

Conclusions and the Contentious Question of 'Policing by Consent'

THIS HAS BEEN a detailed study of policing in a relatively small area of Britain made in the belief that such local case-studies throw up important complexities that are necessarily lost in more general accounts. However, the significance of local developments for broader interpretations of the advent and impact of the 'new police' has to be considered. It is time to consider the three broad strands and the over-arching question of policing by consent.

The first strand is essentially institutional, focusing on the key features of the development of the borough and county forces. In both cases the contrast between existing policing arrangements and the 'new' forces that were created (in 1848/9 in Huddersfield and 1856/7 in Upper Agbrigg) was modest, though significant. The new Huddersfield borough force showed clear elements of continuity in personnel, albeit with consolidated and new leadership. This contrasted with both Halifax and Hull, where the introduction of the 'new police' was marked by a clean break with the past, but had more in common with the experiences of Leeds and Sheffield. Given the criticism of pre-1848 policing in Huddersfield (and the perceived superiority of Halifax), this is surprising. However, the newly-appointed Improvement Commissioners thought that improved 'new' policing could be achieved through a significant degree of continuity and experience from the past. A greater and unresolved problem in Huddersfield was the relationship between the Improvement Commissioners, who employed and dismissed all members of the force, and their senior police officers. Members of the Watch Committee (and the Improvement Commission in

general) involved themselves in the detail of day-to-day policing. Although there were differences in approach over the course of the 1850s and 1860s, the political leaders of the town had a clear view of their responsibility and relationship with the police and also of the way in which the force should be organised and run. This led to ongoing conflict with successive police superintendents, all of whom left (with the exception of the first superintendent, who was forced to resign through ill-health soon after his appointment), having clashed with local politicians. Unlike in Hull (and even Halifax and Middlesbrough) local politicians in Huddersfield did not view their police chiefs as professionals and were not willing to give them the space to implement operational matters. This was understandable in light of the inexperience of superintendents Thomas and Beaumont but less so with regard to superintendent Hannan, who had demonstrated his ability in Middlesbrough. For whatever reason, and it was never made explicit, members of the town's Watch Committee thought, firmly and persistently, in terms of masters and servants as far as the police were concerned.

The situation in Upper Agbrigg was different, not least because this was but one division within the larger entity of the WRCC and many key decisions were taken in Wakefield. Unlike the borough force, most of the men who first came to police the division had no previous police experience and even more had no local experience. This was deliberate policy as the chief constable, Colonel Cobbe, firmly believed that policemen should be apart from the communities they served for fear of them 'going native'.¹ In fact, very few county men did so and the same was true for men in the borough force, even though appreciably more of them were born locally. In many villages there was a suspicion of outsiders, especially men from the Lancashire County Constabulary, and lack of local knowledge hampered police action. On the other hand, there were policemen who appeared to be part of their local community without their independence of action being compromised. There was an important element of leadership in Upper Agbrigg and other districts. The new superintendents, almost without exception, had previously been the superintending constables for petty sessional divisions in the county. In Upper Agbrigg, the dominant figure was the indefatigable and experienced Thomas Heaton. His knowledge of the area around Huddersfield, his policing priorities and his training role in the first months and years of the county force locally made

him the most important single figure in local policing. Heaton's experience highlights another significant point: Upper Agbrigg was not unpoliced before 1857. From his appointment in 1848 Heaton effectively created a proto-police force, comprising some parochial and paid constables, and working with other law enforcement agencies, most notably the Woollen and Worsted Inspectorate.

The two 'new' forces both faced unsurprising problems of retention and, to a lesser extent, recruitment. Applications for the borough force were good (in quantitative terms, at least) but there is evidence that in the mid-1860s the county force faced recruitment problems. Retention was a major problem and in this regard Huddersfield fared worse than other local towns and cities. On several occasions the Improvement Commissioners adopted a lenient policy towards ill-disciplined policemen but with mixed results. The sources are less complete for the WRCC but it remains clear that many recruits lacked the necessary discipline to become constables, succumbing to the temptation to snatch a nap or a drink while on duty. The policy of recruiting married men to bring about a greater degree of stability in the force had a limited impact. The situation was further complicated by the policy of transferring men between divisions either as punishment or reward. The persistence of these problems casts doubt on the ability of these forces to achieve the 'constant surveillance' of working-class life as argued by an earlier generation of revisionist historians, influenced by Robert Storch.² Despite these problems, in both forces a core of longer-serving, more experienced men emerged, which brought a degree of stability that had not been experienced in the earliest years. There were several positives that flowed from this. These men had a greater degree of local knowledge and they had developed some understanding of how best to police the local communities. Selective enforcement of the law was central to police success. Rigid enforcement of a range of laws that impinged most heavily on working-class life would have overwhelmed the courts but, more importantly, would have alienated the communities whose support, however qualified, was essential to the success of the police. Further, in the absence of meaningful formal induction for new recruits, these men were able to train up new recruits who learnt on the job. However, there was also a downside. The arduous nature of routine policing meant that the job took a physical (and psychological) toll which reduced the effectiveness of older men. The trade-off between experience

and effectiveness, impossible to measure with any precision, was nonetheless real.

Finally, in institutional terms, the relationship between the borough and county forces was, at best, uneasy. Huddersfield's political leaders were jealous of their powers and position and resented any encroachment from central government or the WRCC. Cobbe's openly-expressed desire to see the town force incorporated into the county police was hardly a recipe for cordial relations, and so it proved. The Huddersfield force was not small by mid-nineteenth century standards and there were stronger grounds for maintaining its independence. Its force of over thirty men compared favourably with the five-man strong Doncaster police formed in 1837, or the two-man Ripon force, formed in 1848 but incorporated into the WRCC in 1887. Indeed, as towns grew the WRCC lost control of Dewsbury (in 1863 when a nine-man force was created) and later Barnsley. The incorporation and enlargement of Huddersfield in 1868 also created some friction. Thus, at times quite petty incidents provoked a flurry of angry letters between the aggrieved parties, which did little for harmony and cooperation. Such political pride and posturing, however, was partly undercut by practicalities. Criminals, petty or serious, did not attach great significance to the boundary between town and county forces, except insofar as moving from one jurisdiction into another *increased* their likelihood of evading the law. This was not lost on the local police and throughout the 1850s and 1860s there were examples of informal cooperation between officers and, in 1865, formal cooperation during the election of that year proved highly successful.

