THEORIES AND ORIGINS OF THE MODERN POLICE
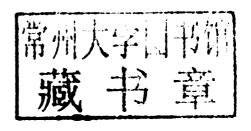
CLIVE EMSLEY

Theories and Origins of the Modern Police

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Theories and Origins of the Modern Police

The History of Policing

Series Editor: Clive Emsley

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Acknowledgements

Series Preface

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

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

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

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Introduction

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

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

Theorising Police

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

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

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

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

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

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

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

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

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

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

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

Shifting Meanings of Police

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

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

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

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

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

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

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

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

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

Constables and Watchmen

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

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

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

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

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

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

Sbirri, Soldiers and Spies

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

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

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

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

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

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

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

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

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

Changes in Eighteenth-Century English Policing

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

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

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

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

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

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

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

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

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

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