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‘Criminally Poor?’ Investigating the Link Between Crime and Poverty in Eighteenth Century England.

Anne-Marie Kilday.

‘...in giving alms [to the poor] one does more harm than good, because it seems...that one thereby maintains a network of weaklings, tavern haunters, fornicators, villains, robbers and thieves, in short, a network of vice.’¹

Throughout Europe before the nineteenth century, in the public mind at least, the poor were closely associated with crime. Historians of the eighteenth century period have also made this link, concluding that theft was the key survival strategy employed by the poor in times of want.² But is the link between crime and poverty as clear cut as this? Was dearth the only factor which led individuals to steal in the eighteenth century? Previous attempts to answer these questions have recently been convincingly criticised for presenting studies which concentrate on crime in urban locations and which neglect qualitative analysis in favour of a more positivist approach.³ Indeed, studies have tended to simply accept that there *was* a relationship between poverty and crime, rather than attempt to measure the *extent* or *strength* of that relationship. This article will try to address these criticisms by adopting both a qualitative and a quantitative analysis to the incidence of theft in the

rural locale of eighteenth century Oxfordshire. It will investigate whether or not a link between crime and poverty was in evidence, and will question whether such a relationship can ever be accurately proven to exist when analysis has to depend upon unpredictable and regularly unreliable sources such as court records. Moreover, by adopting a more ambitious and inclusive approach, the article will provide a suggested methodology for further micro-histories of this kind across a range of different socio-economic areas throughout Britain and beyond during the pre-modern period. These studies can then be pieced together to finally answer this pan-European conundrum and establish whether crime and poverty are as closely linked as has always been assumed.

The study of Oxfordshire in the eighteenth century facilitates the examination of a rural area at a time of rapid transition. The move to enclosure and the general commercialisation of agriculture and its practices, particularly in the second half of the century, had a significant impact for the people living on the land as well as for those who owned it. At certain times, crime may well have been a response to the changes taking place.⁴ Despite the prospect of a unique insight into the effect of this land transformation on the 'common' people, the study of crime in rural areas has been largely neglected by historians of the eighteenth century period, as it has been assumed that crime in the countryside tended to be more under-reported than that in the city. However, indictment records can still reveal much about criminal enterprises in rural areas, especially in courts of 'lesser' jurisdiction, such as the Quarter Sessions. As well as generally neglecting bucolic areas in their analysis of the

relationship between poverty and crime, historians have particularly ignored more affluent rural locations in their scholarship on this subject. Oxfordshire provides a suitable antidote to address this lacuna of interest as its relative prosperity throughout the pre-modern period enables us to illuminate a hitherto hidden dimension to the relationship between crime and poverty at that time. Moreover, looking at a relatively prosperous area ought to remove the influence of what we might term 'background endemic poverty' – thereby better allowing us to see the link between poverty and crime.

The analysis in this article will therefore concentrate on indictments for 'petty' theft (the stealing of items valued at less than one shilling) at Oxfordshire's Quarter Sessions between 1750 and 1800. These lesser types of offences were the ones most likely to have been perpetrated by the poor on a fairly regular basis. Were these thefts committed in response to economic stimuli such as unemployment or high prices? Were they carried out due to basic want or hunger? Or could other rationale such as general acquisitiveness, opportunism in the context of relative prosperity or greed account for the thefts that took place? After outlining the socio-legal attitudes to theft, the article will look at the characteristics of those who were indicted before the Quarter Sessions and the types of goods they stole in order to ascertain whether there is any evidence that the accused were impoverished (either temporarily or endemically) when they committed their crimes. Specific attention will be given to the gender of the Oxfordshire accused, in order to assess the extent of any motivational differences between the men and women who committed

petty theft in that area. The analysis then statistically tests the extent of the relationship between indictments for theft and poverty indicators such as wages, prices and inclement weather, to investigate the extent to which changes in the rate of indictments can be explained by changes in these external variables.

Socio-Legal Attitudes towards Theft:

According to Michael Weisser, 'No matter where we look, at whatever period or particular environment, a decidedly similar situation emerges in the general crime profile: Europeans simply could not resist taking things that belonged to others...Stealing was an activity so common as to be nothing less than banal.'⁵ Certainly this viewpoint is widely held and is largely reflected in the crime statistics for the eighteenth century period, where theft and property offences dominated the day-to-day business of the courts throughout Britain.⁶ Yet, it is important to realise that proportionately high levels of property offences, especially instances of theft, are not necessarily indicative of a public willing to steal whenever they felt the need to. Consequently, crime statistics tell us as much about the attitudes of society to specific types of crime at certain instances as they do about the activities and motives of criminals themselves.

In the first half of the eighteenth century, fears were voiced by commentators such as Henry Fielding and Daniel Defoe that crime in England was spiralling out of control, and little was being done to curb the slide into criminality.⁷ Certainly, at first glance, the crime statistics from that period seem to confirm

these fears, with an apparent acceleration in the number of cases of theft being brought to court at that time.⁸ However, this increase and the 'inflated' property crime figures for the rest of the century (in comparison with violent offences for example) had more to do with changes in judicial attitudes to crime, than an upsurge in the criminal population. For, as well as benefit of clergy now being restricted around a number of offences which effectively expanded the scope of capital punishment, a range of new offences were created which had previously been accepted customary practices and not deemed unlawful. The move to commercialisation and the consequent change in economic circumstances amongst landowners resulted in an emerging preoccupation with profit rather than paternalism. In this new economic climate, a struggle ensued between those who wanted to exploit the marginal rights they had historically enjoyed and those who wanted to prevent these behaviours, in order to protect and enhance their return from the land. As a result of this conflict, former customary practices were transformed into formally recognised criminal practices.⁹ Largely in consequence of the Black Act of 1723, these new additions to the statute book had especial resonance in rural areas, as practices such as gleaning, wood-cutting, and poaching – regularly used by the poor as part of their 'economy of makeshifts' – were now formally criminalised and in some instances could invoke the death penalty.¹⁰

This transformation of custom into law, coupled with the general increase in capital offences at this time, meant that victims of crimes such as theft had some hard decisions to make. Was it justifiable to go to the trouble of prosecuting someone who had cut down wood or stolen a hare from a

person's land if it meant the thief could be hung for the offence? Victims and prosecutors regularly side-stepped this issue, by being 'liberal' in the way they reported offences. If their description omitted details of where the theft took place, how it was carried out and reduced the value of the amount stolen below the critical level, the crime could be labelled petty theft or simple larceny and rarely resulted in a capital conviction. This flexibility meant that victims could still protect their property, or at least be seen to be doing so whilst not getting any blood on their hands or community opprobrium in the process.¹¹ This practice also resulted in a rapid increase in the number of 'petty' thefts being brought to the courts, explaining in part, why these types of offences dominate indictment statistics for this period. As a result, and especially from the mid-eighteenth century onwards, Quarter Sessions (and to a lesser extent summary magistrates) expanded their remit in order to cope with the increasing levels of business at county level.¹² By 1750, the Quarter Sessions dealt with more instances of petty larceny than any other type of offence. This was evident in Oxfordshire, where these offences outnumbered all others at a ratio of more than 3:1.

