

Crime and Punishment c.1000-Present Revision Guide

Crime/Punishment/Law Enforcement	Context
Anglo-Saxon (Before 1066)	
<p>CRIME (anything against law or custom)</p> <ul style="list-style-type: none"> • Treason: betraying the king e.g. helping his enemies or plotting against him. Not yet codified into law. <ul style="list-style-type: none"> ○ Punishment was often execution • Hue and Cry: Someone would raise the alarm after seeing a crime and all men in the area would have to assist in catching the criminal. If the hue and cry failed the posse comitatus was called which compelled all males to be included • Crimes against the person: causing harm to another e.g. assault, murder • Crimes against property: damaging something that belongs to another e.g. theft, robbery, arson etc • Moral crimes: Do not cause harm to another but do not match society's views on decent behaviour e.g. sex outside of marriage <p>LAW ENFORCEMENT (anything that contributes to the process of deciding a person's guilt)</p> <ul style="list-style-type: none"> • Shire Reeves: The King employed Shire Reeves to maintain the law of a shire (county) and run reeve courts for less serious crimes. They were answerable to the earls. • Hundred Courts: For less serious crimes. • The Posse - Sheriffs would raise a larger group to help find a criminal if the Hue and Cry had failed. Legally obliged members of the community to join • The King's Peace: belief it was the king's duty to maintain law and order, so people could live their lives knowing it would be upheld • Oaths: a formal declaration of facts, calling on God to witness the truth of a statement • Trial By Ordeal: Accused went through an ordeal and God would decide their innocence or guilt. Arranged and carried out by priests often in a church • Trial by Hot Iron/Water: Burn hand on iron bar/in water, wait 3 days to see if it healed. Healed = Innocent, not healed = guilty • Trial by Cold Water: If they floated = guilty, if they sank = innocent • Trial by Blessed Bread: If they choked on bread = guilty, if they swallowed it = innocent. • Tithings: When male villagers (12+) from each hundred were put into groups of 10 and made responsible for each other's behaviour. The men swear an oath called frankpledge to promise they will do so • Hue and Cry: Someone would raise the alarm after seeing a crime and all men in the area would have to assist in catching the criminal. If the Hue and Cry failed the Sheriff could call a group of men from the wider community called a Posse 	<ul style="list-style-type: none"> • 1000: Population of England approx 1,700,000-200,000 • Rural: 90% of people live in countryside, few in towns. Most people lead a farming based lifestyle. • Urban: Towns were growing, created more opportunity for crime e.g. Southampton and York. • Codes of law: Anglo-Saxons introduced and spread the law in law codes. With each new one, the law could be changed or amended. Different kings in different kingdoms could have different laws. • Communities: Vulnerable to warfare, disease, famine, poor weather. Despite growing influence of king, most law enforcement and punishment was community based • The Church: Christian country, church very powerful in administering the law. Increasing in power at this time. Many abbeys and monasteries founded c.1000 • The King: growing in power and influence at this time. Increasingly in charge of law and punishment instead of communities. <ul style="list-style-type: none"> ○ Aethelred II, 978-1016 – During his reign there was conflict with Scotland and Vikings. ○ Vikings occupied some areas of England i.e. Danelaw in the north ○ Made alliances with Normandy against Vikings ○ First king to have control over the majority of England <p><u>Social structure:</u></p> <ol style="list-style-type: none"> 1. King – gave nobles land in return for support with the law 2. Thegns – backed and enforced laws to suit their interests 3. Ceorls 4. Serfs (peasants) 5. Slaves

- **Trial by Jury:** A panel of local people decide on innocence or guilt at trial if there is no evidence. This is known as **compurgation**
- **Sanctuary:** Accused criminals could live freely for 40 days on church grounds, after this time they had to either face trial or leave the country
- **Benefit of the Clergy:** Priests had the right to be tried by Church Courts rather than normal courts. They had to read the **Neck Verse (Psalm 51)** to prove they were a priest

PUNISHMENT

- **Wergild:** To prevent victims’ families seeking revenge, a fine was paid by the perpetrator to the victim. Amount depended on severity of injury and status of victim
 - e.g. killing a noble cost 300 shillings.
- **Corporal punishment:** Physical punishment e.g. maiming – removing hands, feet, eye gouging. To act as deterrent to others.
- **Maiming:** causing physical harm e.g. criminal having hand, ear or tongue cut out
- **Capital punishment (execution):** Usual punishment for treason and arson (usually by hanging)

Anglo-Norman England (after 1066)

CRIME

- **Outlaws (male) waived women (female):** Those over 14 who evade trial and punishment by running away from their community. Could be killed without any legal consequences for the murderer
- **Trespass:** Being found on the king’s land was now a crime due to the introduction of forest laws. It was illegal even to take a fallen branch from the forests.
- **Poaching:** Hunting on the king’s land was prohibited. This became a crime due to the introduction of forest laws. It was illegal to even carry a hunting weapon without permission

LAW ENFORCEMENT

- **Enforcement remained local:** Hue and cry/tithings/posse remained in place.
- **The sheriff** – From 1068, William replaced the sheriffs with Normans. Sheriffs now directly answerable to the king using writs. The sheriffs ran shire (not reeve) courts.
- **The King’s Mund:** idea that all should be able to live peacefully and safely under authority of the king. Like Anglo-Saxon king’s peace BUT king’s authority strengthened under Normans
- **Trial by Ordeal:** Continued as in the Anglo-Saxon period but new type added
 - **Trial by combat:** used to settle disputes over land or large sums of money. The two involved would fight with swords or large sticks and was seen as a more dignified way to settle a dispute.
 - They fought to the death and those who surrendered were killed anyway

