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HENRY FIELDING'S PROPOSALS FOR AN INTERNAL BRITISH PASSPORT SYSTEM

Although Henry Fielding's political writings have long generated considerable scholarly interest, his detailed proposals for an internal British passport system have so far been neglected.¹ From the point of view of impact, this is not surprising; unlike his police reforms (Downie 114), Fielding's reflections on the benefits of controlling and curtailing the geographical mobility of the lower classes had no immediate or long-term legislative outcomes. Nor is this neglect strange in terms of prominence; when discounting the author's wide-ranging survey of legal precedents, the passport proposals consist of just a handful of paragraphs in the 1753 pamphlet "A Proposal for Making an Effectual Provision for the Poor". Nevertheless, these proposals are important for an understanding of Fielding's politics as expressed in both his social commentary and his fictional works. As I argue in this essay, they not only represent one of the earliest, comprehensive designs of a British passport regime, departing from existing eighteenth-century settlement requirements in that they target the mobility of the poor in the abstract, as something inherently undesirable and politically suspect. The passport proposals also enable us to undercover a hitherto unacknowledged nexus of mobility and movement control that forms a central concern in Fielding's later writings. Finally, Fielding's advocacy of extensive movement control compels us to re-examine the relationship between the political pamphlets and the novels. At first glance, this relationship seems paradoxical since the former body of writing seeks to outlaw the restricted mobility that provides the narrative basis for the latter. Yet, as I suggest by way of conclusion, the desire for movement control also manifest in the fictional realm in the guise of formal strategies for containing the protagonists' itinerant ways.

Movement control and passports are in some respects at odds with the dominant liberalist strand of British political thinking and have often been denounced as a mark of tyranny.² In fact, the difference between the political cultures of Britain and continental Europe are rarely as apparent as in the different historical uses of the passport as an instrument of control and surveillance on either side of the English Channel. In a process beginning in the late Middle Ages and reaching its first culmination in the wake of the French Revolution, the continent as a political space was profoundly re-configured by the introduction of increasingly restrictive passport measures that made both internal and international mobility subject to extensive control (Fahrmeir 101-4; Torpey 18-20). By contrast, British governments throughout this period sought to keep the poor settled in their home parishes, yet stopped short of establishing a comprehensive movement control regime complete with internal borders, highway police, and a centralised passport administration. This legislative disparity correlates with different assumptions about mobility and personal freedom. Whereas absolute monarchies on the continent promulgated the idea that freedom of movement was a privilege granted by the king, the parliamentary system in Britain was associated with the view, not always fully respected, that free mobility was the right of every British citizen; significantly, the right to depart from the kingdom and return safely was enshrined in law as early as in the founding document of British parliamentarism, the Magna Carta (c. 42; Lloyd 37-38).

Fielding's discussion of movement control and its political utility consists of two parts: an argument concerning the social harm caused by freedom of movement, which is put forward in "An Enquiry into the Causes of the late Increase of Robbers"

(1751), and a set of practical movement control measures presented in “A Proposal for Making an Effectual Provision for the Poor” (1753).

When analysing the social causes of what contemporaries routinely regarded as a surge in theft and violent crime (Beattie 420-21), Fielding points to the usual suspects of eighteenth-century social commentary, namely “luxury” and idleness among the lower classes; it is because the poor have aspirations beyond their station in life, because they indulge in gambling, drinking and “too frequent Diversions”, and because this indulgence makes them reluctant to work for their keep, that robberies have become rampant across the nation (*Enquiry* 77-98). Yet, although rarely commented upon in the scholarly literature, the question of mobility and movement control is in fact just as central to the author’s diagnosis as these more conventional explanations. According to Fielding, the unrestricted mobility, or “wandering”, of the poor is a strong encouragement to criminal behaviour: it not only releases “idle persons” from the social control of the parish and forces them onto a path of beggary and theft, but also increases the “Probability of escaping Punishment” (130). Free mobility must therefore be regarded as “one principal Cause of the Increase of Robbers as it is the chief Means of preserving them from the Pursuit of Justice.” (138)

