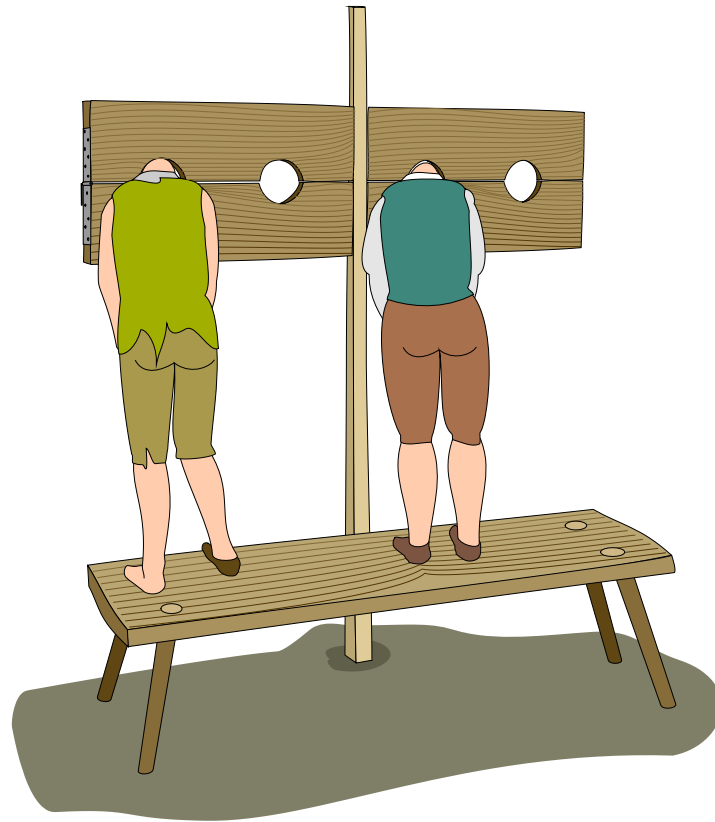


Crime and Punishment c.1000-Present



Introductory Reading Booklet

There are 3 strands to this topic-

Crime	What constituted a crime at various times in the past?
Detection & Conviction	How were criminals found and how was guilt determined?
Punishment	How were people punished for breaking the law in the past?

Timeline c1000-2000 A.D

1000	1010s	1020s	1030s	1040s	1050s	1060s	1070s	1080s	1090s	1100s	1110s	1120s	1130s	1140s	1150s	1160s	1170s	1180s	1190s
<p>Saxon Era (end of) <i>Notable monarchs-Canute the Great (1016-1035), Edward the Confessor (1042-1066)</i></p>							<p>Norman Era <i>Notable monarchs- William I (the conqueror) (1066-1087)</i></p>			<p>Medieval</p>									

1200	1210s	1220s	1230s	1240s	1250s	1260s	1270s	1280s	1290s	1300s	1310s	1320s	1330s	1340s	1350s	1360s	1370s	1380s	1390s
<p>Medieval <i>Notable monarchs- Richard the Lionheart (1189-1199), John (1199-1216), Edward I (1272-1307)</i></p>																			

1400	1410s	1420s	1430s	1440s	1450s	1460s	1470s	1480s	1490s	1500s	1510s	1520s	1530s	1540s	1550s	1560s	1570s	1580s	1590s
<p>Medieval <i>Notable monarchs – Richard III</i></p>								<p>Tudor Era <i>Notable monarchs- Henry VIII, Edward VI, Bloody Mary, Elizabeth I</i></p>											

1600	1610s	1620s	1630s	1640s	1650s	1660s	1670s	1680s	1690s	1700s	1710s	1720s	1730s	1740s	1750s	1760s	1770s	1780s	1790s
	<p>Stuart Era <i>Notable monarchs- King James I, King Charles I</i></p>										<p>House of Hannover <i>Notable monarchs- George I, II, III and IV</i></p>								

1800	1810s	1820s	1830s	1840s	1850s	1860s	1870s	1880s	1890s	1900s	1910s	1920s	1930s	1940s	1950s	1960s	1970s	1980s	1990s
				<p>Victorian Era (also Hannover)</p>						<p>House of Windsor <i>Notable monarchs- Queen Elizabeth</i></p>									

Key Topic 1 c1000 -1500 Medieval England

Key Terms

Oath	Wergild	Trial by Ordeal
Hundreds	Shires	Hue and Cry
Shire reeve	community	

Most people in Saxon England lived in small villages called '**hundreds**' and everyone in the village knew each other. The villagers worked together to make sure that no one broke the law.

When a crime was committed, someone would make the '**hue and cry**' (shout!) and every able-bodied man in the village had to help catch the criminal. As a **community**, they were all responsible for the crime if they couldn't find the criminal. For example, if someone stole food from a villager, the others in the village would have to replace the food as a community.



In each **shire** (county) there was an officer called a **Reeve** who would check that the law was being enforced properly and he would visit each hundred in the county from time to time. Eventually this job title became '**Sheriff**'

If someone was accused of a crime, they would be invited to a village meeting. They could admit to the crime and take a punishment such as a fine or they could claim to be innocent and attempt to prove his/her innocence.

Weregild fines depended on the amount you had stolen or the seriousness of an assault. Damaging someone's foot might cost 50 Shillings and a thumb might be 20 shillings for example.

Weregild could even be the punishment for murder. If someone could not pay the Weregild, they became a slave for the victim until the fine was paid off.

Anyone trying to prove their innocence could ask for 12 people to swear an **oath** on a cross that they were innocent. As most people were very religious, this was taken very seriously and people would only swear an oath if they definitely believed the person to be innocent. If the person refused to confess and could not get enough people to swear an oath for them, they would face a **trial by ordeal**

(i) **Trial by hot water.**

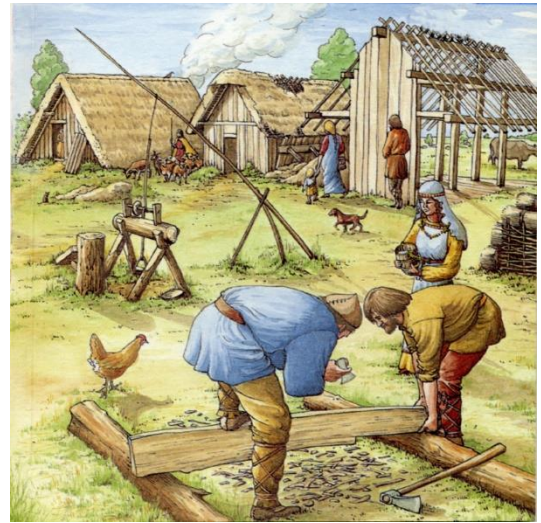
This involved a person picking up a stone from boiling water and walking a short distance. The hand was then bandaged. If it had begun to heal after 3 days, they were innocent as God was helping them to heal. If not, they were guilty



(ii) **Trial by cold water.**

The accused was tied up and thrown into cold water. If they sank more than 1.7 metres they were innocent but if they floated it meant God had rejected them and they were guilty.