- **The king:** Power of the king and church over law enforcement increased at this time
- **Community:** Due to the size of England and lack of a police force, the community still had an important part to play.
 - Its role does start to decrease as church and royal authority grow
- **Religion:** England was entirely Catholic at this point so believed Trials by Ordeal actually proved if you were innocent or not.
- **The Norman Conquest, 1066:** William I was a new king with a tenuous claim to the English throne. He had also won his crown by conquest and there was nothing to say he could not lose it the same way.
 - He had to stamp his authority on England by a mixture of Normanisation and mixture with Anglo-Saxon law and culture.
- **Rebellions:** Many rebellions against the Normans took place, especially in the north and east of England/.
 - **Harrying of the north, 1069** – punishment of rebels, even those not directly involved. 100000 people thought to have died
- **Royal Forests:** William introduces royal forests which close off several areas of land for him to hunt in e.g. The New Forest, 40 Anglo-Saxon communities were destroyed to make way for it. Hunting was a sport for the wealthy and showed his power

<ul style="list-style-type: none"> ○ This still had a religious element as it was believed God would not let an innocent man die. <p>PUNISHMENT</p> <ul style="list-style-type: none"> ● Forest Laws: anyone caught poaching or trespassing faced punishments from hanging to castration or blinding. <ul style="list-style-type: none"> ○ E.g. the myth of Robin Hood ○ Folville Gang – a real group of around 50 outlaws who carried out serious crimes over a 20 year period ● Wergild: The Anglo-Saxon system was ended and fines were now paid to the king's officials instead of the victims and their families. ● Branding: Making a mark on a criminal by burning their flesh with a hot iron. The scar was intended to mark this person out as a criminal for life. 	<ul style="list-style-type: none"> ● Motte and bailey castles: Massive programme of castle building between 1066-1087 e.g. Dover Castle. This enabled William to station loyal troops who would keep watch and maintain his authority across England
<p>Later Medieval (1154-1400)</p>	
<p>CRIME</p> <ul style="list-style-type: none"> ● Treason: Definition of Treason is changed to include more crimes in the <u>Treason Act, 1351</u> <ul style="list-style-type: none"> ○ Petty treason = crime against a subject representing the King (punishment is hanging and drawing) ○ High treason = crime against the king (punishment is hanging, drawing and quartering) ● Heresy: Holding a different set of beliefs to those of the established religion at the time. <ul style="list-style-type: none"> ○ New laws introduced in 1382, 1401 and 1414 ○ Crime to question the Christian Church, translate Bible into English. ○ The clergy felt undermined and threatened by new ideas and were keen to reassert authority with support of Pope and king ● 1351 Statute of Labourers: nobles introduced a maximum wage and made it a crime to ask for more money. It was also made a crime to move to a new area to look for a better job. Caused by population decline during Black Death, meant peasants were more valuable and demanded better working conditions <p>LAW ENFORCEMENT</p> <ul style="list-style-type: none"> ● Trial by Ordeal: In 1215 the Pope stopped priests from arranging trials. There was no one else to do it so they quickly stopped happening ● Trial by jury: replaced trial by ordeal. A group of 12 men would observe the trial and decide if innocent or guilty (still used in present day) ● Royal Courts: Introduced for serious crimes, local courts would still deal with local crimes. 	<ul style="list-style-type: none"> ● The church: clergy were often the most educated people in a community. Churches and cathedrals dominated the landscape, reminding people of the church's power. ● The church was responsible for spreading the word of god as the Bible and all ceremonies were conducted in Latin. As most people could not read or write, they relied on priests for this ● Church also owned 1/5 of England's wealth and collected 1/10 of all earnings in church taxes ● 1154: Henry II becomes king of England after nearly 20 years of civil war that denied his mother her rightful claim to the throne of England (having a female ruler was not accepted by nobles at this time) ● 1290s: English Jews were forced to convert to Christianity or be banished (forced to leave) ● 1327: Edward II is deposed and killed by his wife and her lover. Their son Edward III reclaimed the throne of England in 1351 and sought to increase royal authority (hence Treason Act being passed) ● 1348: The Black Death hits England killing approximately 30-45% of the country's population and around 50% of London's population. ● 1381: Peasants Revolt – a group of peasants led by Wat Tyler attempt to revolt against King Richard II due to high taxes (Poll Tax, 1381), low pay and poor social conditions. Richard puts down rebellion after killing their leader. ● 13th and 14th century population growth: London estimated population of 30,000 and York estimated 11,000 population meant there were more opportunities for crime in small village communities.

<ul style="list-style-type: none"> • Church courts: believed punishments should offer criminals opportunity to reform and save their souls. <u>Henry II</u> tried to limit their power (Constitutions of Clarendon, 1164) by combining the church and common law courts. • However, he was not successful at bringing the church under his full control • Benefit of the clergy: The church courts rarely used the death penalty and were viewed as more lenient <ul style="list-style-type: none"> ○ Neck verse: To prove you should be tried in the church court, you had to read Psalm 51 from the Bible • Coroner: From 1189 all suspicious deaths had to be reported to the coroner • Posse Comitatus: codified in 1285. <p>PUNISHMENT</p> <ul style="list-style-type: none"> • Treason Act, 1351: <ul style="list-style-type: none"> ○ High treason - hanging, drawing and quartering. Property goes to king. ○ Petty treason - drawing and hanging without quartering, or burning without drawing. Property goes to family. • Burning at the stake: punishment for serious heresy. It was believed to cleanse the criminal before death. 	<ul style="list-style-type: none"> • Use of writs: Standard written instructions were given to local sheriffs from the centralised government and legal system which meant the whole system became more uniform across the country.
<p>Early Modern (16th and 17th century)</p>	
<p>CRIME</p> <ul style="list-style-type: none"> • Heresy: The religious changes affected which religious beliefs were criminal at different times, depending on whether each monarch designated Protestantism or Catholicism the established belief • <p><u>TUDOR RELIGIOUS CHANGES:</u></p> <ul style="list-style-type: none"> • Henry VIII – 1534: Catholic Pope refuses to grant Henry a divorce so he breaks with Rome and declared himself head of the Church of England • Closed down Catholic monasteries and seized their possessions (even though he remained Catholic) • <u>Sanctuary</u> - ended in 1536 by Henry VIII • Edward VI – Strict Protestant ideal – maintained this as religion of England • Mary I – Returned Catholicism as the English religion, reinstated Pope as head of Church and introduced strict anti-Catholic laws • Elizabeth I Attempted to find a ‘middle way’ for Catholics and Protestant <ul style="list-style-type: none"> ○ <u>Act of Uniformity</u> – had to attend church on Sundays and holy days or pay a fine. Those who refused were labelled ‘recusants’ (○ <u>Act of Supremacy</u> – reintroduced Oath of Supremacy – it was criminal to refuse ○ Repealed Mary I’s anti-Catholic laws - 	<ul style="list-style-type: none"> • The royalty: Religious changes alter the influence of the monarchy over the law • The church: England subject to many religious changes that changed the influence of the church many times • The community: Before 1500 most people remained in their town of birth for their entire life. Growing population and falling wages meant that after 1500 more and more people went elsewhere to find better jobs • Population of England in 1500 is around 2.5million. By 1500 it was 5-6 million • Population of London was 50,000 <ul style="list-style-type: none"> ○ Caused many more people to be homeless/beggars • <u>Tudor religious changes</u> (Protestant/Catholic pendulum) • Henry VIII, 1509-47: Break with Rome, 1534 – Church of England created with Henry at its head. Both Protestants and Catholics were prosecuted during his reign. • Edward VI, 1547–1553: As a strong Protestant, during his reign he prosecuted Catholics for heresy. • Mary I, 1553-1558: As a devout Catholic she reinstated it as England’s religion – prosecuted Protestants for heresy.