The association of vagrancy and crime has long medieval and early-modern antecedents and can at least be traced back to the reign of Elizabeth I (Anderson 17). Fielding himself conducts a review of the voluminous body of past legislation against vagabonds, from the semi-mythological provisions of Alfred the Great in the ninth century to the recent Vagrancy Act of 1744 with its elaborate taxonomy comprising the three main categories of “idle and disorderly Persons”, “Rogues and Vagabonds” and “incorrigible Rogues” (141). According the author, however, these various legislative measures have all failed to address the core of the problem, which is seen to reside, not in distinguishing between legitimate and illegitimate forms of wandering, but in the very act of wandering itself; as he notes with reference to the Vagrancy Act, “*Wandering* is of itself made no Offence” (142). For this reason, any attempt to remedy the interrelated problems of poverty and crime must be begin by curtailing the free mobility of the lower classes: “Where then is the Redress? Is it not *to hinder the Poor from wandering*, and this by compelling the Parish and Peace Officers to apprehend such Wanderers or Vagabonds, and by empowering the Magistrate effectually to punish and send them to their Habitations?” (144)

Thus, what sets Fielding’s suggestions apart from past attempts to control the mobility of the poor, is the fact that they amount to a wholesale criminalisation of vagrancy, a category understood very generally to include all “Wanderers from their lawful Place of Abode” (142-43). Whereas past forms of movement control were tied to local political agendas such as wage control or social policy, Fielding’s proposals are designed to “rouse the CIVIL power from its present lethargy” (*Enquiry* 73), that is, strengthen the administrative and juridical power of the state. While clearly anchored in British legal tradition, the proposals thereby partake in a transnational tendency, closely connected to the emergence of modern passport control, to associate sovereignty with the “monopolization of the legitimate means of movement” (Torpey 3). For Fielding, movement control is no longer simply a strategy for disciplining beggars, but a key instrument of territorial power projection and hence a means of transforming the traditional state into a modern “power container” (Giddens 13, 120-1).

The implementation of these precepts is a central concern in “A Proposal”, which includes among its many practical suggestions a set of guidelines for a British passport system. The key paragraph makes the free mobility of the lower classes – the vast

majority consisting of wage-labourers – conditional on the possession of a “Pass” issued by local officials:

XVI. [I]t shall be lawful for any of his Majesty’s Subjects to seize all suspicious Persons who shall be found wandering on foot about the Fields, Lanes, or Highways, or in the Streets of any of the Towns [...]; and if such Persons shall not give reasonable Satisfaction to him or them, by whom he or she is apprehended, that he or she belongs to the said County, and is going on some lawful Errand or Business, or if he or she belongs to any other County, or is then six Miles distant from his own Habitation, and shall not produce a Pass or Certificate signed by some Magistrate, Minister, or Churchwarden, expressing whither or on what Account he or she is then travelling, it shall be lawful for the Party himself so apprehending such Person before some Justice of the Peace, who shall examine the said Person; and if he or she shall appear to be a Wanderer or idle Person, and shall have no legal Pass as aforesaid, such Justice may commit him or her to the County-house [...], there to remain till the next Quarter-Sessions, or for any less Time, at his Discretion (*Proposal* 240-41).

When Fielding in this paragraph draws a circle of 6 miles radius around the home parish, which the poor are banned from leaving without special permission in the form of a “pass”, it is, at first glance, simply a restatement of the long-standing British system of “parish serfdom” (MacKenzie 617-18). This system, which was established by the 1662 Act of Settlement, allowed individual parishes to send home any poor person who was not legally settled within their bounds, and it even involved a passport-like “certificate” to be carried by itinerant workers and migrants (Torpey 18-19; Zirker 15-17). In fact, Fielding’s proposals are much more far-reaching. Whereas the settlement laws only concerned themselves with the wandering poor insofar as they became public liabilities, Fielding proposes to ban wandering altogether as a blanket solution to a range of social, economic and legal problems. If the category of “suspicious Persons” remains indeterminate, it is likely not so much an oversight as an indication of the sweeping scope of the proposed passport system. According to Fielding, anyone should be deemed suspicious who is “wandering on foot” and lacks the key attributes of self-reliance: employment, ready money and a permanent place of abode.