Before we begin to investigate the nature and incidence of theft in Oxfordshire between 1750 and 1800, and the extent to which these crimes were motivated by want, a few cautionary points must be made. Indictment evidence is problematic in the sense that it can reflect more about attitudes towards crime rather than crime itself. It can also be criticised for not reflecting the 'true' extent of criminal activity. The significance of the so called 'dark figure' of statistics relating to theft is probably greater than might first be assumed.

Even though, as Cynthia Herrup describes ‘...the theft of goods was usually obvious because few victims had enough material possessions for even a small loss to go unnoticed’¹³, and as a result, in most cases, some investigation was begun by the authorities within a few days of the offence being committed, the detection of the culprit was immensely difficult.

The key requirement for the authorities in their endeavours to apprehend thieves was to be able to locate the appropriated goods and thereafter link the evidence to a suspect. It was quite rare, however, for a thief to be caught red-handed in the possession of his or her ill-gotten gains in the near vicinity of the crime scene.¹⁴ Furthermore, and as was often the case with more minor thefts, evidence related to the criminal act could easily, and rapidly, be destroyed by the perpetrator. For instance, food or even small livestock could be consumed relatively soon after it had been stolen. Even when stolen property was recovered, the detection of those responsible was problematic. Due to the vast and complex network of receivers and sellers of stolen goods, it was almost impossible for the authorities to trace the identity of the initial thief, as the property or evidence would have been likely to have changed hands on a multitude of occasions.¹⁵

The problems faced by the authorities relating to difficulties in basic detection were compounded by a common unwillingness of victims to prosecute those who stole from them, despite the flexibility in the law alluded to earlier. Although it was often the case that the victims were angered by the theft, wanted their property returned, and thought the culprit ought to be punished; if

the property stolen was not very valuable (potentially common in cases of theft motivated by want or poverty), it was probably rare for a victim to go to the trouble and cost of bringing a prosecution against a given individual.¹⁶ The overall expense involved in such an undertaking could be far more financially detrimental to the victim than the loss sustained as a result of his or her property being stolen. Likewise, some instances of petty pilfering might not be reported to the authorities as the individuals concerned had resolved the matter privately. A shopkeeper perhaps had his stolen goods returned, or a master could have dismissed a domestic servant guilty of stealing his belongings, with neither of them having involved the authorities at any stage. This type of informal censuring of culprits by the victims of theft may have been particularly acute in rural areas where communal ties and communal knowledge could have been seen as a more effective form of policing, rather than formal recourse to the law.¹⁷

Clearly the real extent of property crime in eighteenth century England is impossible to gauge accurately as so many thefts went unprosecuted. Certainly, major thefts were more likely to be indicted than minor ones, although the aforesaid problems concerning evidence and subsequent detection would inevitably result in a number, of even the weightier property thefts, never being brought to court. The provision of rewards and pardons established by the authorities to encourage accomplices to inform on their fellow felons, although successful in regard to the apprehension of robbers, made little impact on the more 'minor' thieves. This suggests that simple larcenies were considerably less visible than their violent counterparts.

Bearing all these factors in mind then, it is crucial that this investigation is viewed as a *sample* study of petty theft in a prosperous part of late eighteenth century England. Even though every single indictment brought before the Quarter Sessions over the course of the fifty years was examined in detail, the relationship between the indictments and the real incidence of theft is probably distant at best. Nevertheless, and despite these caveats, significant insight into the nature of crime and the individuals who committed it *can* be provided by such regional investigations into indictment records. As the archive material for micro-histories of this type is incredibly rich in detail, this study will hopefully inspire subsequent projects using more diverse or eclectic source material pertinent to the local areas such as poor law records, newspapers, diaries and broadside ballads.

Defendant Characteristics:

Between 1750 and 1800, 597 individuals were indicted for petty theft at Oxfordshire's Quarter Sessions. Up to 11 or 12 cases on average were heard within this jurisdiction per annum. Although it is difficult to find comparable material in other studies of eighteenth century crime, John Beattie noted 930 instances of petty larceny in the Assize and Quarter Session records of Surrey between 1663 and 1802. As Professor Beattie was only sampling this material, it is logical to assume that the actual indictment figure was far higher than he suggests and it would seem, that in comparison to Surrey at least, Oxfordshire's problem with property theft was substantial, but not at a level commentators and authorities might deem 'critical'.¹⁸

Perhaps part of the reason for this discrepancy is that eighteenth century Surrey was more urban in nature compared to Oxfordshire at that time which was mainly rural. Historians of crime have long commented on the preponderance of theft in towns compared to the countryside. This has largely been explained by increased levels of scrutiny, paternalism and protectionism in rural areas, and greater opportunities and targets for theft in the city where the main pockets of wealth (and poverty) were to be found.¹⁹ This explanation seems to hold some weight in light of the predominance of the bucolic category of goods stolen by Oxfordshire thieves in comparison with their Surrey counterparts, as will be discussed in due course.

One aspect of the theft indictments of Oxfordshire and Surrey, which is far more similar, is the gender disparity among the defendants. In Oxfordshire between 1750 and 1800 more than three quarters (78%) of those brought to the Quarter Sessions on charges of petty theft were men. A similar 'proportional' absence of female criminality was evident in eighteenth century Surrey and also in other studies of women's participation in property crime.²⁰ Despite the fact that women were more likely to be indicted for theft than for any other offence during the eighteenth century period, their involvement in this type of non-violent property offence was still minimal in comparison with men.²¹ Explanations for this gendered division have yet to be explored in full, although initial studies suggest that as well as simply not participating in crime as often as men, women's offences may have been less frequently reported than men's, as women tended to be associated with non-violent, non-

aggressive forms of criminality. As a result, their behaviour was largely dismissed or ignored by the authorities of the day.²² This may have been especially true in instances of petty theft, deemed by the courts to be a relatively minor transgression.

If women were reluctant to commit crime, then surely they would only resort to it in the most desperate of situations. Did the 132 women indicted for theft at Oxfordshire's Quarter Sessions steal out of desperation or want, using crime as the last defence before utter destitution? This is difficult to gauge from the initial evidence. Certainly men were more willing to use crime for profit or as a means to attaining economic advantage beyond poverty. It is difficult to know if they did this out of opportunistic greed or due to domestic pressures as marital status, details of progeny and family circumstances were rarely presented to the court in relation to male defendants. A third of the indicted women on the other hand *were* described as being married, although again it was difficult to tell whether any of these women had been abandoned, whether they were impoverished, or whether they had any dependants to provide for.²³