Summary

<p>Crimes</p>	<p>In Saxon Britain, there were few laws and they can be broken down into modern terms-</p> <ul style="list-style-type: none"> (i) <u>Crimes against a person</u>- Assaulting or murdering a person (ii) <u>Crimes against property</u>- Taking someone else’s property (such as food or tools) or breaking it (for example breaking part of someone’s house) <p>It was also highly illegal to plot against the king or the king’s officials or soldiers</p>
<p>Detection & Conviction</p>	<ul style="list-style-type: none"> (i) The Community worked together to catch law-breakers by sounding the ‘hue and cry’ (ii) Villagers all knew each other and so any strangers who turned up would be the first suspect if there was a crime (iii) The shire reeve (later Sheriff) was also responsible for rounding up criminals (iv) Trial by Ordeal was a common method of trial
<p>Punishments</p>	<ul style="list-style-type: none"> (i) Fines such as weregild (ii) Execution such as stoning or being burned to death <p>Note-no jails!</p>

Key Terms

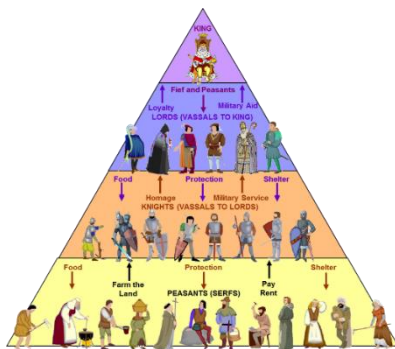
Feudal System **Manor** **Murdrum**

Harrying of the North **Forest Laws** **Poaching**

Mutilation **Trial by combat**

Norman victory at the Battle of Hastings in 1066 was of massive importance and changed England forever.

William the Conqueror was very unpopular amongst the English and set about creating a firm, controlling grip on the people. This meant changes to the way in which Crime and Punishment worked.



The Normans set up the **Feudal System** which meant that most people in the country were now under firm control. Most people stayed living in the same places as they had before the invasion but they were now controlled by Lords, Barons or Bishops (Tenants-in-Chief). Their villages were now manors and they were not allowed to leave without permission from the Lord of their manor.

Over time, some peasants were given the status of 'freemen' and could leave.

New Laws

The Normans also introduced a new system of law. The king was to be in total charge of the country and he declared that everyone should be safe from crime and anyone who committed a crime was disobeying his orders. This was called the **King's mund**.

To enforce the law, the death penalty was to be used for more crimes than it had been before. This now included **poaching** under the **Forest Laws**. These laws stated that all land was the kings and if people were to hunt, fish or forage on his land, it was theft from the king himself.

Poachers were often executed for their crime but sometimes the punishment was **mutilation** such as branding with a hot iron or having a body part cut off.

Reaction to Opposition

William faced rebellions by many Saxons angered by his invasion but he put them down violently. He also built Motte and Bailey castles to protect his soldiers and to intimidate the Saxons.

After a rebellion in Yorkshire, he sent the army north to destroy all the food and livestock in the area to teach the people a lesson. Thousands starved to death as a result of the Harrying of the North 1069-70.

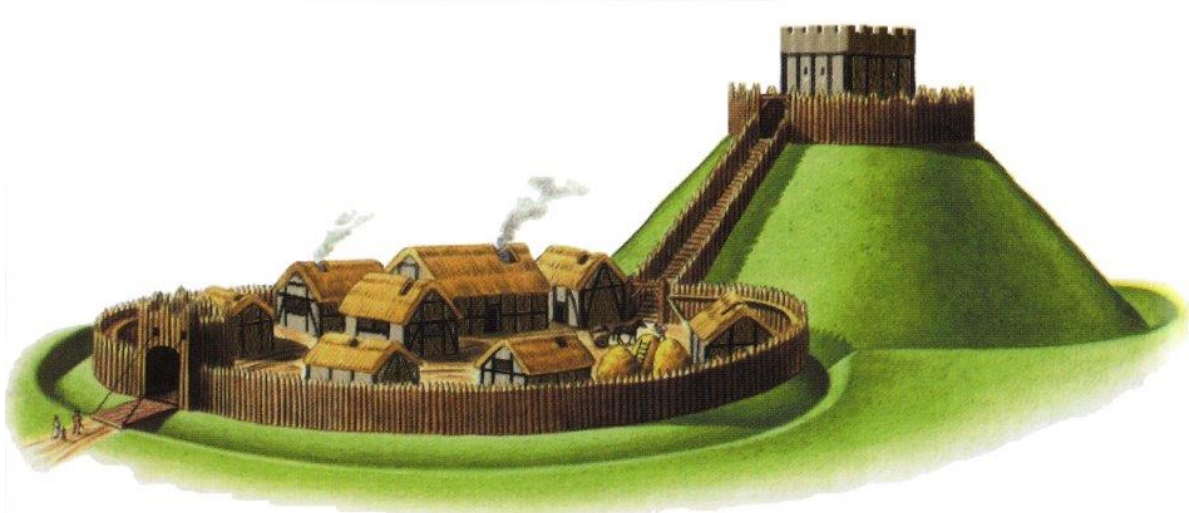
He also introduced the murdrum fine. If a person was murdered, the entire population of a village was held responsible. If they could not prove that he was a Saxon, they would have to pay a huge fine. The idea was to deter people and to encourage them to deter others from committing attacks on Norman invaders.

Crime detection

The 'hue and cry' stayed in place and all males over the age of 12 had to join a **Tithing**. If a crime was committed, it was expected that the tithing would bring the guilty person to justice.

Trial by Combat

The Normans also introduced '**trial by combat**'. The idea was that a suspect could fight a representative of the king to prove his/her innocence. It was assumed that God would help whoever was right and an innocent person would win the fight!



Summary

<p>Crimes</p>	<p>The Normans kept the same, basic laws as the Saxons but also added-</p> <ul style="list-style-type: none"> (i) Forest Laws. This made poaching (hunting, fishing, foraging or collecting firewood) on the king's land strictly illegal (ii) Murdrum Law. This meant that all villagers could be punished for attacks on the Normans as an attack on one of the king's men was regarded as an attack on the king himself
<p>Detection & Conviction</p>	<ul style="list-style-type: none"> (i) The Community worked together in tithings to catch law-breakers by sounding the 'hue and cry' (ii) Villagers all knew each other and so any strangers who turned up would be the first suspect if there was a crime (iii) The Normans introduced Trial by Combat
<p>Punishments</p>	<ul style="list-style-type: none"> (i) Fines continued under the Murdrum system (ii) Executions or mutilation for poaching or attacking the king's men (iii) Use of dungeons (essentially castle jails) were built but were not a common punishment in most places.

Key Terms

Magna Carta Parliament Royal Courts

The medieval era is a long period of time and so you would expect there to be many changes to crime and punishment and there were!

At the start of the medieval period, the monarch could do whatever he wanted as his word was the law. By the end of the era though, Britain had the beginnings of a modern criminal justice system.

What changed?

Henry II (1154-1189) decided that trial by ordeal was not suitable for determining the guilt of a suspect.

