3.2 Changing attitudes to punishment, c1700–c1900

Learning outcomes

- Understand why there was a decline in the use of the death penalty.
- Know why transportation to Australia was introduced and later ended.
- Know why the use of execution in public was ended.
- Understand changes in the use of prison as a punishment.

Timeline

Punishment c1700–c1900

1713 Stealing more than 40 shillings from a home becomes a capital offence

1723 Black Act makes poaching game or damaging forest a capital crime

1778 Transportation to Australia introduced

1810 222 crimes are capital offences

1814 Last hanging under the Black Act (for cutting down an orchard)

1822 Last hanging for shoplifting

1832 Punishment of Death Act reduces number of capital crimes to 60

1823 Judgement of Death Act gives judges power to reduce death penalty to transportation or imprisonment (except for treason or murder)

1850 National Prison Department takes overall control of prison system

1868 Capital Punishment Amendment Act ends public execution

1902 Holloway Prison for women opens

1902 Executions move from Newgate to Pentonville Prison

Decline of the death penalty

Between 1688 and 1810, the number of crimes punishable by death rose from 50 to 222. However, by the 19th century the Bloody Code (see Chapter 2) was increasingly questioned, and many people believed other punishments should be found.

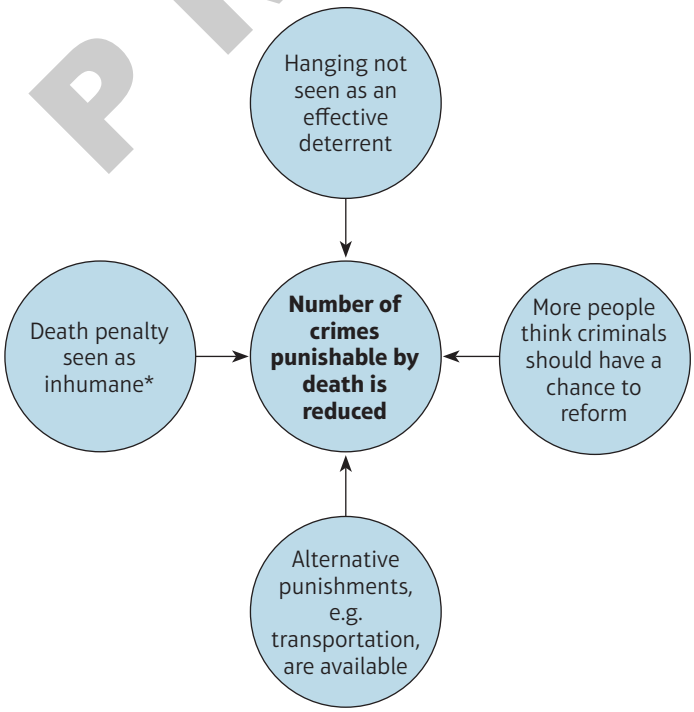


Figure 3.1 Changing attitudes contributing to fewer crimes being punishable by death.

Key term

Inhumane*

Cruel, without compassion.

DRAFT PROOFS

Transportation to Australia

From the 17th century onwards, the lack of prisons in Britain, combined with the need for labour in Britain's colonies, led to a new form of punishment – transportation. Thousands of people were punished in this way between the 17th and 19th centuries.

For many, transportation meant that they would never see their families or homeland again.

Source A

This cartoon was printed in the humorous magazine, *Punch*, in 1864.



COLONISTS AND CONVICTS.

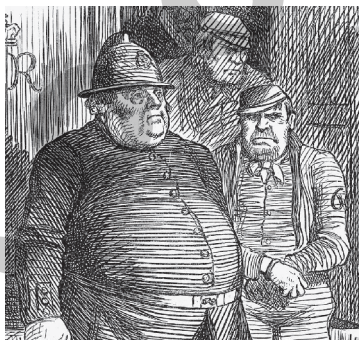
AUSTRALIAN COLONIST. "NOW, MR. BULL! DON'T SHOOT ANY MORE OF YOUR *RUBBISH* HERE, OR YOU AND I SHALL QUARREL."

