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**Habit, the Criminal Body and the Body Politic in England, c.  
1700-1800**

The problem of crime has been central to our understanding of ‘the social’ since the birth of modern social science. Crime was fundamental to Emile Durkheim’s pioneering work in *The Division of Labour in Society* and *Rules of Sociological Method*, where he identifies its importance in marking out the limits of commonly held values and, in the process, playing an important role in the rituals of sacrifice and renewal which help to unify ‘normal’ society (Faller, 1987: xi; Harris, 1998: 7-8). It is perhaps for this reason that the subject of crime seems to excite an interest which is not particularly closely related to its measurable incidence, but has a more symbolic significance for our assessment of the state of the social order, and of the ability of governments to shape it. The figure of the criminal haunts us because it raises uncomfortable questions about human nature and about the society from which these problematic individuals emerge: why do some people commit crimes and not others? Why do some people live lives defined by crime? Are individual crimes individual failings, or the result of wider social problems?

Contemporary public debate about crime in the U.S. and U.K. in particular (on which see Garland, 2002) tends to revolve around two key positions: a neo-conservative stance in which criminals are seen as fundamentally flawed individuals exercising their vicious desires and who need to be punished to make them a deterrent for others, or a more liberal viewpoint where criminals are seen to be the unfortunate products of a mis-aligned social system and who need to be reformed and rehabilitated. Orthodox criminology tends overwhelmingly to support the latter view, seeing the development of reformatory rather than punitive approaches to criminal justice as a marker of social progress from the nineteenth to the twentieth century. Conservatives, in contrast, also view the development of medical, psychological and

more broadly ‘welfarist’ approaches to crime as a recent historical development, but from their perspective this represents a failed experiment in which the sense of responsibility for criminal offences has been eroded by the medicalization and psychologization of crime which explains it primarily in terms of social forces acting on and through the individual. This loss of a sense of responsibility for action is seen not only to hinder our ability to deal with crime, but may even, it is claimed, have contributed to the rise in crime evident since 1945 (Hitchens, 2003; Wiener, 1990: 215-381).<sup>1</sup> .

This article seeks to unsettle the notion that we have witnessed a straightforward historical shift from the concept of wilful individual responsibility for crime to a more environmental or social explanation for criminality. It does this by analysing English attitudes to crime in the eighteenth century, the period infamous for the highly punitive ‘Bloody Code’, but which also saw the birth of modern policing, the penitentiary and the prison reform movement. In eighteenth-century England we find a strong emphasis on individual responsibility combined with a clear understanding that crime was often the product of circumstance and life course. These two apparently contradictory positions were held together through the notion of habit, which provided an explanation for the way in which patterns of activity learned from one’s fellows, or particular social values or practices, could be inscribed in the character of the individual.

This article explores discourses on crime produced by participants in the eighteenth-century criminal justice system which demonstrate the role habit played in the characterizations of crime they produced either to encourage their audience to obey the law, or by way of promoting innovation or encouraging its reform. I look first at the narratives produced by the Ordinary of Newgate, the chaplain of Newgate

Prison, whose accounts were, amongst other things, supposed to highlight the process by which the criminal fell into a life of crime from relatively small offences such as Sabbath breaking and as such to prompt the reader or audience to examine their own conduct in this light. I go on to chart the reappearance of this argument in assize sermons, designed to promote adherence to the law and examination of one's own conduct, and through more reformist literature targeted at new ways to change the conduct of individuals: mechanisms for the prevention of crime, particularly the concepts of 'police' and the reformatory.

As Lincoln Faller (1987: 53) and Andrea McKenzie (2007: 56, 90) have argued, the eighteenth century was a period in which there was no radical distinction between the criminal and the rest of society of the sort produced by accounts of a disadvantaged underclass, medicalization, or even simple constructions of bad character.<sup>2</sup> The emphasis in this period was on the universal sinfulness of mankind and the liability for anyone from any rank in society to commit criminal and sinful acts, elements not clearly distinguished at this time (Faller, 1987: 53-4; see McKenzie, 2007: 87-91 for the gradual change in this view). Faller sees this as part of the 'general inability of the period to produce anything like an adequate etiology of crime', the only vague explanation offered for the reason one person might commit a crime instead of another was a lack of feeling and foresight in the individual criminal, which hardened them to the commission of crime by diminishing their sense of the consequences and impact of their actions (Faller, 1987: 55-6, 61-2, McKenzie, 2007: 61). In this article, however, I suggest that there was in fact a clear and common explanation for the ways in which this process of the 'hardening' of character took place: habituation.

