

11-12-12



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11/12/2012

Citation Information

Journal: Criminal Justice History

Article: MIDDLE-CLASS CRIME IN NINETEENTH CENTURY ENGLAND.

Author: Sindall, R

ISSN: 01940953

EISSN:

Call #: HV7921 .C75

Volume: 4

Issue:

Quarter:

Season:

Number:

Month:

Day:

Year: 1983

Pages: 23 - ~~40~~ 40

Request ID: 754459



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Middle-Class Crime in Nineteenth-Century England

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I

It is unfortunate that most of the literature on the subject of nineteenth-century crime dwells almost entirely on the acts of the lower socio-economic groups, which the Victorians identified as “dangerous” or “criminal” classes, and theories of crime causation only took these classes into account. However, a study¹ of the calendars of prisoners appearing before the Quarter Sessions and Assize Courts² of the two major cities, London and Birmingham, reveals that the middle classes exhibited as many criminal tendencies as the lower classes. These courts were established to hear more serious cases than those before Petty Sessions and there is evidence of a tendency for middle-class crimes to be of a greater magnitude, in monetary terms, than the crimes of the other groups. The study shows that middle-class crime was closely associated with occupation and may be explained by modern theories of criminal behaviour.

For the purposes of the study the definition of middle class was based on the occupation followed, using the Registrar-General’s classification of 1921. Social class I (Upper and Middle) consisted of members of the professions, managers, company directors, bankers, stockbrokers, insurance officials and journalists. Social class II (Intermediate) included proprietors of retail and wholesale premises, civil service officials, teachers, veterinary surgeons, departmental managers and commercial clerks. Although the Registrar General’s classifications are open to criticism they are still a widely used classification for the ordering of nineteenth-century material, and that of 1921 is the nearest comprehensive and reliable social classification to the period under review.³

During the second half of the nineteenth century there was a general decline in the number of people per 100,000 population appearing before the courts of England and Wales so that by 1890 the rate of indictable offences was down to a rate considerably lower than that prevalent today.

Middle-class crime followed the same downward trend as crime in general. The decline, however, was not so marked. In absolute terms, middle-class crime was on the increase while general criminal statistics showed a diminution during this period. This is partly explained by the rise in numbers of the middle classes, but the evidence shows that this group was exhibiting greater criminal tendencies over time relative to the rest of society. This is evident from the figures in Table 1 drawn from the sample.

Table 1. Percentage of social groups committed for trial.

	% Middle Class	% Other Groups
Middlesex 1855-65	2.1	2.8
Surrey 1855-65	1.0	1.4
Middlesex 1878-88	1.2	1.2
Surrey 1878-88	0.7	0.4
Birmingham 1880-1900	3.3	1.3

These figures point to two conclusions. Firstly they show that by the end of the period the middle classes showed a greater criminality than the rest of the population. Secondly, we must conclude that this was not always so as the figures show a distinct change over time. In all cases the percentage of both groups who were committed for trial fell. However, the middle-class percentage fell less quickly than the other groups causing a reversal in their relative criminality. Prior to circa 1870 it would seem that the other groups showed a greater criminality than the middle classes. Post circa 1870 the middle classes show a greater tendency to commit indictable offences than other categories. The first conclusion raises the question of whether the rest of the population may have contained a small "criminal class." It is possible that the rest of the population contained small groups which displayed greater criminality than the middle classes as a whole, but this is unlikely in terms of large social groupings or on a class level. As the sample only contained two upper-class court appearances and given that the upper classes formed such a small proportion of the population, it may be assumed that the category of "other groups" fairly reflects the criminality of the lower classes.

Within the lower classes it is difficult to assess whether the tendency to commit crime was evenly spread throughout the various sub-groups or whether, as the Victorians themselves believed, there was a "criminal class." As no person would state his occupation as "criminal" the onus lay with the

annual police returns which showed the estimated number of "known thieves" in each police district. Such returns were made from September 1858 onwards, but the definition of a "known thief" varied from district to district, and the returns, which were based on the extent of police knowledge and distorted by police prejudices, were of dubious value. The preoccupation with "thieves" as a basis for a criminal class also made the concept less credible. For all groups, including the middle classes, larceny was amongst the most common of crimes but did not account for the largest monetary losses. Thieves were "small fry" but there were many of them from all social classes and so it was easy for the police to talk of a criminal class and hint at a social conspiracy in crime. That there were professional criminals is beyond doubt and it would be correct to say that they formed a small hard-core of the criminal statistics, but to attribute to them the qualifications of a criminal class would be entirely wrong. We are still left with the conclusion that the middle classes displayed greater criminality than other social ones.

