

Edexcel GCSE (9–1) History

CRIME AND PUNISHMENT IN BRITAIN

c.1000–PRESENT &
WHITECHAPEL c.1870–c.1900



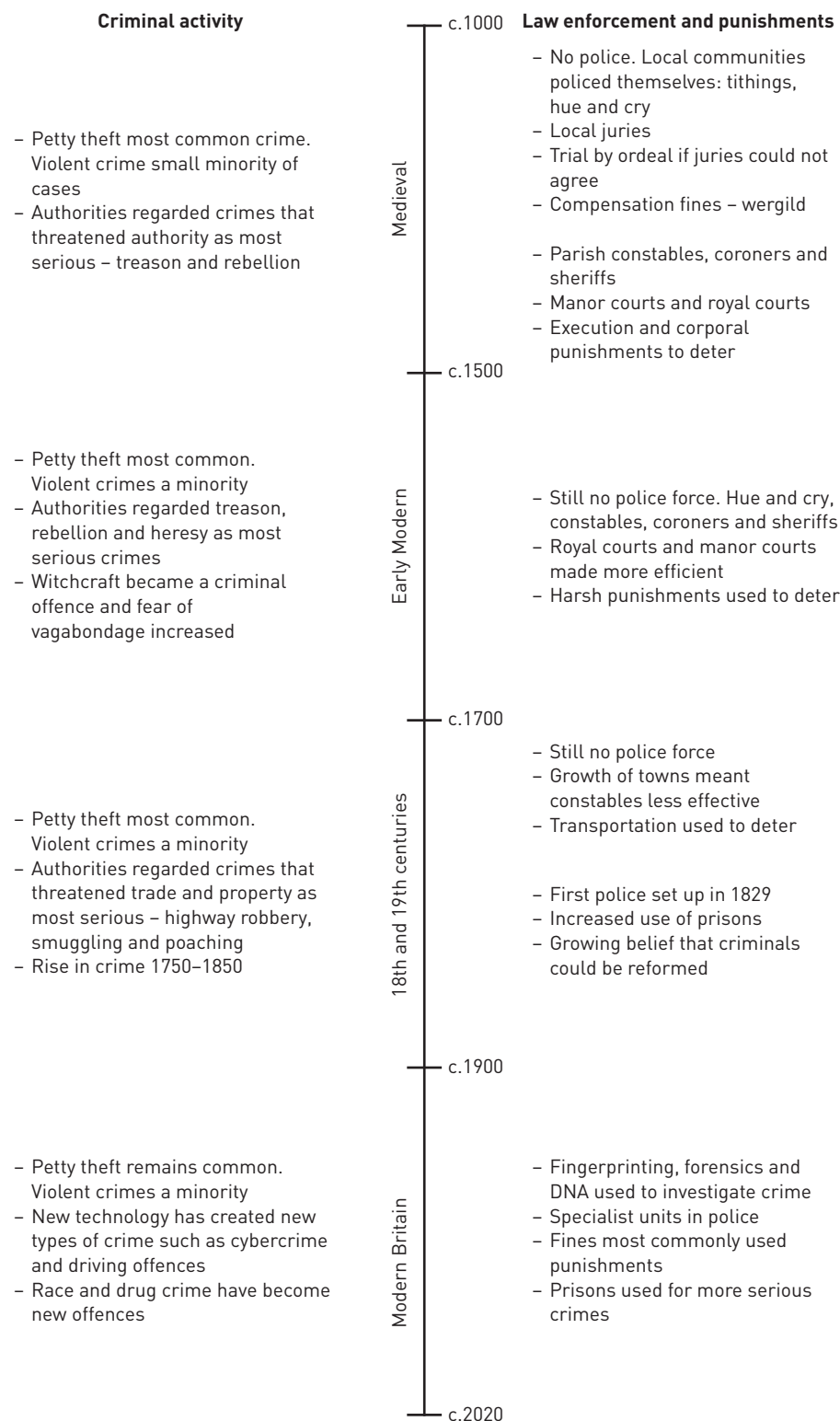
Alec Fisher

Part 1 Crime and punishment in Britain, c.1000–present

Crime and punishment in Britain is a development study. It is important that you have a secure chronological understanding of the content – what happened and when. You also need to be able to identify changes and continuities in methods of crime prevention and punishments.