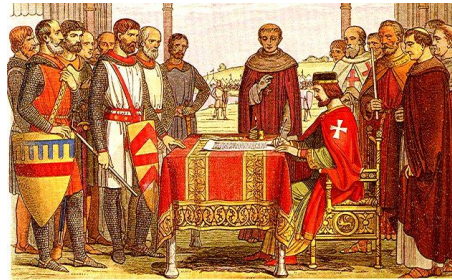
He also thought that punishments varied too much. In some areas a thief might be executed but in others a murderer might get away with a fine (particularly if the murderer was rich!)

Royal Courts

During Henry's reign the principle was firmly established that only Royal Courts (not the courts of local lords) could try criminal cases (though local lords continued to have the power to try **minor** cases involving their villeins). Some important changes came about-

- ❖ Judges were sent around the country to set up courts. These became known as the King's bench
- ❖ A jury of 12 people would tell the judge about the prisoner and the evidence and the judge would make
- ❖ Later on, it was the jury who would decide if the accused was guilty or not and the judge would decide on the punishment (just like today)

Magna Carta



In 1215, King John was forced to agree to the **Magna Carta**. This put limits on the powers of the king. Under Magna Carta-

- ❖ It became illegal (in theory) to lock someone up without a fair trial
- ❖ The king could not impose harsh fines or high taxes without agreement from the nobles.
- ❖ The king could not prevent a freeman from travelling in or out of the country

Although John and other monarchs did not keep to these pledges, it was a start and it made the important principle that the king was subject to the law too.

Other changes

In the medieval period, punishments were designed to reflect the seriousness of the crime. Some examples-

- ❖ If you had let animals wander onto other peoples' land or had been caught foraging in the woods, you might face time in the **stocks** (see pictures). Passers-by could shout insults at you or throw things to humiliate you or you might be stood in a **pillory** and sometimes have your ears nailed to it so that you did not move.
- ❖ The **Pie Powder** courts would punish unscrupulous market traders. A fishmonger who sold rotten fish may be forced to eat them for example!



Summary

<p>Crimes</p>	<p>The nature of crimes remained pretty much the same as in Norman England. One massive change though was it was now deemed possible for the King to commit a crime</p>
<p>Detection & Conviction</p>	<p>Massive changes-</p> <ul style="list-style-type: none"> (i) Trial by ordeal ended (ii) All crimes (other than minor ones) had to be tried in a Royal Court in which evidence was presented and guilt was decided on by juries and judges (iii) Torture was used for some crimes to get confessions from prisoners
<p>Punishments</p>	<p>Minor crimes- humiliation in public through the stocks or pillories</p> <p>Major crimes-execution</p>

The influence of the church on Crime and Punishment in medieval Britain

Church Courts
Royal Courts

Exile
Sanctuary

Medieval British society was very religious and the church was the centre of most peoples' lives. It is believed that many people were more fearful and respectful of the church than they were of the king.

The king himself was not usually too concerned with this as it was commonly believed that God was on his side.

The church therefore had a lot of influence on the nature of crime and punishment in medieval Britain as people thought that they were the best judges of right and wrong.



Sanctuary

The churches were so powerful that they could grant sanctuary to criminals or suspected criminals. All he/she had to do was to reach a church and claim sanctuary- (Sanctuary means 'safety')

- ❖ Once inside the church (or even holding the door handle-see picture above), no one could arrest or harm them for 40 days

- ❖ After 40 days, the criminal could confess his crime to the sheriff and agree to be exiled (leave Britain forever)

- ❖ The criminal would then have to leave Britain from the nearest port

- ❖ If he/she deviated from their route or stopped in a village or town overnight, they would be arrested and punished in Britain.

- ❖ Many criminals escaped on their way to the coast



Reduction in the powers of the church

Church courts existed for many years until King Henry II (1154-1189) abolished them and ruled that people could only face trial for crimes in a Royal (Crown) Court. We still have crown courts in Britain today for serious crimes-



Key Topic 2 c1500-1700 Early Modern England

Heresy **Justices of the Peace**

Magistrates **Vagabonds**

Continuity

Many of the crimes and punishments that existed in the medieval period continued into the Tudor period. In the Tudor period, there were 4 main developments for you to be aware of –

- ❖ A growth in the role of magistrates
- ❖ Use of torture
- ❖ A focus on religious crimes
- ❖ Laws on begging in Tudor towns

Magistrates

Magistrates effectively did the work that would be done by the Police today. Although larger towns had watchmen and constables to patrol the streets, magistrates had to do everything else. Their job therefore involved-

- ❖ Investigating crimes in their area
- ❖ Arresting suspects
- ❖ Questioning suspects (though often this was through torture)
- ❖ Gathering evidence against the suspect to use in court

This was alongside their other duties-

- ❖ Looking after roads and bridges
- ❖ Checking alehouses (pubs)
- ❖ Reporting people for non-attendance at church!

There were not enough magistrates to carry out this role fully and so the process was very unfair. Although magistrates often made arrests, it is believed that many people were arrested for crimes that they did not commit but admitted to them

under torture. A confession in court was usually enough to convict them of a crime.

Religion and religious crimes

In the Tudor period, Britain went from being a Catholic country to a Protestant country and back to Catholic again (when Mary was Queen 1553-1558). These changes brought about much confusion. Heresy (expressing beliefs that differed from the view of the church) had been a crime but in the Tudor period, people were found guilty of heresy for saying and doing things that had been legal previously.

Henry VIII and his parliament ruled in 1534 that executions for Heresy could only be approved by the king. His son, Edward VI, abolished the crime of Heresy in 1549 but his sister, Mary brought it back when she was queen. Finally, Elizabeth abolished it as a crime in 1559.



Punishments for Heresy-

- ❖ Richard Bayfield was tortured and then burned to death at the stake for selling English Bibles in 1531 (during the reign of Henry VIII)
- ❖ Hugh Latimer and Nicholas Ridley were burned to death for refusing to become Catholics when Mary was Queen
- ❖ 300 people were burned to death for Heresy when Mary was Queen (hence her nickname 'Bloody' Mary)

Torture Techniques

The Rack



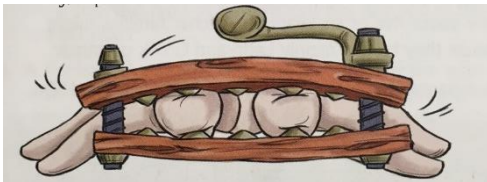
The rack was a strong frame with metal rollers at each end. The victim was tied to the rack and the rollers would be turned so that it stretched them. Often, a prisoner's limbs were dislocated by the rack. If a prisoner confessed, the stretching would stop.

The Boot



A prisoner would put his/her foot in the boot and wooden wedges would be hammered in. After a while, the prisoner's anklebones would be crushed. If they confessed, they would stop hammering in wedges.

Thumbscrews



The prisoner's thumbs were put between metal bars which would be tightened. Eventually the force would crush the prisoner's thumbs. If they confessed, the thumbscrews would be taken off.

The Press



A prisoner would lie on the floor and a strong wooden board was laid on top of them. Heavy stones would be put on the board, squashing the victim underneath. If they confessed, the weights would come off.

