c.1000-Present Day — An Overview of the Crime & Punishment Topic

Medieval Crime & Punishment - c.1000 – c.1500.

NATURE AND MAIN TYPES OF CRIME.

ANGLO SAXON
- Crime against person, property & authority.

AFTER THE 1066 NORMAN CONQUEST
- Crimes against the King not the individual.
- Poaching and outlaws

LATER MEDIEVAL PERIOD:
- Bigger towns = more crime.
- **Statute of Labourers** and **heresy laws**.

LAW ENFORCEMENT

ANGLO SAXON: Trial by Ordeal and Jury. Religious beliefs. The hue and cry. Tithings. Collective Responsibility.

AFTER THE 1066 NORMAN CONQUEST: Castles. Feudal system. Poaching. Murdrum fine. Tithings. Hue and Cry. Forest Laws. Trial by Combat. Fewer equal rights for women. Church courts.

LATER MEDIEVAL KINGS: Justices of the Peace appointed by the king. King more in control. More centralised. Wards. Parish Constables. Sheriffs. Church and Royal courts. Coroners.

PUNISHMENTS

ANGLO SAXON: Fines called '**Wergild**'. Corporal punishment. Deterrents. Retribution. Prison before trial. Hanging. Burning.

AFTER THE 1066 NORMAN CONQUEST: Increased Capital punishment for serious crimes and **poaching**. Court records in Latin. Ended 'Wirgild'. Branding.

LATER MEDIEVAL KINGS: Fines. Stocks. Pillory. corporal punishments and execution. **High Treason**=hung, drawn and quartered. Deterrents.

CASE STUDY:

- **The influence of the Church on crime and punishment.**
- Church sanctuary
- Church Courts
- Benefit of the Clergy
- Trial by Ordeal
- The end of the Saxon Wergild.

Early Modern Crime & Punishment - c.1500 – c.1700

NATURE AND MAIN TYPES OF CRIME.

- Development in: **Heresy** (Heretics) and **treason** due to the Reformation.
- **New definitions**: Vagabondage and Witchcraft. The rise of smuggling.
- Influence of Puritan **Oliver Cromwell.**

LAW ENFORCEMENT

Continued use of: hue and cry, local responsibility with local courts. Parish constables. Justices of the Peace. Rewards.

Introduction of: Royal Judges visiting local areas for serious crimes. Arrest warrants for citizens. Use of the Tower of London for Heretics. Town watchmen or constables. Night watchmen. Thief takers. Laws for Vagabonds and Witchcraft. Habeas Corpus (1679)

PUNISHMENTS

Continued use of: Retribution and deterrence. Corporal/capital punishment, hanging, fines, burning at the stake for heresy. Recantation. Excommunication. The pillory. Whipping. Prisons before trial.

Introduction of: Transportation. Early prisons. The 'Bloody Code'. Start of a theory of rehabilitation. Houses of Correction. Carting. Women labelled as 'scolds' ducked in a river.

CASE STUDY

The Gunpowder Plotters

KEY INDIVIDUAL

Matthew Hopkins

Crime and Punishment - c.1700 and c.1900.

NATURE AND MAIN TYPES OF CRIME.

- **Continuity and development of definitions:** Poaching, smuggling. Highway Robbery. Smuggling.
- **New Definitions:**. Smuggling.
- **Ending of:** Witchcraft.
- The Tolpuddle Martyrs.

LAW ENFORCEMENT

The Fielding Brothers and The Bow Street Runners 1748.

Introduction of:
- Development of the police force in 1829 and CID 1842. 1856 Police Act.
- Belief in Humanitarianism.

PUNISHMENTS

The end of: transportation, public execution and the Bloody Code. Fewer people hanged.

Introduction of: Prison ships**.** Increased use of a prison for punishment. Solitary Confinement**.** Prison Reform – John Howard and Elizabeth Fry. The 'Black Act'. Death Act. Holloway Prison for women.

CASE STUDY

Pentonville Prison – strengths, weaknesses of the separate system.

KEY INDIVIDUAL

Robert Peel – Penal Reform and creation of the Met Police**.**

Modern Crime & Punishment c.1900 to the present day

NATURE AND MAIN TYPES OF CRIME.

New and developing definitions: Theft and smuggling. Driving offences, race and hate crimes. Homophobic Crime. Drugs crime. Domestic Violence. Abortion Law changes. Terrorism. People Trafficking. Cybercrime. Fraud. Copyright. Extortion.

LAW ENFORCEMENT

Introduction of: A move towards crime prevention. Neighbourhood Watch.

Specialisation in the police force - Fraud Squad, drug units, dog handling units, special branch. Police Training College (1947)

Impact of Science and Technology. Speed Cameras. CCTV. Biometric Screening, transport, DNA database, finger printing, PNC Checks, computers. Blood types, photography and forensics.

PUNISHMENTS

Abolition of: the Death Penalty.

Changes to: Prisons – open prisons and specialist treatment of young offenders.

Non-custodial alternatives to prison – ASBO, Community Service, treatment programmes, tagging. Age of Criminal Responsibility increased.

CASE STUDY

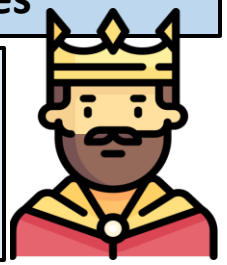
Conscientious Objectors during the World Wars

KEY INDIVIDUAL

Derek Bentley

Anglo-Saxon England | c.1000-1066 | Crimes Against the Person, Property & Authority & Social Crimes

The population of Anglo- Saxon England was roughly **2 million** people. **90%** of these people lived in small isolated villages in the **countryside**. There were few towns during this time with the biggest being located along the coastline. There was limited **communication**, few methods of **transport** apart from a horse and cart and little knowledge of the wider world outside a village or local area. These communities were vulnerable to **disease**, **poor weather** and **bad harvests** which for many of the poor who had to live off the land, meant the different between life and death. The **King** decided the laws of the land and had the responsibility to keep the King's Peace. However, with very few written laws and poor communication, it was mainly local people who had the '**Collective Responsibility**' to enforce the laws and to stop crime in their local community.



The Anglo-Saxon King and 'The King's Peace

- The king had the final say on what became a law and therefore what became a crime. People strongly believed that their king had the duty to keep **'The King's Peace'** in England.
- However, he was not expected to do this on his own. The **King** relied upon his **royal advisors** and **nobles** to help him rule the country.
- These wealthy advisors and nobles owned lots of land and influenced the King hugely. They did well from this as they could advise the King to make laws that would also protect their own interests, their land and their wealth.
- For example, it was a crime for a peasant to **trespass** onto land owned by any person higher than them in society. Anyone who trespassed to gain **food, hunt** or even **collect firewood** for their homes was seen as committing a serious crime known as **poaching**.

Anglo-Saxon England's Strict Social Hierarchy

- Anglo-Saxon England was divided into a very **strict hierarchy**. The **KING** was at the top, followed by his trusted wealthy and powerful **NOBLES**, followed by the **FREEMEN** who rented small amounts of land to grow food or farm animals.
- At the bottom were the **SERFS** who owned no land and worked hard for very low wages. **SLAVES** also still existed in some villages.
- **Any action which threatened this social structure was seen as a crime against authority**. For example, if a serf attacked a nobleman, the surf would be seen as committing a higher-level crime (almost like treason) and would receive a harsh punishment. However, if Noble attacked a serf, it would likely go unreported.

Different Types of Crime

Crimes against Authority

This is any action that challenged the authority of the monarchy, the government or in Anglo-Saxon times, any group in society with a higher status.

Crimes against the person

This is any action that causes physical or emotional harm to another person. This ranges from murder to a minor physical assault.

Crimes against Property

These are crimes which involve the theft or damage to a person's property or belongings. For example, poaching from land, theft or arson.

Social Crimes

A social crime is more complex. It is an action that still breaks the law **BUT** will often go unreported as many people in society believe it should not be a crime or think it is better to ignore it. For example, poaching in Anglo-Saxon England was also a social crime to the serfs because hunting for animals was often the only way they could find food to eat for themselves and their families.

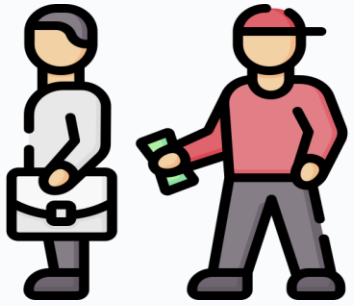
Explaining why there was little crime in the Countryside

There was very little crime in England during the Anglo-Saxon period. Most people lived in small, isolated communities where everyone knew each other. This was a huge factor in deterring (putting people off) people from committing a crime.

- ❑ In villages, people **knew each other**. This made criminals easy to identify and so fewer people risked committing a crime because of the shame it would bring.
- ❑ Local communities used **Collective Responsibility** very effectively. This meant being responsible for the actions of others and making sure friends and family were not tempted to break the law and taking action to find criminals.
- ❑ Each Anglo-Saxon village had an official called a **Reeve** who was highly respected and chosen by the community. The Reeve had the responsibility to carried out decisions made by local **courts** to make sure any criminal was punished.
- ❑ In every Anglo-Saxon village, the **Church** also played a vital role in the community. People strongly believed that if they sinned by committing a crime, they would end up in Hell. This was enough of a deterrent to stop crime.

Increasing Crime in the Growing Towns

- English towns started to grow**.** Key towns at this time included **Southampton**, **York** and **London**. Towns grew due to the **increasing trade** with other countries in Europe. More people wanted to live in towns as the trade made work for more people.



- With more people, there were more opportunities for crime. In particular, the crimes of pickpocketing and theft.
- It was also easier to get away with a crime in a busy town as people were less likely to know each other, especially by name. Criminals had a higher chance of committing a crime and going unpunished.
- Towns also had **more valuable items** for sale. This gave criminals a bigger incentive to steal and more opportunities compared with the village markets.

Anglo-Saxon England | c.1000-1066 | Law Enforcement in Anglo-Saxon England

It was the king, with his duty to keep **King's Peace** who had the final say over laws in England. **Law Enforcement** is how the authorities made sure that the laws of the land were followed and that nobody broke these laws. One key part of law enforcement was to make sure that those people suspected of committing a crime were put on **trial** to determine if they were **innocent** or **guilty**. As well as looking at the **religious trials** used in Anglo-Saxon England, we will also examine the role of the **local community** and **key law enforcement roles** in enforcing laws

There were **3 main beliefs** about how the law should be enforced in this time:

1. **Community:** That it was the **collective responsibility** of the community to control the behaviour of others.
2. **Religion**: It was believed that that **God** always had a final judgement over a person's innocence or guilt.
3. **Status:** That a person's **status or importance** in society affected how they should be judged.

The Role of the Local Community

- The Anglo-Saxon people believed that it was the **victim's responsibility** to seek justice if a crime was committed against them.
- The **whole community** were expected to play a part in finding the criminal and report them for trial.

How Law Enforcement was Organised

- English **shires** (regions) were divided into smaller areas of land called **hundreds**. Then, each hundred was divided into **10 tithings**. All men in the tithing who were aged 12 or over were responsible for the behaviour of others, preventing crime & catching criminals.
- One man from each hundred, and one man from each tithing had to meet regularly with the **King's Shire Reeve**.
- The shire reeve was chosen locally as a person who brought criminals to justice. The term 'shire reeve' later turned into the word '**sheriff**'. He was responsible for getting an accused person to their trial which was much like an open-air court. Here, the shire reeve or a member of the Church could decide upon innocence or guilt.
- The **whole community** was also responsible for tracking down those people who were suspected of committing a crime. Anyone who witnessed a crime or was a victim would raise the **Hue and Cry**. This involved shouting for help and everyone who heard this was expected to help capture the suspect – refusing to help was a crime itself!

Taking a Religious Oath

- Anglo-Saxon law enforcement relied heavily on **religion**. It was God who played the main role in deciding if a person was innocent or guilty.
- Everybody believed that the consequence of a lie would result in a person going to **Hell**. This was enough to frighten suspects to tell the truth.
- One way a person suspected of committing a crime could prove they were innocent was by **swearing an oath**. An oath is when a person promises before God to tell the truth. A typical oath may start 'I swear before God that..'
- The person suspected of a crime would be taken to a **public place** to take their oath and declare that they were innocent. They could also ask for others in the community who knew them for their support and give proof of their good character. However, the lower **a person's status** or the more severe the crime, more oath helpers would be needed to be called for.
- In most cases, the person accused of the crime would **walk free**. This may seem ineffective but in small communities, where everyone knew each other, it worked.
- Taking on oath was only available however, to those people who had not taken an oath before or if they had not been caught 'red handed'.

The Role of the Church - Trial by Ordeal

The **Church** authorities had an important role to play in justice (deciding if a person was guilty or innocent). A person could be given a **trial by ordeal**. This tested a person's innocence or guilt according to the eyes of **God**. This was not questioned at the time as Anglo-Saxon people believed that God knew everything. These trials prove how significant the Church's role was in law enforcement.

Trial by Hot Iron

A person is made to hold a burning iron rod. The hand is then bandaged for a few days. If the hand heals well, it is believed that God has judged them innocent. If it did not heal, it was a signal that God has judged them guilty.

Trial by Hot Water

A person's hand is placed in boiling water. It is then bandaged for a few days. If the hand heals well, God has judged the person innocent. If the hand did not heal or became infected, it was a signal that God has judged them guilty.

Trial by Cold Water

The suspect is thrown into cold water such as a river or stream which has been blessed by a priest. If they float, it is believed that God has 'rejected' them and they are guilty. If they sink, God was willing to 'accept them' and they were innocent.

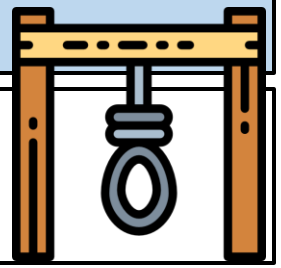
Trial by Blessed Bread for Priests ONLY

A piece of bread was blessed by another priest. The accused is then asked to eat the bread. If the accused swallowed the bread easily, then God has judged them to be innocent. If the accused choked when eating the bread, it is believed they were guilty. It is argued that this ordeal was easier for priests – after all they were men of God who needed to be trusted in local communities.

IMPORTANT TO REMEMBER

Despite the trials being potentially very painful, they were **not punishments** – they were simply a way to decide upon a person's guilt. The punishments for a person found guilty could be far more painful!

Anglo-Saxon England | c.1000-1066 | Anglo-Saxon Punishments



We will now examine what types of punishments were used in Anglo-Saxon England. Even though the ordeals used in Medieval England seemed like a punishment because of the pain they caused, they were just a way to prove a person's innocence or guilt – they were NOT a punishment. It's also important to remember that throughout the Medieval period, a punishment would also depend on a person's **social status**. However, the aim of nearly all punishments was to act as a strong **deterrent** to prevent a criminal and others in the community from committing the crime again. Many punishment were also a form of **retribution**.

Punishment for Murder – Wergild

- Murder was sometimes punished with a **fine** which was paid directly to the **victim's family**. This was seen as a **compensation** for the loss of a family member.
- This fine was called the **wergild**. This literally translated to mean '**man price**'
- The wergild fine was paid directly to the victim's family to stop them seeking revenge by killing the murderer themselves. This would have led to families in the same village continuing their revenge in what was known as an argument called a '**blood feud**'.
- A key feature of the wergild was how the amount paid as compensation depended on the **social status** of the victim and the murderer. The table below shows how much a person's life was worth in Anglo-Saxon England with the amount of compensation that had to be paid.

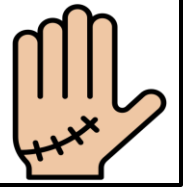
Victim's Social Status	The wergild paid to the family.
A noble	1500 shillings
A freeman	100 shillings
A serf	40 shillings

Anglo-Saxon Capital Punishments

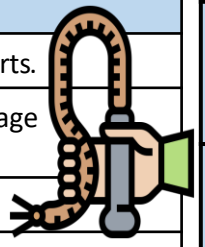
- Some crimes received a **capital punishments** – a punishment which resulted in death. This was meant to be a form of **retribution** (to match the severity of the crime) but was also used as a strong and powerful **deterrent** – a warning to frighten others in the community into not committing the same crime.
- The two most serious crimes in Anglo-Saxon society were **treason** and **arson** as they attacked the people, land and property of the nobility and the king.
- This meant that **crimes against authority** always had the most severe punishments.
- The main method of capital punishment was by **public hanging**.

Anglo-Saxon Corporal Punishments

- Less severe crimes resulted in a **corporal punishment**. Corporal punishments included a range of methods which resulted in physical harm and pain.
- Even though some of the punishments below sound extreme today, they were viewed at the time as being quite lenient compared with the death penalty.
- Corporal punishments acted as a powerful deterrent, to stop others in the community committing similar crimes.
- Any criminal with these punishments would almost always survive and be left with **permanent disfigurement**. This also acted as a clear deterrent to others in their community.



Examples	Description
Beatings	Carried out by the Shire Reeve, tithing men or local courts.
Mutilation	Physical harm to the body, resulting in permanent damage such as cuts and scars. Eye gouging, cutting, whipping.
Branding	A heated poker pressed onto the skin until it burns.
Maiming	The removal of a body part such as a tongue, a hand or ear.



Public Humiliation – Stocks and Pillory

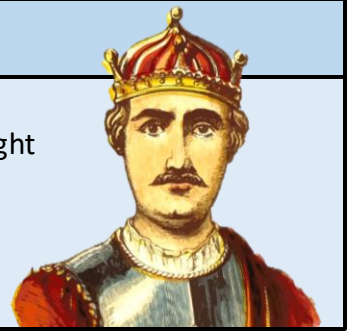
The use of the **stocks** or the **pillory** would have involved a mixture of physical pain and discomfort as well as public humiliation. This punishment would be given for the least serious crimes, but it still acted as a **deterrent** to others in the community.

- **The pillory** secured a person with their arms head while they stood. **The stocks** secured them at the feet while they sat down.
- The stocks and pillory were placed in the middle of a village or town square in full view of the community and criminals would often be locked in for **several days** no matter the weather. The public would then throw waste at them as well as verbally abuse the criminal.
- A common crime which resulted in this punishment was **public disorder** - drunkenness. Women might also be put into the stocks or pillory for arguing with their husbands or showing poor behaviour.

