

JOHN BREWER and JOHN STYLES, eds. — *An Ungovernable People. The English and their law in the seventeenth and eighteenth centuries*. London: Hutchinson, 1980. Pp. 400.

Over the past five years scholars of Stuart and Hanoverian England have paid increasing attention to the law and the legal process to re-examine the nature of authority and social conflict in the century following the Civil War. This volume of essays, which grew out of an informal seminar at Cambridge University during the mid-seventies, makes a significant contribution to this rapidly expanding field of study. Although the essays themselves deal with a wide range of topics — village regulation, coiners, debtors in King's Bench prison, Wilkite definitions of governance, bread and turnpike riots — they do, when taken together, address the problem of how the rule of law mediated the exercise of authority in seventeenth and eighteenth-century England and even served the interests of subaltern as well as dominant classes. The authors argue that the rule of law was never purely fictional; on the contrary, it commanded widespread support among grossly unequal parties and was deployed to legitimate popular grievances as well as the status *quo*. Indeed, far from being "ungovernable", the Englishman's assent to the law, variously defined, was very real even though access to its procedures was in practice profoundly undemocratic.

In some respects these essays endorse the conclusions of *Albion's Fatal Tree*, the pioneering volume by the Warwick group of social historians which emphasized the ideological importance of the law and the discretionary process by which ruling-class hegemony was sustained. They suggest, however, that the formidable legal armoury of the establishment was in practice limited by the very way in which the law was administered and by the deft exploitation of the law's own ambiguities. Despite the increasingly repressive nature of the criminal code, the amateur, decentralized machinery of the law and the force of local opinion, which could influence the decisions of juries, generate counter-prosecutions and weaken the resolve of local dignitaries, set limits to what was legally enforceable. As Robert Malcolmson's study of the Kingswood colliers reveals, political differences within the governing élite and the logistics of enforcing order in a forest region, enabled this militant band to act with relative impunity. Similarly John Styles's essay on the Yorkshire coiners shows how regional economic interests and the legal technicalities of gathering evidence impaired the prosecution of the "yellow trade". Only when the propertied had been sufficiently alarmed by extra-legal action and constituted authority thrown into open contempt could governments and bigwigs move against such law-breakers.

If this volume raises further objections to the reductionist interpretation of the law as class rule, it also points to the existence of overlapping and sometimes competing systems of governance in seventeenth and eighteenth-century England. Keith Wrightson shows that the campaign for the reformation of manners in Puritan Essex emanated principally from the village notables who manned the hundredal juries, not the central government and magistracy, and for this reason was more successful than in Lancashire where official policy ran up against neighbourhood custom. Joanna Innes examines the self-regulatory mechanisms which operated within King's Bench Prison and how a crisis of authority developed in the late eighteenth century when the debtors' college clashed with the prison officers under the impact of reformist pressures. John Brewer, in a masterly essay, reveals how crucial reformist notions of the law were to the Wilkite movement and their pertinence to its middling constituency. In each case we find law, order and conflict inextricably entwined, an equation which, once again, highlights the social complexities of the rule of law.

These essays on middling attitudes are central to the basic thesis of the book that "the law was not the absolute property of patricians but a limited multiple-use right available to most Englishmen" (p. 20). The question remains, as we move from the law-as-authority to the matter of power, whether this "use right" was accessible to the labouring poor. Certainly the poor often had a keen sense of the legitimacy of their grievances, as John Walter's account of the Maldon bread riots ably illustrates, and this gave them some bargaining power. But frequently they had to back up their legitimate supplications with direct action and this in turn exposed them to the discretionary interpretation of the law by the powerful, perhaps to retributive justice at the gallows. Furthermore, the rights of the poor, embedded in custom, were progressively undermined as use rights were reified into property rights and brought under the criminal sanction. Doubtless the authors of this volume concede as much, but how did the redefinition of the law affect popular attitudes to it? Was the common people's assent to the law so wholehearted as that of those above them? Or was it, as Defoe once remarked, personified by the justice of the peace, remote and unpredictable? Until we know more about who took advantage of the law in this litigious age we will not be able to answer this question. What we can explain, thanks to this volume, is why the law won so much support among the small property-holders as well as the great.

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R. A. LEESON. — *Travelling Brothers*. London: George Allen & Unwin, 1979. Pp. 348.

The main argument of this book is that the nineteenth-century growth of trade unions was built upon a foundation of ritual and fellowship of ancient lineage. Leeson begins his discussion with the guild organizations of masters and men; he goes on to write about the separation of the "yeomanry" from the hierarchical guilds; and then, finally, he stresses the solidarities between geographically dispersed groups of artisans. In making this argument he stands opposed to the tradition of the Webbs which regarded unions as a new response to the new conditions brought on by the Industrial Revolution. Indeed, the author devotes his final chapter to articulating his differences with the Webbs and their followers; I thought, however, that the whole book would have been far more forceful if Leeson had reversed his order and made this statement of his thesis and its counterpoint at the outset.

The "aristocratic" trade unions had four main rules: control of entry by apprenticeship; the administration of friendly benefits; the regulation of the workload; and the "tramping system". This last characteristic is of primary interest to Leeson and plays a very large role in his account of the chronological development of workmen's organizations. Its roots were planted deep in the fraternal societies of skilled workmen — "the masons' system of employment or hospitality and payment to help the travelling 'fellow' on his way is on record from the 1580s" (p. 74) — while among the blacksmiths "a procedure laid down in 1434 ... delegated a yeomanry member to direct the traveller to a place of employment"