An overview of crime and punishment from c.1000

REVISED



Revision task

Create your own crime and punishment timeline by copying the example on this page. Make it bigger. You could use a roll of lining paper. As you work through this book, add key events, individuals and developments to make it more detailed.

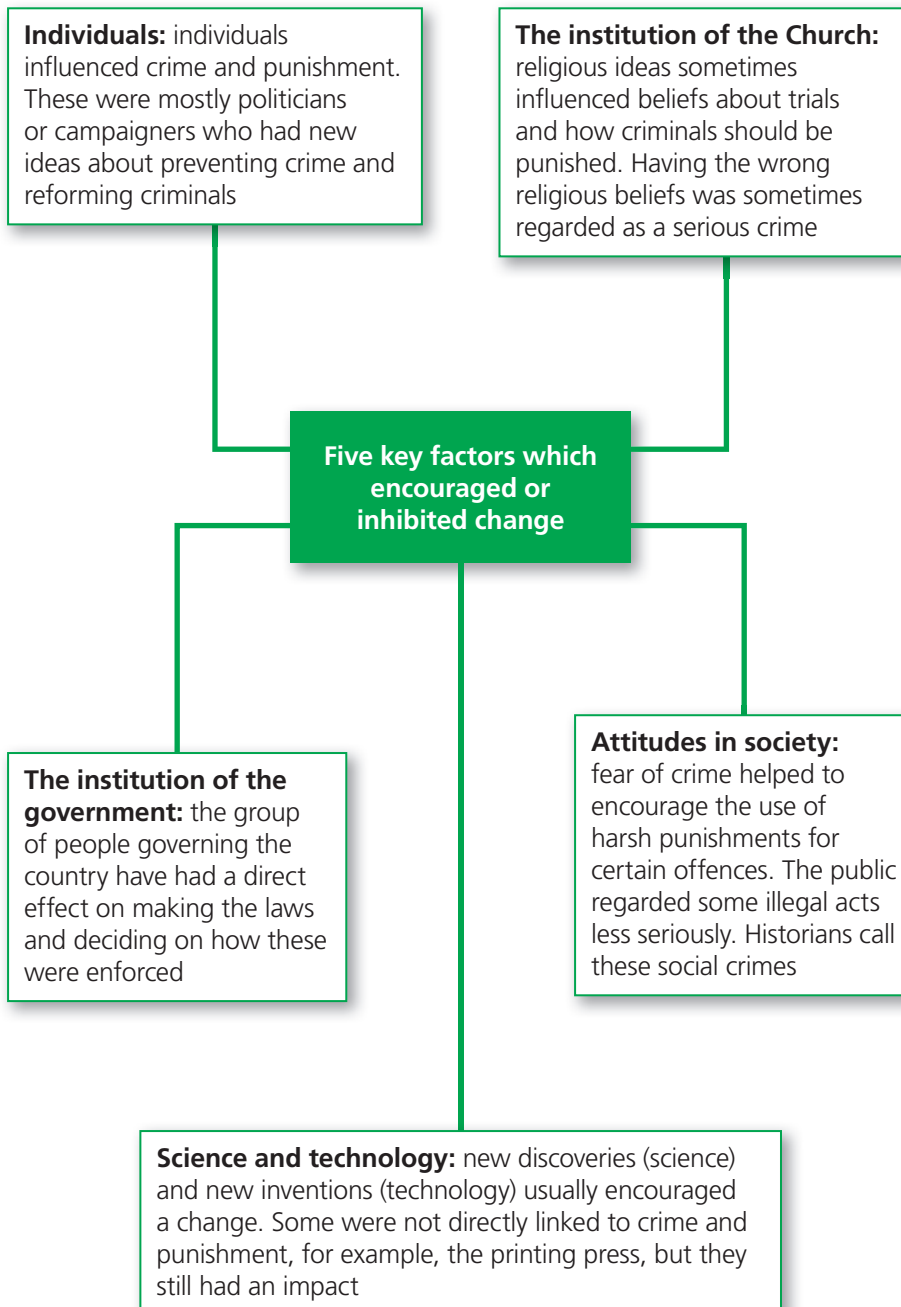
The role of factors

REVISED

Factors are things that influenced crime and punishment in the following ways:

- They helped to cause change: for example, the factor of individuals contributed to improvements in prisons during the nineteenth century through the campaigning of Elizabeth Fry.
- They helped to prevent change: for example, the factor of the government contributed to the continued use of harsh punishment as a deterrent from the late middle ages to the nineteenth century.

