

## **The Idea of Police in Eighteenth-Century England: Discipline, Reformation, Superintendence, c. 1780-1800**

### **I**

Recent years have seen considerable interest in the idea of “police” in the eighteenth century.<sup>1</sup> “Police” in this archaic sense did not mean a uniformed force employed by the state to govern law and order, it implied a much more general system of government, the task of which was to regulate broad aspects of communal existence with the aim of establishing the common good of the community and was closely associated with maintenance of the moral order, security and the maximization of national resources.

Police in this wider sense has long been understood as central to European political thought, but it was generally assumed that England did not possess a comparable concept or system. Historians of policing have recently demonstrated that this is mistaken, detailing the gradual development of English policing practices over the period 1660-1830, accelerating from the 1780s.<sup>2</sup> But this work largely focuses on the relationship between particular institutional reforms and local needs and politics. What this work does not do is engage with police on the broader conceptual level, particularly its relation to wider changes in the “mentality” of government, by which I mean “a way or system of thinking about the nature of the practice of government (who can govern; what governing is; what or who is governed), capable of making that activity thinkable and practicable both to its practitioners and to those upon whom it was practiced.”<sup>3</sup>

Although discussed briefly in histories of policing, and more substantially in Andrew’s work on philanthropy, English discourses on police are nowhere engaged with on their

own terms, as arguments for the reorganization of a general system of urban government.<sup>4</sup>

Discourses on English police do, however, surface occasionally in the work of several sociologists, who locate the transformation of English government in the eighteenth century in relation to several dominant explanations for this process common in social science: the emergence of modern governmentality, the “disciplinary society,” or “social control.” However, there remains scope for an historical engagement with, and deepening of this work.

Mitchell Dean, focusing on the English police of poverty, writes the subject into the Foucaultian narrative of the emergence of modern governmentality, arguing that eighteenth-century police passed from an early-modern concern with reforming the social order, to a desire to augment national power and prosperity through the enforcement of industry. Here, police was not concerned with reconstructing the old order but with achieving new national goals through the administration of the population. This was superseded by a “liberal” concept of prevention, where police means not the condition of order, but institutions for the prevention of threats to order, based around the management of the circumstances of its occurrence.<sup>5</sup>

Mark Neocleous, in work closely aligned with, but extending traditional histories of social control, offers a Marxist account of the establishment of mechanisms of urban discipline in the late eighteenth century, arguing they constitute the assumption of bourgeois control of the state, which not only saw an assault on traditional work practices in favor of the capitalist wage economy, creating the working class as a body, but

simultaneously saw an attempt to inculcate bourgeois social values along with the new economic order.<sup>6</sup>

We can contribute to these sociological accounts with an historicist exploration of the emergence of “police” in England, avoiding the problem of locating English governmental practices in relation to German discourses, and at the same time extending the range of our study of English discourses on police. Dean and Neocleous, for example, draw principally on the work of Colquhoun and Gilbert, while mentioning Blackstone and Adam Smith as authors on police.<sup>7</sup>

John McMullan does focus directly on eighteenth-century English police discourse, writing it into a second Foucaultian narrative: the emergence of “disciplinary society.”<sup>8</sup> However, he also draws on only two sources (Colquhoun and John Fielding) for the eighteenth century and does not fully locate these texts in their context. Like Dean and Neocleous, he places great emphasis on the government of the poor, idleness, and the typological and ethnographic approach to crime. But these features were common to discourse on disorder and vice from the sixteenth century, and English police was, like its European counterparts, not only concerned with poverty, but was conceived as a general system of government concerned with a broad sweep of issues.<sup>9</sup> What is novel in the eighteenth century, in terms of discipline, is the structure of police that was mapped out by writers on the subject and the way this structure was legitimized. What was at issue was not simply the poverty of the lower orders, rather their increased wealth and their consequent luxury or extravagance, which threatened both the enervation and corruption of the body politic and signified a lack of the Christian virtue of industriousness.

If the emergence of English police relates to the birth of “disciplinary society,” and if authors on police encourage, in various ways, the disciplining or social control of the population and their compulsion into industry, they do so in a particular context and for particular purposes, which are important not only in its successful legitimization, but which established the dynamics of police debate, and the essence of the police idea, for the nineteenth century.

If we want to understand how the field of government termed “police” was debated, legitimized, and distinguished from other modes of moral and political argument in England over the late eighteenth century, and therefore what constituted its point of innovation in relation to the mentality of government, we need to pay attention to the specific terms in which it was proposed and the way authors on the subject sought to define an improved police, of a particular form, as a solution to some of the problems that appeared pressing in public life.

Police discourse in England emerged as a particular kind of response to a moral question about the impact of commerce upon public virtue, understood both in the classical terms of disinterested public service and the Christian sense of popular morality. English society was confronting the possibility of its own finitude and locating itself on a trajectory of growth and decay, brought about by the accumulation of wealth, facing the possibility that it had reached the zenith of its power and was so enveloped in luxury that it was about to enter a phase of decline, likely to lead to internal tyranny or foreign conquest.<sup>10</sup> But unlike the contemporary moral discourses identified by Pocock, which stressed the importance of virtuous example and political vigilance by the gentry, authors on police advocated a different solution: the “mechanization” of virtue through new

systems of “superintendence” and regulation. Police was defined as the regulation of sites of temptation so as to prevent the acquisition of vicious habits, alongside the assumption that the police function was generally to establish good order and public morals.

Industriousness, reformation and prevention were bound up together in this discourse.

Equally important was the emphasis on institutional regularity, uniformity and hierarchical subordination to overcome problems of laziness or personal interest.