- **James I – Anti-Catholic Laws** – the Gunpowder Plot assassination attempt carried out against him by Catholics led to strict anti-Catholicism
 - Popish Recusants Act, 1605 – had to agree king was head of church, heavy fines if not
 - **James I** – Catholics fined for not attending church (especially after Gunpowder Plot)

LATER RELIGIOUS CHANGES:

Changes when England was under the protection of Oliver Cromwell

- **Puritanism:** Laws passed by parliament introduced several moral laws
 - Activities like sport, drinking alcohol and feasting on Christmas Day were banned
 - The bans were decriminalised in 1660 when the monarchy was reinstated
- **Recusancy:** Decriminalised in 1650 (the law that everyone had to go to church or pay a fine)
- **JPs:** Most cases were dealt with at local trials with a magistrate (JP). At quarter sessions JPs would judge more serious sessions and could pass the death sentence.
- Royal judges who visited each county twice a year would deal with the most serious offences (County assizes).

VAGRANCY

- The crime of being homeless and without work. Increased at this time as social conditions worsened
- **Vagabonds and Beggars Act, 1495:** 'idle' people put in stocks and sent back to place of birth
- **The Vagrancy Act, 1547:** able-bodied vagrant without work for more than 3 days to be branded with letter 'V' and sold as a slave for 2 years (often not carried out and ended after 3 years)
- **Act for the Relief of the Poor, 1597** – vagrants could be whipped or burned on the ear with a hot iron
- **Poor Law Act, 1601:** all local parishes were to provide poor relief to the deserving poor
 - 'deserving poor' – those who were eligible for financial assistance because unfit to work e.g. elderly, sick
 - 'undeserving poor' – could be branded, whipped or sent to houses of correction and be forced to work
- **The Game Act, 1671:** Many poor people continued to hunt for food on enclosed land to survive. This was made illegal in the Game Act.

WITCHCRAFT

- **Witchcraft Act, 1542:** witchcraft punished by death

- **James I, 1603-1625** – A strict Protestant but at first was tolerant towards Catholics. He changed his mind after the Gunpowder Plot (1605) and became very anti-Catholic
- Published a book called *Demonologie* in 1597 calling witches 'slaves of the devil' and encouraged readers to find them out and put them on trial and encouraging use of child witnesses even though the law stated 14 and overs
 - Reissued when became king in 1603 and blamed witches for trying to drown he and his wife at sea.
- **Changes to landholding:** Much land became enclosed (fenced off for exclusive use of landowner) meaning the poor could no longer access it for food, firewood etc. More people moving to overcrowded towns
- **Import Duties:** Introduced in the 16th century and allowed the government to tax goods being brought into the country
- **1642-1649, English Civil War** – between Royalists (those who want to keep the king in charge) and Parliamentarians (those who want to get rid of the monarchy so that England is a republic and choose a Protector to rule over it)
- The Parliamentarians win the war and King Charles I is executed
- Allowed law and order to break down during the war – became more localised e.g. witch trials
- **Economic problems** and unemployment made people very suspicious of the poor and vagabonds. Most witch claims were from rich against poor
- **1653:** Oliver Cromwell becomes Lord Protector of England (not a king) and enforces strict Puritan ideals on the country
- **1660:** The monarchy was restored under Charles II (son of Charles I). Period known as 'Restoration'.
- The Enlightenment – In later 17th century there was more emphasis on Scientific study which turned many people away from witchcraft and superstition.
 - **1660** – Royal Society established in London

- **1563: Act against Conjurations, Enchantments and Witchcraft** - Passed by Elizabeth I and meant witchcraft would now be tried in common courts. Death penalty issued if harm caused to another
 - **Minor witchcraft** – using charms and magic
 - **Major witchcraft** – causing harm or death to another
- **Witchcraft Act, 1604:** death penalty given to anyone summoning evil spirits

TREASON

- **Treason: 5th November 1605 The Gunpowder Plot:** 13 Catholic conspirators led by Robert Catesby and including Guy Fawkes plotted to kill the king (James I) by blowing up the Houses of Parliament. They sought to replace James I with his daughter Elizabeth after the Pope had called upon all loyal Catholics to dispose of Elizabeth I following religious changes in 1570. The plotters were discovered, tortured and hung, drawn and quartered in 1606.
- **1605 Thanksgiving Act:** events of 5th November to be commemorated each year. Catholics banned from being lawyers or officers in armed forces

LAW ENFORCEMENT

WITCHCRAFT

- **1640s - Matthew Hopkins, witch finder general:** In Essex and East Anglia a former lawyer named Matthew Hopkins took advantage of the weakened royal authority during civil war to hunt 'witches' and bring them to justice by using torturous interrogation methods to obtain confessions. He received money for convictions.
 - Out of 300 people he investigated, 112 were hanged

POLICING METHODS

- **Town constables: (Expanded- not new)** Employed by town authorities but appointed by local people – usually wealthy and well-respected in community.
- Could arrest suspects without warrant, collected payments for road cleaning. Had to turn in serious criminals to court, break up fights and round up sturdy beggars
- **Justices of the Peace** – Royal officials who travelled to different locations to hear criminal cases. In the 17th century their duties were extended to identifying religious threats and those who refused to conform to Protestantism.
- **Night watchmen: (Expanded not new)** Unpaid volunteers, duty of all householders to serve as watchmen in turn. Patrol local area between 10pm and dawn. Carry a lamp and ring a bell to help with patrolling when dark
- **Professional Thief Takers** – Paid a reward to catch criminals and deliver them to the law. Could be open to

corruption as they informed on rival gangs to make money.