Fortunately it was far easier to determine whether any of the accused thieves in Oxfordshire could be deemed 'professionals'. The practised thief '...who preferred to live by plundering others'²⁴ rarely stole out of occasional dire need but rather did so to make a living on a daily basis. These criminals were the most feared by eighteenth century authorities and commentators alike, as they threatened the health and wealth of society and because they usually

operated in fluid but highly organised gangs in order to maximise the amount of plunder taken at any one time.²⁵ In relation to eighteenth century Oxfordshire, there is little evidence of professional thieves at work. Although in the main these 'hardened' criminals worked in towns and cities rather than in rural areas like Oxfordshire, at any rate only 29 out of the 597 indicted individuals (less than 5% of those accused) were recidivists or repeat offenders. Rather than committing theft on a regular basis to earn a living then, these defendants were largely brought to court on a one-off charge which was commonly their first criminal offence. What is more, only 19% of those accused worked with accomplices, and of these the overwhelming majority had worked in pairs with a close relative or acquaintance, rather than in any grouping that could be accurately described as a 'gang' or criminal network.²⁶

It is possible that these defendants *had* carried out petty criminal activities on numerous prior occasions, but they had been successful in managing to evade capture up until their present arrest. However, the intensification of interest in the protection of property by the authorities and landed classes in the second half of the eighteenth century suggests that the likelihood of evading justice for 'petty' crimes was diminishing at a rapid rate during that time. The evidence seems to indicate then, that the men and women charged with petty theft in Oxfordshire in the second half of the eighteenth century were likely to have done something unfamiliar to them when they committed theft. Perhaps they had needed the support of an accomplice, particularly one that was related or well known to them for that very reason. As circumstances

of one kind or another had encouraged these individuals to cross the line between legality and illegality, a transition they were not at all accustomed to, they may have felt that they could only share their activities with someone particularly close to them, someone acutely aware of their plight or given situation. For some, who still clung on to the rights of customary practice, this transition may not have held much significance. For others, the decision to steal may have meant a great deal more.

Perhaps the best clue to the level of poverty amongst the characteristics of the defendants lies in their employment status. This is incredibly difficult to establish for women, as normally only their marital status was given, as they were usually described in relation to their nearest significant male relative, either father or spouse. Three of the women accused of theft in Oxfordshire were described as servants, but none of the men were. Certainly, petty pilfering by domestics seems not to have been as great a problem in Oxfordshire in the eighteenth century as it was elsewhere, or at least, not many cases of this kind were prosecuted at the Quarter Sessions.²⁷ For the male defendants, the most remarkable thing is that so many of them claimed to be in employment, with only 14% (or 67 out of 465) acknowledging that they were out of work. This suggests that Oxfordshire did not have a problem with thieving vagrants and a criminally manifest wandering poor; an endemic problem identified elsewhere in Europe during the eighteenth century.²⁸ Only 5 of the men accused over the 50 year period between 1750 and 1800 were non-residents.²⁹

Studies of Oxfordshire in the eighteenth century do reveal that the county had established a highly diversified economy by that time. For instance, there is evidence of increased opportunities for individuals to follow multiple occupations and greater flexibility in the job-market which enabled rapid changes in employment from season to season.³⁰ Indeed, the male defendants gave as many as thirty-nine different 'categories' of employment in their responses to the indictment preliminaries, with the majority describing themselves as labourers or agricultural workers. Even so however, this information may not have been particularly accurate. As Oxfordshire was a rural area, a lot of work carried out in the county was temporary or seasonal, and wages as well as employment levels were affected by external factors such as weather, prices, trade cycles, etc. Individuals brought to court could describe the trade they knew (or even that which they aspired to) rather than what their current employment status was, as perhaps they were likely to be temporarily out of work, or they had been laid off and were looking for new employment based on previously attained skills. So, although at first glance it seems that many of the defendants had little cause to commit acts of petty theft, their situation was probably not as clear-cut as this. They could possibly have been working part-time, seasonally, occasionally or they could have been in full-time employment but were simply poorly paid. Consequently, it is likely that many of the Oxfordshire defendants experienced occasional or sustained deprivation - despite considering themselves to be in employment.

The Nature of the Stolen Goods:

Although the characteristics of the Oxfordshire defendants tell us little about their prevailing situation, the kind of goods they stole are arguably more suggestive of the socio-economic circumstances they experienced during the second half of the eighteenth century. As Table 1 shows, the vast majority of individuals indicted for petty theft in Oxfordshire were charged with stealing foodstuffs or small livestock that could be quickly and easily converted into food.³¹ Henry Stanford for instance stole 24 cucumbers at Bicester in 1750; John Eaton filched a loaf of bread at Witney in 1757; Elizabeth Dawkins stole some bacon at Abingdon in 1767; William Brown took two bee hives at Thame in 1775 and Sarah Steward stole a turkey at Woodstock in 1788.³²

Table 1. Goods Stolen According to Gender.

Category of goods	Total	(%)	M	(%)	F	(%)
Foodstuffs	149	25.0	101	21.7	48	36.3
Livestock (includes fowl)	88	14.7	82	17.6	6	4.5
Firewood, timber	63	10.5	55	11.8	8	6.1
Clothes and linen	62	10.4	30	6.5	32	24.2
Agricultural equipment	53	8.9	48	10.3	5	3.8
Household goods	43	7.2	18	3.9	25	18.9
Cloth, wool, etc.	32	5.4	27	5.8	5	3.8
Feed or fuel (not wood)	32	5.4	31	6.7	1	0.8
Industrial materials	14	2.3	14	3.0	-	-
Tools (non-agricultural)	14	2.3	14	3.0	-	-
Money	9	1.5	8	1.7	1	0.8
Silver, plate, etc.	7	1.2	6	1.3	1	0.8
Miscellaneous	27	4.5	27	5.8	-	-
Unspecified	4	0.7	4	0.9	-	-
Grand total	597		465		132	

The predominance of foodstuffs as a target for theft in rural areas was also mirrored elsewhere in Britain and Europe during the eighteenth century period and, to an extent, was a reflection of the limited opportunities for theft in the

countryside compared to the city.³³ The fact that so many of the Oxfordshire thefts were carried out with this 'pressing' purpose in mind does suggest that basic want or necessity – whether fleeting or sustained – may well have been a primary motive for this type of illegality. The ease with which the goods could be taken away and disposed of could also have been an enticing factor. A significant amount of food theft may have been largely unresolved as the criminal could immediately dispose of their plunder by consuming it or passing it on to someone else to consume.

In some instance however, the individuals who stole foodstuffs may have reasoned that what they were doing was not in any way criminal. Traditional rights to produce from the land in the form of practices such as gleaning or poaching were still recognised by a large proportion of the English population well into the eighteenth century, and some of those indicted had clearly thought they had done no wrong.³⁴ This persistent, and insistent, pursuit of customary practices by the poor and landless must go some way to explain why so many of the Quarter Session indictments were for stealing firewood, fuel and animal fodder.