## II

I shall begin by examining the nature of “police” in eighteenth-century England and its relation to the Foucaultian concepts of police as a mentality of government and the idea of disciplinary society. It is true that there were English discourses and practices of civil government that were very close to European systems of police in operation throughout the eighteenth century.<sup>11</sup> However, the term “police” came relatively late to England, not being commonly used until the 1760s, although it had been used in Scotland since the appointment of a Police Commissioner in 1714.<sup>12</sup>

Henry Fielding’s *Enquiry into the Causes of the Late Increase of Robbers*, published in January 1751, is generally regarded as the first significant work on preventative police, but he did not actually use the term “police” in this treatise. However, his work was referred to in these terms by later authors on police and clearly influenced them.<sup>13</sup> Likewise, the Bow Street patrol he and his brother John established was referred to as a method of “police” by John Brown in his polemical morality tract *An Estimate of the Manners and Principles of the Times* (1757), where he compliments “the salutary Effects of a new Kind of Police, established by a useful Magistrate in the City of

*London.*”<sup>14</sup> John Fielding was perhaps the first Englishman to entitle a work as concerned with police with his *An Account of the Origin and Effects of a Police Set on Foot* (1758). Jonas Hanway then wrote on *The Defects of Police* in 1775, republished in 1780 as *The Citizen’s Monitor*, following which there were several treatises on the subject: Thomas Gilbert, *A Plan of Police* (1781, second edition 1786); Edward Sayer, *Observations on the Police or Civil Government of Westminster* (1784, second edition 1792); William Blizard, *Desultory Reflections on Police* (1785); George Barrett, *An Essay Towards Establishing a System of Police on Constitutional Principles* (1786); Henry Zouch, *Hints Respecting the Public Police* (1786); William Godschall, *A General Plan of Parochial and Provincial Police* (1787); Patrick Colquhoun, *General View of the National Police System* (1796) and *A Treatise on the Police of the Metropolis* (1796, seventh edition 1806).<sup>15</sup> The cluster of publications in the 1780s centered on the Gordon riots of 1780, followed by the Pitt government’s attempt to introduce a “police bill” into parliament in 1785, and the royal proclamation on vice in 1787.<sup>16</sup>

These works were political in the sense that they were written at moments of crisis and to legitimize changes in the structure of government commonly considered problematic. Nonetheless, police is distinctive as a subject and it may well be that these authors sought to seize the moment to promote themselves, their work and ideas as much as being inspired by these events to write on the issues with which they were most familiar. At the same time it is a reasonable assumption that in going to the effort of producing substantial works and putting them in the public domain, in many cases searching for preferment or status in doing so, that their authors expected them both to be

taken seriously and to be convincing. These are not utopian works: they all sought to reform the existing system of government.

What did these authors mean by the term “police” and to which institutions did they refer? Proponents of an improved police were generally not arguing for the creation of a new system of government, they argued they already had a police, only that it was not very effective. The subject of “police” debate was simply the existing system of civil government whose task was to govern the peace and order of local communities, these being the quarter and petty sessions of the peace, the court leet and court baron, and the parish vestry. Their officers included magistrates, constables, churchwardens, beadles, overseers, surveyors of the highway and so forth that made up the patchwork of English government. “Police” was also one of the more common names given to the “improvement” commissions established in the late eighteenth and early nineteenth century for the better government of various towns, including Manchester and Birmingham.

For example, two magistrates “W. H.” and William Mainwaring both referred to existing systems of government, the quarter sessions of the peace, the magistracy and so on, as “police.” Likewise, Manchester’s system of government, the manorial court leet was referred to as a system of “police” by William Roberts in the same period.<sup>17</sup> In 1799 Patrick Colquhoun even referred to the Duke of Portland, Secretary of State for the Home Department, as “his Majesty’s Minister for the Police Department,” aligning “police” with the general administration of the state.<sup>18</sup>

The tasks of police, then, were those for which these bodies were responsible and they are as diverse and comprehensive as comparable European systems of police. Sayer

considers the system of “police” to cover the “peace offices” generally, as well as broad systems of urban government. He traces these structures and jurisdictions back to their alleged Saxon origins, referring to them as “police” throughout. It is clear, then, that the term “police” is completely synonymous with “civil government” or the “civil power” in Sayer’s work and includes all the functions of parish and manorial rule. The functions he considers aspects of “a *general* police” according to the ancient statutes include “all matters of incontinence, common scolds, and of inmates and common annoyances,” as well as offenders against the peace, weights and measures, charity and hospitals, sewerage, government of the poor, the provision of a watch, paving, lighting and cleaning of the streets, regulating the price of bread, regulation of markets and the establishment of prices for all commodities and licensing places of public entertainment.<sup>19</sup>

If Sayer might be thought untypical, compare this to the work of Godschall, whose concern for good police encompassed the offices of high and petty constable, and the surveyor of the highway, to whose role particularly detailed treatment was given. Godschall’s concern was for both “morals and œconomy” and involved the subjects of begging and vagrancy, chapmen, poachers, smugglers, the education of the young and (if necessary forcible) apprenticing, the watching of ale houses, the industry of the poor and the conduct of religion, particularly in the poor houses. The petty constable was to concern himself especially with drinking, gambling or playing sport on a Sunday, to inform the magistrates of houses of “ill fame,” or young able-bodied men who were idle or refused to work for “the usual wages,” as well as watching vagrants and beggars, pursuing hedge-breakers and wood-stealers, robbers, unlicensed publicans, rogues, anyone behaving suspiciously at night, and those using short weights and measures.<sup>20</sup> But



Godschall's concern was not only for the moral and economic order, he was also interested in the material environment of the town itself. The surveyor of the highway was encouraged to pay attention to "every road, footpath, post, rail, fence, pits unfenced, bridge, water course, over-hanging hedge, bush, tree, straw for dung, ditch scowring, timber logs, and every other annoyance whatsoever," including anything obstructing the highway, particularly wagons or coaches, or anyone encroaching upon the highway with their property.<sup>21</sup> Not only, then, was the notion of disciplining the population clearly nothing new, but if English government was contrasted to the "French" system, what was objected to could not be the potential degree of governmental interference in the lives of the people.

