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- 1 Among social historians of law there is currently a keen interest in popular legalism, i.e. in the active role that ordinary people played in the judiciary and how these people experienced the law. These new strands of research takes the view that ordinary people were not necessarily the victims of legal regimes imposed upon them from above. Instead, historians increasingly highlight the ways in which ordinary people shaped the judiciary. This historiographical shift includes growing attention to low-threshold forms of conflict arbitration, such as summary courts. These were the legal institutions that people from all walks of life were most likely to interact with.
- 2 Both volumes discussed in this review align with these new strands in historical research. The volume edited by David Lemmings comprises a range of articles that discuss why there was an 'explosion' of popular trial publishing in London and Scotland during the eighteenth century, particularly focusing on how such practices afforded new means of popular participation in the law during the so-called age of 'lawyerisation' of criminal trials. Thus while trials at the beginning of the period in question were commonly attended by an audience from the lower orders of society who participated in the proceedings in a sometimes noisy and disorderly fashion, the locus of such popular participation gradually shifted to the printed press and became part of the public sphere, while lawyers came to dominate proceedings in court. The volume edited by Greg T. Smith comprises fifteen books of trial proceedings from the summary London court, the Guildhall Justice Room ; these records contain hundreds of entries detailing the appearances of ordinary inhabitants of London, as plaintiffs and defendants in various conflicts and offences, before the aldermen who sat as justices of the peace. Both volumes

contribute towards mapping relations between ordinary people and the law in eighteenth-century London and, to a lesser extent, Scotland.

- 3 David Lemmings is a distinguished historian of law and society, and more specifically on the history of the legal profession ; he has recently turned his attention to the history of emotions and the public sphere in England from 1680 to 1820. The recent volume 'Crime, courtrooms and the public sphere in Britain, 1700-1850', which he presents in a substantial introduction, contains six contributions about press coverage of criminal proceedings in London (notably in the central criminal court of the Old Bailey), as well as one contribution on London and Scotland, and one exclusively on Scotland. The collection covers a crucial period of transition, especially as regards both the nature of criminal proceedings and the booming of the printed press. Criminal trials initially had been open to the general public, and included participation from a plebeian audience, which sometimes had considerable impact on the proceedings. However, with the emergence of lawyers, in the 1730's, as well as infrastructural changes, this sort of public engagement was gradually silenced in the courtroom. Nonetheless, concomitant with the booming of the printed press, criminal trials were vastly reported in a range of printed media, thereby relocating popular participation in criminal trials to the public sphere. This volume addresses the impact of 'lawyerisation' on these procedures, in particular as lawyers' theatrical cross-examinations now inspired newspaper accounts and lawyers' reported narratives transmitted their ideas about law and justice to the public.
- 4 The volume largely achieves the aims outlined in the insightful introduction. Together, the eight chapters offer a broadly comprehensive examination of a varied set of printed media, including newspapers, broadside pamphlets and session papers from the Old Bailey. Evolutions that took place across the 150-year-period under scrutiny become apparent from this collection of essays. For instance, there was a gradual commercialisation of sensationalist accounts of trials, first in London, and toward the end of the eighteenth century, also in Scotland (cf. chapter by Kilday, p. 156-159). Although the bulk of attention is focused on proceedings at the Old Bailey in London, the two essays that detail research on Scotland contribute an effective comparative dimension to the volume.
- 5 The volume offers contextualisation to the proceedings of the Old Bailey, the reports on criminal trials that were published eight times a year under the auspices of the Corporation of London from the 1670s onwards. As those proceedings have been digitized and made fully available for research (<http://www.oldbaileyonline.org>), the appropriate contextualisation of these sources is particularly welcome. For instance, in his meticulous examination of the reporting strategies behind the proceedings of the Old Bailey, Robert Shoemaker shows how prosecution cases and trials that led to convictions were prioritised, while markedly less attention was paid to defence counsel and to acquittals. By combining the proceedings with other source materials on reporting strategies, Shoemaker underscores shifts in reporting strategies over time ; he warns historians who use the proceedings for their research not to confuse changes in criminal trial procedures with changes in the reporting strategies behind the published proceedings. Indeed, during the 'golden age' of reporting in the latter half of the 1770s and the 1780s, it was rare for the defence council to be widely reported. This was primarily to reassure the public – in the context of social tensions before and during the Gordon riots – that equitable justice was being rendered in the Old Bailey. Such reporting strategies changed again in the late 1780's, this time out to avoid dissuading prosecutors from initiating

