Unit One: Development Study

Crime & Punishment Through Time
Ancient Rome
Chapter One: Crime and Punishment in Ancient Rome

In this chapter you are going to revise three Key Questions:

- What sort of crimes were committed in Rome and why?
- How was law and order maintained in ancient Rome?
- How did the Law affect different people in the Empire?

Key Question 1: What sort of crimes were committed in Rome and why?

The Roman Empire encompassed most of the countries that surrounded Italy and had sea boarders with the Mediterranean; at its furthest point the Empire reached as far as Britannia or the British Isles as they are known today.

This created a problem for the system of law and order in Rome as it had two very different types of area to manage. The provinces, parts of the Empire other than Rome, and also the City of Rome itself. These two different areas came with their own problems and their own crime profiles.

Some of the crimes that were typical in the city of Rome were:

- Robbery & Muggings
- Burglary & Theft
- Slaves running away
- Fraud

- Arson
- Rioting
- Murder

Let us have a look at each of these crimes in turn and try to establish why they were a particular problem in Ancient Rome.

Robbery and Muggings
The city of Rome was a busy and densely populated area. In the city lived rich Roman aristocrats to poor Roman citizens and even slaves. This created a very diverse community that can result in conflict. The main conflict here is poverty and wealth; because there are rich and poor living together there will be those poor people who wish to take what they want (or perhaps need) from the Rich. Resulting in Robbery and Muggings.

Burglary & Theft
This is again based on the same rich/poor circumstances described above. The difference here is that the crimes tend to be against property. For example breaking into someone’s home rather than stealing things from their person. This type of crime was more common in Ancient Rome than perhaps it would be later on in a medieval village as the houses and properties were much more densely packed into the city. It was easier for opportunists to burgle a home and escape than it would be in a smaller community where people were more likely to recognise each other.

Slaves Running Away
In a society where slavery was legal and slaves were treated savagely it is not surprising that some of them would try to run away. As such this was a common crime.

Fraud
As a busy city there was a lot of trade in Rome. It was therefore common for traders to use underhanded methods to make greater profits. One method was to lie about the weights of products such as bread. For example they might charge £1 for 1lb of bread, but actually only give you ¾lb, by doing this they were cheating customers out of ¼lb of bread.
ARSON
In a hot dry city where the houses were close together it was possible for fires to happen more often. If someone were to do this on purpose this was called Arson.

RIOTING
As with sport today rival teams can end up clashing and the rivalries can get out of hand. This happened lots in Rome over chariot racing and other games at the coliseum. Events that encouraged large groups invite this sort of trouble.

MURDER
Although this was not the most common of crimes it was still significant. In a time when seeing other people brutally killed was a sport it is perhaps understandable that this was more common that perhaps it is today. Even Roman Emperors were killed on a regular basis.

Key Question 2: How was law and order maintained in ancient Rome?

Law and order are two very different things. Laws are there to define what is right, wrong, acceptable or unacceptable. Order however a state in which everyone is following the accepted laws. To answer this key questions we are first going to look at how laws were used in Rome and then we will look at how the Romans kept order.

The Law
In Rome the laws were made very clear. They were written down and made public on what was known as the twelve tables. These tables were twelve categories of rules that made it clear what a Roman could and could not do legally. In order to make them common knowledge school children were taught to read and write by reading them out and copying them down. They were also displayed in public places in order to allow everyone to see them.

Roman laws were also based on 5 key principals:
1. Everyone is under the law.
2. The law should be publicly known
3. New laws should be rationally worked out form existing laws.
4. The law should be seen to be carried out.
5. People had the right to fair treatment from the law.

By following these principals the lawmakers were happy that the laws made to govern Rome were fair and could be upheld. So how were they upheld, how was order maintained?

Keeping Order
There was no organised police force in Ancient Rome; therefore it was very difficult to prevent crime. In order to try and keep the crime rate down Roman leaders took two main measures; firstly they introduced increasingly harsh punishments to deter people from committing crimes, and secondly they used soldiers and some volunteers to try and prevent particular crimes from occurring.
USE OF HARSH PUNISHMENTS

Different punishments were used for different groups of people and different types of punishment were used to reflect the severity of the crime.

Punishments for Roman citizens for minor crimes such as theft or fraud included:

- Whipping
- Confiscation of property
- Fines to repay the cost of the stolen goods

Punishments for Roman citizens for major crimes such as arson, murder or stealing from a temple would be execution. This was done in a number of different ways:

- Crucifixion
- Sent to fight in the Games
- Pushed off a cliff
- Having molten lead poured down your throat

Most of the minor crimes were to do with poverty and as such nobles, who had lots of money, were rarely convicted of minor crimes. If however they were convicted of a major crime they would be given the option to go into exile rather than be executed.

For slaves punishments were generally very harsh crucifixion was common as it sent out a message to any other slaves who might think about doing a similar thing. Also if one slave in a household was convicted of a crime the quite often all the other slaves of that household were executed with the criminal.

Finally the legionaries had their own forms of punishment. In order to discourage desertion from the army and soldier who was caught trying to leave would be brought back and the whole legion would be punished. The punishment was known as decimation. This involved killing every 10th man in the legion (Dec is Roman for 10). This would encourage the other soldiers to try and stop anyone who was thinking of leaving before they left!

CRIME PREVENTION

Roman leaders attempted to keep some sort of order by putting a number of different groups in charge of crime prevention in the city they were:

- **Vigiles** – These were groups of volunteers whose job it was to patrol the streets at night looking for potential criminals, put out fires and catch any run away slaves.

- **Urban Cohorts** – These were soldiers with the task of keeping order. They did not patrol the city but were used almost like a riot squad, call upon to keep peace in the city if a riot broke out.

- **Praetorian Guard** – These were the larges group, almost as many as the urban Cohorts and Vigiles put together. They were the Emperors person guard. They did not patrol the streets but were responsible for the Emperors personal safety.

You can see from the list above that the groups who were tasked with keeping order were only to do so to keep the city from disaster or to protect the Emperor. They were not responsible for the protection of normal Romans from crime. In fact if a crime was committed against a Roman it was their job to catch the criminal themselves and bring them to the magistrate to be tried. The Roman government would not help ordinary people catch criminals after a crime had been committed they would only help to stop it happening in the first place, and they didn’t really help much with that.
Key Question 3: How did the Law affect different people in the Empire?

We have already seen that different people had different status in Rome and this had a big impact on what punishment a person would receive. The main difference was whether or not you were a Roman citizen. Citizens had all the rights to be protected by Roman law, but they also had to abide by them.

When the Romans began to expand their Empire they were in control of huge numbers of people who were not Roman citizens. So how did the Romans deal with this?

The Emperors appointed Governors to oversee each province, the also appointed magistrates to hear cases and make judgements. The cases were all dealt with according to Roman law and the Roman principals of law. The main difference was that none Roman citizens were punished according to their own local laws. This made the punishments easy to understand for the locals.

In the case of Britain, once the Romans left, most of what the Romans did stopped. There was very little legacy of Roman laws left in England in the centuries immediately after the withdrawal of Roman troops from England.

Past Exam Questions

1. Briefly describe ways in which Romans punished criminals.

2. Briefly describe how the Romans tried to prevent crime.

Instructions and example of how to answer 5 mark questions.
Revision Flash Cards

TEST YOURSELF!
Ancient Roman Flash Cards
Revise Crime & Punishment Through Time: Chapter 2

Medieval England
Chapter Two: Crime and Punishment in Medieval England

After the Romans left England the British Isles became an attractive option for European groups to invade and expand. The first major group to invade the British Isles after the Romans were the Saxons, followed by the Vikings. These two peoples fought over territory for centuries until in 1066 the Norman invasion took over the whole country. The result of this was a great deal of change from the early part of the medieval period to the more settled later medieval period.