The second strand is concerned with the social history of the police. The problems of adopting a 'bottom-up' approach have been well-documented by Klein in her study of city forces in the early twentieth century and there is no English equivalent to Wilson's study of the policing of nineteenth-century Melbourne.³ Despite the limitations of the local primary sources, certain observations about the ordinary working-life of the police can be made. Perhaps the most obvious starting point is the *inappropriateness* of policing for many of the men recruited in the 1850s and 1860s. Whether it was the excessive demands of the job that led to dismissal, or better opportunities elsewhere, which led to resignation, large numbers of men simply did not last beyond a few months and in some cases weeks or days. For those that remained there was the

security of regular employment/wages throughout the year and the possibility of some pension, albeit discretionary, for many mid-century policemen. There were periodic requests for pay increases but there was nothing to compare with the 1853 pay strike by the Hull police, which led to the dismissal of six men and the enforced resignation of a further forty officers.⁴ In addition, there was that sense of belonging and self-worth that developed as police forces matured and policing itself was no longer seen as a stop-gap form of employment but rather as an occupation in its own right. The point must not be overstated: in part, because the evidence is scant, often indirect or inferential, in part because even in the late-1860s recruits with previous police experience still identified themselves in terms of earlier trades and occupations.

Much play has been made – not least by senior police figures – of the promotional opportunities held out to the ordinary constable and there were examples of men who had risen through the ranks to the very top, at least in a few boroughs. The realities in Huddersfield and Upper Agbrigg were less rosy. The opportunities for a single promotion, let alone a second, were limited, especially in the borough force. As a consequence, a large percentage of career policemen did not escape the drudgery and tedium of beat work and even those who did gain promotion had to spend time (often several years) on the beat. The unspectacular realities of routine policing, therefore, are central to an understanding of the experience of mid-Victorian policing. It is difficult to capture effectively the numbing effects – both physical and mental – of night-time patrolling, particularly in the winter months, with little happening on the beat. In addition, there were more occasional dangers associated with vicious dogs, runaway horses and belligerent members of the public, some drunk, some sober. It is clear, not least from the physical record, that long years on patrol led to a range of problems from flat feet and arthritis to recurrent colds and even pneumonia. Fuller records from other forces give a better picture than the local records. In Hull, the police surgeon, Dr Henry Munro, kept very detailed records for two years, 1857/8 and 1858/9 from which he concluded that ‘for each Policeman in the Force, according to his age, I find that the sickness experienced by the Police Force is double the amount of that experienced by operatives living in large towns’.⁵ Only 15 per cent of the force was unaffected by accident or illness, of one form or another, in these years. The number of days per year lost

amounted to just over three weeks per man for the force as a whole. If the figure is recalculated to include only those who were injured or ill, it rises from three to four weeks. The reasons for time off work are illuminating. Only 13 per cent of days lost were due to injuries or wounds, almost the same figure for time lost to diarrhoea and just less than that for rheumatism. 28 per cent of days lost were due to colds and coughs and 33 per cent to fever.⁶ Huddersfield was not the same as Hull but it is unlikely that the local experience differed significantly from the pattern seen in Hull.

The physical harshness of policing is well-known, but less attention has been given to the psychological pressures. There are a number of interrelated points to be made. First, there was the uncertainty of the job, which was particularly acute for new recruits, to all intents and purposes untrained, and expected (and expecting) to learn by experience 'on the job'. Even for the more experienced men, there was always the possibility, even on the quietest of nights, that they might be called to a fire or to a drunken brawl. Closely related to this was the problematic issue of discretion. Contrary to Steedman's emphasis on the importance of police obedience, policemen in and around Huddersfield appeared to have made judgements on a regular basis. Often in a heated situation and with little time for reflection, but always with the knowledge that a misjudgement could make a bad situation worse and result in threats to life and limb for the individual constable and any colleague he might have with him.⁷

This in turn was linked to the more general question of the relationship of the police (and their families) with the public – being in a community but not of that community. This was particularly true of the county constable, who could easily find himself the only constable in a small village, such as Farnley Tyas, and his nearest fellow-officer two or three miles away, in this instance in Honley or Berry Brow. Even in that idealised rural setting of Candleford Green, 'nobody seemed to like [the local bobby] ... despite being 'a kindly good-tempered man ... and he and his wife led a somewhat isolated life, in the village but not entirely of the village'.⁸ To make matters worse, according to Flora Thompson, even law-abiding people with 'no reason for fearing the police [viewed] the village constable as a potential enemy, set to spy upon them by the authorities'.⁹ Matters were probably worse in Kirkburton or Kirkheaton and Marsden and Meltham. One should not overlook the public demonstrations of respect for a small number of long-serving officers and it is

also clear that some men were able to make some links with their local community, via the annual flower and vegetable show or the local bowls club, but this was not easy when men were routinely transferred from place to place, not least to stop them 'going native'. Such difficulties for policemen were considerable, but for their families they could be worse. It is impossible to estimate the intra-family tensions created by repeated moves, continuing semi-isolation and community suspicion, if not outright dislike, but they constituted a real problem.

