ON THE DEMAND FOR ORDER IN CIVIL SOCIETY

A review of some themes in the history of urban crime, police and riot in England

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Even a faint acquaintance with the facts of city life during the last two centuries is enough to tell us that diffuse concern with civil violence and criminality, such as marks much discourse in America today, is far from new. There is an extensive and relevant journalistic and historical literature concerning reactions to urban crime, violence and riot. In England, especially, there is a literature focused on the achievement of "public order", the very existence of which as an articulated theme is significant in a society which passed with amazing speed from disorder to order. This paper is a brief review of aspects of that literature, a procedure which requires rather frequent and liberal quotation from it. The paper is neither a summary nor a synthesis; it attempts, rather, to call attention to a few dominant themes in this large and miscellaneous literature and to suggest some questions, arising from its perusal, which might be put to the situation in contemporary America.

Criminals and the Dangerous Classes

Crime and violence in the life of city dwellers has long evoked complaints which have a quite contemporary tone. Peaceful and propertied people in eighteenth century London, for example, confronted a level of daily danger to which they and their spokesmen reacted with indignation. Thus Daniel Defoe dedicated a pamphlet to the Lord Mayor of London, whom he addressed in these terms:
The whole City, My Lord, is alarm'd an uneasy; Wickedness has got such a Head, and the Robbers and Insolence of the Night are such, that the Citizens are no longer secure within their own Walls, or safe even in passing their Streets, but are robbed, insulted and abused, even at their own Doors... The Citizens...are oppressed by Rapin and Violence; Hell seems to have let loose Troops of human D----ls upon them; and such Mischiefs are done within the Bounds of your Government as never were practised here before (at least not to such a degree) and which, if suffered to go on, will call for Armies, not Magistrates, to suppress.¹

In the body of his pamphlet, Defoe describes a situation of pervasive insecurity, stressing the mounting and unprecedented extent of criminal attack. The idea of the crime wave is already quite explicit:

Violence and Plunder is no longer confin'd to the Highways... The Streets of the City are now the Places of Danger; men are knock'd down and robb'd, nay, sometimes murther'd at their own Doors, and in passing and repassing but from House to House, or from Shop to Shop. Stagecoaches are robb'd in High-Holbourn, White-Chappel, Pall*Mall, Soho and at almost all the Avenues of the City. Hackney-Coaches and Gentlemen's Coaches are stopt in Cheapside, St. Paul's Church-yard, the Strand, and other the most crowded streets, and that even while the People in Throngs are passing and repassing... 'Tis hard that in a well-govern'd City...it should be said that her Inhabitants are not now safe...²

Many contemporary themes richly abound in magazines that urban Americans read six decades ago. To cite but two examples:

¹An Effectual Scheme for the Immediate Prevention of Street Robberies and Suppressing of all other Disorders of the Night; with a Brief History of the Night-houses and an Appendix Relating to those Sons of Hell call'd Incendiaries, London, 1736.

²Ibid., pp. 10-11.
Individual crimes have increased in number and malignity. In addition to this... a wave of general criminality has spread over the whole nation... The times are far from hard, and prosperity for several years has been widespread in all classes. Large sums are in unaccustomed hands, bar-rooms are swarming, pool-rooms, policy shops and gambling houses are full, the races are played, licentiousness increases, the classes who 'roll in wealth' set intoxicating examples of luxury and recklessness, and crime has become rampant.3

In that period, it was commonplace to ascribe the fundamental causes of mass criminality to large-scale immigration:

In the poorer quarters of our great cities may be found huddled together the Italian bandit and the bloodthirsty Spaniard, the bad man from Sicily, the Hungarian, the Croatian and the Pole, the Chinaman and the Negro, the cockney Englishman, the Russian and the Jew, with all the centuries of hereditary hate back of them. They continually cross each others' path. It is no wonder that altercations occur and blood is shed... We claim to be a rich and prosperous city and yet we cannot afford to employ enough policemen to keep thieves and burglars out of our houses and thugs and robbers from knocking us on the head as we walk along our own streets... The bald, bare, horrible fact is that the conditions existing in Chicago today are the most criminal and damnable of any large city on the face of the earth.4

It seems that the current rhetoric of concern about crime and violence drawn on long established motifs: the indignant sense of pervasive insecurity; a mounting current of crime and violence due both to unaccustomed prosperity


and prolonged poverty; the bad example of the self-indulgent wealthy; the violent proclivities of immigrants and other newcomers; and the ironic contrast between the greatness of the metropolis and the continued spread of crime.

But at times there was a somewhat different attitude towards urban crime and violence. In the London and Paris of the late eighteenth century, and the early nineteenth, people often saw themselves as threatened by massive agglomerations of the criminal, vicious and violent—the rapidly multiplying poor of cities whose size had no precedent in Western history. It was much more than a question of annoyance, indignation of personal insecurity; the social order itself was threatened and endangered by an entity whose characteristic name reflects the fears of the time—the "dangerous classes". The phrase occurs repeatedly. Thus, an anonymous essayist of 1844 writes of the situation in urban England, where "destitution, profligacy, sensuality and crime, advance with unheard-of-rapidity in the manufacturing districts, and the dangerous classes there massed together combine every three or four years in some general strike or alarming insurrection which, while it lasts, excites universal terrors..." But even where the term is not explicitly invoked, the image persists—one of an

unmanageable, volatile and convulsively criminal class at the base of society.6

This imagery is only in part the product of class antagonisms in early industrial society; rather, the working classes were included in an older, vivid and continuing concern with massive criminality.7 Urban administrators regarded the swelling numbers of the poor as unmanageable.8 Indeed, the image of the "dangerous classes", as distinct from that of pervasive criminality, seems to have flourished especially during periods of very rapid population growth, reflecting the migration of the numerous poor, without employment, skills, or a history of urban life. During this period, the labor force of the metropolis was still

