Reading London
Bond, Erik

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Henry Fielding’s dual career as novelist and Bow Street Magistrate—careers that may seem incompatible from a twenty-first-century perspective—was not strange to eighteenth-century readers. For example, given Fielding’s preoccupation with the notorious Jonathan Wild, recent work on Fielding has explored the connection between novel writing and eighteenth-century crimes such as thief-taking—that infamously profitable practice of employing thieves, taking their stolen goods, reselling these goods to the victims, and informing against the thieves when their capture turns profitable. In reviewing the Restoration origins of thief-taking, Tim Wales claims that “thief-takers filled a void, providing services that a public watch patrolling the streets did not,” especially during the 1690s when “a campaign for moral reformation, triggered by providential interpretations of the events of 1688, merged with concerns about rising London crime.”1 In this anxious climate, Fielding offered to fill another administrative void, and in turn, render London’s borderline-criminal practices, such as thief-taking, obsolete. In particular, Fielding recognized that the Town required a new type of regulation that could attend to the questionable behaviors taking place there. His conception of the literary Magistrate developed amid these conditions.

I argue that Fielding’s literary and juridical roles were completely consistent with the functions that writers were assigning to printed text after the Glorious Revolution. To recover a sense of this consistency, I begin by tracing Henry Fielding’s metaphor of conduct through *Tom Jones* (1749) and his Bow Street prose (1749–1751) to identify how Fielding
reimagined the urban writer’s social function in mid-eighteenth-century London. The metaphor of conduct created the impression that Fielding policed the proper behaviors of two specific audiences: the readers of his novels and the Londoners he governed as Bow Street Magistrate. Fielding was able to serve these two high-profile roles in London because this metaphor not only grounded claims of authority in the local geographic and administrative tensions of London but also supplied a vocabulary for Fielding to articulate authority in *Tom Jones* and his civil prose. In particular, Fielding’s metaphor of conduct tried to resolve literal tensions by figurative and imaginative means.

The factor that allowed Fielding to believe that he was competing with London’s politicians, lawyers, and priests involved the way his metaphor of conduct referred to Bow Street, a street located within a unique district caught inside the traditional Court–City binary. Similar to John Gay, Fielding recognized that the district between these two cities did not conveniently fit into either pole of the Court–City binary. As I introduced earlier in this book, between the cities of Westminster and London stood the “liberties” of Westminster, which were “formerly monastic precincts” marked by “freedom from the jurisdiction of the customary administrative unit.” John Entick’s *A New and Accurate History and Survey of London, Westminster, Southwark, and Places Adjacent* (1766) records that “the management of the civil power [in the cities and liberties of Westminster] has been, ever since the reformation, in lay hands, elected from time to time, and confirmed by the dean and chapter.” John Strype’s 1720 updated edition of John Stow’s *A Survey of the Cities of London and Westminster* refers to this liminal district by its medieval title, “the Liberty of the Dutchy of Lancaster.” Taken together, these texts suggest that Fielding’s jurisdiction resembled a patchwork of liberties and parishes, which was, not incidentally, also the district where the nation’s textual production and distribution were concentrated.

In this chapter I argue that the dual nature of Fielding’s career was made possible by the way his metaphor of conduct referred to, and was irretrievably influenced by, the geographic and administrative conditions of the Town. His control over the readers of *Tom Jones* and the civil prose hinges upon the way the metaphor could imagine types of authority beyond those already in place. In particular, the two texts refer readers to a literal cityscape but gesture towards a completely new way of organizing, or interpreting, London. The metaphor of conduct, in combination with the gap left by the fall of James II and the literal gap between Court and City, helped Fielding represent himself as a surrogate governor, com-
peting with both the politicians of Westminster and the aldermen of the City of London. Thus, Fielding valued the metaphor of conduct because it could accomplish tasks beyond simply referring to existing governmental apparatuses; more specifically, it helped him believe that the techniques he developed to guide his readers through *Tom Jones* could also direct interpretations of a newly complex London. In turn, Fielding developed a specific way of presenting these techniques that became its own style, its own discourse. In this context, the didacticism of *Tom Jones* and the civil prose is, therefore, these texts’ most imaginative trait.

I support these claims by reading Fielding’s *A Charge Delivered to the Grand Jury* (1749), *A True State of the Case of Bosavern Penlez* (1749), and *An Enquiry into the Late Increase of Robbers* (1751) as manuals of conduct that regulated both the reader’s and the writer’s relationships to London. Fielding uses words like “conduct” and “manner” when debating, organizing, and regulating the task of the urban author; thus, we must interpret his language in terms of these administrative projects. I conclude by outlining how Fielding’s administrative discourse, with its attempt to control public behavior, aligned the novelist and the magistrate in a surprisingly consistent eighteenth-century project of urban administration.

**Tom Jones as Administrative Vehicle**

The claim that Fielding used *Tom Jones* to develop ways of managing the Town is supported by his official appointment as the Magistrate of Westminster in January of 1749. For example, *Tom Jones* was published in February of that year, and we have evidence suggesting that Fielding had campaigned for this appointment while finishing the final three volumes of the six-volume novel. This overlapping period of textual production suggests that Fielding was at least thinking about how the metaphor of conduct could affect public representations of his social function. If the English novel tested the limits of its own novelty at mid-century, then Fielding was working with a new textual technology. What makes *Tom Jones* a “new” technology is the way Fielding created the impression that the novel as a genre possesses essential characteristics, such as its abilities to incorporate many textual traditions simultaneously and to debate closure. When it appears in *Tom Jones*, the metaphor of conduct helps Fielding regulate the possibilities that this interrogation presents. The
ending of *Tom Jones* is not, of course, open; like all texts, the novel ends. If Fielding could, however, make the novel look like it would never end, however, and then conclude it, he could create the impression of regulating or administering order to the possibility of open-endedness. We may witness the way Fielding uses *Tom Jones* to regulate and manage the novel’s formal characteristics, such as unending or alternative narratives. The techniques that Fielding developed to regulate these possibilities are chiefly stylistic changes in voice, mood, tone, and mode. This description of “style” is purposefully vague; the terminology now used to describe novelistic devices (characterization, point of view, enplotment) is an anachronistic imposition on Fielding’s texts because these terms were codified primarily during the late nineteenth century. Therefore, speaking in stylistic terms other than our own, we may begin to see the textual traditions or modes that Fielding valued for accomplishing several specific tasks.

The model around which Fielding organizes *Tom Jones* depends upon a habitual order. In other words, the novel assigns certain functions to certain episodes and then places these episodes in a narrative order with which the reader eventually becomes familiar. For example, an introductory chapter for each of the eighteen books presents didactic knowledge while the remaining chapters house the plot. Changes in voice also organize this narrative: the narrator of the introductory chapters directly addresses the reader, while the narrator of the remaining chapters only intervenes during moments of crisis. As Hunter has argued, even when the narrator’s voice “claims to be apprehensive about readers it is always part of some elaborate ironic scheme to outwit them, and even when he comments accurately he leaves readers with a sense that they themselves have earned the conclusion by listening carefully to tone, evaluating, and finally judging for themselves.”