Finally, there were the psychological pressures of the job itself. Policemen were called upon to drag drowned men and women from local canals; to cut down the unfortunates who hanged (or tried to hang) themselves in cellars and barns; to tend to pedestrians, often young children, who had been run down and mangled by 'furious' drivers; to attempt to rescue people from fires or to deal with dead children who had fallen into the domestic hearth; to sort out the emaciated, penniless beggars, the rough-sleepers at Aspley kilns and the abandoned children begging at the roadside. The list could be extended with ease – what impact did the discovery of the Shelley lunatic, in his contorted position, tied to a squalid bed in an equally squalid room, have on the men sent to the scene? – but the point hardly needs reinforcing. It is easy to assume that the greater frequency of death, accident and illness meant that Victorians were hardened to suffering. There is an element of truth in this but it is also a comforting myth, perpetrated at the time and repeated later. Working-class sensibilities are poorly recorded but there is clear evidence that working-class men and women were as much grief-stricken by the death of a child (especially if in an accident) or shocked by the poverty and desperation of those on the fringes of society as any sensitive and refined middle-class observer, then or now. Grief, sorrow and suffering were burdens hard to bear, irrespective of class. For the constable facing such incidents as an inescapable part of his job, there was an emotional/psychological price to pay. 'Burn out' is not exclusively a twenty-first century social problem, though it may be better recorded and better understood now than in the mid-nineteenth century.

The third strand is concerned with the social history of Huddersfield and its surrounding district through the prism of policing. By the nature of the perspective adopted this gives a partial picture of local society. It excludes much that is important, not

least the growing prosperity of the local economy and the material and cultural benefits that this brought, particularly to the middle-classes of the town but also to sections of working-class society. The expansion and development of retailing was indicative of an emerging mass market for foodstuffs and, to a lesser extent in the mid-nineteenth century, for clothing and footwear. Similarly, the opening of singing-saloons and music-halls and the expansion of commercialised sport was further evidence of growing effective demand that included many working-class men and, to a lesser extent, women. However, such developments, which figure large in the social histories of the period, are themselves only part of the picture. It is a picture of progress, albeit marginal and halting for many, of winners in a world that was becoming somewhat less harsh and insecure. There was, however, another picture of the less fortunate in society – the unskilled, the sick and disabled, the unfortunate, thrown from relative prosperity to penury due to a slump in trade, the accident of illness or injury, or other factors well beyond their control. These were the people who struggled to make a living in a society with limited welfare provision beyond a harsh and unpopular poor law, and charity often as cold as it was uncaring. This was the world of the makeshift economy in which men and, especially, women struggled to survive, devising strategies to keep themselves and their families alive, fed and clothed. This was the pick-and-mix world of casual and irregular employment, begging, occasional recourse to the workhouse or a local charity, involvement in (largely petty) criminal behaviour and, in some cases prostitution and, in the most desperate of circumstances, suicide. The marginalized, the misfortunate, the non-beneficiaries of mid-Victorian progress – these were the people most likely to come into contact with the local bobby and the local magistrates' court. Their evidence casts light on the grim underbelly of mid-Victorian society, even in a relatively thriving town and district like Huddersfield. Respectable and caring members of society in the town were genuinely concerned (as well as feeling threatened) by the squalor and immorality they saw before them and they tried to alleviate these problems. However, there was much that they scarcely saw, even though it was there before their eyes. There was a growing concern with 'wife-beating' as definitions of masculinity changed but little was said about the equally (if not more) pervasive male-on-male violence. It was as if such behaviour was only to be expected

given the nature of the 'rough' elements of working-class society. Self-harm was seen but often rationalised in terms of the accident of illness or personal misfortune that rendered the victim of 'unsound mind' at the time he or she killed themselves. There was little awareness (and less willingness to address) structural problems in the economic and social organization of society at the time, which provide a deeper understanding of events which would otherwise be no more than individual tragedies. Similarly, abject poverty was seen but all too often explained away in terms of feckless outsiders (especially from Ireland or Lancashire), bogus alms-seekers or ill-disciplined, work-shy skivers. Mid-Victorian policemen shared the preconceptions and prejudices of their fellows but their work brought them into contact with sections of society that were all too often marginalized and ignored; and such experience could bring a different, more sympathetic perspective. The reporting of these cases was also flawed. Caricatures of Irish men and women were commonplace and cheap witticisms were made at the expense of often inarticulate individuals but the very details of the cases in the magistrates' courts, week on week, bear testimony, albeit unwittingly, to the harsh realities of mid-Victorian life for many working-class men and women.

In addition to these three themes there is an overarching concern about the nature of the policed society that was emerging in these years. Put simply, could it be described as 'policing by consent'? The term, 'policing by consent', has been and continues to be widely used as if it reflects a fundamental and unproblematic reality that demonstrates the unique nature of British policing.¹⁰ Few historians or social scientists have attempted to provide a rigorous definition.¹¹ For many Victorian politicians, as well as senior police figures, 'policing by consent' was a powerful but self-serving argument. Implicitly, it carried the connotations of a Lockean 'social compact' whereby people voluntarily gave up some of their individual rights and powers in the interest of a greater, societal good.¹² It conveniently glossed over the fact that the new police were imposed from above, via a variety of parliamentary acts, upon a populace that had no direct say in their formulation. It conjured up a more comforting picture of the police, a protective line of blue, ensuring that the law-abiding majority, irrespective of class, gender or ethnicity, did not fall foul of the threat posed by a law-breaking minority. Such has been the power of the concept that in certain important quarters

it is still treated as being straightforward and reassuring. *Blackstone's Student Police Officer Handbook*, for example, treats the term as largely unproblematic, describing it as 'the active cooperation and tolerance of a majority of the populace'.¹³ Others, such as Tim Newburn, see it as a problem in the present but persist in the belief that it was fundamentally different fifty years ago.¹⁴ Such views have not gone unchallenged. Reiner and Wilson have referred to the myth of policing by consent, while Crowther and Campling draw attention to 'the popular misconception in police history that the police have won the consent of the entire population' – a sentiment expressed by an earlier generation of radical criminologists, not least Scraton, who spoke of the 'controversial tradition of the police'.¹⁵ Police historians have discussed key issues, such as the inter-action between police and public, including the contentious issue of police brutality, but there is no sustained examination of policing by consent, including such critical considerations as the nature of police legitimacy or the use of minimal force.¹⁶ Indeed, it is the distinguished criminologist, Robert Reiner, influenced by the American historian Wilbur Miller, who has provided the most thorough analysis of the rise and fall of police legitimacy in Britain since the early nineteenth century.¹⁷