In this chapter you are going to revise seven Key Questions:

1. How was law & order maintained by the Saxons?
2. Was the Saxon justice system fair?
3. What changes did the Normans introduce?
4. What was the impact of Henry II and Royal Justice?
5. What impact did religion have on medieval justice?
6. What were medieval attitudes towards women?
7. Why was the legend of Robin Hood popular in medieval England?

Key Question 1: How was law and order maintained by the Saxons?

From their first invasion of the 5th century through to the Norman invasion of 1066 Saxon society developed greatly. This was mainly due to the fact that their society grew in size and complexity. Initially Saxons arrived in smaller tribal groups and settle where they found appropriate land. These smaller communities grew into small kingdoms, which grew into larger kingdoms. These kingdoms began to grown in strength and swallow each other up until eventually they had all merged to form one Saxon kingdom.

The impact of this kind of development on Saxon law and order was that, although customs were similar, there was variation from area to area. The key similarity was that each group, be it a small village in the early Saxon period to larger Kingdoms in the later Saxon period would have a leader or ruler. These Saxon lords would keep control mainly through a traditional system of loyalty, which was rewarded, with gifts of money, land or power. If this simple system was not effective and crime did occur there were a number of things that the Saxons put in place to maintain order.

Saxon crime prevention & policing

In an attempt to prevent crime and catch criminals that Saxons had four key methods.

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

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

The Hew and Cry
If a member of the community saw a crime being committed they would cry out for others in the village to come to their aid and everyone was expected to help apprehend the criminal.
Tithing
Once a man reached 12 years old he was expected to join a tithing. A tithing was a group of 10 men who were all responsible for each others’ behaviour. If one committed a crime the others were responsible for bringing him to justice, if they did not and he was caught anyway the punishment would be given to all members of the tithing.

Saxon Justice
If a criminal was caught and needed to be brought to justice then they would be brought before the local lord at a kind of court known as a ‘folkmoot’. The folkmoot was a meeting of the local lord and members of the local community who knew the accused and could make a judgement on their innocence or guilt. If they made a decision of guilty then the lord would decide upon an appropriate punishment. If the folkmoot could not reach a decision the accused would then have to undertake an ordeal.

Trial by Ordeal
The trial by ordeal system essentially passed the judgement of innocence or guilt over to God. In the Saxon period there were four main ordeals that a person could be put through to allow God to either protect them (if innocent) or forsake them (if guilty). They were:

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

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

3. **Trial by Cold water** in which the accused was thrown into a local pond or lake. The water represented purity, therefore the guilty would be rejected and would float; unfortunately the innocent would be accepted into the pure water and could well drown.

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

Punishment as deterrent
The final method used to maintain order by the Saxons was the use of punishments to deter criminals from offending. The Saxons had to use punishments to deter criminals as the only prisons they had were used simply to hold criminals before trial, not to reform them.

Minor Crimes
The majority of crimes in Saxon England were petty theft and damage to property. Violent crime was rare and was reduced further towards the latter part of the Saxon period as Blood Feuds stopped being used.

These kinds of minor crimes tended to be dealt with using fines, oaths on the bible and public humiliation. Public humiliation was a way of punishing someone for a short period of time and allowing the whole community to see. The main reason that these types of punishment were used was because families and even villages tended to depend on each other to grow crops to survive. As such execution or imprisonment would have a negative effect on the whole family or community. This made humiliation and fines much more practical.
**Major Crimes**

Although not very common major crimes like murder or treason were punished harshly. This could involve mutilation; the removal or a limb or other part of the body. Harsh punishments also included execution such as hanging or beheading.

**Outlaws**

If someone was accused of a crime but did not show up to answer for their crimes at the local court or folkmoot they were considered an outlaw. This meant that they were no longer protected by the laws of the land and could be murdered without reprisal.

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**Key Question 2: Was the Saxon justice system fair?**

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

<table>
<thead>
<tr>
<th>Reasons why the Saxon system is fair...</th>
<th>Reasons why the Saxon system is unfair...</th>
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<tbody>
<tr>
<td>The system of justice was the same for everyone.</td>
<td>Juries at the folkmoot were people who knew the accused and could be bias.</td>
</tr>
<tr>
<td>With the system of Trial by Ordeal everyone had the same chance of being protected by God.</td>
<td>Trial by ordeal was based on religious belief and not factual evidence.</td>
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<tr>
<td>Humiliation was used as a punishment so that losing a family member to execution did not disadvantage families.</td>
<td>By using the tithings people could be punished for the crimes of another.</td>
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<td></td>
<td>Ordeals for the Clergy were not as harsh as other ordeals for non-clergy.</td>
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**Key Question 3: What changes did the Normans introduce?**

Following the battle of Hastings in 1066 William Duke of Normandy had to do more than just sit on the throne to become the King of England. He had to ensure that he was in total control of its people. In order to gain control William the Conqueror did a number of things including building castles, surveying the whole country in the Domesday Book and changing many of those in positions of power to loyal Norman lords.

The actions taken by William the Conqueror that had the most significant impact on law and order were:

**Introduction of Trial by Combat**

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

**Murdrum Fines**

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

**Forest Laws**

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

**Laws written in French**

By writing new laws in French this stopped any of the old English/Saxon lords from understanding or contributing to the developments of new laws.
**The Harryng of the North**

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

*It is important to remember that although some of the new laws & actions introduced by the Normans were harsh, much of the day to day process of running the country did not change from the perspective of the ordinary people. This was so that the transition from Saxon rulers to Norman rulers would be smooth.*

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**Key Question 4: What was the impact of Henry II and Royal Justice?**

Prior to Henry II taking the throne one of the biggest problems in English justice was ‘the over-mighty subject’. This was a term to refer to a Baron or a Sheriff who had become so powerful in their local area that they could ignore decisions made by the kings courts and get away with it. By 1154 Henry II decided that he needed to be back in charge and introduced a number of new laws and procedures.

**Extension of the King’s Peace**

The king’s peace was an old law that protected the area directly around the king or along the roads where the king was travelling. If a crime was committed in this area then the punishment was much harsher than it would normally be. This was designed to deter people from committing crimes near to the king. Henry II made the decision to extend the king’s peace to the whole of the country. This meant that punishments for crimes committed anywhere in England would be more harsh.

**Travelling Justices**

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

**County Gaols**

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

**Trial by Jury**

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

**Justice of the Peace (JP’s)**

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

**County Coroners**

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

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**Key Questions 5: What impact did religion have on medieval justice?**

In the medieval period religion played a much bigger part in everyday life than it does today. We have already seen that when a decision of guilt or innocence could not be made the decision was passed over to God in the trial by ordeal.
Impact of the Christian Church

The Christian church had a direct impact on the people of England. The main impacts were as follows:

**Benefit of the Clergy**

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

**Sanctuary**

If someone was being pursued for committing a crime and they made it to a church they could claim sanctuary. If they claimed sanctuary they would be protected from the law until the county coroner saw them. Upon their confession to the Country Coroner the criminal would be allowed to ‘abjure’ which basically means they would leave the country. A person was not allowed to claim sanctuary if they had committed certain crimes such as heresy. Over time the number of crimes a person was not allowed to claim sanctuary for was increased until Henry VIII dissolved the monasteries in 1536 and sanctuary ended entirely.

