



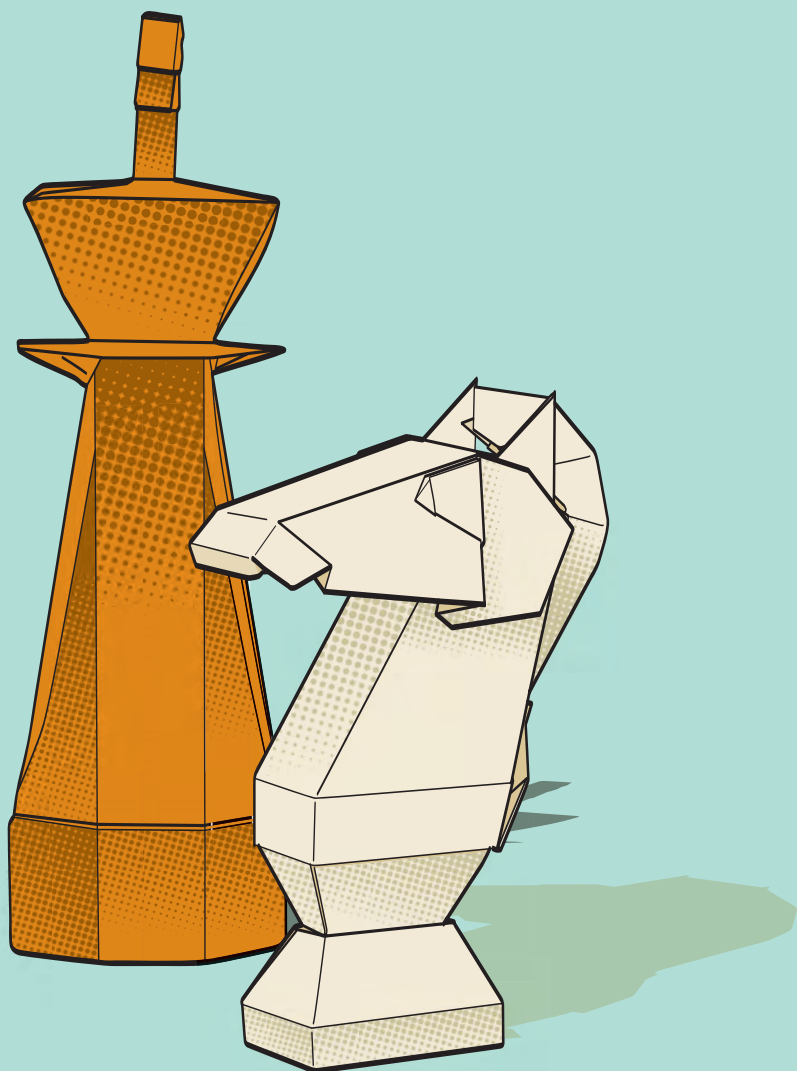
Pearson
Revise

Pearson Edexcel GCSE (9–1)

History

**Crime and punishment in
Britain, c1000–present**

Revision Guide & Workbook + App



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**Crime and punishment in
Britain, c1000–present****Revision Guide & Workbook + App**

Series Consultant: Harry Smith

Author: Kirsty Taylor

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22 Punishment in modern Britain	<i>Now try this</i> have been written to help you
23 Conscientious objectors	practise every topic in the book. Remember:
24 The Derek Bentley case	the real exam questions may not look like this.

Had a look

Nearly there

Nailed it!



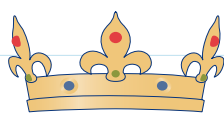
Crime in Medieval England

The medieval period covers the end of the Anglo-Saxon era, Norman England and later medieval England. Across all three eras there were some actions that have always been regarded as crimes, such as theft and murder.

What makes something a crime?

A 'crime' is an activity that breaks a law. Laws are made by the people who govern a country. During the Anglo-Saxon period the people who made the laws were the people with power and wealth. Crimes that threatened this authority and wealth were considered serious and were harshly punished. The more serious the crime, the harsher the punishment.

For more on medieval punishments, see page 5.

Crimes against the person	Crimes against property	Crimes against authority
<ul style="list-style-type: none"> • Murder • Assault • Public disorder • Rape 	<ul style="list-style-type: none"> • Arson • Theft, such as stealing crops or poaching • Counterfeiting coins 	<ul style="list-style-type: none"> • Treason • Rebellion 
Varying from fairly serious (assault) to serious (rape and murder).	Varying from not serious (petty theft or selling poor quality goods) to very serious (arson).	All seen as extremely serious.

The king as law maker

Many laws in Anglo-Saxon times were still based on local custom and were not written down. However, by 1000 Anglo-Saxon kings were issuing codes of law that made certain actions crimes, illustrating the growing power of the monarch. This meant that laws were becoming more unified across the country. After 1066, the importance of the king in making laws grew as his authority increased. William I added new laws that created new crimes, illustrating how a powerful king can lead to change. In the later medieval period, the monarch continued to play a vital role in defining what a crime was. After Henry II became king in 1154, standard laws were written down, meaning that, for the first time, there was a uniform legal system across the whole country.

For more about new crimes, see page 2.

Poaching

Hunting wild animals on other people's land without paying 'hunting rights' is known as poaching. It's a form of theft that increased dramatically after the Forest Laws, as peasants used what had previously been common land to catch animals for food. It is seen as a 'social' crime because it was considered to be acceptable to many people – catching animals for food on common land was allowed and helped people survive. Reducing the amount of common land meant many had to choose between breaking the law and going hungry.

