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Police and the Prevention of Crime: Commerce, Temptation and the Corruption of the Body Politic, from Fielding to Colquhoun¹

The prevention of crime is central to the ideology of the modern criminal justice system. Prevention is generally seen as a humane alternative to the punishment of an offence after it has been committed and is often understood as fundamental to liberal democracy. Although the notion of prevention came under attack in the late twentieth century as impractical and ineffective, with business-derived models of detection and professional prosecution being preferred by the late Conservative governments, the election of New Labour signalled a return to prevention as a central feature of government policy on crime (Reiner 2000: ix, 60-80, 209-10).² At the same time, the idea of prevention came under renewed academic scrutiny in the work of Mark Neocleous (2000a; 2000b).

Systems for the prevention of crime are generally understood to have emerged in London in the second half of the eighteenth century, closely associated with the idea of 'police' and the writing of Henry Fielding and Patrick Colquhoun. Long mistakenly assumed to be advocates of a force like the London Metropolitan Police introduced in 1829, it is now clear that Fielding and Colquhoun had something very different in mind from the Metropolitan force (Neocleous 200b; Reynolds 1998). In fact, the idea of prevention developed in their work, and that of their contemporaries, emerged from a very different notion of 'police', common in continental Europe and just beginning to be articulated as a distinct discourse in Britain in the late eighteenth

¹ My thanks to Clive Emsley, J. A. W. Gunn, Joanna Innes, Patrick Joyce, David Lieberman, Matthew McCormack, Thomas Osborne, Bertrand Taithe, Mariana Valverde and Chris Williams, all of whom generously read this article at various stages in its evolution.

² On New Labour see Home Office (1999); Hope (2001); Maguire (2004).

century (Neocleous 2000a, 2000b).³ This ‘archaic’ vision of police, concerned with the general and intense regulation of all aspects of communal behaviour in the name of the common good, has been described as ‘absolutely vital to the genealogy of present forms of governmentality’ (Dean 1999: 89).

It was long assumed that the concept of police in the archaic sense was not a feature of British government. But if we view police as an ethos of rule, then it is clear that something comparable existed in eighteenth-century Britain.⁴ For police ‘all was to be known, noted, enumerated and documented. The conduct of persons in all domains of life was to be specified and scrutinized in minute particulars, through detailed regulations of habit, dress, manners and the like – warding off disorder through a fixed ordering of persons and activities’ (Rose 1996: 43; Dean 1999: 73-97). This argument is most powerfully made in the work of Dean (1991) and Neocleous (2000a, 2000b), who align the work of Colquhoun and British governmental practice with police in the broad sense.

It is clear that in continental Europe, police was concerned with general questions of order and security. Foucault identified police as an ‘ensemble of mechanisms serving to ensure order, the properly channelled growth of wealth and the conditions of the preservation of health “in general”’, ‘economic regulation (the circulation of commodities, manufacturing processes, the obligations of tradespeople both to one another and their clientele), measures of public order (surveillance of dangerous individuals, expulsion of vagabonds and, if necessary, beggars, and the pursuit of criminals), and general rules of hygiene (checks on the quality of foodstuffs sold, the water supply and the cleanliness of the streets)’ Foucault (1980: 170-1).

However, in Britain the analysis has focused exclusively on the ‘distinctive police of

³ For European police see Axtmann (1992), Knemeyer (1980), Pasquino (1991), Ræff (1983) and Tribe.

⁴ See for example Carroll (2002), Dean (1991) and Firth (2003).

the poor' (Dean 1991; Firth 2002: 42). Even though Neocleous criticises the absence of security in this scheme, rightly pointing out that one waits for 'the' police themselves to appear as a part of this apparatus, he continues to follow the basic logic of this position and argue that 'the core of the police project remains the question of poverty and thus the condition of the class of poverty' (Neocleous 2000a: ix-x, xi). But the question of poverty is only one aspect of a general concern for order and the promotion of the common good and even where he does connect the idea of prevention to order and security more generally, Neocleous's otherwise penetrating argument is based upon anachronistic neo-Marxist assumptions about the nature of capitalism and class struggle.

Here I offer an historicist analysis of British discourse on the prevention of crime as it emerged from its central position in the general notion of 'police'. The idea of the prevention of crime figured most prominently in the work of Henry Fielding and was then taken up in the later century and enmeshed with the idea of police. I pay close attention to the ways in which advocates of new systems of prevention legitimised their projects and also examine how they understood the purpose and operation of prevention, developing an assertion made by Foucault, but rarely backed up empirically, that the modern government 'of all and of each', which is both individualising and totalising, stems from the combination of the Christian notion of pastoral care of the soul with a classical concern for the common good (Foucault 1988: 71).⁵ It is clear that the British vision of police draws its legitimating power from just such a combination of concerns for the soul of the individual and the health of the body politic, which is significant in the formation of our modern concept of

⁵ Dean (199: 76-9) deals with the classical 'city-citizen game' very briefly. Andrew (1989), Axtmann (1992) and Knemeyer (1980) link police to humanist notions of the common good.

social processes and at the same time central to binding freedom and security together through the notion of police.

The authors I am concerned with argued that crime was a structural consequence of the growth of commercial society. Rather than being concerned principally with poverty, the central focus of academic analyses of British police, crime was perceived to be a result of the increased wealth of the 'lower orders' and the consequent change this had wrought on social relations. Drawing upon neo-classical arguments that the only way to preserve national liberty was through a mixed form of government, advocates of a preventative police argued that the wealth, power and luxury of the lower orders would lead to contempt of authority and ultimately anarchy. In a system where liberty was defined in terms of freedom from domination, or the rule of law as opposed to the rule of men, (Pettit 1999: 17-50; Skinner 1998) an end to security and order, the basic conditions of the rule of law, would constitute an end to freedom. Free, constitutional government would be replaced with submission to the will of the strong or ruthless and people would call for a powerful tyrant to restore order. Liberty here was defined not in opposition to interference in action, but in opposition to licentiousness, as a governed mean between anarchy and tyranny.