The main factors that you could be asked about in your exam are shown in the diagram below, with an explanation of what they mean.



Revision task

Create a table of the factors in each time period that led to a change in crimes, methods of enforcing the law (trials and policing) and punishments.

Exam tip

Remember that there are other factors that were important in particular periods of history, but not consistently through time. Therefore, you should also consider the effects of *poverty and wealth*, *travel* and *towns* on crime and punishment when planning your answers.

4 Case study: Did the Church help or hinder justice in the early thirteenth century?

REVISED

The Church and religious beliefs played an important part in medieval law and order. Even after trial by ordeal (see page 6) was abolished in 1215, the Church continued to have powerful influence on justice.

Key term

Hinder To make things more difficult.

4.1 Sanctuary

If someone on the run from the law could reach a church, he or she could claim sanctuary. Once criminals reached sanctuary, they were under the protection of the Church. Even the county sheriff could not remove them.

The criminals had 40 days either to face trial or to leave the country. Those choosing to leave walked, barefoot and carrying a wooden cross, to the nearest port and boarded the first ship overseas.

4.2 Church courts

The Church claimed the right to try any churchman accused of a crime in its own courts. Unlike ordinary courts, Church courts never sentenced people to death, no matter how serious the crime committed.

Church courts also dealt with a range of moral offences including failure to attend church, swearing, drunkenness, adultery and playing football on a Sunday. In this way, it helped to control the lives of ordinary people.

4.3 Benefit of the clergy

Benefit of the clergy was the claim by an accused person to be tried in the more lenient Church courts. In theory, this was intended only for priests. In practice, anyone loosely connected with the Church, such as church doorkeepers or gravediggers, used it to escape tougher punishments.

The Church used a test requiring the accused to read a verse from the Bible. This helped to weed out non-churchmen who, unlike priests, were usually unable to read. However, some criminals learned the words by heart. This was known as the 'neck verse' because it could literally save your neck from the hangman's noose.

4.4 Trial by ordeal

Up until 1215, trial by ordeal provided an outcome if a local jury could not reach a verdict. However, this was based more on luck than on real guilt or innocence. Therefore, guilty criminals could escape punishment and the innocent could be punished. The idea behind trial by combat was similar. If the accused was innocent, then God would grant him victory. If he was guilty then God ensured his defeat. In reality, the outcome of trial by combat depended more on strength.

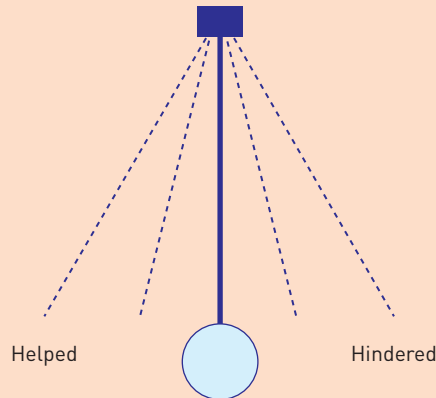
Exam tip

It is not enough to simply list or describe the features of the Church. The examiner wants you to be able to explain *how* these helped or hindered justice.



Making a judgement

Draw your own copy of the pendulum below to show how much of a help or hindrance to medieval justice each type of Church involvement was. Use the information on page 12 to mark on sanctuary, Church courts, benefit of the clergy and trial by ordeal. Add a couple of sentences explaining in what ways it helped or hindered justice.



Eliminate irrelevance

Below is an exam-style question:

Explain why the Church sometimes hindered justice in the early thirteenth century. (12 marks)

You may use the following information in your answer:

- Trial by ordeal
- Sanctuary

- 1 Below is a paragraph which is part of an answer to the above question. Some parts of the answer are not relevant to the question being asked. Draw a line through any irrelevant information that does not directly help to answer the question.
- 2 Add one more reason of your own that helps to answer the question.

