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Citation: 21 Policing Int'l J. Police Strat. & Mgmt. 137 1998



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Policing reform and moral discourse: the genesis of a modern institution

Policing reform
and moral
discourse

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Introduction

Londoners, in the last half of the eighteenth century, threatened by urbanization, social unrest and popular radicalism, were persistently interested in discovering and managing the conditions of social order. From about the middle of the eighteenth century what had been accepted as social phenomena – “a degree of social disorder and a degree of crime – began increasingly to be perceived as a serious threat to the social order and a growing problem which required a solution” (Emsley, 1991, p. 16). The pursuit of this new threshold of order has been explored by many historians from a number of standpoints, but recent research has stressed the multiple and recurring nature of policing reform debates, both inside and outside government, arguing that they drew on a set of stock ideas every time fears about crime, protest and riot were renewed (Palmer, 1988; Beattie, 1986; Emsley, 1991). This has led one historian to conclude that there was “no single great reform debate in which public opinion moved inexorably toward an acceptance of police reform” (Paley, 1989a, p. 97). Furthermore, in this view, the writings of Henry Fielding, Sir John Fielding and Patrick Colquhoun have been awarded an importance they do not deserve by later historians of police. A study of police initiatives between 1780 and 1829 suggests that their ideas “had little or no influence in government circles” (Paley, 1989a, p. 98). On the other hand, Peter Linebaugh in a timely and important study of crime and power in eighteenth century London accords Henry Fielding and especially Patrick Colquhoun pride of place in the reform of metropolitan social policy. He writes of Colquhoun, “if a single individual could be said to have been the planner and theorist of class struggle in the metropolis it would be he” (Linebaugh, 1991, p. 427).

Both arguments are not without merit. The Fieldings never promoted a paid state police, nor were they especially concerned to develop a new public rationality for public policing. Their role as precursors of modern public policing may have been overstated, as has their specific role as policy-makers (Emsley, 1991, p. 21). On the other hand, they along with Colquhoun have not

The author wishes to thank Lawrence F. Travis, III and two anonymous journal reviewers for their helpful comments on this paper. Research for this article was aided by a grant from the Social Science and Humanities Research Council of Canada, No. 410-93-1290.

*Policing: An International Journal of
Police Strategies & Management*,
Vol. 21 No. 1, 1998, pp. 137-158,
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been duly recognized as promoters of private market-based police programmes. Furthermore, their writings, despite official scepticism and scorn, did establish important technical and moral discourses about policing that combined charity with coercion and morality with money. In this regard, I believe they promoted an important vision of order that was comprehensive, integrated and coherent and which resulted in a particular conflation of morality and economics and a peculiar taxonomy of depredation.

My purpose in this paper is to explore some of the intellectual questions which gave meaning to the social activity of dealing with crime, disorder and indigence, in the writings of three key police thinkers: Henry Fielding, Sir John Fielding and Patrick Colquhoun. My argument is that these early "police intellectuals" were not visionaries in the sense that they imagined a radically new apparatus of social control. They certainly knew the constraints of their age and all were linked closely to the London elite, being highly dependent upon powerful patrons for their positions (Battestin and Battestin, 1978; Rogers, 1979; Melville, 1934, p. 77; Linebaugh, 1991). Rather the writings of these police proponents are most significant because they established a context of "thought as felt and feeling as thought", to quote Raymond Williams (1977, p. 132), in which modern policing emerged. That intellectual context involved a commitment to piety, ethical standards and those institutions which supported or propagated them – family, commerce and education as well as considerations of better policing, laws and punishments. What the Fieldings and Colquhoun wanted was a formal means of bolstering an older yet diminishing informal system of social control. Their writings, I suggest, are best understood as providing an enhanced role for the police in both enforcing order and in defining it. The police, in their view, were to provide both the oversight and the training in proper and responsible conduct that was no longer available to the urban poor in the wake of widespread social disorganization.

Thus we need to reconsider Critchley's (1972), Reith's (1938; 1943), Radzinowicz's (1956) and Ascoli's (1979) one-sided view that there was a sharp and impermeable break between reformers and traditionalists on policing matters and recognize that change occurred within "the existing character of the English civil power" (Styles, 1983, p. 142). The Fieldings and Colquhoun were committed to an aggressive reform of policing practices and institutions, nevertheless, they shared near-identical presuppositions and social values with traditionalists on matters such as work, morals, habits, schooling, religion and the like. (Stevenson, 1977; Sharpe, 1980; 1983; 1984; Herrup, 1987). We need as well to reconsider the relationship between government, the market and police emergence. As Brogden (1987, p. 8-9; 1987a, p. 202) rightly observes, much state-based police work arose within the "private fiefs" of powerful commercial interests. The Fieldings' and Colquhoun's early experiments in constructing a watchful police, I will argue, were dictated as much by concerns of commerce as by matters of state (McMullan, 1995, 1996).

I organize the paper as follows. First, I examine the writings of Henry and John Fielding with an eye towards unraveling their thoughts on criminal

intelligence, police administration, monied policing and moral regulation. Then, I study the more voluminous contributions written by Patrick Colquhoun. I emphasize his thinking on preventive policing, social surveillance and discipline and the educative function of police. Finally, I conclude by assessing the importance of early “police intellectuals” in constructing what I call a “frame of mind of police” functioning as a broad social technology, an institution of state and an ideology defining the “crime problem” as a lower class phenomenon.

The Fieldings’ police plans

Henry and John Fielding have frequently been seen as police advocates. Both brothers certainly wrote extensively on policing matters. They were critical of the relaxed, relatively informal magistrates tribunals and the old decentralized system of watch and ward, which they saw as inadequate for the increasingly urbanized and disorganized London of the mid-eighteenth century. Their plans were to bring the City, Westminster, Surrey, Middlesex and all the outlying parishes for several miles around into a single unified policing organization. Their objectives were threefold: to establish a systematic criminal intelligence and information gathering apparatus; to create a coherent police administration centre and to develop a preventative strategy for crime management (Radzinowicz, 1957, pp. 41-62; Melville, 1934, pp. 72-98; Dudden, 1952, pp. 768-793; Styles, 1983). But their search for an efficient and effective police system led them to the wider issue of the basis of social order proper. As Rogers (1979) emphasizes, Henry Fielding was a “moralist as well as a pragmatist”.

