

# Crime & Punishment 1000 AD- the present day



## Revision booklet

GCSE History Paper 1

# Crime and Punishment in Saxon and Medieval England

## How was law and order maintained by the Saxons?

From the 5th century through to the Norman invasion of 1066 Saxon society controlled England. Saxon lords would keep control mainly through a traditional system of loyalty, which was rewarded, with gifts of money, land or power. If crime did occur there were a number of things that the Saxons put in place to maintain order.

### Saxon crime prevention & policing

#### 1. BLOOD FEUDS

If a person committed a crime against another then the victim's family may have a blood feud with the criminal's family. This meant that the victim's family was allowed to take revenge on criminal's family. The main problem with this method was if the victim's family retaliated with something that was considered harsher than the original crime then the family of the original criminal would feel the need to retaliate further to balance things out. This could go on for generations. This system was ended in the later Saxons period.

#### 2. WERGILD

This literally translates as blood money. Wergild was a bit like compensation for damage to a person. If you killed someone you owed a predetermined amount their family as Wergild, if you only took out their eye then you would still owe that person a Wergild but it would be of a smaller amount. There were set amounts for various parts of the body and these tariffs would be different from village to village.

#### 3. THE HUE AND CRY

If a member of the community saw a crime being committed they would cry out for others in the village to come to their aid and everyone was expected to help apprehend the criminal.

#### 4. TITHING

Once a man reached 12 years old he was expected to join a tithing. A tithing was a group of 10 men who were all responsible for their behaviour. If one committed a crime the others were responsible for bringing him to justice, if they did not and he was caught anyway the punishment would be given to all members of the tithing.

## 5. TRIAL BY ORDEAL

The trial by ordeal system essentially passed the judgement of innocence or guilt over to God. In the Saxon period there were four main ordeals that a person could be put through to allow God to judge them:

**a. Trial by Fire (or hot iron)** in which the accused would hold a red hot iron bar and then have their wounds dressed. If after 3 days their wounds were healing it was considered that god had protected them and they were innocent, if their wounds were infected God had forsaken them.

**b. Trial by Hot water** in which the accused would retrieve an object from the bottom of a pot of boiling water. Their wounds were then bound and inspected 3 days later.

**c. Trial by Cold water** in which the accused was thrown into a local pond or lake.

The water represented purity, therefore the guilty would be rejected and would float; unfortunately the innocent would be accepted into the pure water and could well drown.

**d. Trial by sacrament (or blessed bread)** was mainly used for the clergy and involved the accused praying that if they were guilty they would choke on a slice of bread, they would then eat the bread and if they survived they were innocent.

### Key Question: Was the Saxon justice system fair?

It is not enough to just know about the Saxon system of justice, for the exam you may also need to make judgements about it. In order to make a judgement it is very important to weight up **both** sides of the arguments.

Reasons why the Saxon system is fair	Reasons why the Saxon system is unfair
<p>The system of justice was the same for everyone.</p> <ul style="list-style-type: none"><li>• With the system of Trial by Ordeal everyone had the same chance of being protected by God.</li><li>• Humiliation was used as a punishment so that losing a family member to execution did not disadvantage families.</li><li>• Juries at the folkmoot were people who knew the accused and could be bias.</li></ul>	<p>Trial by ordeal was based on religious belief and not factual evidence.</p> <ul style="list-style-type: none"><li>• By using the tithings people could be punished for the crimes of another.</li><li>• Ordeals for the Clergy were not as harsh as other ordeals for non-clergy</li></ul>

## **Key Question: What changes did the Normans introduce?**

Following the battle of Hastings in 1066 William the Conqueror had to ensure that he was in total control of its people. The actions taken by William the Conqueror that had the most significant impact on law and order were:

### **1. INTRODUCTION OF TRIAL BY COMBAT**

For this ordeal the accused and the accuser would fight until either the death or one of the two gave in. The loser was considered to have been forsaken by God and was therefore guilty. For this ordeal people did not have to fight themselves, they could pay someone to fight for them. This put Norman lords who would have a lot more access to money in a stronger position than the average Saxon.