- E.g. Londoner Jonathan Wild, 'the Thief Taker General' secretly led a gang of thieves who claimed rewards for handing in goods they stole. Discovered and executed in 1725.

- **The army:** sometimes used to put down protest and deal with riots. This was very unpopular
- **Sergeants:** employed in towns to enforce market regulations and ensure that goods were weighed fairly.

PUNISHMENT

- **Heresy:** One of the main punishments for heresy remained burning at the stake to cleanse the sinner in death but not all were – some took the opportunity to recant (denounce their beliefs publically). They would then carry sticks to where they would have been burned as a symbol

THE TUDORS

- **Henry VIII** executed 81 Protestants for heresy before the break with Rome but executed Catholics for treason after as they would not take the Oath of Supremacy acknowledging him as head of the Church e.g. Anne Askew
- **Edward VI** - Some Catholic bishops imprisoned in the Tower of London, 2 Catholics executed for heresy
- **Mary I** - 283 people executed as heretics for refusing to follow Catholic faith e.g. John Rogers
- **Elizabeth I** – 5 Catholics executed for heresy including her own cousin, the Scottish Catholic Mary Queen of Scots. After Catholic rebellion in 1569 and excommunication many more Catholics prosecuted

TREASON

- **1580** - Execution Mary Queen of Scots beheaded by Elizabeth I
- **1606** - Gunpowder plotters hung, drawn and quartered by James I

WITCHCRAFT

- **Witchcraft Act, 1542:** witchcraft punished by death
- **1563: Act against Conjurations, Enchantments and Witchcraft:**
 - Minor witchcraft – stocks
 - Major witchcraft – execution
- **Witchcraft Act, 1604:** death penalty given to anyone summoning evil spirits
- **1640s - Matthew Hopkins, witch finder general.**
 - Out of 300 people he investigated, 112 were hanged
- **1542-1736:** Upto 1000 people executed for witchcraft (usually by hanging)

Early Modern, 18th and 19th century (1700-1900)

CRIME

- **Vagrancy** - homelessness
- **Poaching** – hunting without permission on land where it is required
- **Trespass** – being present on land without permission where it is required
- **Smuggling**: bringing goods into the country without paying import duties
- This allowed a profit to the smugglers and was a benefit to many people who could buy the good from them at a lower price.
- Difficult to enforce as many people benefitted from the crime and did not see it as serious
 - Hawkhurst gang controlled large scale smuggling on south coast from 1735-1749
 - Leaders caught and hanged in 1748 and 1749

HIGHWAY ROBBERY

- Threatening or attacking travellers and forcing them to hand over their valuable possessions
 - Highway robbers were very popular characters despite often being violent criminals
 - **1724**: Thousands lined the streets to see **Jack Shepherd**, who had escaped prison 4 times, to his execution. He was so popular that authorities banned plays with his name in after his death
 - **Dick Turpin** is also remembered as a brave and glamorous hero, despite being violent
- **1772**: Illegal to be found armed and in disguise on a high road
- Became less common after 1815, last reported case in 1831

THREATS TO AUTHORITY

- **Tolpuddle Martyrs, 1834**: George Loveless and 5 others were arrested leaving work for 'administering an illegal oath' – an old law intended to stop naval officers starting mutinies
- They had started a 'friendly society' (early trade union) and sworn to protect each other and their wages by striking if necessary.
- Wanted to protest about low wages – 6 shillings a week, average was 10.
- They were sentenced to 7 years transportation
- Mass protests were held to support them and 100,000 people held a demonstration in London. A 200,000 signature petition handed to the government
- They were pardoned 4 years later and returned to a hero's welcome

WITCHCRAFT

- **1735 Witchcraft Act**: Passed by George II. 'Witches' were now seen as tricksters rather than a real threat. Could be fined and imprisoned.

- Government control increases as the role of the king and monarchy decreases
- Role of the community:

CUSTOMS TAXES

- **1690**: Mounted customs officers introduced
- **1690s**: Excise duty increased to salt, leather and soap
- **1780s**: Prime Minister, William Pitt, lowered import duties meaning smugglers can make less of a profit on goods they bring in and sell
- **1850**: Import taxes cut, large scale smuggling reduced even more as profits were now even less
- Trade increased meaning there was more need to move goods and money around. Only a few banks existed to store money safely so ordinary travellers often carried around large sums of money
- Towns were growing but countryside was much less populated – many isolated roads with no protection
- Many roads were improved meaning more travel so more people on the roads
- **1789 French Revolution**: the ruling classes had been temporarily overthrown and thousands of nobility executed.
- Made the British authorities feel vulnerable and led them to treat those who wanted political change (especially if from working classes) as criminals
- **1830s**: Early trade unions start being set up
- **1868 end of transportation**: many in Australia believed high crime rate was due to presence of criminals there as many had to return in Australia since they could not afford to get home after serving their 7 year sentence.
- Some in Britain believed the journey was inhumane and others argued it was too lenient. Australia started to become a desirable place to settle and prisons were the alternative in Britain instead
- **Decline of death penalty**: Many begun to question the excessive use of the death penalty made acceptable by the Bloody Code. Ideas about prison as a time to rehabilitate became more popular and it was seen as an alternative

PUNISHMENT

POACHING

- **1723 Black Act:** poaching game or damaging a forest is a capital crime (can be executed)
- Also illegal to blacken your face (disguise) in a hunting area or own hunting dogs – fined or imprisoned
- Only landowners with land earning over £100 a year could hunt unrestricted

- **Six Acts 1819:** Peterloo Massacre led to banning of civilians training with weapons, unauthorised meetings or criticising the government.