For Henry Fielding, lower class immorality, social unrest and crime were the “real threats to liberty”. “Riots and tumultuous assemblies”, he wrote, were dangerous to the public peace and a threat to “civil government and all civilized life”. The mob, “the fourth estate of the community” was a “licentious rabble” who broke “open men’s doors, plundered their homes and burnt their goods” (Fielding, 1749). The growth of a mobile proletariat freed by the dissolving of what he called “feudal bonds” was at the root of the problem. It was aggravated by the poor management of the poor and exacerbated by the new material demands and tastes of commercial consumerism. The frequent and too expensive diversions of the poor in excess of their station, he proclaimed, led to enormous idleness and then to crime. “A robber being too lazy to get his bread by labour, or too voluptuous to content himself with the produce of that labour”, Henry Fielding wrote, “declares war against the properties and often against the persons of his fellow subjects” (Fielding, 1751, p. 69). His answer to the crime problem was, in part, narrow and technical (more police, legal reforms and tougher penalty), but his proposals also recognized that social order could best be assured if legal reforms and policing goals were part of a general rejuvenation of morals: strict censorship for public activities, tougher regulations for the drink trade, moneylenders and pawnbrokers and a closer supervision of itinerants, vagrants and paupers (Fielding, 1751). The deviations and immoralities of the “upper part of life”, however, were excused away by

Fielding. He wrote, "I meddle not with ...the places of pleasures...set apart for the use of the great world" (Fielding, 1751). While cognizant of the self-interest and individualism of commerce and trade generally, it was the "luxuries of the vulgar" which he visited with relish. Rich and poor thus occupied the same moral universe, but the poor were to be condemned and enclosed within a powerful system of surveillance and control that included asylums and work houses as well as the watchful eye of a new police (Linebaugh, 1991, p. 252; Rogers, 1979, p. 176).

Policing for profit and criminal intelligence

One of Henry Fielding's plans was to promote a small force of "real and useful thief-takers", directing and deploying them in a coherent manner about the city of London and its suburbs. Equivalent to bounty hunters, his "new monied police" were encouraged to engage in civil mercenary work taking their profits from state rewards, fees and private incentives (Babington, 1969, p. 187; McLynn, 1991, pp. 31-33; Ascoli, 1979, pp. 38-39). Not surprisingly his offices soon became market centres for policing provision and his agents self-seeking, daring and bold, although not always scrupulous when expediency coincided with their private interest. Thief-takers like Saunders Welch, Thomas Ind, John Berry, William Body, Roger Maycraft, John Whittenburg and Stephan McDaniel worked only when paid and were known to have dubious connections to the criminal populations which they manipulated for profit (Radzinowicz, 1956, pp. 56-7; Lee, 1901, p. 192; McMullan, 1996; Paley, 1989, p. 304). John Fielding intensified his brother's reliance on policing for profit methods. He made extensive use of informants in crime detection, crime advertising, prosecution and prevention (Melville, 1934, pp. 78-84) and in this regard the Fieldings contributed greatly to the commodification of social control: recruiting a corp of specialists, developing new police markets, establishing administrative controls and creating a vast crime control business that linked innkeepers, stablekeepers, tollkeepers and the like to the administration of criminal law (Styles, 1983; McMullan, 1996).

The Fieldings were especially concerned to exploit the improvements in the postal services, in the coach and carrying trades, in the road network and in the rapid spread of printing and new information technology to control crime and civil unrest. Their *modus operandi* was simple: "quick notice and sudden pursuit". At Bow Street, information about unsolved crimes and offenders fled from justice was to be gathered, recorded and then disseminated to the public in the form of circulars, handbills and advertisements in select newspapers, asking for identification and further information. In Fielding's words, "once a notice of the offender is speedily communicated to the peace officers throughout every district to the remotest part of the Kingdom...(it) can seldom fail, sooner or later, to produce the criminal at the bar of his country, there to answer for the violation of its laws" (cited in Radzinowicz, 1957, p. 48). These advertisements were to be widely distributed and the detailed descriptions of offenders and their crimes were to be fixed to church doors, inns, taverns and other public

places, part of the new popular culture of eighteenth century consumerism (Critchley, 1972, p. 33; Babington, 1969, pp. 124-125; Styles, 1989, pp. 68-75).

Consider the case of the Earl of Harrington who had his chambers robbed by three men – Weskett, Bradley and Cooper. John Fielding and his network of thief-takers spent two years pursuing and eventually apprehending the group. After much detection work, they succeeded in tracing one of the stolen banknotes (from Lord Harrington's London clerk, to a Liverpool merchant, to a Northern Ireland linen factor who had received it at the Chester Fair. They circulated information and descriptions of the thieves throughout the country and by following up leads, doing interviews and cross-checking information, they penetrated through the robbers' many disguises, tricks and aliases. They cultivated the betrayal of a prostitute with whom Bradley had consorted under pretense of marriage. Bradley was apprehended in a sailor's disguise at Wapping in East London. He turned King's evidence, exposing Cooper, who was transported for 14 years and Weskett who was eventually hanged (Linebaugh, 1991, pp. 249-250).

In 1772, John Fielding produced an ambitious reform plan for a national criminal investigation and criminal information bureau (Radzinowicz, 1957, pp. 50-54; Styles, 1983; 1989). His strategy was to ask magistrates, borough and county alike, to supply detailed descriptions to him in London of felons or cheats escaped from justice and of people apprehended on suspicion of such offenses. He urged goalers to keep descriptions of those in custody, to record them in assize calendars and to distribute them to Bow Street. He sought to draw into the vortex of his centrally linked system, more and more legal officials, pawn-brokers, alehouse-keepers, turnpike keepers and local government figures in an effort to "infallibly detect" offenders and "cut off every purport of escape" (Pringle, 1955, pp. 190-200; Melville, 1934, p. 97; Radzinowicz, 1957, pp. 50, 52-54; Langbein, 1983, p. 66; Styles, 1982; 1983). This he said could be done by printing a compendium of information he received from the provinces regarding offenses, stolen property, prisoners, fugitives from the law, along with similar information from the metropolis in newspapers. The lists, over time, would become more elaborate and more detailed as to descriptions of offenders, particulars of offenses and rewards. Some catalogues were further refined and integrated to target specific groups – vagrants, impostors, sharpers, robbers, etc. – to expose and to compare their practices with the law-abiding as a warning to the citizenry (Radzinowicz, 1957, p. 52). When in 1773 the plan received some government support in the amount of 400 pounds per annum, Fielding embarked on a project to publish a national crime chronicle which he said could be distributed "free of charge" in the same manner, first on a fortnightly and then monthly basis (Styles, 1983, 1989).