For more on the Forest Laws, see page 2.

The other huge authority in defining criminal activity across the medieval period was the Church. The Church created laws that criminalised some actions, influenced the types of punishment given in response and played a direct role in deciding guilt or innocence.

For more on the role of the Church, see page 6.

Now try this

Define each of the following terms and give **one** example of each:

- (a) crimes against the person (b) crimes against property (c) crimes against authority.

'New' crimes in Norman England

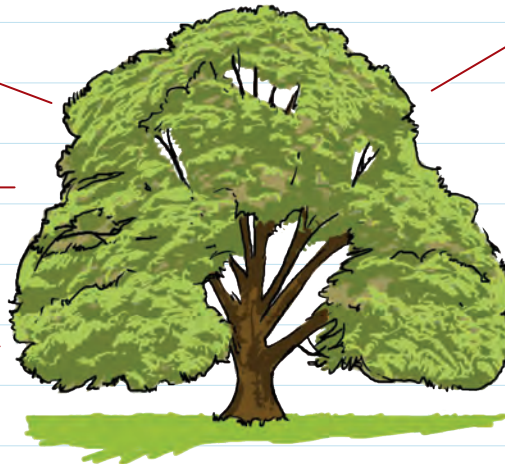
After the Norman conquest in 1066, King William I wanted to establish his royal authority over his new kingdom. One of the ways he did this was by adding new crimes to the existing Anglo-Saxon ones, such as rebellion, and those covered by the Forest Laws and the Murdrum fine.

William I's Forest Laws

About 30% of England became 'Royal Forest', which William I and the Norman nobility used for hunting.

Village communities and farms were evicted from this land, which caused resentment.

The Royal Forests were protected by new Forest Laws.



Only those people who paid for hunting rights were allowed to hunt in the Royal Forest.

In the Royal Forests it became illegal to graze animals, kill wild animals or take wood without a licence.

The Forest Laws were seen as unfair by ordinary people so those who broke these laws were not seen as criminals by most people in society.

Rebellions

The Norman invasion was not welcomed by the Anglo-Saxons and there was much resistance for the first few years, including large rebellions in York and East Anglia. Betraying your lord and inciting rebellion against a king had been crimes in Anglo-Saxon times, but William I punished these crimes far more harshly to try to assert his authority. As would have been done in Anglo-Saxon times, William ordered the death penalty for the rebels themselves. What was different was that William also punished those who were not directly involved in the rebellions – estimates suggest that 100 000 people starved to death due to the destruction of farmland and animals on William's orders in the areas that had seen rebellions.

Murdrum fine

This new law was used to help establish control over the conquered population. If an Anglo-Saxon murdered a Norman, and the culprit was not caught, a large sum of money had to be paid by the **hundred** where the body was found. In this way, murdering a Norman became a more serious crime than murdering an Anglo-Saxon, which is another example of how the ruling classes can make laws to benefit themselves.

Key term

Hundred – an area of land.

Now try this

Give **three** reasons why ordinary people hated the Forest Laws.

To answer this question, look at this page and at page 4.

Anglo-Saxon law enforcement

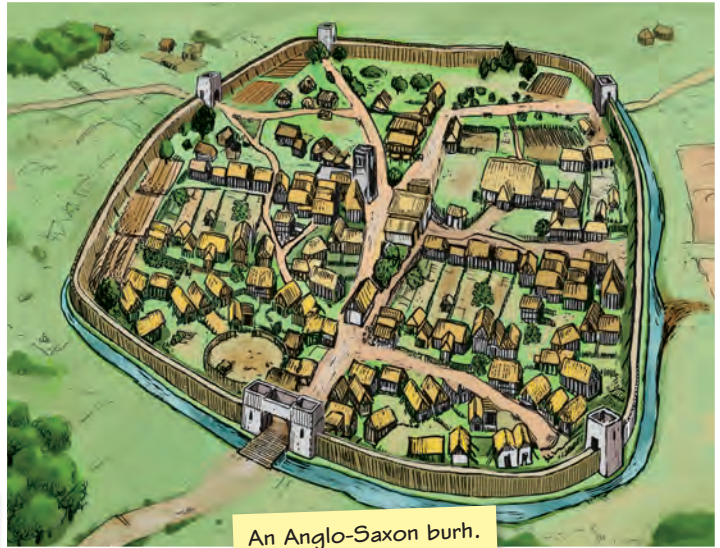
Throughout medieval times there was no official 'police force'. During the Anglo-Saxon period, the community was largely responsible for both preventing crime and catching criminals.

Anglo-Saxon society

Around the year 1000, most people lived in small hamlets or on farms, or in villages and a few small towns (burhs). In these small, tight-knit communities everyone knew everyone else and most people had a strong sense of duty towards their community. This was an important reason why the crime rate was fairly low and had an impact on how the law was enforced.

The Church played a huge role in medieval law enforcement – see page 6 for details.

For more on Anglo-Saxon punishments, see page 5.

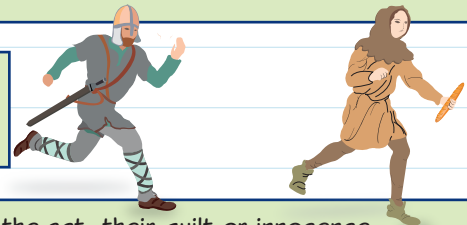


An Anglo-Saxon burh.