6 For Paris, Honore Antoine Prégier, Les Classes Dangereuses de la Population dans les Grands Villes (Paris, 1840) is a work often cited by contemporaries. An extensive and interesting recent work is Louis Chevalier, Classes Laborieuses et Classes Dangereuses à Paris pendant le Première Moitie du XIX Siècle (Paris, 1958). In the Paris of that time, he writes, "Le proliferation des classes dangereuses était...l'un des faits majeurs de l'existence quotidienne de la capitale, l'un des grands problèmes de l'administration urbaine, l'une des principales préoccupations des tous, l'une des formes les plus incontestables de l'angoisse sociale." The city was one "où le crime a une importance et une signification que nous ne comprenons guère..." (pp. iii-iv).

7 Influential books expressing this concern were Henry Fielding's Enquiry into the Causes of the late Increase of Robbers (1751) and Patrick Colquhoun's Treatise on the Police of the Metropolis (1796). According to Chevalier (op. cit., pp. 451-468), the Parisian bourgeoisie made little distinction between the "industrious" and the "dangerous" poor.

not primarily industrial. Thus, the events and antagonisms of early industrialism exacerbated, but did not create, the image of the "dangerous classes". It referred, primarily, to the unattached and unemployed. An advocate of police reform in London, writing in 1821, defined the problem in these terms:

The most superficial observer of the external and visible appearance of this town, must soon be convinced, that there is a large mass of unproductive population living upon it, without occupation or ostensible means of subsistence; and, it is notorious that hundreds and thousands go forth from day to day trusting alone to charity or rapine; and differing little from the barbarous hordes which traverse an uncivilized land... The principle of [their] action is the same; their life is predatory; it is equally a war against society, and the object is alike to gratify desire by stratagem or force.10

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10 George Mainwaring, Observations on the Present State of the Police of the Metropolis (London, 1821), pp. 4-5. The anonymous essayist of 1844, quoted above on the connection between the dangerous classes and the "manufacturing districts", went on to write: "In examining the classes of society from which the greater part of the crime comes, it will be found that at least three-fourths, probably nine-tenths, comes from the very lowest and most destitute... If we examine who it is that compose this dismal substratum, this hideous black band of society, we shall find that it is not made up of any one class more than another--not of factory workers more than labourers, carters or miners--but it is formed by an aggregate of the most unfortunate or improvident of all classes..." Blackwood's Magazine, July, 1844, p. 12 (emphases in original).
As class tensions involving the threat of riot and revolutionary violence subsided in London, the older concern with diffuse criminality rather than the "dangerous classes" re-emerged. Thus, Henry Mayhew's immense reportage on London's criminals, vagabonds and casually employed, published in 1861, was informed variously by moralism, indignation, pity, compassion, horror and mere curiosity--but not by the sense of dread that had earlier afflicted those confronted by the dangerous classes. Indeed, contemporary writing in mid-century London exhibits a sense of relief and victory over the forces of mass violence. Contrasting the present with the past, a writer in 1856 observed that "the only quarter in which any formidable riot could take place would be eastward, in the neighborhood of the docks, where there are at least twelve thousand sailors in the river or on shore, ready for a spree, fearless and powerful, and acting with an undoubted esprit de corps. These, if associated with the seven or eight thousand dock labourers and lightermen,

11 This was the fourth and final volume of London Labour and the London Poor, separately titled Those That Will Not Work.
would certainly produce a force difficult to cope with.\textsuperscript{12}

To judge from contemporary accounts, New York did not experience a comparable sense of relief or improvement. Indeed, it appears that by 1872 New York was already being compared unfavorably to London with respect to crime and violence:

\ldots If the vice and pauperism of New York are not so steeped in the blood of the populace [as in London and other European cities] they are even more dangerous... They rob a bank, when English thieves pick pockets; they murder, where European proletaires cudgel or fight with fists; in a riot they begin what seems about to be the sacking of a city, where English rioters merely batter policemen or smash lamps...\textsuperscript{13}

For this observer, whose book is largely concerned with relief and other remedial programs among New York's poor, the dangerous classes are very much a part of the city--which, after all, had only a decade earlier suffered the

\textsuperscript{12}London Quarterly Review, July, 1856, p. 94. Many observers, though still concerned with criminality, acknowledged a change for the better at this time. Remarking that accounts of the earlier situation in London "seem like tales of another country", a writer in 1852 went on to detail improvements: "No member of Parliament would now venture to say that it was dangerous to walk in the streets of London by day or night... Bad as the dens of infamy in London still are, they are not to be compared with those older places of hideous profligacy... In the most disorderly part of the town, such as St. Giles, Covent Garden, and Holborn, the streets every Sunday morning exhibited the most outrageous scenes of fighting, drunkenness and depravity... Crimes, too, are greatly diminished in atrocity. The large gangs of desperate robbers, thirteen or fourteen in number, now no longer exist..." Edinburgh Review, July, 1858, p. 12-13.

great Draft Riot of 1863:

There arc thousands upon thousands in New York who have no assignable home, and 'flit' from attic to attic, and cellar to cellar; there are other thousands more or less connected with criminal enterprises; and still other tens of thousands, poor, hard-pressed... Let but law lift its hand from them for a season, or let the civilizing influences of American life fail to reach them, and, if the opportunity afforded, we should see an explosion from this class which might leave the city in ashes and blood.14

Such rhetoric is not, as we have seen, an inevitable part of concern with criminality and violence—even when the latter were of an order unthinkable in daily urban life today.15 What are some of the factors that underlie the shifting relationships between the urban criminality and disorder and the significance ascribed to them by the peaceful and propertied classes? An adequate answer to this question would need to encompass aspects of economic and political history, the labor movement, demography, and general urban history. Here, however, we must take such fundamental considerations as foundation and background. Instead, we will be concerned with two aspects of the larger situation that, until recently, have been neglected: the significance of the police, and the culture of riotous protest.

