

Custom Becomes Crime

Crime Becomes Custom

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Abstract

This thesis examines the changing relationship between customary activities of the poor and economic change. The social crime debate is used to illustrate the historical importance of informal economic activity, both as a survival strategy and as a means of protest. Key issues of the experience in Britain will be highlighted, and issues such as self-interest will be placed within community toleration. Ironically, social criminal activities are also in the wider interests of the class of people from which social criminals themselves originate.

The change from Feudalism and the origin of capitalism (particularly industrial capitalism) created the working class. The peasantry were increasingly displaced from the land, and habits suitable for work paid in cash were inculcated and forced upon people. Customary agricultural practices were gradually whittled away, but the working class changed these into perquisites and new customary work-based appropriation. Protest became located within the official structures of the labour movement, and increasingly orientated around the wage form.

The post World War II economic boom encouraged standardisation and stabilisation of products, and within society itself. The onset of economic crises, beginning in the late 1960s, had increasingly global effects, and involved new markets encouraged by European integration. This changed the nature of (un)employment relations, the composition of the working class, consumption demands and possibilities, as well as creating a large and growing informal economy.

This new casual and opportunistic, official/unofficial labour market, has meant a resurgence of social crime as a normal feature of survival. Shoplifting, tobacco and alcohol smuggling will be theoretically and practically examined; social crime content assessed; and protest capacity explored. Informant narratives highlight these key features of our time. The thesis further argues that crime has returned as a central aspect of culture.

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Introduction

Background to this Thesis

This thesis examines the changing opportunities, meaning and experience of alcohol and tobacco smuggling and shoplifting historically, and into the current period (1998-2004). It intends to contribute to knowledge; *evidence and theory of practices and ideas of social crime resistance*. In particular this includes; new shoplifting theory, fresh descriptions of the smuggling industry and theory, and a development of E.P. Thompson's theories in a neo-Thompsonian perspective. Overall, this framework uses social crime theory (SCT), which is presented afresh and developed in significant ways, SCT has its commonsense origins in the Robin Hood legend and knowledge of Robin is widespread. Partly due to the efforts of sociologists, but more likely because of the nature of society and it is Eric Hobsbawm (2001) who noted this presence throughout the world. The earliest description of social crime, and still relevant, is;

A conscious, almost a political, challenge to the prevailing social and political order and its values... 'Social criminality'... occurs when there is a conflict of laws e.g. between an official and an unofficial system, or when acts of law-breaking have a distinct element of social protest in them, or when they are closely linked with the development of social and political unrest (Hobsbawm et al, 1972, Bulletin 25, 5).

In theoretical terms this was identified firstly by Hobsbawm, and then significantly refined by E. P. Thompson et al. Smuggling itself has a long history in and around Britain, an island with a seafaring tradition, and Cal Winslow (1975, in Hay et al, 1975) cogently describes and argues the case for smuggling to be regarded as a social crime (also Hill, 1996). Smuggling dates back nearly a thousand years to the King levying the first taxable duties. Thus there is some public notion of social crime ('robbing from the rich and giving to the poor') and awareness of smuggling, and in attempting to discuss the general applicability of social crime two case studies will be examined. Firstly in the example of new markets for smuggled tobacco and alcohol, and secondly with the perceived increased importance of brands when shopping, and possible impacts upon shoplifting.

It is essential to define crime, it is "behaviour which is defined by the legal codes and sanctioned by the institutions of criminal justice" (Schwendinger, H. and Schwendinger, J. 1975, 113, in Taylor et al, 1975). Following from this smuggling is a "customs offence consisting in the movement of goods across a Customs frontier in any clandestine

manner, thereby evading Customs control” [www.customscentre.canberra.edu.au/glossary/glossary accessed 15.7.05], and contraband is “items of which possession may be illegal depending on the variety and the country or the age or sex of the possessor. One can be punished for having such an item, even if one has paid for it, made it oneself, or is in, possession of it without knowledge” [www.en.wikipedia.org/wiki/Contraband accessed 15.7.05]. Of further relevance to this research is a Police definition of theft; “The Theft Act 1968 Section 1 (1) states that a person is guilty of theft if: he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it” [http://www.sussex.police.uk/infocentre/text_version/content.asp?uid=449]. Also, shoplifting is “theft of merchandise for sale in a shop, store or other retail establishment, usually by a would-be patron or customer” [www.en.wikipedia.org/wiki/shoplifting accessed 15.7.05]. A multitude of other definitions can be used for these topics, although there are enough here already that can be used to relate to other aspects of socio-economic relations.

Recently neo-liberalism, the growing integration of markets, and the European Union, have had dramatic effects economically and socially on both the opportunities for smuggling e.g. with the opening up of borders in 1992, and the necessary levels of skills and motivation for smuggling. In general this means that the everyday and normal pursuit of alcohol and tobacco, which are relatively expensive in Britain, has become an everyday social crime throughout the country. It maybe possible to never know that competition over the meaning of smuggling existed if government, customs, and police rhetoric in the media was the focus of attention. It's almost as if another world (Negri, 1992, Presdee, 2000) lives subsumed within a carefully constructed official superstructure, and it is this world that will be explored in, and on, its own terms. In borrowing descriptions from the informal economy debate, another central issue of our time, this is often called a shadow economy whose imagery is that of the subterranean or dark side as opposed to the legal and the 'light'. For reasons that will become apparent this is misleading, and a better description and category is freetraders, for that is what they are and what they do, at least, until they are caught. Freetrading and freetraders are a subsection of the informal economy.

Briefly, the literature identifies the golden age of social crime, suggesting that social crime was increasingly marginalised and dying out as the working class continued its' formation and built it's institutions. This ultimately led to the new golden age of full employment and

the social contract with crime and social crime left to the professionals. The more obvious crime being the reserve of the marginals, working class traditions of perquisites were either modified in the new employment regime or invented afresh. A limited number of social crime traditions were kept alive by an increasingly small number of people, increasingly hidden, and not discussed. For analysts "certain facts (domestic labour, peasant farming etc) though acknowledged, were deemed idiosyncratic vis-a-vis the (teleological) history of modernity" (Smith, 1994, 72).

The relationships that form the informal economy only have meaning because they are not 'formal'. There was never a time or country which had totally eliminated the informal economy, frequently the most regulated of countries e.g. U.S.S.R. (Grossman, 1989, - In Portes, Castells and Benton, eds, 1989), relied on the informal exchanges to maintain a quality of life bearable for its inhabitants. As the industrial revolution progressed, Britain experienced the formation of ever larger companies and factories that saw the gradual normalisation of the wage form of work/payment exchange (Linebaugh 1991). It is not that uncontrolled and exploitative relationships of production e.g. Sweatshops are old, classical capitalism, but that these forms of production have arisen due to changing economic and regulatory frameworks, and it is this that makes these developments important and new. Evidence suggests that sociologists shouldn't be surprised by this analysis, because;

Between 1959 and 1980, Latin American economies grew at a weighted average of 5.5%.... The response of labour markets to this accelerated process of industrialisation was *not what orthodox economic theories of industrial development would have predicted....* Informal employment, as defined by the United Nations' Regional Employment Program for Latin America (PREALC), *declined only from 46% to 42% of the Latin American Labour force* (Castells and Portes, 1989) emphasis added.

Classical Western theory stated that there would be a rapid advance of the formal employment percentage that would nearly have eliminated the informal one. Signifying a period of social harmony as people should be able to depend upon a regular lifestyle and welfare benefits. New literature from the 1970's onwards and experience of city life suggests that the informal economy has grown exponentially since about 1973. This has been a gradual increase, to do with changing economic conditions; notably restructuring and new technology "capital uses new technologies to free itself from the constraints of organised labour" (Castells, 1989, 29) associated unemployment, sub contracting (Castells, 1989) and outworking arrangements. Key events have increased informal economic activity locally and nationally. The main increase here arose due to alcohol and

tobacco smuggling possibilities with the abolition of limits and the establishment of the free European Market in 1992. Focus on shoplifting started later due to the publication of “No Logo” by Klein in 1999, and shoplifting rates have been rising whilst considering that its’ actual rate is difficult to measure.

There certainly is enough evidence to state that by 1985 it was already “a major component of the larger street culture of drugs, prostitution, and crime” (Klemke, 1992, 103, also Johnson, 1985, 118). There is every reason to think that it has grown in importance since, alongside the general widely acknowledged rises in street crime. Castells identifies the “dramatic expansion of the informal economy, at both the core and periphery of the system” (1989, 23), since the collapse of the new post WWII economy, that was “often characterised by the misleading term ‘Keynesianism’... [including] A social pact between capital and labour” (1989, 21).

The Specific Tasks Involved in the Research

1. To describe and analyse the changing historical nature and meaning of social crime as found within shoplifting.
2. To describe and analyse the changing historical nature and meaning of social crime as found within alcohol and tobacco smuggling.

The Specific Aims of the Study

1. To investigate the changing nature of social crime from a legal, social, political, and theoretical context as present within alcohol and tobacco smuggling, and shoplifting.
2. To investigate the meanings that potential social criminals ascribed to their work.
3. To locate and analyse the ways in which social crime is made sense of, both within academic discourse and within informant’s narratives.
4. To explain how social criminals were working through the changing customs regulations and marketing opportunities in Britain.

The Investigation

This thesis examines, from both a practical and theoretical context, the changing nature of social crime, from its historical application and economics to the present age. It draws on interviews with relevant social criminals and a selected key informant conducted between March 1998 and September 2003. In addition, interview material from TV and radio programmes, and questionnaire data has been included. It has been difficult to gain access to the smuggling community for there are no official structures operating openly. This community and its periphery may have been accessed by handing out a questionnaire on the ferry to Calais from Dover. Observational and participant material from many trips to Calais, and to shopping centres and marketing outlets in Britain, has also been used.

The General Theoretical Approach

Much has been written about the economic and social changes that have given the current epoch character and a dynamic of progress. Important issues with the relevant historical data will be abstracted and discussed, and particular authors' interpretations of the current period will also be analysed. In brief, general economic changes work in dialectical interplay with changes in crime, community mores, and individuals' attitudes that are at the basis of research. These general features produce a necessity for a particular but dynamic concept for analysis, social crime, and two particular case studies of shoplifting and the smuggling of alcohol and tobacco that can illuminate this lively approach. It seems that labour market formalisation accounted for much of the decline in traditional social crime throughout the 19th century, and a corresponding deformatisation may have enabled the growth of social crime again. 'Deformatisation' as used above maybe read as a capitalist euphemism for the wanton disregard of many industrial communities way of life, but this is not the sense that is intended to be conveyed. Widespread closures were used as political and economic measures to usher in economic liberalisation (and informalisation) as a means to higher profits (Tabak, 2000, in Tabak (ed) 2000).

It is because crime and social crime involve the law in historical movement that several disciplinary boundaries are crossed. As well as history and economics, anthropological,

psychological and sociological analyses are included. Despite the difficulties of incorporation of such wide-ranging disciplines it is necessary because the subject matter demands such an approach. Analysis that denied either one of these disciplines would be incomplete. It is necessary to try to explain behaviour in a comprehensive manner, where action and reaction of different people and institutions are not separate - criminals from corporations from customs from journalists from the public etc. All of which have different cultural and historical development;

The problem of agency is the problem of finding a way of accounting for human experience, which recognises simultaneously and in equal measure that history and society are made by constant and more or less purposeful individual action and that individual action, however purposeful, is made by history and society... People make their own history – but only under definite circumstances and conditions... The variations on the theme are innumerable; and the failure of human sciences to work the theme to a satisfactory conclusion is inscribed on page after page of the literature of each of those sciences... the estranged symbiosis of action and structure is both a commonplace of everyday life and the unbudgeable fulcrum of social analysis (Abrams, 1982, xiii-xiv, in Rubin & Sugarman, 1984, 111-112, Marx, 1950).

This is a totalising viewpoint, an appreciation of formal and informal action, the effects of constraints both by formal policing intervention and informal control. A perspective that can relate the particular to the general, and the general to the particular as it develops. As focussing on one crime and one criminal means that;

In order to focus on this one aspect of his identity, his criminality, others have to be suspended and annulled. His criminality has to be abstracted out from the complex of other characteristics which make him what he is and be regarded as dominant... Thus the process of abstraction – we might call it the criminalising abstraction – which establishes the identities of those who violate the criminal law as criminals irrespective of other characteristics they might have... is not simply a logical process. The content of abstraction, what is included and what is excluded, who can in actual practice be criminalised, is a social, historical and political process. It is a question of power and imagery (Lea, 2002, 1 and 3).

Lea takes apart the process of criminalisation, and far from being a natural way of ordering society it is possible to see that there are alternative descriptions. It is possible to answer some questions Lea raises, based upon;

The perspective known as the square of crime (Lea 1987, 1992; Young 1987, 1992). The study of crime is grounded in a framework of interaction which includes, besides the familiar dyad of offender and victim, the state and the criminal justice agencies themselves together with the publics and communities within which crime

and crime control take place, as active participants in the construction and regulation of criminality (Lea, 2002, Preface).

Lea claims a more precise and dynamic understanding of 'the social relations of crime control' has consolidated advances in left realist criminology (Lea, 2002, Preface, and 13). Good research is based upon an understanding that historical contextualisation is a precondition for an analysis that can get to the root of the matter;

To understand the changing relationships between criminality and other socio-economic processes, an historical approach is absolutely necessary. It is a core argument that many of the changes taking place at the present time re-present aspects of modern capitalist societies in their formative stages. This involves abandoning an analytic in favour of a chronological approach. The square of crime thus reappears as the social relations of crime control, a set of relations through which societies deal with a large part of their interpersonal conflicts and harms as crime, and by means of criminal justice (Lea 2002, Preface).

This theorisation is similar to that presented by Taylor, Walton and Young (1973, 1975), learning from the different radical theories in America, Taylor et al formulated a hybrid, taking the best parts of previous theories and bridging their weaknesses;

The task of British theorisation was to try to bring these three concepts together: to deal with action and reaction, to postulate human actors who were neither capriciously free-willed nor stolidly determined, to place actors both in a microsetting and in the context of wider society (Young, 1998a, 19).

An appreciation of the temporary and historically recent developments of capitalism is essential. Initially by understanding that wage labour is not a natural phenomena; "The conditions in which the 'natural laws' of political economy could operate had to be forcibly constructed" (Corrigan & Sayer, 1981, 69, in Fryer et al (eds), 1981, in Rubin & Sugarman, 1984, Emphasis in original). By considering action and re-action of different individuals within specific case studies, and the institutions involved, this is a framework to look at potential changes in the globalised capitalist system which are useful for explanatory purposes, and to understand the relationships between the two. In the British criminological field the influence of E.P. Thompson and other British Marxist historians was palpable (Young 1998a). This 'history from below' perspective was interpreted by criminologists as subcultural theory; people were seen as acting and reacting to social conditions. Not only would the structural explanation be provided, the minutiae of the actual generation of rule breaking and movement through time would be presented; "subcultures of imagination and creativity rather than of flatness and determinism, resistance rather

than negativism and retreatism, of a world of leisure as well as school and work, of meaning rather than malfunction” (Young, 1998a, 20). If these ideas are applied to smuggling and shoplifting, many issues are raised that need to be explored.

Initial Hypotheses and Questions Employed in the Research

The central research questions (CRQ) were designed to discover whether crime had become custom, and whether protest was a part of smuggling and shoplifting (see Appendix A). The research was not intended to be lifeless or abstract; rather it would have real significance at a time of political and socio-economic change. The challenge in taking two fields meant an absorption and level of focus on these issues that meant there were dangers with ‘going native’. The discipline of academia meant research had to be grounded in a structural approach, and a critical standpoint is necessary too.

The first area of theoretical questions designed to support the CRQ was at the general descriptive level about peoples’ culture. As a means of grounding common understanding, and establishing trust, further broad questions about process from beginning to end, including peoples’ backgrounds, preparations involving structure facilitators like transport, and any knowledge and skill involved were all useful. Then there is the distribution and any cultural celebrations involved with the successful completion of a project.

From this cultural level the act itself is next, and preparations for it, which are more specific. Any special disguise or equipment necessary, and using and building on knowledge and skills with the confidence gained from successful deeds. What, if any, task sharing knowledge was shared?

Then what are the meanings and causes of what they are doing. Questions surrounding these activities involve motivations and rewards, both financial and social. Is there an element of protest implicit in what they are doing or is it more developed?

Finally we come towards attitudes that sustain the activities and enable it to exist. Is there a sense of antagonism to those who are tasked with controlling these acts, and does it manifest itself verbally and/or physically? Are people enthusiastic practitioners of shoplifting and smuggling?

Then each of the theoretical questions were translated into relevant questions to be posed to informants. So that the answers to these informant questions (IQ's) would lead to the theoretical questions being answered. IQ's would then directly relate back to, and answer, the central research question (Wengraf, 1994).

When considering research in a clandestine activity there are several difficulties. How is one to go about entering the real world of the smuggler without altering their activity and ensuring the safety of the researcher? This should be entered with as non-judgemental attitude as possible, and empathy with subjects will establish at least preliminary acceptance. Intentions should always be in the open, whilst at the same time as reassuring informants of absolute confidentiality and secrecy. They should not alter their activity for researchers benefit, or invent stories they thought maybe more acceptable. The general principle, which underlines this research strategy, is that "methods or techniques employed, must be appropriate for the questions you want to answer" (Robson, 1993, 38).

The best way to think of the fieldwork is as an approach; "Case study is a strategy for doing research which involves an empirical investigation of a particular contemporary phenomenon within its real life context using multiple sources of evidence" (Robson, 1993, 38), in order to provide a picture of illicit events. This will be analysis on the particular level of smuggling in the main cross channel route, at the highest level of significance because of the mass nature of the smuggling industry. The empirical data gathered will be used to reflect upon and elucidate the general theoretical approach.

An attitude test conducted on a relatively general level was used to find out what people thought about the high cost of alcohol and tobacco. This was used to find out the common explanations of behaviour, and enable discussion about smuggling in a relatively non-confrontational manner. Whether the lack of money or goods provokes smuggling, whether smuggling is regarded as protest, or whether smuggling can be regarded as work. Asking about particulars of the actual process when meeting someone for the first time without an introduction could be seen as confrontational and give the impression that the individual concerned was from the authorities, or working for them and would be inappropriate.

In E.P. Thompson's Tradition

Empirical questions are relevant for issues being scrutinized and this particular research is involved in historical investigations, because an understanding of history is indispensable for comparison to identify changes in practices. Theoretical development is vital if an adequate presentation is to be reached too. It was necessary to use E.P. Thompson's theory and history for grounding, then to develop and represent Thompson's illuminating research on class consciousness and experience in particular ways. The research is therefore a neo-Thompsonian perspective with its' emphasis on class formation that is essentially a process of becoming, and developing Thompson's insights into the early development of the industrial working class by identifying class consciousness and formation in the current epoch. Another way of presenting the perspective is "the philosophy of praxis" (Gramsci, in Golding, 1988, 546) involving Marx's "real dialectic", one that was based on 'objective possibilities'" (Gramsci, in Golding, 1988, 546, also Forgacs, Ed, 1999), and this informed methodology too.

Thus, rather than merely concentrate on particular issues already historically investigated, it was clear that there had been advances in capitalism that have affected the opportunities and practices of social crime. This is a dynamic process of disintegration and fragmentation of the old nominally national working class structure (and habits and mores such as social crime attitudes) in continual reformation, subject to global economic and cultural imperatives peculiar to the British context, including migrants. There have been massive economic transformations on a worldwide level, having different manifestations in particular countries, which are all linked in the new international division of labour (Marx, 1976) and this has led to the informal economy reaching unprecedented size and importance (Davis, 2004). In Britain the informal economy has a long history, and for the past 30 years theorization of it has been wide ranging. However, when choosing to concentrate on shoplifting and smuggling this narrowing was necessary in order to go into sufficient theoretical and practical depth to describe and explain the economy's nature, operation and structure. Both these subjects are crucial for any understanding of the informal economy in virtually any location in Britain, any attempt to talk about the informal economy which lacked focus on these issues would be worthless. More than this, the amateur trading networks in these issues described are central to understanding the relationships found in the rest of the informal economy, and key into central issues of globalisation, expanding markets, trade barriers etc. that are being debated at this time.

For comparative and applied reasons it was essential to concentrate on a classic social criminal activity such as smuggling in its late modern manifestation, and theorise and research another field, and that is shoplifting. Smuggling has been identified as a classical social crime by Thompson et al (Hay et al (eds), 1975, Winslow 1975, in Hay et al (eds) 1975) as industrial capitalism and state formation progressed during the late 18th and early 19th centuries. Thus smuggling characteristics that are necessary in social crime analysis, in terms of class composition, resistance, community solidarity, can be identified, and then used in a different issue and time for comparison. Shoplifting becomes particularly suitable for research, because, as Marx indicated (1976), the commodity is the first appearance of the capitalist system.

Thus the change from limited commodity production under the feudal mode of production, to generalized commodity production under Liberalism and industrial capitalism is implicit in the research. The relationship with the state is important too. In liberal democratic theory the state is mainly an administrative agency that regulates struggles between different interest groups, it is neutral, without any social or class bias. Traditional Marxist theory was too deterministic in its view of the state as reduceable to the needs of the bourgeoisie (Hall, 1984, in McLennan et al, 1984, Corrigan, Ramsey and Sayer, 1980, in Corrigan, (ed) 1980, Golby and Purdue, 1984). To counter this authors (Hall, 1984, in McLennan et al, 1984, Hall and Schwarz, 1985, in Langan and Schwarz (eds) 1985) utilized Gramsci's theoretical insights, the state must be seen as; "Having the specific role of creating the political and ideological conditions in which the whole society can be conformed to or brought into line with fundamental trends or tendencies in the social formation" (Hall, 1984, 11, in McLennan et al, 1984, also Hall et al, 1978, Sim, Scraton and Gordon, in Scraton, ed, 1987).

The Imposition of Wage Labour

Analysis of the means by which wage labour came to be the normal means through which capitalists pay for work rendered, and how traditional 'customs' were subject to different methods of control, chastisement and criminalisation is important to accurately describe the differences and similarities between then and the present age. When removed from their land the peasantry hated wage labour and viewed it as a last resort, with many regarding it as little different to slavery, and in the 16th century it was clear that the ruling

class did not intend to give men the vote unless they owned land, they were seen as chattels and wage labour was servility (Hill, 1974, 1996). Linebaugh (1991) has accurately described the struggle over the regulation of work, and briefly that meant management used technology, the law, and other methods to curtail custom and introduce wage payment in a long struggle.

It is the time between; “1750 to 1914 [that] is associated with nothing less than the transition from a rural, primarily agrarian and traditional society, to a modern, primarily industrial and urban existence” (Tiller, 1992, 171). The exact details and arguments over the ‘true rate of change and their scope’ in all aspects of society and its ‘political consequences’ are significant in their own right. Therefore issues discussed should be read as indicative of themes that have been abstracted, that are important, and developed where appropriate.

The recomposition of work changed from a position where most payments for work were not made in money in the eighteenth century, or where they were there were other forms too (Vobruba, 1998), to one where the wage form dominated. Indiscipline and excess are a feature of the condemnation of the behaviour of the poor by the privileged and outsiders, which dates from at least the 16th century, and is used to justify permanent work discipline and the wage form (Hill, 1996). Other features of work are important; “length and intensity of the working day, the characteristic technologies of production, the methods of circulating the materials of labour in and out of production, the ways in which the final product was appropriated” (Linebaugh, 1991, 374). Added to this payment of wages, when they were paid, was often years behind in the Dockyards during the late seventeenth, and throughout the eighteenth centuries, an additional disciplinary measure to stop a high turnover of labour (Hill, 1996, Linebaugh, 1991). Considering punitive deductions were made for all sorts of reasons men used their power over different facets of the working day to compensate for low money wages;

Slow-downs, absenteeism, tipping and baseying were complained of constantly by Deptford Yard supervisors... the Navy Board sought to limit the winter working day to eight hours, not in order to reduce payment of tides or nights, but to eliminate ‘the roguery and villainy they commit when it is beginning to grow dark’. One twilight evening in 1694 the commissioner... observed ‘the horrid consternation’ of workers carrying out ‘spikes, nails, bolts, lead, rope’ (Linebaugh, 1991, 377).

The main unofficial payment of dockyard workers was the circulation and use of wood, “The perennial problem of the Admiralty and the basis of life for the men and women of the dockyards was ‘chips’” (Linebaugh, 1991, 378). These were the scraps of wood and waste that went to make ships, a right to a proportion of it since 1634 was established. A fact worker’s and their families exploited in terms of levels and as a shield for other activities. The poor were allowed into the yards twice a week; upwards of 2000 women on some occasions gathered the ‘offal timber’, gleanings and chips. As well as for domestic use and production of the necessaries of life and as fuel, in short there was a thriving informal economy both for resale to others and to make your own boats. As little as a “sixth of the timber entering Deptford Yard left it afloat” (Linebaugh, 1991, 380), many struggles, fights, and riots occurred over the struggle for chips;

In April 1768 shipwrights fought the marines over ‘a bundle of chips’, their ‘Custom’... chips became associated with some deeply held working-class ideas of freedom and slavery. As a form of value, chips were not as desirable, useful or versatile as money, yet like money they fluctuated with prices, as shipbuilding communities struggled to live (Linebaugh, 1991, 381).

The indeterminacy of property in the production process, a key feature of social crime, allowed substantial leeway for interpretation of wood as waste (Linebaugh, 1991), and this was without ‘creative accounting’ by workers, a trait of many other industries at the time, such as shoemaking, and tailoring. The different attempts made to control the production process are instructive for the new relations of capitalist discipline. Stock marking was introduced, fortification which was basically an enclosure and more efficient in some places than others, with security personnel to enforce the gate. Recruitment control was attempted and sackings of the rebellious occurred, “divestment” (Linebaugh, 1991, 392) consisted of stopping people wearing coats and trousers that could conceal items, and criminalisation with the death penalty and the building of whipping posts and stocks within some yards, though these were rapidly destroyed.

It was from the mid 1770s, and especially the 1790s, that attempts to impose firm control over definitions of property rights were made, with steadily increasing levels of apprehension and punishment together with new law against embezzlement (Linebaugh, 1991). Silk workers in the 1790s also suffered a reclassification of traditional perquisites as theft, important because at the time silk “was the fabric of power and class command” (Linebaugh, 1991, 256). Though there were many acts criminalising customary appropriation from the late seventeenth century onwards in an unbroken pattern

(Linebaugh, 1991). Bentham became Inspector General of the Naval Works in 1795 and introduced 24 hour shift patterns, or 'incessant work' as he called it. He introduced machines, changed materials, designed innovations to the work process, altered job structure and wages, all with the aim of greater control over the yards; "in other words, class despotism in the yards would now be fully planned and grounded less on force than on 'rationality'" (Linebaugh, 1991, 400). Other fields of employment suffered a similar fate;

Watchmaking, shoemaking, hatting, tailoring and service...[all had their own] customary appropriation,... [that were subject to] changes in the technical mode of production, and the use of the criminal sanction to discipline a working class to new procedures and new modes (Linebaugh, 1991, 222).

It is by capitalist emphasis on the control of time that changed labour from the commoner choosing to work when they wanted, to one that suited their employer (Hill, 1996), and the control of space is important (Ruggiero, 2001) as people came to be contained within the factory. Attitudes that were previously based upon the seasons within agriculture largely were task orientated and unaccustomed to the brutal reality of the clock. How these attitudes were encouraged or made to change is a matter of debate, Linebaugh (1991) indicates the criminal sanction. Marx (1976) described these following themes, that later Linebaugh and Rediker emphasise, when they say; terror, violence, cruelty and pitiless punishment and execution, enforced expropriation, and further "The prison thus joined punishment to production to create work-discipline" (2000, 50). The following quote emphasises the space aspect of the new employment conditions, but the control of time was just as important;

Handicraft, putting out and manufacture could lead to confusion as to the ownership of the means, materials and product of production. The Williamite criminal code sought to clarify the confusion. The privilege of benefit of clergy was removed from the following offences: robberies of 5s or more in a dwelling house, shop or warehouse (Robbery act of 1691); stealing goods of 5s or more in the day or night from a shop (Shoplifting act of 1699); stealing goods of 40s or more from a dwelling or outhouse (Larceny from a dwelling act of 1713). Of cardinal significance to these statutes was the locus operandi. New modes of circulation of commodities (shopping) and new modes of their production (putting out and manufacture) that emphasized physical locations were reflected in these revised definitions of robbery, breaking and entering, burglary and shoplifting (Linebaugh, 1991, 65).

Ruggiero (2001, also Hill, 1974, Linebaugh, 1991) discusses the gospel of the clock and notes that the factory required a new type of discipline to which people were unaccustomed, it is clear that this was forced and taught by authority using discipline. The

control of time and payment for time were to become major issues for workers, who did not always leave it to institutions like Trade Unions to negotiate for them. In America "in Durham at least, workers figured out a way to rig the clock in order to steal time" (Kelley, 1994, 20) and the Durham coalfield in Northern England employed colliers with similar aims (Douglass, 1999). Though stealing time became an offence punishable with prison as new capitalist relations were being enforced (Hay & Rogers, 1997, 124). The watch industry itself is an early example of the difference between homogeneous manufacture; "the successive application of different qualities of labour to the same material" (Linebaugh, 1991, 226) and heterogeneous manufacture that entails a final product put together through "the assembly of many different components" (Linebaugh, 1991, 226). Linebaugh notes the resistance of workers who ironically stole time, took perquisites and stole watches.

It is not only that income was fluid and volatile, involving formal and informal aspects depending on the multitude of opportunities within the formal and informal economy, price itself was elastic in formal and informal marketing areas too; "Quakers were thought odd because... they refused to haggle at the market, insisting on a single price for all customers. By 1780 fixed prices were becoming generally accepted" (Hill, 1967, 247). The variety of prices obtainable within formal and informal marketing spheres is important as it is indicative of the attitudes towards goods of uncertain legal or illegal origin at any stage of production and distribution, a feature important in the 21st century.

The legitimacy of the political system during the change from feudalism to industrial capitalism was ensured through several means. The revolution of 1649 and the first English republic (Nairn, 1988) laid the grounds for later changes in the social order. From the absolute monarchy, the restoration ensured a new anti-democratic and elitist political order, slowing down the pace of economic development (Hill, 1967). A combination of factors composed the infrastructure for the industrial revolution: the rise of a powerful merchant class that benefited from overseas trade and colonialism, who made technical discoveries and rationalised production, an agrarian revolution – Hobsbawm remarks that this was made possible by absolute security of tenancy and removing smaller "tenants from the land whose subsistence economy contributed nothing to national wealth, and driving them into waged employment" (Hill, 1996, 232), and the factory system of organising machines and staff in one place with constant technological innovations (Kaldor, 1977). For the poor their legitimacy was defence of custom; in terms of

appropriating common animal and vegetable produce, and in access to the abundant and free minerals of the commons, authority recognised this too (Thompson, 1991). It was in struggles over traditional rights laid down in the book of orders, and other customary rights e.g. beating the bounds of the common lands, which were the means by which deference to authority was maintained.

Finally the working class “acquiesced in the technological recompositions of the labour process in exchange for a system of wage-payment” (Linebaugh, 1991, 438). However, the acquiescence was always troubled, subject to many local and national conflicts, and sometimes nearly ruptured. It is when trade unions developed to allow working class bargaining that marks “acceptance of the permanence of wage labour [and] abandonment of liberty to work for wages only when workers chose” (Hill, 1996, 70).

The next qualitative leap important is the change from Fordism and the Keynesian Welfare state, to neo-liberalism and the Post Fordist warfare state. Fordism is important as it is a category that describes the greater part of most peoples’ lives for a considerable period starting in 1914. This was because Henry Ford introduced the 8 hour 5 dollar day for his workforce at his automated car-assembly line in Michigan U.S.A. Ford consolidated the large corporate ethos and modernized old technologies and the division of labour (Harvey 1987, Sim, Scraton and Gordon, in Scraton, Ed, 1987). The most substantial gains (in productivity) came about when work was directed to a stationary worker. F.W. ‘Speedy’ Taylors “Principles of Scientific Management” was part of the basis for this type of approach, where;

Labour productivity could be rapidly increased by breaking down each labour process into component motions and organising fragmented work tasks according to rigorous standards of time and motion study [this was married to] a separation between management, conception, control, and execution (and all that meant in terms of hierarchical social relations and de-skilling within the labour process) [which] was also already underway in many industries (Harvey, 1989).

John Maynard Keynes, and the demand management theory of economic growth is important, it is known as ‘Keynesianism’. This theory supplanted liberalism as the main policy position of government, though there is a return to liberalism today, neo liberalism. This was not an automatic or inevitable stage of history, and nor is a simple return to the past possible (Young, 1998c). Liberalism was the characteristic of the state/civil society relationship; the individual was supreme within the free market and corresponding property

rights. The state was an overseer and nightwatchman, interfering as little as possible (Hall and Schwarz, 1985, in Langan and Schwarz (eds) 1985). It was the crisis of liberalism that involved doubt of, and questioning of, the working assumptions of the classes with leadership, that ultimately led to new practices of governance;

Breaks in the practical organization of common sense represented – as Gramsci has argued – no mere shift in the ‘spirit of the age’. They have a direct bearing on the mechanisms of power in both civic life and in political institutions. They lead us directly to the questions concerning the maintenance of social authority or hegemony (Hall and Schwarz, 1985, 11, in Langan and Schwarz (eds) 1985).

One example would be the ending in 1931 of the idea of ‘pauperism’ vanishing from use. Pauperism had tied “aid with disapproval, resources with discrimination” (Lees, 1998, 328) and was destroyed by the ideology of social justice and universalism in the form of insurance and pensions that was to characterise much Keynesian welfare policy. Hall and Schwarz (1985, in Langan and Schwarz (eds) 1985) argue that the new form of state was collectivist, referring to the ways state policy increasingly becomes orientated “around class or corporate rather than individual interests” (1985, 16, in Langan and Schwarz (eds) 1985), and ultimately developing social policy with welfare concerns. The new state policies involved securing and ordering of the market, “but also the direct intervention of the state in the qualitative reproduction of social power” (Hall and Schwarz, 1985, 19, in Langan and Schwarz (eds) 1985). This has been theorized as the “social democratic state form” (Clarke, 1992, 143, in Bonefeld et al, 1992), the shift from this form was already occurring in the 1970s, and Hall et al (1978) announced that the crises of state legitimacy meant that changes in state form were in motion. There is no agreement as to the resulting state form, although Jessop (2004) attempts describing it as the “Schumpeterian workfare post-national regime” (Markantonatou, 2005, 185).

Responding to real or perceived crises developed decades later, corporations shed jobs in the West and contract out production, concentrating on owning intellectual copyrights. Production thus becomes less important than the brand according to Klein (2000). At the same time popular culture is saturated with selling the good life; clothes, footwear, toiletries, domestic goods and appliances are avidly marketed. Experience and understanding of the diffused market thus becomes a primary feature of capitalist society (Young, 1998c, Reiner, 2000), and it then becomes important to illustrate the role of shoplifting as social crime within social life. Thus there are 3 general periods of history important in this research and the relationships between the informal and formal economy,

and social classes and the state, in terms of conflict, legitimacy and power will be discussed. The 3 general periods of history are the 18th and early 19th century, the late 19th century to the Keynesian welfare state, and the late 20th century to the early 21st century.

The next theoretical innovation is that custom and culture are not merely passive and defensive responses, they are creative and potentially attacking too. This draws on the autonomist Marxist tradition identified with the work of Antonio Negri (1988, Cleavor, 1979, Cleavor, 1992, in Bonefeld et al, 1992, Bowring, 2004, Hardt and Negri, 2001, 2004) who argue that it is important to consider capitalism as not only reliant upon the working class, but also that capitalist form is determined by the working class. It forces it's own working class needs and wants into history based upon the limits to action that are possible within certain social conditions.

Therefore it becomes essential to describe the economic crimes (according to the judgmental legalistic perspective) of ordinary people in the bazaar (Ruggiero, 2001) in Britain over the past few years to concretise economic changes and their impact within the working class. It is the technically illegal everyday behaviour that infects the commodities demanded and exchanged that occurs frequently in various trading places. These trading places are workplaces, markets, universities, public houses and other institutions of the people. It will describe the real world in which these crimes occur and the relationships between people who take part in them, and the economies that they are a part of.

Beyond the technical legalistic theft of property this investigation discusses the world of the 'bourgeois proletarian' (Hobbs, 1989). The bourgeois proletarian according to Hobbs is an actor who is from working class origins who trades. For Hobbs this appears to be an interpretation of the 'petit bourgeoisie', if an informal one, although it can be portrayed as being self employed, and/or as simply an informal retail worker. Thus the buying and selling of cheap goods has meaning for some of the participants, relevant to their roles in the process. Who don't care whether they were shoplifted or counterfeited, manufactured locally or imported from France or Columbia. Where the gift economy, favours, incomes in kind, and informal capitalist relationships that are unregistered and underground, form the basis of a growing part of economic life. For workmates, friends and relatives and in the new marketing areas; car boot sales, and the marketing of these informal goods in previously legal spheres in regular markets and high street shops; "Such markets, therefore, cannot solely be analysed from an economic perspective, according to which

they are the result of an increase in supply and demand for some specific goods and services” (Arlacchi, 1998, 20).

Definitions necessarily take a standpoint, and the informal economy is no different. Views of the informal economy often start from some advantageous position within the formal economy, whether this is politicians, journalists or academics. This means that there is a comparison sought between some aspect of the formal economy and the informal, and at least three aspects of the formal economy to which the informal is contrasted can be detected in the literature; Taxation and Revenue, Criminality, and A Pre-Capitalist Residue.

Taxation and Revenue

It is to be expected that official investigations into informality would start from its untaxed nature, because precisely the issue of loss of revenue to the state and the problem of collection usually motivates such official investigations. This emphasis will be reversed, and the real struggles as they manifest themselves will be researched. Lord Grabiner's account is no exception; he defined the informal economy in such an orthodox manner in terms of 'undeclared income'. Indeed the official government report into "The Informal Economy" (Lord Grabiner, March 2000) does not bother itself with too much thought about these issues and is content to say;

The hidden, or informal economy is usually taken to mean any undeclared economic activity. It covers tax evasion of all kinds, ranging from casual moonlighting and work paid cash-in-hand through to organised crime. Some of the informal economy is truly 'hidden' (for example, firms that are not registered with any government agency); much of it, though, consists of undeclared profits from known businesses (Grabiner, 2000, 1) emphasis added.

Given that Lord Grabiner chose to direct his attention downwards to the poor rather than confront his evidence that suggests business itself is criminogenic, is no surprise to students of Steven Box. Henry emphasises that it is important to see the informal economy as unofficial, not measured or taxed in his overarching definition of the informal economy;

The informal economy includes the production, consumption and trading of goods and services, either for cash or kind or for social rewards. Second, these activities take place in ways which are likely to be part time rather than full time. Third, the activities are unofficial, in the sense that they do not explicitly form part of the state accounting system, and are not registered by its economic measurement techniques (Henry, 1982).

However, these are simply financial categories. They do not investigate the structure of the informal economy itself as a form of social relations built up around economic activity. Neither is 'undeclared activity' a sufficient criterion for what is generally meant by the informal economy. Even deep within the legal sector there is plenty of 'undeclared activity'; perks, pilferage, tax avoidance, (the abuse of) expense accounts, company transport, etc. Ruggiero (1996, also Arlacchi, 1998) has noted throughout Europe that business works frequently hand in hand with organised crime on 'offers that can't be refused', all conducted in an ultra informal method in order to leave little that is traceable. This would logically form part of a purely taxation orientated definition of the informal economy. There is of course a hidden predisposition to see it as the activity of poor people in the inner cities. But this is not captured by a simple notion of untaxed. Lack of taxation may be necessary, but it is not sufficient to define what we mean by the informal economy.

Criminality

The formal economy is thought of as legal, notwithstanding widespread corporate and white collar crime, and so the assumption is often made that the informal economy is coterminus with the criminal economy. Current media reporting frequently portrays informal work as the preserve of "immigrants" (Fowler, 2003, 31) organised by "gangsters [who] use asylum seekers and illegal migrants as cover for their activities" (Fowler, 2003, 31). Assumptions frequently made as to criminality are usually accompanied by association with the dark recesses of the unknown inner city. Ruggiero (2001) contrasted the different positivities and negatives including the 'depths of the dingy city' as he analysed social movements and the economies found within the city.

Informal is read as hidden and secret, as well as criminal. This view is reinforced by the popular stereotype of the world of self harming drug abuse. If we follow this viewpoint we ascribe negative self harming behaviour to participants with few or no skills in the black economy, who are often nihilistic with no thought of collectivity or responsibility to others, even their own families. At the extreme this behaviour is often described in professional

social work literature as 'chaotic behaviour with multiple substance misuse'. So here behaviour that can be categorised as the deepest black is in opposition to the deepest white, the latter is 'over the top legality' obsessed with detailed lawful business that may veer towards informing on others rule breaking and misdemeanors as well as criminal illegalities. Ruggiero has pointed out that often the only way that white collar crime comes to public attention is because a business has informed on its competitor who is undercutting their margins (2000). A focus on self harm, bad individuals or 'criminals', is simply mistaken. As it closes off investigation into the diversity of social relations, and interaction between criminals and non-criminal actors, who are often the same people in different contexts; "What is interesting is always interconnection, not the primacy of this over that" (Foucault, Preface, in Brooker, 2003).

Criminality is problematic in two senses; Firstly, because the boundaries of criminality are blurred, and continually renegotiated categories historically. Secondly, the key characteristic of the informal economy as a complex intertwining of the legal and illegal is missed by a focus on 'criminality'. Criminality is rather found as an aspect but intertwined with other types of informality (as for example in the illegal distribution of perfectly legal goods). Much of what we consider to be part of the informal economy can be seen to have derived from struggle and reclassification from earlier epochs. Customary 'rights';

Were transmuted by two different processes into three separable categories of kind-payment. First, there was a literal specification of the amount which previous rights would now represent [such as miners coal allowances] and secondly, there was a restriction, of the previous universal applicability of rights. While general rights became specific financial amounts, the beneficiaries were restricted to those actively engaged in production. In fact, these two processes eventually produced three classes of recipient, which ultimately became synonymous with three categories of kind-payment; "perks" (for employers and the white-collar employed), "pilferage" (for blue-collar employees) and unequivocal "theft" (for the unemployed poor) (Ditton, 1977, 43).

It is possible to discern patterns to the changes in economies by looking at the structural interaction between the formal and informal economies and Portes and Schauffler (1993) call this dynamic exchange 'structural articulation'. Examinations of the informal economy have concluded that (Roberts 1976, Portes and Walton 1981); the informal economy has a marketing logic rather similar to the formal economy;

There are at least three components to this structural articulation. And by taking account of them and their relative strength in different contexts, it is possible to understand the different regional manifestations of the informal economy. These

components are: (a) the operating principles of the informal sector; (b) the relation of the informal sector to the state; and (c) its relation to the labour market (Roberts, 1994, 8).

The advantages of informal economic operations essentially lie in its flexibility. Hence when new marketing operations become possible with the end of customs duty in Britain, informal operations sprang up to meet the demand for smuggled tobacco at cheap prices. Free traders can rapidly adapt their labour, products and services without regard to due and legal process. Either dispensing with equal opportunities when employing or with regard to the trademarks on manufactured final products. Informal ways of doing business either between the operation and its customers, or between the firm and its suppliers or workers lower the costs that go with fixed contracts, brands, and other fixed commitments.

Another part of the informal economy at present is comprised of its relations with the state. It's important to note unlike Roberts (1994) who stated that "The modern informal economy is, to a considerable extent, a response to the way in which both the state and capital operate in the contemporary economy" (1994, 9). This statement implies that the informal economy is virtually totally conditioned by the state and capital, and denies that the people's agency may have effects on the way that the state and capital identifies priorities or not, and acts upon them or not. An alternative conceptualisation is that activities and conditions are reciprocally tested, the boundaries explored and the scope of action or not identified, as a two way process in dialectical struggle with each other. On a more general level the particular is always part of the totality;

From the perspective of dialectical analysis, "the part" – in this case informal economies – "cannot be abstracted from the whole and sociologically examined apart from it and then mechanically inserted again after analysis." Rather, the parts, like empirical facts, "must be integrated into a whole or they remain abstract and theoretically misleading" (Swingewood, 1975:44-45) Put simply, this means that any analysis of informal economies must take account of the wider sociopolitical context which gives them form and character (Henry, 1988, 30).

Entry level to the informal economy is generally because of 'who you know' either directly or indirectly, 'a friend of a friend' (Appendix B). This is quite likely to be either due to a high general level of competence or with particular skill levels. A recruitment process that dispenses with the costs of advertising, equal opportunities (Ruggiero 2000), and has a flexibility about the starting and finishing date, and associated costs.

A Pre-Capitalist Residue

A final aspect is the idea of the informal economy as a residue of feudal pre-capitalist forms of work. This fits most clearly with those aspects of informalism which are modelled on the family or communal economy of use values, as in family labour and the household economy. Historically the informal economy was viewed as a remnant of the feudal agricultural dominated mode of production. However it became clear sometime in the 1970s that informalism had been born - again. Given the scale of informal economic activity currently around the world it became unclear why informal economic activity was under researched and lacking its own officially recognised right as a branch of economics such as microeconomics (Thomas 1992). This is probably due to the unofficial and sometimes-criminal nature of these activities, and that it is impossible to generalise across the world easily on this subject, as countries are at different developmental and legal stages.

Castells and Portes indicated that where such survivals exist; they take on a new light in the modern context;

it is precisely the development of sweatshops and of other unregulated activities after a long period of institutional control that causes old forms of production to become new ones. An old form in a new setting is, in fact, new, since all social relationships can only be defined in their specific historical context (Castells, Benton & Portes, (eds) 1989, 11, 12).

Many terms describe the activities that currently reside under the label informal economy. Williams and Windebank (1998) mention 22 adjectives and 4 nouns, and Denton (1985) mentions a further 7 adjectives. Though this is from an author from the USA this is a bit surprising as Williams and Windebank seem to have knowledge of the informal economy debate in America, and therefore it must be an oversight on their part. The overview of Thomas (1992) is useful; briefly he takes a great deal of care over his definitions, use of activities and their subsequent classifications in his work.

Resume

Social Crime, and in particular, shoplifting and smuggling have been introduced, and it has been explained that an historical method is necessary for adequate theorisation. The particular historical approach of E.P. Thompson was chosen as the most appropriate, and the imposition of wage labour was selected as a key event to illustrate the evolution of the

economy and changes from above and below. State form and economic policy were discussed and a preliminary theorisation of resistance postulated. This was related to the informal economy debate which was characterised. The next chapter establishes concepts used when developing this inquiry, by means of definition, and theoretical clarification. Firstly this means discussing the relationship between the informal economy and the legitimate political economy, and following from this the key concepts of class and power, and how legitimacy was, and is, negotiated and taken can be developed by means of investigation.

Chapter 2 examines the history and practice of social crime and its' theoretical pedigree, where the first part of the thesis title "Custom becomes crime" is explained in detail. The transformation of social crime during the advance of capitalism and the state form is noted, and the period after World War 2 is identified as when the wage form was dominant due to Fordism and the Keynesian Welfare State. This high point of working class incorporation and citizenship is noted, and the reverse of this trend is argued to have started taking place. This is followed by a brief discussion of the possible development of social crime.

Chapter 3 concentrates on the totality of the economic and social conditions surrounding smuggling, and discusses the participants, including historical comparison. This attempts to ground macro theory in real world research of the case study, to theorise the relative importance of formal and informal participants in their institutional setting, and their professionalism, or not. Chapter 4 is about the totality of shoplifting, identifying its' major features historically and its development. The participants are identified in a similar manner to the smuggling chapter. Both chapter 3 and chapter 4 are in depth as there is a dearth of late modern sociological material on these subjects. Chapter 5 concentrates on the informants and their contribution to this thesis, analysed by issue. Finally, the conclusion reflects on the theoretical implications of the research, and the likely outcome of policy and practices, formal and informal, in the near future. Identifying the areas of significance that future research must take into account. Appendix C considers relevant methodology for this thesis, by establishing the rationale for the ethnographic approach practiced in the field for the case studies, and considering many methodological issues.

The End of the Beginning

Economic development has been traced and social relationships at relevant times for this thesis in history have been indicated. The argument is that custom became crime due to economic and political changes, mostly in the 18th and 19th centuries, which then stabilised in the mid 20th century. Beginning in the 1970's the suggestion is that the process has reversed, with crime becoming culture again. One common theme of this doctorate is that there is no doubt that smuggling, shoplifting and other informal trading happen. What does matter are the extent of, and what the particular actions mean to people in their experience. A cultural approach to history, the present and the future has been theorised. The making of the working class was and is a constant struggle, of and within relations of force in the tradition of conflict theory. A detailed theorisation is now essential.

Chapter 1

Research Scope and Grounding

In the previous chapter a general framework for analysis and preliminary analysis of the informal economy was introduced. Here, a description of economic crimes (according to the judgemental legalistic perspective) of ordinary people in the bazaar (Ruggiero, 2001) through time is attempted. This is necessary to understand the fluid and adaptable nature of working class accommodation with historical and current economic conditions. At the base and the dynamic that gives informal trading its' impetus, just as in formal work and trading, are the primary needs of existence. The struggle for survival and for the basics of life that must be fulfilled before people can make history (Marx and Engels, 1965). Economic evolution will be traced, characteristics drawn out, and related to state form including welfare, especially in wide disciplinary aspects, and the informal economy will be defined and theorised.

Economy and Power above

Within late feudalism there was a period of mercantile growth, the beginnings of generalised commodity production immediately prior to and overlapping with the growth of industrial capitalism. The state, whilst capable of helping to enforce industrial capitalism through various measures, was still relatively weak; It was not in control of its territories and borders, chains of accountability were weak and episodic, the area was not fully covered, Williams (1959) has noted the incidence of corruption historically too, especially for smuggling, and state power was exercised through 'punitive sovereignty'. In effect these were brutal displays of the concentrated power the state could organise. Intra ruling class unity at times of conflict was based on force, who had the loyalty of the most effective forces? General concern was with the continual security of the elite rather than social integration of the masses. It is a shift from sovereignty towards governance by the progressive bourgeoisie, part of a modernising offensive, and the means by which they ensure their norms and values are reproduced. Economic regulation in terms of policy by the state was relatively undeveloped and unsophisticated, and weakly enforced. There were no factory inspectors and few demands for information, no regulations about those suitable for work, no welfare payments, and taxes often could be a matter of conscience and duty rather than the smooth flow into the Inland Revenue that is possible now. The

enforcement context for smuggling was altered in 1698 with the creation of Riding Officers, who were tasked with riding the coast within 10 miles to combat smuggling.

Redefinition of law was the first stage of bourgeois leadership (Linebaugh, 1993), including summary jurisdiction by magistrates during the 18th century, rationalisation of the law by Sir Robert Peel, Home Secretary in the 1820's and more. The new agency to enforce this law was the police (Emsley, 1997, in Maguire, Morgan and Reiner (eds) 1997, Ignatieff, 1978), and from 1828 the penitentiary was to be the new recipient of "the new volume of petty arrests by the police" (Ignatieff, 1978, 185). There were forerunners E.g. Bow Street Police, Thames River Police, of the hierarchical and authoritarian organisation that is now the police, however;

Eighty Five percent of their arrests in the 1830s were for vagrancy, prostitution, drunkenness, disorderly behaviour, and common assault, while only 15 percent were for indictable offenses, most of these being petty larceny and pickpocketing... the new police were not much more successful than the old in detecting or deterring burglaries, robberies, and other major crimes (Ignatieff, 1978, 185).

The law and the police were employed as an ad hoc modernising force, and aimed at the entire industrial working class instead of its' periphery. A feature, that remains until far into the nineteenth century, prior to 1840 virtually all methods aimed at enforcing discipline over the working class were punitive and suppressive (Lea, 2002). As time progresses, the by now confident bourgeoisie pressed on with encouraging the new arbiters of official morality to rule working class areas, making labour accept the habits necessary to work for capital;

The imposition of the police brought the arm of municipal and state authority directly to bear upon key institutions of daily life in working class neighbourhoods, touching off a running battle with local custom and popular culture which lasted at least until the end of the century [Cohen, 1981, describes this process in the first decades of the 20th century]... the monitoring and control of the streets, pubs, racecourses, wakes, and popular fetes was a daily function of the 'new police'... [this was] a direct complement to the attempts of urban middle class elites... to mould a labouring class amenable to new disciplines of both work and leisure (Storch, 1976, 481).

This is part of an overall strategy of governance and the building of a new social order including different disciplinary arenas e.g. asylums, police, factories, poor law, workhouses, welfare, prisons, and schools (Ignatieff, 1978, Knott, 1986, Porter, 1994, Longmate, 2003, Wilson, 2002, Kennedy, 2004), all linked in a myriad of ways to the

regulation of the economy. It was Jeremy Bentham whose utilitarian ideas and designs influenced the police, prisons, and workhouses, and he “in fact as well as spirit may be seen as the father of Victorian real politik” (Wilson, 2002, 38) though there were many who helped too such as Edwin Chadwick (Longmate, 2003). Industrial capitalism and its superstructure thus matures’, creating new contradictions that the bourgeoisie has to overcome with new forms of dominance. Part of this political environment was a general fear of the dangerous classes in the nineteenth century by the wealthy and powerful (Lea 1997, 2002, Storch, 1975 in Fitzgerald et al, 1981, Stedman Jones, 1971, in Fitzgerald et al, 1981). These elites argued in cataclysmic terms that unless a new force of social discipline was imposed upon the masses then chaos would be the result (Thompson, 1968, 617).

It was not simply that there was a need to control the new trade unionism, though this was very important (Royal Commission on Constabulary Force 1839, in Storch, 1975, in Fitzgerald, 1981, also Uglow, 1988); the new Metropolitan Police was deployed as a de facto riot squad throughout the 1830s and 1840s, to the Rebecca disturbances, and elsewhere (Emsley, 1997, Radzinowicz, 1968, in Fitzgerald et al, 1981), and Police elsewhere were used against organising labour throughout the 19th century (Uglow, 1988). The working classes in general were the chief opponents of the introduction of the police (Wilson, 2002, Scraton 1987, in Scraton, ed. 1987, Uglow, 1988), however, it was because of a weakening in relations between masters and men that control of the workers when they left the factory gate became an urgent issue. “The working class neighbourhood was both unwholesome and potentially dangerous” (Storch, 1975, in Fitzgerald 1981, 87, also Lea, 1997) for those in power at the time as; “One consequence of the creation of... free labour’ was the appearance of its concomitant, ‘free leisure’” (Storch, 1976, 495). The technologically innovative Arkwright installed cannon to protect some of his factory’s (Hay & Rogers, 1997) and this is a particularly impressive disciplinary force in its own right. There was no ruling class agreement on the administrative structure of this new disciplinary police, but; “there were few quibbles about the mission the police were created to carry out in working class districts... [they became] modern bureaucracies of official morality” (Storch, 1975, in Fitzgerald, 1981, 89, 88). Further;

Police functions must be viewed as a direct complement to the attempts of urban middle-class elites – by means of sabbath, educational, temperance, and recreational reform – to mold a labouring class amenable to new disciplines of both work and leisure (Storch, 1976, 481).

This new capitalist discipline was;

Placed amongst the working classes to monitor all phases of working class life – trade-union activity, drinking, gambling, sports as well as political activity. The overall mission of the police was to place working-class neighbourhoods under a constant and multifaceted surveillance (Storch, 1975, in Fitzgerald, 1981, 90, also Golby and Purdue, 1984, Scraton, 1987, in Scraton, Ed, 1987).

The new policing of working class recreation and space eventually led to a virtual cessation of outright conflict with the police which had included many spectacular riots down to smaller scale affrays, leaving a hidden level of social activity not dissimilar to the spaces of resistance Scott (1991) describes. In some areas an enduring police presence could only be established with the permanent aid of the military, most descriptive terms for the police from the period see them as 'unproductive idle parasites'. Apart from their very appearance that often insulted the poor because of their good clothing and footwear. It was their aggressive attitude; actual aggression, arbitrary brutality, and several other police practices merit consideration;

Most disturbing of all was the imposition of the hated 'move-on system' as a standard item of police policy. The coming of the police also signalled a closer monitoring of working class drinking patterns, the openings and closings of pubs and beerhouses, and an entirely novel and uncustomary surveillance of the entire range of popular leisure activities: drinking, brutal sports, footracing, fairs, feasts and other fetes. The police came as unwelcome spectators into the very nexus of urban neighbourhood life (Storch, 1975, in Fitzgerald, 1981, 103).

Storch (1976) considers the police to be the cutting edge of the wider effort to impose new social relations (also Cohen, 1979, Wilson, 2002). This varied in different places and at different times. In Manchester the council banned certain working class recreational forms in 1843, and in Leeds in 1836 the council forced public houses to close, and forbid the playing of sports. Both of these led to police action and conflict with the local population, and because of other incidents like these the police were considered; "an alien element in the community and a daily source of both major and petty annoyance. Policemen continued to be beaten all through the nineteenth century" (Storch, 1976, 493). Cohen remarks that Islington was amongst the last places to give up its irregular and informal street economy, partly due to the late penetration of Islington by religious and other improving agencies; "The great watershed [of working class toleration of the police] which occurred in the 1914-18 period for Islington, undoubtedly occurred in many industrial areas by the late 1870s and 80s" (Cohen, 1979, in Fitzgerald, 1981, 124). Gradually,

through different police acts and other modernisation the Home office achieved more control over the police, and this was a “significant development in central government control” (Emsley, 1997, 67) paralleling the rationalisation and centralisation of the prison system (Ignatieff, 1978).

To accomplish legitimacy, the police tactically and selectively enforced some universalistic laws in public places to enable business and capitalists and their managers to circulate. Whilst accommodating and tolerating certain working class habits, working class people did have their lives partially improved through better enforcement. If the police had only guarded the rich; “it would have been impossible to introduce them into the streets of London” (Ignatieff, 1978, 186). They practice expedient toleration to this day - combining welfare ideology with repressive functions (Robins and Cohen, 1978), it is a dual personality, Janus faced. Critical Mass cycle rides have seen the deployment of new police pedal bike units accompanied by vans and riot squads, whilst huge roller skating displays (Presdee, 2000) take place through central London without any police presence. In September 2005 the Police warned Critical Mass that any cycle rides close to parliament will now be considered unlawful due to new legislation. The power-threat hypothesis of Box is very useful for explanatory purposes in this case.

There were selective drives aimed at suppressing the working class presence and at things that were seen as fomenting wider resistance. Perhaps policing of the traditional workers Mayday comes into this category? It was in the 1920's that Islington police made large numbers of arrests for street football that wasn't illegal in itself, and clamped down on those betting on 'pitch and toss'. This combined with further improving “legislation against street trading by juveniles [and] the stricter enforcement of elementary school attendance after the war” (Cohen, 1979, in Fitzgerald, 1981, 123), and economic changes helped to recompose working class lifestyles. Taylor (2004) argues that though the Middlesborough police faced “a degree of popular hostility that was not to be found anywhere in mainland Britain” (2004, 756), when they started operating in 1855, a degree of acceptance was obtained from at least 'respectable' society during the last quarter of the nineteenth century. It was the popularity of street betting that was to provoke widespread hostility when the police attempted to regulate in the 1890-1910 period, the morals of the community conflicted with 'official morality' in other issues too.

Economy and Resistance from below

The move from a rural land based population, to an urban factory and town one, changed the structures of society. Predominant was London, the largest city in the world (Porter, 1994), and its informal economy in the 19th century was central in the lives of all casually employed who had moved from the countryside, as there was no welfare state. Extensive canal building started in the early eighteenth century and continued into the nineteenth, only to be supplanted by the railways (Briggs, 1999). Canals linked London to the rest of Britain, in 1801 the Grand Junction canal opened leading to the Midlands, in 1820 the Regent's canal linked up with this and through much of central and East London, carrying large quantities of coal and timber (Porter, 1994). In the 18th and early 19th centuries crime played an important role from capitals point of view, it;

Was an integral aspect of the organisation and creation of a 'free' mobile labour force, of the formation of a home market, and of transformation of the wage; that is, crime was both the result and a part of the main tasks of... capitalist development (Linebaugh, 1976, in Hall et al, 1978, 192, also Linebaugh and Rediker, 2000)

The Rookery of St Giles was amongst the most notorious areas (Mayhew, 1981, Chesney, 1970, Thomas, 1998), here were large numbers of people who earned their income in the street. The presence of; enormous wealth, numerous charities, abundant casual employment, possibilities of gathering a living by innumerable illicit methods (Stedman Jones, 1981, in Fitzgerald et al, 1981) together formed what was thought to be an explosive cocktail. Efforts to impose work discipline via welfare, such as the Poor Law of 1834 that stopped relief outside of the workhouse (Knott, 1986, Porter, 1994), simply compounded the problem, as workhouses were despised, though they were sometimes used as a means to cope for the old and the sick.

It was because the economic base of London could not provide constant employment for large numbers of juveniles (Ignatieff, 1978) and generally had small sweated workshops (Porter, 1994), that many *became street based informal economy workers* e.g. Costermongers (Mayhew, 1981, Thomas, 1998) on either a part time, semi professional, or full time basis. When not working the street, costermongers constantly mixed with prostitutes, street thieves, and other semi professional delinquents, and lived with them in the "same courts and tenements" (Chesney, 1970, 44). They were in the company of more serious criminals too, such as the 'coiners' who faked currency, endemic throughout

London (Chesney, 1970) and other areas such as Yorkshire (Brewer and Styles (eds) 1980). The 'slop-shops', where clothes of the middle class were made in sweat shop conditions, and the garrets, where the craftsmen and women whose cabinet making, weaving, sewing, and carpentry could barely bring in 5 shillings for a 100 hours work a week, were the employment conditions. In effect these were a "breeding ground of prostitution, begging, theft and casual crime" (Thomas, 1998, 28). There were; tricksters, hawkers of all sorts, dredgers, 'duffers' sold fakes and were early modern counterfeiters (Porter, 1994), sewer hunters, and retired prostitutes could earn money by watching that younger working prostitutes did not escape with good clothes they were loaned by their madame, and assorted other informal ways of survival (Thomas, 1998, Chesney, 1970). The Costermongers were placed in contradictory position by the government and economy, to stop a Coster and their family from being supported by the rates, a local authority;

Would put up the few shillings necessary to launch him again in business" (Chesney, 1970, 49) and the police would then be as actively discouraging as possible. On the one hand they performed a vital function. Developments in production and transport had made it possible to supply the urban proletariat with a rapidly increasing range of foodstuffs. These had to be economically distributed, and for many important supplies the street trader, mobile and with lower costs than the small shopkeeper, was the most effective agent... on the other hand... they represented no capital interest and operated on a tiny, precarious turnover... and no wholesale dealer in the great markets would give them a penny credit... the costers... were being harried... Those with barrows had somehow to keep them on the move... those who sold from the large hawker's tray had to be careful not to let down the hinged stick underneath... for if this was seen to touch the ground the patrolling policeman was 'obliged to intervene' (Chesney, 1970, 45,46,49).

Poverty and the culture of moral antagonism to their 'betters' created informal economy workers with common experience that forged common solidarities, the overcrowded lodgings being schools of crime (Thomas, 1998, 29). The Costers were engaged in a long struggle of attrition with the police who were tasked with clearing the streets of London for business. Frequently the Costers made common cause when police tried to seize a barrow, which involved a sophisticated and diffuse level of resistance (Thomas, 1998), as well as force. Many young men were imprisoned frequently for fighting the police and were seen as heroes by the community. Whilst Chartist leaders preached non violence, gangs of Costers did not understand these instructions and thought "they might as well fight it out with the police at once" (Thomas, 1998, 25).

It was the blurring of the distinction between the unknown numbers of casual poor and the criminals which led to new norms of social crime becoming mass experience, and the problem for the government and moralists (Thomas, 1998). It is when the choice between survival and starvation becomes apparent, and when experience becomes mass, that the issue of legality/illegality ceases to be of importance to participants, and action resides in the place between necessity and desire. There is nothing automatic or an easy dividing line to be drawn in the change from a rural to an urban existence that previous theory has implied. Throughout the 19th century the predominant mode of transport in London was the horse with an associated infrastructure for their upkeep and reproduction. Necessarily there was a number of the poor moving in and out, some on foot, some in employment, through the countryside; "much of the mobile population was thoroughly disreputable, and its shuttlings had a significant bearing on the economy of the underworld" (Chesney, 1970, 61). This involved legal and illegal movement of animal and produce, a large illegal game market had existed for some time. There was other animal husbandry involving cows, pigs and chickens too, and a huge area in the heart of the capital hosted a Livestock market that reminded urban London of some of the smells of the countryside, which was moved in 1855. Paradoxically the growth of communications, industrial stabilisation, and the railways, increased the distance between country and town.

There are parallels with the growth of contracting and subcontracting in the late 20th and early 21st century with the 19th century. Most railway construction was carried out like this in 2 decades of the mid 19th century, though the 'Navvies' pedigree included canal building in the 18th century and early 19th century. Navvies lived in "anarchic and insanitary encampments" (Chesney, 1970, 35) and plundered the areas where they stayed, "Landed proprietors... had to watch while not only fields and coverts but the very park under their windows was denuded of hares and pheasants" (Chesney, 1970, 35).

Towards Stabilisation

The new class of capitalist society, the working class, did not have partisan political representation, with its labour organisations still in an embryonic stage, and without political recognition (informal or formal). This was because "City interests and the bourgeoisie no longer shared radical sentiments with rioters on the streets" (Porter, 1994, 307); the anti Corn Law league was the last major movement of the middle class. The late 19th century and the early 20th century experienced the institutionalisation of various

conflicts via democratisation in parliament, as well as different public and private bodies of negotiation and compromise. Therefore use of the criminal law as a tool for organisation is replaced by a diffuse “plurality of agencies and knowledges, both state and private, aimed at securing the conditions of existence of a working class population” (Lea, 2002, 40, Sim, Scraton, and Gordon, 1987, in Scraton Ed, 1987). The new economic growth is de facto modernisation and regulation, managed by the bourgeoisie politically and economically; ‘The state is but the executive of the bourgeoisie’. It demolishes the old pre-modern rookeries, both to rationalise shopping centres, other business hubs, and to make way for the railways. Economic and civil society work in tandem to build improved urban and housing conditions, to encourage workers into stable work and community environments, providing an infrastructure of reliability and stability. Rather than encouraging economic and social conditions that undermine communities (Lea, 2002).

The employers were looking into the physical well being of their factory workers because it impacted on their profits in two ways. Firstly, morality of workers obviously impacted on levels of theft, and other management issues, secondly, if workers were ill and dying then levels of staffing were always an issue for production; new employees have to learn how to work efficiently. Often the philanthropic and/or paternalist employers’ good works have had a lasting influence on society, e.g. Bourneville, and the Lever Brothers. They were concerned to impart a self improving and disciplined approach to their workers. Lea (2002) notes the concern of these employers leaving their accounting sheets of their workforce and looking out of their office over the neatly arranged workers tenements. Contrasting this to the indifferent attitude of today’s financial whizz kid (Sherwood, 2003) looking out over the desolate East End ghetto estates and then back at the computer screens that link him/her to Tokyo, New York, and Frankfurt. Places “much nearer than the slums half a mile away and which have much more effect on his salary and the future of his business activities” (Lea, 2002, 114, 1997, also Gray, 2004).

Other Institutions also organised and regimented the workers; schools, churches and chapels. Regularization including the elimination of challenging and ‘wild’ pastimes (Malcolmson, 1981, Tiller, 1992, Jones, 1989a), and the encouragement of controlled activity by default or by design effectively incorporated the working class in the emerging capitalist social relations. Street markets and fairs became less important though by no means unimportant, Charity was widespread and everyday, there was no welfare state yet; “targeted and often conditional giving by those recognising themselves as middle or upper

class to those recognising themselves as working class” (Tiller, 1992, 187), and religious groups were active with charity dispensation (Stedman Jones, 1971, in Fitzgerald et al, 1981). Religion carried a self improving ideology, especially in its’ Methodist form, the smuggling communities of Cornwall, rural Lincolnshire and the Northern coalfields all had large Methodist populations. It even helped to tame the Kingswood colliers (near Bristol) who were the most riot prone community in Britain in the early eighteenth century (Malcolmson 1980, in Brewer and Sykes 1980).

The shift from primitive religion and damnation that explained and controlled primitive society, to the rationalist and utilitarian development of capitalist society meant that science and not superstition or sentiment were the governing factors in institutional decision making (however much Methodism influenced community decision making). This lay behind much legislation after 1830, due in no small part to Bentham. Both Government structures themselves that were made more democratic both locally and nationally, and society itself was improved, taken from the realm of the unstructured, and local, to the national and professional. In the first of these the; “Local Government Acts of 1881 and 1894 comprehensively changed and tidied structures, both urban and rural. In 1888 the county councils were created. Powers formerly vested in JPs passed to elected councils” (Tiller, 1992, 193, also Emsley, 1997).