The other significant categories of goods which were stolen by the Oxfordshire thieves were primarily linked either to the domestic arena or to employment. The breakdown of the goods stolen according to the gender of the accused shows that women were proportionately more likely to steal something they could use in the home, or clothing of some nature. According to Garthine Walker, 'The goods which women commonly stole were those

which concerned them in the normal run of things.³⁵ Perhaps this is why Elizabeth Williams stole a shovel at Banbury in 1758; why Mary Stone stole a blanket at Bampton in 1759, why Martha Kench took an iron at Watlington in 1775 or why Mary Smith stole a bed quilt from St Michael's Parish in Oxford city.³⁶

Clothing has long been a commodity associated with women's thefts.³⁷ Examples from Oxfordshire include Martha Jackson who stole a hat at Bicester in 1757; Rachel Barnes who stole a pair of shoes at Bladen (Bladon) in 1759; Sarah Bennet who stole an apron at Bampton in 1760 and Elizabeth Smith who stole a linen shirt at Witney in 1800.³⁸ Perhaps women stole clothes out of want so they (or members of their family) could be properly clothed. Alternatively, these women might have craved to be more fashionable in the rapidly expanding consumer economy of the eighteenth century period with its appearance (almost for the first time) of widespread conspicuous consumption. More likely however, women stole clothes because they knew them to be valuable. After foodstuffs, more household expenditure was spent on clothing than any other form of merchandise during the pre-modern period.³⁹ Although only 6 Oxfordshire women were indicted for receiving or selling stolen goods between 1750 and 1800, women (as principal controllers of the family budget) clearly knew the value and likely price of clothes and the money that could be generated from the resale of this type of plunder. It is possible the women of Oxfordshire needed money because of their temporary impoverishment or more prolonged straightened circumstances and chose this type of enterprise to improve their immediate or long-term finances. It is

possible they were part of an intricate rural network of crime that is yet to be fully uncovered or understood by historians to the extent that it has been in various urban locales.⁴⁰

Men similarly stole things that could be of immediate use or sold on, especially cloth and wool. More often however, they stole items specifically intended for work on the land. John Ingram for instance stole a scythe at Burford in 1759; Andrew Banaster was caught stealing a dung rake at Stanton Harcourt in 1774; Steven Panting filched an axe and a hoe at Eynsham in 1786; Mark Whiley took a horse's bridle at Yarnton in 1788 and Samuel Green stole a pig trough at Iffley in 1789.⁴¹ Perhaps these men and others like them wanted goods of this sort to make them more employable, perhaps they were for personal use or perhaps they were stolen for retail purposes. It is hard to say conclusively what their motives were from the indictment evidence at hand.⁴²

Importantly more men were involved in the few instances of theft heard at the Quarter Sessions that could be categorised as more 'serious' than the majority of the minor misdemeanours brought to the court's attention. In 1772 for example Thomas West stole a silver tablespoon and John Fox took some gold coins. In 1795, Thomas House stole a silver watch from an affluent man's pocket and three years later Jon Bew took a pair of silver candlesticks as part of a bungled burglary.⁴³ These offences had clearly been reduced to simple larceny or petty theft as the prosecutor or victim had not wanted to inflict a capital conviction on the defendant, despite the obvious value of the

goods taken. Instances of this sort were more likely to happen in Oxford city centre and were indicative of the serious types of property crime known to have taken place in urban areas on a regular basis.⁴⁴

The goods stolen by the Oxfordshire defendants, especially the vast array of foodstuffs taken by the majority of the indicted men and women, suggest that necessity was a probable factor motivating their criminal activities. On the whole defendants tended to steal items that could be used immediately or consumed immediately. Opportunistic behaviour of this nature is more indicative of crime borne out of temptation or desperation, rather than lucre-based ventures which necessitated planning and premeditation over a longer period of time.

Investigating the relationship between Want and Theft:

Historians of crime a generation ago regularly claimed that a causal relationship existed between poverty and offences against property, especially in rural areas.⁴⁵ Peter Lawson for instance suggested that there was a relationship between destitution and theft in pre-modern England, concluding that ‘...economic hardship was potentially criminogenic.’⁴⁶ In order to test whether a similar statement can be made for Oxfordshire between 1750 and 1800, three factors said to affect indictment levels have been measured against the number of cases brought before the Quarter Sessions at that time, to examine the extent of any relationship between them. The three variables chosen were wages, prices and weather conditions. These are the yardsticks regularly used by historians to measure poverty levels in different locations.⁴⁷

Figure I shows the incidence of indictments for theft at Oxfordshire Quarter Sessions between 1750 and 1800. Due to the highly fluctuating nature of the data series, a five-year moving average graph was also produced (Figure II) to enable the general trends in indictment levels to be seen more clearly. A slight rise in indictment levels is apparent over the period, although this increase can probably be accounted for by population increase over that time, or by different attitudes towards crime detection or crime reporting.⁴⁸ Figure III shows the gender breakdown in indictments over time, and mirrors the general pattern seen in Figure I, although there is less of a noticeable upward trend in the data series for female defendants.

Can the general pattern of Oxfordshire indictments be explained by external factors such as wages, prices and bad weather? Figure IV shows the indictment rate set against daily wages for labourers in Oxfordshire between 1750 and 1790.⁴⁹ There seems to be little relationship between the two variables, and this is confirmed when the regression co-efficient (adjusted R^2) is calculated to measure the extent of the relationship between the variables. Only 35 per cent of changes in the indictment levels were caused by changes in the wage rates and there were similarly weak correlations when wage levels were tested with the gender of the defendants. Prices were the next variable examined. For this investigation Oxfordshire wheat prices were used in the first instance and then the Schumpeter-Gilboy price index was employed to see whether there was any relationship between indictment levels

and the price of commodities other than wheat.⁵⁰ The relationships are shown graphically in Figures V and VI.

Figure I: Indictments for theft at Oxfordshire Quarter Sessions 1750-1800.

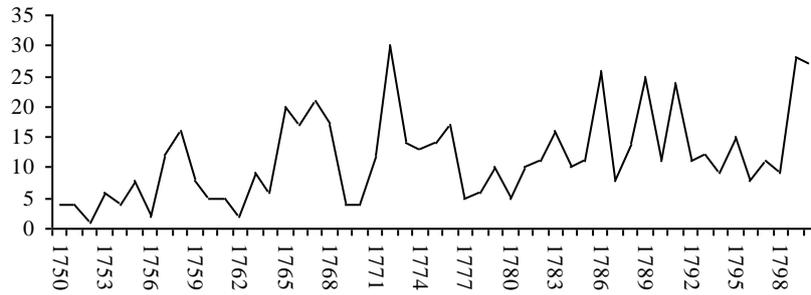


Figure II: Five year moving average of indictments for theft at Oxfordshire Quarter Sessions 1750-1800.

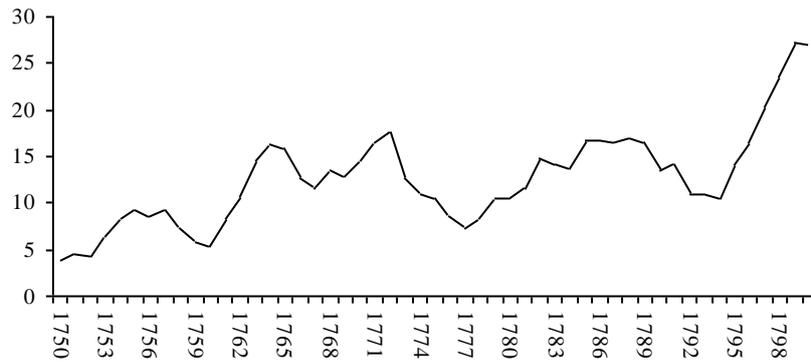


Figure III: Indictments for theft at Oxfordshire Quarter Sessions according to gender, 1750-1800.