There are several explanations of the second conclusion that, after 1870, the criminality of the middle classes relative to that of the lower classes increased. As we shall see, post circa 1870 crime was becoming a more attractive proposition to the middle classes and less attractive to the lower groups. As the commercial and service sectors of the economy expanded so did the opportunities for the middle classes to commit crimes. Meanwhile, between 1860 and 1875 the lower-class criminal suffered several setbacks. For a variety of reasons the "age of the pickpocket" was fast disappearing. The introduction of reformatory schools led to an increase in the number of committals of juveniles while a change in fashion, bringing closer fitting clothes, made the art less simple both in terms of accomplishing the theft and also of concealing the proceeds about the person. The Education Act of 1870 helped to diminish the number of "nimble fingers" which could wander the streets. Some adult lower-class criminals, with less pickpockets to work for them, resorted to "garrotting," a form of violent street robbery involving the strangulation of the victim until unconscious, but this was quickly terminated by the police aided by the Security from Violence Act of 1863 which allowed for long prison sentences and reintroduced flogging for such offences.

It is likely that the increasing efficiency of the police and the introduction of detective forces also made the perpetration of crime by the lower classes a more dangerous proposition. The middle-class criminals were less affected by the increase in the number of police because the types of crime in which they specialised occurred inside offices, away from police observation. The police, for example, would have no deterrent effect on embezzlers or the perpetration of fraud.⁴

The increasing tendency of the middle classes to commit crimes went unnoticed by the Victorians and even by modern social historians, largely because of the low numbers of middle-class persons, in absolute terms, being committed for trial. Much of the literary evidence on crime was produced by middle-class Victorian philanthropists and social reformers⁵ who were convinced of the existence of a criminal class and so concentrated their attentions on the acts of those criminals who fitted their stereotype image of members of such a class. However, as can be seen from Table 2, after 1870 the percentage of middle-class committals equalled or exceeded the percentage of the middle classes in the population. These figures demonstrate that criminality amongst the middle classes exceeded that of other categories.

Table 2: The middle class as a percentage of population and percentage of committals post 1870.

	% Population	% Committals
Middlesex 1878-88	4.9	4.7
Surrey 1878-88	5.0	8.3
Birmingham 1880-1900	3.1	7.2
Manchester 1882-84	4.2	7.9

Source: Sessions' records and 1881 Census

It is not only the quantity of middle-class crime which is of interest but also its quality. The sample points to the conclusion that the higher the court or the more serious the offence, the higher the percentage of middle-class committals to trial. The serious nature of the criminality is shown by the results of two three-year samples of those prisoners appearing before the Central Criminal Court. In the earlier period (1857-59) the middle classes accounted for 9.2 per cent of the cases while in the later period (1881-83) this figure had risen to 15.5 per cent. Conversely, small numbers of the middle classes appeared before Summary Courts which dealt with minor offences. The Lancashire Police Charge books (Manchester division) showing those appearing before the Petty Sessions between 1843 and 1854 are mainly filled with cases of drunkenness, petty assault, petty theft, bastardy arrears and such like. Of 10,732 charged in this period only sixty-four were listed as following middle-class occupations and of these ten were noted as being unemployed at the time.

Two tentative explanations of the more serious nature of middle-class criminality may be offered. Firstly, it is likely that the middle-class criminal was intelligent enough to realise that crime was a gamble and that the price of losing was some months or years in prison, the loss of one's job and with it, the loss of one's social position. As the sentence rarely seemed proportionate to the amount of depredation it was, perhaps, wisest to gamble for high stakes.⁶ It is likely that the middle-class criminal had a wider vision than his lower-class counterpart and was more capable of thinking in terms of very large sums of money without over-awing himself—he knew how to spend one hundred thousand pounds; his counterpart did not. Secondly, and more importantly, the middle-class criminal had greater opportunities to commit large crimes. Months of planning and considerable personal risks led to the Great Bullion robbery in 1855 which netted a mere twelve thousand pounds.⁷ The middle-class criminal could often sit at his desk and embezzle several times this amount during the course of his work. The growing world of shares, accounts and limited liability gave a greater and more lucrative opportunity to commit crimes than could be committed without resort to violence and so would tend to appeal to the better educated.

The tendency for the higher social classes to commit the most serious offences is further revealed in a social-class breakdown of the sample. Of the total of middle-class committals, 7 per cent followed occupations listed by the Registrar-General as reflecting social class I. In the more serious cases of the Central Criminal Court, 33 per cent were class I. This shows a proportionately greater participation by class I in the more serious cases than in those tried at ordinary Quarter Sessions and Assizes.