These neo-classical arguments were mixed with religious discourses about the sinfulness of man, drawing upon the idea of the Fall, with the constant danger of temptation into individual vice. At the same time these were linked to Lockean discourses about the mind as a blank sheet, the learning of character through education and the formative power and force of habit and example. By combining these three discourses, the classical, the Christian and the scientific, it was argued that crime and disorder posed a threat to the liberty of the state on both moral and political grounds and threatened to spread through the new temptations to luxury held out by

commerce, which would be communicated from one person to another through imitation until vicious habits were instilled in the character. In this scheme the causes and effects of crime exceed the individual or the specific type or custom. Rather than resting solely upon typologies of 'dangerous' individuals, such as vagrants, or problematic practices, such as payment in kind, crime was understood as the outcome of specific supra-individual processes. These were framed in terms of the health of the body politic, which Gunn (1983: 195) has argued was increasingly used as a metaphor to refer to processes of public life, rather than institutional or constitutional arrangements, over the second half of the eighteenth century.

Liberty, Luxury and License: Between Anarchy and Tyranny

The debate about crime and its prevention can be said to begin with the work of Henry Fielding. Fielding's *Enquiry into the Causes of the Late Increase of Robbers*, published in January 1751, defined the problematic of the prevention of crime. Henry Fielding was Bow Street magistrate from 1748 until 1753 and it is in this context that he wrote his *Enquiry*. Although Neocleous (2000a: 50, 57) objects that Fielding was not concerned with police, his main concern was the prevention of crime and his enterprise was approvingly referred to as a 'new Kind of Police' by John Brown (1757: 219) and was explicitly referred to as a system of 'police' by his brother John Fielding (1758). Colquhoun himself praised Fielding's 'excellent ideas, and accurate and extensive knowledge upon every subject connected with the police of the metropolis' (Colquhoun 1969: 453 n*).

Fielding saw the central cause of crime as 'the vast Torrent of Luxury which of late Years hath poured itself into this Nation' (Fielding 1988: 77).⁶ This gave rise

⁶ For more on luxury see Sekora (1977).

to the excessive consumption of gin and gambling and the prevalence of immoral entertainments. Defining his subject, Fielding quoted Juvenal: 'Luxury, more deadly than any foe had laid his hand upon us ... Since the day when Roman poverty perished, no deed of crime or lust has been wanting to us' (Fielding 1988a: 70 and note). The problem for Fielding was not poverty but the fact that the poor had been emancipated from their condition of dependence. This threatened order not in an abstract way, but in its practical effect on manners and government.

In order to understand the full implications of Fielding's argument, we need to appreciate his conception of freedom and how crime could threaten it. Fielding was drawing on a long tradition of neo-classical political argument, illustrated more generally in Pettit (1999) and Skinner (1998: 24-36 and throughout) that linked the health of the body politic to the freedom of the state. Generally analysed through the lens of the Roman moralists and historians, liberty was defined not simply as freedom from interference, but as freedom from dependence or domination. This was a condition of self government and one could not be free if one's actions had the potential to be governed by the arbitrary will of anyone else, albeit that interference never actually took place. This was generally defined, following James Harrington's argument in the *Oceana* a century earlier, as the rule of law, not men, a condition that could only be achieved in a free state (Pettit 1999: 35-41).

But the fortunes of the free state were not secure, being locked in the cycle of growth and decay common to all nature. The rise and fall of states, to power and freedom and back to luxury and slavery was, therefore, a major theme of neo-classical political thought. The central figures in this scheme were Aristotle, in book V of the *Politics* and Polybius, in the sixth book of his *Histories*, who defined three different forms of good government in which the rule of law was possible: monarchy,

aristocracy and democracy, the rule of the one, the few or the many. Each of these had a natural tendency to decay rapidly into its corrupt opposite: tyranny, oligarchy or anarchy. In these states the rule of law would be replaced with arbitrary will or force. The only way to prevent this rapid transition from liberty to tyranny was to mix all three forms of government, which would hold one another in balance by opposing the tendency of each one to dominate the others.⁷ The central historical examples of the success and failure of mixed government were Rome and Sparta. Britain too was seen as a mixed constitution in the same form and was constantly compared to Rome. As such the rise and fall of the Roman state, from virtuous Republic to faction, corruption and dictatorship under the Empire, was the example held out for Britain to avoid.

Most historical work has focused on the arguments which took place in this context about patronage and party in parliament, but equally important were questions of luxury and the growth of popular license, which could threaten the state from the democratic end of the spectrum just as much as party interest and patronage could threaten to introduce oligarchy. Opponents of the government, amongst whom Fielding had numbered in the 1730s, tended to claim that Britain was in a generally healthy state but threatened with ‘corruption’ by the Hanoverian court and its ministers (Burt 1992: 87-109). But after the fall of Walpole, the government’s chief minister, rendered this discourse obsolete they looked for other targets and strategies (Miller 1994: 88-149). Equally, government supporters tended to argue that Britain was already mired in luxury and vice and required the intervention of authority to restore order (Burt 1992: 110-27). By 1750 Fielding was actively trying to attract government patronage for his project and argued that Britain was already subsumed

⁷ It was common to mix the metaphors of mixed government with balance, on which see Gunn (1983: 194-5), although this seems immanent in Polybius’s own writings.

under luxury and only increased regulation of public morality could rescue the nation from enfeeblement, decline and its consequent defeat and enslavement.