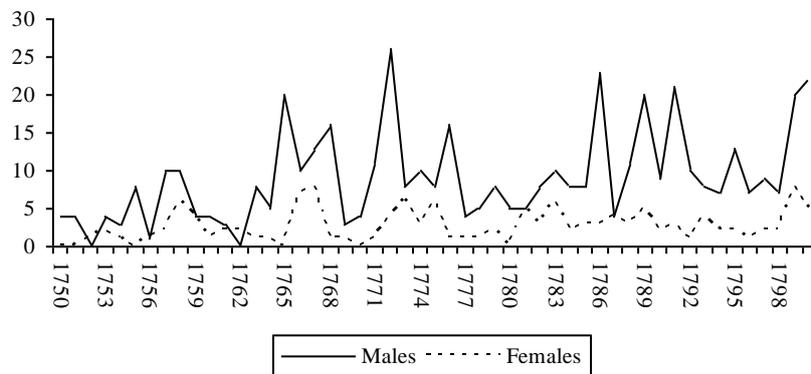
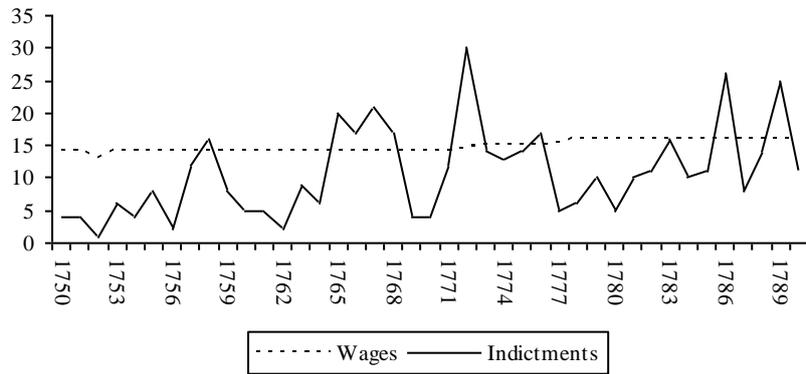


Figure IV: Daily wage rates for labourers set against indictment figures for theft in Oxfordshire 1750-1790.



At first glance, there does appear to be more of a relationship between prices and indictments compared to the results where wages were the independent variable. However the regression co-efficient results show even less of a relationship between indictments and prices than indictments and wages, with one interesting exception. In terms of wheat prices, a mere 22 per cent of changes in the indictment levels were caused by that variable. Along gender lines, the relationship diminished even further. For prices other than wheat, 17 per cent of changes in indictment rates were related to changes in the Schumpeter-Gilboy price index. Although this relationship is statistically very weak, when the regression was repeated according to gender, 13 per cent of male indictments were affected by prices of this sort, whereas a significant 85 per cent of the changes in women's indictments were caused by changes in non-wheat prices. This suggests that in Oxfordshire, women may well have been responding to price changes (particularly price increases) when they committed acts of petty theft.⁵¹

Figure V: Annual average wheat prices set against indictments figures for theft in Oxfordshire 1750-1790.

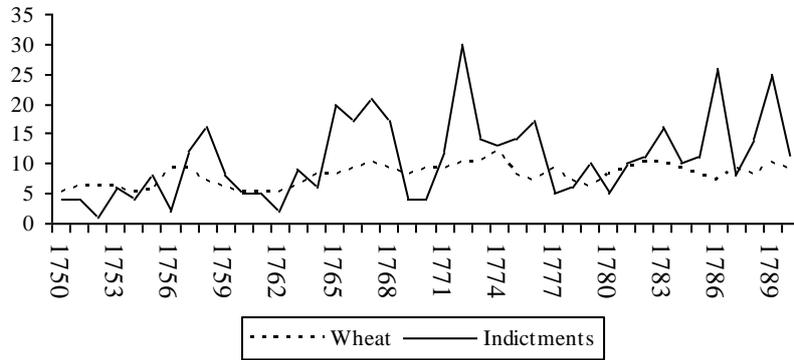


Figure VI: The Schumpeter-Gilboy Price Index set against indictments for theft in Oxfordshire 1750-1800.

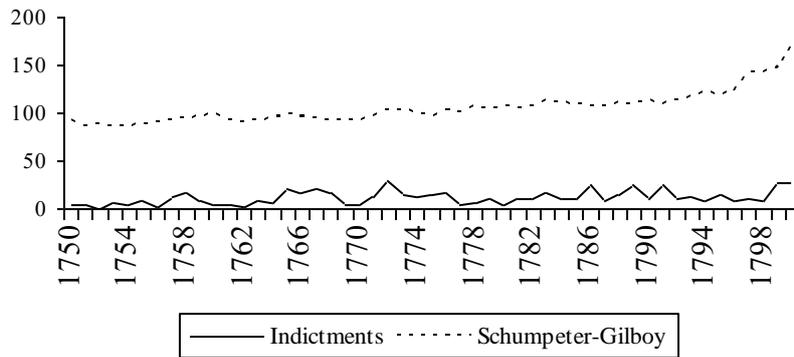
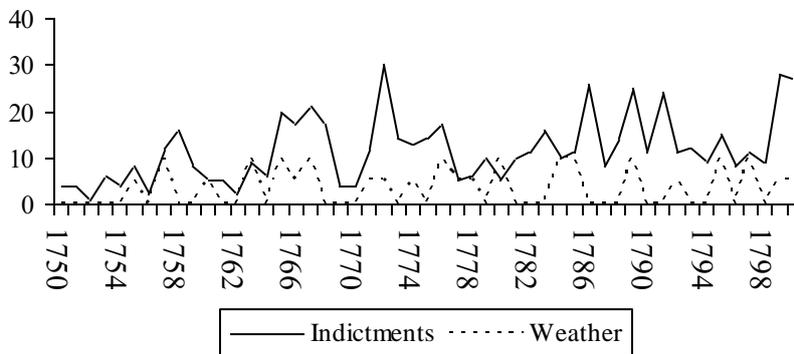


Figure VII: Cold and freezing winters in England set against theft indictments in Oxfordshire 1750-1800.



The final variable to be tested is the influence of bad weather on indictment levels. Inclement weather could have a significant influence on the lower orders of society as it could prevent work being carried out (especially in winter) and it could destroy harvests, fuel and animal fodder - so regularly relied upon in a subsistence economy. The relationship between indictments and the weather is shown in Graph VII.⁵² In some years the variables do seem to follow a similar pattern, but once again regression analysis shows that there is no significant statistical relationship between them. Only 19 per cent of changes in indictment levels were caused by changes in the weather. This time, there were poor statistical relationships between the two variables when the gender of the defendants was taken into account.

If wages, prices and weather conditions are factors which determine the living standards of individuals, it does not appear from the statistical evidence at least, that Oxfordshire thieves (predominantly) carried out their crimes due to desperation or want. Although some of the surges in indictments (particularly in 1765, 1772 and 1789) can be linked to high prices, there is little to suggest that any significant relationship (causal or otherwise) existed between these three external factors and indictments for theft. The only exception to this rule is that Oxfordshire women appear to have been more inclined to be prone to larceny when prices were high compared to their male counterparts.