The Fieldings sought through their reforms to construct an "arresting eye" that would bring security to society through an ordered knowledge of its elements and population movements. A private preventive police rather than merely reactive watches and constables, they contended, would ensure a persistent scrutiny and restraint over society and guarantee that productive

labor was occurring, not theft, robbery, disorder or vagrancy. This surveillance network corresponds to Foucault's (1979, p. 219) idea of a societal discipline that "fixes, ... arrests, or regulates movements ... it clears up confusion; it dissipates compact groupings of individuals wandering about the country in unpredictable ways, it establishes calculated distributions". Thus the gaze of the new monied police was to be a watchful eye, both in the sense of prosecuting offenders after their illegalities and in preventing crime by observing the indigent ethnographically.

An essential element in both the Fieldings' police plans was that the Bow Street office should become the administrative headquarter for monied policing in the London metropolis. Along with Saunders Welch (1754), John Fielding (1761) set out principles, instructions, procedures and powers for private police work, chief of which were discretion and the limited use of violence on the job. Their administrative reforms were painstaking and pedestrian and included better staffing, more permanent personnel, a larger legal bench, paid salaries for their services as magistrates and an extended paid constabulary circulating throughout the major thoroughfares and main roads of London (Emsley, 1987, p. 175; Critchley, 1972, p. 34; Tobias, 1979, pp. 49-51; Rogers, 1979, p. 191; Babington, 1969, p. 121; Melville, 1934, pp. 79-81; Radzinowicz, 1957, pp. 14, 46). Indeed as early as 1763, they had increased their police offices to three: Bow Street dealt with most of the serious crime cases; Litchfield Street attended to prostitution, petty theft, pickpocketing and other misdemeanours and Guildhall managed a plethora of seemingly minor offenses (Radzinowicz, 1957, p. 36). Thirty years later the Bow Street Police consisted of 68 men divided into 13 territorial units and seven police zones (Emsley 1987, p. 176; Philips, 1980, p. 168; Tobias, 1979, pp. 46-47; Pringle, 1955, p. 162).

As the archipelago of policing establishments spread outwards, internal administrative reforms were also initiated. The Fieldings argued the need to standardize criminal intelligence records, rationalize communications, train their own thief-takers, establish a fixed tariff of payment for police work, develop work morale among their staff and centralize fees, rewards and fines into a coherent commerce for London policing (Melville, 1934, pp. 96-97; Radzinowicz, 1957, pp. 38; 47-48; Styles, 1982, 1983). By 1790 each officer had to patrol set districts, keep an occurrence book, report regularly to a superior, catalogue arms and equipment and account for weekly inspections to an increasingly uniform command (Armitage, 1932, pp. 126-127).

The Fieldings' private policing plans were based, for the most part, on the existing law-enforcement apparatus. They did require new personnel but they were deployed in a manner that intensified social control by harnessing the voluntary principle to self-interest and to money (Babington, 1969, p. 187). Ever conscious of constitutional scruple and official parsimony, the Fieldings steered a course of change that innovated, expanded and sanitized entrepreneurial modes of policing, but did not radically remodel the apparatus of criminal justice. Their police regime depended on markets in the selling and trading of information created by the spread of commercial printing, aided and abetted by

private rewards and the commercial compromise of the state (state incentives and pardons) and on a vigorous mobilized citizenry. Social control thus depended on private interests and community rather than on official action, “on a form of general access broadcasting of information rather than on the transmission of information through a limited number of closely controlled official channels” (Styles, 1989, p. 88). The field of police intervention was not imposed from above, but seems to have emerged from a “void of power” where, in turn, a new demand for power was generated (Pasquino, 1991, p. 111). Despite the Fieldings’ grand intentions, the results were a set of limited administrative achievements, not definitive overall policy changes (Paley, 1989a, p. 97; Innes, 1990; Aylmer, 1980).

Moral ordering and preventive measures

Of course, the Fieldings’ police projects were as much representational as detective and preventive. They constantly stressed the deterrence of crime and social unrest by means of careful neutralization or elimination of their causes. They advocated both technical and moral solutions to social control. The good order of a population, an administered society, in their view, required not only inspection, management and espionage but as well the promotion of good habits, honesty and happiness among the citizenry. The Fieldings encouraged the public both to extol the virtues of the honest poor and to condemn and punish the vagrant and the work shy. Their semantic rationale was a familiar one, originating in the first cant dictionaries of the sixteenth century (McMullan, 1984). They effectively marginalized the poor by segmenting and dividing them into the respectable and the unrespectable and by enjoining the community to report on their conduct and pastimes and participate in their apprehension, prosecution and punishment (Fielding, 1751).

The war against crime, disorder, bad habits and idleness had to be carried to the lower orders. The Fieldings emphasized the bad management of the poor, not the bald fact of poverty itself. Henry Fielding linked vagrancy to crime and called for tighter enforcement of settlement laws to prevent the “idle poor” from wandering. “Compel the poor to starve or beg at home”, he counseled, “for there it will be impossible for them to steal or rob without being presently hanged or transported out of the way” (Fielding, 1751). John Fielding urged a stricter regulation of street performers because they gave “opportunity to pickpockets, by collecting people together” and because their songs fostered a “general immorality and obscenity” (Fielding, 1757). He advocated a closer inspection and licensing of public houses and pawnshops some of which were said to be kept by “the most abandoned characters, such as bawds, thieves (and) receivers of stolen goods”. He envisioned a general “preventative machine” which extended a more persistent discipline over wayfaring populations and which scrutinized, described and diagnosed the details of the everyday life of the poor (ibid.). Their conduct not only had to be detected and prosecuted, but their actions had to be classified as discretely deviant, committed by individuals with relatively stable, immoral identities (Fielding, 1751, 1757, 1761; Welch, 1754,

1758, 1758a). William Blizzard, in reflecting on his policing duties in 1785, remarked that the lodging house districts of Chick Lane, Field Lane and Black-boy Alley were a “sort of distinct town” that had to be occupied before “the darkest and most dangerous enemies to society” could be conquered (cited in Emsley, 1991, p. 17). The poor had to be civilized!