Crime		Punishment
Crime against the **Person**	Murder	The Wergild
	Assault	A Corporal Punishment
	Public disorder Drunkenness	Stocks or Pillory
Crime against **Property**	Theft	Fines, maiming, corporal punishment
	Forging Coins	Hand chopped off
	Arson	Public Hanging
Crime against **Authority**	Treason	Public Hanging
	Harming a noble	Public Hanging
	Poaching	Public Hanging

Norman England | 1066-c.1200 | New Laws and Crimes in Norman England

Background information:
After William, Duke of Normandy's victory over the Anglo-Saxons at the Battle of Hastings in 1066, a new era began in Medieval England. William the Conqueror brought over with him his own ideas about crime, methods of law enforcement and punishments from Normandy, where he was known as extremely tough on criminals.
A significant change was the **increasing power and control over the law** that the Norman Kings such as William had. It was vital that William proved to the Anglo-Saxon people that his new rule was to be taken seriously. He quickly made sure that any potential Anglo-Saxon rebellions were put down and the punishments the rebels received were a strong deterrent to others.

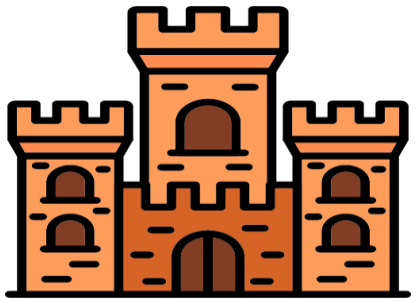


Increasing Power of the King

- After his victory in 1066, William needed to establish his **royal authority** over the country.
- Laws became more **centralised** meaning that William took control over what actions were crimes instead of local village communities.
- Many Anglo- Saxons wanted to rebel against their new Norman rulers and William used **brutal methods** to force the Anglo-Saxon people to **submit**.
- He wanted to proved that his power as a king was without any limit. After all, any attempted resistance against William was a **Crime Against Authority** which resulted in the harshest punishment – death.
- He ordered **brutal punishments** for the rebels, but also their **families** and their whole **community**. For example, **farmland** and animals were destroyed. It is estimated that **100,000** people died of starvation resulting from William's actions to deter more rebellions.
- In 1069, William sent his men to burn crops, kill hundreds of people, destroy homes and livestock in the north. This event, the Harrying of the North and was a harsh deterrent to other communities who thought of resisting his rule.

Castle Building

- The Normans began building castles all over England. At first with quick to build motte and baily castles.
- **Peasant workers** were used to build the castles in which the Norman lords and nobles would live. This was another way for William to show his **authority**.
- The castle would then be used to control the local people but also physically demonstrate their power. Castles would be built on **high land** to keep a **watchful eye** on the villagers and look **intimidating**.
- Castles symbolised the strength and authority of the King over law and order.



Norman Feudal System

- Society was organised in a strict way under the Anglo-Saxon kings. However, William brought with him his own version from Normandy. To make sure William had the **ultimate power** over his people he introduced the **Feudal System**.
- In the Feudal System hierarchy, everyone **promised to serve** the people in society above them. Only the King was free to do as he wanted.
- William **replaced the older Anglo-Saxon nobles** with his loyal Norman nobles and land in England was divided up among them.
- He made sure he had a group of knights to fight for him when needed. These Norman knights had a high status and control over the Anglo-Saxon peasants in society.
- Anglo-Saxon peasants at the bottom of the hierarchy had to work for their new Norman lords by law.
- Furthermore, peasants were no longer able to **leave their village**. Running away or moving to another village became a crime. Peasants were hunted down and became criminals known as **outlaws.**

William's New Forest Laws

- William declared large areas of the English countryside **Royal Forests** which he and his nobles would use for hunting. For example, 40 village communities were evicted from their land to make way for William's **New Forest** in the south of England which was to be part of his new **royal playground**.
- Only nobles who could **pay for the hunting rights** and the King had a right to use royal forests. The payment from William's nobles for hunting rights also gave William important revenue (wealth/money).
- In total, around **30%** of England became a Royal Forest. It meant that land which had previously been used as '**common land**' (land to be used by anyone) was now strictly controlled by the king and out of bounds to the peasants.
- Common land was previously used by peasants for grazing animals, collecting firewood and hunting for animals such as rabbits to feed peasant families.

Poaching – A Crime against Authority and Property

The crime for illegally entering the King's land in order to hunt or take resources was called **poaching**. The Forest Laws meant that for peasants it now became illegal to carry weapons on the king's land, fish in lakes or even take a fallen branch for firewood to provide heat for their family.

Poaching was also a Social Crime

- The Forest Laws created a lot of **anger** as it took away people's access to **natural resources** which they had previously relied on to survive.
- Poaching was therefore also a **social crime**. These are actions that are breaking a law but which many people in society are not willing to report what has happened as they believe they are unfair.

Poaching Punishments

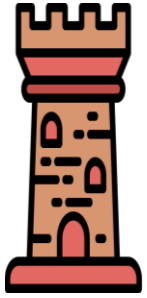
- If caught, a poacher could be **hanged**, **blinded** or even **castrated**.
- The punishments were deliberately intended as a deterrent to other poachers and a way for the king to show his authority.

Norman England | 1066-c.1200 | Norman Law Enforcement & Methods of Punishment

Background information:
When William became King in 1066, it was clear to him that the methods that had been used in Anglo-Saxon England to enforce laws and punish criminals had been very effective. They worked at catching criminals and being a deterrent to prevent more crime. Consequently, many aspects of law enforcement and punishments stayed the same after 1066. William was wise enough to use the existing methods, which everybody in England understood and respected rather than bring about huge changes. However, to assert his authority over England William introduced some changes to law enforcement and punishment. Let's find out what these changes were and why they were introduced.

NORMAN LAW ENFORCEMENT — What Changed?

Trial by Combat
Trial by ordeal continued but the Normans introduced a **new** ordeal - **Trial by Combat**. This was used to settle arguments over money or land. Two people would fight using swords or sticks. It was seen as **more dignified method** for the **rich groups** such as nobles**.** The fight could be until death or often, the loser would be given the death penalty or a corporal punishment.



Castle Building
Castles built in **strategic** locations was another form of law enforcement as Norman nobles could keep watch over villagers. The castle itself would be intimidating and act as a deterrent.

Norman Shire Reeves
By 1100 all Anglo-Saxon nobles had been **replaced** by Norman Nobles which gave William full control over the enforcement of law. It also meant that the Shire Reeves who were responsible for running the courts and trials were now all Norman and could act in their own or the King's interests.

Enforcing the Forest Laws
William also introduced men called **Foresters** who were responsible for policing the Royal Forests and enforcing the Forest Laws. They were often **feared** and **hated** by the local community for how harshly they treated any **poachers** or **outlaws** they caught.

NORMAN LAW ENFORCEMENT — What Remained Similar?

The King's Responsibility
In Anglo-Saxon England, it was expected that the king had the duty to keep 'The King's Peace'. This remained similar under Norman rule as it was believed that everyone should be kept safe by the king. The Normans called their version of this the '**King's Mund**'.

Trial by Ordeal
The system of **trial by ordeal** continued. It was seen as effective and the strong belief in Christianity meant that people were happy that God should have the final judgment over a person's innocence or guilt.

The Role of the Community
The idea of **collective responsibility** continued along with the use of **tithings** and the use of the **hue and cry** to seek help. These methods remained **effective** as many people still lived in small local villages where everyone knew each other.

NORMAN PUNISHMENTS — What Changed?

The Wergild Fine Replaced by The Murdrum Fine
- The Anglo-Saxon compensation for a murder called the wergild came to an end. It was replaced with a new Norman system of punishment called the **Murdrum Fine**. If the person who had murdered another individual was **not** caught and nobody from the community was willing to give over information, rather than one person paying a fine, the whole community in a **hundred** were collectively responsible for paying a fine.
- This was an even greater deterrent as it encouraged local people to inform the local tithing or shire reeve who was responsible.
- Secondly, unlike the Anglo-Saxon wergild where the money would be paid to the family of the victim, the Murdrum fine would be **paid directly to the King**. This was further evidence of how the laws were **centralised** with William clearly in charge of the law, and benefitting from the money paid to him in fines.

Brutal Punishment for Whole Communities
William needed to show his royal authority to those communities who resisted him. He used **brutal force** to make sure people submitted to him. He punished **large groups** of people rather than just individuals to show his power. For example, his destruction of farmland, homes, livestock which caused famine (starvation) in parts of the north following William's Harrying of the North in 1069.

Increased use of the Death Penalty
There was an increase in the number of crimes that resulted in death. For example, under the Forest Laws, poaching was punishable by death. Sometimes, an alternative to the death penalty was mutilation which may include branding or mutilation. This remained as a deterrent to the rest of the community. **Branding** for example 'marked' a person in the community out to be criminal for the rest of their life.

NORMAN PUNISHMENTS — What Remained Similar?

The main **aim** of a punishment remained as it was before – to be harsh enough to **deter** criminals and as a form of **retribution.** The Normans still used a combination of **corporal punishments**, **fines as compensation for murder** and **execution** in the form of **hanging.** Any attempt to rebel or challenge anyone in the social status above them would be an act of a **Crime Against Authority** which continued to receive the **harshest punishment.**

Late Medieval England | c.1200 – c.1500 | Crimes, Law Enforcement & Punishments

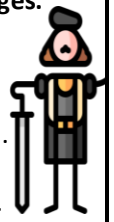
There were further changes to law and order in England in the later Medieval period. For example, there was a significant increase in the role of the **government** with greater **centralised control** of the government over laws and the legal system. Consequently, the King and his government had full control over law and order and royal officials were sent out across the country to make sure laws were fairly enforced and standardised punishments were given for the same crimes. Two key individuals who influence law and order were **King Henry II and King Richard I**.

New Definitions of Crime

Statute of Labourers

- The king and his parliament passed a new law called the **Statute of Labourers**. This made it a crime for workers to ask for **higher wages**.
- The **Black Death** killed a third of England's population. There was **more work** but **fewer workers,** meaning peasants had to work much harder. Understandably, peasants **demanded higher wages** from their lords.
- However, the land-owning lords and nobles were worried that if the peasants were too wealthy, they would gain more power and this frightened them.
- As many members of Parliament were themselves land-owners, they wanted to protect their status and money.

Parliament voted for the following changes:



- ❑ To keep peasant wages the same as they were before the Black Death.
- ❑ To set a maximum wage for workers.
- ❑ To make it Illegal to ask for higher pay.
- ❑ To make it illegal to move to a new area to look for better paid work.

FEATURE OF CONTINUITY: Like when the Norman nobility created the Forest Laws to protect their land and status, parliament created the Statute of Labourers to protect their own status and wealth.

FEATURE OF CHANGE: For the first time, parliament played a significant role in deciding new laws. Previously, new laws had been decided on by just the king.

Heresy

- Challenging the teachings of the Church became a new crime known as **heresy**.
- Those who returned from the crusades spread the word that there were other religions, not just Christianity. This led to a small number of people **questioning** the Christian Church. Some demanded religious reforms such as the bible being **translated into English** for ordinary people to understand.
- The clergy felt threatened by this and asked for royal support.
- The Kings were always very supportive of the Church and so introduced a new set of heresy laws to punish the **heretics**.
- The punishment was extreme. Being **burned at the stake** was a powerful **deterrent** to other heretics.
- Local **Justices of the Peace** were given the power to arrest anyone who was suspected of heresy.

- There were new heresy laws in 1382, 1401 and 1414.

New Methods of Law Enforcement

- ❑ In rural village communities, the system of collective responsibility such as tithings and the **hue & cry** continued to be effective to catch and deter criminals. However, there was an increase in the crime rate in growing towns such as London and York. Here, there were more opportunities for criminals to commit crimes such as theft and assault compared with the small isolated villages. Traditional law enforcement methods were becoming less effective.
- ❑ As a result, a more formal system developed where crime was dealt with by **government appointed officials**. Similar law enforcement methods began to be seen across the country, all under direct control of the king and parliament.

Henry II & Assizes of Clarendon

- In **1166, Henry II** changed the way **courts** were organised and set up **dedicated prisons** for people who were waiting for trials. These reforms were known as the **Assizes (Courts) of Clarendon**.
- He ordered his own **royal judges** to visit each county of England twice a year to make decisions on the more serious criminal cases.
- This increased the power of the king in law enforcement and gave him a stronger **centralised control** over English courts.
- For the first time, **standardised** (the same) **written instructions** were issued to local **sheriffs (Shire Reeves).**
- Laws were **officially recorded in writing** and meant they were same across the country.

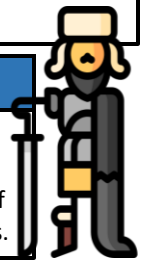
NEW — New Role – The Coroners

In 1194, **King Richard I** introduced a more specialised role of a **coroner** to deal with situations where a person had died but the death was **suspicious** (not obvious why/how a person had died). Coroners investigated suspicious deaths.

NEW — New Role – Justices of the Peace

In 1195, **King Richard I** also introduced the role of the **Justices of the Peace** (or JPs). JPs were originally **knights** who were sent in to towns to help keep control if they were needed. They would help enforce the law and were given their orders directly from the King. They had a **reputation** for being harsh on poachers as many were land-owners themselves.

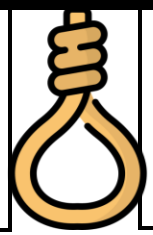
NEW — New Role – Constables



Men who had previously led a tithing called a Tythingmen, were given a more formal and official role known as constables. They began to be given the name of **Town Constables** towards the end of the 1400s with the responsibility of catching and detaining criminals.

Punishments in Later Medieval England

ASPECTS OF CHANGE: A significant new punishment developed for the most serious crime of **high treason**. Anyone found guilty of plotting to kill or betray the king would be sentenced to be '**hanged, drawn and quartered**'. After strangulation, the stomach was cut open and organs 'drawn' out before death. After death, the limbs would be sent to different areas of the town for display as a **deterrent**.



ASPECTS OF CONTINUITY: Punishments in the later Medieval period continued to rely on a mixture of **fines**, **corporal** punishments and the capital punishment of **execution by hanging**. These still proved an effective public deterrent to reduce crime.

MEDIEVAL CASE STUDY — The Role & Influence of the Christian Church over Crime & Punishment

Throughout the Medieval period, **religion** played a key role in all areas of crime, law enforcement and punishment. The Church was the **biggest influence** over people's actions and their attitudes to life. The Church also had a huge amount of **power**. However, towards the end of the Medieval era, monarchs such as **King Henry II** began to challenge the authority of the church. Henry II believed that **Kings** should have the greatest power over law and order – not the Church. A greater belief in secular (non-religious) beliefs meant that the traditional religious ordeals ended in favour of trials using a jury. People began to decide on a person's innocence or guilt using evidence rather than God.

The Influence of the Church

- ❑ The **clergy** (men who worked for the Church) were highly **educated** and therefore highly **respected**. Their decisions at court or at a trial were seen as God's decision and accepted as a final judgement.
- ❑ Churches were the **largest building** in a village and looked down on the villagers. It reminded people of God's power over them.
- ❑ The Church influenced people's **behaviour**. Any person who committed a crime was also committing a **sin** and would end up in Hell for their actions. Good behaviour, however, would be rewarded by going to Heaven.
- ❑ The church was not just about prayer, **20%** of the country's **wealth** belonged to the church which also collected a **tithe** (tax) from villagers.

The Discovery of Other Religions

- ❑ By the time of the **Crusades** to the **Holy Land** starting in the 1100s, people became aware of different religions such as **Islam** and **Judaism**.
- ❑ The Christian Church felt these other religions were a threat. To protect their power, they became **stricter** with their teachings about the power and judgement of God.
- ❑ The Church became **less tolerant** (accepting) of these 'other' religions. For example, in the 1290s**, English Jews** were forced to convert to Christianity or be **banished** (ordered to leave) England.

THE CONTINUED INFLUENCE & POWER OF THE CHURCH

Trial by Blessed Bread

- This was a religious ordeal just for the clergy. A priest would be asked to eat a piece of **blessed bread**. If he **choked**, the priest, in the eyes of God, was guilty of committing the crime he was accused of.
- This was far less dangerous, more lenient than other trials and unlikely to end in a guilty verdict. However, for a priest it would still be very **frightening** as they believed in God's power.

Church Courts

- **William I** had encouraged the Church to set up their own courts. These **Church courts** worked with the idea that criminals should have an opportunity to **reform** - make a positive change. It promoted corporal punishment over capital punishment.
- This way criminals would have a chance to **repent** (feel guilty for their sin) & change their behaviour for good.

Sanctuary

- From Anglo-Saxon times, criminals had been able to **seek sanctuary** in a church.
- This meant the Church would provide a **safe place** for them *without trial* as the authorities didn't have the right to arrest people while in the holy ground of a church.
- Sometimes, a criminal had to meet certain conditions to gain sanctuary such as **paying a fine** and sanctuary only lasted **40 days**. After this time, the accused had to either attend a royal court or leave England.
- Some churches had greater powers than others. For example, **Westminster Abbey** in London had the authority to grant **permanent sanctuary** and could look after hundreds of people at once.

Benefit of Clergy

- **Benefit of Clergy** allowed clergyman who had committed a crime, to be put on trial in a Church court. Church courts were known for being **lenient** and rarely used the death sentence.
- Punishments for example included being sent on a **pilgrimage** or a confession & apology.
- This system was open to **abuse.** Anyone could claim to be a member of the clergy. A person had to read a passage from the bible (Psalm 51) as a test to prove they belonged to the Church. But criminals could easily remember the wording and claim the benefit of clergy. **Psalm 51** became known as the '**Neck Verse**' as knowing it could literally 'save your neck'.

CHANGES TO THE POWER OF THE CHURCH

Henry II & Royal Judges (1166)

- ❑ **King Henry II** was the first king to challenge the power of the Church. He criticised the Church for being **too lenient** on criminals. He strongly believed that England's monarchs should have control over law and order, not the Church.
- ❑ He demanded a fair and **standardised punishment** system across the country rather than one from the Church and one from the Royal Courts.
- ❑ In **1166**, Henry II met with leading bishops and a greed the **Assizes of Clarendon**. This led to the use of **Royal Judges** at court, and a set of **standardised written laws across the country** which were given to the local shire reeves.
- ❑ The decline of the Church courts meant that punishments became more severe, and religion played less of a role in law and order.

Trial by Ordeal Ends 1215

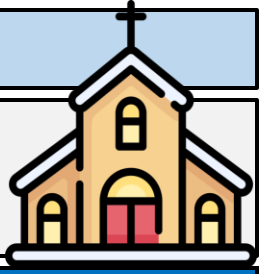
- ❑ Trial by ordeal had played a key role in law enforcement throughout the Medieval period. The Church ran the ordeals, and they had great influence.
- ❑ However, in **1215**, the Pope ordered that priests should **stop** organising trials by ordeal.
- ❑ Without the priests to run the trials, the system quickly came to an end. It meant that a **secular** (**non-religious**) method of deciding innocence or guilt had to be found.

Trial by Jury

- ❑ The solution was a **trial by jury**. The jury was a group of 12 respected men who watched over a trial before deciding if the accused was innocent or guilty.
- ❑ This was a **secular** system which was based more on evidence and oaths rather than God. This system is still used in its basic form today.