Anglo-Saxon law enforcement

Tithings: Shires were split into areas called hundreds and each hundred was divided into ten **tithings**. All people in a tithing were responsible for each other: if one was accused of a crime, the others made sure he went to court or the tithing would have to pay a fine for them. A **shire reeve** (later the sheriff) was a local man appointed by the community to take criminals to courts and make sure any punishment was carried out. He also met regularly with one man from each tithing.

Hue and cry: The victim or a witness to a crime raised a hue and cry by shouting to alert others. Anyone who heard the hue and cry was expected to chase and help catch the suspected criminal.



Courts: If the suspect did not admit to the crime, or was not caught in the act, their guilt or innocence had to be decided by a court. There were different courts depending on the type of crime committed and the person who committed it – royal courts were national courts that dealt with the most serious of crimes; lesser crimes were dealt with in shire courts; and petty crimes were dealt with in hundred courts. Court hearings, in which the punishment that convicted criminals would receive was decided, took place in public.

Oaths: Swearing oaths 'before God' was a major part of Anglo-Saxon justice. The accused could swear their innocence under oath and others could support them as 'oath helpers'.

Deciding guilt or innocence: The victim or their family provided evidence of the suspect's guilt for the court. If the jury couldn't decide, the accused was handed over to the Church so God could decide a person's guilt or innocence in a trial by ordeal.

Now try this

Why was Anglo-Saxon law enforcement mainly the responsibility of local communities?

Norman and later medieval law enforcement

After 1066, the Normans kept much of the Anglo-Saxon system of law enforcement. There were more changes in later medieval times that saw the start of the move towards the authorities being more responsible for enforcing the law.

Norman law enforcement

Continuity: The Anglo-Saxon system of tithings, the hue and cry and the court system continued. Law enforcement in most cases remained the responsibility of the community.

Change: The Normans introduced trial by combat (showing the more military nature of Norman society) as another way of settling disputes. The two people involved would fight until one was killed or surrendered (and he would then be put to death anyway).

Another change was the use of 'foresters' to police the Royal Forests and enforce Forest Laws. They dealt with suspects very harshly and were often feared and hated by the local communities.



The Normans built castles in every part of England. They were designed to represent the strong royal authority and help impose law and order.

Later medieval law enforcement

As towns grew through the 13th and 14th centuries, so did crime. Although communities were still involved in law enforcement, the authorities became more involved through the appointment of officials.

Parish constables

- ✓ These were local people nominated by the community.
- ✓ It was an unpaid position. Constables did their usual jobs as well.
- ✓ They held the post for a year.

Role of local communities	Role of government-appointed officials
<p>Continuity: The hue and cry system continued, as did tithings.</p> <p>Change: From the 1250s, parish constables led the chase for the criminal after the hue and cry was given and tried to keep the peace. They arrested suspects.</p> <p>Change: Some towns also had a night watch, in which volunteers patrolled the streets. Any suspected criminals they caught were handed over to the constable.</p> <p>Continuity: If juries were not able to reach a verdict, trial by ordeal and by combat continued to be used by communities as informal methods of law enforcement.</p> <p>Change: Trial by ordeal and by combat were abolished in 1215.</p>	<p>Change: Knights were appointed by Richard I as keepers of the peace in some 'unruly' areas from 1195. In 1327, Edward II extended this system to all areas.</p> <p>Change: Following the Justices of the Peace Act (1361), the role of keeper of the peace evolved to become Justice of the Peace. JPs had the power to hear minor crimes in small courts four times a year. They were still appointed by the monarch and were mostly local lords.</p> <p>Change: The role of the sheriff expanded. He was now expected to track down criminals if the hue and cry hadn't worked. From 1285, he was allowed to form a posse of local men to help chase and catch criminals.</p>

Now try this

List at least **two** ways in which law enforcement differed in the later medieval period from the Norman period.

Had a look Nearly there Nailed it!

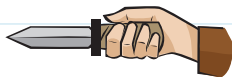
Medieval punishments

The aims of medieval punishment were **retribution**, **deterrence** and to keep people safe. Although these aims remained largely the same throughout this period, the types of punishment changed.

Types of punishment



Fines

Stocks
(humiliation)Maiming
(corporal)Flogging
(corporal)Hanging
(capital)Beheading
(capital)

Changes in types of medieval punishment

Anglo-Saxon	Norman	Later medieval
<ul style="list-style-type: none"> Fines and compensation were most common. The system of paying compensation to victims of crime was used for many crimes, including murder. This was called the Saxon Wergild. Corporal punishments were also fairly common but capital punishment was rarely used. 	<ul style="list-style-type: none"> Use of capital and corporal punishments rose dramatically. More offences became capital crimes. Breaking Forest Laws was punished very harshly, including castration, blinding and hanging. The Wergild system was ended and fines were paid to the king. Very minor crimes were still punished by fines, whipping or time in the stocks. 	<ul style="list-style-type: none"> Use of capital punishment gradually decreased, although crimes against authority were still harshly punished. Corporal punishments were still widely used, although many juries would not convict their neighbours unless they regularly offended. Fines became more common.

The Church influenced punishment during both the Anglo-Saxon and later Middle Ages. It wanted the aim of punishment to involve reforming the criminal.

Social status and punishment

Medieval punishments varied depending on class and gender – commoners were treated differently from nobles, women differently from men and priests differently from ordinary people. Good examples of this include the following.

- The amount of Wergild payable in Anglo-Saxon times depended on the victim's social status. Wergild for nobles was a huge sum, whereas Wergild for a serf was very little.
- During the later medieval period, commoners were usually hanged for murder while nobles were usually beheaded.

