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Bentham's Calculus: The Economy of Coercion and Mechanisms of Security



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Abstract

For Bentham, security is the ultimate goal of governmental intervention and the fundamental criterion for determining how and to what extent the government should intervene. It consists of two intertwined dimensions, one of which is the protection of the ordinary course of life against all forms of interruption and encroachment, including crime, and the second is the safeguarding of people's expectations about the future, above all their expectations regarding property. At the heart of this conception of security lies a concern to preserve and maintain the social order and its existing distribution of property. As the ultimate criterion, "security" becomes the guiding principle that shapes Bentham's economy of coercion. He seeks to translate this economy into practice through various technologies of power and security mechanisms, which he categorises as "direct" and "indirect legislation". In practical terms, these manifest institutionally in forms such as "preventive police", "industry houses" or the "penitentiary". Although Bentham frequently and emphatically condemns coercion, repression and punishment in his writings, a closer examination reveals that this is not a normative moral judgement, but rather an economic evaluation; for the forms of intervention he envisages do not exclude coercion, but instead transform it into a usable resource to be employed strategically — depending on the extent to which the ultimate goal of "security" is perceived to be under threat. This article analyses the fundamental and intrinsic relationship between liberalism and coercion by considering Bentham's calculative approach to governmental interventions within this framework.

Keywords

Jeremy Bentham · Liberalism · Utilitarianism · Indirect legislation · Preventive police · Poor law · Pauper management



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Bentham's utilitarianism places a certain calculative rationality at the centre of managerial intervention with the well-known maxim "greatest happiness of greatest number". He not only defines human beings as absolute calculators in the face of "pain" and "pleasure" but also conceives the art of government as an activity of calculation. It is all about how to deploy the necessary instruments of intervention, drawn from the broader repertoire of governmental techniques, in the most effective and economic way. He asserts: "Arithmetic and medicine — these are the branches of art and science to which, in so far as the maximum happiness is the object of his endeavours, the legislator must look for his means of operation..." (Bentham, 1843d, p. 224). The art of the administrator and the legislator is to minimise coercion and sanction to the minimum possible level, and to ensure that the benefits to be achieved by them exceed the costs of their application. Any kind of governmental intervention, even the slightest restriction, is an evil and can only be justified if it is put in the service of a greater good (Laval, 2017, p. 37; see also Bentham, 1843b, p. 398). This sophisticated economy of governmental intervention is opposed to the wasteful use of force, but this does not mean that it is entirely excluded from the repertoire of government techniques or that its importance is diminished (Bentham, 1843a, p. 42).

Bentham's writings on legislation as well as his institutional proposals, which he designed and spent long hours to put into practice, even if unsuccessfully, can be seen as an effort to determine for what purpose, when and how much force the government will use. After all, as stated by Bentham: "The great object, the great desideratum, is to know what ought and what ought not to be done by government" (2004, p. 224). However, although the happiness maxim mentioned above is presented as a fundamental criterion governing this endeavour, it only functions as a remote measure. The measure that really governs the economy in question here is security, or more precisely, the preservation of the existing social order with all forms of economic relations and despite the pathologies it produces, and the way in which this measure is conceived is determined by the way in which property and, more narrowly, wage labour is conceived. In the literature on Bentham, only one aspect of his governmental aspirations has generally been emphasised. He is either the thinker of "the Panopticon in both its branches" (although the Panopticon also replaced

naked force, violence and torment with architecture, distribution of gaze and the power of habit (see Foucault, 1995)), of discipline, confinement and pauper management, or he is the thinker of the liberal art of government, liberal governmentality, which he calls “indirect legislation”. The fact that Bentham is the thinker of both of these types of governmental intervention can be seen as one of the many enigmatic contradictions supposedly present in him: Bentham the interventionist and Bentham the non-interventionist, (e.g. Harcourt, 2011, pp. 103–120; Quinn, 1997) or Bentham the egalitarian and Bentham the securitarian, etc. (e.g. Quinn, 2008). However, the aim of this paper is to show that there is not a contradiction between the two, but rather a complementarity, a complementarity that is controlled by managerial economics and the intertwined mechanisms designed for this purpose.

Rationale for Governmental Interventions: Seeking Security and Maintaining Social Order

The subject of analysis in Bentham's early works is the relationship between the sovereign and the mass of individual subjects who constitute the object of the sovereign's acts. The essence of this relationship is that the government, in the present sense of the legislator, controls individual behaviour. As Brunon-Ernst puts it, Bentham understands legislation as a form of controlling behaviour (2022, p. 244). In this relationship, the sovereign commands; and subjects obey. However, the analysis of the possible effects of these commands on subjects and the forms that the government should take in view of these possible effects takes on various dimensions in Bentham. There is no single form of commanding, it can take many different forms, and according to these forms —while exploiting the motives and impulses of individual subjects— it acts on the community in different ways (Hume, 1981, p. 84). Law and the sanctions it prescribes, especially those that take the form of punishment, constitute only one of these ways and are characterised by Bentham as “direct legislation”. On the other hand, this “direct legislation”, whose main form of intervention is punishment, is not the only way Bentham envisages to control the behaviour of individuals. “Utilitarian social engineering” (Brunon-Ernst, 2012, p. 67) aims



to influence not only the behaviour sanctioned by criminal law but also all kinds of human behaviour, and thus to explore the means of establishing social control (Hume, 1981, p. 96). These management techniques, which aim to go beyond law and punishment in the classical sense, are collectively called “indirect legislation” in Bentham.

It is also possible to take this distinction made by Bentham in a broader sense; because Bentham's definition of law is broad enough to cover what we understand as law today, as well as many things that cannot be included under this title (Brunon-Ernst, 2022, p. 244). Therefore, even though Bentham identified “direct legislation” with justice and punishment, all kinds of “direct coercive instruments” to be used to correct an existing social problem and “pathology” may also be considered within this scope. Seen in this way, “direct legislation” encompasses all kinds of Benthamite projects aimed at isolating and morally transforming the criminal population and the indigent population that is somehow connected to it. Both the Panopticon penitentiary, which Bentham designed for this purpose, and the complex of industrial houses called “National Charity Company”, which he designed as a coercive machine to extract the necessary labour force from the pauper population, can be understood as an extension of the category of “direct legislation” in this respect, as compared to a governmental strategy that aims to rely on already existing autonomous forces (*sponta acta*) and actions¹ (see Bentham, 1843a, p. 33). Both “direct legislation” understood in this way and “indirect legislation”, which we will discuss in more detail below, are forms of governmental intervention and in trying to understand them as techniques or an arts of government, it is necessary to look at the framework that Bentham draws in his theory about the purposes, the extent and the manner in which the government can and cannot intervene, and thus to take a brief look at their function within the Benthamite economy of government.