Fielding began his *Enquiry* by quoting Cicero on the title page, specifically his *In Catilinam*: ‘For the lusts of these men are no longer moderate, and their wantonness is inhuman and unbearable, they think of nothing but murder, arson, and rape’ (Fielding 1988a: 63 and note). The analogy here is, of course, with the current state of public morality in London. The deployment of Cicero immediately alerts us to the stance Fielding is taking. Cicero was constantly invoked in the eighteenth century as the ideal model of devotion to the public good (Miller 1994: 21-102). Browning (1982: 1-34) argues that the deployment of Cicero was generally a government strategy, the opposition using Cato as their Roman ideal. Cicero’s actions against the Catiline conspiracy were generally held up as the model of patriotism, but also related to the question of the use of extraordinary measures in relation to government (Miller 1994: 92-4). He quotes Cicero again in the dedication, this time from *De Legibus*, with reference to the aim of his project, where he writes ‘Our whole discourse is intended to promote the firm foundation of the state, the strengthening of powers, and the curing of the ills of the peoples’ (Fielding 1988a: 64 and note, modified as suggested by the editor). In both these quotations Fielding is defining the body politic in a state of illness and corruption, just as Cicero had done of Rome in the early days of the empire, and as such he is defining intervention in this state of affairs as a question not of controversy, but of public duty and necessary to re-establish the public good and the condition of liberty.

The ultimate danger for Britain as Fielding perceived it was expressed in Middleton’s *Life of Cicero*, which he quoted directly: that is of ‘running the same Course, which *Rome* itself had run before it; from virtuous Industry to Wealth; from

Wealth to Luxury; from Luxury to an Impatience of Discipline and Corruption of Morals; till by a total Degeneracy and Loss of Virtue, being grown ripe for Destruction, it falls a Prey at last to some hardy Oppressor, and, with the Loss of Liberty, losing everything else that is valuable, sinks gradually again into its original Barbarism' (Fielding 1988a: 74). It should be noted that Middleton's *Life* was dedicated to Lord Hervey, at that time Walpole's Lord Privy Seal and was commonly seen to be an admiring conflation of Walpole with Cicero and which likened Britain's constitution to that of Rome (Browning 1982: 222-3; Miller, 1994: 90). According to this scheme, the spread of luxury would corrupt the political body and undermine the constitution. Ironically 'improvements' in commerce and civility would ultimately be the cause of their own undoing.

These were common arguments, but they were usually deployed against governments as a criticism of their use of patronage, a standing army or the national debt, or against the ruling class for their dissipate lifestyles and neglect of public duty. Instead, Fielding argued that luxury was a problem of the poor rather than the rich and second, as a consequence of the first, he turns the usual arguments around to state that rather than the extension of government being a source of corruption, it was actually a defence against it. The central aim of the *Enquiry* was to show 'How far it is the Business of the Politician to interfere in the Case of Luxury', 'In plain Truth, the principal Design of this whole Work, is to rouse the CIVIL Power from its present lethargic State' (Fielding 1988a: 71, 73). To make the case that the politician should intervene in the problem of crime, Fielding argues that the spread of vice amongst the lower classes was threatening to imbalance the constitution, which was the guarantor of liberty. The corporeal analogy Fielding deploys is crucial here: he argues that the spread of luxury is a malady and 'Diseases in the Political, as in the Natural Body,

seldom fail going on to their Crisis, especially when nourished by faults in the Constitution' (Fielding 1988a: 75).

Fielding argued that the constitution was not fixed as many imagined it, rather it was as changing and variable as the climate. The constitution was variable because it comprised the laws of the kingdom, from which all powers were derived, all legislative and executive authority and, crucially in this context 'the Customs, Manners and Habits of the People', which all coalesced to form the political body 'as the several Members of the Body, the animal Oeconomy, with the Humours and Habit, compose that which is classed the Natural Constitution' (Fielding 1988a: 65). Given that the manners and habits of the population were one part of the constitution then 'if these are altered therefore, this must be changed likewise; and here, as in the Natural Body, the Disorder of any Part will, in its Consequence, affect the whole' (Fielding 1988a: 67).

Fielding (1988a: 66 n5) underlines this by drawing upon the classical authorities of Aristotle and Cicero. He first refers to Aristotle's claim in the *Politics*, book V chapter three, that 'Disproportionate increase is also a cause which leads to constitutional changes. [Here we may compare a city with a body]. A body is composed of many parts, and must grow proportionately if symmetry is to be maintained. Otherwise it perishes' (Aristotle 1995: 184; translator's interpellation). Secondly he deploys Locke to justify the introduction of new measures into the constitution to deal with these threats, countering the argument that it was the traditional structure of the constitution that was the only guarantee of liberty. He picks out two passages in the *Two Treatises of Government* (chapter XIII, §157-8) the first of which points out that things in the world are in constant flux. This implies that 'People, Riches, Trade, Power, change their Stations; flourishing mighty Cities come

to ruine’, but also that where government consist of representatives, ‘in tract of time this *Representation* becomes very *unequal* and disproportionate to the reasons it was first establish’d upon’. Following custom not reason in these circumstances, Locke writes leads to absurdity. In the following section Locke justifies changing the existing structures of government in terms of *Salus Populi Suprema Lex*, i.e. the good of the people is the supreme law. Once again, someone who changes government to suit the new circumstances according to reason rather than custom ‘is an undoubted Friend, to, and Establisher of the Government, and cannot miss the Consent and Approbation of the Community’. Indeed, Locke here can be read as justifying almost any measure to acts for the good of the people, regardless of abstract concerns about constitutional tradition ‘Whatsoever cannot but be acknowledged to be of advantage to the Society, and People in general, upon just and lasting measures, will always, when done, justifie it self [sic]’ (Locke 1988: 372-4). Finally he cites Cicero in *De Legibus*, book II, section 42, suggesting that those doing so would or should be rewarded, implicitly comparing the state of Britain and Rome: ‘When, at the time of my [Cicero’s] exile, the laws of religion were polluted by the crime of abandoned citizens, our family Lares [household gods] were attacked, and in their place was built a temple to License’. ‘I, who did not permit the goddess who guards the city [which we might read generically as the central values of society, virtue or religion] to be violated by impious people ... was declared by the verdicts of the senate, of Italy, and of all nations to have saved my country. What more glorious could happen to a man?’ The criminals, in contrast, were scattered and destroyed, receiving all punishment and disgrace in their lives (Cicero 1999: 146; my interpellation).