Improving legislation in the form of Factory acts and the Public Health Act (1848), the Licensing Act (1843) started to define the role of the public house very clearly by making theatrical displays inhabit a specific area where alcohol was banned. An early middle class initiative for their pleasures; “As the middle classes followed the upper classes away from the public house, they took with them that which they liked and denied those same pleasures to those who remained” (Haydon, 2001, 195). In 1853, smallpox vaccination was to become obligatory, and Poor law doctors became de facto public health officials (Porter, 1994). For the first time the Customs Act of 1853 created a loyal and efficient Customs force (Williams, 1959). Elementary education (1870) started to recognise that capitalist society had responsibility for all aspects of society and not just the places at which profit was manufactured

The Poor Law Amendment Act of 1834 removed from the parish its principal responsibility, the relief of local poor; in 1837 the Civil Registration Act substituted central government recording of births, marriages and deaths for the parish’s register of baptisms, weddings

and burials as the definitive record of vital events; the General Highways Act (1835) superseded parish responsibilities for roads; The Metropolitan Police Act (1829), the Lighting and Watching Act (1833), the Municipal Corporations Act (1835), and the County Police Act (1839) each required or enabled new forces of law and order to be set up... The government of towns was reformed by the Municipal Corporations Acts of 1835 and 1882 and by the Local Government Act of 1888 (Tiller, 1992, 191, also Emsley, 1997, Porter, 1994, Longmate, 2003). It was the Northcote-Trevelyan Report (1854) that condemned previous nepotistic and corrupt practice, and set the standards of public life in the civil service. Civil Service Commissioners were founded which supervised the appointment, examination and entry of "public servants of the crown" (Williams, 1959, 210) which maintained and improved standards. As a consequence of the loss of central importance of the family as the site of domestic production (self provisioning) family size became less important, this created more spare time for improving activities (Tiller, 1992, 177).

While attempts to close public houses on Sundays with the 1855 act provoked rioting, this did not stop similar attempts into the late 1860s from the temperance lobby. Between 1870 and 1889 there were no less than 31 Acts passed that "had a direct bearing on public houses" (Haydon, 2001, 231). Although it took a world war to finally reform the hour's public houses could open into a more respectable formulation suitable for the new leisure hours of workers under Fordism. The bureaucratic aspects of societal improvement were different from previous amateur, irrational, nepotistic and religious derived standards. Although there was a decline in religious observance new preachers and teachers of morality established themselves, Storch (1975, 1976) has portrayed the Police as domestic missionaries, but this role was played by all sorts of judgmental people with different positions. Whether this was teachers, doctors, preachers, or journalists. There was a dual strategic approach combining an economic rationalist imposition of discipline with the assaults on traditional culture inside and outside of work (Jones, 1989a, 116).

These objectives are easily identifiable throughout Government policy today. Though the above stresses between 1830 and 1870, Storch argues that a later period is more important;

The history of the temperance movement and the... Social Science Association gatherings in the 1870s or 1880s display ongoing concern over the demoralisation and ignorance of the lower orders and the dangers to the social fabric such reformers thought this posed (1976, 495).

Industries which helped to create and sustain the industrial revolution were based upon laissez - faire (free trade), and they progressed into the twentieth century. Through modernisation and amalgamation industry and business adopted modern large scale corporate forms (Schwarz 1985, in Langan and Schwarz, (eds) 1985). Free trade had effectively been abandoned. The British navy had disregarded laissez faire with part ownership and subsidising policies prior to 1924, and the Post Office had taken over the major telephone company (de facto nationalisation). World War one could never have been conducted with 'business as usual', the government had by 1918; "Taken over the running of several industries... The compulsory rationalisation and amalgamation of industries by government, or even their nationalisation, was now a matter of practical policy" (Hobsbawm 1987, also Schwarz 1985, in Langan and Schwarz (eds) 1985).

It was after WWI that found political conditions for protection of domestic industry favourable. This was due to the eventual collapse of the old basic and export-orientated industries E.g. Lancashire cotton. Although these local financial difficulties were unimportant to finance capitalism and the dominance of the City of London which continued to flourish as the worlds leading financial centre (Hobsbawm 1987). Spurred on by the experience of war government policy now was to forcefully rationalise or amalgamise industries, or perhaps nationalize, practically the effects were to counter traditional trends of dispersal and competition. Britain turned from being the flagship of free trade to one of the most tightly controlled economies (Hobsbawm, 1987).

WWII hastened the development of Britain as the most state run economy outside the declared 'socialist' states (Harris, 1984, Hobsbawm, 1987). After the experience of depression and war there was tremendous pressure to inject social justice in the realms of work, health, education, and old age. This is the period of working class incorporation into the capitalist state (Hall et al, 1978, Clarke 1992, in Bonefeld et al, 1992), with recognition that there was a social contract by politicians; The Beveridge report (1942) committed the government to maintaining high levels of employment, the Education act (1944) extended the right to education, comprehensive National Insurance system (1946) and the National Health Service (1948).

As the British political system gradually became more democratic in the late 19th and early 20th centuries legitimacy gradually increased too (Hall et al, 1978). A representative democratic system developed that involved increasing administration, constraint and coercion for stability. This tried to resolve the conflicts of civil society, economic, cultural and political. An increasingly educated public was politically managed by successive governments. Their particular grievances and concerns were addressed, and if not totally resolved, were partially – with the promise of more to come. The subjects in this constitutional monarchy are effectively told they are citizens with rights. These citizens adhere to laws and rules of the bourgeois society, children are taken to school, property is respected in public, and there is deference to those who enforce the law. Thus by complying with the rules there is at least a de facto consent to them. By following the rule of law there is at least an appearance of a belief in legality, and the systems of governance are legitimated. However, unlike France, Britain never had a bourgeois revolution that deposed the monarchy, aristocracy and redistributed land, and as a result the “Peculiarities of the English” (Thompson, 1965) are many and varied, and have led to fierce debate (Thompson, 1978) on the right and the left (Keith Joseph, 1976: 60-61, in Corrigan, (Ed) 1980, xvii, also Taylor, Walton and Young, eds, 1975). Marx called the British ‘constitution’ an “antiquated and obsolete compromise made between the bourgeoisie, which rules in actual practice... and the landed aristocracy” (1855, in Fernbach, Ed, 1973, 281).

Within the same country, what was the institutionalised and regulated society in the heyday of post WWII ‘Fordism’ can change with the onslaught of neo-liberalism and governments committed to deregulation, and become informalised again with blurred boundaries of legality and values. What is called the ‘formalisation thesis’ (Williams and Windebank, 1998, 27-29) includes the growing power of the state and its bureaucratisation together with the impact of modernisation through I.T. This formalises and codifies social life in advanced societies. It is more of a journey towards what came to be called ‘Fordism’ beginning around 1910 and culminating post WW2 (Harvey 1989, also Clarke, 1992).

It was around this latter date that there was an agreement that although a global system of unrestricted flows of capital, labour and goods has never existed; “the greater part of Western Europe was in a situation very close to free trade, or at all events closer to free trade than at any other time in history” (“Du Liberalisme a l’Imperialisme.” Hauser,

Maurain, Benaerts, 1939, in Hobsbawm, 1987, 140). However, the crucial factor that distinguished the innovations of Fordism was the recognition that the old model of industrial production catering for the needs and wants of the wealthy was replaced by one of mass production for mass consumption. This meant; "a new system of reproduction of labour power, a new politics of labour control and management, a new aesthetics and psychology, in short, a new kind of rationalised, modernist, and populist democratic society" (Hobsbawm 1987). This was the crucial period that saw the bourgeoisie finally escaping the hangovers of feudalism to enter the start of capitalism as a system based on the principle of inclusivity. The thought of workers who were disciplined in the more efficient production systems at work, and desiring the products of capitalism itself at home seemed to have solved the problem of the working class having contradictory needs and values to the capitalist, but was it because mass production needed mass consumption? Demand had to be created as if it springs autonomously from within the working class so that capitalism can develop itself to meet these new demands, because if there is no development of the forces of production then the rate of profit falls precipitating a crises.

As Harvey (1989) remarks that Henry Ford tried to save American capitalism single handed with his booster of demand with higher workers wages, however he couldn't do it alone and had to lay off workers. It took Roosevelt, the New Deal, another world war, and gigantic restructuring for the Fordist Keynesian model to be implanted on a wide scale in America and the other advanced areas of the world. There was much more in the total world view of the Fordist Keynesian welfare states;

Postwar Fordism has to be seen... less as a mere system of mass production and more as a total way of life. Mass production meant standardisation of product as well as mass consumption; and that meant a whole new aesthetic and a commodification of culture that many neo-conservatives... [saw] as detrimental to the preservation of the work ethic and other supposed capitalist virtues. Fordism also built upon and contributed to the aesthetic of modernism - particularly the latter's penchant for functionality and efficiency... while the forms of state interventionism (guided by principles of bureaucratic-technical rationality), and the configuration of political power that gave the system its coherence, rested on notions of a mass economic democracy welded together through a balance of special-interest forces (Harvey, 1989).

The Bretton Woods agreement (1944) turned the dollar into the world's reserve currency and tied the world's economic development firmly into US fiscal and monetary policy. Further, the Marshall plan to rebuild and stabilise a Europe devastated by war was

designed with these influences to spread American policies within their own image (Harvey, 1989).

Stable Working class Communities Post World War II

The bombing of many working class areas, and the subsequent rebuilding, meant many working class people were dislocated during and after WWII (Lea 2002, 79). Demobilisation, the end of rationing and the subsequent Fordist boom further compounded this. The economic boom meant new housing, education and health care, supermarkets and shopping centres, and new consumption culture (Garland, 2001b). Competitive hostility in class relations was tempered at both ends of the labour/capital spectrum (Brake and Hale, 1992) by the emergence of conservative management bureaucrats who preferred stability and negotiation resulting in; "A supposed decline in the supply of serious criminal offenders [which] seems a logical outcome of increasing social mobility, rising education levels and near full employment in the legitimate economy backed up by comprehensive social insurance" (Lea, 2002, 88).

Though the traditional industries output and employment was falling, accelerated by WWII, this was the opportunity for industrial restructuring. New boom industries, electronics and car production, continued a trend started before the war, and steadily rising into the 1960's. Postwar prosperity was undeniable for the contrast between the 1930s' depression and WWII was plain to see. It was during the 1950s' that;

Share prices virtually trebled during that decade, consumer expenditure almost doubled, rising faster than prices. The trading profits of companies... in general rose steadily, doubling between 1946 and 1955, rising by about a third again in the next five years....

[it was] a period when ninety-one per cent of British households had acquired electric irons, eighty-two per cent television sets, seventy-two per cent vacuum cleaners, forty-five per cent washing machines and thirty per cent refrigerators, and when the workers' bicycle rapidly gave way to the adult's motor car, the youth's motor-scooter or motor-bicycle. (Almost half the washing machines, more than half the refrigerators, and more than a third of the TV sets had been bought for the first time between 1958 and 1963) (Hobsbawm, 1987).

For 25 years after WW2 economic growth in most of the developed industrial world felt the effects of continual growth and rising living standards. For the vast majority full employment and the welfare state guaranteed a level of security undreamed of for previous generations (Hall et al, 1978, Young, 1998c, 1999), and new lifestyle choices and

experience became possible. New sections of the population became drawn into the expanding market, notably youth (Garland 2001b). From 1947 when there were over a million miners in the United Kingdom (Bulmer, (ed) 1978), the long decline of traditional industries such as ship-building was combined with expanding consumer goods industries;

The destruction and relocation of many traditional communities through rehousing and outward migration to employment opportunities elsewhere would break up family networks, the criminal fraternities and their sanctuaries... even if the opportunities for criminal activity increased it would be increasingly disconnected from any community based economies of social crime as modes of collective survival (Lea, 2002, 88, also 1997).

What was the modernist project then and why was it important for contextualising potential changes necessary for social crime to become important again? The enormous changes from stability to instability as a feature of society generally have made social crime important. While on the supply side in terms of increasing the personnel available for social crime, and for whom economic changes and crises maybe seen to have boosted the demand for income and goods. Partly this has been due to the overall changes to the collective bargain otherwise known as the social contract. The modernist project ran counter to this tendency during the 20th century; involving the greater and greater incorporation of the population into full citizenship;

Such a social contract is based on the notion of a citizenship, not merely of formal rights, but of substantive incorporation into society... citizenship should involve not only legal and political rights, but social rights: a minimum of employment, income, education, health and housing... [during full employment] in these terms... in the post –War period up to the recession [the Western world was] well on the way to achieving full citizenship for the mass of the population... The vast number of citizens accept the given social order as the best of all possible worlds... The social order is viewed not only as just but as obviously in the interests of all, the major institutions of work, the family, democratic politics, the legal system, and the mixed economy are accepted without much question. The rules are seen in absolute terms: they are obvious, clear cut and uncontested (Young, 1998c, 65, also Reiner, 2000).

This is not to say that traditional social crime died out overnight. In certain traditional working class jobs and areas it was 'booming' enough for certain commentators to get excited about the deleterious effects of social crime upon practitioners children and younger relatives (May 1954 in Lea 2002: 85). Criminal and informal activity, that was conducted in the "Older traditions of sanctuary and community protection are replaced by strategies of disguise, mobility and fluidity of organisation" (Lea, 2002, 89). In the so-called

'new towns' and other areas like the docklands redevelopment, rising general wealth and associated processes of social and geographical mobility meant that;

Newly rehoused communities, far from experiencing a new democratic citizenship, experienced isolation, lack of social support networks, lack of collective space and, with the increasing move of skilled workers out of old city centre and industrial areas, lack of work (see Cohen 1972) (Lea, 2002, 98).

Changing means of transportation enabled a new relationship between "home and work.... large scale migration of people from cities to the commuter suburbs, and the average distance travelled between home and work, home and shops or leisure, and home and school all increased markedly" (Garland, 2001b, 84). The celebrated 1960s concrete redevelopment built commercial and residential space, and transportation, it concentrated the worse off in decaying inner city areas and outlying areas on the fringes with few jobs, shops, or transport (Garland 2001b). Zeitgeist of the era was a discourse of equality in political and everyday culture (Young, 1998c, 1999), though there is evidence that this didn't extend into the more conservative parts of the country, at least at the time. While this new atmosphere did not lessen the impact of class as an hindrance and an enabler, it;

Did produce a cultural effect that Ralph Milliband termed 'desubordination' – a decline in the levels of deference and respect for social superiors that previously reinforced the stratification system. In the 1960s and 1970s this push for democracy and egalitarianism extended beyond the political sphere into private domains of the family, the workplace, the universities, the schools - with major consequences for authority and control in these settings (Garland, 2001b, 87).

The grip of traditional authority was declining due to the attrition of the moral, legal, and economic barriers, which helped to keep women, men, and youth in their 'natural station'. The new responsibilities were a result of a change in the balance of power between the group and the individual (Young, 1998c, 1999), and the result was upon freedoms for the individual, it was a; "Liberal individualism – a morality in which mutual toleration, prudent self-restraint, and respect for other individuals take the place of group commands and moral imperatives" (Garland, 2001b, 89).

In response to working class strength in the nation states of the West, restructuring was forced upon capitalism to rediscover a higher rate of profit;

Restructuring of the labour market [which began slowly at first and some time ago].... Saw the collapse of industrial production, and with it the shedding of millions of jobs that were previously occupied by unskilled male workers... as international investment markets grew, making capital more mobile and less closely linked to nations and regions, the pressure to increase productivity or decrease wages exposed the inefficiencies of the older industries and undermined the capacity of trade unions to protect their low-skilled members (Garland, 2001b, 81,82, also Tabak, 2000, Gray, 2004).

The trend now is for large urban areas to become more reliant upon each other at the expense of their local economies and society. More casualisation and low pay for the excluded and vulnerable “produces an increasingly polarised society, with upper-income high-consumption enclaves next door to low-income ghettos dependent on casual service work and welfare payments” (Hall and Pfeiffer, 2000, 9, in Lea, 2002, 115, also Tomaney, Pike, & Cornford, 1999). This is foundation of Sassens’ (1991,1994) ‘global city’ and its’ social polarisation and spatial accomodations (Lea, 2002, 114, also Garland, 2001b). The end of the long boom and the associated social stability of the Keynesian post war period had certain effects. These effects have been replaced with a new direction;

Tendencies to social cohesion, integration and cultural homogenisation are now displaced by counter-tendencies toward social fragmentation and polarisation, inequality, pluralisation and diversification. On a larger scale modernisation as a process of global assimilation to the social structure of the advanced capitalist countries, a weak tendency at best, has been displaced by the accentuation of differences and inequalities between states and regions... they are now in the ascendancy, the defining character of the system (Lea, 2002, 106, also Young, 1998c, 1999).

The post WWII Fordist production regimes saw the development of a universalistic welfare state. This social pact was ‘from the cradle to the grave’ state provision for all, built upon the experience of the most socialistic economy created to help fight WWII (Harris, 1984, in McLennan et al, 1984). Post war legitimacy and stability (Lea, 2002, McLennan et al, 1984, Young 1998c, 1999, Langan and Schwarz, 1985, Clarke 1992, Brake and Hale, 1992) was characterised by the dominance of social democratic trade unionism that integrated the working class via mechanisms of political negotiation. The social rights of welfare citizenship through multiple insurance allowances were based on the wage form in full employment being the norm. This high point of Keynesianism and the mixed economy oversaw the post war reconstruction boom, and when its limits were reached crises became apparent. This was met with the re-emergence of a neo-liberal regime and monetary policy (Thompson, 1984, Clarke, 1992, Gray, 2004, Brake and Hale, 1992) starting with the Labour government ‘conceding’ to the IMF, and accelerating under the

Conservative government: from inclusive policies to exclusionary ones (Young, 1998c, 1999, also Reiner, 2000). Generally this involved shifts;

From government to market and from community to individual. It represents the resurgence of a classic liberal tradition and a general trend to marketisation. It involved processes of contracting out; the introduction of market principles to the public sector, a deterioration of terms and conditions of employment of women as paid providers; and a deterioration of standards (MacGregor, 1999, 102).

Thompson (1971) emphasising direct experience of social conditions as well as theorisation, remarks that the local market structural conditions are as significant as the dynamic caused by the changes;

The economy of the poor was still local and regional, derivative from a subsistence economy... Thus one function of [the classical bread riot] was to moderate the appetite for profit unleashed by the developing "free market", and Arnold relates its assertiveness to the transitional moment between locally based markets and an emergent national grain market (Thompson, 1991).

An examination of the neo liberal regime and its policy impact is therefore needed, looking at structural and cultural issues for an understanding of working class reactions and innovations. An indication of the shift from stable manufacturing jobs can be gauged by looking at some statistics; in the 10 years after 1966 London lost in the order of 500,000 factory jobs – approximately 40%, and in inner London manufacturing employment tumbled by nearly a third in 5 years, 1971-1976 (Porter, 1994). What is referred to as the post WWII social pact was distinguished economically by Keynesianism and in the spheres of work and wage relations by Fordism (Negri, 1988). The consequences of Post Fordist capitalist restructuring and austere regimes have in the West reduced;

The 'extensivity' of the factory wage struggle... by division and segmentation of the labour market, between 'guarenteed' and 'non-guarenteed' sectors, by expansion of the casual, part-time and underground economy etc, in short by what in Italy is defined by the term 'diffused factory'... Negri's dynamic approach and analysis of the class antagonism today as that of a fully socialised labour power clearly puts him at variance with traditional, monolithic and corporatist class definitions, restricted to waged workers in 'direct' production only. His emphasis on the growth of mobility, of part-time, casual and domestic work, the absence of job fixity, the diffusion of production in the 'informal' economy... in no way signals the 'end of the working class', but rather a higher level of socialisation of the class antagonism over the whole social working day. The new social subjects of struggle are by no means 'marginal' – ***rather, their marginalisation is political*** (Introduction by Merrington in Negri, 1988, emphasis added).

The emergence and dominance of neo-classical economics of the liberal economy which saw the emergence of industrial capitalist social relations as normal, has been replicated in the past 20 years by the control and command centers of the capitalist economy, and the transnational corporations. What has been called 'globalisation' is in fact the breakdown of several economic and political barriers to growth and the emergence of neo-liberalism. These barriers were within Keynesianism in the West, and the former 'communist' states in much of the rest of the world. The disciplinary economic measures forced on countries have resulted in the creation of proletarians from the ashes of the peasantry around the world, by such organisations as the World Bank and the International Monetary fund (Midnight Notes, 1990, 2) who have enforced 'structural adjustments' that have had this effect. In Britain, the crisis has been felt via widespread, high, and structural unemployment, and government social policy to ameliorate the crisis is thus instructive.

New Deal, Bum Deal, No Deal

South and Scraton note that the given "low pay' of unemployment benefit and social security payments moonlighting, as a means by which a 'reasonable' weekly wage can be achieved, has become a regular feature of working class life" (1981, 43). Possibly linked to UK social policy changing during the 1980's and this included; "a cut in benefits, a weakening of social welfare entitlement, a harsher regime of surveillance and a real increase in costs of living [for poor people of working age]" (Dean and Taylor-Gooby, 1992, in Garland, 2001, 274, also Adler, 2004, Gray, 2004). This is on top of the already wide differentials in the response of Government to Tax avoidance and welfare benefit fraud, which is based on class (Cook, 1989). Taylor (1998, in Walton and Young, eds, 1998) writes that the withdrawal of benefits for 16 to 18 years olds in 1988, with no real time lag, led to a rapid growth in the numbers of offences committed by these people. By 1994 London's unemployment stood at 17%, and in some inner London boroughs it was over 25%, a result of Thatcher's structural adjustments (Porter, 1994). Within this total there were large quantities of migrants, both domestic and international, the unskilled and skilled, the middle aged, the youth and ethnic minorities.

Changes in the mid 1990s to welfare created the Jobseekers Allowance (1996) and intensified with the New Deal, part of the 'flexibilisation' of labour markets (Gray, 2004, Kennedy, 2004). Already large amounts of empirical research have shown that benefit

cuts are “much more likely... to encourage more and more young people into crime” (Taylor, 1998, in Walton and Young, eds, 1998). However, the myth that the New Deal punishes people for the first time for events such as being sacked for recalcitrance, or refusing suitable work (Adler, 2004), needs challenging. A look at the way social criminals are created could be gained from looking at the notorious 4 week rule introduced in the late 1960's. This meant benefit was withdrawn for unskilled men after 4 weeks, if it was considered that work was available in the area. Perhaps an early example of Labour managerialism;

25,000 men with a criminal history have been driven back by the four week rule to the one 'solution' they know – thieving... Some 27,500 men... have been subjected to the four week rule since 1968, [and] have resorted to crime for the first time in their lives during the weeks following the withdrawal of benefit (Meacher, 1974, 104).

That is not to say that disciplinary mechanisms have not become more important under the New Deal (Gray, 2004, Kennedy, 2004) and the forthcoming changes to Incapacity Benefit. Professor Machin and Marie (Womack, 2004) have indicated that the result of benefit cuts and increasing administrative discipline of the Jobseekers Allowance, has been to force people off the unemployed count, and into crime as a means of income generation. Adler suggests that the New Deal successfully targets “support tailored to the needs and circumstances of client groups” (Adler, 2004, 96). However, he has chosen to believe the propaganda of the New Deal rather than the reality, and certainly no evidence of support for his assertion from the unemployed is provided.

The New Deal provides 'education programmes', 'training', 'intensive activity job searches', 'work placements', and a variation of 'apprenticeships', but this is all basic and you are disciplined for seeking or going to unapproved 'training'. While some apparent New Labour supporters claim that there is a possibility of the compulsory New Deal becoming “excessively authoritarian and that people maybe forced into activities that are inappropriate” (Adler, 2004, 96). Some sarcastically claim that “Programmes have become more differentiated, though with an increasing emphasis on flexible response and the provision of soft skills” (Walker & Wiseman, 2003, 17). This should be read as programmes are multiplying but not changing their intents and purposes, with flexible response being impossible because of the compulsory nature, and soft skills being a euphemism for no skills. Further blasé enough to suggest that “claimants themselves

overwhelmingly... [accept] the legitimacy of conditionality [of] (Jobseekers Allowance)" (Walker & Wiseman, 2003, 10) without providing any evidence to support this claim.

They do provide evidence of the opposite however, arguing that "service providers often feel that 'conscripted' clients are disruptive and undermine effectiveness" (Walker & Wiseman, 2003, 23), and given the obligatory nature of the New Deal, is a large percentage. The compulsory nature of the New Deal has made it de facto authoritarian and dictatorial, and there is already evidence that people view these compulsory schemes with contempt (Gray, 2004). Punishments for disobedience, or 'sanctions' as they are officially called, run into the tens of thousands with official warnings running at least twice this level, and this is on top of routine warnings of 'how your attendance levels due to sickness or unauthorised absence are unacceptable'. A study of 7 European countries welfare systems found that Britain uses sanctions most often; "in 1997-98 they affected over 10 per cent of JSA claimants" (Gray, 2004, 91). Youth in unavoidable New Deal Programmes are particularly badly treated, with over 20% sanctioned (Gray, 2004). Accelerated New Deal programmes have started trials in 12 areas in April 2004.

Evidence suggests that government ideology consists of viewing unemployment and those on Incapacity benefit as a personal affliction found within the underclass, with the aim of adding additional disciplinary measures to change expectations and hence acceptance of work discipline (Grover, 2003, Gray, 2004). The New Deal in the context of relatively low unemployment figures encourages the labour market to expand qualitatively for employers. The new temporary labour market needs a fast turn over of staff, at whatever conditions the employer is willing to offer (Gray, 2004, Kennedy, 2004), and the New Deal attempts to enforce this change on the remaining 'hardcore underclass'. Given that informal economy workers display the qualities (MacDonald, 1997) demanded by this new casual labour market, the New Deal appears to be misplaced if it is aimed at disciplining 'work-shy' informal economy participants.

Other research amongst benefit claimants who have been 'sanctioned' (a euphemism for punishment) and their benefits stopped, shows that this makes people consider a turn to crime (Machin and Marie, 2004, also Kennedy, 2004), similar to previous research (Meacher, 1974). Apart from creating general feelings of frustration and anger amongst respondents, that in itself are significant as "work by psychologists in criminology (Dollard et al, 1939, Berkowitz, 1989) does highlight that such feelings can act as a determinant of

violent crime” (Machin & Marie, 2004, 15). Common to what is already typically established knowledge, that young men in urban areas are those more likely to take part in property crime. Research amongst those sanctioned elicited knowledge about; “The male respondents [who] also expressed the sentiment that property crime was an option to obtain some income and perhaps the only alternative for them under the circumstances” (Machin and Marie, 2004, 15). Testimony included:

If I hadn't been helped out by my parents... I would have had to steal because I had no food in the cupboards, I think I had a couple of cans of beans, something like that, but I know for a fact I would have had to steal. They're asking for trouble, they're asking for people to steal (Machin and Marie, 2004, 15).

The TV reality show where an MP such as Michael Portillo survives on no benefits after being sanctioned for a month has not been made and is unlikely to be. He has already patronisingly taken part in one such show for a week on benefits [When Micheal Portillo Became A Single Mum 15.10.03, BBC2]. Further benefit cuts appear to be planned too (Ricketts, 2005). With New Labour's 'Third Way' there is an attempted balance between neo-liberalism and the welfare state. 'Neo-Paternalism' or;

New paternalism... shares features with the pre-welfare state, 19th century provision but it also differs in important ways.... the chief goal of paternalism is to integrate rather than segregate the poor... this is the essence of the third way – increased intervention in the lives of the poor, utilising joined-up approaches to increase impact. The policies are targeted at relatively small but intransigent groups – the hard core or chronic in each category whose deviant behaviour has a large impact on the rest of society. All the might of local partnerships... is launched at these hard-core small groups, to break them up and scatter them (MacGregor, 1999, 109).

Latterday laws such as exclusion orders and behavioural controls such as tagging and ASBO's, extend capitalist discipline further, though these are the appearances of wider economic changes occurring throughout the world. In terms of legitimacy Baroness Helena Kennedy QC (2004) remarks that increasing sanctions, taking away benefits for failure to follow rules and for criminal offences, and blurring of the distinction between Probation, Benefits officers, and the courts is increasingly questionable. It is a throwback to 19th century definitions of the worthy and unworthy poor. Further, there are serious political questions regarding the resulting state that “has the power to use the withdrawal of welfare benefits to enforce a moral agenda” (Kennedy, 2004, 234), and this is *if* these tactics work, which is highly problematic. There is a deliberate tendency to punish the

poor, for being poor, Kennedy notes many examples of criminalisation, regarding beggars and others; “By cutting down funds we are driving people below the survival line and creating social outlaws... Large numbers of people have now been deprived of their benefits as a result of benefit sanctions... the government has no idea how these people are getting by. Crime and begging are the most likely answer” (Kennedy, 2004, 239, also Johnson, 2004). Via the attempted control of time, location, attitudes and benefits, the New Deal is imposing work discipline in a manner not unlike the Workhouse. The late modern variety however is the ‘Diffuse workhouse’, where disciplinary functions are delegated to different arenas and authority with diverse control procedures. The concept of the Diffuse Workhouse is compatible with state theory derived from Hirsch;

The post-Fordist state does not involve a withdrawal of the state from economic regulation, but offers new, highly differentiated and flexible forms of state regulation, appropriate to the segmentation of the working class and the greater flexibility of production characteristic of post-Fordist accumulation (Bonefeld and Holloway, eds, 1991, 4, 5).

Back to the Future - Globalisation

Walton and Seddon (1987, 1994), analyse the similarities and differences in the moral economy food riot around the world, from the classical variety popularised by Thompson. To today’s, provoked by economic adjustment programmes forced on certain countries by the economic command financial institutions of world capitalism. E.g. The International Monetary Fund, World Bank, and other formal institutions trusted with regulating global finance and the social order (Amin, 1997). Thompson’s moral economy was built on the struggles around the emerging liberal economy and away from the paternalistic feudal system (Walton and Seddon, 1994). The older paternalist idea was meant to provide the staple diet at a low enough price for the poor, however this was systematically “Undermined by new national policies aimed at greater efficiency and market regulation” (Walton & Seddon, 1994, 34).

This shift from paternalism to laissez-faire policies within national economies ran parallel with the food riots as these were “a direct response to state reforms that eliminated interventionary protections for customers” (Walton & Seddon, 1994, 34). The ambiance in which the moral economy thesis was grounded was built upon changes in marketing practices during the eighteenth century “occasioned by the so called ‘rise of a national market’” (Randall and Charlesworth, 2000, 12). This growing new market impacted in two

ways, gradually eroding the old market, whilst the new laissez faire market was being built. This suggests that “the transformation from a model primarily based upon local partly regulated exchange to a national consumer driven unregulated market was neither fast nor uniform” (Randall and Charlesworth, 2000, 17). This corresponds with Brenners’ observations about the origins of capitalism (Wood, 1999).

Though the lack of global uniformity is similar to this situation the speed of today’s globalisation is different. Businesses enter new markets quickly with information technology as they have to with the necessity of ‘just in time’ Toyota manufacturing demands (Ruggiero, 2000a, Harvey, 1989). They are also encouraged in certain areas by certain protections in the free trade zones. These can be called “export processing zones” (Klein, 2001, 202) and this leads to uneven development because countries offer different levels of ‘business facilitation’, workers earn far less than average; sometimes meaning that no unions and no strikes are allowed (Klein, 2001, 212-213). There is a shift from manufacturing in the advanced countries of the West to developing countries in the South and East, by the middle of the 1970s approximately 70% of London’s employment was in services (Porter, 1994).

Sassen (2001) has found that in the sectors perceived to be the vanguard of the new economy “between 30 and 50 percent of workers in the leading sectors are actually low-wage workers” (2003, 262). Apart from the maids and nannies already mentioned the affluent designer lifestyles of today’s designer classes involves instant gratification at an unheard of speed. Not only has time/space compression involving new technology increased possibilities. The booming demand for fitness represented by the new fitness leisure sector meant that peoples’ capacity has increased too, off setting the demands on the body placed by stress, alcohol, cocaine (Sherwood, 2003), and a luxury fast food diet in some cases. Companies in the City of London regularly include free or discounted club membership to employees;

Expensive restaurants, luxury housing, luxury hotels, gourmet shops, boutiques, French hand laundries, and special cleaning services, for example, are more labour intensive than their lower priced equivalents. To an extent not seen in a very long time, we are witnessing the reemergence of a ‘serving class’ in contemporary high-income households and neighbourhoods (Sassen, 2003, 262).

However, there has been a down grading of respectable working class opportunities, the new working class employment is “now in low wage, part-time and temporary employment,

especially in services... such as the fast food industry" (Lea, 2002, 109, Gray 2004). Existing working conditions in the factory are casualised in a similar vein to that of the nineteenth century with "long hours and low wages and a compliant replaceable workforce" (Lea, 2002, 109, Gray, 2004). This means that Wagners (1995) critique of the misleading nature of liberal and charity promotion of the homeless who supposedly have problems distinct from the general class of the poor is increasingly reticent. These people are impossible to distinguish from the bottom of the social structure "People... virtually outside the legal labour market and, concentrated in ghettos, inner cities and decaying older industrial areas, they function as labour supply for a growing informal and shadow economy of untaxed and criminalised activities" (Lea, 2002, 109).

In distinction from the classical food riots and the moral economy of the poor that gave birth to them, Walton and Seddon (1994) identify a new wave of disturbances that took place around the world. These "IMF riots" (Walton & Seddon, 1994, 39);

Signals a new phase in the development of the global state system... modern food riots in the developing nations are generated by processes analogous to economic liberalisation policies that produced classical food riots, but today's transformation is taking place at the international level (Walton & Seddon, 1994, 24,50,53).

The emergence and dominance of neo-classical economics of the liberal economy which gave rise to industrial capitalist social relations as normal, has been replicated in the past 20 years by the control and command centres of the capitalist economy, and the transnational corporations. There are a number of ways of looking at the current phase of capitalist globalisation. Globalisation sometimes is allowed to float around a discussion carrying with it omnipotence, encouraging resignation. However, like the concept 'free market', it is something that has never existed, and instead is part myth, part real. In other words it functions as ideology. Held, McGrew, Goldblatt and Perraton attempt to classify the different work on the subject on the basis of common ideas rather than common ideologies. They note both Marxist and orthodox neo-liberal accounts have different and opposed positions, and identify 3 main broad positions; "The hyperglobalizers, the sceptics, and the transformationalists" (1999, 2).

Whilst detailed discussions of the 'true rate of globalisation' are not the focus here, the grand macro economic theory helps situate changes that are important for the informal economy debate. Ideological emphases on an equal playing field and an open market have effectively ended such industries as mining in Britain. In their place there is increased

emphasis on casual contracts (Tomaney, Pike & Cornford, 1999, Tabak, 2000, Gray, 2004, Kennedy), no great traditional industries just surviving remnants, new employment in call centres, low wage casual manual jobs (Garland, 2001b, Gray 2004, Kennedy), and the trade that epitomises economic globalisation, drugs - the embodiment of crime as a common feature of capitalist society across all social classes (Lea, 2002).

The new economic regime has been characterised as 'flexible accumulation' by Harvey (1987) as opposed to the previously regimented Fordism of the post war period. There are many variable positions in the debate of the transition from Fordism to Post Fordism, and generally there are 3 theoretical positions within the post-Fordist debate although Amin does discuss some more, "these are the regulation approach, the flexible specialisation approach and the neo-Schumpeterian approach" (2000, 6). As the regulation approach can be said to have "seven regulationist schools" (Amin, 2000, 7) then further detail is beyond the scope of the research. Technological advance and social conditions within macro economic theory also merit further elaboration.

Society of the Spectacle

If industrialism was synonymous with modernism then late modernism involves an element of de - industrialisation, at least in the West. Technological advance includes the different things appearing on the screen in front of you, whether the TV or the computer, is part of the process of the new instantaneous society, and time/space compression (Harvey, 1989). Young comments about men "barred from the racetrack of the meritocratic society yet remain glued to the television sets and media which alluringly portray the glittering prizes of a wealthy society" (1998c, 70). Young's analysis about the economic crises is appropriate; describing the resulting relative deprivation for "Young men bereft of social position and destiny" (1998c, 70). This realism however tended to concentrate on the negative aspects of the current crises too much, creating an atmosphere of the damned;

Amongst those unskilled workers clustered around the empty factories, and on the desolate estates... their subculture of resistance elevates toughness and physical strength to a prime virtue: it is sexist, frequently racist and avowedly anti-intellectual... They are excluded, they create an identity which is rejecting and exclusive, they exclude others by aggression and dismissal, and they are, in turn, excluded and dismissed by others – whether school managers, shopping mall security guards, the 'honest' citizen, or the police officer... The dialectics of exclusion is in process, a deviancy amplification which progressively accentuates marginality, a Pyrrhic process involving both wider society and, crucially, the actors

themselves, which traps them in, at best, a series of dead – end jobs and at worst, an underclass of idleness and desperation... the working class area... implodes in upon itself: neighbours burglarise neighbours, incivilities abound, aggression is widespread (1998c, 70, 71, 73).

This is an accurate description, however, there is another. In similar areas there are positive things occurring; “The next day, it was a woman who lived with one of the McGibbons, coming round the estate with carrier bags full of shoplifted clothes, selling them on the doorstep and taking orders for her next trip” (Davies 1997:64 in Lea 2002: 141). While the dialectics of exclusion is a definite process, there is other movement as well that dialectical analysis would expect, which tries to cope with similar conditions. This cannot be described as ‘dialectics of inclusion’ as this would suggest that there would be a possibility of becoming totally included into formal mainstream society. Tentatively, it is a more positive dialectics of survival, a process that improves the immediate nature of peoples’ lives in the informal networks of social crime to be found, whether of tobacco, alcohol, clothes or other consumer goods. Involving themselves and wider society that may trap them in dead end jobs, but whose actions are a source of pride as they get things formal society would deny them. Rediker saw this spirit of the poor as “a strategy for survival... [imbued with a] collectivistic ethos it expressed” (Rediker in Pennell, ed. 2001, 149). Bushaway noted that this survivalism is not only defensive, traditional or customary practice based upon conservative and/or reactionary values, it is “both dynamic and defiant exceeding simple concepts of popular custom which imply survivalism or immutability” (Bushaway, in Stapleton, 1992, 112). This synthesis of forward looking and previous practice has been noted by Bohstedt (1983). The choices within new demands, negotiation and compromise, resignation or resistance, are based on the precarious nature of economic life, between necessity and desire.

Insecurity

With the passing of Fordism and the Keynesian welfare state new employment regimes emerge which make it easier for employers to restructure labour forces and cut costs. General tendencies in employment have been growing insecurity, which has pushed towards the end of the ‘job for life’ and irregular, short term contracts, precarious forms of employment, flexible non-union work and unemployment (Tabak, 2000, Gray, 2004). This increasing uncertainty has augmented the impulse to seek other sources of income and ‘means that free trading moves beyond a ‘phase for youths’ (Fagan and Freeman, 1999), into mainstream and everyday options for people throughout their lifespan.

One good definition of the informal economy is provided by Castells and Portes (1989), and that is income generating activities that are not regulated by the state in contexts where very similar activities are. This definition is quite general and leaves a number of appropriate avenues of exploration rather than apriori foreclosing with a tight definition. It neither suggests that informal economic activities are a particular economy in their own right, nor does it deny any links with the official economy. The pressures mentioned above and the increasing fetishisation of commodities encouraged by today's societies (Klein, 2000) means that the search for an income in the absence of declining welfare is encouraging informal activities. Critics may suggest a 'causality of contraries' because of the argument that the informal economy is encouraging a de commodification process. However, both trends can exist simultaneously in different proportions in different locations, as dialectical analysis would expect.

The difficulties in accurately describing the new world of work in British and throughout European cities has been described by Ruggiero, on one black hand there is the hidden economy, on the other;

Flexible, precarious, non-unionised work... In effect, if we consider occasional, temporary, and fractional jobs in the official, the irregular, and the illegal economies, along with the constant activity performed by those who are officially deemed unemployed, the situation may better be described as one of 'full employment'...

Cities offer a variety of partial, temporary, shared, occasional, hidden, or illegal jobs. This [is a] virtual condition of full employment... Flexible, marginalised, precarious and hidden workers are just not employable in what remains of the secure occupational sphere...

With the expansion of this sector of the labour market, traditional distinctions between activity and inactivity are increasingly difficult to draw, as are those between employed and self-employed (2001, 58).

Freetrading ceases to be a feature of youth and spreads across the age range. Whilst researching smuggling I stayed in a hotel in Calais where some English scaffolders were waiting for work, a condition that has been called "the endless time of work" (Ruggiero, 2001,59). While the scaffolders were waiting for work, at any time of the day, they told of their involvement in smuggling tobacco. They did this on their journeys home to see family to recuperate from the work they had done in France. Not only do the distinction between places of production and leisure disappear, but rest time becomes work as well, where the social factory is the home where marketing is done. The hotel becomes the warehouse and the office where plans are made and the tobacco stored;

The self-employed never cease to work, both when they are hired to perform a precise task, and when they are forced to perform networking activities which may eventually lead to their being hired. Unpaid preparatory activities place them in a physical limbo in which the old distinction between the place of production and the place of leisure tends to disappear (Ruggiero, 2001, 59).

Industrial restructuring characteristic of Post-Fordism and the decline of the manufacturing base of the UK, has created new areas of depression and poverty, due to job loss and falling wages. Then associated social security proto penal measures (Kennedy, 2004) were introduced, these changes in administration and cuts in benefit levels aimed at persuading the unemployed to work. Though large employers are not taking on masses of unskilled workers anymore, this had the effect of creating similar experiences of poverty throughout the country. Young (1998c) called this the 'dialectics of exclusion', where there are barriers between people getting legal work, based on location, education, the employment market itself (Gray, 2004), a lack of work skills and attitude, and a police record. Excluded from the formal world of employment their income is likely to be heavily skewed in favour of informal work, and also the income derived from crime. This is compounded too;

Chronic unemployment and low incomes among adults in poor neighbourhoods have shaped social norms that devalue legal work (Sullivan 1989; Anderson 1990). These dynamics leave few income options open other than public assistance, the licit informal economy, or illegal work in crime or drug selling. Still other young men may forgo legal work for what they perceive to be more lucrative careers in crime or drug selling. Others shift back and forth over time, while some juggle legal and illegal economic activities at the same time (Hagedorn 1994b; Venkatesh 1997) (Fagan and Freeman, 1999, 227).

Outsourcing

Part of the insecurity has been a restructuring of the relation between formal and informal economies by capitalist corporations. There has been a deliberate encouragement of economic activity on the frontier of the informal sector, if not inside it, by the leading sectors of industry. This gives the lie to any notion of informalism as residual. Thus one aspect of the tendency to flexible production is that the relative importance of the formal economy to the informal changes over time as process. Therefore development is not in a logically linear manner in all places as this depends on the marketing and free trading opportunities and cultural experience inherited from the past, combined with new skills from indigenous migration and international migration. Change results because there are

many forms that informal activity can take. The range of this spans from networks of large sweatshop manufacturing of considerable economic importance to the economy both legally and illegally, to marginal economic activities that are of no interest to the official economy. In the former these sweatshops maybe operating a legal cover with marginal extra black economy work eg. a production run that is extended by 300 to supply family shops, or whose workers maybe fiddling their welfare benefit unbeknown to the firm, or the sweatshops that can operate in the criminal economy who employ, source materials, supply finished goods totally illegally.

Outsourcing to small sweated labour firms of labour intensive components reduces costs for large companies. Whilst undermining the power of large trade unions (Gray, 2004) and shifts adjustment to market conditions away from negotiations with unions to cancelling contracts with small weak firms whose situation is therefore by definition precarious. There are general features of society that affects the scope for activity e.g. in developed countries the state is large and controlling within limits, although there are large areas without effective supervision or criminal sanctions for business. There are many powers that regulate the economy that are mirrored by large transnational corporations who have large bureaucracies as well. There is a paradox in this, which Portes (1994) has identified. In that the rules and regulations impose extra costs upon business that can't always be offset by economies of scale, and so these transnationals avoid these costs by subcontracting (Roberts, 1994) and perhaps dispensing with production factories altogether (Klein, 2000). As this way transnationals can avoid fixed production costs, and impose temporary casual contracts on people (if at all). There is a notion often propounded and assumed in the media that formal progression of the industrial economy will mean that informal and sweatshop conditions will naturally disappear. However there is increasing evidence to the contrary with the GMB (General, Municipal and Boilermakers Union) running a campaign to stop sweatshops in the East End of London, and theoretically (Sassen-Koob 1989).

Theorisation so far has assumed and implied almost that this freetrading exists in a vacuum, and that at best free trading survives because it is cheaper and can supply the goods that people want. This is not good enough. For it does not explain how the opportunity to supply cheaper goods came about in particular fields or the associated changes that may have helped the process at a macro level.

The same process takes place on a local personal level with the individualisation of the employment relation to one of individual subcontracting which reduces costs for employers. Where people have been forced to make themselves self employed so that employers can jettison some of the costs of employment, and people can even turn themselves into companies. This has notably occurred in the building industry. When people are able to calculate their own tax then the falsification of the final bill becomes possible, and there are accountants for working class people who specialise in reducing the tax bill. This involves tax avoidance, the legal utilisation of expenses and other allowances, and tax evasion, the illegal misrepresentation of income as (not) a taxable entity. Hence the fusion of Hobb's 'bourgeois proletarian' with a more traditional worker ethos is not simply a question of the survival of 'East End Culture' (though the East End of London was precisely a place where casual labour and the individual sub-contract has a longer history than most cities) but is something that is actually produced by the latest stage in capitalist development. Thus old pre-capitalist structures persist but now in a new setting (Castells & Portes, 1989, in Castells, Benton & Portes, 1989), they are not just residues, but fulfill real functions for the existing structure of the global capitalist economy.

This does not directly lead to other informal economic activity but it does help in the overall cultural atmosphere that facilitates free trading. There is evidence that some building sites in the North have regular hawkers of tobacco supplies visiting them during working hours, as well as building workers who supply other sites with tobacco they have obtained themselves. Both on their own through visits abroad, and those they have bought off a second party for themselves and to resell. The new norms of legitimacy are based on a reworking of capitalist individualism, though this has at least 2 forms, and the relative weight of each differ according to cultural mores in industries and areas. This 'bourgeois proletariat' (Hobbs, 1989), at one end of the scale, can be completely individualised, doing nothing for other people, even their own family, and there can be self destructive characteristics present too at it's' most dangerous and obnoxious. At the other end, they could be completely altruistic, doing everything they possibly can not only for their family but for others too. This can be seen as a post modern primitive communism, carried out with an almost religious fervour, because of its selfless application in society. The proportions of each characteristic are, in practice, likely to be more balanced, with most people doing a combination of them.

As working class people become one person businesses for tax purposes, a small step up from this is small business crime (Barlow, 1993). Barlow remarks that although criminologists have concentrated on large corporations it may be productive for them to focus on small business as “small business crime is unlikely to be trivial” (1993, 319). Though tax evasion and avoidance, commonly called ‘dodging’, are staples of small business crime, the possibilities of fraud are reliant on the presence of cash whose arrival and departure in the till can both be disguised, and may not register at all if it leaves before the end of a days’ trading. Although this does not necessarily mean that the days’ takings are the real one that is entered for book keeping purposes. Barlow mentions that often employees are allowed to present the authorities with a fictitious level of pay in order to claim maximum benefits, and Grabiner (2000) contains evidence that suggests small business itself is criminogenic; “networks bridge the worlds of compliance and crime while providing opportunities and incentives for a wide range of illegal activities” (Barlow, 1993, 323).

Power and knowledge implicitly present in the technical and specialist nature of many small businesses in the retail and service, e.g. couture, is another enabler of small business crime. The lack of knowledge in the general public regarding diagnosis, parts, length of time the task should take, and so on in many tasks. Is often compounded by the monopoly or oligopoly that the operative has because of the pressures of e.g. time, that means that customers don’t have the time to research competitive estimates or trace for reliable references through friends. Things such as computers, electrics and plumbing, not forgetting; “Automobile repair and maintenance are prime settings for fraud (see Tracy and Fox, 1989) though the fraudulent opportunities represented by these fiddle factors are not lost on doctors, lawyers, dentists, and a host of other professionals (see Jesilow, Pontell and Geis 1993; Vaughan, 1983)” (Barlow, 1993, 323).

The facilitators of small business crime apart from retail, ‘fast’ food, and service areas, include temporary arrangements, e.g. the music industry, tourism, events and conferences. Although many businesses and people work in the same area for years and get to know the opportunities and seasonal variations such contexts are open to abuse because of the short term, temporary and one off nature of economic relationships in these fields. What is more, because customers are often strangers to the area then the suspension or alteration of the legal morality governing exchange is easier for people to psychologically come to terms with. They have been party to a technique of neutralisation

even though it was not consciously designed. Whilst many small business crime opportunities are individual, including self activity to do with tax dodging or by giving customers either substandard goods or lower change than which they were entitled too;

Many business crimes do require collusion and collusion itself promotes crime in various ways... crime networks are largely indistinguishable from networks of legitimate exchange... each feeding off the other as well... Both worlds are so intricately bound together that one cannot be understood apart from the other (Barlow, 1993, 326).

The extent of this has certainly grown;

The revival of small business and self-employment in the UK was 'one of the most significant economic and political events' of the 1980s... The numbers of people self-employed multiplied from 1.76 million in 1979 to 3.27 million or around 13 per cent of the workforce by 1994 (MacDonald, 1997, 105).

One criminogenic element is that many of these small - businesses were formed in areas of economic stagnation where the local economy could only support 'another' hairdresser, graphic designer, photographer etc. at the expense of the margins of others. In short quantity rose while quality fell (MacDonald, 1997). Undoubtedly this will lead to creative accounting and other efforts to improve peoples' income. There are widespread and general economic trends that evidence from Britain is a part of.

Economic Change

Castells (1989) identifies the new mode of production as the informational, where production and control of knowledge is the source of productivity. This is the new technological revolution, "common to all major technological revolutions. The main effects of their innovations are on processes, rather than on products" (Castells, 1989, 14). Capitalist restructuring has been the central feature of the past few decades;

By restructuring is understood the process by which modes of production transform their organisational means to achieve their unchanged structural principles of performance. Restructuring processes can be social and technological, as well as cultural and political... all geared toward the fulfillment of the principles embodied in the basic structure of the mode of production. In the case of capitalism, private capital's drive to maximise profit is the engine of growth, investment, and consumption (Castells, 1989, 11, also Tabak, 2000).

Apart from the well-documented polarisation of wealth, this entails state intervention that shifted emphasis “from political legitimation and social redistribution to political domination and capital accumulation” (Castells, 1989, 25). An increase of profit was sought with the opening up of new markets via internationalisation of the global economic processes, in short globalisation. This “enhances profitability at several levels” (Castells, 1989, 26, also Tabak, 2000). Giving capital countless options to find the best location and social conditions for; production, investment, and profitability. Though there are variations in costs and savings associated with different regulations, traditional levels of wages, availability of resources, market penetration or access to technology; “The fact remains that the increasing homogenisation of the economic structure across nations allows for a variable geometry of production and distribution that maximises advantages in terms of opportunity costs” (Castells, 1989, 26).

24 hours a day, 7 days a week; opportunities for investment around the world vastly increase the turnover rate of capital and hence raising profit levels for a given rate of profit. The opening of new markets increasingly makes possible links between different markets across borders. The reduction of wages (Gray, 2004) in the established major industrial countries is a loss of demand that has to be made up through the new markets that can be found worldwide (Tabak, 2000). These processes of globalisation of the economy were made possible by the new information technologies (Castells, 1989, 30).

Castells identifies that there are “three major organisational characteristics of informationalism” (Castells, 1989, 30). Unemployment is a feature of restructuring, and this is a generator of the opportunity and motive for informal economy activity. Flexible economic arrangements end labour protection, and enables capital to take advantage of changing economic conditions around the world;

Thus, temporary workers, part-time jobs, homework, flexitime schedules, indefinite positions in the corporate structure, changing assignments, varying wages and benefits according to performance, etc., are all creative expedients of management (Castells, 1989, 31, also Tabak, 2000, Gray, 2004).

MacDonald (1997) notes that informal workers are required to be very flexible in terms of hours and lower pay. That as certain firms contract out flexibility becomes noticeable in certain sectors “at the steel works, construction, car mechanics, taxi driving, cleaning, bar work” (MacDonald, 1997, 117). Castells argues that the informal economy is an area that

is frequently a “very profitable sector, whose reality is far distant from the survival activities with which it has generally been associated” (1989, 225). On top of this is;

The shift from centralised large corporations to decentralised networks made up of a plurality of sizes and forms of organisational units... They are the prevalent form of the informal economy, as well as of the sub-contracting practices that have disorganised and reorganised the labour process...

An even more important trend promoted by new technologies is the growing practice of sub-contracting and networking in the production process... Sub-contracting of entire phases of production to other firms, often in other countries, also allows for a combination of economies of scale and effectively decentralised production and management that increases efficiency and competitiveness (Castells, 1989, 32, 190).

Noting the growing importance of financial capital, capital attempts to “enlarge itself... through speculative means without the mediation of the production of actual commodities” (Lea, 2002, 108). Further, speculation increases the rate of destructive reproduction, new global communications and technology realise “the recomposition both of capitalist production and of the working class” (Lea, 2002, 108). Capital no longer is a force for homogenisation of society and cultural cohesion, rather “the long run trend is now towards a polarisation between the very rich and the very poor” (Lea, 2002, 108).

The expanded middle class support them, have job insecurity (Lea, 2002), and are increasingly proletarianised. In global cities like London, involved in the coordination and management of the globalised economy, there has been a large growth in the employment of well paid professionals. The transnational companies and the professionals they employ both directly and indirectly increase demand for lesser technologically skilled insecure workers to service their needs. These workers commonly perform tasks such as low wage clerical temps, cleaners, maintenance, handymen, removal staff, kitchen staff, and “repairmen” (Sassen, 2003, 255). There are hidden workers who service the professionals;

Who employ maids and nannies and who patronise expensive restaurants [staffed by ‘illegal’ migrants] and shops staffed by low-wage workers. Traditionally, employment in growth sectors has been a source of workers’ empowerment; this new pattern undermines that linkage, producing a class of workers who are isolated, dispersed, and effectively invisible (Sassen, 2003, 255).

Whilst the large companies and the professionals that run and defend them dominate the central areas of the global cities. A parallel trend has emerged of informalisation of an

increasing number of business activities as independent employers seek to avoid the costs and bureaucracy of the formal economy's regulations. This can be the relocating of commercial and manufacturing activities to residential areas, outworking – the re-emergence of the putting out system of industrial production (Tabak, 2000), the employment of migrant or welfare recipients, the rise of the sweatshop, and dangerous systems of production avoiding health, safety and fire regulations. The shift to a predominantly service sector economy from manufacturing destabilises older economic and social relationships. There is also a booming low wage and casual sub-section of the service sector (McDowell, 2003). Frequently staffed by migrant workers, as native workers with capitalist aspirational ideology seek other positions, and this by default demeans the specific nature of the work and the social groups that do it (Ehrenreich & Hochschild (eds) 2003).

At the 'top' and 'bottom' of the occupational ladder, tasks are becoming relatively standardised and so are the labour supplies. This is because;

Occupations at the top and at the bottom are, in very different but parallel ways, sensitive. Firms need reliable... talented professionals, and they need them specialised but standardised so that they can use them globally. Professionals seek the same qualities in the workers they employ in their homes. The fact that staffing organisations have moved into providing domestic services signals both that a global labour market has emerged in this area and that there is an effort afoot to standardise the services maids, nannies, and home-care nurses deliver (Sassen, 2003, 263).

When viewing the state as having an economic role in social change, it is possible to see how legitimacy was withdrawn by the working class from the state when it was the victim of unnecessary hardship e.g. during the miners strike 1984-85, and welfare was used against the miners (Beynon, 1985, Sim, Scraton and Gordon, 1987, in Scraton, ed, 1987, Green, 1993, in Hobbs and May, eds, 1993, Stead, 1987, Booth and Smith, 1985). Ruggiero (1996) notes a case of redundant miners investing in tobacco smuggling as a surrogate wage, and there is plenty of other evidence of the role of informal and drug markets in former mining areas, the 1980's saw a legitimisation crises continue and deepen (Thornton, 1989).

Growth of the Informal Economy

The informal economy today has a global presence covering areas not fully incorporated into the circuits of capital accumulation, vast areas that are, and a local presence as supplement to legal income sources in the individual household or in inner city networks. This is on a scale unanticipated by either modernisation theorists or classical Marxists. United Nations (UN) researchers declare that the growth of the informal sector is the direct result of market liberalisation (Davis, 2004). To the extent that it is seen as a precapitalist residue, it is certainly undergoing a new lease of life in present circumstances, and a number of factors have contributed to its' growth. These characteristics generally derive from the ending of the post second world war boom and the need by private capital to cut costs and seek new sources of profit. Since the 1970s researchers have found "that both state employees and the formal proletariat have declined in every country" (Davis, 2004, 24) of Latin America. Leading to a dramatic expansion of the informal economy working class, globally nearly "one billion strong: making it the fastest growing, and most unprecedented, social class on earth" (Davis, 2004, 24). UN researchers further say that about 40% of the economically active populations of the developing world are informal workers. Regularly 60 – 75% of total employment is informal in urban areas of Africa and central America (Davis, 2004).

One definition of the informal economy is that provided by Castells and Portes (1989) and that is income generating activities that are not regulated by the state in contexts where very similar activities are. This definition is quite general and leaves a number of appropriate avenues of exploration rather than a priori foreclosing with a tight definition. It neither suggests that informal economic activities are a particular economy in their own right, nor does it deny any links with the official economy. Williams and Windebank say there is a common understanding over the definition of the informal economy, "It involves the paid production and sale of goods and services that are unregistered by, or hidden from, the state for tax, social security and/or labour law purposes but which are legal in all other respects" (2001, 50).

Historically an explosion in informal economic activity research took place in the 1970s around the world (Feldman and Ferretti, 1998), and the notable theorists were Gershuny, Pahl, Ditton and Henry in Britain. The earliest means of categorizing the varieties of informal economies and their activities can be found in Henry (1981). Gershuny and Pahl

(1980) distinguish the formal economy from the household economy and the underground economy. For them the household economy differs from the underground economy because for the household economy there is a transfer of skills, technological equipment and services to it from the formal economy because of the numerous DIY tools, books, and flexible homeworking arrangements. Which also make it easier for people to evade state regulations. High prices for productive and technological equipment discourage self employment, and conversely it is true. Given that there are few regulators of small business then those who choose to break employment regulations have little chance of being caught as their employees would be admitting to illegal activities too.

An example of the developing informal economic debate can be found by Lowenthal, social economy theory (1975). Henry outlined 4 typical characteristics that are generally agreed as being present, these particular activities;

1. Are unofficial and hidden from the state accounting system, being unregistered by its economic or criminal measurement techniques;
2. Entail the production, consumption or trading of goods and services by persons primarily engaged in the regular or criminal economy;
3. Are small scale and locally based, taking place through face-to-face relationships among relatives, friends, neighbours and acquaintances;
- and 4. Are labour intensive, requiring little capital (1988, 39).

Coming towards a clearer understanding Henry then posited;

Three constitutive subeconomies of the informal economy... the 'irregular economy' (Ferman and Ferman, 1973; Ferman, Berndt, and Selo, 1978, Ferman and Bernt, 1978; McCrohan and Smith, 1986, Smith, 1987) which comprises the activities of work outside 'formal' recorded employment (Gershuny and Pahl, 1981, Redclift and Mingione, 1985) and which has been described as work 'on the side', 'to the left', or 'off the books', and more traditionally as 'moonlighting'... The hidden economy (Henry, 1978a) is parasitic on the regular economy and, as a result, overlaps considerably with the criminal economy... The third constitutive informal economy, the 'social economy' (Lowenthal, 1975; 1981), has been defined as that sector of economic activity 'not registered by the economic measurement techniques of society and which does not have money as a medium of exchange' (Ferman and Berndt, 1981:26). The social economy includes barter and swapping activities typically used by those in poverty to provide a survival income [common again in the recent Argentinian crises, 2001-2002, caused by the command institutions of the world capitalist economy] and a source of otherwise unobtainable goods and services (Henry, 1988, 35).

Working some time later Thomas sketches his definition of 4 different sectors that comprise the informal economy. Categories include the irregular sector defined as

involving some illegality "while the goods and services that form the output are perfectly legal, the production and/or distribution of these goods and services involves some illegality" (1992, 4). Thomas then moves onto the criminal sector where both production and output are illegal. In opposition to this he says about the Household sector that;

The important characteristic of the household sector is that its output is not traded and this absence of market transactions (and hence prices) makes it especially difficult to evaluate it, which is why most of the activities in it are ignored by the compilers of national income accounts (1992, 3).

Finally for Thomas there is the informal sector;

In addition to household production, in most developing countries, alongside the traditional, mainly agricultural sector of production, and the modern industrial sector, there is a further... informal sector, which generally consists of small-scale producers and their employees, together with the self-employed working in the production of goods, plus those engaged in commerce, transport and the provision of services. While the activities of those selling in the streets... are the most visible aspects of the informal sector, the output of small workshops and the self employed who often work at home is more important in terms of the numbers involved... one important point to note concerning the informal sector is that the goods and services being produced are perfectly legal and that generally no laws are being broken in their production or distribution (1992, 3,4).

This is quite an interesting means of classification of informal economic activities based upon the illegality or not of the means of production and output that are in the different activities to be found. It should be noted that although Thomas says that the informal sector is mainly to be found in the developing world. There are what could be called petty bourgeois or self employed means of production today in Britain that rely on these informal means of production, although the retail is both official and unofficial. For example artisans are selling art and other products in countryside and seaside areas, as well as houses and farms selling produce such as eggs to the passing public. Given the recent emphasis on farmers' diversification in Britain this should become more important.

Within tobacco and alcohol smuggling, the goods are legally produced, and it is the resale of the items by petty smugglers that constitutes the crime and so they would be part of the irregular sector. Though for the mass smugglers in terms of volume of tobacco, for example the widely recognised containerised smuggling of tobacco. Then both the origin of the tobacco becomes criminalised and the transportation as well, whereas for the petty smuggler there is no crime in taking the cigarettes across the channel and into Britain. Indeed it is very difficult to read criminal intent into a situation where the customs officer

sees 2 people with similar cars full of similar things. People in one car may have the criminal intent of resale to contacts on the mainland, and the other for personal use and the gift economy of presents.

Pyle in one of the last works to use the term 'black economy' in it's title says there is a "reasonably standardised definition" (1989, 3) for the black economy. Basically this argued that activities are undertaken in order to avoid tax, and excluded criminal activities from the definition. This really does not help understand the complicated nature of informal activity in the city, for it was totally lacking in ethnographic evidence by informal practitioners. In it's most basic understanding we may say that all informal economic activity is that which takes place outside of the sphere of capitalism and its' regulation by government. It is necessary to describe the real world of informal economy trading (Appendix B).

Thus since the 1970s sociological research e.g. Gershuny, Mingione, et al have tried to draw these trends together and produce classifications of the informal economy which distinguish between monetised and non-monetised, legal and illegal, forms of production and distribution. Some of these contributions are represented in the table below:

	Manufacture/origin	Distribution
Household economy of mutual aid (untaxed, unmoneterised)	Private: services, odd jobs	Friendship networks, neighbours, Communities
Illegal	Illegal origin of goods and Services	Illegal Distribution of goods and services
Irregular (untaxed, monetised)	Legal origin of goods and Services	Legal Distribution e.g. sales by artisans of artifacts
Informal	Legal origin but outside capitalist commercial sector	Illegal, and through the formal sector though illegal

Therefore activities being studied in this thesis would straddle the irregular and illegal categories. In the case of the smuggling of tobacco, goods are legally purchased in the country of origin, but are distributed by illegal sale without tax through informal networks in

the UK. In the case of shoplifting, goods are both illegally acquired and illegally distributed, though not exclusively so as some are re-sold in official places such as markets and car boot sales, and occasionally shops. Further subdivisions are always possible (Appendix B).

Networks of Free Traders

Viewed from a reactionary perspective, the informal economy consists of disparate activities by mere individuals working and not working legally in a variety of occupations. The focus of media reports that rely on the police and other state institutions already filter the informal actors who are then individualised by their specific crime (Pashukanis, 1978). This means that informal economic actors are seen to be working alone, and often have an interest in portraying it that way too. However, over optimistic generalisations that would not make sense even to the participants are utopian. Eg. Though 150 workers were found to be stealing individually and at the same time (Curtis, 1960) they wouldn't necessarily see this in the same way. E.P. Thompson was careful to stress the local mediations that could determine the levels of protest and not the objective levels of economic hardship (1991). However, some informal activity does require active cooperation, whilst as much shoplifting is done alone, though the amount of teamwork should not be downplayed. When there is cooperation in the buying, selling, stealing, fiddling, pilfering, smuggling, distribution and retail of contraband then we can say that networks of free traders exist. Freetraders was the old term which by smugglers recognised themselves (Nicholls, 1973, 2, Waugh, 1991, 7).

These networks are often to be found where goods are on sale, and can be found from the moment of production that in this globalised world is likely to mean overseas. Anytime in the delivery process from ships, planes to Lorries, down to the moment of sale, and the last contact between the goods and staff that officially occurs. One example of this could be shopworkers working in liaison with friends or relatives. The 'shopper' presents goods to the cashier who rings in the lower value items and lets the expensive go by. These extra goods are then shared out between the cashier and accomplice(s), who could just pay a small amount for them, exchange them for tobacco or resell them to others. It is this linking of relationships through the acquisition and exchange of goods and services, which forms these networks of free traders. This trade of alien goods can take place in public and private spaces at work, in public open spaces such as town squares and parks, in

public houses, or at people's homes with the levels of disguise appropriate for the perceived risk by participants.

The Damned Demand Consumption?

The shift into late modernity has been identified as being an arena of free will and voluntarism; "The city as the arena of choice. It is an emporium where all sorts of possibilities are on offer, a theatre where a multiplicity of roles can be played, a labyrinth of potential social interactions, an encyclopaedia of subculture and style" (Young, 1998c, in Ruggiero, South, and Taylor, (eds) 1998, 69). The cultural capital and the real amount of capital of different social groups of course can compress this. In my observation from Hackney some of the poor do not pay any attention to style, they are at the mercy of the market traders, the second hand shops or the cheaper stores like Poundstretcher. Although their subculture is hard to delimit there is definitely further investigation to be done here. In brief;

Late modernity's impact upon crime rates was a multi-dimensional one that involved: (i) increased opportunities for crime, (ii) reduced situational controls, (iii) an increase in the population 'at risk', and (iv) a reduction in the efficacy of social and self controls as a consequence of shifts in social ecology and changing cultural norms (Garland, 2001b, 90).

From the certainties of the past;

The shift from the stolid mass consumption and leisure of Fordism to the diversity of choice and a culture of individualism involving a stress on immediacy, hedonism and self-actualisation has profound effects on late-modern sensibilities. The Keynesian balance between hard work and hard play, so characteristic of the Fordist period (see Young, 1971) becomes tipped towards the subterranean world of leisure... out of such a world of choice, whether it is in the urban emporium or the wider world of cultural communities, people are able to construct identities... What is without doubt is the rise of a culture of high expectations both materially and in terms of self-fulfilment, one which sees success in these terms and one which is far less willing to be put upon by authority, tradition or community if these ideals are frustrated (Young, 1998c, 69-70, 1999).

The new individualism concerns itself with the trappings of consumer society (Garland, 2001b) they are not concerned with the legality of methods by which goods are made, transported, distributed or sold;

The control over space is crucial where people are engaged in direct material exchanges and the appropriation and distribution of non-market goods and services some of which may be of illegal origin. These networks – which include elements of social crime – have to be defended against outsiders concerned to tax, criminalise or otherwise disrupt their operation. 'Successful control presumes a power to exclude unwanted elements... The state is largely experienced as an agency of repressive control (in police, education etc.) rather than as an agency that can be controlled by and bring benefits to them' (Lea, 2002, 82).

There has been large-scale internal migration within the UK brought out by restructuring, and such things as education, and work, complementing international migration (Jordan and Duvell, 2003). For the informal economy this has also been true;

When I was squatting I lived in a big city with expensive car insurance, so I registered my car still at my mothers so I paid less. I got my driving licence when I was at home see. When I was working under a false national insurance number and signing on I told them I was living at a mates, so I could cash the cheques and not get traced. My bank accounts moved too. I got a false bank account because I squatted a place and somebody got a statement at the address. I wrote in and asked for a new cashcard and pin number and I've used it ever since. There was no money in the account, somebody must of left it for dead... I've signed on at different addresses as well, it makes it harder for you to be traced and also when I move around I haven't had to change addresses for my business. Where it moves and where I move are different things. I officially didn't live at my girlfriends because our benefit would've got cut. Informant - SL4.

