

**Beattie, J.M. *Policing and Punishment in London, 1660–1750: Urban Crime and the Limits of Terror*. Oxford: Oxford University Press, 2001. Pp. xx, 491. Tables, figures, maps, illustrations, bibliography of MS sources, index. \$127.50 (cloth)**

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## Book Reviews

These conflicting visions clashed in the riot. Dismayed by the abrogation of justice demonstrated by vigilante mobs facilitated by local police, militant black Tulsans had begun in the months prior to the riot to form their own defensive brigades to protect potential lynching victims. One of these armed black delegations seeking to protect a black prisoner threatened by the rope and faggot sparked the riot. This final black assertion for justice was simply too much for whites fearful of increasing black militancy and the growing prosperity of Greenwood, Tulsa's black community. They were more than ready to start "Running the Negro out of Tulsa," as the triumphalist caption claimed on one riot photograph. In the end, Greenwood lay in ashes. National Guard troops, aided by hundreds of civilians deputized into the city police force, burned thirty-five blocks to the ground, and killed dozens of black citizens. Using airplanes for surveillance, and perhaps even to bomb the neighborhood, white Tulsans showed that they too had learned some lessons well from the first modern war.

After the riot, city officials continued to be consistent in their desire for a white-dominated order, attempting to rezone the Greenwood area for (white) industrial development until the courts stopped them based on the property rights of Greenwood's property owners, and refusing to compensate the victims (despite acknowledging some culpability) when narrow legal interpretations of the state's responsibility to riot victims allowed them to do so. It is this latter evidence that is the basis of Brophy's case for state reparations to victims of the riot, which he details in his concluding chapter.

Brophy's work is more limited in its chronological scope than Wilder's, and its lack of historiographical context might lead readers to conclude that the age of official oppression is long over. However, his book is extremely effective, both in terms of its narrative structure, his insights about race and the law (particularly as they pertained to the urban South), and his vivid portrait of pre-riot Greenwood's prosperity and vitality. In contrast to Wilder, his story is almost entirely constructed from primary sources, largely the black press and previously unused testimony from civil court records of lawsuits seeking compensation from insurance companies and the city after the riot. While this sometimes means that pertinent insights from other scholars are missing, Brophy compensates for this lapse through his careful use of testimony. Demonstrating his skills as a legal scholar, he presents his evidence fully, weighing it judiciously by pointing out inconsistencies and paradoxes. This is particularly useful in terms of understanding the contentious debates within the black community about the appropriate response to Jim Crow discrimination and his discussion of the ambiguities of the National Guard's fateful decision to disarm Greenwood's residents and to take them into "protective" custody, thus leaving the neighborhood defenseless. Brophy treats every actor in this tale fairly, all the while making an ironclad case that white Tulsa was to blame.

For these reasons, *Reconstructing the Dreamland* is a particularly valuable book for undergraduates, giving them a short, interesting model of the historical method, and providing myriad questions for debate in classes dealing with African-American,

race, or public policy issues. Further, the final chapter, where Brophy makes the case for reparations, brings the story very much into current policy debates, thus showing students history's relevance. Wilder's book would be a natural companion source for faculty wishing to contextualize Brophy's work for their students – to make them understand the broad geographical and chronological scope, and the ever-changing but on-going impact of the "covenant with color."

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John Beattie's new book is a sequel to his influential *Crime and the Courts in England, 1660–1800* (Princeton University Press, 1986). Like the best sequels, *Policing and Punishment* takes the best from its predecessor but goes further and along different tracks; the Godfather Part II of legal history as it were.

*Policing and Punishment* opens with a lengthy introduction on crime in London from Restoration to the appointment of novelist and reformer Henry Fielding as justice of the peace for Westminster in 1748. Here Beattie traces both the changing rates of prosecutions and the popular perception of crime in the City. He concludes with a case study of women as criminals that links the two. The main body of the book comprises two tales around a single theme: the City's involvement in changes to criminal administration. The first tale (and first half of the book) is an analysis of the methods of policing. Though they range more widely, the chapters centre on four groups of men and women: magistrates, constables, the night watch, and thief-takers. The second tale (and half) follows changes in the criminal trial, outcomes, and punishments in three periods: from Restoration to Glorious Revolution; the reigns of William and Mary, and Anne; and the early Hanover regime. In both sections, Beattie compares changes in statutes and regulations with the day-to-day practice in London. His conclusion draws the two tales together with the themes from the introduction in a discussion of the importance of, and limits to, capital punishment.

