

# Assaulting the Past



Assaulting the Past  
Violence and Civilization in Historical Context

Edited by

Katherine D. Watson



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## PREFACE

The papers in this volume originated from contributions to the international conference 'Assaulting the Past: Placing Violence in Historical Context', held in Oxford in July 2005. The aim of the meeting was to provide an international and comparative exploration of the history of interpersonal violence, a subject of great contemporary and historical importance. Given that recent scholarship has tended to focus on homicide in early modern Western Europe, I was prompted to organise a conference which sought to expand the study of the history of violence to other regions, countries and periods, and also to consider forms of violence other than homicide. The positive response confirmed that research in the field is active and wide-ranging in scope and approach.

This volume builds on work which has shown that the incidence and classification of interpersonal violence are inextricably linked to the wider social forces operating in any given period or region. In approaching the subject from a variety of historical perspectives, the papers drawn together here offer a comparative and qualitative assessment of violent behaviour and the experience of violence. Approaches used include both the empirical and the theoretical, and the book is strongly interdisciplinary, drawing on the history of crime, history of medicine, criminology and legal history. Above all, this collective volume takes as its unifying theme Norbert Elias's theory of the 'civilizing process', recognising, as he did, that changes in human behaviour are related to transformations of both social and personality structures. I hope that we have succeeded in demonstrating the continuing fruitfulness of his theory, not least as a stimulus to further research on the links between violence and 'civilization'.

I would like to thank all those who took part in the 'Assaulting the Past' conference, and to acknowledge the generous financial support and sponsorship made by the following institutions: The British Academy; The Economic History Society; The Royal Historical Society; The Wellcome Trust; SOLON; Hambledon & London; and from Oxford Brookes University: the Department of History, the History of Welfare Centre, and the Centre for Health, Medicine and Society: Past and Present.

Special thanks are extended to the contributors to this volume—for their commitment to the project and constant good humour—and especially to David Nash and Anne-Marie Kilday.



# INTRODUCTION

KATHERINE D. WATSON

Over the last forty years scholarship on violence and crime in the past has grown at an exponential rate, yielding a sizeable literature. This has covered the criminal justice history of, in the main, Western Europe and Russia, North America and (to a much lesser extent) parts of South America from the medieval period to the twentieth century. The size of the online bibliography published in 2001 by Julius Ruff for Europe in the period 1500-1800, and particularly the section on ‘the discourse of interpersonal violence’, bears witness to this burgeoning interest in the criminal past. Such work includes a number of specialized studies on homicide and assault as well as more general works which consider violence within broader studies of crime.<sup>1</sup> Furthermore, it is evident that where the study of violence is concerned, criminologists have much in common with historians—knowledge of the past is essential for placing current issues in perspective—and it is now not uncommon to find collaborative projects, cross-disciplinary dialogues and publications, and a common acknowledgment of the explanatory challenges that patterns in crime and violence reveal. Were a bibliography such as Ruff’s to be compiled for the period 1800-2000, it would certainly be very much larger.

Two major trends in particular have become the foci for much research in criminal justice history: the long-term decline in interpersonal violence since the early medieval period until very recently; and the transformation of punishment from a physical assault on the offender’s body (execution, corporal punishments) to an attempt to discipline and reform his mind and character (imprisonment). Two distinct theoretical perspectives, stimulated by the work of Michel Foucault (1926-1984) and Norbert Elias (1897-1990), have emerged, the former arguing that punishment is but one facet of the relationship between power and knowledge and the discipline this brings to bear on modern society via surveillance and intervention,<sup>2</sup> while Elias’s theory of social change, known as the ‘civilizing process’, suggests that punishment should be considered within a framework of changing sensibilities and cultural mentalities brought about by growing state control, social interdependence, self-constraint and a concomitant aversion to violence.<sup>3</sup> The case has been made for the usefulness of each to the

history and sociology of punishment,<sup>4</sup> but it is Elias's theory, first published in 1939, that offers the more relevant explanation for declining rates of violence.<sup>5</sup>

Since the 1980s historians have turned increasingly to Elias, a German sociologist whose principal works were not translated into English until the late 1970s,<sup>6</sup> and have adapted his concept of a 'civilizing process' to explain long-term patterns of violence. In their introduction to an edited volume, published in 1996, which used a comparative approach to the history of violent crime to highlight the importance of Elias to criminal justice history, Eric Johnson and Eric Monkkonen summarized his theory of the civilizing process thus:

Elias ties the control of individual impulse to the growth of powerful states and courts in Europe; he claims that the state's monopoly on violence ... 'makes the use of violence more or less calculable, and forces unarmed men in the pacified social spaces to restrain their own violence through foresight or reflection'. He argues that this imposition of self-control began with the 'transformation of the nobility from a class of knights into a class of courtiers', and that impulsive violent behaviour slowly came under control in the princely courts of the sixteenth and seventeenth centuries. Elias's work has many substantive implications that historians would have found unacceptable thirty years ago: first, that control of violent behavior emanated from courts; second, that urban centers would have more 'civilized' behavior; third, that areas where state systems had not yet penetrated would be more impulsively violent; and, fourth, that, over time, violence would decline.<sup>7</sup>