Though in terms of evidence and expectation the high levels of unemployment found in the North clearly had intensifying effects in particular areas, and this will have affected the availability of, and for, informal practices, if not providing evidence of causing it. Scraton & South (1981) say that informal working was already common amongst the unemployed by 1981, built upon the decline and unemployment since the 1960s. This in turn will have enabled this generation to teach the next which came of age in the 1990s. Hetherington and Robinson (1988, in Robinson, 1988) show that in the North recordable levels of crime increased nearly at twice the level of the South East after equalising the population levels, notifiable offences per 100,000 populations, in the period 1981-86. Employment in this region suffered further in the 1990s. E.g. the dramatic closure of Swan Hunter, in 1993, illustrated the decline of traditional industries very clearly (Tomaney, Pike & Cornford, 1999).

There has been an increase in the concentration on large profit margins, with extra economic pressure, which leads to new economic decisions on the part of companies. E.g. with the encouragement of internet shopping location decisions are no longer reliant

on going to where the mass of the people regularly shop, i.e. the high street. Generally where the working class lives there are markets that cater for it, and this often involves informal trading. The growth of this informal economy trading based on general macro economic changes and loss of stable employment has paralleled the increase in counterfeit, shoplifted, and stolen goods. Thompson (1968, 1991) showed that the experience of class was profoundly cultural and that attitudes and expectations could not be assumed. Bearing this in mind we can see different forces working on the consciousness and behaviour of people, the local working class, pulling one way and then the other. This balancing act included;

Paternalism and deference, independence and negotiation, co-operation and conflict, sympathy and resentment, resignation and resistance. They were moulded partly by the structures and institutions of parochial life, and partly by the broader realities of the developing industrial society... Here was no fixed pattern, but a situation of diversity and dynamism as the dialectics of social relations coloured the experience of individual lives in different combinations, and at various times, or particular stages of the life-cycle. For the most part these forces doubtless existed in a rough and ready equilibrium, now tipping one way, now another, or coexisted in a kind of cultural counterpoint, one theme now dominant, now subdued. Their relative strength and resonance would be tested only in moment of crises, in those significant events that pulled people out of the comfortable inconsistencies of everyday life, forcing them to stand back, to reflect, to choose, to act, or to accept (Levine & Wrightson, 1991, 398, emphasis added).

It is the balancing act between these highlighted characteristics which are the concern of analysis, as ever-present objectives and consequences of governance. MacDonald (1997) conducted research in Teeside and concluded against underclass theorists like Murray (1994) that;

Fiddly work could be understood better as representing a culture of enterprise than one of dependency. The way people secured and kept these illicit jobs showed high degrees of personal motivation, initiative, local knowledge and risk-taking... Men seemed to be more likely to engage in this sort of work than women and they talked in quite conservative terms about how fiddly work was financially necessary if they were to continue to provide for their families. This runs directly counter to right-wing views about the welfare underclass and how feckless fathers are guilty of neglecting their traditional role of breadwinner...

Fiddly workers had... become an important part of the sub-contracting culture of Teeside. Their capacity for physical graft, for working long shifts for low pay, for putting up with arduous, dangerous and unpleasant working conditions and their ability to respond at a moment's notice to a contract, were all qualities in demand in less formal sectors of the labour market" (MacDonald, 1997, 121- 123).

A potential further growth area is in the field of consumption, for alcohol and tobacco smuggling, and other shoplifted goods. Related evidence showed how individuals developed a variety of responses that can be termed “survival strategies and cultures of resistance” (MacDonald, 1997, 120-121). Wagner (1995) identified two influential portrayals of the poor, firstly the pathological approach that is broken up into 2 sub-categories. The crude pathological approach that states the poor deserve their poverty because they are work-shy or eccentrics, and the expert pathological that subdivides people into diagnostic categories “noting that many or most homeless people were mentally ill, substance abusers or criminals” (Wagner, 1995, 129). These approaches were critiqued for their “ontological gerrymandering... in which the causes of poverty are replaced by personal characteristics of the homeless” (1995, 129). The second approach is “a liberal victim orientated view” (1995, 127) that encourages compassion for the poor as victims of events outside of their control; they are passive, dependent, unlucky and isolated. This reacts to the dominant hegemony of pathological approaches utilising an ‘undeserving poor’ argument, seeking to establish the poor as deserving, who want to be included like everybody else. However this approach frequently forwarded by charities encourages compassion, this “artificially categorise[s] the homeless as a separate grouping as if both the experience of homelessness and the individuals who find themselves homeless are not linked with the overall issues common to poor people” (Wagner, 1995, 130).

The consequences of this are that they foster ideological illusions’ about the real nature of people’s problems, which can be a barrier both to individuals perceptions and to the formation of more effective reflexively monitored interventions by charities and others. Wagner, remarking that the poor often reject work, and the associated lifestyle that work gives rise to, identifies the culture of resistance similar to Willis (1977), that seeks to comprehend the different consciousness of youth while they deduce and work on understanding society as they know it;

Often these youth have insightful “penetrations” about the culture, that is at least partly critical and sophisticated view of how they are oppressed and limited by society. Making such penetrations into the capitalist culture does not mean that people are necessarily political radicals or rebels, but it does mean that many poor and working class youth may resist dominant middle class norms and institutions based on a conscious or subconscious rebellion...

Rather than regard the actions of the poor as pathological, on the contrary, it is the mythical middle class view of work which does not correspond at all with the reality

of the low wage sector that the homeless face. Jobs in the low wage service industry, fast food, hotel and motel, small stores, not only pay poverty wages, and have no benefits, but offer no job security. They further treat homeless people harshly...

Rather than being judgemental dupes, the subjects openly spoke about how they were exploited at low wage jobs and treated as chattel (Wagner, 1995, 132, 135).

According to Wagner the effects of this are to awaken people to the opportunities within the informal economy. The money earned can be better than wages and hidden from the state. Informants could get to shelters, soup kitchens or other agencies, because the casual nature of informal work does not conflict with night shelter regulations, bail conditions, and other imposed restrictions. Ruggiero (2000a) makes similar observations. Wagner saw "state services as instruments of control" (Wagner, 1995, 138), and the homeless were well aware of the disciplinary nature of these 'social' services (Wagner, 1995). Their responses contain elements of cultural adaptation out of necessity, but also seemingly reckless posing and nihilism that valorises alternative conceptions as both unfocused goal and implicit critique of established social relations (Willis, 1977, Kelley, 1994).

The New Enclosures - Capitalist Disciplinary Measures and Resistance

Apart from the authoritarian drift of the New Deal already described, authoritarianism has been noticed by others (Hall et al, 1978, Scraton, ed, 1987, Scraton, 1985c) and recently there have been novel facets. Increasing numbers of people earn their living in the crime control industry with corresponding technological production (Davis, 1997, 1998, Critical Resistance Publications Collective, 2000, Parenti, 1999), that seeks to politically control economic change, creating an "open war between young males, mainly from poor and deprived backgrounds, and an army of professionals in the crime control industry" (Hillyard and Tombs, 2004, 17, in Hillyard et al, 2004, Parenti, 1999). The contradictions of the new flexible low wage economy which have increasingly polarised society are the reasons behind the concentration on 'crime control'. Unemployment and economic insecurity are beneficial for capitals interests as they are a wide ranging disciplinary force aimed at the whole working class. However, genuine gatherings of the poor that get in the way of business, either ideologically or physically can harm; "a large hotel benefits from wages kept low by the threat of poverty, but at the same time poor people begging or stealing outside such a hotel will hurt business" (Parenti, 1999, 90).

Klein (2000, 2002) identifies “barriers separating people from previously public resources, locking them away from much needed land and water” (2002, xviii). Klein excludes the historical experience and theorisation of enclosures, and this is surprising for reasons noted later. It is possible to see today’s neo-liberal economic crises as causing a new wave of enclosures and transport taxes. For example, the congestion-charging scheme has had the direct effect of encouraging yet more parking control schemes where people have to pay £90 a year for the privilege of parking on roads they parked on previously for free (Robinson, 2004). The congestion scheme builds more barriers to transport in central London, and new watchmen, clampers, and machines attempt to discipline people. Graham & Wood show that pollution control is not the real reason behind road charging, it is to enable “cash rich/time poor” (2003, 239) elites speedy access to central areas. Though preceding this government, increased actuarialism means the managerialist New Labour ethos increasingly wants to regulate social life, whether that is of night life, with Bouncer registration and training and extra policing, music licensing, minicabs, or for the unemployed.

The much publicised automatic speed cameras are disciplinary mechanisms too, and resistance to the machines already takes several forms; ‘neck lacing’ them (as in the Black townships of South Africa), with burning rubber tyres in Somerset (Rees, 1997), simply burning them down (Daily Mirror, 8.3.03), blowing them up (Daily Star, 4/5th Feb 2004), destruction of road taxing meters (Appendix D), or other attempts to disguise your number plate. Rees (1997) describes how “Motorist Tows Speed Camera off in a flash” whilst discussing “the latest in a wave of attacks on speed cameras across the country”, “while chief constables across the country wonder why... [motorists] suddenly hate the police” (Robinson, 2004, 22,4). Whilst regional newspapers list the local areas where police camera vans are operating that day, a pensioner has been banned from driving (Daily Telegraph, 3.6.04) for holding up a sign warning drivers 300 yards in advance of a speed trap, “Does anyone in the United Kingdom understand our laws?... could they please explain them... to the citizens who are supposed to obey them” (Christley, letter to the Daily Telegraph, 4.6.04, 29, 3). This is not a justification for social crime because the powerful are not obeying rules they made themselves. It is because the rules themselves are blurred, and because a man exercised what he thought was his right to warn people in the traditionally mild mannered way of the free born Englishman (Thompson, 1991).

Resistance to road pricing helped to cause the Rebecca riots and the widespread destruction of toll gates in Wales (Jones, 1989b), and attacks on tollgates around Bristol by the Kingswood colliers (Malcolmson, 1980, in Sykes and Brewer, 1980). The failure of authority to follow rules when penalising people leads to outrage, a decline in respect for the law, and knowledge of the means by which the Polices' unaccountable bureaucratic politicised authority (Scraton, 1985b, Thompson, E.P. 1978b) is used to stop the criminal prosecution of offenders in their own ranks ("It's one law for us, another for police" full letters page, Daily Mail, 23.6.03. 64. Daily Mail front page "Hypocrites: Parked half on a pavement, half on a double yellow line and in a cycle lane, this police patrol is busy trapping motorists with a speed camera", 5.6.03).

The original tollgates let pedestrians through for free as they do today. It was because the wealthy had new transport that damaged existing roads which made turnpikes necessary in the first place. The cost was born by the emerging working class, like the Kingswood colliers whose horses were taxed. It can be argued that attempts to price the working class and self employed off the roads are working very well as big business is very happy with the congestion charge at present, and they even want to extend the boundary and increase the price. This charge does affect those working in the informal economy, shoplifting or delivering tobacco and alcohol to addresses in central London. For them, the charge is yet another tax to hate and avoid.

Recent experience with regard to policing imperatives in relation to the working class, drawing heavily on the arguments of Storch (1975) will be described. Since Thatcher came to power, police pay and numbers have risen so considerably that you could talk of it as a new wave of policing (Scraton, 1987, in Scraton Ed, 1987), especially when it is combined with new legislation aimed at the working class and public order (Brake and Hale, 1992, also Scraton, 1987), a more brutal and larger trend is present in America (Parenti, 1999). Sivanandan remarked in 1982 for this period similar to Storch about the earlier period that the police were the "arbiters of that morality... because the capitalist class needed a police force loyal and accountable to it and not to the people" (1982, 50).

For neo-liberal economic conditions to be secured it was essential for the police to manage those working class people subject to behavioural modification in the new economy, and have the force and confidence necessary if there was resistance. This maybe due to direct economic restructuring of particular industries (such as Printing) or

technological/ideological changes of working practices e.g. Sackings at News International. The increasing unemployment indirectly created through such policies, a knock on effect of the withdrawal of income e.g. mining communities sustained a plethora of businesses whose main trade was lost through redundancy and migration, these then become uneconomic and close due to a cyclical multiplier effect. These trends continued through major e.g. Poll Tax and minor political initiatives, up until the current era.

Recent change includes the new 'Prevention of Terror Act' which could be aimed at direct action groups if interpreted literally. Some groups feared this, having previously experienced harassment by the police and journalists in the run up to this legislation becoming law [www.londonclasswar.org, accessed 9.6.03]. It has already been used oppressively at anti-Arms Trade demonstrations. The police have been employed in several industrial disputes and other community protests (Scruton, 1985, 1987, Brake and Hale, 1992), but this has generated hostility similar to the initial establishment of the police in the north (Storch, 1976). Though the stated general fear is of marginal groups, all feel the effects of increasing controls; therefore *everyone must be the real target*.

Garland discusses 'penal welfarism' - where neo-liberal market discipline and neo-conservative social discipline, increase the controls on the poor. This is often experienced as harsher punishments for infringes of discipline and crime (Garland, 2001, Cohen, 1985, Brake and Hale, 1992). Beckett and Western (2001, in Garland, ed, 2001) consider social welfare and penal institutions as a "single policy regime" (2001, 36) regulating the poor. It is suggested that we have moved from a policy regime that tries to improve and integrate the poor to;

Exclusionary regimes [that] emphasize the undeserving and unreformable nature of deviants, tend to stigmatise and separate the socially marginal, and hence are more likely to feature less generous welfare benefits and more punitive anti-crime policies (Beckett and Western 2001, in Garland, 2001a, 36, also Young 1998c, 1999).

Wacquant notes that the disciplinary regimes and other social changes "make the ghetto more like a prison... the prison more like a ghetto" (2001, in Garland, 2001b, 84, emphasis in original). This is in terms of the war on drugs, regulation of welfare/workfare, and on the inter-relationships of mass imprisonment with the community (Parenti, 1999), where "approximately 14 million pass through the correctional system each year" (Comfort, 2003, 78) in the USA. While America is not Britain the tendencies are similar,

with Britain having a time lag and scale and severity differences when following American policies (Garland, 2001b). Briefly the ghetto became more like a prison because the changing nature of the employment structure and employment itself meant that the “hyperghetto now serves the negative economic function of storage of a surplus population devoid of market utility” (Wacquant, 2001, in Garland, 2001b, 92, emphasis in original, also Parenti, 1999). The ghettos’ welfare and morality organisations have been replaced with state institutions of “social control... [including] workfare... designed to restrict access... and push recipients into the low wage labour market... decrepit public housing” (Wacquant, 2001, 93). The ghetto is no longer a place of mutual support and shelter, rather it is;

Saturated with economic, social and physical insecurity... relations with official authorities are suffused with animosity and diffidence – patterns familiar to students of social order in the contemporary US prison... Two examples illustrate this well... the first is the ‘prisonization’ of public housing, as well as retirement homes... homeless shelters, and other establishments for collective living, which have come to look and feel just like houses of detention (Wacquant, 2001, 94).

With regimes and security similar to prisons, finally schools became less concerned with teaching and more with ‘custody and control’ (Wacquant, 2001, 94), with associated security so that they resemble fortresses with armed guards. The ideology of Charles Murray develops the concept of ‘custodial democracy’, whereby large numbers of people “cannot be expected to function as citizens” (Murray, 1999, in Lea, 2002, 116), is de facto government policy “as the prison population spirals towards a projected figure of 110,000 by the end of the decade” (Hillyard et al, 2004, 370). Of course, Murray misses that British people are still subjects without a charter of rights (Nairn, 1988).

However, the rise of gated communities (Young, 1998c) and protected marketing areas (Lea 2002, Garland, 2001b) is a “re-medievalisation of space (Kaplan, 1999). Key zones and communications networks are defended, like medieval walled towns, against a surrounding ‘bandit country’” (Lea, 2002, 127). There is a dual militarisation tendency by the state and its forces, and capital and its forces (Parenti, 1999), frequently working together;

State actuarial policies are able to deploy sovereignty in the form of legal coercion such as mass incarceration, intrusive technological surveillance, and heavy policing of certain zones. But private institutions deploy forms of rule based on civil property rights to increasing effect (Lea, 2002, 125).

The prison became more like a ghetto with the new wave of young prisoners experienced in the informal economy and challenging culture of the street. The “law and order” agenda with its’ populist appeals encourage a polarisation within society between law abiders and criminals, reflecting “an ideology of purging “undesirables” from the body politic” (Hirsch, 1999, 676, in Wacquant, 2001, 98). In effect this means incarceration becomes “essentially a means for social and moral excommunication. Making the mission of today’s prison identical to that of the classical ghetto, whose *raison d’etre* was precisely to quarantine a polluting group from the urban body” (Wacquant, 2001, 98). The types of supervision now demanded after sentence has been completed have created a circular pattern where 66% of prisoners are there for parole violations in California, “parole has become an appendage of the prison which operates mainly to extend the social and symbolic incapacities of incarceration beyond its walls” (Wacquant, 2001, 99). Prisoners are denied welfare benefits and education, with many being denied the vote while on parole, and in 10 states they are denied the vote for life. This is one difference to Britain where concern for a legitimate mandate in the face of declining voter participation has given rise to the proposal to give the vote to serving prisoners for the first time. Changes to probation in Britain have taken it more towards the American model where “national standards” codified more control and punishment imperatives dictated by central government (Goodman, 2000).

Comfort found women who “experience a form of ‘secondary prisonisation’ through their sustained contact with the correctional institution” (2003, 78). This is where experience as visitors and in the community is one of “restricted rights, diminished resources, social marginalisation, and other consequences of penal confinement, even though they are legally innocent and reside outside of the prison’s boundaries” (Comfort, 2003, 79, also Stead, 1987, Abu-Jamal, 1996). As well as receiving surveillance and searches, as guards process visitors they do it with rules that are created and discarded apparently chaotically, and with behaviour that is designed to humiliate and distress visitors. This is experienced as a disciplinary regime enforcing ‘morality’, including sexual morality, breeding resentment (Comfort, 2003, Stead, 1987, Abu-Jamal, 1996).

Working class leisure has been subject to increased policing. Whether it is the *de facto* alienation by drug control legislation, and the popularity of new drugs amongst the masses, or legislation aimed at controlling gatherings listening to a repetitive beat i.e. Public Order Act 1994. Just as the Panopticon was invented to discipline people during

liberalism, it's; "authoritarian threads: [of] control by the illusion of constant surveillance of guards, inculcation of work discipline, and the utilitarian end of showing a profit" (McLynn, 1989, 316) are all realised in today's neo-liberal society. The window bars on many people's homes are controlled and watched by 24/7 CCTV, new work discipline is imposed whether it is increasing regulation of Trade Unions or the formal and informal impositions of the management structure to enforce productivity. Digital surveillance as well as intensifying previous practice, is creating new forms of surveillance practice too (Graham and Wood, 2003). This goes beyond the panopticon to the "superpanopticon... [resulting] in a qualitative change in the microphysics of power" (Poster, 1990, 93, in Graham and Wood, 2003, 230). New methods of data exclusion and (lack of) service standards are built on top of existing exclusionary practices.

The roads are watched and our car details are logged (East, Power and Thomas, 1985) whilst leisure spaces are enclosed (Armstrong, 1998), CCTV and seating allocated to specific and recorded people at Football grounds. The homeless are increasingly treated as vagabonds (Kennedy, 2004), a problem population to be harshly treated and "public spaces and facilities [are made] as 'unliveable' as possible for the homeless and the poor" (Davis, 1990, 232, also Goetz, 1996, Young, 1998c). Various devices to prevent all people from sitting, or some from lying down, cover various businesses in the City of London. Public toilets are a thing of the past. Police load homeless people into vans in Westminster, beat them up and dump them in Camden (Young, 1998c, also Scraton, 1987). Arrest some people and threaten to arrest others who have been held under novel policing practices for hours (to prevent a breach of the peace), who were not provided with toilet facilities, and who have to relieve themselves in the street (Mayday, 2002). Such are the practices of the 'domestic missionaries' (Storch, 1976), the authoritarian arm of New Labour morality, enforcing the twisted logic of 'civilisation'. Overall analysis suggests that whereas the 19th century needed the police to help discipline the unruly working and not working workers, as did the 20th century. The 21st century currently sees 'new domestic missionaries' in the form of New Deal staff in private companies and directly employed by government who are responsible for lifestyle monitoring and disciplining the unemployed for Neo-liberalism's 'Third Way' (Gilbert, 2004, Gray, 2004).

Increased control of drinking habits includes; radio link up schemes with other Public houses, the police and even CCTV. In the summer of 2005 a new moral panic has been created surrounding 'binge' drinking and disorder, as if it was something new. To most

participants however, a drink followed by another somewhere else is only a night out. The panic is for the stay at home moralists, 'nimbys', who prefer a glass of wine and after dinner mints, elderly conservatives, or the wealthy professionals who spend large amounts at expensive restaurants to eat and drink in peace. All of which despise the working class who gather in large numbers looking for a good time, and hate socialising with those 'below' them or younger than them. Sheffield in 2005 experienced a legion of police sealing a central area reminiscent of the pass laws under apartheid in South Africa. They set up a fortification where people were pulled in, bags and clothes searched, and strip searched others. Some were breathalised, and tested for drugs, interrogated, and this was aimed at anyone, although the young were prominent. This surveillance and intrusive policing was reminiscent of early 1980s saturation policing (Sim, Scraton and Gordon, 1987, in Scraton, Ed, 1987) which demonstrated who was in charge and who was the enemy (Parenti, 1999), and hence is a calculated provocation (also Scraton, 1987). If there was a collective response then a self fulfilling prophecy has taken place, which the media were well placed to record as the police had invited them, *except it would have been deliberately set up as a battle royal.*

The shopping centers are enclosed and monitored spaces, with car parking at a premium, the shopping "mall-as-panopticon-prison" (Davis, 1990, 244). The security cameras and staff, some of whom have an elevated control tower so they can survey the whole shop, are the new manifestation of the panopticon. Guards prevent some from entering the mall, eject others, and search still more in an unaccountable and rough justice manner (Goetz, 1996, Garland, 2001b). The security used to stop Palestinian suicide bombers at Malls in Israel is almost totally similar to that in the USA or Britain, to prevent toffs and the middle class from meeting some of the poor. Police have banned fashionable clothing such as hooded tops in some shopping malls in the Southeast. Joint-agency working rapidly draws together the control forces into a single hegemony (Goetz, 1996, Garland, 2001b) with force as threat, sanction and justice "one observes an unprecedented tendency to merge urban design, architecture and the police apparatus into a single, comprehensive security effort" (Davis, 1990, 224). "Crime consciousness, with its dialectic of fear and defensive aggression, has come to be built into our daily environment" (Garland, 2001b, 160). Social policy (MacGregor, 1999) social services, so called public transport that is actually privatised, the remnants of public transport, business, quangos, and the local government structures should be added into the 'disciplinary mix' as well (Goetz, 1996, also Reiner, 2000). A significant third sector has built up;

Formal boundaries of the crime control field are no longer marked out by the institutions of the criminal justice state. That field now extends beyond the state, engaging the actors and agencies of civil society, allowing crime control practices to be organised and directed at a distance from the state agencies. Crime control is coming to be the responsibility not just of criminal justice specialists but of a whole series of social and economic actors (Garland, 2001b, 170).

Apart from physical controls this incorporates morality too, most noticeable in the widespread banning of drinking in public in town center's through the local authorities, and the anti beggar actions of police and politicians. This is apparent in struggles against neo-liberalism around the world, Barchiesi (2001, 9) observes the panopticon at work in attempts to force the South African working class to pay for their electricity. This is part of the attempt to end the moral economy of the African poor that even today sees at least 60% of the entire population living by subsistence farming (Federici, 2001, 2).

As Linebaugh (1991) indicates, the success of the authorities and capitalists to impose discipline on workers involves progress being represented as neutral technological and bureaucratic innovations that any 'reasonable' person will accept without a second thought. Here we consider different conceptions of and competition over the nature or right, justice and legality. Law is;

Clearly an instrument of the de facto ruling class: it both defines and defends these rulers' claims upon resources and labour power – it says what shall be property and what shall be crime – and it mediates class relations with a set of appropriate rules and sanctions, all of which, ultimately, confirm and consolidate existing class power. Hence the rule of law is only another mask for the rule of a class... But this is not the same thing as to say that the rulers had need of law, in order to oppress the ruled, while those who were ruled had need of none. What was often at issue was not property, supported by law, against no-property; it was alternative definitions of property rights: for the landowner, enclosure – for the cottager, common right; for the forest officialdom, 'preserved grounds' for the deer; for the foresters the right to take turfs (Thompson, 1975, 259-261).

Rule makes a similar observation, "we are concerned with those historical periods when a privileged minority had a near monopoly of law making and law enforcement. In such periods law can become ideology – an instrument of class power" (1979, 135). Whilst there is not such a tight and small minority in charge of making the law in the 21st century, there is nonetheless a group of people who make the law and another whom the law is aimed at, and another it is made for, and these groups can overlap. The class interests are apparent (Thompson, 1975), made by the 'de facto ruling class' to ensure their rule,

further, definite economic and cultural relations and practices lead to the realisation that “under certain conditions the struggle to define crimes and criminals not only acquires a political character, but becomes central to the process of class formation” (Gilroy, 1982, in Centre for Contemporary Cultural Studies, 1982, 150, emphasis added). As a result these class relations generate deliberate and undeliberate rebels;

The importance of outlaws [or other social criminals] for the... working class and poor farmers lay not so much in the substance of their actions (within limits) as in their role as symbols of resistance against the ruling class. The 'logical' targets of the bandits qua bandits were the wealthy... and the banks... and their 'logical' immediate enemies were the police... In a situation heavily charged with class hatred, their actions were bound to appear as manifestations of class conflict, regardless of intention (O'Malley, 1979, 278).

The growth of the informal economy, partly based upon generations of unemployment and theft from work, and other informal and borderline crime is itself evidence of a new and developing legitimacy in practice. The aim is to avoid linking changes in crime mechanistically with changes in the economic base to avoid a simple reductionism (McLynn, 1989, 318).

Social criminal experience becomes clearer when issues such as; employment conditions, technological change, decline of respect for authority (Rose, 1996, Morton, 1993, Mclagan, 2003, Garland, 2001b, Sivanandan, 1982, Scraton, 1987, Mansfield, 1993, Brake and Hale, 1992, Stead, 1987, Parenti, 1999) with associated falling political legitimacy, and new goods and marketing conditions are considered. Just as crimes of and against traditional property have increased, so crimes against new property have started, risen, and are still rising fast. Mobile phone theft has been significant, although recent target hardening policy and technological changes may have some effect here. Reliance on computers has meant that software is pirated, and so on.

Recommence

Definitions relevant to the informal economy debate have been discussed, and their concretisation in both shoplifting and smuggling activities identified. During this process a central concept for historical materialist analysis was developed, and that is 'free trading.' This is a term with historical origins, which focuses on peoples' agency rather than the type of economy that the activity is thought to be a part of. Potentially by doing this a more accurate description of what people do for and by themselves is explored, rather than

imposing judgmental definitions a priori, and/or trying to use an abstract concept for informants. Defining 'Free trading' concentrates not on the irregular or household economies, but on aspects of the hidden economy that can merge with the criminal economy and the formal economy. Here free trading serves as a clearer and more totalising category of informal economic activity, which potentially could include activities like drug dealing and carries no judgmental implications in the title.

The new industrial working class was gradually incorporated into British state formation during the long 19th century that extended into the 20th. It was a civilising process that involved parts of the project in a bigger totality, though the stability and economic growth were not to last for long. Beginning theoretically with the decline of British economic power, but significantly altering with post WWII cultural changes, and accelerating with the abandonment by the Labour government of Keynesianism from 1976 onwards, an individual D.I.Y. ethic in the informal economy and overlapping with the formal, has entered the working class cultural mainstream. This is a neo Gramscian and neo Thompsonian cultural theorisation of history and social change, the present and the future.

The next chapter looks at and evaluates another feature of informal economic activity, and that is social crime. Much informal economic literature and theory is devoid of the requisite analysis for the understandings of the meaning of the informal economy and free trading in the lived experience of the masses. It would almost seem that authors could abstract politics and political understanding from society and the experience of people involved that gives the activities meaning.

Chapter Two

The Debate on Social Crime

“It is never very pleasant to pay taxes”

British Liberal Prime Minister, William Ewart Gladstone, 1889
(Hill, P. 1996, 1, 1, emphasis added).

Introduction

Analysis previously suggested that there could be libertarian ethic and practice within the informal economy (Ruggiero, 2001). The historical nature of informal economic activity, and the potential for resistance and proto socialist protest, in what is known as social crime, as carried out by free traders and protesters in the past will now be explored. The shifting nature of the informal economy in dialectical movement with the changing economic and cultural base of society will be examined. This is the central perspective of this research, where the transition of custom changing into crime, and then back again, can be identified. Historical evidence has been used not in a straightforward chronological manner. Rather attention has been focused on historical relationships and theoretical clarification. This means appropriate historical abstraction (Johnson, McLennan, Schwarz, Sutton, 1982, Garland, 2001b) has been used, rather than orthodox and bureaucratic rules (Polsky, 1967) of writing social science.

Social crime is what freetraders do in the informal economy and the growth and persistence of the informal economy has meant that there has been a corresponding increase in its normalisation. The starting point is the earliest description of social crime, Hobsbawm (1972). There have been significant misunderstandings amongst scholars and a failure to utilise the lessons that were learnt in the ‘first wave’ of social crime analysis. This was started by the publication of the “Primitive Rebels” by Hobsbawm, who discussed the global bandit phenomena. It was given further historical and political impetus by E.P. Thompson’s wide ranging work covering almost all of the important criminological issues and events, notably bread riots and other resistance.

After the contribution by Hobsbawm (1959), the work of Linebaugh (1991) should be mentioned;

The central theses of this book [The London hanged] we can say, first, that the forms of exploitation pertaining to capitalist relations caused or modified the forms of criminal activity, and, second, that the converse was true, namely, that the forms of crime caused major changes in capitalism. In short, people became so poor that they stole to live, and their misappropriating led to manifold innovations in civil society... from this it follows that [there was a] difficulty of distinguishing between a 'criminal' population of London and the poor population as a whole...that is why we can say that they were of the labouring poor. It is from this pattern of struggle, initiative and response that an historic dialectic was created (Linebaugh, 1991, xxi, xxii).

The first wave of social crime debate could be said to end with Hall, et al (1978). There is a debate within Criminology however, that cannot be ignored, and that is epitomised by the left realist call to "take crime seriously". Realist criminologists have sometimes caricatured those they describe as "left idealists" (Sim, Scraton, and Gordon, in Scraton, ed, 1987). In their alleged view that all criminals per se are Robin Hood characters fighting for the downfall of capitalism. However Hall et al (1978) argued, perhaps the Robin Hood straw man never existed, but unfortunately the social crime debate was lost in the anarchistic debate. A theoretical error when the scale and historical importance of social criminals around the world is realised.

We do not believe that street crime is a romantic deviant adventure. There is a political position [presumably ultra left or quasi anarchist] which suggests that anything which disrupts the social order or even tenor of bourgeois life is a good thing. It is a tenable position, but it is not ours (Hall et al, 1978).

There are several features of the social crime debate that deserve elucidation. Notably, historical reach all over the world and in different economic settings (O'Malley 1979, 1981, McDermott, 2001). Banditry is part of the early history of the social crime debate and we will use this to distinguish what makes social criminals and social crime implicitly different. Bandits and robbers of a particular social criminal type are those;

Who are not or not only regarded as simple criminals by public opinion... The point about social bandits is that they are peasant outlaws whom the lord and state regard as criminals, but who remain within peasant society, and are considered by their people as heroes, as champions, avengers, fighters for justice, perhaps even leaders of liberation, and in any case men to be admired, helped and supported (Hobsbawm, 2001, 19,20).

Archer argues that academics have used several labels that have served to confuse instead of clarify understanding. The range of labels includes "social crime, economic

crime, rural crime, urban crime, survival crime, protest crime, crime as protest, acquisitive crime, 'normal' crime, and so forth" (1990, 2). Whilst ignoring Hobsbawm's work, Archer nevertheless argues that 'social and protest crime' offer the best approach to the issue. Rude (1978) has a different emphasis to Hobsbawm, stressing rather social crime as not just – or even overtly-protest, but as part of survival for the poor, differentiating it from protest crime that is collective in character.

John Rule stresses the key element of community tolerance and legitimation for social crime. Engels (1845) suggests that the working class may approve of theft in silence, and there is reason to believe such silence speaks volumes (Scott, 1990). Both in the testimonies that have survived by major participants in smuggling (Rule, 1979, Winslow, 1975), and of the wider supporting networks involved, there seems to be little doubt that social crime activities such as poaching, smuggling and wrecking were seen as legitimate activities;

The Duke of Richmond, a sworn opponent of smuggling in Sussex, complained in 1749: 'The common people of this country have no notion that smuggling is a crime.' Another contemporary remarked, 'the common people of England in general fancy there is nothing in the crime of smuggling.' Poaching was similarly regarded. (Rule, 1979, 141, also Hill, 1996).

Poaching and smuggling for Rule reflect a community grievance;

Much rural felony in the eighteenth and early nineteenth centuries comes within a broad definition of social crime in that the object was a particular target of community grievance and the action had broad-based community support. In such cases the actions were accepted and popularly justified precisely because they articulated widely felt grievances, but they were committed against specific persons at specific times for specific reasons. Arson, sheep stealing, cattle maiming and various forms of property destruction were not in themselves 'legitimate' activities. On the other hand, smuggling, wrecking, poaching and related activities were not held to be crimes in the popular view, no matter by whom committed or in what circumstances (Rule, 1979, 140).

Grievance (Rule, 1979), grumbling (Neeson, 1993), action (Hay et al 1975), legitimation (Thompson, 1991) are the variables most commonly mobilised. Lea (1999) mentions that of community support; from indirect – through buying, to direct support - through selling in an extended network. This popular support for illegal activities varies greatly, from 'hero' status to simply 'turning a blind eye', and can involve passive admiration or turning up when a riot has already started. The range from mere tolerance and non-involvement, to

buying, and getting goods, escalates to the promotion of and then involvement in grand social crime activities.

Rule's categorisation of protest crimes that are popularly sanctioned such as poaching, wrecking and smuggling but are nevertheless criminal by law differs from crimes as protest "to which... group arson and animal maiming might well belong." (Archer, 1990, 4,5). The latter lack community-support from the outset but becomes social in the response of the community;

Starting a fire was, in itself, wrong. However, it is the context of the fire which is important – who lit what, against whom, and why? These factors very often determined the labouring community's attitude to an incendiary fire... arson was viewed as a legitimate weapon of protest where the arsonist was expressing a collective grievance on such matters as low wages or unemployment. In these circumstances arson was legitimized by popular opinion and should be referred to as social protest crime (Archer, 1990, 6).

While appreciating analytical differences the social crime label as generally described by Hobsbawm (1972) will be used, although many informants insisted that what they were doing was not a crime at all. As Thompson (1968) pointed out, crime was a contested category in the eighteenth century; there were differences between plebian and ruling class definitions of crime and distinct criminal codes. Social crime therefore tended to be a key part of the plebian culture, not the activities of a distinct criminal subculture. Rioters, for example, were by no means the 'criminal elements', and those involved "Time and again... were described as respectable men" (Howkins & Merricks, 1993, 49, also Rude, 1970 in Kaye, 1992, Thompson, 1977);

There have always persisted popular attitudes towards crime, amounting at times to an unwritten code, quite distinct from the laws of the land. Certain crimes... were actively condoned by whole communities – coining, poaching, the evasion of taxes... or excise [customs] or press gang. Smuggling communities lived in a state of constant war with authority... This distinction between the legal code and the unwritten popular code is a commonplace *at any time*... One may even see these years as ones on which the class war is fought out in terms of Tyburn, the hulks and the Bridewells on the one hand; and crime, riot and mob action on the other (Thompson, 1968, 64, emphasis added).

Dynamics

Individual and social resistance was part of many communities way of life and its importance previously has not been stressed enough for building the politics and

confidence of groups of people to collectively resist. Often what is described as orthodox Marxism has been deeply critical of such action, either writing off its significance or portraying it as adventurism. This micro politics of the self, however, which reflexively engages with social relationships, is a popular site of social resistance with its own conventions. In short, these social spaces of resistance can be found world wide with their own conceptions of social crime. In discussing black working class resistance to the racist transport policies of the Deep South, Kelley notes, in a very similar manner to Archer (1990) who described the incendiary tradition in 19th century Norfolk that;

Some might argue that these hundreds of everyday acts of resistance – from the most evasive to the blatantly confrontational – amounted to very little since they were primarily individual, isolated events which almost always ended in defeat. But such an argument misses the uniquely dramaturgical quality of social intercourse within the interior spaces of public conveyances [buses and streetcars in Birmingham, Alabama]. Whenever passengers were present, no act of defiance was isolated, nor were acts of defiance isolating experiences. On the contrary, because... [of] shared... collective memory... an act of resistance or repression sometimes drew other passengers into the fray, thus escalating into collective action (1994, 72).

So-called individual acts are similar to the covert acts of resistance already discussed, and are part of any successful and/or important social movement. Frequently the actors are the same, motivated by similar knowledge of real social conditions and the practical problems facing people on a daily basis. These everyday practices of resistance have an audience that both tolerates and encourages them (Rule, 1979). The extent to which these acts of defiance were internalised by the black working class produced an escalation in the general struggle to end segregation during the 1950s and 1960s. Sometimes Rules' attempt to emphasise community tolerance as opposed to overt resistance can be too schematic. Rule argues that;

Wrecking, smuggling and poaching, like illicit distilling, were largely engaged in as a means of getting or supplementing a living. This distinguishes them from the 'protest' category of social crime. Wrecking, despite some legends to the contrary, was not in the fullest sense a professional crime. Wrecks were unplanned... Smuggling was a way of earning a living from the entrepreneur at the top to the wage earning carrier on land. These latter were so well paid in Sussex for their work in landing and clearing a cargo that the guinea a week paid had the effect of raising local farm wages in competition (Rule, 1979, 144).

However the protest element that is implicit in many social crime activities like poaching cannot be discounted (Hopkins, 1985), before and during the English civil war Essex

poachers only raided land, and parks of royalists, and Royal Forests themselves such as Waltham Forest. Hall's (1978) argument shows that the political attention paid by rulers to certain crime helps create an unfolding dialectical relationship. This will have the unintended consequence of a strengthening effect upon people's allegiance as a result of the competition over the nature of the social crime, its legitimacy and its legality as experienced and reflected upon by the individual(s) concerned and their community. It is not a question of riots and rebellions versus everyday resistance, as the two often blurred into one another.

Firstly, there are blurred boundaries within types of social crime between overt protest and quieter 'everyday resistance' (some present day writers refer to 'slow riot'). Thus the everyday defence of customary rights against enclosure of common land by individual poaching can give rise to oppositional radical consciousness. Smuggling could only have been carried out so openly with an oppositional consciousness that must have included economic, political and ideological understanding (Hill, 1996). As Rule notes:

Around 1780 smugglers were said to be capable of assembling from 500 to 1000 men on extraordinary occasions and even on ordinary occasions to be assembled in greater numbers than anything which could be brought to oppose them... There are many examples of smuggling gangs not only resisting and routing excise officers, but of actually seeking confrontations with them. There were often successful attempts to rescue taken comrades and recover the cargoes taken with them... it was feared that the extent to which it was carried on had acquired a vigour and consistency subversive both of law and government (Rule, 1979, 147).

So smugglers ordinarily engaged in low-key practices with community acceptance, but from time to time fought pitched battles with the revenue men. There is also an interaction between crime and its repression which may lead to collective action: e.g. when poaching became a capital offence in 1803, leading to larger gangs who would not hesitate to use firearms to avoid arrest. There is a tactical element in that communities knew when to fight and when to remain silent, accommodate and display deference; "The evidence is clear that the customary community was a live, working entity. Its active survival reflected not a retrospectively rigid resistance to all change, but rather a capacity to accommodate internal change by local consensus" (Tiller, 1995, 99).

Secondly, there were blurred boundaries between social and 'ordinary' crime. A difficult area is exactly where the boundary between ordinary or acquisitive crime and social crime lies. The poacher who was solely motivated by need can easily be seen as a social

criminal, while the professional motivated by greed can easily be seen as a conventional criminal. To what extent the communities concerned saw this difference is unknown, except perhaps where professionals who they knew appeared to over harvest. Concerning the nature of boundaries between social crime and normal crime;

The dividing line between the professionalism of the full time poacher and the casual opportunism of farm labourers is at best blurred, at worst arbitrary. Certainly some labourers, temporarily unemployed, could legitimately be described as semi-professional poachers, whilst other novices teamed up with professionals... However, at the extremes, these two groups were quite distinct; the former made their entire living from it while the latter 'poached for the pot' (Archer, 1990, 233).

If the emphasis in Hobsbawm's bandit analysis is reversed then it can be noted that people see crime and criminals, as opposed to social crime and social criminals, as those who are anti social. Real criminals are in this perspective those who act anti socially and who undermine rather than strengthen their own community. It is useful to keep this distinction, because it allows us to see "the relation between the ordinary peasant and the rebel, outlaw and robber [it] is what makes social banditry interesting and significant" (Hobsbawm, 2001, 20). It is clear that some crime that is not social is frequently used ideologically to label social crime and social criminals in a negative way, and this point is discussed later.

Evidence of disturbances, smuggling and poaching struggles would suggest that the middle classes too did not totally respect the rule of law especially when it was not in their favour and were willing to engage in violence with the authorities to defend their interests. Thompson notes "It is deferential to suppose that the rich and great might not act as law-breakers and predators" (1991, 103). Other notable scholars have pointed out similar themes. George Rude argued that it is "too readily assumed that the 'mobs' that rioted were... drawn from 'criminal elements', the slum population, or from 'the inhabitants of the dangerous districts... who were always ready for pillage" (Rude, 1970, 280, in Kaye, 1992, 36).

Duelling was practiced amongst the higher orders in the 19th century, and Gentlemen farmers were in active dispute with each other over many and varied things, "and pulled down tombs, fences, and houses in dispute" (Jones, 1989b, 160). Manning accurately describes the lengths that the aristocracy and gentry took to organise and participate in

individual and collective violence outside of war. Frequently this entailed disputes over land and game;

Within the context of aristocratic culture hunting was not merely sport; it was also a rehearsal for war. Gentlemen poachers frequently wore helmets, corslets, and shirts of chain mail, and invariably carried offensive weapons...[consider the decadence of] the delight the King took in bathing in the gore of stags which he had killed. There seems little danger of over-emphasizing the sheer love of violence that aristocratic sportsmen displayed (Manning, 1988, 289).

The effect of this on the subjugated masses has also been identified: "The Rebeccaites said... that they had received good tuition from their betters" (Jones, 1989b, 160).

The Beautiful Aesthetics of Ugly Violence

McLynn (1989), like many other theorists, sees rioting violence as an inarticulate and incoherent primitive act. Wrecking was analysed by Rule (in Hay et al, (Eds) 1975) and was the practice of plundering goods and material from a wreck on the shore. Legally, this was the property of the Crown unless the owner claimed it within a year and a day, though difficult to enforce, and the custom grew up of local people to taking goods and materials before the sea took them away. McLynn dismisses social crimes like poaching because they were;

A trans-class phenomenon... utilised by many as a source of personal profit. So was coining. Smuggling was universal and explicitly financial in its aims. Wrecking scarcely qualifies for inclusion at all... what the wreckers did was beyond the moral pale by any standards (1989, 240,241).

However, widespread community involvement was not, and should be accounted for (Rule, 1975). McLynn appears not to distinguish between the propaganda of the enforcers of law against the wreckers and the reality. Further it has to be considered that many poaching acts, including a high proportion involving violence, took place "on disputed or newly enclosed land" (Jones, 1989, in Mingay, Ed, 1989, 115). Poachers worked together and in larger gangs for protection against the law and its enforcement personnel. This drew family and those with essential skills but who did not go into the field into the struggle. As they would be expected to have some meat, pay a little perhaps in kind, protect the activity, and lie and explain away if necessary, and so participate in the collective struggle to counteract hardship. Power describes one extended family involved in poaching (1981, 13-17). Dismissing smuggling as a social crime because it is purely a

financial affair also seems to be wrong. In fact, it is because smuggling was a financial affair for the many seamen and labourers and involved distributing contraband goods that it qualifies as social crime.

Criminality was part of the ongoing development of class consciousness, not a question of juxtaposing 'criminality' versus class consciousnesses. Criminality of resistance was an element in what later became class consciousness, and poaching became a form of class struggle around the Game Laws. The Game laws can be traced with little difficulty back to William the Conqueror's implementation of Royal autocratic privilege, and paraphrasing Marx and Engels - the history of Britain is indisputably linked with the history of class struggle over game (McLynn, 1989, 203).

The Game law struggle had opposing and fluid forces ranged within it for several reasons, the rich and the poor were locked in struggle to live, and then the middling sort were also in the fray (McLynn, 1989). It was private property that roamed free until it was fenced in, in deer parks for example, and these deer parks were a symbol of largesse (Shoard, 1997, 1999, Manning, 1988). A further example of the complicated social and ideological roles played out is in this description of the dynamics of local game law administration;

Most of the committed opponents of the game laws were 'middling' men, who had wealth and property yet were 'unqualified' [to hunt game] because they lacked the 100 per annum freehold...

Conflict between these men of middle rank and gamekeepers was particularly serious, since these wealthy 'poachers' could afford to mount a legal defence... It was a common complaint of these men of middle status that the keepers behaved 'impertinently' to them. But they had one easy means of revenge. The jurors at quarter sessions and assizes were overwhelmingly made up of farmers and tradesmen. When a case involving the game laws was tried before them, they nearly always refused to convict, since they regarded these laws as an infringement of their own property rights (McLynn, 1989, 207, 208).

If enclosure was the means of dispossessing people of the space to collect food and run livestock, then the Game laws must be seen as the means to deny the people access to natural supplies of foodstuffs to keep them alive without working. The 1671 Act continued in the same vein as all other Game Laws since the first one in 1389, and effectively meant that the right to hunt game was restricted to people having landed wealth (Sharpe, 1984). The main reason behind the Game Act of 1671 was;

The 'idleness' of the poor. The aim of the game laws was to prevent the poor from subsisting without working and to prevent the emergence of a 'black economy' based on game... it also became increasingly important to inculcate work discipline into the toiling classes... what finally showed that the authorities meant business was the 1722 Waltham Black Act (McLynn, 1989, 204, 205, 211).

Poachers Unknown

Consider the words of a poacher who talks about the everyday poachers life, using the collective term 'we' to emphasise he is speaking for his known and unknown community of poachers. Further describing the solidarities of poor communities, the distribution of the bag, and the way toleration of poaching is built. Not by demanding praise upon the delivery of the necessities of life, but by embedding poaching in the economic and social way of life of poor communities, giving rise to reciprocal solidarities;

We were taking many birds and game at this time... most were disposed of in the village and greatly helped to relieve the hardship which was rampant consequent on the lack of employment. I would like to suggest to my listeners a piece of the Scriptures which runs "It is more blessed to give than to receive"...

The way to a good gift is... just an unostentatious opening of the door and thrusting the gift inside and not waiting for any thanks. One doesn't lose by this method. There are no questions asked and no explanations given.

This is the way country folk used to help each other in times of stress... No wonder the whole village petitioned for the release of the best poacher from the claws of injustice. They called us 'clannish' but such a spirit of helpfulness if extended o'er all the earth would turn people into one large clan and the world would be the better for it (Watson, 1891, in Humphreys, 1995, 22).

It is surprising that the authorities thought the poaching of game to be an outright challenge to aristocratic interests, even more so than the anti enclosure riots (Manning, 1988). The prosecuted cases that came to the "assizes and quarter sessions appear to have arisen out of attacks upon the enclosed deer parks of peers and the greater gentry" (Manning, 1988, 284). Here is one example of the dialectical nature of this struggle;

This resulted...in poachers putting up an ever more desperate struggle against keepers set on 'arresting' them. 'Next therefore it became necessary to have a law to prevent them from resisting – the terrible law which has furnished so melancholy a list for the gallows of England' (Hopkins, 1986, 78).

This was the notorious 'Ellenborough's Law' that was passed in 1803 and created ten new capital offences. Thus we can see that even when defending traditional arrangements, innovations were made and new forms of consciousness developed. It cannot be decided

in advance what is real social crime; it is a matter of relations between the criminal and the community. While Sharpe does not consider at all why there is little recorded evidence for poaching being a protest against the Game laws and enclosure, the evidence nonetheless exist's. Sharpe's views of poaching, are like McLynns of smuggling, and can be argued against in a similar manner. Returning to inter class alliances, these managed to disguise the overall class nature of the law (Hay, 1975, 212).

Middle class elements engaged in social crime, and had their own reasons for resisting the Game Laws. Professional poaching gangs represented less resistance to advancing capitalism than a form of it, a desire to spread beyond the gentry into a general free market. Middle class and 'gentlemen poachers' (also annoyed at prohibitions on hunting game) plus professional poaching gangs serving a market (Hill, 1996) benefitted from community tolerance, even though they were simply capitalist entrepreneurs rather than rebels. On the other hand it would seem that those who become fully professional social criminals may take on the attributes of bandits as Hobsbawm described, and maybe regarded as such. Defended by the community who they still serve because of who they are not what they do.

There is certainly an important element of 'neutralisation' in the actual dynamics of social crime. However, Matza and Sykes' (1957) was a theory oriented to the past, about crime already committed and tries to explain how people rationalise their actions, but it is a partial story. Let us imagine a scale with neutralisation of the past at one end, an acceptance of definitions in the middle, and legitimation of future activities at the other. Then, reverse the polarity of emphasis in order to speculate on the techniques of legitimation there are we may begin to see what enables people to break the law. Social crime entails a much more forward oriented 'techniques of legitimation'.

Firstly, there are the logistics that are necessary to prepare, this can be the transportation, the finance, the false papers, the fence or the tools for the job. Associated with this is the necessary levels of skills that are needed.

Secondly, the act of planning becomes part of a different view of the world that sees policing, customs or other controlling groups as an occupational hazard to be got around. Oppositional values maybe expressed as a denial of responsibility where social criminals are the product of forces beyond their control, and Hobsbawm (2001) identifies this as a

feature of banditry. However, more than this, oppositional values themselves propel people to act because people take responsibility for their actions to protest and get things 'everybody wants'.

Thirdly, the social criminal may well agree that there is no injury, a denial of responsibility (e.g. smuggling harms no one but the Treasury, 'I didn't hurt anybody really'). In other words, because social criminals do not perceive their targets as suffering injury, then there is no internal police officer telling them to stop. Law is essentially a disciplinary measure, and it is the fear of it that makes many not commit crime. A simple view of the artificial barriers that are imposed both externally and internally can be viewed from watching very young children. They have no conception of stealing, and frequently pick anything up and walk around with it, often beyond the limits of a shop. Of course the law recognises this through the age of criminal responsibility, but it is instructive because it shows that the internal police officer has to be placed there. Perhaps people should discover, and consider, the innocence of children when thinking about shoplifting.

Fourthly, there are many ways of condemning those who condemn. The knowledge of widespread corruption, fabrication, double standards and lack of ability to perform their duty means that those who are tasked with enforcing the rules are seen as hypocrites, and bullies. The popular refrain being, that as the Government often cheats' you - it is a duty to cheat on the government.

Finally, social criminals have a developed sense of the new world they are the living embodiment of, "a rebel knows he is a rebel" (Hill, 1974, 241). Norms of solidarity are reciprocally applied amongst informal trading people and standards. Social criminals are providing a demanded service for others in their communities, 'I didn't do it for myself', and this appeal to wider community morals are the higher loyalty.

These techniques of legitimation and action are 'innovation' according to Ruggiero (2002, in Ruggiero and Ponsaers 2002), who differentiates traditional economic actors from those accessing new markets and technologies. The innovators cross licit and illicit boundaries as if they weren't there pursuing their entrepreneurial deviance, who "must avoid the habitual flow, escape from stagnant conditions and deviate from mainstream behaviour... [representing] the triumph of amoral intelligence over morally prescribed failure" (Merton, 1968, 195 in Ruggiero, 2002, 19).

It would be a mistake to see social criminals as separate from the general community of the poor, for it is they who provide the market and protection: 'they know how to shut up'. This innovation is different from that found in the criminology of Merton where people seek achievement through deviant means. The task then becomes, to explain the dynamics of crime and the characteristics necessary, if not for success, for it to occur so regularly. This can be done not where there is a social deficit of skills, but rather a surplus of potentially successful operations and ability (Ruggiero, 1993).

Testing the Limits of the Law

The innovators are likely to be social rebels, who reject a life of subservience, and there are those who are shrewd and above average intelligence. Hobsbawm notes that Bandit leaders as opposed to the ordinary ranks "are more likely to come from among these 'others', that is to say from strata of rural society above the proletarian and property-less" (2001, 39). The concept of leadership is an interesting way to look at the differences between banditry and social crime, they are one and the same in some respects but also different in significant ways. Typically these outlaw gangs were called Haiduks (Hobsbawm, 2001, 77) and part of a threefold classification of banditry, and perhaps there are some comparisons with the mobile shoplifting associations and smugglers of today? The leadership in these groups is more meritocratic, charismatic, and based on results and ability rather than a deferent class bound system in many cases.

There is another group who are candidates for the social criminal label, in some ways the most noticeable because of their charisma, and their activity is voluntary (Hobsbawm, 2001, 39, 40, 41). Hobsbawm's first category of Banditry, that of the 'noble robber' (2001) who is the archetypal social criminal, part real part myth, throughout the ages who robs from the rich and gives to the poor, a la Robin Hood (Hilton, 1958). The real existence of Robin Hood is secondary to the ideals for which he stood (Hill, 1996); because it involves fighting back against indignity rather than accepting the oppression and rationalising it, or re-directing the alienation elsewhere. Against some ideas called Marxist orthodoxy, Hilton's work (also 1973), indicates that the peasantries were not 'village idiots' who were unable to recognise and sympathise with any broader socio-economic ideals outside of their locality. In fact, by the motion of ideas and movement, the feudal peasantry at least

comprehended certain common interests with others like themselves, sharing similar material and social positions but unbeknown to them.

These are the picaresque (Linebaugh, 1991) poor, part of the multitude ever present throughout history (Linebaugh and Rediker 2000). A group provisionally identified as being crucial for discovering the boundaries of social crime even though they may sometimes transgress those rules. Testing the limits of the law and how it is applied in each generation. They are a vanguard of the proletariat even though they may not know it; "All witnesses described poachers as men of shrewdness and activity superior to the average" (Hopkins, 1986, 100, emphasis added). This is not suggesting those with more ability always went poaching then, or always go shoplifting and smuggling today. It does help and can be seen especially in the innovative nature of much crime, and in the ambition and bravery in some of it too. Obviously those with exceptional energy also work with those with lesser ability, clearly seen in the Kelly gang (Kelly & McDermott, 2001) and in gangs discussed by Wells (1992, in Stapleton 1992). There are also examples of determined and skilful solitary poachers who poached all their life, and of course there are some low skill levels involved in poaching that people with lesser ability may have done on their own. It is impossible to quantify the exact ratio.

Beyond the Limits of the Law

Some almost recklessly challenge the law (e.g. via joyriding or ram-raiding with near violent speed, Stanley, 1995). It is closely related to the ambience that smuggling in history carries with it. A dynamism and enthusiasm of the type of person who likes to test their wits within and against capitalist society, or its laws at least; "Both space and power are constituted as socio-political relations of production which includes the production of desire which is central in the construction of the relationship between law and transgression" (Stanley, 1995, 93, also Presdee, 2000).

These are a set of makers of history and news rather than the receivers, though not exclusively so. Almost certainly their career is shorter than in formal work, from occasionally to dominantly very lucrative, who enjoy the ostentatious displays of wealth even if they do not have it, who portray the hedonist and perhaps nihilistic elements of their culture too in their contradictory existences. This is the diffusion of carnival forms of celebration in everyday life (Presdee, 2000). Groups and individuals can experience

contradictions for decades without this creating crisis of existence and a motor for change of their reality (Armstrong, 1998).

Commoners can be Kings for the Day

Gilman talks about some freetraders (see definition later), the first group he says was described by Taylor (1992) and these are at least semi professional, or professional, depending on the individuals' biography;

Men... who'd probably been men since the age of 14... rather than hanging around waiting for a dead-end job, they'd go out and find their own way to make a living. A bit of wheeling and dealing. A little ducking and diving. What was new was their confidence, their solidarity... This was a small unapologetic army of working – class entrepreneurs equipped with a defiant sense of moral righteousness and an absolute certainty that those like themselves who made money from their wits were the winners, the top men (Taylor 'When the Musics Over', New Society, 24.4.92, in Gilman, 1994, 40, 41).

The second types are “prototypical working class. These were lads who had ‘trades’ or decent jobs” (Gilman, 1994, 41). Their involvement would be semi professional at most, and more likely to be smaller scale part time, perhaps at an opportunist level down to those with no involvement at all. However, it would be difficult to totally have no involvement, as they would often be the buyers and consumers of whatever is on offer.

Although there are reservations about Sugden's next quote based upon his flawed knowledge of fascism in Britain (e.g. he gives Combat 18 (C18) a far larger history by dating their origin significantly falsely, and thus inflates their importance, Sugden, 2002). It is not clear if he would have gained access to serious offenders as he claims, and thus may only be representative of less important cases. None-the-less it will be used because it paints general social scenery that needs discussing.

Sugden (2002) calls Gilman's type of people, 'grafters', encompassing the range of people he saw following football and working in its informal economy. These were “ticket touts, counterfeiters, con men, petty thieves, drug dealers, hooligans, neo-Nazis and a few even more serious criminals, some of whom are all of the above” (Sugden, 2002, 9). These people socialise, work and service “The lads” (Sugden, 2002, 49), people who are not bothered about the law, who can be hostile to it and its enforcers at times. Often they have to operate against the law and its officers or get round them.

Like poachers from previous generations it is “little wonder that [social criminals and] poachers held both the law and its institutions in contempt” (Archer, 1990, 223), and logically the enforcers of this law. Armstrong (1998) found that the informal economy of shoplifting and counterfeiting pervaded regular hooligan gatherings and their periphery in Sheffield. They had a network and cultural capital and were relatively affluent compared to the unemployed of the area, providing a ready made market and well versed in anti police activity to prevent the enforcing of law.

Discovering the general ambiance of the operating environment free traders work in has been partly enabled by Rediker's (2001) discussion of pirates. Their pay structure revealed them as risk sharing partners that (Rediker in Pennell, 2001, 144). Whilst free traders do not operate in an exactly similar manner, there are some similarities. Some free traders that operate together do share the proceeds, those taking extra risks being given commensurate reward for the extra effort. Of course the more professionalised and formal business like (whilst being aware of any 'formalised myths') the operation becomes, the more the routine nature of certain parts of the work necessary increases, and these will be increasingly given a more similar respect and rewards to manual workers in formal employment.

The argument is that the dynamics of 18th century social crime are relevant today as a form of resurgence. If social crime in the 18th century was a matter of the criminalisation by the ruling class of traditional customary rights, its resurgence in the late 20th and early 21st centuries is a matter of various forms of criminality returning to the status of customary activity in working class communities. This thesis will be outlined in the remainder of this chapter before focusing on the latter aspect with reference to my empirical research.

The Basis of Life During the transition From Custom to Crime

It is precisely the very notions of culture that should have led scholars to trace the historical lineage and modern expression of social relationships like those found in the moral economy theses. The customary 'moral' economy maybe read as a sort of social contract between the rich and poor, the predecessor of the social bargaining and relative calm of the Fordist era. This is where in exchange for wage labour and full employment

the worker was 'guaranteed' certain services, like education for children, healthcare, unemployment benefit and so on. These deeply felt needs and culture are;

Custom... as sui generis – as ambience, mentalite, and as a whole vocabulary of discourse, of legitimation and of expectation... Many customs were endorsed and sometimes enforced by popular pressure... many of the classic struggles at the entry to the industrial revolution turned as much on customs as upon wages or conditions of work... in the eighteenth century custom was the rhetoric of legitimation for almost any usage, practice, or demanded right... Nor should we underestimate the creative culture forming process from below. Not only the obvious things – folk songs, trades clubs and corn dollies – were made from below, but also interpretations of life, satisfactions and ceremonials (Thompson, 1991, 2,3,4,5,6).

The seventeenth century saw an increasing rate of enclosures that proletarianised the peasantry (Hilton, 1978). Even if it did not force them off the land in the first instance, they became reliant on the wage form when their access to the common was denied. While this was not totally a pre industrial age, the widespread incorporation of people into manufacturing and other manual industrial employment was for the future (Levine & Wrightson, 1991, preface, viii, also Hay & Rogers, 1997). The seventeenth and eighteenth century enclosures had the effect of driving the poor off the land to form the working class. Existing customary rights were criminalised as the poor sought to defend the traditional moral economy. Custom came in many forms, from the primitive societies that invented religion came a biblical order and justification for gleaning ie. the collection by the poor of uncollected grain or unharvested grain from enclosed or unenclosed fields. Custom was the claim to rights or ideas of;

Usage from time immemorial. 'Custome', as one writer put it around 1700, 'is a law or right, not written, which being established by long use and the consent of our ancestors, hath been and is dayly practised.' Custom... was not simply the equivalent of 'tradition': custom had the power of law and could be enforced in the manorial courts (Malcolmson, 1981, 24).

The poor's access to game has always been tightly controlled however and had always been known as poaching, for which there were harsh penalties and even death (Shoard, 1999). At one point only the owner of land could kill game, which even antagonised some of the better off and relatively powerful people (Hay et al, 1975, 189). There were also substantial criminal penalties, but these did not stop "the poor... [who] reminded themselves that Genesis said the animals were made for man, and poached with passionate determination and courage" (Hay, 1975, in D. Hay et al, 1975, 191). Poaching

was and is a widespread supplement to any wages or in kind payment for many workers, whether industrial or agricultural (Hay & Rogers, 1997).

The economy gradually became more capitalist and technologically advanced, and pressures built up. There was a demand for the actual and capitalist ownership of land that was accomplished largely in the last decades of the 18th century (Wood, 1999), gradual imposition of new and capitalist laws altered social relationships, and this had the effect of making it harder for the peasants to survive legally than before. Wood gathering and nutting became theft and trespass, there was no commons left to run livestock on, killing game for food became a capital offence and other traditional rights to a proportion of the harvest (gleaning) became theft also. Social crime took the general form of defending tradition. So, the 'income mixes', Vobruba uses this term to describe methods of "Combining incomes from different sources" (1998, 67), afforded by the variety of combinations of incomes in kind on offer were gradually whittled away. Finally it was as late as 1887 that; "It was traditional to pay part of a farm labourer's wages in cider. Then a clause in the Truck act prohibited the payment of wages in alcoholic beverages and cider truck became illegal" (Whitaker, "The Apples Fermented Inside the Lamented", in *The Field*, July 1994).

Defending tradition 1 – Restoring the past: Grain and Bread Riots

The poor aimed at defending traditional pricing mechanisms for bread and grain. Thompsons' 'Moral economy' thesis is perhaps the most well known formulation of the social crime debate. In particular it speaks of the relationship between the rulers and capitalists, and the people within certain types of crowd; "The food riot in eighteenth century England was a highly complex form of popular direct action, disciplined and with clear objectives" (E.P. Thompson, 1991, 188).

The widespread nature of price fixing crowds across Europe gives a lot of general claims to the legitimacy of social crime, this can be reinforced by a further observation of major importance; "That the crowd had no need to pay anything. They paid because they did not believe they were stealing and did not act as thieves" (Randall and Charlesworth, 2000, 7, also Charlesworth and Randall, 1987, Stevenson, 1974). Bread riots consisted of several varieties, and Walton and Seddon identify 4 (1994, 25, 26). The astonishing aspect about the national outline of Bread riots is that there were precedents in the emergency

measures in periods of want dating between 1580 and 1630, and whose details were translated into regulations in the Book of Orders. These required the magistrates to inquire into the nature of local markets, check on stores and the price fixing of dealers, and ensure via the necessary action that the poor had sufficient grain at a reasonable price. There was no actual power to set the price by the magistrate, as persuasion in emergency situations was felt to be the only totally necessary power. It was a "legitimate statement of grievances" (Hay & Rogers, 1997, 94, also Hearn, 1978), as the social pact rooted in law and custom had broken down as authority was failing to protect the poor from incipient 'market forces'.

The Bread riot was not merely the result of economics, and the famous illustration of this thesis is the idiom of the pauper who slaps his/her hand on their empty stomach and decides to riot to get food. There was a more complicated custom behind all of this. As Thompson (1991, 2) correctly identified, it is the category 'culture' which has transplanted that of 'custom' in both popular and academic discourse. The explanation that the crowd had a moral economy as it committed price setting actions invalidated the notion that the riots were caused by the demands of hunger that forced people to react in impulsive and incoherent ways. The bread rioters were therefore defending custom. Riot;

Is an imprecise term for describing popular actions. If we are looking for the characteristic form of direct action, we should take, not squabbles outside London bakeries, nor even the great affrays provoked by discontent with the large millers, but the 'risings of the people' (most notably in 1740, 1756, 1766, 1795 and 1800) in which colliers, tanners, weavers and hosiery workers were prominent... The central action in this pattern is not the sack of granaries and the pilfering of grain or flour but the action of 'setting the price' (Thompson, 1991, 224, emphasis added).

Totalising Class Consciousnesses

In many objective readings of history, there is a danger of being too simplistic, and presenting and judging working class activities as defensive activities that have no continuity or connection beyond the location and time in which these acts took place. Food riots were not just a backward looking reflection of the traditional paternalism of the just price, but led to innovations. The propagandists of economic liberalism portrayed the bread rioters as having backward ideas - a 'custom as a merely defensive strategy' interpretation should neither be read into their behaviour or ascribed to them; "Such resistance cannot simply be ascribed to backwardness or remoteness from national

influences, for many of the markets which witnessed protest were themselves major national entrepôts in the grain trade” (Randall and Charlesworth, 2000, 19).

Scott notes that the location of food riots and in particular the price setting variety was “by definition, an urban – or at the very least a market – phenomenon” (2000, in Randall and Charlesworth (eds) 2000, 194). Suggesting not an isolated and backward area, but places with transport and communication systems of both the formal and informal variety that enabled business to carry on. In the smaller villages in rural areas, the employers either let their workers have cheaper grain, or looked the other way and let them take it. Though paternalism certainly existed and was sometimes exploited by the poor, there was ingenuity in much that took place, and many hopes, dreams, and acts of ‘Levelling’. There certainly were the beginnings of more egalitarian ideas and action from at least the 16th century onwards (Hill, 1975).

The defensive logic would separate each event in place, time and personnel by playing down the importance of general actions and the threat of violence. It was this threat in a set of social relationships that allowed the mob a little avenue of action, and persuade the farmers & rulers to bring a little justice to the price. There were communities who did exhibit heightened defensive approaches in particular areas, more accepting and unchallenging of paternalism. Just as there were communities, mainly mining, which had the opposite approach, and were aggressive in their action, especially when attacked;

Some communities possessed a particularly dynamic culture of protest which could rapidly be invoked and the fracas turned into riot. Once raised, the crowd in such places proved both ‘structured’ and formidable... such communities were characterised by a high percentage of manufacturing workers and/or miners and were places where a strong collective labour consciousness had been forged by long and continuing experience of capitalist relations. Such communities had experience of large-scale conflicts over a wider range of problems than just food prices. They evinced a rich and constantly regenerating heritage of different forms of protest... a repertoire of protest forms was developed (Randall and Charlesworth, 2000, 5, 9).

They were a rich repertoire of protest and developed a critique of the new capitalism, neither a hankering after pure paternalism nor pure radical innovation, but a dialectical relationship between the two. Thompson further discusses the importance of this; “This has the advantage of discarding the notion that ‘moral economy’ must always be traditional, ‘backward looking’, etc; on the contrary, it is continuously regenerating itself as anti-capitalist critique, as a *resistance movement*” (1991, 341, emphasis added).

If the actions within the bread riot situation are a defensive strategy then the beneficial role of the paternalist overseers would be emphasised, and the supposed reliance upon them by the people. The grain given being part of the means of restoring the status quo, social peace, business, and politics, as normal. This would be seen as all that was possible, and some of the aggressive actions and attacks would be downplayed. On the other hand if the bread riot actions are an attacking strategy the emphasis would be reversed. The best method is combining the two approaches depending upon the precise political dynamic in an area at a time. This would mean that the exact localised class politics and dynamics are detailed, and these were the mediations between grand economic policy and local economic reality. This in turn was the basis for the culture of the poor. These struggles and any new ones that came up in the local area, for example, against enclosure, always involve elements of innovation and continuity as well as discord with the recent and distant past;

Prefigurements of subsequent class formations and consciousness; and the fragmented debris of older patterns are revived and reintegrated within this emergent class consciousness. In one sense the plebian culture is the people's own; it is a defence against the intrusions of the gentry or clergy; it consolidates those customs which serve their own interests; the taverns are their own, the fairs are their own, rough music is among their own means of self regulation. This is not any 'traditional' culture but a rather peculiar one... It is, rather, picaresque... In more settled ambiances – in the growing areas of manufacture and of 'free' labour – life itself proceeds along a road whose hazards and accidents cannot be prescribed or avoided by forethought; fluctuations in the incidence or mortality, or prices, of unemployment, are experienced as external accidents beyond any control; in general, the working population has little predictive notation of time – they do not plan 'careers', or plan families, or see their lives in a given shape before them, or salt away weeks of high earnings in savings, or plan to buy cottages, or ever in their lives take a 'vacation'... Hence opportunity is grabbed as occasion arises, with little thought of the consequences (Thompson, 1991, 12, 13).