It is worth noting in passing that if we compare the concerns of English police with the focus of Duchesne's *Code de la Police* (Paris, 1757) there are clearly some strong similarities. Police here implied a concern with the detailed regulation of such diverse subjects as religion, customs, health, foodstuffs, highways, tranquility and public order, sciences and the liberal arts, commerce, manufactures, servants, and the police of the poor.<sup>22</sup> The emphasis here was on the formation of the social body, the detailed ordering of life.<sup>23</sup> This was clearly also a feature of both the conceptualization and practice of English government in the same period. Jonas Hanway defined "police" as "the *minutiae* of government," and aligned it with "a habit of *discipline*," and a "*reformation*" in the morals of the people.<sup>24</sup> This involved the correct organization and regulation of the many branches of police so as to prevent as few individuals as possible from falling irreparably into a life of vice, reforming those that did so in their early steps on that path. With this in mind, Hanway went on to range broadly over the condition of

charitable hospitals, education, the press, prisons, workhouses, the conduct of servants and theatrical performances, all of which could function more effectively to rescue the sinner and lessen the occasion for, and attraction of, sin.

What, then, was the significance of the term “police,” if all they were talking about was the existing system of government? Those who used the term “police” in England were generally not arguing exclusively for greater energy from the existing authorities. Even those who saw this as their principal aim (such as Blizard or Godschall) also argued for reform and some reorganization in the system and were generally agreed about the kind of reform that was required. Most authors who used the term police sought to reform the structure of government, introducing regularity and uniformity, principally through better systems of “superintendence.” As is well-known from the literature on policing, the disunity and disorganization of the existing mechanisms of rule was one major feature of arguments for an improved police.<sup>25</sup> Sayer argued that the existing system of police was “Like the different parts of a great machine, adjusted upon a mistaken principle.”<sup>26</sup>

For example, writing with awareness of the government’s coming attempts to reform the Westminster police, and in response to the recent Gordon riots, Sayer sought to unite two different structures of police in Westminster, one of which had the necessary powers and no organization, while the other was well structured but without the necessary authority. The solution was to join them so that “the unsettled activity of the one Jurisdiction will be transferred over to the consistency and regularity of the other.”<sup>27</sup> George Barrett’s *Essay* is exemplary in this sense, containing little more than detailed suggestions for the structure of a new police system, while Godschall too spoke of

“management” of morals and “systematic regulation.”<sup>28</sup> For Patrick Colquhoun, the way of achieving the ends of police, which were “Security to the Person and Property of the peaceful Subject; the Morals of the People, and the general Finances of the Country,” was to be achieved by “bringing under regulation a variety of dangerous and suspicious trades.” This involved the extension of a licensing system across the whole of the Kingdom and the formation of a “chain of connection” between the proposed central board of police and every district in the country.<sup>29</sup> Such a central board was, he argued, absolutely necessary, as the whole system was linked together with the police board acting as a “key-stone.” He stressed that a central board would naturally generate the “accurate information” necessary to effective government, arguing that “superintendence should not be divided, but that it should be confined intirely [sic] to the Board, where all intelligence is supposed to center.”<sup>30</sup>

The authors cited above focus on the regular sub-division of space, and the continuous supervision and circulation of information, producing a disciplinary machine, obviating previous problems with negligence of duty or individual weakness. Regularity and uniformity were central concepts here, for this mechanism of discipline would operate ceaselessly and not be reliant on the capacities and energy of any particular individual. For most authors on the subject this necessitated payment of the officers and hierarchical organization or subordination.

As McMullan points out, there is an obvious link between the police patrol and the disciplinary society, with the policeman as “the personification of panopticism.”<sup>31</sup> The very idea of patrol as a mechanism of crime prevention was that criminals would be deterred because they never knew whether or not a watchman or later a police officer

might be approaching, and that there was always one within easy reach should anyone call for assistance. At the same time such mechanisms of surveillance or “superintendence” as it was more commonly termed at the time, were central to the maintenance of discipline within the newly-established systems of paid police. The random circulation of inspectors or superintendents of the watch was one of the most common methods for ensuring that watchmen carried out their duty properly.<sup>32</sup> But more broadly than this, there is clearly a deeper link to Foucault’s concept of the “technical” nature of disciplinary society with his notion of cellular division, hierarchical observation, normalization, the circulation of information and precise regulation of time and space, which these authors sought to generalize throughout the social body.<sup>33</sup>

But we must be precise about the nature of the change being advocated here. As Sayer acknowledges, the sub-division of government itself was not particularly novel, for this principle has a long tradition in the structure of English local government, divided by county, hundred and parish, as well as the specific jurisdictions held by parochial and manorial officers, which often defined their duty of inspection over particular products at the level of certain markets or streets. If there is novelty in this system, it lies in the emphasis on regularity and uniformity in the structure of division, as opposed to the customary forms already in existence, alongside, of course, the creation of dedicated, salaried offices.<sup>34</sup> It may be that this is why the term “police” was preferred, because it signified the unity of purpose and organization thought to be characteristic of the French system of government, made famous by Millard, who saw the effective government of Paris stemming from the sub-division of duty, interdependence, hierarchy, and the existence of dedicated officers whose sole task was policing.<sup>35</sup>

### III

Clearly, the concerns of authors on English police were comparable with those of their European cousins, and there is close resemblance between the sense of institutional reform common to many of these works and a mentality of government identified as “disciplinary.” But if we were to leave the description of English police at this level, we would have understood little of its purpose and significance. If the practice of disciplining the population was itself relatively uncontroversial, the mechanisms they were proposing to achieve this, salaried officers, in some cases financed and even controlled by the government, were far more so. It was argued that “police” signified French-style despotism and arbitrary rule: “Permit me, Sir, from my prejudices as an Englishman, and let me add, from my knowledge as a lawyer, to express my objections to the word *Police*. The term is established under a government which it cannot be your intention to imitate. It is too closely connected with French systems, to be admitted hastily into a system of English jurisprudence.”<sup>36</sup> The logic of such opposition to police reform revolved around the ‘country’ argument that national liberty depended upon the balance of the constitution, which secured the independence of the freeborn Englishman from the threat of arbitrary power. The greatest threat to freedom was commonly defined as the accumulation of excess power by the executive branch of government, particular dangers being placemen and salaried government officials, who would bend to the will of ministers for financial reward, and a standing army, paid by the executive, who could enforce the will of the monarch and their ministers on parliament or the people.<sup>37</sup>