Fielding argues that the crucial alteration in Britain had not taken place in the gentry or the nobility, but in what he calls the ‘commonalty’. In the middle ages their

rank 'was rightly accounted a slavish Tenure' however 'the Commonalty, by Degrees, shook off their Vassalage, and became more and more independent of their Superiors. Even Servants, in Process of Time, acquired a State of Freedom and Independency, unknown to this Rank in any other Nation; and which, as the Law now stands, is inconsistent with a servile Condition' (Fielding 1988a: 68, 69). Ironically, in a sense Fielding is arguing that it is by ending their condition of servitude that the 'commonalty' threatened national liberty. Several reasons for this change are identified, but 'nothing hath wrought such an Alteration in this Order of People, as the Introduction of Trade', which had 'almost totally changed the Manners, Customs, and Habits of the People, more especially the lower Sort. The Narrowness of their Fortune is changed into Wealth; the Simplicity of their Manners into Craft; their Frugality into Luxury; their Humility into Pride, and their Subjection into Equality' (Fielding 1988a: 69-70). Fielding is arguing that economic change in the form of the increasing wealth and sophistication of the 'commonalty' has transformed social relations, with direct political consequences.

Although the growth of trade had led to progress in the arts and sciences and increased human comforts, as well as the power of the state, Fielding reiterates the well-established argument that just as wealth is the certain consequence of trade, so luxury is bound to accompany wealth. It was not possible to prevent this as '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). The vices of the great he considers a moral rather than a political evil as they are restrained in their effect by the principle of honour. Vice, however, 'spreads like a disease from the rich to the poor, where it is unrestrained and threatens to enfeeble the body politic, being the source of many political Mischiefs'

(Fielding 1988a: 77-8). The 'Business of the Politician', he argues, is 'to prevent the Contagion from spreading to the useful Part of Mankind' (Fielding 1988a: 83-4). In order to preserve the constitution, then, it was necessary to order society so as to prevent the spread of vice throughout the social body.

The proliferation of luxury had, however, made this more difficult. A state was in good order, Fielding wrote, when the civil power, the laws and government enacted by legislators and politicians, rendered subservient all other forms of political power, these being the sword, the purse, bodily strength or intelligence. The growing wealth of the 'commonalty' threatened this, not only by increasing their luxury and thus their immorality, but by their wealth: as Fielding understood it, nothing was more resistant to the law than money. Of all the forms of political power 'none is more rebellious in its Nature, or more difficult to be governed, than that of the Purse or Money. Self-opinion, Arrogance, Insolence, and Impatience of Rule, are its almost inseparable Companions' (Fielding 1988a: 71). The 'civil power' had not increased in line with the greater power of the 'commonalty', and as such they had been rendered ungovernable (Fielding 1988: 72-3). Given that the law, and its enforcement, was central to the system of liberty, if one part of the constitution were ungovernable by the law, liberty could be said to be extinguished.

Equally, the threat of crime which was consequent on the rise of luxury, itself constituted a diminution of liberty: 'Nor can I help wondering that a Nation so jealous of her Liberties ... should tamely and quietly support the Invasion of her Properties by a few of the lowest and vilest among us: Doth not this Situation in reality level us with the most enslaved Countries? If I am to be assaulted and pillaged, and plundered; if I can neither sleep in my own House, nor walk the Streets, nor travel in safety; is not my Condition almost equally bad whether a licensed or an unlicensed Rogue, a

Dragoon or a Robber, be the Person who assaults and plunders me?’ (Fielding 1988a: 76). The argument here is that the condition of servitude, the opposite of liberty from the neo-Roman perspective, could just as easily come from the violent oppression of the robber as the standing army that was such a popular target of opposition attacks. The threat of oppression, and thus the fear of robbery was, from the perspective of freedom from domination, as big a reduction in the condition of liberty as actual interference (Skinner 1998: 49-53, 84). Unless the power of government was augmented in order to deal with the growing threat of crime, the public would live in a state of oppression by the threat of violence. This crucial argument would be reiterated in various forms right up to Peel’s arguments in favour of the Metropolitan Police Act in 1829, when he argued that those opposing the new police on the grounds of liberty ‘gave credit to some parts of the population for the possession for the enjoyment of much more liberty than they actually possessed’, as they lived in constant fear of attack on their lives and property. Such fears were ‘inconsistent with the free enjoyment of liberty and peace’ (Hansard 1829: 881).

Fielding’s *Enquiry* was to have a lasting influence on the debate about the prevention of crime in London. The author of a tract entitled *The Vices of the Cities of London and Westminster* argued that the spread of ‘Luxury, Prodigality, Idleness, and every Species of Wickedness’ had ‘spread themselves like a Deluge over the Face of the whole Kingdom’ and that ‘every Individual confesses the dangerous Malady that preys upon the Vitals of the body Politic’. Drawing together the classical and Christian the author asks ‘from whence this Salvation is to be expected, where the Reformation is to begin’, given that as far as the state of the ‘Commonwealth’ is concerned ‘The Distemper is indeed dangerous, the whole Mass is corrupted, every Limb and Member, seized with a mortal Gangreen’ (Anon. 1751: 3-4). There seem to

be no alternatives to either living as ‘Bond-Slaves to Vice, Luxury, and all Degrees of Wickedness’ or ‘employing such a force of Guards and Garrisons as must reduce us to a military Form of Government, and leave us entirely at the Mercy of arbitrary Power’, ‘Slaves to a military Force’ (Anon. 1751: 6). Once again, the condition of luxury is seen as constituting servitude just as much as being subject to military government and liberty is opposed to license. Freedom is an ordered condition between anarchy and tyranny.