The logic of the defensive strategy approach would separate culture from the people by imagining we can stop the social transmission of ideas (e.g. news of the Swing rebellions was carried along roads sometimes provoking other actions);

Grain and other foodstuffs in transit were frequently the target for crowd action. Dean miners regularly stopped grain barges on the [river] Severn, to the consternation of the authorities, while at ports ships were frequently boarded and unloaded (Randall and Charlesworth, 2000, 13).

Whereas, the weakness of the attacking strategy approach, discounts the amount of times price setters were prepared to settle for what they could get through paternalism, and the experience of defeat by the poor that is sure to come in struggles. For perceived defeat (it is never an absolute) alters perceptions and lowers the threshold of what people are prepared to do in struggle. The self-sacrificial calculation that people make in the face of heightened confidence on the part of the rulers, that likewise alters their threshold of what they are prepared to give to maintain peace.

The bread riots were not only derived from claims and practices of custom, but were innovative responses and new practices of resistance based upon the reservoir of culture and new possibilities. Key individuals, whose exceptional energy and/or ability should not be discounted as they may charismatically spread enthusiasm for resistance to the local population beyond normal boundaries. Different areas otherwise indistinguishable from others socially and economically produced different numbers of these characters; "This was particularly apparent in Ewelme, which produced the highest proportions [in South Oxfordshire] of resistance to enclosure, [and] some of its most energetic leaders" (Tiller, 1995, in Ashton, O, Fyson, R, Roberts, S (Eds) 1995, 110).

Defending Tradition II. The Struggle Against Enclosures

Customary protection against enclosure ended with the repeal of all anti-enclosure statutes in 1624 (Corrigan and Sayer, 1985). From the first Parliamentary Enclosure act in 1710 (Thompson, 1991) onwards there has been continuous resistance to enclosures, on top of previous resistance to enclosures built by force, and struggles for common land use continue today (Gibb, 2004). Thompson (1976) argues that customary tenure, and hence customary beliefs, were very considerable into the eighteenth century. However, it was between 1761 and 1800 that saw the pace of change speed up and also the magnitude and importance of many issues "It was not until the eighteenth century that the national government actively legislated the destruction of the productive and social relations of the old order; and in the short period between 1761 and 1780 Parliament passed 4,039 acts of enclosure (Briggs, 1965:41)" (Ray, 1976, 89). The rate of enclosures was especially great in this period; "After 1760 four million acres of arable common field and two million acres of waste were enclosed in England by this process" (Tiller, 1992, 181).

Thompson calls the “great age of parliamentary enclosure, between 1760 and 1820” (1991, 110). Hay & Rogers note that approximately “200,000 miles of hedges were planted, at least as much as in the previous 500 years” (1997, 4), between 1750 and 1850. Though it is from the late 14th century to the early nineteenth that we are talking about the transition from the feudal mode of production to the capitalist one; “enclosure in general increased the dependence of labourers on landlords” (Hill, 1996, 21). Engrossing and enclosure are traceable from the 13th until the late twentieth century at least (Corrigan and Sayer, 1985). It was not a matter of simple and immediate replacement but a process of transition between the idealised epochs, of crucial importance is the fate of the peasantry and its proletarianisation (Lazonick, 1974, 4,5).

The Commons

It was the annexation of common rights with the ultimate effect of replacing them with legal rights that created property, and those who owned, whilst criminalising the practice of custom however it had originated. Rather like the anti smuggling propaganda by the government today, this was achieved via attempts to impose a view of the commons as bad, and savage measures of repression aimed at those who continued the attempt to exercise their rights to the common treasury;

From here on, extraction of kind benefits was to become particularly problematic for the newly created working class. The gradual translations of “rights” (held in common) into “property,” or “capital” (held in particular) which the elongated processes of rural enclosure and urban industrialisation effected emerged in different structural contexts (rural and urban), with noticeably similar effects (Ditton, 1977, 41).

The direct effects upon the masses imposed by enclosure, made life untenable for most at different speeds and in different ways (though ultimately it had the effect of creating a proletariat and moving most of it to towns and cities). The classical economic interpretation would see the 'progress' of economic development that "consists primarily of the triumph of the advanced manufacturing or 'industrial' sector over the backward agricultural or 'traditional' sector" (Lazonick, 1974, 3). It is particularly based upon qualitative changes in social relations, which are masked by such neutral terms as "industrialisation". Which in and by itself specifies only a form of material production and leaves out much more, and can be used as;

To portray 'industrial' development as a class-neutral technological process which can be adequately assessed in quantitative terms.... The idea of 'industrialisation' is in itself historically meaningless and misleading unless we specify the historical changes in the social relations of production of both agriculture and manufacturing which permit the rapid expansion of material production (Lazonick, 1974, 3).

Shaord provides useful descriptions and chronology of enclosure, entailing the "elimination of common rights" (1999, 104) and noted another aspect, that "Enclosure had meant removing people from fields and woods. To create parks, landowners were quite ready to remove people from their homes as well" (1999, 111, also Hay & Rogers, 1997). It was not only that they made people homeless, in the process of emparkment they frequently enclosed areas that saw the loss of "common rights of pasture and estovers...[also] emparkment of arable land was not unknown" (Manning, 1988, 25). The latter point in an age that expected famine created huge resentment, "The sport of the chase was an integral part of aristocratic culture... As symbols of aristocratic arrogance, emparkments invited both anti-enclosure riots and widespread poaching" (Manning, 1988, 24,25). It is of no surprise that the highest rate of enclosure and its last wave in Britain should have come as the industrial revolution started and developed. The genesis of which were the previous waves of enclosure already mentioned. Ruggiero (2001) is partially right to emphasize the following;

Marxist analysis of the flight from the countryside, for example, emphasises how the displacement of peasants was caused by the destruction of traditional common rights and small land property. However, such displacement was to a degree also voluntary, determined as it was by the 'liberating' attempt to escape landowners who were not only employers, but also political autocrats (2001, 55, also Thompson, 1968).

Hill noted the ideology of the enclosers (1975) in a way that closely resembled Thompson's analysis, noting that the pressure to enclose became dominant in the ideology of 'gentlemen' in the later period of the 1790s. Thompson notes that the loss of the commons meant that the young, single, and artisans could move to larger towns, or use the canals and later the railways. There were two main ways that the proto capitalist could find land for productive agriculture in a pre-modern age where nature was largely untamed. These were deforestation and fen-drainage, and "Kerridge suggests that in the early seventeenth century fen-drainage was even more significant in its social effects than deforestation" (Hill, 1996, 21). In effect when we look at the land question, we can trace the timid encroachment of property in Britain as well as the blatant (Ditton, 1977), unlike the mainly aggressive enclosures (Brown, 1991, Linebaugh and Rediker, 2000) of the

United States. Enclosures were also forms of capital accumulation in which common rights were transferred to property and capital. There were widespread struggles against them, the implications of which have not been fully explored. Richards, in his otherwise definitive and considered analysis of the clearances, "does not attend to any systematic analysis of popular resistance to the clearances" (1982, Preface). Some authors go out of their way to play down the effects of enclosure and claim;

Ensloure was not the sole, nor even the main, cause of the rural poverty and misery so eloquently described by Cobbett and others. Population growth, rural unemployment and the operation of the Poor laws rather than enclosure were the major causes (Stevenson, 1992, 52, spelling in original).

The 'certain' historian is always one who has holes in their argument, or has not considered some evidence at all. Stevenson does not appear to be aware of key authors and their evidence like Hill, or lesser prolific but interesting ones like Sharp (1980). Some neglect the weight of evidence that suggests poaching was especially practised on enclosed land, as punishment, and for protest. William Shakespeare "is said to have got on the wrong side of the law by stealing deer from Sir Thomas Lucy's [deer] park... Lucy was a notorious encloser, hated by the local peasantry; robbing his property could be seen as a popular gesture" (Hill, 1996, 35). Overall Stevenson displays a marked lack of appreciation of the possibilities for protest in communities and the unity of struggles that occurred. Not everywhere and always, but sometimes, in some places and with a continuity that suggests common methods and goals. Finally, Stevenson does not consider problems with the investigation of evidence for researching resistance to enclosure (Neeson, 1993, 277-78, also Hill, 1996, Thompson, 1991). Hay noted "the eighteenth century poor [who] have not left a literature about the joys of poaching to match the gentry's eulogy of the hunt" (1975, 201), a point backed by Thompson (1991, 17). When considering that there could be evidence of subordinate rebellion, we should bear in mind that often;

The goal of slaves and other subordinate groups, as they conduct their ideological and material resistance, is precisely to escape detection... such activities do not appear in the archives. In this respect, subordinate groups are complicitous in contributing to a sanitised official transcript, but, short of crises, we are apt to see subordinate groups on their best behaviour (Scott, 1990, 87, Emphasis added).

There has been widespread and popular resistance to enclosure though, Winstanley talks about the spirit that informs resistance well;

The power of enclosing land and owning property was brought into creation by your ancestors by the sword; which first did murder their fellow creatures, men, and after plunder or steal away their land, and left this land successively to you, their children. And therefore, though you did not kill or theive, yet you hold that cursed thing in your hand by the power of the sword (Hill, 1975, 244 in Shoard, 1999, 147).

It is the later period of enclosure after 1760 that definitely seems to be the most under researched, with irregular specialist contributions such as Field (1980). Archer notes that the enthusiasm for enclosure waned in 1816 as the agricultural sector started a long depression, only for it to re-emerge because of the higher prices to be gained during the 1850s. The most significant dispute in this local class war was at Fakenham Heath, including incendiarism, rioting, armed police, and the destruction of enclosures and enclosers property combined with more social democratic political meetings as well to achieve the common goal (Archer, 1990). When the poor law was made even more unpleasant with the;

Act of 1834 [it] was greeted with riots, the firing of workhouses, brutal assaults on farmers and Guardians, the plundering of parish carts and cattle maiming. The ferocious climax was probably reached in the Great Bircham area, where hundreds of armed labourers were 'bound in a bond of blood and blood' in a minor peasant war (Jones, 1976, 12, also Crossman, 2003).

The crowds that opposed the poor law throughout the country though not involving exactly the same people did have the similarities of class, and similar things motivated the crowds too. The fires that spread protest and that were for protest attracted up to 3000 people in East Anglia (Archer, 1990) displaying high levels of community support, and these crowds gathered frequently in this area (Archer, 1990, Peacock, 1965, Jones, 1989b); "They may have acted alone under the cover of darkness but their actions were clearly supported by the labouring community as a whole before 1851. The villagers shielded them from the law and gloried in the destruction" (Archer, 1990, 197).

It was in the context of the defeat of the open politics of Captain Swing that led to the growth of covert methods. Visible protest did not vanish, as Swing was vanquished (Archer, 1990) though there certainly was a quieter period in the 1840s. This must be tempered with the knowledge that firestarting was endemic in this period and especially 1844, with poaching still continuing apace as well, and Archer (1990) provides evidence to show that these were linked by much more than geography;

Arson and riot could and did exist alongside one another. Labourers and the rural working class communities in general appear to have been quite selective in their choice of tactics when furthering a dispute; it all depended on what kind of dispute was being furthered (Archer, 1990, 160).

Engels showed that the displaced and emerging northern industrial working class was perhaps importing traditional means of protest and developing new forms when it used incendiarism, assassination of bosses, mass and individual class violence against 'knobsticks' (blacklegs) and explosives when furthering the class war; "Here are six cases such cases in four months, all of which have their sole origin in the embitterment of the working-men against the employers" (Engels, 1845). Jones discusses a wide range of "arson, vandalism, animal maiming, and brutality" (1989b, 308), from the very beginnings of the Rebecca riots. These incidents were integral to the movement and not part of its periphery. By the 19th century there seems to be far less mass actions and a retreat into poaching as a means of resistance to enclosure (Jones, 1989a) for the majority of enclosures had occurred by then. Instead when one looks at the;

Poaching cases which were dealt with in the courts during 1844 one is struck by the numbers of people involved, the organisation behind the expeditions, the popularity of poaching on enclosed land, the ritual of old offender and expected fine, and the serious violence which often accompanied this crime (Jones, 1976, 12).

The same author however has provided evidence of the Scotch Cattle (Jones 1973) and its use of violence and intimidation throughout the South Wales coal and iron field from possibly before 1820 to 1835, 'before Rebecca'. The Scotch Cattle ruled their 'Black Domain' as nobody could be found to inform, and were led by Tarw Scotch (Scotch Bull), whose name was said to be Ned. As Jones (1973) remarks, the similarities to Luddism are not accidental. The Cattle evolved out of the Luddite practices in the early 19th in South Wales, and were to continue their practices within physical force Chartism which explains the gradual disappearance of the Cattle. Primarily the Cattle were an illegal organization of working men who enforced 'Scotch law, this law was harsh on blacklegs, who were 'scotched', isolated, threatened and sometimes visited by large bands of Cattle. Though local workers were undoubtedly involved in identifying those who were breaking working community norms, the visits were always conducted by workers from the next village or workplace. The meetings were always after work on the hillsides, sometimes with up to a 1000 men present. As struggles and mass strikes went on sometimes another type of

meeting took place with the firing of guns, beating of drums and the blowing of horns; “The effect of these violent meetings requires little imagination. On the night of 29 March 1832 all the men at the Blaina ironworks raced home when they heard the sound of a horn and drum from a nearby hill” (Jones, 1973, 99).

Thompson notes that the levels of repression of open and mass actions of the labourers forced them back “into the underground of the poaching war, the anonymous letter, the flaming corn rick” (1968, 250). Though the widespread discipline displayed within protest at bread riots undoubtedly did inform the people who took part in the Swing campaigns. The dignity of those in both types of protest was and is a widely acknowledged feature. It is easy to see that “the law of patrician society was not the justice of plebian culture” (Brewer and Styles, 1980, 15). Winslow called the dispute between the smugglers and government officers a “guerilla war” (1975, 119). This was a feeling that some customs officers felt at the time too. The concept of ‘constant war with authority’ can be found in other debates as well (Cohen, 1981, Chesney 1970, Presdee, 2000, Hillyard and Tombs 2004, in Hillyard et al 2004). This phrase is part of the vocabulary of Marxism (e.g. such as ‘guerrilla war’), and is a tautology, for the implicit meaning is used in different ways in other debates & in other words (Hopkins, 1986, 5, 6).

Poaching is a good example of the innovatory nature of social crime, and numerous writers have noted it as a new form of protest against enclosures (Hill, 1996, Neeson, 1993). Ditton (1977) noted that the withdrawal of game rights “degenerated into poaching” (1977, 44) quoting good research by Jones (1974) who showed that the withdrawal of fishing rights led directly to many ‘crimes of poaching’. Other contested changes surrounding the nature of entitlement to public and private property included common of estover becoming wood theft, “grazing-rights into trespass” (Ditton, 1977, 44) and gleaning was to become theft by finding.

Forests were very extensive, and “in the eyes of authority [they were] the ‘nest and conservatory of sloth, idleness, and misery” (Hay & Rogers, 1997, 2). Reflecting perhaps knowledge of the power relations exposed by the Robin Hood folklores, the forests being areas’ where the power of authority had little purchase, and similar to the rookeries of later years. Whilst Ruggiero indicates that there could be positive enthusiasm for a new life in the towns, this is against the backdrop of London that was notorious for filth and degradation, hardly something the poor could aspire too. According to the Times Higher

Education Supplement, Richards produced the standard work on the Highland Clearances (1982) and his evidence says;

The iron fist of landlord power was employed without restraint in many cases; there were almost certainly a number of deaths among the victims of the evictions; the poverty of the people was often desperate; fire was used as a method of finalising a clearance in many instances; people were forced on to emigrant ships... the forces of law were recruited to implement cruel evictions... It is an ugly record. The evidence on individual episodes also reveals a pattern of resistance among the people (Richards, 1982, 469).

This is not to say that there wasn't voluntary migration or those that didn't resist. Though there were those that did (Logue, 1979), e.g. during the last great clearance before the 1880s struggles. The women of Greenyards who were trying to stop the eviction of 22 families in 1854 were subject to "a body of baton swinging police... [who had] indeed ploughed into a crowd of women, and they had inflicted severe, almost fatal, wounds upon them" (Richards, 1982, 468). Though certainly the freedoms from feudal dues and reactionary cultural practices would certainly be something some would want to escape from.

Bonefeld (2001) argues that;

Primitive accumulation is a constantly reproduced accumulation, be it in terms of the renewed separation of new populations from the means of production and subsistence, or in terms of the reproduction of the wage relation in the 'established' relations of capital. The former seeks to bring new workers under the command of capital and the latter to contain them as an exploitable human resource – the so-called human factor of production. Capitalist social relations rest on the divorce of the mass of the population from the means of production (2001, 1).

The implications for the social crime debate means that there will be conflict where ever capital is trying to draw the peasantry into the proletariat, and where capitals rule is breaking down then social crime becomes possible again. Capital has a constant struggle to keep a surplus army of workers available for work, and not let them develop alternatives to work. The law, its force, and forces, are permanently engaged in a separation of the workers from the goods in shops. Whilst being challenged at various levels, or not, by workers, likewise capital is actually engaged in a renewed separation of workers from the means of production.

It is not because of an idealised romantic love of the land that there is a concentration on enclosures; it is because of distinct social relations and the means of production on the land and struggle over it that it is important. Ditton (1977) argues that access to customary rights in early 17th century England was extensive, and legitimated by legislation. The enclosure of common lands challenged traditional rights to wood and to hunt game. The right to cut wood as fuel, for housing, for a stile, fuel and furniture and more was common of estovers (Hart, 1966, 93, Manning, 1988). "Among the commoners' rights was the gathering of 'snapwood' – fallen branches or such as might be snapped off by hand; also, furze or gorse might be cut and sold to whoever wanted cheap firing" (Hopkins, 1986, 23,24). This "dead wood... [was] bound into faggots" (Manning, 1988, 20). Common of shack guaranteed the rights of cows to take hay after the harvest (Manning, 1988), fishing rights (Porter, 1992, in Stapleton (ed.) 1992) were called common of piscary, and the fact that bogs and fens existed in lots of areas led to common of turbary for peat cutting rights (Mantoux, 1961, Manning, 1988). The extent of common rights also included 'warren', for rabbits and fowl, and such resources as sand, clay, and gravel; "Who could take what, when and where, were inscribed in immemorial practice" (Hay & Rogers, 1997, 86).

These major features contributed to the material welfare of the tenants. The language used was of common of pasture for cows, and right of sheepwalk for sheep, pannage was the common right language related to hogs and swine belonging to the commoners (Hart, 1966, 93). Sheep were not welcomed everywhere however, massed ranks of highlanders gathered the enclosers sheep in 1792 to drive vast numbers of them south, out of their region and back to England (Logue, 1979, 56-64). 'The Year of the Sheep', Blaidna Nan Caorach, was a utopian dream and one of the great risings against the clearances. These dreams and some action that results are not uncommon amongst the poor, who want to turn the world upside down (Hill, 1975, Jones, 1989b, Linebaugh, 1991, Linebaugh & Rediker, 2000).

Whilst general features found in many areas have been described, there should be no romantic impression that the customs were found everywhere at all times. They were, by and large, local customs that had particular ways of legitimating themselves (e.g. beating the bounds Thompson, 1991, Hay & Rogers, 1997). Although gleaning of corn and straw, and perhaps peas and beans too, were a "common practice, universally regarded as a common right" (Neeson, 1993, 313), and quite central to the economy of the poor in winter. Gleaning supplying roughly up to three months bread (Hay & Rogers, 1997).

Certain areas had particular customary expectations due to the geography of the land (Manning, 1988). In Forests commoners had come to “widely... interpret their privileges” (Hart, 1966, 94) related to the use of wood found there. Apart from fishing and fowling rights (Linebaugh and Rediker, 2000, Lindley, 1982) “fenmen” (Lindlay, 1982, 7) who inhabited the fens of Eastern England from the North of Lincolnshire, South around the Wash to Norfolk. Had the right to pasture and in addition; “gather reeds to thatch their homes, dig clay and soil to manure their tenements, collect willows for weaving baskets or grow hemp and flax, for which the rich alluvial soil was particularly suitable” (Lindlay, 1982, 10).

This was before the struggle to stop the drainage and enclosure of the fens, where the ‘fenmen’ were often led into battle by women against the tools and personnel of drainage and enclosure (Linebaugh and Rediker, 2000). Wool smuggling out of the great medieval ports of Boston and Kings Lynn went on in huge quantities both before and after the drainage. Howkins (1979) notes that the process of enclosures, and the associated effects negatively played upon the agricultural labourer’s standard of living (1979, in Burman & Harrell-Bond 1979, 279). Further, the available statistics for game law convictions (Howkins, 1979) show that poaching was a crime of the local labouring poor including some skilled workmen and the unemployed. There is one slight inconsistency to the peak poaching months of January and December, although it can be explained perhaps by some making preparations for the months of dearth when the opportunity was there (Howkins, 1979). Hardly surprising when the common morals of the poor were forged through desperation and struggle, “families, even sections of villages, virtually existed by crime – a yearly saga of stealing wood, turnip tops, hay, food, farm animals and game” (Jones, 1976, 11). Hay (1975) has noted the expressive and demonstrative nature of justice in the eighteenth century, and it was the criminal justice system that also simultaneously disciplined the new and old workers (Lea, 2002).

Custom is generally accepted to be a pre-established form that can vary in its particulars according to local conditions but is continuous (Bushaway, in Stapleton, 1992, 112). Thompson argues that there are four pillars to custom “antiquity, continuance, certainty and reason” (1991, 97). It is the process of struggle in its entirety that means it frequently is seen to be social crime as well. Many struggles took place over custom through the process of law as well as in struggle, where people often took what was there or destroyed impediments to their collecting activities. So, the contest for legitimacy took place officially

and unofficially. Notions of custom existed so deep within the consciousness of the poor that their activities occurred without consideration of whether what they were doing was contestable, and this was an overwhelming motivator. An “agent of legitimation for the poor’s activities in a wider cultural context” (Bushaway, in Stapleton, 1992, 114).

Rioting deserves consideration as a social crime because it is something governments have always taken seriously. Whilst the laws have changed, in the early period where three people gathered together and had the intention of, or did break the peace this was considered as riot under English Law. Also “the ruling that destroying an enclosure constituted a riot” (Hill, 1996, 21) adds more confusion to these issues. Historians of riot realise this was a very imprecise term, and serious and numerous studies have revealed rioting as;

An endemic feature of English life in the early modern era... in the early seventeenth century... parts of the Midlands experienced several years of rioting against enclosure, while the fenland to the east was the scene of a similar degree of unrest as local society attempted to defend its customary privileges against improvers (Sharpe, 1999, 190, 191).

Nutters

When the peasantry worked the lords land for part of the product, they held some rights to common pasture. Where they could run some of their livestock and also cut turf for fuel, gather nuts – nutting (Horn, 1976, 229; Shoard, 1999, 104,109; Hay & Rogers, 1997, 73; Bushaway in Rule, 1982, 82) eggs – “a-egging” (Hopkins, 1986, 201, Archer, 1990, 233), berrying (Hay & Rogers, 1997, 73), and wood (Shoard, 1999, 104, Bushaway, 65-101, in Rule, 1982, Hindle, 2000, in Shepard, & Withington, Eds, 2000) for fuel from the forest and so on;

Country people were not easily frightened out of their treasured customs. The Revd J.E. Linnell, vicar of a village in the Salcay Forest area, where ‘the nut season brought in hundreds of pounds to the parish’, noted that landowners’ notices warning of ‘all kinds of engines of mutilation’ were a ‘waste of paint’. Nothing would ever convince villagers that hazel-nuts were meant for squirrels, and ‘towards the end of September fights as fierce as those between keepers and poachers were a frequent occurrence between nutters and watchers (Hopkins, 1986, 171).

It was after the restoration of the Stuart monarchy that states organised political power merged with the emerging capitalist class, to end the final traces of feudal economic

relationships (ie. the destruction of the open field system operated by the peasantry and from which it derived its subsistence). Enclosures are commonly understood to have had 2 distinct phases, after William the Conqueror set the precedent. Firstly “that of the nobility in the Tudor and early Stuart period, accomplished by personalised plunder” (Corrigan and Sayer, 1985, 97), and secondly those of the 18th century onwards “favouring the capitalist gentry/tenant farmer group, and accomplished by statute law” (Corrigan and Sayer, 1985, 97). There were different levels of relative wealth and this influenced the fortunes of those people. Even those lucky enough to remain with a couple of acres of land felt the neutral (according to classical economic theory) economic pressure to sell (Hay and Rogers, 1997. Also Ditton’s discussion of ‘engrossing’, 1977, 42. Shaord, 1999, 105. Tiller, 1982, 181, Manning, 1988) their last remaining tie to the land and hence were totally proletarianised, becoming totally dependent on the wage form.

While encouraging out tenants could be done in a number of ways (Devine 1989); “The edging out of small peasant cultivators on customary tenures by large-scale leasehold farmers employing landless agricultural labourers had also been in train since the sixteenth century” (Prest, 1998, 148). This process is associated with the enclosure of the open field system and the limiting or extinction of common rights such as pasture; “This was accelerated after 1688 by the double impact of land tax and long-term stagnant or falling agricultural prices on those who lacked the resources to cushion themselves against a run of bad – or excessively plentiful – harvests” (Prest, 1998, 149).

This was a clear process in arable and mixed farming areas, as opposed to the upland grazing regions. Mantoux estimated that between 40,000 and 50,000 small farms vanished due to engrossing during the Eighteenth century (Corrigan and Sayer, 1985). We must further note the scale of the enclosures in a realistic history. After the 1st private enclosure act there was vigorous opposition and resistance, raids on the Bishops deer and ‘Blacking’ by the Waltham Blacks, giving rise to the Black Acts (‘death statutes’) (Thompson, 1977). There is also evidence of resistance in 1641 when hundreds of people set upon the kings deer in Waltham Forest, thus traditions of resistance are important [Cleavor, 6, www.eco.utexas.edu/~hmcleave/357ksg27.html accessed 1.7.03 at 11.36am, Kaye, 1991, 1996].

The next 30 years between 1720 and 1750 saw 100 more acts. It was apparent the pace was continuing to rise when 139 acts happened in the next decade to 1760. 4000 acts

were passed between 1750 and 1850 with 2 dramatic rises in the rate of enclosure. Firstly between 1764 and 1780 there were 900 acts passed, and between 1793 and 1815 a further 2,000, Tiller notes that "After 1760 some 5,400 acts were passed" (1992, 182). Over 6 million acres in all (Corrigan and Sayer, 1985). Mantoux also estimated that the open field system existed in over half of all English Parishes as late as 1794 (Corrigan and Sayer, 1985). Obviously these specified periods had intense change, struggle, and serious hardship. It is no surprise that the activities of General Ludd fall between the 1793 and 1815 periodisation in Regency England;

The most important attack on the claims of custom as law was the passage of so many enclosure acts in the last four decades of the eighteenth century.... its most important legal and social consequence was the obliteration of the customary common rights of the manor. What had been law for over 500 years ceased to be so; the history of struggles, over generations, of commoners and lords to define their respective property rights in the common lands and wastelands of the parish passed from the realm of lived custom, lived law, lived tradition and struggle, to total irrelevance. That this transformation happened in thousands of parishes (usually the most populous) in the lifetime of a generation meant that the familiar modes of regulation of life that was communal (although not democratic) were breached in a striking way (Hay and Rogers, 1997, 99, emphasis added).

Getting Indeterminate Property By Hook or By Crook

Wrecking as a variety of social crime is significant, because it was not so much a defence of traditional arrangements which the ruling classes were trying to change, as it was an attempt to exploit the very ambiguity in property relations themselves. Humphries has traced the "time honoured custom which sanctioned the right of coastal communities to plunder all wreckage washed in by the sea" (1981, 29) between 1890 and 1940. See Winslow (1975, in Hay et al, 1975) for the classic period of smuggling social crime. Wrecking has late modern examples that remind us that there are competing notions of legality, and different values held by communities.

During the war a ship ran aground in 1942 carrying supplies for troops, and the islanders 'salvaged' the cargo of cigarettes, Brylcreem, shoes and food and hid it from authority. There are recent examples too; Cornwall in February 2002 experienced a shipwreck spilling its' cargo of wood. People saw this 'act of god' and loaded their cars up with it in contravention of the 1955 Merchant Shipping Act (O'Neill, 2002, in London: Daily Telegraph, 4.2.02). In 2004 a whale washed ashore on Coll Island off the west coast of Scotland with a tradition of wrecking. Though legally the whale belonged to the Queen and

officials were going to take it to Edinburgh. The locals who were used to the mainland 'keeping' their youth who go to university, thought that it would be better to keep all the whale whole for the tourist trade that is a main staple of their local economy. During the night, hours before it was due to be taken away, a band of Islanders hacked off the whales' 550lb jawbone and hid it. After pressure placed on a local youth the Islands part time special constable was told where the bones were and the policewoman then helped to get them removed. She is now ostracised by the Island community (Harris, 2004, in London: The Times, 2.4.04, 3). In national popular consciousness it is the 1941 wreck of SS politician which led to the 1949 film 'Whisky Galore' which holds that the happy go lucky locals were jolly old boys on a jape while hiding the 24000 bottles from Customs Officers. However, the reality in newly released documents shows that locals defended their 'natural bounty' with threats and violence, and a customs officers car was set ablaze (English, 2005). A remake of the film is set to continue the myths created by the original.

The collecting of use and exchange value from wrecks, other miscellaneous places, and associated security measures, can be seen as a secular divinity that is a natural legitimacy. People then make this natural activity their custom and culture within their everyday behaviour and with vibrant enthusiasm when the occasion demands, such as a large shipwreck. To whom should any property dashed on the rocks or smashed at sea belong, or for that matter who owns the birds in the forests and in the skies? Certainly a "witness from Cambridge reported: 'They attach the idea of property to poultry, they do not to game.' Wreckers believed it was their right to take what they wanted from wrecked or stranded vessels" (Rule, 1979, 142), wrecks occurred episodically and contrary to some images, wreckers were not sirens luring sailors onto rocks with lanterns. This is different from banditry and protest, though culturally it is easy to see how things like smuggling gave rise to similar attitudes and capabilities necessary for effective wrecking. Smuggling logistics and attitudes are easily transferable to wrecking, and it is not a coincidence that some smuggling locations par excellence, Cornwall and Devon, were classical wrecking locations.

At the basis of all this is the indeterminate nature of property as Marx pointed out;

All customary rights of the poor were based on the fact that certain forms of property were indeterminate in character, for they were not definitely private property, but neither were they definitely common property, being a mixture of private and public right... It will be found that the customs which are customs of the

entire poor class are based with a sure instinct on the indeterminate aspect of property (Marx in Ditton, 1977, 50).

The windfall of nature whether on land or by sea was the basis of this indetermination. The poor believed that nobody had a natural right to deny them the useful products of nature, it was their customary right and destiny that they do so; "There are objects 'which by their elemental nature and their accidental mode of existence' must defy the unitary force of law which makes private property from 'indeterminate property', and the forests are one of these objects" (Marx in Linebaugh, 1976, 7, also Bushaway in Rule, 1982, 101). During the peak periods of enclosure there were new statute laws against wood theft in 1766, and new legal judgements that; "Defined gleaning as an illegal practice in 1788... [that challenged] the legitimacy of specific popular customary rights... [and undermined] the powerful notion of custom itself in order that the law of propertied men might prevail" (Bushaway, in Stapleton, 1992, 117,118).

Gleaning did not die out in 1788, it "persisted longer than any other right or custom. In the 1870's, in more than fifty Northamptonshire parishes, the gleaning bell still rang out to open and close the fields" (Neeson, 1993, 314). It carried on into the 20th century, when changes in farming led to its widespread decline, the "use of the combine harvester, involving field threshing and the burning of straw on stubble, so recently brought it to an end" (Morgan, 1982, 151). Samuel notes that horses were still in agricultural use as late as 1914 "in many areas" (1975, 21). Where there are crop leftovers the temptation is going to be there, and the rural poor will know where to find it. They can find things their owners don't know exist or have been lost. Marx discusses gleaning as the 'alms of nature' for the poor; "the gathering of bilberries and cranberries is also (now) treated as theft... In one locality, therefore, things have actually gone so far that a customary right of the poor has been turned into a monopoly of the rich" (Marx, MEW, 234,235, in Ditton, 1974, 62, emphasis added).

Notice the recurrent themes of struggle, law and change in these times; here gleaning, sanctioned by the bible and god, is sacrificed upon the alter of property and money. As with poaching, wood theft was important and at the same time it was a symbol of something far greater. For when "wood gathering was directly linked to hedge breaking... [it was seen as more threatening because] of its implications for the legitimacy of enclosure" (Bushaway, in Stapleton, 1992, 120). Conflict over rights to wood "points at the strong anti-enclosure elements involved in the committing of wood offences" (Bushaway,

1982b, 215). This happened by default and without malice, and by many who made it “their daily practice to tear hedges, a practice very frequent and prejudicial to the farmers” (Bushaway, in Stapleton, 1992, 120, also Bushaway, 1982b);

Hedges and fences in themselves were ready sources of wood for fuel, and constant despoiling could lead to the barrier being rendered ineffective. On the other hand, more malicious offenders deliberately threw down fences or gates to gain access to woodlands and then, having destroyed the obstacles, removed them as general wood for fuel (Bushaway, 1982b, 215).

The right to use value of indeterminate property (e.g. the fallen ‘dead’ wood which was neither alive nor growing nor cut for the owners’ use), was thus part of the traditional rights including gleaning that were integral parts of the moral economy of precapitalist agrarian society in which; “Labour was migrant and seasonal and always had a need for incomes in kind to supplement wage work. The whole life of the collecting, free roaming poor, galvanised as a threat” (Bushaway, in Stapleton, 1992, 120). Common land grazing and rights to gather indeterminate property were an essential part of this supplement. There was an intense attachment to place and area. Due to the holding power of religion, existing economic and political power relations, and available finance, transportation and potential prospects or not thought to be further afield.

Where property was clearly and traditionally owned it was generally left alone, unless the owners did something to aggravate the workers on the land and/or the local population. Examples of the employment of new machinery being grounds for protest have been given. The poor recognised that chickens could be property, enclosed and left alone, birds in the sky were thought of as common property, and as rabbits were not reared at the owners expense they too were considered of indeterminate ownership. This suggests that because it is recognisable property that has foodstuffs grown on it, hence people saw this as untouchable. However, this should be mitigated by knowledge of gleaning that derived from thousands of years of practice, where the poor had a right to crop leftovers, and also the natural bounty of the open forests that might be enclosed. What temptation it must have been to see nuts or mushrooms lying on the ground that the landowner didn't want. With a bit of knowledge eggs could be found too; “One old woman told him, ‘Why, Sir, we never think anything about taking a few turnips from the field or sticks from the hedges; it is God makes them grow, not the farmers.’” (Archer, 1990, 14,15)

We are All Vagabonds

In an age where social control was largely informal and localised, social policy (sic) was aimed at control;

A statute of 1495 laid it down that all beggars not able to work must return to the place where they last lived, without benefit of trial by jury. That was the beginning. The reformation created new vagabonds... The statute of Artificers (1563) declared that any man or woman without an agricultural holding could be condemned to semi servile labour in industry or agriculture; children of paupers were to be compulsorily apprenticed. No labourer might leave his employment without the consent of his employer, under penalty of imprisonment (Hill, 1996, 48).

Legislation aimed at preventing the homeless (vagabonds) building up a cottage (1589 & 1597), a statute of 1746 "denied 'custom' of all legal force in land tenancy" (Hill, 1996, 25) settlement acts e.g. 1662, "tried to reverse the tide of social mobility by having vagabonds flogged back to their villages" (Hill, 1996, 21). Laws successfully restricted common rights to those who lived within the parish, and denied that they had common rights on waste land, 1605 (Hill, 1996). Though a very marginally later date is mentioned by Linebaugh and Rediker, "Gateward's Case (1607) denied common rights to villagers and propertyless commoners" (2000, 50, also Hipkin, 2003, and Shepard and Withington (Eds) 2000). Many were those who died of multiple causes, mostly linked to starvation, after they had reached London in the late 16th century, and this was rising into the 17th century (Porter, 1994). Therefore it seems that we must refine Ruggiero's (2001, 55) comments about escaping from the land, originally it was flight to another bit of land, but this time as to the liberty of vagabondage (Hill, 1996); "Thus were the agricultural people, first forcibly expropriated from the soil, driven from their homes, turned into vagabonds, and then whipped, branded, tortured by laws grotesquely terrible, into the discipline necessary for the wage system" (Marx, 1976, 899). There were colonies of these outlaws, often living in forests. Estimates put the number at around "80,000 in the early seventeenth century" (Hill, 1996, 52). However, this is almost certainly an underestimate either at any one time, or through time. Simply because of the vast expanse of cover in the forests, and given that 72,000 of these kinds of people were hanged under the reign of Henry VIII alone (Linebaugh and Rediker, 2000).

The Victory of Capital and the Decline of Incomes in Kind

Vobruba identifies 3 long term stages in the development of work and income within capitalist societies. The shift to modernity maybe seen as the slow change from earnings in kind to earnings in money;

Until the beginning of modern industrial societies the majority of people got their means of living from agriculture, earnings in kind, and natural exchange... Income mixes between earnings in kind and work for money became first important in the developing cities in the course of the transition from traditional to modern industrial societies... As industrialisation got on and labour markets expanded... Work and family life disassociated, the sphere of private family life and the sphere of work for money became separated... Thus the part of money within the traditional income mixes became more and more important. This trend has been supported by the prohibition of the truck system. For the proletariat, money wages as the primary source of income with some yields from kitchen gardens became normality (Vobruba, 1988, 68, 69).

In the precapitalist moral economy there was a variety of income mixes within these two basic categories of earnings in kind and earnings in money. Whilst a lot of Vobruba's observations are accurate, namely the periodisation of the shift from incomes in kind to money, and the informalisation of the labour market leading to a range of income mixes and welfare payments. He also noted that the emergence; "Of a clear distinction between employment and non-employment was essential for the invention of unemployed statistics... in the course of the development towards income mixes this clear distinction fades away" (Vobruba, 1988, 75).

Vobruba uses the term "income mixes" to describe the methods of "combining incomes from different sources" (Vobruba, 1998, 67). Others use the phrase "income pooling, sharing housing, food, and other resources" (Oliveira and Roberts, 1997, in Gugler, 1997, in Davis, 2004, 25). For Vobruba this has an historical and relative dimension too; "All Western capitalist societies had experienced full employment only for a short time, and societies outside the Western centre never did. Thus, in a historical as well as in a broader geographical view, full employment is an exception" (1988, 68).

He shows that the debate normally focuses around commitments to full employment which comprises of depended work and standard working time (varying from society to society) and an income at least at a high enough level to avoid the threat of poverty. He notes that this political concentration ignores peoples actual strategies to cope with the lack of

standard work and money “in reality they are combining different kinds of income... they try to arrange income mixes for themselves” (Vobruba, 1988, 67). In social crime income mixes is a good shorthand descriptive term for the variety of ways people can combine their income, historical examples can be found in Rule, (1979, 143) and Hopkins (1986, 26, 93).

One of the traits of the picaresque personality is arrogance in the face of the enemy, noted by Hobsbawm (2001). This arrogance is a means of self and class valorisation, a means of achieving the criminal ends, and a defensive mechanism against any attempts at policing. This allows us to identify other traits of the picaresque personality, as this arrogance often is perceived as charisma that spreads enthusiasm for the struggles ahead.

It is in analysis of the current period where there are problems. Vobruba says that, “in Western societies access, to incomes in kind is impossible, and all over the world it is fading away. The main reason for that is the rapidly increasing urbanisation” (1988, 72). He maybe correct to observe that around the world the long term trend is away from incomes in kind, but he is too enthusiastic about his observation so that he generalises it too far into the present. Not counting many large city economies (e.g. Mexico, Gonzalez de la Rocha, 1994) that have huge informal economies and incomes in kind. Leaving aside the fact smuggled goods in and by themselves can be incomes in kind, this is also a partial and ungrounded analysis that does not explore the informal economies as they actually exist. Some alcohol and tobacco smuggling pays wages in alcohol and tobacco, and this happens in the drug trade too. This is leaving out that myriad of examples from other urban criminal economies and those from the grey market of sweatshops.

There are difficulties with relying solely on the proscriptive interventions of government. We have already noted that payment for wages could be in beer, cider and food, “payment in kind, an essential feature of pre-industrial agriculture, persisted throughout the nineteenth century... the truck acts did not apply to agriculture” (Morgan, 1982, 170). A law prevented truck by 1887, but even with this specific act “Ackland’s Agricultural Wages Bill of 1887 [when] payment in beer was forbidden...[it was] still practised” (Morgan, 1982, 180, emphasis added).

There is generally a decline of precapitalist customary modes of distribution, though memory is important and even where capitalist social relations and legal titles to property predominate, use value economies sustain themselves. But these necessarily take the form of theft, an economy of cheap stolen goods and stuff which 'fell off the back of a lorry' which certainly contain echoes of earlier conceptions of indeterminate property. Shift of protest to organised trade unions and political negotiation. This reinforces the distinction between criminality and class consciousness. The latter is manifested in trade union and parliamentary democracy while the former is no longer seen as protest. Nevertheless the decline of direct action can be exaggerated. There was a reaction against a stages theory of history which saw mass membership of the main labour institutions as the only recognisable form of political participation. Thompson criticised this economically determined viewpoint, and other schematic Marxisms, that ignored real history (Thompson, 1978, 1991). Jones lends evidence around the debate about the decline of protest crime and the rise of trade unionism and the labour movement (also Engels, 1845). Noting that Hobsbawm saw an "inverse relationship between the extent of such crimes and the growth of trade unionism" (Jones, 1982, 16) a range of arguments was then deployed as a balance;

In Sheffield and Manchester in the 1850s and 1860s unionism and illegal forms of intimidation went hand in hand. In the West Midlands, too, the nailers resisted the late arrival of mechanisation in their industry in typical Luddite fashion, whilst on the South Wales coalfield the Scotch Cattle tradition was still alive in the 1860s. In the strikes of 1843 and 1849-50 industrial-peasant women forced erring strike breakers to swear obedience on a frying pan, and explosives were used on the houses of the most stubborn workmen. Mobs and marching gangs, so conspicuous in the industrial districts in the late eighteenth century, post war depression and in 1842, were again prominent during the troubles of the 1860s in Lancashire, North Wales and elsewhere. Dave Douglass has also demonstrated that the miners of the north east were prepared to use violence and sabotage in disputes late in the century. Thus, although there does appear to have been a greater commitment to peaceful union and political pressure by industrial workers in the third quarter of the nineteenth century one must not exaggerate the decline of direct action (Jones, 1982, 16).

There were several reasons for the decline of the moral economy and traditional popular protest, "the moral economy was destroyed by the forces of law, a competing legitimacy, and armed might" (Hay & Rogers, 1997, 142). Machine smashing was popular and not only because of "Luddism, its best-known manifestation, was remarkable only in its synchronicity and breadth of organisation" (Hay & Rogers, 1997, 143). Additional penalties and the threat of the death that became law for smashing knitting frames in 1812, does

not mean that people did not want to smash the machines. Perhaps this led to more emphasis on covert methods that leave even less trace than the traditional methods of protest;

It was more often the case that large communities of colliers, or tin-miners, or weavers, or shoemakers, and their families, saw malicious damage and threatening letters as normal and necessary practices in serious industrial confrontations (Hay & Rogers, 1997, 143).

Tilly (1969) forwards the idea of a simple evolutionary model of protest “from ‘reactive’ to ‘modern’” (Archer, 1990, 24). Detailed examination of the British context would seem to refute this argument, as both forms of struggle were used when appropriate and even simultaneously. There were some overlaps between strike and riot actions during the shortages of 1795-6 and 1800-1;

Strikes were common... [and sometimes] they merged with attempts to reduce the price of provisions. Thus in 1795 when the Chatham shipwrights struck work on some naval vessels, they assembled that evening in the market to reduce the price of provisions. In the period 1811-13, food riots and frame breaking [Luddism] took place side by side. (Stevenson, 1974: 62) (Walton and Seddon, 1994, 26).

A priori arbitrary divides may mislead too, as; “Differentiation between overt collective and covert individual protest may well prove to be an artificial construct of historians seeking to impose some kind of evolutionary development on the methods and forms of agrarian unrest” (Archer, 1990, 24). An example that may illustrate is the ‘individual’ act of fire starting (Archer, 1990, 24). This has similarities to the observation that Thompson made about the class war being fought by the mob before and after hangings at Tyburn. Archer (1990, 22-24) notes the significant Wells – Charlesworth debate about the relative significance of different forms of protest during the 18th and 19th centuries, and the nature of the English rural proletariat’s relationship with it. With Wells (1979) arguing that agricultural workers covert protest was the key feature of the period 1790-1815, and Charlesworth arguing that “The principal form of protest was... overt, direct collective action” (1980, 109). Thompson later chided “Economic and social historians” (1991, 262) for engaging in rivalry akin to some of the most sectarian party political debates even though they had no such imperatives.

Rather than seeing the complimentary nature of analysis e.g. in the above case, it would be rare if not impossible to find such neatly packaged theoretical constructs of social

protest in case studies. Simply because protesters do not think like that, all that matters for them is success, and perhaps case studies are the best approach for discussing social protest, for comparison and covering all aspects rather than stressing one;

It would be misleading to believe, as he [Charlesworth] implies, that covert crimes, like arson, were substituted in any straightforward manner for collective protest after the defeat of Swing... some Swing counties never became incendiary prone whereas non - Swing counties like Cambridgeshire, Devon, Gloucestershire, Lincolnshire, Somerset, and Yorkshire did (Archer, 1990, 24).

This argument has parallels with E.P. Thompson's criticisms of the Hammonds for seeking to impose the ideology of Fabianism onto historical events, which does no service to historical understanding of real social forces at work. D. Thompson (1969, also Lane, 1974) makes the point that a series of acts instigated by the Prime Minister William Pitt made it impossible for people to form Trade Unions or to protest in peaceful ways. Therefore protest must inevitably have shown itself through covert methods, including violence and destruction. Localised levels of sheep theft varied depending upon the abilities and confidence of the people concerned, in some areas it was very high suggesting more organised theft for metropolitan markets (Horn, 1976, 225).

There is a misunderstanding of the nature of collective action that needs clarifying. For how did the community, as if by magic, know how to shut up to defend its own (Thompson, 1977)? Once a solitary act is committed, after taking game had been criminalised for the poor, then community support had to be fought for. Certainly there is an element of impressment in support of direct collective actions that has been noted (Jones 1989b, Hobsbawm and Rude, 1969). In the face of widespread hunger with a biblical justification for taking animals in Genesis, then community support would not have been too difficult to achieve in the routine way of life of these communities. Therefore the poachers who were totally part of the community life already knew the collective nature of the act. This is not arguing that all poachers were doing it for the collective good; they were doing it in teams for the good of their immediate and distant families, and possibly friends who were entertained on the proceeds.

There would have been poachers and perhaps outside gangs who were perhaps totally selfish. Who knew that they may have been afforded some measure of community protection, but this is marginal to the place of poaching and political significance to the way of life and beliefs of the localised masses. Support for the anti social elements being

built on the back of a strong community, which could afford some surplus energy politically for these marginals, to help support itself indirectly perhaps? This involves a certain political education along the way; learning is possible implicitly from example, and in the process perhaps drawing the marginals closer to mainstream community opinion as well. Neeson makes a point that is related to this line of reasoning; "The organisation of work in the open field system encouraged co-operation; and defence of common rights required the protection of lesser rights as well as greater" (Neeson, 1985, in Tiller 1995, in Ashton, Fyson and Mansell, (Eds) 1995).

The evidence shows that bread riots were far more numerous because they were effective and got the poor some immediate or near immediate relief as they petitioned magistrates who ordered lower prices and/or more grain into the market. The development of successful protest has been noted elsewhere, "success bred success and private initiative, and soon Rebecca was declaring her intention 'to set the world to right'" (Jones, 1989b, 210). The protests against enclosure were sometimes numerous and spectacular, and late into the 19th century. Never reaching the importance of bread riots because the people were always going to be repressed by the magistrates. Though there were cases of 'postponing the inevitable' for many years; "on occasion for decades" (Thompson, 1991, 121). Subsequent changes to some enclosures in favour of common people occurred in others. Machine smashing seems to lack the acknowledgement that it deserves in slowing the implementation of new technology. Samual (1975) remarks that Luddite machine smashing of agricultural machinery took place years after Swing, and 30 years after Swing machines in some areas were still not in use.

Out of this situation of rampant economic liberalism and Labour movement politics emerges the welfare state as a new sort of social contract. An explicit negotiated agreement about the 'social wage' which modifies pure market relations and, by involving notions such as 'citizenship rights' to health, education, minimal living standards financed via progressive taxation. Constituted an admission that social cohesion cannot be entirely sustained by capitalism but must reflect older notions of the moral economy to some extent.

The Normalisation of Crime

Currently in the industrialised parts of the world criminality in general is increasingly becoming a normal feature of the system. Lea (2002) distinguishes between statistical and structural normalisation of crime in late modern capitalism. Statistical refers to crime as an expected everyday event while structural normalisation refers to the way crime is becoming 'part of the way the system works' rather than its breakdown or disruption. Thus corporate crime may be now quite normal for business. In the same way, the resurgence of social crime implies that certain types of criminality are becoming a normal strategy of working class survival, rather than the activities of a 'criminal subculture'.

With estimates of 5 million or more involved with tobacco smuggling this testifies to the popularity of social crime, and this also amounts to a new distributive justice from below through an informal economy of cheap goods. There is a generalised resentment on the part of the poor, and others to paying taxes, just like the attitude from traditional social crime (Winslow, 1975). This is part of the decline of the old social contract where government ideology was more about doing what the people wanted, rather than doing things to or on behalf of people whether they wanted it or not. A key part of this is the atrophying welfare state where taxes in return for welfare benefits made sense when taxation was progressive, rather than increasingly flat rate at present (VAT). This argument has parallels with other analysis of life in a city of the third world. It is because of the failure of government and business to provide, many of Karachi's people rely "on informal settlements for housing, informal infrastructure for water and sanitation, informal services for health care and education, and informal enterprises for employment" (Hasan, 2002, 69).

Social Crime Today

However, in the advanced capitalist countries social crime is restricted to particular areas. This is due to the division of labour of advanced capitalism itself. Only certain groups of workers can take goods that are for, or of, immediate consumption value. Other goods are too specialised. Thus retail shop workers are in a good position and take more perks than shoplifters. Older industries such as the docks alongside newer warehousing and distribution networks are places where consumer goods are available for appropriation. Though large areas of labour for capital do not permit taking much or anything useful e.g.

Call centre workers. Hence the diffused markets for shoplifted goods and their distribution becomes more important.

In some changes in the Fordist factory the Taylorist application of the principles of time and motion meant a specialisation of the worker simultaneously with a de-skilling. The goods then immediately at hand could then only be sold to a specialised distributor or retailer, and not the general community that was the market for social crime activities previously. Hence traditional social crime survived in older working class communities e.g. Docks, not just because of weight of social crime traditions, but because these workers could get their hands on useful goods.

Poverty too was a motivator of tremendous importance between 1890 and 1940 (Humphries, 1981). The mining communities' children were brought up on the tolerated and encouraged crime of coal picking, following in their fathers footsteps because they did not have any shoes (Humphries, 1981, 27). In effect, where previous working class social crime energy was centred shifted from scavenging crimes of use value, to crimes of the market via shoplifting and workplace theft that involved use value, exchange value, and the other different forms of trading such as bartering. South and Scraton note that "though the wage form is now dominant, economic crime at work persists and its historical continuity remains apparently unbroken" (1981, 35). With respect to discussion of the diffused market, the extent to which it is Fordist is applicable. There are a range of skills and ability necessary for effective free trading, and certainly the mass nature of it is not in doubt.

The generation of attitudes throughout people's lives, that means scavenging social crimes, of and for use, is as follows. Youth commit the social crimes by using their awareness and skill by collecting resources, including natural ones, Humphries documents many of these, social crime being a "rational and discriminating activity rooted in a context of class inequality and the day to day demands of the family economy" (1981, 25). This awareness is easily translated into working class concepts and traditions of righteous appropriation in a; "Rich seam of deeply embedded class resistance... social crime was...most intense in neighbourhoods or families which experienced the most severe economic hardship and often increased dramatically during strikes in which the local community was involved" (Humphries, 1981, 26,27).

Common notions of what is allowable for youth are translatable into a working environment that gives different opportunities for social crime, in short the skills and attitudes are transferable; "The experience of class relations of subordination and inequality also generated a powerful tradition of social crime in the work situation, which was rooted in the class feeling that it was the inalienable right of the worker to appropriate a small proportion of the goods he or she produced" (Humphries, 1981, 31).

If poverty is the motivator of social crime, then it fashions the atmosphere surrounding community toleration of individual incidents of social crime, and the manifestations of larger marketing practices. As it is the indeterminate nature of property that leads to competition over its ownership, and; "no property crime should be divorced from its political economic context" (South and Scraton, 1981) because property is ever present within capitalism then so is social crime too, as it is based upon working class appropriation of property for its own use. What is interesting is the different ways total income can be accumulated. This argument also found some serious backing from the famous ideal type theoretical free marketer "Adam Smith [who] described a smuggler as a person who would have been 'in every respect an excellent citizen had not the laws of his country made that a crime which nature never meant to be so'" (Rule, 1979, 143, also Ferguson, 2001).

Bushaway (1982b) notes that some customs were never defeated and carry on until today, and Storch (1976) notes that suppression of popular customs and recreations merely drove them indoors and into informal networks. It is true that "anti-enclosure riots were a much more widespread form of protest in the sixteenth and early seventeenth centuries than grain riots" (Manning, 1988, 23). Though this was because when enclosures took place over arable land, new enclosures were perceived as being to blame for causing dearth (Manning, 1988), dearth being shortages caused by the weather. The threat of dearth being a contributory cause of some food riots later (Thompson, 1991).

Perhaps this misrepresents protesters against enclosure? Bread riots provoked by hunger could occur generation after generation, whilst enclosure disputes were generally the struggles of one generation locally, so the opportunity for the greater significance of bread rioting becomes apparent. Though Manning (1988, 52) notes that anti enclosure riots were most often used against those who introduced technological innovations. Communities often came together ritually at least once a year to ensure access to

common rights, and informally as common practice, in peoples experience therefore it maybe was not possible to see analytical differences indicated.

Secondly, that there is widespread particular communal support (Sharpe, 1984, 175, 199) for the activity in question. Including the people who are doing it, based upon commonly held views about oppressive laws, and that there is a measure of popular justice contained within the act (Winslow, 1975, in Hay et al, 1975, 159). The 'criminalisation of custom' is the first stage of my threefold model of social crime. The second, the Fordist era with the welfare state being the customary expectation during the social pact, with crime increasingly becoming less central to lives of the masses. Today (the third stage), social crime activities increasingly are a defining aspect in social life and becoming custom again. This is where today's mass culture is de facto criminalised.

There is another feature of social crime (Sharpe, 1984, 199, Freeman, 1996) and that is the different definitions between the interpretations of an activity by those participating in it and their community, against those of the law and its enforcers. This necessarily makes for dialectical interplay and the cultures of either side have to be dynamic to keep up with one another.

Social crime must be popular, so that it is carried out and supported with enthusiasm by participants and 'lay preachers' whose only contact with social crime may be as purchasers. This means that like minds and 'knights of the road' can spot each other and each others business on the road in different locations. This is a camaraderie of spirit that therefore exists beyond the particular and into the general, "poaching is what is known as a Popular Offence" ("The Police Encyclopaedia", 1920, in Hopkins, 1986). Perhaps involving a deeply held sense of justice and;

Popular rights: of the right to a basic subsistence; of the right to have their interests considered and taken account of by the established authorities; of the right to resist the 'arbitrary will' of employers... this consciousness of possessing certain rights, along with a determination to resist any fundamental attacks on these rights (Malcolmson, 1981, 126-7).

These are central to manifestations of social crime. This overlaps slightly with the earlier category of communal support, and a measure of popular justice contained within the act itself regardless of its' cultural manifestation, and this maybe a feature that enables its generalisability. Rule notes that social crime is a descriptive category that if defined with

care is essential in order to make sense “of a range of popular attitudes and actions in the period under question” (1979, 136).

A further tentative characteristic of social crime is that it is demanded. A dialectical analysis that failed to look at the demand side of the supply equation would be dialectical in name only. There are two sides to this demand side, and the first is that social crime itself is demanded by the people, both as participants and supporters. As Hobsbawm notes (2001), the Robin Hood tale has been popular for over 600 years because the poor need hope of secular salvation. Further, there is no reason merely to situate hope and longing for secular salvation as only and merely a primitive want. There is reason to believe that these desires have not died out, although they will have changed their form. Social crime is not a thing, or an object that exists in one place and time, it is a process that occurs and can be shown to occur, it is always 'becoming'.

Secondly, there is a demand for cheap goods in poor communities because they cannot afford more expensive ones. An example of this would be the crackdown on tobacco suppliers initiated by the New Labour government in 1999 as the smuggling chapter will detail. Tobacco supplies dried up so much that informants could talk of a drought occurring in Sunderland. People were desperate for their cheap tobacco, and when an informant got some tobacco the word spread on the 'Bush Telegraph' (O'Malley, 1979, 1981) and the informant was inundated with requests for tobacco to the extent that he was pestered when his supplies had dried up.

Another example would be that buyers of the tobacco are well informed about the nature of the product (e.g. Golden Virginia Rolling Tobacco can be bought in 40 gram pouches in France, and 50 gram pouches on Ferries and in Belgium). So buyers will negotiate over the price of the tobacco and demand to pay less for the smaller pouch. Even though a pouch is sufficient for a heavy smoker for a week in either size mentioned. Typically the 40g pouch retails on the street for £3, and the 50g for £3.50 before the increases in price in January 2003. This is a feature of the demand for tobacco in Sunderland where the drought no longer exists.

The start of a period of political and media attention on the alcohol and tobacco smuggling issue in comparison with shoplifting is interesting in itself. Vast amounts of money have been spent tackling smuggling and employing 1,000 extra customs officers recently,

however why has this been done? In terms of financial costs the effects of shoplifting and alcohol and tobacco smuggling are fairly similar. Yet one is the subject of MI5 inquiry and the other is not. This has the effect of virtually criminalizing people who previously would see themselves as law abiding individuals, and making the political dimensions of the whole process more apparent (Hall et al, 1978, Stanley, 1995). Therefore increased policing control may have the opposite effect of that intended by resolving those already in the smuggling periphery and drawing those into the smuggling fraternity people who wouldn't normally have considered it. The policing arrangements merely mediate the political struggle being carried out by powerful tobacco corporations and other political actors and other institutions.

With respect to the amount of justice within law, Cobbett (Hopkins, 1986) wrote about poaching in such a way that has striking similarities with this analysis. Punishment does not make people better; it is just a permanent disciplinary reminder of what is likely to happen given a breach of a regulation that has come to authorities' attention (not forgetting that authorities sometimes invent such breaches for their own purposes, sometimes disciplinary). A lesson of punishment in oppressive situations serves to instil more determination, preparation, and skills, into the oppressed in order that they evade punishments in the future and/or punish the oppressors (Jones, 1989b). Thompson (1991) says that the moral economy was based upon a social pact, and when authority and business was not following the rules then this breach of the social contract led to rebellion (Cobbett in Hopkins, 1986, 151).

Overall the activities of the state maybe explained better with the aid of the "power-threat hypothesis" (Hudson, 2000, 182). This was first developed by Steven Box (1983, 1987) who saw that state force will not be directed only at criminals, but at oppressed groups that are thought (however truthfully) to be a threat to the status quo's political institutions and arrangements of power and wealth. Under such regimes, an 'ordinary crime' (e.g. murder of Susan Dando) can particularly touch the public, and be adopted by the media to such an extent that resolving it becomes a litmus test of the capability of the state to care for its subjects.

Taking the left realist square of crime we realise that there is not just policing (policing being a generic term for crime prevention) here, and crime there; "only a relation between the two – crime and control" (Hall et al, 1978, 185). This is lived, negotiated and mediated

through the institutions of capitalist society and the fluctuating economic fortunes and those that live in it but are not of it (e.g. gypsies, travellers, squatters); "Men and women face the meaningless of life and, through this confrontation, both construct social reality and are constructed by it" (Kotarba & Fontana, 1984, 9). This dialectical interplay has been noted by Rule (1979).

There is an urgent need to differentiate, however tentatively, between acts as in Merton's analysis (which states the tension felt in capitalist society creates actors who want to achieve bourgeois goals, but are denied this by the very structure of bourgeois society. They then choose deviant means to get to their financial end) and those who commit crime that personifies elements of protest and/or opposition to capitalist society;

So simple a category as 'theft' may turn out to be... evidence of protracted attempts by villagers to defend ancient common right usages, or by labourers to defend customary perquisites. And following each of these clues to the point where they intersect, it becomes possible to reconstruct a customary popular culture, nurtured by experiences quite distinct from those of polite culture... expressed by symbolism and in ritual, and as a very great distance from the culture of England's rulers... one cannot understand this culture, in its experiential ground, in its resistance to religious homily, in its picaresque flouting of the provident bourgeois virtues, in its ready recourse to disorder, and in its ironic attitudes towards law, unless one employs the concept of the dialectical antagonisms, adjustments, and (sometimes) reconciliations, of class...The plebian culture cannot be analysed independently of this equilibrium; its definitions are, in some part, antitheses to the definitions of the polite culture (Thompson, 1991, 72, 83).

Critique?

If social crime is under theorised then a critique of it does not exist. There are some who dispute the applicability of the social crime thesis to certain crimes dealt with elsewhere. In America, Himmelfarb generally attacked the new Marxist historiography and Thompson in particular, not by attacking the studies as history but for the Cold War and the "shadowy image of 'Stalinism' standing behind their careers" (Kaye, 1992, 102). This is a partisan polemical and rhetorical approach typical of right wing propagandists, who chose not to see that the new Marxism was a reaction to and against the excesses of Stalin. While this does not attack social crime in particular, social crime cannot be divorced from wider and prolific other Marxist historiography. A point noted by Linebaugh (1994) who also had 'cold war Marxist' slurs aimed at "The London Hanged" (1991) by such notable and unbiased sources such as the Spectator magazine (Clark, 1991). This is not critique it is merely ideology, and was manifestly so, and anybody with a critical imagination could realise that

by reading Sir Ian Gilmour's review as well (1991). Unfounded arguments like these were also criticized by Thompson himself in the postscript in the second edition of "Whigs and Hunters" (1977). Reactionaries like Cannon do not seek to interpret the history differently, but to write it off as history at all (Thompson, 1977, 310).

There is a possible reading of social crime as a rational choice theory. Bohstedt (1983) has dealt with this criticism in a positive and accurate way;

The deeper methodological weaknesses in the rational response interpretation of riots are twofold. First, because the approach is selective and unsystematic, the interpretation of riots as 'rational responses' to real grievances cannot explain the incidence of riots, for it cannot be tested in negative as well as positive instances, that is, in instances in which real grievances did not produce riots. Second, the assumptions underlying the 'rational response' theory do not explain why crowds acted as crowds, for they seem to assume that the grievance created the riotous crowd (1983, 11).

With regards to social crime, the rational response approach also doesn't explain why some people do it and some don't, why some are sellers and some are buyers. The rational response interpretation is not sufficient in itself because it means that social criminals' rationality was an innate and automatic knee jerk felt amongst the masses, rather than as a result of historical experience and possibilities in the mass as a whole and as individuals within the mass. Whilst Lea has noted that the increasing normalisation of crime means that rational response theory "approaches a step closer to reality" (2002, 139) this doesn't discount the above. Shared legitimating notions of right and the "legitimizing traditions of the moral economy" (Walton and Seddon, 1994, 24) are powerful shapers of peoples lives;

What must be characterised is the community base that made coherent action possible, a sense of membership that stands in a prior relationship to the motives of individuals... For such coherence to be possible when no agency or organisation is directing events, it is necessary that the participants have shared expectations of each other (Reddy, 1977, in Bohstedt, 1983, 21).

Briggs (1999) in "Social History in England", considered to be an exemplar of social history, is confident in proclaiming that by 1838 rioting against Turnpikes had died out (1999, 233). Not considering that this was when Rebecca, the most important of the Turnpike destroyers, was just starting her campaign against them (Jones, 1989b). Whilst Wales is not England, the government of the British Empire and the Queen based in England were ruling the area, very concerned and active, and so perhaps his claims are

misleading if not inaccurate. He does not provide a convincing argument for his view that no other resistance to Turnpikes in England took place, or that there could be problems in the recovery of this history.

Certainly there is much other resistance in England that Briggs does not mention, such as that against the new police (Storch, 1976). Briggs presents a very superficial treatment of enclosure too, while not mentioning social crime, smuggling and food riots at all, despite their general economic importance (Jones, 2001), and proliferation. Overall Briggs has no appreciation of the central social relationship during the long process of industrialisation, and that is the change from being a peasantry to a proletariat. Given that his book title is a 'social history' he should have been aware that machines and factories cannot feel, and therefore Briggs concentration on the importance of steam power and "the spectacular transformation of the coal, iron and textile industries" (Briggs, 1999, 206) is misplaced. Perhaps he wrote an industrial geography history rather than social history?

Langbein is the prominent opponent of the social crime thesis, and in a reply to Hay (1975) that Langbein (1983) took to be the most important essay in "Albion's Fatal Tree". He tries to come to grips with a Marxist analysis of the demonstrative nature of law around the eighteenth century and the supplanting of capitalist social relations onto English Law in a very partisan manner. E.g. He suggests that because all classes took cases to court that the law was acceptable to all and so there was (and is) no such thing as social crime. This is one sided ideologically motivated wishful thinking not borne out by the reality of the evidence, and the real relationship was described more accurately by Rubin and Sugarman;

Use of the law, however, does not of itself denote a general belief in the legitimacy of law or even of a particular law or institution. For instance, at the very same time as workers were bringing a significant proportion of prosecutions for theft, the new model police were encountering bitter (and sometimes violent) popular resistance; and poaching and other 'new' crimes continued to enjoy popular legitimacy. This suggests a variegated, selective, pragmatic approach to the use and popular legitimacy of the criminal law by the working-classes (Rubin & Sugarman, 1984, 66, also Archer, 1990).

In the usual manner of establishment criminologists (Hillyard et al, 2004), Langbein's judgmental attitude is never far from the surface of his arguments. Arguing with 'holier than thou' moralism and ignoring everyday crimes and corruption of and by the powerful, never reciprocally applying his arguments; "To turn these little crooks into class warriors

one must wear rose-coloured glasses of the deepest hue” (1983, 100, 101, emphasis added). One must wear even deeper glasses than Langbein. Part of Langbein’s entire ‘refutation’ of the argument that the ruling class were beneficiaries of new capitalist laws and were present at their birth, was based upon his analysis of four Old Bailey sessions during 1754-56. He acknowledges some of the limitations himself (1983, 98) though he does not deal with other evidence that might have shown a more ‘hands on’ approach of the ruling classes, e.g.;

A commission of oyer et terminer was a special commission sent out by the central government to examine and judge (oyer et terminer) specified offences. It was frequently used to try participants in large-scale riots, and was usually welcomed by the county JPs, whose track record in dealing with serious disturbances was not a very good one... [these may] be invaluable in casting light on popular disturbances in our period (Sharpe, 1999, 192,193).

Langbein, by trying to critique Hay, persists in trying to disprove that there are competing and different explanations of the same events, e.g. capitalist and Marxist, and this flaw led to superficial analysis in order to try to discredit Hay. Reading of Langbein would suggest that he is a romantic who sees what he wants to see, as exemplified by his equation of garbage collection systems with that of the criminal justice system “from the standpoint of the rulers” (1983, 119).

Langbein's (1991) later critique of Linebaugh’s exemplar of social crime research, “The London Hanged”, (1991) is similarly flawed. Langbein misreads the thrust of Linebaugh’s book, clearly stated in the preface, and instead posits his own preference. So instead of work discipline and the struggle over it in the change to capitalist social relations, we are encouraged to see “the real story of the history of criminal justice across the eighteenth century is not of increasing class warfare but of declining capital punishment” (1991, 27, column 4). That the book was centred on the everyday experience of the labouring poor and not the criminal justice system seems to have evaded Langbein and his publishers. The increasing rate of capital punishment in Langbein’s America recently seems to have escaped his attention too.