But that does not mean the idea was universally eschewed. Indeed, concerns that police was unconstitutional were directly countered by authors who aligned themselves with that term: “It hath been a frequent complaint, that the nature of our constitution will not admit of a *police*; in other words it will not admit of such salutary domestic regulations, as are calculated to preserve the lives and properties of the people, from that violence and rapine they are subject to, and which sometimes aim a dagger at the vitals of liberty.” Without police, Hanway argued, “there can be none of those restrictive regulations which are preparatory to the execution of laws of the greatest importance. For the same reason it is as essential to the support of a *free* people, in their liberty, as it is necessary in a *despotic* government to maintain authority.”<sup>38</sup> Liberty, for Hanway, meant the rule of law under conditions of restraint, and was opposed to licentiousness or slavery, it did not signify liberal non-interference or liberation. Raising the figures of “mob rule” and anarchy, the opposite of the rule of law and as destructive of liberty as tyranny, Hanway stressed the importance of attention to internal government, “without which we can never be happy, *because not really free*.”<sup>39</sup> Sayer concurred, arguing failure to regulate the police threatened “the grievous slavery of *no* government.”<sup>40</sup>

The task facing advocates of a reformed police was to refute country arguments. The method they chose was to argue that failure to reform would itself bring about the constitutional imbalance feared by the opposition, only from another source. At the same time they argued that reorganizing the system of police would itself preserve public virtue by preventing temptations to corruption in both the officers of police, and the wider body politic.

The crucial example alluded to by most moralists was that of Rome, whose mixed form of government was compared to that of Britain and whose decline from a free republic to an empire under the tyranny of the Caesars, and ultimately barbarian conquest, was held out as the ultimate example of what might befall a nation corrupted by luxury. Like those articulating a standard ‘country’ position, authors on police also deployed the example of Roman decline as the likely future for Britain, but in contrast to opposition discourse, they argued that it was the popular element and its licentiousness that was unbalancing the constitution, just as, they argued, had been the case with Rome. As Colquhoun put it, “the corruption of morals, licentiousness, and crimes, are known to advance in proportion to riches.” He went on to invoke the ultimate example of what befall a nation in that condition: “like the Roman government, when enveloped in riches and luxury, the National prosperity will be of short duration, hazarding the same calamities wherever public morals are neglected, and no effectual measure adopted for the purpose either of checking the alarming growth of depravity and crimes, or of guarding the rising generation against the evil examples which are exhibited in the metropolis, perhaps in a greater degree than was ever before experienced.”<sup>41</sup> Here Colquhoun was drawing on a series of themes which recurred throughout writing on the subject of police: the threat of commerce to morals and the possibility of temptation into vice by the “evil examples” which were more prevalent in modern, commercial society, in particular drawing the young into their clutches at an early age and so insensibly ensnaring them in a life of vice from which they would never be able to escape.

Similar arguments were developed by almost all authors who elaborated on the subject at length, either stressing a direct relationship between the nature of modern,

commercial society and popular licentiousness, or pointing out a lack of application in the government of the people. Godschall argued at the very beginning of his work that the subject of police required addressing particularly “In a Nation like this, where commerce and riches furnish the means of luxury and indulgence to many, and beget a temptation to them in the minds of all,” while at the same time lamenting negligence and inattention regarding popular conduct.<sup>42</sup> Edward Sayer agreed, like Colquhoun drawing the analogy between England and Rome: “in proportion as civilization and the elegant arts of life advance, the conveniences of individuals have been studied more and more. In the government of ancient Rome, established upon the polished institutions of Athens, this consideration was, perhaps, carried too far,” adding that such refinements “tended to destroy the liberty, because they corrupted the morals, and enervated the industry of Rome.”<sup>43</sup> Elsewhere he argues “the refinements of amusement are the great symptoms and the great causes of the decline of states,” and that “our debilitated taste applies [i.e. turns towards] to the strong sauces of refinement, which, while they gratify, destroy. The simplicity of England is gone!” He continued: “If some stop is not put to the progress of these irrational, but seducing, amusements, we shall sink rapidly into that state of general corruption which induced the Romans to prefer the bloody combats of hired Gladiators to the simplicity of rustic games, and give up their honest and hardy Song for the lewd unmanly piping of an Eunuch.”<sup>44</sup> Hanway, too, argued that Britain must “not act as the *Romans*, in the height of their glory, and fall by our own hands!”<sup>45</sup>

A reformed system of police was not to control the spread of luxury directly by closely regulating and restricting commercial activity, rather it was to act as a form of moral education, compensating for the apparent lack of religious and civil instruction in



the general populace. This was explicitly articulated as the purpose of police by John Fielding: “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.”<sup>46</sup> This was echoed by Colquhoun: “the evil propensities incident to human nature appear no longer restrained by the force of religion, or the influence of the moral principle. – On these barriers powerful attacks have been made, which hitherto have operated as curbs to the unruly passions peculiar to vulgar life.”<sup>47</sup>

The common people, it was argued, lacked the self-discipline and morality provided by a liberal education, rather they acted according to passion and impulse. Lacking this capacity to govern themselves, they had to be governed by others. This government of the poor by the rich with the aim of promoting industry could be taken by Marxists to signify the emergence of capitalist society with its attendant assumption of governmental power by the bourgeoisie and their social control of “the working class” in general. But it is highly questionable whether the “lower classes” in the eighteenth-century sense can easily be aligned with the “working class” in a Marxist sense.<sup>48</sup> Neocleous might be correct in suggesting that one of the effects of police was to fabricate the working class, but this does not tell us, as he assumes, what the “purpose” of police was.<sup>49</sup> To apply the vague notion of class interest to the actions of the growing “middling sort,” who largely made up the ranks of police reformers, is both reductive and, in this period, anachronistic and a Marxist definition of industry muffles many aspects of its contemporary resonance. If one of the aims of police was to increase industriousness, this

notion was bound up in the work of John Fielding with a series of discourses about the necessity of maximizing the strength of the nation in relation to its European competitors. Industry was not configured simply as the source of profit, but as the condition for national success and even, in the context of frequent international wars, survival so that the effectiveness of the system of police was directly related to the strength of the state. We must remember that the strength of the state and the possibility of its weakening from within were recurrent themes in the neo-classical story of the rise and fall of empires which dominated eighteenth-century perceptions of the place of Britain in the world order. Moral treatises, as well as the literature on civil government or the civil power, were constantly reiterating the threat of the corruption and enervation of the body politic through the vices of the people.