Historians and sociologists are still debating many of the central tenets on which the theory is founded, and the four key arguments against Elias may be summarized under the broad headings of cultural relativism, stateless civilizations, the permissive society, and barbarization.<sup>8</sup> In particular, the notion of a consistent long-term direction or trend in the social behaviour and psychological makeup of European people has been controversial, suggesting as it does the idea of linear progress. Furthermore, although Elias was quite clear that he grounded his work in European history,<sup>9</sup> and made no moral judgements about 'civilization', his use of the term and its definition in relation to non-European indigenous peoples living in stateless societies is contentious:

[W]hether what Elias considers to be basic human instincts, such as aggression, anger, genital sexuality, self-preservation, and so on, which were tamed in the course of the civilizing process, really are universal, as he argues on the basis of psychoanalytic theory, or whether they are variable in terms of culture, gender, and history is more than open to question.<sup>10</sup>

Still, as Stephen Mennell observed some years ago, there are positives to be taken from the arguments against Elias, not least the fact that regardless of the

issues they raise (the most complicated being the argument from cultural relativism), all are suggestive of further lines of research.<sup>11</sup> As Eric Monkkonen noted shortly before his untimely death, the debates surrounding the theory of the civilizing process (as well as other theories advanced to explain declining homicide rates) do not permit simple resolution, but do not impair empirical work.<sup>12</sup>

Most of the historical research done on the civilizing process has in fact focused on lethal violence, either homicide or judicial execution.<sup>13</sup> However, regardless of Pieter Spierenburg's contention that homicide rates are 'the only good indicator for the level of real violence' in a society,<sup>14</sup> the recent work of J. Carter Wood has broadened the usefulness of the theory into the realm of non-lethal violence in the nineteenth century. His approach is worthy of emulation, in that he accepts 'the general utility of [Elias's] concepts and broadly appl[ies] them to a particular period while maintaining a critical stance toward specific aspects of the civilizing process, and suggesting additional factors that should be considered'.<sup>15</sup> This is the fundamental aim of the papers included in this volume, in relation to both empirical and theoretical research on lethal and non-lethal violence in the past, for, as Robert van Krieken reminds us, 'it is important to examine in considerable detail how, when and why violence occurs in order to get even a vague sense of how people felt about it'.<sup>16</sup> In so doing, the volume seeks to offer new insights on violence, the individual and society, to further illuminate the links between state formation, social interdependency and self-discipline that are so integral to the theory of the civilizing process.

This book spans a period of more than two centuries, concentrating primarily on the eighteenth century through to the early twentieth, and looks at violence in both the Old World and the New: England, Scotland, Ireland, the United States, Mexico and New Zealand. The chapters are not equally balanced in their focus on lethality, with rather fewer considering violent death (Dodds, Hall, Kilday, McMahon, Watson) than violent behaviours (Godfrey and Dunstall, Gray, Hurl-Eamon and Lipsett-Rivera, McGowen, Nash, Rushton and Morgan, Savage, Smith, and Wood), and thus serve to complement the existing large literature on the former.<sup>17</sup> The actors in these violent incidents were overwhelmingly male, but the papers by Kilday, Hurl-Eamon and Lipsett-Rivera look solely at female violence, while several others look equally at both sexes. The chapters share two important features in common: they are concerned primarily with the working classes (the people we usually see as the object of the 'civilizing offensive'), and with urban spaces. Finally, although this volume deals largely with violence in the West, it also considers the colonial situation,<sup>18</sup> as well as one non-Western society—the Aztecs of sixteenth-century Mexico. As Steve Hall notes in his chapter, 'the pacification of either physical or symbolic violence has never been a strict requirement for the flowering of the aesthetic, epistemological and

technological achievements of civilizations’, and nothing highlights this more than the Aztecs’ practice of ritual human sacrifice. Could Elias ever have regarded such a culture as ‘civilized’?

The chapters in this book are grouped in four sections, each of which takes a specific perspective on the relationship between the history of violence and Elias’s theory. The first, ‘Violence and the “Civilizing Process”’, considers some of the theoretical implications of key aspects of the civilizing process for the historical analysis of crime and violence, looking at the effects the process might be expected to manifest and offering specific examples which point to evidence of its strengths and weaknesses as a comprehensive theory of social change. The second section, ‘Violence and Social Order’, examines the operation of the civilizing process as revealed by interpersonal and communal conflicts in urban areas over time from the eighteenth century to the twentieth. The next section, ‘Violence and Gender’, seeks to expand the ways in which the theory of the civilizing process can be interrogated in relation to modern scholarship on gender and also non-Western cultures, while the last section, ‘Violence and the Civilized Society’, considers the implications of the civilizing process on violent behaviours in societies in which it has apparently taken firm hold—England and Ireland since 1800.

In the opening chapter to this volume, J. Carter Wood presents a variety of ways in which attention to spatial issues can be used in the historical analysis of violence and violent behaviour. Space—which is both public (built) and private (imagined)—can influence both the production and interpretation of violent acts. It does this in several ways. Spaces (particularly urban spaces) can be the physical setting for acts of violence arising from their status as shared areas in which issues of social control may be problematic. When space is seen as a territory (implying the existence of boundaries), violence may be generated in defining or defending that space, by extension creating ‘insiders’ and ‘outsiders’,<sup>19</sup> a distinction highly relevant to the creation and experience of violence as it may in some circumstances lend it a perceived legitimacy. Here Wood points out that two key planks of Elias’s theory of the civilizing process are spatial: increasing interdependence among individuals is driven by changing patterns of interaction related to the public and private spheres; and state monopolization of legitimate force has been focused largely on the pacification of public spaces (via policing, a theme further explored by Barry Godfrey and Graeme Dunstall below). With regard to the interpretation of violence, the main connection is between the legitimacy or otherwise of physical force and space, particularly among the working classes. In nineteenth-century England public spaces were increasingly controlled, the result being that violence became more marginal and removed from personal experience. The importance of space to

understanding how the civilizing process works is clear: although forms of violence have declined over the past few centuries, ‘they have not done so equally in all places’ because the civilizing pressures that act to reduce aggression and violence are not necessarily uniform in intensity or across locations. Hence it would seem that deeper exploration of and comparison between regions should be a future focus of historical studies of violence.