In *The Defects of Police*, re-published as *The Citizen’s Monitor* Jonas Hanway claimed the idea that the British constitution would not allow a police was a result of ignorance and indolence and ‘Thus we have reassured ourselves with a principle which establishes the worst kind of slavery’, the dissipation of the higher ranks and the immorality of the lower threatening the ‘the dissolution of both *civil* and *religious rights*’ (Hanway 1780: Advertisement iii). Echoing Fielding’s argument that the threat of crime was itself a condition of unfreedom, Hanway argues ‘in this land, so justly boasting of freedom, *liberty* is alloyed by *terror*, and the bright enjoyment of property by law is darkened by rapine’ (Hanway 1780: Advertisement iv). ‘The possession of *liberty*’, he writes, ‘pre-supposes a portion of *virtue* to accompany it: if the duties of a *subject*, a *citizen*, a *christian*, and a *man*, are neglected by those whom providence has placed in a rank, to be advocates, patrons, and friends of the needy, what becomes of their fine-spun ideas of *freedom*?’ (Hanway 1780: 7). To be free required the active intervention of the governor.

Hanway was clear that modern commerce and its impact on manners was socially destructive. He wrote that ‘we forget what *freedom* means, and act with an *oppressive* or *servile insolence*’. True freedom in this sense was not freedom to act with disregard for order, virtue and authority. His key targets were ‘*dissipation* and

extravagance', which were 'injurious to everything great and manly', and fashion, 'which often militates against the true happiness of one part of the people, and the piety and comfort of the other'. Following Montesquieu's neo-classical lead he argued that in a country pretending to civilization and aiming to enjoy the highest degree of liberty 'our *customs* must harmonize with our *laws*'. 'To say that we are a *free* nation, but not *sufficiently* mindful of the state of the lower classes of the people, is a contradiction' (Hanway 1780: iii, v).

This argument did not die out with the dawn of the new century. In his famous *Treatise on the Police of the Metropolis*, first published in 1796, but substantially augmented in 1806, Patrick Colquhoun, one of the stipendiary police magistrates introduced by the 1792 Middlesex Justices Act and the creator of the Thames River Police, followed Fielding's arguments closely. It is commonly argued that Colquhoun's treatise was resolutely utilitarian, but the neo-classical problematic of virtue and commerce looms large over his work. The causes of crime, he argues, lie in the fact that 'immorality, licentiousness and crimes are known to advance in proportion to the excessive accumulation of wealth'. The fact that London was the centre of a great commercial empire and the seat of government meant that it was also 'the centre of *fashion, amusements, dissipation and folly*' with temptations towards crime that exceeded even Colquhoun's very vivid imagination. Colquhoun goes on to state that 'the blessings of Liberty, and the undisturbed enjoyment of Property' are secured by good laws and an energetic police and that the accumulated wrongs of modern immorality 'have tended in so great a degree to abridge this Liberty'. He holds up the example of Rome as a warning of the dangers in neglecting the excessive accumulation of wealth and spread of immorality: 'An impression, it is to be hoped, is generally felt from the example of Roman Government, when enveloped in riches and

luxury, that National prosperity must be of short duration when public Morals are too long neglected, and no effectual means adopted for the purpose either of checking the alarming growth of depravity, or of guarding the rising generation against evil examples' (Colquhoun 1969: Preface, no pagination). Indeed he goes so far as to connect the state of Roman police to the decline of the empire, arguing that when there was a well-formed police, the empire was at its height, but 'When harsh penalties and an incorrect Police were revived, the Empire fell' (Colquhoun 1969: 6). This was a problem 'of such astonishing magnitude, and the abuses which are meant to be corrected are of such consequence to the *State*, as well as to the *Individual*', that it could only be combated by 'a combination of the whole *Legislative Powers, Regulations, Establishments, and superintending Agencies*' (Colquhoun 1969: 607).

Prevention: Temptation, Habit and the Progress of Vice

There is a clear and consistent argument here that the growth of commercial society threatened the duration of the free state by altering the manners of the 'lower orders'. This was conceived in terms of the spread of disease through the body politic. It was, therefore, not only justified but essential to intervene in individual conduct for the wider public good. But how was this to work? In order to understand how the prevention of crime was conceived in the eighteenth century, we need to explore the way in which Fielding and others combined the Christian narrative of the temptation and fall of the sinner with contemporary notions of 'psychology' and agency and the neo-classical understanding of the transformative effect of commerce. In the contemporary religious mind, man's condition after the fall meant a natural sinfulness and continuous temptation was part of the human condition. However, rather than seeing the conquering of temptation as part of moral progress, as would become

popular in the nineteenth century (Hilton 1988: 16-17), the aim of preventative police was to reduce the chance of submission to vice by managing society so as to expose the weak human will to as little temptation as possible. In this sense moral agency was dispersed throughout the material and social environment.

At the heart of the idea of prevention lay a Christian humanitarianism that lamented not only the prevalence of vice in modern society, but that desired to halt the progression from temptation to vicious habit to crime, and ultimately execution and possible damnation. Quoting Seneca *On Mercy*, Fielding states his concern is not only 'Care for the Public Safety, but common Humanity [which] exacts our concern on this Occasion'. Failure to prevent crime and vice meant not only a threat to order, but meant that many criminals would end up condemned to death when, had they not been seduced into vice, they could have been useful members of society (Fielding 1988a: 172).

Fundamental to the notion of prevention was the concept of the 'criminal progress', so effectively illustrated by Fielding's friend Hogarth. Narratives of the progress of the criminal from petty vice to felony were commonplace in popular literature and are well illustrated in the work of Rawlings (1992). The idea is best summarised by Dundas, the Home Secretary (and patron of Patrick Colquhoun) supporting the 1792 Middlesex Justices Act in the House of Commons. He reminded the House that 'rogues reached the gallows by degrees; that they started as pickpockets when they were about 13 or 14; that they became emboldened by habit and practice; that when by picking pockets they were able to buy a horse, they became highwaymen; and by an accumulation of crimes, all highly injurious to the public, they arrived at the climax of their fate, and ended their career by the hands of the hangman' (Cobbett and Hansard 1817: 1473-4). Such assumptions underlay the work

of Fielding and his successors and Dundas assumes this to be self-evident and proof of the necessity of his cause. The idea of prevention was to interrupt this criminal descent, as Dundas put it ‘to rescue such wretches from their fate, and by an early prevention of their pursuits, check their evil causes, and afford them an opportunity of being restored to society’ (Cobbett and Hansard 1817: 1474).

