Crime, poverty and social protest

Sociology, Poverty

America had rebelled and after a successful war become independent; and war with France, which had experienced internal revolution that caused serious concern to the British ruling classes, lasted until 1815. The United Kingdom of Great Britain and Ireland was created in 1801 (Evans 2002, 3). In 1700, with a population of approximately 5 million in England, perhaps 80% of the population lived in the countryside, with some 90% in agriculture or related employment whereas by 1801 the population had risen to 8. million and by 1851 to nearly 18 million with only 22% employed in agriculture (Porter 1990, 11, 207; Gardiner & Wenborne 1995, 610; Timmins 2005). The transformation of society through changes in agriculture and industrialisation led inevitably to the creation of new economic relationships and identities within society and to the destruction of old ones. Crime, povertyand social protest were significant factors in these centuries although their relationship is much debated by historians.

It is certain that their relationship, as well as changing over time, differed by locality, for example heavily urbanised London, whose population had increased to perhaps 700, 000 by 1770, will have undergone different experiences to, say, a rural county such as Herefordshire (Shakesheff 2003). Any discussion of the relationship of crime, poverty and social protest must rest on an initial discussion of these terms, in particular the first.

Crime is generally understood to indicate acts that contravene the law but this masks the many kinds of accidental and unpremeditated acts, emotional or mental states, deliberate actions and motivations that may come into play (Sharpe 1999, 5). Even within a society there may be disagreements on what constitutes a crime, and the difference between a criminal and non-criminal

act may rest on the context of the act. Legislators too may create new crimes while decriminalising other acts.

Poverty is perhaps less problematic to define, since it is usually considered withrespectto ideas of subsistence and meeting the requirements of physical well-being (Gardiner & Wenborne 1995, 613). Even so, it should be considered as relative to changing expectations and living standards. Social protest may take many forms, such as riots, and can be defined as a social crime (Sharpe 1999, 179). The notion of social crime, developed by Hobsbawm, rests on the differing understandings of crime that may exist between groups and the official position (Sharpe 1999, 176).

Social crimes are defined as those that can be said to represent 'a conscious, almost a political, challenge to the prevailing social and political order and its values' (Sharpe 1999, 176). Thompson has argued for a moral economy which legitimates social crime by placing it in the context of defending traditional customs or rights, where they may differ from the values of those who make the law (Thompson 1991). According to statistical evidence, crime seems to have been at a low at the beginning of the eighteenth century, increasing, at least around London and Surrey, with the increasing population and urbanisation, by 1780 (Sharpe 1995, 6).

Short-term bursts of crime seem to have been affected by crop failures and by the demobilisation of the larger armed forces utilised by imperial Britain, especially after 1815. The steepest increase in crime appears to have been in the 1840s (Emsley 1996, 295). The most common kinds of crime in the eighteenth and nineteenth centuries appear to have been small

opportunistic thefts (Emsley 1996, 293). Crime statistics, however, may give an imprecise impression of crime since many crimes may, for various reasons, never be officially reported.

One category where crime, poverty and social protest definitively meet is in the Swing Riots of 1830. England at the beginning of the eighteenth century was a largely agricultural nation with the majority of the population living in rural areas. During the course of that century there were profound changes. The rising population, especially from the mid-eighteenth century, created a surplus of agricultural labourers for whom there was no corresponding rise in rural employment, while migration from rural areas, in terms of the natural increase in population, declined from 100% in 1751 to only 29% in 1831 (Hobsbawm and Rude 1969, 43).

Agriculture had, by this time, come to be dominated by a division into landlords, tenant-farmers and hired labourers (Hobsbawm and Rude 1969, 27). Increasing economic rationalisation of agriculture by landlords and tenant-farmers saw further consequent declines in the conditions of the agricultural labourers who, divorced from the land, became reliant on less regular and less well paid employment with worsening conditions. Their situation was exacerbated by the Poor Law which supplemented and thus kept down wages (Hobsbawm and Rude 1969, 45-53).

It is argued that this degradation of the agricultural labouring class led to the Swing Riots, which began in 1830, as a reaction to bad harvests in 1829 (Gardiner and Wenborne 1995, 729-30). This social protest was directed mainly at threshing machines, but also included burnings devices designed

to further decrease the need of labour on farms. Swing letters included demands for increased wages and Hobsbawm and Rude (1969, 220) concluded that the movement was essentially one of labourers 'with essentially economic ends'. Machine breaking had taken place in other contexts, notably in the burgeoning industrial sector.

Perhaps the most famous of these was the Luddite movement that preceded the Swing Riots. Luddism, like Swing, seems to have been a reaction to poor harvests, increasingfoodprices, unemployment and wage cuts as well as changing industrial relations (Archer 2000, 49). Opinion on Luddism in its three main areas of northern England differs in terms of the extent to which scholars have identified political motivations as opposed to industrial protest. Like Swing, Luddism focused on anti-machine action in the context of the removal from traditional artisans of their means of livelihood and style of living.