Reiner rejects naïve maximalist positions – consent will never be total – but argues that policing by consent is an ideal to aspire to but in the knowledge that it is unattainable. The most that can be achieved – and Reiner believes this had been achieved by the 1950s – is 'the wholehearted approval of the majority of the population who do not experience the coercive exercise of police powers to any significant extent, and *de facto* acceptance of the legitimacy of the institution by those that do'.¹⁸ There are a number of general points that need to be made, not least the recognition that police powers could be and were used coercively. The first set of observations focus on the key concept of legitimacy. There is a growing body of contemporary evidence that suggests strongly that compliance with the law owes more to the perceived legitimacy of an institution, such as the police, than to instrumental calculations based on the deterrent effect of the law.¹⁹ Legitimacy, in turn, derives from the 'public belief that institutions have the right to exist, the right to undertake the functions assigned to them, and the right to dictate appropriate behaviour'.²⁰ Building on Tyler's procedural justice model, the 'most powerful factors' in establishing and maintaining police legitimacy are the ways in which the police use their authority

in myriad interactions with members of the public.²¹ Further, as Jackson *et al.*, argue ‘conferring legitimacy on an institution, such as the police, is an ‘act based on the expression of shared values: a sense of moral alignment’.²² Valuable as such insights are, it is important not to lose sight of the complexities and contradictions that might be subsumed under these broad observations. The functions assigned to the police, then and now, are varied and not seen as equally legitimate; similarly, ‘appropriate behaviour’ raises thorny questions of what constitutes ‘appropriate’ behaviour and who determines that it is so; and, finally, the notion of ‘shared values’ should not obscure the reality of alternative values, also seen to be legitimate.

The second set of observations relate to the policed. Overwhelmingly, though not exclusively working-class, the policed comprised a heterogeneous group in mid-Victorian England. The commonly-made distinction between ‘rough’ and ‘respectable’ is at best a convenient shorthand. In reality, the line between the two was often blurred and, more importantly, a ‘respectable’ figure in one aspect of life could become ‘rough’ in another.²³ The experience of women differed from that of men; likewise, of the Irish from the English. Further, such was the range of police activities that an individual’s experience of the police could vary widely.²⁴ Finally, Reiner’s reference to ‘*de facto* acceptance’ should be emphasized. Even in the early years of the new police, there was a strong sense of pragmatism in the popular response. The police were no more likely to disappear or be forcibly removed from the landscape than were the mills of the West Riding. However, there was also an important degree of pragmatism on the part of the police. The law – or more accurately, the panoply of laws and by-laws – was not enforced to the full. In part, this was a reflection of practicalities. In Upper Agbrigg, and even in Huddersfield, police resources were simply insufficient to proceed against every law-breaking beerhouse keeper, beggar or drunk; and even if the police had had the necessary resources to do so, the court system would have been swamped and brought to a grinding halt. More importantly, such a ‘maximalist’ stance would have alienated a wide swathe of the population and thereby made an already difficult challenge – developing an effective working relationship with the largely working-class population at large – all but impossible. There were principled reasons for police discretion but also powerful practical ones. Heavily outnumbered in town and countryside, the police needed to neutralise potential opposition as

much as they needed to win positive support. Discretion was crucial in a number of important ways. The police needed to know when to turn a blind eye to an infringement of the law; to know when to give a second chance via a friendly ‘move on’ or even to help a drunk home; to know which groups, such as travellers, or locally unpopular individual men or women could be ‘targeted’ without alienating the wider community; even to know when simply to look for costs, rather than the full penalty of the law, when a case came to court. Contrary to the claims that have been about the limited scope for individual action in rural forces, the evidence of constabulary action (or inaction) from Upper Agbrigg demonstrates that, even in the same village, there was often considerable variation in the assiduousness of individual constables, which, in turn strongly suggests that decisions about the implementation of the law were being made at this level.²⁵ However, there was a balance to be struck. Too much policing could undermine legitimacy in the eyes of the policed, but too little policing could equally undermine credibility.

In light of Reiner’s definition of policing by consent, there would appear to be widespread support for the police from the local authorities (magistrates and Watch Committee members) and from the largely unpoliced middle (and upper) classes. There was criticism – at various times of police violence, of police ineffectiveness, of the cost of policing and even the appropriate size of the force – but no challenge to the legitimacy of the police.²⁶ The evidence of popular responses to the police in Huddersfield and Upper Agbrigg – incomplete though it is in a number of important respects – does not point to simple conclusions. In Huddersfield the transition from old to new police was characterised as much by continuity as change and was not accompanied by an upsurge of hostility in the town. Further, there was a clear recognition by the police of acting appropriately to gain and retain the support of the public. However, police/public relations could (and did) fluctuate over the course of time. There was no simple linear pattern of improvement. Indeed, the most sustained and aggressive outburst of anti-police behaviour came in the mid- and late-1860s in the form of the Irish Small Gang. Their hostility towards the police was proclaimed in words and deeds, but determining the significance of their actions is less clear cut. The leading figures, the M’Cabses, were driven by a very real sense of injustice that went back to the mishandling of the 1847 Mirfield murders case and its aftermath. The gang itself was

