

The greatest disappointment across these centuries has been the limited usefulness of experimental criminology in achieving “geometric precision” (Beccaria 1764/1964) in the pursuit of “Enlightened Justice,” defined as “the administration of sanctions under criminal law guided by (1) inviolate principles protecting human rights of suspects and convicts while seeking (2) consequences reducing human misery, through means known from (3) unbiased empirical evidence of what works best” (Sherman 2005). While some progress has been made, most justice remains unencumbered by empirical evidence on its effects. To understand why this disappointment persists amid great success, we must begin with the Enlightenment itself.

Inventing Criminology: Fielding, Beccaria, and Bentham

The standard account of the origin of criminology locates it as a branch of moral philosophy: part of an aristocratic crusade against torture, the death penalty, and arbitrary punishment, fought with reason, rhetoric, and analysis. This account is true but incomplete. Criminology’s forgotten beginnings preceded Cesare Beccaria’s famous 1764 essay in the form of Henry Fielding’s 1753 experiments with justice in London. Inventing the modern institutions of a salaried police force and prosecutors, of crime reporting, crime records, employee background investigations, liquor licensing, and social welfare policies as crime prevention strategies, Fielding provided the viable preventive alternatives to the cruel excesses of retribution that Beccaria denounced—before Beccaria ever published a word.

The standard account hails a treatise on “the science of justice” (Gay 1969, 440) that was based on Beccaria’s occasional visits to courts and prisons, followed by many discussions in a salon. The present alternative account cites a far less famous treatise based on more than a thousand days of Fielding conducting trials and sentencing convicts in the world’s (then) largest city, supplemented by his on-site inspections of tenements, gin joints, brothels, and public hangings. The standard account thus chooses a criminology of analytic detachment over a criminology of clinical engagement.

The standard account in twentieth-century criminology textbooks traced the origin of the field to this “classical school” of criminal law and criminology, with Cesare

Beccaria’s (1738–1794) treatise *On Crimes and Punishments* (1764) as the first treatise in scientific criminology. (Beccaria is also given credit [incorrectly], even by Enlightenment scholars, for first proposing that utility be measured by “the greatest happiness divided among the greatest number”—which Frances Hutcheson, a mentor to Adam Smith, had published in Glasgow in 1725 before Beccaria was born [Buchan 2003, 68–71]). Beccaria, and later Bentham, contributed the central claims of the deterrence hypothesis on which almost all systems of criminal law now rely: that punishment is more likely to prevent future crime to the extent that it is certain, swift, and proportionate to the offense (Beccaria) or more costly than the benefit derived from the offense (Bentham).

Fielding

This standard account of Beccaria as the *first* criminologist is, on the evidence, simply wrong. Criminology did not begin in a Milanese salon among the group of aristocrats who helped Beccaria formulate and publish his epigrams but more than a decade earlier in a London magistrate’s courtroom full of gin-soaked robbery defendants. The first social scientist of crime to publish in the English—and perhaps any—language was Henry Fielding, Esq. (1707–1754). Fielding was appointed by the government as magistrate at the Bow Street Court in London. His years on that bench, supplemented by his visits to the homes of London labor and London poor, provided him with ample qualitative data for his 1751 treatise titled *An Enquiry Into the Causes of the Late Increase of Robbers*.

Fielding’s treatise is a remarkable analysis of what would today be called the “environmental criminology” of robbery. Focused on the reasons for a crime wave and the policy alternatives to hanging as the only means of combating crime, Fielding singles out the wave of “that poison called gin” that hit mid-century London like crack hit New York in the 1980s. He theorizes that a drastic price increase (or tax) would make gin too expensive for most people to consume, thereby reducing violent crime. He also proposes more regulation of gambling, based on his interviews with arrested robbers who said they had to rob to pay their gambling debts. Observing the large numbers of poor and homeless people committing crime, he suggests a wider “safety net” of free housing and food. His emphasis is clearly on prevention without punishment as the best policy approach to crime reduction.