James Tully (1988) has argued that the popularity of John Locke's *Essay Concerning Human Understanding*, published in 1689, and his *Thoughts Concerning Education*, published in 1693, played an important part in collapsing the notion that particular individuals were inherently vicious in the early modern period. Instead, it was argued, the mind was a blank sheet and the character was formed through impression and ingrained custom, or habit, a proposition also supported in several parts of classical literature. This undermined the notion of innate knowledge of right and wrong and the idea that the conscience alone was sufficient to regulate human actions; hence, it undermined the notion that sin was inherently wilful, or that it could be combatted simply through exhortation or moral example. Instead, the role of government was to habituate people into correct behaviour through education and precise enforcement of the law.

Habit, then, was not an innocent figure, or a purely analytical category: it played a key functional role in legitimising the various novel programmes for moral reform which were so prominent during the eighteenth century (Burt, 1995; Bristow, 1977: 1-71; Hunt, 1999: 1-76). The concept of habit operated to render the human character appear malleable and thus make reform and improvement appear realistic possibilities. Further, in the process of promoting moral reform the authors concerned were also providing an explanation for the relationship between the individual criminal and the body politic. The idea of the body politic is not directly equivalent to the modern notion of 'the social', but as Harris (1998: 1-16) argues, the pathological metaphors deployed in debates about the body politic have persisted in our social imaginaries, and as such debates about crime and vice in the body politic form an important part of the history of 'the social' itself (Joyce, 1995, Poovey, 1995).

## **The Rake's Progress: Becoming Criminal**

The first and perhaps most fundamental role that habit played in accounts of the causes of crime is its function in the popular genre of criminal biography, a subject analysed by numerous scholars (Faller, 1987; Gladfelder, 2001; Linebaugh, 1977; McKenzie, 2007; Rawlings, 1992). From 1676 the Ordinary of Newgate, the chaplain of Newgate Prison, published accounts of the lives and last speeches of condemned prisoners. These accounts were hugely popular and sold in large numbers, often over 1000 copies, and over 400 different 'accounts' were published over the century. A central element of these accounts, something probably held in common with other 'last dying speeches' (Sharpe, 1985), was an explanation of how the condemned individual fell into a life of crime, leading to their execution. One of the most common patterns in these discourses is for the individual to succumb to the temptation of vice, often initially by missing divine service on a Sunday, and being seduced by a prostitute, drink or gambling. Becoming ensnared in the life of vice and accustomed to crime by its constant presence, the guilty party then proceeded from small to greater and greater offences, until they committed a capital crime and ended their life at the gallows (Dodsworth, 2007; Gladfelder, 2001; McKenzie, 2007: 59; Rawlings, 1992).

For example, Francis Nicholson, executed and exhibited in chains in 1680 for the murder of John Dimpleby, recalled that his life of vice began when he fell into 'ill company', spending time in an ale house, before going on to break the Sabbath. 'And by these evil doings, I got so bad an habit, that I grew careless how to put myself into any way to live in any good course of life' ([Smith], 1680: 2). His criminal tendencies, then, were hardened by becoming habitual. Mary Still[?] was recorded as beginning with petty thievery, until 'by those ill Practices, she brought herself into

such a settled Habit of Idleness and Wickedness' that she left her work and lived off robbery ([Lorrain], 1715: 6). Once again, it is the accumulation of criminal habits that generates a life devoted to crime, extending the one sinful act into a career. The same could be said for Joseph Parker who 'idled his Time away about the Streets, which brought him into a Habit of the Vilest Company, to which his Inclination led him, and this completely ruined him, who as he was void of good Principles, ran headlong into all kinds of vicious and bad Practices' ([Guthrie], 1739-40: 6). Likewise Henry Sims was recorded as stating that during his time as a gentleman's servant, 'being always a gay and sprightly Youth, he soon became acquainted with a Number of the Ladies of the Town, who for a length of Time supported him. But by his keeping them Company he contracted such a Habit of Idleness, Extravagance and Debauchery, as well as an Acquaintance with a Number of noted Thieves and Pickpockets' ([Taylor], 1747: 13). In all these accounts, then, these people arrived at the gallows not simply because they had committed a sinful act, but because having done so they were drawn into situations in which crime itself became a habit, hardening them to its effects and leading them to the commission of ever greater crimes.