### **2. MURDRUM FINES**

This law stated that if a Norman law was killed and the killer could not be found it was considered to be 'Murdrum'. If the killer was not found then a hefty fine was given for the whole village to pay. This encouraged the other members of the village to inform on the killer if they knew who it was.

### **3. FOREST LAWS**

These laws applied to areas of woodland that were protected by William I. Saxons could not hunt deer; carry a bow or chop wood from the trees in these protected woods.

### **4. THE HARRYING OF THE NORTH**

When William I first came to power in England there were a number of rebellions (people who use violence to defy authority). William's reaction to this was to take decisive and harsh action. He would burn down villages to put his message across and also would kill whole herds of livestock. All of this was designed to deter further rebellion.

### **5. TRAVELLING JUSTICES**

If you wanted the king to hear your case then you could be waiting a long time to follow him around and get an opportunity for him to hear you. Some cases however needed to be heard by the king so that he could make a judgement. Travelling Justices were people who were given power by the king to hear cases and make judgements on behalf of the king. This made the court system much more efficient.

### **6. COUNTY GAOLS**

Until the county gaols were built the only form of prisons were those that were used to hold people prior to going to court. These gaols, once built, were used as a form of punishment.

### **7. TRIAL BY JURY**

If you felt that you did not want to be judged by an ordeal then you could pay for a 'writ' a document that allowed you to be heard in the king's court and be tried by a 12 man jury (the basic model that we still use today). Henry II also did not like the power the Church had in making legal judgements; because of this in 1215 Henry II ended the system of trial by ordeal. This meant that all criminal cases had to be tried by a 12 man jury and because the need for a writ was not removed it generated a lot of money for the king.

## **8. JUSTICE OF THE PEACE (JP'S)**

In 1361 the Justice of the Peace Act appointed 3-4 Justices of the Peace or JP's to each county. These JP's had the power to fine, bind and arrest people who were disturbing the peace. This was one of the first active forms of policing authorised by the king rather than just by ordinary people policing themselves.

## **9. COUNTY CORONERS**

These were people who were specifically appointed to investigate unexpected or suspicious deaths.

## **Key Question: What impact did religion have on medieval justice?**

In the medieval period religion played a much bigger part in everyday life than it does today. The Christian church had a direct impact on the people of England. The main impacts were as follows:

### **BENEFIT OF THE CLERGY**

The benefit of the clergy was the right that Priests had to have any discretion tried by the Church Courts. The church courts were seen as much less harsh than the King's court or the manor courts. Over time more and more people claimed the benefit of the clergy, from monks to the church doorkeeper.

### **SANCTUARY**



If someone was being perused for committing a crime and they made it to a church they could claim sanctuary. If they claimed sanctuary they would be protected from the law for 40 days. After this they could leave the country or face trial. A person was not allowed to claim sanctuary if they had committed certain crimes such as heresy. Over time the number of crimes a person was not allowed to claim sanctuary for was increased until Henry VIII dissolved the monasteries in 1536 and sanctuary ended entirely.

# New Crimes 1500-1750

## Background: Key changes in society

In this period of history it appears that crime begins not only to increase, but also to change. This is due to a great number of changes in British society; often influenced by who happened to be sitting on the throne at the time.

### 1. THE PRICE OF FOOD

During this period of history people will still dependant on good harvests to supply food. If there was a bad harvest and food supplies were low then the price of the food would rise. This made it much more difficult for poor people to get the food that they needed and would likely cause an increase in theft.

### 2. POPULATION GROWTH

This period saw an increase in the amount of people living in England. This created greater competition for the jobs that were available.

### 3. HENRY VIII AND THE MONASTERIES

During the reign of Henry VIII there was massive change in the Church. Henry VIII broke away from the Roman Catholic Church and set up the Church of England. One part of this 'reformation' of the Church was the dissolution of the monasteries. The main reason Henry wanted to close the monasteries was because they had lots of money that he could take. This impacted on poverty in England because part of the work of the monasteries was charitable.

## New crimes in the period 1500-1750

### 1. Witch craft

Laws from Henry VIII and Mary I made death the punishment for witchcraft.

The background to the witch craze was the religious changes of Tudor England. England became Protestant under Henry VIII and Edward VI. Mary bought back Catholicism and Elizabeth is switched back to Protestant. All of these changes have meant that Catholics and Protestants alike looked down on the other group and called them heretics, the anti-Christ, and labelled some women as devil worshipping witches.