In his focus on Parliamentary debates that utilized humanitarian claims in arguments about the reform of violent practices, Randall McGowen highlights another way in which a lack of uniformity in the operation of civilizing processes may be explained. By the early nineteenth century English parliamentarians were generally agreed that overcoming violence, suppressing cruelty and alleviating needless pain and suffering (in all species) were a mark of a growing sense of humanity and sensibility, a trend that historians can interpret as a civilizing process of sorts. If we dig deeper into the campaigns in which this transformation was revealed, however, it becomes evident that these new attitudes towards cruelty and pain were selectively interpreted in the civilizing discourses that took place during the 1820s. Those who argued against the death penalty, slavery, cruelty to animals, whipping of vagrants and flogging in the military consistently enlisted arguments focused on the barbarism of the past, the immorality of violence and its harmful effects on society. But while the idea of ‘civilized morality’ was highly effective in stimulating parliamentary action on behalf of slaves, animals and the unfortunates condemned to death for property offences, it was easily resisted by those who defended whipping and flogging. This, McGowen tells us, was because the appeal to humanity could be rejected in highly specific circumstances (often dictated by class and social order issues). Violence was a shifting category depending on who defined it, so although the appeal to principles of humanity could set the terms of debate, it could not determine outcomes.

Some of the limitations of the theory of the civilizing process are pointed to in the chapter by David Nash, which considers an offence—blasphemy—that is not usually included in historical debates about violence. Nash shows that the history of blasphemy, within which notions of violence are deeply embedded, deviates considerably from the scheme outlined by Elias because it does not entail the same concentration on physicality that the civilizing process takes for granted. Although blasphemous words could accompany physical assaults, the words alone constituted a form of violence because they threatened harm to the community and its beliefs: ‘legal and popular conceptions, from the medieval period through to the twentieth century, always maintained a remarkable degree of consensus about how close the phenomenon of violence lies to the surface of this crime’. It has always been a matter of state concern (social disciplining here significantly predates the start of Elias’s civilizing process), and its continued

importance in the guise of ‘hate crime’ suggests both that the status of religion as a factor in the civilizing process and changing definitions of violence itself offer significant scope for further study. Nash ends his chapter with a brief look at football, which Elias viewed (with other sports) as a means of tempering or containing violence but which recent history proves has the capacity to polarize interpersonal relations. Thus, crimes related to beliefs and identity alert us to the delicate balance required to maintain a state of ‘civilization’.

In a chapter that ranges from feudalism to the age of globalization, Steve Hall explores what he defines as the ‘pseudo-pacification process’, a theory which goes some way towards explaining the marked increase in homicide rates and levels of non-lethal violence in the United States and Britain over the past twenty years (a reversal of the consistent decline that had been apparent since the late medieval period).<sup>20</sup> Space is a key factor, as the highest rates are to be found in ‘economically run-down locales’, usually urban, and this in turn points to the key difference between Hall’s theory and Norbert Elias’s civilizing process. Although Elias clearly saw socio-economic, political, cultural and emotional dynamics as completely interdependent currents driving the decline of interpersonal violence, his assumption of a natural emotional aversion to violence and pain associated with civilization is dangerous because it does not allow for the negative consequences that might follow reversals in the ‘socio-economic environment required for the establishment and reproduction of the sensibilities required to make these psychic conditions and social interactions possible’. The pseudo-pacification process, by contrast, holds that the shift to modern industrial capitalism required only the sublimation, not the elimination, of violence. Thus, major post-war changes in business markets and labour relations disrupted socio-economic interdependencies that had existed since the nineteenth century, opening a door to unfettered individualism and the unleashing of hitherto controlled passions: murder rates rose, especially in economically deprived areas. In an era of globalization and competition, the future of a genuine civilizing process is at risk.

Norbert Elias postulated three key prerequisites for the civilizing process: the monopoly of both the *means* and *use* of violence by a legitimate state; the cultivation of interdependencies in economic and social relationships; and the cultural development of behaviour codes which repress aggression and regulate conduct. The second section of this volume considers how these factors operated in specific circumstances, focusing on non-lethal violence in English urban communities but also including a comparative study of an English town with one in New Zealand. The timeframe ranges from the early eighteenth century through to the twentieth, and so reveals changing mechanisms by which violence erupted and, especially, was controlled via increasingly regulated and state-controlled yet discretionary processes.

What might happen in a town lacking the formal mechanisms of control that we associate with growing order and civility, and that Elias associated with a state monopoly on legitimate violence? This is the question explored by Gwenda Morgan and Peter Rushton, who consider the nature of collective violence in a number of north-east seaport towns which, although lacking any framework of local political authority, policing or government, were neither chaotic nor excessively disorderly. The citizens of such towns seemingly imposed restraints on themselves, reacting violently only in the face of what they perceived to be illegitimate actions on the part of the central state.<sup>21</sup> When collective violence erupted in such circumstances it could be managed only by a process of negotiation between the protesters and the state's representatives, since the latter by no means held a monopoly on the use of force in these towns. Ultimately, however, when sources of authority and power beyond the locality became involved (at county, regional or state level—magistrates, employers, the army and navy) the balance was tipped against the working classes.