Does this conclusion mean that Oxfordshire thieves stole out of greed rather than need? Certainly Oxfordshire's economy was not as poor as many of the other English counties in the eighteenth century. The wage rate, as can be

seen in Figure IV was fairly static over the period, but it was at a higher level than the equivalent in Gloucestershire, Somerset or Devon at that time.⁵³ Some commentators also describe how compared to elsewhere, the poor in Oxfordshire were well taken care of, as the landowners of the county did their best to alleviate the distresses that deprivation brought.⁵⁴ Nevertheless, for many in eighteenth century Oxfordshire, poverty was still an endemic feature of daily life, particularly after the pace of enclosure increased from the 1770s onwards.⁵⁵ The evidence from this study suggests that many of those indicted for theft at the Quarter Sessions may well have responded to their own particular and immediate impoverished circumstances in committing an act of theft, rather than reacting to a county-wide or national crisis in prices levels or wages rates, caused by poor weather, inflation, demobilisation, migration or disease epidemics.

Of course, the rate of indictments could simply be a reflection of instances when individuals were more willing to pursue theft. The inherent flexibility of the prevailing mechanisms of law, made it easier for victims to bring prosecutions if they saw fit to do so. At a community level, social tensions may have resulted in indictments when individuals who were expected to contribute to poor relief voiced their distaste at being made to do so, by persecuting those they had been obligated to help. In addition, the criminalisation of customary practices may also have brought individuals into contact with the law on specific occasions given times on account of the whim of a landowner.⁵⁶

Conclusion:

The conclusions of this study show that attempts at establishing a link between poverty and crime are extremely problematic. Indictment levels can be more indicative of attitudes towards criminal behaviour (the degree to which individuals are willing to report crime at any given time), rather than the 'true' incidence of illegality itself. Likewise the 'dark figure' of unreported or unrecorded crime means that we can never be wholly sure about the extent to which indictment levels reflect actual crime rates. Certainly little conclusive proof of a significant relationship between poverty and theft can be gleaned from using court records alone.

In Oxfordshire in the second half of the eighteenth century, there seems to be less of an obvious relationship between death and property offences in comparison with evidence uncovered for Staffordshire, Surrey and Sussex over the same period.⁵⁷ One might expect this conclusion to emerge from the study of a more developed, flexible and relatively profitable economic context such as eighteenth-century Oxfordshire in comparison with more impecunious localities. However, it could be argued that by analysing the extent of the relationship between death and crime through the study of somewhere that has a lower level of endemic poverty, we are able to minimise the effect of what might be termed 'background' poverty from the analysis and thereby gain a 'purer' or more accurate understanding of the extent of the relationship between crime and the so-called 'economy of makeshifts'. The findings of this study suggest that there are likely to be fundamental and fascinating comparative differences in criminal behaviours not simply between counties

which were predominantly rural and others which were largely urban in nature, but also between different areas of similar population density. Of course, this contention has yet to be borne out by other local or regional studies of the type carried out in this present analysis.

The predominance of male defendants claiming to be in employment, coupled with a general absence of any significant statistical relationship between indictment levels against male thieves and external variables such as wages, prices and bad weather, seems to suggest that perhaps the poor of Oxfordshire were not as destitute as landless labourers elsewhere in England during the 1750-1800 period. Local historians have indeed commented on the decent poor-relief provision and the diverse economy in operation within the county during the eighteenth century, so perhaps the poor were more cushioned against poverty in Oxfordshire than in other regions at that time.⁵⁸ Instead, motives for theft may well have been more closely related to opportunism or acquisitiveness. However, the overwhelming prevalence of foodstuffs and readily usable goods in the types of items stolen, along with the strong correlation between women's larcenous activities and prices for commodities other than wheat, does suggest that temporary poverty may well have been a motivating factor for some individuals to filch from others in the eighteenth century.

Crime was probably not the *key* survival strategy employed by the poor in Oxfordshire at this time, but it was an alternative one. Clearly not all the poor stole, but in times of persistent scarcity individuals must have been tempted to

do so. In Oxfordshire it seems the decision to steal or not to steal was based on individual circumstances, impoverished or otherwise, where the chance of a rapid alleviation of personal circumstances must have outweighed the risk of apprehension. Until further regional studies are carried out, especially into property crime in a variety of rural areas, it is impossible to say if the almost total absence of a direct or significant relationship between poverty and crime in relation to male thieves at least, was mirrored in other locations during this period of social dislocation and economic change.

¹ Quoted in K. Norberg, *Rich and Poor in Grenoble, 1600-1814* (Berkeley, 1985), p. 34.

² See J.M. Beattie, *Crime and the Courts in England 1660-1800* (Oxford, 1986), chapters 4 and 5; D. Hay, 'War, Dearth and Theft in the Eighteenth Century', *Past and Present*, No. 95 (May 1982), pp. 122-160; A. Shephard and P. Withington (eds.), *Communities in Early Modern England: Networks, Places, Rhetoric* (Manchester, 2000); M. Berg, P. Hudson and M. Sonenscher (eds.), *Manufacture in Town and Country before the Factory* (Cambridge, 1983) and P. Rawlings, *Drunks, Whores and Idle Apprentices: Criminal Biographies of the Eighteenth Century* (London, 1992).

³ See for instance the criticisms of Beattie and Hay in J. Innes and J. Styles, 'The Crime Wave: Recent Writing on Crime and Criminal Justice in Eighteenth-century England', in A. Wilson (ed.), *Rethinking Social History: English Society 1570-1920 and its Interpretation* (Manchester, 1991), especially pp. 209-222 and those presented in the introduction to A.W. Ager, *Crime and Poverty in Nineteenth Century England: The Economy of Makeshifts* (London, 2014).

⁴ For studies of the rural transformation in this period see M. Overton, *Agricultural Revolution in England: The Transformation of the Agrarian Economy 1500-1850* (Cambridge, 1996) and K.D.M. Snell, *Annals of the Labouring Poor: Social Change and Agrarian England 1660-1900* (Cambridge, 1987).

⁵ M. Weisser, *Crime and Punishment in Early Modern Europe* (Sussex, 1979), p. 16.

⁶ See the predominance of theft indictments in studies such as J.M. Beattie, *Crime and the Courts*, chapters 4 and 5; D.W. Howell, *The Rural Poor in Eighteenth-Century Wales* (Cardiff, 2000), chapter 10 and A-M Kilday, 'Women and Crime in South-west Scotland: A Study of the Justiciary Court Records 1750-1815', Unpublished PhD Thesis (University of Strathclyde, 1998), chapter 5.

⁷ For further discussion see H. Shore, 'Crime, Criminal Networks and the Survival Strategies of the Poor in early Eighteenth-Century London' in S. King and A. Tomkins (eds.) *The Poor in England 1700-1850* (Manchester, 2003).

⁸ See J.M. Beattie, 'The Pattern of Crime in England 1660-1800', *Past and Present*, No. 62 (1974), pp. 47-95.