DRAFT PROOFS

The beginning of transportation
- Transportation was first used as a punishment in 1610, when convicts were sent to the new colonies in North America.
- When the colonies were lost after Britain's defeat in the American War of Independence in 1783, prisoners were sent to Australia instead.
- About 160,000 people were transported to Australia. A sixth of them were women.

Why was transportation used as a punishment?
- Transportation was seen as an effective deterrent, and a more humane alternative to the death penalty.
- It also saved Britain the expense and effort of having to send people to prison, and provided a free source of labour for the new colonies.
- Transportation was seen as a good punishment for petty crimes such as theft.

What was transportation like?
- After their trial, prisoners were often held in disused ships known as prison 'hulks'. Conditions were harsh and prisoners were kept in chains.
- On the voyage to Australia, prisoners were kept below deck in cramped conditions. The journey could take three months.
- Once in Australia, settlers were forced to work. They were provided with basic food and housing.
- A prisoner's sentence was supposed to last for seven years, but many could not afford to return home so stayed in Australia.



Why did transportation come to an end?
Transportation officially ended in 1868. This was due to changing attitudes in both Britain and Australia.

In Australia:

- People resented the convicts as they believed they created high levels of crime, drove down wages and took up jobs.

In Britain:

- Some people felt transportation was too hard on prisoners. Other people felt it was too soft on prisoners.
- Many people wanted to move to Australia so being transported there became less of a deterrent.
- More prison places were available at home, reducing the need for transportation.

Exam-style question, Section B

Why was transportation used as a punishment in the period c1600–c1850? You may use the following in your answer:

- American colonies
- convict labourers.

You **must** include information of your own.

12 marks

Exam tip

To answer this question you need to think about the range of different reasons why this punishment was used. Break it down into separate sections, dealing with transportation to America and then to Australia. Explain how different factors connect as you build your argument.

DRAFT PROOFS

The end of public executions

During the 19th century, calls for public executions to end increased. Some of the reasons given were:

'Executions are treated like entertainment by the public. People are behaving like it's a holiday! If it's supposed to be a deterrent, it isn't working!'

'The crowds they bring create more crimes like pick-pocketing.'

'People deserve to die with dignity, not in public like this.'

'The people who come to watch are often drunk or there to have a good time.'

'The criminals are sometimes treated like heroes by the crowd.'

The last public execution took place in 1868. From then on, executions were carried out in private.

Source B

'The Idle 'Prentice Executed at Tyburn', engraved by the British artist William Hogarth, in 1747. The Tyburn tree is in the distance. While the hanging takes place the crowd are rioting and further crimes are being committed.



Extend your knowledge

The Tyburn tree

The most famous area where public executions took place was at Tyburn (now Marble Arch) in London. The Tyburn tree ultimately developed into a man-made gibbet (scaffold) large enough to hang 24 people at once, on what were known as 'hanging days'. These days attracted crowds of thousands.

Source C

Extract from a letter from the novelist Charles Dickens to the *Daily News*, written in 1846 after he had attended a public hanging.

No sorrow, no salutary terror, no abhorrence, no seriousness; nothing but ribaldry, debauchery, levity, drunkenness, and flaunting vice in fifty other shapes.

DR PROOFS

Activities ?

1. Make a list summarising the reasons why public executions were banned in the 19th century.
2. What do you think were the two most important reasons?
3. Write a speech from Charles Dickens about his opposition to public executions. Use information from the Sources and the text in this section.

THINKING HISTORICALLY

Cause and Consequence (2a)

The web of multiple causes

Why was public execution abolished?

