



BOOK REVIEW

Jonah Miller. *Gender and Policing in Early Modern England*

Cambridge Studies in Early Modern British History. Cambridge: Cambridge University Press, 2023. Pp. 252. \$110.00 (cloth).

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In his highly anticipated new book, *Gender and Policing in Early Modern England*, Jonah Miller demonstrates considerable skill and knowledge in explaining many aspects of early modern policing. He argues that a new type of gendered policing emerged over the course of the seventeenth and eighteenth centuries. English policing, conducted in the Middle Ages and sixteenth century by amateur patriarchs, began to be dominated by professional male officials unconnected with the household. Building on a model proposed by the political theorist Carole Pateman, he explains these changes by arguing that policing was becoming fraternal rather than patriarchal. “Only by paying attention to gender,” Miller suggests, “can we properly understand how new practices of policing emerged from the old officeholding system and what it was that made them so distinctive” (10).

Over the course of this period, we are told, lawyers and other commentators began to make a clearer distinction between person and office, which “undermined the association between office and household” (62). This is said to be reflected in the relatively new distinction between judicial action (action taken on one’s own authority) and ministerial action (action taken on another’s authority). Miller also argues that, over the course of the seventeenth century, officeholding became an even more predominantly male preserve than it always had been. He then examines how gendered policing worked in practice through a discussion of arrests and searches in early modern England. He notes the interesting fact that search of person was far less regulated by law than was search of property. Most of the examples in *Gender and Policing in Early Modern England* concern the office of constable, with a secondary focus on the excisemen introduced in the mid-seventeenth century, who were more like professional modern bureaucrats than any officeholders England had seen before. Excisemen were deliberately kept dependent on the state and subjected to frequent transfers to prevent them from becoming rooted in one location (a practice also followed, as it happens, by the old Chinese civil service). Bailiffs and other petty officials make an occasional showing in the book too.

As with most sociological-historical arguments, Miller’s main thesis is ultimately unprovable one way or the other. It serves as an artificial but convenient way of bringing together disparate historical materials. The reader might doubt that gender really was the crucial determinant, and indeed the most interesting parts of Miller’s book are only tenuously related to the theme of gender. Miller represents pre-seventeenth-century constables as sober patriarchs, and their successors as bands of thugs who exhibited “a very different style of masculinity” (102). This argument and others are suspiciously neat and tidy. The evidence Miller draws on to prove that most deputy constables in later times were young and unmarried seems inconclusive. And if these men were deputizing for older, married constables, were they not just a new layer in the old patriarchal hierarchy?

Especially useful are the more empirical sections of this book, which make proficient use of law reports and other legal sources. For example, there is a valuable discussion of a statutory protection for the king's officers introduced in 1610 (7 James I, c. 5). Normally, defendants at law had to choose between general pleading (denying the substance of an allegation) and special pleading (admitting the substance of an allegation but giving a justification in law). After 1610, whenever prosecuted for certain kinds of wrongdoing, JPs, constables, and other officials were able to both plead the general issue (Not Guilty) and to give "speciall Matter in Evidence" to the jury which would prove the plaintiff's case insufficient in law. Miller is right to observe that this reform tipped the scales of justice in favor of officials, but it is worth mentioning that the Star Chamber case he cites to illustrate justices' alleged dislike of general pleading concerns special pleading of pardons, not pleading the special issue (67).

Miller could have included more information about the office of constable in its own right. English city constables in particular have never received a full study. Joan R. Kent's *The English Village Constable, 1580-1642: A Social and Administrative Study* (1986), as the title suggests, has little to say about the cities. Miller could at least have included an introductory chapter giving an outline of the origins, responsibilities, and privileges of the office of constable. How were constables appointed? What else did they do besides arresting and searching people? It would have been useful to know more about how constables interacted with other officers entrusted with policing responsibilities, such as sheriffs, undersheriffs, bailiffs, and, in London, the serjeants-at-mace, who only crop up once in the book (95). To complement the information on criminal arrests, Miller could have included more information about other kinds of arrests, for example, those made to secure payment of a court judgment; or he could have explained the reasons for excluding these from the remit of his study. Most of Miller's examples come from London and, to a lesser extent, the Home Counties. Examples from farther afield could have helped the reader to assess how far Miller's findings extend to other parts of the country.

Much of the really exciting and intellectually powerful work in early modern studies today is being conducted in the field of social history. Miller's book is a prime example. Lucidly and coherently written, it will make indispensable reading for historians of policing and law enforcement in early modern England.