*Over time, especially during the reign of Henry II the power of the church was considered to be too great and it was thought that the Church allowed for too much leniency towards criminals.*

Impact of Islamic beliefs

Although Christianity was the religion in England it is very difficult to judge its impact on crime and punishment without comparing it to other religions.

**Shari’ah Law**

Islamic laws are very specific and are based on the teachings of the Qur’an. The fact that the laws are very specific means that there is less room for interpretation and the verdicts that come from these teachings will be the same for everyone. In this respect Shari’ah law can be seen as fair.

**Punishment**

Islamic punishments are designed to teach the offender a lesson as well as to give some sort of revenge to the victims. This also allows the punishments to act as a deterrent. The victim’s family was consulted on the punishment used, but once the law was satisfied the issue was over, this stopped long term feuding between families.

*Islamic law and order was not as lenient as the Christian church and was based on specific laws to make it fair. It is also important to consider that specific laws and rules were needed to make the law fair across the spreading Islamic empire in the 7th Century.*

**Key Questions 6: What were medieval attitudes towards women?**

Women had very few rights in the eyes of the law in the medieval period. Women were essentially property of the men in their lives, before they were married they had to defer to their father for any decisions and once married their legal rights passed to their husbands. Below is a list of legal facts that affected women:

- Women could not marry without their fathers permission
- Women could not divorce her husband
- If her husband divorced her she could not have custody of any children
- Women could not own property of any kind (not even cloths)
- Women could not go into business (because they could not own anything)
- Women could not inherit land or property from their parents when they died
- Women who did not fulfil their role or were disobedient were considered ‘scolds’ and could be punished for this
- Widowed women could inherit enough property to help them survive
Key Questions 7: Why was the legend of Robin Hood popular in medieval England?

The general story of Robin Hood is that of an outlaw who lives in Sherwood Forest and robs from the rich Sheriff of Nottingham in order to give this money away to the poor. The first published form of this story was in the late 15th century and the story has continued to be popular right up until today with TV programmes and films still being made about this medieval hero.

The question is why did medieval people find this story so compelling? There are a number of reasons:

1. The stories are set in the time of King John who is portrayed as an evil Norman King. The people of England who were mainly Saxon were often unhappy with their Norman rulers as they were seen to be harsh and controlling. The fact that Robin Hood is considered to be a Saxon lord and enemy to the Normans make him popular.

2. Robin Hood was an outlaw and many people could sympathise with the unfair treatment of people by ‘over mighty’ lords like the Sheriff of Nottingham.

3. Robin Hood lived in the Forest and was known to carry a bow and hunt here, which directly broke the very unpopular Forest Laws introduced by William I.

4. The fact that Robin Hood took money from rich Lords, Sheriffs and Abbots and then gave that money to the poor was also contributed to making him popular.

A lot of this goes to show that the people in charge in the Middle Ages and those who were making the laws were not popular. If they were then an outlaw who committed crimes against them would not have become so popular for being an outlaw.
Past Exam Questions

1. Briefly describe how women were treated by the law in the Middle Ages.

2. Briefly describe the different ways people were tried in Anglo-Saxon times.

These are 5 mark questions

Past Exam Questions

1. Explain why the story of Robin Hood was popular in the Middle Ages.

2. Explain why William I decided to make changes to the Anglo-Saxon system of law and order.

3. Explain how criminals were identified and caught in the Middle Ages.

4. Explain why Anglo-Saxon laws and Norman laws existed side by side during much of the Middle Ages.

These are 7 mark questions

Past Exam Questions

1. How far was the system of law and order less harsh by the end of the Middle Ages? Explain your answer.

2. ‘Law and order was not enforced effectively during the Middle Ages.’ How far do you agree with this statement? Explain your answer.

3. ‘The story of Robin Hood does not teach us much about medieval crime and punishment.’ How far do you agree with this statement? Explain your answer.

These are 8 mark questions

fig. 3 How to answer 7 mark questions

fig. 4 How to answer 8 mark questions

Instructions and example of how to answer 7 mark questions.

Instructions and example of how to answer 8 mark questions.
How useful is this source as evidence about attitudes towards crime and punishment in the seventeenth century? Use the source and your knowledge to explain your answer.
TEST YOURSELF!

Medieval England Flash Cards
Early Modern Britain
Chapter Three: Crime and Punishment in Early Modern Britain

The early modern period is generally considered to start with the first Tudor monarch, Henry VII’s, rise to power in 1585 and ending in approximately 1750 at the start of the industrial revolution. In this period we see massive change resulting from religious views and political turmoil in the Tudor and Stuart period to the harsh punishments of the 18th century under the Georgian Kings, a time period you might recognise from the Pirates of the Caribbean films.

In this chapter you are going to revise five Key Questions:

1. What factors influenced changes in crime and punishment in Early Modern England?
2. How did the Tudors treat the poor?
3. How were Heretics dealt with?
4. What do the actions of Matthew Hopkins tell us about attitudes towards women in this period?
5. Why were social criminals so popular in the 18th century?

Key Question 1: What factors influenced changes in crime and punishment in Early Modern England?

In this period of history it appears that crime begins not only to increase, but also to change. This is due to a great number of changes in British society; often influenced by who happened to be sitting on the throne at the time. For this key questions we need to look at what social changes took place and how they impacted on the types of crime that happened in this period.

Poverty

The Price of Food

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

The population also grew in this period of history, the result of which was the food and resources that were available had to be shared between more people. Again this would affect the price of the goods and make it more difficult for poor people to get things without turning to crime.

Jobs

In order to earn money people would need to work just as they should today. There were however factors that made it difficult for people to find work.

Population Growth

As mentioned above this period saw an increase in the amount of people living in England. In some cases this created more work because there were more people wanting to buy goods and services, however it also created greater competition for the jobs that were available. Making it more difficult for people to get into various jobs.

Henry VII and the Baron’s Armies

At the start of this period Henry VII came to power. He had done so by winning the final battle of the War of the Roses at Bosworth Field. His experience of fighting in this war showed him that the Barons, who had their own private armies could be pose a dangerous challenge to his authority. To solve this problem Henry VII made it illegal for the Barons to have their own personal armies. This of course meant that any soldiers employed by the Barons lost their jobs and added to the amount of unemployed people searching for work. The result of this was even more competition for jobs and greater unemployment and poverty.

Henry VIII and the Monasteries

During the reign of Henry VIII there was massive change in the Church. Henry VIII broke away from the Roman Catholic Church and set up the Church of England. One part of this major change or ‘reformation’ of the Church was the dissolution of the monasteries. The main reason Henry wanted to close the monasteries was because they had lots of money that he could take. This impacted on poverty in England because part of the work of the monasteries was charitable...
aid for the poor. Without the monasteries this aid was gone and the poor had one less source of food and charity to help them.

Religion

Following the Roman Catholic Pope’s refusal to grant Henry VIII a divorce from his first wife Catharine of Aragon, Henry decided to break away from the Roman Catholic Church and set up the Church of England. This was known as the reformation as he was re-forming the national Church. The king was now head of the Church, not the Pope, and the way that church services were conducted began to change. If people did not like these changes and started and continued to practice religion in their old ways it could be seen as a crime against the Church and God, known as ‘Heresy’ (see key questions 3).

Over the Early Modern period different kings and Queens had different ideas of what the national religion should be and the result was the country switching back and forward form one religion to another. Some monarchs were more accepting of peoples’ different views, however some monarchs (such as Mary Tudor or ‘Bloody Mary’ as she became known) were much less tolerant. This could result in extreme punishments for people accused of heresy. As a result of these changes people could become a criminal over night just because the Monarch changed which created an historical period of real religious unsettlement.