For John Fielding, who succeeded Henry as Bow Street magistrate, it was brothels in particular that were the source of the decline into vice. There ‘the Apprentice and Journeyman first broach their Morals, and are soon taught to change their Fidelity and Integrity for Fraud and Felony; here the Tradesman, overcome with Liquor, is decoyed into a Snare, injurious to his Property, fatal to his Constitution, destructive to his Family, and which frequently puts a Period to his Peace of Mind’ (Fielding 1758: 41). Such concerns were repeated constantly throughout eighteenth and nineteenth-century debates on crime, which stressed the progress from petty offences to greater and greater excess, leading ultimately to the gallows and damnation.

But this commonplace narrative of the rake’s progress was a question of individual moral failure. How did Fielding and others link this individual fault to the wider public problem of the corrupt body politic? The answer lies in the Lockean notion of the mind as a blank sheet, which implied that character was learnt, created by environment and imitation, a connection explicitly made by Henry Fielding. In *The Covent Garden Journal* he wrote ‘Habit hath been often called a second Nature, the former may indeed be said to govern and direct the latter. I am much deceived, (and so was Mr. Lock too) if from our earliest Habits we do not in a great Measure derive those Dispositions, which are commonly called our Nature, and which afterwards constitute our Character’ (Fielding 1988b: 347). He followed this by quoting Cicero:

‘The Manners of Men are not born with them, or derived from their Ancestors. Their true Source is no other than Custom, or the general Habit of their Lives’ (Fielding 1988b: 348). This position was echoed by Hanway: ‘Mankind will act as they are *taught*, and practice that which their minds are accustomed to entertain with complacency, be it ever so evil. The execution of *good laws* as naturally introduces *good morals*, as the neglect of them has a contrary effect’ (Hanway 1780: 3-4).

In describing the progress of luxury, Henry Fielding conceptually combined the idea of the transmission of vice through imitation with the spread disease in the body politic: ‘Vices, no more than diseases will stop ... for bad Habits are as infectious by Example, as the Plague itself by Contact’. It was considered natural for man to be imitative and that the vices of the great, which were not in themselves a political problem for Fielding, would always filter down to the poor, with damaging consequences (Fielding 1988a: 77 and n. 7). Like his brother, John Fielding deployed the metaphor of the body politic, asserting that where morals were corrupted ‘if this corrupted Member is not instantaneously separated from the Body, it gathers Strength every Minute’ (Fielding 1758: 34-5).

Combining the notion of criminal progress with the imitation of bad habits and the environmental formation of character allowed the Fieldings to argue that vice and luxury would spread because commercial society had created conditions in which they would be encouraged by providing all kinds of temptations and opportunities for the individual to be seduced from the path of virtue. Vice, Henry Fielding argued, could not be prevented entirely, but it could be reduced and ‘The gentlest Method which I know, and at the same Time perhaps one of the most effectual, of stopping the Progress of Vice, is by Removing the Temptation’ (Fielding 1988a: 78). This forms the heart of his notion of prevention.

The motives that led to luxury and vice were vanity and voluptuousness (the ‘love of pleasure’), chiefly, in the case of the poor, the latter. One of the chief sources of temptation, then, was the kind of place that offered pleasure for consumption. ‘Now what greater Temptation can there be to Voluptuousness, than a Place where every Sense and Appetite of which it compounded, are fed and delighted; where the Eyes are feasted with Show, and the Ears with Music, and where Gluttony and Drunkenness are allured by every kind of Dainty; nay where the finest Women are exposed to View, and where the meanest Person who can dress himself clean may in some Degree mix with his Betters, and thus satisfy his Vanity as well as his Love of Pleasure?’ (Fielding 1988a: 79). Theatres were the chief locations that introduced the possibility of voluptuousness and should be regulated in order that they become too expensive for the labouring classes.

Public entertainments were not the only target of Fielding’s censorial attention: drunkenness and gambling were equally dangerous. Gambling was a threat as it bred avarice and undermined the principle of hard work, promising instant wealth. The consumption of gin became a political evil because it affected the health of future generations and the strength of the nation: ‘What must become of the Infant who is conceived in *Gin*? ... Are these wretched Infants (if such can be supposed capable of arriving at the Age of Maturity) to become our future Sailors, and our future Grenadiers? ... What could an *Edward* or a *Henry*, a *Marlborough* or a *Cumberland*, effect with an Army of such Wretches?’ (Fielding 1988a: 90). John Fielding was also concerned with the enervating effects on the social body and was keen to preserve the lives and well being of the common people because they supplied the army, navy, manufacturing and servants’ positions (Fielding 1758: 42).

Colquhoun was equally clear that ‘Offences of every description have their origin 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). He too deployed the narrative of temptation and fall, being concerned particularly with the temptations of the ale house, where ‘the corruption of morals originates. – It is here that the minds of youth are contaminated’ (Colquhoun 1969: 324). He was also concerned about the seductive power of prostitution.

Vicious habits began in youth: ‘Before a child is perhaps able to lisp a sentence, it is carried by its ill-fated mother to the tap-room of an ale-house; in which are assembled multitudes of low company, many of whom have perhaps been reared in the same manner. The vilest and most profane and polluted language, accompanied by oaths and imprecations, is uttered in these haunts of idleness and dissipation. – Children follow their parents during their progress to maturity, and are almost constant witnesses of their besotted courses’ (Colquhoun 1969: 311-12). Those with strong constitutions might survive the shock of such an upbringing, but they would by then have become so depraved that ‘they are restrained by no principle of morality or religion (for they know nothing of either)’ (Colquhoun 1969: 313-14).