¹In fact, Bentham included the poor law within the scope of “indirect legislation” in his writings on the subject (Brunon-Ernst, 2022, p. 243). However, it is important to note that Bentham's terminology does not allow for a clear-cut classification between direct and indirect legislation. Many of the measures he categorises under indirect legislation in fact possess a direct character, just as numerous manifestations of direct legislation may have indirect objectives (Engelmann, 2003, p. 374; Quinn, 2017, pp. 15–16). Therefore, the permeability and interchangeability of this categorisation should not be overlooked.

Bentham states that “uncoerced and unenlightened propensities and powers of individuals” (2005, p. 216) cannot produce maximum well-being without the control and direction of the legislator (administration). Therefore, the responsibility of the administration is to ensure that the “most eligible course of conduct be pursued” (Bentham, 2005, p. 215, see also 1843a, p. 33). While the ultimate goal of government intervention is the principle of utility and thus the “greatest happiness of greatest number”, in Bentham’s thought this ultimate goal is divided into four separate goals: subsistence, abundance (opulence), equality and security (Bentham, 1843f, p. 301, 1843d, p. 211). However, of these four objectives, the government can intervene only in the name of security. The other goals cannot be achieved through governmental interventions but can only be achieved spontaneously within the framework secured by the government, largely as a result of natural interactions between people, i.e. the active pursuing of “interests” and the realisation of “personal freedom”. (See Bentham, 1843a, p. 33, 1843d, pp. 303–304). In Bentham’s theory, security becomes the overarching goal under which the other three objectives of government are subsumed, with the exercise of freedom —essential for achieving these objectives— constituting both an integral part of and a precondition for the ultimate goal of happiness (Bentham, 1843f, p. 302; Laval, 2017, p. 37).

If happiness is the realisation of expectations by individuals, this can only be possible through the exercise of secured liberties. Here, Bentham seems to have a contradictory conception of freedom. On the one hand, he defines freedom negatively, like Hobbes, as the absence of coercion, so it is as if freedom is an innate, spontaneous natural propensity. He says: “[Liberty] is not anything that is produced by law. It exists without law and not by means of law. It is not producible at all by law, but in the case where its opposite coercion has been produced [by law] before” (UCL Manuscript Box 69, 44 as cited in Long, 1977, p. 74; Rudan, 2016, p. 5). Thus, although Bentham says that freedom is not created by law and that the true product of law is security², this has the consequence of contradicting Bentham’s original assumption about liberty: liberty is a product of law, not a natural

²He states that “...the unrivalled work of Law, is not liberty, but security” (UCL Manuscript Box 69, 44 as cited in Long, 1977, p. 74).



propensity but a construct created by law indirectly, as an output of security (Bentham, 1843f, p. 302; see also Laval, 2017, p. 36). Therefore, when the aims of the government are in conflict with security, Bentham favours security; a security that will ensure the continuity of the existing social order comes before all other aims, namely equality, subsistence and abundance. When these become a threat to security, they must be reinterpreted from the perspective of security and, if necessary, subordinated to the social order and its preservation (Bentham, 1843f, pp. 302–303; 311; see also Laval, 2017, p. 37; Quinn, 2008, p. 330).

Therefore, Bentham's understanding of security will also give us his understanding of liberty. Security manifests itself in Bentham first and foremost (if we leave aside security against misrule) in two closely related dimensions. These are security against crimes and, as Marciniak puts it, "security against disappointment" (Marciniak, 2015, pp. 218–237). Security against crimes is close to the usual, everyday concept of security, where security is a situation in which there are no interruptions—including "crimes"—that would disrupt the ordinary course of everyday life. On the other hand, security against disappointment, i.e., the protection of one's expectations against disappointment (for Bentham states that "*Disappointment* is expectation thwarted" (1843g, p. 589)), is a special form of security provided by law and is an assurance that individuals will be able to exercise their rights in the future (Bentham, 1843f, p. 308). These two forms of security produced by law are deeply interconnected: one involves the definition of rights—understood as nothing more than legally secured expectations—while the other concerns the protection of those rights against potential infringements by others, whether through indirect means or, when necessary, criminal sanctions (Engelmann, 2017, p. 75).

However, taking into account that Bentham defined society not in terms of abstract calculating machines, but as a field of interaction of concrete subjects determined by their social positions and shaped by the institutions of government, what is the real object of "security against disappointment" concretely in the British society of the period? What is this principle all about? At this point, it must be recognised that Bentham's most serious concern was the maintenance of the existing fragile social order in a society divided into two classes by the unequal distribution of property. As Neocleous points out, the main

fear of liberalism is related to the “insecurity of property”, since the political subject of liberalism is above all the “self-contained” and “property-owning individual” (Neocleous, 2008, p. 30). Therefore, when this principle is adapted to property, it finds its concrete subject (Bentham, 1843d, p. 225, 1843e, p. 308). Bentham points out this intertwining by stating: “A modification of the security-providing principle, applying to security in respect of all modifications of the matter of property, is the disappointment-preventing principle” (1843d, p. 213). Because first of all “property” does not define an already existing state of “possession”; it is an “idea”, a “product of the mind”, first and foremost “an established expectation—in the persuasion of power to derive certain advantages from the object according to the nature of the case” (Bentham, 1843f, p. 308). The protection and guarantee by law of the property owner’s expectation that he or she can make use of an object as he or she wishes in the future is what turns an “idea” into a “property right.” Therefore, it is not possible to assert an expectation of property as a right when it is not secured by law (Rudan, 2016, p. 7). Bentham states: “Property and law are born and must die together. Before the laws, there was no property: take away the laws, all property ceases” (1843f, p. 308).