cases and to prevent that criminals should draw the ‘wrong lessons’ from criminal trials. Similarly specific attention to editorial choices is found in other chapters, such as those by Andrea McKenzie and by Rosalind Crone.

- 6 The book examines the editorial choices made in the reporting of trials and punishments. It is argued that these provide an indirect means of assessing the wider public’s preferences about - and thus popular attitudes to - the law. The sales figures for such reportage indicate the existence of a public that was fervently interested in criminal trials. In the contributions by Anne-Marie Kilday and David Lemmings, both of whom address the Scottish case, different voices are heard, notably about Scottish justice. In his chapter ‘Negotiating Justice in the New Public Sphere’, David Lemmings discusses the use of the press by an individual seeking to influence a particular trial before the Old Bailey (p. 138-142). He also evokes the fervent discussions in the coffee houses and taverns which came to be inherently associated with the emergence of the public sphere in eighteenth-century London.
- 7 Such lively discussions are less at the fore in the majority of the chapters, though “the critical ‘quality’ of public discussion” is presented as a principal theme of the volume (p. 18). The relocation of popular participation in the court room to the public sphere is first and foremost approached through the printed press, yet such items offer only indirect understanding of popular attitudes and discussion. Moreover, the different contributions exemplify both the mediated nature of such ‘participation’ and the ways that press coverage of criminal proceedings was informed by governmental concerns that such reporting should legitimate the outcomes. Rosalind Crone states that the emergence of the mass media in the years 1820-1855 further increased the exclusion of ordinary people from the courtrooms and redefined them as spectators. These spectators were dependent on a printed press that was characterized by selectivity and bias and that, rather than “educating or equipping the masses with skills that would encourage a critical interaction with the law, may have limited people’s interaction and assisted in further isolation” (p. 212). It seems that similar claims may apply to some extent to the eighteenth century. This raises questions about the press editors – for instance, the editors of the ‘select trials’ examined by Andrea McKenzie – not least as to who they were and what their relations with government officials were. In view of the similarity in the messages or reporting strategies they conveyed and the government-sponsored session papers of the Old Bailey, their editorial choices seem to reflect a new vision of the public sphere as a creation and extension of the state rather than the free-debate culture of a critical bourgeois public, as argued by Jürgen Habermas. The research underlying the volume would have allowed a more explicit reflection on and contribution to the conceptualisation of the “public sphere”, even though not all chapters explicitly engage in discussions of the “public sphere”.
- 8 This also applies to the question concerning the extent to which commercial interests were part of the new public sphere, which appears to have been the case from early on. Relatedly, the role of literary traditions in crime reporting and the overlap between journalistic and literary production is striking. The chapter by Simon Devereaux particularly addresses the “arts of public performance” on the part of barristers as represented in the press. Similarly, the article by Allyson N. May on literary representations of the early nineteenth-century criminal courtroom, explains that such accounts paint an “overwhelmingly negative portrait... of the criminal courtroom” (p. 168). Such depictions particularly focused on how lawyers undermined their clients’

case by being disruptive during the trials. It also evidence the overlap between literary and journalistic representations and commercial interests.