Norman punishments

The Norman invasion was not welcomed by the Anglo-Saxons and there was much resistance for the first few years. Harsh punishments carried out in public were seen by the Normans as the best way to make people behave.

Key terms

Capital punishment – killing the criminal.

Corporal punishment – physically hurting the criminal.

Retribution – making a criminal suffer for the crime committed.

Deterrence – trying to prevent others or the criminal from carrying out crime.

Now try this

Give **three** similarities between Anglo-Saxon, Norman and later medieval punishments.

The influence of the Church



Case study

Throughout this period the Church was extremely powerful and played a direct role in deciding what constituted a crime, how the accused was tried and what punishments were handed out. In the early 13th century there was change and continuity in the Church's role.

Benefit of clergy

Throughout the 13th century Church courts were used to try people accused of moral crimes, such as sex outside marriage, and not following Church rites.

Church courts also tried members of the clergy for all crimes. This was known as **benefit of clergy**. People proved their right to benefit of clergy by reading a passage from the Bible – priests were some of the few members of society who could read. Many laymen memorised the passage so they could recite it in court and claim benefit of clergy. This was because punishments given by Church courts were generally more lenient than those given by other courts, as the Church wanted to give people the chance to reform. The significance of benefit of clergy is that it illustrates how the justice system in medieval society was not equal – it provided a way for people to be treated differently. Notably, benefit of clergy was not available to women as women couldn't be priests.

Sanctuary

- ✓ Sanctuary (protection from the law) was offered by some important churches only.
- ✓ A person could claim sanctuary by going to one of these churches.
- ✓ The priest would report the crime but no one was allowed to arrest the accused.
- ✓ The accused could either agree to go to court or swear an oath agreeing to leave the country.
- ✓ If the accused had not left the country within 40 days, they would be outlawed.

Sanctuary and benefit of clergy were significant because they showed how the Church operated an alternative justice system outside the control of other authorities.



The church was the focal point of all medieval villages and towns.

Trial by ordeal

Trial by ordeal was first used in Anglo-Saxon times but was still being used at the start of the 13th century. In cases where a person's guilt or innocence could not be decided by a court, the Church used a trial by ordeal. Various methods were used but the outcome of all these trials was seen as God's judgement on the guilt or innocence of the accused. In 1215, the pope ordered his priests to stop administering these trials and they quickly ended.

<p>Trial by hot water or iron (if the burn healed well the person was innocent).</p>	<p>Trial by water (if the person sank they were innocent).</p>	<p>Trial by consecrated bread (for priests only, if they choked they were guilty).</p>

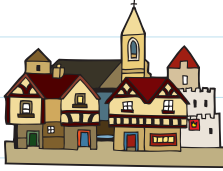


Now try this

Give **three** ways in which Church courts were used in the 13th century.

Had a look Nearly there Nailed it!

Crime in early modern England

There were huge social and religious changes in England between c1500 and c1700. These changes led to changes in the nature of crimes against the person, property and authority. What had been classified as a crime in medieval times also continued into this period.

Changes in society		Led to increase in crimes against:
Increase in population and decline of feudalism led to higher unemployment, which meant more people moved to urban areas in search of work, so towns and cities grew.		The person, with the increase of street criminals and petty thieves.
The end of feudalism and new farming methods led to enclosure of land (fencing it off for the exclusive use of the landowner).		Property, for example poaching, as more landowners restricted those who could hunt on their land.
Changes in people's religious beliefs and the religion of the monarch.		Authority, as more people committed heresy and high treason.

Increase in crimes against authority

Early modern England was ruled by the Tudors and then the Stuarts. It was a time of religious change and many rebellions and plots against the monarch, both of which led to an increase in crimes against authority – heresy and treason.

Treason charges were more common in this period because there were more disputes about who should rule. Heresy charges were more common because the official religion of the country kept changing from Catholic to Protestant to Catholic, then back to Protestant! Important members of the clergy (both Catholic and Protestant at different times) played a role in charging people with heresy and also in judging whether they were guilty or not. As monarchs (except for Mary I) became the head of the Church, heresy and treason became interlinked.

Heresy first became a crime in 1382. As both the Church and monarch felt threatened by different beliefs, heresy was classed as a crime against authority and therefore usually punished by being burned to death at the stake.

Timeline

Treason and heresy

1547–53 Edward VI executed leaders of rebellions for treason and two Catholics for heresy.

1553–58 Mary I executed leaders of plots to replace her and many Protestants (almost 300) for heresy.

1603–25 James I executed many Catholics for treason.

1509–47 Henry VIII executed Protestants for heresy throughout his reign and Catholics for treason if they wouldn't accept Henry as head of the Church after 1534.

1558–1603 Elizabeth I executed many 'rebels' for treason but far fewer for heresy.

Key terms

High treason – the crime of plotting or acting to overthrow or harm the ruler or country.

Heresy – the crime of having religious beliefs that were different to the official religion of the country.

The Gunpowder Plot, a conspiracy to try to replace the monarch with another of a different religion, is an example of treason. For more on this, see page 11.

Now try this

Explain why there was an increase in charges of treason and heresy under the Tudors.

'New' crimes in early modern England

Huge changes in society were not just an important factor in changes to existing crimes, they also led to other activities being redefined as crimes.