But what does this mean precisely in the case of the large sections of the population, the poor, who have no property—neither land nor capital? What exactly does it mean to preserve the expectations of those whose only property is their labour that they will be able to enjoy this property as they wish in the future? It could be argued that in the context of concrete property rights, the “expectation preserving principle” is nothing more than an indirect redefinition of “free wage labour” for large sections of the poor³ (e.g. Bentham, 1843e, p. 310, 2004, p. 68). For those who have nothing to sell but their labour, this principle could only mean that no one can be separated neither from their labour nor the product of it, that no one’s labour can be appropriated against their will. Bentham states: “What men want from government, is not incitement to labour, but security against disturbance—security to each for his portion of the matter of wealth, while labouring to

³As Bentham states: “... but secure to the cultivator the fruits of his labour, you most probably have done enough” (1843f, p. 303).

acquire it, or occupied in enjoying it" (1843a, p. 40). Labour is property at one's disposal, which one can sell as one wishes. However, Bentham, as well as his contemporaries, was well aware that free wage labour is not an "expectation" protected by law, i.e., a right, but rather an instrument of coercion (e.g. Castel, 2003, pp. 139–188). No one has the right to freely dispose of his or her own labour beyond the dictates of market conditions and the dictates of nature, i.e. "hunger" at work in society (Bentham, 1843f, p. 303). Those who "possess nothing" other than their labour are driven to work first and foremost by hunger—unless, according to the widespread fear of the time, they are driven to illegal means "against those who possess anything" (Bentham, 1843f, p. 309, see also 1843a, p. 40). The "expectation preserving principle" therefore has two completely different meanings for two different segments of the population. For those who own property of any kind, land or capital, it means the guarantee that they will be able to enjoy their property in the future without infringement. For those who own no property other than their labour, it means that they can "freely" sell their only property, their labour, and exchange their labour for a wage determined by the labour market, but for the poor, this so-called right secured by law becomes an obligation, whose actual and unmerciful sanction is starving to death. The poor sell their labour not out of a right to do so, but because they have no other choice.

The fact that this same principle means two different things to two different segments of the population is a consequence of the unequal distribution of property on which the whole social order is based and which Bentham characterises as "the natural condition of mankind" (Bentham, 1843c, p. 361; see also Rudan, 2016, p. 7); for "expectation [depends] upon the dispensations, meaning the known dispensations of the law" (Bentham, 1843g, p. 589). This is why "... the supreme principle of security directs the preservation of all these distributions" (Bentham, 1843f, p. 311). This inequality is not only inevitable and natural, but also necessary for "abundance/opulence" and even "subsistence", which are the goals of government; for according to Bentham "inequality is an inseparable accompaniment of opulence" (UCL Manuscript Box 17, 227 as cited in Brunon-Ernst, 2012, p. 116). Not only is the social order founded on these inequalities and must be maintained as such, but it is this inequality that makes the labour market work. "If all property were to be equally

divided, the certain and immediate consequence would be that there would soon be nothing more to divide. Every thing would be speedily destroyed... If the condition of the industrious were not better than the condition of the idle, there would be no reason for being industrious" (Bentham, 1843f, p. 303). A large segment of the population must own no property other than their own labour and must be dependent on selling it for subsistence, so that opulence, and thus the economic well-being of the whole society, can be realised (Bentham, 1843c, p. 362).

Although "security against disappointment" is seen as one of the functions of law, as a security that can be extended to the entire population and enjoyed by all, in practice it actually functions to secure the property rights of the property owners against the large sections of the poor who have to work in order not to starve to death, i.e. the dispossessed and their demands for "equality". As Anne-Brunon points out, "In order to guarantee security, ... care must be taken to ensure an acceptable level of inequality" (2012, p. 116). This is actually due to the paradoxical nature of the concept of security. Although security is posited as a universal good, its establishment inevitably presupposes threats to it and the adversaries as the sources of these threats (Zedner, 2009, p. 147). As Bentham asserts: "Hence Security, always tottering, always threatened, never at rest, lives in the midst of snares. It requires in the legislator, vigilance continually sustained, and power always in action, to defend it against his constantly reviving crowd of adversaries" (1843f, p. 307). This is the point where "security against disappointments" and the other sub-branch of security "security against crimes" intertwine. As Bentham points out: "It is thus that the non-penal branch of the law and the penal are both of them occupied in the establishing and securing every man in possession of his rights of all sorts" (1843d, p. 221). "Security against crimes" –or, in Bentham's words, "prevention of mischief by internal enemies"–marks the point at which the link between labour and subsistence that "security against disappointments" presupposes is broken. Subsistence is then sought through "illegal" means other than the sale of labour (Bentham, 1843d, p. 227). In such cases, the expectations of the owners of land and capital regarding their own property must be upheld—if necessary, through "punishment" or "justice", but preferably via "indirect legislation" or

“preventive branch of the police”, a more refined art of government and more compatible with the principles of liberalism (Bentham, 1843b, pp. 102–103).

First Mechanism of Security: Indirect Legislation and Preventive Police

Governmental acts that create rights and obligations intervene in the calculations of utilitarian subjects and aim to favour and strengthen “tutelary motives which excite to good” against “seductive motives which excite to evil” (Bentham, 1843e, p. 534). However, in this activity of the government, “direct legislation” has certain limitations that must be overcome by “indirect means.” Indirect legislation aims as much as direct legislation to ensure people’s obedience to the law and thus to the sovereign’s command (Bentham, 1843e, p. 534; Bozzo-Rey, 2017, p. 109) but the instruments of direct legislation are too noisy and costly, primarily because of the individual and collective suffering they cause. “Repression is an evil itself” (Laval, 2017, p. 44). Therefore, punishment, incarceration, banishment and all kinds of coercion are the last measures that should be resorted to only, if necessary, from the calculative perspective of the economy of governmental interventions. Therefore, it is necessary to discover and use indirect means, which Bentham collects under the heading of “indirect legislation”, to ensure that people’s behaviour can be directed and aligned with the governmental objectives without resorting to those final measures (Bentham, 1843e, p. 534).

Bentham’s theory of “indirect legislation” had a complex process of formation and publication; for this reason, it never had the opportunity to mature as a complete and coherent theory, and after a certain period of time, it was not explicitly mentioned by name in Bentham’s writings. Nevertheless, it is possible to say that it has always been present in Bentham’s writings as an approach, even if not in name, and that its influence is felt even in his later works (see e.g. Brunon-Ernst, 2022). This incompleteness caused “indirect legislation” to remain a vague, with Brunon-Ernst’s term “indeterminant” concept. Bentham usually dealt with this concept not directly, by drawing its framework and scope clearly, but by listing the measures he understood within this scope or by pointing out its differences with “direct legislation” (Brunon-Ernst, 2022). According to Bentham, “indirect legislation”



is first a new, little known, under-researched and “transcendental” art of government (Bentham, 1843e, p. 533). While in the case of “direct legislation”, the sovereign is directly and frontally orientated towards its target, in “indirect legislation” it attacks the possible (intrinsic or external) preconditions of the violation it seeks to prevent, by implicit and sometimes barely perceptible means, which “act either physically or morally upon man ... –to remove from him temptations to crimes, and govern him by his inclinations and his knowledge” (Bentham, 1843e, p. 534; see also Engelmann, 2003, p. 376). Furthermore, those means are “a wide ranging and open-ended set of elements.” The theory of indirect legislation shows that “Law is not only about prohibition and command. It includes all the other actions that help achieve a designated target” (Brunon-Ernst, 2022, p. 243).