Anticipating later reformers the Fieldings saw education as a preventive measure. Henry Fielding’s *Proposal for Making an Effectual Provision for the Poor* (1753) was a plan for “County Houses” which would receive and reform both the indigent poor and the petty criminal. Moral training was thus a duty of the rich and a right of the poor. Moral lessons had to be preached and many of the Fieldings policing tracts were written in the language of the moral guide as well as the thief-taker. The “good citizen” and the “happiness of the public”, *omnium et singulorum*, of all and of each, were important policing tasks. Ballads, songs, crime advertisements, police circulars and newspapers ought to convey positive virtues such as truth, loyalty and industry to forewarn the weak and to stigmatize the wrongdoer. John Fielding’s *Extracts From the Penal Laws* (1761) was, in fact, a commoners’ guide to the criminal code, while Saunders Welch’s *Plan to Remove the Nuisance of Common Prostitutes* (1758) was a moral proposal to educate and prevent women from falling into poverty and then crime. For the Fieldings, better communication through the language of moral persuasion, obligation and improvement offered the poor models which they could emulate: prevention through a sort of notional policing. In John Fielding’s (1758) words, “it is better to prevent even one man from being a rogue than apprehending and bringing forty to justice”.

Supervision and prevention, of course, were to take more practical forms than moral exhortation. Preventative patrols went hand in hand with the detective strategy. Here the Fieldings sought to mark out and control the increasingly open spaces traversed by men and things – squares, markets, alleys and outlying roads (Melville, 1934, p. 81; Pringle, 1955, p. 162). As Henry Fielding (1751, p. 116) complained, “the Cities of London and Westminster, with the late vast addition of their suburbs; the great irregularity of their buildings, the immense number of lanes, alleys, courts and bye-places; ... could scarce have been better contrived ... For by wandering from one part to another and often shifting his quarters, he (a thief) may almost avoid the possibility of being discovered”. Mustering private thief-takers, they tried to install a regime of order in the urban spaces and the “no man’s lands” where custom, established jurisdictions and clear relations of authority, protection and deference ceased to rule. Temporary and then more permanent plans were put in place to protect certain streets and roads, moving gradually outward, converting turnpike keepers’ stations into unofficial police sub-centres and eventually securing the outer perimeter and main highways of the metropolis. By 1782, Londoners spoke of the Foot Patrol, “its area of responsibility, the streets of the metropolis and the roads leading to them for a distance of three to four miles” and by 1805 the defunct horse patrol was rejuvenated to link up with the foot patrol, “starting at the point about four miles or so from the town ... and going out to

perhaps twenty miles from London" (Fielding, 1755; Tobias, 1979, p. 50; Emsley, 1987, p. 7-8; Paley, 1989, pp. 109-111).

John Fielding's grand reform plan for increasing the field of police intervention to all of England, however, was another matter. As Emsley notes (1987, p. 176), "what appeared of value from the centre of London to suppress the city's unique crime problem, had little value outside". Fielding's vision of a country-wide preventative police force was seen as too far-reaching: it would have increased the number of petty constables, transformed the role and status of high constables and introduced a type of paid salary for persistent police work. This would have imbalanced the local administrative apparatus. The county authorities, as McLynn (1991, p. 35) notes, "were very interested in anything that effectively prevented crime, but not if it meant reducing themselves to the undignified role of thief-taker".

Fielding's plan was also too costly. If *census* and *censura*, we must know and you must pay, are important elements in a modern policing power (Pasquino, 1991) then the English state was in no hurry to burden its citizens with a central coordinated police tax. Nor can it be denied that a basic weakness of the Fieldings' policing plans was "the piecemeal, unsystematic way in which the public used and responded" to their crime advertisement and control strategy (Styles, 1989, p. 93). But this ought not to detract from the very comprehensiveness of their proposed reforms or from their efforts to systematize a secure tutelary control over the poor, to produce as it were, an index of entire communities, constantly kept up to date. The Fieldings were prolific inventors and publicists of administrative processes and institutions, but the ends for which they devised them was neither liberal nor individualistic, but rather a way of curing the ills of the old order by innovating new methods of criminal diagnosis and refining traditional means of moral regulation.

Patrick Colquhoun's "police machine"

By the late 1790s many of the policing problems which the Fieldings had perceived earlier were still discernible. In the interval, legal reforms had been advanced but they produced little that was novel. Of course, some London parishes reorganized their watches by means of local taxes, substituted paid forces for voluntary services, initiated better and more strict recruitment standards and gave serious consideration to the provision of an effective policing service (Critchley, 1972, pp. 32-35; Philips, 1980). But these remedies produced no dramatic change in presuppositions about the bases of social stability. Indeed local changes were impaired by an equally extreme decentralization of authority. As Palmer (1988, p. 77) notes, "for both constables and watchmen the extreme fragmentation inherent in the system made impossible any coordination of forces". Indeed the entire watch of the metropolis, exclusive of the City of London, was in the hands of roughly 70 different agencies regulated by over 140 acts, under which numerous diverse bodies were authorized to enforce the law. Not surprisingly, some parishes were invigilated intensively, others lay unwatched on the fringes of the city or in the

interstitial zones between parishes (Critchley, 1972, p. 31; Tobias, 1979, p. 75; Paley, 1989a, pp. 104-105). In the city of London proper the police were densely concentrated; 150,000 inhabitants were policed by 1,200 constables and watchmen. Elsewhere the remaining 650,000 citizens were in the hands of about 3,000 constables, beadles and watchmen, divided into multiple precincts, trusts and jurisdictions (Paley, 1989a, p. 100; Palmer, 1988, p. 77).