More and more old women were accused of being in league with the devil particularly when times are hard. When the harvest fails and when food is scarce, people who do not fit in are blamed for bewitching the situation.

The lawmakers read about witchcraft in pamphlets and become more and more scared about it. Those people who now travel around bring with them awful stories of witches too.

## HOW TO SPOT A WITCH

There were a number of identifying features of witches that Matthew Hopkins used as evidence that a person was a witch. Most of this came from King James' book demonology. Some of the identifying features were:

- Having a witch mark; this was often a large mole or wart.
- Typically witches were elderly women, but not exclusively.
- Having a familiar; an animal what was the representation of the Devil come to feed off the witch's evil power via her witch mark.
- Missing church; people in league with the devil would not want to go into a church.
- Unintelligible muttering; if someone was muttering in a way that could not be understood and then something bad happened it might be thought that they were casting a spell.

The fact was that many people accused of witchcraft in this period were simply unfortunate people who happened to be alone a perhaps considered a little strange. As such when something bad happened in the village it was easy for the residents to assign blame to the village outsider. Matthew Hopkins used these attitudes to pin point women that he wanted to accuse.

## WITCH TRIALS

It wasn't enough to simply identify a witch, in order to execute someone it must be proven. Here are some of the methods used by Matthew Hopkins to prove a person was a witch:

- Ducking; this was very similar to the Medieval Ordeal 'Trial by Cold Water'. A person would be bound and then thrown into a local pond or lake. If they floated they were considered to be rejected by the purity of the water and must therefore be a witch. If they sank then they were being accepted into the purity of the water and therefore must be pure of spirit too.
- Examination of witch marks. If a needle could be used to pierce a mole or wart without hurting the person it was considered to be proof that it was indeed a witch mark. If it hurt then it was just a mole or wart. Matthew Hopkins was known for using a needle that would recede into the handle to give the appearance of piercing the flesh without hurting the person.
- Torturing the accused by forcing them to stay awake and unfed. They would be kept awake by being 'walked' up and down the room when they began to fall asleep. If any animals such as mice or even spiders entered the room when this was happening they could be considered evidence of familiars coming to feed. This however was not often necessary as many people would confess before this happened.

## 2. Vagrancy

Vagrants often left their villages and went looking for work. The punishment for vagrancy was a hole burnt the ear with a red hot poker and 30 lashes with a whip. If I am caught again they could be executed.

Most vagrants were simply people looking for work. The laws against vagrants from 1547 allowed them to be sold into slavery. This was changed in 1570 to whipping and ear burning.

The rich people did help the poor by paying the poor rate. However, there were more and more people starving and just not enough relief to go around. Also new Puritan ideas taught that idleness is wrong. It was a sin to not find work.

Lawmakers were scared of vagrants because they read lurid stories in pamphlets of the gangs of people willingly not working and preying on wealthy visitors.

### 3. Heresy

A heretic is someone who holds different religious beliefs to the Monarch. For instance, if people in protestant England continued to worship in the traditional Catholic way, through the Latin words of a Catholic priest and believed that The Pope is head of the Church.

Henry VIII used his powers a King to change the law, make himself Protestant and Head of the Church of England. He wanted to do this to divorce his Catholic wife Catherine of Aragon and marry Anne Boleyn. Many Catholics saw The Act of Supremacy – the King becoming Head of the Church, instead of the Pope, as against God. Henry used his powers to pass a law saying that supporting the Pope was treason. The punishment for traitors is hanging drawing and quartering.

## What were the key crimes of the 18th century?

Throughout the Early Modern period and particularly towards the end during the 18th century the number of laws introduced increased and particularly the number of capital crimes (crimes that carry the death penalty). A lot of this was because, following the Civil War, members of parliament and other rich land owners found themselves having more power and influence on law making. This new group of influential people wanted to use their power to protect what they had. Their answer was to introduce new laws that made seemingly petty crimes punishable by death.

This policy of introducing harsh punishments became known as 'the Bloody Code' and showed that the Early Modern answer to crime prevention was to use punishment as a **deterrent**.