Like his earlier observation about needing tinted glasses to turn criminals into class warriors, Langbein continues his stale theme “To see this nasty thug [Jack Sheppard] as engaged in class struggle takes a lot of imagining” (1991, 27, column 3). Langbein’s romanticism is easy to identify when he states categorically that Sheppard’s victims “were

kindly people of his own station" (1991, 27, column 3). How he knows they were 'kindly people' defies credibility, and Langbein provides no evidence to back up this idealistic claim. Certainly Sheppard targetted those with at least a level of wealth, for in those days the poor had nothing, and often less than nothing as exemplified by those starved and the starvation diet of others in 19th century Wales (Jones, 1989b). Typically disregarding other social crime and bandit theory Langbein implicitly argues that Sheppard's was not a story of freedom. Just as he would probably argue that Robin Hoods was a 'story of a nasty thug and his gang brutalising the honest people of Nottingham, didn't you know they were outlaws?' This is not overly harsh on Langbein, as Linebaugh notes Langbein's "misrepresentations [that] are both lazy and malicious" (1994, 5 – web version, emphasis added).

Langbein insists "most of the criminality of eighteenth century London was not even remotely connected to workplace custom" (1991, 27, column 4), but offers no reasoning behind this assertion. Thomas (1992) questioned Linebaugh's work originally on the basis of one quoted example, which Linebaugh subsequently corrected (1994). He then cited 12 more cases (1993) out of the 1242 men and women who went to the gallows that formed the evidence for "The London Hanged". Linebaugh subsequently noted (1994) that minor errors are natural in such a large project, due to different emphasis and interpretation, and re-examined Thomas's allegations in detail for each case. Noting that there were minor mistakes with 2 cases that do not distract from the books overall theme, and the other "10 instances which Sir Keith regards as misrenderings and I do not. The difference arises because he does not understand the methodology and purpose of the London Hanged" (1994, 7,8, web version). There is delightful romanticism and irony in 2 ennobled gentlemen (Sir Ian Gilmour and Sir Keith Thomas) criticising Marxism.

Social Criminals and protest within the working classes

It is possible to see who becomes a social criminal from Thompson's look at the Waltham Blacks. The Blacks did not stand apart from the general agrarian population, but were drawn from all sections of it, and hence were representative of the feelings of the masses who sustained the mobilisation (Thompson, 1975). If common sense terms about politics and crime, and then social crime, are used, although realising the dangers of such ventures. It is an easy observation to make that struggle has been criminalised for long periods. Indeed much political effort has been placed against criminalisation and for rights

(e.g. for the vote, against racism, for the right to work etc.) It is then simple to see much political in social crime, one case of this from the earlier era is; “there is evidence that political motives were behind the activities of deer stealing gangs in the forest: in this case Stuart sympathisers protesting at the Hanovarian succession” (Freeman, 1996, 7).

This could be a further characteristic of social crime, that social criminals are promoters, participants, and/or sympathisers of rebellious political causes in opposition to the establishment. If much of the informal economy in Ireland has political and religious affiliations, and that many smugglers from the classic period of social crime were said to have Jacobite sympathies or be Jacobite themselves then this is obvious (Cruickshanks and Erskine-Hill, 1985, Winslow, 1975). In cases where established political legitimacy and governance has broken down and revolutionary crises is occurring. Then crime (according to the law of the incumbent government) that occurs to promote the peoples' will, and the associated attempts at popular justice, can also be seen as social crime. The Portuguese crisis prompted by army officers was the first fascist state to dissolve from within, and the examples of popular justice there involved a reclassification of what crime was (Mailor 1977, Souza Santos, 1979). This is not an isolated occurrence by any means.

There has been analysis of Thompson's characteristics of popular action and an application of it to today's globalised social movement (Bark, 2002c). There is a possible debate concerning whether political involvement in crime is a vanguardist or liberatory tactic (note the above examples). Some of the Black Panthers' supporters, members, and local and national leaders, came from the rougher and criminal sections of the black working class (Davis, 1991, Kelley, 1994). They voiced the social and economic causes of their oppression and put forward a programme to remedy the situation (Davis, 1991).

Jock Young writes; “the poor... do not carry home a booty of baked beans but of camcorders” (1998b). Whilst this was written about a riot situation (personal communication) Young is only partially right. In the first moment of opportunity in a small riot, then yes, people will mostly select the higher value electrical equipment above groceries. However, in serious riots like the 1977 New York blackout when the electricity failed for New York city, or the Los Angeles riot in 1992, then supermarkets are looted with trolley loads of goods being taken down the street.

Robbin' Each Other or Robin Hood?

In this chapter the struggle of the 'ungovernable people' (Brewer and Styles, 1980) unfolded. Their ungovernability was due to the dominant economic forces within society that made their poverty inevitable and unpalatable. In the process of working in their own interests they naturally went against those of their economic and political rulers, in protest and resistance that gained widespread acceptance and support. It was because they had nothing and nothing to lose that so many engaged in social crime activities, so it would have been pointless to turn their focus on those dispossessed like themselves. The genesis of social crime has been discussed; economic and social causation, factors that sustain it, as well as its evolution into the current period.

Rediker (2001) notes how pirates intervened in the social relations of capitalism to change the existing brutalities of the time. If forced to or if they "chose to do so with brutalities of their own shows that they could not escape the system of which they were a part" (Rediker, 2001, 148). It is not possible to expect free traders of any type operating in any area of informal activity to be, in and by themselves, the vanguard of the communist future. Though a widespread and popular social movement may have the capability to involve people like this in it, and potentially a libertarian solidarity and revolutionary ethic could begin to emerge e.g. Rebecca (Jones, 1989b, 210, 212, 257). The classic era of social crime (1710-1850) had a large amount of pre-capitalist expectations and customs surviving and engaging with emerging capitalism. This coincidentally gradually whittled away at the opportunity and motivation for certain types of social crime, right up to the full employment period. Social crime did not die out in this period; it merely changed in magnitude and frequency.

Social crime, can only largely be co-ordinated and organised in the informal economy. The informal economy is the new terrain of 'indeterminate property'. But indeterminate in new senses:

- In terms of price: smuggled goods can be bought legally in one country and the price is illegal in another because of differential tax laws.
- In the sense of being not individual property but the property of large companies prior to becoming personal property. 'Not yet bought'. Looting and shoplifting thus are analogous to wrecking.

Looting is a modern food riot characteristic (Walton and Seddon, 1994) and perhaps this is not unlike wrecking (Rule, 1975, in Hay et al, 1975) where 'natural bounty' is delivered into the people's hands; "In 1839, that whereas on other parts of the coast persons assembled in hundreds to plunder wrecks, in Cornwall they did so in thousands" (Rule, 1975, 181). The workers in this case were tin miners who had a well-deserved reputation for collective action of all sorts. Into the late modern era this could include where shops are destroyed by some rioters who are then chased away by police, but the next wave of rioters take some goods, or where rioters smash and grab for themselves.

With regard to shoplifting if this analogy is used, all sorts of goods are shoplifted, although the higher value electrical items are increasingly hard to take. Though skilled shoplifters and shoplifting sweethearting (discussed in shoplifting chapter) teams, take as much as they can get away with - and that includes baked beans themselves! If things bought with the proceeds of shoplifting counts then this also includes baked beans as well, although we must be aware that baked beans are a metaphor for a lot of other low value groceries.

Shoplifting (stock shrinkage) is a fact of life for all businesses, and it is not the rich elite who make a quick trip to their local "Poundstretcher" or "KwikSave" who are doing the stealing/redistribution. Incomes in kind were larger in the pre-history of capitalism, they did diminish in relative importance with the onset of the wage and industrial capitalism, and have been growing again in Western countries. Shoplifting, and alcohol and tobacco smuggling, are some of the supply routes to the informal economy. The overt activities of social crime maybe in this area, but the actual smugglers and shoplifters are the tip of the iceberg. Lower down are a vast army of retailers, off-licence owners, etc. who give support and act as resellers.

If research is focused on eg smugglers in prison, or smuggling culture on the streets of Dover, Calais and elsewhere a fundamental error maybe committed, in that there would be a separation of the perceived vanguard from a wider, more fluid and sophisticated understanding of the different groups that form the class history as a whole. For it is not only the smugglers who matter, it is the lorry drivers, white van men, off license retailers, market traders, car boot sellers, migrants, travelling salesmen, and most numerous of all the buyers of cheap cigarettes and alcohol;

The criminal 'fraternities' of East London were clearly parts of the wider class ecologies, class cultures and class formations of the London of the period. To reserve them for a special category would be simply to lose any grip on a central aspect of the history of the urban working class and the urban poor of the period. In the historical sense, 'crime' was a well articulated part of the working class cultural repertoire of the period: how some members of the labouring and casual poor 'lived' the contradictory experience and exploitative relationships which characterise class relations as a whole... For the children of those families... it must have been a very thin, often imperceptible, margin indeed between getting what they had to, legally, and scrounging where and however they could; and the margin, for all practical purposes, was not between 'legality' and 'illegality' so much as between survival and sheer destitution (Hall et al, 1978, 188, also Mayhew, 1981, in Fitzgerald et al, 1981).

Not to mention other informal outlets and new marketing possibilities. Informally at work and in the community, through mediums such as the newspaper 'Loot' and car boot sales, everybody is encouraged to be a dealer and buyer. Just as in the eighteenth century there was mass involvement as customers (Rule, 1979, 136,149). The distinctions drawn out are leading to viewing social crime as an overarching classification spanning issues such as the type and methods of work involved, and its organisation. The next category that is coming to the fore is that of the semi professional, whether of shoplifting or of smuggling, or presumably any other type of social crime. This is because income is collected in a variety of ways particular to the individuals' environment, and when they are committing formally criminal acts they do it with skill.

In modern social crime the phenomena of banditry and class struggle are weaker except in episodic cases of urban riots and looting. The modern issue of looting in riots is not about availability but price; steal expensive goods so they can be sold for more necessities. In terms of organisational structure social crime today conforms to the model of a surrogate capitalism of lower prices rather than incipiently socialist or capitalist forms of moral economy. But, on the other hand, shoplifting can be seen as 'slow rioting', and there may be an element of resistance due to the decline of previously generalised non-capitalist forms of distribution entailed in welfare citizenship. The forthcoming chapters will clarify and describe these processes in action. Next it is necessary to investigate smuggling and shoplifting in order to understand the new realm of informal economic activity possible in the 21st century.

Chapter Three

Bootlegging in the 21st Century

The preceding chapter looked at the range of activities that come under the banner of social crime, their activity within the informal economy, and their characteristics. The range of different people and types involved was identified, and in particular the picaresque actor who almost recklessly challenges the authorities in the process of committing social crime. Social crime was examined theoretically in order to elucidate characteristics that can be used for analysis. The historical structure of smuggling and its relationship with social crime will be probed in order to look at the similarities and differences when compared with late modern smuggling. The range and scope of smuggling, smugglers, and “white-collar organised crime” (Beare, 2001, 12) will be identified provisionally. Speaking of the inevitability of smuggling and to justify his company's decisions, the deputy chairman of British American Tobacco said it was essential for their company's goods to be, “available alongside those of our competition in the smuggled as well as the legitimate market” (Kenneth Clarke, former Chancellor, in Beare, 2001, 12).

Classical smuggling as social crime compared to the recent history of smuggling can be gleaned on the basis of historical study of social crime in previous chapters;

- Social crime as political rebellion: It is a contested process of negotiating legality that is the issue (e.g. pilferage, access to common land, to wrecks, and a refusal to pay excise and taxes). There is a minor element of this in present alcohol and tobacco smuggling. My interviews have shown that people rated the illegitimacy of British taxes among their reasons for tolerating smuggling.
- Social crime as tolerated by the community: Smuggling traditionally had this status irrespective of its function as resistance/rebellion. Alcohol and tobacco conforms to this for many of its practitioners, people buy for their friends etc. Smuggling can be a hobby or a top up for the wage. Smuggling is a wage supplement for the poor and unemployed the world over (e.g. Native Americans).
- Social crime as based on ambiguous legality: Classic social crime had ‘property as indeterminate ownership’ as an important characteristic in its processes e.g. woodland waste. This ambiguity now takes the form of differential taxation levels and competing legalities. The smuggler no longer simply counterposes a popular

legality to that of the state, as with the refusal to pay taxes, but also exploits the ambiguities of two rival but conflicting legalities in the form of differential taxation and excise rates between Britain and the continent. This is the first late modern aspect.

- *Social crime as an environment for professional crime*: In the eighteenth century professional poaching gangs who sold products to Innkeepers (see previously), benefited from a general atmosphere of social tolerance of poaching. Thus they had an interest in popular participation and support for the activity. So there was a degree of support for smugglers from the middle classes in the eighteenth century. Apart from collusion from the clergy, "Many of smuggling's well to do sympathisers were Justices of the Peace. They were the law, and there was little those who opposed smuggling... could do to get the law enforced" (White, 1997, 26). Smuggling illustrated the flexibility associated with the informal economy, Sharpe (1999) argued that smuggling should be seen as capitalist enterprise. However, there was a working class involved as Winslow (1975) points out. Similarly, the professional poaching gangs benefit from any ambience of social toleration, of the activity in general, as social crime, which creates an environment in which 'capitalist' enterprise can take off. Once capitalist society is fully developed then social crime inevitably takes the form of 'a capitalism of cheap stolen goods' rather than any defence of pre-capitalist property relations. In short, non-capitalist relations of production are not a necessary ingredient of social crime. This can be deduced from observation of smuggling today, with organised professionals supplying distinct markets over which they have control. What is different today is the role of 'positive legality' which carries this much further. The example of tobacco companies themselves actually engaging in smuggling of their own products as a form of market development. This is the second late modern aspect.

The development of tobacco smuggling can be inferred from the evidence regarding smugglers. During the 1984-85 Miners' Strike when there was still a Kent coalfield, an informant said smuggled tobacco was widely available on the picket lines. Subsequently Ruggiero (1996) cites a case of former Yorkshire miners sinking their redundancy payments into tobacco smuggling. Culturally this is of interest with regard to social crime, social criminals, and class composition.

The Extent and Causes of Smuggling

Tobacco and alcohol smugglers service the London Bazaar, and those of many other major British cities. This is using the concept of the bazaar defined in the shoplifting chapter and given a definite if malleable location. Basically the London bazaar is the place where legal and illegal activities intermingle, with the particular case of tobacco and alcohol smugglers supplying apparently legal businesses. There are few trades as widespread and as important financially to the workers of the bazaar as this, tobacco smuggling alone being second only to drug smuggling as a major criminal activity (Macaskill, 2000, 5). The growth of holiday's abroad and the day trip as leisure increased the knowledge of and opportunity for smuggling (Dover Express, 29.8.80. in Douch, 1985, 143). There was a certain level of knowledge of smuggling possibilities on a relatively small level, with Dave West admitting his role in 1980's tobacco smuggling;

The rapid growth of cross border transportation of alcohol and tobacco by increasing numbers of people for increasing numbers of people at home, means that the emergence of the mass smuggler can be dated on January 1st 1993. It is this date that the Single European Act of 1986 came into force, "What started out as a small-scale, old fashioned criminal activity is now a highly organised racket" (Hayes, 1998, 8). People arrive across the channel with huge quantities of tobacco and alcohol that they profess are for their own use (see Appendix E for an Attitude Test which describes some of the relevant issues). The spectacular rise in illegal consumption now means that 3 out of 4 hand rolled cigarettes originated across the channel, 1 in 7 packets of cigarettes, and 13% of beer brewed in France is for the British market (Atkinson, 1998). Unfortunately no figures for the considerable quantities of Dutch, Belgian, German, Spanish or Italian beers or lagers that are on sale all over Northern France, and none at all for wine or spirits are available. Though "duty-paid cigarette sales have fallen since 42% since 1980" (DTZ Piedad Consulting, 1999, 1), roughly 20% of this is thought to be non-UK duty paid. The more startling figures can be drawn from analysis of the hand rolling tobacco market, of which the duty paid segment has "fallen by 69% since 1980... Approximately 80% of UK consumption of HRT [hand rolling tobacco] is estimated to be non-UK duty-paid. [Whilst] HRT production has risen by 79% since 1994" (DTZ Piedad Consulting, 1999, 1). Though employment in the tobacco manufacturing industry has been stable for 5 years this cannot be said for the retail distribution sector that has shed jobs (Williams, D. 2002). There are record numbers of bankruptcies with shops "that depend on the cigarette trade... losing

£45,000 a year” (McGrory, 1999a). According to Paul Mason, of the Tobacco Alliance, the institution of independent retailers. The tobacco; “Industry has generated vast productivity gains over the past 20 years through investment in high speed machinery. The result is that current output is 3% higher than in 1980 while the level of employment is 75% lower” (DTZ Pineda Consulting, 1999, 1).

The cigarette factories are the fastest and most efficient in the world. The three tobacco companies of Britain BAT, Gallaher, and Imperial are in the top 5 of the world tobacco industry, BAT being second to Philip Morris as the world’s largest cigarette maker. In no other industry do British companies dominate to the level that these world leaders have (Bennett, 2002), the margins are better too (Bennett, 2002, 8). Considering the exorbitant price of cigarettes from machines in public houses (McGrory, 1999a), changing drinking habits, and smuggled alcohol combined, this has had a detrimental effect on public houses in the south-east at least;

Cigarette-vending machines are being removed across the country as companies admit that they are losing the war with the bootleggers. Michael White, of the National Association of Cigarette Machine Operators, said: “We are losing around 22% of our trade year on year (McGrory, 1999a).

The estimated loss of revenue from the Treasury in 1998 was £1,000 million for tobacco and £220 million for alcohol. Seely suggests that the cost to the Treasury in terms of revenue lost from *legal* cross border shopping was in the region of 285m from alcohol products and 85m from tobacco for 1998 (2002, 12). This is not an accurate figure for tobacco, there is every reason to believe that ordinary cross channel travellers (not smugglers) buy and consume huge quantities of tobacco for themselves. This is not factoring in losses in terms of jobs and money spent on other products whilst abroad. For 1998 the cost to the treasury in terms of revenue evaded by non-payment of the Excise duty and VAT; for alcohol smuggling was 305m and for tobacco smuggling 935m (Seely, 2002, 13); “In 1998, tobacco products accounted for 20% of all excise duty revenue, raising 8,320 million for the Exchequer” (DTZ Pineda Consulting, 1999, 2). Rowell & Bates (2000) estimate that between 25 to 33% of cigarettes used in the UK are smuggled.

200 duty free cigarettes used to be seen as an occasional ‘holiday bonus’, now the consumption and distribution of bootlegged goods provides both income and a supplement to wages or income support for many people. The Chairman of the Brewers and Licensed

Retailers Association, the Head of Campaigns at the Campaign for Real Ale, and the Chairman of the Parliamentary Committee of Licensed Victuallers Associations say;

Beer duty in the UK is 33p a pint compared to 5p in France. Over 1.5 million pints a day are brought into the UK and Customs and Excise estimate that three quarters of this is illegally resold without paying British duty. On the eve of the 21st century we have successfully revived the 18th century crime of smuggling on a large scale (Foster, Benner, & Sharp, 1999, 17).

Although "police believe 27,000 people in Britain are smuggling 'booze and fags' from the continent" (Schaefer, 2000), this is not a true estimation of the actual numbers involved. If this figure was an estimation of those who earn their *main income* from alcohol and tobacco smuggling then this could be a fair estimate. If the later estimate of the number of people involved in buying contraband tobacco of 5 million is realistic, and there are many reasons to believe it is (Tobacco Manufacturers Association, 2001) then there will be many more people involved than the police estimate.

A range of factors has led to the demand for cheap lager and tobacco, as in classic social crime. Cigarettes are particularly attractive to the smuggler because; "Of the difference between duty-free and duty-paid price "(Joosens and Raw, 1998, 67). There are those who earn smaller proportions of their income, right down to those who only sell on *one* packet of cigarettes for cost price or very marginal profit who are breaking the law. These are the *de facto* smugglers who may not even recognise they are breaking the law, and if caught would not be able to believe 'what they had done' or the scale of response by the crown forces. The rates of excise duty on alcohol and tobacco in Britain are substantially more than in most other countries in mainland Europe, and though data above suggest tax is 33p a pint, the rise in beer duty quoted below is due to the tax changes annually implemented by the Chancellor at the Budget - according to Customs and Excise 'Alcohol and Tobacco Factsheets';

In the UK beer is charged duty at 34p per pint – compared with 5p in France, 3p in Germany and 7p in the Netherlands. Duty on a 70cl bottle of spirits is set at 5.48 in this country, compared with 2.51 in France and 1.19 in Spain. Duty on a 75cl bottle of table wine is 1.16 in the UK, compared with 2p in France and 0p in Spain. The total excise duty on a packet of 20 cigarettes is 2.80 in the UK, 1.22 in France, 1.00 in the Netherlands and 99p in Belgium (Seely, 2002, 12).

While cheap availability is a cause and enabler of social crime, it also carries emotions as a motivation, this indicates morals are more than economic and is a self-reinforcing system

of reciprocal support (Williams & Windebank, 2001, 56). A difficulty for the authorities in thwarting the illegal trade is *the public support the bootleggers enjoy*. A senior Kent detective said: "While the public will shop a drug dealer, who is regarded as a social menace, they think the tobacco smugglers are heroes and it is a victimless crime (McGrory, 1999a, emphasis added). Research from 2 areas of Edinburgh showed that many smokers from deprived backgrounds thought that smugglers provided a service, and an additional;

Motivating factor hinges on the notion of *resistance*. Respondents expressed grievances against the government for clawing back what they viewed as an excessive and regressive tax on tobacco products and for their failure to redirect this income visibly towards those in need... There was a strong feeling that the government was exploiting poor people through regressive tobacco taxation. *Use of contraband was one means of challenging this perceived injustice* (Wiltshire et al, 2001, 6, emphasis added).

A freighter was seized with 650,000 packets of Regal king-size cigarettes on-board and a street value in excess of 2.5m (Ashworth, 2000, 28). Organised criminals, not necessarily organised crime, are involved in smuggling cigarettes via containers, each 40ft container potentially holding 8m cigarettes. When clear of the port "consignments are quickly broken up into smaller batches and dispersed down the supply chain to be sold in pubs, clubs, at car boot sales, in private homes and even by ice cream vendors" (Ashworth, 2000, 28). Smaller scale operators down to large-scale individuals split consignments up in a similar manner for different destinations. An individual gave up his haulage business to start smuggling professionally in 1997, and his cargo is split up at changing venues where he avidly stuffs empty crisp boxes with tobacco (McGrory, 1999a).

Ports such as Tilbury, Felixstowe, Humberside, and Southampton all have the container trade. Searching a 40 ft container can take 5 hours manually, and even with the much vaunted x-ray scanners able to check 10 times the amount "hundreds more will pass through unchecked" (Ashworth, 2000, 30). Tobacco is known to arrive from Eastern Europe, the Middle East and South Africa, including slightly closer places like Tenerife, Cyprus, Andorra, Turkey and the Balkans (McGrory, 1999a). Customs targeted 18 provincial airports such as Prestwick, Teeside, Norwich and Exeter in order to clampdown on cigarette smuggling, seizing 2.6 million cigarettes in a 2 week period (Customs and Excise news release 24/99, 16.6.99).

Yacht owners managed to escape the attention of Customs and Excise for years but are now beginning to be targeted (Alderson, 2004). These yachts are thought to bring large

quantities of drugs, cigarettes and alcohol into Britain. Others are selling contraband through existing outlets, whether it is off licences, under the counter at pubs, the local corner shop (Wiltshire et al, 2001) or restaurants who are selling wine etc. The nature of the smuggling trade is that of a genuine laissez-faire and it is extremely difficult for any organised group to corner and control the market. Only within a local area, where perhaps they can intimidate, and in places like Hackney this maybe ethnically based. Estimates suggest that in 1999;

Beer runners drove more than 12,600 vanloads a year to London. The next most popular destination was the North of England, with Sheffield getting 6,970 vans a year, Newcastle Upon Tyne 4,790, Manchester 4,480, and Leeds 4,110. More than one in six of the beer runners came from the Midlands, with 3,980 vans from Birmingham (Francis, 1999).

In 1999 the Brewers and Licensed Retailers Association estimated that more than 100,000 vans loaded with illegal beer entered Britain, a rise of almost 12% on 1998 and twice as many as 6 years ago (Francis, 1999, & No author given, The Times, 30.12.99). This is not counting the smuggling opportunities available for the 6.6 million cars estimated to be crossing the channel annually (Birkett, 1999, Walters, 1999), nor is it considering lorries. Not only are more people getting involved, existing participants are increasing the *scale* of their involvement. As;

A recent WSA [Wine and Spirits Association] survey found that the **average car** coming back to Dover was carrying 28 bottles of wine, up 50 per cent from a year earlier, and 5.9 bottles of spirits, a three-fold increase. It estimates that the UK government is losing £453m a year in taxes and the UK retail trade £1.3bn (Oram, 1995, emphasis added).

The widespread nature of smuggling tobacco and possible basis for social crime can be seen in the working class areas where information has been collected. Researchers collected thousands of empty cigarette packets after football matches at Arsenal, Leeds, Liverpool, Ipswich, Southampton and West Ham between 1998 and 2000. Their average finding was that 1 in 3 packets are smuggled, with in one case 41% of packets being of European origin, and this was at Ipswich in 2000 that is near one of the historically popular areas of smuggling (Jones, G. 2001). The Tobacco Industries submission for the 2001 budget suggests, and there are no reasons to question the approximate accuracy of the figure they mention. That bourgeois "society as a whole is greatly damaged by lack of respect for the law on a scale involving at least five million people – sellers and buyers" (Tobacco Manufacturers Association, 2001). For 2000, the European Confederation of

Tobacco Retailers estimated that the UK tobacco smuggling market was in the region of 22 to 25% of the total (Joossens, 2001).

Ambiguous legality and Indeterminate Property

Neither Legal nor Illegal: Depends where you are

Tobacco smuggling's recent growth can be seen in the 1980s when taxes first started to increase the price differentials between British and European tobacco products. The tolerance of smokers for higher price levels imposed by government could socially and economically only go so far. Around the same time a smuggling issue based on a new price differential occurred between the USA and Canada (Beare, 2001). Up to 1983 the differential in price was such that profit could not be made in smuggling, however, "In 1986, it was estimated that 1 in 176 cigarettes was contraband; in 1990 the estimate was 1 in 45; and in 1992 the estimate was 1 in 6" (Beare, 2001). Around the same level that black market estimates give for British market penetration by contraband cigarettes.

The necessary agreement between governments over European integration occurred in November 1991 was important and manifested itself in the directive 92/12/EEC of 25th February 1992. This document also reveals the principle of the relevant modern European law applicable to our investigation in article 8;

As regards products acquired by private individuals for their own use and transported by them, the principle governing the internal market lays down that excise duty shall be charged in the Member state in which they are acquired (Council Directive 92/12/EEC of February 25th 1992, in Seely, 2002).

The EU, by introducing the concept of products acquired by individuals for their own use while at the same time abolishing quotas, blurred the issue of criminality and helped to legitimise it as a mass activity. These are the dates that started the transformation of the modern smuggling situation from being criminal and relatively marginal to one that is now accepted, normal and mass. One tobacco bootlegger says, "So many people do it now that you can scarcely move in my local pub without someone thrusting bootlegged tobacco under your nose" (No author named, Daily Telegraph, 31.1.00). Even remote areas of Britain are awash with tobacco, in a small town in Northumberland, pub landlords buy and sell cartons of rolling tobacco from regular customers. In London some pub landlords offered tobacco for sale, and here they are the *sellers*. Giving more evidence as to the

opportunity based and fluid nature of these markets, where experience and social roles do not determine choices.

For the first time British people were allowed to bring back goods across the channel provided that the duty had been paid (it is incorporated into the price in the shops and warehouses just as it is in Britain) and that the goods were for their *own* consumption in 1992. Previously shoppers could only import a restricted amount of goods that had the tax already paid on them. When breaking the law by selling the goods on, the UK duty should have been levied on the goods prior to the sale and this is the crime according to law.

In assessing whether imports are intended for peoples' own use firstly Customs and Excise officers take note of the indicative levels that are said to warrant no questions if travellers have up to stated amounts. Given that these limits are arbitrary figures and not 'natural' ones, then it is naturally subject to challenge. Why not 111 litres of beer and not 110? The difference is meaningless. The *indeterminate nature of property* gives much social crime its popular appeal, and alienates people when they have been sanctioned or hear about others who have been sanctioned for taking their natural right. So it is the indeterminate nature of mechanistic regulations that are meant to be law that brings the law into widespread disrepute and ridicule. People literally cannot see the difference between a crime occurring at 110 litres and not 109, simultaneously, there is a legal and illegal good depending upon people's interpretations.

Whereas for classical social crime the windfall of nature, whether on land or by sea, was the basis of this indetermination, and for industrial capitalism it was perquisites. The poor and proletarian believed that nobody had a natural right to deny them the useful products of nature or the factory; it was their customary right and destiny that they do so. Further *new indetermination* is based upon innovative production e.g. counterfeits, and the perquisites of shopping (i.e. shoplifting) where people spend so much time, although with changing other shoppers, and other theft from corporations such as petrol. Where the pumps are analogous to wood, animals or other wrecked property, that merely required picking up and walking away with, on top of traditional perquisites from work. There is indetermination in new senses too:

- In terms of price: smuggled goods can be bought legally in one country and the price is illegal in another because of differential tax laws.

- In the sense of not being individual property, but the property of large companies prior to becoming personal property. 'Not yet bought'. Looting and shoplifting thus are analogous to wrecking.

The Battle Over 'Duty Free'

One interesting campaign that was fought in the late 1990s' was over the battle to retain 'duty free'. Duty free was the lag from before the single market whereby shoppers could buy at any time at sea or airborne, goods without duty from any country. It was eliminated on June 30th 1999, and replaced with duty paid that could be sold in international and French waters. The campaign to save duty free was organised by the ferry companies themselves and so failed. It appears that the criminalisation of people's customary allowances will influence people's opinions as to the fairness of the new law, and so popular support for and participation in bootlegging could rise.

This is one difference between classic and late modern smuggling, the violent struggles between the smugglers and customs in classic social crime were not replicated here. Arguably because the communities concerned were more solid historically, because Customs and Excise were weaker then, and there is a reversal of this now. Whereas previously the Customs ordinarily consisted of a solitary or a few Riding Officers, today it is impossible normally to consider an assault on customs depots trying to get confiscated goods or those arrested back as happened in the past. What there is, is the slow rioting of vandalism, and instances of intimidation, arson and violence aimed at customs officers. Individual attacks on customs involve a changing of the terrain of battle from one of certain defeat to one of certain victory. This is what *strategists of war* have advised for thousands of years (Sun Tzu, 1998). Arson being possibly vengeance, retribution, justice, and terror for smugglers and against customs, as in the incendiary tradition of social crime.

The impact of the abolition of duty free

It is because of the abolition of duty free allowances that the nature of smuggling altered. Whereas before the Ferry companies *knew they were transporting smuggled goods*, they did not and do not now see it within their remit to police the situation. It has been the Ferry companies who have been content *to lower ticket prices as a means to get passengers on board* who will pay for their Duty Free goods, even to the extent of doing regular deals in

newspapers advertising cheap tickets. The effects of this changed a situation whereby there was limited self regulation on board boat about the sale of minor quantities of Duty free. To a situation where Ferry companies aim to sell larger quantities of Duty paid goods and compete with those on French soil. ***The impact of this will be the blurring of the boundaries of the legal/criminal divide still further***, and bring the distance smugglers have to travel to buy their goods closer to mainland Britain. In effect companies like Hoverspeed have been advertising that you can order goods in Dover or Folkstone, and have them ready to be picked up for the return leg from Calais or Ostend.

Lax regulatory regime, low penalties

Where there is an ambiguity over property and/or legality, there is competition over meaning and various attempts to assert alternative meanings to the activity. This affects the ability to detect criminal activities by customs and excise, but also the confidence to be able to do so. The equivalent penalties for first time drug smuggling are certain imprisonment, whereas this is not the case for alcohol and tobacco smuggling. Although there have been recent well-publicized increases in both sanctions (McQueen, 1999, Finch, 1999), and Customs and Excise personnel (Hardy, 2000) (and allied security measures) recently.

Whilst the Customs officer (in Seely 2002) talking about 'organised crime gangs' was not referring to organised crime in the Mafia sense, he was talking about the organisation of crime by a group of people. Possibly resembling the 'project' crime of McIntosh (1975), on perhaps a large, and probably continuous basis. There are a number of key methods of defrauding Customs and Excise, the relative sophistication of each determining the level of criminal organisation necessary for the completion of the task.

Largest numbers are involved in individual or small team operations, comprising of the private and individual lorry trade, where the driver in his everyday work buys tobacco and/or alcohol to supplement his wages. This does not displace his main cargo and is individualised. The so-called white van trade, where the sole purpose and income generating is about the alcohol and tobacco resale. This can merge with the private driver whose smuggling load can range from the negligible to the total space available, which can be camouflaged in part with supermarket carrier bags being flung on the top of the cargo. Detective Inspector Atherfold says that;

Dealing in smuggled goods is criminalizing large numbers of the ordinary public. There is hardly a town or village in Britain where there is not someone who sells smuggled alcohol or booze. And people do not feel it wrong to buy this cheap contraband (Schaefer, 2000).

The Visible Participants

From initial research exploratory profiles of the smuggler were created, amateurs and professionals. All classes of people are involved (Research Notes), nobody being excluded, as even those without cars are catered for from package trips run for as little as £5 (50ff, \$8/9) for one passenger from London to Calais return. In the early phase of research enough knowledge of the market conditions in and around Calais, other parts of northern France, and Belgium, was solicited. This was in order to talk knowledgeably about the areas characteristics and be 'inside' my subject, a process that had no definite timescale. Initial categories were based on information gathered from different sources, and then described the characteristics from existing popular explanations of the phenomena, that corresponded to observations, and what needed explaining. Dave West, the owner of the Eastenders warehouses business said he had judges and police officers as his customers;

"Dave West (D) I have some customs and certainly lots of policemen as customers
T (me). Hmm
D. They're entitled to their ah
T. Oh yes I know
D. cheap booze
T. So... so what sorts of people do you think buy it... everybody?
D. All walks of life
T. All walks of life
D. Euro MP's hmm Vicars, the clergy, judges, erm you name it they all come here."

Organised crime appears less involved (though by no means absent) than drugs as it cannot monopolise or drive out the amateur who is not ambitious beyond the limit of their acquaintances. In the illegal drug trade there is not as much ambiguity of the criminal penalty as there is with alcohol and tobacco smuggling, and this greater social acceptability means trading can continue easier above ground rather than underground. Existing networks of family, friends, workplace acquaintances, Dole offices, etc. can be adapted and tapped as a source of capital, and to provide a ready made market. No need for specialist market contacts to buy or sell goods works against the development of cartel and monopoly forms of illegal markets, and is a general characteristic of popular social crime.

Although professional groups do benefit, like 18th century poachers, from popular participation in, and support for, these types of activity.

A 62-year-old grandmother “rides shotgun” (McGrory, 1999a) for tobacco smugglers for £40 a trip, buying cigarettes for friends who hears that she is going to France again. Giving a loving appearance, whilst the driver puts 20,000 cigarettes in the boot. Others are recruited too, truants, housewives, the unemployed and the homeless can all perform the same function. To give a more varied and respectable appearance than the shaven headed, scarred and tattooed who may just be too conspicuous on their own. Justified because “It’s not as if I’m doing anything very bad. The only ones who lose out are the taxman and rich businessmen and who sheds tears for them?” (McGrory, 1999a).

The following descriptions attempt to provide a typology of popular smuggling. This is based upon the range of social classes. This is indicative of the main characteristics of people found to be involved based upon different sources of evidence;

Amateurs

The **Masses** are present, and this category is the equivalent of the *household shoplifter* described later. The class characteristics are the *very poor* who load their bags as full of tobacco as they can for themselves and resale, and pour gin or vodka into water bottles (quite openly going on before the end of duty free at least, Research Notes). A coach load of women from Chesterfield would comprise the middle section of the working class, and this information was solicited from a group interview with 5 of them selected at random. These women were very content to travel on the ship across the channel several times a day before the end of duty free, stocking up mainly on tobacco whilst consuming some alcohol. They were and are getting the goods for themselves and their families as well. Whilst they are still *occasional travellers* given that Chesterfield is some way from Dover. This is interesting because it is an example of the mass nature of events. These women were very open about the amounts of tobacco they were buying, and too whom they were reselling (Research Notes). This is evidence for the ‘income mixes’ of Vobruba, where large numbers of women were willing to spend a great deal of time obtaining cheap tobacco that could function both as income in kind and have an exchange value to earn money.

We do this regularly you know, a bus full of us. We can have a cheap drink and smoke, look after each others bags and keep our table while others raid the [duty free] shop... whose it for? Well my husbands a 40 a day Superkings man, and I like these Menthol ones (Informant)

The 'C1's', the skilled section of the working class are in it for themselves, their family and for whoever else will buy contraband off them (Morgan, 1999). These are the ones who are importing the larger quantities of alcohol and tobacco for resale, and if they are caterers for functions such as weddings they supply the bar as well. These are more entrepreneurial and artisan types of people who are part of the self employed boom, and are used to grounding their work in the informal economy before launching it legitimately, and to the creative accounting possibilities of small business (Barlow, 1993). An informant described their work as a party organiser, for such functions as birthday parties and wedding receptions, including the different possibilities for illicit earnings. This section blurs at one edge with the middle classes whose professionalism doesn't stop them from increasing their incomes at the expense of the Exchequer. Those who can afford the annual holiday on the continent are more used to bringing back the cheaper goods at the end of their fortnight, so they have the requisite knowledge of both supply channels and the lax customs checks;

I did a wedding last week in South Wales near Newport. The wife sorts out the dressing for the tables, the flowers, the ballons and more, and I stock the beer, lager, wine and champagne, with the fruit based drinks for the ladies. You mix the juice with the cheap bubbly and you've got the Bucks Fizz every wedding reception needs. We ask the wedding couple what champagne they want but after that they're not too bothered, house white and red a table and then they have to buy the drinks from the bar Informant - SM4.

White Van Man: the bete noire of road rage and reactionary working class hero in *The Sun* newspaper is present as well. He is simultaneously several different characters; the *runner* for organised crime (black van man), the *egalitarian* (red van man) who is after cheaper things for everybody he knows; "Of course I'm doing this for my friends as well. Nobody wants to pay the ridiculous prices for fags or booze in Britain... They sort me out with the money when I give them the gear" (Informant, SM5).

Finally, *entrepreneurial* (blue van man) market trader. Who is characterised as having a more business like approach to their free trading. The pursuit of profit dominates their life, though not exclusively so, as there will still be bargains for the family and close friends. Different characteristics have been ascribed to van traders with different colours of van to

enable the portrayal of a totality of social life specific to informal trading in this analysis. An A.A. (Automobile Association) van driver (yellow van man!) said;

Our employer treats us badly, they haven't got a fucking clue. I'm looking for another job and I'm on the RAC waiting list cos they're a lot better... We could buy our council house for 75k and sell it for 150K. But once we've paid off the mortgage we couldn't afford to buy anything else with the money left so we're staying where we are... We want to get a house on the south coast but its expensive... We'll keep looking... I divorced the first wife and she and the CSA tried to get money off me, but there was no way I was working for her so I went on the dole. Doing bits and pieces... [informal economy work] and shifting tobacco too. Then the daughter turned of age and I could get a paid job again... We still get tobacco cheap cos of the price... Its forcing people to do it [illegality]...

Here he displays characteristics of the semi professional described in detail in the shoplifting chapter, and also a lower level of activity as income supplement, more characteristic of the part-time masses.

Range Rover Toff: is present as well, complete with their *Countryside Alliance* sticker on the rear of their vehicle (perhaps a 4x4, a people carrier, or a Land Rover). These types of people are interested in a particular more exclusive part of the market; Good Champagne, fine wines, pipe tobacco, malt whisky and they regularly fill their larger vehicle to its' limit complete with other expensive and exclusive foods. This was visible in the many warehouse and supermarket car parks there are, and in queues for the Ferry (Research Notes). These people have their own networks; provide drinks and food for lavish dinner parties, and even Hunt balls. This section is part of the middle classes, the upper middle class, and higher. None of these people were interviewed, although their presence was observed many times, occasionally with a close up dissection of car contents through its windows. These types of people have been the subject of research (Bark, 2002a, 2002b, in Metcalfe, (Ed) 2002).

Intermediaries

White van man and the C1 amateurs fade into a slightly more professional operation epitomised by the lorry driver. They are not only doing it for friends and family and not part of professional (criminal) operations, but in a good position to act as middlemen. 'Business' was discussed with some friendly lorry drivers, in the changing room of a leisure club, and the bar, in a Marriot hotel.

Lorry Drivers: are some of the main movers of tobacco and alcohol. Drivers within firms making a run to Belgium will buy a bale of tobacco. This is split up at the many cafes and lay-bys there are when drivers are approaching a harbour, because theoretically an unlimited quantity of tobacco can be purchased duty paid *for personal use only*. It will escape the eyes of the customs and excise if it is *split up into smaller units*. Lorry Drivers as part of their legitimate job can deliver 'supplies' around the country, some of them arrange things on a co-operative basis of reciprocal favours to the individual consumer and the larger wholesaler of illegal goods. Though employment conditions of lorry drivers do vary greatly, there is a common experience of needing more money. Another lorry driver informant said; "they're forcing us to do it, we don't get enough, and sometimes enough work, you do what you can when you can" (Research Notes).

Different types of people can be observed in the queues for the ferry, and in the supermarket and warehouse car parks. Some warehouses advertise that coach drivers are going to be particularly well catered for (food, drink etc.) if they visit the right warehouse with their cargo of passengers. Whilst the average smuggler is white, there are black and other people engaged in 'freetrading', the Khan family operated one of the cheapest warehouses in Calais, and people load up on the bargains to be found. The low overheads mean, using a fishing idiom that minnows can swim in a much larger sea of big-time smugglers, the sharks.

Professionals

The larger scale operation, often characterised as involving a level of white-collar crime, and is national in origin. This is the 'diversion fraud', where the goods nominally destined for export are then manoeuvred into the domestic market without payment of VAT or Duty. Goods destined for export do not need to pay tax even though they are manufactured here. A technique that resembles the falsification of end user documentation from arms trade smuggling (Ruggiero 2000a). Diversion fraud can be of two types based upon a system that registers traders or warehouse owners to hold, trade and distribute goods whilst holding them in an authorised warehouse. This is to correlate the duty payment closer to the real time that they offload the products, as Duty is legally enforceable when the products are available for consumption, or bought by an unauthorised company or individual;

'Outward' diversion fraud occurs when duty suspended goods destined for export, or for another UK excise warehouse, are illegally diverted from an excise

warehouse on to home or overseas markets without payment of duty. 'Inward' diversion fraud occurs when duty suspended goods imported to an excise warehouse are illegally diverted on to the UK markets – once they clear frontier controls – without payment of duty (Seely, 2002, 13).

International and large-scale smuggling, of alcohol and tobacco, from countries outside the EU like Turkey and Albania, is done by concealment or the inventive and false description of the real contents in order to evade duty and VAT. Though the lorry driver would be working as part of a larger operation, his job would probably be reliant on the continuing success of the smuggling operation. Container smuggling would also come into this category.

There has also been a seasonal element to the trade. In the run up to Christmas every year the ferries have been full to capacity, mainly from the South East. The entire trip including shopping can be completed in less than 4 hours from the Car terminal in Kent for the shuttle. The amount of alcohol is staggering;

The sheer scale of it all is bewildering. Carrefour's Philippe Danjean said that last year [Christmas 1998] Britons bought more than a million bottles of wine and champagne in the 12 weeks before Christmas from **his store alone**. They also took away 100,000 bottles of brandy, 70,000 of vodka, the same of gin and 100,000 24 packs of one make of beer. For the record they also took home almost 25 tons of coffee and 30,000 kilos of Brie. 'But that was a normal year' said M Danjean (Birkett, 1999, 10, 11, emphasis added).

Organised criminals are involved in these operations, present with gangs reported (Knowsley & McQueen, 1997) to be from at least Newcastle, Liverpool, Manchester, Leeds and London, and this is said to involve the Italian Mafia too. This can be to resell casually or to stock the pubs, shops and clubs under their control, either those they already own outright or as part of their protection rackets, and the large migrant communities in London, both legal and 'illegals', need cheaper sources in their social centres.

In Hackney alone there are upwards of 200 Turkish social centres, and there is evidence of both smuggled tobacco and alcohol being sold at premises, tobacco from grand project smuggling, and alcohol from Calais. One interview was particularly informative regarding the informal economy for migrant workers, including rich descriptions of informal tobacco marketing. One cook regularly sleeping on buses and drinking some of his wages because he could not face seeing so much money spent on rent when the money was far more useful in his country of origin (Research Notes).

While perhaps 80% of the smuggled cigarette trade is from containers (Ashworth, 2000, Joossens, 2001), other estimates suggest around 75% (McGrory, 1999a). Most people are doing it for known sale to personal contacts, markets, workplaces, and car boot sales (No author, Daily Telegraph, 31.1.00, Ashworth, 2000). There are two parts of the trade that give rise to massification. Firstly, the amount of illegal retailers who are necessary to supply the containerised smuggled tobacco, and secondly the amount of independent people who are doing the smuggling and distribution themselves. Some (Joosens and Raw, 1995, 1998, 2000) wish to downplay the extent of the ordinary traveller/shopper smuggler because it is not a "real problem" (2000, 4) and instead seek a punitive policy towards the tobacco companies because of their complicity with the containerised trade. However, this one sided approach is flawed, and does not get to the experience of contraband tobacco trading in people's lives.

With cigarette sale rapidly assuming the characteristics of drug sales, houses are used with sales conducted through windows, as if they were like a shop (Ashworth, 2000). Runners bring back cigarettes to the seller who arranged the 'deal' in Holloway Road, London, just like crack dealers in Kings Cross. Often there are lax regulatory regimes, and even the more organised markets have their sellers of tobacco with bags of contraband within easy reach. Organised crime maybe also recruiting asylum seekers to street sell the smuggled cigarettes (Freeman, 2000). The Hackney Wick market is notorious (Freeman, 2000) for alternative trading standards to the official ones, and the supply of stolen, smuggled and counterfeit goods. Other operators "often set up front companies abroad and order cigarettes from British factories. The lorry loads that arrive are immediately broken into smaller consignments and sent straight back to Britain as freight cargo" (McGrory, 1999a). There are other places where cheap tobacco can be purchased. Wiltshire et al (2001) provides compelling evidence of door-to-door sales, well known pubs, and shops that all provide cheap contraband tobacco, and holidays abroad provide opportunities for obtaining cheap tobacco too.

Cross border smuggling is the first step into the distribution networks. Different criminal groups have forged partnerships at a larger level for profit and efficiency. There have been instances, although rare, of violence and escape, without security being tightened as a result. At Dover between 6 and 10 vehicles a month failed to stop when asked to by Customs. This meant the drivers were free to drive into Britain as they had passed

Passport controls already. So Customs installed the 'Catsclaw Vehicle immobiliser' that sends spikes into wheels immobilising the vehicle (Customs & Excise press release se/11, 14.3.01). Sadly this contains evidence of resistance that has been undocumented, and this needs investigation further. They decided not to publicise this effective means of escape until they foreclosed the possibility of further examples of it. These practising escapology analogous to Jack Sheppard (Linebaugh, 1991) are presumably the professionals rather than amateurs.

The Invisible Participants

The tobacco multinationals

Those who manufacture the product, and would normally be seen as cheated by the downward effect of price on smuggling, are involved. Dumping is a characteristic of large monopolies that can control prices in different, but not entirely segregated markets. Smuggling is a variety of dumping of cheap goods on emerging markets in poor countries, without disturbing the official prices in home markets. However, then professional and organised criminal smugglers try to de-segregate the markets by smuggling cheaper tobacco into the home markets. As Ruggiero (2000a) observes with the Arms trade, *tobacco is simply too valuable* to be left to the criminals, money is a powerful force for greed and corruption for licit business. One lorry load of tobacco is worth nearly 3 times as much in terms of tax revenue evaded as that of alcohol, approximately 50 times as much as live animals, and 25 times as much as meat and butter (Joossens and Raw, 1998, 67).

The Tobacco Manufacturers Association points a finger at "international racketeers who are violent and dangerous" (Tobacco Manufacturers Association, 2001), so perhaps the extent of white collar organised crime and its dangerousness should be reassessed (Beare, 2001). Certainly they attempted to displace the blame for international smuggling away from themselves. Tobacco companies are not alone in using smuggled cigarettes as a market entry strategy (Joosens, 2001), by advertising in "a market that can only afford to buy on the black markets; [and] employ children as sellers of American cigarettes in the Manila streets" (Beare, 2001, 10). They use smuggled cigarettes to boost consumption of existing markets, and the Tobacco Manufacturer's Association admit as much themselves when they argued "Total UK tobacco consumption has actually increased since 1997 following 25 years of substantial decline" (2001).

This has a global reach where “BAT’s [British American Tobacco] Brazilian subsidiary, Souza Cruz... [was allowed to increase] its market share as a result of DNP, Duty Not Paid – the official term for smuggling” (Woolf, 2000). Coupled with widespread evidence of continuous complicity on behalf of the chairmen, directors and board of BAT over several years this is de facto smuggling (Woolf, 2000) and then the importance of this evidence is comprehensible. In a letter Keith Dunt, BAT’s Latin American director in the early 1990’s thought that the company will be “consulting here on the ethical side of whether we should encourage or ignore the DNP [smuggling] segment. “You know my view is that it is part of your market and to have it exploited by others is just not acceptable” (Woolf, 2001). 10 European countries filed a lawsuit in the USA (2001) against 2 US Tobacco companies for their complicity with tobacco smuggling (Joossens, 2001), and generally this is an international issue with similar features, contraband sales; “World wide grew by more than 110% between 1990 and 1997” (Joossens, 2001, 1).

Companies Acting entirely legally

Collusion of Suppliers – Business facilitation of Crime

Apart from the possible confusion and ambiguities of simultaneous legality and illegality, further blurring of boundaries in the form of encouragement by business is present. French and Belgian supermarkets, and the specially constructed warehouses in and around northern France, will sell as much alcohol and tobacco as you can load into your transport. There are forklift trucks and workers available to carry your pallet of lager into your van. Ordinarily payment is in British and French money, then British, French or Euros, and now British or Euros from any country of the EEC. Credit and debit cards are readily taken, in Calais the Tesco store even gives loyalty card points for alcohol shopping, and the choice of paying in Euros or pounds on credit cards. Other companies have a London office and phone number where you place an order and pick it up in France. Orders are made via the internet in France, Belgium, and Spain (No author given, Observer, 7.11.99) where tax is the lowest in Europe. The goods are still cheaper after having postage and delivery paid on them.

Ferry companies, apart from the discounted prices for high quantities on board have special arrangements with French retailers, both of which encourage high consumption with special offers. Newspapers such as the Mail, Express, Mirror, Star, Sun, Evening Standard, Telegraph, as well as a number of smaller regional newspapers (especially in

Kent), and as far north at least as Sunderland have all run cheap travel promotions and articles. Both of these encourage the infrastructure that smugglers need, and the general culture within which they can operate and thrive. The Ferry and shuttle companies have their facilities used, and the whole incentive for a large number of cross channel trips was, and is, wholesale smuggling.

Supply of Opportunities is Unique in this Area

There are a lot of cheaper brands and the largest alcohol warehouse in Calais is part of a chain set up by millionaire tobacco baron **Dave West** who saw that there was a market for a store who could explicitly aim at the *British market*. Eastenders claim that their Extra Special Pilsner lager is the 7th most drunk brand in Britain whilst it is not legally available, and at the;

Eastenders warehouse near Adinkerke, only a 40 minute drive from the French border, a 50 gramme pouch of rolling tobacco costs £1.87. In Britain, the same pack is around £7.50, with £5.40 being paid in tax.

So Dave, who has also made a fortune flogging cheap booze in Calais, sells about 800,000 a week... three out of every five packs used in the UK! (Macrory, 1996, also Groom, 1998).

The whole phenomenon of differential legality enables many entrepreneurs to enter the trade. Not as criminals, but as perfectly legal suppliers (like Canadian whiskey producers during Prohibition in the US). Thus Dave West set up the Eastenders warehouse in Calais. Dave was a tobacco smuggler, and in 1984 set up his own tobacco brand in Belgium. Ideally placed for the trade he "started here in Calais in ninety er '89". Questioned about whether the "single market in '92 had any effect on what you were doing?" He replied "Oh yes, a tremendous effect... when we became a full member there was no limits."

The Response of the State

The stated criteria Customs and Excise officers use to try to determine the guilt of travellers:

Are guided by Statutory Instrument 1992/3155 The Excise Duties (Personal Relief) Order 1992, implementing EU Directive 92/12/EC, which makes any excise goods personally imported from another member state liable to forfeiture if they are intended to be used for a commercial purpose. The Order lists a variety of factors to be used by customs to determine whether goods are imported for a commercial purpose (Dawn Primarolo in Seely, 2002).

Most notably, they have reversed the normal burden of proof applicable in criminal courts. If goods carried by passengers exceed the indicative levels that customs warn travellers not to exceed. Although the non-smoker can still make a substantial sum and/or a living days wage from the levels if they import tobacco up to the stated limits for resale.

Given the unmeasurable nature of the criteria and huge arena of discretion for customs officers (see criteria J below) then it is quite easy to see the contested nature of the customs operation. Even to the extent that the newspaper of the 'civil servant establishment' has gone on record in its editorial to question the intent and wondered whether natural justice can be found within the activities of the Customs and Excise attempts at enlarging their jurisdiction (Daily Telegraph Editorial, 2002). "(J) any other circumstance which appears to be relevant" (Paragraph 5, Excise Duties (personal reliefs) Order Statutory Instrument (SI) 1992/3155, and amended by SI 1999/1617, in Seely, 2002).

Home Office Minister Paul Boateng argued that less than 28,000 people had goods seized off them in 2000-01 out of the estimated 14,000,000 travellers. There have been substantial numbers of people who have complained though, and had their voices heard by newspapers and Members of Parliament. Leading to the EEC *threatening* disciplining Britain for its harsh interpretation of the law because it threatens the concept of the single market;

Europe's Internal Market gives people a fundamental right to go shopping in other EU countries without having to pay extra taxes when they return home. We want to make sure that private individuals are not hindered or prevented from bringing tobacco products which they have bought in other Member States back into the UK, for non-commercial use. The Commission has received a number of complaints about practices at UK ports and airports (European Commission press release IP/01/1482, 24th October 2002).

It was in February 2000 that Customs and Excise announced it was to change the operational policy of its staff with a press release;

From tomorrow if you are caught using a light commercial vehicle for smuggling alcohol and tobacco, the conditions for getting it back will depend on the total revenue evaded. Where the total revenue evaded using the seized vehicle exceeds the trade-in value of the vehicle it will not be returned to you, even if this is the first time you've been caught (HM Customs & Excise press release, 9.2.00).

This policy was further compounded by notice that "In July 2000 the Department instructed staff that any private vehicle involved in the transport of smuggled tobacco... was to be seized and not 'restored'; ie. Released on payment of a penalty" (Sealy, 2002).

The genesis of the *latest disputes over Customs and Excise policy* started with the call for a review of alcohol and tobacco fraud. Due to the efforts of the report by Martin Taylor, who was asked to evaluate the issue of tobacco smuggling, his new policy initiatives were put into practice (HM Treasury/HM Customs & Excise, Tackling Tobacco Smuggling, March 2000). In March 2000 the major punitive clampdown on tobacco smugglers was launched. This was announced by the report "Tackling Tobacco Smuggling" (March 2000);

The Government has now developed a new strategy which aims to put smuggling into decline within three years. The Government's policy is aimed at increasing the chance of being caught, and increasing the penalties when smugglers are caught. This should stop smuggling being profitable (Sealy, 2002, 18).

There has been continuing publicity about the harsh policies of Customs and Excise, on October 30th 2002 there was a change in the allowances for individuals.

Further Developments in Smuggling

With the new clampdown on people who are thought to be smugglers and the 300 million extra resources for customs, demand was building up behind the campaign for the abolition of customs indicative levels. This saw an alliance of the European Union, the courts, and the right wing press in Britain (Watson, 2002, Evans-Pritchard & Jones, G. 2002, Jones, G. 2001b), against Customs and Excise and the New Labour government (The Daily Telegraph Editorial, 30.10.02). With those sympathetic to cheap goods giving passive support to those encouraging cheaper alcohol and tobacco, and the alcohol and tobacco retailing petit bourgeoisie supporting New Labour. This new clampdown forced the smoker to prove that the tobacco was for his or her own use only, and that they were not smugglers. No doubt the smuggler blurred with the honest importer, but social crime is built upon the wider solidarities of the moral economy that encompasses both of these types of people. Many people had their vehicles taken off them (Captain Cash & Parry, 2001), sometimes for being cheeky to suspicious customs officers who do not appreciate repeatedly experiencing similar types of jokes aimed at them.

Popular support for cross border shopping occurred in such amounts that the Daily Telegraph reported that the duty levels were the most popular item in its 'free country' (www.telegraph.co.uk/freecountry) campaign (Barrow & Britten, 2002) , and the Sun set up it's own "Hands off our booze cruise" campaign (Wilks, 2002a, 2002b). Two pressure groups were active in supporting bringing unlimited quantities of tobacco back from Europe for personal use, including legal defence. These were 'Forest', the pro smoking group, and Access (Action for Casualties of Customs and Excise Shopping Seizures).

One example of the levels of persecution that is indicative of their draconian approach, was the memo by Customs manager Jane Brophy and sent to 22 senior staff in October 2002. This instructed officers that they could seize goods below guidance levels, as legal advice had been taken to this effect. This memo entitled "Cross Channel Smuggling Strategy sub group" (Worden and Larcombe, 2002) proved that officers could do what they wanted on their own suspicions without any regard to the law. This was because they frequently chose not to believe people's explanations, and abuse their power of discretion (Wilks, 2002a, 2002b). Knowledge of Customs abuse of power and power of abuse forms part of the tradition of resistance within social crime that justified itself because authority wasn't following its' *own rules* (Thompson, 1991). The Sun's campaign;

Won Tory backing.

Trade spokesman Crispin Blunt said:

I congratulate The Sun for standing up for free trade.

The Customs campaign against people going about perfectly lawful activity has become increasingly outrageous and arbitrary (Askill, 2002).

Apart from the organisational arrogance of its leadership by its consistent method of working against the spirit of court decisions (Norfolk, 2002) there is a further aspect to this. The ambience of actions by Customs officers can be gleaned by the arrogant manner in which they reportedly work (Johnson, P. 2002), warning people not to travel again for 6 months even though their levels were within the guidelines. Laughing at a woman who had an angina attack whilst under questioning, and leaving a penniless heart patient enough money for one cup of tea between two people for a 30 hour hitch hike home. After they had confiscated the tobacco, perfume, case of beer, clothes and their car (Askill, 2002). There are many more examples, and one article mentioning three further cases out of his sack full of mail said;

Bullying Customs officers are STILL at it - treating innocent booze cruise trippers like pirates.

And by doing so they're defiantly sticking up two fingers to an important court ruling...[then early August] a victory! A Court ruled that Customs must prove they have reasonable grounds to suspect booze and fags are being brought in for commercial resale.

You might think that would put the block on heavy-handed car snatching. Wrong! A Customs spokesman told me they would continue to seize cars used by any people they suspected of smuggling..."We seized 10,200 vehicles last year (Captain Cash, 2002, 57).

The smuggling markets have a global reach involving individuals and large transnationals, from all types of countries – the undeveloped to the developed. These large corporations have global operations and the associated levels of power. Regardless of existing criminological theory they are not ordinarily perceived to be criminogenic, just as organised criminals are perceived to be different from everyday street criminals. While those with money have entered the market along with many 'collective individuals', the smuggling supplied occupation and income to those un- or under employed. Those in regular or part time work use it as a hobby or income supplement. For the unemployed it offers some potential for work, if not to climb the class structure. For those that employ unemployed people to act as mules, spreading the risk, the low cost of the wages for this still gives profit.

Beare (2001) notes that aboriginal communities who were without employment took their opportunities to make large sums of money from smuggling tobacco, and from a previous bootlegging period Woodiwiss noted; "Along the coasts, rivers and the great lakes, fishermen, tugboat operators, shippers and dockworkers gave up normal occupations and entered the smuggling trade... Bootlegging was so much better paid" (Woodiwiss, 1988, 13, in Beare, 8). A newspaper "For/of Native People's resistance" was against the racist state campaign to invade the Mohawk nation, a;

Cover [for] the government's attack on First Nation's asserting their sovereignty in an economic way. This is the only logical explanation for the [sudden] concerted effort to mobilise public opinion 'against smuggling,' indeed against smoking, militarising anti-smuggling operations and rolling back excessive taxes on cigarettes... the 'war on cigarettes is in reality a classic counter-insurgency campaign being waged against native people's struggles for sovereignty and independent economies, those of the Mohawk nation in particular (Oh-Toh-Kin, 1994, Spring, 8, 15).

Beare (2001) describes the economic logic that leads corporations to gradually become embroiled with organising crime on a number of levels, leading to the incorporation of the

reality of smuggling within their business plans. Ruggiero's (2000a) and others note a shortcoming of criminology and its;

Compartmentalisation of research into white-collar crime and organised crime [that] reflects a broader tendency in criminology to treat crimes of the powerful as a distinct field of inquiry and policy from that of crimes of the powerless and/or expressly 'dangerous' (Edwards and Gill, 2001, 1).

The range of tobacco company collusion is shocking and overwhelming, it was alleged companies;

- Sell cigarettes directly to persons or to entities that they knew or have reason to know are smugglers;
- sell large quantities of cigarettes to entities or destinations, even though the defendants know that the legitimate demand cannot possibly account for orders;
- knowingly label, mislabel, or fail to label their cigarettes so as to facilitate and expedite the activities of smugglers;
- generate false or misleading invoices, bills of lading, shipping documents, and other documents that expedite the smuggling process;
- engage in a pattern activity by which they ship cigarettes designated for one port, knowing that in fact the cigarettes will be diverted to another port;
- make arrangements by which the cigarettes in question can be paid for in such a way as to be virtually untraceable;
- make arrangements for payment into foreign accounts, including Swiss bank accounts, to shield smugglers from government investigations;
- form, finance, direct the activities of industry groups in order to disseminate false and misleading information (Beare, 2001, 14).

Similarities and Differences between Classical Smuggling and Late Modern Smuggling

The similarities between classical and late modern (LM) smugglers lie primarily in the range of social classes involved. There is evidence of support and finance coming from existing business and not only criminal origins. Both sets of smugglers depend and depended heavily on the tacit support of their communities in the form of protection and for the marketing of goods.

There are differences in the actual mechanisms of doing the smuggling, e.g. the LM smuggler almost always relies on legal transportation, whereas the classical smugglers almost always had their own ships, and even sometimes built them themselves. This has a knock on effect on the employment of smugglers and their communities of origin. For classical smuggling hundreds of men could staff and unload the largest ships and draw a

wage from their employer. For LM smugglers they are predominantly self employed or work co-operatively in smuggling project crime, though the entrepreneurial sector should not be underestimated. There is an element of organised criminal activities (large-scale project crime) and organised crime involved in movement of large number of cigarettes in Lorries and containers. There would be some employment here, and not all of it continuous, as perhaps would have been the case in classical smuggling within traditional communities, certainly at the land-based part of the operation.

For selling the goods, the street selling of tobacco is a new development although it may have occurred with classical smuggling, and street markets and fairs had their 'hawkers'. Door to door selling existed with classical smuggling as did pub marketing, both of which are features of LM smuggling. Both sets of smugglers sold tobacco through legitimate premises too. There was not the scandal associated with long - term business involvement in classical smuggling as with LM smuggling. The main difference between the mass smuggler who retails their own smuggled goods and the more organised criminals is that the entrepreneurial and large-scale project crime smuggling would have a variety of outlets for the retail of the tobacco; they would not do it themselves.

There has been less overt conflict with LM smuggling as there was with classical smuggling, mainly due to the relative strength of the state in terms of numbers, surveillance capacity and reach, though the communal solidarities of classical smuggling meant that the class war regularly manifested itself ideologically and physically. For LM smuggling there are embryonic notions of struggle and the small-scale resistance of slow rioting. In terms of time involved LM smuggling is accomplished far quicker at all stages, during the channel-crossing and the distribution.

'Everybody's Doing Something They Shouldn't'

The historical trajectory of smuggling and its organisational forms relevant to the classic period of social crime have been discussed. The key policy decisions in Europe and Britain meant smuggling has entered centre stage again, and relevant socio-economic market forces have been described. This poses problems for those who govern, and heads of corporations, who see the issue 'first as tragedy and then as farce'. For these and other people concerned though, these are 'opportunities that cannot be refused'. Typologies of the alcohol and tobacco freetraders were created and assessed in their relative

importance. The next chapter looks at an allied but not necessarily connected social crime phenomenon, shoplifting, that is another significant feature of our era.

Chapter Four

The *Globalised* Shoplifter

INTRODUCTION

In the last chapter the scale and scope of the smuggling industry and the potential social crime actors were considered. This chapter will describe the important evidence about the history of shops and shoplifting as this illustrates shoplifting's distinctiveness, and the major ideas about the aetiology of shoplifting and existing typologies of shoplifters will be developed using empirical evidence. It is important to investigate in detail so we can identify the potential changes in the characteristics and scale of the participants, and the possible links between different informal economic activities. Shoplifting has been increasing in scale in the global consumer age as more regions are incorporated into the world capitalist economy. The increased importance of brand names (Klein, 2000) will be examined to see if there have been any changes to shoplifter's habits, and economic changes will be considered as well as the informal market conditions.

In the previous chapter two characteristics of smuggling as social crime were added which give it a 'late modern' characteristic;

Ambiguous legality. The smuggler not only counterposes a popular legality to the laws of the state, but also finds conflicting legalities in the form of differential taxation and excise rates between Britain and the continent. Shoplifting tends to be more traditional in that the product is acquired by direct theft; it is property theft whether undertaken in Britain or France and there is no differential legality of taxation to produce an ambiguity. Shoplifting is more like traditional social crime, in that the use values of the community are directly in confrontation to capitals' profits.

The blurring boundaries between stolen, counterfeit and legitimate goods gives a late modern character to shoplifting as an aspect of the bazaar economy, an environment that includes a strategy of 'positive illegality'. This is ongoing corporate criminality on the part of the major producers as well as the shoplifters and smugglers. This was illustrated in the previous chapter with the example of tobacco companies themselves actually engaging in smuggling of their own products as a form of market development. Here, shoplifting shares very much the same 'late modern' character as smuggling. Including the global distribution and dumping of counterfeit branded goods in which major multinational corporations

participate, much like the tobacco companies, in an illegality, which they formally condemn. This is apart from the perilous legality of tax avoidance schemes devised by the top accountancy firms such as Deloitte and Touche, Price Waterhouse Coopers, and Ernst and Young, where 30 leading UK companies are facing investigation for revenue irregularities (Thorniley, 2004).

Both varieties of activity – smuggling and shoplifting – tend to merge and overlap at the stage of sale and distribution in the semi-legal market place of the 'bazaar' economy described presently. It is this merging of traditional shoplifting and late modern manufacture in globalised distribution which enables talk of the 'globalised' shoplifter. First, the dynamics of shoplifting will be described; next it is necessary to consider its nature as a form of social crime.

The Development of Modern Shoplifting - *The Immense Collection of Commodities*

"The wealth of societies in which the capitalist mode of production prevails appears as an 'immense collection of commodities'; the individual commodity appears its elementary form. Our investigation therefore begins with the analysis of a commodity" (Marx, 1976, 125). This research started out not as a project on shoplifting around the world, but of its role in the global bazaar concentrated in Britain. The bazaar according to Ruggiero is the descriptive term for the attempt;

Made to identify a continuum between irregular, hidden, semi-legal, and overtly illegal economies. This continuum is given the name bazaar, which captures the notion of a constant movement, a form of occupational commuting... between legitimate and illegitimate activity characterising many urban contexts (2000a, 12).

In order to fully situate the crime, an historical approach is necessary. For shops like shoplifters, do not appear as if by magic. The retail site is an ever-changing feature of society with its changing goods, personnel, culture, and shoplifters. The left realist square of crime, the state, society, offender and victim, has been used implicitly in a lot of analysis, and in particular in some theoretical discussions to help illustrate the inadequacy of some analysis for a many-sided viewpoint. At the same time relevant features have been isolated such as the shoplifter's personality, their characteristics, their culture, and situated them in the negotiated world of the shop as they attempt to shoplift. What does shoplifting mean today and what are the market conditions, what do people want to buy and do they care where it was made? Also when it has been shoplifted how is it distributed?