Early Modern England | c.1500 – c.1700 | The Influence of Religion on Changing Definitions of Crime

Early Modern England covers the reigns of the **Tudor** and **Stuart** monarchs. This period saw dramatic **religious changes** in England, particularly the growing tension between the two main Christian faiths – the traditional **Catholic** Church and the new beliefs of the **Protestant** Church. Some people began openly criticising the Catholic church as they believed it had been corrupt. Others demanded that the Bible should be written in English rather than Latin to allow everyone in society to understand the stories of Christ. Whether Catholic or Protestant, each Tudor and Stuart monarch created a series strict new laws to punish anyone who refused to follow the religion chosen by their king or queen. Treason and heresy remained the most serious crimes against authority.



The Power of the Monarchy

- The many changes to the religious laws at this time prove how much **power** the monarchy had in deciding what was a crime.
- It was hugely important to every monarch that the people of their country followed *their* **religious beliefs**.
- Using strict religious laws and making certain religious actions a crime was one way to do this.
- The definition of a crime could change **very quickly** depending on the religious view of the king or queen in power.
- Quite simply, a change of monarch could make the religious activities of Catholics or Protestants a crime overnight.

The Link between Heresy & Treason

- The two most serious crimes which linked to religious change were **heresy** and **treason**.
- **Heresy** was a crime against the Church and the people who committed these crimes were known as **heretics**. **Treason** may not seem linked to religion at first but remember that the crime of treason meant challenging the power and authority of the ruler.
- This meant that anyone who challenged the religious beliefs of a king or queen of the time, was also committing treason as well as heresy.

Punishments for Heresy

- Heretics were punished by being **burned at the stake**. The heretic was tied to a wooden post (the stake) while a fire was lit underneath them. Death was caused by either choking on the smoke or the shock to the body from the pain. Many older heretics died of a heart attack.
- However, not everyone accused of heresy was burned. Most people took the opportunity to **recant**. This meant making a **public statement** telling people that you have changed your religious belief to the one followed by the monarch.
- These people were made to take part in a **public display** that involved carrying wooden sticks to the place where their burning would have taken place. The sticks were then burned symbolically and acted as a **deterrent** to others.

The Influence of the Monarchy over new Definitions of Religious Crime

Henry VIII (1509 – 1547)

The Religious Changes

Henry VIII was a Catholic when he became king. But his arguments with the **Pope** about marriage & divorce led him to declare himself the **Head of the Church of England.** He closed Catholic monasteries, took their wealth and land and declared support for the Protestant faith.

New Crimes and Laws

- Under Henry, Catholics could be executed for treason if they did not take the **Oath of Supremacy**.
- The Oath of Supremacy was the official 'oath' to follow Henry as the head of the Church of England rather than the Pope.
- It became a crime not to do this, and Henry executed **81 heretics**.

Edward VI (1547 – 1553)

The Religious Changes

Edward was a Protestant king. He introduced a prayer book which was written in **English**, he allowed priests to **marry** and also forced church buildings to be plain and simple.

New Crimes and Laws

Catholic bishops were imprisoned in the **Tower of London**. Two people were also executed for **heresy**. Edward executed **2 heretics.**

Mary I (1553 – 1558)

The Religious Changes

Mary I was a **strict Catholic**, just like her husband King Philip of Spain. She **restored** (brought back) the Catholic faith in England and made the **Pope** the head of the English Church once more.

New Crimes and Laws

Mary I proved how serious she was about religion with her harsh use of **heresy laws**. 283 Protestants were executed as heretics for refusing to follow the Catholic faith. More than **800 Protestant** clergy were forced to flee England.

Elizabeth (1558 – 1603)

The Religious Changes

Elizabeth was a **Protestant** and restored the Protestant faith to England. However, she aimed to find a '**Middle Way**' with her **Religious Settlement.**

New Crimes and Laws

The **Act of Uniformity** made it a crime not to attend church every Sunday. **The Act of Supremacy** made it law for everyone swear an oath to follow Elizabeth as the 'Supreme Leader' of the Church instead of the Pope. After a Catholic rebellion in 1569, hundreds of Catholic rebels were executed for treason as a tough deterrent.

James I (1603 – 1625)

The Religious Changes

James I was a **Protestant** and tried to be fair towards the Catholics until the Catholic **Gunpowder Plot** against him in 1605. After this he introduced harsh new anti-Catholic laws.

New Crimes and Laws

The 1605 Recusants Act forced all Catholics to swear loyalty to James I and pay heavy fines for not attending church.

Early Modern England | c.1500 – c.1700 | New Definitions of Crime: Vagabondage, Witchcraft, Smuggling & Puritan Laws

As well as the laws becoming a lot harsher for any crimes against authority such as treason and heresy, other types of crime were defined in Early Modern England. These new definitions of crime were caused by changes happening in society such as the growth of towns, further exploration & increasing trade, changing social attitudes, the differences between rich and poor and significant changes to government and the economy. This lesson will focus on the new crimes of **vagabondage**, **witchcraft, smuggling** and **Puritan Laws** as well as the continuing crime of **poaching**.

NEW CRIME Vagabondage/Vagrancy

- Before the 1500s, few people left the village where they were born.
- After 1500, this changed. A growing population led to lower wages and higher food prices. People decided to leave their village in search for work in **towns**. In the towns, it was not easy to find work. With nowhere to live and no money, the only solution to survival was **crime**.
- These unemployed and homeless people were called was **vagabonds** or **vagrants**. They had previously been given help by the **monasteries** which helped the poor and sick. However, this ended after **Henry VIII** closed them in the 1530s. This caused a huge increase in poverty and people hoping to find help in the towns.
- Consequently, The **wealthier classes** saw vagabonds more often in towns and their attitude towards them became increasingly negative, believing they were lazy and labelling all of them as **criminals**. This led the wealthy to put pressure on the **government** to introduce new laws.

The Vagrancy Act (1547)

Any vagrant without work for more than 3 days was to be **branded with the letter V** and sold as a slave. However, this law was so severe that it was repealed (withdrawn/taken away) after 3 years.

The Act for the Relief of the Poor (1597)

This law gave harsh punishments which would be a **deterrent** to vagrants such as **whipping** and **burning** through the ear using a hot iron.

The Poor Law Act (1601)

For the first time a difference was made between the '**deserving poor**' and '**undeserving poor**'. The Poor Law Act offering the deserving poor, **Poor Relief**. Poor relief was a sum of money collected from the rich, which was given to anyone not physically able to work such as the **disabled** or **elderly.** However, the **undeserving poor** who were seen as fit to work but just lazy were given further punishments. Buildings called **Houses of Correction** were opened where '**inmates**' would be forced to work in return for food and shelter.

NEW CRIME Witchcraft

- Most people in England at this time believed that witchcraft was something **real** and people that could harm others using magic.
- The increased belief in witchcraft caused **fear** and a growing belief that 'witches' should be stopped and punished. Quite often, it was the **poor** who were accused of witchcraft by the wealthy who often looked for someone to blame for problems.
- The fear of witchcraft grew as did the number of **laws** and the harshness of the punishments against the people accused of witchcraft.
- After 1500, anyone accused of witchcraft would be taken to an **ordinary Royal Court**, rather than a church court. Dramatic **public trials and punishments** for witchcraft increased the fear of witchcraft even more – especially at a time when **religion** still had a huge control over people's life.

NEW CRIME Puritan Crimes 1653-58

- After **Oliver Cromwell's** victory in the English Civil War, he became England's **Lord Protector**. He was a Puritan and believed in strict religious rules on behaviour.
- Popular activities and entertainments that were accepted by the monarchs before, were now made illegal. E.g. Drinking alcohol, feasting and games were banned at Christmas. Feasting and drinking were discouraged as Cromwell believed it led to **bad behaviour**.
- These new crimes proved how quickly a **monarch** could make an action into a crime.
- A key **religious change** in 1650 was that people were no longer seen criminals and forced to pay a fine if they didn't attend church every Sunday. This is an example of a behaviour being **decriminalised – no longer illegal**.

NEW CRIME Smuggling

- ❑ In the 1600s, the government made **luxury goods** coming into England such as **tea** and **alcohol**, more expensive by adding a tax on to their cost called an **import duty**. This tempted smugglers to bring goods illegally into England themselves. Smugglers then make a profit (more money) from **illegally smuggled** goods by easily selling them at a cheaper price. Poverty meant that there was a high demand for cheap luxury goods.
- ❑ Smuggling became a **social crime** that was difficult to enforce. Many people benefitted from it and did not report smugglers to the authorities. Even the rich **upper classes** who wanted the fashionable luxury goods were willing to take advantage of the cheaper prices.
- ❑ Smuggling became a serious **crime against authority** as the government needed a way to make sure they gained their money from the **import duty** on goods.

OLD CRIME Poaching

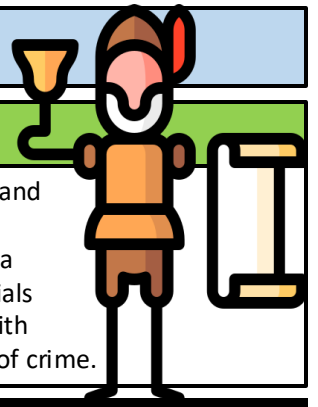
- The poor continued to hunt for food on enclosed private land and fish in rivers and streams. As the population grew, so did the lack of work, poverty and the ability to afford food. This caused a further increase in poaching.
- The **1671 Game Act** made all this illegal. The **upper classes** saw poachers as trespassers and thieves and demanded even harsher laws against them.
- However, there were many people with **sympathy** for the poor, who thought the laws were unfair. Therefore, it stayed as a **social crime**.
- The Game Act made criminal activity worse as men got together in organised **poaching gangs**. These gangs were more difficult to catch as they **planned** their hunts carefully and used other members as lookouts for the authorities.

Early Modern England | c.1500 – c.1700 | Methods of Law Enforcement in Early Modern England

What is Law Enforcement?

Law enforcement is anything that involves making sure people **follow the laws** of the country. This includes groups or individuals who are responsible for **catching criminals** or the methods used by the authorities to decide if someone is innocent or guilty.

Law Enforcement - Similarities with Medieval England



With no official police force, methods of law enforcement remained **similar**. It was still expected that anyone who witnessed a crime should try and stop the suspect or report them to the authorities. The **hue & cry** remained effective in in smaller communities. Local law enforcement officers introduced in Medieval England continued. For example, the **Justices of the Peace** introduced by Richard I still put criminals into prison before a trial and judged cases of petty (low level) crime. The role of the **Sheriff** (Shire Reeve) continued in smaller communities where they organised trials and held suspects in prison before trial. However, they lost some of their power to the **JPs**. **Trial by Jury** which began in 1215, also continued with suspects being judged by evidence rather than people's belief in God. **Royal Judges** travelled the country to deal with the more extreme cases of crime.

Growing Populations in Towns

- The **population** of England grew rapidly. In 1500 there were roughly 2.5 million people but by 1700 the population reached 6 million. The population of **London** grew from 30,000 in 1500 to 50,000 by 1700. Key **Ports** such as **Liverpool** and **Bristol** grew massively due to the increased trade in foods and luxury goods as well as the part they played in Britain's role in the **Slave Trade**.
- Even more people decided to move into towns to find **work**. Towns were seen as more exciting and seemed to offer more **opportunities**.

Law Enforcement in Towns

Older methods of law enforcement simply did not work in the growing towns where the crime rate was increasing. There were too many people for the local authorities to deal with and in towns it was easy to stay anonymous (unknown) and avoid capture.

- ❑ Theft increased due to the development of crowded business and trading areas, especially in town markets where stalls sold a wider range of luxury and everyday goods. **Pickpocketing** was common.
- ❑ Fewer people knew each other making criminals difficult to hunt down and identify.
- ❑ There was an increase in the number of poor from the countryside known as vagabonds who struggled to find work in the towns. Many turned to crime just to survive.
- ❑ The **rich** tended to live in towns and so they were more of a target for theft. It was easy to identify the rich as a target because of how they dressed and travelled. This also led to more **fraud** (conning someone out of money) with a lot more businesses.

NEW LAW ENFORCEMENT ROLES

Town Constables

- ❑ **Town constables** had been introduced before 1500, but their role rapidly developed to deal with increased crime.
- ❑ For the first time, town constables were **employed** and therefore **paid** by the town authorities.
- ❑ They had some **powers to arrest** suspects without the need for support from a Justice of the Peace.
- ❑ They would help the local authorities **collect fines** and payments.
- ❑ They were expected to break up fights and stop criminals if they ran away and **round up beggars and vagabonds**.
- ❑ They had the power to take criminals to the local **courts**.

Night Watchman

- ❑ They were **overseen** by the town constable and were **unpaid volunteers** still expected do their normal job during the day.
- ❑ **All men** in a town were expected to be a night watchman at some point.
- ❑ They would patrol the streets between **10pm and dawn**.
- ❑ They had a responsibility to **ring a bell** to warn people to get indoors if a criminal was on the loose.
- ❑ They would carry a **candle lamp**, a spear like weapon called a **halberd** and many took along a **dog.**

Thief Takers

- ❑ Some people believed the Town Constables and Night Watchmen were ineffective. This meant that some **wealthier** people hired a group of men called **Thief Takers**.
- ❑ A thief taker was hired by the rich to catch criminals and take them to the authorities. They would receive a **significant reward** for doing this.
- ❑ Some were hired to keep guard outside a person's home or business.
- ❑ However, this form of law enforcement was '**unofficial**' and open to **corruption**. The methods some thief takers used were just as **violent** as the criminals they were after.
- ❑ The most infamous London thief taker was **Jonathan Wild**. He secretly led a **gang of thieves** who then claimed the reward when they handed in the items they said they had recovered. However, his criminal activities were discovered, and he was **executed** in 1725.

Early Modern England | c.1500 – c.1700 | The Start of the Bloody Code, Transportation & Early Prisons

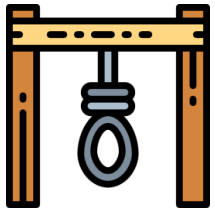
Medieval Similarities

CORPORAL & CAPITAL

- ❑ The use of **corporal** and **capital punishments** continued after 1500.
- ❑ Punishments were still used as a form of **retribution** and **deterrent** to others in the community.
- ❑ Most people still believed that this type of punishment was effective. E.g., **vagabonds** were publicly whipped.
- ❑ **Fines** or being placed the **stocks** or **pillory were** used to punish minor offences.
- ❑ Execution by **hanging** or **beheading** continued for more serious crimes and **burning** was still used for heresy.
- ❑ High treason was still punished with being **hanged, drawn and quartered**.
- ❑ These punishments were an accepted way of life.

PUBLIC PUNISHMENT

- ❑ Punishments remained very '**visible**' to the public as a **deterrent** and to **humiliate** and **shame**.
- ❑ **Executions** remained public & drew huge crowds.



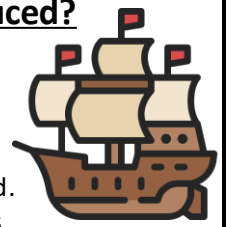
NEW METHODS OF PUNISHMENT

Until now, punishments had been based on retribution and deterrence. However, **transportation** and the **Houses of Correction** were more than this. They were still a huge **deterrent** and **removed** a criminal from society. However, there was now a new theory - They were seen by some as a way for a criminal's behaviour to **reform** – change their behaviour. Giving a criminal **hard labour** would in theory push them to working harder in life and avoid crime. Their time away would also give criminals a chance to **reflect** on their actions to help them **rehabilitate**.

TRANSPORTATION TO NORTH AMERICA

- From the **1600s**, some criminals were taken in chains, held under the decks of a ship and transported to the new **English colonies** in **North America.**
- In North America, they would be given tough physical labour for between **7 - 14 years**. Although prisoners were not given the death penalty, it was still a **harsh punishment** and very few returned**.**
- Between **50,000** and **80,000** people were transported to North America before 1770 including **men**, **woman** and **children**. **King James I** gave permission for **vagrant children** in London to be arrested and transported. They were called **duty boys/girls** and many died on the journey.

Why was transportation introduced?



- **EXPLORATION** to the Americas made this a possible punishment.
- **POLITICS** - Sending criminals to North America was a way to increasing the population of England's colonies abroad.
- **ECONOMY** - The North American Colonies would also help build England's economy through trade.

- **CHANGING ATTITUDES** – Some politicians began to believe that a change in lifestyle might help some criminals make a new start away from crime to reform and rehabilitate them.
- **RELIGION** – Sending prisoners to North America would help spread Christianity.

EARLY PRISONS

Prisons had just been where people **waited** before a trial. They were **not purpose built,** just a locked room in a local castle or village building. **Debtors** (people who owed money) were held in **debtor's prison** until their debts had been paid. Prisoners had to **pay the wardens** for food and clothing. **If they could not pay,** they went without. Women, men and children were all locked together. Petty criminals and murderers were held in the same space. Conditions were **dirty** and prisoners died of diseases like **typhus**.

HOUSES OF CORRECTION

- **By 1556,** purpose-built prisons called **Houses of Correction** were built. The first was **Bridewell Prison** in London.
- It was used to punish **poor** people of all ages including **vagabonds** who had broken the law & house orphaned children.
- **Inmates** were given **hard labour** like breaking up rocks to pay for food and shelter. It was hoped it would encourage them to work harder after their release and reform their behaviour.
- Many Houses of Correction opened around England.

NEW THEORY – THE BLOODY CODE

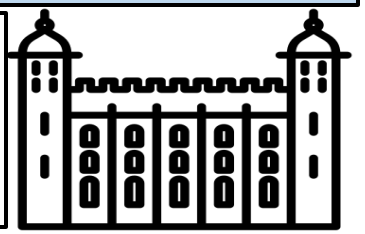
- ❑ Following the **English Civil War** in the mid-1600s, the power of the King was reduced, and parliament began to have even more influence over law and order.
- ❑ Many men in Parliament were **wealthy land-owners** who wanted to protect their property. They felt that the poor and vagabonds were a threat and so looked for ways to remove their threat for good. This led to many more crimes being punished by death.
- ❑ This theory, known as the **Bloody Code**, was the idea that the death penalty was the only way to **stop crime** as it simply **removed** the criminal from society altogether and acted as a significant **deterrent** to others.
- ❑ The number of **capital crimes** dramatically increased.
- ❑ Over **50 crimes could** result in the death penalty by 1688.
- ❑ Most were serious like murder or other crimes against authority which threatened the status of the rich like treason and heresy.
- ❑ However, the Bloody Code meant that many **minor offences** became **capital crimes** such as poaching, minor assault and pickpocketing.

DID THE BLOODY CODE WORK?