Social crimes were those that were directly aimed at rich people and stealing their property.

### Types of social crime

#### POACHING



Poaching is the criminal act of hunting on someone else's property without permission. The difficulty with this in the 18th century was that unlike today it was much harder to define where one man's land ended and another man's land began as farmers did not 'enclose' (fence off) their land until later in the century. As such people had been hunting for centuries on land and never been told it was wrong...in fact it wasn't! This meant that when hunting on a landowners land without permission became illegal normal hunters suddenly became criminals just

by continuing to do what they had always done. Many people did not see it as a crime and continued to do it.



## HIGHWAY MEN

The Highwaymen were simply men who robbed people who were traveling on the highways. They targeted people who could afford to travel by stagecoach whom they presumed had money to steal. Theft had obviously been a common crime for centuries, but why did this particular type of crime become more common in the 18<sup>th</sup> century: Some reasons are outlined below:

- The roads between towns, cities and villages were not policed in any way.
- Handguns became easier to use and to get hold of.
- Horses became cheaper to buy.
- More trade between towns meant more people travelling on the roads.
- If local constables were in pursuit of a highwayman they would not chase him across county boundaries as they only operated in their local area.
- Highway robbery was seen as a major problem, but the harsh punishments of the bloody code were of no use if you did not catch the criminal. This particular type of crime did encourage authorities to take measures to prevent this crime, rather than just punish them and hope that would deter others. The measures put in place were:
- Justices of the Peace (JP's) would not licence taverns that were known to harbour Highwaymen.
- Major cities like London started to put patrols on the main roads to and from the city.
- People started to carry less in their carriages. Some actually carried two purses, one with their real valuables and one with some money to give to the highwaymen. Since the 18<sup>th</sup> century there have been many tales of highwaymen such as Dick Turpin. These highwaymen are often portrayed as being 'gentlemen robbers'. This suggests that they performed their criminal acts in a polite and civilised way. Other sources however do suggest that the highwaymen were cruel and violent thugs.

## SMUGGLING

Smuggling was the process of bringing goods in from abroad without paying any tax duty on them. This made the goods that the smugglers brought in



cheaper and more accessible to the people of the towns. Not only were they getting goods to people more cheaply but the fact that they were doing this by getting one over on the rich government officials by not paying tax made it just that bit better in the eyes of the people buying the goods.

# Crime and Punishment in Industrial Britain

Although the industrial revolution is considered to have started in approximately 1750, we really need to industrial revolution to take effect before we can assess its impact on society; specifically crime and punishment. This chapter therefore looks at Britain at the high of industrialisation, for the most part during the 19th century in the Victorian period.

## **Key Question: How did industrialisation change crime and punishment in this period?**

This period of history has its own 'crime profile' that shows it to be different from the other time periods. At the start of the 19th century there is a massive and rapid increase in recorded crime. It is important to remember that most of our history is an interpretation of the facts we have available to us. This means that crime may have risen in this time period, or perhaps there are just more records of crimes for historians to look at. This key question will explore the possible reasons why crime rates increased.

### **THE BLOODY CODE**

As we have learned from the previous chapter the bloody code was the name given to the particularly harsh set of laws used in Britain throughout the 18th and into the 19th centuries. These harsh laws meant that a great number of crimes were punishable by death! A legal system such as this, which is focused on punishing all crimes, will of course result in a greater number of recorded punishments and executions. If you did not know the context of the bloody code it might seem that there was a massive increase in violent crime during this period.

### **GOVERNMENT**

During this period of history the government began to centralise activities. This meant that many of the decisions that had been made at a local level were now being made at a national level. Prior to this period the local lord in an area would have a say in legal matters, this would result in verdicts and punishments being different from town to town. With a centralised government the laws and decisions made in London would be used everywhere. This made many legal matters seem fairer. The other major difference caused by this was that central government needed to keep tabs on what was happening all over the country, to do this they had to keep records of everything. This again could have caused an increase in recorded crime.

### **POPULATION**

As with the Early Modern period, in industrial Britain population began to boom even further. With greater efficiency in farming methods meant that there was enough food to support a growing society. Some developments in health care meant that people were living longer. With a growing birth rate and increasing mortality rate the population began to increase massively. As

we have noted in previous chapters an increasing population result in more people competing over a limited amount of resources, which often leads to theft and violence.