In terms of the actual crimes committed social class I displayed a distinctive pattern of criminal behaviour compared to the rest of the Sessions' sample. In the whole sample the most common crime with which middle-class defendants were charged was larceny (24.5 per cent), followed by fraud (14.7 per cent), embezzlement (12.3 per cent), larceny from the person (5.7 per cent), larceny by a servant (5.2 per cent), and receiving of stolen goods (5.0 per cent). Amongst the defendants in social class I the most common charge was fraud (26.7 per cent), followed by larceny (18.2 per cent), common assault (8.6 per cent), indecent assault (7.2 per cent), embezzlement (5.4 per cent), and larceny in a dwelling house (4.0 per cent). The high percentage of common assaults and indecent assaults would imply that for many in social class I satisfaction of physical desires (both violent and sexual) was more important than the acquisition of monetary gain which, their social position would imply, they were quite capable of achieving by non-criminal methods with a large degree of success. The analysis below of occupational groups reveals that the group of independent

gentlemen who controlled enough wealth not to require an occupational income were those most likely to perpetrate such "physical" crimes.

Although the sentences imposed on criminals of social class I were similar to those imposed on the rest of the sample, 28.5 per cent of social class I indictments were found "Not Guilty" compared to 18.5 per cent of social class II demonstrating, perhaps, that juries could be influenced by the social class of the defendant or by a good defence lawyer which only this social class could afford.

II

In order to investigate the relationship between the type of occupation and the type of criminal activity the middle-class sample was divided into six occupational groups. These were:

Group 1	Independent Gentlemen
Group 2	Professions (military, law, medicine and church)
Group 3	Quasi-professional and businessmen (managers, surveyors, architects, accountants, pharmacists etc.)
Group 4	Clerks
Group 5	Wholesalers
Group 6	Retailers

The three most common crimes committed by the different occupational groups are shown in Table 3.

It would appear that the type of crime committed was largely a result of the opportunities afforded by the type of occupation followed, and that only the unoccupied but comfortably-off members of Group I could indulge in non-acquisitive violence. This tradition of "violence for fun" amongst higher social groups was not a new phenomenon. Although the Mohock outrages of 1712 were probably politically motivated rather than a result of hooliganism, this earlier period had been marked by "younger members of the nobility . . . indulging in the nocturnal habit of assaulting in the streets harmless passers-by."⁸ In the first quarter of the nineteenth century the "Bucks" were reported as "louts, most of them members of the aristocracy [who] took their manners from the least respectable of the lower orders."⁹ Similarly, in the closing decades of the century there was a revival of the Hell-fire rowdyism of the eighteenth century amongst the middle classes.¹⁰

The occupations of the professional, quasi-professional and wholesaling groups (groups 2, 3 and 5) allowed them to perpetrate frauds with greater ease than the clerks of group 4 who concentrated on embezzling from their masters. That occupation determined the type of crime committed is most clearly demonstrated by the members of group 6

Table 3:
The three most common crimes committed by different middle-class occupational groups.

	Larceny	Fraud	Embezzlement	Common Assault	Indecent Assault	Receiving Stolen Goods	Keeping a Bawdy House
Group 1	16.7%	19.5%	--	22.3%	--	--	--
Group 2	18.9%	26.1%	--	8.7%	--	--	--
Group 3	24.3%	22.8%	--	--	8.5%	--	--
Group 4	24.1%	13.2%	22.1%	--	--	--	--
Group 5	30.0%	16.7%	8.8%	--	--	--	--
Group 6	19.0%	--	--	--	--	11.1%	29.5%

Source: Sessions records

amongst whom it seemed quite common practice to use their retail premises as fronts for bawdy houses and the receiving and selling of stolen goods.

The fabled stringencies of Victorian domestic sexual morality seemed to have taken their toll of the business and professional world of groups 1, 2 and 3 who committed a large proportion of sexual offences (e.g., Indecent assault accounted for 9.8 per cent of group 1 crimes, 5.8 per cent of group 2 and 8.5 per cent of group 3). It was, perhaps, their poor domestic experience which led them not to commit any offences of bigamy, an act, it would appear from the sample, only committed by group 6.

For the sample as a whole embezzlement and fraud are the crimes that stand out as the specialities of the middle classes. As with most crimes favoured by the middle-class group, embezzlement was not the sole preserve of the middle-class criminals although they succeeded in acquiring larger sums of money by means of such crimes than criminals of other social classes. Embezzlement accounted for less than 4 per cent of total committals to trial but over 12 per cent of the committals to trial of the middle classes.

Nearly 70 per cent of embezzlements were executed by members of other social classes, but the middle classes managed to acquire about that proportion of the receipts. In Birmingham between 1880 and 1900, embezzlement cases involving a total of £2,007 were heard by the Sessions and Assize courts of which £1,981 had been appropriated by middle-class criminals and only £26 by criminals of other social classes. In Surrey between 1878 and 1888 a total of £1,623 was embezzled of which £1,153 went to the middle classes. In Surrey between 1855 and 1865 a total of £809 was divided between middle-class embezzlers and those of other classes in the ratio of £412 to £397. This figure is more impressive when it is known that the ratio of embezzlers was 64 to 204.

