In this broad survey article Dr. James Sharpe reviews the course of recent research into the history of crime. He discusses changing definitions of crime and the problems of measurement, and argues that the study of crime is relevant to an understanding of many issues in economic and social history.

The History of Crime
in England, 1550-1914

Over the last twenty years or so social historians have devoted considerable attention to the history of crime. Despite the intrinsic interest of this subject, and its obvious relevance to current debate, surprisingly little of the resultant research findings has filtered through into school, or even university, economic and social history courses. The aim of this article is to provide a general guide to some of the different approaches to the study of crime. It raises methodological issues and introduces a brief summary of some of the main conclusions which have been reached.

The statistical outline

Perhaps the most obvious question to ask historians of crime is how high crime levels were in the past, and what types of offence were most commonly committed. It is important to grasp, however, that the statistical approach is only one of a number of, at times competing and, at times, complementary methodologies. Counting crime is an important exercise, although it is also one which is fraught with difficulties. Two other approaches, have contributed much to our understanding of crime in the past. The first consists in attempting to interpret the meaning of crime within the community. The second is an approach which addresses definitional problems and the social meaning of deviant acts. These three approaches are, of course, by no means mutually exclusive, and it would be a poor historian who concentrated exclusively on any one of them. They each, however, offer a distinctive route to the subject. The main concern of this article will be with the years 1550-1914. Let us begin by considering the broad statistical changes in patterns of crime over those three and a half centuries.

An initial problem, however, must be faced: criminal statistics in any period are likely to be a very imperfect indicator of crimes committed, and this imperfection might logically be expected to become more marked when criminal statistics rely on court records from three or four centuries ago. Historians have borrowed from criminologists the concept of the ‘dark figure’, the unknown total of crimes which were or are committed but never brought to the attention of the authorities or recorded officially. In any period, a number of factors might inhibit the reporting or prosecution of a crime. The victim of a crime might not know who did it, and hence not report it. Even if there was a suspect, an informal settlement based on some form of compensation might replace prosecution, or some form of official sanction like dismissal from employment or corporal punishment might replace formal action. And, of course, in the years before the nineteenth century prosecuting a criminal usually involved the victim in financial expense and loss of time, which acted as powerful disincentives against prosecution. In any period, the crimes which were prosecuted offered only a sample of those actually committed, and it is impossible to gauge how large a proportion of committed crimes they were, and how that proportion might fluctuate according to circumstance. An additional complication lies in the survival of sources: in general, the further back towards 1550 we go the fewer assize records survive (ironically, the middle ages are much better served in this respect), and in the mid sixteenth century records exist in anything like a continuous form only for the counties on the Home Circuits of the assizes (Essex, Hertfordshire, Kent, Surrey, and Sussex), and Cheshire, whose court of the Great Sessions was the equivalent of the assizes in what was then a palatinate county.

These complications, while inducing a proper sense of caution among historians, have not prevented them from quantifying, and their labours have yielded some interesting results. In particular, a number of studies have concentrated on the records of the assizes, the courts where serious crimes (murder, manslaughter, grand larceny, burglary, rape, robbery, and arson) were tried. These studies allow us to gain at least an outline knowledge of how patterns of prosecuted crime fluctuated over the period with which we are concerned [1].

The records of these courts, along with fragments from the south west, suggest that the indictment of serious crime rose rapidly over the last two decades of the sixteenth century, and reached particularly high levels during the second half of the 1590s, when a run of bad harvests created severe hardship at the base of society. The situation eased in the early seventeenth century, but again reached crisis proportions as a response to various problems (bad harvests, trade depressions, the disruption caused by plague, and the strains of keeping a war going) which mounted as the 1620s progressed. Levels of indicted crime dropped in the 1630s, and declined further in the 1640s when, whatever the levels of offences actually committed, sit- tings of courts became less regular and local authorities had numerous other things to concern them. What is surprising is that levels of prosecuted crime stayed low over the latter part of the seventeenth century. Bad harvests in the 1690s again caused levels of property offences (mainly theft and burglary) to rise, but to nothing like the levels of the late 1590s and 1620s. And, if we restrict our- selves to the serious offences, or felonies, tried at the assizes, property offences predominated.