## **MIGRATION**

A further impact of industrialisation was the decreased need for farm labour and greater need for factory workers. This meant that more people were moving away from the small villages and into the towns. Creating a situation in which many people were living in a small space. Sometimes this led to overcrowding and often having lots of people in a small place led to more theft and more common occurrences of violence (just like in ancient Rome).

## **PROTEST**

During the industrial period there were many different types of protest. Some protest groups such as the Luddites were concerned with the fact that new technology was replacing people in the work place. They would protest by destroying machines and damaging factories. Other protests were not necessarily illegal, but could lead to violence depending on the mood of the crowds. These were mainly political protests about peoples' rights, including the right to vote. Many of these types of protest got out of hand because the authorities were worried about revolution, similar to those that happened in France at the end of the 18<sup>th</sup> century.

## **What was transportation?**

Transportation was a form of punishment used in the mid-18<sup>th</sup> and early 19<sup>th</sup> century. It involved taking convicted criminals to another country to become slaves for a period of time to foreign landowners. It often involved either farm work or becoming a household servant.

## **Why transportation?**

The 'Bloody Code' which characterised the 18<sup>th</sup> century was becoming less popular towards the 19<sup>th</sup> century. Many people felt that the death penalty for most crimes was too harsh and people increasingly felt that the punishment should fit the crime. Prisons however were not a real option. Although prisons did exist there were not many of them in a way that we would understand today. Most towns and villages had holding cells, but these were only a short term solution, often only holding prisoners until their execution. There was not a developed system to hold lots of prisoners on a long term basis. To answer to was transport convicts to another country to serve as slaves. Convicts had been sent to America to serve as slaves in the British colonies for many years, in the 19<sup>th</sup> century it was more common to have slaves sent to the new colony of Australia and it is Australia that became most associated with transportation.

## Why Australia?

Following the American war of independence in the 1770's Britain lost the colonies it had in America. It was no longer possible after 1780 to send convicts to America.

Fortunately Captain Cook had discovered Australia in 1770 and the government of

Britain decided that this new land should become the new colony for British convicts.

The first colonists arrived in Australia in 1787. They came to Australia on a ship of roughly 1000 people, 72% of whom were convicts. Only 11 members of the original colony were trades people capable of setting up the basics needed for a new colony. This colony of roughly 200 free men and women and 700 convicts was left for two years before new colonists came with new supplies people.

## What happened to transported convicts?

Typically if the convict was sentenced to transportation they would be sent to Australia for a term of between three and seven years. The sentence did not start until they landed in Australia and began their service to whomever they were attached to. The main problem with this was that the Government would not pay to send people to Australia every week, as it was such a long journey. This meant that convicts were sent to wait on board large ex-navy vessels known as 'Hulks'.



The Hulk ships would act as a floating temporary prison. When the hulk ships were full it would then set sail for Australia. The journey to Australia could take up to 9 months. This could mean that if the convict had to wait three months for the ship to fill and then a further nine months to travel to Australia, they would have effectively added a whole year onto their sentence.

Once the convict had arrived in Australia they were sent to work for one of the colonists. This could be either as a servant in their home or someone who would work on their land. They would work for that person for free for the entire term of the sentence. In return for their free services it was the responsibility of the colonist to feed and shelter the convict for the time of the sentence. Once the sentence was completed the convict was then free, however if they wanted to return back to England they would have to pay for transport themselves. Unfortunately as the convicts had been working in Australia for free they did not have any money to pay for the transportation back home and many ex-convicts then ended up staying on in Australia and setting up a new life for themselves there. Sometimes their families would even come out to Australia to be with them.

## Why did transportation end?

Transportation ended in 1857 in this happen for a number of reasons.