This “apprehensive” yet seemingly omniscient voice nurtures a reader’s sensitivity to changes in voice. In particular, Fielding assigns a specific voice to specific sites, and the repetition of this combination advances the novel. One of the best illustrations of this stylistic specificity occurs at the start of Book VI, immediately following the fistfight between Jones and Blifil: “In our last Book we have been obliged to deal pretty much with the Passion of Love; and, in our succeeding Book, shall be forced to handle this Subject still more largely. It may not, therefore, in this Place, be improper to apply ourselves to the Examination of that modern Doctrine . . . .” On the level of content, this chapter critiques essays “On Love,” and it delivers this content in a voice
that includes the reader: “our Last Book.” Because these introductory
chapters are the sites where practical or didactic knowledge is expected,
Fielding frequently adopts a textual mode or tradition that the reader
would recognize as a vehicle for producing knowledge. For instance,
this chapter presents an ordered list of “Concessions” with paragraphs
beginning “First,” “Secondly,” etc. (T, 6.1.270), and the opening refer-
ence to “Dr. Swift” and the sustained metaphor of Love as a “Hunger”
(“Appetite,” “Glutton,” “Flesh,” “Sir-loin of Roast-beef”) transform this
chapter into a proposal that resembles Jonathan Swift’s famous exemplar
(T, 6.1.268–72). Fielding adopts the proposal’s mode, which implies a
certain way of reading; therefore, the conduct associated with the way
a proposal produces knowledge helps Fielding substantiate the position
of the novelist. Put another way, Fielding reinterprets conducts linked to
specific textual modes to accomplish other tasks. Here, the proposal is
the generic template whose conduct or way of reading Fielding uses to
develop the proper conduct of the novelist. This ability to empty out the
content of an established textual tradition and then to import the conduct
associated with interpreting that tradition is a technique that became
important to the way Fielding was able to write his way into Bow Street.
By importing conduct from the proposal to the novel, Fielding identifies
how to transfer administrative language from the novel into his social
treatises. For Fielding, this transferal of distinct readerly conducts into
new modes of writing defined the task of the skilled novelist.

Another instance of site-specific conduct involves Fielding’s use of
dialogue and the epistolary mode during the London scenes. As the scene
shifts to London, Fielding adapts his style to reflect the way London’s
administrative geography organizes its inhabitants. Elaborate passages
of topographical detail do not make us recognize that we are in London;
instead, we recognize that we are in London because Fielding’s style
changes. In the Somerset section, for example, Fielding assigns a separate
paragraph to each character’s dialogue. Such self-contained speeches and
oral conducts are not possible in London: from book XIII onward, para-
graphs lengthen as Fielding no longer signifies a change in speaker with
a new paragraph. As many as four characters compete with each other for
the right to speak in one paragraph, with each speaker frequently finishing
the sentences of the preceding characters. Speakers wage this competition
especially during episodes that characterize London, such as the masquer-
ade (T, 13.7.712–17). This change in Fielding’s representation of dialogue
also increases the pace of conversation, and Fielding therefore creates the
impression that this style reflects a conduct that is specific to, and capable of interpreting, London.

The Somerset section of *Tom Jones* does not include a single letter, but the London section is a virtual epistolary novel. Characters who live less than a two-minute coach ride from each other write as though they are total strangers, and Lady Bellaston communicates with Jones in letters more than she does in person. In a style particular to the urban letter, Lady Bellaston’s letters have three postscripts, as though she needs to write beyond the confines of this scripted textual conduct (*T*, 14.2.744–45). Even Thwackum and Square adapt to the textual conduct of London; chapter IV of book XVIII, simply titled “Containing two Letters in very different Stiles” (*T*, 18.4.924), translates the pair’s countrified opinions through the urban sieve of the epistolary. Fielding shores up the epistle as London’s popular means of communication when he reprints a letter from Sophia’s servant, Mrs. Honor, in which he conceals a pivotal moment:

["I beg ure Onur not too menshon ani thing of what I haf sad, for I wish ure Onur all thee gud Luk in thee Wurld
. . . . I begg ure Onur to say nothing of what past, and belive me to be, Sir,

Ure Onur’s umble Servant
To Cumand till Deth,
Honour Blackmore.”

Various were the Conjectures which *Jones* entertained on this Step of Lady Bellaston . . . . (*T*, 15.10.825)

The narrative voice that follows Honour’s letter does not clarify what “this Step of Lady Bellaston” is; it simply refers to the revelation of “this Step” in Honour’s letter. If we were to skip this letter because of an impatience with Honour’s writing style, we would miss the revelation of her promotion, which is a clue to Bellaston’s motivations. This episode is important because it shows how Fielding can import a mode of writing as well as the way of reading that mode without importing its content. Honour’s letter is entirely consistent with an established trend of urban, textual conduct, and readers must participate in this conduct—that is, endure her letter—to continue to participate in *Tom Jones*. Fielding’s epistolary mode serves the same function as his use of the proposal; he empties out the content and then uses the customary expectations about reading that mode or textual tradition to dictate a new interpretation.
Fielding also reassigns functions to traditional textual modes by using what we might call retrofitted narratives, episodes marked by the narrator’s instruction to turn back to earlier episodes. This stylistic device not only creates the impression of a conscious, providential order that miraculously transforms the plotted events of Tom Jones into “accidents” and “surprises,” but also provides time for readers to comprehend earlier episodes. Leo Damrosch argues that the type of providence that Fielding imitates throughout Tom Jones’s narrative (a type of providence that is “aware that paradise is lost but willing to perceive an ideal harmony in the universe that survives it”) positions the novel as “a terminal moraine, the comprehensive ending of an old tradition rather than the herald of a new one.”

While Fielding definitely wishes readers to sense how writing conveys “an ideal harmony” in the eighteenth-century universe, I argue that Fielding’s constant glances over his shoulder serve to associate the novelist with not only a metaphysical or aesthetic-religious authority, but also a type of regulatory, social guidance that extends beyond the plot’s fictional content. Consider, for example, how Sophia remembers what happened at the Inn at Upton:

This Incident, however, being afterwards revived in her Mind, and placed in the most odious Colours by Honour, served to heighten and give Credit to those unlucky Occurrences at Upton, and assisted the Waiting-woman in her Endeavours to make her Mistress depart from that Inn without seeing Jones. (T, 10.9.564)

The moment evinces a type of nachträglichkeit, a reconstructed comprehension of a past (or “revived”) episode. But the narrative seems to unfold before us because most of Fielding’s revived episodes address the reader, not the characters:

Before we proceed any farther in our History, it may be proper to look a little back, in order to account for the extraordinary Appearance of Sophia and her Father at the Inn at Upton.

The Reader may be pleased to remember, that in the Ninth Chapter of the Seventh Book of our History, we left Sophia, after a long Debate between Love and Duty, deciding the Cause, as it usually, I believe, happens, in Favour of the Former. (T, 10.8.554)

The style of this excerpt, due to its first-person voice, is conversational and creates a familiar mood in which to ponder past events. But Fielding
supplies such intense specificity (“in the Ninth Chapter of the Seventh Book”) that the revived narrative serves only one purpose: to advertise the way Fielding makes his plot appear accidental and providentially designed at the same time. Fielding eventually labels what I am calling “the revived episode” as “our Method”:

The Reader may now perhaps be pleased to return with us to Mr. Jones, who at the appointed Hour attended on Mrs. Fitzpatrick; but before we relate the Conversation which now past, it may be proper, according to our Method, to return a little back, and to account for so great an Alteration of Behaviour in this Lady. . . . (T, 16.9.866–67)

“Our Method” seems to be created by the narrator as we read, yet it also assigns a premeditated, proper function to the novelist: to regulate the “Methods” or styles of writing. Every mode of writing in Tom Jones has its proper place, and this placement becomes a conduct that readers eventually expect from the novelist, even if Fielding uses these textual modes to reach nontraditional ends.