Early modern passport regimes suffered from a fundamental discrepancy between the political ambitions underlying them and the administrative and technological resources available for their effective implementation. Fielding’s scheme does not fix this flaw. However, the design of his internal passport system does take important steps towards a modern movement control regime and prefigures the modernization of the passport system that took place on the continent in the wake of the French Revolution (Torpey 21-56). Apart from detailing the groups of people obliged to carry a “Pass” when travelling, the author also specifies which parish officials should be authorised to issue passes and the exact circumstances under which the intended journey past the 6-mile boundary can be regarded as legitimate (there are three: to conduct business, search for employment, and pay infrequent visits to close relatives) (*Proposal* 241). Further, while stopping short of introducing pre-printed passport forms, Fielding advocates the use of a standardised model to be used for all passports across the country, thereby once again foreshadowing the uniform administration that from the late eighteenth century became a core component of European passport systems:

Parish of ____ Permit A. B. the Bearer hereof, to pass to the Town of *Middlesex Shaftesbury* in the County of *Dorset*, and there to remain during the Time limited in this Pass, he behaving himself orderly and according to the Law. Given under my Hand this 10th of Nov. 1752. C. D. Minister of the said Parish.

This Pass to continue in Force one Month from the Date hereof inclusive, and no longer (*Proposal* 241-2).

As a final component, Fielding attempts to address another weakness of early modern passport systems, namely the fact that they possessed no dependable means of establishing that the bearer of the passport was in fact identical with the person to whom the passport had been issued. As a London magistrate, Fielding engaged in innovative experiments with dissemination of personal descriptions as a way of continuing the pursuit of criminals beyond the range of the traditional “hue and cry” (Fielding, *Covent-Garden* 401; Radzinowicz 1: 46, 56). However, even though such descriptions were soon to become a standard feature of passports, Fielding opts instead to protect his passport system against fraudulence by imposing harsh penalties for counterfeiting or misappropriating a pass; classified as a “very high Misdemeanour”, misuse of passes is to be punished by “severe whipping” and hard labour for a period between 6 and 12 months (*Proposal* 243).

Unlike his police reforms, Fielding’s proposals for a British passport system remained unheeded; in fact, rather than introducing new control measures, the British government would eventually, towards the close of the century, loosen the remaining restrictions on internal mobility so as to facilitate the formation of a national labour market (Polanyi 81-2). Nevertheless, Fielding’s passport proposals raise a number of important questions concerning the status of mobility and movement control, not just within the author’s political writings and in the context of eighteenth-century strategies of governance, but also in his novelistic works. **Thus, it has often been noted that a marked contrast** exists between the authoritarianism of Fielding’s political writings and the rowdy, almost carnivalesque aspects of his novels; and it is worth recalling that the author pursued these activities concurrently, so that, for example, *Tom Jones* (1749) was completed during his first months of tenure as Bow Street magistrate, while the political pamphlets appeared not long after, in 1751 and 1753. A consideration of Fielding’s passport proposals seems to transform this contrast into an outright paradox, centred on conflicting attitudes towards mobility: while Fielding the political reformer wanted to “*hinder the Poor from wandering*”, regarding this type of mobility as a main cause of crime and social disorder, Fielding the novelist depended to a considerable extent on wandering as an instigator of narrative – in both *Joseph Andrews* (1742) and *Tom Jones* the narrative impetus comes from the roving wandering of protagonists repeatedly characterised as “vagabonds” and “vagrants”, while individual episodes often focus on “suspicious” or nomadic characters encountered on the road: highwaymen, beggars, run-away wives, decommissioned soldiers, hermits, thieves, and gypsies. Within the corpus of Fielding’s writings, the novelistic dependence on mobility seems to be fundamentally at odds with the political insistence on movement control.

This paradox could be explained simply as a biographical fact – a result of Fielding’s parallel, but not necessarily congruent, career paths in law enforcement and literature. However, it can also, more productively, be taken as an opportunity to re-examine the relationship between these activities, thereby paving the way for a better appreciation of how Fielding’s political views resonate in his fictional works. In the case of the picaresque novels, such a re-examination would uncover the ways in which the author, on the one hand, exploits free mobility for narrative purposes while, on the other hand, countering and containing it by means of formal innovations, above all the teleological narrative structure that directs all itineraries towards a final end-point and the authoritative narrator who knows at all times *who* and *where* the individual characters are. Seen in this light, Fielding’s novels of the road are characterised

by the deployment of narrative, not only as an “authoritative resource”, as John Bender has suggested (139), but as a system of movement control.

