

The civilizing process in London's Old Bailey

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The jury trial is a critical point where the state and its citizens come together to define the limits of acceptable behavior. Here we present a large-scale quantitative analysis of trial transcripts from the Old Bailey that reveal a major transition in the nature of this defining moment. By coarse-graining the spoken word testimony into synonym sets and dividing the trials based on indictment, we demonstrate the emergence of semantically distinct violent and nonviolent trial genres. We show that although in the late 18th century the semantic content of trials for violent offenses is functionally indistinguishable from that for nonviolent ones, a long-term, secular trend drives the system toward increasingly clear distinctions between violent and nonviolent acts. We separate this process into the shifting patterns that drive it, determine the relative effects of bureaucratic change and broader cultural shifts, and identify the synonym sets most responsible for the eventual genre distinguishability. This work provides a new window onto the cultural and institutional changes that accompany the monopolization of violence by the state, described in qualitative historical analysis as the civilizing process.

cultural evolution | group cognition | social systems | bureaucracy | information theory

Over the course of the 19th century two developments helped to shape the modern world. First, the Western nation-state took on a newly bureaucratic form, including a newly regulated system of law and justice (1–3). And, second, the levels of violence in Western societies plummeted to a unique, all-time low. (For an overview of the statistical evidence for the long-term decline in violence, see ref. 4. Most recently, this literature and argument forms the basis for ref. 5.) Throughout Western Europe, murder became a rarity, whereas the judicial systems of both Europe and North America took on a new professionalism marked by comprehensive record keeping. Scholars using traditional historical methodologies have described this decline in violence as the central component of what is called the “civilizing process.” (This is building on ref. 6. For the specifically British experience, see refs. 7–10.)

Part of a formal theory of cultural development designed to explain the emergence of the modern Western state, this civilizing process is taken to include a wide variety of forms of interpersonal relationships ranging from the rise of the concept of politeness to the relationships between classes. The core claim of the theory is that the state effectively monopolized the use of violence over the course of the 16th to 20th centuries, becoming an important actor in both the control of the cultures that encouraged violence, and in the direct policing and control of violence itself.

The bureaucracies that characterize this shift undertook information gathering on an unprecedented scale, designed in part to inform later decision making, and the digitization of these records makes it newly possible to study the civilizing process in a quantitative fashion. The data here come from the detailed records of the Central Criminal Court, or Old Bailey, in London (11, 12). The Old Bailey has heard trials for serious crimes in London and the surrounding counties since the 16th century, and forms one of the longest-running bureaucracies in the modern Western world.

We analyze the 112,485 trial records, encompassing more than 20 million (semantic) words of testimony recorded between 1760 and 1913, a period during which trial reports were at their most comprehensive. We focus on the lexical semantics of spoken testimony: the meaning-laden words used by speakers that can be grouped as synonyms at different thresholds of similarity. Our methods allow us to study the explicitly named semantic structures of these texts over more than 2 orders of magnitude in resolution, from the word-stem level (2.6×10^4 categories) to a synonym set level, with 1,040 categories, to a highly coarse-grained representation with only 116 categories.

We report two major findings. Our first finding is the emergence, by the beginning of the 19th century, of an increasingly clear distinction, within the record of spoken language, between trials associated with violent and nonviolent indictments. The result amounts to the creation of a new bureaucratic genre (13, 14) concerned with the management of violence, and its emergence is followed by a long-term, secular trend over the next 100 y that reinforces the genre through increasing distinctiveness of trial types over time. The increasingly distinctive forms of statements associated with the management of violent crime provides strong quantitative evidence for the emergence of new social norms and cultural controls on behavior as context for the decline of violence over the course of the 19th century.

Our methods allow us to identify the particular categories most responsible for the distinction, and to determine their changing influence over time. Based on this analysis, our second finding concerns the large-scale structure of the genre's creation. Rather than the amplification of a particular initial pattern, we find significant change in the nature of the distinctions drawn. The civilizing process amounts not only to a strengthening of prior norms, but also to their elaboration and change over decade- and century-long timescales. Inspection of these most salient categories allows us to associate this process with both bureaucratic innovation associated with the civilizing process and

Significance

One of the characteristics of the modern era is the emergence of new bureaucratic and social mechanisms for the management and control of violence. Our analysis of 150 y of spoken word testimony in the English criminal justice system provides new insight into this critical process. We show how, beginning around the 1800s, trials for violent and nonviolent offenses become increasingly distinct. Driven by a shifting set of underlying signals, this long-term shift in the underlying norms of the system involves both changes in bureaucratic practice and in civil society as a whole.

Author contributions: S.K., T.H., and S.D. designed research; S.K., T.H., and S.D. performed research; S.K. and S.D. analyzed data and wrote the paper. S.K., T.H., and S.D. wrote the paper.

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The Civilizing Process In Londons Old Bailey Proceedings

**Jasper Mackenzie, Raazesh
Sainudiin, James D. Smithies, Heather
Wolram**

The Civilizing Process In Londons Old Bailey Proceedings:

A Nonparametric View of the Civilizing Process in London's Old Bailey Jasper Mackenzie, Raazesh Sainudiin, James D. Smithies, Heather Wolram, 2015 **The Proceedings of the Old Bailey, London 1674 to 1913** , Fully searchable texts detailing accounts of over 197 000 criminal trials held at London s Central Criminal Court The crimes tried were mostly felonies predominantly theft but also include some of the most serious misdemeanours providing historical insight into the daily lives of those who participated in the proceedings **The Old Bailey and Its Trials** Bernard O'Donnell, 1950

Sensational tales of the Old Bailey the Central Criminal Court of England and Wales from its Elizabethan origins to the time of publication Macabre history full of highwaymen and hangmen villains and persecuted saints and well known criminals such as Oscar Wilde **The Old Bailey** Nathaniel Goodwin, 2012 The history of the laws and courts of England is a rich subject but little work has been done on the history of common law prior to the eighteenth century With fewer sources than later periods and a confusing system of overlapping jurisdictions the late seventeenth century has largely been ignored by legal history scholars Furthermore the history of this period is often dominated by grand events like the Glorious Revolution This thesis attempts to chronicle the activities of the Old Bailey London s central criminal court during the era of the Glorious Revolution Analysis of the Old Bailey Sessions Papers records provides a unique way to recreate the relationship between the court and the people of London that yields both statistical data and ample case studies With these sources it possible to both reconstruct the everyday workings of the Old Bailey as well as contextualize the crimes tried and punishments handed down by the court By utilizing these abundant records of the Old Bailey this study offers a new view into the workings of law and justice in seventeenth century London

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