The Ordinary himself seems to have been instrumental in generating this account, deploying the same language when encouraging those condemned criminals who refused to repent to view their lives according to this pattern. In general, on his visits to criminals the Ordinary sought to 'induce them to an accurate, strict, and serious Examination and Consideration of themselves, with respect to their past Sinful Lives'. He taught them the different kinds of sin, particularly those 'Sins wilfully committed, *having a reigning habitual power in wicked men. These are Presumptuous Sins, which (if long indulg'd) will at last get an absolute Dominion over such Sinners*'. The solution to prevent the dominion of evil habit was to '*carefully keep*

*ourselves from Presumptuous Sins and Evil Habits'* ([Lorrain], 1715: 1-2, original emphasis). The explanations prisoners provided for their actions, then, were clearly mediated by stock narratives of temptation and habituation into vice provided by the ordinary himself, and as such seem to have been produced to serve a purpose. One of these purposes, of course, was the enrichment of the Ordinary, who made a considerable amount of money from the sale of these criminal biographies (Langbein, 1977). However, the emphasis placed on conformity to the ideal of repentance suggests that the Ordinary was also concerned, consciously or not, with legitimising his role as confessor and reformer of the criminal.

For Faller this was the essential purpose of the criminal narrative. These biographies were not intended to elicit of pity or condemnation, but operated as an illustration of the universal possibility of redemption (Faller, 1987: 79-80). In all these narratives, the key moment (where it occurs; it does not always) is the repentance of the criminal, demonstrating that they had become a new man (Faller, 1987: 85-7, 89). The ultimate message of these criminal biographies was that human evil could ultimately be overcome, something which relates directly to society's capacity to sustain itself (Faller, 1987: 92). In presenting his accounts of the ultimate repentance of most criminals the Ordinary was not only underlining his own important contribution to the process, and as such his vital role in maintaining the integrity of the body politic, he was also emphasising the fundamentally religious principles on which the criminal justice system was alleged to operate (McGowen, 1987-8).

Hal Gladfelder's work somewhat qualifies Faller's account, emphasising that, as Faller recognises, participants often resisted the attempts of the Ordinary to emplot their life in this fashion and used the occasion of their execution to condemn their society or the legal system; equally, the close observation of the details of their lives

made simplistic emplotment difficult (Gladfelder, 2001: 9). Nonetheless, I think that in general Faller's observations are significant here: the purpose of these narratives, whether or not they were sometimes undercut by the complexities of the story or the statements of the condemned, was that the progress of crime was neither certain nor inevitable, but subject to a string of relatively random occurrences; and that in general almost all men were capable of reformation. Further, regardless of the success or failure of the attempt to redeem the sinner, criminality hardened in the offender by habituation; in principal, then, interrupting the process of habituation should interrupt the progress of the criminal career.

### **The Prevention of Crime**

To prevent people succumbing to the rake's progress and falling into a life of crime by degrees, until it became a habit, it was argued that it was the task of those in positions of authority to habituate their subjects in good morals. Such arguments were particularly common in sermons on order, which were often delivered at the beginning of the sessions of the assize courts, or on other major public festivals, and which functioned as one of the principal means for disseminating the ideology of law (McGowen, 1978-8). In his sermon delivered on the occasion of the Surrey Assizes in the aftermath of the 1745 Jacobite rebellion, Leonard Howard, the chaplain to the Prince of Wales, emphasised that although the English were fighting to preserve their liberty, this was not something that should be contrasted to, or pursued at the expense of order. Englishmen were obsessed with maintaining their political freedom and lived in dread of slavery to arbitrary power, 'yet Men are not ashamed of being *Slaves* to their Vices', although 'the *Servitude* of Sin is the greatest we experience' (Howard, 1745: 8, 9). English liberty did not imply an absence of personal restraint: 'To be less

*limited* than we, would be to have the Order and Decency of Things inverted, and a wild Irregularity and Confusion prevail against the proper Discipline and Necessary Restraint of Authority'. The greatest danger was not, as so many feared, the introduction of arbitrary power from abroad, or by a tyrant at home, rather, 'What we have most to fear, is from the excessive Indulgence of our Passions; from those *Luxuries* and *vicious Habits* which, more than any *Burdens* of State, are likely to hurt us and impoverish Posterity, to weaken and enervate the Courage and Force of *Britain*' (Howard, 1745: 9-10). The solution to the problem was to 'bring our Children up *in the Nurture and Admonition of the Lord*; in the pliable State of Infancy to bend them into that Shape of Virtue, which it becomes a Man, and especially a Christian, to appear in'. Children were to be brought up with self-restraint founded on religion, avoiding the accumulation of vicious habits and intemperate pursuit of luxury (Howard, 1745: 13-14).