Rogues and Vagabonds

As part of the religious changes introduced by Henry VIII, most monasteries in England and Wales were closed. Traditionally, they had helped to look after the poor and the sick. They were no longer able to do this.

The situation was made worse by a reduction in jobs for farm workers and an increase in the cost of food. This meant that many people who were poor or who were too ill to work, took to the streets to beg. They were called **Vagabonds**.

However, some people noticed that begging was an easier way of making

money than working and so pretended to be ill. These were called **rogues** or '**sturdy beggars**'.

In 1531, the government said that it would introduce begging licenses for genuine beggars but anyone begging without a licence would be arrested and punished. Punishments included-

- ❖ Being whipped
- ❖ Having part of an ear cut off
- ❖ Being branded on the tongue
- ❖ Being hanged (if you carried on after the other punishments)




Queen Elizabeth wanted to help the genuine cases and introduced collection boxes in churches to raise money for the poor.

These were like a jail and anyone sent to one would have to work for their meals. However, you could be released if you got yourself a job.

However, she had no time for Sturdy Beggars/rogues and in 1601, the government introduced Houses of Correction.

Types of Sturdy Beggar

To avoid punishment, many sturdy beggars went to great lengths to make it look like they were ill (see below)

The Clapper Dudgeon	Tom O'Bedlam	Baretop Trickster
 <p>He would cut his skin to make it bleed and tie dirty rags over the wounds so that people would give him money more medical treatment.</p>	 <p>He would pretend to be mad and follow people around. He might bark like a dog or put a chicken head in his ear!</p>	 <p>She would 'flash' at a man and get him to follow her somewhere that she had a gang waiting ready to rob him!</p>

Summary

Crimes	<ul style="list-style-type: none"> ❖ Heresy had been a crime in the medieval period but was taken more seriously in the Tudor period due to the big religious changes taking place ❖ Also, there had always been beggars but it became a big issue in the Tudor period and Vagrancy without a licence was a criminal offence. 	
Detection & Conviction	<ul style="list-style-type: none"> ❖ Night watchmen and constables patrolled large towns and cities to catch criminals in the act. ❖ Magistrates had the role of detectives. However, they often used torture to persuade people to confess to crimes that, in many cases, they didn't commit ❖ The accused would have a trial but a confession from torture would make the trial a very quick one 	
Punishments	<p>Minor crimes- humiliation in public through the stocks or pillories continued but flogging (whipping) and branding were also common</p>	<p>Major crimes-execution by beheading for murder or treason, execution by fire for Heresy.</p>

Confession	Hung, drawn and quartered	Treason
-------------------	----------------------------------	----------------

The other plotters were traced to a house in the midlands where the army surrounded them. 2 of the plotters were shot dead with the same bullet and the rest were arrested and put on trial in private alongside Guy Fawkes.

Case Study-The Gunpowder Plot

King James I was anti-Catholic. He put many Catholics in jail and exiled Catholic Priests. They also had land and money taken from them on the king's orders.

After the trial, the plotters were **hung, drawn and quartered** in public.

Although no one is entirely sure of how true the official story is, it is believed that a group of relatively wealthy Catholics plotted to kill the king and his government at the state opening of Parliament on 5th November 1605.

Important points-

After receiving a letter advising him not to attend the state opening, Lord Monteaule told the king's minister who arranged for guards to search parliament. They found Guido (Guy) Fawkes in the cellar next to 36 barrels of gunpowder. He was arrested and tortured. After days of torture he admitted to the plot and signed a confession.

- ❖ Some people find it unlikely that the plotters could have got 36 barrels of gunpowder by themselves
- ❖ Fawkes only admitted to the plot after torture and his signature on the confession looks very different from his usual signature
- ❖ The trial was held in private and with no witnesses called. Why?
- ❖ The king passed a series of other anti-Catholic laws after the plot

Robert Winter	Christopher Wright	John Wright	Thomas Percy	Guido Fawkes	Robert Caseby	Thomas Winter
Arrested 8 th November	Arrested 8 th November	Arrested 8 th November	Shot dead 8 th November 1605	Arrested 4 th November 1605	Shot dead 8 th November 1605	Arrested 8 th November
Executed January 1606	Executed January 1606	Executed January 1606		Executed January 1606		Executed January 1606



Matthew Hopkins and the Witch Hunts 1645-1647

Although there had been much religious conflict, the people of Britain generally agreed that there was a Heaven and a Hell. They also believed that the devil had sent witches to Earth to persuade people to become sinners who went to Hell after death.

If they could find and kill the witches, they could stop people from being turned into sinners.



It was believed that tracking down a witch was easy. Every witch had (it was believed) an evil spirit which took the form of an animal. The animal was called a 'familiar' and it was believed that the witch fed her familiar on her own blood. To find a witch, all that was needed was to find a woman with a pet and a mark on her skin showing where she had cut herself to feed her familiar.

After 1604, it was possible to hang anyone suspected of being a witch. To 'prove' that she was a witch, the suspect would be put on trial but the trials were ridiculous (see next column)

In 1645 a lawyer called Matthew Hopkins claimed to have gotten hold of a list of all the witches in England. He named himself the 'Witchfinder General' and set off around the country to round up the witches.

Between 1645 and 1647, he rounded up several hundred 'witches'. The vast majority were women over the age of 50 and most were executed by hanging.

After this, the number of trials for witchcraft fell every year and the last person hung for this 'crime' was Janet Horne who was accused of turning her daughter into a flying horse in 1727!

How to spot a witch (according to Matthew Hopkins)



- 1) *Tie the suspected witch up so that their hands form a cross*
- 2) *Loop a rope around their waist*
- 3) *Lower the suspect into the water 3 times*
- 4) *If she floated, she was a witch*
- 5) *If she sank, she was not a witch but might drown before she was pulled back up*

Highway Robbery	Musket
------------------------	---------------

In the 17th and 18th centuries, new crimes emerged in Britain. Two of the most famous are Highway Robbery and Smuggling.



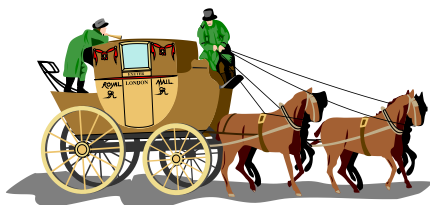
Highway Robbery

Highwaymen used to wait at the roadside and stop carriages that they thought might be carrying wealthy passengers or, later on, mail coaches.

Why did highway robbery become such a problem?

3 main developments led to the start of large-scale highway robbery-

1 There were more stagecoaches than ever before-

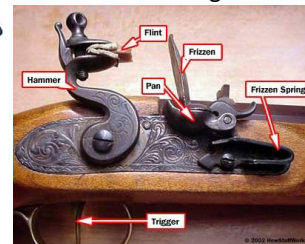


By the mid 17th century, a basic stagecoach infrastructure (routes) had been put in place. The first stagecoach route started in 1610 and ran from Edinburgh to Leith. This was followed by a growth of other routes around the country. A string of coaching inns operated as stopping points for travellers on the route between London and Liverpool by the mid 17th century.