Tom Jones also experiments with alternative endings to professional, legal practices. For example, Tom Jones repeatedly takes the legal trial and offers alternatives to the rigid acts of sentencing that usually conclude a trial. Each of these episodes constitutes a mock-trial because the style or tone loosely follows a legal tradition without reaching a conclusion. These episodes appear when Fielding applies technical legal diction to quotidian situations, such as when legal conduct suddenly operates in domestic spaces. Because Fielding dramatizes these episodes in a space outside a formal courtroom, he is able to suggest an alternative ending that could not occur in a trial. For example, Magistrate Allworthy’s mock-trial in chapter VII of book I, (which is prefaced by Fielding as a “kind of instructive Writing” [T, 1.6.50]), “tries” Jenny Jones for the “crime” of Tom’s birth. Moving closer to the point of sentencing, Allworthy’s diction changes. Technical phrases, such as “Part of your Offence,” “Defiance of the Laws of our Religion,” “Breach of the Divine Commands,” give way to lists of abstract qualities: “Sophistry,” “Delusion,” “Terror,” “Passion,” and “Reason” (T, 1.7.51–52). The change in Allworthy’s diction from the technically specific to the philosophically abstract allows Fielding to introduce an alternative to Jenny’s conviction. Jenny also exonerates herself by appealing to a realm of judgment beyond a mortal law court. She appeals to her “future Conduct”:
As to my Concern for what is past, I know you will spare my Blushes the Repetition. My future Conduct will much better declare my Sentiments . . . . But now, Sir, I must on my Knees intreat you, not to persist in asking me to declare the Father of my Infant. I promise you faithfully, you shall one Day know; but I am under the most solemn Ties and Engagements of Honour, as well as the most religious Vows and Protestations, to conceal his Name at this Time. And I know you too well to think you would desire I should sacrifice either my Honour, or my Religion. (T, 1.7.54)

Jenny’s “future Conduct” values “Honour,” and Allworthy’s own honor forces him to dissolve the trial before a final sentencing. Because this mock-trial takes place in Allworthy’s study and not in a formal, legal space that prescribes social behavior, Fielding creates and manages a conduct that is specific to domestic conflict. Fielding removes professionalized legal conduct from the trial’s performance to address a new type of domestic episode that is in need of attention. Typically, the mock-trial appears whenever Fielding needs to catalogue proper domestic conducts: to dissolve the debate of Thwackum and Square (3.3); to dismiss the blame for the boxing match between Tom and Blifil (3.4); to dissolve the controversy surrounding what Tom does with the money he receives for selling his Horse (3.8); and to excuse Jones’s selling his Bible (3.9).14

This device shows how a novel can assign new conducts to unregulated spaces; Fielding applies it to episodes that lack systemized or conventional conducts. One of the most important examples of these episodes takes place in the barn where Jones and Partridge encounter a band of gypsies (12.12). In the absence of Magistrate Allworthy, Fielding begins this mock-trial by relating the “King of the Gypsies” to a “great Magistrate”:

It is impossible to conceive a happier Set of People than appeared here to be met together. The utmost Mirth indeed shewed itself in every Countenance; nor was their Ball totally void of all Order and Decorum.

Perhaps it had more than a Country Assembly is sometimes conducted with: For these People are subject to a formal Government and Laws of their own, and all pay Obedience to one great Magistrate, whom they call their King. (T, 12.12.667)

Joining this gypsy wedding ceremony, Jones and Partridge experience an alternative society in which Partridge’s over-eagerness with one of the married gypsies positions him as a defendant in another mock-trial. However,
when it is discovered that the gypsy’s husband had encouraged his peers to watch his wife tempt Partridge (and that the husband had designed the entire scene), this mock-trial dissolves with an atypical sentence for the erring husband. The Gypsy-King’s sentence corrects conduct:

[M]e do order derefore, dat you be de infamous Gypsy, and do wear Pair of Horns upon your Forehead for one Month, and dat your Wife be called de Whore, and pointed at all dat Time: For you be de infamous Gypsy, but she be no less de infamous Whore. (T, 12.12.671)

Jones lauds this punishment of shame: “Jones afterwards proceeded very gravely to sing forth the Happiness of those Subjects who live under such a Magistrate” (T, 12.12.671). After a lengthy debate over absolute monarchy, however, the narrator suggests that the gypsies’ conduct is possible only because they occupy a unique part of British society:

Nor can the Example of the Gypsies, tho’ possibly they may have long been happy under this Form of Government, be here urged; since we must remember the very material Respect in which they differ from all other People, and to which perhaps this their Happiness is entirely owing, namely, that they have no false Honours among them; and that they look on Shame as the most grievous Punishment in the World. (T, 12.12.673)

The narrator’s concluding disclaimer makes it clear that shame, as an alternative ending to the mock-trial, applies only to a very specific community in a very specific space. Thus, a specific, alternative conduct accompanies each mock-trial in Tom Jones.

While all of these mock-trials appear to destabilize legal practice, they actually assign specific conducts to episodes that take place in unregulated realms of British society. This is why the word “conduct” appears throughout the mock-trials. During the final meeting, or final mock-trial, between Sophia and Jones, Sophia uses “conduct” in a legal context: “‘I think, Mr. Jones,’ said she, ‘I may almost depend on your own Justice, and leave it to yourself to pass Sentence on your own Conduct’” (T, 18.12.971). As the author of Tom Jones, Fielding develops ways to “pass Sentence” on new conducts, especially in the first chapters to every book. In chapter I of book XII, the narrator describes plagiarism as an improper “Conduct in Writing” (T, 12.1.619); therefore, I am interested in what Tom Jones presents as the proper “Conduct in Writing.” This brings me to
my final point about the ways Fielding uses Tom Jones to administer the novelist’s practice to readers.

The entire novel constitutes a mock-trial for Fielding’s right to claim the title of novelist. Fielding’s mock-trial uses a system in which regulating the stylistic opportunities presented by this genre leads to a more definable role for the writer. In the exact middle of the novel (9.1), in a chapter entitled “Of those who lawfully may, and of those who may not write such Histories as this” (T, 9.1.487), Fielding catalogues the qualifications for “Historians of our Order” (T, 9.1.492):

For Nature can only furnish us with Capacity, or, as I have chose to illustrate it, with the Tools of our Profession; Learning must fit them for Use, must direct them in it; and lastly, must contribute, Part at least, of the Materials. A competent Knowledge of History and of the Belles Lettres, is here absolute necessary; and without this Share of Knowledge at least, to affect the Character of an Historian, is as vain as to endeavour at building a House without Timber or Mortar, or Brick or Stone. (T, 9.1.491–92)

An ease of “conversation” is also required in this act of “building”: “Now this Conversation in our Historian must be universal, that is, with all Ranks and Degrees of Men: For the Knowledge of what is called High-Life, will not instruct him in low, nor e converso, will his being acquainted with the inferior Part of Mankind, teach him the Manners of the superior” (T, 9.1.494). The task of learning “the Manners” of “all Ranks and Degrees of Men” is tied to Fielding’s larger project as a Bow Street Magistrate. Between the mock-trials of the Somerset section, Fielding presents “a very useful Lesson” to those who “administer to an honest Pride in their own Minds” (T, 3.7.141). The proper administration of one’s “self” is promoted here and alludes to the function shared by Tom Jones and Fielding’s writings as Magistrate. In Tom Jones, Fielding introduces this administrative function with one of the most blatant instances of the first-person voice in the novel:

I ask Pardon for this short Appearance, by Way of Chorus on the Stage. It is in Reality for my own Sake, that while I am discovering the Rocks on which Innocence and Goodness often split, I may not be misunderstood to recommend the very Means to my worthy Readers, by which I intend to shew them they will be undone. And this, as I could not prevail on any of my Actors to speak, I myself was obliged to declare. (T, 3.7.141–42)
In eighteen introductory chapters, this intrusive voice encourages the reader to rely on the narrator’s presence. The novel produces this reliance and, at the same time, defines the specific sites where this presence should be administered to the reader. Whether or not Fielding professionalizes the activities of the novelist in the modern sense of the term is not at stake here because the phrases “the poetical Trade” (*T*, 12.1.621) and “Tools of our Profession” (*T*, 9.1.492) position writing somewhere between “Trade” and “Profession.” As a result, *Tom Jones* is an experiment, or essay, in the means of systematization rather than a handbook on how to professionalize the practice of writing. Fielding writes the novel partly “to pass Sentence” on what the conduct—not the profession—of the novelist might be.