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Although actual legislation remained comparatively moderate throughout the eighteenth century and protected the freedom of movement of all but the poorest members of society, British political philosophers were not oblivious to the potentials of passport requirements as an instrument of power. In their utopian writings, early modern authoritarians such as Thomas More and Francis Bacon had already called for strict control of movement within and across territorial borders (More 75; Bacon 56-59), evidently regarding such control as an indispensable means of upholding social order.

Bacon, Francis. *New Atlantis and The Great Instauration*. Wheeling, IL: Harlan Davidson, 1980. Print.

More, Thomas. *Utopia* (1516). London: Everyman, 1994. Print.

- Sections 1) expansion, 2) technology
- punishment on not returning at the expiration of the pass.
- The fact that Fielding wants to put in order the existing or past legislation, not invent things from scratch. However, his suggestions nevertheless are innovative and points forward to a modern passport system,.

new understanding of the integration of the novel with the key social problems of the day.

This paradoxical relation between mobility and movement control in Fielding's works provides us with an opportunity to rethink the formal innovations of the author's picaresque novels. Taking a lead from John Bender, who speaks of Fielding's 'deployment of narrative as an authoritative resource', it can be shown, for example, that while these novels rely on free mobility, they also control this mobility by making it subservient to a final, teleological goal, which brings all wandering to an end.

Yet this interpretation would open up a much larger question, namely concerning the fundamental changes that happened to the genre of the novel in the second half of the eighteenth century. J. Paul Hunter argues that the eighteenth century novel "nearly always involves extensive movement through space, conceiving time as a journey or series of journey", and further contends that this is true even of novels, such as *Pamela* or *Journal of the Plague Year*, that focuses on internment or captivity – it is precisely the "unavailability of free movement [...] that gives them their sense of compressed energy and frustrated threat."¹ However, this unrestricted freedom of

¹ J. Paul Hunter, *Occasional Form* (Baltimore & London: Johns Hopkins University Press, 1975), p. 144.

movement increasingly came under pressure in the later parts of the century, and on the continent, at least, it gradually disappeared in the face of ever stricter passport requirements. The introduction of effective passport system led to a comprehensive rearticulation of the political space both nationally and internationally, and it seems highly probable that this process also impacted on the prevailing structure of the European novel, specifically by initiating a decline of the picaresque genre and the rise of the more settled and domesticated novel that became dominant in the nineteenth century.² The complex and far-reaching relationship between the passport and the novel has yet to be elucidated, yet Fielding's passport regime, as well as the narrative attempts at movement control in Fielding's novels, would be a fitting place to start.

- Passports are internal
- Double bookkeeping
- Outlawing wandering

"Parish serfdom". 1662 Act speaks of "certificates". Yet this do not imply that movement is restricted or somehow disallowed; it is simply a measure for upholding the system of "parish serfdom", whereby parishes were obliged to provide care one for its one poor, not those arriving as migrants. Polanyi?

The striking difference between Fielding the novelist and Fielding the pamphleteer (zirker, p. 56).

These dual roles give rise to an apparent paradox between the judge's stern defence of social order and the novelist's carnivalesque joy in social disorder. Yet the question of mobility widens the chasm significant. Fielding's novels, particularly *Joseph Andrews* and *Tom Jones*, depend in terms of narrative on precisely those unrestrained movements that Fielding's passport regime aims to obliterate; and even though this free mobility in the novels is surrounded by a certain moralism, this is where the novels derive their humour and their energy.

Fielding's strategy for combatting these domestic nomads is the draw a circle with a diameter of 6 miles around their home parishes and make any movement beyond this circle dependent on official permission in the form of a passport. Passport requirements of this kind were already in place in most of continental Europe. However, as a consequence of piecemeal legislation, passports were typically issued on an ad

² This connection was made for first (and to the best of my knowledge, only) time by German literary historian Friedrich Schlegel as early as 1812. Cf. Friedrich Schlegel, *Geschichte der alten und neuen Literatur* (1812), in: *Studienausgabe* vol. 4) (Paderborn: Ferdinand Schöningh, 1988), p. 154.

hoc basis by a motley range of authorities ranging from the parish priest to the monarch and adopting at best a semi-codified format.

Thus, Fielding not only proposes a system of double entry, allowing curfew times to be enforced and absentees to be pursued; he also prescribes a standardised format for the British passport:

As was invariably the case in passport legislation prior to the French Revolution, Fielding's passport regime is predicated on a principle of social rather than national discrimination, and consequently the proposals are less concerned with international travel than with what might be called domestic nomadism; the problem lies in the wandering of the poor, which allows them to escape local control mechanisms and makes them a burden on society.