At the same time, of course, industry was closely aligned with virtue and happiness and had no sense of the meaning it was to acquire in the nineteenth century in relation to manufacturing or a manufacturing class. Johnson's *Dictionary* defined industry as "diligence" and aligned it with the Christian virtue of industriousness.<sup>50</sup> Industry was linked to piety, duty and virtue and opposed to idleness, licentiousness, temptation and vice.<sup>51</sup> The happiness of the state depended both on the availability of commodities and increase of wealth, but also on conditions of peace and security, which were directly threatened by the idle laborer, who was likely to fall into a life of vice and crime, undermining these conditions. If Godschall was concerned to encourage the poor into industry, this was as much because idleness was "a parent to vice" and therefore "equally detrimental to the community and individual" as it was due to the fact that it was "highly detrimental to public œconomy."<sup>52</sup> Indeed, the general target here was more than

the simple prevention of idleness: these authors were concerned more broadly to prevent the corruption of morals which were the occasions for crime and the enervation of the industriousness that sustained the healthy body politic. The way vice and dissipation could be prevented is clear for Fielding: “to remove from Sight all Temptation to Idleness.”<sup>53</sup>

Hanway, too, was concerned for the inculcation of (moral) discipline in this sense. He sought to govern what he saw as the most powerful principle affecting conduct: the love of pleasure.<sup>54</sup> For Hanway, the only way to combat this simple direction towards objects of pleasure, if they were potentially vicious, was to accustom people to particular ways of acting through the discipline of police. “Mankind,” he wrote, “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. It is the same in *religious* matters.”<sup>55</sup> The system of police was to regulate the social environment so as to habituate the people into discipline and remove the most prominent temptations to vice. Unfortunately, the laws were not being properly enforced because the higher orders themselves were negligent: “in every rank folly predominates: if our superiors lose their taste for what is great and manly, the *correction* by a well-regulated *police* will be *neglected*.” If the higher ranks were “less dissipated and extravagant,” he argued, the lower ranks would be better governed, not only by the example of their superiors, but because these superiors would have more time to devote to their duty, which was enforcing the moral conduct of their inferiors. Even ministers, he argued, were not driving home the significance of religious observation and principles forcefully enough. In the meantime, “our appetites

are stimulated by the numerous provocatives [sic] to *debauchery* which we find in every corner” and there was no discipline, either internally for the higher ranks through education in virtue, or externally for the lower ranks through police conducted by the higher orders, which would prevent the weak sinner from succumbing to such temptation.<sup>56</sup>

The causes of this decline in order and growth of evil were a reluctance to enforce harsh laws and their irregular and lax administration, but also “the intemperate pursuit of pleasure and the impiety and irreligion of the times.” Of course, he argues, these exist in all countries, but “the people in the most civilised parts of Europe being more awed by *police*, do not so often commit monstrous enormities. *They* are in a habit of *discipline*: *We* are as undisciplined, as if we sought the ruin of liberty.”<sup>57</sup> The function of police, then, was to habituate people into the discipline necessary for liberty to be feasible.

It is tempting to consider Hanway’s contribution to English government in the light of the fact that he had spent several years working in Portugal and Russia and had traveled through Germany and the Netherlands.<sup>58</sup> Equally significant is his association with John Fielding through their mutual work in the Marine Society (which arranged for boys in distressed circumstances to enter the navy) and the Magdalen Hospital for Penitent Prostitutes, both of which aimed to prevent the growth of crime by governing the problem of vice.<sup>59</sup>

Hanway and his (largely Evangelical) successors took the Christian view of life as a trial, where the sinner was constantly tested by confrontation with temptations to sin and in which vice and folly fought more generally against redemption. In this context the most important political knowledge was to know “how to restrain the vices, and give the

virtues of the people their proper bias.” The source of vice, he argued, was not straightforward luxury, as many argued, but extravagance, which “serves to reconcile individuals to the crime of ruining themselves.”<sup>60</sup>

This was an explicitly Christian mission. Hanway wrote “I lay my foundation on the rock of *religion*, having every day fresh reason to believe, it is the only true foundation of government; and that the national security and happiness must decay with the neglect of it,” and again “the detail of government, or call it *police*, depends on religion.”<sup>61</sup> Like Fielding, he saw religion as providing the moral rule by which people could judge their own conduct, and the role of police was to ensure that society maintained Christian morality even where many of the common people had little in the way of religious inclination or education. “It is high time” wrote Hanway, “that we should pursue plans of *reformation*”, urging that “We should be more active in *preventing evil!*” Could this be achieved, he asked, without a “*regular, strict, and consistent police?*”<sup>62</sup> Police, then, was to be the agent of moral reformation in the English people to complete the task begun by the political-religious reformation already cemented in the English constitution.<sup>63</sup> He went on to argue: “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*.”<sup>64</sup> This theme was common throughout writing on “police,” in which prevention was defined as regulation of the social environment and particular trades so as to remove the temptation for vice or crime, coupled with the inculcation of disciplined habits in the population.

Such arguments continued right up to the end of the eighteenth century. Concerned that the new system of commerce and growth of riches “furnish the means of

luxury and indulgence to many, and beget a temptation to them in the minds of all,” Godschall sought “to stop the progress of profaneness and immorality” occasioned by this condition through directing attention to the “want of attention to the conduct of the lower degree of the people, the want of discipline and employment for the adult, and of instruction for the infant poor,” and in general “to prevent stagnation and corruption in the moral as in the natural world.”<sup>65</sup> Colquhoun likewise sought to “check the progress of turpitude and vice,” which required first attending “to the Morals and the Habits of the rising Generation; to adapt the Laws more particularly to the manners of the People, by minutely examining the state of Society, 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, and to establish incitements to good and useful pursuits.”<sup>66</sup>