Political Change

During the Early Modern Period the Monarch was still ultimately in charge of the Nation. They had advisors and people who could influence them but they were essentially ‘the boss’. As discussed above there were lots of changes brought in by various monarchs and by the 1640’s people were no longer happy with their King. Charles I was particularly unpopular, not just because of his religious views. The result was Civil War, a war in which different groups from within the same country fight against each other. The war ended with the execution of Charles I and with it a change in the people who ruled and had power in England. These people would change the laws to protect their newfound wealth and power.

Key Question 2: How did the Tudors treat the poor?

We can see from the last key questions that poverty was an increasing problem in Early Modern England. Increased poverty also increased the number of Beggars on the streets of England. Those people who had chosen to earn money by begging over a long period of time were known as ‘sturdy beggars’ and they came up with lots of ingenious and criminal ways to get money out of people. Their methods included:

- **Bristlers** Someone who would use loaded dice in order to run a gambling scam.
- **Counterfeit Crank** A beggar who would pretend to have violent fits in order to gain sympathy and money from passers by.
- **Baretop Trickster** A woman who would flash herself at a man to try and lure him away to a place where he would be beaten up and robbed.
- **Priggers/Prancers** Someone who stole horses.
- **Ruffler** Usually ex-military men who beat people up for money.

What did the Tudors do for/to the poor?

The various Tudor Monarchs had different methods of dealing with poor people.

**HENRY VII (1485-1509)**

Henry VII treated beggars as petty criminals and would have them sent to the village stocks or pillory for three days and then send them back to the village of their birth or most recent residence. They were sent away as many of them travelled from place to place to beg.

**HENRY VIII (1509-1547)**

Henry VIII was the first Tudor monarch to make a distinction between those who made a choice to become beggars and those who could not work or get work. He referred to those unable to get work, perhaps because of disability or age, ‘worthy poor’. These worthy poor were given licence to beg. If you were to beg without a
licence you would be whipped and then sent back to where you came from. If you repeated your offence the punishments would get harsher until execution was necessary. Execution for begging was rare in Henry VIII’s time.

Edward VI (1547 - 1553)
Under Edward the law against beggars was tightened up and made more strict. First time offenders were still whipped as in Henry VIII’s time, but with the addition of a branding. They were branded on the forehead with the letter ‘V’ for vagabond (travelling beggar). If they were caught begging a second time they were executed. This law however was repealed after a short time as it was seen as far too strict. These laws were unchanged during the reign of Edward’s sister Mary (1553-1558)

Source 1
A 16th Century Beggar being flogged through the streets

Elizabeth I (1558-1603)
The laws were unchanged for much of Elizabeth’s reign. In 1601 however, Elizabeth made some quite significant changes to the law regarding the poor. The 1601 Poor law created local taxes known as the ‘poor rate’ and this money was used to help the problems of poverty in the local community. The money was collected by the local Justice of the Peace and divided up according to the poor persons situation. For this purpose poor people were divided up into three categories and dealt with accordingly:

1. The impotent poor; people who could not work because of age or illness. These people were given food which was paid for out of the poor rate.
2. The able-bodied poor; people who could work but were unable to find a job. The poor rate was used to build work houses and buy simple materials, the poor were encouraged to go to the work house and make things from the materials and sell it on to make some money. The poor rate was also used to pay the wages of apprentices to encourage people to take on apprentices and train them up.
3. Rogues and Vagabonds; people who could work but instead chose to become beggars. These people were not helped by the poor rate at all. Instead they were punished by whipping. Repeat offenders were sent to a house of correction (a small prison) and those who continued to offend were executed.

Key Question 3: How were Heretics dealt with?

A heretic was someone who did not follow the authorised teachings of the Church. As discussed earlier the position of the Church in this period was heavily linked to the view of the monarch. This resulted in an act of heresy being viewed as a direct challenge to the monarch’s authority and therefore heretics were harshly punished.

Although all of the monarchs of the Early Modern people had heresy to deal with there are some key points in this period where they were particularly significant.

Under Mary Tudor
As one of Henry VIII’s children she had seen her father break away from the Roman Catholic Church. As her father tried to distance himself form Mary’s mother, his former wife, he also distanced himself from Mary herself. She was brought up following the religion of her Mother and became a very strong Catholic. When she came to power she was determined to bring England back to Catholicism and attempted to do so by fiercely punishing protestant heretics. During her reign she had 280 people arrested as heretics and had more people executed during her 5-year reign than had been executed in the previous 50! Although many of the people she had executed were hanged she was known for having heretics burnt at the stake. This was a medieval practice which was designed to burn all parts of the
body so that if God resurrected the believers there would be nothing left of these people to be resurrected.

**Under Elizabeth I**

Unlike her sister Elizabeth was a protestant and her views of religion were quite tolerant. It was only when in 1570 the Pope declared that Elizabeth was a heretic that she had to take a stronger position. If she was considered a heretic, then all of the Roman Catholics living in England would not have to obey her and it would not be considered a sin to defy her. This created a situation in which Elizabeth had to fear the Catholics as they may now consider assassinating her. As a result Elizabeth's religious tolerance ended and all Catholic Priests were considered heretics and traitors and as traitors they would be punished in the same way as those convicted of treason. The punishment was to be hanged, drawn and quartered. This involved the convicted person being hanged until nearly dead, then being disembowelled and having their organs burned in front of them and finally being beheaded and cut into quarters which could be displayed in various parts of the country.

**The Gunpowder Plot**

Most people remember the 5th of November for Gunpowder, Treason and Plot! At least according to the rhyme. This of course refers to the plot to kill King James I by blowing up parliament and made Guy Fawkes famous. This was an act of terrorism created by a group of Catholics who wanted to kill the Protestant king as part of a religious and political protest.

Guy Fawkes, the group's explosives expert, was caught prior to the attempted assassination and was tortured to gain the names of the others in his group. Once they were discovered they were treated in much the same way as Elizabeth would have done, they were all hanged, drawn and quartered. The idea behind this kind of punishment was to make a very public that the monarch should not be challenged in any way, including by a group of heretical terrorists as they were seen at the time.

**Key Question 4: What do the actions of Matthew Hopkins tell us about attitudes towards women in this period?**

Witchcraft was something that people had believed in since the early medieval period and earlier. Being a witch was not in itself a crime in Medieval England, it was only illegal to use witchcraft to harm others. When King James I came to the throne the law was changed to make it illegal for someone to simply be a witch. Following the publication of King James' book “demonology” which discussed in great detail how to identify a witch and what they were capable of, many people began to worry about the possibility of witches existing in their Village. This period also saw an increase in Puritanism, a very purist form of the Protestant Church. With a rise in Puritanism there was also a harsher line taken with witches. During the English Civil War (1642-1651) the country was in turmoil and a craze of witch finding and execution
began to develop. Matthew Hopkins, the self-styled ‘Witch Finder General’, operated in East Anglia between 1645 – 1646. Over a period of 14 months he had hundreds of people executed, in Chelmsford in Essex he had 19 women executed in one day!

**What happened to Witches?**

**HOW TO SPOT A WITCH**

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

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

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

**WITCH TRIALS**

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

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

**What does this tell us about attitudes towards women?**

Legally very little had changed for women since the medieval period regardless of the fact that in this period we have seen two queens sit on the throne and there would be two more before the Early Modern Period was over.