On the question of order and the correct relations between rich and poor, disagreements were more often about means than ends. The Westminster Police Bill of 1785, for example, divided respectable opinion sharply, but its objectives, although expressed through new, more centrally coordinated and funded machinery were nevertheless traditional: peace and the preservation of public order. It was defeated, not least of all, because it offended established sensibilities concerning local government and traditional rights and liberties and because it invoked fears about central authority, standing armies and state tyranny (Philips, 1980, pp. 165-167; Ascoli, 1979, pp. 49-50).

Similarly the Middlesex Justices Act of 1792, a follow up on some of the Fielding's administrative reforms, which created 21 paid magistrates and seven new paid police forces for the metropolitan area, also provoked fierce arguments about the power of the executive and the liberty and security of the subject. But this time the act passed into law because it placed separate policing constables under the control of local authorities and because it was modest and circumspect with regard to the scale of proposed reforms. Unlike the abortive police bill of 1785 the purpose of the 1792 Act was perceived "to strengthen local rather than central institutions" (Paley, 1989a, p. 110; Ascoli, 1979, pp. 50-51; Philips, 1980, pp. 169-171). Those who supported the Act of 1792 stressed its add-on quality. It would remedy the want of good magistrates for the metropolis and bolster the legal arsenal in the fight against street disorder. Most importantly, it would check the spread of radical, political ideas from France among the city's lower classes and aid in the protection of property among the urban merchant class, without radically increasing taxes or remodeling the criminal justice apparatus (Ascoli, 1979, p. 51; Philips, 1980, pp. 169-171; Paley, 1989, pp. 109-111). Economic independence, especially for the poor in an increasingly class-divided society, the prevailing wisdom stated, did not carry with it the right to a competitive individualism which would challenge society or indeed a collectivism which might transform it. On the contrary, among reformers the belief continued that such autonomy or opposition was incompatible with social order. Indeed the contemplation of the social consequences of a "society of strangers" tended to intensify this feeling, to produce ever more anxious expressions of the need for a tutelary regime to control the urban poor and elaborate speculations as to how it might be best accomplished (Emsley, 1985; Thompson, 1971).

Pauperism and new police operations

Patrick Colquhoun, a once prominent Glasgow merchant and by 1797 an agent for the West India Merchant's Committee and a sitting London magistrate, was

well placed to systematize this view. A disciple of Jeremy Bentham, he promulgated the argument that Londoners required a more rational form of police to achieve a civil society (Critchley, 1972, pp. 45-47; Ascoli, 1979, pp. 58-63; Manning, 1977, pp. 62-67; Philips, 1980, p. 175). Traditional, decentralized arrangements amounted to an absence of organization and in his view, "prevented the full operation of a proper system of vigilance and energy" (Colquhoun, 1800, p. 290). Police, he wrote in the sixth edition of his *Treatises on the Police in the Metropolis*, "should have considered as a new science; in the prevention and detection of crimes and in those other functions which relate to internal regulations for the well ordering and comfort of civil society" (Manning, 1977, p. 73; Ascoli, 1979, pp. 53-56; Linebaugh, 1991, p. 428). Its true character, he stressed, was not to be found in those judicial powers that lead to punishment and properly belong to the judiciary (Colquhoun, 1800, pp. 218, 72). Instead, "a well regulated police ... should be considered as a 'new branch of science in political philosophy' embodying justice and humanity, the security of the state and individuals and the protection of the accumulation of wealth" (Colquhoun, 1800a, pp. 38, 155-156).

Colquhoun's writings present a melodramatic picture of a society in danger and decay. London, he notes, was the greatest manufacturing and commercial centre in the world, but sadly it was also a magnet for predatory crime, vagrancy and social disorder. Colquhoun estimated that there were about 115,000 people living in London wholly or partly on the proceeds of criminal activity. "London is not only the grand magazine of the British Empire", he wrote, "but also the general receptacle for the idle and depraved of almost every Country and certainly from every quarter of the dominions of the Crown" (Colquhoun, 1800: Preface).

Colquhoun (1800: Preface) attributed the evils which he saw around London to "the enlarged state of society, the vast extent of moving property and the unexampled wealth of the metropolis, joined in the depraved habits and loose conduct of the great proportion of the lower classes of the people; and above all, the want of an appropriate police applicable to the object of prevention". Like the Fieldings, he saw the working class as a contaminating force in society. The lower orders, he claimed, had spun a web-like system of pillage. They conspired to depredate and were possessed of "unruly passions", "evil propensities" and "vicious and bad habits", all of which had to be scrutinized and sanitized by the "new science of police". "It is a state of indigence, fostered by idleness", Colquhoun wrote, "which produces a disposition to moral and criminal offenses and they are so linked together that it would be found impracticable to ameliorate the conditions of the poor without taking more effectual means at the same time for the prevention of criminal offenses" (Colquhoun, 1806, pp. 48-49).

Idleness, in particular, was singled out as the root of all problems. It was both a moral and economic refusal to accept work and for Colquhoun this refusal was liable to verbal crucifixion. It is in "the character of the laboring people", he declared, "that the causes of the great and unexampled extent of indigence is to be found". And from such a state of "indigence, wretchedness and despair", he

insisted, the transition to criminal offenses was easy (Colquhoun, 1806, p. 239, 234). There are those persons who lack work and through idleness “connect themselves with those who live by petty or more atrocious means and contribute in no small degree to the increase of the general phalanx of delinquents”. Once this happens, he observed, the children are unable to support themselves by honest means and they “resort to devices which early corrupt their morals and mar their future success and utility in life” (Colquhoun, 1800, pp. 354-5).

Thus a key reason for the constitution of a police force was the fear of the effect of the descent from poverty into pauperism. There existed an omnipresent possibility of movement between poverty, indigence and crime which could not be remedied by economic reforms alone.

It is not pecuniary aid 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 this evil (Colquhoun, 1800, p. 358).

So while an emerging economic discourse was constructing a conception of poverty as governed by natural laws integral to the production of wealth and prosperity, Colquhoun’s theory of police was trying to painstakingly preserve this poverty in a discrete state by preventing its collapse into indigence and idleness from whence would come the temptation to crime. His police would accomplish this not by sequestration techniques but by the deployment of surveillance and supervisory mechanisms aimed at preventing disagreeable modes of conduct from becoming threats to the security of the state, property and life in the first place.