- Many people back in England felt that sending people to Australia was more like a holiday and therefore was too soft as a punishment. In fact when gold was discovered in Australia in 1851 many people wanted to move to Australia and it therefore was no longer seen as an adequate punishment.
- Certain groups in the Houses of Parliament felt that transportation was not an effective means of decreasing crime and lobbied for the reduction and end to transportation.
- By the 1840s so many people have been sent to Australia that it had become a nation in its own right. The people who lived in Australia, and started to call themselves Australians, did not like the idea of England dumping its convicts on them. They campaigned to end transportation.
- Following a number of investigations it was determined that a number of convicts were treated violently or simply suffered on the journey over to Australia.
- Due to a number of prison reforms that had taken place in England it was now more practical and cheaper to keep people in local prisons rather than transport.

## Key Question: In what ways did prisons change during this period?

Throughout the industrial period the prison system in Britain changed from being a collections of holding cells with the occasional gaol, to being a wide spread system of correction facilities. The punitive attitudes of the 18th century that had created the bloody code were now changing to attitudes of reform; people wanted to change criminals to positive members of society rather than just locking them up. This did not happen overnight and involved a number of people and legal changes.

## The Reformers

Changes to the prison system in Britain did not happen overnight and they were the result of changing opinions of the general population. It did however take the involvement of some key individuals to move the process on quicker. Three of the main reformers are mentioned below.

### ELIZABETH FRY

As a Quaker her beliefs were that 'there is something of God in everyone'. It was this belief that prompted her to want to volunteer to help out in women's prisons. When she went into the prisons she was horrified by what she saw. The conditions were disgusting and overcrowded. Most of the jailers were male and unpaid; as a result they abused their position of authority to get money out of the inmates.

Fry spent her volunteer time in the prisons trying to educate the women she found and give them new skills. She would have them sewing and knitting garments and would sell them for them to the public. When Fry was not in the prisons she was speaking out about how prisons should be changed and her activities in the prisons made her famous. With her fame she gained a political voice and eventually her ideas about how prisons should be

changed were adopted in the **1825 gaols act**. The main changes were that men and women were separated in prisons and female jailers looked after women.

### **JOHN HOWARD**

Although John Howard was slightly before Elizabeth Fry's time, his story is very similar. As High Sheriff of Bedfordshire Howard had the opportunity to inspect the local prisons and was shocked by the conditions that he saw. Howard was responsible for publishing a paper outlining the problems in the British prison system and made the issues widely known. Many of his suggestions for better hygiene, separate cells and rehabilitation were taken on board when the Prison system was reformed, unfortunately for Howard he had died 30 years before the first reforms were put in place.

### **SAMUEL ROMILEY**

Rather than being a critic of the prison system, Romiley was a critic of the Bloody Code. In his view it was too harsh and often judges were letting people get away with crimes because they knew that the alternative was death. Romiley felt that by campaigning for more moderate punishments, such as prison, then more people would actually end up getting punished. In his lifetime Romiley campaigned to have the death penalty removed from a number of minor crimes and succeeded with some, such as petty theft and begging.

## **The Reforms**

As we can see from the reformers above people's attitudes began to change during the 19th century. The loss of freedom and liberty was now being seen as the punishment and the poor conditions in prison were seen as unnecessary extensions of this punishment. People wanted prisoners to become new and better people when they left prison; something that was very unlikely to happen under the old system.

### **THE OLD SYSTEM**

Since the early 18th century most prisons had been the same way that Elizabeth Fry saw them. They were damp, dirty and everyone was together. They did not have special wings for violent criminals, or less secure areas for fraudsters. Everyone; man, woman, child, lunatic, thief or murderer were kept together. The other key feature of the old system was that jailers were unpaid. They made their money by charging inmates for their work. You had to pay the jailer to let you in your cell, to unlock your shackles, to give you your food and even to let you out when your sentence was complete. Prisoners depended on their families or charities to give them the money they needed.

### **THE FIRST REFORM ACT 1820S**

The Home Secretary Robert Peel passed the first set of Reform Acts in the 1820s. These Acts mainly took on board the ideas of people such as Elizabeth Fry and John Howard. These acts stipulated that prisons needed to separate various groups of prisoners, specifically making provision for women to be separated from men. All prisoners were to be well fed and to live in healthy conditions. Prisons were to be inspected regularly by the local magistrates.

The Act also made it necessary for prisons to have a Governor in charge and for the jailors to be paid staff. Unfortunately this act only applied to the larger prisons in the country and in many cases was ignored, but this did represent the start of a changing system.