- ❑ Many minor offences were simply out of **desperation**. There was a huge amount of poverty during this time which led people to take extreme measures to survive.
- ❑ Criminals could even receive a **pardon** if they could prove they had a good character. This meant that not all executions were carried out. This gave some people hope that they could carry out a crime without execution.
- ❑ Any pregnant woman who was given the death penalty could **Plead for Belly**. If a doctor proved a woman was pregnant, the hanging would be delayed until after the birth. Often women ran away or were given a pardon after the child was born and so escaped hanging anyway.
- ❑ However, the use of the Bloody Code continued into the 1800s.

Early Modern England | c.1500 – c.1700 | The Crimes and Punishments of the Gunpowder Plotters of 1605

The Gunpowder Plot is one of the most infamous events in English History. **Protestant King James I** succeeded Elizabeth I in 1603. After only two years in power, Catholic plotters attempted to blow up the Houses of Parliament, kill the king and restore the **Catholic** faith in England. The **plot failed**. Consequently, the plotters, led by **Robert Catesby** were arrested, taken to the Tower of London, **tortured** and then executed by being **hung, drawn and quartered**. This case study is an example you can use to explain how **religion** still played an important role in crime and punishment in Early Modern England. It also proves how the most serious crime in the country – **high treason**, was punished in the most **brutal** way as a strong **deterrent** to others who wanted to **challenge the authority** of the monarchy.



RELIGION & THE LAW UNDER JAMES I

- ❑ After Elizabeth I's death, **Catholics** hoped the new King, James I would be more sympathetic and fairer to the Catholics. After all, his mother and wife were Catholics.
- ❑ Many Catholics remained in England despite the **law** stating that England was officially Protestant.
- ❑ However, they were disappointed when James announced even **stricter anti-Catholic laws**.
- ❑ Catholics had to attend Protestant church services. If they didn't, they were punished with a **fine**.

THE AIM & CRIMES OF THE CATHOLIC PLOTTERS

- ❑ The leader of the plot, **Robert Catesby** gathered a group who Catholics who wanted to challenge the authority of King James I.
- ❑ They planned to attack Parliament and kill the king on the opening day of Parliament in November 1605.
- ❑ Their aim was to return England to the Catholic faith and replace the powerful group of Protestants in parliament with Catholics.
- ❑ This was a significant **crime against authority.** Their political actions meant they were committing **high treason** and the religious element to the plot also made it an act of **heresy**.

THE PLAN

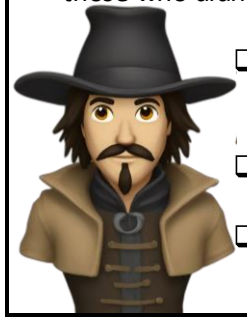
- ❑ **Gunpowder** was stored below the **Houses of Parliament.** It was then the role of the explosives expert, **Guy Fawkes** to set the gunpowder off.
- ❑ However, a letter warning of a plot was sent to the king's advisor.
- ❑ Some believe the plot was already known about, but it was left until the last minute to find the plotters to create **more drama** and give James I more reason to strengthen **anti-Catholic laws**.
- ❑ The plotters were found soon after and captured.

EVEN STRICTER ANTI-CATHOLIC LAWS

The king and his government used the plot to strengthen the **anti-Catholic attitudes** in England. James I therefore had **pressure** from his Protestant parliament and the public to create even harsher anti-Catholic laws.

Two new Laws were introduced:

- **The 1605 Thanksgiving Act:** This law made November 5th an event that had to be commemorated every year.
- **The 1606 Recusants Act:** Catholics had to swear an **oath of allegiance** to the King and attend Protestant Church services by law. The fine was increased further for those who didn't.



<u>There were also other anti-Catholic Laws:</u>

- ❑ Catholics were banned from working in the **legal profession** or being an army **officer**. They were banned from **voting** or becoming an MP. (This was only repealed' in 1829.)
- ❑ King James I published a book about the Gunpowder Plot. The account he gave further increased anti-Catholic attitudes.
- ❑ More people in England started to blame the Catholics for bad events such as starting the Great Fire of London.

THE PUNISHMENT

- ❑ Before the execution, the plotters were **dragged through the crowded streets** of London.
- ❑ The men were then hung until they lost consciousness. They were then revived.
- ❑ After this their **genitals** were cut off. This was a **symbolic** act to mean they would never have 'criminal' children of their own.
- ❑ Their insides were then pulled out with the **heart** being shown to the crowd.
- ❑ Finally, their head was chopped off and their body chopped into **4 pieces**. These were then **displayed** in public.
- ❑ All of this was meant to act as the ultimate **deterrent** to any would be Catholic plotters.

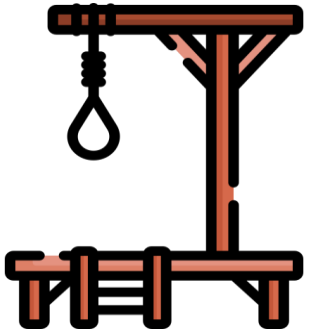
TORTURE OF THE PLOTTERS

- ❑ After the plotters were captured, the king gave permission for **torture** to be used to get a confession. Torture was only allowed in England under the authority of the king in special circumstances.

- ❑ A torture device called **the rack**, held in the **Tower of London** was used on Guy Fawkes. The rack was a wooden structure which **stretched** the body forcing limbs apart at the joints.
- ❑ After **12 days**, Fawkes confessed and named the plotters.

THE TRIAL

- ❑ In **January 1606**, the **8** surviving Catholic plotters were put on trial.
- ❑ The trial lasted just one day.
- ❑ They were found **guilty of treason** and given the punishment of being publically hung, drawn and quartered.



Early Modern England | c.1500 – c.1700 | Matthew Hopkins & the Increased Belief in Witchcraft

Being Catholic or Protestant was not the only religious factor that caused a problem with the law, there was a deep-rooted belief by people of all ages and backgrounds in the power of **supernatural events** and the existence of **witches** who could summon the powers of the **Devil** and cause harm to others. Many people believed that witches had made a **pact** with the Devil and in return this gave them **special powers** which enabled them to make someone **sick** or **die**. Witches were believed to have their own **familiars** – an animal which helped the Witch, do the Devil's work. These beliefs proves how **religion** still shaped **people's attitudes** and how key individuals such as **the monarchs of the time** could use their own fears to influence others and create **new laws**. However, by the end of the Early Modern period, the belief in witchcraft declined. Instead, there was new belief in science and people had a more **enlightened** way of understanding the world. The decline in the belief of witchcraft resulted in an end to the strict laws against it.

WITCHCRAFT IN MEIDIEVAL ENGLAND

- ❑ The belief in witchcraft had existed in **Medieval England** and Church courts were used for witchcraft trials.
- ❑ However, the punishments were not harsh, and the belief in witchcraft was not as widespread or seen as a serious issue.

EARLY MODERN ATTITUDES

- ❑ From the 1500s, **monarchs** introduced several witchcraft laws. These laws made the population believe in the existence of witches and witchcraft and see supernatural actions as **crimes** – especially as their king or queen also believed in their existence.
- ❑ To make people feel safe, it became important for the authorities to search for witches, put them on trial and punished them.
- ❑ This led to a **witch craze** during the 1600s. Suspects were **tortured** before being put on trial & **hanged**.

THE TRIALS FOR WITCHCRAFT

- ❑ Suspects were tested to see if they had supernatural powers. The tests were often carried out in unfair ways that would result in a guilty verdict. The main tests at this time included the **swimming test/ducking stool** or searching the body for a **Devil's Mark** (usually a just birth mark or wart).

Monarchs & Laws

Monarchs had a **huge influence** over the beliefs of their subjects. Their beliefs easily led to **new laws** to make sure everybody followed the same view. These laws **influenced** people of all backgrounds to further believe that witchcraft was **real.**

- 1542: Henry VIII - The Witchcraft Act

Witchcraft was punished by death for the first time. The crime of witchcraft officially became an act of **treason** and **heresy** which resulted in much harsher punishments.

- 1563 Elizabeth I - The Act against Enchantments and Witchcraft

Ordinary Royal Courts were now used for witchcraft trials instead of more lenient Church courts. Minor witchcraft acts such as using charms were punished by time in the stocks.

- 1604 James I - Witchcraft & Conjuration Act:

The death penalty was given to anyone 'summoning the Devil'.

Influence of King James I

- ❑ King James I had a huge influence over the belief in witchcraft. He made it clear that witchcraft was a crime against the king as well as God.
- ❑ He published a book called ***Demonologie*** in 1604 which called witches the '**slaves of the Devil**'.
- ❑ He encouraged readers to seek them out and gave instructions for running **witch trials**.
- ❑ James was **paranoid** about witches targeting him. The failure of the **Gunpowder Plot** made this paranoia even worse and so he encouraged even more witch hunts.

WHY WAS THERE AN INCREASED BELIEF IN WITCHCRAFT?

Attitude Towards Women

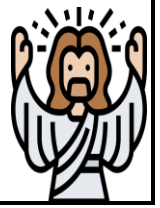
- ❑ **Women** were particularly **vulnerable** to being accused of witchcraft. Poor and elderly women became **easy targets** for anyone wanting to make an accusation of witchcraft in their local community.
- ❑ Local '**wise women**' who were known for their 'healing powers' were often suspected.

The Economy

- ❑ In this time that was great **poverty**. This increased the **tensions** between people in small communities.
- ❑ Economic disasters such as a poor harvests, flooding or the death of livestock was often blamed on evil spirits and sin, included the acts of witchcraft.
- ❑ Without any knowledge of science, it was easy to blame witchcraft for people's bad luck and poverty.

The English Civil War 1642

- ❑ The Civil War began in 1642 & led to huge **changes** in people's lives.
- ❑ The chaos of war with the **death** and **destruction** it caused, resulted in more people believing they had been punished by God and witchcraft also played a part.



Influence of the Church

- ❑ The Church played a key part in **attitudes** towards witchcraft. The Church taught that human life was a struggle between good and evil or God and the Devil.
- ❑ Witchcraft was sometimes linked with the **Catholic Church.** As more people became Protestant, they wanted to blame Catholic Church

Fear of the Poor

There was a growing fear by the wealthy of the poor – especially **vagabonds** who they saw in the towns. Many accusations of witchcraft were made by the wealthy against the poor. The poor were an **easy target** or **'scapegoats'** who could not easily defend themselves.

Early Modern England | c.1500 – c.1700 | Matthew Hopkins & the Increased Belief in Witchcraft

One **key individual** who had a significant influence on the growing belief of witchcraft, especially in the **south-east of England** was **Matthew Hopkins**. Hopkins had previously been a **lawyer** and so knew plenty about how he could use the law to his advantage. From 1645-47, during the chaos of the **English Civil War**, he began hunting down witches in the south-east of England. He even gave himself the grand title of the **Witchfinder General**. His witch hunts contributed towards the **witch craze** of the mid 1600s.

1. Matthew Hopkins's Background

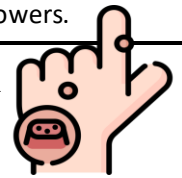
- Hopkins was employed as a **Justice of the Peace** in Essex. JPs sought out anyone who was seen as **religious threat** or refused to follow the rules of the Protestant Church. They had the responsibility to find 'witches' and bring them to trial.
- The role gave him a **significant financial reward**. For example, a local magistrate would pay the same as an average **monthly wage** for each accused witch he was brought.

2. The use of Witch Trials and Interrogation

Hopkins used a range of **interrogation methods** to gain confessions. He restricted the amount of **food** given to a suspect by giving them just bread and water and used **sleep deprivation** to make the suspects tired and confused.

- During the interrogations, Hopkins looked for physical 'evidence' of witchcraft.
- Suspects were **humiliated** and asked to strip naked while Hopkins looked for a '**mark of the Devil**' from which a witches' **familiar** could suckle blood.
- This might be a **mole**, **birthmark** a **wart** or any unusual markings on the body.
- Any of these could be used as 'evidence' that a person was guilty of witchcraft.

Bodkins were used. These were fake knives with **retractable blades**. When pushed into the skin, the suspect would not bleed, and this was used as evidence the person had evil powers.



3. How Hopkins Spread a Fear of Witchcraft

- Hopkins' witch hunts in the east of England, was the most widespread **mass execution** for witchcraft in English history.
- His actions along with his assistant John Sterne led to an estimated **300 people** being investigated for witchcraft with **112** of these executed by **hanging**.
- Hopkins's activities helped contribute to a **mass fear** and **panic** about the existence of witches.
- He **capitalised** (made the most of) the fears that already existed and intentionally made them worse for his own advantage.
- Hopkins carried out his witch-hunts during the **English Civil War.** There was very **little law and order** which meant some communities took matters into their own hands to deal with their problems and called upon Hopkins for his help. This also made it easier for a person to accuse another of witchcraft.
- Up to 1,000 people were executed for witchcraft between 1542 – 1736. The most common form of execution was death by **hanging**.
- Minor witchcraft offenses were also be punished with a day in the **stocks** or **pillory.** However, these public punishments still increased the public's fear of witchcraft.
- The most known method of judging guilt was the **swimming test**. After being blessed by a priest, a person was guilty of witchcraft if the water 'rejected' them, and they floated.
- However, this method was **NOT** used by Hopkins and only existed in some communities. However, it was **public** enough to put the fear of witchcraft into others in a local area.

4. Women and Witchcraft

- 90% of accusations of were against women. Women had restricted lives and limited power. In **law**, they were viewed as '**property**' of their father and their husband.
- Women who did not fit into what society expected them to do were seen with suspicion. For example, women who did not **marry** or **lived alone**.
- It was believed that women were the **weaker sex**. This meant they were far more likely to be tempted into evil and taken over the Devil.
- Many women accused of witchcraft were '**wise women**'- women who local village communities would go to get advice about medicine, health and childbirth.
- The **Poor** who could not afford doctors relied on wise women who they believed had the power to heal. The authorities disliked wise women having so much respect and so they naturally attracted the attention of the witch hunters.

5. Why did the Belief in Witchcraft Decline by the 1700s?

- **HOPKINS' DEATH:** Hopkins' death in 1647 helped calm the witch craze as his influence declined.
- **THE ENLIGHTENMENT:** By the 1700s, there was a period known as **The Enlightenment**. This was started by the wealthy and well educated who became interested in a range of subjects such as **astronomy**, **medicine**, **physics**, and **maths.** These people came together to ask questions about the world and seek 'real' evidence to explain why things happened.
- **SCIENCE & THE ROYAL SOCIETY:** In London, a famous organisation was established called **The Royal Society** and this was even supported by **King Charles II**. This was an important **turning point** as it meant older theories based on religion and tradition gave way to more modern scientific ideas. This had an impact in courts where judges now demanded better evidence of a crime like witchcraft in trials.
- **CHANGE IN ROYAL BELIEFS:** In 1735**, King George II** introduced a new **Witchcraft Act.** This stated by law that 'witches' were now nothing more than tricksters. It also abolished the death penalty for witchcraft, so it was no longer seen as a serious capital crime. As the monarchs no longer took witchcraft seriously, others in society no longer felt afraid.

c.1700 – c.1900 Continuity & Change in the Nature of Crime: Highway Robbery, Poaching & Smuggling

Between 1700-1900 there were significant changes in society which had a huge impact on crime. There was rapid **population growth. Urbanisation** led to the **rich** and **poor** living more closely together in towns. New forms of **transport** led to the faster movement of people and goods. There were groundbreaking **technological** and **scientific** advances and an increase in foreign **trade** resulted in many more luxury goods arriving in England to tempt criminals.

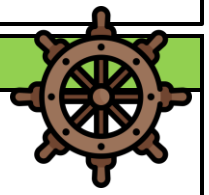
Changing Crime: Smuggling

- Smugglers brought **luxury goods** into the country without paying the government's **tax** or **import duty.** They then sold these goods illegally to make money.
- Without paying tax, smugglers **easily** sold their goods at a **cheaper price** and still made a **profit** for themselves.
- By the 1700s, the government had **increased the import tax** on many **luxury** foreign goods such as **wine, tea, coffee, spirits** and **cloth** which made smuggling even more tempting.

Similarities/Continuity

- It remained difficult for the authorities to tackle smuggling.
- Much of it took place at **night** under the cover of **darkness** using an unlimited number of **hidden** coastal coves around the country. People living in coastal areas often offered to hide goods and unload boats and so much of it went **unreported**.
- It remained a **social crime** as people benefitted from cheaper goods. The **rich** also bought from smugglers which meant they too, did not report the crime.

Differences/Change

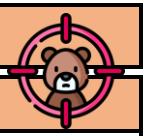


- There was an increase in bigger, more organised **smuggling gangs** who used improved transport & sailing methods to their advantage.
- For instance, the **Hawkhurst Gang** smuggled goods along the south coast from 1735–49 before their leaders were hung.

Decline in Smuggling

- Smuggling declined when the government **reduced import tax** on some goods making them cheaper. This made the demand for smuggled goods decline.
- The government invested in building **watchtowers** along the coast and created a **Coast Guard** in the 1820s which made smuggling more difficult for criminal gangs.

Changing Crime: Poaching



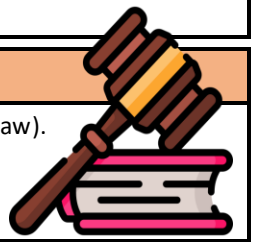
Similarities/Continuity

- Poaching continued to be a **common crime** after 1700, and most people committed the crime out of desperation to feed themselves and their family.
- Like smuggling it was both a **crime against authority** as well as a **social crime.**
- It continued to cause tension between the rich and poor.

Differences/Change

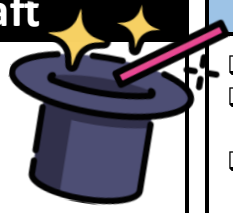
- There was a rise in the number of better organised **poaching gangs** who worked together to hunt larger numbers of **animals** before selling them on.
- As part of the Bloody Code, the government introduced even harsher **anti-poaching laws** after 1700.
- The **1723 Black Act** now made poaching a **capital crime** – punished by death. It became illegal for a person to **blacken their face** (as a disguise at night), carry hunting **snares** or have a **hunting dog** on private land**.** The Black Act was viewed as unfair as the same extreme punishments would be given to individual poachers (who were poaching just to feed themselves) as well as organised gangs.

Decline in Poaching



- In 1823, the **Black Act** was finally **repealed** (no longer a law). Poaching was still illegal but no longer a <u>capital</u> crime.
- Attitudes towards the poor began to change with governments being more sympathetic and supportive.

Decriminalisation of Witchcraft



- King George II's Witchcraft Act of 1736, finally **decriminalised** witchcraft. This meant it was no longer seen as a crime and in law, witchcraft was stated as 'not real'. Anyone claiming that they had supernatural powers was simply labelled as a '**trickster**' or 'con' and given a fine or prison sentence.
- New scientific beliefs meant that most people no longer believed in or feared witches as events such as poor harvests and illness were better understood.

