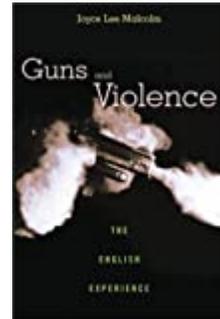
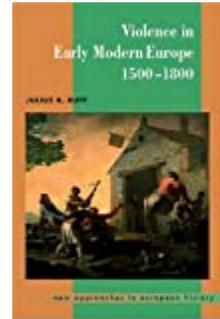




**Joyce Lee Malcolm.** *Guns and Violence: The English Experience.* Cambridge: Harvard University Press, 2002. ix + 340 pp. \$28.00 (cloth), ISBN 978-0-674-00753-6.



**Julius R. Ruff.** *Violence in Early Modern Europe 1500-1800 (New Approaches to European History).* Cambridge: Cambridge University Press, 2001. xii + 269 pp. \$75.00 (cloth), ISBN 978-0-521-59119-5; \$25.99 (paper), ISBN 978-0-521-59894-1.



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## Violence and Public Perceptions

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Every generation since the invention of printed books has perceived that violent crime is increasing, and the media, since at least the eighteenth century, have encouraged this perception. Julius Ruff reminds us that, although there still exists today the public perception that crime rates continue to rise, there was much more violence at all levels of society in early modern Europe. Indeed, violence was one of the chief forms of aristocratic and popular discourse. The recent rise in violent crimes

since the 1950s, taking the long perspective, thus appears as a brief aberration in a long-term decrease in violence over the last three hundred and more years.

Dr. Ruff has done extensive research in crime, policing, and justice in rural France, and his analysis and discussion of interpersonal violence and rates of crime are discerning and based upon up-to-date knowledge of the literature in the field of popular crime. Other chapters, such as that on "Ritual Group Violence," which is devoted to charivaris, violent sports, and carnival, are more de-

scriptive than analytical, and seem overly long compared to the mere two pages devoted to feuding. At times the repetitious description of the varieties of crowd violence overwhelms the development of the argument and obscures the process of historical change. Ruff frequently invokes Norbert Elias and the “civilizing process” (p. 179) and the introduction of “courtly manners” (p. 180) as an explanation for the disappearance or suppression of carnivalesque disorder and violence without ever quite explaining what he means by these terms. Although he mentions numerous instances of cruelty to animals, he cites Keith Thomas’s *Man and the Natural World* (1983) only once to quote a passage from Montaigne.

*Violence in Early Modern Europe* is quite good at describing certain species of violence, such as that which armies perpetrated on civilian populations because of lack of pay, victualing, and discipline, or the crime which invariably followed the end of war when soldiers without useful civilian skills were demobilized. In the seventeenth and eighteenth centuries, military forces were used for suppressing aristocratic and popular rebellions, but proved to be ineffective and reluctant agents for crowd control. Aside from the *mar=chauss=e*, the rural constabulary of France, and the *Santa Hermandad* which patrolled some of the regions of Spain, police forces hardly existed or were primitive, and, depending as they did on community cooperation, did little to support an autonomous system of justice. Brutal capital and corporal punishments had been employed at the beginning of the early modern period, but, generally speaking, were already in decline by the late sixteenth century. The decline of the use of capital punishment owed something to humane sensibilities, which predated the Enlightenment, and to the emergence of systems of penal servitude; however, it was probably due primarily to greater political stability and the diminished need for spectacular punishments. The declining resort to popular punishments, such as charivaris and skimmingtons, which the author refers to as “infrajudicial and parajudicial processes of dispute resolution,” reflects greater popular confidence in and support for state judicial and police powers at the end of the eighteenth century and marked the triumph of the “judicial revolution” (p. 113).

The author’s coverage of the many different aspects of interpersonal violence is uneven. In chapter 1, on the “Representations of Violence,” he gets bogged down in detail which borders on the trivial. He assumes that the English aristocracy displayed less bellicosity during the seventeenth century and embraced courtier culture—an idea based upon Lawrence Stone’s outdated and un-

proven assertions which are now quite suspect.[1] Dueling was not an alternative to war, as he states, but came about as an alternative to feuding. As such it was a form of private war as distinguished from public war and was promoted by martial culture. The distinction between private and public war was one which most noblemen of the time had trouble understanding, so it is perhaps understandable that Ruff does not take note of it. He also assumes that dueling was in decline in the late seventeenth century, whereas there is good reason for believing that the cult of dueling was on the rise because it was an integral part of the martial ethos and an accepted way for demonstrating valor for those who had purchased commissions instead of serving an apprenticeship in arms in the ranks before accepting a commission. Relying upon François Billacois *The Duel: Its Rise and Fall in Early Modern France* (1990), his information is out of date. It is also very difficult to demonstrate an unbroken continuity between the medieval judicial trial by combat and the early modern duel. Princes and states, of course, condemned dueling which was certainly subversive of sovereign authority, but they lacked the political will and the police powers to suppress the practice. Royal pardons for murder committed under the guise of a private combat were all too common.

The chapter on popular protest is stronger on urban protest than rural and agrarian protest. Ruff’s exposition of the nature of agrarian protest is hampered by an inappropriate and imprecise terminology, for example, using the term farmer as a synonym for peasant. Elsewhere, the author admits that the term peasant is imprecise, but that does not deter him from continuing to employ it. He also seems to be unaware of the complex nature of common use-rights and the absence of a modern doctrine of possessive individualism or of the distinctions between arable, pastoral, and sylvan economies and societies. The author’s statement that the most typical form of collective rural violence was the food riot, while perhaps true of parts of mainland Europe, certainly does not apply to England, where anti-enclosure riots and poaching were more usual, or to Ireland and Scotland, where cattle-raiding and banditry remained serious problems until the end of the seventeenth century.