A key element of the new book is its geographical focus. While Beattie's previous volume compared two counties, one rural and one urban, the new book is dedicated to the "ancient" City of London and its institutions. Beattie contends that the City and its officers were central to shaping much of the legislation and government policy regarding crime and policing in this period. The focus allows Beattie to touch on a number of issues that have resonance beyond the eighteenth century and legal history.

The first half traces changes in policing in the era prior to the development of modern police in idea or practice. Criminal justice and crime prevention in the seventeenth and eighteenth centuries were amalgams of public and private action. For the most

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part, victims of crime were responsible for discovering and prosecuting putative offenders. The state provided courts and defined crimes, but in 1660 did little else to deal with crime. In the years that followed, a number of public-private partnerships, such as thief-takers and expanded street lighting, began to change the experience and expectation of policing. The developments in criminal justice that Beattie describes are core, but also previously unexplored elements of the uncoordinated, halting and ad hoc nature of seventeenth- and eighteenth-century state formation.

The second half of the book describes patterns of punishment and the state's search for effective sanctions that fall between the severity of execution and the leniency of the free pardon or benefit of the clergy. This is the story of the rise of transportation, a central element in the last half of *Crime and the Courts* as well. In the new book, Beattie argues that many of the crime and punishment statutes and policies adopted by Parliament and the Crown were devised by Londoners in response to the specific problems the City faced in controlling crime. For example, Beattie suggests that the replacement of public whipping with transportation for petty larceny was in part at the behest of city shopkeepers disrupted by the crowds attracted to the spectacle of whipping. The penal regime created in this era was still based fundamentally on the terror of the gallows, but supplemented by more certain and less disruptive punishments for those who escaped the hangman.

Throughout the book, Beattie addresses changes in the governance of the city. For example, the failure of hard labour in the first decade of the eighteenth century and the success of transportation after 1718 were the result of a growing willingness by the central government to fund penal regimes desired by City officials. Similarly, the most significant changes in the night watch and street lighting have their origins in changing finance and taxation rules set by Parliament and applied by the City. Beattie describes in great detail the relationship between Parliament and City, and between city-wide governance and ward and precinct local control. As a result, *Policing and Punishment* is an ex-

cellent study of civic politics that merits attention from urban historians otherwise uninterested in legal questions.

As in his previous work, Beattie favours the complexity of detail over the pronouncement of general theory. The discussions of penology prompted by Foucault and David Garland have no place in this book. Nonetheless, at many points he explicitly and implicitly supports the arguments made by labour and legal historians like Douglas Hay, Peter Linebaugh and E.P. Thompson over the critiques of Peter King, John Langbein, and others. For instance, Beattie concludes that criminal trial jurors in the late seventeenth century were taken from the top third of society, "men with a strong interest in both their property and the existing social order." Although accepting King's contention that contemporaries complained of jurors being of "meane ranke," Beattie points out that in London this was aimed at the "minor civil courts" not criminal trials (p. 269, emphasis added). An important point in the historiography of crime, but made at the end of a lengthy footnote.

*Policing and Punishment* is a suitable sequel to *Crime and the Courts*, following it in style, building on the theme of changing penal regimes, and addressing new questions of crime prevention and the early modern city. Beattie's writing is crisp and engaging, expertly blending general trends with exemplary stories. Although written with a narrow geographic and temporal focus, it is a book that could be read profitably by historians and students with little or no background in British history. The themes Beattie develops make this necessary reading for historians of the law and London, and of great value for those more generally concerned with questions of urban governance, public-private interaction, and the early modern state. *Policing and Punishment* is an exceptional book.

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