### **THE SEPARATE SYSTEM**



This system originated from the idea that if people were taken away from wicked influences then they might become good. As a strong Christian society it was not believed the people were simply born bad, and as such people had the potential to be good if they were separate from others that might lead them astray.

This system was essentially permanent solitary confinement. Inmates would be alone in their cells, they would be alone when they ate, when they exercised in the year they would wear head gear so that they could not see or speak to other inmates. Even when they went to the chapel, each inmate had their own booth that separated them from the others in the room. For many of the inmates this type of solitary confinement was impossible to live with, more people committed suicide under these conditions, more people had nervous breakdowns and more people became insane as a result of this type of incarceration.

### **THE SILENT SYSTEM**

As the 19th century went on and more reforms were introduced to improve the conditions for prisoners attitudes began to change again. The years of the bloody code had meant that people felt punishment was too harsh and something needed to be done. Prison reform was the answer to these changing views, unfortunately overtime people began to feel that prison was becoming a soft option and more needed to be done to ensure it was seen as a punishment. The Silent System was designed to do this. Prison became a period of 'Hard Labour', 'Hard Fare' and 'Hard Board'. This meant that inmates were locked in their cells, given basic food and basic sleeping conditions. When they were given work or hard exercises to do and (giving the system its name) this all had to be done in silence.

### **PRISON FOR CHILDREN**

The 19th century ideas of reforming prisoners rather than punishing them were especially important with children. Children were removed from the general prison population and given their own specific types of prison. The first of which was set up in Borstal and these types of juvenile prison have been referred to as Borstals ever since. These were essentially high security boarding schools where the students were expected to learn new skills but live in conditions similar to prison.

# How did people feel about the newly developed police force?

Throughout the 18<sup>th</sup> and 19<sup>th</sup> century England saw the creation of a proactive police force whose job it was to catch criminals and prevent crime. was a major change and resulted in mixed reactions.

## THE BOW STREET RUNNERS (1754)

The Bow Street Runners were a group of constables who operated out of Bow Street Magistrates Court in London under Sir John Fielding. Constables in the inner London area were very much like hired security guards and had very little training. Fielding made a point of having his men trained, uniformed and well paid to motivate them to do their job properly. The draw back with this group was that they were limited to a small number of constables and only operated in a small area of central London.

## METROPOLITAN POLICE ACT 1829

The Metropolitan Police were the first official police force based in London. The idea for this well trained and organised police force was inspired by the work of the Bow Street Runners. Below are the other contributing factors:



- There was an increasing fear of crime from the middle and upper classes.
- These were influential people.
- The old system of watchmen and constables was not sufficient to prevent crime in Industrial London. Watchmen were accused of spending too long at their post and not enough time on the beat. The Local constables were only in their job for a year at a time and many saw it as a duty they had to do and get it over with, not something they really cared about.
- Following what had happened in France in the 1790's people (mainly those in positions of power and from the aristocracy) were afraid of revolution and wanted a force in place to prevent this sort of thing from happening.
- As the population increased and people began to be crammed into the large cities like London, it was felt that these places became breeding grounds for criminals.
- Central Government was having increasing involvement in local policy involving crime and punishment and they felt that a centrally organised police force would be more effective than the only local system. The Home Secretary Sir Robert Peel felt that a police force was needed and he had the skills and authority to make it happen.

## INITIAL REACTIONS TO THE POLICE FORCE

When the police force was set up the general public did not like them. This was mainly because there had been nothing like this before and people felt



that the police were like snitches or informers. Having uniformed men on the streets looked a little bit too much like having soldiers in the streets and this felt like people were losing their civil liberties and being controlled by the government. Peel tried to combat this by dressing his 'Peelers' in all blue. The idea was to make them look the opposite of the military red coats.

In the early days of the force one of the main problems with the constables was drunkenness. 80% of all dismissals were due to drunkenness and this of course did little to help the police with their public image.

### **Why did attitudes change towards the police?**

Over time the popularity of the police force did increase, as with most things this is not due to just one thing. It is important to realise that much of the initial distrust of the police was because they were a new part of society and as time went on people simply got used to them. There were, however some key factors that help people to change their attitudes towards the police.