The most basic method for maintaining order was to enforce the existing laws, but the best means for preventing people from succumbing to crime and vice in the first place was the propagation of the gospel. Thomas Humphries, for example, stated that: 'the gospel is a "refiner's fire" ... to cleanse and purify men from their evil habits', which were themselves a form of slavery (Humphries, 1776: 4, 5). The habits he was concerned with were acquired in the usual way: habitual drinking and the acquisition of bad company in an alehouse, poisoning the mind and generating a desire for extravagance and indulgence of the passions (Humphries, 1776: 10-11, 5-6). For Humphries, 'men will never be hindered from falling into criminal offences, unless they are cured of their sensual, and corrupt dispositions', delivering them from their 'deadly habits' (Humphries, 1776: 13). Until that moment, they were governed by those habits, blinded by them from perceiving reason or heeding conscience, taken

up instead with what was immediately apparent to their senses (Humphries, 1776: 21, 33, 55). Such language was frequently used by the variety of moral reform movements which sought to encourage public officers in the prosecution of the existing statutes against immorality (Burt, 1995; Claydon, 1996; Hunt, 1999: 28-56).

However, from the middle of the eighteenth century, rather than simply repeating truisms about crime and its causes, or seeking to encourage morality, or the application of the existing statutes, several authors published suggestions for new ways of preventing crime or reducing its occurrence. The earliest work on the prevention of crime was probably George Ollyffe (1731), who sought to promote his scheme for an act of Parliament which would act both to make the punishment of crime more terrible, so that executions were carried out ‘with more lasting Torment’ than simple hanging, burning or shooting, but also controlling vagrancy and poverty and thereby ‘ordering and disposing of such as have begun or are liable to offend, before they are involved in the greatest Guilt’ (Ollyffe, 1731: 6).

Ollyffe’s work had little obvious influence, but his concept of prevention was soon succeeded by the rather more humane schemes of the writer and magistrate Henry Fielding, whose *Enquiry into the Cause of the Late Increase of Robberies*, published in 1751, did so much to shape subsequent debate on the subject. As is well known, of course, Fielding was actively promoting his position as Bow Street magistrate and trying to establish himself at the centre of London’s criminal justice network. Habit was at the centre of Fielding’s concept of crime: ‘Vices and Diseases, with like Physical Necessity, arise from certain Habits in both; and to restrain and palliate the evil Consequences, is all that lies within the Reach of Art’ (Fielding, 1988a: 71). He went on to argue that ‘Vices, no more than diseases will stop ... for bad Habits are as infectious by Example, as the Plague itself by Contact’ (Fielding,

1988a: 77). Accordingly, the key to preventing crime was to ensure that the occasions for encountering or transmitting vice were limited, preventing seduction into, and accumulation of bad habits (Dodsworth, 2007).

Writing at the same time as Henry Fielding, the barrister Joshua Fitzsimmonds came to similar conclusions about the origins of crime, which he ascribed to ‘Ignorance, and Want of Education and Discipline’, which frequently led to the gallows. Quoting Aristotle and Plato, he argues that the laws are useless unless the citizens are trained to behave in a manner that conforms with the form of government, and makes them virtuous (Fitzsimmonds, 1751: 47). Extravagance was another ‘Spring of Vice’ which could be reduced by denying more alehouse licenses, and executing the laws against gaming houses and brothels, preventing the seduction of the young into vice, or association with bad company, another root cause of offending (Fitzsimmonds, 1751: 47-8). He concluded that ‘if we can’t prevent such Habits taking place, or destroy them when established, I am afraid we shall never prevent the Crimes consequent on them’ (Fitzsimmonds, 1751: 48). Another author of a plan for protecting London from crime also saw the causes of the problem as, amongst others, ‘habits of dissipation and luxury, which a general relaxation of morals has brought into fashion’ (Anonymous, 1785: 32). Yet another, meanwhile, thought hard labour and temporary starvation were the only means to ‘change evil habit in human nature’ (Anonymous, 1783: 81).

We find the same concepts appearing in the discussion of the relationship between crime and punishment and the developing critique of England’s harsh, discretionary criminal code. Perhaps most thorough in his analysis was Manasseh Dawes, a barrister and writer on matters of law who drew on an array of authorities, ranging from Fielding and Blackstone to Montesquieu, and perhaps most importantly