This desire to control the movements of "vagabonds" and "rouges" had been a longstanding ambition of successive British governments since the Middle Ages, and this ambition had resulted in a host of acts seeking to outlaw the various types of suspicious behaviours to be found on the highways. Indeed, this ambition had continued in Georgian times, the last major act on the matter having been introduced on six years before Fielding's pamphlet, in 1744. This "Vagrant Act" specified in great detail what constituted vagrancy and seems to offer blanket coverage. Yet Fielding is not content. As he observes, the various acts, including the most recent, target specific types of vagabonds, but they do not make vagrancy itself a punishable offence (26). In proposing to outlaw vagrancy, Fielding takes a decisive step that goes far beyond anything found in past British legislation. While the traditional British view (which Fielding quotes disapprovingly) had held counted freedom of movement as an right of any British subject, the author here opts for a continental, absolutist position, holding that movement is fundamentally illegal for poor people, yet can allowed given possession of a proper passport.

Immediately recognisable due to clothing, luggage, comportment, and the fact that they were invariably "wandering on foot" (which in itself was a cause for suspicion),³ these people owed their unenviable status to three privations: the lack of steady employment, of ready money, and above all of a fixed and permanent place of abode. They would invariably be travelling on foot, which in itself was a cause of suspicion, and since they had no legitimate means of subsistence, it could be surmised that they would resort to begging or thieving.

In this article I call attention to what might be the first considered proposal for a British passport regime along the lines of Europe, namely Henry Fielding's remark in his important 1753 pamphlet *An Enquiry into the Causes of the Late Increase of Robbers*. I shall make two arguments. Firstly, in spite of the fact that the passport proposal has rarely been commented on and does not even get a mention in what is still the main

³ Cf. Richard C. Cobb, *The Police and the People* (Oxford: Oxford University Press, 1970), p. 243.

authority on the subject of Fielding's political pamphlets (Zirker), the section on the passport in this text are crucial to an understanding of the mature Fielding's political thinking. Secondly, that Fielding's provisions for a modern passport system raises a series of questions concerning the relationship between Fielding's ideas of social control and his novelistic writing. Ultimately, as I conclude, Henry Fielding's passport regimes leads to a revision of the prevailing understanding of this author's dual role as a judge and political reformer and a writer of satirical, picaresque novels.

Various statutes, typically the successive Poor laws and Aliens Acts, also included passport legislation, yet within this document being required uniformly of all travellers, as had become the norm in Europe in the second part of the eighteenth century.

Although Middle Ages and early modernity saw several attempts on the part of English governments to introduce effective systems of controlling mobility across, the British Isles would be far behind the European continent in matters of passport legislation up until the outbreak of World War I (Lloyd; Torpey). The reason for this failure to establish a modern passport system is complex and encompasses both geographical, economic and political factors, as well as the relative liberalism of English governments vis-à-vis the absolutist regimes on the continent

Due to the absence of proper movement control, criminal can simply abscond from the scene of crime to a different location – whether near or far makes little difference in the absence of a proper national police. Discussing the wandering of the poor as a main cause of crime, Fielding explicitly makes this more important than the social causes, since these cannot easily be remedied:

Yet this is not simply a paradox, but first and foremost an occasion to rethink the formal innovations of Fielding's picaresque novels, for example by investigating how the narrative structure of these novels rely on free mobility, yet also controls this mobility by making it subservient to a final, teleological goal; or alternatively by studying how Fielding's famous omniscient narrator carefully husbands information concerning the true identity of the characters. In this way, Fielding's musing on a British passport regime presents a call to investigate the narrative control of identities and movements in Fielding's novels.

¹ Malvin R. Zirker's authoritative study of the pamphlets barely mentions the passport proposals and tends to downplay the importance given to controlling the mobility of the poor (54-5). See also Cleary (281, 298-9).

² For a classic statement, cf. William Paley's *The Principles of Moral and Political Philosophy* (1785): "The liberties of a free people [...] permit not those precautions and restraints, that inspection, scrutiny, and control, which are exercised with success in arbitrary governments. For example, the spirit of the laws, and of the people, will not suffer [...] passports to be exacted from all persons entering or leaving the kingdom" (541-2).