⁹ For further discussion see E.P. Thompson, *Whigs and Hunters: The Origin of the Black Act* (London, 1975, 1990 edition), *passim*.

¹⁰ For further discussion of customary practices becoming criminalised see P. King, 'Customary Rights and Women's Earnings: The Importance of Gleaning to the Rural Labouring Poor 1750-1850', *Economic History Review*, Vol. 44, no. 3 (August, 1991), pp. 461-476; J.G. Rule, 'Social Crime in the Rural South in the Eighteenth and Early Nineteenth Centuries', *Southern History*, Vol. 1 (1979), pp. 135-154 and C. Winslow 'Sussex Smugglers', D. Hay, 'Poaching and the Game Laws on Cannock Chase' and J.G. Rule, 'Wrecking and Coastal Plunder' all in D. Hay, P. Linebaugh, J.G. Rule, E.P. Thompson and C. Winslow, *Albion's Fatal Tree: Crime and Society in Eighteenth Century England* (London, 1973).

¹¹ For further discussion see Thompson, *Whigs and Hunters*, *passim*.

¹² For further discussion see J.M. Beattie, *Crime and the Courts*, chapter 4 and J.M. Beattie, 'The Pattern of Crime', pp. 54-58.

¹³ C. Herrup, 'New Shoes and Mutton Pies: Investigative Responses to Theft in Seventeenth Century East Sussex', *The Historical Journal*, Vol. 27, no. 4 (1984), p. 818.

¹⁴ See *Ibid.* p. 819.

¹⁵ For further discussion see J.M. Beattie, *Crime and the Courts*, pp. 254-256; L. Mackay, 'Why they Stole: Women in the Old Bailey 1779-1789', *Journal of Social History*, No. 32 (1999), pp. 623-639 and F. McLynn, *Crime and Punishment in Eighteenth Century England* (London, 1989), p. 9.

¹⁶ For the development of this theory see J.M. Beattie, *Crime and the Courts*, pp. 40-48 and F. McLynn, *Crime in Eighteenth Century England*, p. 92. The low conviction rate for petty theft may also have been a contributing factor in discouraging victims to prosecute. Less than a third (27%) of the Oxfordshire defendants were convicted of the thefts they were accused of.

¹⁷ For further discussion see C. Herrup, 'New Shoes and Mutton Pies', p. 823 and J.M. Beattie, *Crime and the Courts*, p. 173 and p. 184.

¹⁸ J.M. Beattie, 'The Criminality of Women in Eighteenth Century England', *Journal of Social History*, Vol. 8, (1975), p. 91.

¹⁹ See for instance *Ibid.*, pp. 98-99; J.M. Beattie, *Crime and the Courts*, p. 184 and J.A. Sharpe, *Crime in Early Modern England 1550-1750* (London, 1999), p. 111.

²⁰ In Surrey, the proportion of men indicted for petty theft was 71% of the total number of prosecutions see J.M. Beattie, 'The Criminality of Women', p. 91.

See also studies such as D. Howell, *The Rural Poor*, p. 210; A-M Kilday, 'Women and Crime', pp. 207-208; G. Walker, 'Women, Theft and the World of Stolen Goods' in J. Kermode and G. Walker (eds.), *Women, Crime and the Courts in Early Modern England*, (London, 1994), p. 82.

²¹ See for instance J.M. Beattie, 'The Criminality of Women', p. 89 and A-M Kilday, 'Women and Crime', p. 208.

²² See J.M. Beattie, 'The Criminality of Women', p. 95.

²³ For studies of the motives of women thieves, see L. Mackay, 'Why they Stole', pp. 623-639; P. Lane, 'Work on the Margins: Poor Women and the Informal Economy of Eighteenth and Nineteenth Century Leicestershire', *Midland History*, Vol. 22 (1997), pp.85-99 and H. Shore, 'Cross Coves, Buzzers and General sorts of Prigs: Juvenile Crime and the Criminal Underworld in the Early Nineteenth century', *British Journal of Criminology*, Vol. 39 (1999), pp. 10-24.

²⁴ C. Emsley, *Crime and Society in England 1750-1900* (New York, 1987), p. 62.

²⁵ For further discussion see H. Shore, 'Crime, Criminal Networks and the Survival Strategies of the Poor', pp. 147-150. Many of the criminal gangs described by eighteenth century historians are made up of juvenile offenders. However it should be noted that only two of the defendants were described as 'minors' in the records of Oxfordshire Quarter Sessions (QSC): see the case against John Snowhill [Oxfordshire History Centre (OHC) QSC Volume 1, p. 401, Trinity 1772] and William Hobbs [OHC QSC Volume II, p. 91, Trinity 1799].

²⁶ For a comparative study of accomplices in property crime see G. Walker, 'Women, Theft and the World of Stolen Goods', pp. 83-86.

²⁷ For studies indicating the prevalence of theft by domestic servants elsewhere see J.M. Beattie, 'The Criminality of Women', pp. 92-93; D. Howell, *The Rural Poor*, p. 229 and B. Lemire, 'The Theft of Clothes and Popular Consumerism in Early Modern England', *Journal of Social History*, Vol. 24, no. 2 (Winter 1990), pp. 261-263.

²⁸ See for instance O.H. Hufton, *The Poor of Eighteenth Century France 1750-1789* (Oxford, 1974), pp. 255-257 and R. Jütte, *Poverty and Deviance in Early Modern Europe* (Cambridge, 1994), 146-151.

²⁹ Two of the defendants were from Berkshire and three were from Northamptonshire.

³⁰ See for instance M. Jessup, *A History of Oxfordshire* (London, 1975) especially chapters XIII and XIV and M. Graham (ed.) *Oxford City Apprentices 1697-1800* (Oxford, 1987).

³¹ Aside from one case where two pigs were stolen and another concerning the theft of a horse, all of the remaining 86 cases where livestock was stolen involved the theft of small animals such as hens, ducks and fish.

³² See in order of appearance OHC QSC Volume I, p. 315, Michaelmas 1750; OHC QSC Volume I, p. 325, Easter 1757; OHC QSC Volume I, p. 375, Trinity 1767; OHC QSC Volume I, p. 420, Michaelmas 1775 and OHC QSC Volume II, p. 30 Epiphany 1788.

³³ See for example R. Jütte, *Poverty and Deviance*, p. 153; J.M. Beattie, *Crime and the Courts*, p. 186; O.H. Hufton, *The Poor of Eighteenth-Century*

France, p. 264; D. Howell, *The Rural Poor*, p. 235 and C. Herrup, 'New Shoes and Mutton Pies', p. 820.

³⁴ For further discussion see Thompson, *Whigs and Hunters*, *passim*.

³⁵ G. Walker, 'Women, Theft and the World of Stolen Goods', p. 89.

³⁶ See in order of appearance OHC QSC Volume I, p. 340, Easter 1758; OHC QSC Volume I, p. 344, Michaelmas 1759; OHC QSC Volume I, pp. 416-417, Epiphany 1775 and OHC QSC Volume I, p. 421, Michaelmas 1775.