Thompson (1991, 352-403) has stressed the effects of changing working patterns with regard to timekeeping and the changes in the synchronisation of labour in an industrial society from the more irregular rhythms that went before. Machine breaking may have been criminal as defined by the law and may have been further encouraged by economic difficulties, nevertheless, it seems indisputable that instances of machine breaking and the wider movements that can be identified fall within the category of social protest and were to some extent linked with poverty or the threat of poverty.

Horn (2005) mentions the riots of the Spitalfields silk weavers in 1675, 1719, 1736 and the 1760s, as well as many other instances of machine breaking

amongst sawyers and most particularly weavers. This emphasises the tradition of machine breaking, which could be seen as a 'customary' for of industrial relations stretching back a century (Horn 2005). Certainly in the case of the agricultural labourer in the Swing Riots, wages were a motivating factor (Hobsbawn and Rude 1969 195-96).

Between 1780 and the 1830s, wages in East Anglia had gone from being some of the highest to the lowest, since there was a lack of alternatives to agriculture unlike in the northern and industrial regions (Archer 2000, 9). This coupled with rising prices caused massive pauperisation while the Poor Law and local systems of relief could be and were manipulated by farmers to further push down wages in the knowledge that other rate-payers would have to subsidise the poor of the parish (Archer 2000, 10).

The shock to the wealthier classes caused by the riots that inevitably broke out was evidently exacerbated by the deferential behaviour traditionally shown to them by the poor, who presumably realised its importance in gaining relief. A lack of humane response on their part, in Archer's words 'misread deferential behaviour for deferential attitudes' (Archer 2000, 10). The government reaction to riots may reveal something of the elite perception of how valid they were. In their combined actions, the Luddites and Swing had caused only two deaths while at the same time the damage to property was considerable (Horn 2005).

Initial waves of Luddism in 1811-12 caused perhaps i?? 100, 000 worth of damage to looms and factories. It is this perhaps that explains to some extent the decision of the government to field more troops to crack down on

Luddism, some 12, 000, in 1812, than were fielded in the Peninsular Campaign against Napoleon in 1808. Frame-breaking became a capital crime and between 1812-17, 36 Luddites were hanged followed later by 19 Swing Rioters. Protest crime formed only a small percentage of prosecution, peaking at 8. % in 1831 and of the number that took part in the riots only a small part ended up in court (Archer 2000, 87). Furthermore, many death sentences were commuted to transportation and many rioters were released without charge. It has also been noted that in comparison to food rioters, protesting the price of grain caused by bad harvests and war, suffered hanging less often (Archer 2000, 28-30, 87). Many have noted the increase in legal concern for property in the eighteenth century embodied by the 'Bloody code' (Sharpe 1995, 8).

Between 1660 and 1819, there were 187 capital statutes enacted into the law, mostly concerning property (Hughes 1988, 29). Many of the new Acts explicitly embodied a repressive state and criminalized the poorest labouring classes and were passed in reaction to riots or social unrest (Linebaugh 1991, 16). Notable in this context is the notorious Waltham Black Act, passed in reaction to agrarian riots and unrest in Hampshire, which created over 200 capital offences.

Rioters had poached game and fish as well as burning hayricks and threatening landlords (Hughes 1988, 29). The Riot Act of 1715 was designed to combat and disperse meetings and assemblies of 12 or more persons, a seeming precursor of the late twentieth century laws ostensibly to disperse illegal raves. It was a popular tool against collective action by the labouring

classes (Linebaugh 1991, 17). Those classes, in particular some 15, 000 journeymen tailors, were struck at again by the Combination Act of 1721.

This law made it illegal for them to take collective action in order to press for better wages or shorter working hours. This they had done through strike and had suffered imprisonment in return. In principle the Combination Act criminalized the notion of improving working and living conditions and class action and can be noted as the first anti-trade union law (Linebaugh 1991, 17). Despite the rise in capital offences in law, the actual number of hangings declined throughout the eighteenth and nineteenth centuries (Hughes 1988, 35).

There are various reasons for this, such as squeamishness on the part of the judges and the exercise of mercy, especially the Royal Prerogative, although most appeals seem to have been rejected (Gatrell 1994, 200-208). Transportation and imprisonment were increasingly used, the former system supplying labour and, following theAmerican revolutionand the use of hulks as prisons, transportation to Australia became a viable option for permanently ridding Britain of its criminals (Hughes 1988, 41-42).