All of the techniques described here—site-specific modes, the revived episodes, and mock-trials—constitute a style, a conduct, and finally, a discourse that develops through *Tom Jones*. This discourse is administrative because Fielding mobilizes all of these stylistic techniques to explore, to instruct, and to validate proper behaviors of both the reader of *Tom Jones* and its novelist. By writing *Tom Jones*, Fielding was able to ask himself how well he was able to administer a new literary form to an audience. The task now was to apply these new textual conduct to a new job: Bow Street Magistrate.

**The Civil Prose**

Before interrogating the ways in which Fielding’s Bow-Street project inherited an administrative discourse that he had developed in *Tom Jones*, we might note the complex forms that these writings adopt. I call the texts Fielding published as a magistrate his “civil prose” to allude to Fielding’s own definition of their task: to “rouse the CIVIL power.”15 Each of the works discussed below may be seen as a textual vehicle that accomplishes a different task, and these distinctions are evident in Fielding’s titles: *A Charge*, *An Enquiry*, *A True State of the Case*. To avoid discounting the specific work accomplished by each of these textual traditions, I organize the following discussion around the specific textual conduct that each vehicle imposes upon its audience. Thus, we may witness not only the type of knowledge being generated by Fielding’s revision of the traditional ends and expectations of these specific titles, but also the different roles each text played in organizing and advertising Fielding’s duties as Magistrate.
Fielding’s fiction and his Bow Street writings are linked only by the works’ shared use of the administrative discourse. For example, Magistrate Allworthy might be “like” Magistrate Fielding, but Magistrate Allworthy does not write *Tom Jones*. The following works are rarely similar in content to either each other or to *Tom Jones*, and this dissimilarity has led critics to be surprised, or even betrayed, by the supposedly “conservative” writer they find in the civil prose. To establish this discursive connection between *Tom Jones* and the civil prose, the following discussion addresses not only the content of Fielding’s texts, but also the style that deliver that content. I am interested in Fielding’s texts as administrative vehicles because his positions as novelist and Bow Street magistrate forced him to shape them as such. The remainder of this chapter analyzes these three pieces of civil prose to see how each text imposes a traditional way of reading, or a specific conduct, on its audience. Thus, their variety of titles and forms can be understood in terms of the administrative discourse Fielding used in *Tom Jones*.

**FIELDING DELIVERS HIS CHARGE**

Fielding’s first task as Bow Street Magistrate was to define the importance of his position. As the final volumes of *Tom Jones* appeared in 1749, Fielding prepared for his first appearance as magistrate at the quarterly meeting of the Westminster Commission. Fielding chose the genre of the charge to accomplish this credentialization because, as a familiar textual tradition, the charge would have been expected to accomplish at least two specific tasks. First, readers expected eighteenth-century charges to be self-reflexive commentaries about—or updates on—the effectiveness of public administration in London. The charge was read, or “delivered,” during a ceremony when qualified individuals were sworn in to their profession; therefore, the charge seems to have been an integral part of credentialization. Second, the Charge publicized Fielding’s duty as a new type of magistrate. Nowhere in the Charge is there a detailed proposal for handling specific crimes. Instead, the Charge uses metaphors of conduct to systematize the proper behavior of the Town-based administrator. Malvin Zirker has claimed that the form and style of Fielding’s Charge are consistent with those of other charges of the time. Indeed, Fielding begins by advertising a historical pageant of the English legal privilege of trial by jury, and he “trace[s] the Original of this great and singular
Privilege” back to Alfred and the Normans. However, Fielding draws attention to the way his Charge swerves away from textual tradition:

The usual Method of Charge hath been to run over the several Articles, or Heads of Crimes, which might possibly become subject to the Enquiry of the Grand Jury. . . .

But, Gentlemen, I think I may be excused at present from taking up so much of your Time; for tho’ we are assembled to exercise the Jurisdiction of a very antient and honourable Liberty, yet, as there is another Sessions of Justices within that County of which this Liberty is a Part, before whom indictments for all Crimes of the deeper Dye are usually preferred, it seems rather to savour of Ostentation than Utility, to run over those Articles which in great Probability will not come before you. (Charge, 12)

Fielding advertises his Charge’s novelty; he even narrows the type of knowledge his version of the charge will convey. Jettisoning procedural concerns tied to “Crimes of the deeper Dye” that are addressed only in the Middlesex sessions, Fielding’s administrative voice addresses crimes taking place in a very specific area of the Town: the “Liberty” of the Strand. The Charge’s production of specialized, site-specific knowledge is, in Fielding’s terms, a swerve away from “the usual Method of Charge.” I argue that what Fielding does to the “usual Method of Charge” is to add his own “Method,” which we have already seen in Tom Jones: an administrative discourse that employs the metaphor of conduct. “Method” is again used here as an eighteenth-century placeholder for the model of imaginative, textual government that I am outlining in this book.

If Fielding tailored his charge to cater to the administrative possibilities of the Town, then he also explored what additional functions the charge could serve. Fielding recognized with the Charge, as he did in Tom Jones, a way to systematize his position while performing it. In particular, a charge is “a task or duty laid upon one; commission, trust, responsibility; an office entrusted to one.” In this sense, a duty or task is “Delivered to the Grand Jury”; that is, Fielding has the power to administer positions and offices to the jury. As a magistrate, Fielding administers work—that is, he authorizes professional positions—for others. In another sense of the word, the “charge” refers to the actual body of people “entrusted to the management of” the jury. In this sense, Fielding delivers the audience of the Town to their proper administrators. In both cases, to deliver a
“charge” is to possess the right to confer an office on an audience. When Fielding delivered the Charge to the grand jury, he was both defining and performing, quite publicly, the protocol of his own office and the protocol of his audience. A Charge is in many ways Fielding’s inter-office memo notifying others of his own promotion, and what, exactly, that promotion entails.

Because the Charge administers offices to others, there is a tendency to read the work as the text where Fielding professionalizes himself. Zirker, for example, deems the Bow Street position a “profession”: “Certainly . . . he intended to display a distinguished expertise in his profession. . . . The Charge is both a public display of his credentials and an anticipatory response, inevitably unheeded, to those who would ridicule his sober posture at the bench.” I would push this further. The Charge is where Fielding performs his credentials; it is his dramatization of his own résumé to validate his new role as a magistrate—a figure who derives his basis for administrative power from printed text. From this perspective, Fielding’s position as magistrate was not as professionalized as Zirker would assume. Entick’s job description for Fielding’s Bow Street Magistrate was still, in 1766, a position for “lay hands.” This is anything but “professional,” in the modern sense of that term, and the “lay” status of Fielding’s magistrate reflects the same absence of systematization that characterized Fielding’s other role, that of eighteenth-century writer.