What has been called "the most important single event in the history of shoplifting" occurred in 1879 in America, as America was the most innovative capitalist country in this field at the time. This was the radical move by F.W. Woolworth in New York, in 1879, when he opened the first of his 'five-and-ten' stores. He changed the 'staff select' method of shopping to the *self-select* method when he opened the glass cabinets and displayed them where customers could touch them (Klemke, 1992). The iron *law of unintended consequences* came into effect, and this was to change shoplifting qualitatively and quantitatively to the present day.

Causes of Shoplifting's Recent Growth

Although it is impossible to obtain accurate figures for shoplifting there are good indications and research into likely levels. The first blurred boundary is the rate of shoplifting. Given that shoplifting along with employee theft and accounting errors constitute total stock shrinkage, it is only consistent and accumulative research that has given best estimate figures. These are roughly "40-50% due to employee theft, 25-30% due to shoplifting, and 15-30% due to accounting errors" (Klemke, 1992, 10). The following figures warrant further research; "Zeitlin (1971, 24) estimates that 75% of retail store employees engage in theft from their employers. Cort (1959, 341) offers the same estimate for employees in chain stores" (South and Scraton, 1981, 46).

Certain technical features of the Fordist shop undoubtedly increase the opportunities for shoplifting: self-select methods of shopping removes any physical barriers between the goods and the shopper and so facilitates shoplifting. This blurring of boundaries and potential ambiguity is part of the essence of shoplifting, for if the goods are in your hands are you not the rightful owner? The popular fable that 'possession is 9/10ths of the law' is applicable here.

Regarding the increased range of motives for shoplifting there are a number of factors:

- **Heroin Chic Women Steal the Brand?**

The social pressure to conform to supposed ideals on young girls leads to dietary problems on one hand (Quart, 2003) and leads to over consumption by means of the 'five finger

shuffle' on the other. Earlier research (Campbell 1981) has shown the high levels of economic pressure reported by delinquent girls, which led to their shoplifting in England. Campbell went so far as to announce that it was "consumer fetishism" that led large numbers of working class girls into shoplifting.

Given the widely noted increases in individualism and consumerism in the recent past, this can only have fuelled the level of shoplifting. In relation to the modern general demand for brand names, this has an intensifying effect on the girls pre-existing consumer fetishism, and leads to more shoplifting. Quart notes the extension of marketing to even younger people; "Over the last decade, there has been an exponential increase in the intensity that manufacturers employ to sell their stuff to the young. They have grown up in the age of the brand" (2003, xxiv). This applies to boys who are also increasingly fashion conscious, and also men. Note the popularity of the 'lads mags', such as Maxim and FHM, which are full of glossy brand advertising. Although Campbell observed 30 years ago, it is still true that girl's: "Have by no means escaped the sex- role trap. They may feel freer to break the law of the land but not necessarily the law of the female's position in a consumer society, where women themselves are still a commodity" (Campbell, 1981, 94).

This links with the pleasures of crime theme, part time crime as both income and leisure. Whilst the argument that follows maybe interpreted as similar to Katz (1988), critiqued later; the thrill should not be separated from the society as a whole that generated it and made it possible as Katz does. Symbolic consumption and 'shopping', links in very closely with the Katzian excitement of crime, behaviour and emotions such as celebration, recklessness, drug and drink induced, and nihilism, can all be experienced whilst out shopping. Elements of the carnival (Presdee, 2000) are present in shopping malls too; activities for children both inside and outside, both static and live, crèches, bars, and cinemas, all are situations for entertainment. Player says:

Shoplifting, in particular, represented a leisure activity in which the motivation to steal was not the need or desire for any particular item but the thrill of thieving... most frequently they were spontaneous adventures generated as a means of entertainment.

There was an unspoken expectation that all women would at some time join in with these amusements. Very few women were able to withstand the temptation of the relatively high rewards from shoplifting for the apparent low risk involved. And shared risk taking enabled them to demonstrate their commitment to friends and, in return, experience a sense of belonging and feelings of mutual support (Player, 1989, in Downes 1989, 119).

- ***New Markets for Del Boy - 'Only Fools and Horses Work' in Hookey Street***

Building upon arguments made in the Introduction, some features of British society that have led to the growth of self provisioning/incomes in kind, exchange value trading, entrepreneurial, and monetary economies will be described. It was the growth of mass unemployment of more than 3 million in the UK that led to the growth of the informal economy and moonlighting for the working class (South and Scraton, 1981), and which normalised it. Push factors into the informal economy were the changing job markets due to restructuring, unemployment, and understanding of the new economy, and pull factors were involved in the experience of the bazaar (Young, 1998c, Ruggiero 2000a);

Criminologists (e.g. Baron & Hartnagel 1997; Fagin 1992) agree that a substantial number of inner-city dwellers reacted to under-and unemployment by turning to or escalating their involvement in crime as primary and secondary sources of income (also see Fagan and Freeman 1999). As Freeman (1996:36) concludes, "a Collage of evidence supports the notion that young men respond Substantially to the economic rewards of crime," as a way of circumventing diminished opportunities for legal work (McCarthy & Hagan, 2001, 1054, also Bourgois, 1996, Gray, 2004, Kennedy, 2004).

While McCarthy and Hagan were writing in America, their arguments are applicable here. Though the evidence they use was not gathered here, both economies experienced restructuring comparable in some respects. Although the precise particulars of experience will differ, the pressures will have been similar. There is evidence that links low wages with crime (Machin, & Meghir, 2003), and welfare benefit changes and crime in the UK too (Machin, & Marie, 2004, Kennedy, 2004, Gray, 2004, Taylor 1998).

Other social groups were and are involved, the experience of high tax rates for the wealthy after World war II during successive Conservative and Labour administrations of 90% tax, and again in the 1970s encouraged "a culture of tax avoidance" (Focus, Sunday Times, 2000) for them too. The middle class shopkeepers (Barlow, 1993) were also encouraged into this black economy as;

Many economists believe the rise in VAT under the Tories to 17.5% increased the incentive for people to operate in the black economy... People buying the services of painters, decorators, plumbers and others were provided with a powerful motive to avoid VAT (Focus, Sunday Times, 2000, also Ferguson, 2001).

Growth of the informal economy is built upon the decline of job security and the 'job for life' mentality (Tabak, 2000, Bourgois, 1996). For the poorest, and mobile sections of the working class, wheeling and dealing has always been a fact of life:

the informal economy is an intrinsic part of working class culture... there was no convenient dividing line between illegitimate, semi-legitimate and legitimate activities; as they were all an integral part of the existence of the people in the area, not 'peripheral' and 'occasional' episodes in otherwise law-abiding lives (Foster, 1990).

The steady decline of welfare benefits (see Chapter 1) and the introduction of J.S.A. in 1996 meant those denied benefit thought crime was one answer to their predicament; "I could have turned to crime, shoplifting, couldn't I?" (Informant in Machin and Marie, 1996, 15). Compounded by the subsequent additional harshness of the New Deal, initially targetted at the young 18-24, in the age range thought of as being crime prone. Suggesting there are large numbers now outside of official institutions of society, supporting themselves in a manner analogous to the vagabonds of old. Some have simply disappeared from official institutions of society, 1.2 million youth aged 18-24 are neither in work, registered unemployed nor in education (Johnson, 2004, also Kennedy, 2004). Given that people's subsistence needs are now satisfied almost totally through shops then shoplifting is going to be high in many peoples' considerations and activity. Vagabonds were from the social groups used to agricultural customary allowances, and continued their activities when outlawed, although their appropriation of property of indistinct ownership would be then outside of custom, and hence more criminal. Given that they were outlawed anyway this would have been a meaningless distinction. For those who have to survive today by any means necessary, goods in shops are now the property of indistinct ownership subject to customary appropriation.

The Organisation of Shoplifting

What Goods are Lifted?

- **Branded goods** are a popular target because of the demand, both by individuals and for resale. Shoplifters make assessments on the ease with which they can get away with something. If a brand name item is target hardened and the stores own brand is not, then shoplifters who are professional maybe able to take the alarms off or out of action and still steal the target hardened brand. The amateurs without the skills will probably take the item without additional security on it.

- **Household** goods such as food, toiletries, batteries, razor blades, drugs, and hardware, e.g. can openers (Brockes, 2003, 11, 3-4), these are Britain's most shoplifted according to the Centre for Retail Research. Professor Bamfield says "shoplifting is driven by economics" (in Brockes, 2003, 4, 3-4).
- **Electronic** goods were often the preserve of the more professional shoplifter, though with supermarkets beginning to stock DVDs, videos and television's this is becoming more common.
- **DIY** materials and tools.
- **Anything** – All goods in existence may have been shoplifted at one time or another.

'It Burns, Like a Ring of Fire'

People who buy petrol are not buying it for the brand name, there is never any discussion about who sells the best 'haute couture' petrol in the media or amongst people's acquaintances. Consequently the new and growing informal economy in smuggled petrol means that in effect the smugglers are counterfeiting all the different retailers of petrol simultaneously. The process is very similar as well. As the tax on petrol means that those who choose to buy smuggled petrol and sell it on via the pumps can make £10,000 on one tanker, whilst the ordinary petrol station owner would make just £600 from the same tanker. It is also possible to 'wash out' the dye that goes into the subsidised "Red diesel", a cheaper petrol for the agriculture sector, "with the aim of selling it fraudulently at forecourt prices" (Steele, 2003, 12).

The motivation for this trade is the same as alcohol and tobacco smuggling, the relatively high levels of tax placed on the item (Ferguson, 2001). With the tax level at around 82% for cigarettes and 88% for diesel, the;

Growing trade in bootleg petrol and diesel is estimated to be worth £700 million a year... one in every 50 litres of petrol is bought or sold on the black market... the racket is costing the Treasury more than £500 million a year in lost tax revenue... Ray Holloway of the Petrol Retailers Association, said: 'The Chancellor can easily stamp on this by cutting the price of fuel. Otherwise, he can expect to see the same happening here as in Northern Ireland where legitimate fuel sales have halved in the last five years' (Mowbray, 2000, 31).

When the counterfeited petrol assumes a brand name (whether it is BP, Shell, or Esso) at the pumps, the process has been completed. Cheap fuel like kerosene is put into diesel

diluting it, and sold on as if it is normal. Vegetable oil is the main ingredient for another duty evasion scam, at least in Llanelli (South Wales) that has the highest reported sales of vegetable oil in the country. This vegetable oil is convertible into petrol with a simple additive placed in your tank (Woolcock, 2002). There is another feature of petrol theft, and that is what is called "drive-offs". Whether it is a reported "year-on-year increase in the number of incidents in which motorists drive off forecourts without paying for fuel" (Lancashire Constabulary, 2000), and in 2000-01 following the petrol crises the amount of offences involving drive offs doubled in most areas of the UK. This is the petrol equivalent of shoplifting, but which takes place on the petrol station forecourt. As there is no shop to enter for the purchase or selection of petrol, the drive off is perhaps the simplest example of shoplifting today. Of course there is normally a shop to enter and pay for petrol, and buy a snack or other necessities, and shoplifting of these does occur even when people are paying for their petrol.

Who is Involved?

Shoplifters come in many varieties, and a totally comprehensive typology of shoplifters would either be too simplistic so that you could confidently fit every possible person into the categories. For example, the professionals who would swop the price labels on expensive bottles of wine, to a cheaper price, before the introduction of 'swipe technology' made this impossible in some stores. Although some stores still in the pre-information technology age still use sticky labels, however they are increasingly hard to find. A sophisticated typology may fall foul of the law of the 'black swan' (something beyond the bounds of reasoning and that is totally unexpected). This is because it is impossible to anticipate all shoplifters as they do not own up publicly, and therefore researchers cannot hope to meet all varieties of shoplifters using other methods anyway.

The problem may stem from the paradox involved in the very 'ordinariness' of shoplifting. It is such a common offence and it is committed by so many people that no specific characteristic or pattern arises to make a typology of an all-encompassing classification of the offenders (Arboleda-Florez, Durie & Costello).

So another method for presenting selected shoplifters and what they say must be found for analysis. This will take place under the conception that most shoplifters possess qualities that mean they fit into the category of 'the mass shoplifter' described earlier. It is likely that the self-fulfilling prophecies of store detectives influence their decision-making processes and the probable catch of different types of shoplifters. There is evidence that far more

people shoplift than are ever caught, and so any targeting of stereotypical groups will prove to be 'a success'. This becomes disconcerting when numerous store detectives are found to hold views "almost always of a racist nature. Many references were made to 'spooks', 'nig-nogs', 'wogs', and 'sooties'. This racism was often translated into action, so that any 'black' people were viewed as suspicious and were followed" (Murphy, 1986). Whilst this was nearly 20 years ago, they are likely merely to have changed reflecting cultural mores of the media 'newsmakers' with their current fetish for 'bogus asylum seekers'.

Richard Moores' categories were developed later and they were formed from one study of convicted shoplifters, although this brings its own problems with regards to generalisation. Firstly,

The impulse shoplifters had limited shoplifting activity, often only once or twice. They had not planned their thefts... the occasional shoplifters reported having taken items three to ten times during the last year. Financial reasons seemed to be secondary to doing a challenging act or complying with peer pressures... the third type were the episodic shoplifters. These individuals went through periodic episodes of shoplifting and exhibited severe emotional and psychological problems... the largest category, amateur shoplifters... developed a regular pattern of shoplifting... semi-professional shoplifters. Shoplifting had become part of their lifestyle. They shoplifted frequently.. and utilised more skilled techniques and precautions than other shoplifters (Klemke, 1992, 72, 73).

One of the most challenging descriptions of shoplifters is that by Katz (1988), although there are significant problems with his presentation and analysis of shoplifters. In his methodology Katz says he collected his information from University students. Whilst these maybe more representative of the general population in America than Britain, there are doubts as this is a privileged sector of society and so generalisations are immediately suspect. Also, because of the selective nature of his shoplifting informants, a false picture of shoplifting could be created and maintained in Katz's eyes. At first sight Katz is constructing an interesting project, that of critiquing the materialist causation theories of crime of the left and the right;

Whatever the relevance of antecedent events and contemporaneous social conditions, something casually essential happens in the very moments in which a crime is committed... Thus, the central problem is to understand the emergence of distinctive sensual dynamics.

To believe that a person can suddenly feel propelled to crime without any independently verifiable change in his background, it seems that we must almost believe in magic...

Raising the spirit of criminality requires practical attention to a mode of executing action, symbolic creativity in defining the situation, and aesthetic finesse in recognising and elaborating on the sensual possibilities.

Central to all these experiences in deviance is a member of the family of moral emotions: humiliation, righteousness, arrogance, ridicule, cynicism, defilement, and vengeance. In each, the attraction that proves to be most fundamentally compelling is that of overcoming a personal challenge to moral – not to material- existence...

The dominant political and sociological understanding that crime is motivated by materialism is poorly grounded empirically – indeed, that it is more a sentimentality than a creditable causal theory (Katz, 1988, 4,9 & 10).

If the left realist square of crime is the basis for analysis, Katz may have escaped talking about possible material causation but at the cost of all “political-economic contextualisation of crime” (South and Scraton, 1981, 12). Katz’s abstraction of the ‘moment’ of the genesis of shoplifting, “something casually essential happens in the very moments in which a crime is committed” (1988, 4) is the most one-sided argument in that it concentrates on the offender alone. This individual “sneaky thrill” like Murphy’s earlier is an a-historical category of shoplifting that does not look at the types of goods or shops, or indeed shoplifters as they emerge and develop through time. Far from escaping “sentimentality” Katz is guilty of promoting an idealised sentimental individuality cause of shoplifting theory that has no regard to changes culturally, economically or in the nature of shops and shopping. In this way Katz avoids dealing with the economy or history, says nothing about the skills that are transmitted (Davis, A. 1997), and is misleading because “no property-crime should be divorced from its political-economic context” (South and Scraton, 1981, 8).

The boundaries of shoplifting blur as regards actions: the legitimate presence of the shoplifter in the shop based upon the simultaneous making of legitimate purchases. The shoplifter is acknowledging that there is a legitimate way to buy goods – so there is no overt contestation of the money-exchange relationship. This is harder for the store detective to identify, as it is only the act of concealment of the goods, which forms the danger for the shoplifter. If the shoplifter is thoughtful about concealment, and excuses herself with ‘I forgot’, or ‘it’s all a big mistake’ then the nature of their intent is questionable. And no intent – no crime. This is part of the reason why Walsh indicated, “shoplifting has been culturally invisible” (1978, 51).

There are other reasons why the shoplifter, shoplifter/shopper and the shopper are blurred. It’s the shopping experience that is the background in which the shoplifter works and “The manifold complexities of interaction involved in shopping produce different kinds and types

of shoppers, all of whom can, for example, provide valuable camouflage” (Walsh, 1978, 21).

Furthermore, there are many motivations for shoplifting that do not simplistically and mechanistically deserve criminal intent being ascribed to them by security forces. Without assuming the judgemental attitude of Katz, his insight is correct;

As unattractive morally as crime may be, we must appreciate that there is genuine experiential creativity in it as well. We should then be able to see what are, for the subject, the authentic attractions of crime and we should be able to explain variations in criminality beyond what can be accounted for by background factors (1988, 8).

For the perpetrators there is more positive value and expression than the negative aspects that police and the powerful continually identify. Routinely negative publicity is given to poor and dangerous counterfeits, but the powerful do not publicize well-made and safe ones (e.g. Dillion, 2001, Meikle, 2000). This applies to the current publicity concentrating on the supposed criminal records and criminal organisation of tobacco smugglers. While the creativity of Katz may be true for a variety of crime (e.g. getting a buzz out of bank robbery), it is not a specific characteristic of shoplifting.

This ‘genuine experiential creativity’ and the ‘authentic attraction of crime’ needs further expansion, some of this can be found in realising that there is a positive and active creation of value and values in the process of committing crime for some people. In the first “Theses on Fierbach” Marx realised that “sensuous human activity, [was] practice” (Marx, in Bender (ed) 1972), and meaningful for the participants. In relation to shoplifting this means that the act carries with it different meanings for the participants and different emotional effects. For the political shoplifter, it is a blow against capitalism and might make them happier, for the fashion conscious it makes them feel good to have exclusive clothes, for the needy it is simply an economic survival strategy, and so on.

One interesting aspect of shoplifting is what is called on the street, the ‘buzz’; ‘did you get a buzz’. This is the term used to describe an activity which gives the individual a hit of naturally produced adrenaline, due to their own or/and possibly groups behaviour. This is a painkiller that leaves you with warm and happy feelings. Often people feel a whole gamut of emotions as they enjoy the excitement of ‘doing wrong’ (Presdee, 2000). Shoplifters of all types describe this effect and it is a common experience across all sorts of crime. The rituals of the catch, and the celebration of it, are a means of self and class valorization. In

brief, this means that shoplifters revel in both the act of shoplifting itself and in the cultural celebration as well. This releases positive feedback in many forms and includes the cultural techniques of neutralisation e.g. denial of victim – 'shops can afford it'. The shoplifting ambience can travel with the shoplifter both before the actual act, and in the storytelling that goes along with it. The 'spectaculars', as in daring or particularly valuable successes, living in peoples memory for years;

A juvenile described his experiences as follows:

'Once I'd got over the initial fear it was a trip I needed when things got bad. I would feel better from the time I knew I was going to take a go... The planning... well... it wasn't really planning, more a sense of building up anticipation... then the walk to the store. I always wore special clothing... walked slow... I was more than me"...

The ritual of shoplifting offered the opportunity to be possessed by a self-image greater than his mundane normalcy. While the actual event may only take a short time the psychological preparation was a girding of the loins as for a contest, and knowing the risks involved... his body took on the chemical stimulation of danger (Morrison, 1995, 361).

Whereas existentialists ignore the language and economics of the working class as it actually exists, post modernists too (Bourgois, 1996), and other sociologists (Armstrong, 1993) it is important to emphasise the collective celebrations as part of a wider oppositional culture. The classifications discussed are largely in terms of motive (stealing for fun/profit etc.). However, the important classification is in terms of (a) social class (b) amateurs, professional distinctions. Here is an attempted classification of the varieties of the mass shoplifter, and the various sub-categories such a category can be broken down into. It was possible to arrive at this classification of category building after theoretical and practical immersion in the details of shoplifting. The categories emerged through discovery of different aspects of shoplifting and shoplifters, and so they weren't apriori inventions. Subsequent knowledge of shoplifting has not led to reformulation of these categories, although it is important not to be arrogant and claim that this will always be so.

The Visible Participants

Those actually in the shops and on the street but, as will be shown, they are the tip of the iceberg of a much more elaborate network of blurred boundaries and ambiguous legalities which constitutes the economy of late modern shoplifting.

Amateurs

The **Household Shopper** is gender less although female predominantly, shoplifting as a supplement, as often on welfare benefits as not. No preparations before or after, the Fordist shopper. The most numerous given the opportunities people have during their weekly shop. Including the categorisation occasionally found in the media, of the 'sad' or 'loner' shoplifter, who has issues that may need professional intervention, supplemented by the addicted shoplifter, frequently female in the media, and as noted in shoplifting theory. Who is after the excitement that breaking the law brings until they are caught, when again professional help is sometimes prescribed. One example of the household shoplifter is here "Just little items. Like the girlfriend's birthday coming up. You know, it could be a bottle of perfume. Silly stuff really. Some clothes, watch batteries, watches, anything that comes along really" SL2. More here:

"Routine shoplifting is about making what little money you have go a bit further. It's not about stealing cauliflowers... It's about putting the more valuable things like medicines, toiletries, batteries, films, coffee, into your bag or coat and getting away with it every time" SL4.

"People steal things that they need, you know, very basic things like food and toiletries. But then there's another sort of need where you want products that you just, you can't afford but you see them and you want them. So things like clothes and products that everyone else, you know, other people can afford" SL1.

SL9: "Tesco's, Sainsbury's, Marks and Spencer were always a favourite, Superdrug for women's things, sports shops, off licences, everything really, anywhere where you thought you could get away with it..."

T: "So to cut to the chase. So all the time shoplifting contributed to your income quite a lot?"

SL9: "Definitely yeah. Especially weekly shopping."

The **semi professional**, often low paid or unemployed who gets on occasions a substantial contribution to their income from shoplifting, who has served their apprenticeship, and knows some tricks of the trade. Who makes some preparations suitable to the task, before and afterwards, often sells things to family or people they know;

"I was getting when I was shoplifting, about my highest shoplifting, I was getting 30 quid, 35 of dole because I was under 25, and then like me and my friend were making probably 100 a week stealing... stealing stuff and selling it on..."

When I was younger stealing things like make-up, the odd bit of clothing and tapes... then up to things like more and more clothes, make-up, books, hairdryers and then gradually starting to steal to sell stuff, stealing things like stuff from mainstream stores, from Boots, from Woolworths, things like named perfumes,

brand perfumes, brand aftershave, popular books, popular fictional books, anything that would sell easily and then right up to stealing things like sewing machines from shops, walking in and stealing sewing machines, jackets, leather jackets, antiques, paintings even from art shops, just going in and stealing them, just things that could be sold." SL1

These are the types of people who are often found working their community and estates; "At Christmas as well they used to do sort of trolley dashes, so they'd just basically load up a trolley and like just walk out of the shop with it... Two cars or two boot loads of stuff they hadn't paid for... they did it about 3 or 4 times." Also see other evidence in the results chapter for SL9.

Intermediaries

The **junkie** shoplifter who steals to feed their habit, often disposing of goods through a fence. Not only addicted to drugs, the amount of shoplifting they have to do to feed their habit means that it looks as if they are addicted to shoplifting. No preparations before or after, a Fordist deskilled routine affair. Rarely getting valuable goods, rather middle of the range because they have some resale value, are more in demand, and are easier to get than the expensive designs that have more secure security arrangements. Goods the poor are encouraged to buy in the cheaper ranges at Tesco, Asda, Primark, and other stores have little or no resale value, although they do have use value for the *household* shoplifter.

SL3: "I know a few junkies at the moment who shoplift but they do it for a living [to get drugs]. They do it more for a living and they're always getting caught. We didn't always get caught"

T: "They're doing it too much, or because they're obvious?"

SL3: "Doing it too much and because they're obvious."

The **C1 shoplifter**; revealing a *skilled manual* approach to shoplifting. Uses reflexive monitoring and cost benefit analysis to judge what is worth the risk. Often on the basis of the assessment that there is next to no possibility of being apprehended, realising that lightning would have to strike for them to be caught. These are like the C1 smugglers who are more entrepreneurial and artisanal, in short creative people, and also more characteristic of the middle class. Here the shoplifting is aesthetically orientated, to provide things for display, to wear, or to work with, and different to the sophisticated shoplifter because of a class divide, at work and in consumption; "I said, we're not paying for it. Don't get processed cheddar, buy [steal] Roquefort. Don't buy the cheap wine, we'll buy [steal] the petit mouton, mouton rouge" SL3.

"Before the ram raiders did Baron De Rothchilds mansion I did Waddesdon Manor. I got a 140 pound corkscrew from the shop, it's National Trust. I like a nice drop of Red now and then, and the wife likes a Chablis" SL8.

"When I started shoplifting I didn't do it all the time. A shoplift was a rare bonus I got excited about. It was usually the same low cost crap I usually bought, but these little things mean a lot to people with nothing. As the years went by I gradually got into more and expensive shoplifting. As my experience of what's available out there grew, and how easy it was to rob, *I got into more serious value shoplifting of higher-class goods*. Stuff I would never be able to afford but felt I had a right to have.

I then went out on special occasions shoplifting, rather than shoplifting as an occasional bonus on normal shopping days. It got to the point where I would be going out 4 times a week, lifting goods worth around 1k or more on a day out. I used to think that's wicked. [good in evil] I've stopped this level of serious shoplifting, not because I'm working or got caught. I never got caught doing this level of shoplifting! But because I'm spending my time doing other things and don't get the time, *also I do have a sense of proportion now*. I only do it when I have a real need, rather than to revel in the feeling of wealth goods bring. I guess I don't need to do it as much at the minute. I do still dream about getting a few bit hits though. Yesterday I put my dream into practice. I thought It would be easy and I want the stuff to stop me [myself] looking like a dosser [drunken and/or drugged layabout]. So I went and did my first big hit since before christmas [it was June]... I got myself 4 items of brand named goods for summer. 2 short sleeved shirts, a pair of trainers, and some knee length shorts. They're worth 210 altogether. So you can see what sort of difference this can make to my quality of life. It's a weeks work or more that is. Money it's normally impossible to lay your hands on, or if you do it's already spoken for" (emphasis added) SL6.

There is also blurring between the semi-professional and the C1 shoplifter. Above the evidence shows the transition from the household shoplifter to the C1, then displaying the volumes that identify this shoplifter as having semi-professional characteristics too;

SL1: "And always stealing for things that I wanted, never stealing... never impulsively and never for the thrill of shoplifting although it was exiting, but mainly for things that I wanted that I couldn't afford. And gradually, as I got towards 18 and 19 just be able to shoplift with such ease and not getting caught and getting more and more expensive items..."

T: "If you're looking at perfumes you can perhaps get 2 when you only got 1."

SL1: "Yeah I think, you know, you always, when you take something you always think, oh I could have, you know... When I used to take a lot of perfumes... I'd take 2, I could have taken 3, if I took 3 I could have gotten 4. Then when you pay for something you think oh why did I pay for that one, I could have nicked it. So there's always that all the time you know."

T: "I know. It kills you, doesn't it? I suppose. It's the circularity of those sorts of arguments... get away, I could have got away with it."

SL1: "Yeah, yeah, [I] see. It plays on your mind."

T: "It does, doesn't it? It does."

Professionals

The **Professional** shoplifter; often very skilled, has many contacts if they work independently, or with a few or none if they run a family business (e.g. through a market stall). Or with one if everything goes through a fence. They often make preparations both before and after the event, a Post Fordist flexible specialisation approach;

I mean there's two of my friends... I mean they are professional. They go from [for] specialising in antiques... They travel to a lovely place... and if you look at them you think they're very middle class, and they put an accent on. And the stuff they get away with you know. I know they could be on 350 in a bad week. Sometimes 500 in a good week. SL2

You could buy anything you wanted there you see, could like have things shoplifted to order... professional shoplifting. You didn't just take one thing, you'd take a whole rack of things, of things especially clothes, to fit everyone on the street sort of thing. SL9

The sophisticated shoplifter; highly skilled who works for expensive hits in jewellery stores, or for other expensive things, e.g. The £2000 dresses in Harrods. Mainly for particular use value based upon sophisticated choice and taste, like champagne. Many preparations before the event, but not as many after, very task orientated brought about by specific targets. Rarely uses a fence. They are included here in distinction from the semi-professional because the standards by which they operate set them apart from the masses or C1 shoplifter in everyday life. Their quality of consumption is similar to other professionals with a certain taste;

Desire becomes the engine that drives us to seek out certain cultural acts whilst the resulting pleasure drives desire once again to find new limits... Deleuze points to the 'sensualness' of 'wickedness' when he identified two kinds of wrong-doing, the one 'unthought out and common' and the other 'self-conscious and sensualised and intelligent' (1997:37)... the aesthetics of crime needs to become a central debate in criminology (Presdee, 2000, 5, 162).

A category here comparable to 'Range Rover Toff' in the smuggling chapter has not been included. This is because there is no evidence of those types of people shoplifting, or at least to the extent, that they go 'booze cruising'. Though it maybe worth exploring as such a category could well include famous shoplifters such as Winona Ryder; if they are then

selling on some of the goods, or providing them as gifts for people. Though for now, Winona belongs in the high class sophisticated category above, one in which she appears very comfortable.

Traditionally the known destination of shoplifted goods by amateurs was for peoples' own consumption or for friends and family. The Professional or semi-professional shoplifter may steal goods to order or for sale to a known distribution outlet. What has changed to shoplifted goods marketing in recent years is the emergence of car boot sales, and the enlargement of ordinary markets to include a larger criminal fraternity of dealers and receivers. Whether this is for counterfeit (Sims, 2001) goods or shoplifted.

'Sweethearting' is the term given to a process whereby a trolley load of goods is checked through a till but only a fraction of the real value of the trolley load is actually rung up in the till. So shoplifters working with an insider can get away with hundreds of pounds worth of goods. In the process the sweethearting informants stole for everybody, as apart from personal and family distribution, the goods went towards a summer barbecue on a council estate in South London. In another instance this method of shoplifting supplied most of the food for a stag trip to Cornwall, whilst a booze cruise supplied most of the excessive amounts of alcohol consumed. Here the sweethearters were household, semi-professional and C1 shoplifters, displaying elements of all categories. Getting food for consumption in a manner of the household shoplifter, getting goods for re-sale that provided a much need wage supplement as in the semi-professional, and obtaining higher class items of taste such as fine wine and certain exclusive foods as in the C1 shoplifter.

"I was doing a supermarket on a weekly basis, and that wasn't just providing for me, it was providing for a woman next door and one of her friends, as well as several other friends of mine... That was shoplifting on an industrial basis. I think well it was all planned and we'd suddenly drive up and all the children would rush up and off load everything and that was impressive. I can remember seeing one christmas where we got through 500 worth of food over a christmas and realised it was all grabbed out. It was... It was almost like _____ was our own personal store."

Overall these are not perfectly formed analytical categories because they do not have a firm base upon which to draw. Instead, the blurring of boundaries means that often characteristics can be found that fit 2, 3, 4 or even five of these descriptions (the household shopper on benefits, who likes *some* drugs for recreational purposes and is not the addict, and therefore needs to do a **money earning** form of shoplifting). This displays the urgency

of the junkie shoplifter with the semi professional skills in a very task orientated manner, without the chaotic and compulsive behaviour of the junkie.

The Invisible Participants

As with smuggling (indeed, shoplifting and smuggling are simply different moments of the same 'bazaar' economy) the elaborate network of invisible participants, which include both networks and institutions linked into the global bazaar are what gives shoplifting its late modern flavour. These networks which are based on ambiguous legalities, ethics and blurred boundaries (between crime and legality, between legal manufacture in one part of the globe and illegal manufacture and/or distribution in another).

Clothing Multinationals (dumping)

The blurring of boundaries in the illegal and legal markets of the bazaar is characteristic of manufacturing stages, not simply of the theft and distribution of the product. Global dumping (B.A.T) involves using brand trademarks to price fix goods in rich countries and selling the same goods cheaper in poor countries. This encourages anti-dumping strategies by big retail chains that try to 'desegregate' the markets through a third, 'grey' market of goods unofficially sourced from the poor countries to sell in rich ones. Brands are subject to massive counterfeiting operations and particular products enter the distribution chains into legitimate stores (Nike Polo shirts in Sainsburys); "Jim Tucker, Nike UK's general manager, said "That part of an organisation as large as Sainsbury can be caught out by the counterfeiting cartels just goes to show how heavily infected with fake goods the markets are" (Anderson, 1998). Anderson suggests a small number of large operations control counterfeiting. However, evidence collected displays a range of operators from very small up to large. This boundary blurring is very significant when large transnationals are involved e.g. Tesco "unofficially sourced' Tommy Hilfiger goods... It said that there "would not be any issue if brands like Tommy Hilfiger agreed to supply us directly" (No author, Daily Telegraph, 29.5.98).

The blurring of boundaries has a further dimension; Brand differentiation is a spurious method of increasing sales of essentially generic goods and it appears that different companies understand this too. Tesco have produced similar mass products very similar to high society designs by Chloe (Asome, 2005, 5), and other companies disputes over

design copyright have gone further. Monsoon has sued Primark in the High court for damages, because Primark are said to have copied some of Monsoons designs repeatedly (Peek, 2005, 5). Where they were manufactured is unknown, however just as some famous brand names have been made in conditions of exploitation outlined by Klein (2000), it was the collapse of the Tiger economies that has led to a situation where;

Goods will typically have passed through three centres of the UK's counterfeiting industry – London, Manchester and Liverpool – before they hit the streets. And increasingly, the fake fashion trade has become an international operation: two years ago, an estimated 90% of counterfeits were domestically produced; now most are imported, fuelled in part by the Far Eastern economic difficulties that drove once legitimate manufacturers to shift production to lucrative counterfeits (Sims, 2001, 5).

This process has happened internally in Britain where the collapse of the clothing industry has been well documented, and it is here that companies and their recession hit factories first;

Turned to making more profitable counterfeit goods – either instead of or alongside their legitimate contract goods...the grey goods from a factory that has overproduced a garment making fakes purely because their manufacture has not been legitimised (Sims, 2001, 6).

Another method is the deliberate overproduction of the brand contract for resale elsewhere, or a special print run of the brand after the Timberland contract has run out (Sims, 2001). The domestic counterfeit market should not be underestimated, and commentators maybe biased in one direction or other for whatever reason e.g. Mike Royalance (Adidas UK's Trademark Protection Manager) places emphasis on the genesis of crime being from abroad. This maybe to disparage the character of native criminals, in an attempt to isolate freetraders;

The main counterfeit market... remains in sports clothing. 'Ten years or more ago,' explains Mike, 'most of this gear was produced domestically in sweat shops on the north and Midlands... Nowadays 80 per cent to 90 per cent of it is produced abroad, almost all of it in the Far East in countries like Indonesia, Singapore, China, The Philippines, and Thailand where most of it comes from' (Sugden, 2002, 135,136).

Ambiguous Legality and Indeterminate Property (brands)

The emergence of new entrepreneurial trading takes place under conditions of global manufacture and style. Apart from entirely new sectors of trading such as car boot sales there is a growth of markets and criminal networking in them, and existing official

businesses as they try to extend their operations in these global marketing conditions, are entering what is called the grey market. There is a multi-ethnic character within these illegal and informal markets, often involving networks that are transnational. While this can be seen as a globalisation from below and resistance to transnational capitalist globalisation, in fact;

It is highly complementary to it, using many of the same technologies, communications and transport links, and meeting demands and tastes generated by international capitalism. Far from threatening the dominant economic system, it helps humanise it by allowing it to adapt better to the circumstances of migratory lives (Jordan and Duvell, 2003, 75).

These networks of small-scale entrepreneurs and workers make opportunities in the globalised environment, "comprising relatively sophisticated and high value production as well as low cost output and ethnic niches" (Jordan and Duvell, 2003, 73). Business is conducted across the globe, countries with ethnic enclaves trade with the mother country and supply new migrant labour, often temporarily. Knowledge of opportunities is discussed "for advantageous cross-border trade and a transnational division of labour, using social capital as a substitute for the financial resources enjoyed by corporations" (Jordan and Duvell, 2003, 74). There is a mixture of legal and illegal workers in these sweatshops in London, which authorities have no great wish to eliminate (Jordan and Duvell, 2003, 75, Grabiner, 2000).

This introduces a late modern element as well, as does reproducible property (e.g. computer software), which thereby transcends its identity as property. Most people do not see copied software as theft (e.g. the struggle over Napster). Eastern block countries, China and third world countries are engaged in wholesale copyright violation and counterfeiting of software, and of other branded goods. Brand identities themselves introduce the possibility of counterfeiting and semi-legal copies which blurs the boundaries between theft and legitimate business in a similar way to that in which smuggling takes advantage of simultaneous legality and illegality. Shoplifting as social crime is rather a straightforward form of theft. In the wider sense, shoplifting embraces not just the taking of finished products via theft, but also the deliberate manufacture and distribution, of counterfeit goods.

Not only are counterfeits shoplifted, shoplifting goes on to promote the retail of counterfeits, and counterfeits are shoplifted from markets. It is possible to see the genesis of shoplifting

as it originated in the travelling markets and fairs of the Middle Ages. There are still traditional roles of trust and violence in negotiations, contracts and debt collecting in the bazaar. A journalist noted that the Hackney Wick market, as well as being a site of distribution and retail for smuggled cigarettes by groups of “Eastern Europeans” (Freeman, 2000, 10) (who may also be smuggled themselves) and counterfeit goods. Also included a large element of self-regulation on the part of the criminal participants. This takes further legitimacy away from the state by promoting the use of force as a method of self-regulation, and ends the states monopoly of it;

This market is a rough place, and is largely self-policing, as shown by a sign above one stall which spells out a blunt warning: ‘Old enough to get caught nicking, old enough to get a kicking’. Snoopers like Jim & Alan might risk getting the same treatment – as indeed do trading standards officers if they go in without police back up” (Freeman, 2000, 11, also no author, “Tobacco Raid at Market. Hackney Gazette. 14.6.01).

I have been to the market in question several times, and did not see any violence, although there was an ambiance;

Permanent tension between trust and violence [that] seems to be present in every illicit transaction. Trust should be understood here as the reliability of the parties regarding their present and future intentions. Violence is employed as a sanction when contracts are violated, and as an instrument to solve disputes and to regulate the market activities. In some contexts, primary bonds between members of the organisation, based on kinship, ethnicity, family, nationality and locality, guarantee the security and continuity of illegal transactions and minimise the need or the threat of violence. Well-established illicit markets usually rely more on trust than violence (Arlacchi, 1998, 210, 211).

In a multicultural area like Hackney perhaps a common understanding that crosses cultural barriers the easiest in terms of understanding is the threat of force or force itself?

How are the goods distributed? The bazaar economy

The early street markets and their social relationships in the 19th century have been described by different theorists (Cohen, 1979, Thomas, 1998, Chesney, 1970), and this period is analogous to the current late modern global bazaar. Where the freetraders of the 19th century, the costermongers (Cohen, 1979) had a bitter relationship with the authorities involved as they were in illicit informal marketing for their income. In between these times informal workers were subsumed by the KWS era of Fordism, which tended to eliminate free trading outside of exceptional conditions in wartime (Smithies, 1982, 1984). Today's

experience is of the city as a bazaar, replete with blurred boundaries and a continuum between legal and illegal, regular and irregular, formal and informal. The bazaar economy straddles the legitimate and illegitimate, and merges into wider street culture, "Shoplifting is often a major component of the larger street culture of drugs, prostitution, and crime" (Klemke, 1992, 103):

Stolen goods are a major component of the ghetto economy. Subjects who engaged in shoplifting or other forms of theft seldom sold the goods they stole to professional fences. Most often, they sold the goods to other neighborhood residents directly (Johnson, 1985, 118).

The main dimension of the late modern bazaar as a system of distribution involves the expansion of grey markets. Traditional grey markets such as pubs as distribution points have recently expanded and are now supplemented by car boot sales. Changing drinking habits have placed financial pressure on landlords and landladies who have responded legally with developing catering on premises. Illegally innovations include: tolerating it (as long as it's good for business, or because they tolerate it because they know the people as in Hobsbawms' bandit theory), and perhaps participating in informal economic activity themselves as buyers or sellers. The bar of the Adelphi hotel in Liverpool where the British Criminology conference took place in 1999 saw many instances of the bazaar economy, as several criminologists witnessed.

With the crises of the countryside we are witnessing as a symptom the re-emergence of 'farmers markets' where farmers sell directly to customers in the cash economy to avoid income tax and VAT. These, in turn, are joined by massive informal sales of household and consumer goods arranged around housing estates in which smuggled alcohol and tobacco mixes with shoplifted goods. Recent articles (Hamzic, 2001, Macaskill, 2000, Focus - Sunday Times, 2000) claim that the scale of the Black economy is in the region of £50-124 billion or 13% of the economy measured in GDP. The endemic nature of the late modern bazaar means that it is not only urban areas (Macaskill, 2000, Bourgois, 1996), but also rural areas (Scruton, 2000), that are thoroughly enmeshed in the informal economy. Typically in these areas;

Whole communities exist beyond the taxman's reach... Everything from washing powder to toiletries to alcohol is sold through the back door... new televisions and video recorders are readily available... The estate's economy is run by a few locals who arrange for large quantities of cigarettes and alcohol to be smuggled in from the Continent. Other household items arrive on the estate, Having 'fallen off the

back of a lorry' – and in some Cases bulk supplies are provided by contacts in nearby Wigan and Liverpool... Posing as a potential buyer, a reporter was given access to the club, a local nightspot that is the hub of the estate's black market (Macaskill, 2000, 5).

In the marketplace for shoplifted and counterfeited goods, paralleling that for smuggled alcohol and tobacco, all social classes are found wanting cheap products. The motivation for this is cross class as the similarities for shoplifting and shopping are the same. There have always been informal criminal markets in pubs (Smith, 1985, Foster, 1990, 22, 30) for as long as public houses have existed, and cheaper markets for the poor. These sites have grown since the Fordist era and some have become notorious for 'second hand goods' and other trading (Wiltshire et al, 2001). If an area is characterised by high unemployment, petty criminality and dealing networks then so are some of its' pubs (Gill, 1977). An exemplar of hidden economy trading research by Henry describes the circulation of stolen goods, shoplifting and trading networks to be found in pubs (1978, 18, 33). Vast areas have become reliant on drugs and the illegal sale of smuggled alcohol and tobacco (Ungoed-Thomas & Macaskill, 2000).

Counterfeit goods now account for around 11% of the brand names in circulation in Europe (Sims, 2001) and some of the features of the counterfeit trade resemble the retail distribution chain for shoplifting. Around the EEC counterfeiting could be costing up to £250 billion a year (Hill, A. 2000) in lost revenue. One of the main features of shoplifting, and that is that it takes the same goods as employee theft, though in itself this specifies nothing. The status of shoplifting as a hidden wage has to do more with its social crime origins as customer based pilferage and as a form of free-trading that will be discussed later. It is "a hidden wage-form derived out of the exploitative relationship of capital to wage labour" (South, & Scraton, 1981, 7). This observation as well as observations in the field were used to derive my central argument; **free trading is a *substitute wage form* derived out of the exploitative relationship of capital to labour.** Many informants, either directly or indirectly, mentioned that their informal economy work provided an income in an everyday and matter of fact way, it was something they didn't feel they had to bring to my attention in an expressive manner because it was so apparent.

Other things that lead to the underexposure of shoplifting both criminologically and socially are that companies historically have not liked to alienate the public or their own employees with excessive security. Also Klemke (1992) remarked of the tendency for criminologists to look at general trends in society as a whole instead of looking at particular crimes. Thus;

Delinquency researchers, in particular, have established that most delinquents are involved in a wide variety of delinquent acts and rarely specialise in one type of delinquency. This tends to discourage researchers from focusing on a single type of deviance. As a result, unique insights that apply to particular types of deviance are overlooked (1992, 5).

Tolerated by the Community

At one end of the extreme is indeed the ideal type of negative selfish shoplifter stealing only for himself and poncing off society. At the other end of the spectrum are the shoplifters who are not simply stealing for themselves. Precisely because they are part of the bazaar distribution of cheap goods for the poor, they are tolerated in the community through the ideology of the 'bargain'.

Of course, the above descriptions are extremes and most people will come somewhere in the middle. Although most maybe 'positive ideal type', there are a large number of visible drug taking shoplifters. It is not simply a matter of a straightforward construction of an ethically pure shoplifting, because this would be, on its' own, merely an ideological device. Rather, it is in the reality of different struggles for survival that shoplifting must be located. The economics of shoplifting appear straightforward in a fairly pure manner, but how struggle actually manifests itself on the ground and in people's perceptions of it are different. Though certainly "Consciousness has never been a prerequisite of historical materialist contextualisation" (Scruton & South, 1981, 13).

A Form of Resistance

Marx realised that the commodity is the distilled essence of capitalist society, without exchange there is no accumulation. Marx started "Capital" in chapter one with the commodity, this is because "the commodity form is the fundamental form of capital... Capital is... a social relation of struggle between the classes of bourgeois society" (Cleaver, 1979,71). More than this though, the forcible creation of a situation whereby the;

Only access to social wealth (food, clothing, etc) for workers is through the selling of their labour power, then *it follows that all products of labour must perforce take on the commodity-form...* because they must be sold to the working class to ensure its survival and growth. Since wealth for capital is nothing but the accumulation of labour and the products it produces, and since both labour and those products take the commodity-form in capital... The commodity-form is thus a set of power

relations. Whether and how it is imposed depend on capital's power, vis-à-vis the working class. The commodity-form is not some apolitical concept that simply describes or denotes a set of relations in capitalist society. Capital's power to impose the commodity-form is the power to maintain the system itself (Cleaver, 1979, 73).

The site of production is an arena of class struggle and protest, and so is the site of consumption – the shop. As noted, the shoplifter goes around or ignores the money-exchange relationship in shops that illuminates the role of money as the mediator between capital and the working class;

From the working class point of view, the attack on capital must both use and refuse this mediation... strikes are already cases of this tendency in capital as workers refuse the wage mediation and attack capital directly with refusal of work, sabotage, factory seizure and so on. Another way the class struggle refuses the mediation of money is the refusal of price. This is the essence of direct appropriation and includes not only the price of labour-power but also the prices of other commodities. It involves self-reduction of utilities or housing prices, changing labels in a supermarket, using 15-cent slugs instead of 50-cent tokens in the subway, or total elimination of price through shoplifting, employee theft, or Black Christmases where commodities are seized. This refusal of price is a refusal of capital's rules of the game. The refusal to accept the role of money is the refusal to accept everything we have seen going into the determination of money - the whole set of value relations. This is the working class perspective with a vengeance (Cleaver, 1979, 166).

After the “form and value of payment”, then the nature of economic exchange – the embodiment of value, must be considered. After workers have been paid then the exploitation does not end there, the methods with which money is extracted from the working class is a study of the ‘form and value of payment for goods and services’. The sites of these transactions and the methods by which people avoid price are important for assessment of working class capacity (Linebaugh, 1991).

For payment of tokens, the “universal equivalent” (Marx, K. 1976, 184), as a measure of value in exchange for labour means nothing without being able to buy things with these tokens. Marx was alluding to the particular level of economic globalisation that was apparent, and Klein (2000) has identified some of the impact of globalisation. As it is manifested in advertised and demanded commodities, and the process of their manufacture and distribution around the world. Garland (2001b) also indicates the proliferation of removable items as a criminogenic feature of late modern society, and then a many-sided viewpoint of the potentialities for shoplifting has been revealed;

T [me]: You mentioned that shoplifting was a protest. What is it a protest against?
SL8: Um, prices mebbe not companies, more prices, I'd say we'd pinch things from anyone really.

T: Yeah but look at Tesco's billion pound profits [topical observation]. You think they're particular targets?

SL8: Definitely yeah. Even Archbishop or whatever of Liverpool said that it was morally right to pinch from Multinationals. If he thinks so, so do I.

SL9: The main motivations economics... Like I said, we also used to see it as sort of a protest.

T: Crime as protest. Resistance. Very good.

SL9: I'm not telling you what you want to hear really?

T: So would you think shoplifting is a way to protest then?

SL2: Yeah I think it's a good way to protest. Especially in this day and age.

T: What against?

SL2: Against the big supermarkets, big chains, prices going up. You know you can look at an England football top and it's fifty pounds you know. Who can afford that for an England football top when you know, half of it is gratis – free [extra profits because it is a brand name].

T: So do you think shoplifting is a form of protest in any way?

SL10: Now that's very difficult to say. I mean obviously it's a form of protest in that if you can't afford a thing or you don't want to spend your money on a particular thing, you'd rather keep it for something else. It is a form of protest because um, it's not particularly because it's breaking the law but it's breaking the whole thing. I think it requires the sort of mentality. You can't shoplift and be guilty about it. I think you er, when you shoplift you think that what you're doing is right. I mean obviously you don't want to shoplift from a corner store or something like that.

Everyday Things Everybody Needs

The (shoplifter as) customer is equally important as the worker to the circuit of M-C-M, and thus pilferage by customers rather than workers simply takes place at a different stage of the accumulation process. This form of social crime as the 'self-reduction' of prices by the working class, and as no different from the struggle for wages is the challenging of exchange value by the use values of the working class, 'self-valorisation' in Italy, and better known in England as self-help. Theory which describes the power of the society of the spectacle encouraging high levels of consumption, and which ignores resistance to this, is bourgeois theory:

The more capitalist development advances, that is to say the more the production or relative surplus value penetrates everywhere, the more the circuit production-distribution-exchange-consumption inevitably develops; that is to say that the relationship between capitalist production and bourgeois society, between the factory and society, between society and the state, become more and more organic. At the highest level of capitalist development social relations become moments of

the relations of production, and the whole society lives as a function of the factory and the factory extends its exclusive domination over all of society. Mario Tronti, 'la fabbrica e la societa', Quaderni Rossi no. 2 (1962), p. 20" (Cleaver, 1992, in Bonefeld et al, 1992, 137).

Workers experience alienation as a lack of control they are powerless to affect, this is especially true of the experience of advertising from the mass media and shopping. Therefore, a focus on self-directed activities and values through which people attempt to satisfy their needs despite the limitations that face them is necessary; "the efficacy of historical materialism as a theory of freedom is based on this creative materiality" (Negri 1992, in Bonefeld et al, 1992, 93).

Self-valorisation for an expanded working class that includes unwaged sections of the working class such as housewives and students, is;

A self-defining, self-determining process which goes beyond the mere resistance to capitalist valorisation to a positive project of self-constitution... [its power] is largely the power to fill spaces liberated from capitalist domination with alternative, autonomous projects... the refusal of work with its associated seizure of space (e.g. land, buildings) or time (weekends, paid vacations, non-work time on the job) or energy (an entropy raising diversion from work) creates the very possibility of self-valorisation (Cleaver, 1992, in Bonefeld et al, 1992, 129,130, also Bowring, 2004).

Housewives self-valorise their lives through shoplifting, and given that they have the most opportunity in terms of numbers of shopping trips, and hence knowledge of the environment for opportunities. These are then the most important shoplifters in terms of numbers and value, due to the sheer scale. Shoplifters often go for the small valuable items, firstly in order to make concealment easier and then also to maximise the money they can make or save on a product. Another dimension to this is that shoplifters have mentioned to me that they take what they regret paying for. So this means *any goods they believe should be everybody's by right are legitimate targets*. This was not systematically quantified with my shoplifting informants; however, it was a general feeling amongst the majority of them. So whilst they would not shoplift bleach they would shoplift nappies;

T: Could you tell me the range of stuff you've shoplifted in the past?

SL9: Everything from clothes to beer to nappies everything really

T: Nappies eh?

SL9: Yeah, mainly things that **you regret paying for** that are expensive, but also beer ha ha ha (emphasis added).

SL3: But when you get used to Mach 3's, you tend... especially the feel of a brand new Mach 3 is really quite pleasant so... It's one of these added expenses you'd rather not pay for.

T: You regret paying for it.

SL3: You do regret paying for it.

T: So people nick what they regret paying for?

SL3: Do you know, I think there might be something in that. I regret paying for magazines. Magazines can be expensive... They're like 3,4,5 for a magazine you will spend half an hour reading.

T: yes.

SL3: So I don't pay for those.

T: People have told me that they take things they regret paying for? What do you think?

SL7: I don't know... well perhaps there is something to that. I do think that there's always something I'd rather spend my money on than coffee or meat.

T: So you take these things?

SL7: Well not all the time. If I get some clothes then I have more money in my pocket anyway so I can afford these **everyday things that everybody needs**. I guess I do take things I regret paying for. I take stuff when I can. I got half a packet of cheesy strings the other day [laughs] my kids had been grazing and I left the half-empty packet in the trolley. When I saw it I was putting the trolley contents on the conveyer belt. I couldn't dump it at the till cos the cashier would have known I was liable. So I had to quickly bung it in a nappy bag I had with me (emphasis added).

While nappies are not small, perhaps this is an example of the economic logic of the poor necessitating the harder shoplifting task of getting nappies to free up more money to spend. The regular shoplifters said that although they did not shoplift nappies to fulfill all their needs, they had to buy some. They could nevertheless shoplift sufficient on different trips to go for a month at a time without buying them. This roughly saves 10 pounds a week out of child benefit per child and is enough to pay for a reasonable night out. Poor communities devote proportionally large amounts of their resources into paying for the costs of socialisation, and this is another example. That is why alcohol and tobacco retailing have taken off so successfully in working class areas.

Conclusion: Counterfeit the Shoplifted

The bazaar economy straddles the legitimate and illegitimate. For the socially included and excluded the informal economic continuum includes shoplifting. For those criminalized by the law the chances of criminal success are heightened if they follow street fashion demand and shoplift an original Nike Football shirt or popular computer games like Lara Croft and then counterfeit it. Howard Cottrell executive director of Amor group – a prominent worldwide security risk management group says;

Anything with a brand identity is probably being counterfeited somewhere in the world, from tea bags to the most exclusive luxury item you can imagine... Prototypes are stolen from international trade fairs and copied, often hitting the street before the original product itself (Hill, A. 2000).

This is the next and ultimate development of the politics of "No Logo" - **No trademark No Brand No Price!** The liberalism in Naomi Klein's book has been subjected to critical analysis, and the process of *aufheben* has taken place. A political reading of possible tendencies is articulated, not perfectly formed, but ones that could develop. An interpretation similar to South and Scraton who say;

'Crime at work' should be considered as a political act in the same way as sabotage, short-term stoppages or other strategies of confrontation. In that sense it constitutes an attack on the hegemony of class discipline launched from what 'autonomous space' is available, both mental and material, to workers (1981, 17).

This points towards communism as both the means and ends (Sivanandan, 1990) of superseding the branded society. As it is manifested in shoplifting and counterfeiting networks of brand appropriation and imitation, and the more egalitarian social relationships found within. Shoplifters are not communists with communist social relationships now and today, but some are trying to use this activity to create wider social spaces for more communist social relationships. One of my informants, a long time participant in the anarchist movement, and who knew the Angry Brigade, described in some detail the role shoplifting had in funding part of the anarchist movement in the 1970s. Another informant described the role of different informal economic activities for the current anarchist movement.

This analysis makes it clear that the individualistic and bourgeois nature of law (Pashukanis, 1978) that separates each 'offence' from all others in place, time and societal context. Is perforce a deliberate political pro-capitalist act that seeks to depoliticize the events taking place, so that they can be processed by the criminal justice super-panopticon. A more comprehensive perspective is an historical and structural view, which does not excuse any of the behaviour that may have provoked lurid media tales. At the same time as situating behaviour in a living manner that dialectically relates to changes in the economy and society carried out by different actors. For the mass of shoplifters however, it is likely that their activity depends on existing social relations and perhaps reinforces them. Jordan and Duvell (2003) speak of bottom up solutions 'humanising' the

formal economic system. This is similar to charity work if an informal variety of it, and this is the effect of what many shoplifters do. In brief, *shoplifting is a social crime, a form of resistance, and like smuggling exists because of a great deal of community toleration.*

The relationships of price avoidance and the spreading of goods and services at rock bottom rates or in exchange for other goods, work or services will never be slogans for official communist parties. However, the poor and other illicit entrepreneurs are promoting more communistic social relationships outside and against the imposition of capitalist and companies' laws or control. So the helplessness described in the philanthropic tradition and paraphrased as the 'sociology of misery' has been avoided and my analysis points towards self and community help as a means of individual and class valorization, "As for the virtuous poor, one can pity them, of course, but one cannot possibly admire them" (Wilde, in Leach, 1997, 129).

How is the branded society destroyed most effectively? By destroying the value of the brand that lies in its exclusivity, materials, and image. The process of shoplifting and counterfeiting does this by making the goods widely available and creating a different image. By taking Gucci from Sloane street and Calvin Klein from New Bond Street, both in the exclusive West End of London. Then putting them on the streets of Toxteth; Handsworth, Hackney, Meadowell, Blackbird Leys, St. Pauls, Moss Side and Hendon (in Sunderland and London) there are different meanings in mass formation.

The technology used to protect goods in the shops of the global city is some of the leading examples of its type. However once it is removed from the item (whether it damages it or not) there is nothing to prevent the shoplifters imitating the routine shopping behaviour of placing goods in a bag and leaving the store. Other techniques that can be described as 'hand' and 'disguise' skills are also transferable to global cities around the world. 'Hand' skills refer to the placing of goods up sleeves, in pockets, in hats, etc. In such a way that the process uses shop fixtures or the shoplifters body itself, or an accomplice to prevent it being witnessed by cameras, store personnel or other shoppers who maybe plain clothes store detectives.

Of course this process does not apply to hidden cameras, but a large part of the cameras and store detective function is to *deter* people from shoplifting. Business aims to do this by *disciplining the publics hopes and dreams* through the CCTV Panopticon, rather than to

catch the skilled shoplifters who are not deterred by security staff or technology in the shops and new shopping centres;

The transition to post-Fordism...(the dismantling of Fordism) involves a return in some respects to pre-Fordism, to the generalised surveillance and disciplining of the working class. Crime control thus becomes 'actuarial' (Feeley and Simon 1992, 1994), concerned with risk assessment, incapacitation and the management of delinquency. This takes a juridical – as opposed to a welfare – form, as it did in the early nineteenth century (Garland 1985). But the object is less that of preparing the new working class, through the experience of penal discipline, for the 'responsibility' required by labour for capital – factory discipline – and more that of introducing new flexibility, dismantling social rights and keeping the 'underclass' under control...The last residues of a common welfare citizenship fragment with the privatisation – along with the militarisation – of public space (Lea, 1997, 52, 53).

This is not to say that the *mass shoplifter* is composed totally of skilled shoplifters, the real range is from the novice shoplifter to the professional shoplifter as indicated. It is impossible to come to definitive positions about the quantity of the relative category's personnel as for a myriad of reasons. All it is possible to do is describe the way the mass shoplifter and ideal types manifest themselves from participation and observation.

'Disguise' skills refer to the ways shoplifters massage the way the viewer interprets what the shoplifter is doing, and so masks the criminality (according to a legalistic perspective) of what they are doing. This can range from simply not overtly challenging capitalist money-exchange relations by buying something at the same time as shoplifting, so there is a legitimate reason to be at the scene of the 'crime'. Shoplifters can also assume the role of the shopper by creating doubt in the mind of anybody watching e.g. being pleasant to shop workers. For if shoplifters merely picked up goods and blatantly walked out of the store each time this would be obvious for store detectives, although sometimes confident people smartly dressed can carry out this blatant type of shoplifting successfully.

'We want the world and we want it now'

A picture of the important historical issues using a variety of sources has been illustrated, and categories of shoplifters were developed. Some insight into patterns of behaviour and strategies, the social context, and sometimes the person's thinking and explanations for shoplifting behaviour have been provided. This is justified by the estimation that there is not one estate or housing scheme in Britain that does not have shoplifters. At the same time, some material is from America, justified by the fact that it is the world's most advanced

consumer society and has a globalised economy, and closely linked culturally and historically to Britain. In part this was also forced by the dearth of British shoplifting material.

It is not necessarily about consumption alone, there is circulation and exchange of shoplifted goods too. The evidence about the nature of shoplifting in the consumer age has been assessed, and the participants identified. The *mass shoplifter* was identified as a category containing a rich variety of shoplifters, straddling boundaries of lesser categories. Finally the political implications of shoplifting were assessed; even if the practitioners do not have the consciousness that could potentially develop shoplifting has been placed in its historical materialist context.

Shoplifting can be seen as a resistance to the logic of capitalism through alternative distribution mechanisms that are by and large tolerated by the working class. As capital itself, is engaged in all manner of illegalities with regards to counterfeiting, dumping, and exploitation. Then it is hardly surprising that resistance takes a similar illegal form when the welfare functions of the state have, and are, being made increasingly harsh and punitive, if not disregarded completely.

The bazaar straddles both manufacture and distribution of goods: shoplifting and smuggling are one moment in a wider global bazaar economy. In this sense they are forms of social crime, but at the same time reflect the structural normalisation of criminal methods in the late capitalist bazaar. They are postmodern in that social crime as resistance exists in the interstices of tactics being used by late capitalism itself (dumping). They are not forms of resistance defending precapitalist relations. But neither are they simply subeconomies of cheap stolen goods in which professional criminals also take advantage of the social toleration of this economy. Instead, they exist within and take advantage of forms of structural normalisation of criminality adopted by capitalism itself. Social crime is not juxtaposed to legal capitalism but responds to both legal and illegal forms of it. This gives it its late modern characteristic. Next chapter we come to an examination of the results of fieldwork.

Chapter Five

The Beginning of the End - The Research Portrayed

Previously, analysis of smuggling and shoplifting was developed, now discussions of the typologies of shoplifters and smugglers, and evidence of the general nature of informal economic activity as social crime will be presented. My interviews portray particular ideal types of free trader and particular themes are emphasised.

There are many who visit France, not simply to re-sell goods on their return which would be illegal, but merely to stock up on alcohol and tobacco. These people may think of themselves as being within the smuggling tradition and maybe perceived as such by friends and family. They may also think of themselves as resisting the law, even though they are not committing an offence, for to oppose law does not necessarily mean that it has to be broken. The 'ignorance' Lord Grabiner talked of (2000, 8) as being a motivating factor for informal economic activity may well be a traditional defensive system of the working class (Scott. 1990. Chapters 2,3,4,5). 'Ignorance', or "The refusal to understand is a form of class struggle" (Hobsbawm, 1973, 13).

Prior to the single market act in 1992, which blew apart the previous legal restrictions on the duty free importation of alcohol and tobacco, people were only allowed to bring back 200 cigarettes and 1 litre of spirits or 1.5 litres of wine. As a youth I challenged these limits by having 20 more cigarettes or an extra small bottle of spirits, as well as filling an empty water bottle with vodka, other people must have done the same.

This was confirmed in an early venture to Calais after unlimited quantities of spirits for your own consumption was allowed. It was at that time, people were seen on a bus day trip pouring spirits into empty water bottles. Today you can buy large bottles full of water in Calais for under 10p. This phenomenon can be explained as a cultural lag from the days of 'duty free only'. This was because individuals on bus day trips are only allowed a set limit on goods bought in France, by the driver of the vehicle they are travelling in, who calculates a bulk/mass allowance for each individual equally. As if 50 people bought 'unlimited amounts' for personal use only it would never all fit in the bus. So, individuals buying spirits on a bus trip could never take enough back to trouble Customs and Excise under the new regulations.

These were not professional criminals or seasoned smugglers. Just those who did not like the logic of government taxation on what would otherwise be extremely cheap goods to make and buy. This tradition carried on and developed as the European market enlarged. People gradually realised that enormous amounts of goods could be brought back safely and legally. It is only when the goods are re-sold in Britain that a crime has taken place. Even the re-sale of one packet of 20 cigarettes to a friend is a criminal offence, and there must be thousands of such small scale transactions.

Informants were asked about their particular knowledge of their own activities and their wider knowledge of community involvement. This was reinforced by media evidence about the everyday nature of markets as this was an examination of and about gaining understanding of everyday informal economy activity. The exercise of grounded research was noted, and as a result various methods of data collection were used;

In theoretical sampling, no one kind of data on a category nor technique for data collection is necessarily appropriate. Different kinds of data give the analyst different views or vantage points from which to understand a category and to develop its properties; these different views we have called slices of data. While the [researcher] may use one technique of data collection primarily, theoretical sampling for saturation of a category allows a multifaceted investigation, in which there are no limits to the techniques of data collection, the way they are used, or the types of data acquired (Glaser & Strauss, 1967, 65, in Pandit, 1996, 5,6).

For shoplifting 13 people of varying levels of involvement today and historically were interviewed and participant observation took place with 8 of them, including visits to some of their homes before and/or afterwards. 9 smugglers were interviewed, and participant observation with 5 occurred.

The Informants: Gender, ethnicity, experience and their general views on Shoplifting

Shoplifter 1 (SL1) was a white female with 17 years shoplifting experience in different towns and cities. Caught 4 times but never prosecuted, she was working almost professionally at shoplifting at one point "about my highest shoplifting, I was getting 30 quid, 35 of dole because I was under 25, and then like me and my friend were making probably 100 a week stealing... stealing stuff and selling it on."

Uncertain about whether shoplifting was *protest* she warmed to the idea;

Don't think.... I think... In a way it is because we're bombarded with things to be sold all the time and to be encouraged to get credit cards, store cards, take out loans to buy more and more products and in a way just to say fuck it, well no, you, I want this. You know, you're bombarding me with all these images all the time and advertising and I'm denied the means of obtaining it. So by just saying right fuck it, I'm just going to take it anyway, these are the goods I'm encouraged to have to feel good about myself supposedly. So yeah, I do [regard shoplifting as protest] In some ways it is, yeah.

SL2 was a white male with over 20 years shoplifting experience in different towns and cities, and internationally in Spain and France. Like SL1 in the early years of his shoplifting career he worked almost totally professionally. It is unsure whether both deserve full professional status at this time even though they got a large amount of their income from shoplifting, were skilled at it, and did it continuously. This is because although they managed to resell the goods to raise the money total professionals would have more experience at working with fences or marketing that my informants here did not reveal. He recognised that there was distance between professionalism and what he did.

SL2 displayed the cultural techniques of neutralisation and took action to minimise the chances of being caught. He was knowledgeable about other informal economy activities; "I'm quite involved with the black market, like working illegal, I like the black market."

SL3 was a white male from an upper middle class background, shoplifting for about 20 years in the South. Until recently, when he retired after being caught, and now runs a legitimate business. Very descriptive and experienced he agreed he shoplifted things he regretted paying for. He described activity in a sweethearting operation, which was very lucrative netting 300-500 pounds worth a trip, and presenting shoplifted goods as presents. He was insistent that shoplifting was not protest "I could pretend it's all about protesting but it would actually be bollocks." Although he admitted it was a survival strategy, and "it's an area where crime does pay. Shoplifting pays, there is no doubt about it."

SL4 was a white male shoplifter with thirty years experience of shoplifting from the north to the south, and in France, Germany and Italy. This man displayed very widespread knowledge of informal economy work and fraud, including some looting during the Poll tax riot. There is nothing straightforward about his evidence, there is a fluidity and skilled dynamism about his lifestyle that does not fit with simplistic descriptions or notions of good and bad, right and wrong, and certainly legalistic condemnation says nothing about his social relations. This shows that conclusions by Johnson (1985) about the importance of

stolen goods for the ghetto economy, and by Klemke (1992) who saw shoplifting as crucial to the larger street culture, maybe broadened out. This would see the informal economies operations as important to a whole swath of the working and non-working poor wherever they are found. He had been involved in;

Booze cruising, burglary, shoplifting, car insurance fraud, dealing speed, squatting, defrauding a landlord, illegal taxi cabbage and other moonlighting, health insurance fraud, stealing from work and fraud at work, DSS fraud, cashing other peoples cheques in bank accounts I had control of, taking bank accounts, national insurance scams, and one bit of looting at the Poll tax riot.

Though he had a degree of responsibility and was sophisticated enough to describe the importance of shoplifting.

SL5 was a white female from the South, shoplifting for about 15 years. Was perhaps the best example of the routine shoplifter, very propelled by the lack of money displaying a level of sophistication, although not enough to be in the high-class bracket. She had experience of shoplifting in a team, although the others did not know they were part of the team sometimes. She was not sure if she was protesting about anything else apart from "being skint. As for anything else, well I'm not sure." She did display empathy, towards others like her, which is an elementary form of solidarity.

SL6 was a white male shoplifting for about 15 years. A semi professional shoplifter, very prolific;

SL6: Went to WH Smith to get a book as I dumped the girl on the train, she was going a long way.