not widely popular in all working-class districts of Huddersfield, not least because of the 'turf wars' it fought. Indeed, such was their unpopularity that, on occasion, members of the public went to the assistance of the police who were attempting to arrest members of the gang. The particular circumstances surrounding the Irish Small Gang, however, should not obscure the fact that relations between the police and the town's Irish communities were characterised by recurrent outbreaks of violence, some individual, others communal. The ferocity of some of the verbal abuse hurled at the police indicates a depth of dislike verging on hatred. Similarly, the physical violence inflicted on the police, as well as asserting the strength of opposition, often involved very visible humiliation. Many of the incidents took place in yards, which were contested areas – public to the police but private to the inhabitants – and were associated with familial events (weddings and wakes). This suggests that there was a very real popular sense of the limits of policing, which justified resisting the police to protect geographical spaces and activities that were not seen as legitimate areas for police involvement. Other disturbances, however, took place in indisputably public spaces and there is something problematic about these incidents. Heavily outnumbered constables were able to make arrests and (in many cases) resist rescue attempts and bring their prisoners to the police station. There was something ritualistic or carnivalesque about such disturbances that involved the pragmatic recognition of the existence (and continuing existence) of the police as well as a statement that excessive behaviour would not be tolerated, but little to suggest a fundamental rejection of the police, or even of their role in arresting drunk and disorderly individuals. Less dramatically, police officers lived in and around the Irish-dominated districts of Castlegate and Upperhead Row but did not see their houses attacked, nor were they driven out. In the one occasion that PC Wilson had his windows smashed his assailant, Mary Curtis, did so to be sent to Wakefield House of Correction, not because she hated the police.

Such complex responses were to be found elsewhere. There were beerhouse keepers across the town who were part of a wider illegal, 'black' economy as well as being repeated offenders against the licensing laws, and yet even these men and women made use of the police and the courts when they felt it appropriate. Constables were called in to clear out obstreperous drunks or to arrest petty thieves. There was an element of calculative accommodation that

extended to pawnbrokers and general dealers who cooperated with the police on some occasions while still operating semi-legal, even illegal, transactions. Almost certainly, not all incidences of the pawning of stolen goods were reported to the police, though the actual percentage is impossible to determine. More generally, working-class men and women also made use of the local criminal justice system which indicates not simply a recognition of the *de facto* existence of the police in particular, but an awareness that there was a legitimate role for the law (and its enforcement agencies) in the everyday lives of ordinary men and women. Victims of thefts and also victims of washing-line quarrels called the police to their assistance and looked to the local magistrates for redress. Across the socio-economic spectrum certain actions were seen as simply 'wrong' and enforcing the law 'the right thing to do'. Calculative accommodation also extended to the police who, for reasons already given, were selective in their enforcement of the law. Such an interpretation raises other questions, not least relating to the oft-quoted working-class suspicion of the outsider in general and authority figures in particular.²⁷ It seems self-evident that the policeman was an outsider, literally set apart by his uniform but, in towns at least, the situation was more complex. Routine policing brought regular contact with various members of the public. The concerns of senior police officers that constables gossiped and fraternised inappropriately bears witness to the extent of interaction that took place. Further, it is by no means clear that the majority of policemen renounced their working-class backgrounds.²⁸ There was a greater degree of sympathy with working-class values and activities among many ordinary policemen. Indeed, it could be argued that 'moral alignment' between police and public in the mid-nineteenth century manifested itself in a belief that certain actions were not unequivocally illegal or that certain laws were biased and unjust. Further, though the evidence is scanty, the Huddersfield police, for the most part, acted with a sufficient degree of fairness and respect to avoid the troubles that befell their counterparts in Honley and Holmfirth in 1862. The argument must not be pushed too far. The fact that police chiefs had to warn repeatedly of the need to behave properly at all times is indicative of an ongoing and unresolved problem of police/public relations. Further, there is clear evidence of an unwillingness to cooperate with the police that sits uncomfortably with later perceptions of policing by consent.

In cases from the early 1850s to the late 1860s witnesses perjured themselves, while informers were hissed and booed; and in incidents similarly spread across the two decades, members of the public were unwilling to come forward to give evidence, let alone assist the police in the streets, in all but a handful of cases.

The situation in Upper Agbrigg was different in a number of important ways. The advent of the new police was more dramatic than in Huddersfield, even though the district was not unpoliced before 1857, and the employment of non-local men made them more 'outsiders' than their urban counterparts, while their relative isolation limited the opportunities for fraternisation.²⁹ Contrary to earlier interpretations the initial response to the county police was more patchy and less hostile in Upper Agbrigg, at least. There is virtually no evidence of any broad-based desire to drive out the new policemen. That said, in some villages (Golcar, for example) there were determined campaigns to annoy the police and in others (notably Jackson Bridge) attacks on the police led to a number of resignations. Nonetheless, in the first five years of its existence, the WRCC in Upper Agbrigg, taken as a whole, developed a working relationship with the local communities, albeit in a tentative manner and with no guarantee of longer-term success. 1862 was a critical year. The incidents in Honley and Holmfirth demonstrated, in dramatic fashion, that without broad-based popular support, policing could become all but impossible. They also revealed the persistence of arguments regarding freedom and liberty that had been aired earlier in the century – and which historians have suggested had been abandoned by the mid-1850s. The breadth of support in both villages – as evidenced by financial contributions to the defence fund in Honley and attendance at the open-air protest meeting in Holmfirth – is important to note, though one must be cautious about the extent of shared attitudes and values. In both villages unpopular policemen, exercising their authority in an excessive and officious manner, provoked a strong reaction. Whatever prior calculative assumptions had been made, there was widespread feeling that the police had not acted fairly or with respect. The trial of the Honley rioters revealed considerable anger not simply at individual policemen but at the police as a whole, though some of this owed more to the rhetoric of 'Mr Roberts of Manchester' than to the testimony of witnesses. However, there was no suggestion that the WRCC should be disbanded or the district be unpoliced.