³⁷ See for example studies such as D. Palk, *Gender, Crime and Judicial Discretion, 1780-1830* (Woodbridge, 2006); P. Lane, 'Work on the Margins: Poor Women and the Informal Economy of Eighteenth and Early Nineteenth century Leicestershire', *Midland History*, Vol. XXII (1997), p. 92; B. Lemire, 'The Theft of Clothes', pp. 255-276 and G. Walker, 'Women, Theft and the World of Stolen Goods', pp. 88-89.

³⁸ See in order of appearance OHC QSC Volume I, p. 332, Michaelmas 1756; OHC QSC Volume I, p. 345, Michaelmas 1759; OHC QSC Volume I, p. 350, Easter 1761 and OHC QSC Volume II, p. 99, Easter 1800.

³⁹ For further discussion see G. Walker, 'Women, Theft and the World of Stolen Goods', p. 89.

⁴⁰ A different interpretation of this could be that the poor stole clothing to cover up the fact that they were poor. Although to be poor was not necessarily stigmatising in itself, to be *seen* as being poor (in the sense of being badly dressed) may well have been problematic. Clothing, therefore, may have had an obviously cultural and social importance to those who stole it, rather than a more obviously practical purpose. For further discussion of this idea see S.A.

King and C. Payne (eds.), *The Dress of the Poor, 1700-1900* (special edition of the journal of *Textile History*), Vol. 33, no. 1, 2002.

⁴¹ See in order of appearance OHC QSC Volume I, p. 344, Trinity 1759; OHC QSC Volume I, p. 410, Epiphany 1774; OHC QSC Volume II, p. 24, Michaelmas 1786; OHC QSC Volume II, p. 35, Michaelmas 1788 and OHC QSC Volume II, p. 36, Epiphany 1789.

⁴² Interestingly, the Poor Law in Oxfordshire was buying goods of this sort for other paupers in the area. It may well have been the case that these defendants had applied to the Poor Law for help, but had been denied relief, and so they had resorted to stealing the goods they needed instead.

⁴³ See in order of appearance OHC QSC Volume I, p. 397, Epiphany 1772; OHC QSC Volume I, p. 399, Easter 1772; OHC QSC Volume II, p. 70, Michaelmas 1795 and OHC QSC Volume II, p. 82, Epiphany 1798.

⁴⁴ See for instance J.M. Beattie, *Crime and the Courts*, pp. 183-190.

⁴⁵ See for instance D. Hay, 'War, Dearth and Theft', pp. 122-160; J. Walter and K. Wrightson, 'Dearth and the Social Order in Early Modern England', *Past and Present*, No. 71 (May 1976), pp. 22-42 and J.M. Beattie, *Crime and the Courts*, chapter 5.

⁴⁶ P. Lawson, 'Property Crime and Hard Times in England, 1559-1642', *Law and History Review*, Vol. 4, no. 1 (Spring 1986), p. 104.

⁴⁷ See for instance R.B. Outhwaite, *Dearth, Public Policy and Social Disturbance in England, 1550-1800* (London, 1991). There were a variety of other indicators that I could have used, notably demography.

⁴⁸ Oxford's population grew from c. 9,000 in 1667 to 11,921 in 1801, and it is probable that the population levels in the rest of the county grew at a commensurate rate over that period of time. See C. Chalklin, *The Rise of the English Town, 1650-1850* (Cambridge, 2001), p. 77 and p. 80.

⁴⁹ These wage rates were taken from E. Gilboy, *Wages in Eighteenth Century England* (Cambridge, Mass., 1934), pp.267-268. Where breaks in the data existed linear extrapolations were used to estimate the wage levels. Labourers' wages were chosen as they made up the majority of the male defendants in employment. Additionally, the majority of the indicted married women had labourers as spouses.

⁵⁰ E. Gilboy, *Wages in Eighteenth Century England*, pp. 289-290 was used to compile data for Oxfordshire wheat prices. The Schumpeter-Gilboy index (b) was taken from B.R. Mitchell and P. Deane, *Abstract of British Historical Statistics* (Cambridge, 1962), pp. 468-469. A detailed insight into the use of this index in measuring the relationship between prices and indictments appears in J.M. Beattie, 'The Pattern of Crime in England', pp. 87-92.

⁵¹ The link between women's involvement in theft in times of dearth (where high prices are symptomatic) has been made by P. Lane, 'Work on the Margins', p. 87 and J.M. Beattie, 'The Criminality of Women', p. 103.

⁵² The information on eighteenth century weather was gathered from L.D. Schwarz, *London in the Age of Industrialisation: Entrepreneurs, Labour force and Living Conditions, 1700-1850* (Cambridge, 1992), p. 115.

⁵³ See E. Gilboy, *Wages in Eighteenth Century England*, p. 267-268.

⁵⁴ *Ibid.*, p. 132. See also J. Parfit, *The Health of a City: Oxford 1770-1974* (Oxford, 1987), p. 6 and P. Horn, *The Rural World 1780-1850: Social Change in the English Countryside* (London, 1980), p. 124.

⁵⁵ See for instance H.L Turner, *Oxfordshire: A Look at the Past* (Derby, 1997), p. 93. For more recent work on poverty in Oxfordshire see D. Eastwood, *Government and Society in the English Provinces 1700-1870* (Basingstoke, 1997); B.K. Song, 'Continuity and Change in English Rural Society: The Formation of Poor Law Unions in Oxfordshire', *English Historical Review*, Vol. 114 (1999), pp. 314-338; A. Tomkins and S.A. King, 'Introduction' in S.A. King and A. Tomkins (eds.), *The Poor in England 1700-1850: An Economy of Makeshifts* (Manchester, 2003); R. Smith and P. Horden, 'Introduction' in R. Smith and P. Horden (eds.), *The Locus of Care: Families, Communities, Institutions and the Provision of Welfare since Antiquity*, (London and New York, 1998).

⁵⁶ For further discussion of these issues see D. Hay, 'War, Dearth and Theft', pp. 146-150 and pp. 152-158 and J. Walker and K. Wrightson, 'Dearth and the Social Order', p. 25. An interesting avenue of future research might be to see if the criminalisation of customary practices was played out in vestry decisions and in the attitudes of vestries towards the poor.

⁵⁷ See for example, J.M. Beattie, *Crime and the Courts*, chapters 4 and 5 and D. Hay, 'War, Dearth and Theft', pp. 117-160.

⁵⁸ See for instance P. Horn, *The Rural World*, p. 124; J. Parfit, *The Health of a City*, pp. 6-9; E. Gilboy, *Wages in Eighteenth Century England*, p. 132; M. Jessup, *History of Oxfordshire*, chapters XIII, XIV and XVIII and B. Khun

Song, 'Landed Interest, Local Government, and the Labour Market in England, 1750-1850', *Economic History Review*, Vol. LI, no. 3 (1998), pp. 465-488. Recent work by Steve King has shown that per capita, relief payment in Oxfordshire was still higher than in other regions by 1802/1803, see S.A. King, *Poverty and Welfare in England, 1700-1850* (Manchester, 2000), chapter 6.