Fielding repeatedly foregrounds the disclaimer that all of his topics are time and place specific; that is, they are “Characteristic of the present Age” (Charge, 25). He again uses history to validate claims and to generate knowledge in the same way that the title of Tom Jones (The History of Tom Jones, a Foundling) relies upon history as a means of acquiring textual credibility. But the Charge also stresses the timeliness of the crimes into which the jury must “enquire.” Consider, for example, the way Fielding contrasts how past laws have dealt with libel as compared with present laws. He suggests that libel may develop its own means of professionalization if not curbed: “I have mentioned these Laws to you, Gentlemen, to shew you the Sense of our Ancestors of a Crime which, I believe, they never saw carried to so flagitious a Height as it is at present; when, to the Shame of the Age be it spoken, there are Men who make a Livelihood of Scandal” (Charge, 29). “The Shame of the Age” is that crime could be made “a Livelihood.” While discussing those who commit libel—a crime, we should note, involving a printed text—Fielding
charges his audience with a duty: “Of these [libelers], Gentlemen, it is your Business to enquire; of the Devisers, of the Writers, of the Printers, and of the Publishers of all such Libels; and I do heartily recommend this Enquiry to your Care” (Charge, 29). Fielding confers “Business” onto the jury; he literally delivers his charge.

At the end of the Charge, Fielding shores up his own administrative position by combining all of these issues—the conferral of offices, the specificity of the Town, and the duty of his own office:

To conclude, Gentlemen, you will consider yourselves as now summoned to the Execution of an Office, of the utmost Importance to the well-being of this Community: Nor will you, I am confident, suffer that Establishment, so wisely and carefully regulated, and so stoutly and zealously maintained by your wise and brave Ancestors, to degenerate into mere Form and Shadow. Grand Juries, Gentlemen, are in Reality the only Censors of this Nation. As such, the Manners of the People are in your Hands, and in yours only. You, therefore, are the only Correctors of them. If you neglect your Duty, the certain Consequences to the Public are too apparent. . . .

To this Censorial Office, Gentlemen, you are called by our excellent Constitution. To execute this Duty with Vigilance, you are obliged by the Duty you owe both to God and to your Country. You are invested with full Power for the Purpose. This you have promised to do, under the sacred Sanction of an Oath; and you are all met, I doubt not, with a Disposition and Resolution to perform it, with that Zeal which I have endeavoured to recommend, and which the peculiar Licentiousness of the Age so strongly requires. (Charge, 29–30)

Fielding heads “this Censorial Office” to which members are “invested with full Power for the Purpose.” His task as “Censor,” the office he holds by delivering this charge, is to maintain specific conducts (“the Manners of the People are in your Hands”). The textual vehicle of the Charge therefore allowed Fielding’s “lay hands” to appear to do business themselves.

It is important to see Fielding’s position as the writer of the Charge as separate from the position of his audience. Fielding alters his style to acquire this authority just as he does in Tom Jones. In the above excerpt, Fielding uses the passive voice to deliver the deity-like proclamation, “You are invested with full Power for the Purpose.” Fielding appears only when he needs to stabilize his own position; he only appears to recom-
mend “Zeal” or to “recommend this Enquiry” (*Charge*, 29). By using this construction, he leaves the content of his job description open, yet he plainly separates his task from that of the jury: “the Duties of [the Office] it is incumbent on me concisely to open to you; and this I shall endeavour in the best Manner I am able” (*Charge*, 11). His only duty is to regulate the infinite number of possible administrative duties his jury will perform and to do so with the proper conduct, “the best Manner,” that the charge will permit. Because this is only a charge, Fielding assigns duties to others: “it may be therefore proper to awaken your Enquiry” (*Charge*, 20, emphasis mine); “you are the only Correctors of [the People]” (*Charge*, 29). But this is where the work of the charge ends. Because the *Charge*’s function was only to “recommend Enquiry,” Fielding would turn to the textual traditions of the enquiry to investigate questions of causation. *A Charge* presents Fielding as the public relations manager of Bow Street, and it represents Bow Street as a newly credible component of London’s governmental cityscape.

**Privileging Civil Conduct: The Case**

Before Fielding even had a chance to think about his next act as magistrate, the Town presented him with a complicated example of its unregulated status. On 1 July 1749, a sailor named Bosavern Penlez accused the owner of a brothel next to St. Mary’s-le-Strand of theft while Penlez was patronizing that same “Bawdy-House.” When bounced from the house, Penlez amassed several fellow sailors and attacked the house. Within hours, Penlez’s group was joined by citizens of the Town who burned the structure to the ground. For two days, the group continued to target and destroy houses in the Town until Penlez was finally captured and jailed on 3 July. The execution of Penlez, which took place in October, was highly contested because some citizens viewed his destroying a house of prostitution to be a civil service. Fielding’s reaction to this—one of his first acts as magistrate—is crucial to our understanding the relationship of administrative discourse to his civil prose. In fact, after Fielding encountered this behavior in the Town, he could begin to imagine what his Bow Street writing should do. Should it make new claims or should it nurture traditional possibilities? Should it proactively, offensively police or should it passively, defensively react to the unrest? The Penlez case therefore offered Fielding a choice to manage conducts that were already
common in the Town or to dictate what new conducts should exist there. If Fielding had defended Penlez’s attack against the “Bawdy-Houses,” then he would have fully authorized riot as a credible response to robbery. If he had condemned Penlez, then he might have appeared to legitimate the practice of prostitution. Fielding chose the latter, but he supported the acquittal of Penlez’s accomplice, John Wilson. My point in briefly jumping from a discussion of form to content is to note that Fielding made a decision based on conducts specific to this case. For instance, the case was not strictly measured against the permanent rule of the Riot Act established by George I. In many ways, the act of rioting was part of the Town’s archive of conduct. Fielding’s task was not to stipulate laws (the Riot Act did that) but to quell the act of riot via textual means. *A True State of the Case of Bosavern Penlez* presents a narrative that tried to interpret and to regulate the variety of possible ways to respond to episodes of civil unrest in the Town. Fielding recognized that rioting was a conduct that needed regulation and management—not outright suppression.

It is extremely important to clarify what was at stake in Fielding’s response “in this Case.” His commentary on the conduct of the “Mob” is specific only to the Town in July of 1749. The *Case* is not a proposal that outlines future contingency plans or details laws; it is a revived and almost journalistic narrative that produces knowledge about the past to stabilize the “True State” of what just occurred. Fielding’s *Case* uses two textual modes to engineer authority over the “True State of the Case.” The first mode involves the use of sworn accounts to recreate the night of 1 July from several different points of view. After reviewing the existing Riot Act and clarifying the distinction between a public and a private riot, Fielding introduces six different accounts of the Penlez Riot. These accounts were not testimonies since they had no binding legal power, but they take on the appearance of civil testimony in print. They do not retry a man already in his grave; instead, these accounts create the effect of objective knowledge (of “A True State of the Case”) from a variety of perspectives. Thus, the points of view supplied by these accounts serve a narrative function: they establish an unfolding history. The *Case*’s catalogue of sworn accounts reproduces a journalistic means of generating knowledge and validating past events.