From the conflict-ridden north-east of England, we turn to London, the only urban centre where levels of popular disorder and economic conflict were higher at the end of the eighteenth century, but which was (in contrast to communities like Sunderland) a highly regulated space. In his study of assault prosecutions in the City of London, Drew Gray's work spans a key period in our understanding of the civilizing process and its effect on the shift from public to private violence, the late eighteenth and early nineteenth centuries: public violence was still widespread, but violence in general was increasingly proscribed.<sup>22</sup> Gray makes the point that studying assault broadens the base on which the debate about the civilizing process can be conducted, away from murder and manslaughter and toward a type of violence which involved a much larger proportion of the population. And, it would seem, although interpersonal violence was quite common, it was generally seen as a civil, rather than a criminal, matter: victims wanted compensation or a public apology, not to enforce their horror of violence through trial and punishment. The influence of the civilizing process was not especially evident in everyday attitudes to violence at this time, Gray concludes, so it would be most interesting to follow his London sources (or similar assault records for other regions) through to the 1830s to see precisely how the sorts of changes that Peter King identified for Essex (by the 1820s assault-related disputes were coming increasingly to be seen as criminal, not civil matters)<sup>23</sup> evolved in other areas of the country.

The following chapter, by Barry Godfrey and Graeme Dunstall, also considers the role of the criminal justice system in promoting greater self-restraint, and seeks to show how a comparative analysis between different locations (of the sort suggested in the points made by J. Carter Wood), might be used to deepen our understanding of the civilizing process and its mechanisms.

Taking as their objects of study two new towns which shared similar characteristics, Crewe in England and Timaru in New Zealand, they use evidence of statistical trends in violence and disorder in the late nineteenth and early twentieth centuries to show that however it is characterized, the civilizing process occurs within local contexts which produce different outcomes over time. In both towns prosecution rates for minor violence declined steadily but rates of disorder fluctuated more widely over the period, challenging the notion of a smooth progression towards ever-greater levels of civility. The key difference lay in police attitudes and practices surrounding the management of public spaces, which led to different but related rates of violence and disorder. In England by the 1870s and 1880s the police were increasingly involved in the prosecution of a range of violent public offences; their local influence in the process helps to explain variations in rates and trajectories of prosecuted crime between different English towns. In New Zealand, where private prosecutions remained the norm until the turn of the century, prosecution rates for assault declined later. In both towns, the police were intolerant of unacceptable public behaviours, but often left minor and private offences to be settled less formally (in a manner that would have been familiar to eighteenth-century Londoners). The figures for both Crewe and Timaru suggest that by the First World War rates of violence and disorder had normalized to national levels—evidence perhaps of the civilizing process at work.

The third section of this volume extends the interrogation of Elias's theory into two areas that he did not address directly: women's violence, and violence within non-Western cultures. Elias focused almost entirely on violence perpetrated by males against other males, and has been criticized for not taking violence against women sufficiently into account in his theory of civilizing processes,<sup>24</sup> but neither his critics nor his supporters consider the violence perpetrated *by* women. Was female violence affected by the civilizing processes identified by Elias in the same way as male violence? Although the literature on the history of women and crime has expanded greatly in the past decade, little if any of it refers to the civilizing process in analysing the differences between women and men in the use of violence. Feeley and Little suggested that the decline of the female presence in the criminal justice system from the late seventeenth to the early twentieth century could be attributed to the civilizing process: parallel to the lowering of public tolerance for violence, it became less acceptable to use 'the public criminal justice system as a form of social control of women'.<sup>25</sup> But this is not an answer to the question asked, and the chapters in this section highlight an area in urgent need of further research.

The opening chapter in the third part of this volume should encourage historians to consider anew the implications of Elias's theory of the civilizing process for violence in non-Western cultures: Caroline Dodds explores the

gender roles associated with ritual violence in Aztec culture. It is difficult to know for certain what Elias would have made of the Aztecs, but it is likely that, just as the Spanish *conquistadors* who first encountered them in the early sixteenth century did (and as tends to be our initial reaction today), he would have been highly impressed by their ordered and sophisticated society, but horrified by their practice of ritual human sacrifice. This practice formed an integral and regular (around ninety instances per cycle of the religious calendar) part of life in the city of Tenochtitlan, on which Dodds focuses her discussion. Far from being an all-male affair, she shows that females had an important role to play in maintaining the ‘contract of blood which linked the spiritual and physical worlds in Aztec perception’, mainly through their role as female *ixiptla*, sacrificial victims who embodied the deity that a ceremony was meant to honour. Certain themes were associated with both male and female *ixiptla*, but the female themes were far more coherent, being largely linked to nature and to the earth, and granting to women a considerable degree of respect and authority in Aztec society. Ideals of gender were firmly embedded in ritual and sacrifice, power and identity, and far from being mere ‘victims’, female *ixiptla* personified the vital role that women played in a culture that so closely linked life and the afterlife through violence.