T: Book was for her, right?

SL6: yeah – then I went back and got me something for the next week.

T: Same store?

SL6: yeah – then I went to a bookshop that's got no security tags on and got another. Got the bus into town, went and got some tapes from another shop. Then bought my lunch so I got a fresh carrier bag, went into another store and got socks, knickers and a wallet. Went to another store and lifted a drink, into another and got another sandwich, finally I got some christmas decorations and christmas cards.

SL7 was a white male shoplifting for about 10 years. Another semi professional revealing organisation and a dress code, including a structured team approach with his household a prominent consideration in his shoplifting activities. He was the only informant to use a lesser skilled accomplice, who knew his place as the carrier of the illicit goods. He defined the "bagman" as follows;

The only limit on my shoplifting is the amount I can carry home. So I need a bagman with me who sometimes helps disguise what we're doing, but mostly he's there to lug the spoils home. As I said a crate of wine is a regular haul, bedding, magazines, books, and clothes are not light. The more I do in one hit the less often I have to go out.

This does not suggest any permanent fencing arrangements, and he stressed forcefully that he was a protest shoplifter.

SL8 was a white male with varied shoplifting experience for about 12 years. The semi professional and C1 shoplifter with wide knowledge gained from using the car to go to large shopping centers around Britain;

T: So you're a connoisseur of shopping?

SL8: You have to be if you want to do it right... I've been to Meadowhall in Sheffield, Trafford centre at Manchester, the Metrocentre at Gateshead and Bluewater by the M25 and many more little places. The designer outlets and ordinary town centres... The car is essential to my trade. It's both the store room and shop for me. I visit people and flog them gear out of the back. Sometimes I sleep in it too, but that's getting rare now. When I'm having a good day at a shopping centre, I'll come out and stick the gear in the boot and take the empty carrier bags back with me to fill up again when I go back in. I normally think twice before I go back in the same store, and usually will try to change my appearance, or have somebody with me, or appear to be with somebody when I'm not really. Cameras can record things, but it takes an active mind to interpret what they see, and even then most security guards are pretty low down the evolutionary chain and can't see things as they are. And on one level who can blame them? It's really hard to tell the clever thief from ordinary people.

SL9 was a white male with 14 years of shoplifting experience. A real household and protest shoplifter displaying a socialist pedigree as his parents were in Militant. The household shoplifter because of the routine nature of the goods he stole, and although pleasure was a key goal in his shoplifting he is not in the semi professional category because of the everyday nature of the goods stolen, more from Tesco than Bond Street.

Although the interesting part of his descriptions of shoplifting in a Northern town was the socialist nature and teamwork of those involved, and also the extensive shoplifting networks found on estates where social crime was well developed;

On the estate where me and _____ had our first council house, it was sort of what we used to call um... You could buy anything you wanted there you see, could like have things shoplifted to order... professional shoplifting. You didn't just take one thing, you'd take a whole rack of things, of things especially clothes, to fit everyone on the street sort of thing.

He also provided descriptions of sophisticated shoplifting and semi professional shoplifters.

SL10 was a white male with 40 years shoplifting experience. Who got caught once a decade, and has been prosecuted only once, although there were aggravating circumstances and other people involved in this drunken episode. Even mentioning when Woolworths started getting electrical goods, around 1972 apparently, very much a household shoplifter there are elements of sophistication in that he only steals books nowadays. He provided descriptions of semi professionalism and professionals although he was never one himself, and described whether shoplifting could be regarded as protest in an interesting manner;

I mean obviously it's a form of protest in that if you can't afford a thing or you don't want to spend your money on a particular thing, you'd rather keep it for something else, it is a form of protest because um, it's not particularly because it's breaking the law but it's breaking the whole thing. I think it requires the sort of mentality. You can't shoplift and be guilty about it. I think you er, when you shoplift you think that what you're doing is right.

Here he suggests in a fragmented form that it is the totality of capitalist social relations that are consciously being attacked by shoplifters. It is unlikely that shoplifters are conscious of attacking capitalist social relations, but they do know they are in opposition of some sort to 'straight' society. Other interesting evidence he gave suggested that somebody could be propelled into shoplifting as social crime at 60 years of age as their husband was made redundant.

SL11 was a white female shoplifter with 14 years experience. A Northerner living in the South, who learnt her trade in the North and found rich pickings in the South, a semi professional and a C1 shoplifter. She talked about security issues in a very interesting manner;

When I get a few bits n' bobs, a nice top or something I wanted to show off to my man. I'll be getting the stuff out of the bags and my 4 year old will be hanging around. I'll say 'I got this today at Debenhams' and he [her partner] knows I've nicked it. But my boy doesn't get what I've just said. I can't say 'I nicked this today what d'ya think' cos there's a chance he'll repeat it at school.

SL12 was white female shoplifter with approximately 8 years experience. My only ex-shoplifter interviewed, as she is now training to be a solicitor. "About my last day out nicking was a pair of baby shoes for a friend of mines new born, they were 20 pound, and

that's too much to pay for a baby. I thought I would get her some jump suits as well, I had to pay for those though."

SL13 was a white male shoplifter with approximately 9 years experience as well as youthful escapades. A part time household shoplifter, displaying some characteristics of the C1 shoplifter;

Everybody has a go at it as a kid. It's one of the things you can do to have a laugh, and it was a nice bonus, something to talk about. Though I know 2 boys who got caught doing it, they were told off and weren't let back into the shop. A lot of shops now don't let more than one schoolkid in at a time... I get the odd thing now and then, from here and there, nothing that serious cos I try not to get caught. I'm on the JSA now, fucking waste of time that is. Got to keep my hand in though for things like my girlfriends birthday last week. Got her some quality gear, 2 foundations, sunglasses, nice top and undies [grins] she loves me for it! She thinks I've paid for it.

Emerging Themes from the Shoplifting Research and Interviews

Overview

In the research and in analysis of informants interviews definite themes emerge. Generally, although shoplifting appears at first to be highly individualised, like shopping, there are points of contact and common features that allow the description of sociological categories. Although I haven't got an informant base to generalise my findings, I do have knowledge of the social dynamics that gives rise to the features of modern shoplifting in many different locations, and a dynamic categorisation of ideal types.

My informants were pragmatic about state power and control, preferring to target a soft spot in the armoury of contemporary capitalism, rather than charge the gates of Downing Street or Nike HQ head on. This reveals a tactical form of resistance that prefers to live to fight another day. The impression was gained that there were multiple pressures and different events in peoples lives that could lead to varying levels of shoplifting, and informants were particularly enthusiastic about events where they perceived they had or were having a great deal of success.

Central research Questions

In answering the central research question (CRQ) that was intended “to discover whether crime had become custom, and whether protest was a part of smuggling and shoplifting.” 5 theory questions were constructed (see Appendix A) and here are the results.

The first theory question concerned social class backgrounds. The social class background of my informants that could be estimated from secondary sources was working class, with one exception, who would be insulted if described as merely middle class as he considers himself to be “upper middle class”. These are the traditional people for whom existing social crime theory would identify as being the protagonists except for the upper middle class informant. This was important although not absolutely crucial, for social crime theory to be widely acceptable it has to have a general appeal including a cross class composition sometimes. It was also important for establishing their assessments of market conditions, the constantly evolving real world that informants had to negotiate.

The obvious challenge to viewing whether shoplifting comes into social crime parameters, is whether you can oppose the consumer society with the very means by which demand is created for it, the product itself. Can stealing consumer goods oppose the consumer society? Shoplifters argue that you can for a number of reasons. Most importantly, which can be gleaned from discussions of smuggling historically, is it is not the good itself that creates the social crime, but the overall social relations. Likewise if we abstract consumer goods out of all social relations, then of course in and by themselves they do nothing but encourage the fetishisation of themselves. However if the totality of social relations is considered, that shoplifters were aware of, then it is the social conditions themselves that create the resistance and social crime. Clarke et al dealt with similar themes like this;

There will be more than one tendency at work within the dominant ideas of a society. Groups or classes which do not stand at the apex of power, nevertheless find ways of expressing and realising in their culture their subordinate position and experiences. In so far as there is more than one fundamental class in a society... there will be more than one major cultural configuration in play at a particular historical moment... The dominant culture represents itself as *the* culture... Other cultural configurations will not only be subordinate to this dominant order: they will enter into struggle with it, seek to modify, negotiate, resist or even overthrow its reign – its hegemony. The struggle between classes over material and social life thus always assumes the forms of a continuous struggle over the distribution of ‘cultural power’ (Clarke et al, 1976, 12).

There can be a detournement in the meaning of goods once they have been appropriated, and they can be put to alternative uses and may acquire different meanings to which they ordinarily might have been expected to have. They may be put to use in ways other than for which they originally may have been meant (E.g. stolen champagne that leads a celebration of the skill that was used to acquire it). For a long time sub-cultures have re-signified the meaning of their appearances, and hence themselves, and modify the meaning of things produced by a different social group;

Far more important were the aspects of group life which these *appropriated objects* and things were made to reflect, express and resonate. It is this reciprocal effect, between the things a group uses and the outlooks and activities which structure and define their use, which is the generative principle... This involves members of a group in the appropriation of particular objects which are, or can be made, 'homologous' with their focal concerns, activities, group structure and collective self-image – objects in which they can see their central values held and reflected. (Clarke et al, 1976, 56, emphasis added)

Many informants were matter of fact about their backgrounds, sometimes involving recollections about past episodes when they lived in certain areas with amusement. SL9 provided particularly interesting material about the role of shoplifting in a northern town, that complemented secondary source material about the informal economy including shoplifting in Sheffield. Informants also shared continuity in their recollections, there was no definitive break in their social relations. Countering the evidence of Katz (1988) there was no immediate change in people's minds that made them shoplift, in reality informants' activity and experience were part of ongoing social relations.

My second theory question concerned the **social learning process of shoplifting**. There was a definite need to update existing shoplifting theory because of the lack of material, and therefore the descriptive nature of the behaviours is useful in its own right. The social learning process of shoplifting can be drawn from the interviews collected. Generally shoplifters starts young and carry on into mid life, with varying degrees of activity for different reasons, and evidence that it is possible to continue to and start shoplifting aged 60 was found. This material is from a particularly informed and experienced shoplifter. Though all classes participate in their own way, the class opportunities to get different goods and the disciplinary mechanisms there are, are both prejudicial to the working class. In that they are likely to get things of lower value, and have harsher punishment when caught.

There is definitely a social learning curve where people get gradually more skilled and more experienced, able to make more out of shoplifting both in terms of goods for their own use and in ways of making money. There is evidence to show that this is a culture of resistance, where people actively create their own opposition to the consumer society.

The third question was about **the nature of shoplifting today**. Evidence of individual and professional shoplifting, and more socialist shoplifting that involved a great degree of community involvement as the market for shoplifted goods was found. In one northern town and one city, and secondary evidence from TV programmes provides evidence of it existing in more northern cities, Leicester, Sheffield and Edinburgh. There is no reason why we *cannot* generalise these findings to other towns and cities, as where there are poor estates there will be shoplifting with redistributive effects, if not goals. Albeit with the consideration, that there maybe a great deal of effort required to locate these types of people. The skills necessary have been examined and my conclusions are in the shoplifting chapter. Evidence of household and sophisticated shoplifters with varying degrees of competence and professionalism was discovered.

My fourth question involved **the cultural process of shoplifting**, examined as if investigating the nature of any work, including examination of attitudes that sustain the activities and enable it to exist. What preparations were necessary for it? What skills were involved? How did the informants finish their task? Evidence of a considered approach to shoplifting was found, this was not blasé or reckless. People learned in cooperation with others, and this did involve some celebrations when successful. Some made very considered preparations including arranging helpers, the "Bagman".

My final theory question **considered whether shoplifting could be considered as protest and/or resistance?** Is there a sense of antagonism to those who are tasked with controlling these acts or the shop owners themselves, and does it manifest itself verbally and/or physically? Are people enthusiastic practitioners of shoplifting and smuggling?

Evidence that some informants regarded shoplifting as protest, and resistance, and one who was particularly insistant that this was not the case was revealed. The reason for the latters answer was that his shoplifting was only money saving orientated, though it is easy to see this analytically as being 'protest shoplifting' too. Cultural networks of younger socialist shoplifters who were from families with socialist backgrounds, and other protest

shoplifters who were not from this tradition but who were protest shoplifters nevertheless were found. There was a circularity of struggle, meaning that shoplifting was planned, carried out, disposed, and celebrated, and the wheel started turning again. This enables cultural valourisation as news spreads on the bush telegraph.

Shoplifting results

The **Mass Shoplifter** can be broken down into different groups based upon categories that may make the social characteristics more readily understandable, in turn based upon experience. Firstly, the **professional** shoplifter. None of my informants fitted this description totally. Although there are those who may occasionally have used a fence, or even be fences themselves by selling on goods. There maybe some comparison in terms of the techniques and skills used. Looking at the secondary evidence though, there is enough to argue that these sorts of people do exist, its' just that they were not found yet.

Secondly, the **junkie** shoplifter, none of my informants were addicted to hard drugs, although some had used drugs to one degree or the other. Therefore the impulsive behaviour and chaotic lifestyles could be said to be part of the lower end of the working class. The targetted goods are often randomised, and have been known to supply market stall holders with goods that have a high resale value relative to their original cost (e.g. razor blades). The transient and need dependent shoplifting of marginal groups is not the focus of study, for the 'dysfunctional' and/or marginal would need specific targetted methodology targeted at them. Instead, the successful criminals who took *pleasure and delight* in their work and rewards, and who *appreciated the skill and attitude* of others similar to themselves were saught. **There is enough literature on the negative side of criminal life already.**

Thirdly, the **sophisticated** shoplifter. Informants, some with significant educational and cultural capital, although not adverse to earning large amounts of money illegally, could not be said to have engaged in the skilled high earning ideal type of shoplifting described above. Instead my informants were targetting the everyday products, often brand names, the middle range of goods that are meant to be the preserve of the affluent and/or middle class. This could be described as *aspirational* shoplifting, where people can mimmick the lifestyle of the included and comfortable without having their economic role. This category

is the one particularly affected by the increasing demand for brand names and cannot withstand the associated social pressures. Where this typology differs from the fully professional category is in the continuity of the operation. The fully professional shoplifter has an identity apart from these sophisticated shoplifters, who also differ from the semi professional shoplifter. In that they are occasional opportunists who are very often target orientated. They prepare fully for what they want for use value.

Fourthly, the **household** shopper, this category could be said to be the real embodiment of the mass shoplifter. Their activity is everyday, relentless, and small scale, the *supermarket* shoplifter. Increasing in importance because increasing social pressure to have things and live better is felt in all social classes across all types of goods. Informants did say they shoplifted in ways that this would be a good description of. Subsequently, a top 10 shoplifted goods table has been compiled that agrees with this finding;

At number 10, prime cuts of meat – in particular, steak... At number nine, instant coffee. At eight, the luxury electric toothbrush and Braun gas cylinder, and at seven, pills, vitamins, contraceptives and pregnancy testers...At number six, DVDs, CDs and computer games. Then batteries, clothing and lingerie, toiletries and alcohol... it does confirm shoplifters as the least ambitious of all criminals. The number one item is razorblades (Brockes, 24.6.03, 4).

Fifthly, the **semi professional**, often low paid or unemployed who sometimes achieves a substantial contribution to their income from shoplifting. They have served their apprenticeship and know some skills of their profession. Who make some preparations suitable to the task in hand before and after. Several people who came into this category were interviewed, revealing shoplifting to be an essential part of some peoples income generating and use value gathering activities.

Finally, the **C1 shoplifter**, revealing a skilled manual approach to shoplifting. This category is the 'temp' of criminals, takes it and leaves it, having a more aesthetic approach than the semi-professional although this can blur. Generally is more reliant on shoplifting and other informal and criminal activity as an income generating form of activity than the high class *sophisticated* shoplifter. Who are the temp of temps, whose shoplifting is totally pleasure orientated rather than survival pursuits of the excluded. No high class sophisticated shoplifters were discovered, a methodological flaw.

All these types of people were not interviewed, E.g. no junkie shoplifters. Nor were any professionals or high-class shoplifters interviewed, the sheer scale and methodological

difficulties of such a specific piece of research would be huge. Rich descriptions of these types of people, who were known by my shoplifting informants, were discovered. Focus was on those for whom crime is a pleasure and in the more mass everyday behaviour where crime is a valued economic function such as in sweethearting, contacts snowballed in such a manner too. Categories presented are ideal type constructions and though they can, and often do, blur in practice.

The Informants: Gender, ethnicity, experience and their General views on Smuggling

SM1 was a white male, with 3 years involvement with smuggling. Long term unemployed from the North. Having a short career because he was caught and had all his money in the form of tobacco and his car 'stolen' by customs.

SM2 was Dave West, a white male with more than 20 years of smuggling experience although latterly he has had no need to do it himself. He was very positive about the role smuggling has played and is playing for the working-man. He was very aware of the illicit nature of informal economic activity.

SM3 (also SL4) was a white male with 10 years of smuggling experience. He had experience of other informal economy work, and was positive about the role of smuggling in social life. Included here as well as for shoplifting because he has important smuggling knowledge too, a semi professional.

SM4 was a white male with 10 years smuggling experience, and still occasionally active. He was quite considered in his discussion of his experience and observations of others. His involvement would be semi professional and so he would be in the C1 category of my descriptions.

SM5 was a white male with approximately 10 years experience. An energetic seller of tobacco, and sometimes alcohol, to colleagues at work. This was red van man, although he never used a van.

SM6 was a white male lorry driver with 8 years experience of smuggling. He had experience of other informal economy work and was very concerned about security. He

smuggled to resell and for himself, sometimes making badly needed money for he was often in debt.

SM7 and SM8 were white male lorry drivers with approximately 12 years experience of smuggling. They worked in the same firm, met socially, and for business.

SM9 was a white female with approximately 10 years experience of smuggling. She sold things to family and sometimes to work colleagues, well versed in other illicit markets such as drugs.

Smuggling results

Lorry drivers are of central importance in the smuggling industry. Whether it is as runners for organised crime, their loads are full of illicit tobacco, or they work on their own or part of a small operation, 2 drivers in were interviewed depth. One revealed the importance of free trading for any type of good, and reinforced the central nature of tobacco smuggling. He worked out of a large depot in the South East, and whilst confirming the working class elements of their popular culture including some attempts at informal workers negotiations and action with and against employers outside of unions. Unfortunately there was an amount of racism in a few of the drivers, unquantifiable, although there is a possibility that it was widespread. One driver said;

I come back to Britain every 2 weeks or so... I drive mainly around France, Italy and Germany... I get a broom now and poke around underneath the lorry to knock the asylum seekers off, I know some lads who put nails into the pieces of wood they poke around with... It's nice to bring home a lot of cheap stuff and there's always people waiting to buy. I can't bring enough home! I don't like to bring too much in case I get stopped... I don't mind other people selling it on, anything that can help buddies out is OK by me" SM 8.

In this category **bus drivers** belong too, who do cross channel crossings for a variety of reasons, whether it is the day trip or the longer holiday whether it is for pleasure or the specialist excursion such as the Battlefield visits.

The presence of those with money and probably associated levels of power was noted, **Range Rover Toff**. These types of people with their brand new cars can be spotted, although none were approached. The exclusive parts of ferries were not visited perhaps because of the payment necessary, because they were not important to theorisation. One

policeman and his family were on board, he was swotting for his inspectors' examination, and they belong in this category too. Although they want cheap goods, they are not part of any social grouping that is important to my arguments. Dave West revealed that apart from the police who are his customers, there are judges as well, also in this category too.

Next; **White Van Man**. Whilst 'white van man' is the higher category of the runner, egalitarian and entrepreneurial types, we must be aware that this is a picture that may not, and often does not, correspond to reality. The actor may not even be in a van let alone a white one, and this applies to the other van colourings. It is important to realise that people are not only doing it for the money. There are other motives too. Red van man is generally more socially inspired than blue van man, the entrepreneur who is meant to be solely smuggling for economic benefits as there are other rewards than money (Henry, 1978, Williams and Windebank, 2001), and altruistic 'red van man' was discovered. The discussion of these ideal types can perhaps be seen as key to the entire debate about smuggling and the mass smuggler. For it is all too well known and generally acknowledged that there are entrepreneurs working illegally in smuggling tobacco. The task for research then became to concentrate on what could be seen as the opposite of these money inspired smugglers, that is the social and socialist smugglers who, as Dave West said, could be seen as providing a specialist social service for customers. Therefore, the existence of 'Red van man' was important, and he did indeed exist.

A cross section of the population were represented in the **Masses**, the coachload of women from Chesterfield come into this category. Several informants would be in this category.

The final category is the 'C1's', the skilled section of the working class. A mature student in this category, who went by ferry and by rail and was unfortunate, caught twice losing his cargo. Also the scaffolders who were working in France and Belgium come into this category. This entire section can blur mainly with the blue van man but also with the red van man and the emphasis on other motivations. There is no reason to doubt the social characteristics of this group based upon subsequent research.

Themes from the Smuggling Research and Interviews

Overview

In the research and in analysis of informants interviews definite themes emerge. Generally although smuggling appears at first sight to be individualised like ordinary cross channel shopping, there are points of contact and common features that allow the description of sociological categories. Although an informant base to generalise my findings does not exist, knowledge of the social dynamics that gives rise to the features of modern smuggling was discussed.

First question (Appendix A) concerned social class and the answer discovered was that they were working class, perhaps with the exception of SM2 who would be petit bourgeois economically although certainly culturally he was working class. The income my informants relied upon with the exception of the lorry driver and SM2 was of a part time nature often found within the informal economy although there was one person employed part time. Others were supplemented by unemployment benefit and in one case sickness benefit.

The second question concerned the social learning process of smuggling. For SM2 it was through the mores of market trading and knowledge of the existing tobacco market in the 1980s. For others SM 3, 4, 5, 7,8 and 9 it was self-taught through schooling in the general understandings of the informal economy, and opportunities thereof. For SM6, he did what he could but didn't put himself under pressure, until he needed a lot of money quickly when he did larger loads. While it is substantially easier to learn how to smuggle, the harder part is the marketing, and avoiding the giving of credit that can cause problems later, as noted by SM4. While different backgrounds led people into smuggling, from East End Market trading, SM2, to structural unemployment in the North East, SM1, none of the skills necessary are difficult for an average person to obtain by simple cultural socialisation, and criminologically this is called differential association.

Question three involved simple descriptions of what people did. Simple instances of exchange were described from those involved at a single workplace, SM5. To those (SM6) who sold to workmates and others on the road as well as to family and friends. SM1 described the circulation of tobacco in Northern town, involving many welfare recipients and also a demand from the unemployed. This particular Northern town has a high number of

people on sickness benefit as work was impossible to get for certain people. He also described a large bakery and café where the staff, mainly middle aged and older women, placed collective orders at the same time as ordering goods from the towns' shoplifters. Their only particularity was for what they wanted. Low wages led to cultural norms being totally submerged by price at the expense of the means by which they are meant to be officially obtained. These women are the solid parts of the working class community, and if these types of people are immersed in the culture of social crime, and evidence of 2 northern towns where this is the case is available, then generalisation becomes more possible.

For question 4, and the cultural process of smuggling, attitudes that support it were examined, the process itself, and any characteristics of work culture thought appropriate. There was interest and amusement by the examples of dealing with customers, and a reflective realism about people's involvement with smuggling. People were differentially associating in alternative schooling practices, for a useful knowledge to make life better for themselves and those around them. Negative attitudes were held about those state employees tasked with preventing their smuggling, and this was based upon the knowledge that there were people working against people like them. This antagonism is a useful reminder to keep your practices as secretive as possible, not leaking any obvious signs of potential illegality. SM1 described the confiscation of his car and tobacco. The customs were "arrogant" and "wouldn't listen to reason", and faced with the loss of his car he snapped the key in the car ignition as the last stand in this episode of the smuggling war.

The last question was based around whether smuggling was considered as protest and/or resistance. Resistance can be deliberate and when this is the case it has a protest element to it to, and resistance can also be implicit in the act of defying the law whether it is deliberate or not. If the law is defied deliberately those concerned may not regard this as resistance though in their culture, perhaps calling it common sense instead, if there is a wish to distance yourself from the thought of resistance for whatever reason. It could be argued that having nearly won the economic battle against the labour movement, that current;

Hegemony works through ideology, but it does not consist of false ideas, perceptions, definitions. It works primarily by inserting the subordinate class into the key institutions and structures which support the power and social authority of the

dominant order. It is, above all, in these structures and relations that a subordinate class lives its subordination. Often, this subordination is secured only because the dominant order succeeds in weakening, destroying, displacing or incorporating alternative institutions of defence and resistance thrown up by the subordinate class (Clarke et al, 1976, 39).

Evidence that SM2, 7,8 and others thought that smuggling was resistance to the stupid taxes on goods people want was given. Not only want, but need, and therefore it becomes necessary. The abuse of power is familiar to workers in the informal economy who are used to viewing the police in a similar manner. Evidence around the country in different areas socially supported smuggling, not to the levels of the 19th century, but to significant levels nevertheless. There are not many, if any, working class areas that do not trade in smuggled goods. Of course entrepreneurial trading isn't necessarily protest, but the suggestion is that informal 'self-employment' is, and it only becomes a business when you employ other people, and for them it can remain protest. Though this doesn't necessarily mean that the thought that smuggling is protest is abandoned, and SM2 is some evidence of this.

Conclusion

Cultural resistance

Previously informants and their evidence were presented, now the research will draw together the theoretical implications found. My informants and more generally from available evidence say that there are communities of resistance. Not a considered, institutionally negotiated and identifiably political resistance, but resistance nonetheless. Dialectical conflict theory would suggest that the practices of domination create this resistance, of a sort described by Scott involving the realisation that;

If subordinate discourse in the presence of the dominant is a public transcript, I shall use the term hidden transcript to characterise discourse that takes place 'offstage', beyond direct observation by powerholders. The hidden transcript is thus derivative in the sense that it consists of those offstage speeches, gestures, and practices that confirm, contradict, or inflect what appears in the public transcript... the hidden transcript is produced for a different audience and under different constraints of power than the public transcript... in this latter realm of relative discursive freedom, outside the earshot of powerholders, [is] where the hidden transcript is to be sought. The disparity between what we find here and what is said in the presence of power is a rough measure of what has been suppressed from power laden political communication. The hidden transcript is... the privileged site for nonhegemonic, contrapuntal, dissident, subversive discourse (1990, 4, 5, 25).

In general shoplifting and smuggling can be regarded as subculture in the sense that Hall & Jefferson used 'cultures' for analysis;

Cultures always stand in relations of domination – and subordination – to one another... in struggle with one another... We must move... to the determining relationships of domination and subordination in which these configurations stand; to the processes of incorporation and resistance which define the cultural dialectic between them; and to the institutions which transmit and reproduce 'the culture' (i.e. the dominant culture) in its dominant or 'hegemonic' form... the major cultural configurations will be, in a fundamental though often mediated way, 'class cultures'. Relative to these cultural –class configurations, sub-cultures are sub-sets – smaller, more localised and differentiated structures, within one or other of the larger cultural networks. We must... see sub-cultures in terms of their relation to the wider class-cultural networks of which they form a distinctive part... a sub-culture, though differing in important ways – in its 'focal concerns', its peculiar shapes and activities – from the culture from which it derives, will also share some things in common with that 'parent' culture (Clarke et al, 1976, 12, 13).

So if it is accepted that shoplifting and smuggling produce sub-cultures of their own related to the dominant cultures and institutions of which they are a part. Then the sub-cultures will have further characteristics that give them an identifiable form that is different to other sub-cultures and to more general class cultures of which they are a part; "They must be focussed around **certain activities, values, certain uses of material artefacts, territorial spaces** etc. which significantly differentiate them from the wider culture" (Clarke et al, in Hall and Jefferson (eds) 1976, 14, emphasis added).

Clarke et al call this a "double articulation... first, to their 'parent' culture (e.g. working class culture), second, to the dominant culture" (1976, 15). With smuggling this would mean that smugglers sub-culture deals with the working class culture that is generally the market for their goods. The smugglers simultaneously are occupying both cultural spaces. For Shoplifting this could also be the case, although with certain categories of shoplifting used, such as the household, this does not necessarily suggest interaction in a culture, but generally there would be knowledge of the working class culture for marketing purposes too, the isolated shoplifter being a rarity. With the smugglers' sub-culture there are differences within those who are taking part in cross channel shopping. For there are two general types of people crossing the channel, those exemplified in national newspaper campaigns, the respectable, lawfully bringing back goods, not for resale, but for personal use and for gifts. At the same time as the Sun are running cheap tickets to Europe they are bought by the category of person who is on interest, i.e. the smuggler. These travel on the same tickets, on the same ferry, not necessarily in the same car though, and to all intents and purposes looks like the respectable cross channel shopper. Although in a situation where the casual reselling of a packet of cigarettes or can of lager is criminal, then it is reasonable to be wary of romanticizing a section of the population by calling them 'respectable'. If 'respectable' means that you *never* break the law, and if the law is broken the transgressor owns up to it e.g. the moral high ground in the liberal civil disobedience tradition.

The elements that Clarke et al (1976) mentioned have been abstracted as the 4 features that are essential in any reconstruction of crime as custom within smuggling and shoplifting communities. Firstly, for activities my informants gave a lot of material and examples of what they were engaged in doing, and the activity and activities described are very relevant to the issues, grounded in existing knowledge of the practices of shoplifters and smugglers. Secondly, smuggling and shoplifting values were concentrated upon success in their

particular trades based upon oppositional practices. Thirdly, the particular uses of the materials of their social crimes widely differed for shoplifting because of the various forms the appropriated goods could take. For smuggling, there could be celebrations implicitly involving smuggled goods such as the tobacco, and if it was in public houses then the ambiance of alcohol and the possibilities of its smuggling may also lead to the generation of alternative norms. Finally, for territorial spaces, like Scott (1990) and his sites for the generation of the hidden transcript, these can be anywhere punitive authority is not looking. Even in monitored spaces such as Liverpool Street train station (the main City of London station) cigarettes have changed hands and the payment takes place. Perhaps it's hard to see legal goods as involving illegal means? Other sites are the marketing ones, the transport café culture, large estates and workplaces (and smaller ones too) and the many clubs and pubs around the country.

The basis for these features of practice is 'skill based' and involves a certain mentality. Although there are those mules or those 'riding shotgun' that do not necessarily have full knowledge of the supply chains they are taking part in. Though is this necessary? For certainly the land based labourers who unloaded the ships historically would not have known either. So there are those who are engaged in both shoplifting and smuggling who are perhaps unskilled or semi skilled manual workers. The independent free traders perhaps the skilled manual variety, the retailers of tobacco being semi skilled, and the containerised smugglers at the top level being the professional project criminals.

In school children are taught to follow the rules, or not get caught, and this is the practice many take into the wider world of shoplifting and smuggling. This involves a reflexive monitoring of the conditions for free trading in the individuals chosen sphere. Looking at the changing nature of the market and different ways in which they are policed. E.G. from smuggling the changes in allowances, and the 1998 abolition of Duty free may, it could have ended the mass nature of the trade. However, this was not the case, and there are always new possibilities that arise because of changes in security arrangements. For nothing is permanently secure, it's always relative, and when people have calculated a way to make the initial breach common knowledge then authority has to act to prevent the flood again.

The skill basis is the practical preparations for and those used in carrying the operation through. These are transferable skills, and this is point that should be stressed. The

mentality is the mental strength to carry on operating in the informal economy even if arrested, or intimidated (e.g. by a Customs check that eventually lets you go). This is not a self-sacrificial approach though, that means that no account at all is taken of the escalating interest the police or whoever seems to be taking in you, where the individual rushes headlong in a tactic that is sure to lead to instant arrest. This is reflexively monitored too, account is taken of what went wrong before and attempts are made to correct this, or the person may choose to retire for a year, and so on. This is not based on techniques of neutralisation, but on **techniques of legitimation** described in the social crime chapter, a theoretical development.

The typology of shoplifting skills and of shoplifters themselves are a pioneering advance in shoplifting theory, going beyond existing descriptions and typologies (Klemke, 1992, Walsh, 1978, Katz, 1988) and arguing that relevant analysis should be on an occupational grade, from amateur to professional. Correspondingly in smuggling the description of the overall illicit alcohol and tobacco industry is new as there is no sociology upon which to draw for the period since 1992, and so is the typology of smugglers. In terms of theory, the emphasis on formation is a continuation of E.P. Thompson's work, but the strategic and tactical analysis presented is innovative, a development of his theory and not a radical departure, but one appropriate for the themes under discussion. Social crime theory has been reworked and this has involved theoretical progress, to help re-establish consideration of social crime within class formation, consciousness, and in future Marxist praxis.

Smuggling and shoplifting are informal, and within them;

Often... 'negotiated solutions' prevail, not because the class is passive and deferential to ruling class ideas, but because its perspectives are bounded and contained by immediate practical concerns or limited to concrete situations. (This is the material basis and 'rational core' of working-class economism (Clarke et al, 1976, 42).

Fluid relationships within the struggles have been emphasised, to bring out the human experience of how people feel within them and how they reacted. The relationship between the shoplifters and smugglers, against the forces of the state;

Are always intensely active, always oppositional, in a structural sense (even when this opposition is latent, or experienced simply as the normal state of affairs – what Gouldner called "normalised repression"). Their outcome is not given but *made*. The

subordinate class brings to this 'theatre of struggle' a repertoire of strategies and responses – ways of coping as well as of resisting. Each strategy in the repertoire mobilises certain real material and social elements: it constructs these into the supports for the different ways the class lives and resists its continuing subordination (Clarke et al, 1976, 44,45, emphasis in original).

There are several features that allow the development and growth of shoplifting and smuggling. Both rely on markets if an occupation or a consistent income of whatever size is to be made. When goods are bought it is possible to realise that there is a large demand for similar items, and this becomes part of the cultural repertoire (Hall et al, 1978) in a differential association learning pattern. Different features have been woven together to give a picture of the social crimes and struggles as they occurred and occur in the peoples experience, and patterns and evidence within both case studies have been found. Each of which could have been a specialised study in its own right, and further work definitely needs to be done. However there is enough evidence, not everywhere and always, but continuous activity involving similar attitudes and practices that are generally found, then it is possible to tentatively suggest common ideas and goals. As such, these individual practices become collectively far more important within the totality of social relations in the 21st century.

This research over several years found evidence that agrees with previous state analysis (Hall et al, 1978), the law and its agents do not simply follow the needs of the economy, they are not mechanical interpreters of economic logic. Instead the effect of these institutions is an educational one; "it 'manages' consent, 'organises' domination, and 'secures' hegemony" (Sim, Scraton and Gordon, 1987, 62). This is essentially a Gramscian position, with an emphasis upon the importance of law within bourgeois society, and incorporated into this is a Thompsonian emphasis on struggle. Thus, the informal economy, and in particular shoplifting and smuggling, are arenas of class struggle with the state institutions and capital. Theoretical cross fertilisation between autonomism and some British Marxist historians has already been noted by Cleaver (2000) and this work is in that tradition.

Whereas Hobbs (1989) found that the trading relationship had been depoliticised through a normalisation of a sort. The normalisation of free trading found led to a proto political awareness of protest and resistance to the capitalist economy. Not a fully developed or public one, because this would be such a stage evidence does not exist for. The stage evidence has been found for is very similar to that Scott (1990) argues can be found

amongst many different subject peoples. It is a hidden strategy, at least from the authorities, and one that is reinforced in its' own social space.

This gives some indication of the **semi professional mass shoplifter**, whose *shoplifting is work* as it entails regular and disciplined adherence to the clock, who is spatially controlled at least for a while, and who has to work with their hands. Their work stands no chance of vastly improving life chances by climbing the class structure, and whose experience of the act of shoplifting is also based upon alienation as shoplifters are driven into a potentially dangerous environment. Although as in normal hard work there is adrenalin created and the satisfaction of doing a good job whilst you are in progress, and afterwards there is the cultural celebration whether at home or in the pub.

The Bazaar and the Freetrader

Looking at the forces behind the growth of the informal economy as changes in the structure of the formal economy underlines the fact that we have to take a view which emphasises the interaction of the two. The key aspect which recent growth underlines is interdependence and interpenetration. Castells and Portes also attempt a categorization of informal economic behaviour which distinguishes from the criminal and formal whilst allowing for substantial interaction between the specific ideal types;

The basic distinction between formal and informal activities proper does not hinge on the character of the final product, but on the manner in which it is produced and exchanged. Thus... perfectly licit commodities – may have their origins in legally regulated or unregulated production arrangements. By distinguishing these different activities rather than combining them into an undifferentiated whole, it is possible to examine their interrelationships in different contexts... A central reason for this choice is that these activities, not those conventionally labelled criminal, represent a novel economic trend... this novelty lies in the resilience or growth of informal arrangements in contexts in which they were believed to be extinct or in which they were expected to disappear with the advance of industrialization (Castells, Benton & Portes, 1989, 15).

The appropriate concepts therefore are those of the Bazaar within which networks of free traders cooperate. With the aim of analysing the structures applicable, that the relevant social practice and history takes place in, that makes these events real experience, and the moral and social parts of these underground societies of the multitude. The financial and social returns from these activities have been described, and the characteristics that make it a normal part of life for so many. The following discussion has the advantage of getting

away from the conception of the 'informal' economy totally. In that rather like those who want to understand the so-called 'flexible' capitalism as something new "have, intentionally or not, bought into the language – and hence way of thinking – of management, rather than labour" (Smith, 1994, 73). Smith develops this further and suggests that he prefers to use language that does not suggest an a priori understanding of an 'informalisation process' or 'idiosyncratic forms of livelihood'. As he is unconvinced that "taken out of a teleological history of industrialism, such livelihoods are idiosyncratic at all" (Smith, 1994, 73). Therefore we may investigate the processes at work better if people are conceptualised as *free traders* in the **bazaar** economy.

1. The Bazaar as the dynamic economic network in which illegal and legal goods are made and obtained, where these and services lose their identities and intermingle.
2. The Free Trader as the individual entrepreneur/worker/Co-operative member(s) who moves between legal and illegal activities of the formal and informal economy.

The idea of Bazaar goes beyond the concept of organised crime or other individualised theorisation by capturing the notion of constant movement between irregular, hidden, semi-legal, and overtly illegal economies. It overcomes the criminal/non-criminal distinction. We thus go beyond concepts of the 'criminal economy' or 'informal economy' which are contrasted with the legal or formal economy and which tend to emphasise the difference between the two rather than their interconnections. It is a dialectical relationship of difference in unity. In brief, it is because of the interconnections with the formal economy that the informal can survive and grow.

The Interpenetrations of legality and Illegality

There are numerous examples of the interpenetration of legality and illegality. Legal business often works hand in hand with organised crime (Ruggiero, 1996). There are small companies that are in and out of legality, sweated labour, using drug money for funds, paying no national insurance, and whose workers are collecting unemployment benefits (Grabiner, 2000) and those other companies who are selling goods as if they were legal. There are workers who are exploiting perks, moonlighting, engaging in criminal activity, mutual aid, and those selling stolen, counterfeit, legal, and illegal goods, that fell off the back of a lorry. There is little care or knowledge of whether work is legal or illegal; mini-cabbing, using this to drop off drugs, or those firefighters (4 days on, 4 days off) who have

black cabs with assorted illicit possibilities. The theorisation presented has been careful to avoid utopian solutions that have been critiqued already; 'simplistic arguments about social criminals are the new vanguard' are not intended. There are contradictions both in terms of the communities themselves and it would be deceitful to portray these as harmonious entities, and in terms of consciousness, class consciousness is not an automatic product of involvement in these issues. What is of use is evidence and analysis of crime as work considered in an Hegelian framework, it is necessary to see the ethical character of acts as something that is emerging out of struggle and contradiction.

Crime as Work

Whether crime is, or can be seen to be work is an area that only recently has received the attention due. Polsky (1967) and then Letkeman (1973) were the first serious attempts to study whether former active criminals (the research group was prisoners in Letkemans case and Hustlers with Polsky) saw crime as work. Mostly though;

Criminologists also ignored crime as illegal work, or illegal income as a motivation for criminal activity. Instead, they focused on the underlying causes of crime and unemployment and attempted to model the two behaviors, establish their causal order, and determine their relationship to proximate individual-level causes such as family background and peer networks (Fagan and Freeman, 1999, 226)

Further noting the unsatisfactory theory and literature of this genre, Fagan and Freeman identified a new urgency for theorisation due to trends already noted; "Thus labor market conditions and crime opportunities may influence employment in ways not considered before (Fagan 1992b; Freeman 1992; Hagedorn 1994b)" (Fagan and Freeman, 1999, 227).

There are other features that lead to the blurring of economic boundaries, and hence crime and non-crime as well. Fagan & Freeman (1999) note that in the US there is a split labour market that often distances youth from jobs that are stable, whose wages can increase and that offer a chance to acquire new skills via adequate training. Without such opportunities;

The connection between legal and illegal markets is closer than in more advantaged communities with broader labour markets. Several studies show a fluid, dynamic, and complex interaction between legal and illegal work. Legal and illegal work often overlap... and legal wages do not necessarily decline as illegal wages increase (Fagan 1992a, 1994) (Fagan and Freeman, 1999, 230).

Suggesting that some workers are doing economically well out of illegality; these are far from those who display 'chaotic behavior with substance misuse'. Further this suggests that they are privileged and included with a surplus of contacts and opportunities rather than deficit. Ruggiero (2000a) found informants who testified that they were not concerned with where your money came from, just whether you earned enough;

Ethnographic studies (Sullivan 1989; Williams 1989; Taylor 1990; Padilla 1992; Adler 1993) suggests a blurring of distinctions between legal and illegal work, and a broader conceptualization of work that neutralises the legal distinctions among licit and illicit income-generating activities. Individuals involved in illegal work may change their evaluations over time of the costs and returns of such work compared to legal pursuits, leading to career 'shifts' from illegal to legal sources of income... the relationship between illegal and legal work appears to be fluid and dynamic rather than deterministic. Many legal workers are involved concurrently in illegal economic activity. This 'doubling up' suggests an active management of income-producing activity that capitalises on opportunities in illegal markets while maintaining the social, legal, and economic benefits of legal work (Fagan and Freeman, 1999, 230, 232).

The semi professional mass criminal is the best way of looking at informants as it fitted their occupational behavior; this was based on a posteriori knowledge. Polsky used a phrase that was to become familiar to students of the informal economy when he said hustlers sometimes look for money in diverse way; "Suggests the possibility that many of the data criminologists refer to... would be more sharply conceptualised and better understood under the heading 'crime as moonlighting'" (Polsky, 1967, 102). This was for 2 reasons; firstly that even serious crime can be a part time one off solution to immediate debt or cash flow problems who don't want to leave their ordinary job. Polsky notes milder crime often has part timers, using the example of prostitution. Secondly, the essential feature of moonlighting is;

The existence of 'occupations and industries on flexible work schedules which provide opportunity for part-time help', and more recent analysis by labour economists confirms this point: 'The industries in which "moonlighters" found their second jobs were typically those providing opportunities for part-time work.' Most crime fits these descriptions perfectly. Indeed, one of the most genuinely appealing things about crime to career criminals and part-timers alike – is that for most crimes the working hours are both short and flexible (Polsky, 1967, 102).

Moonlighters does not appear to be the best shorthand to describe the occupational way of being of my target populations, it is somewhat imprecise. The freetrader category is superior as it suggests the part time nature and skill over an abstract and cloaking concept such as moonlighting. Diffused marketing in capitalist society exists in both formal and

informal spheres, this is described by Ruggiero as the bazaar, and Tronti, (see shoplifting chapter).

The Sociology of the Bazaar and its Traders

The free trader as the operator within the Bazaar engages in illicit buying, selling, bartering, and selling off cheap goods, smuggled, stolen or otherwise fiddled without regard to the law. This society within society often includes all social classes except the very rich and Royalty (although there is evidence of Royals giving gifts to staff as payments that they know will be sold on.) It often includes law enforcers who Dave West (the boss of EastEnders tobacco and alcohol retail chain) told me were some of his regular customers. When the Free traders meet in the bazaar, all become potential sellers and potential buyers. A clear distinction between buyers and sellers found within the legitimate shopping arena does not exist; there is no class of pure customers or of sellers. They are not a totally homogenised group of people, there are differences based upon peoples contacts, their skills and ability, and their jobs. Some roles lead to a specialism in certain kinds of trade. Some are specialists in theft, others in smuggling, and others in the dealing, circulation and retail of the goods. There is also a large element of household self provisioning, this covers smuggling and other informal economic cultural capital (e.g. the cooking oil that when mixed with methanol, is a far cheaper method of providing fuel for a car than paying for diesel) (Woolcock, 2002).

The majority of goods feeding free trading networks come from ordinary workplaces, and the only thing that will have changed here is perhaps some of the booking in and out arrangements, and closer supervision. There are other sources such as the grey market highlighted by the distribution of brand named goods at a cheaper rate than officially available here because Tesco sourced them in the Far East (Tommy Hilfiger case). However there are many other examples of the grey market being exploited by free traders, sourcing in Europe or further afield, and the totally criminal counterfeiting of high profile brand names. In some cases before the original is in the shops as with a new Manchester United shirt (Loney, 2002, 88, 1);

Sophisticated organised criminal gangs steal the latest products from international trade fairs and sometimes have large quantities on the market before the genuine article is released. In 1999... Reebok's prototype DMX shoe was stolen from a display stand by a Chinese gang. The counterfeit shoes were on sale in Eastern

Europe and Russia within weeks, long before their official release by Reebok (Sugden, 2002, 136,137).

There is also the purely criminal theft of stock from shops, factories, warehouses, ships, Lorries, and shoplifting.

Given the economic future under neo-liberalism it is uncertain as to the exact future of the informal economy, although it will be an important one. For smuggling there is enhanced security within the regulatory framework although the price differentials are going to continue to mean that it is profitable, and for shoplifting, in a move towards decriminalization, the only recent change has been to make those caught for first time shoplifting with goods under the value of £200, are going to get away without even a caution from the police. Thus for poor communities conditions are going to remain virtually the same, and the resulting pressures are going to create the motive for crime, and it is then up to participants to find their role in the informal economy. In terms of research local studies on the operation and meaning of the informal economy would be useful, and the particular role of shoplifting and smuggling should be assessed. One weakness of my methodology was that participants were diffuse, and there is not a comprehensive examination of shoplifting or smuggling networks within a local area, or the local informal economy in total. This was balanced by a concentration on the depth of knowledge discovered when investigating shoplifting and smuggling, and the particularities found within these issues.

Finale

The definitions relevant to the informal economy debate, and their concretisation in common shoplifting and smuggling activities have been discussed. During this process a central concept for historical materialist analysis was ascertained, and that is 'free trading.' This centres on people's agency rather than the type of economy that the activity is thought to be a part of. By doing this a better description of what people do for and by themselves is established, instead of imposing any judgmental definitions a priori, and/or, trying to use an abstract concept for informants. 'Free trading' has been found as an element of a wider hidden economy that can blur with the criminal economy and the formal economy. Here free trading serves as a clearer and more totalising category of informal economic activity, that potentially includes activities like drug dealing (although that is not my focus at all) and carries no judgmental implications in the title. Free tradings continuing significance as a

substitute wage form derived out of the exploitative relationship of capital to labour is assured.

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Appendix A

In answering my central research question (CRQ) it was necessary 'to discover whether crime had become custom, and whether protest was a part of smuggling and shoplifting'. 5 theory questions were constructed for each issue that could provide evidence about this, and update existing research with new evidence.

Shoplifting

1. What social class background do shoplifters have?
2. What is the cultural learning process of shoplifting like?
3. What is the nature of shoplifting today?
4. What does the cultural process of shoplifting look like?
5. Can shoplifting be regarded as protest and resistance?"

Smuggling

1. What social class background do smugglers have?
2. What is the cultural learning process of smuggling like?
3. What is the nature of smuggling today?
4. What does the cultural process of smuggling look like?
5. Can smuggling be regarded as protest and resistance?"

Appendix B

Unfinished Business - The Informal Economy Debate Explored

The informal economy debate is huge, and deserves further research, starting with Lowenthal's social economy theory:

Many goods and services are provided through an economic system which is based on the network of social relationships... transactions have characteristics which suggest that they be treated as a system. They are a structured set of arrangements for providing material goods and services. In addition, they are governed by certain rules which integrate the transactions and interdependencies and assure the continued cooperation of those involved in the provision of goods and services (1975).

A harsh destructive reading of this would be that it typifies a left idealist school of thought about the supposed harmonious reality of intra working class relationships, and as such romanticizes them by forwarding a one-sided and idealistic view. This is not to say that these transactions could not be found in those solid working class areas typified by some near communist social relationships, found in a few mining villages and other places in the past, however times have changed. This is then further broken down into sectors called typically the 'irregular economy' (Ferman and Berndt) that is the;

Sector of economic activity that is not registered by the economic measurement techniques of the society but which uses money as a medium of exchange. In contrast they define as 'the social economy' that sector of economic activity '...not registered... and which does not use money as a medium of exchange. [we have already noted Gershuny and Pahl's model but here the analysis is extended] Gershuny and Pahl further divide Ferman's social economy into two types. Following Burns, they identify a 'household economy' which they define as 'production, not for money, by members of a household and predominantly for members of a household, of goods and services for which approximate substitutes might otherwise be purchased for money. They also note the existence of a 'communal economy', which they say is 'production, not for money or barter, by an individual or group, of a commodity that might otherwise be purchaseable and of which the producers are not principal consumers' [Gershuny and Pahl, 1980, 7-9] (Henry, 1982).

The same authors identify another 'underground, hidden or black economy' which is nearly the same as Ferman's irregular. That is defined by Gershuny and Pahl as "production, wholly or partly for money or barter, which should be declared to some official taxation or regulatory authority, but which is wholly or partly concealed" (1980).

Henry then argued a better working model would be able to distinguish between things such as 'moonlighting' and 'working on the side' on the one hand and those on the other typical activities found within the hidden economy. Those particular activities such as fiddling, trading in stolen goods and pilfering, are reliant upon regular formal work and are often integral to the work. Therefore Ditton argues that the hidden economy maybe defined as; "The sub-commercial movement of materials and finance, together with the systematic concealment of that process, for illegal gain... a microscopic wry reflection on the visible economic structure, upon which it parasitically feeds" (Ditton,1976, in Henry 1988). This leaves Henry with 4 conceptions that form a typology of informal economies; the irregular, hidden, unofficial and social. Subsequently noting that there are upwards of 30 different terms for the informal economy (1988, 33).

As far as labelling theory is relevant for the genesis of the informal economy it cannot say anything to help explanations. However it is applicable in part when describing the criminalisation of demonised groups and their subsequent popular approval by the masses, even if this is only passive and seldom ventures into active solidarity. As informal economic actors are rarely caught when breaking the law, the levels of amplification of these deviants are carried out not only by institutions of the state but also transnational capitalist corporations who complain to the media when informal traders impinge upon their markets.

The informal economy is a common-sense notion whose moving social boundaries cannot be captured by a strict definition without closing the debate prematurely. This is why we need... to understand it as process, rather than as an object... it is possible to look behind the appearance of social conditions (poverty, destitution, blight) to focus on the social dynamics underlying the production of such conditions (Castells, Benton & Portes, (eds) 1989, 11, 12).

Further subdivisions of such classifications are always possible. Thus, Henry notes it is possible to break down the social economy into two sub categories, the 'household' economy' (Gershuny and Pahl, 1980) and the 'communal economy'. The household economy can be further subdivided into individual household and community economy where services exchanged between households exchange via neighbour networks in a locality. However there is a methodological danger of fetishizing definitions to fit every conceivable informal economic interaction and in the process forgetting that it is more important to be precise. About the main informal economic practices and the definitions

that are generally understood by the public in practice. More importantly, this loses a grip on the interplay of legality and illegality that should be the focus of attention.

The informal economy is neither an institution nor a single phenomenon. It goes on in many forms in several different places at whatever time suits the participants. Many socially different people engage in it; for some it is an essential part of their lives, some do it as just a part time hobby, and all those in between along this scale. Often people can be involved in different activities at the same time, part of a wider web flow of relationships. For example the shoplifter can exchange goods for tobacco, can shoplift to order for cash payment, and can present shoplifted goods as paid for presents.

In addition to the formal economy, the informal and the criminal there are particular subsections of the informal that are also important; "there is a 'gift economy' which, says Davis, is governed by the rules of reciprocity and includes all those activities and transactions which we call giving a present" (Henry, 1988, 32). Ruggiero identifies a Trans European debate about "the 'third sector', or the non-profit sector" (2001, 69). This vigorous debate states that, not only is the market economy abnormal, but that its 'productivity' is questionable and does not adequately provide for the full potential of humanity. Polanyi noted as early as 1944 that a market exists that "is embedded in informal exchange, reciprocity and redistribution, which survive against the destructive power of economic 'development'" (Ruggiero, 2001, 70). This is not a romanticisation of an idyllic past but a call for a valourisation and development of the bonds of solidarity that are already present despite the formal economy. A valourisation recognises and epitomises the central importance of the concept of the gift as a type of exchange;

It is our good fortune that all is not yet couched in terms of purchase and sale. Things have values which are emotional as well as material; indeed in some cases the values are entirely emotional. Our morality is not solely commercial (Mauss, 1954, 63 in Ruggiero, 2001, 71).

The Totality of Free Trading - What is Free trading?

Free trading is mostly informal economic trading and is a very common form of small scale marketing; it is the illicit buying, exchanging, bartering and selling, of cheap goods that can be smuggled, stolen or otherwise fiddled without regard to the law. It is amoral, sometimes legal, and sometimes illegal, even in the same process from start to finish. The illegality may come in the manufacture, the distribution (across borders) or at the point of sale. It

goes on amongst ordinary people doing a variety of jobs and the unwaged. This is distinct from the work of the professional fence where the trade demands the major part of his/her time, and in turn makes the major part of their income in the process. The amateur trade is a part time affair although at times very time consuming and lucrative. Those who take part in the trade do not expect the illegal activity to realise the major part of their income, although there are those who do.

Cameron (1964) says that the 'peripheral criminal' is someone who agrees with societies official morals, their dominant values, who gets the bulk of their income from working or middle class jobs, but who supplements this with odds and ends that includes shoplifting. Whilst there are people who are like this, it is not totally true, for there are those anarchists and communists who would do the same too. Their part time crime would be because they have needs and desires like the next person, however they choose not to become career criminals because they already have enough surveillance aimed at them by the state apparatus and to invite even more would be tantamount to political suicide. Although there have been those criminals both from communist influence who raided banks to fund the Bolshevik party, and those anarchists who invented the armed getaway, the Bonnot gang; "Expropriation of the master class. What real revolutionist can condemn expropriation? Now, or in the future. It matters not. Expropriation of the means of existence or for the spreading of propaganda is always justifiable" ('The Paris Auto Bandits [the "Bonnot Gang"] in "The Social War", Vol. 1, No. 3, 1913, in Bulletin of the Kate Sharpley Library, 2004, 6).

The process of free trading is usually associated with getting things 'cheap' knowing they may have 'fallen off the back of a lorry', they maybe 'spare' or have been 'overloaded', or be slightly damaged (Ditton, 1977, 48). At rates that are often anything from a quarter to a half of the full price of legal shops. The goods may have come from factories where they are manufactured, sweatshops where they are made, warehouses where Cds and Dvds are copied, lorries or vans where they are transported, warehouses, garages and wharves where goods are stored, and shops where they are stored prior to sale. This "may involve a variety of illicit techniques, such as shoplifting, pilfering from work or hijacking. It may also entail the use of legal or quasi-legal methods, such as wholesale purchasing or the sale of legal perks, as in the case, for example, of the 'sale' of miners coal" (Henry, 1978).

It may involve cross border evasion of taxes and the evasion of local taxes, by misrepresenting the nature of the business and by false declarations to evade taxes on profit. It is commonplace now for goods that were destined for home or abroad markets to be re-routed either to home or abroad for purposes of cheap sale. The quality of some of the merchandise (clothing, toiletries, food, tobacco, alcohol, household products, car accessories etc) on sale at Hackney Wick, Hoxton, Dalston, and Kingsland Road markets (London) are of this nature, identifiable, by the dominant language on the product, and/or its packaging. Not quite totally of the black economy, nor of the white, it is the grey to which these goods belong. There are all sorts of associated grey and criminal activity at these Markets.

It must be borne in mind to not be overly judgemental about the source of cheap goods; they might not necessarily be stolen. It maybe true that they are quite often gathered by unlawful activity, however if they are not available by that source then contacts maybe found that can get the cheapest available deal on the item in question. Cheap goods can be found either at car boot sales or through 'trade purchases' where cash and carry business cards are swapped for other favours. This applies to car parts which can be then fitted yourself, or where offers to pay in cash avoid the VAT and income tax for a job off the books.

This 'cloak and dagger' market conjures up images of Private Walker from "Dads Army" who was supplying the goods known to be available on the black market during WWII. Corporal Jones did his more traditionally British bending of the rules to supply his regulars with the best available deal, or a special couple of sausages for Captain Mainwaring. The outrageous Royals flouted the laws of rationing by getting extra material for their extravagant wedding dress too (the Queen and Prince Philip). The Black Market is not the same as the free trading because generally the black market operates in a time of scarcity that tends to drive prices upwards (Smithies, 1982, 1984). As the demand is there some businesses breach the law over the price they charge and the quantity they shift to individuals (Henry, 1978).

In contrast to the Black Market the free traders of bourgeois society always provide goods at a cheaper price, and very often it is also top-quality as this is the only way acceptable to buyers because they are after and demanding a real bargain. Even where the goods are counterfeited they are expected to be as good as the original in effect, if not in the

wrapping. Perhaps there is a correlation between the poor counterfeiters who make poorer quality counterfeits and because of the lower skill levels end up being identified? Publicity is routinely given to the poorer and dangerous counterfeits, but the high quality ones that presumably are made by the skilled and experienced are given none.

There is a school of Marxist thought that has written off criminals as members of the lumpen proletariat who will be bribed to oppress the working class by the bosses. They say that crime is a distraction from the class struggle. This however maybe misleading, and perhaps could be seen in another light. If we substitute crime for religion in Marx's famous dictum about religion being the opiate of the masses, then we may interpret it differently. Especially where the Presidents Commission on Law Enforcement and Administration who reported (1967) in the wake of the Watts uprising in America, the "redistribution of goods through theft might constitute a significant subsidy to certain groups in our society; its curtailment might have significant side-effects" (1967, 99). Crime is a structural phenomenon comprised of social and anti social activity, and some people who are doing it for themselves often in collusion with others like them. Existing, and perhaps rebelling by and in the process of their own subversive activity, and the associated security precautions they take.

Free Trading covers many different goods, people, trading spaces, payment and rewards not unlike the respectable and expected official free market trading. It is an economy in its own terms but with so many links to the wider economy that it is non-sensical to abstract a theoretical ideal type of free trading for policy reasons, it would lose the sense of participation and history that gives activities their meaning for participants. For theoretical clarity though, abstraction does serve a purpose. At the same time free trading is not just a criminal economy, not just normal trading techniques, it is better regarded as a continuum ranging from commercial trading of illegally manufactured goods which has contractual and impersonal features. To social trading, where exchange is highly personalised, as in cost price cheap cigarettes and other free movement of goods in the urban bazaar. In Ireland it has been part of an insurgent republican army's method of funding and self reproduction (Naylor, 1993, Maguire, 1993).

Mingione (1983) disagrees with the term 'informal economy' because it signifies distance between a supposedly positive white economy and the negative black one. Despite employment figures reaching record figures (28 million, August 2002) there are still around

a million unemployed. There is a crisis of employment conditions that create the insecurity that the unemployed regularly feels. Of concern then are the reproduction patterns of groups who seriously disrupt the ordinary relations of capitalism and particular industries. On a world-wide scale capitalist and industrial development through commodification and enclosures has drawn larger numbers into the reproduction patterns of the orthodox definitions of working class which capital directly commands. The subversive potential of the bazaar economy is already being realised as the free trading networks operate without advertising and with more personalised exchange, this in effect constitutes a decommodification process that challenges the rule of capital over the total reproduction of society.

Trust in the process of exchange is mostly built up through family and community relationships, including specific migrant ones. This is the informal opposite of formal contractual obligations that maintain the operation of the mainstream capitalist theory that disavows uneconomic considerations for the completion of contracts. Several case studies have concluded that informal operations rely extensively on family or same ethnicity groups for their labour (Morris, 1994), and their social networks of suppliers, retailers and financial arrangements have informal and community links rather than on the formality of the contract. Informal economies like;

Illegal markets... are devoid of external authorities and written regulations, and they cannot rely on arbitration or mediation to bring up complaints and seek redress for the damage [or not] suffered. Moreover, unlike some important sectors of the official market such as the financial market, they are devoid of informal mechanisms of self-regulation which bind members and penalise deviants with exclusion from certain circles...

individuals and groups pursue different interests and feel deeply justified in doing so. There is no use of signed contracts, nor of written records of transactions [to the detriment of researchers!] There is no monopoly of force. Violence is decentralised and owned as a right by all groups and individuals. Moreover, there is no everlasting social contract. The social contract is a constant, everyday creation. It is a process that goes through all socio-economic relations (Arlacchi, 1998, 210).

Arlacchi's observation that the social contract is a 'changing everyday creation' is important because it brings to life the economic and political restructuring that creates new relationships. Arlacchi (1998) analyzing large illicit crimes often including organised crime also makes some points very relevant for discussion of smaller scale informal economies;

Associations are created which can be likened to Durkheimian organic solidarity groups, with members relating to each other on a kinship or non-kinship basis. The frequent superiority, in most global illicit markets, of groups based on ethnic, political or religious solidarity lies in their ability to eliminate parts of the transaction costs while, simultaneously, discourage opportunistic behaviour and defection among members (Ouchi 1980). A sense of moral obligation towards one's own group and associates plays a more important role than discipline imposed through threats of retaliation (1998, 208).

There are other similarities between what Arlacchi calls 'illicit markets' and informal activity;

A number of studies have shown that we are faced with rational economic phenomena and well-structured 'industries'. Illegal markets have much in common with their legal counterparts. There are buyers and sellers, wholesalers and retailers, go-betweens, importers and distributors, priced structures, balance sheets, profits and, though less frequently, losses (1998, 204).

There is a great deal of personalisation of free trading, and this has been accurately portrayed by Faberman and Weinstein;

Those who invade the body space to touch, handle, and manipulate us, or who administer esoteric knowledge over which we lack surveillance, have us at their mercy. By defining and acting towards them as friends we attempt to transform a pure exchange of value interaction which leaves us defenceless, into a valued exchange which gives us claim to equality. The expert other must now follow the non-exploitive rules of friendship rather than the exploitive rules of the market. Personalisation may well be an attempt on the part of the client or customer to counteract the superordinate position of the expert by shifting the normative ground of the interaction (1970, 456).

Even today fiddling, theft, smuggling and dealing are seen as part of the market economy, or as ordinary crime by otherwise open minded Marxists. These people see no potential liberatory politics in encouraging workers to do what they already do, often collectively, and their action is seen as irrelevant and self interested, and certainly no socialist future is envisaged by their actions.

It does not matter what the source of the cheap goods was and is, or the particular trade people work in. The individual will not enter existing trading networks nor start their own unless they satisfy certain criteria of acceptance, and become 'one of us'. It is not a structure with exact terms of entry, and it is more reliant upon how personal relationships are made, continued and have conduct befitting of your respective social illicit and licit roles (Henry, 1978, 34-41). Often the first tentative moves by people when they meet for

the first time involve negotiation over shared morals, and this spans social, economic and political ones as well as the boundary of legality. Further, our free traders have different approaches that probe people to see whether they are receptive to free trading. These tests that include morally neutral statements about the origin of the goods in question, such as "I've got some cheap tobacco" imply mutual recognition of the likely nature of the transaction if people are previously situationally complicit. What is more;

The social and moral order of exchange relations among network participants – concerning power and control, distributive justice, rights, understandings, and obligations, and membership itself – are ongoing matters of discovery and negotiation, not conveniently frozen in time and space and readily observable from the outside (Barlow, 1993, 327).

Exchange in the Informal Economy

Here are some of the more generalisable features that exist amongst all free trading exchange.

- First are the means by which people make entry into free trading and made and continued. The different informal rules where people sift peoples attitudes for eligibility and trustworthiness.
- Secondly, the negotiations of the trading logistics involving the price, type, delivery and method of payment mostly take place openly, with security procedures implicit in these arrangements. The negotiations and trading does not have a definite nature about the delivery date, price and so on that most legal trading has. Free trading is necessarily vague because the people concerned with collecting the goods are not sure that they can always get them. They may have to go to different places to gather goods if some untoward security staff are monitoring the goods a bit too closely at a regular place of supply. The attitudes to time are less formal, home delivery today by most business is arranged as soon as possible as the goods are always in the warehouse, and if they are not, they are generally not sold. Free trading is subject to delays before the deal is finalised, as often free traders have to fit arrangements around their legal lifestyle. The margins on free trading arrangements are also higher because in distinction from shops they more likely than not operate a 'no returns' policy, have no or less fixed payments to make, pay no taxes and so on.

- Thirdly it is likely that there will be limits as to the questions people will ask about the source of the cheap goods that marks a real demarcation with legal shopping where people are meticulous about the standards they expect from the retailer. There is an emphasis on the completion of a transaction with instantaneous payment for the fixed price in money or its plastic equivalent. Free trading can be delayed by unforeseen developments like a wildcat strike by French dockers, and payment can be in kind for other goods and services, on credit, or delayed for a myriad of other reasons. Although persistent fudging over payment may lead to free traders ceasing to trade with certain individuals. The ethos that you do not probe to deeply into the genesis of cheap goods is a commonly understood security feature that one side demands and the other acknowledges as essential to the free trading relationship. Henry argued that this was necessary to protect "insiders from embarrassing knowledge and guilt" (1978, 81). Most experienced, semi professional and professional free traders would long ago have abandoned primary socialisation into bourgeois society, as an unnecessary mental burden for the ongoing conduct of free trading. This rejection of the rule of law means that the law has not been merely neutralised it is seen as potentially hostile to free trading and hence the enemy. This does not mean that there is however a radical critique of society amongst most free traders, just that there is potential politicisation from it.
- Fourthly, whereas the shopper generally trusts an abstract institution (although there has been significant growth of peoples willingness to disbelieve institutions recently), the free traders client will trust the individual(s) involved as far as they know for they must be sure about the quality of the free traded product. The real value of goods to free traders is determined not by the market imperative, but by the value of the relationship between free traders. The price or income in kind is arranged to reflect the degree of value of the ongoing relationship of the parties involved in the particular free trading. Very close friends or family are frequently charged cost price of the goods with less close acquaintances being charged more. So the rewards are not solely economic (if at all) it is the social experience of free trading, the adrenaline and excitement created in any acts of theft or the grey area of tobacco smuggling, and the cultural celebration of cheap goods.
- Fifthly the attraction of free trading is implicit in the different social rewards gained. From the appreciation of skill, a daring deed, of the utility of the goods in question, and so on. Buying drinks (Henry 1978) as a payment in kind amongst free traders

is interesting because it signifies the end of the economic part of exchange and the start of cultural and social celebration. Drink is ordinarily consumed in safe social environments for the participants, and so is a recognised ritual for mutual respect. Free traders who participate in tobacco retailing often have alcohol available from their many trips overseas. Describing 2 basic categories of social reward Henry calls them "competitive play" and "reciprocal favours" (1978, 100). Competitive play signifies that the social rewards are similar to those found in ordinary play. By playing against the possibility of being caught there is excitement. To finalise deals is exercising control that is often denied those with manual and repetitive jobs. Free trading is freedom and/or a release from the safe, legal and predictable world of shopping, work and school that people ordinarily inhabit. Goods are given away to demonstrate friendship, as a social cement for relatives or for status. Reciprocal favours means that people conduct trade not only for money or social standing, but also as a 'favour' and this;

Can be seen to have parallels with the reciprocal gift giving of non-industrial societies. This is to say that transactions are governed by... the 'norm of reciprocity' (Gouldner, 1960:170) According to this norm, when one party gives to another, a moral obligation is generated. The recipient is indebted to the donor and remains so until he returns the gift. The obligation to repay is morally enforced, failure to give and repay being sanctioned by dishonour, shame and guilt. Such reciprocal exchange serves to maintain friendly relationships by ensuring that a 'balance of debt' always exists between exchange partners (Henry, 1978, 100).

People working within the informal economy are regularly portrayed as living parasitically off the dominant economy, however this approach is one-sided ignoring capitals own rule breaking and ignoring the many other legal economic roles that people do too. Indeed, it is impossible to abstract out an illegal economy here and a legal economy there, either theoretically or in practice. Informal economic trading has taken place for thousands of years, and at no time and in no place did it disappear. Even in Russia under Lenin's rule the Cheka (Figes, 1996) was tasked with taking a key role in suppressing the marketing activities of the people but did not succeed, and Henry has described the development of the informal economy in Russia before the fall of the Berlin Wall.