Fielding’s use of eyewitness accounts was obviously not an innovation; however, what was new was how the accounts attempted to create and to manage the author’s position. In the *Case*, the accounts create the impression that the Town’s daily life revolves around the magistrate’s
text. For example, all six accounts are notarized by Fielding’s name; that is, Fielding authorizes all six of the accounts as possible versions of the same riot. His authorization of each account not only validates the number of possible points of view, but also constitutes another stylistic technique that creates and manages his new position as magistrate. For example, the “Information” in each account is related by people who hold positions in an administrative model which Bow Street was updating: beadles, constables, high-constables, and tradesmen. This continual retelling of the same story by members of London’s traditional administrative apparatus makes Fielding’s Case subsume that rigid, traditional system. All of the street-level administrators report to Fielding, and they even advertise their subservience to him. For example, Saunders Welch, the “Gentlemen, High-Constable of Holbourn Division” (Case, 50), offers a hypersensitive narrative that carefully details Fielding’s role in the Penlez Riots:

And this Informant [Welch] further saith, that on the Monday Morning, about Twelve of the Clock, he attended H. Fielding, Esq; one of his Majesty’s Justices of the Peace for the County of Middlesex, who had been out of Town during all the preceding Riot, and acquainted him with it. That immediately the said Justice sent an Order for a Party of the Guards to conduct the aforesaid Prisoners to his House, the Streets being at that Time full of Mob, assembled in a riotous and tumultuous Manner, and Danger of a Rescue being apprehended. And saith, that the above mentioned Prisoners, together with Bosavern Penlez, who was apprehended by the Watch in Carey-street, were brought before the said Justice, who, after hearing the Evidence against them, and taking the Depositions thereof, committed them to Newgate. And this Informant saith, that whilst he attended before the said Justice, and while the Prisoners were under Examination there was a vast Mob assembled, not only in Bow-street, but many of the adjacent Streets, so that is was difficult either to pass or repass. (Case, 52)

This excerpt is notable for the way Fielding narrates his own participation through an observer’s account, and Fielding considers this method to be more objective. As a result, Fielding’s magistrate position is born from the words of his employees.

A second function of these accounts is to spotlight the conduct of the mob. The way Fielding characterizes the mob for the purpose of interpreting its social function parallels Fielding’s method of characterization
in *Tom Jones*. For example, in the six accounts, the mob is constantly represented as a single person, complete with a “Disposition” and character: “And so riotous did the Disposition of the Mob appear that whole Day . . .” (*Case*, 53). This personification is important because it allows Fielding to address the unrest in terms of a conduct that applies to all people in the Town. Fielding regulates the mob by appealing to its definable “Manner.” The accounts are particularly attentive to the mob when it displays a specific mannerism: “The Mob . . . continued in a very riotous and tumultuous Manner” (*Case*, 49); “at that Time . . . assembled in a riotous and tumultuous Manner” (*Case*, 52). The reason for this repetition of “riotous and tumultuous” is clear when we compare these accounts to Fielding’s interpretation of the third definition of a “Riot” from George I’s Riot Act: “Persons unlawfully, riotously, and tumultuously assembled together” (*Case*, 43). When “Persons” adopt this “Manner,” they officially become “the Mob”; however, Fielding does not use the phrase “riotous and tumultuous” each time the mob appears in the six accounts. This suggests that a “proper” riot (that is, one that is conducted properly and with proper morals in mind) is still possible in the Town. The Penlez Mob, after reaching the number of persons necessary to qualify its actions as “illegal,” conducted itself incorrectly due to its intolerance. In this way, Fielding regulates possibility in the Town. Fielding exploits the subjective accounts to manage the infinite range of conducts available to people living in the Town.

The second textual mode that further defines Fielding’s administration of the Town involves expectations of reading. In fact, reading distinguishes a proper riot from an improper riot. When the number of rioters exceeds the limit allowed by the Riot Act, the Act requires that the magistrate read the proclamation as a warning. If the rioters do not “[disperse] themselves within an Hour after the Proclamation is read to them by a proper Magistrate” (*Case*, 42), then the magistrate may consider the riot to be improper. The reading of the proclamation was so important that a person’s hindering its oral performance was considered villainous by George I’s Riot Act:

*4thly.* If any Persons obstruct the Magistrate in reading the Proclamation so that it cannot be read, such Obstruction is made Felony without Clergy; and the continuing together, to the Number of Twelve, after such Let or Hindrance of reading the Proclamation, incurs the same Guilt as if the Proclamation had really been read. (*Case*, 43)
The important point here is that the magistrate is empowered by reading text on Bow Street. In the *Case*, Fielding considers it to be one of the most important laws ever written:

> . . . I shall here repeat the Sentiments of our present excellent Lord Chief Justice, as I myself hear them delivered in the *King’s Bench*, *viz.* That the Branch of the Statute which empowers Magistrates to read the Proclamation for the dispersing Rioters was made, as the Preamble declares, on very important Reasons, and intended to be applied on only very dangerous Occasions; and that he should always regard it as a very high Crime in any Magistrate wantonly or officiously to attempt to read it on any other. (*Case*, 46–47)

This is also the reason why Welch’s account carefully remembers the moment Fielding read this proclamation in the Penlez case:

> And this Informant [Welch] farther saith, that he was present when the said Justice [Fielding], from his Window, spoke to the Mob, informed them of their Danger, and exhorted them to depart to their own Habitations: For which Purpose, this Informant likewise went among them, and entreated them to disperse, but all such Exhortation were ineffectual. (*Case*, 53)

In Penlez’s case, Fielding evoked textual authority when his “Duty” demanded him to do so. The act of reading contributed to Fielding’s administrative discourse because part of Fielding’s power as a magistrate stemmed from reading text. Fielding imagined that by performing his writing, he was administering authority. The metaphor of conduct helped Fielding perform authority in the Town, and, in the *Case*, helped to clarify the line between proper and improper conduct.

While concluding the *Case*, Fielding mentions “Zeal,” a term also present during the conclusion of the *Charge*:

> But I am willing to see these Clamours in a less culpable Light, and to derive them from a much better Motive: I mean from a Zeal against lewd and disorderly Houses. But Zeal in this Case, as well as in all other, may hurry Men too far, and plunge them headlong into the greater Evils, in order to redress the lesser. . . .

> When I mention this Zeal as some kind of Excuse or Mitigation, I
would be understood to apply it only to those Persons who have been so weak (at least) to espouse the Cause of these Malefactors: as to the Rioters themselves, I am satisfy’d they had no such Excuse. The Clamour against Bawdy-Houses was in them a bare Pretence only. Wantonness and Cruelty were the Motives of most, and some, as it plainly appeared, converted the inhuman Disposition of the Mob to the very worst of Purposes, and became Thieves under the Pretence of Reformation. (Case, 58)

I concentrate on Fielding’s “Zeal” since it appears whenever the Town’s range of possible conducts becomes endangered. Zeal “may hurry men too far”; it is the condition upon which the Town’s possibilities collapse into law. Yet Fielding argues against dictating new laws related to the Penlez Riot; in fact, he tells us that he never wanted to write the Case in the first place.