- **1823:** Black Act repealed – no longer capital offence to hunt

- Highway Robbery – mugging travellers on unpoliced roads

LAW ENFORCEMENT

- **Bow Street Runners, 1749:** The first form of official policing set up by John Fielding. Very few existed and operated only in London.

- **Metropolitan Police Act, 1829:** First uniformed officers acted as an important deterrent to criminals. Started by Robert Peel
 - 2800 were initially recruited but only 600 were kept on due to misconduct

PUNISHMENT

HIGHWAY ROBBERY

- Punishment was execution
- **1802:** Last execution for highway robbery – Robert Snooks in Hemel Hempstead

WITCHCRAFT

- **1716:** Last known execution for witchcraft – Mary and Elizabeth Hicks hanged

- **1735 Witchcraft Act:** Could be fined and imprisoned

TRANSPORTATION

- **Transportation Act 1717** - allowed courts to sentence those guilty of serious offences to spend 7 years in North America. Returning was a capital offence.
- Could be given transportation instead of execution – would then be 14 years
- Around 50-80,000 people transported to America
- This was the case until 1776 when transportation was stopped by the outbreak of war with America.
- In **1787** Transportation resumed with a new destination: Australia
- 160,000 people transported to Australia (1/6 were women)
- **1868:** Transportation officially ends

CAPITAL PUNISHMENT

- **The Bloody Code** – Increase in crimes punishable by death, e.g. poaching rabbits.

<ul style="list-style-type: none"> ○ E.g. 1713 – stealing more than 40 shillings • 50 capital crimes in 1688, rose to 160 by 1765 and 160 by 1810 • Many people were pardoned as punishments were so severe • 1814: Last execution under the Black Act (for cutting down an orchard) • 1822: Last hanging for shoplifting • 1860 Punishment of Death Act: Reduced number of capital crimes to 60 • 1868 Capital Punishment Amendment Act: ended public execution. Now carried out in private. <ul style="list-style-type: none"> ○ Some argued it was inhumane, others that it encouraged drunkenness and became a fun spectacle. The large crowds also attracted pickpockets and disorderly behaviour • 1902: Executions move from Newgate to Pentonville Prison <p><u>THE PRISON SYSTEM</u></p> <ul style="list-style-type: none"> • Before 18th century rarely used as a punishment, just a holding area for those awaiting trial. Women, men and children in same cells under terrible conditions • The Gaols Act, 1823: Influenced by Quakers – provided separate prisons for men and women, prisons were inspected to ensure food and bedding was provided for prisoners. More prisons built e.g. Pentonville in 1842. <ul style="list-style-type: none"> ○ Women were to be watched over by female wardens, prisoners to be visited by chaplains, prisoners not to be held in chains • 1835: government inspectors appointed to check prisons • 1839 The Separate System: It was decided that prisons should be harsher. Prisoners were now kept alone for the first 18 months of their sentence and were forced to complete pointless hard labour <ul style="list-style-type: none"> ○ Assistant Director of Prisons, Sir Edmund Du Cane described the increasingly harsh treatment as ‘hard labour, hard fare, hard board’. ○ Pentonville Prison built as a prototype where separate system could be tested • 1850: National Prison Department takes overall control of prison system • 1902: Holloway Prison for women opens 	<ul style="list-style-type: none"> ○ Rising crime rate in Victorian era – between 1800 and 1840 number of crimes reported each year rose from 5000 to 20,000 ○ Elizabeth Fry and John Howard – Quakers who believed prison should be a time of rehabilitation. Visited prisoners and tried to get the government to acknowledge rehabilitation as a purpose of prisons <ul style="list-style-type: none"> ○ 1866: Howard Association created to campaign for better treatment ○ They carefully put bills through parliament to gradually change MPs minds ○ Government more concerned with deterring other criminals and kept punishments harsh for that reason
Modern – 20th century	
<p>CRIME</p> <p>Conscientious Objection: The act of refusing military service on the grounds of freedom of thought, disability, religion (e.g. Quaker) or conscience</p> <ul style="list-style-type: none"> • Absolutist – Someone who rejects all forms of military service • Alternativist – Someone who rejects combat service but contributes to the war effort in other ways e.g. farm work, ambulance driving • Military Service Act, 27th Jan 1916 – All unmarried men were called up to join the armed forces. By the end of 	<p>WWI - 1914-1918: Soldiers initially enlisted on a voluntary basis. By 1916 however, recruitment decreased due to the British public learned the true horrors of war (e.g. Battle of the Somme Jan 1916 - 20,000 soldiers killed on first day of battle).</p> <ul style="list-style-type: none"> • Public attitudes were very negative – men were attacked and verbally abused being seen as cowards. <p>WWII – 1939-1945: By this time there were less willing volunteers and to counteract this conscription was introduced from the beginning.</p>

the year married men were included and by 1918 this was raised to 51 years.

- If men refused service they had to attend a tribunal to present their reasons.
- Absolutists could receive prison sentences and were not released until 6 months after the war to prevent them getting jobs which could have been given to returning soldiers.
- By WWII COs still had to present their case at tribunal but now these were judged by members of all social classes, not military personnel. People were also given alternative work instead of prison sentences for opposing the war.