The link between the cyclical rise and fall of empires and the moral state of the population had been made before; the threat of luxury in classical terms and vice and temptation into sin were established features of moral discourse. But what is interesting in the police literature is the sense that the solutions to these problems were not to be found solely within the individual. These aspects are not entirely ignored, particularly for the gentry, who were roundly criticized for their neglect of duty in favor of luxury and reward, however the principal assumption of police was that the temptations to vice in a free, commercial society were so great that the individual, particularly those who lacked the resources provided by a gentlemanly education, could not resist these new and prevalent temptations on their own. The traditional Christian discourse of the struggle of the individual sinner against the temptations of vice was being modified so that the whole

of society, particularly the gentry, shared responsibility for helping the weak resist temptation. This was a theme that was central to police in the eighteenth century, as was the notion that habituation into discipline and morality was a solution. At the same time, this was united with the notion of prevention, so that police became concerned not only with the enforcement of moral habits, but with the reduction of sites of temptation (disorderly pubs and brothels, theatres) through regulation of the urban environment.<sup>67</sup>

#### IV

Although their works are by no means identical in terms of structure and genre, eighteenth-century advocates of an English police shared many assumptions about the nature and best practice of government with their European counterparts. Police in eighteenth-century England was understood as a general system for the administration of communal life whose task was the production of the common good. However, arguments about English police were articulated in relation to a set of concerns specific to English, even to Metropolitan, political culture. Moral reformation implied both the completion of the religious work of Luther and Calvin and also of the political work of the Glorious Revolution. It also had implications for the maintenance of the freedom of the state, and as such the citizens. The encouragement of industriousness and prevention of vice and corruption in the body politic was intrinsically related to this through the trope of the cyclical growth and decay of empires, which took place in part through neglect of public morals. The solution was to regulate the environment and conduct of individuals so as to reduce the temptations that modern, commercial society held out towards vice and crime.

It is clear from this that police is closely related to general movements for moral reform, common and recurrent throughout the long eighteenth century.<sup>68</sup> But police differs somewhat from both the movements for the reformation of manners and the literature on civil government. Like both these bodies of discourse, police was concerned with the moral reformation of the body politic, but unlike these modes of writing police did not simply seek to encourage or legitimize the use of the existing systems of government, it sought to do so more effectively by reforming their structure, in many senses intellectually engaging with and codifying contemporaneous developments in governmental practice. For authors on English police the solution to the perceived problem of popular disorder and gentry negligence occasioned by commercial society was to elaborate new structures which would operate in a ceaseless and uniform manner to structure the social environment so as to reduce sites of temptation to vice and at the same time monitor the activity of suspicious individuals and groups. In this sense, arguments for novel organizational reform were presented as a solution to ancient, perennial problems. Police was defined as a “new science,” applying reason to the “regular dependence of causes and effects” concerned in the question of virtue and vice.<sup>69</sup>

To some degree, authors on police were disseminating the idea of disciplinary society by acting to legitimize the importation from France of hierarchical disciplinary structures into English political culture. But in doing so, they did far more than simply legitimize certain practices, they reconfigured the problem-space of government, defining disorder, vice and crime in terms of processes, causes and solutions that exceeded the moral capacity of the individual, and as such form part of the emerging “sociological imagination” of the eighteenth century.<sup>70</sup> A reorganized police and system of prevention



were defined as humanitarian moves that would compensate institutionally for the natural weakness of mankind, counteracting the tendency towards temptation and corruption, perceived to be endemic in the body politic and part of the Fallen human condition, but which had been exacerbated under the conditions of commercial society, increasing the opportunities for temptation while undermining the restraints of the traditional order.

<sup>1</sup> Donna T. Andrew, *Philanthropy and Police: London Charity in the Eighteenth Century* (London: Princeton University Press [hereafter UP], 1989); Roland Axtmann, “‘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 (1992): 39-61; Michel Foucault, “Politics and Reason,” in *Politics, Philosophy, Culture: Interviews and Other Writings, 1977-1984*, ed. Lawrence D. Kritzman, trans. A. Sheridan and others (London: Routledge, 1988), 57-85; Michel Foucault, “Governmentality,” in G. Burchell, C. Gordon and P. Miller, ed. *The Foucault Effect: Studies in Governmentality* (Hemel Hempstead: Harvester, 1991), 87-104; Michel Foucault, “The Politics of Health in the Eighteenth Century,” in *Power / Knowledge: Selected Interviews and Other Writings, 1972-1977*, ed. C. Gordon, trans. C. Gordon, L. Marshall, J. Mepham and K. Soper (New York: Pantheon, 1980), 166-82; Franz-Ludvig Knemeyer, “Polizei”, *Economy and Society* 9 (1980): 172-96; Pasquale Pasquino, “Theatrum Politicum: The Genealogy of Capital – Police and the State of Prosperity,” in Burchell, Gordon and Miller, ed. *The Foucault Effect*, 105-18; M. Raeff, *The Well-Ordered Police State: Social and Institutional Change in the Germanies and Russia, 1600-1800* (London: Yale UP, 1983); Keith Tribe, “Cameralism and the Science of Government,” *Journal of Modern History* 56 (1984): 263-84.

<sup>2</sup> See J. M. Beattie, *Policing and Punishment in London, 1660-1750: Urban Crime and the Limits of Terror* (Oxford: Oxford UP, 2001); Andrew T. Harris, *Policing the City: Crime and Legal Authority in London, 1740-1840* (Columbus: Ohio State UP, 2004); Ruth Paley, “‘Imperfect, Inadequate and Wretched’? Policing London Before Peel,”

*Criminal Justice History* 19 (1989): 95-130; Elaine A. Reynolds, *Before the Bobbies: The Night Watch and Police Reform in Metropolitan London* (London: Stanford UP, 1998).

<sup>3</sup> Colin Gordon, "Governmental Rationality: An Introduction", in Burchell, Gordon and Miller, ed. *The Foucault Effect*, 1-51, at 3.

<sup>4</sup> This debate on police appears in Andrew; Stanley Palmer, *Police and Protest in England and Ireland, 1780-1850* (Cambridge: Cambridge UP, 1988), 89-91; David Philips, "'A New Engine of Power and Authority': The Institutionalization of Law-Enforcement in England, 1780-1830," in V. A. C. Gatrell, B. Lenman and G. Parker, ed. *Crime and the Law: The Social History of Crime in Western Europe Since 1500* (London: Europa, 1980), 155-89 at 165-68; Reynolds, 71-75.