2 The Flint-Lock Musket

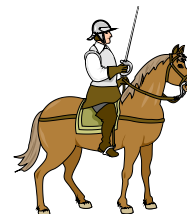


This was a handgun that



could be set up in advance of the robbery. Previous guns were slow and clumsy and made armed robbery very difficult. Passengers being robbed by a highwaymen with a flint-lock musket knew that they could be shot at any point

3 The legacy of the English Civil War



Some of the first highwaymen were ex-soldiers from the English Civil War. After the war, many Royalist soldiers (who fought for the King) were left without jobs and titles. Some put their military training and horse-handling skills to use as highwaymen.

Why was it hard to tackle the problem?

Highway robberies took place in the countryside, miles from towns and cities. There were thousands of miles of routes so it was impossible to offer protection to all stage coaches. Also, the robberies were often carried out in the dark which made it even harder to identify the thief.

In the summer of 1676, John "Swift Nick" Nevison famously galloped from Kent to York, a journey of about 200 miles, in a single, very long day- all to create an alibi!



Key Topic 3 c1700-1900 18th and 19th Centuries

Customs	Contraband
Import Duties	Smuggling



Smuggling

What is smuggling?

Smuggling involves secretly bringing goods into the country either to avoid paying tax on them or because they are illegal to own.

Why smuggle?

If you avoid tax on an item, you can make more money from selling it!

Why was it such a problem in the 18th century?

The amount of smuggling increased in the 18th century due to-

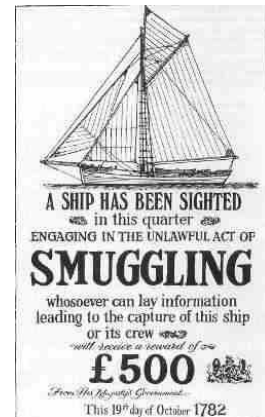
- ❖ A shortage of able-bodied men to patrol the coast due to the many 18th century wars
- ❖ Due to expensive wars, the government put high Import Duties (taxes) on foreign goods and many felt that the taxes were punitive. 70% of the cost of tea for example was tax!
- ❖ Demand for goods from abroad such as sugar and tea was higher than ever and so it was very profitable. Legal trades such as fishing were not as profitable.
- ❖ Customs officials were paid low wages. It was not uncommon for them to receive money in order to 'turn a blind eye'

Why was it so difficult to tackle the problem?

- ❖ Many people did not see the smugglers as criminals or regarded smuggling as a victimless crime
- ❖ They did not harm anyone (unless they tried to stop them). They would warn people that they were bringing illegal contraband through the town and ask people to 'face the wall' so that they could not identify them later.
- ❖ Smuggling was making goods such as tea affordable for people who could not have afforded to buy them legally.

How did the government tackle smuggling?

1. They cut import duties on goods such as tea (though this was not particularly successful!)
2. They put huge rewards up for people who helped the government to find smugglers (see poster, £500 would be worth £80,000 today)
3. The government made smuggling punishable by Transportation (see P.17) in 1718 and then death in 1736.
4. Smuggling gangs turned violent to stop people informing on them for the rewards and this led to public support for smuggling disappearing.



The government response to the new crimes

Bloody Code	Capital Offence	Colonies
Deterrent	Transportation	Watchmen

As well as smuggling and highway robberies, crime was on the rise in towns and cities which offered anonymity and plenty of places for criminals to hide

The government was concerned by the rise of crime in the 18th century so they set out to reduce it by-

- ❖ Better crime detection
- ❖ Harsh punishments for criminals

Crime Detection

Bigger towns and cities had Watchmen. They were paid as little as 25p a week (which was a very low wage) and so people only became watchmen if there were no better jobs to be had.



Night Watchmen had a terrible reputation for sleeping 'on the job'. Many towns and cities had small shelters built for watchmen to rest in. It is believed that most night watchmen just found a shelter and went to sleep in it. Therefore, they weren't particularly effective!

Harsh punishments for criminals

Transportation

Some criminals were transported to the colonies (countries that Britain controlled) as a punishment. This had been going on since 1615 but in the 18th century, this became a more common punishment.

The Transportation Act 1717 allowed the transportation of criminals to colonies in America such as Virginia where they would work as slave labour. After 1800, transportation was switched to Australia.

The Bloody Code



In 1688 there were 50 offences punishable by death in Britain but that number had almost quadrupled by 1776 and it reached 220 by the end of the century. By 1800, the following were **capital** crimes-

- ❖ Murder, treason or piracy
- ❖ Stealing anything worth 25p (about £27 today) or more
- ❖ Cutting down trees!
- ❖ Poaching

This became known as the **Bloody Code**. The idea behind it was that criminals would think that although it was unlikely that they would be caught, it was still a massive risk as you would lose your life.



Smugglers bringing in contraband at night time when there was no one about. Anyone who was awake would make sure that they looked away from the smugglers so that they could not identify them



This map of the main roads in Britain in 1756 gives an idea of why it was so difficult to catch highway men

Summary

<p>Crimes</p>	<p>Although they are classed as 'new' crimes, it is more accurate to say that crimes such as smuggling and highway robberies were modern versions of older crimes.</p>	
<p>Detection & Conviction</p>	<ul style="list-style-type: none"> ❖ Night watchmen were employed in large towns and cities to catch criminals in the act but were very ineffective ❖ Responsibility for crime detection and conviction remained with the local magistrates who were already overworked. 	
<p>Punishments</p>	<p>Minor crimes- Some minor crimes were dealt with using stocks and pillories just like in the medieval period. Others resulted in 7 years Transportation. Corporal Punishment also continued.</p> <p>Some examples-</p> <ul style="list-style-type: none"> ❖ In 1755, 2 men in the pillories for a minor crime were killed when crowds of people threw stones at them. ❖ In 1757, a woman was burned on the hand with a poker for stealing <p>However, remember that even minor crimes could result in death during this period as they were regarded as major due to the Bloody Code!</p>	<p>Major crimes-</p> <p>Execution by hanging or Transportation for 14 years (depending on the judge and the circumstances of the case)</p>

Changing attitudes to Crime and Punishment

Custody Reformer Typhus

The end of the Bloody Code

The death penalty was abolished for all crimes except for murder and treason with the Judgement of Death Act 1823.

Why was the Judgement of Death Act passed in 1823?

- ❖ The Bloody Code did not work. Crime rates continued to rise and so the idea of the death penalty as a deterrent was proved to be ineffective
- ❖ Juries on trials for relatively minor offences would either find the defendant not guilty to save their lives or would argue that the cost of the theft was less than 25p (even though in many cases it clearly wasn't).

This act dramatically reduced the number of executions and after 1868, public executions had ended.

Why was the 1823 Gaols Act important?

Before 1823, there were far fewer jails and they served a different purpose in Britain. People would go to jail for 2 main reasons-

- To be held in **custody** while awaiting trial
- To be held until transportation or execution

Therefore, prisons were not designed to hold large amounts of people for long amounts of time. There were some criminal such as debtors who would spend time in jail.

What were jails like before 1823?