14 Ibid., p. 29.

15 Thus, Defoe saw the intolerable conditions of his time as due to the arrogance and bad influence of a rapidly increasing group of prostitutes and their "bullies"; and his solution was to disperse them by raids (op. cit., pp. 26-32).
The Policed Society

Some modern nations have been police states; all, however, are policed societies. Practical men have never underestimated, though they have often distorted, the importance of the police; sociological theory in the "social control" tradition, however, has usually slighted the police in favor of normative or voluntary processes.16 For our purposes, the police have another significance, one which is perhaps best experienced through the eyes of a generation for whom the modern police were an unprecedented innovation--Englishmen in the mid-nineteenth century. The London police were created, in 1829, on an essentially modern basis: they were a bureaucratic organization of

16 In 1901, E. A. Ross was aware of the development of the police as a historic trend: "In the field of physical coercion there is an increase in the number of lictors, bailiffs, police and soldiers told off to catch, prod, beat and hold fast recalcitrants, and they are brought under a stricter discipline. They are more specialized for their work, and an esprit du corps is carefully cultivated among them." (Social Control, ed. Edgar F. Borgatta and Henry Meyer, Boston, 1959, p. 116). However, the great bulk of this pioneering work is devoted to social psychological processes and their derivation from changing forms of social organization. Moreover, Ross considered the normative processes of "public opinion" to be uniquely flexible, preventive and ubiquitous, whereas the coercive effects of "law" were clumsy, retrospective, and remote (ibid., pp. 42-43). As we shall see below, this formulation overlooks some distinctive features of the policed society. Later standard texts in "social control" that fail to treat the characteristics of the policed society in a theoretical way, or which see organized and legitimate coercion as extrinsic to the system of social control proper, are L. L. Bernard, Social Control, (New York, 1939) and Richard T. LaPiere, A Theory of Social Control (New York, 1954).
professionals. One of their tasks was to prevent crime by regularly patrolling beats, during which they operated under strict rules which permitted individual discretion.

The police also had a mission against the "dangerous classes" and political agitation in the form of mobs or riots. On all fronts they were so successful that initial and strong objections to them rapidly diminished; from being a considerable novelty, they quickly became a part of "British tradition".

The policed society is unique in that central power exercises potentially violent supervision over the population by bureaucratic means widely diffused throughout civil society in small and discretionary operations that are capable of rapid concentration. All of these characteristics struck contemporary observers as remarkable. Fear of mob or riot diminished when early police showed that fluid organization can overcome numbers:

There seems to be no fear that a London mob will ever prove a serious thing in the face of our present corps of policemen. A repetition of the Lord George Gordon riots would be an impossibility. Those who shudder at the idea of an outbreak in the metropolis containing two millions and a half of people and at least fifty thousand of the "dangerous classes" forget that the capital is so wide that its different sections are totally unknown to each other. A mob in London is wholly without cohesion, and the individuals composing it have but few feelings, thoughts or pursuits in

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Basic sources for British police history are the writings of Charles Reith, especially The Police Idea (1938), British Police and the Democratic Ideal (1943), The Blind Eye of History (1952), and A New Study of Police History (1956). See also F. C. Mather, Public Order in the Age of the Chartists (Manchester, 1959).
common. They would immediately break up before the determined attack of a band of well-trained men who know and have confidence in each other. 18

Another writer put the same point in more impersonal terms:

As each police constable being alone might easily be overpowered, and as the men of each section, or even division, might be inferior in numbers to some aggregation of roughs or criminals collected in a given spot, it is arranged that... reserves of force can be gathered... and concentrated upon the disquieted area, and as the commissioners command the whole district, and the force is organized and united, while roughs act in small areas, and have diverse and selfish interests, the peace of London may be held secure against violence. 19

The peaceful and propertied classes appreciated two other advantages of the modern police: they relieve ordinary, respectable citizens from the obligation or necessity to discharge police functions, especially during emergencies; and they also made less likely a resort to the military for the purposes of internal peace-keeping. Both involved changes in the relationship of these classes to the criminal or disorderly.


19 "The Metropolitan Police System", Westminster Review, January, 1873, p. 16. An early historian of the New York Draft Riot of 1863 was similarly impressed by the decisive contribution of the telegraphic system in linking police stations within the city and to those in Brooklyn. He devoted considerable space to the mob's attacks on the telegraphic system, citing the defense of its equipment and personnel as a key phase in the struggle for control of the streets. See J. T. Headely, The Great Riots of New York (New York, 1873).
In unpoliccd society, police functions were often carried out—if at all—by citizens rotating in local offices (sheriffs, constables, magistrates) or acting as members of militia, posses, Yeomanry Corps, or watch and ward committees. This system was not only inefficient, but it directly exposed the propertied classes to attack. Agrarian men of property were frequently willing to undertake these tasks. Thus the Yeomanry, a cavalry force whose characteristic tactic was the sabre charge, was largely composed of small land-owners who were especially zealous in police duty against mobs and riots, and especially disliked by working people. For these reasons, the Yeomanry were particularly popular among the land-owning classes as a means of defense. Praising them in the course of a Parliamentary debate in 1817, for example, a Member observed that "The people would in many instances be debarred from violence by seeing those arrayed against them to whom they were accustomed to look up to as their masters."