It is a fact that the vast majority of Matthew Hopkins victims were women. They were also, in the main, over 50 years of age. This suggest that Hopkins did not victimise women because of some negative attitude towards them, but rather because they were easy targets. Old single women would have very little in terms of possessions and those without families would already be isolated in their communities. Matthew Hopkins perused witches during the witch craze, not because he wanted to persecute women, but more likely because he was highly paid for it. One village paid him £23 to them of their witches. This was in a time when the average weekly wage was 2p!
Key Questions 5: Why were social criminals so popular in the 18th century?

Throughout the Early Modern period and particularly towards the end during the 18th century the number of laws introduced increased and particularly the number of capital crimes (crimes that carry the death penalty). A lot of this was because, following the Civil War, members of parliament and other rich land owners found themselves having more power and influence on law making. This of course also meant that the influence of the monarch on law making was reduced.

This new group of influential people wanted to use their power to protect what they had, which with the level of poverty in England at the time was no easy task, and lets remember that theft has been one of the most common crimes since the Roman era! Their answer was to introduce new laws that made seemingly petty crimes punishable by death. This policy of introducing harsh punishments became known as ‘the Bloody Code’ and showed that the Early Modern answer to crime prevention was to use punishment as a deterrent.

Social crimes were activities that went against the social order. The rich were trying to be in charge and protect their property, social crimes were those that were directly aimed at rich people and stealing their property. Below are some examples of the main social crimes that appeared during the 18th century.

Types of social crime

Poaching

Poaching is the criminal act of hunting on someone else’s property without permission. The difficulty with this in the 18th century was that unlike today it was much harder to define where one mans land ended and another mans land began as farmers did not ‘enclose’ (fence off) their land until later in the century. As such people had been hunting for centuries on land and never been told it was wrong... in fact it wasn’t! This meant that when hunting on a landowners land without permission became illegal normal hunters suddenly became criminals just by continuing to do what they had always done. Many people did not see it as a crime and continued to do it. It would be like telling you that walking to school was now illegal, you wouldn’t understand why and might feel like you weren’t really doing anything wrong if you carried on doing it.

Highwaymen

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

- The roads between towns, cities and villages were not policed in any way.
- Handguns became easier to use and to get hold of.
- Horses became cheaper to buy.
- More trade between towns meant more people travelling on the roads.
- If local constables were in pursuit of a highwayman they would not chase him across county boundaries as they only operated in their local area.

Highway robbery was seen as a major problem, but the harsh punishments of the bloody code were of no use if you did not catch the criminal. This particular type of crime did encourage authorities to take measures to prevent this crime, rather than just punish them and hope that would deter others. The measures put in place were:

- Justices of the Peace (JP’s) would not licence taverns that were known to harbour Highwaymen.
- Major cities like London started to put patrols on the main roads to and from the city.
- People started to carry less in their carriages. Some actually carried two purses, one with their real valuables and one with some money to give to the highwaymen.

Since the 18th century there have been many tales of highwaymen such as Dick Turpin. These highwaymen are often portrayed as being ‘gentlemen robbers’. This suggests that they performed their criminal acts in a polite and civilised way.

Other sources however do suggest that the highwaymen were cruel and violent thugs.

Smuggling

Smuggling was the process of bringing goods in from abroad without paying any tax duty on them. This made the goods that the smugglers brought in cheaper and more accessible to the people of the towns. Not only were they getting goods to people more cheaply but the fact that they were doing this by getting one over on the rich government officials by not paying tax made it just that bit better in the eyes of the people buying the goods.
This particular crime became much more frequent with the discovery and colonisation of America. Smugglers were able to sail to foreign lands and bring back trade goods that simply could not be purchased in the UK at the time. The problem associated with these smugglers was the fact that they tended to work in groups or gangs. This made it very difficult for the authorities to stop them, as they became formidable groups, almost like a mafia gang in their towns. People who informed on the groups were dealt with violently and quickly.

**So why were these social criminals so popular?**

The key to the popularity of the social criminals is the fact that they were committing crimes that adversely affected the rich and powerful. The average person on the street who would have had very little money would have had no love for the powerful and rich landowners. It would make the average person quite happy to see someone get one over on the rich.

In the case of the smugglers, they were not only getting one over on the rich and powerful, but they were also bringing goods into the country at more affordable prices for the everyday man. This was of course at the expense of the government who were losing out on the tax duty. It was essentially a more up to date version of the Robin Hood story. The smuggler who cheated the rich to give cheap goods to the poor!

In the case of the highwaymen there is very little, if any, evidence that they benefitted the poor, but they were not seen as a threat to the poor as poor people would not have anything that the highwaymen would have wanted.

Interestingly these types of criminals have entered many tales with a very romantic image. They were seen as heroes because they were acting against the unpopular establishment. What these criminals were doing to the rich and powerful was so popular that when tales were told of them new and false information was added about how they did extra good things for the poor. A good example of this is the film Dr Syn, which shows the main character as a feared highwayman who goes out on a mission to steal money to help the people of his village.
Past Exam Questions

1. Briefly describe how vagrants were punished in the sixteenth century.
2. Briefly describe how witches were detected in the sixteenth and seventeenth centuries.
3. Briefly describe the activities of smugglers.

These are 5 mark questions

Past Exam Questions

1. Explain why eighteenth-century laws against poaching were very unpopular.
2. Explain why heretics were punished so harshly in the sixteenth and seventeenth centuries.
3. Explain why there was an increase in highway robbery in the eighteenth century.

These are 7 mark questions

Past Exam Questions

1. 'The treatment of criminals in the nineteenth century was different from their treatment in the middle ages'. Explain how far you agree with this statement.
2. 'Highway robbery was a more serious problem than smuggling for the authorities in the eighteenth century.' How far do you agree with this statement? Explain your answer.
3. 'The Bloody Code was a success.' How far do you agree with this statement? Explain your answer.
4. 'The authorities were more worried about poaching than smuggling.' How far do you agree with this statement? Explain your answer.

These are 8 mark questions
Questions 1 - Study Source A. Are you surprised that these crimes could be punished by the death penalty? Use the source and your knowledge to explain your answer.
TEST YOURSELF!
Early Modern Britain
Revise Crime & Punishment Through Time: Chapter 4

Industrial Britain
Chapter Four: Crime and Punishment in Industrial Britain

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

In this chapter you are going to revise five Key Questions:

1. How did industrialisation change crime and punishment in this period?
2. The Rebecca Riots and Peterloo, how did the Government deal with mass protest?
3. What was transportation?
4. In what ways did prisons change during this period?
5. How did people feel about the newly developed police force?

Key Question 1: How did industrialisation change crime and punishment in this period?

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

Recording of Crime

The bloody code

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

Government

During this period of history the government began to centralise activities. This meant that many of the decisions that had been made at a local level were now being made at a national level. Prior to this period the local lord in an area would have a say in legal matters, this would result in verdicts and punishments being different from town to town. With a centralised government the laws and decisions made in London would be used everywhere. This made many legal matters seem fairer.

The other major difference caused by this was that central government needed to keep tabs on what was happening all over the country, to do this they had to keep records of everything. This again could have caused an increase in recorded crime.

Changes in society

Although it is possible to attribute changing crime rates to the way that they were recorded. It is important to also consider the changes in society that impacted on crime.

Population

As with the Early Modern period, in industrial Britain population began to boom even further. With greater efficiency in farming methods meant that there was enough food to support a growing society. Some developments in health care meant that people were living longer. With a growing birth rate and increasing mortality rate the population began to increase massively. As we have noted in previous chapters an increasing population result in more people competing over a limited amount of resources, which often leads to theft and violence.
MIGRATION

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

PROTEST

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

Key Question 2: The Rebecca Riots and Peterloo, how did the Government deal with mass protest?