Changing definitions of crime

Sexual Offences Act, 1967

- Legalised homosexuality for men over the age of 21

Race Relations Act, 1968

- Made it illegal to refuse jobs, housing or public services to anyone on the basis of their race, ethnic background or country of origin. In 2006 it was extended to define spreading racial or religious hatred as a crime

The Criminal Justice Act, 2005

- Gave courts more powers to issue more severe sentences for hate crime (crimes motivated by prejudice against the victim's race, gender, disability or sexual orientation)

Domestic Violence Act, 1976 – gave victims the right to ask for an injunction (instruction given by a court to forbid a particular action)

- **1991** – Law changed to recognise rape within marriage. A husband could now be prosecuted for raping his wife
- **2014** – controlling and coercive behaviour (using force or threats) was now recognised as a crime e.g. telling a partner what they can wear, who they can see etc

- **Abortion – legalised in 1967** by the passing of the **Abortion Act**. Before this time only allowed for strict medical reasons (e.g. causing harm to the mother), which meant some women sought dangerous 'backstreet abortions' performed by people without medical training.
- The act meant that abortions could be carried out until a woman was 28 weeks pregnant but this has been lowered over time due to medical advancements.

Driving Offences

Drink Driving

- **1872** – it was made illegal to drive a horse drawn carriage and coach while drunk
- **1925** – it was made illegal to drive a car while drunk
- **1967** – a new law set out the maximum limit for the amount of alcohol a person could legally have in their bloodstream while driving

- People were being asked to unite against Nazism as a movement that persecuted minorities so harsh punishments for COs would have been seen as somewhat hypocritical
- Public attitudes were still very negative, with many of the general public viewing COs as cowards who were avoiding their patriotic duty

- 1960s – a time of social liberation in the UK. Lots of ideas about sexuality were becoming more accepted by this time
- In the 1950s many people from Commonwealth countries (former colonies of the British Empire) moved to Britain to work. As a result, Britain became a much more multicultural nation

19th century - it was accepted that men were the dominant partner in relationships and if they were violent the law should not interfere in their personal business.

- Campaign for women's votes at the start of the 20th, women's contribution to both world wars and liberalisation of attitudes led to changes in expectations of gender.
- There was a growing **liberalisation of attitudes** during the 1960s during which protests were carried out demanding a change in the law. This was combined with health concerns regarding illegal abortions and led MPs to change the law.

- Advancements in technology meant that by the 1920s the number of cars on the road in Britain was increasing (replacing the horse drawn carriage)
- Public attitudes towards drink driving were initially very lenient and it was considered a normal thing to do during the 1970s

Speeding

- In 1866 and 1896 the **Locomotive Acts** enforced speed regulations on self-propelled traffic of 2mph
- In 1991 **speed cameras** were first used in the UK to enforce speed limits and hold drivers accountable for breaking the legal speed limit.

Drug taking

- **1971 Misuse of Drugs Act** – The first time many drugs became illegal.

New opportunities for old crime?

Terrorism

- The use of violence, fear and intimidation to publicise a political cause.
- **The Terrorism Act** was passed in the year **2000** – updated from earlier legal changes to prevent the actions of the IRA.

People trafficking

- People from poorer countries are brought to the UK and forced to work for very little wages or no wages at all.
- Some women and children are forced into prostitution
- The workers are often controlled by gangs

Cybercrime

- Crimes carried out over the internet. They allow criminals a much bigger platform to commit crimes, some even stretching globally

Fraud

- Impersonating other people or businesses to make money

Copyright Theft

- Copyright is the right of the author or creator of a piece of work to be recognised – and paid – as the creator of that work
- It applies to books, music, film and games
- Before computer technology was created it was committed by cassettes, photocopies and video recordings without the creator's permission
- In the 21st century it is committed when people make available illegal downloads of music, computer games and television shows.

Extortion

- Making someone pay money by using threats or blackmail
- In the past this would have been done using letters, by phone or in person
- Nowadays this can also be done via the internet

- However, government advertising campaigns have highlighted the risks and it is now generally condemned by the public
- Attitudes towards speeding have also changed considerably due to government campaigns highlighting the risks and spreading awareness

- Legalisation of drugs is a controversial issue in society with some people believing that it should be personal choice and others believing it is needed to help tackle crimes associated with illegal drug-dealing, sex trafficking and gang related violence

17th century – Guy Fawkes and the gunpowder plotters tried to blow up the Houses of Parliament - today this would be seen as terrorism.

- 1970/80s – The IRA used violence to campaign for Irish nationalism
- 20th century – the prevention of terrorism has focused on Al-Qaeda and Isis which have been responsible for acts of terrorism in Europe.

- 19th century – poor girls were sold into prostitution.
- During the 1830s this was termed the 'white slave trade'

- Technological advances have allowed this type of crime to increase as due to the accessibility of the internet

- Advances in technology have allowed this crime to now be carried out over the internet e.g. with online banking, whereas in the past people had to be specifically targeted and tricked into handing over their money.

- The internet makes it much easier for people to access a huge selection of media more quickly and easily than before

- The internet enables such criminals to make their threats on a much wider scale, as they can communicate more easily with people around the world

LAW ENFORCEMENT

POLICING IN 1900

- **200 branches** with no centralised records on crime or criminals. Majority of working day spent on 'the beat'

20TH CENTURY CHANGES TO POLICING

- **1901: Fingerprinting Branch** set up at Scotland Yard – **National Fingerprint System** keeps records of those taken to identify criminals
- **Photography** started to be used to record crime scenes
- **1909:** police bicycles introduced to allow officers to pursue criminals more quickly
- **1920s:** Women allowed to join the force – mostly given roles helping child and female victims
- **1930s:** Police cars become common
- **999:** emergency telephone number introduced
- **1947:** Police Training College – set up to train new recruits, previously had just learned on the job
- **1960s:** Computers first used by police
- **1980:** Police National Computer launched – capable of holding the records of 25 million individuals
- **1988:** First murder convictions based on DNA samples from the victims and the accused
- **1995:** National Automatic Fingerprint Identification System and National DNA Database set up to share information that can be used to identify criminals

SPECIALISATION OF POLICE BRANCHES SINCE 1900

- **Fraud Squad 1946:** set up to tackle crime in business and stock market
- **Specialist drug-trade units:** to disrupt the trade and prevent circulation of illegal drugs since Misuse of Drugs Act
- **Dog handling units:** first trained police dogs used in London in 1938 to accompany officers on the beat
- **The Firearms branch** are specialist officers trained to use a gun. They are used to deal with gun crimes and more recently used to combat gang crime.
- **The Police Central e-crime Unit** was established in 2008. It focuses purely on cybercrime and is used to help improve internet security.
- **The Traffic Branch** deal with all road related incidents, such as: Drink Driving, Speeding, checking cars meet safety regulations and traffic accidents.
- **The Criminal Investigations Department** investigate serious crimes such as robberies, sexual crimes, assaults and murders. If you work for the Criminal Investigations Department you are a 'Detective' and have to find out who committed these crimes. They use forensics to help them
- Each Police force have their own **Special branch**. They are highly trained officers who specialise in dealing with terrorist threats. They work closely with the Security Service (MI5).
- **The National Crime Agency** was created in 2013 to focus on preventing serious and organised crime such as drug smuggling and people trafficking. They carry out raids on suspected premises.