Study these causes which would help historians to explain why public execution was abolished:

High-profile individuals openly criticised public execution.	The public appeared to watch public executions in a light-hearted way.	The large crowds that gathered at public executions led to more opportunities for crime.
Sometimes the convict was treated as a hero by the crowd.	Policing the crowds was difficult and expensive.	Public executions did not appear to reduce crime.

Work in pairs. Take an A3 sheet of paper. You will need to use all of this.

1. Write two of the causes on the paper, with some space between them.
2. Think of anything that connects the causes. Draw a line between them and describe the connection by writing along the line.
3. Add all the other causes in turn and make as many links as you can with other causes.
4. Now add the outcome to the diagram: 'Public executions were ended'. Think carefully about where to place this and how it should be linked into the diagram of causes.

Answer the following:

5. Can your diagram help you to work out which causes were more important?
6. Write a paragraph explaining why the government ended public executions. Make sure you mention all the causes in the table. Use the links you have identified between the causes to help you.

DRAFT PROOFS

Prison reform

The changing role of prisons

Before the 18th century, prisons were mostly used to hold people before trial or while they were waiting for punishment. Conditions were very poor (see Chapter 2, page 53).

During the 18th and 19th centuries, imprisonment was used more and more as a punishment. This was due to the decline of the Bloody Code and concerns about transportation. Common views of prison were:

- it was an opportunity to change or help a criminal get back to a more normal life (rehabilitate)
- a prison term should deter others from crime
- prison sentences should involve hard work to pay back society
- prison made society safer by separating criminals from everyone else.

Some people thought prisons should focus on punishment. They felt prisoners should be kept in harsh conditions and do hard labour.

A common hard labour was the treadwheel. Prisoners walked on the wheel for ten minutes, followed by a short five-minute break, for eight hours a day. Prisoners climbed over 2.5km every day. They were kept in separate booths so they couldn't talk to each other. The treadwheel helped generate power, which was sometimes used in the prison.

Prison reformers generally thought that the main purpose of prison should be rehabilitation*. Two of the most influential reformers were John Howard and Elizabeth Fry.

Key term

Rehabilitation*

Helping people to make changes in their lives, in this case to help them find new skills and jobs to stop them from being criminals.

Source D

A row of treadwheels at Pentonville Prison, photographed in 1895.