Vagabondage or vagrancy

A vagabond, or vagrant, is an unemployed, homeless person. The late 15th and 16th centuries saw a large increase in the number of vagrants due to the increasing population, falling wages, rising food prices and no system to help the needy (especially after the closure of the monasteries in 1536).

Hated and feared by settled population.

Resorted to thieving and/or begging and charity in order to survive, which was resented by the settled population.

Viewed as lazy and responsible for their own problems.



Vagrant in early modern England.

Timeline

Vagabondage laws

1547 Vagrancy Act – the able-bodied without work for more than three days were branded with the letter 'v' and sold as a slave for two years. (Repealed as it was impossible to enforce.)

1601 Poor Laws – the 'deserving' poor were given poor relief by the local parish; the 'undeserving' could be branded, whipped or sent to a correction house.

- **1494 Vagabonds and Beggars Act** – vagabonds were put in stocks for three days and nights, then sent back to where they were born or most well-known.

- **1597 Act for the Relief of the Poor** – split vagrants into two categories: 'deserving' (elderly and disabled) and 'undeserving' (those fit for work).

Laws were passed to make vagrancy a crime. This is an example of how the general population can put pressure on government to make laws on what they feel should be classed as a crime.

Smuggling

When import tax on certain goods, including brandy and tea, was introduced in the 17th century, the crime of smuggling increased dramatically. Smuggling is where people bring goods into the country secretly to avoid paying import tax and then sell it on. Like poaching, it is an example of a social crime and many people did not view it as serious or a threat, making it very difficult to enforce.



Witchcraft

Witchcraft had been a minor crime in medieval times that was dealt with by Church courts. During the early modern period, new laws against witchcraft were passed, making it a very serious offence because people saw it as harmful and most were very afraid of it.

- In 1542, Henry VIII made witchcraft punishable by death.
- In 1563, Elizabeth I changed the law so charges of witchcraft had to be tried in a common court.
- In 1604, James I instructed the death penalty to be given to people 'summoning evil spirits'.

For more on witchcraft and the witch-hunts of 1645–47, see page 12.

Now try this

Give **three** reasons why vagrancy became a crime in early modern England.

Had a look Nearly there Nailed it!

Law enforcement in early modern England

The increasing size of the populations of towns was an important factor for changes in law enforcement. Traditional methods became less effective and a more organised system was put in place where town authorities and local communities both played a part. The role of the Church in the justice system decreased.

Continuity and change in catching criminals and preventing crime

As in medieval times, in early modern England:

- people were expected to raise and join the hue and cry to catch criminals when a crime took place
- there was no national police force and the methods and effectiveness of preventing crime and catching criminals varied widely across the country.

However, there were some changes to the roles of town constables and watchmen to try to deal with increased urban crime.

Changes in the role of the Church

In the Middle Ages, the Church provided an alternative justice system through benefit of clergy and sanctuary. The early modern period saw the justice system become far more secular as the Church itself became less powerful in society.

Benefit of clergy: Henry VII allowed non-clergy 'benefit of clergy' only once and people were branded to show they had received the privilege. Edward VI made serious crimes, such as murder, exempt from benefit of clergy. From 1576 Church courts couldn't try criminal acts (only moral ones) so everyone, including clerics, were tried in secular courts. People could still claim benefit of clergy and receive more lenient sentences than others, however.

Sanctuary: Henry VIII stopped exile abroad for those claiming sanctuary. Instead they had to keep to designated sanctuaries in England. In 1623, James I abolished sanctuary altogether.

For more on benefit of clergy and sanctuary, see page 6.

Watchmen



- 1 Carried a lamp to light their way.
- 2 Rang a bell to alert people.
- 3 All male householders were expected to volunteer and role was unpaid.
- 4 Patrolled the streets between 10pm and dawn.
- 5 Overseen by town constable.

Town constables



- 1 Employed by authorities in towns.
- 2 Respected members of the community.
- 3 Had the power to arrest suspects and take them to the Justice of the Peace.
- 4 In charge of the watchmen in their area.
- 5 Helped with town administration.

Now try this

List **three** ways local communities were responsible for enforcing the law in early modern England.

Punishment in early modern England

Capital and corporal methods continued to be the most common forms of punishment in this period. In fact, many more capital offences were introduced, as well as a new form of punishment: transportation.

Continuity in aims and types of punishment

Fines: These continued to be used to punish minor crimes.

Pillory or stocks, flogging or maiming: These forms of corporal punishment continued for crimes, such as begging, drunkenness and vagrancy.

Hanging: Capital punishment was still commonly used for crimes, such as theft, murder and poaching, and also witchcraft and smuggling. Nobles were beheaded rather than hanged.

Burning: This was used only as a punishment for heresy.

Retribution and deterrence were still the main purpose of punishments at this time.



Heretics being burned to death in London, 1546.

The Bloody Code

Change: In the 17th century the number of crimes punishable by death increased. By 1688 there were 50 capital offences ranging from what today seem like minor crimes, such as stealing a rabbit or loaf of bread, to murder. Because of the increase in capital offences, the period from 1688 to 1825 became known as the 'Bloody Code'. The aim was to frighten people so they wouldn't commit crime.

For more on the Bloody Code and its end, see pages 13, 16 and 18.

Transportation to North America

Change: Transporting criminals to colonies in North America, where they did manual work, began under James I (1603–25). Criminals were sentenced to either seven or 14 years and were then released but most could not afford to return to England. Between 50 000 and 80 000 men, women and children were transported to America during this time.