- **1901:** Discovery of different blood types
- **1900s:** Use of cars becomes increasingly common
- **1960s:** Use of computers becoming more common
- **1980s:** Discovery of DNA

- Technological advances in weaponry, transport and communication (internet, phones, vehicles etc) have increased the capability of criminals to commit crimes.
- Special branches have been developed to deal with specific types of crime with officers trained specifically to deal with those threats

- **Economic Crime Command** were established as part of the Serious Fraud Office. They focus on preventing large scale fraud, and in particular investigate investments and the stock market.

NEIGHBOURHOOD WATCH

- Help police by being vigilant in the community, reduce fear of crime with community involvement – originally started in USA
- In 1980s PM Thatcher wanted to reduce state involvement and give community some responsibility back
- In early 1980s number of neighbourhood watch rose from 1,000 – 29,000

PUNISHMENT

PRISON SYSTEM

- **1896:** mentally ill prisoners separated from other prisoners – Broadmoor mental hospital opened
- **1902:** Holloway prison for women opens, hard labour ended
- **1907:** alternatives to prisons – probation officers
- **1922:** more focus on prisoner welfare – separate system ended, improvement of conditions and educational opportunities increased
- **1933:** Focus on preparing prisoners for new life – open prisons offer new regime (New Hall, Wakefield). Prisoners allowed out on day release to work and prepare for reintegration into society

YOUNG OFFENDERS

- **1900 Borstals introduced:** first one in Kent and was a prison for boys only. Aimed to ensure young convicts were separated from older criminals
- **Prevention of Crime Act, 1908:** created new national system of borstals to emphasise education over punishment
 - Reoffending rates were about 30% in 1930s compared to about 60% nowadays
- **Criminal Justice Act, 1948:** graduated prison system based on seriousness of crime and offender's record
 - detention centres as step before borstals with more relaxed regime
 - attendance centres for minor crimes – went at weekends instead of during the week
- **Children and Young Persons Acts, 1963 and 1969:** changed treatment of young offenders in courts
 - Favoured care orders and supervision by probation officers and social workers over prison
- **Criminal Justice Act, 1982:** abolished borstal system and replaced them with youth custody centres

- **Controversial cases in 1950s made people increasingly critical of capital punishment**

- Labour government which came to power in 1940s introduced many radical social welfare reforms to youth justice system
- Between 1922-1947 prisons commissioner Alexander Patterson was influential in the changes to treatment of young offenders – argued rehabilitation was instrumental

ABOLITION OF DEATH PENALTY

- **Children's Act, 1908:** under 16s could no longer be sentenced to death
- **Young Person's Act, 1933:** age limit for death sentence raised to 18 and age of criminal responsibility set at 8 years old
- **1963:** Age of criminal responsibility raised to 10 years old

- **Infanticide Act, 1922:** women could not be given death sentence if they murdered a child shortly after its birth – increasing understanding that birth could affect mental state

- House of Commons passed bills abolishing the death penalty in 1948 and 1956 but they were rejected by the House of Lords

- In the early 1950s around 15 people a year were executed

- **Timothy Evans, 1950:** man with learning difficulties executed in 1950 for the murder of his wife and baby but it was later discovered that they were killed by their serial murderer lamdlord
- **Derek Bentley, 1953:** 19 year old man with learning difficulties. Involved in the robbery of a warehouse in which his accomplice, Christopher Craig, shot and killed a policeman. Despite not holding the gun and willingly accepting arrest, Derek was hanged for murder in 1953.
 - 5000 protestors met outside the prison on the night of the execution
 - His family campaigned for over 40 years and he was eventually pardoned in 1993 and his murder conviction was quashed in 1998
- **Ruth Ellis, 1955:** hanged for murdering her boyfriend who was violent and abusive towards her. She was not allowed to plead diminished responsibility

- **Homicide Act, 1957:** made allowances for defendants suffering from diminished responsibility and those who had been abused by the person they murdered
 - Sentence reduced to manslaughter which was not punished by death
 - Only about 4x executions per year after this was passed

- **Murder Act, 1965:** death penalty suspended

- **Murder Act Amendment, 1969:** death penalty abolished for murder

- **1998, death penalty abolished for all crimes** (including high treason and piracy with violence)

- **1999 6th protocol of the European Convention on Human Rights:** signed by Home secretary formally ending death penalty in Britain

Crime and Punishment c.1000-Present Writing Guide

Your Exam

The 4 mark...

What you have to do:

Describe a similarity or difference between something in one time period compared to another

How you do it:

1. State what the difference/similarity is
2. Provide evidence from each time period to show that

The 12 mark...

What you have to do:

Explain **how** or **why** something changed

How you do it:

1. 3 x PEEL paragraphs
2. In each paragraph you must:
 - State your point
 - Give evidence (before and after)
 - Explain how the evidence shows a change
 - Link back to the question

The 16 mark...