In Bentham's contrast with punishment, indirect legislation is not retrospective but preventive. One of the most fundamental distinctions Bentham establishes between direct and indirect legislation is that punishment can only come into question after a violation i.e. a crime has occurred, while “indirect legislation” defines the governmental interventions made to combat possible crimes and transgressions before they have occurred (Bozzo-Rey, 2017, p. 116; Marciniak, 2017, p. 93). In an ideal situation, i.e., a situation in which the legislator does his job perfectly and every “subject of law” acts with complete rationality, no violations should occur, because the private man is the one who knows his own interests best and can best direct his behaviour in the name of these interests. Therefore, the first goal of criminal law should be the prevention, not the punishment, of all kinds of misdeeds and violations, and the regulation of social life in such a way that no violations occur (Quinn, 2017, p. 14). According to the conclusion drawn from this, the application of every criminal sanction is actually an indication of the incompleteness and imperfection of criminal law. As Bentham mentioned: “The mischief must ... have already taken place before the remedy can be applied. ... Every instance therefore in which the remedy comes to be applied ... adds to the instances in which it is inefficacious: and ... tends to render it unprofitable” (UCL Manuscript Box 87, 42; as cited in Quinn, 2017, p. 14). The conviction that criminal sanction is a consequence that comes into play only at the point where the criminal law is actually ineffective led Bentham to search for a more



efficient way of influencing and guiding human behaviour, free from the weaknesses of punishment imposed by the state.

For Bentham, there are three conditions for a voluntary act: *inclination*, *knowledge* and *power*. These constitute the three convertible grounds that can be taken into account in order to influence a person's behaviour. Legislation, whether direct or indirect, can guide individual behaviour by influencing three key elements through legal regulations: inclination (or intention), knowledge, and power (Bentham, 1843e, pp. 534–535). An individual will engage in a particular act if they possess the inclination or intention to do so, the necessary knowledge of how to perform the act, and the power or means to carry it out. Therefore, when a measure is desired to be taken against that action, the realisation of that action can be prevented by considering and designing measures that will weaken or transform these three elements individually or collectively. Either a person's desire or tendency to commit an act can be weakened, the asymmetry created in favour of the person by the knowledge the person possesses can be eliminated, or the person's power to commit the act can be weakened or eliminated (Laval, 2017, p. 44; Quinn, 2017, pp. 15–16).

While direct legislation seeks to influence an individual's desires and tendencies preventively through the anticipated pain associated with potential punishment, indirect legislation aims to preemptively eliminate both the desire to commit future violations and the capacity to realise such desires. It does so by intervening in the conditions of action, transforming the elements of knowledge, power, and will, and thereby broadening the scope of governmental influence (Marciniak, 2017, p. 92). Thus "indirect legislation" is anything that can be done to achieve a legislative objective by indirect means, not by directly prohibiting the act it seeks to prevent, but by attaching penal sanctions or administrative conditions to other acts that will make it possible, by intervening in the environment in which the act is likely to occur in order to prevent or complicate it and thus to try to trigger more remote effects or by instrumentalizing moral and religious sanctions (Engelmann, 2003, p. 374).

Indirect legislation, in fact, tries to affect the action that it wants to prevent from occurring, not with a sanction directly aimed at the person who is likely to commit that action, but with sanctions that try to transform the conditions that will make that action possible (Engelmann, 2003, p. 374 ff; Quinn, 2017, pp. 15–16). Bentham understood crime as an interaction between personal inclinations and desires (“intrinsic faculties of man”) and the environmental conditions (“persons and things”) that enable these inclinations to be realised and “without which he cannot act” (Bentham, 1843e, p. 535). Therefore, the preferences and calculations of the would-be-offenders can be managed through the transformation of these conditions. By transforming harmful environmental influences and possibilities, reinforcing transparency and publicity among people, disseminating knowledge and fortifying the power of religious and moral sanctions, it may be possible to “work upon these inclinations according to the direction which they take, and the effects which can be foreseen” (Bentham, 1843e, p. 539; see also Bozzo-Rey, 2017, p. 118; Quinn, 2021, p. 44). It is not a question of prohibition, restriction and suppression, but of leaning on existing autonomous forces, acts—*spontanea acta*—desires and preferences to mould them “through political measures and social techniques” (Laval, 2017, p. 43) in the desired and envisaged direction, to support and stimulate the useful ones, to strengthen them if they are weak, and to set them against the strong ones in order to establish a possible balance. The ultimate outcome of these measures is anchoring a utilitarian reflectiveness in each and every one to align personal interest with the interest of “greatest number.”

Although the relationship between Benthamite “indirect legislation” and “preventive police” has been pointed out by many (Hume, 1981; Marciniak, 2017; Quinn, 2021), this connection has rarely been the subject of a detailed examination and evaluation.⁴ One reason for this is probably that, despite the clear parallels between the two, Bentham avoided taking the concept of “police” as a central issue in his writings on “indirect legislation”. It is not plausible to think that Bentham was not aware of the concept, which was clearly mentioned in his several writings, one of which is his seminal work *An Introduction*

⁴Quinn’s article constitutes a significant exception in this regard, as he elaborates on the above-mentioned connection through a detailed and meticulous examination (see Quinn, 2021).



to *Principles of Moral and Legislation*. The fact that Bentham was worried about the possible opposition to the police, which was seen as an institution of French absolutism in the English public opinion of the time and was widely believed to be incompatible with English libertarianism, can be seen as one of the reasons why Bentham did not make direct reference to this concept (Emsley, 2007, pp. 57–58). Another possible explanation is that Bentham both thought that the concept covered a wider area than he meant by “indirect legislation” and believed that it did not have an easily graspable content (Bentham, 1843b, p. 102).