It is Ruff’s practice to cite his sources in footnotes only when he uses a direct quotation. Otherwise, he adds a select bibliography at the end of each chapter. These select bibliographies do not always mention all of the sources which the author has employed. This appears to be a convention imposed by the publisher in order to conserve space—a practice which results in using ideas and

examples taken from a number of authors who receive no credit or acknowledgment. This doubtless reflects the growing commercialization of some of the larger university presses, but it is a poor example to set for the advanced undergraduate and beginning graduate students for whom the books in this series are intended.

Joyce Lee Malcolm approaches the problem of interpersonal violence from a different angle and asks whether gun-control laws reduce the incidence of violent crime. The short and simple answer is no. The reader should not jump to the conclusion that this is a piece of National Rifle Association propaganda. This is a hard-nosed and methodical look at an abundance of evidence, and Professor Malcolm examines that evidence critically in a well-organized and carefully argued book that deserves a wide audience. It is widely assumed in the United Kingdom, the United States, and elsewhere that gun-control legislation is a deterrent to violent crime and reduces its incidence, but Malcolm insists that this assumption has been untested except in small-scale studies of which she makes effective use. *Guns and Violence* examines this assumption historically, beginning with the late middle ages. Although records of violent crime from the late medieval and early modern periods are far from perfect, there is enough evidence to demonstrate that violent crime in England has decreased from about 1560 to about the middle of the twentieth century despite the introduction of firearms at the beginning of the period of declining rates of interpersonal violence. Yet between c. 1560 and 1920 there were “no effective restrictions” on the possession of firearms (p. 20). Homicide, historians and criminologists agree, has always been the most highly reported of all crimes. The apparent homicide rate continued to decline in the sixteenth and seventeenth centuries despite a broadening of the definition of homicide, for example, by classifying gang members as principals rather than accessories when one gang member killed a victim in commission of another felony, or by prosecuting new-born infant murder more fiercely and broadening the definition of justifiable homicide. The greater availability of firearms seems to have had no influence on the incidence of murder, although the consumption of strong drink (or, in the twentieth century, the use of automobiles) certainly did. Most homicides were committed in the heat of passion, not in the commission of other crimes.

It is true that Charles II upon his Restoration attempted to disarm his enemies, but it was the seditious disposition of his enemies and not their possession of firearms which was regarded as dangerous. Dueling was

also a frequent cause of homicide in the seventeenth century—although seldom punished. This would have made rapiers a more frequent cause of violent death than guns. The Game Act of 1671 prohibited the possession of certain kinds of weapons by persons not qualified to hunt, but this statute was never effectively enforced. It seems to have been the fear of rebellion rather than crime which led the governments of Charles II and James VII and II to attempt to disarm their subjects. James’s clumsy attempts to disarm his political opponents made it appear to Whigs that the possession of firearms was both a duty and a right, and this could be construed to assert the right of rebellion (the Bill of Rights was altered to contain the assertion that it was a right only).

There are other considerations which might have influenced the incidence of violent crime. Although those persons who were transported to the colonies were mostly petty criminals who had committed crimes against property and were not murderers, so the increasing use of transportation is unlikely to have contributed to the continuing decline in violent crime during the late seventeenth and eighteenth centuries.

The violent-crime rate continued to decline in the nineteenth century. Although firearms were rarely employed in the commission of violent crimes (blunt instruments and knives were more ready to hand in crimes of passion), Parliament enacted a gun-licencing statute in 1870. This was prompted more by a fear of lower-class disorder than violent crime, and it was also a revenue-raising measure. This fear of popular disorder is also demonstrated by the much more stringent regulation of firearms in Ireland, where crime and violence were not declining. In England, the practice of possessing or carrying handguns for protection of property and persons was widespread although few criminals carried guns. It was the Firearms Act of 1920 which finally ended the right of Englishmen to own and possess firearms. The pretext was an increase in crime, which was specious and untrue. The real reason was the fear of Bolshevism and popular disorder.

In the middle of the twentieth century, following the war years, the crime rate began to soar in Britain despite the fact that the possession of firearms was severely restricted. At the same time, the common-law right of self-defense was curtailed to a point where a person could be severely punished for firing a gun in his own house to prevent an assault by a violent intruder. Malcolm also states that the enactment of more severe gun-control legislation has been offered as a cheap panacea for inad-

equate levels of police staffing which, by comparison, are well below American standards. The strictest gun-control laws in the world have failed to lower crime rates or to eliminate the widespread illegal possession of firearms. Indeed, the use of firearms in violent crimes has actually increased, although the more usual murder weapon remains a blunt instrument.

A useful chapter comparing gun-control laws and crime rates in the United States and the United Kingdom should help put the debate back on track. Contrary to popular assumptions in both countries, violent crime rates at the end of the twentieth century were approximately 60 percent higher in Britain than in the United States, but the homicide rate remains much lower in the United Kingdom than in the United States where

68 percent of all violent crimes involve firearms. While it is possible that stricter control of firearms could reduce the rate of violent crime, it is unlikely to reduce the overall crime rate. Professor Malcolm believes that the falling violent-crime rate in the United States is attributable to tougher and more effective law enforcement than in Britain, and she also believes that “armed civilians ... do reduce crime” (p. 250). But she also admits that the whole controversy is so emotionally charged that anyone saying so can expect to be widely castigated.

Note

[1]. Lawrence Stone, *The Crisis of the Aristocracy, 1558-1641* (Oxford: Oxford University Press, 1965), chap. 5.

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