Beccaria (where some of the same concepts also appear) in his analysis of the problem of crime. Dawes paraphrased Fielding, arguing that ‘Vice arises from particular habits, and to restrain and palliate it, is the business of art’ (Dawes, 1782: xxii). He very explicitly argued that the formation of morality was through education and the acquisition of good habits, stating that ‘education and habit make men everything they are’ (Dawes, 1782: 49, also 17-19). Likewise, accumulation of ‘corrupted habits’ would make the individual forget God and nature and ‘consign him over to ultimate wretchedness, and make himself detestable to himself and society. It is the business of good laws to make him otherwise’ (Dawes, 1782: 51). Indeed, he almost excused people of responsibility for their actions on this ground: ‘Actions being the inevitable consequence of our volitions, we are not naturally or philosophically answerable for them; because our volitions being governed by consideration and judgment, which determine them according to our wisdom or ignorance, our experience or weakness, our education or habit, the effects must consequently be definite, whether good or bad, as we have already seen, in spite of ourselves’ (Dawes, 1782: 43). However, the fact was that although they were not necessarily consciously vicious, many individuals were raised in such a way as to render them criminal, and to draw them into the commission of offences which the law would punish. ‘The bulk of mankind’, he wrote, ‘are creatures of habit, and slaves to constituted evil by custom, which with them is a second nature; it is from hence that they supply the criminal court with business; and being generally governed by a depraved consideration and judgment, they fall into actions which are morally punishable’ (Dawes, 1782: 137-8).

The key to ensuring moral actions was to teach people what was right, and ‘let their habits and examples always be good’ (Dawes, 1782: 5). For example, any

officers who allowed vagrancy to go unpunished, or people ‘to practice habits productive of that evil’ would encourage it and lead criminals to their execution (Dawes, 1782: 7). Nor was it sufficient simply to punish offenders against the law, for laws so enforced would in no way reform manners: it was necessary to seek to prevent crime, and it would in no way be a reduction of liberty if those abusing their freedom ‘by habits productive in their very nature of evil’ were compelled into employment (Dawes, 1782: 12). Idleness was ‘the root of all evil’ and the idle vagrant was ‘grown a slave to his disorderly and evil habits’ (Dawes, 1782: 80-1). Ultimately, then, in order to prevent crimes it was necessary to promote morality and virtue and prevent idleness.

## **Police**

One mechanism that several authors sought to promote as a means of achieving the development of morality and prevention of vice and idleness also emerged from the work of Henry Fielding, who is, of course, not only famous for his treatise on the problem of crime, but also for the Bow Street patrols he established with his half brother John (Beattie, 2006, 2007; Bertelsen, 1997; Styles, 1983). Initially, this was essentially a gang of thief takers run by magistrates, however it also developed into a system of foot patrol with a preventative intent, which John Fielding (1758a) characterised as a system of ‘police’. In doing so Fielding combined the two elements discussed above: the idea that crime was the product of vicious habits acquired through ill circumstance or association, and the idea that virtue was a product of good habits properly directed. It was through the combination of these ideas that the idea emerged of a system of police acting to prevent crime. Police here was understood as a general system of urban regulation for the maintenance of good order, and this

ranged from patrolling watchmen, to the circulation of information about crime, to regulation of nuisances and general order in the streets (Dodsworth, 2008, 2011).

John Fielding (1758a: viii) explicitly articulated the purpose of police as a form of moral education: 'Religion, Education and Good-breeding preserve good Order and Decency among the superior Rank of Mankind, and prevent those Disturbances, Irregularities and Injuries to our Fellow-Creatures, that happen among the illiterate and lower Order of the People: Good Laws, therefore, are necessary to supply the Place of Education among the Populace.' In this text, he wrote about the 'Prejudices of evil Habits' and saw brothels as the origin of the rake's progress, seducing the unwary apprentice into a life of vice (Fielding, 1758a: 41, 55). Indeed, habit appears at the very beginning of the work, when writing about the evil influence of gaming tables he points out that 'Habit makes many things appear necessary, that are not only in themselves superfluous, but injurious' (Fielding, 1758a: x).

For John Fielding, then, because the common people had not been habituated into virtue through a moral education, the system of police would stand in its stead, and check the fall of the sinner into a life of vice. This concept was taken up widely on discourses on crime and police in the later eighteenth century, particularly after the traumatic events of the Gordon Riots in 1780, when London was overwhelmed by a mob for several days. For example, in *The Citizen's Monitor* (1780), the prominent reformer and promoter of philanthropy Jonas Hanway saw the forces of 'custom and habit' and the extent to which people were accustomed to extravagance and easy superfluity as a primary cause for the decline he perceived in morality, and for thieving. The only way to combat this was to change the habits and customs of the people (Hanway, 1780: Letters, 266, 268, 270, 272). Following Henry Fielding he argued that one of the primary reasons for crime was the love of pleasure and the only