The average embezzlers receipt for the whole sample showed that the middle-class embezzler received at least three times the sum received by his counterpart from other social classes. The occupations of many of the middle classes would daily bring them into contact with large and relatively easily embezzled amounts of money, whereas much of the lower-class embezzlement was by domestic servants absconding with errand money or "fiddling" housekeeping accounts. In Surrey the lower-class figures are affected by several tram conductors prosecuted by the London Tramway Company for embezzling the fare of one penny. These cases provide a good example of the disproportionate sentencing cited above as a possible encouragement to the middle-class criminal to risk larger crimes. The conductors all received between nine and twelve months imprisonment for their crime.

An analysis of fraud cases revealed similar results to that of embezzlement. Middle-class participation was numerically lower than that of other

social classes but the amounts misappropriated were far greater. Average receipts fraudulently gained by middle-class criminals (with the figure for other social classes in brackets) were:

Surrey 1855-65	£9	(£1)
Surrey 1878-88	£15	(£6)
Birmingham 1880-1900	£62	(£7)

These figures do not include any of the major frauds of the period. As with embezzlement, the famous large-scale frauds portray clearly the ability of certain middle-class criminals to obtain sums of money which would probably exceed the receipts of all the crimes committed by the lower classes. A brief review of some of these major crimes reinforces the conclusion that it was the quality of their crimes rather than the quantity that made the middle-class criminals such a major force in the redistribution of wealth by illegal means.

During the 1850's the more serious cases of fraud and embezzlement began to appear in the court rooms and receive limited publicity although few observers managed to discern the growing trend in middle-class crime to which these cases were pointers. Between 1844 and 1850, Walter Watts, while employed as a check-clerk in the cashier's department of the Globe Assurance Company, systematically embezzled between £71,000 and £80,000. In 1849 alone his illegal income from the company was circa £18,000. In 1855 the case of Strahan, Paul and Bates revealed that they had embezzled almost three-quarters of a million pounds from customers of the Temple Bar bank over a period of four years. William Robson, as chief clerk of the Crystal Palace Company, was discovered in 1856 to have systematically embezzled £27,000. In 1902, Thomas Goudie, as a clerk for the Bank of Liverpool, was discovered to have embezzled £162,000 by means of forged cheques.

A.R. Barrett, writing in 1894, on depredations of banks in the United States noted, "statistics show that during the past ten years, bank-wreckers, embezzlers and defaulters have robbed the people of this country of over one hundred million dollars," and that where banks were concerned:

there seems to be more danger from the trusted officer and the employee than from the burglar. . . now it is the skilled financier or bank clerk who coolly and quietly abstracts or misapplies the funds, falsifies the accounts, and makes away with millions where the burglar got thousands.¹¹

A.T. Craig¹² implied that the American experience was reflected in Britain. He noted the embezzlement of £1,000 annually for thirty years by a clerk at the Cardiff Savings Bank; the embezzlement of £17,000 from the

Sudbury Trustees' Savings Bank by its actuary; the appropriation, stock-exchange speculation and loss of £200,000 worth of securities held by the River Plate Bank by its London manager; the embezzlement of £19,000 by the manager of the Woodford branch of the London Joint-Stock Bank; and the Vagliano case which involved a systematic fraud by a bank clerk in the 1880's using forged letters of advice and bills by which he had embezzled £71,500.

In 1857 the London and Eastern Banking Corporation was forced into liquidation when it was found that one of the directors, Colonel W. Petrie Waugh, with the connivance of the manager, was indebted to the bank for £244,000—only £6,000 less than the entire subscribed capital of the bank. On liquidation the shareholders found themselves liable and Waugh fled to Spain where he started a mining company. A similar case occurred in 1878 involving frauds on the City of Glasgow bank by its directors to the extent of £300,000, although the real loss to investors amounted to six million pounds. The case provided another example of the disproportionate sentencing previously mentioned as an encouragement to middle-class crime as the guilty directors were sentenced to terms of imprisonment not exceeding eighteen months.

The cases of R.F. Pries in 1853 and J.W. Cole in 1854 resulting from the use of duplicate dock warrants often involving transactions which were large enough to cause fluctuations in the price of grain, were further evidence that the middle classes produced criminals, the magnitude of whose crimes were capable of rocking the financial and trading institutions of the world's leading commercial and trading nation. The public eye, however, remained firmly directed towards the petty crimes of a "criminal class" whose existence as a class was doubtful and whose main motivation was thought to be drink.