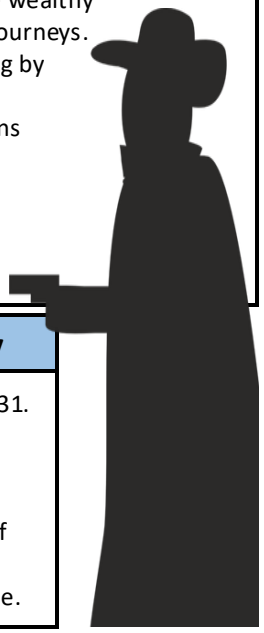
Changing Crime: Highway Robbery

- Highway Robbery was the crime of threatening or attacking travellers and forcing them to hand over money or goods.
- It was a crime in Medieval England but with few travellers and roadways it was not common.
- Highway robbers who operated on **foot** were known as **footpads**.
- Those who travelled on **horseback** were known as **highway men**.
- It was a seen as a crime against the person as well as property.
- As the crime took place on the 'king's highway' it was seen as a **crime against authority.** In **1772** the **death penalty** was introduced for highway robbery as part of the Bloody Code.

Increase in Highway Robbery

Highway Robbery increased after 1700 for various reasons:

- With more trade (both from abroad and within the country) there was a greater need to move goods and money around the country.
- There were **few banks** so traders as well as the wealthy carried large sums of cash with them on their journeys.
- The wealthy used carriages with many travelling by **stagecoach** – this made them a target.
- Roads were **isolated** between villages and towns which meant robberies could easily take place.
- More people were on the roads with **carriages** and **stagecoaches**, giving criminals more opportunity to steel before disappearing back into the forests and countryside.



Decline in Highway Robbery

- The last reported case of the crime was in 1831.
- By the 1800s, mounted **horse patrols** were placed on major roads as a deterrent.
- **Banks** were built which meant there was less need for people to carry around large sums of money.
- Roads & railways became more open & secure.

c.1700 – c.1900 | Changes in Britain in the 18th & 19th Century and the impact on Crime & Punishment

You may be asked to explain **why** there were changes to the types of crime, methods of law enforcement and punishments between 1700-1900. The Quite often, the period between 1750 and 1900 is referred to as the Industrial Revolution. Huge changes affected Britain's population, technology and mechanisation, forms of transport, greater exploration and the economy. Below are various factors you could use to explain the changes towards law and order in this time. For each factor, think how it will have impacted the nature of crime, methods of law enforcement and punishments.

Population & Towns

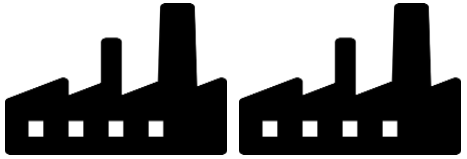
1700 - Only **9 million** people who mainly lived in scattered villages in rural areas.

1900 - 41.5 million people with a mass migration to towns due to urbanisation and industry.

Work

1700 – most people made a living with farm work in **rural** areas.

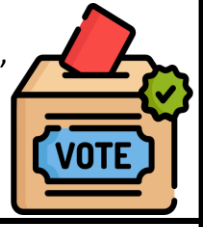
1900 – most people found work in busy factories, workshops or mills in or near **towns**.



Voting Rights

1750 – Only one in every 8 **men** could vote.

1885 – Nearly **all men** had this right. Governments now had to take notice of the needs of all voters, not just the rich and powerful.



Agriculture

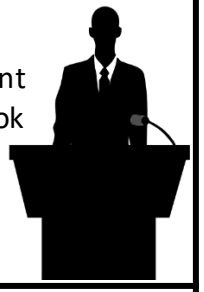
1700 – **Poor harvests** more common due to simple farming methods.

1900 – Better knowledge of farming and food. Food could be produced **easily** and **imported cheaply** from abroad. Land became more equally distributed.

Politics and government

1700 – The government was led by rich and powerful landowners who would only look after their own interests.

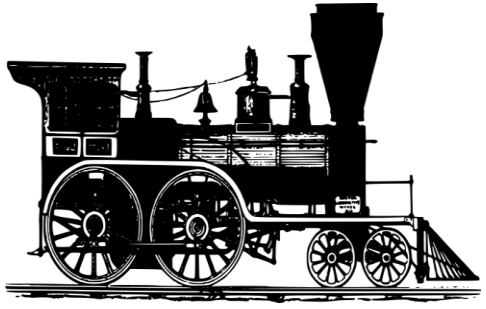
1900 – The government had a wider role to look after the wellbeing of ordinary citizens.



Travel

1700 – Basic means of travel using horse and cart on gravel tracks. Weather could affect this.

1900 – Huge improvement with railways, steam power, canals. Transport much cheaper and quicker – especially for ordinary people, not just the rich.



Economy/Trade

1700 – Some trade outside England for luxury goods such as tea, sugar, tobacco. A time of the Save Trade.

1900 – Britain now a leading trading country. Links with all parts of the globe to a variety of cheaper goods. The government collecting higher taxes which they could use to make changes to law enforcement and punishments.

Education

1700 – A small number of richer children educated and literate.

1900 – 95% of the population could read and write. The law made all children go to school until the age of 13. It was possible for ordinary people to make an impact if they wanted to as they were more educated.

New beliefs and attitudes

1700 – There were some new beliefs about science, medicine and the world. The Enlightenment had some impact. England was still a highly religious country.

1900 – Charles Darwin's theory of evolution started to make people believe that some people were born as 'criminals'. **Humanitarianism** gave people a belief that human beings could be **rehabilitated** and **reformed**. Religion was challenged by new scientific explanations of the world.

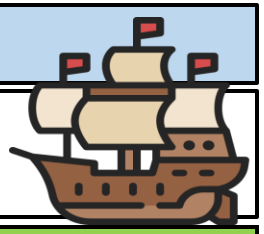
Taxes

1700 – Fewer people in the country would work, and so the government got a limited amount of money from taxes.

1900 – With a huge population and many in work, the government had much higher taxes and could spend this money developing new forms of law enforcement and punishment systems.

c.1700 – c.1900

CASE STUDY: The Treatment of the Tolpuddle Martyrs



The case of the **Tolpuddle Martyrs** is a great example of how the British government set out to severely punish any action that was seen as a **crime against authority**. It is also an example of how the way governments treated criminals by the 1800s could be **influenced** by changing public attitudes. For example, the power of the public and the press (newspapers) influenced the British government to pardon the men known as the Tolpuddle Martyrs. So, what did the men do wrong and how were they treated by the British government?

1. Historical Background

Dramatic events in Europe influenced the British government to act harshly towards the Tolpuddle Martyrs

- ❑ The French Revolution (1789-99) involved a revolution against the wealthy ruling classes. Thousands of nobility were **executed**. In 1830 there were even more uprisings against the French ruling classes.
- ❑ With France so close, the British government felt very **vulnerable** and **fearful** of the power that the poorer working classes could have against them.
- ❑ Consequently, any actions that threatened the authority of the government were **punished harshly**.

2. Birth of Trade Unions

- ❑ It was easy to understand why the British government were so worried about a potential working-class uprising.
- ❑ Many workers now lived and worked in poor, dangerous conditions. They had a low wage and no political rights. As a result, some workers began forming groups called **Trade Unions**.
- ❑ The Trade Unions began to stand up for workers rights and they even threatened to go on **strike** (stop work) until their conditions improved.

3. The Tolpuddle Martyrs

- ❑ In **1834**, a group of **farm workers** in the village of **Tolpuddle** in **Dorset**, decided to take matters into their own hands to protest about their wages.
- ❑ They only earned **6 shillings** a week despite the average wage for a farm worker being **10 shillings**.
- ❑ They formed what they called a '**Friendly Society**' – an early version of a trade union to protest and improve their pay. The Government saw this as a threat!

4. The Arrest of George Loveless

- ❑ One of the men, **George Loveless** was **arrested** by the local authorities for leaving his workplace in protest about his wages.
- ❑ He and five others were accused of '**administering an illegal oath**'. In fact, the authorities were so worried about their actions that they used the wording from an **old law** to arrest them. The law was meant to stop sailors in the Navy organising a mutiny!
- ❑ The real reason for using this law and arresting the men was to stop them going on **strike** and challenging the authority of their employers.
- ❑ The government did not want other workers doing the same thing.

5. The Punishment of the Tolpuddle Martyrs

- George Loveless and the other 5 were sentenced to **7 years transportation to Australia**. Australia was the new British colony used for transportation by the 1800s.
- Transportation was the **most severe punishment** the judge could give for their crime. The conditions on the transportation ship and the forced labour they endured afterwards was brutal.
- The judge issued the punishment to support the government in **deterring** others from forming or joining a trade union and **stop workers** from demanding higher pay.
- **Trade Union members were now treated as criminals** by the British government.

6. Public & Press Reaction

- ❑ The court where they were sentenced, the Old Crown Court in Dorchester, was one of the earliest to have a **section for the local press**.
- ❑ This meant **news** of their conviction and punishment spread across the country quickly.
- ❑ **Mass protests** were organised in support of the men. A **protest** was held in London which attracted 100,000 people and a **200,000 signature petition** was presented to parliament.
- ❑ However, the **Home Secretary**, the person charge of law and order in the British government **refused to accept** the petition and still went ahead with the transportation to Australia.

7. Public Pressure

- ❑ Following their transportation, rather than giving up their families gained support from national & local **newspapers** to run a **campaign.**
- ❑ The press gave the families **publicity** and **money** towards their legal fight to have the men brought back from Australia and their crimes **pardoned** by the government.

8. Tolpuddle Martyrs Pardoned 1836

- ❑ Finally, by **1836**, the government, who were still under pressure from the families and the press, **pardoned** and released the men - said the men they no longer guilty of a crime.
- ❑ The men had become known in the press as the Tolpuddle Martyrs. A martyr is a person who suffers for something they believe in and is often admired for it.
- ❑ The men returned home to a hero's welcome.

9. Changing Attitudes in Society

- ❑ This case proved that **public opinion,** with the backing of the **press** could influence government decisions about laws and punishments.
- ❑ It also proved how powerful the British newspapers were at getting support from the public – something that the government had to be aware of now more people were beginning to get the **vote**.

c1700 – c1900 | Law Enforcement: The Fielding Brothers, Bow Street Runners & Development of the Police

By the 1700s, there was a *continued* use of **town constables**, **night watchmen**, **thief takers.** When needed, the army were called upon to deal with any serious riots. Some towns began to pay their constables and watchmen. However, they were **low paid**, and the job had a **low status.** As a result, some became lazy and could be **easily bribed** by criminals to ignore their crimes. The standard of law enforcement across England **varied hugely**. The Industrial Revolution caused towns to grow and become overcrowded. Criminals became harder to catch with more opportunities to commit crime. Increasing poverty led people to commit more crime. However, by the mid 1700s, the Fielding Brothers formed a law enforcement groups called the **Bow Street Runners**. Their success directly led to the formation of a professional **Metropolitan** police force in London by 1829. By **1856,** the **Police Act** set up a professional police force in every part of England.

1. Bow Street Runners

- ❑ The development of the police began in London in 1748 with the creation of a group known as the **Bow Street Runners**. They were created by a Chief Judge named **Henry Fielding**.
- ❑ Fielding had been impressed with the success of thief takers around Bow Street.
- ❑ He believed they should become a more official law enforcement group.
- ❑ He understood that their reputation for using violence needed to be changed if they wanted to gain respect.

2. Fielding Brothers

- ❑ By **1754**, Henry's brother, **John Fielding** took over the Bow Street Runners.
- ❑ At first, the Fielding Brothers charged a **fee** for the use of the Bow Street Runners, much like the old system of thief takers.
- ❑ They made their money by collecting a **reward** if they successfully managed to convict the criminals in court.

3. Government Attention

- ❑ A turning point came in **1785** when the Bow Street Runners became so well known and effective they were officially paid by the **British government**.
- ❑ Their methods included publishing **newsletter** called *The Hue & Cry* which named & described wanted criminals in the area.

4. Bow Street Runners Methods

The Fielding Brothers' approach to running the Bow Street Runners was different in several ways.

- ❑ They aimed to **deter** criminals from committing crime by increasing the chances of them being caught.
- ❑ They had regular **foot** & **horse patrols.**
- ❑ They understood the importance of sharing information with other law enforcers such as town constables. In fact, their office in **Bow Street**, became a central location for collecting and sharing information about criminals.

They **influenced** similar groups to be formed in and around London.

5. Opposition to a Police Force

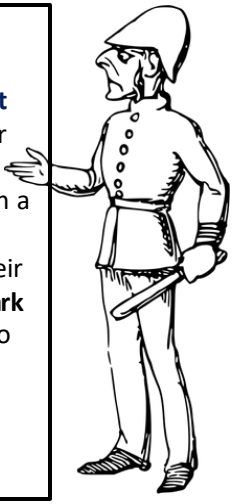
- ❑ However, the mixture of constables, night watchmen and the Bow Street Runners was still not enough to deal with an increasing amount of crime in the growing towns of this time.
- ❑ There was also **opposition** to having any kind of official police force. Some believed it would be too **expensive**.
- ❑ Others worried that a uniformed police force would be too much like having the **army** on the streets who were very unpopular with working classes.

6. Metropolitan Police

- ❑ In **1829**, **The Metropolitan Police Act** created England's first uniformed, professional police force which was based in London and called the **Metropolitan Police**.
- ❑ Each London districts had its own division of policeman which had **4 inspectors** in charge of **144 constables**.
- ❑ The constables patrolled the streets to act as a **deterrent** and to catch criminals. It was **far bigger** in numbers and **better organised** than the Bow Street Runners.

7. Robert Peel

- ❑ The **Home Secretary**, **Robert Peel** was keen for the public to see the police force in a positive light.
- ❑ He made sure their uniform was a **dark blue** for people to tell them apart from the dark green and red of the army.



8. Optional Policing

- ❑ Outside London, the development of policing was still slow with big differences in the quality and quantity of town constables & watchmen.
- ❑ There was still worry about the cost of a police force and the British government did not force local areas to create a police force.
- ❑ The **1835 Municipal Corporations Act** gave local councils power to set up a local police force if they wanted. However, it was only **optional** and only 93 out of 171 local areas set up their own force.

9. Police Detectives

- ❑ In 1842, a **detective branch** was set up at the Metropolitan Police's headquarters called **Scotland Yard**. It had just **16** officers. Instead of patrolling the 'beat' in uniform, they investigated crimes in 'plain clothes' which had not been solved.
- ❑ Some people did not like this as they simply believed the detectives were just acting like spies.

10. 1856 Police Act

- ❑ **Finally,** the **1856 Police Act** forced all local areas to have a professional police force which would be centrally controlled by the British government in London.
- ❑ Furthermore, all police forces would be **inspected** to make sure they were running effectively.
- ❑ This was essentially the start of the modern police service.

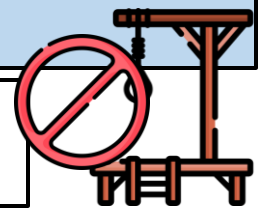
11. National Crime Records

By 1869 the first **National Crime Records** was set up. This saw the use of new technology in policing. **Telegraph** communication meant that different police forces could communicate quickly with each other to **share information** about crimes & criminals.

12. The CID

In **1878**, the **Criminal Investigation Department** known as CID was set up. This employed 200 detectives. 600 more were added in 1883. It was the CID who attempted to identify **Jack the Ripper** in 1888.

c.1700 – c.1900 | Changing Views about Punishment: End of Transportation, Public Executions & Bloody Code



Background information: The idea of the **Bloody Code** continued into the 1700s with even more crimes being punished with the death penalty. **Transportation** also continued and by 1770 Australia became the new destination for prisoners. However, by the mid 1800s there was a **significant change in attitudes** towards the purpose of punishment. As a result, the number of crimes punishable by death drastically reduced by the 1830s and the use of transportation and public execution ended in 1868 – the period of the Bloody Code came to an end.

The End of the Bloody Code

The **Bloody Code** continued into the 1700s as a method to deter criminals. Steeling more than 40 shillings became a capital offence and the **1723 Black Act** continued to make poaching a **capital crime**. However, by **1861**, the use of execution for minor crimes was abolished. The death penalty was just given for **serious crimes** such as murder and treason.

Changing Attitudes about Punishment

Year	Capital Crimes
1688	50
1765	160
1810	222
1832	60

In the 1800s, the use of the death penalty was beginning to be **questioned**. Some in government began to believe that there were better and more effective punishments available. They were influenced by the findings of high profile & influential individuals such as **Charles Dickens**, **Elizabeth Fry** and **John Howard.**

There was a new belief that criminals should have a chance to **reform** themselves and **rehabilitate** rather than being **removed** from society altogether.

Juries were **sympathetic** to suspects on trial reluctant to convict a person if it meant they were given the death penalty. Some criminals were going **unpunished** by being found innocent on purpose – the **justice system** was not working.

The **Christian Church** influenced the government and gave its support to the ides of giving criminals the chance to **reform** and have a **second chance**. The Church also argued that it was against **God's will** to execute people for minor crimes.

The industrial era saw the availability of **new** types of punishments. Building prisons was seen as far less inhumane way to punish criminals.

Transportation to Australia

Convicts were at first transported to Britain's colony in **North America**. However, after the American War of Independence in **1783** England lost control of this land. However, **Australia** became a British colony in **1770** so prisoners could be transported there instead.

Following trial, criminals were held in an overcrowded prison or a prison ship, called a **hulk**. On the 3-month journey, convicts were kept in chains under the decks of the ship. Once in Australia, they would be sent to do **manual farm labour** for British settlers for around 7 years. Once this sentence had finished, few returned home and so they stayed in Australia.

Why Transportation Initially Continued

- ❑ Transportation was seen as a serious punishment which could act as a **deterrent** but also a more '**humane**' punishment compared with the death penalty and **160,000** people were transported to Australia.
- ❑ Britain's prisons were not designed to hold large numbers of criminals and so transportation was the best alternative. Like with America, the Government wanted English prisoners to populate and control Australian colonies.

The End of Transportation (1868)

The British government ended transportation in **1868**. Much of this was down to the **changing attitudes** in Britain and Australia.

Australia was becoming a **desirable** place to live after **gold** was discovered. Transportation was less of a deterrent & more an **opportunity** to make money.

In Australia, the British prisoners were blamed for **high crime levels**.

By the mid1800s, more **prisons** were being built. With more room in prisons, there was **less need** for the expensive use of transportation to Australia.

Campaigners said that the conditions in the ships were inhumane. This was the time after **slavery** had been abolished, and yet British prisoners were being kept in similar conditions.

The End of Public Executions 1868

The Bloody Code was based on the idea that harsh punishments deterred criminals. This meant that executions were made into **public events** that were supposed to **strike fear** into those who watched. However, by the mid 1800s, the crime rate had increased.