But even those with a respectable upbringing were not immune from the danger of seduction into vice. Mechanical apprentices were felt to be particularly vulnerable. ‘No sooner does an apprentice advance towards the last year of his time than he thinks it incumbent upon him to follow the example of his master by learning to *smoke*. – This accomplishment acquired (according to his conception) he is a fit associate for those who frequent Public-houses’. Of course, he could not frequent the same places as his master, which drives him into a lower class of establishment,

where he meets with depraved company, amongst which ‘he conceives he is only following in the example of those whose manners and habits he has been taught, by example, to imitate [and] he is insensibly ensnared. – Having arrived at the age of puberty, and meeting profligate females in those haunts of idleness, his passions become inflamed. – The force of evil example overpowers him. – He too becomes depraved. – Aided by the facilities held out by Old Iron Shops, he pilfers from his master to supply those wants, or associates himself with Thieves, whose acquaintance he made in progress of his seduction’ (Colquhoun 1969: 315).

Prostitution here functions like drug addiction in modern criminological discourse, as the motor of addiction driving further crime. The solution was to prevent the ‘lures for the seduction of youth passing along the streets’. This was also important to avoid the danger that the evil example of the sight of prostitutes flaunting themselves might ‘have debauched many females, who might otherwise have lived a virtuous and useful life’ (Colquhoun 1969: 338, 342). ‘It is not pecuniary aid’, Colquhoun argues, deploying the metaphor of social disease, ‘that will heal this *gangrene*: this *Corruption of Morals*. There must be the application of a correct System of Police calculated to reach the root and origin of the evil’ (Colquhoun 1969: 358).

The mechanisms Colquhoun envisaged would prevent crime in this context were systems of surveillance and licensing for public houses, particularly ‘disorderly houses’ and shops buying and selling used goods. Inspection and surveillance of these sites would enable the system of police to both prevent lures into vice for the unwary, ensuring that all drinking was conducted only in the presence of people of good character who were not likely to lead youth astray and to regulate the transmission of goods throughout the metropolis, removing the market for stolen property held out by

so-called 'marine' or 'old iron' stores and so depriving theft of its purpose. In this respect, although Colquhoun's system of police does not look very much like the force introduced in London in 1829, its intended function is very close to that actually undertaken by nineteenth-century police constables, who patrolled the streets keeping 'disorderly' houses, 'suspicious characters' and marine stores under surveillance with a very similar aim in mind.

Conclusion: Liberty and Order

The emergence of a preventative police has recently been tied into two epochal shifts. Neocleous (2000a, 2000b) has argued that the idea of the prevention of crime and police emerged as manifestations of class struggle and the growing power of the bourgeoisie, seeking to fabricate a working class to produce their profit. Certainly the drive to encourage the lower classes into labour was a significant feature of the work of the Fielding brothers, Hanway and Colquhoun. However the discursive structure within which these concerns were articulated is entirely alien to that of Marx. This does not represent an attempt to mask or mystify the role of property in the process, in fact property and the perpetuation and rule of a social hierarchy were explicitly aligned with the maintenance of freedom and the common good. Rather, this represents an entirely different conception of the relationship between economic and social change to that of its Marxist successor.

Dean (1991: 53-67, 193-210) also ties the emergence of preventative police into an epochal transformation in government from a system designed to mobilise the national resources of the population to a 'liberal' preventative police that simply acts to control threats to the natural operation of society. But it is clear that the two notions

are thoroughly bound up together, the idea of prevention emerging as part of a detailed regulatory system that sought to actively create the social order.

The argument established by Henry Fielding and perpetuated and transformed by his successors up to Patrick Colquhoun, is that crime was the consequence of transformation of manners and habits amongst the common people occasioned by the introduction of trade and commerce. This by nature had consequences for their relationship with authority. Their increased wealth bred luxury and contempt for the established hierarchy, while their consumption of gin, enervating vices and lack of productive activity rendered the nation feeble, depriving it both of wealth and fighting strength. This all inevitably had political consequences when this was viewed as a fundamental part of the constitution. The solution to this problem was the introduction of an improved police to manage the commercial and social environment and thus prevent seductions into vice and luxury, saving the weak-willed from falling into vicious habits (and ultimately from punishment and damnation), while preserving the industry and strength of the nation. The condition of national liberty imagined by these authors was not one of minimal interference from government, one in which individuals should be left relatively free to pursue their own moral or spiritual improvement. Just as in European visions of police, the moral order was something which had to be actively created through the act of governing (Tribe 1984: 276-7, 282-3). This was because the causes of crime and vice and their effects on the constitution and social order were configured as exceeding the capacity of individual will to resist.

References

- ANDREW, D. (1989), *Philanthropy and Police: London Charity in the Eighteenth Century*. London: Princeton University Press.
- ANON. (1751), *The Vices of the Cities of London and Westminster. Trac'd from their Original ... In Five Letters from a Citizen of London to a Member of Parliament*. Dublin.
- ARISTOTLE (1995), *Politics*, trans. E. Barker, revised by R. F. Stalley. Oxford: Oxford University Press.
- AXTMANN, R. (1992), "Police" and the Formation of the Modern State: Legal and Ideological Assumptions on State Capacity in the Austrian Lands of the Hapsburg Empire, 1500-1800', *German History*, 10/ 1: 39-61.
- [BROWN, J.] (1757), *An Estimate of the Manners and Principles of the Times*, 5th edn. London.
- BROWNING, R. (1982), *Political and Constitutional Ideas of the Court Whigs*. London: Louisiana State University Press.
- BURCHELL, D. (1995), 'Genealogies of the Citizen: Virtue, Manners and the Activity of Citizenship', *Economy and Society*, 24/4: 540-58.
- BURTT, S. (1992), *Virtue Transformed: Political Argument in England, 1688-1740*. Cambridge: Cambridge University Press.
- CARROLL, P. E. (2002), 'Medical Police and the History of Public Health', *Medical History*, 46/4: 461-94.
- CICERO (1999), *On the Commonwealth and On the Laws*, ed. J. G. Zetzel. Cambridge: Cambridge University Press.
- COBBETT, W. and HANSARD, T. C. (1815), eds., *The Parliamentary History of England, From the Earliest Period to the Year 1803*, Vol. XXV, 1 Feb 1785 – 5 May 1786. London.