<sup>5</sup> Mitchell Dean, *The Constitution of Poverty: Toward a Genealogy of Liberal Government* (London: Routledge, 1991), 58, 63-66, 194-96.

<sup>6</sup> Mark Neocleous, *The Fabrication of Social Order: A Critical Theory of Police Power* (London: Pluto, 2000); Mark Neocleous, "Social Police and the Mechanisms of Prevention: Patrick Colquhoun and Condition of Poverty," *British Journal of Criminology* 40 (2000): 710-26; Mark Neocleous, "Policing and Pin-Making: Adam Smith, Police and the State of Prosperity," *Policing and Society* 8 (1998): 425-49; see also A. P. Donajgradzki, "'Social Police' and the Bureaucratic Elite: A Vision of Order in the Age of Reform," in A. P. Donajgradzki, ed. *Social Control in Nineteenth Century Britain* (London: Croom Helm, 1977), 51-76; Robert D. Storch, "The Policeman as Domestic Missionary: Urban Discipline and Popular Culture in Northern England, 1850-1880," *Journal of Social History* 9 (1976): 481-509.

<sup>7</sup> Neocleous, "Policing and Pin-Making," 431, argues that before Colquhoun only Adam Smith and William Blackstone used the term police, ignoring the entire literature on the subject and the related issue of "civil government."

<sup>8</sup> John L. McMullan, "The Arresting Eye: Discourse, Surveillance and Disciplinary Administration in Early English Police Thinking," *Social and Legal Studies* 7 (1998): 97-128; see also Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. A. Sheridan (London: Penguin, 1991), particularly 209-28.

<sup>9</sup> On crime in the early modern period, see Malcolm Gaskill, *Crime and Mentalities in Early Modern England* (Cambridge: Cambridge UP, 2000); James A. Sharpe, *Crime in Early Modern England*, 2<sup>nd</sup> edn (London: Longman, 1999); Garthine Walker, *Crime, Gender, and Social Order in early Modern England* (Cambridge: Cambridge UP, 2003).

<sup>10</sup> J. G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Chichester: Princeton UP, 1975); J. G. A. Pocock, *Virtue, Commerce, and History: Essays on Political Thought and History, Chiefly in the Eighteenth Century* (Cambridge: Cambridge UP, 1985).

<sup>11</sup> In addition to the works cited above, see Patrick E. Carroll, "Medical Police and the History of Public Health," *Medical History* 46 (2002): 461-94; Alison Firth, "Moral Supervision and Autonomous Social Order: Wages and Consumption in 18<sup>th</sup>-century Economic Thought," *History of the Human Sciences*, 15 (2002): 39-57. Alison Firth, "From Oeconomy to 'the Economy': Population and Self-Interest in Discourses on Government," *History of the Human Sciences* 11 (1998): 19-35; Duncan Ivison, "Liberal Conduct," *History of the Human Sciences* 6 (1993): 25-59; James Tully, "Governing

Conduct”, in E. Leites, ed. *Conscience and Casuistry in Early Modern Europe* (Cambridge: Cambridge UP, 1988), 12-71.

<sup>12</sup> For history of the term in England, see L. Radzinowicz, *A History of English Criminal Law and its Administration since 1750*, 5 vols (London: Stevens, 1948-86), vol. 3, *Cross-Currents in the Movement for the Reform of the Police* (1956), 1-6.

<sup>13</sup> Fielding’s work was referred to by his brother John (see below), William Blizard, *Desultory Reflections on Police: With an Essay on the Means of Preventing Crime and Amending Criminals* (London, 1785), 76; Patrick Colquhoun, *A Treatise on the Police of the Metropolis*, facsimile of the 7th [1806] edn (Montclair, NJ: Patterson Smith, 1969), 453 n\*; Jonas Hanway, *The Citizen’s Monitor: Shewing The Necessity of a salutary Police ...* (London, 1780), Advertisement, xviii-iv.

<sup>14</sup> [John Brown], *An Estimate of the Manners and Principles of the Times ...* (5<sup>th</sup> edn, London, 1757), 219.

<sup>15</sup> This debate was largely Metropolitan, Henry Zouch, *Hints Respecting the Public Police* (London, 1786), being a rare contribution from Yorkshire.

<sup>16</sup> For more on the context here, see Reynolds.

<sup>17</sup> W. H., *Some Hints Towards a Revisal of the Penal Laws, the better regulating the Police, and the Necessity of enforcing the Execution of Justice ...* (London, 1787); William Mainwaring, *An Address to the Grand Jury of the County of Middlesex ...* (London, 1785), 3; William Roberts, *A Charge to the Grand Jury of the Court Leet for the Manor of Manchester... Delivered at the Michaelmas Court on 15<sup>th</sup> October 1788, second edition*, (London, 1793), 16.

<sup>18</sup> Patrick Colquhoun, *A General View of the National Police System, Recommended by the Select Committee on Finance to the House of Commons...* (London, 1796), 1.

<sup>19</sup> Edward Sayer, *Observations on the Police or Civil Government of Westminster, with a Proposal for a Reform* (London, 1784), 8-10, 15-16.

<sup>20</sup> Willam M. Godschall, *A General Plan of Parochial and Provincial Police* (London, 1787), x, 4, 10, 23-24, 26-28, 34, 41-43.

<sup>21</sup> *Ibid.*, 58 and ff, 64-65.

<sup>22</sup> Quoted in Pasquino, 110.

<sup>23</sup> Pasquino, 111.

<sup>24</sup> Hanway, Letters, 11; Advertisement, ix, xxv.

<sup>25</sup> As to whether this was accurate or not see Beattie; Harris; Paley; Reynolds.

<sup>26</sup> Sayer, 11.

<sup>27</sup> Sayer, iv-v, 16, 32, 35 and throughout.

<sup>28</sup> Godschall, 15, 29.

<sup>29</sup> Colquhoun, *General View*, 6, 12.