Executions attracted large crowds with a **carnival atmosphere**. Train services were laid on to bring people to the executions. Employers and even schools allowed workers and children time off to witness the hangings. Local traders benefitted from increased trade and for many a hanging became more of a party rather than a deterrent.

The most famous place for public executions was **Tyburn** in London. The structure for hanging prisoners was nicknamed **The Tyburn Tree** and it developed to hang up to **24 people** at once.

The crowds which came to watch were often **drunk** and disorderly with some taking the opportunity to commit their own crimes such as **pickpocketing** and **prostitution**.

Reformers argued that public executions were inhumane. They believed that the death of a person should be more **dignified** and take place away from the public.

The crowds took the opportunity to **mock** and **intimidate** the local authorities as well as making out the criminal to be a hero. This meant policing the crowds became difficult and expensive.

High profile individuals such as **Charles Dickens** openly criticised public executions and influenced the government to bring them to and end. Dickens helped to **change public opinion** about the use of public executions.

c.1700 – c.1900 The Changing Nature & Purpose of Prisons in the 18th & 19th Century

Prisons Before the 1700s

Before the 1700s, prison was mainly used for holding people **before** a trial or before an execution. They were *rarely* used as a punishment.

Inmates had to **pay prison wardens** for food and bedding. If they didn't, they simply went without.

It was common for prisoners to have to pay a **release fee** at the end of their sentence meaning that some never left.

It was common for wealthy prisoners to bribe prison wardens for extra 'pleasures' such as wine & women!

Men, **women** and **children** were all put together with **petty criminals** placed alongside **violent criminals**. **Younger** prisoners were often bullied and abused or even taught how to become serious criminals.

Houses of Correction were built in London by 1553 to punish the poor or house orphaned children. Inmates did **hard labour** like breaking up rocks to encouraging work hard and **reform** their character.

Prisons were **dirty** with no **sanitation.** Prisoners died of diseases such as **typhus**.

All prisons were all **privately owned** which meant the government had no control over them. They all made frequent use of **corporal punishments** such a whipping and beatings.

Prisons as a Punishment after 1700

- After 1700, prisons were more commonly used as a punishment. They aimed to **remove** criminals from society. For example, **Debtors' prisons** became more punished anyone who had not paid rent or fines.
- Prisons were seen as an alternative punishment for criminals to help them **reform/rehabilitate**. However, prison conditions remained harsh enough to act as a **deterrent**.
- Prison sentences involve **hard labour** which aimed to encourage hard work. An example of this was the **treadwheel**. Prisoners walked up a wheel for 10 minutes at a time with only a short break between. This lasted as long as **8 hours** a day. The treadwheel also had the purpose of generating power to the prison by pumping water.

Prison Reforms and the Reformers

Some continued to believe that prisons should be **harsh enough** to **deter** others from crime. However, others began to believe that the purpose of prison should be to help criminals **rehabilitate**. They wanted to **reform** (or change) the conditions in prisons. The two main influential prison reformers were **Elizabeth Fry** & **John Howard**.

John Howard

John Howard was a High Sheriff. High Sheriffs had the responsibility of looking after prisons in each county. Howard was shocked by the conditions he saw in **Bedfordshire County Prison**.

He believed that prisoners should be given **useful work** as well as **Christian teaching**.

In **1774**, Howard persuaded the government to make sure that once a prisoner had finished their sentence time, they would be released without having to pay a release fee.

Howard believed that criminals would only change if they were given respect and given a reasonable standard of living in prison. He recommended **clean water** and **decent food**.

He visited other prisons to collect evidence of the conditions. By **1777**, he published his highly influential book called ***The State of Prisons in England*** and Wales. The report helped persuade the British government that reform was needed.

He wanted prisons to have private cells to allow inmates time to **reflect** on their actions and wanted prison wardens to be **paid**.

He **personally visited** prisons around the country to persuade them to make his changes.

The Growth of Humanitarianism

Fry and **Howard** believed in a popular idea of the time known as **humanitarianism**. This was the belief that **all people are equal** and so inhumane treatment of others should be stopped. Their ideas had a powerful **influence** on the public, the government and included using public meetings as well as writing articles in national newspapers.

Greater Government Control

The British government became increasingly involved in the running of prisons

1777 – Ended the practice of prisoners having to pay a release fee.
1815 – Prison Wardens were paid.
1823 – Prisoners held in categories (violent, nonviolent, women, children)
1835 – **The Gaols Act** introduced government inspections of prisons
1877 – All prisons in Britain were brought under the control of the British Government.

Elizabeth Fry

Elizabeth Fry began doing charity work at the age of 18, helping the poor, the sick and prisoners.

Fry was **highly religious** and believed that God was present in everyone and that criminals could change their behaviour for good.

In 1819, she set up the **Association for the Reformation of Female Prisoners at Newgate Prison**. She made sure that **female prison wardens** were employed to work with women and children and organised prison **education** for the women and children.

In 1813 she visited **Newgate Prison in London** where she was shocked at the conditions. In particular, at how women and children were kept alongside dangerous prisoners in filthy, overcrowded conditions.

She ran **bible classes** at Newgate Prison to encourage the prisoners to reform their character.

She wrote **letters** and **ran campaigns** to push the government for further prison reforms.

c.1700 – c.1900 CASE STUDY: The Separate System at Pentonville Prison, London (est. 1842).

The Victorians were concerned about Britain's increasing crime rate. Between 1800-1840, the number of crimes **reported** had risen from 5,000 to 20,000 a year. Before 1700 Houses of Correction had been built to deal with the the homeless, vagabonds and orphaned children but in general prisons were not yet seen as a form of punishment. However, with transportation & public executions ending, more prisons were built. Reformers like **Elizabeth Fry** and **John Howard** called for better conditions in prisons with a focus on **reform** and **reflection.** Others however, wanted prisons to be tough enough to **deter** criminals. Pentonville Prison was as an example of a prison that used both these ideas. Pentonville was built in 1842 and held 520 inmates. It became a **prototype prison,** and its success led to 90 other prisons being built on Pentonville's model between 1840 – 1880.

What was the Separate System?

Pentonville was planned using an idea called the **Separate System**. Prisoners were kept apart from each other and in **solitude** (on their own) as much as possible. This was a vast difference to the over-crowded prisons common in the 1700s. Inmates would be kept in their cell for up to **23 hours a day**.

The reasons for the separate system were:

- ❑ Prisoners would be given time to **reflect** on their crimes with the purpose of helping them **reform/rehabilitate**.
- ❑ Prisoners were given **religious teaching** to encourage them to reform.
- ❑ Solitude meant that prisoners would not be influenced by other criminals.
- ❑ Prisoners were isolated to make prison a serious **deterrent** for others.
- ❑ Prisoners were 'paying' for the behaviour they had shown as an act of **retribution**.

Harsh Discipline at Pentonville

Pentonville was highly disciplined with every feature of the prison designed to isolate prisoners.

- **Walls** were deliberately thick to stop prisoners talking between cells.
- Prisoners **worked** in their cells. Work was deliberately **boring** and **repetitive.** For example, **oakum picking**, which involved unravelling and cleaning old rope or **weaving cotton** using a **weaving loom**.

As a result, the solitary conditions and lack of human contact meant many prisoners suffered from **mental illnesses** including **depression** and **psychosis.** There was also a high **suicide** rate.

Pentonville and the Industrial Revolution

Pentonville could only be built due to the new building techniques and technology of the Industrial Revolution. This helped the health of prisoners but was also used to ensure prisoners were isolated for long periods of time.

- The prison building had **5 wings** with a central base for staff. Each 'wing' had **individual cells** for each prisoner.
- Cells were just **4m x 2m** with a small **high window** to allow in some natural light. Windows had thick glass with fixed **iron bars**.
- It had some of the most up-to-date technology of the time such as **piped water to each cell**, a **small basin** for washing & **toilet**.
- The prison had a **heating system** and **ventilation** to make sure air circulated the cells at all times

Attitudes towards Pentonville

- ❑ Reformers such as **Elizabeth Fry** did not support Pentonville.
- ❑ She wanted prisoners to have an opportunity to **reform** & **rehabilitate** before their release.
- ❑ Religious teaching did take place in Pentonville and there were opportunities to work but this was limited.
- ❑ Many in the British government however, wanted to use Pentonville to **deter** criminal behaviour.

The 1865 Prisons Act

- The routine at Pentonville Prison and others around the country became even harsher after the **1865 Prisons Act.** This enforced a strict regime in **all prisons** and stopped religious teachings or useful work. Many people at the time thought that some people were simply born 'bad' and could not be changed. The crime rate in Britain was still increasing which led many to think it was pointless trying to reform prisoners.
- The Government called for '**hard labour** (work), **hard fare** (food) and **hard board** (sleeping conditions)'.
- Prisoners had demanding work for up to 12 hours a day and given a boring **diet** - same food every day.
- **Wooden board beds** replaced more comfortable beds. Prisoners would be expected to be **silent** at all times unless spoken to by staff.
- Now, the government were under **full control** of all prisons in Britain and so gave them all the same rules and regulations for how prisoners were treated.

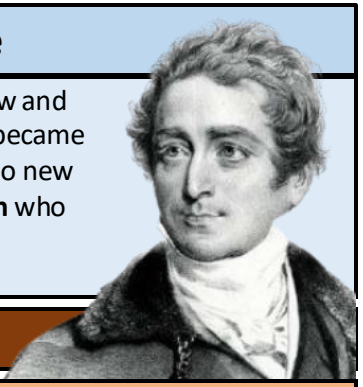
Separated Outside the Cell

Prisoners were allowed out for a short period of **exercise** or to go to prayers in the prison chapel. Even outside the cell, measures were put in place to stop them speaking or even seeing each other. They wore **face masks** for exercise and had to remain silent. In chapel they sat in **individual booths** wearing masks made of brown sacking. Here they received religious teachings from prison chaplains

Prison Punishments

Punishments were harsh. Sometimes prisoners would be told to turn a piece of machinery known as a '**crank**' for hundreds of times. Turning the crank handle had no purpose at all other than to punish the prisoners. The **treadwheel** was another form of punishment where inmates had to step up to make a giant wheel move.

c.1700 – c.1900 KEY INDIVIDUAL: Robert Peel - His Contribution to Penal Reform & the Metropolitan Police



Robert Peel was **Prime Minister** between 1834 and 1835 and again from 1842 – 1846. Before this, he held the role of **Home Secretary** – the government minister responsible for law and order. Peel brought about key reforms to the penal system. He was also known as **The Father of Modern Policing** for his role in setting up the **Metropolitan Police Force**. The 'Met' became the **first professional police force** in the country and a model for other police forces across England. Peel was a politician who simply got things done. He always had an **open mind** to new ideas and **listened** to the views of campaigners such as Elizabeth Fry. He was willing to **take risks** by using new ideas to help reform prisons like Pentonville. He was a **skilful politician** who was able to **persuade** other politicians in government to pass laws, despite initial opposition. Peel held strong **humanitarian beliefs** and cared for the welfare of the British people. He also pushed for a **fairer punishment system** which played a role in ending the harsh days of the **Bloody Code**.

PEEL'S PENAL REFORMS & PRISONS IN THE 1820S

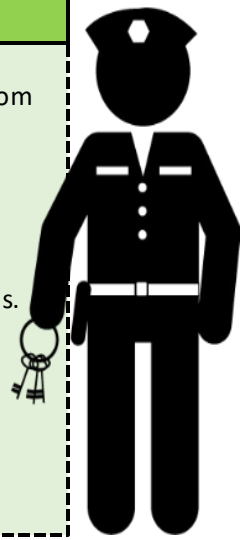
Peel's Achievements in the 1820s

- Peel wanted a punishment system aimed at **reforming a criminal's behaviour** rather than using punishment just as a deterrent.
- In 1825, he played a key role in bringing an end to the **Bloody Code** by reducing the number of crimes punishable by death by **100**.
- He made sure that minor crimes were more fairly punished. For example, the last public hanging for shoplifting came in 1822.
- Peel wanted to make the penal system fairer and more consistent by making sure the same crimes were punished in exactly the same way.

Peel's 1832 Gaols Act

The Gaols Act made sure:

- There were regular visits in prisons from prison **chaplains** (priests).
- A wage was paid to prison staff to prevent bribery and to increase their professionalism.
- That **female prisoners were** to be looked after by female prison wardens.
- That prisoners were no longer held in **chains** or **irons**.
- **BUT** There were **no government inspectors** to check on these rules which meant they were not always followed



ROBERT PEEL & THE METROPOLITAN POLICE

The Metropolitan Police (1829)

- Robert Peel was aware that the system of law enforcement in London was not effective. Wealthy parts of the city had good numbers of highly trained night watchmen and town constables who were happy to patrol the streets in safety. However, poorer parts lacked watchmen and constables. He wanted to make law enforcement **fairer** and not just a privilege of the rich.
- In 1826 there was an **economic downturn** which increased unemployment and poverty. This resulted in a crime wave and rioting with **the army** being brought in to violently restore law and order. These events proved that a bigger, and better trained police force was needed.

Peel's Aims for the Police

- To have a proper **pay structure** with weekly pay to encourage hard work and dedication from its officers
- A Metropolitan police **headquarters** to be set up at Scotland Yard to control all areas from a central base.
- That officers had a **distinctive uniform** (blue) which could help them act as a deterrent but not make them look like the army (who wore red) as this would provoke the working classes.
- That officers carried truncheons, handcuffs and carry a wooden rattle rather than guns or swords linked with the army.
- High quality, standardised training for all.

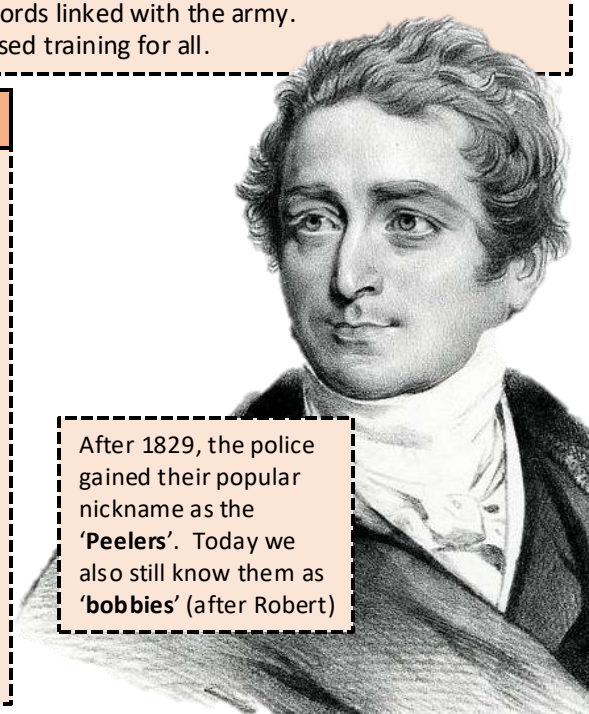
Early Criticisms of the Police

- The first Metropolitan Police officers were appointed in September 1829.
- **2,800** officers were signed up in 1829 but only **600** stayed for a year or more.
- At first there was a **hostile attitude** from the public and the press. **Newspaper cartoons** mocked police officers for being poorly trained, from dubious backgrounds and for not behaving as they should on duty such as being drunk or taking bribes from criminals.
- The public were worried that the police would be too much like the **army and use too much force** and that their **freedoms** would be threatened.
- Many people from all classes also worried that the new police force would cost too much.

Peel's Response to the Criticism

Rather than ignore the worries of the public, Peel listened & created a set of clear rules which had to be followed by all officers. They are still part of the modern police force today.

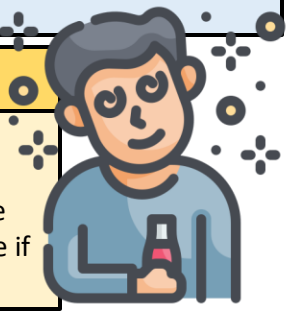
- The main aim of the police is to prevent crime and disorder.
- Police need to form **a positive and trusting relationship** with the public to be effective.
- Police must be objective (fair) and professional.
- They should not have any **prejudice** or bias against any group in society.
- Police should be **positive role models**, fit and healthy.
- Force will be the last resort of a police officer and officers will not be armed with weapons.



After 1829, the police gained their popular nickname as the '**Peelers**'. Today we also still know them as '**bobbies**' (after Robert)

c.1900 – Present | Continuity & Change - Definitions of Crime in the Modern Period (c.1900 – Present)

During the modern period, **changing attitudes in society** greatly influenced what actions have become a crime. This was particularly true in the post-war period when people gained further freedoms and rights. For example, speeding (in a car) and drink driving were openly ignored at the start of the 1900s before people became more critical of it in the second half of the 20th century when the media and government were quick to point out the dangers of drink driving and speeding. More open-minded attitudes towards **race**, **gender** and **sexuality** caused some crimes to be **decriminalised** (no longer a crime) and new laws were put in place to protect the rights of certain groups of people. Indeed, some of the laws about **drug taking**, **abortion**, **homosexuality** and **race crime** have continued to be **controversial**. In this modern day of having a **democracy** and the ability to vote, the public and the **media** have shown that there are still very **strong opinions** about crime and laws across the country.

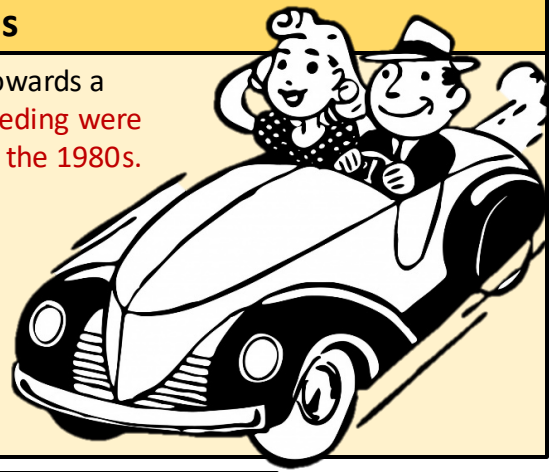


CHANGING ATTITUDES TOWARDS MODERN SOCIAL CRIMES

Social crimes are crimes that people tend to **ignore** because they either **benefit** from the crime or not see the crime as serious. **Smuggling** and **poaching** were examples of this in the past. Today, smuggling laws are still ignored when then crimes seem much smaller. This is especially true when people have a chance of saving money on **tax-free alcohol** or **cigarettes.** Less serious social crimes today might include *using* illegal drugs (opposed to producing and dealing them), under-age drinking & smoking or illegally downloading media. However, most people would agree that the smuggling of drugs into the country worth millions of pounds is wrong – especially when this involves violent criminal gangs. Speeding becomes a more serious crime if another person is injured or killed. Like in the past, social crimes remain **difficult to enforce** when they are so commonly carried out, ignored by the public and generally not reported.