Indeed, in the letter sent to chief constable Cobbe in the aftermath of the Honley riot trial, the emphasis was on the desirability of a policed society but the need for appropriate policing. Similarly, the memorialists of Holmfirth stressed that they were not opposed to the police *per se* – indeed, they felt this was an unjust accusation that had been levelled against them – but strongly objected to the unfair and disrespectful way in which local policemen had acted. In both instances the solution was seen to be the removal of inappropriate policemen and an insistence on appropriate behaviour by their replacements. In other words, the men and women of Honley and Holmfirth were effectively removing their consent from the local police, denying the right of *individual* policemen to be there and challenging their right to enforce certain laws in a petty-minded and mean-spirited manner. Their challenge was to specific officers and their particular enforcement of specific laws. In so far as ‘policing by consent’ implied a contract between police and policed, whereby the policed obeyed the law in return for its proper enforcement, the contract had been broken and consent withdrawn. However, action was taken, most notably the transfer of the highly unpopular PC Antrobus, and a working relationship re-established in both villages, albeit one which witnessed reduced police action. The events of 1862 clearly demonstrate the limitations of police power and the extent to which they were constrained by the policed. The events after 1862, however, demonstrate that a viable working relationship could be (re-) established. If there is meaning to the term ‘policing by consent’ in this, the first generation of new policing, this is where it is to be found.

The spectacular nature of the events of 1862 command attention but they need to be placed in context. The drama was confined to two villages in one year. It would be naïve to suggest that similar tensions did not exist elsewhere in the period under review. They most certainly did but they were contained. As in Huddersfield, the local police provided a range of services that were viewed positively. Prosecutions for theft and arrests of vagrants from outside were generally well received; welfare activities made them a more valued and accepted part of the community; and some men were able to integrate themselves into local society without ‘going native’ in a way that worried their superiors. Nonetheless, certain tensions remained unresolved. Enforcement of the licensing laws could be counterproductive and it is no coincidence that even Heaton

adopted a less confrontational role, insisting upon prosecution to show that the law was being upheld but pressing for costs only, especially where there were mitigating circumstances. Similarly, intervention in popular leisure activities – old and new – was problematic. To some extent changes in attitude towards violence and cruel sports worked in favour of the police, but there were still numbers of people who resented the encroachment of the police on their favoured and time-honoured pastimes. Here there was no moral alignment but there was an element of calculative accommodation. On several occasions, Heaton and his men were able to break up various fights and arrest and bring to trial the principal offenders. The police were able to argue that they were upholding the law, the main protagonists saw the occasional fine as the price to pay for their sport, and the bulk of spectators escaped scot-free. Again, the argument must not be pushed too far. As the Huddersfield police failed to eradicate the beerhouse-brothels found across the town, so the county police were unable to stamp out cockfighting, dogfighting and prize fighting. There were common problems of witnesses unwilling to come forward in the first place as well as being unreliable, if not outright dishonest, later. If widespread and active cooperation with the police is seen as a key component of policing by consent, it was conspicuous by its absence in this part of the West Riding in the mid-nineteenth century.

In view of the difficulty of finding a realistic definition of the term and of the complex, even contradictory, nature of police/public relations at this time, there is a strong case for abandoning the use of the notion of policing by consent. However, such is its ubiquity and seductive (if superficial) attractiveness, that this cannot be done. What, then, did policing by consent mean in the context of the first generation of new policing in Huddersfield and Upper Agbrigg? There is no simple answer, not least because of the limitations of surviving primary source material, but a number of ‘factual’ observations can be made from this study. First, in certain quarters, there was a suspicion of the new police – most notable of the county force – that drew on an earlier radical critique and which expressed itself most dramatically in 1862. However, it is less clear that this was this was the only, or even predominant, popular sentiment, particularly in that part of Huddersfield that fell under the 1848 Improvement Act. Second, there were ongoing incidences of verbal and physical violence towards the police in

town and country, though mass protests were limited to the villages of Honley and Holmfirth in 1862. Much of this antagonism grew out of police interventions in a range of popular recreational activities, ranging from carousing to cockfights. Third, there was a degree of involvement, even cooperation, with the police and the courts. Working-class men and women called upon the police in a variety of circumstances – as victims of theft or assault – and, in cases impossible to number, provided information to assist the police. However, there were very real limits to this cooperation. On occasion the police bemoaned the fact that no witnesses were forthcoming from a large crowd that had witnessed a crime, or if they did so, gave false evidence in court. The significance of these facts, however, is more problematic. Should the Honley riot be seen as the tip of the iceberg of popular hostility or a one-off event? Were assaults on the police, particularly in the context of popular recreation, a response to insensitive policing or a more fundamental rejection of the police as an institution? Indeed, is there a clear-cut polarity: conflict or consent? The argument advanced here is that police/public relations were complex (even contradictory) and were shaped as much by pragmatism as by ideology on the part of the police and those they policed. There was, or so it appears, an acceptance of the permanence of the new police, on the one hand, but also an acceptance of the strength of popular feeling regarding a range of activities that extended beyond popular recreation, on the other. While the police could and did constrain the actions of the public, the policed could and did constrain the police. Both police and policed needed to find a *modus vivendi* but the process was very much one of trial and error, particularly on the part of the police. The critical issues were the extent of the police's legitimate role – which activities, and which areas, should be subject to police intervention? – and also the manner in which they carried out their duties. There were contested activities and contested sites but also areas of common ground. Put in somewhat simplistic terms, there was broad acceptance of the police's crime-fighting role and approval of a range of welfare functions carried out by the police, but there were important differences of opinion of the more 'domestic missionary' role of the police. Moreover, these differences of opinion were not simply between police and policed but also within these two broad groups. Cockfighting, for example, was not universally popular among the working classes; anti-gambling laws were not universally

