch have confined themselves to England. In fact, it is England *and* Wales that constitutionally comprise a single criminal justice area. In discussing the 1839 Act, does the omission of the latter country matter? Yes – though less because it invalidates their main argument than that it would have added a jarring but, in the end, reinforcing counterpoint.

Although Wales had all the forms of English local self-government, the reality was a culturally distinct community where, outside the mostly small towns in the Eastern coalfields, a scattered anglicized gentry and established church presided over a non-English speaking, predominantly nonconformist in religion tenant and peasant population operating at the margins of limited agricultural markets. A serious south-eastern insurrection in Newport in 1839 and extensive rural disturbances in the populous south-west in the early 1840s (the Rebecca Riots)² did not result in the kind of widespread adoption of the 1839 Act in the affected areas that might have been expected: only Glamorgan (which had also experienced serious urban rioting in the early 1830s) and Cardiganshire adopted the Act fully whilst Carmarthenshire – most affected by the riots – at first adopted the Act and then reduced the numbers of officers and, by one third, the chief constable's salary³. Pembrokeshire refused altogether to adopt in a resolution craftily worded to appeal to the ratepayer parsimony which had deterred it⁴, and settled instead for a form of superintending constable arrangement. In Wales the non-representative character of the magistracy had unique and powerful cultural overtones, and put such pressure on the legitimacy of local rating that the magistracy preferred to lean heavily on physi-

² Definitively examined in D.J.V. Jones' «Rebecca's Children», 1989.

³ HO 45/1065, letter of 6.1.1845.

⁴ HO 45/642, f. 84, letter of 10.4.1844.

cal rescue (troops and Metropolitan policemen) rather than attempt to mobilise contested local resources. As the acting Lord Lieutenant of Carmarthenshire put it when urging the Home Secretary to permit the arming of the Metropolitan officers drafted in during the Rebecca disturbances: «there is...far more analogy between the duties of the police here and in Ireland than between their duties in London and those they are to execute in this country»⁵.

This digression is, of course, intended to support and extend rather than chip at Philip and Storch's admirable achievement. They have altered permanently the view that has to be taken of the 1856 Act viz that it was not so much the beginning of a process that produced the policed society but, rather, a signal that that society had arrived. We can now the better see what the Home Office author of the criminal statistics first produced under the 1856 Act meant when, in an extraordinarily fervid passage in his introductory manifesto to the new statistical series, he said of the paid police:

They will act for the removal of all demoralizing influences...they will interfere to prevent the drunken brutality of the strong against the weak, and promptly assist in many ways in obtaining justice for the poor, whose material improvement they will greatly promote⁶.

The author was, of course, Samuel Redgrave who had been Secretary to the 1836-9 Royal Commission, and in the Home Office had been a witness to all the subsequent developments.

To reach their positions, Philips and Storch have synthesised a great amount of material and, above all perhaps, they have reached an imaginative and sympathetic understanding of what moved men in an age now far removed from any current experience. In a word, they have transcended their sources and offer not only a convincing factual account of far from straightforward events, but they have equipped their readers to share their own long pondered and rich understanding of what the facts signify.

R.M.Morris
(Open University, UK)
bob.morris@eggconnect.net

Jenneke Christiaens, *De geboorte van de jeugddelinquent. België, 1830-1930.* Brussel, VUBPress (Criminologische Studies 1), 1999, 430 pp., ISBN 90 5487 214 4. [The Birth of the Juvenile Delinquent; Belgium, 1830-1930].

In her recently published thesis, Brussels-based pedagogue and criminologist, Jenneke Christiaens, gives a historical account of the way in which, after 1830 in Belgium, juvenile criminality was discovered, fought against and turned into a scientific object of study. The four parts of this study treat successively the «discovery» of the juvenile delinquent, ideas and practices of punishment and education, and scientific influence on and occupation with this field of action.

⁵ HO 45/454B, letter of 29.9.1843.

⁶ Judicial Statistics 1857, PP 1857/8, Vol LVII, p. vi.