Conditions in jails were terrible-

- ❖ Most jails were not purpose-built for holding prisoners.

- ❖ Half of the jails were privately owned and there were no rules about how prisoners were to be treated

- ❖ Prison guards were paid directly by the prisoner. If you had money, you could expect to be quite comfortable but if you didn't, you would face a terrible time.

- ❖ An estimated 25% of prisoners died in jail from diseases such as Typhus

Why were conditions so bad?



It was commonly believed that criminals were evil, sinful people and so jails should be terrible. Not only was this a punishment for 'evil' criminals, it might also serve as a deterrent for others.

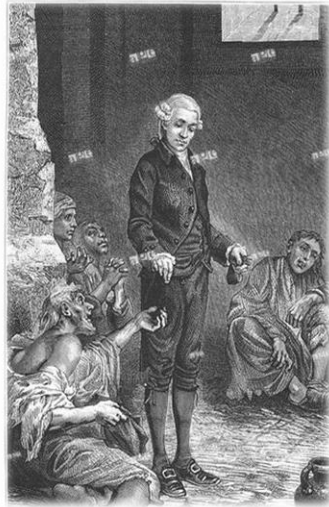
Why did attitudes begin to change?

There were several reasons why attitudes to jails began to change-

- The work of Prisoner reformers such as John Howard and Elizabeth Fry
- A reduction in the numbers that could be transported due to American independence
- The removal of the death sentence for over 200 crimes made prisons more important.

John Howard

- ❖ Howard was the High Sheriff of Bedfordshire after 1773
- ❖ He was shocked at the condition of jails
- ❖ He wrote a book called 'State of the Prisons' and presented his findings to Parliament



Elizabeth Fry

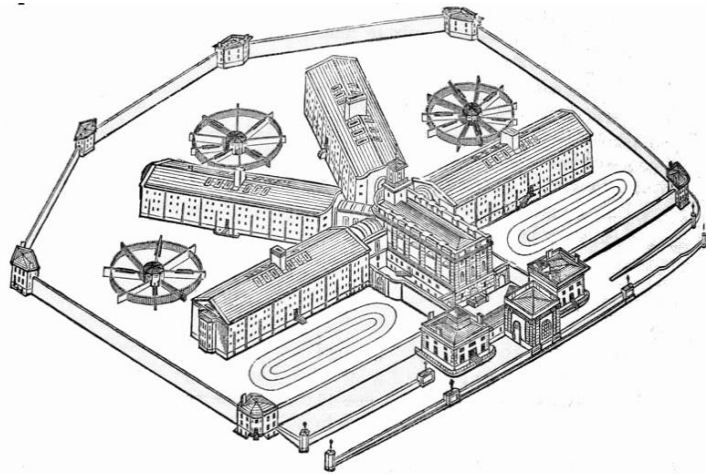
- ❖ Fry visited Newgate Prison in 1813
- ❖ She was horrified by what she saw
- ❖ She persuaded the jail staff to pay prisoners for work and to clean up their cells
- ❖ She helped prisoners to learn to read and write
- ❖ She started a school for the children of prisoners



The New Prisons

The first modern prison in London, Millbank, opened in 1816. It had separate cells for 860 prisoners and proved satisfactory to the authorities who started building prisons based on similar designs.

Pentonville was built to this radial design. It had a central hall with five radiating wings, all visible to staff at the centre. This became known as the "separate system" and was supposed to keep prisoners in each wing isolated from other wings



How far did attitudes to criminals change in the Victorian period?

The crank	Penal Servitude
Rehabilitation	Separate System
Silent system	Solitary Confinement

The Silent System

The government did provide work for prisoners but the work was designed to be boring and to break the spirit of the prisoners. They had to work in silence and when their work was done for the day, they returned to the cell where they had to remain in silence.

Pentonville became the model for British prisons; a further 54 were built to similar designs over six years.

Reformers such as Fry hoped that the new prisons would provide opportunities for the rehabilitation of prisoners.

However, they were to be disappointed with how the prisons turned out-

Penal Servitude

Working during your prison sentence, or Penal Servitude, was compulsory. It is often referred to as 'hard labour'. Sometimes the work was productive. For example, a cobbler might be put to work making shoes or a tailor to making clothes. An unskilled prisoner might be ordered to pick oakum (strands of rope picked from broken, used rope to be recycled as new rope).

The Separate System

The Separate System was based on the Pennsylvania System and involved keeping prisoners in **Solitary Confinement** for the first year of their prison sentence in order to give them time to reflect on what they had done.

When it was time for exercise, prisoners were made to exercise wearing special masks so that they could not see the other prisoners-

Other times though, the work was designed to have no end-product and was done to tire the prisoner-

The Crank

Prisoners may be ordered to 'turn the crank' 14,400 times a day, it was not connected to anything so the prisoner's efforts were wasted.



The Treadmill

Prisoners would have to walk on treadmills like these for 6 hours at a time. Like the crank, the treadmill was not connected to anything



What impact did Victorian prison practices have on the prisoners?

An official report suggested that these practices were causing cases of insanity and suicide.

Changing attitudes to crime in the 18th and 19th century

Combination Laws	Martyr	Trade Unions
---------------------	--------	-----------------

Case-Study The Tolpuddle Martyrs

Trade Unions had been banned in 1800 by the Combination Laws. This was to protect factory owners and other employers from workers combining to go on strike or protest against their employers.

In 1824 this law was repealed (abolished) and people could once again join a trade union.

In Dorset, farm labourers were paid very low wages. Their pay was about 35 pence a week whereas the national average wage was about 50 pence a week. Some farmers were planning to reduce wages even further, to about 30 pence a week.

A worker called George Loveless started a Friendly Society to discuss with other workers what to do about their situation. They kept the group secret as it was legal for employers to sack anyone in a union.



Trade Unions were not illegal but, as they met in secret, the government used a law from 1797 which made secret societies illegal. The workers were arrested and put on trial.

At the trial, the judge sentenced them to 7 Years Transportation and they had to leave their families behind. The public was so angry by their treatment that the government was forced to bring them back home.

The case was important as it showed that public opinion was important in making and applying laws in Britain.

Home Secretary	Liberal
----------------	---------

Case-Study Robert Peel



Robert Peel was the Home Secretary twice (1822–1827 and 1828–1830) and Prime Minister twice (1834–1835 and 1841–1846).

Peel's contributions to Law and Order Reform-

- ❖ Peel was largely responsible for the 1823 Judgement of Death Act as he felt it was wrong to have the death penalty for so many offences
- ❖ He also put forward the 1823 Gaols Act which provided pay for prison officers and allowed prisoners to be educated in jail.
- ❖ He was also largely responsible for the Metropolitan Police Act 1829

Together, these laws were known as 'Peel's acts' and gave him the reputation of being a 'liberal' politician. This means that he felt that harsh action (such as the Bloody Code and other strict laws such as the Riot Act) were not the way to maintain order in Britain.

Developments in Crime fighting

Bow Street Runners	Metropolitan Police Force	Peelers
---------------------------	----------------------------------	----------------

The Fielding Brothers

As towns and cities grew, so did crime. Crowded towns and cities were perfect for criminals who could be anonymous in urban areas.