- COBBETT, W. and HANSARD, T. C. (1817), eds., *The Parliamentary History of England, From the Earliest Period to the Year 1803*, vol. XXIX, 27 Mar 1791 to 13 Dec 1792. London.
- COLQUHOUN, P. (1969), *A Treatise on the Police of the Metropolis ...*, facsimile of the 7th [1806] edn. Montclair NJ: Patterson Smith.
- DEAN, M. (1991), *The Constitution of Poverty: Toward a Genealogy of Liberal Government*. London: Routledge.
- DEAN, M. (1999), *Governmentality: Power and Rule in Modern Society*. London: Sage.
- FIELDING, H. (1988a), *An Enquiry into the Cause of the Late Increase of Robberies* [1751], in M. R. Zirker, ed., *An Enquiry Into the Cause of the Late Increase of Robberies and Other Writings*. Oxford: Clarendon.
- FIELDING, H. (1988b), *The Covent Garden Journal*, 66, Sat 14 Oct 1752, in B. A. Goldgar, ed., *The Covent Garden Journal and A Plan of the Universal Register Office*. Oxford, Clarendon.
- FIELDING, J. (1758), *An Account of the Origin and Effects of a Police Set on Foot by His Grace the Duke of Newcastle in the Year 1753, Upon a Plan Presented to His Grace by the Late Henry Fielding, Esq.* London.
- FIRTH, A. (2002), 'Moral Supervision and Autonomous Social Order: Wages and Consumption in 18th-Century Economic Thought', *History of the Human Sciences*, 15/1: 39-57.
- FOUCAULT, M. (1980), 'The Politics of Health in the Eighteenth Century', in C. Gordon, ed., *Power / Knowledge: Selected Interviews and Other Writings, 1972-1977*, 166-82, trans. C. Gordon, L. Marshall, J. Mepham and K. Soper. New York: Pantheon.

- FOUCAULT, M. (1988), 'Politics and Reason', in L. D. Kritzman, ed., *Politics, Philosophy, Culture: Interviews and Other Writings, 1977-1984*, 57-85, trans. A Sheridan and others. London: Routledge.
- GUNN, J. W. A. (1983), *Beyond Liberty and Property: The Process of Self-Recognition in Eighteenth-Century Political Thought*. Kingston, Ontario: McGill-Queens University Press.
- HANSARD, T. C. (1829), ed., *Parliamentary Debates*, New Series, vol. XXI, 31 Mar 1829 – 24 June 1829. London.
- HANWAY, J. (1780), *The Citizen's Monitor: Shewing The Necessity of a salutary Police, executed by resolute and JUDICIOUS MAGISTRATES, Assisted by the Pious labours of zealous Clergymen, For the Preservation of the Lives and Properties of the People, And the happy Existence of the State*. London.
- HILTON, B. (1988), *The Age of Atonement: The Influence of Evangelicalism on Social and Economic Thought, 1795-1865*. Oxford: Clarendon.
- HOME OFFICE (1999), *The Government's Crime Reduction Strategy*. London: HMSO.
- HOPE, T. (2001), 'Community Crime Prevention in Britain: A Strategic Overview', *Criminal Justice*, 1/4: 421-39.
- KNEMEYER, F-L. (1980), 'Polizei', *Economy and Society*, 9/2: 172-96.
- LOCKE, J. (1988), *Two Treatises of Government*, ed., P. Laslett, 3rd (student) edn. Cambridge: Cambridge University Press.
- MAGUIRE, M. (2004), 'The Crime Reduction Programme in England and Wales: Reflections on the Vision and the Reality', *Criminal Justice*, 4/3: 213-37.
- MILLER, P. N. (1994), *Defining the Common Good: Empire, Religion and Philosophy in Eighteenth-Century Britain*. Cambridge: Cambridge University Press.

- NEOCLEOUS, M. (2000a), *The Fabrication of Social Order: A Critical Theory of Police Power*. London: Pluto.
- NEOCLEOUS, M. (2000b), 'Social Police and the Mechanisms of Prevention: Patrick Colquhoun and Condition of Poverty', *British Journal of Criminology*, 40/4: 710-26.
- PASQUINO, P. (1991), 'Theatrum Politicum: The Genealogy of Capital – Police and the State of Prosperity', in Graham Burchell, Colin Gordon and Peter Miller, eds., *The Foucault Effect: Studies in Governmentality*, 105-18. Hemel Hempstead: Harvester.
- PETTIT, P. (1999), *Republicanism: A Theory of Freedom and Government*, revised edn. Oxford: Oxford University Press.
- RAEFF, M. (1983), *The Well-Ordered Police State: Social and Institutional Change through Law in the Germanies and Russia, 1600-1800*. London: Yale University Press.
- RAWLINGS, P. (1992), *Drunks, Whores and Idle Apprentices: Criminal Biographies of the 18th Century*. London: Routledge.
- REINER, R. (2000), *The Politics of the Police*, 3rd edn. Oxford: Oxford University Press.
- REYNOLDS, E. (1998), *Before the Bobbies: The Night Watch and Police Reform in Metropolitan London, 1720-1830*. London: Macmillan.
- SEKORA, J. (1977), *Luxury: The Concept in Western Thought, Eden to Smollett*. London: Johns Hopkins University Press.
- SKINNER, Q. (1998), *Liberty Before Liberalism*. Cambridge: Cambridge University Press.
- TRIBE, K. (1984), 'Cameratism and the Science of Government', *Journal of Modern History*, 56/2: 263-84.