This last point is highly relevant in the context of Linebaugh's argument that the poor and the criminal were difficult to distinguish (1991, xxi). Changes in the law undoubtedly led to rising crime, since as has been noted, more offences were created. Some historians, such as Thompson and Linebaugh have seen this as a conflict between custom and law. For example, many workers believed themselves to be customarily entitled to perquisites or allowances related to their employment.

In the agricultural sector, the best known of these was gleaning - following the gathering of the harvest, women and children would collect the leftover scattered grain that had been missed (Emsley 1996, 122). This practice supplemented and could even form a major proportion of an agricultural labouring families' diet. Although gleaning was seen as a custom and denial of the right to glean could meet with criticism, it was observed by Arthur Young in 1771 that it was not 'an imprescribable right' (Emsley 1996, 123).

Abuses of gleaning that went to court met with the response that gleaning was not recognised as a legal right, however the farmer's conscience may allow him to permit gleaning. On the other hand, some farmers sought to have gleaning stopped but the case was refused by magistrates (Emsley 1996, 124). Thus gleaning occupied an ambiguous status, the law refused to outlaw it, despite the wishes of certain farmers while refusing to recognise it as a legal right of the labourers.

Thompson notes that these customs were quite normally disputed (Thompson 1991, 104). Customs such as gleaning are mirrored in industrial and other work settings. Silk workers and weavers were particularly low earners and owing to the techniques of production, wasteful in resources, which could be appropriated for further use (Linebaugh 1991, 258, 264). A market grew up for cloth waste, which had many uses in producing other items and by the mid-1770s Spitalfields was a major centre of this trade. The law attempted to suppress the trade, but unsuccessfully.

However, silk workers, and of them weavers in particular, formed a group whom the law was prone to threatening with hanging (Linebaugh 1991, 258).

The production of a 'Book of Prices' by the Spitalfields weavers and the corporate action by 2000 of them to enforce it in 1763 was a precursor to a 1764 protest march by the weavers petitioning for higher wages and against cheap imports, which saw the state drawing on the military. Poor harvests in the following year upped grain prices and filled workhouses while the silk workforce decreased by 1768 to half its level of six years earlier (Linebaugh 1991, 271).

Corporate and direct actions such as those of the silk workers, who were joined by other groups, the Luddites and the Swing Rioters helped to formulate acultureof fear in the eighteenth and nineteenth centuries. As mentioned above, the American war of independence and theFrench revolutionwere other causes of fear amongst the ruling classes of those beneath them. Hughes (1988, 25) states that 'the belief in a swelling wave of crime was one of the great social facts of Georgian England'.

It is not difficult to comprehend that for those observing from above, riots, protests and crime committed by the poor were part and parcel of the nature of that class of people and that the reaction would be to staunch such behaviour through the law and the militia. These fears were fed by other factors such as the rise of newspapers publishing reports of crime statistics and vivid stories that reinforced elite views of the poor in society and in turn led to the reification of entrenched moral views that were transposed into laws that tended to further criminalise the poor.

Crime, poverty and social protest in the eighteenth and nineteenth century can be seen as linked in the context of the increasing proletarianisation of

the workforce and conflict between the wage earning poor and the law making elite. Linebaugh (1991, xxi) observes this as the 'expropriation of the poor from the means of producing... and the appropriation by the poor of the means of living. Emsley (1996, 295) observes that it seems significant that property crime increased during economic slumps. However, he goes on to suggest that a monocausal link between poverty and crime is too simplistic.

He cites other reasons for increasing crime, for example, the growth in wealth and material goods allowed more opportunities for crime and increased temptation and the extension of commerce and business also increased the opportunities for corruption (Emsley 1996, 295). Certainly, not all social unrest can be seen in terms of poverty or the defence of custom. It seems that the strong tradition of this kind of action speaks of attempts to control the means of livelihood as opposed to warding off poverty.

However, the reality and threat of widespread poverty in particular areas and spheres of employment must be seen as a strong motivating force in any action. As for crime, it cannot be doubted that much crime was necessitated by poverty. Equally to account this as the only factor would be facile, since it ignores the personal and individual aspects of each crime. It is tempting though to see an increasing concern for goods and materials throughout this period of increasing production and the defence of property in law would seem to follow from that.

Hughes comments that the rule of law became the supreme ideology in this period (1988, 29). Increasing economic rationalisation and market capitalism placed workers livelihoods and working traditions in jeopardy and this,

coupled with price fluctuations and an increasing population undoubtedly increased crimes of necessity, although it should not be forgotten that while real crime may have increased, the means of measuring crime became more accurate and more actions became criminal.

The concern with property perhaps inevitably led to doubts over the legality of customary appropriation, such as gleaning. But while such 'rights' may have been disputed over centuries, the changing economic and social factors and the rise of the law and legalism in the eighteenth and nineteenth centuries inevitably led to them taking on a different significance that would have long lasting repercussions in the social relations and perceptions of people in Britain.