Throughout his *Treatise on the Police*, Colquhoun stressed that London could not be controlled by the old policing methods. The lower classes had grown apart from their rulers and since they no longer lived in face to face communities dominated by paternalistic relations, their conduct could no longer be easily seen or personally supervised. Informal communal controls needed to be buttressed by “supports more immediately applicable to the object of preserving peace and good government” (Colquhoun, 1800, p. 236). New technical police operations were required – a “central board of police”, a “pauper police institution”, a “police of the river Thames”, “a registry of all lodging houses and their occupants”, a system of licenses for all traders, a compendium of criminal offenders, a system of paid informers and a system of pecuniary rewards for legal officials, an intelligence network to watch the movements of suspects or offenders, a police gazette and an office of public prosecutor – all of which would ensure “the blessings of true liberty” and “the enjoyment of property” (Colquhoun, 1800: Preface; Ascoli, 1979, p. 54; Critchley, 1972, p. 39; Palmer, 1988, pp. 118-119; Philips, 1980, p. 177). Radicalism and political dissent, in particular, had to be guarded against. Public houses were to be monitored, their landlords to lose their licenses if they permitted meetings of trade unionists, of political clubs with “seditious or traitorous” aims, or merely for allowing the playing of “idle and sedentary games” (Radzinowicz, 1957,

p. 266). A “watchful police”, he opined, must create the conditions of “constant vigilance and attention” (Colquhoun, 1800, p. 13).

Colquhoun proposed the creation of a central police board, consisting of five commissioners, under the general control of the Home Secretary, a paid professional police force located in every parish headed by a divisional constable directly controlled by the police board and a centrally organized intelligence service to aid in crime detection and moral renovation. Police, he claimed, was “a mechanical power applied to a useful machine” and it was the police role “to encourage, protect and control such as tend to innocent recreation, to preserve the good humour of the public and to give the minds of the people a right bias” (Colquhoun, 1800, pp. 349-350). New forces – for commercial illegalities, for vagrants, for political dissidents and for street crime – were fundamental to his conception of police as a decidedly institutional mechanism. Special officials with titles such as “police commissioner” and the appointment of individuals charged with specific security duties evinced his profound belief in the need for a new formalized, perpetually vigilant police, concerned with the domain of security administration, yet removed from the magistracy whom he thought incapable of monitoring and managing security operations. In essence, his reform plan advocated a scientific, paid, prevention-oriented police to rejuvenate the parish constabulary but not to displace it wholesale. As Palmer (1988, p. 118) notes, Colquhoun “proposed to retain but improve the systems of local policing by bringing them under central control”. In this regard, he went further than Bentham and Fielding in offering a more precise definition of police as a permanent panoply of state security measures and techniques.

Police property and productions

Colquhoun thought his theory of police was one which would benefit commercial interests in society, especially in the manufacturing and transportation sectors. He acted as the London agent for sugar interests in St. Vincent, Dominic and the Virgin Islands and he worked tirelessly to eradicate theft and fraud in those industries. From 1789 when he moved to London, he was preoccupied with organizing a private policing system to control commercial theft and river piracy and a publicly-based Thames River Police (Stead, 1977, p. 77; Critchley, 1972, p. 42; Ascoli, 1979, p. 55; Palmer, 1988, p. 145). The Thames was the jugular vein of the British Empire. By 1798 the port of London had an annual traffic of over 13,000 vessels and an import and export trade valued at over 60,000,000 pounds (Ascoli, 1979, p. 54). About a third of the adult labour force of London was directly or indirectly employed in river work. The river labour force, however, was relatively young; turnover was high and the work was dangerous. Wages were low and not surprisingly, customary appropriations of goods and commodities by lumpers, lightermen, coopers and gangmen who loaded and unloaded ships were common as an informal system of payment. The growth of traffic in what for 90 miles was a tidal river, combined with the outdated port facilities and the absence of docks meant that

there were long delays, some as long as four to six weeks, in unloading cargoes. On the quays, cargoes could rest a further two to four weeks before warehousing. These delays, according to Colquhoun (1800a) were the primary cause of “acts of peculation, fraud, embezzlement, pillage and depredation”.

In reaction to the plunderage from the moored ships and stacked cargo, a combination of merchants, engineers and magistrates developed a two-pronged management strategy: a river police was created and the London wet docks were built. The latter development completed by 1802 increased vessel handling, removed dependence on the tides, reduced turnaround time and shipping costs, freed up warehouse space and afforded better security to property on the river. The construction of the West Indian Docks “was the hydraulic answer to the customary plunder of the river working class” (Linebaugh, 1991, p. 424). The establishment of the Marine Police Office in 1798 was Colquhoun’s social answer to river crime – “the strong and overawing hand of power” (Colquhoun, 1800a, p. 266).

Colquhoun divided his Marine Police Office into a police department and a department of lumpers. The latter paid and monitored workers, the former prevented plunder. The Marine Police had a two-fold purpose: to control the speedy discharge of cargo on West Indian ships and to protect the property at every stage from discharge to delivery. The Police Office was set up to maintain a register of licensed lumpers and provide an assembly point for lumping gangs working the ships. Fifty constables were hired and armed with cutlasses and serving in rotation they policed the whole chain of cargo handling and delivery. In addition a part-time force of some 1,100 men were deployed to control the activities of lumpers. The Police Office enforced a system of piece-rates as a wage. Previously a master-lumper was the only person paid and he allowed his men to remunerate themselves by customary takings. Now, Colquhoun’s plan was to have the public office directly regulate wages and work conditions so as to eliminate customary takings; no frocks, wide trousers, jemmies, underwaistcoats with pouches, bags, or empty stockings were allowed on board boats and he forbade and confiscated all sweepings and scrapings (Colquhoun, 1800a, p. 649).

His Marine Police was essentially private at the outset. It disbursed capital, managed accounting and in the process determined wagelessness. But the River Police steadily gained in force, reputation, territoriality and government support. Its jurisdiction expanded so that “it rivaled that of Bow Street in its city wide claims” and its field of intervention quickly came to include land based matters such as surveying vagrants and assisting in crowd control (Palmer, 1988, p. 145). The Marine Police also operationalized a moralizing discourse on honesty and wickedness which not only guarded private property but redefined practically the meaning of crime by reclassifying relations of custom and conduct in the production of private property (Linebaugh, 1991, p. 427). Like his plan for the police of the metropolis, Colquhoun’s immediate practical aim of crime control was to serve the ultimate goal of public character

development by reinforcing a new structure of values around work and property.

