

## BOOK REVIEW

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**D.G. Barrie and S. Broomhall, *Police Courts in Nineteenth-Century Scotland (2 vols.) Vol.I Magistrates, Media and the Masses; Vol.II Boundaries, Behaviours and Bodies* (Farnham: Ashgate, 2014) ISBN 9781409442455 534pp, £95.00 pb**

Historians have long recognized that the rise of summary justice was central to the nineteenth century transformation of criminal justice. This took the form of the more systematic organization of the lower courts, as well as a huge expansion in the numbers of prosecutions, as the new police forces took an active role in shaping new norms of conduct. This was in part a matter of enabling the more systematic prosecution of crimes such as assault, petty thefts and forms of public disorder, but summary jurisdiction was much broader, including areas of local government such as the regulation of commerce, and of public space and health. The police courts were, accordingly, central to the operation of local government in the nineteenth century.

The broad outlines of this development are well known, and there have been occasional studies which have looked at the treatment of specific crimes or groups of offenders in particular police courts, or at the operation of the courts over short time periods. However, up until now there has been little in the way of any systematic study of the work of the police or summary courts across the full range of their jurisdiction or over an extended period of time. This has now changed with the publication of this massive two volume study of the development and work of the police courts in nineteenth century Scotland. The first volume is an institutional history, looking at the development and practice of the police courts, and their internal workings and caseload. This volume also draws on studies of the press to examine the relationship between the courts, the police and the wider community. The second volume then looks at the work of the courts in particular areas – the boundaries, bodies and behaviours of the title – to examine how certain areas of social life were regulated from interpersonal violence to street commerce and public health and public space. Overall this is linked into an argument, familiar from Barrie's earlier work on the development of the Scottish police, about the role of the courts as institutions of civic government. This theme focuses not only on the role of magistrates and the courts in

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controlling Scotland's rapidly expanding urban population but also the particular conception of civic duty that shaped their understanding and development of their role.

The first volume charts the development of police courts from specific local initiatives in the early part of the century to a more systematic and centrally ordered system of courts after the 1830s. This progress was linked to important changes in the development of, on the one hand, organised policing and, on the other, to the gradual reform of local government. Indeed, the development of police courts sits directly at the intersection of these reforms as their caseload was driven by policing, while the composition and scope of police jurisdiction developed with the reform of local government throughout the nineteenth century, going beyond crime to the urban environment. While the legislative framework was increasingly a matter of national initiative, the system that developed always retained a degree of local autonomy, shaped by and responding to the needs of particular urban centres. Cities and towns were run by urban elites and magistrates and police commissioners who usually came from similar social backgrounds and represented similar interests. They often, but not always, acted from self-interest; but as Broomhall and Barrie demonstrate they were also driven by a strong religious and civic ethos which fuelled a belief that they knew what was best for their community and the people in it.

At the centre of Barrie and Broomhall's analysis, and its distinctive contribution, is an account of the relationship between the police, in its traditional sense, and the construction of the modern city. This is something that emerges particularly strongly in volume 2 which looks at some of the substantive areas regulated by the police courts. This was not only found in the control of violence or crime, but emerges through the detailed account of the wider range of activities which the police were involved in. So, for example, in the chapter on commerce and community, Barrie and Broomhall show how questions of who might trade in which areas of the city related to larger questions about the use of urban space: free passage and acceptable types of commerce, public health and nuisance; the cleanliness and accessibility of the streets and the regulation of buildings and living conditions. Of course, the way that these cases were dealt with reflected the composition of the court and the commercial interests of the magistrates, but Barrie and Broomhall also show how wider motivating beliefs about the public interest and the role of the courts in upholding and developing that interest (and communicating it to the wider public) entered into the decision making process.

Overall these books are a fantastic achievement. They present a sophisticated and nuanced picture of the role of the lower courts and the part they played not only in implementing the nineteenth century revolution in criminal justice but in making the modern city. They balance an attention to detail with an awareness of broader historiographical and theoretical issues. They are a model for future studies in this area.