The beginning of the eighteenth century, then, seems to have been something of a low crime period, with levels of indicted crime running far lower than they had a century before. Work on the Surrey and Sussex assizes over the period 1660-1800 [2] has demonstrated how
this held generally true until the middle of the century, but how, in response to increasing urbanisation of those parts of Surrey adjacent to London, and to the rise in population which set in after about 1740, England was experiencing another major crime problem by the 1780s. Work on eighteenth century crime has also shown how short-term fluctuations continued to operate within the parameters of the long-term trends. As in the late sixteenth and seventeenth centuries, harvest failure continued to send indictments for property offences up, but now there was a new factor: Britain's rise to 'Great Power' status meant that the country mobilised large armies and navies in the wars of the eighteenth century [3]. When each of these wars ended, the demobilisation of soldiers and sailors meant that large number of young adult males from the labouring classes were dumped in their homeland without adequate means; it therefore became almost inevitable the peace sent the level of property offences soaring.

The effects on the crime rate of soldiers and sailors demobilised after the defeat of the French in 1815 coalesced into a new set of problems: what were regarded as traditional social values were being threatened by the emergence of an urbanising and industrialising society whose most immediate product, apart from wealth for the bourgeoisie, was an industrial proletariat which was held to be not only criminal, but also potentially revolutionary. This development coincided with the issuing of annual criminal statistics, which provided a more solid basis for social fears. Thus the period c.1800-1860, like the late Elizabethan and early Stuart eras, was one where concerns about rising levels of crime combined with fear of social disintegration.[4]. But, as in the previous period, the fears proved groundless. Rising prosperity among the working class, the development of a 'respectable' working class, and the emergence of a better policed society, all contributed to this. It has, indeed, been argued that both theft and violence experienced a decline in late Victorian and Edwardian England [5].

Crime and the community

Even as historians of crime set about counting criminal prosecutions and pondering upon the results of that exercise, they were also becoming aware of the existence of an alternative perspective, that provided by the examination of how law enforcement operated in the context of the villages and small towns of pre-industrial England. The starting points here were perhaps twofold. The first arose from those filtering processes alluded to in our discussions of criminal statistics, by which offenders might be subjected to informal sanctions at the hands of their victims as an alternative to prosecution, or by which an offence might simply be ignored by the person offended against if a formal prosecution was thought to involve too much time, expense, or effort. Scattered evidence also existed of what might be interpreted as 'community action' against nuisance offenders, in which petitions of complaint were made against known petty criminals in a village, normally with a recommendation to the local magistrates that they be bound over to keep the peace. More systematic investigation seemed called for.

This investigation has suggested some surprising conclusions about what might be described (if a little anachronistically) as the 'policing' of the Elizabethan and Stuart village and small town. Until recently, there has existed what might be called a 'Whig interpretation' of police history in which Sir Robert Peel founded the Metropolitan Police in 1829, and the way was clear for a steady line of progress down to Dixon of Dock Green. Without doubt the establishment of very special type of police in nineteenth century Britain was a major achievement, but recent research has demonstrated that the process was a much more difficult and contested one than earlier generations of text books would have us believe.

The new police forces ran into considerable opposition, not only from criminals and the emergent working-class communities that the police found themselves expected to control, but also from substantial elements local élites. These saw the police not only as expensive, but also as a potential threat to British liberties because the main continental model was that of the French police, regarded by British observers as essentially a paramilitary force whose main role was political control. And, as might be expected, given nineteenth century norms of public service, the early police forces, not least the metropolitan police, experienced considerable discipline problems, with a high proportion of constables being dismissed for drunkenness and similar offences [6].

Even more damaging for the British police myth was the discovery that local law enforcement before the advent of professional police forces was not in as hopeless a situation as had been believed. Obviously the London area, with a population of perhaps 675,000 by 1750, presented unique problems, while by 1850 the newly urbanised areas of the industrial north and midlands demanded something like modern policing. But outside the London area in the period before the industrial revolution, the local system based on justices of the peace and the parish constables seems to have operated tolerably well. It must be admitted that the picture is clearest for the late sixteenth and seventeenth centuries, and that there are clues that the situation was perhaps more complex even in rural areas by the eighteenth. But there is every indication that many local communities were fairly well controlled without a professional police force (in the modern sense), during the Elizabethan and Stuart periods, notwithstanding the rather tired literary stereotypes of Dogberry and Verges [7].