DRAFT PROOFS

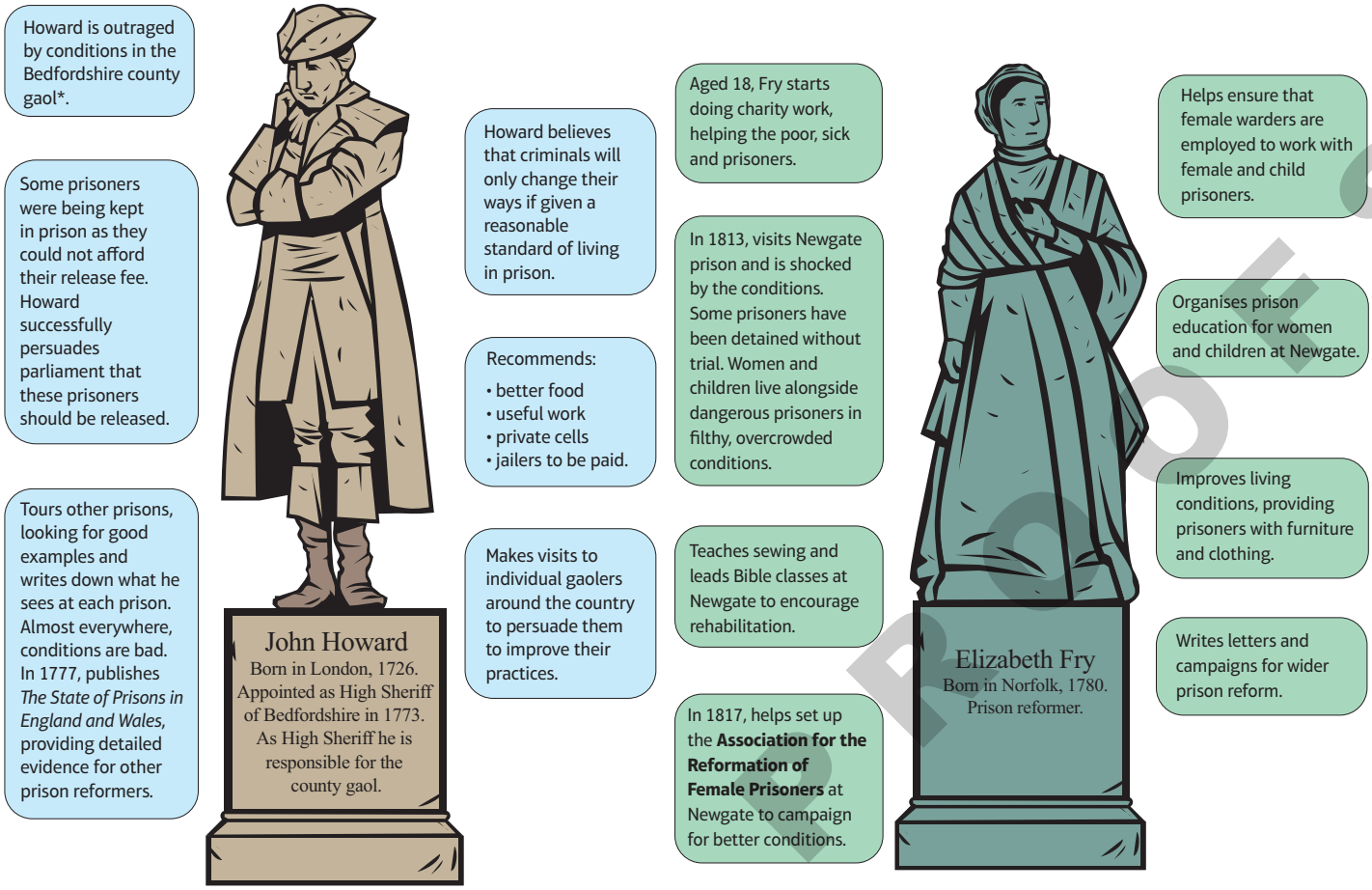


Figure 3.2 The prison reformers John Howard and Elizabeth Fry.

Key term

Gaol*

Another word for jail.

Growing government involvement

During this period, the government became increasingly involved in the organisation and running of the prison system. See Section 3.4, to find out more about how the new rules were applied at Pentonville Prison.