Henry (1978) argues that there is no evidence of a sudden increase in the size or activities of the informal economy, although obvious growth spurts can be identified. E.g. when the barriers came down in 1992 when customs could no longer enforce limits on individuals'

consumption of alcohol and tobacco, which allowed the growth of smuggling and the phenomena known as 'white van man'. Consequentially there has been little attempt to look at this part time crime and its true role in the economy until the effects of neo-liberalism had taken precedence after Keynesianism to such an extent that it became blatant. Then theorisation sufficient to the task of conceptualising this occupational dynamism appeared, and one example of this is the concept of the 'bazaar' by Ruggiero and South (1997). This led away from the professional theories of crime, whether this was within organised crime or 'the fence' of Klockers (1974) or other property related theories. The one-dimensional attitude of the 'bad criminal' palpably fails to explain the real nature of part time crime and its integration into the wider economy. All are 'bad' if this is the case, as 'everybodies doing something they shouldn't'. The informal economy has infected ordinary peoples lives to such an extent that today "we are all criminals", and we see the return of the mass criminal (Foucault, 1977) under new global conditions.

There are those who exclude specifically criminal activities from the informal economy, just as there are those who include it (Sik, 1994). There is no agreement on the real nature of the informal economy that is a many headed hydra. Whilst Roberts could say that the "informal economy as usually defined does not include activities that are inherently illegal, such as drug dealing and other criminal activity"(1994, 7). This would seem to neglect a couple of points. That if it is accepted, and it is implied in the title of the 'informal' economy, that there is an unofficial and informal economy then there has to be a formal and official economy too (Sassen, 1991 in Castells and Mollenkopf, 1991). This affects the debate because by linear logic this implies the criminal economy is necessarily an 'unofficial' and an 'informal' one. In practice this is obviously so, however in theory it maybe possible to abstract out an informal economy that does not consist of a purely criminal one but it would lose a grasp of the contemporary events on the streets and hence be of little use on its' own. This formal economy, a legal capitalist sphere within institutionalised regulation, such as Adam Smiths idealised representation of the perfect free market, without any laws of any kind would not contain any distinctions between what is known today as the formal and informal economies. In contradiction to this, a tightly regulated society, which the media in a typically little England manner have famously portrayed the European Union as. Would expect to find coherent definitions of legality and illegality and hence of formal and informal economic behaviour within these different sectors of production.

Incomes arrive and are taken in diverse forms, including a number of employment categories and a similarly large number of different enterprises. Incomes can be in kind with different goods as wages, totally legally registered regular workers in full time jobs maybe employed again by the same boss in other semi legal and criminal activities. Roberts is mistaken when he says that "the persisting interest in the idea of an informal economy lies not in its analytic precision, but because it is a useful tool in analysing the changing basis of economic regulation" (1994, 8). For someone who is supposedly concerned with analytic precision he then goes onto say that regulation is the main reason why the informal economy is a 'persisting idea'. Even if he implies that the informal economy disciplines the poor economically, he lacks the conception of a growing informalisation that is daily reality for millions around the world and is seriously economically and politically important in its own right (Davis, 2004).

Appendix C

Methodology Chapter: Context of the Research and the perspectives Applied

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The task now is to explore the potential methodological issues of smuggling and shoplifting. The ethics are central, and so dealing with the relationship to informants during research was done with particular care. In order to design methodological options suitable for the clandestine nature of some social crime.

What do people think about smuggling generally and what do the smugglers think? Does it represent protest or as the government and Customs like to portray, do they represent organised crime and 'serious criminals'? What is of dispute is the importance and significance attached to smuggling and smugglers, which at present is the very legalistic view of politicians, corporations, Police, Customs and Excise and journalists. Critical researchers argue that culture must be viewed as an arena of struggles, where dominant and subordinate cultures use and construct differing systems of values and meanings based on the forms of understandings produced in their respective cultural domains (Kincheloe & McLaren, in Denzin & Lincoln (eds) 2000, Holloway & Todres, 2003, Taylor, Walton and Young, (eds), 1973, Walton and Young, (eds), 1998, May, 2001).

At the base of this was whether crime had become custom, and whether protest was a part of smuggling and shoplifting. The research was not intended to be lifeless or abstract; rather it would have real significance at a time of political and socio-economic change.

Testing Social Crime theory

This thesis of social crime needs to be distinguished from, firstly, simply 'techniques of neutralisation' (Sykes and Matza, 1957). This focuses not on the public acceptance of the crime but on a repertoire of strategies for denial that a crime has taken place or rationalisations as to its inevitability. Even if such repertoires are shared by a subcultural group (e.g. a gang), the status of crime is not itself challenged. So for example if people say 'shoplifting isn't really a crime because the shop won't suffer much from the loss of a few goods' then this is neutralisation. Therefore it is necessary to provide evidence not about rationalisations by individuals but *a generalised tolerance of the crime among the community of participants and at large of social crime as legitimate activity*. While there are many buyers and users of illicit goods, research concentrated on the active generators of the goods, who source the goods for others and themselves, rather than those who purchase the goods. This is because it is they who are likely to hold developed perspectives.

Individuals may not necessarily be able to conceive of the importance historically and politically of smuggling, in an isolated manner. Targeting individuals in this isolation is equally prone to all sorts of idiosyncratic quirks due to the context in which it was said e.g. a smuggler may say one thing to a customs officer or the judge, and another in private. It is not what is said about something that is necessarily important, it is the way it is said, by whom, and what is the context (Kincheloe & McLaren, 2000, Murray, S. 2003, Holloway, & Todres, 2003). The structural level of analysis allows description of a variety of actions and beliefs with a theorisation of the important self - reproducing features of the same system (Murray, S. 2003).

Background to the Research and the Paradigms Being Applied

The level of organisation of crime has generated a huge literature and lively debate. Against the extreme conceptions of criminals as either an elite of professionals who have a way of life that leads to them to live a world apart from the regular and mainstream society (Taylor, 1984), or those violent and chaotic criminals whose life on the margins involves self harm as well as harm to other members of society. The research located what normality there was in the 'crimes', away from the margins and occupying a central place in the life of many. How is social crime legitimacy to be constituted? Existing literature shows that the dynamic nature of struggle means that it is to be constantly

recreated, and gives insights into how custom/culture is to be perceived. Eighteenth century social crime can be seen as popular resistance to developing capitalism taking the form of tolerance of pre-capitalist forms of distribution. However, if social crime is defined as tolerated by the community this does not necessarily tell us much about its dynamics. Thus it could take a bourgeois form of legitimation as simply a 'petty capitalism of cheap goods' (Lea 2002, like Hobbs, 1989). By contrast social crime can be seen either as resistance to capitalism or at least as a form of work, as labour, rather than capital accumulation. This I call the mass shoplifter, and it is this aspect of social crime as resistance that is the subject of my research.

Here crime does not have concrete victims, it has an abstract entity in the state as the victim of smuggling, and in the case of shoplifting the abstract entity is the capitalist business, often a transnational. In the context of my research it became clear that purely describing the informal economy in alcohol and tobacco, on its own, says nothing about the social and economic dynamics that created this type of activity in the first place. We therefore have to look into history for clues as to the modern modus operandi of the informal economy, its political meaning, and how respondents are likely to conceive it.

Various research issues were examined, and it was clear that attitudes and spirit were important. It was decided that the best way to discover this zeitgeist was through interviews, and the interviews gathered were cultivated from personal contacts using the snowballing technique with one or two exceptions. They were chosen at random although you could argue that they chose themselves as they were often presented to me socially. No attempt to control for gender, disability or race balance was made, in the informal economy there are no laws around equal opportunities to follow. Utopian politically correct calls for theoretical equality that are divorced from practice, or standards imposed after the fact, are bureaucratic regulations Polsky (1967) wrote against. Hobbs notes how he conducted research reflecting - 'white, male and of working class origin'.

Ignoring women, Afro-Caribbeans, and Asians... my... reaction is summed up by Corrigan (1979, p. 14) that the experience of being black and in Britain should be written about by 'someone who has experienced these oppressions. Correspondingly, a female researcher needs to analyse the role of women in the entrepreneurial culture... My gender prevented me from the kind of close, collaborative relationship that I believe I achieved with men (Morgan 1981) (1989, 8).

The active population was targeted to see what data it was possible to collect about the practices and experience of illicit activity. At the beginning of the project no female shoplifting contacts were available, and a couple of experienced ones have not been interviewed because of time pressures. Discovered in the interviews is a mainly white, male and young smuggling arena with women largely as partners, baggage/decoys, or entertainment. Numerous male shoplifters were found; although there are many skilled female shoplifters that existing shoplifting theory would suggest exists. Experience, contra Hobbs (1989), is that a close rapport with skilled and experienced female shoplifters was gained; suggesting that subject knowledge, common values (May, 2001), shared goals and practical experience can dissolve the barriers of gender. Although paradoxically they may at the same time have reinforced them in the eyes of others, as I mostly entered the shop as 'man and wife' or as 'partners.' Or was it I who became the 'baggage/decoys, or entertainment' for the experienced shoplifter?

Hobbs found three characteristics of class relations in the East End - conflict, negotiation and symbiosis. It is important to be sensitive to the range of different interpretations there are during field-work in the totality of social relations;

Crime, as a feature of the working class city, [is] created by the same market forces with which it shares this ambiguous relationship, [&] will also run the gauntlet of seemingly antipathetic options of conflict, negotiation, and symbiosis... the essence of working class crime is that it is contradictory... the collective meanings of specific crimes in specific circumstances are far from obvious... the status of criminal action needs to be looked at not purely from the high point of criminal law, or even from the point of view of apprehended offenders (1989, 13-14).

Ethnographic Research Design

Hobbs is absolutely correct when observing that the contradictory and historically evolving nature of working class criminality can only be studied by mixing with them. The evolving set of problematics dictates the research methods. The collective nature of social crime requires an ethnographic research strategy because its object is to elucidate the world of meanings inhabited by the participants (Cresswell, 1994, Holloway, & Todres, 2003). In criminology Polsky (1967) is a major source for ethnographic methodology, and the orientation is to uncover the meanings for the actors and the collective context which gives smuggling and shoplifting their character as social crime. Ethnography derives from cultural anthropology (Holloway & Todres, 2003, Gilman, 1994) where the concern for

authenticity means the researcher spends time with the informants, as a means to entering their social life to reveal the hidden structures and interactions, the contested nature of culture and society, and the meaning people give to their action and interaction. This is the 'critical ethnographers' tradition (Cresswell, 1994) and/or "critical research" (Kincheloe & McLaren, 2000, 280). The findings are implicit throughout the research, as well as being explicit in places. Gilman further notes that "it is quite legitimate to plunder one's own biography... as part of the methodological tool box" (1994, 40, 41) when undertaking ethnography, and again this is what has been done both explicitly and implicitly throughout the research.

Ethnography is dedicated to the exploration of crime in its natural habitat (Cresswell, 1994), and contrasts with two other approaches. Firstly, a simple adoption of the perspective of law enforcement, that is less interested in meanings than with repression and surveillance of an unambiguously defined 'crime'. Thus their referents are already known and legitimated or not apriori, 'a crime is a crime is a crime'. Meaning that the fact that an action is technically (just) against the law is enough to classify this action or non-action as a type of crime.

Secondly, the reconstruction of a dead mosaic. This is the problem of research based on 'after the event' recollections by prisoners etc who have already adopted another perspective as a result of proceeding into a different world, that of the criminal justice and penal systems. This necessarily eliminates the 'thrill' (Katz, 1988) or the real meanings of these community based events. Thus crime must be studied in its natural habitat which gives it meaning and legitimacy. There could be differences in the way people respond about criminal activity, e.g. Prisoners maybe more apologetic and repentant because this is what authority wants to hear, other authors have noted the differing views between current users and non-users (Gilman, 1994, 42). The concentration on practitioners was because apart from them holding up to date practical knowledge, they maybe more celebrational, as well as it currently being a semi defining part of their self identity; "there is genuine experiential creativity in it as well. When the universe of meanings of participants is entered then it is possible to see what are, for the subject, the authentic attractions of crime" (Katz, 1988). These are the pleasures of crime, which avoids the pitfalls of retrospective analysis. If our methods are solely retrospective then we;

Are always going to be in this spot – always slowly fitting together a jigsaw puzzle that is decades out of date, and never even knowing if we have all the pieces, or the right pieces – unless we change our research methods.

This means – there is no getting away from it – the study of career criminals au naturel, in the field, the study of such criminals as they normally go about their work and play, the study of 'uncaught' criminals and the study of others who in the past have been caught but are not caught at the time you study them" (Polsky, 1967, 120,121).

With two research fields there was a possibility of comparison in the results and tentative generalisation about the nature of social crime then into other fields, e.g. cannabis production, distribution and sale, and the counterfeiting of clothes, music and films. Graeff in research on young criminals (1996) noted the variety of crime people are engaged in, theft, burglary, shoplifting, and reported the ventures of prolific English shoplifters across the channel.

As well as depth interviews, this was supplemented with additional questionnaires in the case of smuggling, with participant observation in both. This meant observational data gained was of high quality, and the qualitative interviews were of equally high quality because my subject knowledge was exemplary. All the depth interviews were taped, and notes were written up as soon as possible after excursions into the field. Hopefully this has gone beyond;

The survey techniques and mass enquiries of conventional sociology were developed at first as appropriate for the study of an increasingly homogenised (proletarianised) worker and (rationalised) citizen in the era of expanding capitalism, and then generated the 'facts' upon which this image of modern society was based, through a process of what might be called 'horizons of relevance within sociological discourse' – certain facts (domestic labour, peasant farming etc) though acknowledged, were deemed idiosyncratic vis-a-vis the (teleological) history of modernity (Smith, 1994, 72, emphasis added).

Going onto argue that an ethnography suitable to the task today would draw on several traditions, anthropological, (Sub) cultural studies, and feminist methods, and "One way of answering this question is to suggest that it depends on the purpose of the study – not just what you want to know about these forms of livelihood, but why you want to know (to garner votes, assess other forms of political leverage, design government policy and so on)" (Smith, 1994, 72).

This suggests that as Robson (1993) noted, a method suitable for my informants as well as myself, both for political and security reasons. Knowledge was gained of the shoplifters methods and the different types of skills used, and ways of evading security were noted. An evolutionary chronological approach was used with informants, as they do not start as experienced professionals, and by talking about peoples' lives a closer immersion into their social world was possible. Changes in society, technology and culture were discussed, as partly this affects what goods are available to be shoplifted, what goods are in demand, and this was related to the official world of work by a discussion of peoples working lives, any spells of unemployment and the overall role of shoplifting within this. Smuggling informants were invited to discuss these themes at leisure too, with characteristics relevant to their occupational field.

Doing the Business

Neuman identifies the central importance of security from which access flows; "The researcher's authority to conduct research, granted by professional communities and the larger society, is accompanied by a responsibility to guide, protect, and oversee the interests of the people being studied" (1994, 430, emphasis added). This pressure built into the ethnographic method as far as criminology is concerned is this need to take care of the population concerned. To avoid any trouble for them interview material must be non-traceable by law enforcers. Sooner or later material useful to the police will be obtained. It is necessary to dispense with a legalistic view and hold empathy with subjects. Sometimes you maybe compromised to see how far you will go or your reactions tested in order to assess outlook. It is necessary to take every possible security precaution possible, for myself and for the informants. By destroying all originals and keeping transcripts with false names and places it is possible to anonymise for posterity. It was necessary because the police can force disclosure of whatever evidence they think you have of criminal offences created through research (Feenan, 2002) and in America a researcher has been imprisoned for keeping information from the police. However, if the evidence does not exist then even a warrant and a home raid will not find it. The research involved getting to know and be accepted by shoplifters and smugglers, to "think and feel with them, talk with them rather than at them" (Polsky, 1967, 124). Displaying knowledge of criminalisation techniques of the police, and potential methods to avoid this is a good way to establish trust with informants, as only those in such a situation have realistic knowledge and evidence of these processes.

It was important to be aware of different features of the marketing of alcohol and tobacco in France and Britain, and the possibilities for and techniques of shoplifting, and being at ease in different settings;

If one is effectively to study adult criminals in their natural settings, he must make the moral decision that in some ways he will break the law himself. He need not be a 'participant' observer and commit the criminal acts under study, yet he has to witness such acts or be taken into confidence about them and not blow the whistle. That is, the investigator has to decide that when necessary he will 'obstruct justice' or have 'guilty knowledge' or be an 'accessory' before or after the fact, in the full legal sense of those terms. He will not be enabled to discern some vital aspects of criminal life-styles and sub-cultures unless he (1) makes such a moral decision, (2) makes the criminal believe him, and (3) convinces them of his ability to act in accord with his decision (Polsky, 1967, 138).

Polsky further notes the cumulative effect of many participant observation studies in a similar vein to Glasers 'saturation technique', for assessing when enough field work has been done. This may reveal;

An accurate estimate of the size of the universe... and the degree of representativeness of the sample, and be able to formulate that 'typical pattern' in a way satisfying to the hard-nosed statistician. But we will never come close if we never try (Polsky, 1967, 137, emphasis added).

The research was interested in the everyday and mass criminal, whose activity is normalised so it blends in with common and everyday life and experience. Fully aware of the range of smugglers and shoplifters; from 'good to bad', large to small, very dangerous to harmless, unskilled to skilled, a fully rounded and whole view meant awareness of these issues.

Interviews and individual focused methods

Time was spent with smugglers and shoplifters, in alcohol warehouses, in tobacco bars, in shops, going to the pub with them, in their own home or on board the ferry. This was real action research and interviews were conducted in these places for they are the offices of the people. The key meanings were those of protest and struggle. Time was spent with them before and afterwards when the recorder was put away. Frequently afterwards people would run over the content of the interviews and be interested in the way they went, sometimes revealing additional material. It was important to make clear to

informants that the interviews were integral to the research degree, and that they were part of history as some of them were aware of. Consent was secured by assuring anonymity and confidentiality, and they were aware of the great lengths made to ensure security. Research was explained to potential informants, it was made clear I was funding it, and why. Feenan (2002) demonstrates that the courts can force disclosure of informants identities, however, issues were discussed with informants and it was asserted that identifying features would be anonymised in files and tapes so that they would be untraceable. This level of security was seen as sensible, and a good precaution. Informants were enthusiastic about such measures and displayed interest in them.

History was made with informants, and during this our own practical ethics were constructed. While utilising many of Polskys' insights, the parameters of engagement were negotiated with each individual. There were different levels of reassurance achieved with each informant, and also the type of activity engaged in was different in each case. The boundaries of risk were negotiated too. Some informants were known to the police already and had a sophisticated understanding of the nature of the police and the law, and so did not require reassurance in the abstract. When in the field informants took precisely the same security into consideration as they did already, and my role was mostly in the background. These practical ethics (May, 2001) were based upon solidarity and a form of communism in process (Sivanandan, 1990); there were egalitarian attitudes, respect, and a sense of fair pay for particular roles. It was made clear that the research was being conducted in the same manner as the social crime was being carried out, it was as process, thus shoplifters existing beliefs and practices were valued.

Values are the basis for the ethical decisions, "principles rather than expediency" (May, 2001, 42). Mathiesen called this 'action research'; "research – at least in its consequences – cannot be value free. In action research we try to combine the disclosure of information with a conscious attempt to realize given or political values – the latter values being primary" (Mathiesen, 1974, in Scraton, Ed, 1987, 17, also May, 2001). The aim was to encourage the libertarian ethic of social crime identified by British Marxist historians in a late modern manifestation. Values informed the research throughout the design, process and final product (May, 2001), this was a politicized ethnography involving a dedicated and not a neutral perspective which entails a commitment to a position impossible to defend (May, 2001) ; "a commitment to social and political change and its agents... the ethnographer does not stand outside of the object of enquiry thereby adopting the role of

'spectator', but stands alongside those engaged in struggle thereby taking the role of 'witness' and possibly 'active participant'" (Mathers and Novelli, 2005, 2, also Sivanandan, 1990).

Informants were chosen because of their working knowledge of their particular illicit specialism, this was a case study approach and it is easy to tell the difference between the 'big mouth' or the beginner, from those with at least some working knowledge of either shoplifting or smuggling. It was important to establish that informants had a serious level of commitment and knowledge about activities involved with shoplifting and smuggling. This was achieved by a totalizing approach, and theorizing the complete scale of involvement; from amateur beginnings, to semi professional, to fully knowledgeable and continuous professionals based upon evidence and practice. Often additional material surrounding the informal economy was discussed, however because of the focus of research this was relegated in importance. Dave West, the owner of the Eastenders alcohol and tobacco warehouse chain, was particularly insistent on the differences between being able to record events now and when it was unable to record history as fully, several hundred years ago in one of smugglings' heydays. Most people who live clandestine lives of one degree or another are very careful about the information they impart to representatives of government or companies, often surveys collect fabrications (Bourgois, 1996). The benefit of participant observation and ethnographic methods this researcher used, means that it is "better suited than exclusively quantitative methodologies for documenting the lives of people who live on the margins of a society that is hostile to them" (Bourgois, 1996, 13). Ethnographers establish long term relationships with "people they write about... in order to collect "accurate data", ethnographers violate the canons of positivist research; we become intimately involved with the people we study" (Bourgois, 1996, 13). It is more than just research, "it was almost a way of life" (Armstrong, 1993, 19, in Hobbs and May, eds, 1993). There are several of my informants who maintain contact in one form or another, and long term collaborative engagement entails critical reflection. Not only of a self-reflexive nature, but also involving the informant, ideas were developed and tested sometimes in collaboration with informants and they were certainly discussed. E.g. Existing typologies of shoplifters were discussed with several informants, and their opinions were sought, to identify weaknesses within existing theory and to work towards better descriptions of social reality.

The researchers' task is to attempt to close the distance between academia and informants; "by means of a democratic dialogue in the 'Third space' of critical engagement" (Mathers and Novelli, 2005, 2). Both informants and academics could be potentially enriched by this process, and this researcher did benefit from 'action research'. This enabled a close relationship between participants when observing and during the in-depth interview;

Characterised by an intensive process on the part of the interviewer to explore thoroughly - more deeply than in the typical rapport interview - the views and dynamics of the interviewee. In this context, the level of rapport is significantly elevated; the interviewer is genuinely concerned with the interviewee as a person, going beyond search for delimited information input. In turn, the interviewee sufficiently reciprocates this feeling, valuing the interviewer's motives and seeking to respond in appropriate depth (Massarik, 1994, 203).

The methods used included:

1. The collection of a shoplifting diary, because my presence maybe a security risk for my informants in the field. This of course opens up all sorts of security implications in the event of the lists falling into the wrong hands, as well as academic ones about reliability and validity. For here our informants, some of whom may want to exaggerate their claims for notoriety or anti hero status, must be trusted. The informant agreed that they write down in shorthand (a manner known only to the individual concerned) on a diary page they improvised and the rough cost in order to minimise the security implications.

A monthly diary was collected and written up, by one shoplifter who I am particularly friendly with and knowledgable about. So much so that he has been seen at work and the skill with which he goes about his trade was verified. He had and has no need to exaggerate and some of the goods he obtained have been witnessed at his home. The notes have been destroyed for security reasons.

2. Oral history is important to move towards the actual experience of the rough development of cross channel smuggling 'from the inside'. This makes descriptive and quantitative material about the issue more understandable, and brought in new viewpoints. In order to bring alive the modern smuggling era with a key informant Dave West was interviewed. Dave, from being an East End market trader has accumulated wealth since the Single European market was created in 1992. It was thought he would be able to inform about how the opportunity to sell alcohol and tobacco grew, and indeed he was very informative. From before the single market was implemented to today. Dave is a very

important witness to the modern development of tobacco and alcohol smuggling as he started selling alcohol from the road side in Calais and the growth of his many Warehouses springs from that. As a major participant he might have been able to provide me with contacts and from there using the snowballing method I could have been able to create a significant data source.

3. Ethnography and Semi Structured Depth Interviews

This is a dynamic process in which you can continually refine your approach to observations and questions for interviews (Cresswell, 1994). Looking at the field of interviews the beginning is the simple structured questionnaire, although they can be quite sophisticated in order to measure people's responses. The opposite is the unstructured interview, which can be formally organised in a controlled environment where both parties can free think:

As a speech event, we can see that it [unplanned interviews while doing participant observation perhaps] shares many features with the friendly conversation. In fact, skilled ethnographers... may interview people without their awareness, merely carrying on a friendly conversation while introducing a few ethnographic questions (Spradley, 1979, 58).

Somewhere in the middle of this is the semi structured interview that Wengraf (1994) describes as;

Interviews where research and planning produce a well-researched and carefully-planned interview in which probably half the questions and responses that the interviewer makes have not been planned in advance, and in which most of the informant's responses are unpredicted also.... such interviews require more preparation and more subsequent processing than the highly structured interview which is more typical of market research (1994, 14).

Interviews then are transcribed and are analysed with the post interview debriefing notes that include non-verbal body language noted by the interviewer. This with other theoretical and historical source material can be cross-checked. Concern with a living historical tradition has been noted by Lummis (1983, cited in Perks and Thomson, 1998); "The validation of oral evidence can be divided into two main areas: the degree to which any individual interview yields reliable information on the historical experience, and the degree to which that individual experience is typical of its time and place" (1998, 273).

Transcribing interviews itself is a process of understanding, the imposition of grammar, full stops, paragraphs on peoples ordinary speech patterns can disrupt the weight or balance of that intended by the informant;

Continuity, and the effort to impose it even when it violates the twists and turns of speech, is another insidious influence. Questioning itself, however sympathetic, produces its own forced sequences, and the editing of a transcript is almost bound to reinforce this. The writer has his own purposes, and these may be only coincidentally those of his informant; irrelevance (as it appears to the writer) may be patiently listened to, but be given short shrift when he comes to single out passages to reproduce... Thus, the very process by which speech is made to sound consecutive is also bound... to violate its original integrity, though the degree to which it does so will depend upon how far the writer is aware of the temptations to which he is prone (Samuel, 1971, cited in Perks & Thomson, 1998, 389).

This author hopes to have been sufficiently sympathetic to my informants, maintaining their meaning found in the interviews, and this has been guaranteed by promising access in one form or another to the finished product. Informants were gathered using the snowballing technique that is very good for exploring a network or subculture, rather than a random sample of the population.

The Attitude Test

The responses were collected and analysed to give a sample, with a high number of attitude test completions. This was achieved by simply giving out and collecting large numbers of these tests (Appendix E) on board ship, in a controlled setting. The number of completions will mitigate the danger of bias in the results.

Strategies for the Control of Identified Variables and Sampling Selection - Operationalisation

The bringing alive of theoretical work, by lifting plans and words off the printed page, and taking it into the real world (Robson, 1993), means that the researcher has to be aware of potential pitfalls. Spradley (1980) notes that actions can be valued differently, and hence the researcher can distort meaning. There is an ideal type, though not necessarily positive, deconstructionist criticism that says interviews only produce information about the interview situation itself, the interaction and the spatial geography. One relatively

sceptically sounding description of these issues with a slightly more positive tone was by Miller and Glassner:

Research cannot provide the mirror reflection of the social world that positivists strive for, but it may provide access to the meanings people attribute to their experiences and social worlds. While the interview is itself a symbolic interaction, this does not discount the possibility that knowledge of the social world beyond the interaction can be obtained (1997, 100).

There is an essential need to operationalise the concepts of the research, in such a way that the language is comfortable to the informants, a basic part of acceptance. The informants then are able to put the questions into context without thinking, in order to formulate their response naturally, and as Mishler stated, then the: "meanings are contextually grounded" (1991, 117). Turning to the immediate contingent realities of cultural forms of action, culture must be studied with methods suitable for realising its way of being;

We are immediately impressed by the role of daily, weekly, yearly – possibly even generational – strategy in the reproduction of livelihood, i.e. local agency. Such agency is made up of fragmented, situationally generated and hence multiple consciousness on the part of an individual; a component of identity which implies a set of perceived relationships to various collectivities of relevant others; and finally praxis, individual and collective. Moreover, to make the issue still more complex, we must note the heterogeneity of social actors – in their present insertion(s) in social labour, their life histories and their varied mobility in and beyond the region – all of which give rise simultaneously to shared and differentiated interpretations of reality (Smith, 1994, 80, emphasis in original).

Conclusions

There was a constant tension between having to ground reliability and validity with informants, and wanting to get into the celebratory experience of the illicit lifestyle with them. Chesney (1970) described the flamboyant and expressive demeanor and attitude of 19th century informal economy workers, and it was replicated in this research with many informants. Collecting sociological evidence does require a working mentality that the lifestyle of informants does not naturally engender. Thus talking experiences, observing, recording and theorizing are necessarily detached from informants, however by discarding them and living social life with informants relaxing times maybe experienced which can generate a natural scenario. The aim is to achieve this balance, by consciously assessing when each was appropriate with each particular informant. The different options available

to the researcher when entering clandestine markets have been described and the potential range of issues and problems associated with this. It is now necessary to be more precise about tobacco and alcohol smuggling, and shoplifting, as well as historically and theoretically locating the debates.

The challenge in taking two fields meant absorption and level of focus on these issues that means I felt as if I went native sometimes, I let myself be absorbed into the way of being and life of informants in an uncritical manner on occasion. However, the discipline of the academic world meant frequently thinking about grounding research in a structural approach, by keeping a questioning mind and non-judgemental attitude that was normal practice.

Further Methodological Issues

Research is never unproblematic; some information contained within this research could be put to use by those with opposite and harmful political agendas against the spirit in which this was written. However, this is not as important as producing the knowledge to share in the first place. As people are not sheep, the task of socialist intellectuals is not to present the scientifically correct socialist gospel to people, but rather to assist in the process of making more coherent and articulate that which exists in 'embryonic fashion' (Kaye, 1992, 30). Treating people as 'dupes' with 'false' or 'inadequate' consciousness, who could not raise their consciousness to a 'sufficient' level (all of which imply imbalances of power and authority) have held the socialist movement back for too long. The emancipation of the working classes, is the task after all, of themselves alone. This work is presented in the hope of helping to construct a new social movement, on the basis of a new understanding of informal economic exchange, and its place in socialism where direct action and participation are integral. Grumley (1989) notes that Marx saw his theory as a description of the interests and needs of the working class, why it rebels, and how his work was a contribution to subjectivity.

This reflexive approach to displaying the purposes and intentions of research are shared by Mauthner, M. Birch, M. Jessop, J. & Miller, T. (2002), Hudson (2000), Murray, 2003) Wieringa (ed, 1995) and other authors share similar insights too. Rediker (1980, in Kaye, 1992) is sympathetic to E.P. Thompson's view of Marxist history. Thompson wrote with human reference and values against others, and this view would see the best Marxism as

a tool for self and class liberation, and not something else. Famously Thompson critiqued those whose Marxism is so theoretical it is divorced from peoples' experience of class struggle (Thompson, 1978). Analysis is based on already available facts and events, as people and the state institutions already experienced them. A concern was not to expose anything that could be of use to state forces (Polsky, 1967), whilst clarifying the existing struggle. Theorisation whilst based in conflict theory will not affect the struggle as it already manifests itself, because the repressive tendencies of the state against the people are already self-evident, and expected. These concerns are shared with May (1993, also Gillies & Alldred, 2002, in Mauthner and Edwards, in Mauthner, M. Birch, M. Jessop, J. & Miller, T. Eds. 2002) who says that regardless of the researchers intentions, the results of research can be used for other purposes.

Priority has been to contextualise smuggling and shoplifting in an historical and materialist manner, whilst at the same time being aware of the cultural ways in which this manifests itself amongst participants. This based on the immanent critique of existing society and its institutions of social control, including historical contextualisation of issues (Marx & O'Malley, 1972), because "To be radical is to grasp matters at the root" (Marx, 1972, in Marx & O'Malley, 1972, 137). It is smugglers' efforts that have already destabilised the alcohol and tobacco industry, and caused billions to be lost from central Government coffers. This subversive praxis, by and in the course of their own action has needed analysis and presentation for some time, and has been a concern of other scholars (Wieringa, Ed, 1995).

There is more to researching social criminals than can be expected e.g. I often gave advice about the best method of dealing with DSS officials or found myself in what could be seen as a social work role, but not covering the type of work that actual social workers do. When dealing with illegal activities by different people it's important that from the outset to have an attitude of approving of what was happening, which made it clear. Neutrality is not enough to prove that a researcher would not be an informer or a cop. The researcher should 'go along' with any illegal activity for financial reward (Hobbs, 1989, 7) except where mindless violence was involved, a position endorsed by Foster (1990).

Rather than starting out with either the power of capitalist hegemony, or its institutional infrastructure. Genesis should be the standpoint of class struggle rather like standpoint feminism, this is a form of commitment to people and what they are doing, and then

looking for contradictions, compromises, achievements, or ambiguities of meaning. Thus rather than viewing the working class as victims who react to the changing nature of capitalism as in the philanthropic tradition, it is capitalism that adapts to the working class and its actions, emphasizing the autonomy of subjects' actions and morality (Thompson, 1979, Cleaver 1979, McNally, 1993, Bowring, 2004, Negri, 1992). Rather like Polsky, the aim is to get within the informants world, and adopt their point of view as to the nature of their society rather than apriori ascribe meanings (official or my own) onto them. Polsky tried;

To present hustlers and hustling on their own terms. The material below avoids a 'social problem' focus; to some extent, I deliberately reverse that focus. In so far as I treat of social problems, they are not the problems posed by the hustler but for him; not the difficulties he creates for others, but the difficulties that others create for him as he pursues his career.

This approach 'from within' has partly dictated the organisation of my materials (Polsky, 1967, 44, emphasis added).

The ideal of a sterilised experimental arena purified of possible contaminants in search of a beautiful and true knowledge belongs in the world of fiction written by utopians. In the real world constructed in the understanding of conflict and opposites, there is also a good knowledge about the illicit world of those who break the law. They do it not in places where a tight rein can be built around an experiment, and in ways that are necessarily cloaked in darkness. A controlled experiment maybe the antithesis of participant observation theoretically, but it is not in practice because such a controlled experiment cannot be constructed in the real world. We must not apriori;

Make an absolute fetish of 'precise, controlled techniques of observation'... [because it would] put the cart before the horse. It often is, in the jargon of sociology, a dysfunction of the bureaucratizing of our profession, the converting of a means into an end in itself so that the attainment of the original end is subverted... to impose on the field worker some of the controls that purists want... is severely to contaminate the very thing we want to study, the reactions of people in their natural environment. Sociology isn't worth much if it is not ultimately about real live people in their ordinary life-situations, yet many of the 'precise, controlled techniques of observation' introduced by the investigator produce what is for the subject anything but an ordinary life-situation (Polsky, 1967, 136,137, emphasis added).

Verification

Given the lack of academic work on these subjects in Britain valuable material was being produced in its own right, and that later studies may have the possibility and resources of

controlling for variables such as race, age and gender. Confident in observations, interviewing and socialising with shoplifters and smugglers, that all shared similar perspectives. It was necessary to differentiate between those ordinary shoppers who maybe loading their car up with tobacco and alcohol in time for Christmas, who to all intents and purposes look and behave exactly the same as smugglers. From the smugglers who whilst weren't committing any crime in Europe, well perhaps not that many, were making preparations to in Britain.

At first this looks similar to positivist ideas on validity, Ford, Foley and Petri argued "that valid data is that which really is a measure of what you say it is a measure of" (1995, 30). They further said that there was a need to theorise from a number of indicators to throw light on complex and inter related issues. From my own research issues around social crime, culture, resistance, and protest, required that a range of indicators is identified which must be specified. According again to Ford et al "Data will be valid if and only if they have been precisely specified in advance of observation" (1995, 31). Robson (also Cresswell, 1994) was clear when he stated that there needed to be *internal* and *external* reliability and validity:

Unless a measure is reliable, it cannot be valid. However, while reliability is necessary, it is not sufficient. A test for which all pupils always got full marks would be totally reliable but would be useless as a way of discriminating between the achievements of different pupils (there could of course be good educational reasons for such a test if what was important was mastery of some material) (1993, 67).

The opposite and negative corollary of reliability is unreliability.

Participant Observation (PO)

PO is a type of research that has been controversial, with the usual academic debates about opposites and contradictions, abstraction and concretisation. After its genesis that is usually accredited to Malinowski (Burgess, 1982) Burgess went onto describe an ideal type PO which he contrasted with his actual practice (1982, 3). Using PO requires taking care to avoid problems.

Polsky notes accurately some preliminary understanding for researchers before they attempt to hang;

Around criminals – what I regard as the absolute ‘first rule’ of field research on them – is this: initially, keep your eyes and ears open *but keep your mouth shut*. At first try to ask no questions whatsoever. Before you can ask questions, or even speak much at all other than when spoken to, you should get the ‘feel’ of their world by extensive and attentive listening – get some sense of what pleases them and what bugs them, some sense of their frame of reference, and some sense of their sense of language (not only their special argot, as is often mistakenly assumed, but also how they use ordinary language) (Polsky, 1967, 126,127).

The nautical proletariats “language was not only a jargon; it was part of an ‘oppositional culture’ that expressed its own motives of justice” (Linebaugh, 1991, 64, also Kincheloe & McLaren, 2000). The ability to go native depends on the ability to not only neutralise value judgements with regard to the law, but also to positively enthuse *as much as* the informants themselves, but no more than they do, in the deviancy itself. Polsky noted these concerns too;

Until the criminal’s frame of reference and language have been learned, the investigator is in danger of coming on too square, or else of coming on too hip (anxiously over-using or misusing the argot). The result of failure to avert such dangers is that he will be put on or, more likely, put down, and end by provoking the hostility of his informant (Polsky, 1967, 127).

‘Square’ in the above instance means ‘too conformist’ and ‘too hip’ means too ‘naively trendy’, often-found in students and other teenagers. Polsky, in his study of hustlers was aware of the potential for moral social scientists to alter the method of data presentation to the informant. This can have an impact on the informants under observation that could affect the data and truthfulness of the data (playing up to the camera?)

Two things in particular should be avoided:

a) Judgemental attitudes. Such as those of Foster (1990) who maintained such an attitude, “I still regarded their activities as ‘wrong’ just as they regarded them as quite acceptable” (1990, 171) and argues that it is;

Distance which is crucial for the participant observer...‘There must always remain some part held back, some social and intellectual ‘distance’. For it is in the ‘space’ created by this distance that the analytic work of the ethnographer gets done’ (Hammersley and Atkinson, 1983, 102, in Foster, 1990, 171).

It remains unspecified as to how distance enabled her theorisation. Does she mean she had space and time to do the work away from her informants, although she implies there is moral distance in her judgmental attitude. Also she stated there was a class differential with

her informants too (1990, 167, 168). Whilst you can produce good work with such inner knowledge, there will be gaps in your theory (as indicated of her work in the shoplifting chapter) as a result of not feeling and knowing the subjects real world *enough*. No matter how insightful analysis of what you think you see is, you never see it all anyway. There are still ideas and pressures, those feelings and hidden knowledge that can be brought out by a more rigorous immersion in their real world. Other authors too reveal a judgemental attitude, Punch (1979) forgetting Beckers' refrain about "whose side are we on" produced some of the most judgmental and disparaging work about:

The procession of pickpockets, ponces, prostitutes, dealers, muggers, car thieves, drunken drivers, burglars, army deserters, shoplifters, delinquents and suspects accused of violence with knife or gun... Some of these people literally stink (1979, 196, 197).

Going on to say 'how magnificent the police are', given that Police 'respect the respectable' and when they know they are in camera act in a different way to when you can take them unawares e.g. a student filmed police beating a man up in Wakefield (2002). Punch appears not to have researched and been aware of the filters or doors of perception that the police were imposing, or theoretical differences between appearance and essence as concretised in existing research especially with regards to the policing of crisis situations (Scruton, 1985). This over identification with the forces of capitalist law and order differs from Polskys concern that researchers on criminals could be questioned by the police about what they know.

And b) an over identification with the participants such that you fail to see the ambiguities and contradictions. This can mean an idealisation of them and their activities as completely rational and normal. In effect however this is a de facto imposition of apriori rationality on that which is contradictory, contingent and unexpected as would be expected in potentially conflicting circumstances. This should not lead us into only talking about any headbangers and nihilist thrill seekers there are to be found. This danger of bringing out so called extreme attributes at either end of the scale is a bias no less than the danger of a bias in favour of bringing out so-called normal attributes in the middle of the scale. These pitfalls can be avoided by noting these cases and people where found, along with all others, and structurally locating them as well.

Britannia Waves the Rules

Hill notes a conservative bias among administrative historians that is ever present in the report writers of Whitehall, whether of the Treasury or Parliament. This he extends by saying policemen can lie (1974, 241) anticipating the court of appeal judge for the Birmingham 6, and others. The same applies to Customs and Excise employees at any stage whether in the process of writing reports or in giving evidence. These notions and inherent bias need stating; "a bias in favour of stability, law and order, is a bias no less than that of romantic rebels" (Hill, 1974, 240,241). There is an historical continuity of the police fabricating evidence from the 19th century to today, to secure convictions for their paymasters, that even the judges at the time said were dubious (Jones, 1976, 17), other evidence shows that some customs officers have been corrupt for an even longer period (Linebaugh, 1991).

The above paragraph was written before the well-publicised crises within customs and excise, became public knowledge in late November 2002. There are no "illusions of purity" (Bratsis, 2003, 9), having witnessed, but unable to do anything about, customs violent abuse of power before. It is not surprising to find that, like the police who can't help themselves when they fabricate evidence for their 'noble cause' (Paul Condon – when Commissioner of the Metropolitan Police) **customs too have been making the law in their own image.** Officers "have lied, misled judges and deceived courts" (Jones, in Guardian, 27.11.02), to the extent that;

82 other linked convictions for excise duty frauds could be overturned... Britain's oldest law enforcement agency may be forced to hand back millions of pounds seized from defendants who were sentenced to a total of 320 years in prison. It may also face civil compensation actions (Jones, in Guardian, 27.11.02).

Criminal Justice institutions may function as sources of data but only if checked by ethnographic methods. Customs and Excise material has been used extensively, officers have been talked to, and many newspaper reports have been used that reflect and construct public opinion, even though these institutional sources can be sensationalist or impressionistic, concentrating on the level of appearances, and virtually always with a status quo imperative. Nonetheless, careful appropriation of whatever hard data can be found is useful source material. However, whilst "the newspaper, arguably, is the most valuable single historical source in existence... Newspapers do vary... and they are not always of equal value to the historian" (Murphy, 1991, 8). National newspapers have been

used that could be said to reflect general concerns above the particular cases found in local newspapers, though local newspapers have not been neglected where useful material has been found.

Murphy notes the influence of politics on the printed word quoting research by Brewer favourably that “showed how politicians in the 1760s used the press to help form public opinion” (1991, 12). This means it is critical to consider the stated agenda of newspapers and the hidden agenda. Occasionally national newspaper articles can capture the zeitgeist of an age, or an elite version of it. That makes it necessary to debate with these alternative representations. This is not to draw a critical mirror image opposite of the representations found in the media, but a materialist and grounded analysis that engages with society ‘as it is rather than how we would want it to be’. Otherwise, analysis loses grip on life within society that uses newspapers nearly 100 million times per week; “Newspapers are unique barometers of their age. They indicate more plainly than anything else the climate of the societies to which they belong” (Francis Williams, quoted in T. Bairstow, “Fourth Rate Estate”, Old Woking, 1985, 1 in Murphy, 1991, 8).

May argued that the Chicago schools research had certain characteristics; namely *pragmatism and a reflexive understanding of social experience that is not determined but negotiated and that experience could be different even with structural similarities*. Experience could not be assumed as Thompson (1968) forcefully argued. Identity is changing in a dialectical manner with changing societal mores in a reflexive destruction followed by reconstruction (Wieringa, Ed, 1995), and so on;

The actor/role player can, thus, hold incompatible beliefs and desires. No one can be the subject of fixed definition for constructions of self are dependent on reflexivity (Giddens 1991: 52-3), sometimes responding to events then creating them, and sometimes acting in reverse order (Armstrong, 1998, 3).

A dynamic approach has been utilised, continually refining observations and questions in the light of new evidence and conditions. This corresponds to the dynamics and contradictions of the actual milieu being studied in which people are developing and evolving their own consciousness through time.

In contradiction to the views of Ford et al (1995) whose preference was for data that could be anticipated in advance; “Practitioners shun what is known as the a priori (a proposition that can be known to be true or false without reference to experience), preferring the a

posteriori (knowing how things are by reference to how things have been or are)" (May, 1993, 112). A synthesis of these approaches was created based partly upon an observation by Oscar Wilde that "an idea that is not dangerous is unworthy of being called an idea at all" (Wilde, in Leach, 1997, 152, Spradley (1980, 16), Polsky (1967, 120) and Ruggieros sociology of *misery* concept, 2000a). Namely that ideas that are produced solely with the intention on reporting on how things were, and that by design or default have no content that can provide hope for people to celebrate or change those conditions are harmful. In that they are static representations that have no future life or dynamism for the people these ideas are meant to be about (Polsky, 1967).

Like Ianni and Reuss-Ianni (1972, in Foster, 1990) who engaged with the issues surrounding validity great emphasis is laid on the behavioural aspects of social crime, as it is hard ethnographic evidence. At the recent hearings in the Foxhunting debate (www.defra.gov.uk/erdp/huntinghearingschedule.htm accessed 5.3.03 for Morton's contribution "Defining Cruelty, Suffering and compromising animal welfare"). Professor D.B. Morton said that the behavioural approach is hard and compelling evidence i.e. Foxes are terrified when chased, and Polsky (1967) backs up this argument by saying that though animal behaviour is less complex than human, scientists have discovered important things by studying them in their natural habitat that were not possible in captivity.

Tiller criticises Hobsbawm and Rude's approach for relying too heavily;

On evidence from central government and national press sources, which convey a tone of anxious concern about general insurgency. When it comes to understanding the dynamics of rural resistance this external perspective is limiting... rural resistance involved solidarities of greater complexity than any analysis based simply on monolithic views of class interest will allow (Tiller, 1995 in Ashton, Fyson, Roberts, (Eds) 1995, 98).

Whilst this is too harsh a criticism of 'Captain Swing', as they have a sophisticated view of class struggle, e.g. with regard to the discussion of the role of poaching. There is nevertheless a point here, and that is our knowledge must not be based upon official sources that do not feel nor understand the experience of oppressed groups, and can and do misrepresent them. Tiller confuses 'a monolithic view of class' as meaning that some peoples' view of class involves idealistically believing there was a class struggle with no people of other classes present in the struggle. This is not a fair interpretation of Hobsbawm and Rude, who like Manning (1988), all too often recognised that class struggle involved and can involve people from other classes who maybe have other agendas than

some of the poor. Certainly there is nothing extra in Tiller to suggest that she means otherwise.

My synthesis of past and future satisfies *predictive criterion validity* (Robson, 1993, 68, 69) and is a *sociology of agency and resistance*. This is a historical materialist approach, for it is the living and creative history of peoples negotiated forms of struggle. This observation agrees with that of the Communist Party Historians Group, we "Must become historians of the present too" (Minutes 8.4.56, Johnson & Dawson, 1979 cited in Perks & Thomson, 1998, 75). Implying some forward dynamic in their observation too, as you cannot prepare to speak about an issue in public claiming up to date knowledge about a current issue without an element of forward movement and anticipation built into your project.

Hopkins quotes George Evans favourably when he notes that the historians main task and "probably the most difficult one, is to help the "backward traveller" not so much to know the facts, as to *feel* them" (Hopkins, 1986, 16, emphasis in original). 'Oppositional history' (Samuel, 1980) challenges the view that there is only history received from above, one way of looking at the past or present. This potentially opens up history (and the future) from those who proclaim the end of it. In writing this history of the present "historical inquiry... is employed here as a means to discover how... [relevant] phenomena came to acquire their current characteristics" (Garland, 2001b, 2). Not only should the past be understood, but insights should be sought for critically rethinking the present. This is a Gramscian reading of history with a particular understanding of what is meant by 'hegemony';

While class struggle... [has] not ceased, for periods of time it... [is] effectively limited, or contained, by the establishment of hegemony, or better, a hegemonic process. Hegemony can be understood as a process in which the lower classes both conform and consent to the given social order – the degree of consent being the essential variable – but not necessarily on the ruling class' terms... Gramsci's 'hegemony' is not to be equated with the idea of a 'common culture' as in Parsons consensus theory; nor with the idea of a 'dominant ideology being internalised and thus becoming the ideology of the dominated'; nor with the derivative Leninist and Lukacsian concepts of 'inadequate' consciousness and 'false' consciousness... neither does it refer to the cessation of class antagonism, tension, or conflict. Rather... it refers to an order of struggle, that is, an order which is constantly being disputed and negotiated... [and it doesn't] entail the continuous use of physical force or coercion by the state... to maintain the social order... Genovese, put it: 'Hegemony implies class struggles and has no meaning apart from them... It has nothing in common with consensus history and represents its antithesis – a way of defining the historical content of class struggle during times of apparent social quiescence' (Kaye, 1992, 13).

This necessarily and logically leads onto a consideration of the levels of consciousness of individuals, as they are experienced in social relations under the condition of hegemony. Noting that an intellectual choice may not correspond with one's real world conduct, and that values contained implicitly or explicitly in the action may be at odds with those intellectual values;

The active man-in-the-mass has a practical activity, but has no clear theoretical consciousness of his practical activity, which nonetheless involves understanding the world insofar as it transforms it. His theoretical consciousness can indeed be historically in opposition to his activity. One might almost say that he has two theoretical consciousnesses (or one contradictory consciousness) : one which is implicit in his activity and which in reality unites him with all his fellow-workers in the practical transformation of the real world; and one, superficially explicit or verbal, which he has inherited from the past and uncritically absorbed. But this verbal conception is not without consequences. It holds together a specific social group, it influences moral conduct and the direction of will, with varying efficacy but often powerfully enough to produce a situation in which the contradictory state of consciousness does not permit of any action, any decision or any choice, and produces a condition of moral and political passivity (Gramsci in Kaye, 1992, 14).

It will be clear in later analysis that the possibility (although I never met any) that typical social crime activities may give certain people income of a sufficient size that may lead them out of working class areas. Also the negative features such as racism are often overcome in the multicultural experience of the city or of prison. The poor do mingle and many are not as racist as is often felt, although there are many who are. The presence of racism or not is not an excluder of social crime, although if racism is a dominant characteristic of a particular locality that has informal economic activities, then it ceases to be social crime because it would lose its ability to be generally accepted. This is the opposite of Bandit theory (Hobsbawm, 2001) that states the bandit is accepted because of who he is rather than what he does. Social crime must be able to generalise beyond its locality with regard both to the type of criminal acts committed and the particular community concerned.

As for the violence and aggression identified by Young (1888c), the analysis by Harvey (1994) about the enhanced "attachment to place and 'turf' and an exact sense of boundaries" (Harvey 1994: 371 in Lea 2002: 82) is reticent. There has always been this attachment to place often exemplified by the loud attachment to a football team or a gang. If participants want to defend their network of free traders and free trading then there will probably be some problematic situation that will involve the use of violence either as a defensive mechanism, an offensive one, or to settle a trading dispute. This instrumental

violence needn't be symptomatic of localised societal crises, but perhaps an ideosyncrasy of the personalities involved or their cash flow. After all, is it possible to steal stolen goods illegally? Or the money made from criminal work? This is 'natural' and informal justice (Matthews, 1988). Although any resulting public order affray would enter into the realms of the criminal justice system. Probably in a similar way to football hooligan encounters, whom when asked by police frequently deny there is any problematic situation despite obvious violence having occurred.

Justice is Care – Care is Justice

The dominant tradition in ethics, derives from deontological and consequentialist ethics (Mauthner, M. Birch, M. Jessop, J. & Miller, T. Eds. 2002). These ideal type paradigms however disregard the potential for conflict and conflicts of interest; basically they are unhelpful when considering the social world of those who break the law;

Researchers need to invoke contextualised reasoning and not just appeal to abstract rules and principles... through a more reflexive model of ethics where the self is placed within ethical negotiations. Such a position is identified with Hegelian philosophy. Here the negotiation of ethics moves beyond a model of reasoning and rationality and enables the acknowledgement of feelings and emotions. The reflexive self becomes a key constituent in enabling ethical reflection through evaluation and reconsideration in the research process... Thus ethics become part of our relationships, our interactions and our shared values portrayed in the sense of belonging to a community (Mauthner, M. Birch, M. Jessop, J. & Miller, T. Eds. 2002, 6).

Mauthner, Birch, Jessop, & Miller note there are other ethical models as well, a 'virtue ethics of skills' model and a value model, that have become "predominantly advocated in texts discussing ethics in social research" (Mauthner and Edwards, in Mauthner, M. Birch, M. Jessop, J. & Miller, T. Eds. 2002, 21). The value model is relevant for this research, this: "advocates a 'partial' stance based on analysis of power relations between those involved in the research and society more broadly, and admits emotion into the ethical process" (Mauthner and Edwards, in Mauthner, M. Birch, M. Jessop, J. & Miller, T. Eds. 2002, 21).

Rather than a separation of care from justice as many feminist writers suggest, a dialectical approach would recognise the dual existence of the concepts and an overlapping unity. As Sevenhuijsen (1998, in Mauthner and Edwards, in Mauthner, M. Birch, M. Jessop, J. & Miller, T. Eds. 2002) suggests justice should be seen as a process

that involves care ethics. This leads onto the recognition that research has moved on from modernism and the “myth of progress towards enlightenment... [and researchers who believed] emancipation would follow from the discovery of ‘truth’” (Gillies & Alldred, 2002, 38). Researchers should be transcending the theory/research/practice divides, recognising the complimentary nature of the whole, and anticipating the sensuous nature of interventions that can create new situations, and therefore new agendas and possibilities. This is a journey that doesn't stop at one completed research station, but goes onto the next and so on. Implicit in this is a recognition that a re-valuing of knowledge is necessary for;

Its pragmatic use to feminists, rather than valuing its status as truth in the conventional modernist paradigm. From this perspective, it is not simply knowledge of women's lives, but knowledge that works for women that counts. In which case it is necessary to discuss what knowledge is for, in terms of what we want it to do or achieve with it (Gillies & Alldred, 2002, 38).

Whilst obviously this research is not feminist in the first instance, there are lessons to be learnt from the observations above. So, the appropriate ethical stance is Hegelian, it is necessary to see the ethical character of acts as something that is emerging out of struggle and contradiction. The researcher must participate in this process, and be prepared to break down the absolute distinction between subjectivity and objectivity. What appears as the objective meaning of the activity (E.g. crime defined by law enforcement agencies) is the subjective imposition of the ruling elites, and the subjective meanings of the participants in crime are the objective world of phenomena that the researcher is able to understand.

Data Analysis

The Chicago school notably used a wide variety of research methods (Holloway & Todres, 2003) not confined to any particular discipline to study these issues, including methods some journalists use; unstructured interviewing, documentary evidence, statistical quantitative data, and proactive observation in the field. These rich seams of data collection could then be cross-checked and triangulated, to produce a general and particular picture of the issues being studied.

At all stages the information was grounded by cross checking it with the already known, and where unknown, it was investigated. This meant constructing internal validity of my

subjects smuggling and shoplifting world in working practice, at the same time as situating it historically and theoretically as negotiated process, that gave predictive criterion validity.

To ensure internal and external validity, data has been collected from numerous sources for triangulation, including but not limited to interviews, observations, document analysis, media, and social areas concerned with these issues. Informants have over years in criminogenic spaces had an ongoing dialogue regarding issues of common concern, so interpretations of the informants' reality and meanings have been relayed accurately. Ideas have been tested at several conferences in Britain and Europe, on students, socially, and with my supervisors. Rich and detailed descriptions and the historical evolution of the relevant issues strengthen external validity, so that those working later have a solid basis from which to start. Also the description of the authors predilections, biases, and preferences together with a detailed assessment of the methodology e.g. the data collection methods, provides an accurate picture of this project.

Other issues of generalizability, reliability and validity need considering. Reliability in the production of social scientific knowledge can be addressed by providing enough "information on the methods used and the justification for their use" (Robson, 1993, 75, also Cresswell, 1994) so that other researchers can reproduce the study. With validity historical material has been used to display smuggling and the historical nuances, and social crime theory has been used in order to show its transhistorical nature. This goes a considerable way towards satisfying other aspects of validity, internal and predictive criterion validity (Robson, 1993, 68, 69). The arguments put forward by Thompson above also satisfy face validity (Robson, 1993, 68). Building on observations already made;

Methodology used to understand and validate an interview will be intimately connected to the underlying historical assumptions: it will likewise shape the nature of the history emerging from it. For this reason, interpreting interviews in terms of individual structures runs the risk of atomising historical interpretation... [To enable oral evidence] to move from a form of biography to an historical account, it must proceed from an individual to a social experience. Even if interviews are 'interpretations', it is still necessary to try to establish how interpretations change through time, their distribution in social groups, and the reality which formed them (Lummis, 1983 in Perks and Thomson, 1998, 275, 277).

How is it possible to know whether the information gleaned from interviews is verifiable? Polsky further notes the cumulative effect of many participant observation studies. When collecting initial data exploratory categories maybe developed, and further collecting can

subsequently develop these. When the researcher has collected sufficient data such that new data collection reveals nothing that can add to existing theorisation, and categories are full of substantial detail then 'theoretical saturation' has been reached (Pandit, 1996).

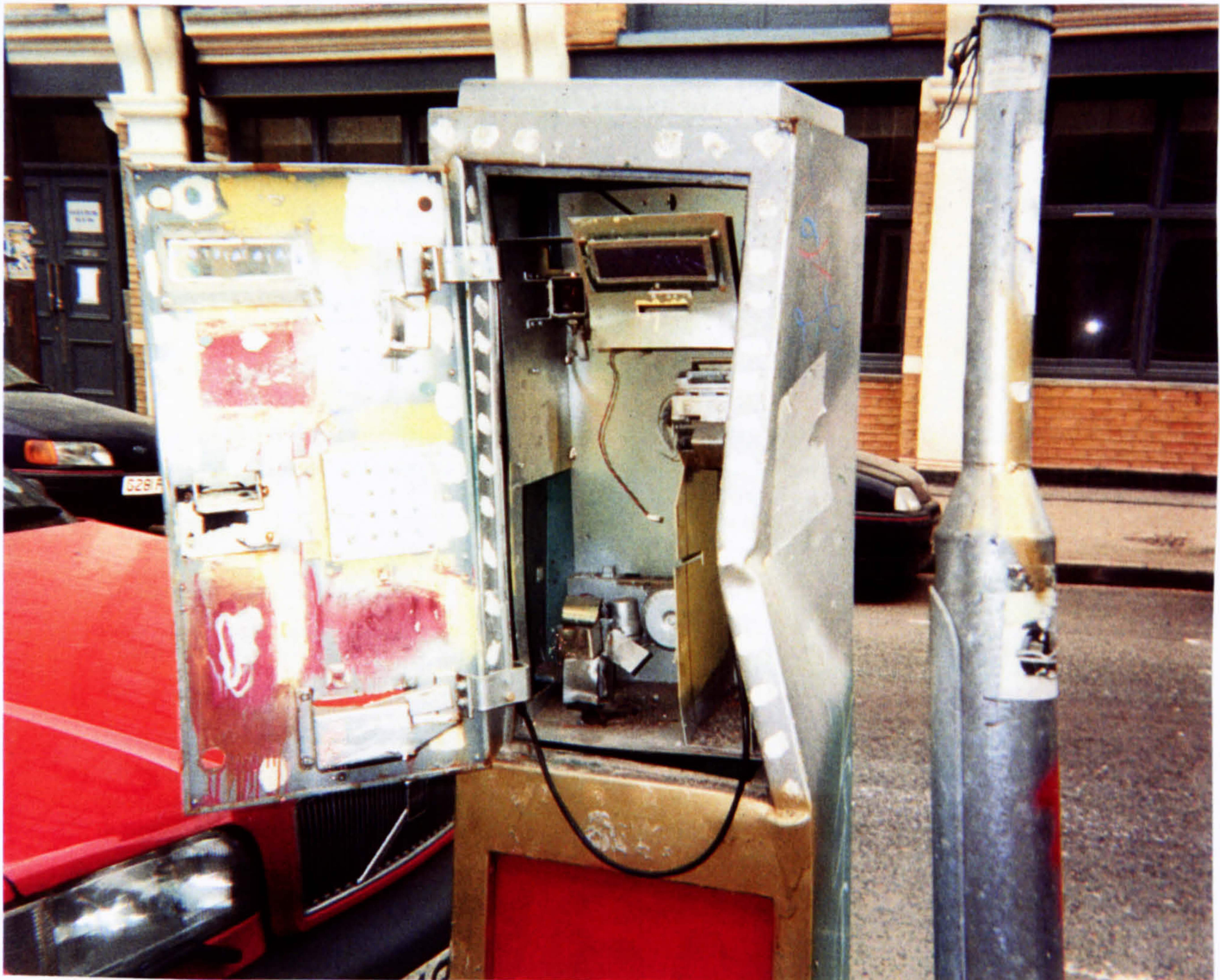
For both shoplifting and smuggling, new informants were not adding any new significant data that warranted the development of new categories, or that added anything substantial to existing ones. Shoplifting and smuggling were approached historically, and shoplifters and smugglers were approached in the same way. The complexity, scale and difficulty in researching clandestine markets should not be our sole focus as it is defeatist;

Local and present reality should not divert an ethnographic enquiry from the less immediate: both past history and non-local shaping forces... [these] concrete abstractions... [provide] the material conditions through which emerged historically specific social relationships... over time (Smith, 1994, 80).

This typically is a case study method, and the data gained should be searched for patterns and categories (Yin, 1989, in Cresswell, 1994). To a great extent research has been reflexive; the exploratory profile categories were drawn up from observations and research conducted. Profiles were not created at the beginning and characters were not sought to fulfill the categories. Nor did the research fieldwork start with an idea of a totalising category the research has finished with finished with (the mass shoplifter) (Robson, 1993, 386). It is necessary to view history as;

An ongoing process of totalisation in which individuals collectively attempted to transform their common life situation, thereby practically imposing their own ends upon history. The difference between Hegel's idea of totality and Marx's emphasis on the dynamism of practical totalisation is the difference between the philosophical ascription of a meaning to history as a whole and the concrete strivings of a class as they modified inherited social institutions and meanings, making conscious, partial, always revocable decisions about, and sense of, their present historical situation from the perspective of its current social possibilities (Grumley, 1989, 49, also Golding, 1988).

Appendix D – Destruction of Road Taxing Meter



What do you think about crime?

Introduction

My name is Trevor Bark.

I'm doing a survey on people's attitudes to crime in general and smuggling in particular. This survey is for my research work at Middlesex University where I am a student. It has absolutely no connection with the Ferry company, Police, or Customs.

I'd appreciate it if you would complete this short questionnaire.

None of the information you give will be traceable to any individual. Do not write your name on this questionnaire. Just hand it to me when I come back. If there are questions you don't want to answer, just leave them and continue to the next.

May I thank you for sparing your time to fill in this questionnaire.

Questions

- Thinking about the price in the shops of beer, wine, spirits, cigarettes and tobacco products in Britain, would you say it is generally (please circle or tick one answer):

Too high	
About right	
Too low	

- Here is a list of some of the things people might do with alcohol and tobacco products bought outside the UK. Some of these activities may be illegal. Which of them do you personally disapprove of and which do you think are acceptable things to do? For each example tick in the box marked approve or disapprove or, if you have no opinion, tick the box marked 'don't know'

Activity	approve	disapprove	Don't Know
giving as gifts to family and friends a few packets of cigarettes, or cans of beer, or bottles of wine or spirits, bought outside the UK .			
selling to people you know a few packets of cigarettes, beer, wine or spirits bought outside the UK			
selling to strangers cigarettes, beer, wine or spirits bought outside the UK			

- At present, the law requires the payment of duty on cigarettes, beer, wine or spirits bought outside the UK. Do you think it this payment should be abolished? Tick the statement you agree with

Yes, payment of duty should be abolished	
No, payment of duty should be continued	

4. Here is a list of possible reasons why the payment of duty should be continued. For each example tick in the box marked agree or disagree or, if you have no opinion, tick the box marked 'don't know'

	Agree	Disagree	Don't Know
The payment of duty on cigarettes, beer, wine or spirits bought outside the UK should be continued because it provides money for the government to spend on useful things (such as health, education, roads etc.) which benefit us all.			
The payment of duty on cigarettes, beer, wine or spirits bought outside the UK should be abolished because all it does is make jobs for Customs officials who could be better employed doing something more useful.			
The payment of duty on cigarettes, beer, wine or spirits bought outside the UK should be continued because the government has every right to tax its citizens,			

5. Smuggling cigarettes, beer, wine or spirits bought outside the UK into the country without paying duty can be looked at from a number of points of view. Here is a list of possible attitudes you might take to these activities. For each statement tick in the box marked agree or disagree or, if you have no opinion, tick the box marked 'don't know'

	Agree	Disagree	Don't Know
Although guilty of a crime, people caught smuggling who are earning low income, or are unemployed should be let off because it is so difficult for them to make ends meet.			
Anyone caught smuggling should be punished in the courts because they are committing a crime.			
People who engage in smuggling are enterprising people and should be admired .			
People who smuggle cigarettes, beer, wine or spirits from Europe to Britain to sell to others are protesting against the high taxation levels in Britain.			

6. Here are some statements about other types of activities which are presently illegal. For each statement tick in the box marked agree or disagree or, if you have no opinion, tick the box marked 'don't know'

	Agree	Disagree	Don't Know
People who supply small amounts of cannabis to others should not be regarded as criminals			

People who organise the importation of large amounts of cannabis into the country should be severely punished			
If your property is stolen it is more important to get your property back than to punish the person who stole it.			

7. If there were to be a General Election in Britain tomorrow, how would you be **most likely** to vote? Put a tick in the box next to the party you would choose. If you don't know, tick the box marked 'don't know.'

Labour		Conservative	
Liberal Democrat		Green Party	
Other		Don't Know	

8. Finally, just a few brief questions about yourself . Just put a tick in the boxes that apply to you

male		Female	
employed		Unemployed	

Your approximate age

Under 20		Between 41 and 50	
Between 21 and 30		Between 51 and 60	
Between 31 and 40		61 and above	

Your approximate annual income

Under £ 20,000		£30,000 to £39,000	
£20,000 to £29,000		£40, 000 and above	

Once again, thanks for you time. Give this questionnaire back to me when I next come around.

Results

The informants self selected themselves as they were asked whether they would help fill in a questionnaire about alcohol and tobacco, and so this is a reasonably concerned

informant base. They also added comments on some of the questionnaires. The results were tabulated into charts after 54 completed questionnaires were collected, and this is sufficient to discuss as the questions were sufficiently sophisticated and the results contained enough interesting data to discuss. There could be a difference between those who filled in questionnaires in the bar (23) and those in other areas of the ship (31) and conclusions will be drawn out from this.

The first question revealed that over three quarters of people thought that the levels of duty on alcohol and tobacco was too high, a result that would not be unexpected. Question 2 had three different elements that also were not unexpected. 2a revealed that the vast majority approved of the giving of alcohol and tobacco as gifts. 2b revealed that by nearly a 2 to 1 majority people approved of the illegal act of selling contraband to people they knew. Although stranger danger may have affected 2c where nearly 3 to 1 disapproved of selling contraband to strangers. Both 2b and 2c questions revealed no significant differences between the different groups identified on the ship.

Question 3 makes interesting reading for political party policy makers, where 3.5 to one want duty abolished. Question 4 had three subsections and continued this theme with people being given both positive and negative reasons to continue duty for government, and the results were that the majority wanted duty abolished regardless. The most interesting aspect being where by a great majority, 5 to 1, that people disagreed with governments right to tax its citizens indiscriminately.

Question 5 had 4 parts, which are worth the most serious analysis. For 4a while roughly one third of the people overall thought the poor should be let off for smuggling. In the bar area the majority of respondents approved of the poor being let off, with just over a 4 to 1 ratio in favour of prosecution in the posher areas of the ship. While a simple majority in 4b were for smugglers being punished in the courts, in the bar area this was 3 to 1 against, and 2.5 to 1 for punishment in the posher area. While in 4c we saw that though the bar area didn't want to see smugglers punished they didn't accept that smugglers should be admired (13 – 9) but only just, people in the more affluent area of the boat were unequivocal, 29 to 1 against admiring smugglers. 4d is perhaps the most interesting question from the point of social crime and that was about whether smugglers are protesting against high tax levels in the UK. Overall a simple majority thought that

smugglers were protesting, with the bar area agreeing by just over 2 to 1, and the posher area disagreeing by just under 2 to 1.

The final question, 6, apart from demographic ones, had 3 parts and was about cannabis and crime generally. For 6a overall by a ratio of 2 to 3, people thought that low level dealers should not be regarded as criminals. In other words over a third of the overall sample thought that dealers were not criminals. In 6b this ratio lowered for the more serious importers of large quantities of cannabis. Finally for 6c a 3 to 2 ratio wanted punishment for simple thieves over getting their property back.