As mentioned above there were a number of riots based on a number of different issues. For this Key Questions we are just going to focus on two, the Rebecca Riots and the Peterloo Massacre.

Case Study Events

PETERLOO

Peterloo refers to a mass protest that took place at St Peter’s Field in Manchester. The event (1819) was not long after the end of the Napoleonic wars between Britain and France. One of the most famous battles of this war was the Battle of Waterloo, it is the merger of the names ‘Waterloo’ and ‘Peter's Field’ that give this event the name ‘Peterloo’.

The protest was about a number of things:

- Soldiers of the Napoleonic war found that there were no jobs for them when the fighting was over and this caused them to struggle for money.
- Food prices began to increase because of the ‘Corn Laws’ (laws that made cheap foreign imported corn more expensive).
- Many people were protesting about the lack of democracy in Britain; very few people had the right to vote.

The protests were led by a man call Henry Hunt. The government had ordered the local militia not to attack the protesters as it might provoke further violence. The government were very concerned about protests at this time because of the revolution that had recently taken place in France. They did not want to have a similar revolution here in Britain.

Unfortunately when Hunt began to address the crow, many people started to cheer, clap, shout and honk horns. This unnerved the magistrates (whose job it was to keep the peace) and they ordered the militia to ‘disperse’ the crowd. As soon as the militia began to act against the crowd, the members of the protest reacted and violence broke out. 11 people died and around 400 people were injured.

![An image of the Peterloo Massacre as published in 1819](Image 2)
The Rebecca Riots

The Rebecca Riots that took place in Wales between 1800 – 1850. Just like with the Peterloo protests many people in Wales were not happy about the lack of voting rights and especially regarding the fact that many decisions about things that happened in Wales were made by English land lords.

The main focus of these riots however was turnpike roads and high tolls. These were stretches of road that a person had to pay to use. This mainly caused problems for farmers who had to use these roads to get their produce to markets and the cost of the toll would take a chunk out of their profits.

These protesters did gather together in meeting places to show their displeasure, but the Rebecca Riots get their name from the more violent actions that the protesters took. They would damage tollgates and burn stretches of the toll roads. In order to avoid being identified by eh increased police presences in the area the men attacking the toll roads would dress as women. They called them selves Rebecca after a verse in the Bible.

As the Rebecca Riots were a series of smaller events it is not as easy to state the short term out comes but it is known that 7 arrests were made and at least one person died during these events.

The Outcome on Law and Order

It could be argued that the Rebecca Riots had more direct impacts on Law and Order than the events of Peterloo as the Welsh rebels did succeed in reducing farm tolls and more Welsh magistrates were appointed. The ‘Daughters of Rebecca’ did not however succeed in having the Welsh language recognised.

The combination of the Rebecca Riots, the events of Peterloo and other major protests such as the Luddites (see key questions one) did have some impact on law and order. These protests, at a time not long after the French Revolution had the British government nervous that something similar would happen in the UK and laws were changed/made to ensure that this did not happen:

- **News Paper Tax**: by making newspapers more expensive it made it harder for protesters to spread their messages as fewer people could afford to buy the newspapers.

- **Search for Weapons**: local magistrates were given the rights to search homes for weapons so that they could remove potential threats to the peace.

- **Ban on Public meetings over 50**: by stopping people meeting in large numbers it was felt that mass outbreaks of violent activity could be prevented.

- **Ban on military training and drilling**: since the Middle Ages men had been expected to know how to use a bow and arrow in case of war. It was now felt that having people well trained was like keeping a loaded gun... it had the potential to go off and cause problems.

- **Seizure of publications**: Magistrates were given the rights to seize any publications that they felt could insight violence or disorder.

- **Faster trials**: it was felt that the court process needed to be faster to make sure that public disorder could be dealt with swiftly. This made it easier for the government to make examples of people cause problems.

**Key Question 3: What was transportation?**

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

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

Why Australia?

Following the American war of independence in the 1770’s Britain lost the colonies it had in America. It was no longer possible after 1780 to send convicts to America. Fortunately Captain Cook had discovered Australia in 1770 and the government of Britain decided that this new land should become the new colony for British convicts.

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

What happened to transported convicts?

Typically if the convict was sentenced to transportation they would be sent Australia for a term of between three and seven years. The sentence did not start until they landed in Australia and began their service to whomever they were attached to. The main problem with this was that the Government would not pay to send people to Australia every week, as it was such a long journey. This meant that convicts were sent to wait on board large ex-navy vessels known as ‘Hulks’. The Hulk ships would act as a floating temporary prison. When the hulk ships will full it would then set sail for Australia. The journey to Australia could take up to 9 months. This could mean that if the convict had to wait three months for the ship to fill and then a further nine months to travel to Australia, they would have effectively added a whole year onto their sentence.

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

Why did transportation end?

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

• Many people back in England felt that sending people to Australia was more like a holiday and therefore was too soft as a punishment. In fact when gold was discovered in Australia in 1851 many people wanted to move to Australia and it therefore was no longer seen as an adequate punishment.

• Certain groups in the Houses of Parliament felt that transportation was not an effective means of decreasing crime and lobbied for the reduction and end to transportation.

• By the 1840s so many people have been sent to Australia that it had become a nation in its own right. The people who lived in Australia, and started to call themselves Australians, did not like the idea of England dumping its convicts on them. They campaigned to end transportation.

• Following a number of investigations it was determined that a number of convicts were treated violently or simply suffered on the journey over to Australia.

• Due to a number of prison reforms that had taken place in England it was now more practical and cheaper to keep people in local prisons rather than transport them.
Key Question 4: In what ways did prisons change during this period?

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

The Reformers

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

Elizabeth Fry

Most people today have seen Elizabeth Fry but perhaps don’t realise it as she is the lady pictured on the back of a £5 note. As a Quaker her beliefs were that ‘there is something of God in everyone’. It was this belief that prompted her to want to volunteer to help out in women’s prisons. When she went into the prisons she was horrified by what she saw. The conditions were disgusting and overcrowded. Most of the jailers were male and unpaid; as a result they abused their position of authority to get money out of the inmates.

Fry spent her volunteer time in the prisons trying to educate the women she found and give them new skills. She would have them sewing and knitting garments and would sell them for them to the public. When Fry was not in the prisons she was speaking out about how prisons should be changed and her activities in the prisons made her famous. With her fame she gained a political voice and eventually her ideas about how prisons should be changed were adopted in the 1825 gaols act. The main changes were that men and women were separated in prisons and female jailers looked after women.

John Howard

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

Samuel Romiley

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

The Reforms

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

The Old System

Since the early 18th century most prisons had been the same way that Elizabeth Fry saw them. They were damp, dirty and everyone was together. They did not have special wings for violent criminals, or less secure areas for fraudsters. Everyone; man, woman, child, lunatic, thief or murderer were kept together.

The other key feature of the old system was that jailers were unpaid. They made their money by charging inmates for their work. You had to pay the jailor to let you in your cell, to unlock you shackles, to give you your food and even to let you out when your sentence was complete. Prisoners depended on their families or charities to give them the money they needed.
The First Reform Act 1820s

The Home Secretary Robert Peel passed the first set of Reform Acts in the 1820s. These Acts mainly took on board the ideas of people such as Elizabeth Fry and John Howard. These acts stipulated that prisons needed to separate various groups of prisoners, specifically making provision for women to be separated from men. All prisoners were to be well fed and to live in healthy conditions. Prisons were to be inspected regularly by the local magistrates. The Act also made it necessary for prisons to have a Governor in charge and for the jailors to be paid staff. Unfortunately this act only applied to the larger prisons in the country and in many cases was ignored, but this did represent the start of a changing system.