20 A good summary is in F. C. Mather, Public Order in the Age of the Chartists, pp. 75-95.

21 John Fortesque, A History of the British Army, Vol. XI, (London, 1923), p. 43. Since the Yeomanry were required to supply their own horses and equipment their status as agrarian men of property was largely assured. (See K. Chorley, Armies and the Art of Revolution, (London, 1943), p. 167.


But this machinery exposed the Yeomanry, once an emergency had passed, to direct attack on them in the course of daily life.\textsuperscript{24} It also enabled them to modify police missions to suit their own proclivities and convenience. Thus, during the extensive agricultural uprisings of 1830 in southern England, fifty men of the village of Holt "declared their willingness to turn out to protect all property except threshing machines; they did not wish to show disrespect to their poorer neighbors"\textsuperscript{25}--yet threshing machines were the very form of property then under attack.

The urban and new industrial propertied classes, however, were much less eager to take up the tasks of self-defense as volunteer or co-opted police. Land-owning military officers attempting to encourage self-defense among commercial or industrial capitalists met with much reluctance. Replying in 1819 to advice from Wellington, the army commander in the newly industrializing North of England replied in exasperated terms:

\begin{quote}
I have always fought against the dispersal of my force in trivial detachments; it is quite impossible to defeat the disaffected if they rise, and at the same time to protect any town from plunder; that resistance should be made by the inhabitants... But I am sorry to say
\end{quote}

\textsuperscript{24} For example, many resigned when they received threatening letters after Peterloo. (Ione Leigh, \textit{Castlereagh}, London, 1951, p. 127.)

the general remark from the manufacturers in
and near Manchester has been that government
is bound to protect them and their property.26

We are dealing here not merely with the classic con-
frontation of an agrarian military tradition and a
pacific commercial and industrial one; what also emerges
is the specific demand for the bureaucratization of
police functions. The manufacturing classes not only
wished to avoid personal danger and inconvenience while
protecting their property;27 they also saw that--contrary
to the social rationale underlying the Yeomanry--the use
of social and economic superiors as police exacerbated
rather than mollified class violence. This emerges clearly
in the testimony of one Thomas Ashton, "the owner of con-
siderable property in manufactures, and the employer of
about 1,500 persons", before the Royal Commission of 1839
concerned with extending the professional police from
London to the provinces.28 Among other reforms, Ashton
favored the use of personnel from outside a locality
affected by violence, and for a reason other than the
reluctance of local personnel to act against their
neighbors:

26 Despatch of General Byng quoted in Reith, The Police Idea,

27 "Respectable tradesmen cannot, without detriment to them-
se-selves, be so engaged [as constables]..." George Main-
waring, Observations on the Police..., p. 46.

28 First Report of the Commissioners Appointed as to the Best
Means of Establishing an Efficient Constabulary Force in
On such urgent occasions, I think it extremely desirable that a stipendiary magistrate should be sent into the district and entrusted with the administration of the law. A great majority of the more serious disturbances originate in disputes between master and servant. The local magistracy is chiefly composed of the resident landowners and manufacturers, and the irritation of the workmen against their employers is greatly increased when they find the person, with whom the disputes have arisen, openly supported by, and giving directions to, the military, and subsequently punishing them for breaches of the peace, which would never have been committed unless such disputes had occurred. Ought the employer to be placed in such a situation? Is it likely that animosities should be allayed or peace maintained by it? What safety has the proprietor of machinery?

This reasoning was accepted by the Commissioners in their Report, which was largely written by the Benthamite reformer Edwin Chadwick:

In several instances where there was an effective resistance given to the rioters, we have been informed that the animosities created or increased, and rendered permanent by arming master against servant, neighbour against neighbour, by triumph on one side and failure on the other, were even more deplorable than the outrages actually committed.... The necessity for such painful and demoralizing conflicts between connected persons should be avoided by providing a trained and independent force for action in such emergencies.... The constitutional authority of the supreme executive is then emphatically asserted. In reply to recent inquiries made of local authorities in the manufacturing districts, why they took no steps for the repression of riotous or alleged treasonable proceedings within their districts, why so long a career of criminal incitements was permitted, the prevalent answer has been, that such proceedings were understood to be exclusively within the province of government.29

Thus, at a time when the agrarian rich were seeking to multiply and reconstruct the traditional means of self-defense against violent uprising and attack, those springing from the newer sources of wealth turned toward a bureaucratic police system that insulated them from popular violence, drew attack and animosity upon itself, and seemed to separate the assertion of "constitutional" authority from that of social and economic dominance.

Other means than a bureaucratic police—especially the army itself—were potentially available for this purpose. However, not only was the army largely officered by an agrarian class which sometimes did not distinguish itself for zeal in protecting the property of manufacturers, but the army as an organization was ill-equipped to meet the needs of a policed society. It was unable to act in small, dispersed units in civilian society; often alternated between not intervening at all and the most drastic procedures; and, of course, represented a declaration of internal war, with lingering consequences of hate and

30 "I hope to get up a troop of Yeomanry at Cheltenham," wrote Lord Ellenborough during the disturbances of 1832, "but this requires delicate management... Yeomanry however we must have, or we shall be beaten." A. Aspinall, Three Early Nineteenth Century Diaries (London, 1952), p. 275.