Transportation became a punishment because:

- it reflected new ideas on the aims of punishment – transportation was still a serious punishment but gave criminals a chance at rehabilitation while still acting as a deterrent
- it provided an alternative to execution for petty crime which some began to think was too harsh, especially after the Bloody Code began and when prisons were not yet established
- it provided inhabitants and workers to establish the American colonies while removing criminals from England.

For more on transportation, see page 16.

Now try this

Outline the purposes of punishment for crimes during the early modern period.

Had a look Nearly there Nailed it!

The Gunpowder Plotters, 1605

Case
study

The Gunpowder Plotters received the harshest punishment for committing what was seen by the authorities as the worst crime of all: treason.

The Plot

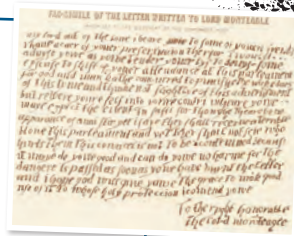
After 1570, when the pope called on Catholics to depose Elizabeth I, more laws were imposed that prevented Catholics from practising their faith. When the reign of the Tudors ended with Elizabeth's death in 1603, her cousin's son, James Stuart, inherited the throne. Catholics hoped for more freedom to practise their faith.



The Houses of Parliament in the 17th century.

But James I continued with anti-Catholic laws. A group of Catholics, led by Robert Catesby, plotted to kill the king and other leading Protestants at the state opening of parliament on 5 November 1605. The plotters wanted to make James' daughter, Elizabeth, queen.

Lord Monteagle gave a letter he received on 30 October 1605, which warned him not to attend the state opening of parliament, to Robert Cecil (James I's spymaster).



The plotters rented a house next to, and a cellar directly underneath, the Houses of Parliament. They filled the cellar with barrels of gunpowder.



Cecil ordered a search of the Houses of Parliament. The gunpowder and Guy Fawkes were discovered on 5 November. Guy Fawkes was arrested and, after torture, gave up the names of his fellow conspirators. Those captured were arrested and also tortured until they confessed.



The plotters being hanged.

The plotters were tried and found guilty of treason in January 1606.

They were publicly hanged, drawn and quartered on 30–31 January 1606.



Reasons for harsh and public punishment for treason

- 1 As the most serious crime, treason received the most serious punishment.
- 2 Without a police force to help prevent crime, harsh punishment was thought to be the only way of deterring crime.
- 3 The period of political instability, due to disputes over the royal succession, required harsh treatment as a form of deterrent.
- 4 A harsh message was thought necessary to deter Catholics from rising up against the Protestant monarchy.

Now try this

Explain why the Gunpowder Plotters were publicly hanged, drawn and quartered.

The witch-hunts of 1645–47



Case study

The years 1645–47 saw a huge increase in the number of executions for witchcraft in England. Many of these were due to Matthew Hopkins, who called himself the ‘Witchfinder General’.

What were the witch-hunts?

‘Witch-hunts’ were when people actively tried to discover witches. The hunts of 1645–47 occurred during the English Civil War (1642–51), a period of great upheaval. They were concentrated in certain areas, particularly the east of England. Hundreds of women and a few men (mostly clergymen) were investigated. Those convicted were executed, usually by hanging.

The frontispiece of Matthew Hopkins’ pamphlet, *The discovery of witches*, published in 1647. The invention of the printing press in 1440 meant that information was spread more quickly.



See page 10 for the laws which made witchcraft a serious crime in the early modern period.

Reasons for the intensity of the 1645–47 witch-hunts

Economic problems

The Civil War and poor harvests caused huge economic problems. People looked for scapegoats.

Social changes

The war left many women widowed or on their own as their husbands went away to fight. Also, there were more ‘strangers’ around as people travelled with the armies or searched for work.

Lack of authority

Civil War weakened the control of local authorities. In some areas law and order collapsed completely.

James I’s book, *Demonologie*, outlined his belief in witches and how they should be found and tried. He was very superstitious and encouraged witch-hunts. These ideas were still around for many years after his death in 1625.

Religious change

Religious differences were increased by the Civil War. Many Puritans, on the side of parliament, believed that witchcraft was being used by the Royalists, some of whom were Catholic.

Influence of individuals

Since 1603, James I had promoted witch-hunting. People like Matthew Hopkins stirred up fear of witches through their writings, as well as actually taking part in witch-hunts themselves.

Matthew Hopkins

- ✓ Hopkins was employed by a Justice of the Peace to find witches in Essex and East Anglia.
- ✓ He received money for each person prosecuted for being a witch. It’s estimated that his ‘work’ led to around 300 people being investigated for witchcraft, with 112 of these hanged.
- ✓ He used torture to extract confessions, which often included the names of other witches for him to investigate.
- ✓ He helped stir up mass panic and fear of witches during the years 1645–47 through his prosecutions and pamphlets.

Evidence of witchcraft

The following were all used as evidence to convict people of witchcraft.

- 1 Unusual marks on the body of the person accused.
- 2 Witness accounts.
- 3 When pricked with a needle the accused doesn’t bleed.
- 4 When thrown in water the accused floats.
- 5 Confessions from the accused.
- 6 If two proven witches swear the accused is a witch.
- 7 ‘Possessed’ children acting as accusers.

Now try this

Give **three** ways in which the English Civil War helped lead to the witch-hunts of 1645–47.

Crimes against the person and property

There were few brand-new crimes against the person or property in this period, but a great deal of change in the ways in which these crimes were committed, which led to changes in the law. Another change was in the crime rate, which rose dramatically. This was due to a rise in crimes against property.