The most remarkable parallel between indirect legislation and preventive police is that both have a similar temporal orientation. Both indirect legislation and preventive police, describes a programme of intervention that is future-oriented rather than past-oriented. When it comes to crime prevention, both aim to intervene not in the specific individual manifestations of crime, i.e. “the very act which is obnoxious” (Bentham, 1970, p. 308), but in the conditions, social and physical environment that make these individual manifestations possible. Indirect legislation, according to Bentham, is primarily concerned with the prevention of crime (Bentham, 1843e, p. 533) and the measures he envisages for this purpose in his essay have important parallels with the measures envisaged in the police literature of the period. In this respect, the “indirect legislation” aims to achieve an effectively policed community through a continuous process of identification, observation, recording, information gathering and sharing, and guidance to harmless actions and pursuits in the name of security. As Hume points out, it is possible to read indirect legislation as “a sort of manual of preventive police” (Hume, 1981, p. 97).

This parallelism is the reason why Bentham's path crossed with that of Patrick Colquhoun, another important “preventive police” thinker of the period. Colquhoun and Bentham, probably completely independent of each other, had identified similar problems and envisaged similar solutions to them. As Bentham argued in his then unpublished text “Indirect Legislation”, Colquhoun argued in his “Treatise on the Police of the Metropolis” that both accessory offences through identifying, defining and prohibiting traffic of stolen goods should be made into separate offences and a detailed licencing system should be



organised for the potential receivers of those goods. Bentham also discussed accessory offences in detail in his text “Indirect Legislation” and advocated discretionary licencing of public houses (Quinn, 2021, p. 43). When this affinity was realised, Bentham took upon himself the task of putting Colquhoun’s measures into an acceptable legal form, since he had recently drafted legislation on the Panopticon and felt himself qualified to undertake this task as well (Quinn, 2021, pp. 114–115). He drafts two complete Bills. One of them is the Police Revenue Bill, which deals with “the general problems of Policing the metropolis and country districts”, envisaging the establishment of a central board of police (Hume, 1981, pp. 114–115). The other is the Thames (Marine) Police Bill, which aims to nationalise an already existing private policing practice. In addition to these two drafts, Bentham wrote a detailed explanatory material (Bentham, 2021).

The private police force was initially launched as a private venture at Colquhoun’s initiative and with the financing of the West Indian Merchants, in order to prevent alleged losses of hundreds of thousands of pounds each year because of the petty crimes—customary takings, “sweepings” and “scrapings” while handling and delivery of cargo on and along the Thames (Colquhoun, 1800, pp. 157–208; McMullan, 1998, pp. 149–151). After a year of “successful” operation, with one year’s worth of crime prevented, which Colquhoun claims could lead to a loss of over a hundred thousand pounds, Colquhoun wants to turn it into a public police force (Colquhoun, 1800a, pp. 208–235). Although the Police Revenue Bill failed, the Thames Police Bill was passed and the first public preventive police force in England was created, with 50 officers to enforce these measures. Its main purpose is to prevent the plunderage of cargo from moored ships and stacked cargo on clays and to prevent potential financial damage by securing the full process from discharge to delivery and by licencing and controlling the lumpers. In other words, it is first and foremost the protection of property, but more importantly the criminalisation of customary property relations that prevent the institutionalisation of wage labour in port works (Linebaugh, 1991, pp. 402–441; McMullan, 1998, pp. 149–151; Neocleous, 2000, p. 72 ff). Therefore, in essence, it is an organisation designed against the habitual “illegalities” that the working

class sees as additional income to their—normally low—wages, which are tolerated under custom (Emsley, 2005, p. 143 ff).

The Thames was then the main artery of commerce linking the colonial territories to the metropolis, and one-third of London's adult labour population was employed in jobs along or connected to the Thames (McMullan, 1998, p. 111 f.). In this respect, the provision of security in Colquhoun's, and thus Bentham's, project overlaps with the imposition of wage labour. Linebaugh even says of Colquhoun: "If a single individual could be said to have been the planner and theorist of class struggle in metropolis, it would be him" (Linebaugh, 1991, p. 427; see also Neocleous, 2000a, p. 75). The Thames River Police is a good example of how the two fundamental Benthamite principles of security should be understood as intertwined. While the "expectation preserving principle" or "security against disappointment" serves to protect the property of trading companies with warehouses along the Thames, "security against crimes" closes off the means by which workers can provide for their subsistence outside of "labour market relations", leading them simply to nothing more than the labour-subsistence nexus.

When both the Thames River Police and Colquhoun's and Bentham's proposals for the establishment of a "Board of Police" are analysed, we come across a system design that draws important parallels with Bentham's "indirect legislation", an art of governance that would allow everyone to interact with one another through indirect means and good legislation and thus the whole society to self-police itself. As Quinn points out, "Both the Thames Police Bill and the Police Bill attempted, in obstructing the trade in stolen goods, to address all three of what Bentham had identified in 'Indirect Legislation' as the necessary conditions for voluntary action, namely power, knowledge and inclination" (Quinn, 2021, p. 44). Through detailed licencing, recording, surveillance, inspection and observation, all three elements of the Benthamite schema of behaviour, namely inclination, power and knowledge, are attempted to be transformed. "In terms of using increases in public knowledge to reduce offences, reducing temptations to offend by increasing the difficulty of offending and providing organised invigilation or surveillance, the Police Bill appears to be no less than a systematic exercise in indirect legislation" (Quinn, 2021, p. 44).



Second Mechanism of Security: Pauper Management

However, there is a second dimension to this project (shared by Bentham and Colquhoun) which is largely determined by class categories. Colquhoun's writings accurately reflect the general feeling of his time: London may be the centre of a world empire, the heart of industrialisation and commerce, but it is also the centre of crime, vagrancy and social upheaval (Colquhoun, 1800b Preface). The aim is to control the poor and the lower classes, who are largely seen as a source of crime, and to keep a watchful eye on the border that separates the "honest" poor and industrious workers from the criminals and idlers. For him, one of the most important problems of poverty is the permeability of this boundary and the mixing and exchanges that can easily take place on this border (Colquhoun, 1806b, p. 13; Neocleous, 2000a, p. 82). Colquhoun points out that preventing an individual from falling from poverty to indigence is one of the most important tasks in establishing security, because every poor who becomes indigent turns into a loss for the social body. (Colquhoun, 1806b, pp. 10; 62; 80) Moreover, the source of crime is located precisely in indigence. "From indigence is to be traced the great Origin and the Progress of Crimes" (Colquhoun, 1800b, p. 356) is one of Colquhoun's fundamental ideas and is at the centre of his approach to crime prevention (Colquhoun, 1800b, pp. 352–380, 1806b, pp. 230–247).