Driving Offences

Drink driving and **speeding** are examples of how attitudes towards a crime have changed over time. Indeed, drink driving and speeding were still quite normal and widely ignored by the police even until the 1980s.

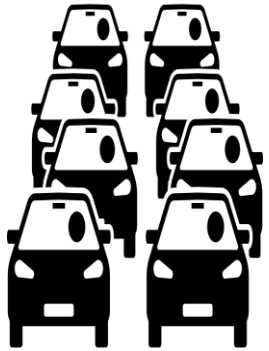


Examples of Drink Driving & Speeding Laws

1872: Driving a **horse-drawn coach** drunk became illegal.
1925: It became illegal to drive a **car** while drunk.
1935: The **driving test** was introduced.
1966: A **speed limit** of 70mph was set on motorways.
1967: The law set a **limit** for the amount of alcohol a person could have in their bloodstream to legally drive.

Why did attitudes to driving offences change?

- New technology in this time has made cars **faster**, **cheaper** and more **popular**.
- In 1960, there were around 5 million cars in the UK. This doubled to 10 million by 1970. Today is has reached 40 million cars. Faster roads such as motorways were also built.
- Government advertising campaigns since the 1980s have used powerful images and messages to highlight the risks of drink driving and speeding. Backed by the media, attitudes towards it have dramatically changed and become more negative.



Drug Taking

Drugs have been in use throughout British history. **Cocaine** was first used as a medicine to stop pain. In the 1800s, **opium** was openly used for pain relief and was once described as '**God's own medicine**' by the rich and famous. The government first banned drugs being taken by soldiers during the two World Wars as they were worried about the impact the drugs had on the soldiers.

The Misuse of Drugs Act (1971)

- ❑ It was not until the **1971 Misuse of Drugs Act** that many **recreational** drugs first became illegal. A recreational drug is one that is taken for a person's pleasure instead of any medical reason.
- ❑ Progress in science and technology meant that new drugs have been able to be developed very quickly. However, as soon one law bans a new drug newer ones are developed. For example, drugs such as ecstasy, LSD and amphetamines are illegal but very similar drugs can be created just like them.

The Controversy and Debate

- ❑ Some believe that taking drugs is a personal choice as some drugs do less harm. In this way, drug taking is still often seen as a social crime.
- ❑ Other people argue that more laws are needed to help tackle the crimes linked with drug use such as theft and gangs.

The Decriminalisation of Crime: Homosexuality (1967)

- Until 1967, homosexuality was **illegal** in the UK. Men could be sent to prison for being gay and discriminated against in many areas of life.
- There had been a negative view of homosexuality, based on strong religious views & tradition.

The Sexual Offences Act (1967)

- This law **decriminalised** homosexuality for men over the age of 21.

Why was homosexuality decriminalised?

- By the 1960s, people enjoyed greater **sexual freedoms**. Protests in the UK and the USA raised awareness of gay rights. The first **gay pride** festival in the UK was held in **1972** which made homosexuality more acceptable in society.
- The media, in particular TV, radio and the changing music scene helped **change attitudes** towards homosexuality. However, it remained a **controversial issue** and split people's opinions.

New Definition of Crime: Homophobic Hate Crimes

Attitudes began to change towards homosexuality from the 1960s. The media, pressure groups, celebrities, scientists and politicians began to put pressure on the British government to introduce new laws which tackled the discrimination against gay people.

Examples of new Laws:

- **2005** – Homophobia is classed as a 'hate crime' (a crime motivated by prejudice against the victim's race, gender, disability or sexual orientation).
- **2006** - **The Equalities Act** made any discrimination against homosexuals illegal.
- **1994** - The age of consent for homosexuality was lowered to 16
- **2014** - Same Sex marriage in the UK legalised.

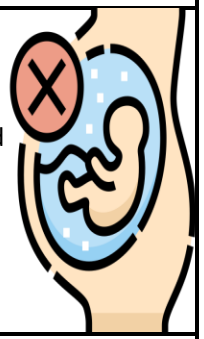
The Decriminalisation of Crime: Abortion (1967)

Like homosexuality, abortion is an example of how changing attitudes in society led to something once classed as a crime being decriminalised.

The issue of abortion before 1967

- Until 1967, terminating a pregnancy was illegal apart from for medical reasons. Strict religious beliefs and traditions were the main reason for this. For example, in **1868**, a woman could be sent to prison for 3 years if she was known to have had an abortion.
- Until the 1960s, the only option was to have an illegal and dangerous **backstreet abortion**. Abortions were carried out by someone with no medical training using very dangerous methods using alcohol, wire coat hangers and poisons. Some procedures led to the deaths of the mothers.

Why was abortion decriminalised?



- There was a growing **liberal** attitude in the 1960s led by younger people who wanted greater freedoms.
- Protesters and campaigners, helped by the media, argued that it was a woman's right to decide what happens to her body and highlighted the dangers of illegal abortions.
- The government took on board these arguments and decriminalised abortion in 1967.
- The issue was controversial and remains so to this day.

The 1967 Abortion Act:

This new law **legalised abortion** which could now go ahead if the child or mother were at risk of 'mental or physical harm'. The agreement had to be signed by two doctors before an abortion could take place.

New Definition of Crime: Race Related Crime

Why were new race laws introduced?

- After the World War Two, the government invited immigrants from **commonwealth countries** (former British empire colonies) to help Britain recover from war. These included immigrants from India, Pakistan, Uganda and Kenya. Caribbean immigrants were known as the Windrush Generation named after the ship which transported them to England.
- Sadly, many immigrants became the victim of extreme racist attitudes and violence based on the colour of their skin. **The British government realised that new laws were needed to make sure that people from different immigrant groups were treated with more respect and given equal opportunities in areas of work and housing.**

Examples of new laws:

1968 - The Race Relations Act: It became a crime to refuse a job, housing or public service to anyone based on their race or country of origin.

2006 - The Race Relations Act: It became a crime to discriminate against anyone based on their religious beliefs.

New Definition of Crime: Domestic Violence

Domestic violence is an example of a behaviour that has always happened but was not defined as a crime until the 1970s

Domestic Violence before 1976

- Before 1900, the opinion was that men ruled a relationship.
- Domestic violence was generally **ignored** or **accepted** as a 'personal and private' matter rather than something that needed reporting as a crime.
- Rape within marriage was not seen as a crime as women were expected to accept the dominance of the man.

Why did Domestic Violence become a crime?

- The campaign for **women's votes**, the role of women during the **world wars** and the **feminist campaigns** of the 1960s and 1970s influenced social attitudes towards domestic violence and equality.
- The media played a key role in supporting women's rights which helped change attitudes in society. This public pressure influenced the government to introduce new laws which later included domestic violence against men.

Examples of Domestic Violence Laws

1976 - Domestic Violence Act: A victim now had a right to ask for an **injunction** (an order to stay away) against their partner.

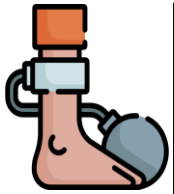
1991 - Rape in marriage: It became possible to prosecute a husband for raping his wife.

2014 - Domestic Violence Act: Illegal to use controlling behaviour towards a partner. E.g., stopping a partner's access to money, access to phones or who they can see.

c.1900 – Present | The Changing Nature and Methods of Crimes in the Modern Period, c.1900 – Present

It is easy to think that some crimes are new to the modern period. However, developments in **technology** and **science** have all resulted in some 'older' crimes being carried out using more modern methods.

People Trafficking/Slavery



Old Crime

This involves **people** being transported into or around the UK and forced to **work** for little or no wage. In the 1800s, **orphaned girls** were sold into prostitution.

New Methods

- Organised **criminal gangs** continue to illegally bring people into the UK in what some call the **modern-day slave trade**. This includes women and children who are forced into prostitution or young men who are forced to work for no wage.
- Gangs use developments in **transport**, **technology** & **communication** to avoid capture.

Terrorism

Old Crime

Terrorism is the use of violence to force political or religious change. Terrorists also want to recruit others to help their cause. **The 1605 Gunpowder Plot** involved a group of Catholics aiming to blow up parliament and kill the Protestant King James I.

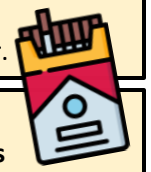
New Methods

- Recently, various terrorist groups have been active in the UK. The **IRA** (Irish Republican Army) used violence in the 1970s & 80s to try and gain independence for Northern Ireland. There have also been attacks from Islamist groups **Al-Qaeda** across the UK.
- Modern terrorist groups have **similar aims** but can now use **modern technology** such as the internet and mobile phones to carry out their plans and recruit new members.
- The high-profile nature of terrorism has led to **new anti-terrorism laws.** The **Terrorism Act of 2001** gave the police more power to arrest anyone they **suspect** of terrorism.

Smuggling

Old Crime

Smuggling has been a crime since the 1400s when **luxury goods** such as **brandy**, **silk** or **tea** were illegally brought in by small gangs via boat. As a social crime, it has often been unreported by both rich & poor.



New Methods

- Luxury goods such as **alcohol** and **cigarettes** are smuggled to avoid paying government taxes.
- Boats are still used by smugglers, but smuggling gangs are far bigger and sophisticated in their methods.
- **Transport** such as such as **speedboats**, **planes** and **goods lorries** are fitted with clever ways to hide smuggled goods.

Fraud & Extortion

Fraud means to illegally trick or con a person or a businesses out of money. For example, fraudsters can pretend to be from a bank or a charity and attempt to take someone's bank details to steel their money. **Extortion** involves making someone pay money by using threats, blackmail or violence against them.

Old Crime

In the past, this would have been done in person or by sending fake letters by post.

New Methods

Today, fraud & extortion can be done by sending mass emails in the hope that a few will reply with their bank details. Some criminals try to extort money by threatening to send computer viruses called **ransomware** or to hack a company's computer system unless they pay. Both are hard to catch and can be carried out on a huge scale.

Cyber Crimes

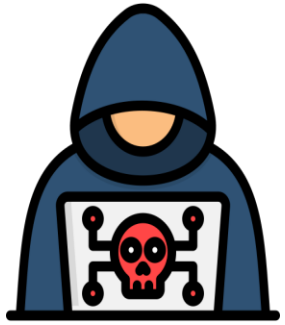
A cybercrime is any crime carried out using the **internet** or other **digital technology**. It became more common after the widespread use of the internet in the 1990s.

Old Crime

Many of these crimes were carried out by with criminals physically stealing property or making violent threats.

New Methods

- New technology allows criminals to commit the same crimes but often on a much bigger scale as the internet gives them access to people and businesses from around the world.
- Cyber crimes can be carried out from a safer distance which can reduce the chances of being caught.



Copyright Theft

Copyright is the right of an artists or a company to be **credited** and **paid** for being the creator of their work. For example, authors of books, composers of music and directors of films.

Old Crime

Before computer technology was available. An example of copyright theft would be videoing a film in the cinema or recording music in a concert before then selling it on to make personal profit.

New Methods

- Today, copyright theft is committed when a person illegally downloads music, games or films without the creator being paid.
- The internet makes it easy for people to do this & reduces the chances of people being caught.
- It is another example of a social crime which often gets reported as few people see it as serious.

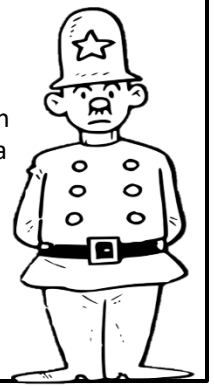
c.1900 – Present | Changes within the Police Force & the Development of the Neighbourhood Watch

Throughout **Medieval** and **Early Modern England** law enforcement was mainly carried out by respected people within the community or by representatives of the monarchy who were sent to deal with more serious crimes. Collective Responsibility was key. A turning point came with the Fielding Brothers' creation of thief takers named the **Bow Street Runners** in London, in 1748. The 1829 Metropolitan Police Act established the first official police force in London and the **1856 Police Act** made sure all parts of England had a police force. After 1900, there were significant improvements to the police. Many of these were a consequence of developments in **science** and **technology** as well as changing attitudes to women. Today, the role of the **community** continues to play an important role in law enforcement with creation of the **Neighbourhood Watch**.

The Police in the Early 1900s

- **By 1900, every region** in the UK had its own police force.
- Most officers were **paid** for their work.
- A **dark blue uniform** easily helped people identify the police.
- Police were starting to gain the **respect** of the public.

Problems with the Police by 1900



- There were 200 police forces in the across England, but they **rarely shared** information or worked with each other to catch criminals.
- Police officers patrolled an area on **foot -** known as '**walking the beat**'. If they needed to report a crime or take a criminal with them, they would have to walk back to the station each time.
- There was no way to access crime records from the rest of the country.
- Police officers only had a **whistle** to call for help or raise the alarm.

Improvements

Police Diversity

- During the 1920s, the first **women** were recruited into the police to deal with female prisoners.
- Women and people from **ethnic minority groups** are now fully integrated into all roles in the police force including its leadership.

Police Training

- The first **Police Training College** was formed in 1947 which gave **professional training** to all police recruits. This has resulted in increased professionalism and discipline within the police.
- Before this, a police constable would have to simply learn 'on the job'.

The Modern Police & Crime Prevention

- In the modern period, the police have wanted to focus on **preventing crime** as well as trying to catch criminals.
- The police work with **schools** to educate young people about laws and how to protect themselves.

(PCSOs) Police Community Support Officers

- The police now use **Police Community Support Officers (PCSOs).** PCSOs are not fully qualified police officers but have a **police uniform** and have **some powers of arrest** and can **confiscate items** such as alcohol.
- They work as a deterrent on the street and focus on stopping **anti-social behaviour**.

The Neighbourhood Watch

- A **Neighbourhood Watch** is a local group of people who raise awareness about crime in their local area and encourage neighbours to keep an eye on each other.
- The first Neighbourhood Watch was set up in **1982** and it is estimated that nearly **4 millions homes** are part of the scheme.
- It encourages communities to **work together** and report crime. In the 1980s, after a government push, the number of Neighbourhood Watches increased from **1,000 – 29,000 in England**.
- The idea came from **Prime Minister Margret Thatcher** who wanted to promote **Active Citizenship** which continued the use of **collective responsibility**.
- However, unlike older community methods of law enforcement such as tithings and night watchmen, the Neighbourhood Watch scheme is **voluntary**.

The Influence of Science & Technology on Policing

The rapid advancement in science and technology has significantly contributed to the development of the police. Effective communication methods, modern transport and scientific developments have allowed the police to carry out their work more effectively and use **evidence** to convict criminals in court.

1900 - Photography is first used to identify and display the faces of criminals in a 'Rogue's Gallery'.

1901 - Fingerprinting first used. A national fingerprint database keeps a record of every fingerprint in the UK.

1909 - Bicycles allowed officers to move around bigger areas & catch criminals quickly.

1930s - Police cars became widely used

1930s – Two-way radios (so an officers could talk with each other) were used in cars.

1937 - The Police Phone Box saved officers needing to return to the station to report information.

1937 - The 999-emergency telephone number first used.

1967 - Breathalysers used for the first time to identify drink drivers.

1969 - Police two-way radios could now attach directly to the uniform.

1978 - CCTV used to monitor public behaviour. Criminals less likely to commit crime if they know they are being watched.

1980 - The National Police Computer launched. It could hold police records for 25 million people.

1992 - Speed cameras were introduced to act as a deterrent and catch speeding cars.

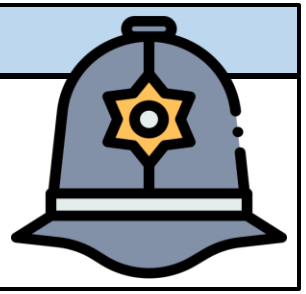
1988 - DNA used to convict a murderer for the first time.

1995 - A **National DNA** and **fingerprinting database** introduced.

2000s - ANPR Advanced Number Plate Recognition Cameras.

1990s - Thermal Imaging cameras used in helicopters to find criminals at night.

c.1900 – Present | Changes within the Police Force & the Development of the Neighbourhood Watch



One key change to law enforcement after 1900 has been the development of **specialised units** within the police to deal with specific *types* of crime. The police began to specialise early in the 1900s with the creation of the **Criminal Investigation Department** (CID) and the **Special Branch**. However, due to the increasing amounts of crime and types of crime that have developed since 1900, the police have responded by training staff in specialist areas. The cause of this specialisation is often a response to an increase in a particular type of crime. For example, the **Bomb Squad** were set up in 1971 as a response to the IRA terrorist bombings at this time. The **Hi-tech Crime Unit** was set up in 2001 to tackle the increasing amount of internet crime.

What Caused the Creation of Specialist Police Units?

There is an increase in a specific type of crime. E.g. terrorism, drug dealing, internet fraud.

The **media** show the crime via radio, TV, newspapers, internet.

Public concern increases and attitudes against the crime change.

The public pressure the **government** to make harsher laws and methods of law enforcement to prevent the crime.

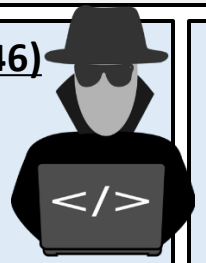
The Government respond by asking the police to develop a new specialist unit to deal with the crime.

EXAMPLES OF SPECIALIST UNITS

Special Branch (1883)

Aim:
To tackle threats to **national security** & **terrorism**. A responsibility to protect the royal family & VIPs from danger.
Specialism:
Trained to work with the security forces such as MI5 and MI6 to prevent terrorist attacks. Under cover officers use specialist surveillance & 'intelligence' technology.
Similarity/difference?
They were first created in 1883 in London to protect the movement of the royal family and other VIPs. Now, every part of the country has its own Special Branch.

The Fraud Squad (1946)



Aim:
To tackle crime in business and finance and money.
Specialism:
Officers have expert knowledge in finance, business, internet fraud and art theft.
Similarity/difference?
A new type of squad set up in reaction to the varied number of fraud cases.

Dog Handling Units (1946)

Aim: To accompany officers as they patrolled the streets as a deterrent and a way to catch criminals.
Specialism:
Dogs handlers and their dogs are used:
- ❑ To sniff out illegal drugs and find explosives
- ❑ To track and catch criminals or search and rescue people in trouble.
- ❑ To act as a deterrent and to strengthen police presence at major events.

Similarity/difference?
Remember that the Metropolitan Police aimed to use sniffer dogs to try and catch Jack the Ripper (even though this failed). The first units were set up by the Met. Police in 1946 and by 1950 most forces used dogs.

