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J.M. Beattie, *Policing and Punishment in London, 1660-1750: Urban Crime and the Limits of Terror*

Oxford, Oxford University Press, 2001, 491 pp., ISBN 0-19-820867-7

Peter Rushton



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- 1 With this book, John Beattie moves geographically and symbolically from the suburban fringes which were the focus of his earlier work to the centre of both London and English crime. By a thorough analysis of London's and Middlesex's trials at the Old Bailey from the Restoration to 1750, he reflects profoundly on three aspects of crime in early modern English society – the nature of the criminals before the London courts, the responses to crimes by the city's judicial authorities, and the role played by London's representatives who, through political lobbying and successful legislation, translated the city's problems into national policies. In the first two areas, London seems to have been unusual, and in the last, unique.
- 2 One striking characteristic of the criminals prosecuted for crimes can be summed up in one significant subtitle of the book – 'the problem of women'. A large proportion of those on trial were female, and the judicial handling of these cases does much to explain the urgent need to search for an alternative punishment to hanging or branding. In most periods a third or more of defendants at the Old Bailey for property offences were women, and between 1690 and 1713 they were a majority. Only Newcastle upon Tyne, a far smaller urban area, equaled this in the eighteenth century. The possible explanations for these patterns, however, are remarkably similar. Cities were places where single women were both numerous and vulnerable, and married women were all too frequently

connected to men with few skills and uncertain incomes. Although conventional wisdom dictates that poverty alone does not explain criminality, let alone excuse it, the combination of female economic fragility and the temptations of an affluent city with many new consumer goods proved too much for many young women.

- 3 The authorities' judicial response to petty larceny offences provided a feature unique to London and Middlesex until the early eighteenth century. No cases were sent for trial, which, conveniently for the magistrates, resulted in keeping quarter sessions business to a minimum. A second important consequence was that the prosecution of crime concentrated overwhelmingly on accusations of serious and violent thefts. By selecting only the serious for trial, the authorities created the impression, widely disseminated by contemporaries in the growing print culture (and also believed by some later historians), that London faced more serious crimes and possessed a far more professional criminal population than any other place in early modern England. Yet many minor offenders were dealt with summarily and locked up in the Bridewell without indictment and trial. This hidden crime wave, treated according to a policy which seems to have had its origins in the sixteenth century, meant that petty larceny was virtually absent from the London courts. Though Beattie does not pursue this, it is likely that, without this practice, the proportion of women on trial would have been even higher. This distinctive mixture of neglecting the petty for the serious crimes nevertheless still posed a problem of punishment after convictions in the courts, for not all criminals, not even comparatively serious ones, could be executed without adverse political consequences.
- 4 The third theme, therefore, by which Beattie establishes London's unique role in early modern criminal policy, is how the search of a workable and successful intermediate punishment between the severity of hanging and the supposed leniency of branding was shaped by London's problems and their representation to the political world. Transportation emerged in the 1660s as the favored penalty, but it was not without its problems. Judges began to deprive convicts of benefit of clergy by reimposing the literacy test (which had not been used for centuries) so that, instead of being released after branding, they could justifiably be condemned to death, reprieved, and transported. They also developed the habit of reprieving criminals *before* pronouncing the death penalty – which significantly benefited many women. But seventeenth-century transportation was rather haphazard, lacking a system of shipping convicts and confirming their arrival in the colonies. All this changed with the Transportation Act of 1718, and it is Beattie's analysis of the role of London's political establishment in creating this law, driven by William Thompson, who presided over the Old Bailey, that concludes the book. Never before has the way that London's authorities and the city's criminal problems dominated national policy been more strikingly demonstrated. London in the eighteenth century was in many ways the centre of both crime and criminal policy, in the eyes of the political establishment.
- 5 There are many other aspects of law enforcement and judicial processes which Beattie reflects on in this rich study. Like his earlier book (*Crime and the Courts in England, 1660-1800*, Princeton, 1986) this one will be required reading for anyone interested in the history of London's policing, the nature of the city watch, the processes of 'thief-taking' and the problems of corruption in criminal law enforcement. Beattie confirms in many ways the conclusions of other studies, particularly concerning the search for effective, non-lethal methods of punishing the mass of criminals, which was a feature of many judicial experiments. But he also shows that the disproportionate role of London's

problems in shaping national policy, which we might see as a modern imbalance, had its origins in the criminal and penal crises of the late seventeenth and early eighteenth centuries.

AUTHORS

PETER RUSHTON

University of Sunderland (U.K.), peter.rushton@sunderland.ac.uk