The following chapter maintains a focus on the Valley of Mexico, shifting attention to the eighteenth century and to the violence perpetrated by women. In a comparative study of Mexico and London, Sonya Lipsett-Rivera and Jennine Hurl-Eamon seek to show that female violence, like its male counterpart, ‘did follow certain rules and had set scripts or patterns’. The two regions under consideration allow the authors to shed new light on the history of violence with respect to gender, and also contribute to wider historiographical issues: petty violence of the type highlighted by the London cases examined by Hurl-Eamon has hitherto largely escaped detailed scrutiny,<sup>26</sup> while the extensive range of violent offences studied by Lipsett-Rivera in the Mexican context addresses a broader gap in the history of violence in that country. The authors uncover some key differences between the Mexican and London women, notably in the types of weapons used in assaults (often determined by culture and/or location) and in their choice of victims: English women were more likely to attack men than Mexican women were, the latter displaying a marked tendency to go after a proxy female instead. In other ways the research revealed very similar patterns, for instance the use of collective violence, the fact that sexual policing was a driving force in women’s violence in both London and Mexico, and that humiliation was a significant goal of violent acts. At the more detailed level, however, it is clear that there were differences in how, when, and where such violence was manifested. Space is an important element in the analysis, as violence was often sited on thresholds, in marketplaces, and in liminal spaces.

Anne-Marie Kilday completes the section on gender and violence with a study of homicidal women in eighteenth-century England and Scotland. She seeks to overturn notions that women's violence was limited and uncommon by investigating instances of fatal violence, to learn what drove women to take such inappropriately unfeminine actions and what the judicial reaction was when they did so. As in the previous chapter, key differences and similarities between the two regions emerge. Women in both countries were most likely to be accused of killing someone they knew, but given that women were not wholly restricted to the home, a full explanation of why this was so remains to be discovered. Women's homicidal violence was normally entirely independent of other actors, overt, and urban. Scottish women seem to have been more aggressive than English women, but neither group tended to commit premeditated murder; and humiliation was, as in Chapter Nine, sometimes one of their goals. Key differences between the Scottish and English legal systems were important in dictating the progress of homicide trials, and the Scottish response to homicidal women was harsher than that to male murderers, and also than that commonly found in England, where there was strong concern that executing women would not serve as a clear deterrent. This suggests that the civilizing process was not as well established in Scotland as in England at the end of the eighteenth century, and highlights the need for further comparative research into its progress in different regions. Likewise, more work of the sort undertaken in this chapter and the one preceding is needed if historians are to gain a more nuanced understanding of the gendered aspects of the relationship between interpersonal violence and the civilizing process.

The final section of this volume considers how the effects of the civilizing process might be gauged—via patterns of violent activity and reactions to it—in societies in which an advanced level of civilization has apparently been reached. Within the European civilizing process, two of the key transformations associated with violence have been the move away from public, impulsive or expressive violence toward a more 'civilized' and planned form of violence which is often instrumental in nature, together with heightened feelings of guilt or repugnance associated with it. The next four chapters look at very different forms of violence in England and Ireland during the nineteenth and early twentieth centuries, including domestic violence and serial homicide, to reveal inconsistencies between the behaviours observed in relatively limited (either geographically or temporally) situations, and those which might have been expected as key outcomes of the civilizing process.

Richard McMahon's focus on lethal violence in Ireland during the nineteenth century seeks primarily to investigate the merits of two opposing explanations for its causes. Did homicide arise largely from an honour culture, as set out by Desmond McCabe,<sup>27</sup> in which men sought to promote or protect

individual or family honour as shaped by the economic and political realities of particular communities? Or was homicide ‘recreational’ and expressive, linked to social gatherings, alcohol and fighting, as Carolyn Conley has claimed?<sup>28</sup> Utilizing homicide statistics and detailed case studies for four Irish counties, McMahon shows that homicide in Ireland was a largely male affair, public and unplanned, and that although it conforms more closely to McCabe’s interpretation than to Conley’s, the generally low homicide rate is perhaps suggestive of an honour culture in decline, supported by a wider process of social disciplining—a civilizing process? Crucially, though, the author notes the resemblance between nineteenth-century homicides and those of today, a fact strongly suggestive of a continuity in behaviour—a point which somewhat undermines one of the central tenets of the civilizing process theory. McMahon ends his analysis with a question that all historians of crime should take note of: are men today less likely to engage in acts of violence, or simply less likely to die as a result of such confrontations?<sup>29</sup>

The following chapter takes Elias’s theory of the civilizing process in a new direction, by considering its implications for the insane in nineteenth-century English society. Although there is a huge literature on the history of insanity, asylums and psychiatry in Britain, Europe and the United States, historians of medicine have not hitherto paid much attention to Elias, being far more concerned with the works of Michel Foucault, whose impact on the history of medicine has been as great or greater than it has been on criminal justice history. Cathy Smith notes that even during the nineteenth century the existence of a link between civilization and insanity was debated, while the expansion of behaviours defined as ‘madness’ reflected ‘the narrowing bounds of conduct acceptable to respectable society’. But hand in hand with this narrowing went an expansion of the humanitarian ideal (identified by Randall McGowen in Chapter Two), such that the Victorian response to the insane came to be seen as a reflection of society’s own level of civilization. Moral treatment, though the ideal, was expensive, and in practice by the 1860s only those lunatics deemed ‘dangerous’ had to be maintained in asylums (as opposed to workhouses or community care). In studying lunatics classified as dangerous in Northamptonshire, Smith shows that the label often indicated rather mild behaviour, and that ‘violence’ was regularly constructed and interpreted in such a way as to gain asylum admission—a clear strategy on the part of families to win temporary respite from a difficult relative. This suggests that we should be wary of seeing the civilizing process or efforts at social control as emanating mainly from the top down, for it was not the state or the medical profession ‘who were in the first instance policing the pauper lunatic, but their families and communities’.<sup>30</sup>