supported by ordinary policemen. As neo-revisionists, such as Churchill, acknowledge, 'antagonistic encounters ... coexisted with more moderate views'.³⁰ More contentious, is the claim that 'insults, abuse and violence' constituted a rejection of police legitimacy.³¹ The evidence from Huddersfield and Upper Agbrigg gives, at best, partial support to this argument. Certain communities – in which mining was generally the major occupation – and certain sections of working-class society may well have rejected the legitimacy of the police but even they accepted the *de facto* existence of the police, even to the extent of using them as a resource at times. Undoubtedly, for some working-class men anti-police violence (verbal or physical) was a means of asserting a threatened masculinity, but there is also a very real sense in which many of the confrontations were effectively ritualised in a manner reminiscent of later confrontations between police and strikers during the period of 'push and shove' picketing. There was also an element of winning by appearing to lose, again on both sides. Large numbers of cockfighters fled the scene at the appearance of three or four policemen but regrouped to fight another day; policemen failed to make mass arrests among those attending such fights but apprehended the principal offenders, thereby demonstrating that the law was being upheld. Overall, the period witnessed a process of calculative accommodation but this did not take place in a value-free context. The myriad contacts between police and policed were mediated through a complex set of popular values. The events of 1862, exceptional in their scale, nonetheless provide a clear insight into this process and the accompanying mentalities. In both Honley and Holmfirth, overzealous and officious constables, enforcing the law in a manner that was seen as unfair, petty-minded and lacking in respect, aroused considerable opposition across a wide swathe of local society, which was given form in a language of radicalism, emphasising the threat to time-honoured individual liberties. Policing *per se* was not rejected – to the contrary – but the local communities made clear the acceptable limits of policing. The removal of unpopular individual policemen and a rowing back of certain police activities resolved the conflict and resulted in an acceptable and peaceable relationship. To that extent policing by consent also meant consent gained through non-policing. Anti-police sentiment did not disappear, no more did concerns for liberties; consent was often given begrudgingly and conditionally, and in some quarters not given at all. Furthermore,

the relationship between police and public changed significantly in subsequent decades, as Klein's work on the twentieth century demonstrates. Nonetheless, in this part of the West Riding at least, the first generation of new policing was characterised not simply by suspicion and conflict but also by a degree of cooperation that went beyond simple self-interested calculation. Thus, realistically defined and subject to the important qualifications detailed above, there was a meaningful sense in which policing by consent existed. Police/public relations were never as positive and broadly-based as Victorian police chiefs and 'Whiggish' police historians argued but neither were they as confrontational and conflict-ridden as some revisionist historians have claimed.

But behind this general conclusion – important though it is for our general understanding of the development of Victorian policing – were thousands of interactions, most unrecorded, between the small minority who donned police uniform in Huddersfield and Upper Agbrigg and the majority who, to a greater or lesser extent, conformed with the law. However, in a diverse population there were many whose attitude towards the law (or at least certain specific laws) and those who enforced it was often ambivalent. The police operated in a broad context characterised by socio-economic inequalities and gender and racial assumptions as well as the class orientation of the law itself and the workings of the courts. Thus, to a degree beyond their control, their actions were constrained but much depended upon the actions or inactions of a variety of policemen who displayed varying degrees of commitment, ability and experience. As these pages have demonstrated, there were certain men who stand out as crucial figures in the evolution of local policing, most notably the long-serving William Townsend, whose career started as a parochial constable and finished with him a venerable inspector, the stalwart of the borough force, and Thomas Heaton, who, as superintending constable and later as superintendent of the Upper Agbrigg division of the WRCC, was the most influential single figure in local county policing. But more important than these high-profile individuals were the less well-known figures, glimpsed in the minutes of the Watch Committee or in pages of the local press. Many did not stay in the force long enough to have a major individual impact, but collectively their misdemeanours or lack of commitment are unlikely to have had a positive effect. Others stayed longer but had a negative impact on police/public relations – none more so than PC

Antrobus in Honley, Sergeant Briers and PCs Hancock and Strange in Holmfirth, and Sergeant Caygill and PC Manuel in Lindley. Other longer-serving men such as PCs Boler, Hirst and Wardle were the work-horses of the ‘new police’. All faced popular hostility at one time or another during their careers but their approach to policing was often minimalist. They arrested a sufficient number of furious drivers, vagrants and gamblers to satisfy their superiors but did not adopt a proactive stance. Wardle (and he was not alone) became an accepted part of the local community – living in it, if not wholly part of it. Yet others, such as Sergeant Mellor, were more proactive but managed to live in Dock Street, just off troublesome Castlegate, among the very people he arrested for disorderly behaviour in its many forms. Abraham Sedgwick, as a member of both the borough force and the WRCC, was a similar, though more divisive figure – at times antagonistic to his superiors as well as to the public at large. Detective Nathaniel Partridge was a more contradictory figure, a successful ‘thief-taker’ but also a man prone to gambling, which brought him into compromising situations with local landlords. And then there were men like PC Grant, who succeeded Antrobus in Honley and re-established good relations in the village, or Sergeants Corden and Greenwood who were active officers but capable of winning local respect. The careers of these men – and others like them – are of central importance in the wider story. Their varying interactions with members of the public created the dynamic in and from which one of the more significant developments of the nineteenth century – the evolution of a policed society – took place.

Endnotes

- 1 The extent to which policemen were instructed to hold aloof from their communities is impossible to determine, but the comment attributed to an unnamed ex-policeman during the Holmfirth protest meeting, if true, shows that Heaton discouraged ‘fraternization’.
- 2 R Storch, ‘The Policeman as Domestic Missionary’, *Journal of Social History*, 9, 1976, p.487. C Steedman makes a similar point, *Policing the Victorian Community: The formation of English provincial police forces. 1856–80*, London, Routledge & Kegan Paul, 1984, p.96.
- 3 J Klein, *Invisible Men: The Secret Lives of Police Constables in Liverpool, Manchester and Birmingham, 1900–1939*, Liverpool, Liverpool University Press, 2010 and D Wilson, *The Beat: Policing a Victorian City*, Beaconsfield, Victoria, Melbourne Publishing Group, 2006.
- 4 D R Welsh, ‘The Reform of Urban Policing in Victorian England: A Study of Kingston upon Hull from 1836 to 1866’, unpublished Ph.D., University of