31 See, for example, Frank Darvall, Popular Disturbances and Public Order in Regency England (Oxford, 1934), pp. 80-81, 267-268.
resentment. The police were designed to penetrate civil society in a way impossible for military formations, and by doing so, first of all to prevent crime and violence and, secondarily, to detect and apprehend the criminal. Early descriptions by contemporaries describe both sorts of police action, taken today as routine, as novel and startling.

The police penetration of civil society, however, lay not only in its narrow application to crime and violence. In a broader sense, it represented the penetration and continual presence of central political authority throughout daily life. In an important defense of characteristically modern social arrangements, Edward Shils has argued that the close integration of the social and geographic periphery is a unique achievement of "mass society." In

32All these points of superiority of police over Army were explicit in the minds of those who advocated or created the early professional police. See, for example, the First Report of the Commissioners..., p. 159-161; Edinburgh Review, July, 1852, p. 6; Charles Reith, British Police and the Democratic Ideal, pp. 9-30; and George Mainwaring, Observations on the Police..., p. 69.

33Great stress was initially laid on the "preventive principle", at the time a new principle in internal peace-keeping. See Reith, ibid., pp. 18-23, and the same author's A New Study of Police History, pp. 221-224. For the view of a contemporary advocate of police, see Mainwaring, op. cit., pp. 9-10.

34Note, for example, the palpable astonishment that underlies an account of a burglar who had robbed a house in central London to an obscure hiding place in the East End ("The Police System of London", Edinburgh Review, July, 1852, pp. 8-10).
his view, the "mass society is not the most peaceful or 'orderly' society that has ever existed; but it is the most consensual. The maintenance of public peace through apathy and coercion in a structure of extremely discontinuous interaction is a rather different thing from its maintenance through consensus in a structure of more continuous interaction between center and periphery..."35

But in Shils' account, the integration of the periphery emerges entirely as a moral or normative process. "The mass of the population is no longer merely an object which the elite takes into account as a reservoir of military and labor power or as a possible or actual source of public disorder... Most of the population...stand in closer moral affinity and in a more frequent, even though mediated, interaction with the center than has ever been the case... The greater proximity to the center of society consists in a greater attachment to that center--to the institutions which constitute it and the views which are embodied in it. There is, accordingly, a greater feeling within the mass of being continuous with the center, of being part of it, and of its being a part of the same substance of which one is oneself formed."

The moral and organizational extension of the national community is undoubted. But such an account overlooks the simultaneous extension of the police throughout the "periphery"

both as the agent of legitimate coercion and also as the pervasive personification of the values of the "center". Far from being a latter-day consequence of organizing the police for purely coercive tasks, this was explicit in early police doctrine and much remarked upon by early observers. Such accounts stress the capacity of bureaucratic organization to make the values of the "center palpable in daily life by means of detached persons operating on organizationally defined missions.

Amid the bustle of Piccadilly or the roar of Oxford Street, P.C.X. 59 stalks along, an institution rather than a man. We seem to have no more hold of his personality than we could possibly get of his coat buttoned up to the throttling-point. Go, however, to the section-house... and you no longer see policemen, but men... They are positively laughing with each other!... 36

And they stress also the power of the police over mass disorder as it stems not only from superior organization and the rational application of force, but also from its presence as the official representative of the moral order in daily life:

The batton may be a very ineffective weapon of offence, but it is backed by the combined power of the Crown, the Government, and the Constituencies. Armed with it alone, the constable will usually be found ready, in obedience to orders, to face any mob, or brave any danger. The mob quails before the simple baton of the police officer, and flies before it, well knowing the moral as well as physical force of the Nation whose will, as embodied in law, it represents.

And take any man from that mob, place a baton in his hand and a blue coat on his back, put him forward as the representative of the law, and he too will be found equally ready to face the mob from which he was taken, and exhibit the same steadfastness and courage in defense of constituted order.37

In this setting, early police doctrine and observers agreed from the beginning that it was necessary to rely on the moral assent of the general population; even the earliest policemen were elaborately instructed in the demeanor and behavior required to evoke, establish and sustain that assent.38 This was more than a merely technical convenience. The replacement of intermittent military intervention in a largely unpoliced society by continuous, professional and bureaucratic policing meant that the benefits of police organization--continual, pervasive moral display, and minimizing the long-term costs to the state and propertied classes of official coercion--absolutely required the moral cooperation of civil society.

Thus, the extension of moral consensus and of the police as an instrument of legitimate coercion go hand in hand. Along with other, ramifying bureaucratic agencies of the center, the police link daily life to central authority. However, the police rely not only on a technique of graduated, discretionary and ubiquitous coercion, but


38 Charles Reith, A New Study of Police History, pp. 140-142.
also on a new and unprecedentedly extensive form of moral consensus. The center is thus able to supervise daily life more closely and continuously than ever before; but police organization also requires pervasive moral assent if it is to achieve the goals peculiar to its technique. In earlier times, as we have seen, voluntaristic and non-bureaucratic police permitted the sabotage of official coercion by allowing participating classes to make their services conditional. In a policed society (as distinct from a police state), a comparable hostage is given to fortune: the fundamental assent, not of the classes who comprise volunteer or non-professional quasi-police, but of the general population. Without at least a minimal level of such assent, coercive functions become costly in exactly the ways that those who created the policed society sought to avoid. In this sense, then, the extension of the moral community and of the police are aspects of the same historical development.