The penultimate chapter considers the 1895 Summary Jurisdiction (Married Women) Act, and asks whether it can be seen as an element of Elias's civilizing process: an attempt to reduce violence in the domestic sphere by giving English working class wives legal recourse against their violent husbands on broader grounds than had ever previously been possible. Gail Savage looks at the appeals filed by husbands against separation orders granted by magistrates in the early twentieth century, to shed light on the 'dynamic of violence in married life'. Such cases reveal three key features: wives went readily to the police and the courts for protection; both spouses in dispute were likely to get support from friends and neighbours; and even if domestic violence did not take place in public, people outside the home could still become involved (for spatial reasons such as those noted by Wood in his chapter).<sup>31</sup> Even more interesting, from the point of view of the historian of violence, is what the records of judicial separation and marital discord tell us about the nature of non-lethal violence. Savage concludes that even if domestic violence attracted increasing disapproval, it may not have followed 'the same trajectory of diminution as homicide', and in fact its definition has been continually contested and expanded, from actual bodily harm to threats of harm, wounded feelings and excessive sexual demands. By increasing the behaviours defined as domestic violence, the civilizing process may well have contributed to an increase in its incidence, and here we see another feature of Elias's theory at work. Social and psychological processes are linked but the link is unplanned, emerging from the 'convergence and collision of the plans of many people' and giving rise to a social order and historical change.<sup>32</sup> When aggrieved spouses sought redress from magistrates they argued solely in their own interests, but in so doing stimulated a wider cultural revision of notions of personal danger.

The final chapter in this volume considers serial homicide, a form of interpersonal violence about which historians know relatively little but which has concerned social scientists for the past two decades. Katherine D. Watson brings together two trends in the study of violence by exploring the potential scope and utility of the civilizing process theory in relation to a rare but increasingly frequent phenomenon, to show that the existing scholarship offers evidence of clear links between modern 'civilized' society and serial murder. Whether this should be interpreted in terms of weakening chains of interdependence, decivilizing spurts, or loss of inculcated mechanisms of self-control remains to be seen. Although Elias himself never contemplated this form of violence he was, perhaps, remarkably prescient in noting that individuals overwhelmed by uncontrollable impulses directed at external targets might be so psychologically damaged as to be scarcely human. While this resonates with contemporary assumptions about serial (sex) killers, Watson broadens the basis of comparison somewhat by concluding her chapter with a look at serial

poisoners in England since 1800, many of whom were women who killed children for financial reasons. She argues that since serial homicide is such an atypical behaviour it is important to study it in all its guises over a long period, and that this process might in turn contribute to the ongoing examination and modification of Elias's theory of the civilizing process.

Where now might historians of crime and violence take their study of Elias's theory of the civilizing process? Many of the chapters in this volume have hinted at the directions in which future research might usefully go. On the larger scale, it is possible to check whether the theory represents a generally valid model by testing it on other cultures, such as Japan, China or India.<sup>33</sup> As Caroline Dodds noted, the city of Tenochtitlan and its citizens both challenged and confirmed Spanish ideals of civilization, and continue to do so today. Given that Elias held that 'religion is always exactly as "civilized" as the society or class which upholds it',<sup>34</sup> what does this mean for cultures whose beliefs require bloody rituals? Are violent cultural practices rooted in belief systems entirely incompatible with the tenets of the civilizing process and the status of 'civilization', no matter how socially complex or controlled that society may be? Certainly one would have to have a particular emotional makeup in order to see others as sacrificial victims, to paraphrase Robert van Krieken, but this is still very different from indulging in unfettered violent cruelty.<sup>35</sup> In developing his theory Elias deliberately excluded the role of religion as an institutional organization which acted to mould behaviour and identities through ritualistic practices and codes,<sup>36</sup> and future theoretical research might usefully engage with this lacuna. Indeed, it has recently been noted that Elias had little to say about 'the role of ritual, custom, law and religion in limiting violence'<sup>37</sup>—phenomena touched upon in this volume but which undoubtedly require further study in relation to the civilizing process.

Of more immediate relevance perhaps to criminal justice historians is the issue of gender: what is the relevance of the theory of the civilizing process to violent women? Where might the civilizing process fit into discourses about masculinity and violence, and can similar assumptions be made for women? Is the theory gender neutral? Given that women commit fewer homicides than men, might not lesser forms of violence offer an important alternative to homicide rates in the search for evidence of the mechanisms by which the civilizing process operates? Clearly, as several of the contributors to this volume have suggested, further empirical and comparative studies are needed in order to broaden our interrogation of the theory.

Elias analysed historical change taking a long-term perspective, stressing that 'societies change continuously and that scholars should attempt to trace the interdependent long-term developments making up that change'.<sup>38</sup> In order to do

so, historians will need to carry out more research on violence and people's experience and understanding of it, to learn not only about crime rates but also changing human sensibilities. Case studies directed at elucidating how the civilizing process operated in a specific place and at a particular period will add to a growing body of knowledge that should, in time, contribute to a clearer understanding of major historical transitions and the mechanisms by which they are wrought.