- Hull, 1997, pp.299–316.
- 5 Dr H Munro, *Medical Statistics*, p.11 cited in Walsh, ‘Reform of Urban Policing’, p.360.
 - 6 Calculated from Munro, *Medical Statistics*, pp.8–9, cited in Walsh, ‘Reform of Urban Policing’, p.359.
 - 7 Steedman, *Policing the Victorian Community*, p.147.
 - 8 Flora Thompson, *Lark Rise to Candleford*, 1943, reprinted London, Penguin, 1974, p.484. The same point was made by Richard Jervis, recounting his early experiences of policing in Lancashire. R Jervis, *Chronicles of a Victorian Detective, 1907*, reprinted Runcorn, P and D Riley, 1995, p.84.
 - 9 Thompson, *Lark Rise*, p.484.
 - 10 The Home Office, in a freedom of information release, detailed ‘Robert Peel’s 9 Principles of Policing’ and quoted with approval Charles Reith’s description of this philosophy of policing as ‘unique in history and throughout the world because it derived not from fear but almost exclusively from public cooperation’ that resulted from police behaviour that won them ‘the approval, respect and affection of the public’. <https://www.gov.uk/government/publications/policing-by-consent>, accessed 16 October 2015.
 - 11 See for example, G Slapper and D Kelly, *The English Legal System*, London, Cavendish, 2001, referring to ‘British policing ... based on consent rather than sheer strength’ p.36; or A Crawford, ‘Plural Policing in the United Kingdom’, in T Newburn, ed., *Handbook of Policing*, Cullumpton, Willan, talking of ‘the legitimacy of modern policing through consent’, p.160.
 - 12 It is less obvious that the founders of ‘policing by consent’, Rowan and Mayne (or their successors) accepted the corollary that popular support could be withdrawn if the social compact were broken.
 - 13 *Blackstone’s Student Police Officer Handbook*, Oxford, Oxford University Press, 2006, p.161.
 - 14 T Newburn, ‘Policing since 1945’ in Newburn, *Handbook of Policing*, p.109. A similar point is made by N Tilly, ‘Modern approaches to policing: community, problem-oriented and intelligence-led’ in Newburn, *Handbook of Policing*, p.373 and M Rowe, *Policing Race and Racism*, Cullumpton, Willan, 2004, pp.144–5.
 - 15 R Reiner, ‘The Organization and Accountability of the Police’ in M McConville and C Wilson, eds., *Handbook of Criminal Justice Process*, Oxford, Oxford University Press, 2002, p.23; D Wilson, *What Everyone in Britain Should Know About the Police*, London, Blackstone, 2001, p.230; C Crowther and J Campling, *Policing Urban Poverty*, Basingstoke, Macmillan, 2000, p.127; P Scraton, *The State of the Police: Is Law and Order Out of Control?*, London, Pluto, esp. chapter two. See also J Lea and J Young, *What Is To Be Done About Law and Order?*, London, Pluto, 1993 and M Brogden, ‘The Myth of Policing by Consent’, *Police Review*, 22 April 1983.
 - 16 See for example, C Emsley, *The English Police: A Political and Social History*, 2nd edition, Harlow, Longman, 1996, (esp. chapters 4 and 8, though ‘policing by consent’ does not appear in the index) and P Rawlings, *Policing a Short History*, Cullumpton, Willan, 2002. W R Miller, *Cops and Bobbies: Police Authority in New York and London*, Columbus, Ohio State University Press, 1999 (1st published 1973), chapter five explores the strategies drawn up

- and implemented by the first Metropolitan police commissioners, Rowan and Mayne, and seeks to 'assess the degree of police legitimacy among the working classes' without defining the term 'policing by consent'. The present author is guilty of using, but not examining rigorously, the notion of policing by consent in a number of his earlier writings, as noted by D Churchill, "'I am just the man for Upsetting you Bloody Bobbies": popular animosity towards the police in late nineteenth-century Leeds'. *Social History*, 39 (2), 2014, pp.248–266 at p.249.
- 17 R Reiner, *The Politics of the Police*, 4th edition, Oxford, Oxford University Press, 2010. Reiner identifies specific policies crucial for the engineering of consent including organizational issues (bureaucratization, accountability), operational tactics (preventative policing, minimal force), image (impartiality, rule of law) and impact (crime fighting, service role) to which he also adds the changing socio-economic context in which new policing developed.
 - 18 Reiner, *Politics*, p.60.
 - 19 J Jackson, M Hough, B Bradford, K Hohl and J Kuha, 'Policing by Consent: Understanding the dynamics of police power and legitimacy', *Topline Results (UK) from Round 5 of the European Social Survey*, 2012.
 - 20 Jackson, et.al., 'Policing by consent', p.4.
 - 21 Jackson, et.al., 'Policing by consent', p.5 and J Jackson, B Bradford, M Hough and K H Murray, 'Compliance with the Law and Policing by Consent: Notes on Police and Legal Legitimacy', in A Crawford and A Hucklesby, eds., *Legitimacy and Compliance in Criminal Justice* accessed 16 October 2015 at <http://ssrn.com/abstract=1717812>.
 - 22 Jackson, et.al., 'Compliance with the Law', p.5.
 - 23 See the seminal article by Peter Bailey, "'Will the real Bill Banks please stand up?": Towards a role analysis of mid-Victorian working class respectability', *Journal of Social History*, 1979.
 - 24 D Taylor, *The new police in nineteenth-century England*, Manchester, Manchester University Press, 1997, p.127.
 - 25 Steedman, *Policing the Victorian Community*, p.146, argues that 'policeman watched, they waited'.
 - 26 The *Examiner* opposed the introduction of a county force in 1856 and was concerned with the threat to English liberty but, after the passing of the 1856 Act, it never sought to have the force disbanded.
 - 27 See for example Churchill's quoting Richard Hoggart, 'I am just the man', p.266.
 - 28 A similar argument is put forward by Klein, *Invisible Men*, especially chapter seven.
 - 29 There were clear examples of outright opposition to the proto-new police before 1857. The fact that parochial and paid constables were appointed on an annual basis made it easier to reject unpopular constables.
 - 30 Churchill, 'I am just the man', p.265.
 - 31 *Ibid.*