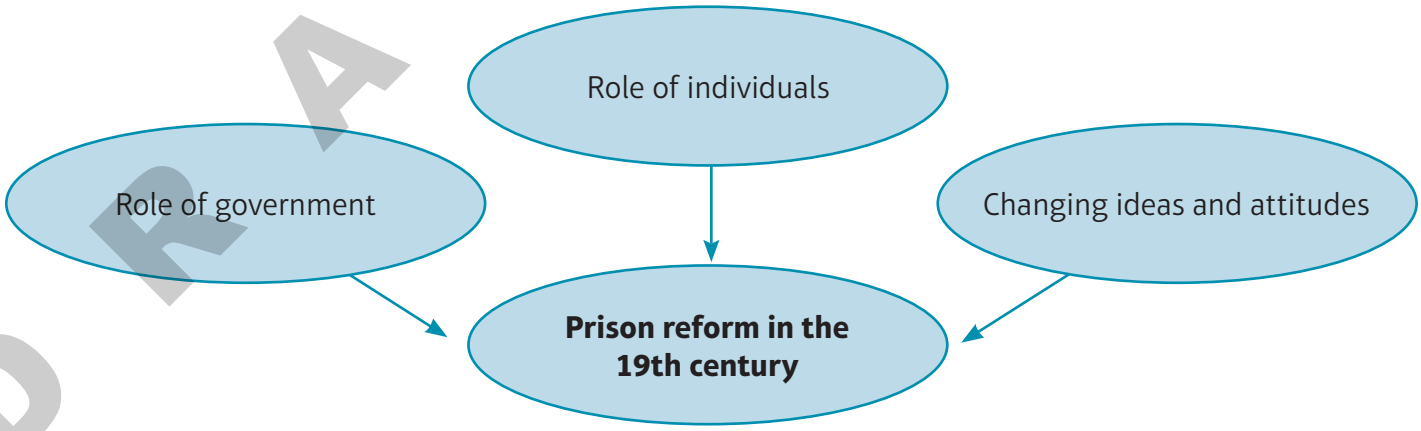


Figure 3.3 Factors influencing prison reform in the 19th century.

DRAFT PROOFS

Timeline

Reorganising the prison system, 1815–77

1815 Gaolers to be paid out of local rates (taxes)

1816 The first national prison opens at Millbank, London – to hold convicts awaiting transportation

1823 Prisoners held in categories, e.g. violent, non-violent, women, children

1830 Central government starts to pay some of the cost of local prisons

1835 Gaols Act introduces inspection of prisons

1850 National Prison Department takes overall control of prison system

1865 Prisons Act – all prisons to follow national rules; prisoners must work and live in harsh conditions

1877 All prisons are brought under government authority

Summary

- During the early part of the 19th century, the Bloody Code was questioned by those who believed more effective punishments should be found for less serious crimes.
- Transportation to Australia was a serious punishment and was seen as an effective deterrent.
- Reformers, such as Charles Dickens, questioned whether the public execution of criminals was an effective deterrent and led campaigns to change opinions.
- The growth of the prison system meant an alternative punishment to transportation was available.

Checkpoint

Strengthen

S1 List two criticisms that Elizabeth Fry made of prisons.

S2 Write down three factors that led to the decline of the Bloody Code.

Challenge

C1 Australia and Britain criticised transportation for different reasons. Give one example of a difference.

C2 Explain why either Elizabeth Fry or John Howard was an important figure in the reform of punishments.

How confident do you feel about your answers to these questions? Reread the section, making notes as you go. Now try answering the questions again.

DRAFT PROOFS

3.3 Law enforcement, c1700–c1900

Learning outcomes

- Understand the shift towards crime prevention.
- Describe the emergence of the Bow Street Runners.
- Know about developments in policing.

Crime prevention and catching criminals in the early 18th century

In the early 18th century, methods of law enforcement were similar to previous centuries.

- Parish constables dealt with disorderly behaviour.
- Watchmen were responsible for protecting private property.
- Part-time soldiers were used to deal with rebellions or riots.

However, some towns had paid for permanent constables and watchmen, who patrolled towns to prevent crime and to arrest suspects.

Therefore, some features of a modern police force were already in place.

Timeline

Law enforcement, c1700–c1900

1748 Fielding brothers set up the Bow Street Runners

1792 Middlesex Justices Act

1829 Metropolitan Police Act

1835 Municipal Corporations Act

1839 Rural Constabulary Act

1856 Police Act makes it compulsory for all towns and counties to set up a police force

1869 National Crime Records established

1878 Criminal Investigations Department (CID) set up

1902 First conviction in court using fingerprint evidence

DRAFT PROOFS

1748–19th century: From the Bow Street Runners to a professional police force

The formation of the Bow Street Runners

- In 1748, Henry Fielding, who was a famous author and magistrate in London, began operating a team of 'thief takers' on Bow Street to enforce the law. The team became known as the Bow Street Runners.
- In 1754, Henry's brother John Fielding took over the Bow Street Runners.
- At first, they funded themselves by charging fees and collecting rewards. However, in 1785 they were funded by the government, and became the first modern detective force.
- The Bow Street Runners' approach paved the way for the future. Their methods deterred crime and also made it easier to catch criminals. They understood the importance of collecting and sharing intelligence to catch criminals.