Recruitment and training of the police force – despite being called names such as 'blue devils' in their early days, Peel's police force was trained not to react to this sort of behaviour. Peel felt that if the police were seen as quick to anger then they would become hated and unapproachable. Only literate people could get the job and it was essential that they had a good manner with the public. As we have seen above, drunkenness was not tolerated and this resulted in dismissal.

- Crime rates were seen to fall after the police were introduced. People began to feel that they were doing what they were supposed to do and this helped people to begin to trust them.
- The police did not inform on the public and did not affect the civil liberties of the general public. This was one of the main fears and once people were confident that this would not happen they could begin to trust the police.

# What was the most important factor affecting crime in the 20th Century?

*There are several factors which affect crime in any period. The 20th century saw big changes in almost every one of them:*

- **The economy.** By the early 20th century many of the old industries on which Britain's industrial supremacy had been based were in decline. In the 1930s depression they were hit hard: national unemployment in 1933 was 22%, but in parts of northern England, Scotland and Wales it was much higher. Some people did not have a job for twenty years. At the same time, new industries: electricity, radio, cars, household goods sprung up in new areas. There were thus huge contrasts of wealth and poverty between areas and between classes for much of the century. In the search for work, people increasingly moved around the country, making communities less stable and people more unknown to each other.
- **Technology.** Several new inventions had effects on crime, but the greatest of these by far was the motorcar. Aeroplanes made international transport and smuggling easier. The impact of new forms of entertainment, particularly the cinema and TV, worried many people. By the end of the century, the widespread use of computers created new kinds of crime.
- **Government.** In the twentieth century governments took on new roles: the "Welfare State", begun by the Liberals, 1906-14, and continued by the Labour governments of 1945-51, gave greater security to all citizens. For the first time in History, there was no danger of starving to death, or dying in total poverty. There was free medical care on the National Health Service and universal, free education to 16. The government also created laws intended to change attitudes, such as outlawing sex and race discrimination.
- **War.** The two World Wars, 1914-18 and 1939-45, brought all kinds of changes. Apart from the destruction of homes and towns, family life was disrupted by conscription and evacuation. The government acquired all kinds of new powers to intervene in people's lives.
- **Beliefs.** At the same time, religious belief declined. Attitudes were shaped more by TV and newspapers than by the churches.

# Key Crimes of the Twentieth century

## 1. Car Crime:

By 1930 there were 1 million cars on Britain's roads and 25 million by the end of the century. In order to deal with this huge new phenomenon a mass of new offences were created: car ownership involved getting licence, tax and insurance; the car had to be roadworthy; the driver had to obey all kinds of new signs and instructions; the car had to be driven carefully, according to strict safety laws and not under the influence of alcohol. Most of these laws were passed in order to try to limit the massive death rate: 6,500 people a year were being killed road accidents in the 1930s (it is now about 4,000 a year). Then there was the effect on other crimes, like robbery, of having a fast getaway vehicle, as well as the theft of cars and joyriding.

By 1939 nearly 60% of all crimes were car crimes of one kind or another and they still make up half the business of the courts.

One unforeseen aspect of car crime was a change in the type of people caught breaking the law. Pre-20th century crime was almost completely working class, but offences like breaking speeding or parking regulations brought middle class people up against the law.

## 2. People Smuggling

As in other periods, as long as governments imposed restrictions on imports, people tried to smuggle goods. New 20th century transport methods, particularly international air travel and the Channel Tunnel, have made smuggling easier.

In the early 20th century import duties on brandy, gin and cigarettes meant it was worth smuggling them. Then the increased demand for illegal drugs, and the huge amounts of money to be made, attracted smugglers. By the end of the century, immigration restrictions created the most bizarre smuggling of all: human beings wanting to enter Britain.

## 3. Cyber Crime

As the Twentieth Century became the internet age it opened up new possibilities for criminal activity. Access to the internet allowed for the proliferation of on-line hate crimes as well as banking and identity theft.

# Major changes to policing in the Twentieth Century

By 1950 policing in England had improved an awful lot. Bobbies walked the beat, CID investigated crime, fingerprints and forensics were used to investigate crimes including. The Colin Pitchfork case proved that scientific methods such as DNA profiling could be used to catch criminals.