The crucial point lay in the relationship between local office holding and social structure [8]. In the century before 1650, England experienced considerable population growth, a growth which was not paralleled by a corresponding growth in either food production, real wages, or job opportunities. The end product was a growing polarisation, more marked in some regions than others, between a mass of poor labourers and artisans and their families on the one hand, and a smaller number of men who had done well out of the economic developments of the period (yeoman farmers, small rural industrial entrepreneurs, the richer tradesmen, petty gentry) on the other. It was from this latter group that local officers were drawn: not just constables, but also churchwardens (vital in a period when church courts still had a limited competence in 'criminal' matters), overseers of the poor, and, in places where the manorial courts were
still functioning, manorial jurors. The men holding these office formed a loose oligarchy whose members not only saw themselves as being culturally differentiated from the poor, but who also felt that it was in their interests to control them. They perceived a growing rift between their own standards and those of the poor. Thus the gap was not merely an economic one between rich and poor, but also a cultural one between the rough and the respectable. And especially in parishes where a determined minister was spreading the new religious standards of Protestantism, these gaps were reinforced by one another, that between the ungodly and the godly, the unregenerate and the elect. The respectable social strata, who served as local office-holders would hear preaching against sin on Sunday, and then witness sin on the other days of the week in the conduct of their rougher co-parishioners, to whom drunkenness, bastard-getting, petty theft, poaching, and idleness were all too readily ascribed.

This growing social rift coincided with the needs of a more aggressive government. The intrusion of central government in everyday life was much less marked in pre-industrial and early industrial England than it is today, but from the Reformation onwards more and more laws were passed by Parliament, and their enforcement depended, in the last resort, on parish constables[9]. Given the nature of those constables - local amateurs, serving for a year without pay, even the conscientious among them constrained by local opinion - it is surprising that the system worked as well as it did. Our discussion of criminal statistics has concentrated on the felonies tried at the assizes. Far more numerous were the masses of petty crimes which reached the courts through the energies of local officers: drunkenness, keeping an unlicensed alehouse, failing to attend church, failing to carry out statutory obligations to work at repairing the king’s highway, or breach of economic regulations. Humdrum stuff compared to the ‘horrible murders’ already Sensational pamphlets by churchwardens, for sexual immorality[10].

The situation is further complicated for historians by the presence of two phenomena which are not as marked in most modern states: a multiplicity of courts and a widespread taste for litigation. For reasons which are not as yet totally clear, the period between the late fifteenth century and the mid seventeenth was marked by a massive rise in litigation, most of it non-criminal. These civil litigants found a wealth of courts in which to go to law. The secular court system was paralleled by a system of ecclesiastical courts. These survived the Reformation with much of their jurisdiction intact, and continued in their attempts to discipline the ungodly until well into the eighteenth century. Thus the historians of crime before 1800 or so have to feed into their analyses not only the murderers and burglars tried at the assizes, but also the people presented before their neighbours at the manorial courts for blocking the streets with their dung-hills, or the people presented before the church courts, most often by their neighbours serving as churchwardens, for sexual immorality[10].