III

The theories of the classic nineteenth-century criminologists¹³ were disturbing in their absence of reference to middle-class crimes. It was as if middle-class criminologists felt that they would have been betraying their class if they were to admit to and account for the existence of middle-class criminals. Modern theories of criminology, although more sophisticated, are based on twentieth-century data and so, to a large extent are limited in their applicability to modern social situations which, in many ways, differ considerably from the nineteenth century. However, arguably, two modern theories do assist in the understanding of the activities of the nineteenth-century middle-class criminal.

Firstly, in 1949 Edwin H. Sutherland completed a study of white-collar

crime which he defined as "a crime committed by a person of respectability and high social status in the course of his occupation"¹⁴ and concluded that the hypotheses of differential association and social disorganisation may be applied to white-collar crimes as well as crimes of the lower classes. The hypothesis of differential association is the concept that criminal behaviour is learned in association with those who define it favourably and in isolation from those who define it unfavourably. Differential association on an individual level is paralleled on a social level by the concept of social disorganisation which may appear in the form of a lack of standards or a conflict of standards. Secondly, in 1953 Donald Cressey's study of the social psychology of embezzlement concluded that in all cases of trust violation the violator was faced with a non-shareable problem. This is a financial problem which it is felt could not be shared with those financially capable of solving it. According to Cressey that which constituted a non-shareable problem depended on the psychological makeup of the person involved and that although all trust violators have non-shareable problems, not everyone with a non-shareable problem becomes a trust violator. Thus some individuals could daily lose considerable amounts of money at the race track but the loss, although a problem, might not constitute a non-shareable problem. Others might define the problem as one which had to be kept secret and private and so it would be viewed as a non-shareable problem. Similarly a failing bank or business might be considered by some individuals as presenting problems to be shared and discussed with business associates and members of the community while others would conceive it as a non-shareable problem.¹⁵ It is especially pertinent to this study of middle-class crime based on occupations of the criminals, that the person who has a non-shareable problem must also have the opportunity to commit a crime before he becomes a criminal. For the middle classes this opportunity would often present itself during the course of their work.

Before relating concepts of differential association, social disorganisation, non-shareable problems and occupationally determined crime to the experience of the Victorian middle classes, it must be considered to what extent such concepts are being taken out of context. Sutherland's study was concerned with the twentieth century, the United States and was limited to business managers and executives. These are the three main points of departure from this study of nineteenth-century England and all persons following middle-class occupations.¹⁶

Sutherland has claimed that his hypothesis is universally applicable with regard to social class and so the differing width of the occupational sample should have no adverse effect. As nineteenth-century Britain and twentieth-century North America both experienced a dynamic, materialistic

culture characterised by a capitalist economic system based on limited companies with a social system dominated by the middle classes, it may be argued that the cultural contexts of the studies are similar enough to allow the concepts of Sutherland and Cressey to be tested in the historical context of this study of middle-class crime.

It is likely that the major source of non-shareable problems for the Victorian middle classes was the maintenance of the standard of comfort prescribed by the middle classes themselves on what was often little more than a working-class income. However, in a salaried hierarchy only salary indicated level and only display could reflect salary.¹⁷ The increasing cost of such display and its effect on family size has been clearly described by J.A. Banks,¹⁸ and the strain involved was hinted at by G.K. Richards, the Professor of Political Economy at Oxford University. When lecturing on the middle classes to his students in 1853, Richards described "the pressure of needy and energetic aspirants, keeping every path of industry full" which necessitated "a constant effort on the part of those who have attained a comfortable position to maintain it," and that "the difficulty of securing a provision¹⁹ for a family, combined with the dread of sinking to a lower level includes in numerous cases, the postponement of marriage."²⁰ This "lower level" was referred to by C.F.G. Masterman as the "ghetto" and the "abyss",²¹ and these words sum up the awfulness with which the middle classes regarded the prospect of becoming part of the lower social level. The fear of the abyss necessitated constant striving to attain the higher aspirations of the middle classes and such aspirations were nearly always of a materialistic nature and required increased income. The main obstacles to the attainment of these intensified the potential non-shareable problems perceived by the middle classes.

Towards the end of the century the small businessman's ability to make money was hindered as small masters were increasingly squeezed by the growing concentration of capital, the advance of large-scale production and the growth of cartels and monopolies. At the same time the frustrations of the salaried work force increased. As Crossick²² noted, the ambitious clerk hoped to (1) rise to a partnership in the firm, (2) set up business on his own, or (3) rise by merit in the clerical scale. After 1870 the increased scale of enterprise and capital made (1) and (2) difficult and the practice of multi-level recruitment curbed (3) so that many clerks were placed in an increasingly marginal position with their chances of rising to the employer class diminishing. It is little wonder, therefore, that a percentage of the middle classes, frustrated in their attempt to achieve their monetary ambitions by honest means, should turn to dishonest sources of income to supplement their salaries.