Policing reform
and moral
discourse

The tutelary function of police

Colquhoun's program, like the Fieldings', tried to install a powerful system of regulation and supervision so as to remake individuals and populations into productive subjects. Perhaps the most powerful instrument of surveillance lay in his proposed joining of the poor law and police functions, to be accompanied by a systematic identification, tabulation and classification of the whole labouring population. Colquhoun (1800, pp. 313, 340, 609-613) had a passion for counting, measuring (exports and imports, river populations, ocean traffic, occupations and trades, prostitution and the economic costs of crime) and cataloguing (types of crime, gypsies, public houses, drinking habits and leisure activities). For example, he divided the entire English population into seven broad social classes and further enumerated the lowest and seventh class into "paupers and their families, vagrants, gypsies, rogues, vagabonds and idle and disorderly persons supported by criminal delinquency". The criminal poor he then categorized into seven new subgroups and 24 social types (Colquhoun, 1806, pp. 38-43; 1800, Preface). Like the Fieldings, he "emphasized the bearing of information on detection, prevention and deterrence" (Manning, 1977, p. 72). His voice was that of the expert administrator who claimed to speak not for merchants, planters, traders or manufacturers, but for "improvement", "civilization" and the "nation".

His "pauper police enterprise" was a means of exercising moral discrimination through a formal institution. The pauper police was to supervise poor relief, keep detailed records of indigents and more generally, monitor "the general state of morals in the parish; whether the inferior classes are generally sober and industrious or the reverse, or in what degree and proportion" (Colquhoun, 1806, p. 79). The pauper police should come to know the population as individual cases and be able to map their administrative control. Individuals were to be separated efficiently from each other and disposed of accordingly. The indigent requiring assistance or the industrious poor ready to fall into indigence through no fault of their own should be relieved. Sick beggars and homeless or orphaned children should be sent to appropriate charitable hospices, willful vagrants and mendicants set to work on public projects or in places of industry and the worst class of the poor, the idle, unemployed, criminal residuum, should be compulsory enlisted in the military and sent to serve abroad (Colquhoun, 1806, p. 77). In the new science of police, pauperism, indigence, mendacity, vice and crime formed a coherent chain of signifiers which increasingly marked the contours of a definite mode of life of poverty. If Bentham sought to drive a wedge between pauperism and poverty, Colquhoun's strategy was to seal off poverty from the temptation to disorder.

The police and poor law should be mutually managed, interrelated arms of supervision and restraint, benevolence and coercion. Charity, Colquhoun argued, ought to be combined with the pillory and the prison, especially in times of dearth

to support law and order (Colquhoun, 1797). Moral training should be part and parcel of the exercise of supervision and surveillance. "We should have little reason to complain of the inferior ranks of the community" he wrote in 1806; "if more attention were bestowed to form proper regulations for their support and improvement in society" (Colquhoun, 1806a, p. 69). Colquhoun enjoined teachers, clergy, poor law officials and charity workers to practice a sort of social stewardship. A "specialized" police need not replace a more indeterminate and wider moral counseling. Thus as part of the effort to govern the poor, the police should distribute songs which conveyed moral appreciation for hard work, frugality, family life and honesty. The *Police Gazette* should be an educational tool as well as a criminal compendium. In addition to demarcating and denouncing evil-doers, it should be compiled "to excite in the minds of the labouring people a strong sense of moral virtue, loyalty and love of their country" (Colquhoun, 1806, p. 97). His suggestions for the popular essays he thought the *Police Gazette* should publish indicate the comprehensive field of activity to be regulated by the police: on breaches of the Lord's day and regular attendance at church, on industry, on honesty and truth, on the duties of a good husband and wife and on providing properly for a family (Colquhoun, 1806, p. 99). "An immoral man can never be a good citizen", wrote Colquhoun. "If we suffer them to be ill-educated and then punish them for those very crimes to which their bad education and miserable condition exposed them, the result is, that by such an oversight we make delinquents and then punish them" (Colquhoun, 1806a, p. 69).

Thus the new science of police should not merely discipline unruly subjects, it should also produce a taxonomy of working subjects and do so in a quiet, efficient, systematic manner. Unlike military repression, which expends itself in costly exhibitions of the sovereign's ultimate power over its subjects, Colquhoun's police would be effective because they would enforce subjection through a power at once inescapable in its intimacy and unchallengeable in its anonymity. Unruly subjects are thus treated as "unnatural" or "unhealthy" elements in an otherwise natural system. Like vagrancy, crime becomes a category definable only by its opposites, work and property. It is the inevitable other, the outside that is necessarily inside, of capitalist class and industrial relations. As Pasquino (1991, p. 111) observes, "this is what the science of police is about: a great effort of formation of the social body or more precisely... 'the good order of a population'". And the language of power surrounding this administrative cartography was steadfastly paternalistic and moralistic in outlook. Pessimist though he was at times, Colquhoun assumed that society was an equilibrrious structure, that possessed a unitary moral system. As long as the honest, hard working poor lived up to their duties and obligations they would not be oppressed; only "evil-doers" need fear the merciless assault of what he called his "General Police Machine" (Colquhoun, 1799, p. 42).

Conclusion

There is no evidence that the Fieldings or Colquhoun were advocating a police state, although it cannot be denied that they all looked to the state to produce a

more systematic, efficient and vigilant system of social order. In this regard, however, they were often disappointed or ignored. Henry Fielding had little success in implementing his ideas in government circles (Amory, 1971, pp. 175-192). Sir John Fielding was so inept at political diplomacy that unified action needed to bring about the implementation of anything but piecemeal reform was wanting under his leadership (Paley, 1989a, p. 109). Patrick Colquhoun had little practical credibility with government. His draft bill of 1798 for police reform was eventually abandoned as was his general scheme for a modern police system for London (Lyman, 1964, p. 144; Palmer, 1988, p. 144). Even Peel held his memory in little regard when introducing the Police Bill of 1829 (Paley, 1989a, p. 98). In the end it was not feasible to establish a planned public police in an unplanned economy. Resistance and divisions among the ruling class blocked the implementation of general programmes of detailed regulation. Working-class movements and their sympathizers also did not support the promotion of such a policing regime. And the local state was not prepared to accept or finance such broad centralizing visions of social order. As Stevenson (1977, p. 47) observes, "a large scale police force was not created in England before 1829 because the authorities were confident that they could maintain public order using the old system, with *ad hoc* modifications".