## Notes

<sup>1</sup> J.R. Ruff, 'Bibliographical essay' online at <http://www.marquette.edu/courses/hist/ruffj> is a much expanded version of the suggestions for further reading included in his *Violence in Early Modern Europe 1500-1800* (Cambridge: Cambridge University Press, 2001). The bibliography is 49 pages long.

<sup>2</sup> M. Foucault, *Discipline and Punish: The Birth of the Prison* [1975], trans. A. Sheridan (reprint London: Penguin, 1991).

<sup>3</sup> N. Elias, *The Civilizing Process: Sociogenetic and Psychogenetic Investigations* [1939], rev. ed., trans. E. Jephcott (Oxford: Blackwell Publishing, 2000).

<sup>4</sup> See, for example, D. Garland, *Punishment and Modern Society: A Study in Social Theory* (Oxford: Clarendon Press, 1990), ch. 10; V.A.C. Gatrell, *The Hanging Tree: Execution and the English People 1770-1868* (Oxford: Oxford University Press, 1994), pp. 11-17; P. Spierenburg, 'Punishment, Power and History: Foucault and Elias', *Social Science History*, 28 (2004), 607-36. By contrast, Richard Evans is strongly critical of both: R.J. Evans, *Rituals of Retribution: Capital Punishment in Germany, 1600-1987* [1996] (London: Penguin, 1997), pp. 880-99. For a work that focuses on Elias rather than Foucault, see P. Spierenburg, *The Spectacle of Suffering. Executions and the Evolution of Repression: From a Preindustrial Metropolis to the European Experience* (Cambridge: Cambridge University Press, 1984), while J.A. Sharpe, 'Civility, Civilizing Processes, and the End of Public Punishment in England', in P. Burke, B. Harrison and P. Slack (eds), *Civil Histories: Essays Presented to Sir Keith Thomas* (Oxford: Oxford University Press, 2000), pp. 215-30, is less overtly indebted to Elias. Criminologists have also considered 'decivilizing' trends in relation to punishment: see J. Pratt, 'Towards the "Decivilizing" of Punishment?', *Social and Legal Studies*, 7 (1998), 487-515; B. Vaughan, 'The Civilizing Process and the Janus-Face of Modern Punishment', *Theoretical Criminology*, 4 (2000), 71-91.

<sup>5</sup> E.A. Johnson and E.H. Monkkonen, 'Introduction', in E.A. Johnson and E.H. Monkkonen (eds), *The Civilization of Crime: Violence in Town and Country since the Middle Ages* (Urbana and Chicago: University of Illinois Press, 1996), pp. 1-13, on p. 4. See also the chapters by J.A. Sharpe, E. Österberg and P. Spierenburg in Johnson and Monkkonen, *Civilization of Crime*; H. Ylikangas, 'What Happened to Violence? An Analysis of the Development of Violence from Medieval Times to the Early Modern Era Based on Finnish Source Material', in H. Ylikangas, P. Karonen and M. Lehti (eds), *Five Centuries of Violence in Finland and the Baltic Area* (Columbus: Ohio State University Press, 2001), pp. 1-83, on pp. 5-11; M. Eisner, 'Modernization, Self-control and Lethal

Violence: The Long-term Dynamics of European Homicide Rates in Theoretical Perspective', *British Journal of Criminology*, 41 (2001), 618-38; P. Spierenburg, 'Violence and the Civilizing Process: Does it Work?', *Crime, History and Societies*, 5 (2001), 87-105; I. O'Donnell, 'Lethal Violence in Ireland, 1841 to 2003: Famine, Celibacy and Parental Pacification', *British Journal of Criminology*, 45 (2005), 671-95. For dissenting views, see G. Schwerhoff, 'Criminalized Violence and the Process of Civilisation—a Reappraisal', *Crime, History and Societies*, 6 (2002), 103-26 and S. Carroll, *Blood and Violence in Early Modern France* (Oxford: Oxford University Press, 2006), pp. 3-5, 308-11, 315.

<sup>6</sup> S. Mennell, *Norbert Elias: Civilization and the Human Self-Image* (Oxford: Basil Blackwell, 1989), p. 23.

<sup>7</sup> Johnson and Monkkonen, 'Introduction', pp. 4-5.

<sup>8</sup> Mennell, *Norbert Elias*, pp. 227-50.

<sup>9</sup> For a stinging criticism of Elias's grasp on history, see R.J. Robinson, "'The Civilizing Process": Some Remarks on Elias's Social History', *Sociology*, 21 (1987), 1-17.

<sup>10</sup> Evans, *Rituals of Retribution*, p. 892.

<sup>11</sup> Mennell, *Norbert Elias*, p. 250. See also R. van Krieken, 'Violence, Self-Discipline and Modernity: Beyond the "Civilizing Process"', *Sociological Review*, 37 (1989), 193-218.

<sup>12</sup> E.H. Monkkonen, 'Homicide in Los Angeles, 1827-2002', *Journal of Interdisciplinary History*, 36 (2005), 167-83, p. 168.

<sup>13</sup> In addition to the works noted above see also R. Rosenfeld, 'Patterns in Adult Homicide: 1980-1995', in A. Blumstein and J. Wallman (eds), *The Crime Drop in America* (Cambridge: Cambridge University Press, 2000), pp. 130-63; J.S. Adler, "'Halting the Slaughter of the Innocents": The Civilizing Process and the Surge in Violence in Turn-of-the-Century Chicago', *Social Science History*, 25 (2001), 29-52. Adler notes that the reversal of declining homicide rates in Chicago raises questions about the usefulness of Elias's theory (p. 32).