<sup>30</sup> *Ibid.*, 10, 13, 27-28.

<sup>31</sup> McMullan, 122.

<sup>32</sup> For the history of such practices see Beattie; Harris; Reynolds.

<sup>33</sup> Foucault, *Discipline and Punish*, 224; see also 135-94.

<sup>34</sup> Sayer, 12n\*, 13-14 and n\*, refers directly to the French police in these terms. See also Sayer, 44, 47n\*. His source for this information is unattributed but clearly [William Mildmay], *The Police of France...* (London, 1763), particularly 43-57, 62-64, 87, 91, 136-37.

<sup>35</sup> Mildmay, 44, 61. The regularity and uniformity of this sub-division was central to both the structure and perception of French police. My thanks to Clive Emsley for emphasizing this point to me.

<sup>36</sup> *A Letter to Archibald Macdonald, Esq. on the Intended Plan for Reform in what is called the Police of Westminster*, 2<sup>nd</sup> edn (London, [1786]), 7.

<sup>37</sup> For opposition to police reform see Philips. On ‘country’ discourse more generally, see Pocock, *Machiavellian Moment and Virtue, Commerce, and History*; Shelley Burt, *Virtue Transformed: Political Argument in England, 1688-1740* (Cambridge: Cambridge UP, 1992). Quentin Skinner, *Liberty before Liberalism* (Cambridge: Cambridge UP, 1998) and Quentin Skinner, *Visions of Politics*, vol. 2, *Renaissance Virtues* (Cambridge: Cambridge UP, 2002) modifies this argument, suggesting Roman sources were the key reference point, in contrast to the Aristotelian framework identified by Pocock.

<sup>38</sup> Hanway, Advertisement, iii; Letters, 11-12.

<sup>39</sup> Ibid., Advertisement, xx.

<sup>40</sup> Sayer, 48; on liberty in opposition to slavery, see Skinner, *Liberty before Liberalism*.

<sup>41</sup> [Patrick Colquhoun], *A Treatise on the police of the metropolis ... The second edition, revised and enlarged. By a magistrate*. (London, 1796), xii.

<sup>42</sup> Godschall, vii.

<sup>43</sup> Sayer, 13 and n\*, 13-14.

<sup>44</sup> Ibid., n†, 47-48, my interpellation.

<sup>45</sup> Hanway, Advertisement, xxvi.

<sup>46</sup> J. Fielding, *An Account of the Origin*, viii.

<sup>47</sup> Colquhoun, *General View*, 28.

<sup>48</sup> On the idea of “class” in the eighteenth century see J. C. D. Clark, *English Society 1660-1832: Religion, Ideology and Politics During the Ancien Regime*, 2<sup>nd</sup> edn (Cambridge: Cambridge UP, 2000), 164-200; Penelope J. Corfield, “Class by name and number in eighteenth-century Britain,” *History* 72 (1987): 38-61.

<sup>49</sup> Neocleous, *Fabrication of Social Order*.

<sup>50</sup> Clark, 5.

<sup>51</sup> William Adams, *The Duties of Industry, Frugality and Sobriety. A Sermon...* (Shrewsbury, 1777), 13-16; Peter Bulmer, *A Sermon Preached at Horncastle ... Before the Society for the Promotion of Industry* (Stamford, 1790), 3-5, 7-8.

<sup>52</sup> Godschall, 26.

<sup>53</sup> J. Fielding, *An Account of the Origin*, ix.

<sup>54</sup> Here he is drawing on Henry Fielding, “An Enquiry into the Cause of the Late Increase of Robbers,” [1751] in M. R. Zirker, ed. *An Enquiry into the Cause of the Late Increase of Robbers, and other Writings* (Oxford: Clarendon, 1988), 79.

<sup>55</sup> Hanway, Letters, 2, 3-4.

<sup>56</sup> Ibid., Letters, 4.

<sup>57</sup> Ibid., Advertisement, ix.

<sup>58</sup> Although he refers to Prussian sumptuary law only once, Ibid., Letters, 277.

<sup>59</sup> On which see Andrew.

<sup>60</sup> Hanway, Letters, 5. Compare J. Fielding, *An Account of the Origin*, viii-ix, where he also speaks of the prevention of extravagance, rather than the more usual luxury.

<sup>61</sup> Hanway, Dedication, ii, iii.

<sup>62</sup> Ibid., Advertisement, vi-vii.



<sup>63</sup> This concept was common to movements for moral reform from 1688 onwards: see D. Bahlman, *The Moral Revolution of 1688* (London: Yale UP, 1957); Alan Hunt, *Governing Morals: A Social History of Moral Regulation* (Cambridge: Cambridge UP, 1999), 29-32.

<sup>64</sup> Hanway, Letters, 23.

<sup>65</sup> Godschall, vii-viii.

<sup>66</sup> Colquhoun, *General View*, 29-30.

<sup>67</sup> The history of licensing is addressed in Mariana Valverde, "Police Science, British Style: Pub Licensing and Knowledges of Urban Disorder," *Economy and Society* 32 (2003): 234-52.

<sup>68</sup> On which see G. J. Barker-Benfield, *The Culture of Sensibility: Sex and Society in Eighteenth-Century Britain* (London: Chicago UP, 1992); Hunt; Joanna Innes, "Politics and Morals: The Reformation of Manners Movement in Later Eighteenth-Century England," in E. Hellmuth, ed. *The Transformation of Political Culture: England and Germany in the Late Eighteenth Century* (Oxford: Oxford UP, 1990), 57-118; M. J. D. Roberts, *Making English Morals: Voluntary Association and Moral Reform in England, 1787-1886* (Cambridge: Cambridge UP, 2004). See also the various essays in L. Davison, T. Hitchcock, T. Keirn and R. B. Shoemaker, ed. *Stilling the Grumbling Hive: The Response to Social and Economic Problems in England, 1689-1750* (Stroud: Allan Sutton, 1992).

<sup>69</sup> Colquhoun, *Treatise* 7<sup>th</sup> [1806] edn, Preface, n.p.; Blizard, 10.

<sup>70</sup> On which see Pocock, *Virtue, Commerce, and History*, 103-23 and throughout.