way to combat the simple direction of the common people towards objects of pleasure, if they were potentially vicious, was to accustom people to particular ways of acting through the discipline of police (Hanway, 1780: Letters, 2-4). The English were particularly affected by this problem because of the lax administration of the law, unlike in other parts of Europe where ‘the people ... being more awed by *police*, do not so often commit monstrous enormities. *They are in a habit of discipline*’ (Hanway, 1780: Advertisement, ix). Police, then, was a system to habituate people into discipline, ‘indeed police’ was defined as ‘a habit of *discipline*’ and ‘I have no conception how this great work can be accomplished, but in a regular mode of *prevention*. A disease, which has taken root in the *habit*, cannot be eradicated without a *regimen*’ (Hanway, 1780: Advertisement, ix, Letters, 23). This regimen would instill in youth the ‘habit of good order’ and habits of industry (Hanway, 1780: Letters, 108, 151). It was important that this be something implanted in those who were reprimanded for an early offence. We see here an early instance of the argument that prison was failing to break the habit of crime and simply acted as a school for criminals, when it should be teaching them the value of industry (Hanway, 1780: Letters, 227-8). This argument was also made by Dawes, who argued for isolation in prison (Dawes, 1782: 130-1).

Like Hanway, William Godschall, a justice of the peace for Surrey, called for an improved police, aiming to see criminals ‘enforced the sooner to reform their ill habits’ (Godschall, 1787: ‘By the King’, 93). He stressed the importance of apprenticeship and bringing up the infant poor in the correct manner ‘so as to infuse in their tender minds early habits of industry, good behaviour and religious conduct’ which would, he claimed ‘have a very sensible effect on the morals of the rising generation in that rank of life: we might with reason expect to see the horrid number

of crimes and executions considerably diminished' (Godschall, 1787: 'A Proposal', 20, 22, 'Instructions', 7-8). The prominent reformer Thomas Gilbert (1781: 19), best known for his work on the poor law, also argued that the vulnerable children of the poor should be taken from their parents as soon as possible 'that their Minds may not be corrupted by evil Habits and bad Example', instead habituating them to labour.

Another police reformer, Patrick Colquhoun, one of the stipendiary magistrates introduced under the 1792 Middlesex Justices Act (Dodsworth, 2007; Neocleous, 2000), argued for the necessity of addressing 'the Morals and the Habits of the rising Generation' and fixing the laws 'so as to lead the inferior orders, as it were, insensibly into better Habits, by gentle restraints upon those propensities which terminate in Idleness and Debauchery; - to remove temptations, in their nature productive of evil' (Colquhoun, 1796: 29-30). The origin of crime, he argued in 1806, lay in 'the vicious and immoral habits of the people, and in the facilities which the state of manners and society, particularly in vulgar life, afford in generating vicious and bad habits' (Colquhoun, 1969: 311). The generation of bad habits is once again linked to the narrative of the rake's progress, from early temptation in ale houses, either in childhood or in the impressionable period of apprenticeship (Colquhoun, 1969: 311-15, 324).

### **The Reformatory**

A second mechanism designed to effect reformation of the criminal or the sinner was the reformatory, an idea which developed over the course of the eighteenth century in a variety of guises. There is significant historical work on the development of the idea of the penitentiary, which to some extent draws out the role of habit as a reformatory process (Bender, 1987; Ignatieff, 1978). However, we can extend this research,

because significantly before the great prison reforms of the 1770s, there were already reformatories organised around the problem and principle of habit.

The Magdalen House for Penitent Prostitutes and the Lambeth Asylum, both established in 1758, were two of the many philanthropic foundations of the eighteenth century established to combat vice, crime and incivility (Andrew, 1989; Ogborn, 1998: 39-74). As noted above vice and crime were closely interlinked in eighteenth-century pathological discourse on the body politic. However, we do not need to fall back on the closeness of this association to justify a discussion of the problem of prostitution in relation to crime. Of course, the relationship between prostitution and the law in the eighteenth century was a complex one; however, in practice prostitutes could be deemed to have committed a wide array of offences drawn from medieval and early modern law and frequently found the apparatus of the law deployed against them (Henderson, 1999: 76-103). Accordingly, the practice of prostitution could be considered to constitute in many cases a form of criminal activity.

The idea of the Magdalen House was that penitent prostitutes would be taken in from the streets and taught to earn an honest living as a means to support themselves without recourse to prostitution. The drive for the formation of the house came principally from Robert Dingley, a member of the network of reformers and philanthropists identified by Andrew (1989) that included the Fielding brothers and Jonas Hanway. In the event, personal animosity led John Fielding to pursue his own plan in Lambeth separately from that of Dingley and Hanway, but the two institutions were conceptually similar (Dabhoiwala, 2012: 241-50, 257-8). Unsurprisingly, then, both John Fielding and Jonas Hanway published proposals for the organisation of reformatories; as with their plans for police, habit was central to both.