<sup>14</sup> Spierenburg, 'Punishment, Power and History', p. 621.

<sup>15</sup> J. Carter Wood, *Violence and Crime in Nineteenth-Century England: The Shadow of our Refinement* (London and New York: Routledge, 2004), pp. 16-17.

<sup>16</sup> van Krieken, 'Violence, Self-Discipline and Modernity', p. 205.

<sup>17</sup> This is not to say that there is not a large literature on assault, wife beating and other forms of violence that fall short of homicide, merely that, where the civilizing process is concerned, it is works on homicide that cite Elias most regularly.

<sup>18</sup> Elias allowed for the spread of Western civilized patterns of conduct outside the West via a process of colonization and assimilation: Elias, *Civilizing Process*, p. 384.

<sup>19</sup> In Elias's writings the notion of 'established-outsider relations' serves as a tool to illuminate social processes which may lead to violent conflict between groups: Elias, *Civilizing Process*, p. 382 and also J. Fletcher, *Violence and Civilization: An Introduction to the Work of Norbert Elias* (Cambridge: Polity Press, 1997), pp. 70-81.

<sup>20</sup> A decline charted most effectively for Europe by Eisner, 'Modernization, Self-control and Lethal Violence'.

<sup>21</sup> The chapter looks especially at episodes involving customs officers, press gangs and industrial disputes.

<sup>22</sup> See the chapter by Randall McGowen for some of the ways in which this restriction was manifested.

<sup>23</sup> P. King, 'Punishing Assault: The Transformation of Attitudes in the English Courts', *Journal of Interdisciplinary History*, 27 (1996), 43-74.

<sup>24</sup> Fletcher, *Violence and Civilization*, pp. 49-50.

<sup>25</sup> M.M. Feeley and D.L. Little, 'The Vanishing Female: The Decline of Women in the Criminal Process, 1687-1912', *Law and Society Review*, 25 (1991), 719-57, pp. 741-42.

<sup>26</sup> Not least in the work of Hurl-Eamon herself: J. Hurl-Eamon, *Gender and Petty Violence in London, 1680-1720* (Columbus: Ohio State University Press, 2005). See also R.B. Shoemaker, *Prosecution and Punishment: Petty Crime and the Law in London and Rural Middlesex, c. 1660-1725* (Cambridge: Cambridge University Press, 1991); D.D. Gray, 'Summary Proceedings and Social Relations in the City of London, c. 1750-1800' (unpublished PhD thesis, University of Northampton, 2006).

<sup>27</sup> D.J. McCabe, 'Law, Conflict and Social Order: County Mayo, 1820-45' (unpublished PhD thesis, University College Dublin, 1991).

<sup>28</sup> C.A. Conley, *Melancholy Accidents: The Meaning of Violence in Post-Famine Ireland* (Lanham, MD: Lexington Books, 1999).

<sup>29</sup> A point mooted by both Pieter Spierenburg and his critic Gerd Schwerhoff, as well as Eric Monkkonen. See P. Spierenburg, 'Long-Term Trends in Homicide: Theoretical Reflections and Dutch Evidence, Fifteenth to Twentieth Centuries', in E.A. Johnson and E.H. Monkkonen (eds), *The Civilization of Crime: Violence in Town and Country since the Middle Ages* (Urbana and Chicago: University of Illinois Press, 1996), pp. 63-105, on p. 75; E.H. Monkkonen, *Murder in New York City* (Berkeley: University of California Press, 2001), pp. 198-99; Schwerhoff, 'Criminalized Violence', p.112. Spierenburg notes that 'increased medical skill and organization play a role only from about 1900 onward', while Schwerhoff allows that 'medicine had not progressed significantly until the 19<sup>th</sup> century'.

<sup>30</sup> This point was noted in a much broader context some years ago: A. Mitzman, 'The Civilizing Offensive: Mentalities, High Culture and Individual Psyches', *Journal of Social History*, 20 (1987), 663-87; van Krieken, 'Violence, Self-Discipline and Modernity', p. 199.

<sup>31</sup> This last point echoes an argument made by Joanne Bailey in her recent study of domestic violence in the eighteenth century: wife beating occurred mainly indoors, but was still subject to external, public scrutiny, though less so for the upper classes. See J. Bailey, "'I dye [sic] by Inches": Locating Wife Beating in the Concept of a Privatization of Marriage and Violence in Eighteenth-Century England', *Social History*, 31 (2006), 273-94; pp. 282-87. Bailey acknowledges the points made by J. Carter Wood about spatial context in his *Violence and Crime*.

<sup>32</sup> Elias, *Civilizing Process*, pp. 365-67, 543 n. 1.

<sup>33</sup> Mennell, *Norbert Elias*, p. 237.

<sup>34</sup> Elias, *Civilizing Process*, p. 169.

<sup>35</sup> van Krieken, 'Violence, Self-Discipline and Modernity', p. 205, commenting on Elias's characterization of medieval knights as having a 'positive desire for violent cruelty'—a point he refutes.

<sup>36</sup> Fletcher, *Violence and Civilization*, p. 20.

<sup>37</sup> Carroll, *Blood and Violence*, p. 5.

<sup>38</sup> Spierenburg, 'Punishment, Power, and History', p. 624.