But the frame of mind of a police as a governmental technology as well as an institution functioning within the state, did not pass away. The common view that the Fieldings and Colquhoun shared of a general preventative police machine tied to the utilitarian science of a contented, morally administrated population meant that their visions of reform stood at the crossroads of two conceptions of police. The older doctrine of police, going back to the sixteenth and seventeenth centuries in Europe, emphasized the interdependence of "police science", political economy, morality and jurisprudence and had a very broad connotation indeed: the whole craft of regulating a social order by social, religious, economic and cultural means. In Foucault's (1988, p. 81) words, life was the "object of the police: the indispensable, the useful and the superfluous". In the English context, the term "police" was little used until the mid-eighteenth century. Adam Smith lectured on the topic of police in 1762 and William Blackstone spoke, in 1765, of its importance from a jurist's perspective. But the sense of a body which could administer legal regulations and codes and keep the peace has a much longer history. As Dean (1991, pp. 55-60) observes, police since the seventeenth century were concerned with setting out the "conditions of order" in English society as well as with specifying "the terms of prosperity, manners, health, welfare, happiness and security" within the population at large.

The Fieldings and Colquhoun theorized police as a crucial part of this grand historical process of governmentality. They sought to identify domains, techniques and targets where the state or the market could intervene on the conduct of conduct: public houses, trades, hotels and inns, pawnbroking shops, hackney coach drivers, servants, entertainers, prostitutes, alien communities and so on. Their doctrine of police tried to define the nature of rational activity

for the state and for the economy. In this regard their ideas were part and parcel of the rise of the administrative state and its rationality of self-knowledge and worldly morality (Pasquino, 1991, p. 168). Their police imaginary supplied the state with concrete forms of knowledge which rendered measurable and calculated vital aspects of the state's indigenous strength. But, as well, their ideas on the importance of private police emphasized how the "social" was constructed as a realm of government. All three writers argued that the success of policing depended upon the extent to which private interests, voluntary alliances and state agencies could be aligned into a complex skein of new interlocking governance practices (Foucault, 1991).

The work of Colquhoun and the Fieldings also looked forward to a current meaning of police. Their thinking contributed to the elaboration of modern police power as a combination of mundane information techniques and mundane violence techniques. They promoted a discriminating use of force, developed new techniques of social surveillance and criminal intelligence and reinvented policing to become more and more the work of special, permanent, institutions of the state. While police had earlier been the "conditions of order" of a well-governed community and the rules and ordinances which established this condition, it now became the methods for the preservation of order by the prevention and detection of dangers to that order. Police was rethought as predominantly a technique of security.

Furthermore, the Fieldings' reforms and especially Colquhoun's "new science of police" asserted the juridical rights of individuals against the arbitrary despotism of existing regimes of law enforcement, police regulation and penalty. They criticized the inconsistency, irregularity, disproportionality and cruelty of existing measures and argued for a rational calculus of pain. The new preventive science of police refocussed the earlier administrative project of policing as general happiness characteristic of policing as an art of governance and reconfigured it in relation to a new legal individuality – the cunning, calculating subject. Police, as Colquhoun (1800, p. 72) put it, was the pragmatic "art of conducting men to the maximum of happiness and the minimum of misery".

Finally, for both the Fieldings and Colquhoun the delimitation of the field of action of police was conceived in terms of the question of indigence. The condition of pauperism was thought to be closely connected to the causes of crime. The fundamental target of their new police was the management of the "useful poor" and the "casual poor" so that neither would descend into a condition of idleness. This new police order was to be accomplished by the establishment of a knowledge nexus which could intelligently locate, supervise, discipline and contain the poor in a manner so as to prevent them from following their worst inclinations, whilst simultaneously categorizing individuals – especially on the indigent/migrant side of the ledger – into stigmatized identities. Their police ideas help constitute delinquency and crime as "something like an enclosed illegality" (Foucault, 1979, p. 278). Far from being seen as symbols of freedom or as popular figures as they had once been,

the dispossessed were turned into criminal characters whose every move was the reflex of environmental, mental or moral failure (Linebaugh, 1991, pp. 7-40).

The writings of Henry Fielding, John Fielding and Patrick Colquhoun then, are not only English counterparts to Von Justi's *Foundations of the Power and Happiness of States, or An Exhaustive Presentation of the Science of Public Police* (1761), Duchesne's *Code of Police, An Analysis of Police Regulations* (1757) and Beccaria's *Elements of Public Economy* (1804) and therefore an important part of the genealogy of a "science of police", they are also foundational statements about what was to become known later as the Victorian social police, that strand of Benthamite thinking which combined ferocious humanitarianism with utility, civic espionage and anonymous surveillance by the state and crime with ever more melodramatic sets of ideological representations (Finer, 1972; Gatrell, 1990; Dandeker, 1990; Storch, 1975, 1976). In this regard, the ideas of the Fieldings and Colquhoun not only bore a close resemblance to Peel's eventual scheme for the new police; they also prefigured later crime policy, pushing to centre stage new conceptions of crime and new tasks for police, which ultimately "reconstructed the criminal" (Radzinowicz, 1957, pp. 230-231; Wiener, 1990).

It might be objected, however, that despite their significance in the genealogy of policing, these writings are of minor importance compared to the great intellectual achievements of their age in philosophy, education, law and economics. It can be answered that in their candor and their concern with practical matters "police intellectuals" reveal as much about society and social change as their more notable contemporaries. The writings of the Fieldings and Colquhoun laid out the conditions in which the establishment of an administrative security infrastructure for the operation and protection of capitalist social relations could be conceived. They exemplify one strategic programme in a much larger complex of administrative rationality concerned with the preservation of poverty and the dispauperization of the labouring poor (Dean, 1991; Carrigan and Sayer, 1985). The propertyless were eventually granted the juridical individuality of the worker, but it happened in the space defined between crime and pauperism, between the shadow of the police and the architecture of the workhouse.

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