National Crime Agency & Drug Units (1971)

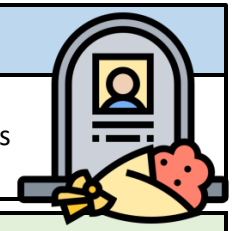
Aim:
To reduce the use, transportation, making and dealing of illegal drugs.
Specialism:
They have the power to carry out drugs raids, monitor drugs gangs and dealers. They are also trained to prevent the further spread of drug use through education and rehabilitation.
Similarity/difference?
It was only created by the 1971 Misuse of Drugs Act which made drugs illegal like heroin, cocaine and cannabis. A unit was needed to enforce this new law. All police forces in the UK have specialist drug units.

Police Community Support Officer (2002)

Aim:
Set up by the Met. Police at first to reduce local, anti-social behaviour.
Specialism: Trained to deal with local communities. Increased time 'walking the beat' on foot to be visible to the public. They only have a limited responsibility to arrest individuals but can confiscate alcohol, drugs and items seen as weapons.
Similarity/difference?
Police are visible in uniform 'walking the beat' as a deterrent, similar to the aim of the police when they were created in 1829.

c.1900 – Present | The Factors which led to the Abolition of the Death Penalty

Hanging as a capital punishment was used since before Anglo-Saxon times. It peaked in the 1700s with the idea of the **Bloody Code**. Since the 1800s, due to the development of alternative punishments, the use of the death penalty declined. By the 1830s, murder and treason were the only crimes punished with the death penalty. By 1869, public hangings ended, and any criminals given the death penalty were hanged in prison. By 1957, the number of hangings had reduced to on average 4 people a year as public attitudes towards the death penalty began to change.



Timeline

Abolition of the Death Penalty

- **1908: Children's Act** Ends the hanging of children under 16.
- **1922: Infanticide Act** Mothers who kill their newly born baby are no longer given the death penalty.
- **1933: Young Person Act:** Hanging of under 18s ends.
- **1949:** A Government Investigation into the use of the Death Penalty begins.
- **1957: Homicide Act** Limits the death sentence to certain types of murder.
- **1969: Murder Act** The Death Penalty ends for all crimes apart from **high treason**
- **1998 – End of the death penalty for any crime.**

ALTERNATIVE PUNISHMENTS

By the 1900s, more prisons had been **purpose built**. Prisons began to specialise in different types of criminal and were **more secure** than ever. Many argued that a life in prison was more of a punishment than the death penalty and there was more emphasis on allowing criminals to **reform** and **rehabilitate**. It was easier to do this in a prison where criminals could receive help.

THE DECLARATION OF HUMAN RIGHTS (1948).

- After the atrocities carried out by the Nazis in World War Two, the **United Nations** issued a **Declaration of Human Rights**. The law stated that '**Everyone should have the right to life, liberty and security**' and that '**No one shall be subjected to torture or to cruel inhumane punishment**'.
- Many believed that the death penalty went **against** the Human Rights Declaration and so must be abolished.

THE IMPACT OF WAR

- People were more aware of **bloodshed** and **death** from living through two world wars. People began to believe that execution was now **barbaric** and **un-Christian**.
- It seemed wrong to continue with the death penalty when it was so closely linked with the executions which had been carried out by the Nazis in the war and during the Holocaust.

PUBLIC OUTRAGE TOWARDS WONGLY CONVICTED CRIMINALS

- The hanging of Timothy Evans in 1950

Timothy Evans lived in the same house as serial killer John Christy. Christy murdered Evan's wife. In confusion and a fit of guilt, Evans admitted to killing his wife. He was given the death penalty despite his innocence

- The hanging of Derek Bentley in 1953

The case of Derek Bentley caused public outcry. He was accused of murdering a police officer but many saw Bentley as innocent, due to his severe learning difficulties and the lack of evidence.

- The hanging of Ruth Ellis in 1956

Ruth Ellis was guilty of shooting her husband in a 'crime of passion'. She was in an abusive relationship where she had experienced years of abuse from her husband. She was found guilty of shooting him dead and she was given the death penalty. There was a huge amount of **public sympathy** for her arguing that she was trying to defend herself after years of abuse.

IMPROVED UNDERSTANDING OF HUMAN SCIENCE

More scientists and psychologists believed that **children** should not be punished in the same way as adults as their ability to understand the difference between right and wrong was not yet developed. The government ended hanging of children under 16 in 1908, then under 18 in 1933. It also introduced the '**age of criminal responsibility**' which was 10 years old in 1963.

LIBERAL ATTITUDES OF THE 1960S

During the 1960s, attitudes in society become more '**liberal**'. This meant that people were more open minded about many aspects of life. The media and **popular culture** such as **musicians** and **celebrities influenced** this more liberal way of thinking. This liberal attitude from the public, put **pressure on the government** to remove the death penalty and give criminals a chance to rehabilitate.

THE ROLE OF THE MEDIA

Attitudes changed due to **stories** about the death penalty in local and national newspapers. This increased the **public awareness** of the use of the death penalty. Newspapers made huge stories out of the executions of individuals such as Ruth Ellis, Timothy Evans and Derek Bentley and the public called for an end to the death penalty.

RELIGIOUS INFLUENCE

Religion continued to influence people's beliefs. People believed that the death penalty was **un-Christian**. Christian groups argued that religion and God should play a part in helping criminals reform themselves.

POLITICS & GOVERNMENT

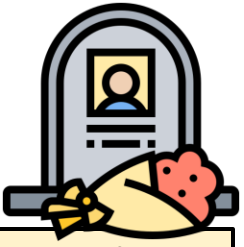
- It was vital that whoever was in government, listened to the views of the people. By 1969, all people over the age of 18 had the **vote** and the government were aware of the power and influence of **younger**, working-class people.
- If the government failed to listen to popular opinions, they would risk losing power.

INDIVIDUAL: POLITICIAN ROY JENKINS

- Some politicians wanted to keep the death penalty, but during the 1960s, the **Home Secretary, Roy Jenkins influenced** enough MPs to abolish the death penalty for most crimes.
- Jenkins had very strong views about ending the death penalty and historians argue that he played a key role in ending capital punishment.

c.1900 – Present | CASE STUDY: Derek Bentley and the Abolition of the Death Penalty in 1953

One case which changed public attitudes towards the use of the death penalty was that of **Derek Bentley**. Bentley was charged with killing a police officer and was controversially executed by hanging for this crime. The newspapers highlighted the problems with the case against Bentley and helped influence public opinion against his execution. This led to angry public scenes outside Wandsworth Prison where Bentley was eventually hanged in January 1953.



Timeline of Events

- **Derek Bentley** was **18** and came from a family with a history of crime. He had previously been in a youth detention centre.
- He had severe learning difficulties and doctors proved that he had a mental age of 10. He struggled to keep a job and make friends.

- In 1952, Bentley, with a **16-**year-old friend, **Christopher Craig**, robbed a warehouse in London.
- Craig had a gun, and *he* gave Derek Bentley a knife.
- Hearing that the police were on their way, Craig and Bentley made their way to the warehouse roof.

- Police officer **DS Fairfax** climbed up to the roof and caught Bentley. He then asked Craig to hand over the gun.
- Bentley apparently shouted the words, **'Let him have it, Chris'.**
- Craig fired the gun, injuring DS Fairfax. Bentley did not use his knife and made no attempt to escape from DS Fairfax.

More officers climbed onto the roof. One, **PC Sidney Miles** was then shot by Craig in the head and killed. Craig jumped from the roof, fell and fractured his spine.

- Bentley & Craig were found guilty of **murder.**
- The law stated that the murder was an act of **'Joint Enterprise'.** This meant that **both** were charged with murder as they were jointly responsible.

As **Christopher Craig** was **under 18** he was too young to be given the death penalty. He was sent to prison.

- The Jury asked the judge for a less harsh punishment for Bentley.
- His doctor confirmed he had a mental age of a 10-year-old and argued he should not be given an adult punishment.

His lawyer also argued that Craig meant '**hand over the gun'** while on the rooftop. However, being 18**,** Derek Bentley was given the **death penalty** by the judge.

On 28th January 1953 Derek Bentley was hung. There were angry scenes outside Wandsworth Prison where the hanging took place. **5,000 protestors** chanted 'murder!' and there were angry confrontations with the police.

- There was **public outcry at the execution.**
- **200 MPs** signed a petition asking the Home Secretary to cancel the execution, but he refused.

- **National newspapers** criticised the judge and the Home Secretary.
- They believed the judge was trying to make an example out of Bentley as a deterrent to other young people who had been involved in violent crimes.

- Bentley's family used the media to pressure the government for an apology.
- They campaigned for over 40 years.
- Bentley was finally '**pardoned**' by the British government and High Court in 1998 when his punishment was ruled as '**unfair**'.

WHY THE CASE OF DEREK BENTLEY WAS A TURNING POINT

THE POWER OF THE MEDIA

It proved that **newspapers** could strongly **influence people's attitudes.** The Bentley case was given huge public attention by newspapers, film, TV, radio and popular music.

The publicity influenced public opinion about Bentley's 'unfair' treatment and sparked debates about the death penalty across the country.

Strong public opinion backed by the media helped to put pressure on the British government to abolish the death penalty in 1965.

The media funded the campaign which eventually led to his pardon.

The media gave publicity to other cases such as Ruth Ellis and Timothy Evans which were seen by the public as other examples of undeserving victims of the death penalty.

IT LED TO CHANGES IN LAW

It led to a new law, the **1957 Homicide Act**. This introduced rules for '**diminished responsibility**' for anyone who is proven not to be in full control of their actions due to an **illness** or **disability**.

The government finally abolished the Death Penalty in **1965**.

'Let him have it Chris!'

The words '**Let him have it, Chris**' have two different meanings. The prosecution argued that Bentley instructed Craig to shoot the police. The defence however, argued that Bentley was instructing Craig to give up and give his gun to DS Fairfax.

c.1900 – Present | The Prison System: Open Prisons, Young Offenders & Non-Custodial Sentences

The use of prisons as a punishment continued to increase after 1900. Today, the cost of keeping a criminal in prison for a year is estimated to be around £40,000 but the reoffending rates of prisoners is high. Consequently, there continues to be debates about how harsh prisons should be, how prisoners should be treated and what the main purpose of a prison should be. Like with the development of the police, after 1900 there was more **specialisation** with the prison system. One key feature of this was the specialist treatment of **young people** and the use of **Open Prisons**. In addition, alternative punishment methods have been used known as '**non-custodial**' punishments which have aimed to keep criminals away from prison.

CHANGES TO THE PRISON SYSTEM TIMELINE

1900 ↓ PRESENT DAY

1900: **Mentally ill** criminals treated in **other** prisons - Broadmoor Hospital, London.

1902: **Hard labour** in prison **abolished**. The treadwheel and crank banned.

1902: **Borstals** created to punish young people as an alternative to prison. They were based in old **army barracks** and life was **highly disciplined to** promote hard work and to prevent young people committing crime when they were older.

1907: **Probation** is introduced. This is time ***after*** a prisoner has been released but will be checked on by a **Probation Officer** to deter further crime.

1922: **Prison Reform Act** Solitary confinement was abolished with more emphasis on providing **education** in skills prisoners can use after their release to gain work.

1933: **Open Prisons** are introduced to prepare prisoners for life **after** prison. The first was in Wakefield Prison, Yorkshire. Prisoners were allowed out on **day release** to work and then expected to return in the evening when they could be monitored.

1948: **The Criminal Justice Act** **banned corporal punishment** in prison and encouraged more **specialist prisons** for the young as a way to help them reform.

1963: The **Age of Criminal Responsibility** raised to **10**.

1967: **Parole** is introduced. Prisoners are allowed to apply for an **early release.**

1969: **Children and Young Persons Act** set up **Specialised Juvenile Courts** aimed at young people. These courts were less intimidating to young people.

1972: **Community Service** is introduced for less serious crimes to prevent a prison sentence and for criminals to repay their local community.

1983: **Youth Detention Centres** replace all prisons and borstals for under 21s.

1990: **Electronic Tagging** is introduced for prisoners released on parole and as a form of punishment for any criminal who might need their location monitored.

SPECIALIST TREATMENT OF YOUNG OFFENDERS

After 1900, there was even greater emphasis on giving young offenders the **opportunity to reform** and **rehabilitate**. This has meant that younger criminals under the age of 21 have been less likely to be given time in an adult prison. Below are three examples of **custodial** sentences that have been developed to punish and reform young offenders.

Borstals (1902)

- **Borstals** deliberately had a strict routine of work, education and military style exercise. **Boys** were only released when staff believed they had reformed.
- The aim was to keep younger criminals away from the influence of older, more experienced criminals in prison.
- The number of boys who reoffended was low, at about 30%.
- They were abolished by 1983 as the conditions were seen as too harsh.

Attendance Centres

- **Attendance Centres** were aimed at young people who had committed less serious crimes.
- They attended at the weekend (when most crimes were committed) and received education, skills and drug and alcohol treatment sessions.

Youth Detention Centres (1983)

- **Youth Offenders Institutions** or **Youth Detention Centres** replaced borstal.
- They are used to hold young criminals to keep them away from adult prisons.
- They remain a deterrent, but they have been criticised for being too relaxed.
- Reports suggest problems with behaviour, attacks on staff and drug taking.
- The success of these centres has been questioned as a result.

Non-Custodial Alternatives to Prison

- ❑ **Electronic GPS tagging** to monitor the movement of youth offenders**.**
- ❑ **Community Service** for minor offences are ordered to do supervised work.
- ❑ **Restorative Justice** The criminal meets the victim of the crime to hear about its impact.
- ❑ **Drug and alcohol treatment programmes** Criminals with addiction problems that have caused a crime (such as theft) are offered treatment.
- ❑ **Anti-Social Behaviour Order (ASBO)** A courts places a restriction on what or where a young offender can do or go.

WHY HAVE PUNISHMENTS CHANGED?

Science & Technology
Created new ways to monitor criminals outside prison or keep prisons more secure.

Media
Creating pressure for changes to punishments.

Population
The population of the UK has increased from 30 million to 66 million between 1900 – 2000.

Role of Government
By responding to public worry about crime to look 'tough on crime'.

Changing attitudes
The ongoing debate between the belief that criminals can rehabilitate and reform **verses** the belief that punishments need to be a much harsher deterrent.

Money/Cost
The government cost of prisons v's alternative punishments.

Gender
The number of women in prison has risen to 6%.

c.1900 – Present | The Treatment of Conscientious Objectors during World War One and World War Two.

Conscientious objectors were men who refused to join the armed forces during World War One and World War Two, despite military service becoming compulsory in law. They refused to join for either religious, political or ethical reasons. As a result, many were punished with time in prison or even by being sent to fight anyway. During the First World War in particular, the British government along with the media played a part in turning public attitudes against conscientious objectors. However, these attitudes began to relax by the end of the Second World War.

1. The Military Service Act (1916)

- The First World War began in 1914. The army first relied on thousands of men who volunteered to fight. However, by 1916, the British army needed more troops.
- The government introduced the **Military Service Act**. This made military service compulsory. It now became a crime to avoid taking part in the war.
- In March 1916, all unmarried men between the ages of 18-41 were conscripted into the army. By May 1916, married men were included in this list and the age limit was increased to 51.
- Only those who were classed by the army as being 'unfit' for service were given a reason not to join up.

2. Conscientious Objectors

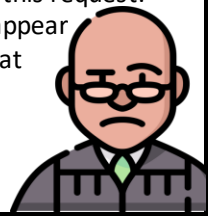
Despite the risk of punishment, there were some men who refused to join the army. They argued that their 'conscience' (their personal feelings and attitudes) would not allow them to take part in the war.

The main reasons for not fighting were:

1. **Religious** beliefs against war – that war was unholy and unjust.
2. **Political** reasons against war – they did not agree with the reasons for war.
3. **Ethical** reasons against war – that fighting and killing was wrong.

3. Conscience Clause

- The Military Services Act included a section called the **CONSCIENCE CLAUSE.**
- This allowed men to ask not to join the army because of their feelings towards war.
- **16,500** men made this request.
- They then had to appear in front of a judge at a **tribunal** prove that their case was genuine.



4. The Tribunal

- It was common for the tribunals to be unfair. They were held locally with the judges sometimes making very personal judgements on people they personally knew.
- The judging panel was made up of local people and so decision making could vary from one part of the country to the next.
- The judging panel were often far too old and held very traditional views about men. They did not understand the different attitudes young men had about not wanting to fight.

5. The Punishments

- Many men who claimed to be **absolutists** were simply imprisoned. For example, 1,000 prisoners were jailed in **Dartmoor Prison** in Devon and made to work in a local granite quarry. Many **absolutists** were put in **solitary confinement** to stop them mixing with other prisoners in case they attempted to spread their unpopular views.
- Some COs were **sent to the trenches of France** anyway and told to fight. If they refused, they were then taken to a **military court**. Military courts were known to be extremely harsh with their punishments with some punishing COs with the death penalty. However, on hearing about this, the Prime Minister reduced the punishment to **10 years in prison**.

- The government needed even more soldiers to fight due to the high numbers being killed in the trenches.
- They needed to prevent 'pacifist' ideas spreading so they could recruit more men. This is why COs were imprisoned, away from other men.
- The government were worried that some COs might influence protests and resistance during war time. Punishing them would prevent this from happening.
- The harsh punishments would be a deterrent to any men wanting to refuse.

KEY TERMS

Conscription – When it becomes compulsory to join the army.
Conscientious Objector: A person whose beliefs about war causes them to refuse to fight.
Absolutist: A person who refused to support war in any way.
Pacifist: The belief that any violence for whatever reason is wrong.
Alternativist: A person who refused to carry a weapon but would support the war in other ways. These men might be stretcher bearers on the front line where the job was still dangerous, but they still played an active part in the war.

8. Public Attitudes

- By the Second World War, the public attitude towards COs was still very negative.
- COs were verbally abused and mocked in public.
- A group of middle-class women ran the **white feather campaign** which set out to humiliate men who did not join up.
- Some men lost their jobs or were even attacked because of their views.
- **COs** continued to be attacked by the media and press who showed them as cowards, lazy, unpatriotic.

7. COs during World War Two

- Overall, government attitudes towards COs had relaxed by WW2**.**
- It was believed that it would be hypocritical to punish COs in a brutal way while fighting against the Nazis who were brutally treating groups such as the Jews and other minority groups in Germany – exactly what they were fighting against.
- COs were therefore offered **alternative work** to help with the war effort and prison became a last resort rather than being used as a deterrent.
- However, some men who actively and openly opposed the war could still end up in **court**. They were put on trial but given lighter punishments.

6. Public Attitudes

Government **propaganda** the **newspapers** made COs out to be:

- **Unmanly and feminine** if they did not do their 'man's duty'.
- **Cowards, traitors** & **unpatriotic.**
- Lazy men who were **shirking their responsibility**.
- Some COs were even **ignored** by their own family and neighbours.
- Some received **hate mail** in the post or verbal and physical abuse in the streets.