One of the main issues on which Bentham and Colquhoun agree is that the internal dynamics of society are not sufficient to produce security. The market, as the main channel of social relations, cannot produce security; on the contrary, society and the market itself are to be produced by government interventions aimed primarily at security. Society is an output, a product of security interventions (the primary field of intervention of the government as mentioned above) (Rudan, 2016). Therefore, the use of political technologies to clearly draw this boundary between poor and indigence and to keep it under surveillance is necessary not only for security but also for the abundance and well-being of people. Ultimately, Colquhoun estimates that the livelihoods of around 115,000 people in London



are dependent on criminal activity and that this number will grow if this boundary is not drawn (Philips, 2003, p. 5). He writes:

Indigence therefore, and not poverty, is the evil... The great desideratum, therefore, is to prop up poverty by judicious arrangements at those critical periods when it is in danger of descending into indigence. The barrier between these two conditions in society is often slender, and the public interest requires that it should be narrowly guarded, since every individual who retrogresses into indigence becomes a loss to the body politic ... (Colquhoun, 1806b, pp. 8–9).

Colquhoun connects this evil that has almost taken over London with many different lines of social change: “the enlarged state of society, the vast extent of moving property and the unexampled wealth of the metropolis, joined in the depraved habits and loose conduct of the great proportion of the lower classes of the people...” (Colquhoun, 1800b Preface, 1800a, p. 40 ff, 1806a, pp. 68–78). A large part of the lower classes is prone to “dissolute and immoral propensities” and “vicious habits” (Colquhoun, 1806b, pp. 80; 82; see also Emsley, 2005, p. 62; Gatrell, 1990, p. 250).

Bentham agrees with Colquhoun on the necessity and importance of policing the poor “in the sense of seeking to influence their moral outlook” (Quinn, 2021, p. 48). In Laval's words “the goal is to educate the moral capacity of opinion ... and to instil the skill of moral judgement in such a way that penal repression and religious culpability will see their role decrease” (Laval, 2017, p. 48). Bentham and Colquhoun's collaboration on the “Police Bill” took place in the midst of a period in which Bentham was intensely interested in the “poor law” debates and critically involved in these debates with his criticisms against previous proposals, and in which he himself was trying to clarify his position and proposals in detail. Therefore, not only thematically but also temporally, it does not seem possible to separate the two projects that Bentham (and Colquhoun) included in the “agenda” of governance in the name of security—namely, pauper management on the one hand and “indirect legislation” or “preventive police” on the other (Hume, 1981, pp. 113–114). Just as Colquhoun, Bentham wanted too to centralise and nationalise policing



practices that had hitherto remained in the hands of the parishes, they similarly wanted to resolve the issue of poor relief on a national scale. This is Bentham's main criticism of Pitt's "small-establishment system": the fight against pauperism should be holistic, national and as effective as possible, not dispersed, localised, incoherent and therefore inefficient (Bentham, 1843h, p. 369 see also Bahmueller, 1981; Himmelfarb, 1970).

Their plan for preventive police with measures like appointment of police officers in London, on the Thames and in county districts, extensive licencing, inspecting and surveillance system as well as the measures for collecting and disseminating information about crimes and criminals on the unprecedented level is accompanied by the plan for the "pauper management" or as Colquhoun called it "pauper police" (Bahmueller, 1981; Neocleous, 2000b). The above-mentioned conviction that the first way to prevent crime is to prevent the labouring poor from falling into indigence is present in Bentham as much as in Colquhoun. "The police of charity, in drying up the most fecund source of crimes, becomes at the same time police against offences" (UCL Manuscript Box 62, 20 as cited in Quinn, 2021, p. 49). According to Bentham, poverty is not a problematic situation in itself, but the natural and "primitive" condition of man. "The man who lives only from day to day is precisely the man in a state of nature. The savage, the poor in society, I acknowledge, obtain nothing but by painful labour..." (Bentham, 1843f, p. 309). However, this does not mean that it has not benefited from the general progress of civilisation. Although the main function of the law is to maintain social order with existing property inequalities, the same laws "by creating property" "have been benefactors to those who remain in their original poverty" (Bentham, 1843f, p. 309). However, no matter how much social prosperity there is, these poor are always in danger of being deprived of even the possibility of getting through the day with their daily labour. They are "always liable to fall into [the] gulf [of indigence], from accident, from the revolutions of commerce, from natural calamities, and especially from disease" (Bentham, 1843f, p. 314). The only way to protect themselves from this abyss is to make "continued efforts" which can never be guaranteed to be sufficient (Bentham, 1843f, p. 314).

But it is, in a way, this situation of the poor on the edge of the abyss that keeps commercial society running. This is why Bentham opposes the intervention of law in this knife-edge situation, as long as it can be managed by the labour market, which he calls “economy”; for “The law which offers to poverty an assistance independent of industry, is, so to speak, a law against industry itself; or at least, against frugality. The motive to labour and economy is the pressure of present, and the fear of future, want: the law which takes away this pressure, and this fear, must be an encouragement to idleness and dissipation” (Bentham, 1843f, p. 314). However, this does not mean that laws should be completely indifferent and leave it to the law of nature. One reason for this is that, even if their indigent condition is partly attributable to their own imprudence and lack of diligence, punishing those who fall into this condition, even through no fault of their own, cannot be interpreted correctly by the rest of the poor, so that this kind of punishment cannot have the semio-technical function that Bentham attributes to all kinds of punishment (Bentham, 1843f, p. 314).