In the late fifties and early sixties the "proper" time to marry was debated at great length in the weeklies and monthlies. In the letter columns of *The Times* of June 1858 a protracted discussion ensued as to whether it was possible to be happily married on an income of £300 per annum—in short, whether the husband could maintain the standard of living of both himself and his partner at that which he had enjoyed as a single man. Professor Banks has shown that the average age of marriage among the upper-middle classes from 1840 to 1870 was between twenty-nine and thirty years of age.²³ It is, perhaps, not just coincidence that the most common age range of the middle-class criminal was between thirty and thirty-five years of age. This was the age when the most common cause of non-shareable problems (i.e. marriage) was most likely to occur and by which the potential criminal would have risen to an occupational position which would have made the commission of a crime more simple.

The concept of differential association seems to be less applicable to the middle classes of Victorian Britain than it is to the lower classes, some sections of which accepted crime as a necessity. For many in the lower classes lack of employment presented the twin options of either entering the workhouse or generating an illegal income through the pursuit of crime. Evidence abounds that the dread of the workhouse was such that crime was perceived as the more acceptable of the two options amongst those members of this class whether employed or not. For those in the middle classes outward respectability was the social requirement of the class, and perpetrators of criminal acts, who were automatically assumed to be members of the lower class, were despised as people who could not fit into the social system which was largely designed around the middle classes and for their benefit. This may be a superficial view as its counterpart on a social level—social disorganisation—was very much in evidence. In 1843, the editor of the *Illustrated London News* warned that, "the agents of our trading and fiscal affairs live, move and breathe, in a perfect atmosphere of fraud. If we progress at the same rate for half a generation longer, commercial dishonesty will become the rule, and integrity the exception."²⁴ In 1854 Herbert Spencer unwittingly described how railway managers of the period fit perfectly into Sutherland's concept of differential association when he wrote,

Bearing in mind the comparative laxity of the corporate conscience; the diffusion and remoteness of the evils which malpractices produce; and the composite origin of these malpractices; it becomes possible to understand how, in railway affairs, gigantic dishonesties can be perpetrated by men, who, on average, are little if at all below the generality in moral characters.²⁵

S.F. Van Oss agreed with Spencer when referring to all limited companies; he wrote, "Management is, in the majority of cases, utterly corrupt

and dishonest, besides being generally incompetent."²⁶ J.W. Horsley, in analysing the commercial immorality which he believed characterised the period, related it to the development of middle-class values which had led to property rights being the primary rights of citizenship; the indiscriminate respect for wealth; and the belief that poverty was a contemptible thing.²⁷ Such literary evidence points to the existence of a conflict of standards which permits the conclusion that much of the crime committed by the middle classes in the nineteenth century may well have been the result of differential association and social disorganisation.

Given the source of a non-shareable problem and the fact that the potential criminal had subconsciously acquired the belief, through differential association, that the problem should be solved by the commission of a crime, he still required the opportunity to commit the crime. This opportunity had to occur relatively quickly or the non-shareable problem may have been resolved by other factors. The occupations of the middle classes offered them unique opportunities for the commission of several types of crime, and in many cases this opportunity was heightened by the lack of strict legal, commercial and bureaucratic controls.

The results of this study show that middle-class criminals made use of the opportunity afforded by the type of occupation that they followed to commit a crime. For example in the Birmingham sample from 1880 to 1900 at least 48 per cent of middle-class crimes could only have been committed inside the place of work and many were actually incorporated within the work itself. The examples of embezzlement by clerks, fraud by members of the professional and managerial group and the keeping of bawdy houses and receiving of stolen goods by retailers are all too obvious. It is on this point that the crime of the lower classes differs from that of the middle classes. It is noticeable that the only middle-class group without a set occupation—gentlemen and independent widows—is the group most involved in crimes which would be difficult to commit whilst in occupation (i.e. common assault, sexual assault and riot and assault). Generalisations may well be erroneous as little research of a statistical nature has been made into the crimes of lower-class criminals,²⁸ but it may be conjectured that the middle classes were afforded more opportunities to commit large crimes of a serious nature during the course of their occupation, and, owing to the length of the working day and the permanent nature of the posts, were offered fewer opportunities to commit crimes outside their working hours. Conversely the lower social classes were engaged in work which afforded lesser opportunities to commit serious (in financial terms) crimes and, owing to periods of under-employment and unemployment, were afforded more opportunities to commit crimes unassociated with their employment.