Factors causing increased crime

The period 1700 to around 1850 saw an increase in crimes, such as street theft and burglary; drunk and disorderly behaviour; prostitution and public disorder. Reasons for this included:

- people travelling more and moving into towns meant that fewer people knew each other and communities were less tightly knit
- larger towns that made it easier to escape being caught
- some criminals became 'professional' within dens or gangs of thieves
- extreme poverty that led to a rise in 'survival' crimes, such as stealing food.

In 1772, to try to reduce highway robbery, it became a capital crime to be armed and in disguise on a high road. Mounted patrols on major roads and the growth of the railways helped reduce instances of highway robbery, which disappeared completely in the 1830s.

Changes in highway robbery – a crime against the person

Highway robbery increased in the 18th century because:

- improved roads led to more people travelling,
- increased trade between towns meant more goods and money were transported by road,
- many roads were isolated, making it easy to get away with highway robbery.



The famous highwaymen, Dick Turpin and Tom King, at work. Turpin, like many highway robbers and smugglers, was often seen as a hero despite committing many violent crimes.

Changes in poaching – a crime against property

Poaching increased in the 18th century, with poaching gangs that worked on a large scale. This led to the 1723 Waltham Black Act, which made poaching a capital crime and also made it illegal to carry snares or own hunting dogs in a poaching area. Many viewed this law as unfair. Many poaching laws were repealed in 1823.

Laws making poaching and highway robbery capital crimes were part of the Bloody Code. For more on the Bloody Code, see pages 10, 16 and 18.

Changes in smuggling – a crime against property

Smuggling increased from 1740–1850 because the tax on imported goods was so high. Smugglers made large profits by bringing these goods into the country without paying tax and selling them on. This led to large gangs of smugglers, such as the Hawkhurst Gang, which smuggled huge volumes of goods. Mounted customs officers tried to prosecute smugglers. They found it difficult because of the large areas of coast to patrol. Taxes were cut in the 1840s and smuggling decreased.

Many people thought smugglers were heroes who brought them cheap goods. They thought the government was being unreasonable. Lots of people were involved in smuggling:

- the smugglers themselves
- those who traded with smugglers
- those who bought smuggled goods
- those who gave smugglers alibis.

Now try this

Describe **two** different attitudes to highwaymen in 18th century society. Give **two** reasons for the decline in highway robbery in the 19th century.

Crimes against authority

There were many changes to crimes against authority in this period. Some activities, such as witchcraft, ceased to be crimes. Charges of treason fell in this period also, but the government found other ways of dealing with those they viewed as a challenge to their authority.

Witchcraft

After the Civil War the number of prosecutions of witchcraft declined. All laws concerning witchcraft were repealed by the Witchcraft Act of 1736. People who claimed to use magic were subject to fines or imprisonment. However, although most people's attitudes and the attitude of the authorities had changed, some still clung to their superstitious beliefs.

Why witchcraft stopped being a crime

- ✓ Economic and social changes led to more prosperity and political stability.
- ✓ Some still believed in witches and the Devil, but others (especially the educated) became less superstitious.
- ✓ The Royal Society, set up by Charles II, led to increased scientific experiments, which explained things previously thought to be the work of witches.

The Tolpuddle Martyrs

In 1834, in Tolpuddle, Dorset, a group of farm workers formed a 'friendly society' (an early form of trade union) to protest about their low wages compared to other farm workers' wages.

The farm owners and the government feared they were losing control of their workers. The six men were arrested for taking secret oaths – an old law intended to stop Naval mutinies.

The six were found guilty at their trial. They all received the maximum sentence of seven years transportation to Australia in an attempt to deter others from forming trade unions.

News of the Tolpuddle Martyrs' sentences spread quickly due to the press. There were mass protests and a petition of 200000 signatures was collected in opposition of their harsh punishment.

The Home Secretary decided to continue their sentence and the six were sent to Australia.

Protests continued and in 1836 the martyrs were pardoned and returned home.

Significance of the Tolpuddle Martyrs

- The incident highlights how authorities used laws to criminalise people they viewed as a threat.
- It shows how the government would protect the interests of employers at the expense of workers.
- The pardoning of the martyrs illustrates the impact of public opinion.
- The martyrs inspired some to fight for workers' rights but others were put off by how the martyrs were treated.



Four of the six Tolpuddle Martyrs transported to Australia for the crime of setting up a trade union. The six martyrs were George Loveless and his brother James, Thomas Standfield and his son John, James Hammett and James Brine.

Now try this

What were the authorities trying to achieve by giving the Tolpuddle Martyrs such harsh sentences?

Had a look Nearly there Nailed it!

Law enforcement

Industrialisation and urbanisation were major factors that increased the crime rate after 1700, and created a need for better law enforcement. As a consequence, this period saw the development of more official forms of policing.

Continuity and change in policing

Watchmen continued to patrol cities on foot at night and parish constables dealt with petty crime. Soldiers were used to put down riots and large protests across the country. There were some changes in London though as, from 1749, the Bow Street Runners tracked down criminals and stolen property. From 1754 the Bow Street Horse Patrols patrolled the streets.



The Bow Street Runners catching criminals, 1806.