Henry Fielding and the Bow Street Runners

London, as the biggest city, had the worst problems. In 1750, a magistrate called Henry Fielding decided to change the way that crime was tackled. He recruited 6 men who were paid £1.05 a week to uphold the law. They worked out of an office in Bow Street and became known as the Bow Street Runners.



John Fielding

After Henry died in 1754, his brother John began a horse patrol in 1763 in an attempt to catch highwaymen. Although the patrol did not last long, it gave other people ideas about how they could tackle crime.

Middlesex Justices Act 1792

This act set up seven other Police forces in London. This was a positive development but it did not provide the overall organisation that was needed.

The Metropolitan Police Act 1829

The Metropolitan Police Act was the work of Sir Robert Peel and it set up a new Police force of 3000 men. Their headquarters was Scotland Yard.



At first, the people did not like the Police Force. The Police were known as 'bobbies' or 'Peelers' after Robert Peel. Some people jeered at them and others beat them up as they feared that they were a government army designed to keep them under control.

Before too long, people realised that the Police were there to protect them from criminals and they became more trusted.

However, the Metropolitan Police Force only served London.

Other areas still used the unreliable nightwatchmen and if there was large-scale trouble, they would call in the army for support.

County Police Act 1839

The County Police Act made it possible for other parts of Britain to have a professional Police Force but most areas did not take this opportunity.

The Rural Police Act 1856

This law made it compulsory for counties to have police forces similar to the Metropolitan Police Force.



Pictures- Sgt Mansbridge of Sussex Police, 1864 (on the left) and P.C Oversby of the Lancashire Constabulary in 1874 (right)

The life and role of a Victorian Policeman-

- ❖ Police worked a 7-day shift system alternating between day shifts and night shifts
- ❖ There were no meal breaks. Officers were expected to eat 'on the beat'
- ❖ There were no radios or any other way to communicate on the beat and so requesting back up was pretty much impossible
- ❖ There was no transport until the early 20th century when bicycles were first issued to police officers
- ❖ There were no female police officers until the 20th century

Criminal Investigation

Having police officers 'on the beat' is only part of modern-day policing. Until 1842 though, there were no detectives and all police officers wore uniform.

The History of the C.I.D

In 1842, the Metropolitan Police Force set up a Detective Branch of the force which employed 8 plainclothed detectives.

Other police forces made similar provision and in 1854, the Nottingham Borough Police set up a Criminal Investigation Department. Their job was to investigate serious crimes such as murder, rape, serious assaults and large thefts.

In 1858, the Metropolitan Police Force's Detective Branch was involved in a scandal and many senior detectives were dismissed. Sir Howard Vincent, a lawyer, was asked to set up a C.I.D to replace the old department.



Other police forces followed on.

The work of a Victorian detective-

- ❖ Most detective work was unscientific.
- ❖ Detectives would look for clues such as broken glass, footprints etc but there was no use of fingerprints in a case until 1901.
- ❖ Many detectives relied on 'tip offs' rather than physical evidence

Victorian Crimes

Garrotting

Pick-Pocketing

Anti-Garrotting invention-

There were two crimes that are associated with Victorian Britain though some historians don't understand why....

Garrotting



Garrotting involved choking a victim either with their arms or a cord/rope. Once the victim was unconscious, the thief could calmly take their possessions. As they attacked their victims from behind, they could not be identified as the attacker.

The threat of garrotting caught the imaginations of Victorians but there is little evidence that this crime was common. Some newspapers sensationalised the few cases that did occur and to make things worse, some police forces classed other crimes as garrotting to improve their detection records!

Many contraptions were invented and put on sale to prevent garrotting attacks and the makers probably encouraged the newspapers to keep it in the news.



Pick-Pocketing

Pick-Pocketing was far more common than garrotting but the population was far less worried about it as it was a non-violent form of theft.

Pick-pocketing had been a problem before the Victorian era and it has continued to be a problem since. **However, it was a massive problem in Victorian towns and cities.**



Why was pick-pocketing such a problem?

- ❖ There was no/very little state provision for homeless children or orphans. This meant that they were susceptible to crime gangs who gave them somewhere to live and would teach them how to steal. An estimated $\frac{3}{4}$ of all pickpocket thefts were carried out by people under the age of 25 and $\frac{1}{2}$ were carried out by those under the age of 20
- ❖ Victorian towns and cities were crowded places and rich and poor often came into contact on crowded streets. This provided the opportunity to steal from the wealthy

Victorian Child Crime Gangs



A real-life crime gang in Victorian London



'Oliver Twist' was written by Charles Dickens. Oliver is an orphan who becomes part of a criminal gang run by a man called Fagin. The picture above is from the film 'Oliver'

Summary

Crimes	<ul style="list-style-type: none"> ❖ Although they are classed as 'new' crimes, it is more accurate to say that crimes such as pickpocketing were older crimes that became more frequent in this period. ❖ Garrotting was a new crime but was not as common as the press suggested. 	
Detection & Conviction	<ul style="list-style-type: none"> ❖ From 1829, modern Police forces began to appear ❖ From the middle of the 19th century, police forces began to have detective branches and then C.I.D ❖ Trials were carried out in a similar manner to today with Magistrates Courts for minor offences and Crown Courts for serious offences but cases were heard very quickly as there was not as much evidence to gather and the cases themselves did not last as long. A trial for pickpocketing might be done in a couple of minutes for example! 	
Punishments	Minor crimes- <ul style="list-style-type: none"> ❖ Short jail sentences ❖ Fines (if you were wealthy enough to be able to pay them) ❖ Flogging/whipping was sometimes carried out. This was more common with juvenile crime 	Major crimes- <ul style="list-style-type: none"> ❖ Longer jail sentences ❖ Up until 1868, it was still possible to be transported for conspiracy, treason or murder ❖ The death penalty was also a common punishment for treason and murder

Key Topic 4 c1900 – Present Modern Britain 20th Century

Conscription	Conscientious Objector
Military Service	Volunteer

Terms of the Military Service Act

January 1916

When war broke out, Britain had a small, professional army of about 100,000 soldiers compared to Germany who had an army of over 1 million men.



Britain had to recruit soldiers quickly and posters were designed to encourage men to join the army. This worked in the short term and the army was boosted by a large number of volunteers. By Christmas 1914, over half a million men had volunteered for the army.

By the end of 1915 though, Britain was in need of more volunteers but far fewer people were volunteering as the number of war dead was far higher than expected. Stories from soldiers home on leave also dissuaded young men from joining up.

Every single man and childless widower between 18 and 41 was offered three choices:

1. Enlist at once.
- 2 Give a valid reason as to why they could not enlist
- 3 Be automatically enlisted in March

In May 1916 the law was extended to married men.

Men could be classed as exempt from military service if-

- They were in a reserved profession (a job which was crucial for the war effort)
- They were medically unfit
- It would mean severe financial hardship
- They had a conscientious objection to military service

Conscientious Objectors

Some men objected to military service for various reasons-

- 1 Political objections
- 2 Religious objections
- 3 Moral objections

Some were forced to enlist as their reasons for objection were not classed as valid. Others agreed to do **non-combative** duty in the army.