Steps towards a professional police force

- Inspired by the example of the Fielding brothers, other detective offices were created in Middlesex and Westminster.
- In 1792, the Middlesex Justices Act set up further offices, with six constables given the job of detecting and arresting suspects.
- By the beginning of the 19th century, it became clear the old system of part-time constables and watchmen could not continue.

Source A

A popular print, published in 1806, showing the Bow Street Runners catching criminals.



London's first professional police force

- In 1829, the Home Secretary Robert Peel helped pass the Metropolitan Police Act, which created the world's first professional police force – the Metropolitan police.
- The Act divided London into seventeen districts, each with its own police division, consisting of four inspectors and 144 constables.
- The police were given a uniform of blue overcoats and top hats to make them look different from the army.
- The new police force concentrated on patrolling their 'beats' (areas), in the hope of deterring and catching criminals.

DRAFT PROOFS

How police forces developed in Britain 1829–1900

Developments in the 1830s

At first, the rest of Britain was slow to follow the example of the Metropolitan Police. This was due to a number of reasons:

- concerns over cost
- lack of co-operation between different areas
- central government did not force local areas to change; it was left optional.

Two new laws in the 1830s (the 1835 Municipal Corporations Act and the 1839 Rural Constabulary Act) tried to encourage towns and rural areas to set up their own police forces, but were only partly successful.

1842 – Creation of Scotland Yard

- The Metropolitan Police establish a dedicated detective unit.
- Detectives do not wear uniforms or patrol the beat, but instead wear ordinary 'plain clothes' and use intelligence to investigate and solve crimes.

The 1856 Police Act

- In 1856 the government passed the Police Act, which required all areas to set up a professional police force that would be centrally controlled.
- Police forces were to be inspected by the government to ensure they were delivering effective policing.
- The police aimed to prevent crime by actively looking for criminals. Criminals would be deterred from crime by knowing the police were looking for them.

1869 – Creation of National Crime Records

- Police forces began using modern technology such as the telegraph to quickly share information on crimes and suspects.

1878 – Creation of CID

- In 1878, the Criminal Investigations Department (CID) was set up to focus on investigating crime. By 1883, it employed 800 detectives.
- The CID developed new methods of investigation: in the 1880s, it attempted to catch Jack the Ripper by analysing handwriting.
- In 1902, for the first time, they convicted a burglar by using fingerprint evidence left at the crime scene.

Change by 1900

- By 1900, every area of Britain had a professional police force.
- Police forces began to share intelligence to help to catch criminals.
- Dedicated detective teams at Scotland Yard and the CID were using the latest technology to catch criminals.

This was a significant change from earlier methods of law enforcement.

DRAFT PROOFS

Exam-style question, Section B

Explain one way in which policing was similar in Tudor England and the early 18th century. **4 marks**

Exam tip

This question tests knowledge and understanding of key features and similarities and differences. Remember to give one way that policing was the same and support this with information from both periods.

Summary

- Early 18th century law enforcement continued to use methods similar to those used in the 16th–17th centuries.
- The Bow Street Runners were established in 1748, marking an important development in policing.
- In 1829, England's first professional police force, the Metropolitan Police, was established in London.
- The 1856 Police Act meant that all areas had to have a professional police force that was centrally controlled by government.
- In 1878, the Criminal Investigations Department was set up.

Checkpoint

Strengthen

S1 List two ways in which policing at the start of the 18th century was similar to the 16th century.

S2 Describe the changes introduced by the following laws:

- 1829 Metropolitan Police Act
- 1856 Police Act.

Challenge

C1 Explain why the setting up of Scotland Yard and CID was an important change in policing.

C2 Give one reason why it took a long time for policing to change in this period.

How confident do you feel about your answers to these questions? Form a small group, discuss the answers, then rewrite improved answers in your group.

DRAFT PROOFS