The Separate System

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

This system was essentially permanent solitary confinement. Inmates would be alone in their cells, they would be alone when they ate, when they exorcised in the year they would wear head gear so that they could not see or speak to other inmates. Even when they went to the chapel, each inmate had their own booth that separated them from the others in the room.

For many of the inmates this type of solitary confinement was impossible to live with, more people committed suicide under these conditions, more people had nervous breakdowns and more people became insane as a result of this type of incarceration.

The Silent System

As the 19th century went on and more reforms were introduced to improve the conditions for prisoners attitudes began to change again. The years of the bloody code had meant that people felt punishment was too harsh and something needed to be done. Prison reform was the answer to these changing views, unfortunately overtime people began to feel that prison was becoming a soft option and more needed to be done to ensure it was seen as a punishment. The Silent System was designed to do this.

Prison became a period of ‘Hard Labour’, ‘Hard Fare’ and ‘Hard Board’. This meant that inmates were locked in their cells, given basic food and basic sleeping conditions. When they given work or hard exercises to do and (giving the system its name) this all had to be done in silence.

Prison for Children

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

Video Clip taken from BBC Horrible Histories Clip 5 - Robert Peel Question
Key Questions 5: How did people feel about the newly developed police force?

Creation of the police force

As we have seen from previous chapters there have been a number of people who have had responsibility for catching and stopping criminals. On the whole however appointed officials have been there to judge criminals once they have been caught, not to actually catch them. The creation of a proactive police force whose job it was to catch criminals and prevent crime was a major change and resulted in mixed reactions.

The Bow Street Runners (1754)

The Bow Street Runners were a group of constables who operated out of Bow Street Magistrates Court in London under Sir John Fielding. Constables in the inner London area were very much like hired security guards and had very little training. Fielding made a point of having his men trained, uniformed and well paid to motivate them to do their job properly. The Magistrates Court in Bow Street became a base of operation for this group of constables, almost like their own police station, and it was this location that gave them their name.

The draw back with this group was that they were limited to a small number of constables and only operated in a small area of central London.

Metropolitan Police Act 1829

The Metropolitan Police were the first official police force based in London. The idea for this well trained and organised police force was inspired by the work of the Bow Street Runners. Although the Bow Street Runners had set the model there must have been other factors involved to make the government create this new force. Below are a few of the contributing factors:

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

The Home Secretary Sir Robert Peel felt that a police force was needed and he had the skills and authority to make it happen.

Initial reactions to the police force

When the police force was set up they the general public did not like them. This was mainly because there had been nothing like this before and people felt that the police were like snitches or informers. Having uniformed men on the streets looked a little bit too much like having soldiers in the streets and this felt like people were losing their civil liberties and being controlled by the government. Peel tried to combat this by dressing his ‘Peelers’ (as they were known, or bobbies after Peel’s first name, Robert) in all blue. The idea was to make them look the opposite of the military red coats.

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

Why did attitudes change towards the police?

Over time the popularity of the police force did increase, as with most things this is not due to just one thing. It is important to realise that much of the initial distrust of the police was because they were a new part of society and as time went on people simply got used to them. There were however some key factors that help people to change their attitudes towards the police.
Recruitment and training of the police force – despite being called names such as ‘blue devils’ in their early days, Peel’s police force was trained not to react to this sort of behaviour. Peel felt that if the police were seen as quick to anger then they would become hated and unapproachable. Only literate people could get the job and it was essential that they had a good manner with the public. As we have seen above, drunkenness was not tolerated and this resulted in dismissal.

Crime rates were seen to fall after the police were introduced. People began to feel that they were doing what they were supposed to do and this helped people to begin to trust them.

The police did not inform on the public and did not affect the civil liberties of the general public. This was one of the main fears and once people were confident that this would not happen they could begin to trust the police.

The police were used to keep order at the Great Exhibition (1851) an event designed to show off the best of British ingenuity from throughout the Empire. The event went very well and the police were publicly seen to be doing a good job.
1. Briefly describe the type of policing that took place around 1800.

2. Briefly describe the police force set up by Peel in the 1830s.

3. Briefly describe what happened during the Rebecca Riots.

These are 5 mark questions

1. Explain why Sir Robert Peel was able to set up a police force in the late 1820s.

2. Explain why the Rebecca Riots took place in the 1830s and 1840s.

3. Explain why the ‘separate’ and ‘silent’ systems were introduced into nineteenth-century prisons.

4. Explain why industrialisation in the nineteenth century led to an increase in crime.

5. Explain why ‘Peterloo’ was important at the time.

These are 7 mark questions

1. ‘When a professional police force was established and developed in the nineteenth century, it was not welcomed by the public.’ How far do you agree with this statement? Explain your answer.

2. Which was the more effective form of punishment, transportation or prison? Explain your answer. ‘The Bloody Code was a success.’ How far do you agree with this statement? Explain your answer.

These are 8 mark questions
Source C

The authorities had difficulty in convincing criminals in England that they had to go. There was the idea that you might be better off there than in England, come from prisoners sending letters home playing down their suffering of their wives and children. Also, those prisoners who were destitute or write home; those who prospered sometimes did.

From a book about transportation.
Modern Britain
Chapter Five: Crime and Punishment in Modern Britain

You might be forgiven for thinking that Modern Britain means what Britain is like now or in very recent history. For historians the Modern era started along with the Industrial Revolution, but for the purposes of this revision guide we will consider Modern Britain to be the 20th Century.

If you are asked question about the Modern era in your exam there are a few topics that you will need to revise but not as many as in other sections. For this section the examiner might ask you to consider how various elements of the course have developed over time and how things are different today compared with the medieval period for example. These factors might include the way criminals were caught, how people were punished, how women have been treated under the law or what types of crimes have caused the biggest problem.

In this chapter you are going to revise three Key Questions:

1. Why was Women’s Suffrage an issue?
2. What was the general strike?
3. What new factors are affecting crime and punishment today?

Key Question 1: Why was Women’s Suffrage an issue?

Suffrage is the right to vote. At the turn of the 20th century the number of people who were able to vote in elections was very limited. Mainly male landowners over the age of 30 and no women. By the 20th century the world had become a very different place, landowners were not the most influential people any more, not compared to entrepreneurs who employed hundred of people and owned factories that whole communities depended on. It was becoming clear that the number of men who should have the right to vote needed to increase but many women also felt that they should get the right to vote too.

Opinions on the vote for women

Opinions Against giving women the vote
There were a number of reasons why people felt that women should not get the vote, here are some of them:

- People felt that the system of government worked fine already, why should they change it?
- Men could make decisions for the wives or female children; they didn’t need to vote themselves.
- Women were considered to have a different ‘sphere of influence’ to men. Their lives were based more on the home and the local community, whereas men took public office and were able to make decision on national issues. It therefore was not for women to be involved in national politics.
- Women did not fight to defend the country so they should not have a say in how it is run.
- Many women didn’t want to vote, Queen Victoria was noted to say they didn’t need to and shouldn’t bother.

