

Fielding then goes on to document the failures of punishment in three ways. First, the system of compulsory “voluntary policing” by each citizen imposed after the Norman Conquest had become useless: “what is the business of every man is the business of no man.” Second, the contemporary system of requiring crime victims to prosecute their own cases (or hire a lawyer at their own expense) was failing to bring many identified offenders to justice. Third, witnesses were intimidated and often unwilling to provide evidence needed for conviction. All this leads him to hint at, but not spell out, a modern system of “socialized” justice in which the state, rather than crime victims, pays for police to investigate and catch criminals, prosecutors to bring evidence to court, and even support for witnesses and crime victims.

His chance to present his new “invention” to the government came two years after he published his treatise on robbery. In August 1753, five different robbery-murders were committed in London in one week. An impatient cabinet secretary summoned Fielding twice from his sickbed and asked him to propose a plan for stopping the murders. In four days, Fielding submitted a “grant proposal” for an experiment in policing that would cost £600 (about £70,000 or \$140,000 in current value). The purpose of the money was to retain, on salary, the band of detectives Fielding worked with, and to pay a reward to informants who would provide evidence against the murderers.

Within two weeks, the robberies stopped, and for two months not one murder or robbery was reported in Westminster (Fielding 1755/1964, 191–193). Fielding managed to obtain a “no-cost extension” to the grant, which kept the detectives on salary for several years. After Henry’s death, his brother John obtained new funding, so that the small team of “Bow Street Runners” stayed in operation until the foundation of the much larger—and uniformed—Metropolitan Police in 1829.

The birth of the Bow Street Runners was a turning point in the English paradigm of justice. The crime wave accompanying the penny-a-quart gin epidemic of the mid-eighteenth century had demonstrated the failure of relying solely on the *severity* of punishment, so excessive that many juries refused to convict people who were clearly guilty of offenses punishable by death—such as shoplifting. As Bentham would later write, there was good reason to think that the *certainly* of punishment was too low for crime to be deterrable. As Fielding said in his treatise on robbery, “The utmost severity to offenders [will not] be

justifiable unless we take every possible method of preventing the offence.” Fielding was not the only inventor to propose the idea of a salaried police force to patrol and arrest criminals, but he was the first to conduct an *experiment* testing that invention. While Fielding’s police experiment would take decades to be judged successful (seventy-six years for the “Bobbies” to be founded at Scotland Yard in 1829), the role of experimental evidence proved central to changing the paradigm of practice.

Beccaria

In sharp contrast, Beccaria had no clinical practice with offenders, nor was he ever asked to stop a crime wave. Instead, he took aim at a wave of torture and execution that characterized European justice. Arguing the same ideology of prevention as Fielding (whose treatise he did not cite), Beccaria urged abolition of torture, the death penalty, and secret trials. Within two centuries, almost all Europe had adopted his proposals. While many other causes of that result can be cited, there is clear evidence of Beccaria’s 1764 treatise creating a “tipping point” of public opinion on justice.

What Beccaria did not do, however, was to supply a shred of scientific evidence in support of his theories of the deterrent effects of non-capital penalties proportionate to the severity of the offense. Nor did he state his theories in a clearly falsifiable way, as Fielding had done. In his method, Beccaria varies little from law professors or judges (then and now) who argue a blend of opinion and factual assumptions they find reasonable, deeming it enlightened truth *ipse dixit* (“because I say so myself”). What he lacked by the light of systematic analysis of data, he made up for by eloquence and “stickiness” of his aphorisms. Criminology by slogan may be more readily communicated than criminology by experiment in terms of fame. But it is worth noting that the founding of the British police appears much more directly linked to Fielding’s experiments than the steady abolition of the death penalty was linked to Beccaria’s book.

Bentham

Beccaria the moral-empirical theorist stands in sharp contrast to his fellow Utilitarian Jeremy Bentham, who devoted twelve years of his life (and some £10,000) to an invention in prison administration. Working from a book he wrote on a “Panopticon” design for punishment by incarceration (rather than hanging), Bentham successfully lobbied for a