Cultures of Riotous Protest

The themes of mass criminality and of political riot and mob protest have long been intertwined. In a notable and recent contribution, George Rudé has been especially concerned to refuse the classic view—associated with nineteenth century conservatives such as Burke, Taine and Le Bon—that political crowds, mobs and riots are essentially
criminal in character. According to Rude's analysis, demonstrating crowds and mobs in the latter half of the eighteenth and the first half of the nineteenth century were characteristically composed not of pauperized, unemployed and disorganized "rabble", but of locally resident, respectable and employed people. It is not surprising that privileged classes attempt to define popular protest as criminal--that is, fundamentally and unconditionally illegitimate. But this rhetoric, and the very real fears of privileged and propertied people


40 Ibid., p. 47-65
facing recurrent popular agitation in an unpolicied age, must not lead us to overlook the evidence for another aspect of this older relationship between elite and agitational population: riots and mobs, however much they were feared and detested, were also often means of protest

41 Expressions of this fear are vivid and abundantly frequent. "At this time," wrote the Tory poet Southey in 1812, "nothing but the Army preserves us from the most dreadful of all calamities, an insurrection of the poor against the rich, and how long the Army may be depended upon is a question which I scarcely dare ask myself." (Elie Halevy, A History of the English People, Vol. I. New York, 1912, p. 292.) Seven years later, Lord Grenville used comparable language in discussing the political situation: "We are daily assailed with undisguised menace, and are little removed from the expectation of open violence..." (Substance of the Speech of the Rt. Hon. Lord Grenville in the House of Lords, November 19, 1820, London, p. 23). A year later, in a memorandum to Liverpool, then Prime Minister, Wellington—urging the creation of a police force—wrote: "I feel the greatest anxiety respecting the state of the military in London... Very recently strong symptoms of discontent appeared in one of the battalions of the guards... There are reports without number in circulation respecting all the Guards... Thus, in one of the most critical moments that ever occurred in this country, we and the public have reason to doubt the fidelity of the troops, the only security we have, not only against revolution but for the lives and property of every individual in this country who has anything to lose..." (Quoted in Reith, The Police Idea, p. 213.) Robert Peel, fearing for his family's safety at their country estate, left London during the crisis of 1831, and asked a friend to send weapons. "I have this day got your fourteen carbines, bayonets and accoutrements", the friend replied. "How will you have them sent to you? I have only desired a cask of ball cartridges to be put in the case." (Tresham Lever, The Life and Times of Sir Robert Peel, New York, 1942, p. 144). A general description of the situation is given in Reith, Police Principles and the Problem of War, pp. 46-48.
that articulately communicated the desires of the population to a responsive, if not a sympathetic, elite.

This is a major feature of Eric Hobsbawm's analysis of the pre-industrial "city mob". While stressing that such mobs were a "pre-political phenomenon" and often reacted directly to fluctuations in wages and food-prices, Hobsbawm also emphasizes, in effect, the normative character of such riots:

... There was the claim to be considered. The classical mob did not merely riot as a protest, but because it expected to achieve something by its riot. It assumed that the authorities would be sensitive to its movements, and probably also that they would make some immediate concession; for the 'mob' was not simply a casual collection of people united for some ad hoc purpose, but in a recognized sense, a permanent entity, even though rarely permanently organized as such.

Insisting, with Rude, on the essentially non-criminal character of such riotous protests, Hobsbawm summarizes the system as a whole:

Provided that the ruler did his duty, the populace was prepared to defend him with enthusiasm. But if he did not, it rioted until he did. This mechanism was perfectly understood by both sides, and caused no political problems beyond a little occasional destruction of property... The threat of perennial rioting kept rulers ready to control prices and distribute work or largesses, or indeed to listen to their faithful commons on other matters. Since the riots were not directed against the social system, public order could remain surprisingly lax by modern standards.


43 Ibid., p. 111.

44 Ibid., p. 116.
We will add but one example to the many instances of this system given by Hobsbawm and Rude. It comes from rather late in this period—the agitated London of 1831. It had long been a custom for demonstrating crowds to go from residence to residence, demanding that those within "illuminate" in honor of a given cause or person (sometimes the practice was reversed, and inhabitants were called on to darken all lights). If they did not comply, windows were pulled out or smashed, and on occasion the house sacked or destroyed. The residences thus besieged were usually selected with precision—the ruling class in eighteenth and early nineteenth century cities was neither anonymous, physically inaccessible or effectively insulated by a professional and preventive police force. Such a crowd, pressing for electoral reform of the Commons, gathered in April, 1831. The following is a contemporary account of its doings, clearly written from an unfriendly point of view:

...The reformers of London endeavoured to get up an illumination on Monday, the 25th; but that having been a failure, they prevailed on the Lord Mayor to announce another for the evening of Wednesday the 27th. On that evening, the illumination was pretty general... The mobs did a great deal of mischief. A

numerous rabble proceeded along the Strand, destroying all windows that were not lighted... In St. James' Square they broke the windows in the houses of the Bishop of London, the Marquis of Cleveland and Lord Grantham. The Bishop of Winchester and Mr. W. W. Wynn, seeing the mob approach, placed candles in their windows, which thus escaped. The mob then proceeded to St. James' Street where they broke the windows of Crockford's, Jordan's, The Guard's, and other Club houses. They next went to the Duke of Wellington's residence in Piccadilly, and discharged a shower of stones which broke several windows. The Duke's servants fired out of the windows over their heads to frighten them, but without effect. The policemen then informed the mob that the corpse of the Duchess of Wellington was on the premises, which arrested further violence against Apsley House...46

After which, the mob marched off to other residences, including that of Robert Peel, the political founder of the police.