Fielding opens and closes the Case by clearly stating that proposing laws is not his job. He begins by calling attention to “that Reluctance with which I am drawn forth to do an Act of Justice” (Case, 33), and he concludes by referring to this “Act” as “this ungrateful Task” (Case, 60). Fielding supplies two reasons for this reluctance: first, his “Character hath been so barbarously . . . aspersed” by other writers; and second, he wishes Penlez to “be permitted to rest quietly in his Grave” (Case, 33–34). This advertised reluctance is not simply an expected, textual mannerism; rather, it constitutes a thin, tonal smokescreen that he maintains throughout the Case to generate social credibility for his new position as magistrate. Fielding crafts his revelation of this reluctance. He states that he is “drawn forth” rather than actively choosing to write this piece. His use of the passive voice makes it appear as though the magistrate is forced to step outside his proper position. Fielding comes closest in the Case to dictating laws for the Town, and, for this reason, he delivers his proclamations with a certain reluctance in order to salvage what he considered to be the real part of his job: reinterpreting traditional conducts to regulate the Town’s public conducts. When his voice surfaces in the Case, Fielding adopts a defensive tone, the same tone that appears every time Fielding systematizes the critic-novelist position in Tom Jones. The Case, therefore, is “novelistic” only in its use of the administrative discourse.

The main function of the Case may have been to promote distinctions between modes of civil administration: “the Distinction between an Object of Mercy, and an Object of Justice at last prevailed, to my Satisfaction,
I own entirely, and I hope, now at last, to that of the Public” (Case, 60). In its attention to distinction and specialization, *A True State of the Case of Bosavern Penlez* made Town riots possible if they were conducted correctly. The *Case* also explains the Town’s conduct to its people. As with the *Charge*, the title of this textual vehicle is important. This work attempts to stabilize the “State of the Case”—not Bosavern Penlez’s character or reputation. The textual conduct of the case was Fielding’s target; his administrative discourse was again on trial.

**Defining Civic Novelty: *An Enquiry***

*An Enquiry into the Causes of the Late Increase of Robbers* (1751) is Fielding’s most famous civil text not because it potentially affected the Town’s crime rate but because of the way it is now read. Critics routinely cite *An Enquiry* when trying to reconcile Fielding’s novels with his appointment as Bow Street Magistrate. For example, Zirker, in his general introduction, tries to generate a canonical importance for the text:

The *Enquiry* may be seen as the major result of Fielding’s activities as magistrate and as innovating creator of that police force which historians have come to see as the progenitor of Scotland Yard. The *Enquiry* is easily the most distinguished and ambitious of Fielding’s social pamphlets . . . and it reflects, within the limits of its context, Fielding’s impressive learning [and] his considerable but necessarily imperfect grasp of the implications of the social and cultural changes he perceived to be taking place . . . .

To place this much value on just one of Fielding’s civil texts is a bold move since the *Enquiry* is time and place specific, and for this reason, it neither presents any detailed outlines for the Bow Street Runners nor does it prefigure today’s Scotland Yard. By stressing Fielding’s “considerable but necessarily imperfect grasp” of some sort of undefined “cultural” knowledge, Zirker’s introduction presents *An Enquiry* as a text that miraculously embodies abstract and generalized “social and cultural changes.” It is difficult to categorize exactly what the *Enquiry* does if we only attend to the work’s content rather than its formal strategies for generating knowledge. In this way, the *Enquiry* does not embody a proto-modern reflection of ourselves or our concept of policing; it is specific to the Town of 1751. In fact, *An Enquiry* reimagines and elucidates the Town in order to govern it.
As with the *Charge* and the *Case*, Fielding reinterpreted textual traditions in terms of an administrative discourse. In the *Charge*, Fielding specifically described the Grand Jury’s task as “the Business to enquire” (*Charge*, 29). Fielding expands this business in *An Enquiry into the Late Increase of Robbers*, and he designs a way to comprehend “the Late Increase” of crime in the Town. The work is, again, time and place specific, and it stabilizes Fielding’s own position as magistrate since the *Enquiry* can serve as an example—or a textual appendix in the employee handbook—of what he expects from his fellow justices of the peace. The enquiry also produces knowledge by providing a forum for “seeking” it out. As I suggested in the previous chapter, John Gay searches for knowledge by using the trope of walking to conduct the reader through the streets of London. Movement, for Gay, represented the action of seeking and recording knowledge; it was an action that defined the eighteenth-century peripatetic poet. “Seeking” knowledge was tied to “visualizing” knowledge. On the microcosmic scale of Fielding’s Bow Street, the primary function of the *Enquiry* was to inquire into the nature of civil power and to visualize what aspects constituted “the Public.”

The *Enquiry* begins by reviving a history of the English Constitution to make the point “that the Constitution of this Country is altered from its antient State.” Against this revived historical narrative, Fielding makes it clear that definitions of power were at stake in the Town. Fielding concentrates on the word “political” in its most basic sense; his use of the word refers to the administration of power. Each “evil” (drunkenness, gaming, luxury, and the nonworking poor) gets its own section, and each section follows the same narrative: presentation of the vice, the history of English law in relation to the vice, and the imperative that the magistrate intervene to update the administration of these vices. What surfaces from this repeated pattern or narrative is not only an interrogation of the causes of each evil, but also a query into the ways administrative power should address them. That is, the form of the enquiry allowed Fielding to write on a discursive level; thus, he could critique the nature of English authority in the Town as well as specific crimes. The magistrate was necessary to critique London’s administrative strategies.

Manners stand at the boundary between the political and the moral traditions with which Fielding was working. It is not surprising that Fielding’s *Enquiry*, which examines previous ways of administering power, includes conduct as an integral component of “Power”: 
Now in this Word, The Constitution, are included the original and fundamental Law of the Kingdom, from whence all Powers are derived, and by which they are circumscribed; all legislative and executive Authority; all those municipal Provisions which are commonly called The Laws; and, lastly, the Customs, Manners, and Habits of the People. These, joined together, do, I apprehend, for the Political, as the several Members of the Body, the animal Oeconomy, with the Humours and Habit, compose that which is called the Natural Constitution. (Enquiry, 65)

The Customs, Manners, and Habits of the People, do, as I have said, form one Part of the Political Constitution; if these are altered therefore, this [Constitution] must be changed likewise; and here, as in the Natural Body, the Disorder of any Part will, in its Consequence, affect the whole. (Enquiry, 67)

The above passages make it clear that power partly resides in conduct, in “the Customs, Manners, and Habits of the People.” Like Fielding’s characterization of the mob in the Case, the Constitution, the management of power itself, is humanized here and given “Customs, Manners, and Habits” that render it “Natural.” In conflating the “Natural Constitution” with the “Political Constitution,” Fielding represents his job as a natural duty because it uses conduct (“Customs, Manners, and Habits of the People”) to administer power.

The Enquiry begins to make space visible as it targets a “Commonalty” (Enquiry, 73) and tries to specify “the Public.” Fielding never outrightly defines what he means by “the Public,” but he does clearly define “the Commonalty” by illustrating the archive of conduct that this group inhabits. The conducts he describes were common to the Town at mid-century:

Now what greater Temptation can there be to Voluptuousness, than a Place where every Sense and Appetite of which it is compounded, are fed and delighted; where the Eyes are feasted with Show, and the Ears with Music, and where Gluttony and Drunkenness are allured by every Kind of Dainty; nay where the finest Women are exposed to View, and where the meanest Person who can dress himself clean, may in some Degree mix with his Betters, and thus perhaps satisfy his Vanity as well as his Love for Pleasure? (Enquiry, 79)
Fielding’s question is rhetorical; these conducts define the Town. Fielding never directly mentions the Town, yet his catalogue of conducts make the “Place” visible. Following this maneuver, references to “the Commoner” subtly change to “the inferior Tradesman” (*Enquiry*, 80). Fielding’s alteration of diction is a stylistic way to address the demographic makeup of the realm surrounding Bow Street, a place where conducts of Court and City intermingle to constitute a new “Commonalty.” Indeed, one of the hidden tasks of the *Enquiry* is to stabilize the identity of the people who fall under the Bow Street Magistrate’s jurisdiction. For Fielding, “the Commonalty” refers to people; “the Public” refers to the matrix of power that Fielding uses the *Enquiry* to reimagine and reinforce. He addresses issues in which “the Public becomes interested, and consequently the Legislature is obliged to interpose” (*Enquiry*, 78) to maintain “the Public Safety” (*Enquiry*, 172). The mercantilism of the city, the vagabonds of the country, and the misled nouveau riche of the Court constitute a “common” threat to quotidian stability, which is alluded to in the phrase “the Public.” To maintain this stability, the *Enquiry* seeks ways to administer “the Public” to the Town’s “Commonality.”