During the medieval period, the Church had great power and authority. England was a very religious society and the overwhelming majority of people, including monarchs, took the teachings of the Catholic Church very seriously indeed. One way the Church and religious ideas hindered justice was through the use of trial by ordeal. This was used if a local jury was unable to reach a verdict. There were four different types of trial by ordeal. These were trial by hot iron, trial by hot water, trial by cold water and trial by consecrated bread. Trial by cold water was usually taken by men. The accused was tied with a knot above the waist and lowered into the water on the end of a rope. If the accused sank below God's 'pure water' then he was judged innocent. If the accused floated, then he had been 'rejected' by the pure water and was guilty. The idea behind trial by ordeal was that God would help to judge guilt or innocence through sending a sign such as the accused sinking in trial by cold water. However, this sign was based more on luck than on actual guilt or innocence and so the guilty might go free while the innocent were punished.

Secondly, if a criminal on the run reached a church they could claim sanctuary. This put them under the protection of the Church. Even the county sheriff could not remove them. The criminal then had 40 days to face trial or leave England. Those who chose to leave had to walk, barefoot and carrying a wooden cross, to the nearest port to board the first ship overseas. This meant even criminals who had committed serious crimes could escape justice altogether.

4 The nature of law enforcement and punishment (1)

REVISED

Between 1500 and 1700, various changes were made to improve law enforcement. However, there were also continuities and responsibility remained with the local community to catch criminals and bring them to justice.

4.1 Policing

Continuities since the late middle ages	Changes
<p>The hue and cry was still used. If the alarm was raised, citizens had to turn out and look for the criminal. This was led by the constable.</p> <p>Citizens (ordinary people) were still expected to deal with crime themselves. If someone was robbed it was his or her responsibility to track down the criminals and deliver them to the constable.</p> <p>Constables continued to have an unpaid and part-time role. They did not go out on patrol and spent most time dealing with everyday matters such as begging or drunkenness. Constables had the power to inflict some punishments, such as whipping vagabonds.</p> <p>Coroners still investigated unnatural deaths.</p>	<p>Watchmen were employed in larger towns to patrol the streets day and night. They were expected to arrest drunks and vagabonds. Watchmen were allowed to peer into windows to look out for crimes. They were poorly paid and often of little use.</p> <p>Rewards were offered for the arrest of particular criminals accused of serious crimes. Rewards could be very high indeed – equal to a year's income for a middle-class family.</p>

Key terms

Habeas Corpus Literally means 'you have the body'. It is an order for an accused person to be brought before a judge or court to establish on what charges they are being held. This prevents unlawful imprisonment.

Justices of the Peace (JPs) Local officials appointed to keep the peace and judge cases. They were usually well-off landowners and people of local importance.

Watchmen Men who patrolled the streets trying to prevent crime.

4.2 Trials

Continuities since the late middle ages	Changes
<p>There were a variety of courts in use but all still relied on a local jury.</p> <p>Manor courts dealt with local, minor crimes such as selling underweight bread and drunkenness.</p> <p>Royal judges visited each county twice a year to deal with the most serious offences. These were known as County Assizes.</p>	<p>Justices of the Peace (JPs) became an important part of local law enforcement. JPs judged manor court cases. They could fine people, send them to the stocks or the pillory, and order them to be whipped. They were assisted by the constable.</p> <p>Quarter Sessions were held four times a year. JPs from across the county would come together to judge more serious cases. They even had the power to sentence someone to death.</p> <p>Those accused of committing serious crimes could no longer claim benefit of the clergy (see page 12).</p> <p>The Habeas Corpus Act of 1679 meant that everyone arrested had to appear in court or be released. People no longer feared being seized and locked up without trial.</p>

Revision task

Some answers have been provided below and it is your job to come up with suitable matching questions. Try to make each question as detailed as possible so that you are using your knowledge to help you word it.

- Watchmen
- Justice of the Peace
- *Habeas Corpus*
- Quarter Sessions
- County Assizes
- Manor court
- Royal court
- Unpaid and part-time
- Unnatural deaths
- Equal to a year's income.



Change and continuity spectrum

Make your own copy of the spectrum below. Mark on where you think policing methods and trials go. Add annotations to explain your view and support with specific factual details.



Memory map

Create a memory map to show the different ways the law was enforced c.1500–c.1700. Add to the map using the information on page 20. Use key words or phrases. You could use one colour for changes and another for continuities. Do not write in full sentences. You could also add some small drawings to help you remember.