However, the second reason is more important. Considering that no punishment can deter a person who is torn between starvation and crime, indigence is not only a threat that drives the poor to industry but also to crime. In such a case, no punishment would be a deterrent; what is required is “a system that would provide some form of relief from indigence” (Bentham, 1843e, p. 543). However, this system must also be extremely well designed (Bahmueller, 1981, p. 157 ff.). First, Bentham advocates that outdoor relief should be cancelled with very few and very specific exceptions and that paupers should be confined in industry houses (Himmelfarb, 1970, pp. 87–88). Those brought to these houses have to live in the frugal conditions prescribed by the relieving authorities, since one of the basic principles of these houses is the less favourable conditions, they have to offer to inmates in order to create a deterrent effect (Bentham, 1843h, p. 384). “If the condition of the industrious were not better than the condition of the idle, there would be no reason for being industrious” (Bentham, 1843f, p. 303). The inmates in the Industry Houses should therefore be treated as a general economic resource that cannot be separated from the labouring poor outside and should be employed as efficiently as possible. “Not

the motion of a finger – not a step – not a wink – not a whisper – but might be turned to account in the way of profit in a system of such a magnitude” (Bentham, 1843h, p. 382). The inmates have to pay for the relief they receive in these houses, and therefore their capturing and maintaining costs, by working out with their own labour (Bentham, 1843h, pp. 369; 370; 382–383). Therefore, what Bentham most passionately advocates in this project is that the necessary profit can be obtained from even the smallest speck of labour, and that even in the case of indigence, the relationship between labour and subsistence can be reconstructed so that the financial burden created by the indigent can be placed back on them (Bahmueller, 1981, pp. 141–149; Quinn, 2008, p. 327). Here the entire indigent population is elaborately categorised in such a way that the necessary labour can be extracted from them in different ways according to their situation and locked up in a coercive machine structured in the form of the labour market. This machine is, on the one hand, a “joint-stock company” that aims to extract from the entire indigent population, including children and the disabled, even the smallest speck of labour so that they can pay for the relief they receive, and on the other hand, an institution of confinement, a Panopticon, to bring about the necessary moral transformation in this indigent population (Bahmueller, 1981; Himmelfarb, 1970).

The Economy of Governmental Intervention

Although Bentham was a follower of Smith, like many post-Smith political economists he recognised the paradoxical functioning of the market. Subsistence is one of the fundamental aims of government, but it is to be achieved not through government interventions but through the outcome of an independently functioning market, primarily through “security against disappointment”, i.e. “by securing the each the unmolested possession of the product of his labour” (Quinn, 2008, p. 323; see also Brunon-Ernst, 2012, p. 115). However, the market is not only the guarantor of subsistence but also the cause of the pathologies that undermine it. The pathologies produced by the market as an order of free interactions and by a society of free autonomous rational utilitarian individuals who find their own organising principle in the market cannot be solved by these mechanisms



themselves (e.g. Bahmueller, 1981, pp. 130–141). For this reason, governmental intervention as a necessary evil must come into play. For Bentham, as for his contemporaries, one of the most important of these pathologies, perhaps the most important one, is “indigence” and the crime, political turmoil and even revolution that indigence can lead to. The social order must be preserved with the inequalities that are an integral part of it, and the necessary security measures must be taken to prevent these inequalities from turning against the social order itself (Özel, 2024).

He, too, adopted the above-mentioned distinction between “hard workers” – rational, foresighted, autonomous individuals—on the one hand, and the “indigent” as a category that encompasses all those who do not work—those who cannot work to varying degrees and those who do not want to work—on the other (Dean, 1991, pp. 174–175). His solution to this problem, however, is to encompass both indigence and crime in a centralised security complex that is extremely comprehensive both in terms of the population it can contain and the variety of problems it seeks to solve. If “common humanity” is one of the principles on which Bentham draws support for helping the indigent, the other is “public safety”, although he later concludes that “common humanity” is not a strong enough argument to allow us to sympathise with a starving person. Helping the indigent would in fact mean securing “those who have something to lose in society against the attacks of those who have nothing to lose” (Quinn, 1994, p. 87). In cases where, as exemplified by the problem of indigence, market freedom fails to compel the poor to work and thus cannot reliably divert them from criminality, Bentham's project, grounded in his taxonomic and classificatory interest in the poor, is twofold: first, to deploy indirect means of government; and second, to design a utopian space—a socio-technological apparatus of coercion—capable of implementing tailored interventions for each sub-category of the redundant or residual population, with the aim of extracting labor and thereby reestablishing the disrupted link between subsistence and work (Bohlender, 2007, pp. 187–195; Dean, 1991, p. 177 ff.).

Bentham can be said to be an early thinker of individual interests aligned through invisible chains with governmental aims, a society of mutual control and thus of government through liberty, (Engelmann, 2003; Laval, 2017) in which everyone policed himself

and others, but it should not be overlooked that these invisible chains were always ready to turn into actual chains when necessary for the sake of security.⁵ Compared to those whose livelihoods were secured by their property, Bentham argued that “In a man of the working class, earning, begging or stealing—the alternative has no other branches to it. One or other of these three things a man (I speak of the male sex), if he lives, must do” (UCL Manuscript Box 154, 263 as cited in Quinn, 2008, n. 21). Begging (especially in the form of institutional poor relief) and stealing undermine the ideal of labour-subsistence by forming two intertwined, interconvertible, continuous faces of a single phenomenon of pauperism. Like Colquhoun, Bentham's main goal, both with his project of pauper management and with the idea of indirect legislation, is to eliminate the alternatives to labour for subsistence, to re-establish this link, if necessary through the policing of the poor in everyday life, but also if necessary in a separate institution of confinement, in accordance with the requirements of the ultimate goal of security.

Bentham's economics of government envisages the application of the calculative rationality expected of market actors to government interventions, thus mapping out the most economical ways in which the goals of government can be achieved. In many of his works, he describes coercion of all kinds, including punishment, as an instrument to be used within a certain calculation (e.g. Bentham, 1843a, p. 42). All forms of coercion are economic insofar as “[d]esired effect is produced by the employment of the least possible suffering” (Bentham, 1843e, p. 398). “[T]he law itself is ‘economical’, quantified and quantifiable” (Laval, 2017, pp. 39–40). It not only seeks to influence individual calculations but is itself grounded in the calculation of an economy of suffering and pleasure. From this perspective, the relationship between the Panopticon (both pauper and criminal) and indirect legislation becomes a relationship determined by the endeavour to find an optimisation of the most cost-efficient way (both in terms of monetary cost and the pain

⁵The full statement reads: “Imprisonment, having for its only object the detention of individuals, might become rare, when they were held as it were by an invisible chain” (Bentham, 1843e, p. 557). Upon closer examination, it becomes evident that the notion of the “invisible chain” is closely linked to Bentham's proposal of marking individuals' bodies with tattoos that would make their identities permanently recognisable. In this light, the proposal reveals itself to be considerably more coercive than it might appear at first glance.

produced) of achieving the supreme goal of security, social order and enforcement of labour market conditions. Whereas indirect legislation is an attempt by the government at social control designed to mobilise everyone to police each other, a widespread security project that will allow maximum security to be achieved simply by making the necessary arrangements, pauper management envisages a more intensive and drastic governmental intervention where this is insufficient to transform the character of the poor. Thus, just as poverty and indigence are two aspects of the same phenomenon on a continuum, so these two security approaches constitute two complementary aspects of a unified security project.