Opinions For giving women the vote
As with all debates there are opposing opinions:

- Women could vote in other countries; Britain was falling behind.
- Women felt that they were just as intelligent as men.
- Other changes had happened already, such as the first females with degrees and the first female doctors.
- If Great Britain wanted to call itself a democracy it must allow all of it’s people to vote.
- As the decisions made in votes directly affected women, women should be allowed to have their say.
The fight for women’s suffrage

There were many women who were involved in the fight for women’s suffrage, many men too. The people who fought for the vote tended to be members of one of two main suffrage organisations popularly known as the Suffragists and the Suffragettes. These two groups had different philosophies about how to get the vote and this resulted in some very different activities, some of which had larger impacts on law and order than others.

The Suffragists

The Suffragists were members of the National Union of Women’s suffrage societies (NUWSS). There were many small local societies that campaigned for women’s suffrage to little effect and it took the creation of the NUWSS to form these smaller societies together as ‘one voice’ to give them a real, national impact.

The NUWSS, led by Millicent Fawcett, was a democratic organisation. Anyone who wanted to join the cause could be a member (including men) and their main goal was to achieve the vote for women through democratic and political means. Their main methods were:

- Petitions
- Protest marches
- Propaganda (usually flyers and leaflets)
- Parliamentary pressure (usually applied by their male members who were already voters)

The Suffragettes

The Women’s Social and Political Union (WSPU) was a slightly smaller group than that NUWSS but it was founded by Emmeline Pankhurst to get the vote for women through action rather than words. The Suffragettes would not accept men as members.

The methods used by the suffragettes were:

- Propaganda in the form of leaflets and posters
- Protests
- Damage to property
- Violence against people
- Civil disobedience
- Hunger strikes (for those put in prison for other actions)

How did people respond?

The more moderate, peaceful and political approach taken by the suffragists did create a positive impression of the suffrage movement and put across many compelling arguments for their cause. However it was the actions of the suffragettes that got the movement noticed and in the newspapers. The problem was that the violent actions of the suffragettes were overshadowing the message that these women really wanted to put across.

Many men in power, those who could make the decision as to whether or not women get the vote, were starting to see women as violent and irrational. Why would you ever give the vote to an irrational group of people?

When the First World War broke out both groups put their fight for the vote to one side and got involved in the war effort. They took the jobs left behind be men who had gone to war and were seen to do a good job. It was during this time that the more moderate Suffragists were once again able to put their message across. Women had gained respect for the way the got involved in the war effort. This new found respect, coupled with the fact that there was a vastly reduced voting public (as many men were away fighting in the war) meant that women finally got the vote in 1916.

It could be argued that it was the moderate suffragists’ message that won women the vote, but equally the more radical suffragettes made sure that that message was heard.

What was the impact on Crime and Punishment?

From what you have read above it is clear that there are two main areas of crime and punishment that are affected by these events.
1. The law was changed to allow women to vote.
2. The type of protest methods used by the Suffragettes was often illegal.

In order to punish the women who committed crimes during their protest the police would put them in prison as they would with any crime of the time. Many of these imprisoned women would then go on a 'hunger strike'. Put simply they stopped eating.

The government could not be seen to be allowing women to die in prison as the public would not like this and the women who died would have done so for their cause. The first police to counter this problem was to force feed these women. When word of this got out however there was public out cry. The government had to try a new tactic and they passed a law that became known as the 'Cat and Mouse Act'. This law meant that when women started to become ill from hunger they could be released, only to be chased down and taken back into custody once they had recovered. Again this apparently aggressive move by the government was used in the Suffragettes propaganda posters.

Key Question 2: What was the general strike?

When men returned from the First World War in 1918 they expected to come back to a heroes welcome and live out the rest of their lives in relative comfort. Unfortunately the war had caused major problems for the global economy and commodities such as coal and grain could be made cheaper by other nations. This mean that many British workers (coal miners in the first instance) were being asked to work longer for less pay.

In 1926 the coal miners, transport workers and many other workers all over the country went on strike for 9 day in May.

The government did what it could to allow the country to continue to function as normal without these services.

- They called the army in to keep order
- The employed special constables to patrol the streets and even help out with the continued running of the rail network.
- They used the radio to report specific stories about the strike that made the strikers look like traitors.

Eventually the strikers could not continue without pay and did not get what they wanted. They had failed and had to go back to work.

How does this differ from other political protests?

Throughout this book we have seen a number of different political protests that have been dealt with in very different ways. Below is a simply comparison.

<table>
<thead>
<tr>
<th>Century</th>
<th>Event</th>
<th>Government response</th>
</tr>
</thead>
<tbody>
<tr>
<td>14th</td>
<td>Peasants Revolt</td>
<td>When the King confronted the protesters he put an end to the revolt by promising to give them their demands (a lie). The leader of the rebellion was killed very shortly after and the revolt ended.</td>
</tr>
<tr>
<td>17th</td>
<td>Gun Powder Plot</td>
<td>Guy Fawkes was brutally tortured to get the names of the other plotter. A number of them were later hanged, drawn and quartered.</td>
</tr>
<tr>
<td>19th</td>
<td>Peterloo &amp; Rebecca Riots</td>
<td>Troops/constables were put in place to try and prevent violence. In some cases (notable at Peterloo) this show of authority by the government got out of hands and resulted in violence. New laws were also introduced to prevent similar events happening again in the future.</td>
</tr>
<tr>
<td>20th</td>
<td>The General Strike</td>
<td>The government allowed the strikers to strike and used all the tools at their disposal to discredit the strikers and turn the rest of the general public against their cause.</td>
</tr>
</tbody>
</table>
Key Question 3: What new factors are affecting crime and punishment today?

Throughout time we can see that there are some common crimes that seem to be prevalent in every time period. One major example is theft; the theft of money and property has been common throughout the ages, from ancient Rome to today. What then is different about the 20th and 21st centuries?

What has changed/stayed the same?

Divided Society
Our societies are still very divided. In the medieval period you had Rich and poor, now you have very poor, poor, low earners, average earners, moderate earners, high earners and the super rich.

Essentially the situation in the modern world is very different from that of Medieval England, but in many ways it is exactly the same. People with less will still want more and some people will be more willing that others to take what they want or feel that they need.

Crimes against People
Murder, violent crime and terrorism have all increased into the modern era. It must be considered however that we live in a much more mobile, connected and global society than ever before. For example the 9/11 terror attacks on the USA in 2001 were internationally organised, During the middle ages not only could the people of the middle east not get to America, and if they did there would be no USA to terrorise. The point being that in a larger, more populated world the number of crimes of this time is bound to increase.

Crimes against Property
All of the old crimes against property, such as smuggling and robbery have not only continued but have in many cases increased. This type of crime has some new addition into the modern era as well. With the development of new technologies new crimes come with them. Grand Theft Auto criminals are the new highwaymen, personal property such as mobile phones are often stolen which could not have happened 50 years ago and cyber crime is a development that has changed the face of crime. With the rise of computer based cyber crime financial crimes like hacking and fraud have also risen.

Things to consider
The invention of new technologies has not only increased the amount of crimes that can take place. The development of computers and video recording has also increased the amount of recorded crime. It may therefore be possible that crime has not increased as much as we think it has, but has instead just been recorded more often.
Please note that there are far fewer past exam questions from Paper 1 on this topic, there are more questions for this topic on Paper 2

Past Exam Questions

1. How far were crimes committed in the twentieth century different from those committed in earlier periods? Explain your answer.

2. ‘The suffragettes did more harm than good to the campaign for the vote.’ How far do you agree with this statement? Explain your answer.

These are 8 mark questions
Questions 1 - Study Source C. Why was this poster published at this time? Use the source and your knowledge to explain your answer.
TEST YOURSELF!

Modern Britain