John Fielding proposed a plan for 'Relieving Industry in Distress, preserving the Deserted, and Reforming the Wicked and the Penitent' (Fielding, 1758b: 3). This essentially involved the establishment of a public laundry where the girls would work whilst confined in the house, removing them from their immediate want, and also from their circles of acquaintance, making them bound as apprentices to the 'grand matron' either for seven years, or until the age of twenty-one (Fielding, 1758b: 11). The girls were to be 'bred up' to return to virtue and earn an honest living (Fielding, 1758b: 10). This apprenticeship involved learning the various tasks of laundry and needle work, but also cookery, religious instruction and more general education. Upon completion of their apprenticeship they were to be placed as domestic servants (Fielding, 1758b: 12). The laundry would thus produce superior servants who 'will have a general Knowledge of Housewifery, and will set out in the World free from the Prejudices of Evil Habits' (Fielding, 1758b: 14).

Jonas Hanway hoped to check 'that libertinism, the peculiar tendency of which is *anarchy* and *confusion*' through lessening the number of prostitutes in London (Hanway, 1758a: ix). In order to make reason prevail over '*passion* and appetite' it was necessary to remove prostitutes from the streets so that they were no longer a temptation to youths (Hanway, 1758a: x). 'The utility of this design then must be apparent. If we afford them the means of *employment*, we shall instruct some in useful arts who never learned any trade before; we shall give others a *habit* of industry, as well as an opportunity of reforming their morals: and thus we may rescue them from perdition' (Hanway, 1758a: xv). The aim was to move the prostitute 'from an abandoned profligacy to a serious habit of life' without the imposition of coercive law (Hanway, 1758a: xx).

Hanway was, however, aware that he was making a case that not all would find convincing: ‘The difficulty that arises in some serious minds, from a supposition that *idleness* and *debauchery* are habits not to be subdued by a simple, regular, and laborious life, is an argument which proves too much; for, in fact, it is saying, these habits cannot be subdued at all’ (Hanway, 1758a: xxiv). Hanway obviously thought this mistaken, but he clearly felt it necessary to argue for the very practicability of reformation. The Magdalen House would reform its inmates by establishing ‘such regulations and oeconomy as shall at once seclude them for a proper time from any evil communication, and to give them such habits as shall recommend them to the sober part of mankind’ (Hanway, 1758a: 1). The women were not to be dismissed from the institution ‘till they shall have acquired such habits as promise fair to secure them from the fatal effects of idleness’ (Hanway, 1758a: 2).

For Hanway, the immoral condition in which prostitutes found themselves was ‘a *disease* of the mind, much more fatal than *frenzy*’ (Hanway, 1758b: 4). Addressing it was a simple matter of cause and effect and the mechanism of government was habituation: ‘*Habit* is the *axis* on which life turns. To acquire *good habits*, and to correct *bad* ones, is the sum and the amount of life. By *habit* we act as if we were in *earnest* with *God* and *men*; and by *habit* we become *triflers* in our commerce with heaven and earth. Nay more, by habit we abandon ourselves to the gratification of sense and appetite, and even exceed the bounds which are prescribed to brutes: and by *habit* we are led to act agreeably to the dignity of our own nature, and to pursue what is fit to be done for the attainment of our proper happiness’ (Hanway, 1758b: 9). To replace habits of impiety with habits of piety was no easy task, but it was possible nonetheless (Hanway, 1758b: 10).

### **Conclusion: *Homo Faber* and the Concept of Reformation**

I have cited the work of several moral entrepreneurs and active agents in, and reformers of the eighteenth-century English criminal justice system in order to demonstrate that habit played a central role in their discourses on the problems of crime and vice. Habit was defined as the means by which initial exposure to the temptations of crime or vice became translated into a settled pattern of behaviour, marking the offender out as a habitual criminal rather than an occasional sinner. Individual will and personal responsibility are not entirely absent from these discourses on crime, but they are not defined as the fundamental source of the problem in most of the discourses I have examined.<sup>3</sup> Based on this, it seems difficult to sustain the neo-conservative argument that we have witnessed a straightforward shift from a concept of crime as the product of vicious will to one in which the mitigating factors of social circumstance are paramount, when it is evident that at the very least both factors were present in eighteenth-century discussions of the subject. Almost everyone who thought seriously about criminality and its control from the late seventeenth century onwards ascribed a significant role to socialisation in the formation of the criminal body, even if it was accepted that there were some individuals who were more likely than others to succumb to the temptations of vice. However, even this differentiation was socially conditioned, because although all men and women were by nature vulnerable, those most at risk were those without liberal or moral education and therefore less personal discipline.