2 Tensions in Whitechapel

REVISED

The residents of Whitechapel faced increasing competition for housing and employment with immigrants from Ireland and eastern Europe. This caused various tensions within the community. When the Ripper murders began (see page 46), some members of the press and the public argued that the killer must be a foreigner as no Englishman would be capable of such barbaric acts.

2.1 Irish immigration

Since the early nineteenth century, young Irish men had been coming to England to make a living working as ‘navvies’ – labourers on canals, roads and railways. Large numbers settled in Whitechapel due to the cheap lodgings and closeness to the docks. They were often hard drinking and this could lead to violence, causing tension with the rest of the community.

The Irish were targets of prejudice because of their Catholic religion, but also because of the rise in ‘**Fenian**’ Irish Nationalism. Ireland was ruled by Britain, but many Irish people wanted independence. In 1884, the Fenians began a bombing campaign. Although only a few people were hurt, public opinion stereotyped the Irish as violent criminals and potential terrorists.

2.2 Eastern European Jewish immigration

After 1881, Russian Jews came to England in large numbers because they were persecuted in Russia following the assassination of Tsar Alexander II. Around 30,000 arrived in London between 1881 and 1891.

Jewish immigrants found it harder to integrate than the Irish, partly because of language barriers, but also because of cultural and religious differences. Many Jewish immigrants spoke only **Yiddish** and so ended up working for more established Jewish employers, often in sweatshops. This meant that Jewish workers were often quite separate from the wider community and therefore a target for prejudice.

2.3 The growth of anarchism and socialism

There were fears that immigrants were bringing dangerous political views with them. There had been several attempted assassinations and bomb attacks in Europe, carried out by anarchists. The idea of **anarchism** was developed by Russian revolutionaries, and therefore the authorities and the public were suspicious of Jewish immigrants from eastern Europe.

Some Jewish immigrants did bring revolutionary political beliefs and set up **socialist** organisations and newspapers. There were strikes and demonstrations, usually demanding shorter working hours and better pay in sweatshop industries. The authorities feared socialist movements, which they felt could encourage unrest and even revolution. Therefore, the police in Whitechapel were often busy dealing with such groups.

Key terms

Anarchism

A revolutionary political idea which said that people would be better off without government and without laws.

Fenians Those wanting an independent Ireland free from British rule.

Socialism A political and economic system in which property and resources are owned or controlled by the state.

Yiddish A language used by Jews in central and eastern Europe.



Utility question

Look at the two sources, the exam-style question and the two answers below. Which answer is the better answer to the question and why? You could look at page 50 for guidance on how to answer the utility question to help you make your own judgement.

SOURCE A

From a Letter to the Home Office from the Superintendent of Whitechapel Division, 1904.

Bills and circulars [leaflets] in this language are distributed and posted all over the division, but police know nothing of their [meaning]. As it is known that a number of these people are members of Continental Revolutionary Societies it would be very desirable to have members of the service who could speak this language.

Study Sources A and B. How useful are sources A and B for an enquiry into tensions caused by immigration in Whitechapel? Explain your answer, using Sources A and B and your own knowledge of the historical context. (8 marks)

ANSWER 1

Source A is useful for this enquiry because it tells us about some of the activities of revolutionary groups of immigrants in Whitechapel. Source B is useful because it shows us that immigrants in Whitechapel were seen as rough sorts.

ANSWER 2

Source A is useful because it tells us about some of the activities of revolutionary groups of immigrants in Whitechapel. From my own knowledge, I know these groups were feared by the authorities who thought they caused unrest, strikes and even possible revolution. Secondly, it mentions the police not understanding the language used in the bills and circulars. I know that this relates to Yiddish, a language spoken by Jewish immigrants. This is useful because I know that language barriers made it harder for some Jews to integrate with the wider community in Whitechapel. The fact that Source A is a letter to the Home Secretary suggests that the activities of such groups were taken seriously by the government.

Source B is useful because it shows us that immigrants in Whitechapel were seen as rough sorts by some. This reflects what I know about attitudes towards immigrants, especially Irish navvies, who had reputation for drunkenness and violence. However, it comes from a popular news-sheet that was produced to sell copies and entertain its readers. It might be exaggerating the roughness of immigrants for effect and may not accurately reflect what how people living in Whitechapel felt towards them.