At every point, the normative and essentially non-violent character of the mob is clear. In this case, their cause was generally popular and they had the support of the Lord Mayor and other worthies favoring Reform, whereas many mob actions of course lacked such sanctions. But a kind of "antagonistic cooperation" between the mob and various parts of the elite, seeking to enlist it in various causes, had a long

46 Annual Register, 1831, Chronicle, p. 68. Quoted in Reith, British Police and the Democratic Ideal, pp. 90-91—who, however, views this incident solely as an example of the endemic violence which the pre-professional police were unable to stop. This historian and celebrant of the modern police has not a word in praise of so well-behaved a mob.
History. Indeed, even pre-Reform electoral politics sometimes required parts of the elite not only to compete for the favor of the people, but to expose themselves to rough treatment by electors and non-electors alike. Thus, a French observer of 1819, watching the customary post-election procession of successful parliamentary candidates, described a scene which Halevy calls "one long familiar to the English public":

[They] were immediately pelted with filth, greeted with a shower of black mud... I saw Lord Nugent with one side all black... Lord John Russell attempted with difficulty to wipe off the stinking patches of dirt which continually bespattered his cheeks...

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47 A detailed account with reference to the Reform Crisis of 1830–32 is Philip Hamburger, James Mill and the Art of Revolution, New Haven, 1963, who, however, maintains that the pro-Reform leaders manipulated the threat of the mob, rather than its substance. (But for a comparable case, which succeeded before the mob ever took to the streets, see Thomas Perry, Public Opinion, Propaganda and Politics in Eighteenth Century England: A Study of the Jew Bill of 1753, Cambridge, Massachusetts, 1962). So strong was the tradition we have illustrated that Lady Holland, the wife of a great Whig aristocrat prominent in the struggle for Reform, remarked disapprovingly on Wellington's reaction to the prospect of mob attack on his house: "It is not strange that the Duke of Wellington has boarded with very thick planks all his windows upstairs to Piccadilly and the Park?... The work of darkness began on Coronation Day and is not completed. He says, I hear, that it is to protect his plate glass windows from the mob, who will assail him on the Reform Bill! As it cannot be for thrift, it looks like defiance; and the mob will be irritated when they discover his intentions." (Earl of Ilchester, (ed.), Elizabeth, Lady Holland to Her Son, (London, 1946, p. 118). Emphases in original.
Some had their windows broken and their furniture damaged. The houses of Lord Castlereagh and several others met with the same fate. The constables were insufficient to restore order, and the troops had to be called out.48

The English elite, then, sometimes lived on rather casual terms with popular volatility so long as the latter did not—as for a time the "dangerous classes" and early working class movements seemed to—challenged the fundamentals of the current system. They did not do so willingly, to be sure, but in a kind of symbiosis in which "consideration" was exchanged for "support". Thus, to see everyday, non-revolutionary violence or unruliness solely or even largely as an impediment to the emergence of stable democracy is to blur important distinctions between kinds of popular violence and ways in which it may be integrated into a political system. Popular violence which forms part of an articulate system of demands and responses, in which needs and obligations are reasonably clear to each party, may not be at all necessarily "irrational", "criminal" or "pointless"—to use words often applied to riotous protest in contemporary democracies. Indeed, the English case suggests that—granted the many other conditions that lie outside our present scope—such a system may well conduce to the establishment of stable democracy. For "pre-political" though Hobsbawn rightly calls it, it is one in which the population not only expresses its will but in

48 Halevy, op. cit., p. 118.
which elites have learned to listen. The wide existence of the normative culture of mob and riot in places other than England is enough to show—if the disclaimer needs to be made at all—that the mere existence of normative riot and violence is not a sufficient condition for the emergence of institutionalized democracy. Yet in an age when institutions did not organize, represent and press the claims of ordinary people, and in which the streets were therefore a political arena, it is important to distinguish between kinds of popular violence, rather than consider it wholly as a homogeneous anachronism.

The Demand for Order in Contemporary Democracy

Such a proto-democratic system of violent demand and elite response, however, is confined to unpolicied, hierarchical and pre-industrial society. It is not found

49 It is suggestive to compare Hobsbawm's very perceptive comment on the situation in parts of Europe which did not experience a comparably gradual development of democratic institutions. Speaking of popular riot and enthusiasm in support of the status quo, he remarks: "Legitimate monarchs of institutions may not welcome this. The Emperor Francis I of Austria took a poor view of the revolutionary legitimism of his people, observing correctly: "Now they are patriots for me; but one day they may be patriots against me!" From the point of view of the genuinely conservative institution, the ideal is obedience, not enthusiasm, whatever the nature of the enthusiasm. Not for nothing was 'Ruhe ist die Erste Bürgerpflicht' (Tranquillity is the first duty of the citizen) the slogan of every German princeling." (Primitive Rebels... p. 119).

50 See Hobsbawm, passim.
where business classes, career bureaucrats and professional politicians have replaced former ruling groups; were popular volatility may disrupt tightly woven political and market ecologies; and where the state makes its presence felt ubiquitously in the form of police. In the latter situation, the demand for "law and order" becomes what it was not before—a constitutional imperative stemming from an unprecedentedly pervasive consensus, and personified and enforced by police.

With rising standards of public order has come an increasing intolerance of criminality, violence and riotous protest. Daniel Bell has suggested that a breakdown of spatial barriers between the daily round of urban propertied classes and the criminal or unruly poor has made the former more aware of violence in daily life.51 We may perhaps envisage three stages in such a sequence: one in which the prosperous or respectable lived in unimagineable closeness to crime and the threat of riot or mob; a second in which these groups succeeded in insulating themselves—spatially by regroupment in and outside the centers of cities; organizationally, by the

police; and a third in which penetrations of these barriers evoke a response which, by the standards of earlier years, would be considered exorbitant.