Conclusion

Bentham's thoughts on "indirect legislation" have a complex reception story. For a long time, "indirect legislation" remained an under-emphasised topic in Bentham studies, and only a few texts paid due attention to it (e.g. Bahmueller, 1981; Hume, 1981; Long, 1977; Mack, 1963). However, this relative indifference has been witnessed to change, especially in recent times. Especially beginning with Engelmann's groundbreaking work on indirect legislation (Engelmann, 2003) to the recently dated special issue of the History of European Ideas on the same topic, shows how the concept "indirect legislation" attracts increasingly much interest in Bentham scholarship (Bozzo-Rey, Brunon-Ernst, & Quinn, 2017). When we look at the literature on "indirect legislation" (as Brunon-Ernst highlights), two readings in particular stand out (Brunon-Ernst, 2022). One of these is the presumed parallel between Nudge, a contemporary alternative form of management, and Bentham's utilitarian concept of indirect legislation, and the interest in Bentham's theory as a possible historical source and reference point for contemporary management strategies (e.g. Bozzo-Rey, 2017; Brunon-Ernst, 2017; Engelmann, 2017). The second, more critical line of inquiry concerns the relationship between Bentham's concept of "indirect legislation" and the forms of governmentality characteristic of a specific historical period. With the publication of Foucault's lectures at the Collège de France—*Security, Territory, Population* and *The Birth of Biopolitics*—Bentham's thought has increasingly been interpreted as



a paradigmatic example of “liberal governmentality” and, furthermore, as a conceptual resource for understanding contemporary neoliberal forms of governance (e.g. Brunon-Ernst, 2012; Engelmann, 2003; Laval, 2017).

It should be noted that this second reception of “indirect legislation” from the perspective of governmentality poses some problems. As is known, from a Foucauldian perspective, governmentality is defined as “conduct of conduct”. Accordingly, the subjects, whose behaviour the government wants to direct and manage are directed to certain behaviours not by means of coercion and force, but by the shaping of the spheres of freedom in which they can act by the government; so that the aims of the government coincide with the aims of the subjects while performing their own behaviours (Foucault, 2009; Lemke, 2019). Benthamite “indirect legislation” shows important parallels with Foucauldian governmentality in these respects. The subjects, who are the objects of government, are not directly channelled to certain behaviours through practices of sovereignty such as prohibition and repression, i.e. “direct legislation”, but through indirect means, indirect ways of shaping the subjects’ spheres of freedom. Thus, the goal of “the greatest possible happiness of the greatest possible number of people”, which Bentham characterises as the ultimate goal of government, is sought to be achieved through the interests that individuals pursue utilitarianistically for themselves. Thus, it is aimed to bring together personal interests and the goals of the administration.

However, as Mariana Valverde correctly points out, focusing only on liberalism’s technique of “governing through freedom” leads to the overlooking or insufficient elaboration of other disciplinary and sovereign acts of government that both accompany and are intertwined with these techniques. Mariana Valverde shows that, during the lectures, Foucault decided to replace the concept of “security” used until then with the concept of “governmentality”, while attempting to interpret the specific characteristics of the governmentalization of the state. According to Valverde, this replacement leads to the disappearance of the complex relationships and subtle continuities between “liberalism” and “police” and to the overlooking of the illiberal, authoritarian dimension inherent within the liberal logic of security (Valverde, 2007, p. 173). In a similar vein, numerous





scholars have highlighted the entanglement between liberalism and authoritarianism, or between liberalism and “police” (in the traditional sense). Many argue that liberalism and authoritarianism are inseparably linked and that liberal modes of governing through freedom are underpinned by various authoritarian imperatives (e.g. Dean, 2002; Hindess, 2001; Valverde, 1996). Dean, for instance, refers to the concept of a “liberal police” and argues that liberalism has in fact developed various forms of strategic “folding” in order to penetrate domains it has ostensibly designated as naturally self-regulating and therefore exempt from direct governmental intervention —such as the market, civil society, population, biological existence, etc. Thus, he argues, that “the liberalism fear of governing too much is not so much a fear that the population is being governed too much but the state is doing too much of governing” (Dean, 2002, p. 42). It can also be said that this problem emphasised by these authors points to a possible danger that may arise in the interpretation of Bentham's ideas. The central role given to “indirect legislation” may result in both overlooking or underestimating the oppressive and authoritarian aspects of Bentham's thought and obscuring the link between indirect legislation and these illiberal technologies of government. On the other hand, exploring Bentham's thought from this standpoint may offer a deeper insight into the intrinsic relationship between coercive, authoritarian technologies and the liberal art of government.

If, as stated above, the theory of “indirect legislation” was not a temporary theoretical commitment that Bentham later abandoned, but rather an idea that spanned the entirety of his intellectual career, then it must be examined in conjunction with and in light of the institutional proposals that emerged alongside his theoretical work. Accordingly, Bentham's writings on “indirect legislation” cannot be separated from the “preventive police” bills he co-drafted with Colquhoun, nor from his writings on the “poor law” and “pauper management.” These should be seen as multi-dimensional, complementary outputs of a common conception of social order —one that spans a continuum, with the market and its own disciplinary logic on one end, and the Panopticon penitentiary on the other. Bentham's oft-repeated and widely distributed condemnations of coercion, repression, punishment, etc. across his works should not be taken at face value. He



does not evaluate coercion in moral or qualitative terms, but rather from a quantitative and economic standpoint. For Bentham, coercion is not a sin —something normatively forbidden by the liberal government yet reluctantly resorted to as a residue of the past — but an instrument that must be used with economic care and strategic calculation. In this context, Loïc Wacquant's analysis of the neoliberal state offers helpful insight into Bentham's understanding of legislation and its relationship to the social order. The (neo)liberal tendency to place mechanisms like the labour market and civil society — each with its own disciplinary functioning— outside the direct sphere of governmental intervention has required an intensified use of coercive instruments in other spheres to be able to manage the pathologies these domains generate. Thus, every form of coercive mechanism, including pauper management, should not be seen as a deviation from liberalism but rather as a “constituent ingredient” of it (Wacquant, 2010, p. 214).



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