The commission of many crimes by the middle classes during the course of their occupations was aided by the lack of strict controls of the work involved. This statement applies mainly to the crimes of embezzlement, fraud and falsification of accounts, and the fact that these were among the main crimes of the middle classes adds weight to the hypothesis that the middle-class criminal was encouraged by the opportunity to commit crime afforded by the lax control of his occupation. Alfred Emden, in 1894, believed that the law actually encouraged dishonesty and wrote, "The carrying out of objects which would be more or less fraudulent, and would be impossible in the case of a private individual or a partnership is rendered easy by means of the Companies Acts."²⁹ Emden later noted the failure of company legislation to alter in order to accommodate new developments in business practice.³⁰ The Directors' Liability Act of 1890 made directors culpable for the publication of fraudulent prospectuses but it was not until well after the period of this study that balance sheets (1908) or profit and loss accounts (1929) had to be published, and it was not until the Company Act of 1948 and the Prevention of Fraud (Investments) Act of 1958 that investors were afforded real protection. Fraud and embezzlement were both facilitated by the poor accounting methods used during the period. The Company Act of 1844 had stated that auditors had to examine books as a prerequisite of legal sanction to carry out business. However, the auditors were not required to be accountants and the compulsory requirement was dropped in the case of companies formed under the general statutes of 1856 and 1868.³¹ Although it was claimed in 1876 that accounts were "generally audited"³² they were not compelled to be so until 1900.

IV

This survey points to the conclusion that in the second half of the nineteenth century the middle classes had the motives, the moral environment, and the opportunities which encouraged the commission of crime. Ironically, the motives were generated by the middle classes themselves in contrast to the lower-class criminals who were often forced into crime by a social and economic system which was imposed on them from above. The mobile middle class was constantly striving to move socially upwards in the hierarchy and geographically outwards to the suburbs. Hence, one reviewer of the Victorian age, writing in 1897 noted that "an impatient restlessness is socially a note of the period."³³ This restlessness amongst Victorian clerks (the grass roots of the middle classes) is captured in the following letter from John Holt, in the early 1860's, who wrote to his father about his routine clerk's job:

What am I to do? If I stay where I am I have the prospect of a £60 salary which to my ambitious nature is beggary. No! it is money I want and money I must have if I go through fire and water for it. . . . It is not the gold, but the independence it brings and the cares it drives away.³⁴

The non-shareable problems appeared to be self-generated but were no less real for that. Their solution through the commission of crime connected with one's occupation seems to have been encouraged by a conflict of standards which accepted acts by corporate bodies which were considered criminal or immoral if committed by private individuals. Hence, during the course of his work the middle-class criminal was in association with those who defined "immoral" acts favourably. The lax control of occupation allowed such people to then perpetrate such immoral acts for their own personal gain, but, when carried out by an individual, society re-defined such acts as criminal.

Throughout the century the numbers of the middle classes grew, and at the same time the criminality of the class rose so that by 1870 their criminality, in terms of indictable crimes, was greater than that of other social classes. In addition, the crimes that they committed were far more extensive than those of other social classes. In noting the crimes of Watts, Redpath and R.F. Pries, Kellow Chesney remarked:

Apart from a few professional forgers and their associates, financial swindling was characteristically the crime of business and professional men. A man who commanded the resources to shake the money market could hardly be considered a member of the "dangerous classes" and it is almost axiomatic that the biggest and most profitable crimes were beyond the reach of the underworld.³⁵

Middle-class crimes left no blood on the pavement, no scars, no property damaged, no visible signs. As with shop-lifting from large retail outlets in our modern society, the victim was difficult to identify and seemed to merit little sympathy. Consequently middle-class crime was a social phenomenon which was unremarked, and the rise in criminality of the central social class went largely unnoticed by society. Given the stereotyped image of the respectability of the Victorian classes which has been handed down to the twentieth century reader, the phenomena of a criminal middle class is truly remarkable.

Notes

The place of publication is London unless otherwise stated.

1. The information for this study was obtained from the calendars of prisoners appearing before the Quarter Sessions and Assize Courts for Middlesex

1855-65, 1878-88, Surrey 1855-65, 1878-88, Birmingham 1880-1900 and Manchester 1882-84. The counties of Middlesex and Surrey included the bulk of the population of London. Two three-year samples of the calendars of prisoners appearing before the Central Criminal Court 1857-59 and 1881-83 were also used. The study covered 106,505 cases of which 5,016 (4.17 per cent) involved charging members of the middle classes. This choice of samples was largely determined by the availability of continuous series of records lying either side of 1870 and the fact that they do relate to large urban conglomerations whose growth was an important facet of the new industrial society of the nineteenth century.