The character of the police as a public bureaucracy may also raise expectations about the level of public peace it is possible to attain. As the instrument of public policy, they are easily seen in terms of a naive social instrumentalism—as technicians applying efficient means that are in principle capable of fully realizing their ends. Have not public bureaucracies eliminated plague, solved the enduring problems of urban sanitation, and prevented gross impurities in purchased foods? Why cannot the police similarly "clean up" crime and control violence? In short, the historic and strategic success

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52 "The beats vary considerably in size; in those parts of the town which are open and inhabited by the wealthier classes, an occasional visit from a policeman is sufficient, and he traverses a wide district. But the limits of the beat are diminished, and of course the frequency of the visits increased, in proportion to the character and the density of the population, the throng and pressure of traffic, and concentration of property, and the intricacy of the streets. ...Nor must it be supposed that this system places the wealthier localities at a disadvantage, for it is an axiom in police that you guard St. James' by watching St. Giles'." ("The Police System of London", Edinburgh Review, July, 1852, p. 5.) St. Giles was one of the most notorious of London's "rookeries".

53 It is more than symbolically significant that Edwin Chadwick (see above, p. 10) was also a prime mover in the reform of urban sanitation. See his report, Sanitary Conditions of the Labouring Population in England, 1842 (London, 1843).
of the police raises expectations, and exposes them to pressures, which envisage the idea of the uniformly peaceful civil society.\textsuperscript{54}

Not only are expectations of public order higher than before, but the area to which these expectations refer has expanded. It has done so not only because of the continuing, though obviously very incomplete, extension of a single moral order throughout the national community--a process which takes territoriality rather than the divisions of class, locality or group as its ideal boundaries. The arena of expectation widens as smaller formations--regions, local communities, states--find it harder to control or influence the moral climate in which they live. The "nationalization" of civil rights, the federal involvement in municipal programs like housing, the erosion of the power of localities to control the content of mass media,\textsuperscript{55}

\textsuperscript{54} See Bell, \textit{op. cit.}, p. 152 on the relationship between better policing and a "higher" crime rate. The artifactual character of this relationship, sometimes hard for contemporaries for whom the police are taken for granted to grasp, was obvious to an observer witnessing the transition to policed society. See "Causes of the Increase of Crime", \textit{Blackwoods Magazine}, July, 1844, p. 5.

\textsuperscript{55} Attempting to account for respectable people's greater awareness of violence in daily life. Bell has also suggested that the emergence of heterogeneous audiences for the mass media, which include groups previously unexposed to violent themes, has heightened awareness of violence even as its occurrence in daily life has declined. (\textit{op. cit.}, pp. 170-174.) Simultaneously, local communities and states are losing their formal and informal powers to control such materials. (See Richard Randall, Some Political Theories in Motion Picture Censorship Decisions: Prior Restraint Reconsidered, Paper delivered at the Midwest Conference of Political Science, Bloomington, Indiana, April, 19\textsuperscript{55}.)
the pressure from judiciaries on informal and quasi-legal police practices—all mean that smaller formations come to see themselves as less able to control or influence their moral destiny. Thinking themselves more vulnerable to incursion from the larger society, they extend moral demands and expectations to a wider environment than in the past was thought relevant to daily life.

These trends mesh with others. The imagery of the "dangerous classes" is being reborn in contemporary America. The nascent demand for a pervasively benign environment arises as the urban poor, disorganized and unemployed—especially the Negro—bears more heavily upon the awareness and daily life of an urban society in which proportionately more people are "respectable" than ever before. Violence, criminality and riot become defined not only as undesirable, but as threatening the very fabric of social life. Police forces come to be seen as they were in the time of their creation—as a sophisticated and convenient form of garrison force against an internal enemy. Lacking a strong tradition of urban violence as a form of articulate protest,

56Here we follow Shils' argument, op. cit., p. 56.

57Obviously, the rural South would require special treatment. See W. J. Cash, The Mind of the South (New York, 1941), passim, and H. C. Brerly, "The Pattern of Violence", in W. T. Couch (ed.), Culture in the South (Chapel Hill, 1934). Our focus, however, is on urban situations. Thus, for example, there is a suggestion in that the few food riots of nineteenth century New York, in 1837 and 1857, were carried out largely by foreign-born, rather than native, poor. See the chapters on these episodes in J. F. Headley, The Great Riots of New York, (New York, 1873).
it is all the easier to define such events as merely criminal. Such definitions work not only on the respectable, but also on the riotous or criminal poor. Like American society as a whole, the American poor lack a traditional past: on neither side of the boundaries of class and race to the conditions for "articulate riot" exist in generous measure. Crime and diffuse violence become not a spillover accompaniment to protest, but its core. Similarly, the propertied and respectable are ill-prepared to react in terms other than a confrontation with uncontained and shapeless criminality.

The rhetoric of current concern with criminality, violence and riot, then, involves a problem of the political language in which these events are experienced and described. The problem is likely to sharpen as the official and public show of restraint, based upon a kind of diagnostic sociology, becomes strained by the pressure of events. It is not to idealize even the optimal "traditional" political society, as in England with its brutalities, squalidness and hardness of soul to point out that it often provided the unorganized poor with a language by which, in the absence of representative institutions or the ability to participate in them, they might articulately address the propertied classes through riot and disorder. And it is not to derogate the American adventure in modernity to suggest that, however richly endowed with representative and responsive institutions, it has not provided such a
language for those in its cities who have long been outside their compass—a language whose grammar is shared by speaker and listener, rioter and pillaged, violent and frightened.