What you have to do:

Make a judgement on how far you agree/disagree with a statement

How you do it:

1. Introduction
2. 3 x PEEJL paragraphs (agree + disagree)
3. Conclusion

In each paragraph you must:

- State your point – agree/disagree + reason
- Evidence
- Explain how evidence supports point
- Justify how important that reason is
- Link back to the question

4 mark question

Describe one difference between crime in the Anglo-Saxon period and in the Norman period (4)

One way crime in Norman England was different from crime in Anglo-Saxon England is because in the Anglo-Saxon period people could hunt and roam in most forests across the country, meaning this was not a crime. However, after 1066 William I introduced forest laws for areas such as the New Forest, which meant entering, hunting or cutting down trees in those areas as was now illegal. A person would be found guilty of trespass if present in the forest and of poaching if found hunting, for which they could be maimed (blinded or fingers cut off) .

12 mark question

12 mark questions will ask you to explain why or how something happened

You should write 3 PEEL paragraphs.

Point

Evidence

Explanation

Link

Description	Marks
Reasons are not well explained/supported	1-4
1 reasons is well explained with evidence, but both other reasons are not as well explained/supported	5-6
2 reasons are explained with some evidence, but 1 reason is not as well explained/supported	7-8
3 reasons are clearly explained with some specific evidence	9-10
3 reasons are clearly explained with specific evidence and reasons are linked together	11-12

Explain why there were changes to policing in the period between c.1700 and c.1900.

You may use the following in your answer:

- Individuals
- Increased taxation

One reason why there were changes to policing between c.1700 and c.1900 is because of the role of individuals. The first ever police force in Britain was set up in 1829, mainly due to the actions of Sir Robert Peel, the Home Secretary. Peel had to convince fellow politicians that a police force could be trusted to reduce the increasing crime right fairly which led to greater support for the Metropolitan Police Act. As such, one reason why there were changes to policing between c.1700 and c.1900 was because of the role of individuals like Sir Robert Peel.

Another reason politicians supported the introduction of a police force was because it was no longer seen as too expensive. The government had become more involved in people's lives and war with France had forced it to raise more money by increasing taxes. Local authorities were given powers to raise taxes and this increased revenue meant that the cost of a police force could now be met. As such another reason why there were changes to policing is because it was no longer seen as unaffordable.

A final reason why there were changes to policing between c.1700 and c.1900 is because of the fear of revolution. High food prices and growing unemployment had led to more protests, demonstrations and even riots after 1815. This shows that the government viewed revolution as a real threat and therefore Peel and others could argue that a police force was needed to stop demonstrations from getting out of hand. As such, a final reason as to why there were changes in policing between c.1700 and c.1900 is because of the increased fear of revolution.

Your point should give a reason which is directly relevant to the question

When giving evidence to show change you should try and give specific evidence from before and after: Like at the end of 60 Minute Makeover

After having given evidence, you need to go back to the question and explain your evidence

The final sentence of the paragraph should try and make links between the other factors you have written about

16 mark question

'The community had the most important influence over law enforcement during the Middle Ages'. How far do you agree?

You may use the following in your answer

- Sheriffs
- The Church

You must also use information of your own (16)

For 16 mark questions we write PEEJL paragraphs.

Point, Evidence, Explanation, Justification, Link

It could be argued that the community had the greatest influence over law enforcement during the Middle Ages. The evidence to prove this is tithings, where every man over the age of 12 was grouped with 10 others from their local community and they were responsible for each other's behaviour. If one of them committed a crime, the others were responsible for bringing them to justice and would all be fined if unsuccessful. This shows that the community had an important influence on law enforcement because they relied upon each other to abide by the law, otherwise everyone would be punished. This factor is important to a certain extent because most people lived in close knit villages during the Middle Ages meaning everyone knew each other in their local community. This gave an added pressure to abide by the law so as not to let down the other members of your tithing or community. However, the authority of the king was still more important as he could overrule decisions made by members of the community. As such, the influence of the community is important to a certain extent.

It could also be argued that the church had a strong influence on law enforcement during the Middle Ages. This can be supported by the trials by ordeal. In order to decide if people were innocent or guilty they would go through a trial which punished them physically. This could be trial by hot iron in which they would hold onto a burning hot rod whilst walking 9 paces as it burnt their hand. 3 days after the trial their wound would be checked and if it had started to heal they were considered innocent and if it had become infected they were considered to be guilty. This shows the influence of the church because it was believed that God would not let an innocent person suffer, which is why the wound would have healed, whereas an infection was proof of guilt. The trials were also arranged by priests and usually took place in churches. The influence of the church is therefore important to a greater extent because most people during the Middle Ages were devout Christians who had complete faith in the authority of the priest, therefore they would have believed in the outcome of the trial. However, trial by ordeal was ended in 1215 as the Pope disallowed priests from conducting them any longer and they were replaced with trial by jury which reasserted the authority of the king instead. As such, the influence of the church is only important to a certain extent.

Finally, it can be argued that the royal administration had the strongest influence on law enforcement during the middle ages. This can be supported by the fact that kings often had complete control over certain aspects of the law and worked hard to increase their authority during this time. **The evidence to support this is that William I changed the role of sheriffs when he became King of England after the Norman Conquest in 1066.** This shows that the royal administration had the strongest influence on law enforcement because it allowed him to choose those who represented him and maintained the law in each county and increased his presence throughout the country. This is important to a greater extent because William could ensure that the law was enforced as he chose by reliable allies, for instance the sheriff collected taxes and held courts for less serious crimes. William could therefore keep a closer watch on what was happening in each county, which was even more important for him as a new, foreign king. **This is the most important reason because the king was the highest authority in the country and could make the changes he saw fit, whereas the priests, although servants of God, still had to answer to the king at times.** In addition, the tithings did not have their own authority but had to report to the sheriff in times of difficulty, who was the direct representative of the king. **As such, the royal administration had the strongest influence over law enforcement during the Middle Ages.**

Overall, it is most accurate to argue that the royal administration had the strongest influence over law enforcement during the Middle Ages. This is because medieval kings were absolute rulers in many ways and therefore had the power to make the changes they wanted in terms of the law. Though the church influence was strong, priests and bishops still had to answer to the king at times. In addition, tithings had a weaker influence because the individuals within them had no real power to enforce laws, only to persuade and pressure those they knew into abiding by them. Therefore the influence of the royal administration is most significant.