- 9 The volume on “Summary justice in the city”, edited by Greg T. Smith, comprises the edition of summary proceedings before the magistrates of London in the Guildhall justice room for the years 1752-1781. It is the 48th volume of edited primary source material to be published by the London Record Society, as part of its efforts to stimulate research into the history of London. A wider public will also benefit from the volume. As the editor rightly states at the beginning of his introduction, “the common point of entry into the criminal justice system in England was the local justice of the peace”. Historians have increasingly considered the crucial role of these low-threshold judicial officials in English criminal law, as recent publications by Peter King and Drew Gray exemplify. However, summary justice operated by its nature in informal ways ; consequently, source materials that disclose interactions between justices of the peace, plaintiffs, defendants and witnesses are scarce. This volume of a range of records created by clerks of the Guildhall justice room is therefore a particularly welcome addition to recent editions of various notebooks and minute books belonging to those justices of the peace who worked predominantly in a rural context.
- 10 The volume contains a helpful introduction that discusses the role of the Lord Mayor and the twenty-five sitting aldermen of the city of London who performed duties as justices of the peace, sitting (in rotation) daily during fixed hours in the Guildhall justice room. These hearings were largely open to the public and, according to Smith, many London newspapers reported on the proceedings. This offers an interesting parallel to the volume edited by David Lemmings. An attorney worked as clerk, keeping notes of the hearings in the Guildhall justice room, so as to have a record both of the financial side of summary justice and of legal issues. In the London Metropolitan Archive, fifty-five minute books, covering the years 1752 to 1796, have been preserved. This edition comprises full transcription of the first fifteen of these books.
- 11 The hundreds of entries allow for examining the crucial role of the justices of the peace in the early stages of criminal proceedings, as well as in the settlement of civil conflicts, the administration of Poor Law and the regulation of the labouring population. When inhabitants of London had a complaint, they went first to the justices of the peace, who acted as gatekeepers to other, more formal courts. Thus, a wide range of issues is found in the minute books, including felony cases and misdemeanour cases that were supposed to be forwarded to the Old Bailey and the county quarter sessions or city’s sessions of the peace, respectively. However, Smith describes how the aldermen assumed considerable discretionary powers and took an active role both in investigating these disputes and in gathering evidence. In the large majority of the cases, magistrates would settle minor disputes on the spot and impose punishments before formal complaints were filed, thereby helping to keep litigation levels low. The arbitration of minor conflicts and the advancing of felony and misdemeanour cases to formal courts happened in a strikingly efficient and prompt way, though this was often at the cost of defendants not having sufficient time to organise their defence. Nonetheless, as Smith suggests, the minute books show how the pre-trial proceedings before the justices of the peace helped to secure confessions and to negotiate settlements before formal complaints were filed. Such informal settlements were of interest to both defendant and plaintiff.
- 12 The crucial role of constables in policing the metropolis also becomes apparent in the edited source materials. These authorities were in charge of arresting and detaining

people who had been accused and of bringing forward people who disobeyed vagrancy laws or contravened public order and moral regulations. Greg Smith intimates a certain specialisation among the constables, who for instance became particularly involved in cases relating to moral regulations. The controlling role of the aldermen over the (sometimes overzealous) constables also becomes apparent in the edited minute books.

- 13 A wide range of topics relating to social history, urban history, labour history and the history of crime can be investigated via edited minute books. Greg Smith has successfully managed to make this edition resemble as much as possible the structure of the original primary sources. Similarly, he explains his editorial decisions with much clarity at the end of the introduction. The minute books are by their very nature not an easily accessible source for research. As such, it is helpful that the volume includes an overview of the most commonly used abbreviations ; nonetheless, the exact meanings of a considerable number of abbreviations remain unclear. The edited source is supplemented with over 200 explanatory notes that are particularly valuable, as well as a lengthy index of names and surnames. However, it is to be hoped that the London Record Society will also provide a digital version of the edited sources. While it is highly beneficial and valuable that names can be consulted in the index, it would be particularly helpful if researchers could similarly access a digital edition and systematically search for types of crime, the appearance of constables in the proceedings, or the use of the word 'poor' in the minutes, to name just a few potential research strategies. A digitized version of this volume would doubtlessly enable a wide range of additional research approaches. This would not only help to further valorise the meticulous and important work carried out by Greg Smith, but would also contribute towards advancing a range of insights and approaches related to popular legalism.