Chapter 6

Power of the County: Sheriffs and Violence in Early Modern England

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In 1780 after Gordon rioters seized London, the Orientalist Sir William Jones wondered whether “the civil state” could have restored order without military action. He determined that the *posse comitatus* or power of the county could have quelled the riot. Summoning the power of the county, that is, calling all able-bodied residents to assist the sheriff in thwarting disturbers of the peace, would seem a quaint prescription for the sixteenth or seventeenth centuries, and nothing more than a patriarchal conceit by the eighteenth century. Jones’s speculation may therefore be said to measure the gap between legal theory and governing realities of the early modern state. Yet Jones’s common-law mindedness demonstrates that an inherited rhetoric of law enforcement survived into the heyday of urban rioting, thereby raising the abiding question of how early modern England regulated violence absent a modern bureaucracy or military. Historians have confronted that problem by contrasting or relating order and disorder, proposing riot and rebellion as constituent features of political culture, treating faction as a stabilizing tension, and insisting that participation by the commonalty in the course of justice created a conundrum for crown officers.

Recently historians of early modern state formation have examined regulation of violence as a function and consequence of strategies of
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legitimation. This essay seeks to extend that approach to encompass the sheriff’s office, which wielded the selfsame power of the county in which Sir William Jones trusted. Despite sheriffs’ engagement with violence and their authority as peacekeepers, their reputation for patriarchal inaction has removed them from most discussions of early modern violence. Yet emphases on the engendering of patriarchal order make it possible to challenge that neglect. Jones’s prescription for composing the Gordon Riots provides a reminder that the sheriff’s decision-making was not a patriarchal reflex action. In dealing with fellow elites, women and the commonalty sheriffs practiced the art of pacification. They rarely confronted a choice between violence and nonviolence or straddled a boundary separating peace from war. Rather, sheriffs’ procedural imperatives rendered violence an expectation, a protocol, and an opportunity for confrontation.

Violence as Expectation: Officers and Venues

Long known as peace officers, English sheriffs authenticated violence and regulated its distribution and composition. Their approach to pacification arose out of official programming evident in their recruitment. Annual tenure, nomination by royal ministers in consultation with assize judges, and selection by the sovereign guaranteed that greater gentry would be chosen for the office, that they would have minimal incentive to exploit its fiscal resources, that it would be difficult to use the office as a personal power base, and that they must respond to expectations that they underwrite the financial and legal integrity of the county. The sheriff exposed his patrimony, his household estate, in defense of patriarchal order. That sense of vulnerability, not normally a male-specific trait, complicated sheriffs’ inflection of procedure.

When a Jacobean proclamation exhorted sheriffs to assist in “the preventing, resisting and suppressing of such disorderly assemblies... as shall be against the public peace of this realm” it adopted commonplace official sentiments. Despite sheriffs’ amateur quality, they were fitted with the resources they needed to engender pacification. Their ways minimized official effort in a patriarchal order that deflected, deferred, and otherwise confounded opposition and criticism. Manipulating resources of a sophisticated legal tradition from recesses of the county castle, the sheriff’s office enjoyed procedural high ground from which to launch enforcement. Expectations for enforcement depended on personnel who enlisted under the sheriff’s banner, wore his livery, and collected his fees. Undersheriffs and bailiffs