Which answer is better?

Why?

SOURCE B

From Illustrated Police News. This image was taken from the front page in 1888, showing how those living outside Whitechapel saw the immigrant communities who lived there.



Question 2(a): Utility

Below is an example of a utility question which is worth 8 marks. The sources will be labelled Source A and Source B.

Study Sources A and B. How useful are Sources A and B for an enquiry into the problems the police faced when investigating the Ripper murders? Explain your answer, using Sources A and B and your own knowledge of the historical context. (8 marks)

SOURCE A

Part of a picture printed on the front page of the Illustrated Police News, October 1888.



SOURCE B

From a report on a public demonstration in Bethnal Green, published in the Pall Mall Gazette, 1 October 1888.

After several speeches upon the conduct of the Home Secretary and Sir Charles Warren, a resolution was unanimously passed that it was high time both officers should resign and make way for some officers who would leave no stone unturned for the purpose of bringing the murderers to justice, instead of allowing them to run riot in a civilised city like London.

How to answer

- Explain the value and limitations of the contents of each source and try to add some contextual knowledge when you make a point.
- Explain the value and limitations of the **provenance** of each source and try to add some contextual knowledge when you make a point.
- In your conclusion give a final judgement on the relative value of each source. For example, one source might provide one view of an event, the other source a different view.

Key term

Provenance Who wrote or created the source, when, and for what purpose. This can have a big impact on what the sources tells us.

Below is part of a sample Level 3 answer to this question in which is explained the utility of Source A. Read it and the comments around it.

Source A is useful because it suggests that newspapers complicated the investigation by printing their own pictures of suspects. These unofficial sketches of 'foreign'-looking suspects increased tensions towards immigrants, especially Jews. Sensational stories and pictures also encouraged hoax letters from men claiming to be the Ripper and this wasted police time. The usefulness of Source A is further enhanced by its provenance. It is a front page from the news-sheet 'Illustrated Police News' and was published in October 1888 at the time when the investigation was in full swing. However, a historian must be careful because it may not be typical of the many other newspapers reporting on the investigation at the time.

A judgement is made on the value of the content of the source.

Own knowledge is used to support this judgement.

The provenance of the source is taken into account when making a judgement on its utility.

Analysing provenance

Now write your own Level 3 answer on Source B. Remember to take into account how the provenance affects the usefulness of the source content.

Question 2(b): Framing a historical enquiry

Below is an example of a source question requiring you to frame an enquiry. This is worth 4 marks.

How could you follow up Source B to find out more how the public felt about the Ripper investigation? In your answer, you must give the question you would ask and the type of source you could use.

How to answer

You have to identify a follow-up enquiry and explain how you would carry this out. For each of the questions you are given space to write. Below is a sample answer to this question with comments around it.

Detail in Source B that I would follow up:

I would follow up on what the reporter says about the several speeches that were made.

The follow-up enquiry is identified.

Question I would ask:

What specific criticisms were made of the Home Secretary and Sir Charles Warren in the speeches?

The linked question is asked.

What type of source I could use:

Other newspaper accounts.

An appropriate source is identified.

How this might help answer my question:

Other news reports might give more detailed accounts about the actual content of the speeches and the arguments used to attack both men.

An explanation of how the source would help with the follow-up enquiry.

Question 3: Similarity or difference

Below is an example of a similarity or difference question which is worth 4 marks.

Explain one way in which trials were similar in the middle ages and seventeenth centuries.

How to answer

- Explain the similarity or difference between the two time periods.
- Use specific information from both time periods to support the comparison, showing good knowledge and understanding.

Below is a sample answer to this with comments around it.

During the middle ages trial by cold water was sometimes used to decide guilt or innocence. The accused was tied with a knot above their waist and lowered into the water on the end of a rope. During the seventeenth century, the similar 'swimming' test was used in cases of witchcraft. People believed that the innocent would sink and the guilty would float. If they floated, the accused would be examined for the 'Devil's marks' as a final proof of witchcraft.

The method of trial by cold water used in the middle ages is identified.

Own knowledge is used to support this.

The similar use of the swim test in the seventeenth century is identified.

Own knowledge is used to support this.