As I have already suggested this emphasis on habit was not simply intellectual fashion, it played a significant role in legitimising the programmes of reform most of these authors sought to promote. Defining crime as a phenomenon that was generated by the body politic itself, which one person learned from another and could then

transmit to others, established crime as a public problem and a question of policy, not simply a matter of individual responsibility. Further, the concept of reformation, the very foundation of the criminal justice system before the late Victorian loss of confidence in its effects (Wiener, 1990: 185, 300-7, 342-58), depended upon the notion of the malleability of character, which itself was defined as something formed by habituation into settled dispositions.

Whether or not these principles emerged principally through the work of Locke is a moot point. Lockean ideas were certainly influential, for example in his assize sermon Benjamin Carter (1717: 2, 4-5 and note, 6, 7) drew on Locke's *Essay on Human Understanding*, citing St Paul thus: 'the law was our Schoolmaster to bring us to Christ'. However, I have found similar ideas, at least in terms of the rake's progress, evident throughout discourses on crime from the 1680s, before the publication of Locke's treatises and authors also drew on classical sources. Henry Fielding was not unusual in his invocation of both Locke and Cicero as authorities on the role of habit in shaping the character (Fielding, 1988b: 347-8). Regardless, whether or not Locke acted as a catalyst, there was a general assault on the notion of innate principle. As Dawes saw it, to argue that men were born evil, or were of inherently evil in character, would be to malign God himself: 'It would derogate from the character of the Deity to say, he has formed an evil being; or an intelligent being disposed indifferently to either good or evil' adding that 'however strong a man's habits may be in favour of vice ... he never approves it' (Dawes, 1782: 78).

In contrast, rather than being a product of innate viciousness, eighteenth-century authors on crime, police and punishment defined the growth of vice as a product of 'commercial society', with its emphasis on novelty, its wide array of consumer goods, and its attendant luxury and undermining of the established social

order (Berg, 2005; Sekora, 1977). The pattern of life in the commercial city, it was argued, not only created conditions in which the poor received little in the way of moral education, but it also offered all manner of novel temptations to the unwary. Once tempted or seduced into vice, the sinner found themselves inhabiting a new social sphere, where they learned new forms of vice from their companions, becoming embedded in a life where the gratification of the senses and abandonment of restraint and morality became habitual. They then communicated these vices to other impressionable people, before they reached a point at which they committed a capital crime and were caught and executed. The task of government was to intervene in this process, shaping the spaces of social interaction so as to prevent temptation into vice where possible, to stop early vices becoming settled habits, and if all else failed, reforming the habitual sinner through moral education in some form of reformatory or penitentiary, rather than immediate execution, or (more often) pardoning or transportation. This process of reformation itself involved the habituation of the sinner and the criminal in habits of virtue rather than vice, so that moral conduct, and the conscientious reflection that was the source of virtue, would be embedded as automatic responses to temptation.

In presenting this account of reformation through the elimination of bad habits and the accumulation of good ones, the point was not simply the construction of a credible intellectual argument, although this was certainly necessary. By presenting a credible argument these reformers sought to promote themselves and their schemes as agents of reformation, armed with novel mechanisms that it was the duty of the conscientious citizen, philanthropist and administrator to support, not only for the purpose of rescuing the individual sinner, but for the health of the entire body politic,

which was otherwise threatened with corruption from the transmission of vice amongst the susceptible.

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<sup>1</sup> It is unclear how this argument relates to a significant literature on the decline of tolerance for, and probably incidence of, violence in modern Britain: see Wiener (2004) himself, but also by Clive Emsley (2005), Vic Gattrell (1980), Robert Shoemaker (2004) and John Carter Wood (2004).

<sup>2</sup> Gladfelder (2001: 11) might disagree. He suggests that this role was performed by Providential and Picaresque fictions, which drew the reader in to a life torn apart by uncontrolled passion; the reader is thereby warned to govern their own passions. In contrast, he argues that the texts he classifies under the title 'criminal anatomies' is to configure the criminal as alien, constructing an underworld culture like a racialized other, which rarely impinges on the normal life of the reader. This may be so for some literary forms, but I think it would be a mistake to apply this to criminal lives: the point of the 'criminal life' literature in particular is, as Faller suggests, that it could be any of us; without that basic feature, it would lose its power as a warning.

<sup>3</sup> Of course, the question of legal definitions of responsibility is a quite distinct one that is too large to enter into here: see Farmer (2007) and Lacey (2007).