To outline strategies for exercising administrative power in the Town, Fielding organizes the *Enquiry* around a narrative that “trace[s]” the past, present, and future of a Town tainted by uncontrollable luxury “which Rome itself had run before it; from virtuous Industry to Wealth; from Wealth to Luxury; from Luxury to an Impatience of Discipline and Corruption of Morals, . . . [and to] its original Barbarism” (*Enquiry*, 74). Rome’s historical narrative underwrites Fielding’s Town, and he concludes the *Enquiry* by proposing to intercept this historical narrative:

Thus, I have, as well as I am able, finished the Task which I proposed, have endeavoured to trace the Evil from the very Fountain-head, and to shew whence it originally springs, as well as all the Supplies it received, till it becomes a Torrent, which at present threatens to bear down all before it.

And here I must again observe, that if the former Part of this Treatise [addressing robbery, gaming, and drunkenness] should raise any Attention in the Legislature, so as effectually to put a Stop to the Luxury of the lower People, to force the Poor to Industry, and to provide for them when industrious, the latter Part of my Labour [addressing manners of execution] would be of very little Use; and indeed all the Pains which can be taken in this latter Part, and all the Remedies which can be devised,
without applying a Cure to the former, will be only of the palliative Kind, which may patch up the Disease, and lessen the bad Effects, but never can totally remove it. (Enquiry, 171–72)

The guiding assumption in this conclusion is that the Town’s criminal narrative can be derailed. “If” customs of luxury are properly addressed, then Fielding suggests that executions will not be necessary. “If” customs of luxury are ignored, then Fielding can suggest ways to systematize the proper conducts of executions. The Enquiry offers a catalog of corrective solutions that readers can use to derail Rome’s apocalyptic narrative in London. Interception is not Fielding’s job as Bow Street Magistrate; he simply enables others to make this interception.

Finally, similar to Gay’s self-conscious maneuvering at the close of Trivia, Fielding uses the Enquiry to clarify the function of his new position. Fielding never represents his position as a “professional” office. Bow Street is instead an administrative realm separate from those of established professions: “The mere Lawyer, however skilful in his Profession, who is not versed in the Genius, Manners, and Habits of the People, makes but a wretched Politician” (Enquiry, 66). To be Bow Street Magistrate, it is not enough to be “skilful in” a “Profession”; instead, one must manage the “Genius, Manners, and Habits of the People.” Fielding delegates to himself an authority beyond that of professionalization:

It is a common and popular Complaint, that the Justices of Peace have already too much Power. Indeed a very little is too much, if it be abused; but, in truth, this Complaint proceeds from a Mistake of Business for Power: The Business of the Justice is indeed multiplied by a great Number of Statues; but I know not of any (the Riot Act perhaps excepted) which hath all enlarged his Power. And what the Force of that Act is, and how able the Magistrate is, by means of the Civil Power alone, to execute it in any popular Commotion, I have myself experienced. But when a Mob of Chairmen or Servants, or a Gang of Thieves and Sharpers, are almost too big for the Civil Authority to suppress, what must be the Case in a seditious Tumult, or general Riot of the People? (Enquiry, 72–73)

The phrase “a mistake of Business for Power” exposes a crucial distinction that Fielding makes while creating and regulating the position of magistrate. The magistrate’s “Business” is to perform duties; however, “Power” refers to something much more complicated. The Bow Street Magistrate has
the power to regulate, or even support, the Town’s possible conducts, and Fielding recognizes that no other established profession can address this issue. Fielding promotes a completely different practice using the discursive model we see in *Tom Jones*; he develops an “administrative” practice.

By “administrative practice” I mean Fielding’s systematized “Method” for presenting alternative endings and alternative conducts. When Fielding writes the *Enquiry*, the moment is ripe for distinguishing and specifying this new type of administrative power:

> In plain Truth, the principal Design of this whole Work, is to rouse the CIVIL Power from its present lethargic State. A Design which alike opposes those wild Notions of Liberty that are inconsistent with all Government, and those pernicious Schemes of Government, which are destructive of true Liberty. (*Enquiry*, 73)

As in the *Charge*, the Magistrate’s duty operates on a discursive level—that is, on the level of administering power to others through printed text. His decision to aggrandize the power of the magistrate is entirely consistent with his conceptualizing the areas of his jurisdictions in terms of conduct. Fielding dispenses with antiquated legal machinery that has failed to update itself to deal with the Town’s contributions to an image of London. At the same time, Fielding’s version of administrative power subdues at least one possibility: “Anarchy.” This new, middle-of-the road practice creates and manages power while maintaining a constant discussion of alternative endings. Fielding explicitly phrases these administrative goals in terms of civil power in the preface to the *Enquiry*: “[T]he Power of the Commonality hath received an immense Addition; and that the Civil Power having not increased, but decreased, in the same Proportion, is not able to govern them” (*Enquiry*, 73). “Rous[ing]” the “Power” does not mean reviving a previously defunct administrative model; instead, it signifies a need for the magistrate to launch a temporary mechanism—a project—that will make the power of the Bow Street Magistrate exceed the commonalty’s power. In Fielding’s specific case, this temporary mechanism consists of printed text and the metaphor of conduct. Printed text, and its proliferated use in Fielding’s office, is the new technology for “rousing CIVIL Power”; it is the means by which he can force new modes of government to apply, or to catch up to, the Town’s population. Textual technology eventually brings the Bow Street Runners into being; however, this model is only temporary. Scotland Yard is not yet necessary.
Fielding exploited the administrative possibilities of the eighteenth-century charge, case, and enquiry, as he did those of the eighteenth-century novel, to create and manage a way of publicizing his own behavior and social function. In combination with the self-defining potential Fielding saw in textual traditions of civil prose, the metaphor of conduct generated public credibility. Fielding’s civil prose, in accruing social authority by rearranging readers’ expectations, made the writer of the Town a newly visible and credible component of London. Thus, Fielding’s Bow Street prose suggests a more complex London in which writers and publishers perform a specific social function: they provide readers with the moral instructions necessary to interpret urban surroundings and their occupants properly. Although Fielding was able to accomplish this instruction from a position outside traditional professionalized and authoritarian practices, the stylistic manner in which he acquired credibility as a textual magistrate suggests that urban planning was exercised in the Town during the mid-eighteenth century, even if this planning operated on the imaginative level of metaphor. Although these metaphors were conveyed in printed text, Fielding imagined that they were powerful enough to effect social change by operating in his readers’ minds. Not surprisingly, Fielding’s Bow Street project was designed concurrently with the 1751 appearance of Westminster Bridge. In the next chapter, I address how poets tried to reimagine poetic traditions so that they could participate in building London’s projects for urban improvement.