Indeed, although their concerns were not directed specifically along these lines, it is notable that one of the pioneering collections of essays on the history of crime, Albion’s Fatal Tree, published in 1975, was based mainly around definitional issues. The point here, however, was the notion that different ideas on criminality existed at different social levels in eighteenth century society. The key concept was that of ‘social crime’, that is types of behaviour which, although defined as illegal by parliamentary statute of common law, were regarded as morally justifiable rather than simply criminal by the social groups from which persons committing them were normally drawn: among such ‘social crimes’, so it was claimed, were poaching, smuggling, wrecking, and rioting [11]. Even those historians who would feel unhappy about accepting the criminal law as a tool of ruling class power have to come to grips with the notion that it does interact with the social structure in certain respects. But definition of crime, or at least emphases in attitudes towards it, also change over time. This is demonstrated by historians’ perceptions of what happened between the later sixteenth century, and the later eighteenth. The paradigm has recently begun to attract considerable criticism but, put crudely, most historians have worked on the hypothesis that there was a transition from notions of criminality based on sin to notions of criminality based on concern over the defence of property. Certainly, in the period c.1580-1650 legislators and moral commentators alike had considerable difficulties in separating out the two categories of ‘sin’ and ‘crime’. The continued attempts by the ecclesiastical courts to control sexual morality, and the turning of male homosexuality in a capital offence (in fact in 1563) are evidence of this. The eighteenth and nineteenth centuries never lost sight of the important connections between enforcing the criminal law and the maintenance of

The problem of defining crime

Touching on this mass of regulatory offences introduces the third approach to crime: that of definition. There are obviously a core of offences in any society (for example murder, rape, and burglary in modern Britain) which, for most of the population, are thought to be not only illegal but ‘wrong’. Others, like driving a car at 75 miles per hour on a motorway, are known to be illegal but are hardly thought of as being as serious. And there are also groups within society who could consider violence, car theft, or smoking marijuana - all of them

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Christian morality, but there does seem to have been a change in emphasis. The 'Bloody' code which created numerous felonies by statute over the eighteenth century was concerned mainly with property offences, while as the century progressed, the greater complications of commercial life led to the development of a law of fraud. 'Crime' is never a simple nor a static category.

**Some implications for the present**

'Crime' is a major subject of current social debate. The exact contribution of the historian to this debate remains problematic. Perhaps the most obvious point to be made is that society has experience severe law and order problems in the past, and survived them. At the moment we feel, probably correctly, that we are experiencing a major law and order problem, possibly of unique proportions. But there were many observers who thought much the same in the past, especially in the periods c.1580-1650 and c.1800-1860. Both of these periods of severe economic dislocation: in the first, population increase created a mass of poor in the new and, to middle class observers, alien environment of the industrial city. In both these periods, a half century or so of more settled economic and social conditions was mirrored by a static crime rate. This may have some bearing on current attempts to deny that the rising crime rates we have recently experienced are connected with economic factors (notably unemployment) affecting the poorer sections of our society.

But historians of crime have also demonstrate that in periods of social unease rising crime rates create a level of social fear which, admittedly at the comfortable distance of a century or two, seem very exaggerated. Around 1600, when people saw crime very much in terms of sin, apparently higher levels of offences were seen as a sign of mankind's sinfulness, and as possible evidence that the last days of confusion which were expected to presage the end of the world and the Second Coming of Christ had arrived. By the 1860s, concern had moved to the more familiar world of newspaper editorials calling for harsher prison regimes and tougher laws against certain types of offender. Historians familiar with the Victorian debate on crime and punishment will realise just how little attitudes have shifted between that time and the present day. Similarly, historians of the more distant Elizabethan and early Stuart periods have recognised in the contemporary fear of the vagrant the earliest example of that 'criminal stereotyping' which we have witnessed more recently with yardies and muggers [12].

Thus the history of crime might well have some bearing on current social debate. But its greatest significance must be to social and economic history. Many of those who did the early work in this field, myself included, were attracted to the subject because it offered an economic history. Many of those who did the early work in this field, myself included, were attracted to the subject because it offered an important route to constructing a 'history from below': that is, the writing of history of those men and women who made only infrequent appearances in the history books with which we were familiar. And, indeed, it remains true that one of the most important spin-offs from work on the history of crime is the realisation that court records, both criminal and civil, are magnificent, and in many ways still unexploited, sources for recreating aspects of the social and economic lives of our forbears. But as we worked through the subject away from our 'history from below' beginnings, it became obvious that the history of crime was leading us towards a much broader set of issues: the history of the state, the history of governing ideologies, the history of religion, above all, the history of how power operated in society. Thus what still seems to many students and teachers to be a marginal subject leads us, through some unusually interesting avenues, to a set of major historical concerns.

**References and further reading**