Many of those who still refused were sent to jail where they were made to work. In

Crime and Punishment in the 20th Century

As a result, Britain passed **the Military Service Act** in 1916. This meant that the army changed from a **volunteer** army to a **conscript** army.

many cases, Conscientious Objectors were treated harshly by prison guards and by the public.

Borstal	Capital Punishment	Community Service
Open Prison	Probation	

20th Century Drug legislation

1916 – Defence of the Realm Act 1914 (Regulation 40B). Sale and possession of cocaine restricted to "authorised persons".

1920 – Dangerous Drugs Act. Limited production, import, export, possession, sale and distribution of opium, cocaine, morphine or heroin to licensed persons.

1925 – Dangerous Drugs Act. Controlled importation of coca leaf and cannabis.



1964 – Dangerous Drugs Act, following UN 1961 Single Convention. Criminalised cultivation of cannabis.

1964 - Drugs (Prevention of Misuse Act) criminalised possession of amphetamines.

1967 – Dangerous Drugs Act. Doctors required to notify Home Office of addicted patients. Restriction on prescription of heroin and cocaine for treatment of addiction.

The 20th Century saw massive changes to –

1. Crimes and types of crime
2. How the police tackled crime
3. How people were punished

Crimes and types of crime

In the 20th century, new crimes included-

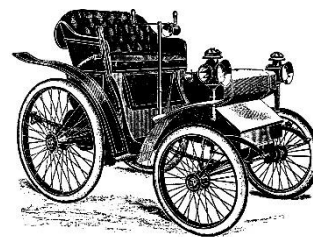
- 1) Drug taking and selling
- 2) Driving offences such as speeding and drink-driving
- 3) Race crimes

Some offences such as drug taking had never been controlled before the 20th century while driving offences only became an offence as cars became more common in Britain.

Drug Crime

Before World War One, drugs such as opium and cocaine were major ingredients of some remedies that could be bought in shops. The government was concerned that soldiers who had fought in the war were 'abusing' them and so brought in measures to control their availability and use. This

Driving Offences



When cars first appeared at the end of the 19th century, they were so rare that there were very few laws to control who could

started a whole host of further legislation which made the supply of illegal drugs a serious criminal offence

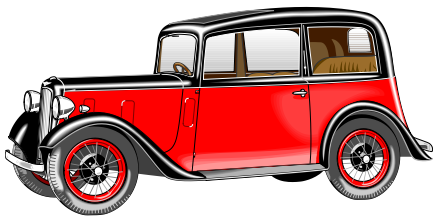
have them and how they were to be driven. As the number of cars increased, the law had to be constantly revised to keep the public safe.

The Motor Car Act 1903

- ❖ Made reckless driving a criminal offence
- ❖ Made it a legal requirement to register your car and display a registration plate
- ❖ Made having a driving licence compulsory (though there was no test)
- ❖ The Speed limit was raised to 20MPH (it had been 14mph)
- ❖ Made it a legal requirement to have working brakes

Road Traffic Act 1930

- ❖ Abolition of all speed limits for car
- ❖ Introduction of driving offences of dangerous, reckless and careless driving and driving whilst being unfit and under the influence of drink or drugs
- ❖ Compulsory third-party insurance



Road Traffic Act 1934

- ❖ Reintroduced a speed limit (30mph in built up areas)
- ❖ Made a driving test compulsory for all new drivers



Race crimes

Britain became a more multi-cultural society in the 20th century and there was mass immigration to the U.K. The two world wars were one of the biggest factors in this-

- ❖ In both wars, Britain asked for help from her former colonies and many people travelled to Europe to help.
- ❖ After World War 2, Britain was short of workers and the government said that anyone in the Commonwealth/Empire was welcome to come and live and work in Britain.

Racial Tensions

In response to the increase in non-white immigration, there were riots in some major towns and cities. Many white people felt that they were being 'priced out' of work by the new arrivals. Racial discrimination became common but was legal until the 1960s when the Race Relations Acts were passed (1965 and 1968). The acts made the following provisions-

These laws have all stayed in place but have been amended. For example, after 1930 it was illegal to drive under the influence of alcohol but the amount of alcohol allowed whilst driving changed over the course of the 20th century.

- ❖ Public discrimination became illegal (barring people from shops, hotels or restaurants on the grounds of race)
- ❖ It was illegal to deny someone a job or a house on the grounds of race.



The abolition of Capital Punishment

Capital Punishment was abolished as a punishment for murder in 1965. This was after several controversial executions which included-

- In 1950, Timothy Evans was hanged for the murder of his wife and baby daughter. It was discovered in 1953 that another man, John Christie, had carried out the crime. Evans was pardoned but he was obviously already dead.
- In 1953, **Derek Bentley** (see picture below) was executed for a crime which many people felt he was innocent of.



There was much outrage over the execution because-

- ▶ He was deemed to be 'mentally substandard'
- ▶ He was barely literate at the time of his arrest in 1952
- ▶ Craig was the person who fired the shots
- ▶ The Jury had found him guilty with a recommendation for mercy which usually meant that the death penalty was not carried out.

Derek Bentley

In 1952, Bentley and his friend Christopher Craig attempted to break into a warehouse. They were spotted by a neighbour who phoned the Police.

When the Police arrived Craig shot P.C Fairfax in the shoulder. Bentley was arrested but warned the Police that Chris has more ammunition. The police followed Craig and asked him to hand over the gun Derek allegedly said 'Let him have it Chris' Craig shot and killed PC Miles but it was argued, controversially, that Bentley had meant for Craig to shoot the Police Officer.

Both Bentley and Craig were found guilty of murder. Craig was too young to be executed (as he was 16) but Bentley was not and he was hanged in 1953.

The Murder (Abolition of Death Penalty) Act 1965

The Evans and Bentley cases were cited as reasons for the abolition of the Death Penalty in Parliament and Capital Punishment was abolished in 1965 for a trial period of 5 years. It was made permanent in 1969.

Summary of 20th Century

A large number of new crimes emerged under the following categories-
--

Crimes	<ul style="list-style-type: none"> ❖ Driving offences ❖ Drug related offences ❖ 'Hate' crimes ❖ Cyber crime 	
Detection & Conviction	<ul style="list-style-type: none"> ❖ From 1905 the use of fingerprint technology was used to apprehend criminals ❖ From 1910 Police were equipped with radios to call for assistance ❖ From the 1930s, the Police used motor vehicles ❖ From 1967 the Police used breathalysers ❖ From late 1980s, DNA (genetic) evidence available 	
Punishments	<p>Minor crimes-</p> <ul style="list-style-type: none"> ❖ Short jail sentences ❖ Fines for speeding offences ❖ Flogging/whipping was abolished in 1948 ❖ Community Service ❖ A.S.B.O (Anti-Social Behaviour Order) 	<p>Major crimes-</p> <ul style="list-style-type: none"> ❖ Death Penalty abolished in 1965 for Murder ❖ Death Penalty abolished for all crimes in 1998 (treason etc) ❖ Life imprisonment for murder