2. Minor offences were treated summarily by a Justice of the Peace at the Petty Sessions. More serious offences were indicted before a grand jury and then sent for trial by jury at an Assize court presided over by a judge or at Quarter Sessions chaired by Justices of the Peace. The allocation of indictable cases between the Assizes and Quarter Sessions was governed after 1848 by the convention that Quarter Sessions tried all indictable offences except those carrying penalties of life imprisonment on first conviction and burglary. In 1834 the Central Criminal Court at the Old Bailey was set up as a special permanent court at which the most serious offences were tried.
3. Armstrong used the classification for his study of York with much success, and many believe that failure to utilise the 1921 survey has led to poor classification and lax definition by other authors. For fuller discussion of the point see, W.A. Armstrong, "The interpretation of the Census Enumerator's books for Victorian Towns," and H.J. Dyos and B. Baker, "The Possibilities of Computerising Census Data," with the ensuing discussion in H.J. Dyos, *The Study of Urban History* (1968).
4. The Metropolitan Police Fraud squad was not formed until 1945.
5. Amongst the best known and prolific of these writers were Rev. John Clay, Mary Carpenter, Henry Worsley and W.D. Morrison.
6. The relationship between intelligence and successful perpetration of crime is a matter for interesting debate. A modern view is that, "Only the simpler and more impulsive crimes are available to the person of low intelligence and even at these he will probably be unsuccessful." Howard Jones, *Crime in a Changing Society* (1965), p. 44.
7. See D. Morier Evans, *Facts, Failures and Frauds* (1959) and Michael Crichton, *The Great Train Robbery* (1975).
8. Max Beloff, *Public Order and Popular Disturbances, 1660-1714* (1938, reprinted 1963), pp. 20, 33.
9. Thomas Burke, *The Streets of London through the Centuries* (1940), p. 94.
10. Richard N. Price, "Society, Status and Jingoism: The Social Roots of Lower-Middle-Class Patriotism, 1870-1900," in Geoffrey Crossick, ed., *The Lower-Middle Class in Britain, 1870-1914* (1977).
11. A.R. Barrett, "Era of Fraud and Embezzlement: Its causes and remedies," *Arena*, 14 October 1894.
12. A.T. Craig, "Frauds in connection with Book-keeping and Methods to be used for their Detection," *Accountant*, February 1898.
13. For example Cesare Lambroso, Paul Broca, Enrico Ferri, Gabriel Tarde.
14. Edwin H. Sutherland, *White Collar Crime* (1949).
15. Donald R. Cressey, *Other People's Money* (1953).

16. Sutherland's study also included "criminals" who were not convicted, and it is on this point of definition that he has been severely criticised. See R.G. Caldwell, *Criminology* (New York, 1965) and P.W. Tappen, *Contemporary Survey of Juvenile Delinquency* (New York, 1952).
17. See Geoffrey Crossick, "The emergence of the lower-middle class in Britain: a discussion," in Geoffrey Crossick, ed., *The Lower Middle Class in Britain* (1977), p. 117.
18. J.A. Banks, *Prosperity and Parenthood: A study of family planning among the Victorian middle classes* (1954).
19. By the second half of the nineteenth century the old professions were reaching saturation point. See Harold Perkin, *The Origins of Modern English Society 1780-1880* (1969), p. 255. "Even with connections and capital, professional success was not guaranteed; without either it seems exceedingly difficult for men honestly to make a prosperous way." Geoffrey Best, *Mid-Victorian Britain 1851-75* (1971), p. 77.
20. Quoted in L.G. Johnson, *The Social Evolution of Industrial Britain* (1959).
21. C.F.G. Masterman, "Realities at Home," in *The Heart of the Empire* (1901), p. 13.
22. Geoffrey Crossick, "The emergence of the lower middle class" (1977), pp. 19-23.
23. J.A. Banks, *Prosperity and Parenthood* (1954), Ch. 3.
24. *Illustrated London News*, 2 December 1843.
25. Herbert Spencer, *Edinburgh Review* 100, October 1854, p. 427.
26. S.F. Van Oss, "The Limited Company Craze," in *Nineteenth Century*, 43 (1898): 740.
27. J.W. Horsley, *How Criminals are Made and Prevented* (1913).
28. Two good examples, however, are David Phillips, *Crime and Authority in Victorian England* (1977) and Howard Zehr, *Crime and Development of Modern Society: Patterns of criminality in nineteenth-century Germany and France* (1976).
29. Alfred Emden, "The Crying Need for Reforms in Our Company Law," *Nineteenth Century* XXXV (1894): 1033.
30. Alfred Emden, "Defective Addition to Company Law," *Nineteenth Century* (1900): 951-971.
31. See, B.C. Hunt, *The Development of the Business Corporation in England, 1800-1867* (Harvard 1936), p. 141.
32. C.J. Relton, *Essays on Auditing* (1876).
33. T.H.S. Escott, *Social Transformations of the Victorian Age* (1897, Reprinted: Folcraft Library, Pennsylvania 1973), p. 194.
34. Quoted in G.L. Anderson, "The Social Economy of Late Victorian Clerks," in Geoffrey Crossick, ed., *The Lower Middle-Class in Britain* (1977), p. 117.
35. K. Chesney, *The Victorian Underworld* (1972), p. 312.