The Bow Street Runners

- Established in London in 1749 by Henry Fielding, Chief Magistrate at Bow Street Court, to try to tackle the huge crime wave of 17th-century London. Fielding's half-brother, John, took over in 1754.
- At first they charged fees and collected rewards, but by 1785 they were paid by the government.
- Introduced new methods of finding evidence to bring criminals to justice – the first modern 'detectives'.
- Branched out to patrolling major roads both on foot and horse (mounted patrols). The patrols were less successful than the detecting side, as there were not enough of them to deal with the dramatically increasing crime rate.
- Shared information on crimes and suspects with others – the beginnings of a crime intelligence network.

Timeline

Development of police forces, 1829–1900

1835 Municipal Corporations Act – borough councils could set up police forces in their area (but only around half did so).

1842 Detective department set up at the Metropolitan Police Force headquarters in London.

1878 Criminal Investigations Department (CID) set up for the Metropolitan Police Force.

1829 Metropolitan Police Act – began Britain's first professional police force in London.

1839 Rural Constabulary Act – counties could set up police forces, which two-thirds of the counties did.

1856 Police Act – forced all towns and counties to set up a professional police force.

The setting up of the Metropolitan Police Force (also known as 'the Met') was largely the work of Robert Peel. For more details on Peel and the Met, see page 18.

The 1856 Police Act

This act made professional police forces, which were based on the model of the Metropolitan Police, compulsory across the whole country. All forces were funded by the government and were regularly inspected by officials employed by the government. Police officers were not only tasked with keeping law and order, preventing crime through patrolling the streets and arresting criminals, but were to detect criminals after crimes had been committed. The aim of all activities was to deter crime.

Now try this

Explain why the work of the Fielding brothers was a significant advance in policing.

Changing views on the purpose of punishment

The period saw a change in attitudes to the purpose of punishment. Transportation and public executions stopped and imprisonment as a punishment increased.

Timeline

Punishment

c1610 Transportation to America begins.	
	1770 Eastern Australia claimed for Britain.
1774 Gaol Act.	
	1776 American War of Independence stops transportation to USA.
1787 Transportation of criminals to Australia begins.	
	1787–1868 Over 160 000 people transported to Australia.
1822 Last hanging for shoplifting.	
	1823 Gaols Act.
1825 End of the Bloody Code as capital crimes reduced to 122.	
	1842–77 90 new prisons built.
1850s Transportation slows down.	
	1868 Transportation abolished. No more public executions.

Factors that changed views on the purpose of punishment

Rapidly growing crime rates led the government to increase the Bloody Code throughout the 18th century. The number of capital crimes reached a peak of 222 in 1810 in an attempt to deter crime. However, it was clear that these deterrents were not working and a new strategy was needed. Continuing the idea that punishment should be about retribution and deterrence, the 19th century saw increasing feelings that:

- punishments should be equal to the crime committed
- corporal and capital punishments were inhumane except for very serious crimes
- punishment should also be about rehabilitating the offender.

This led to a decrease in the use of the death penalty and the end of the Bloody Code and an increase in other forms of punishment: firstly transportation and then imprisonment. This change in attitude also helped lead to the ending of public executions in 1868.

Transportation to Australia

The increase in the crime rate increased transportation to Australia. Once there the criminals worked for settlers for seven years providing free labour to build infrastructure. Most stayed in Australia once their sentence ended as they couldn't afford the fare home. Transportation ended by 1868 because:

- Australia no longer needed forced labourers (the discovery of gold made it an attractive place to go) and it didn't want 'criminals'.
- Some felt it was too expensive and not a strong enough deterrent to crime. Others felt it was too harsh for both the criminals and their families.
- More prisons had been built and prison was increasingly used instead of transportation.

For more on the reasons why transportation took place, see page 10.

Prisons and prison reformers

Conditions in 18th century prisons were very poor but they were increasingly used as a form of punishment. Many thought prison conditions should be poor with hard labour, but several reformers believed prisons should be improved to increase the likelihood of rehabilitation.

John Howard's work led to the 1774 Gaol Act, which suggested how health and sanitation in prisons could be improved. Elizabeth Fry began visiting women in Newgate Prison in 1813. She set up education classes to reform female prisoners. She also got them better food and clothes, and treated prisoners with kindness and respect.

Their work influenced Peel's prison reforms.

See page 18 for more on Peel and penal and prison reform and page 17 for an example of how new prison rules were applied to Pentonville Prison.

Now try this

Describe how attitudes towards punishment changed during the period 1750–1900.

You will need to know about changing attitudes.

Pentonville Prison



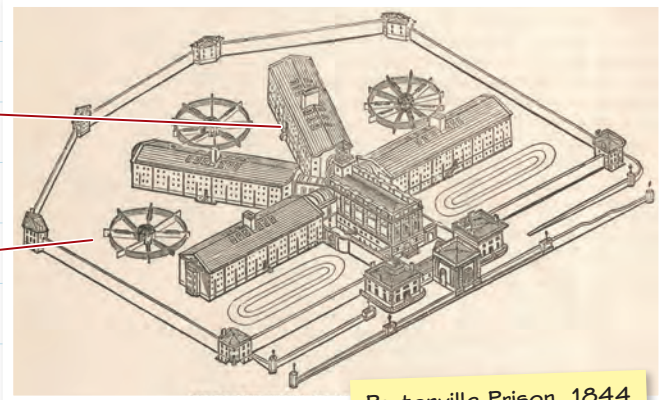
Case study

Pentonville Prison was built in 1842. It was a model for a new idea about how prisons should be run and prisoners treated – it was known as the separate system.

Pentonville – the ‘model’ prison

The wings housed dozens of individual cells and a staff base. Walls were very thick to prevent prisoners talking to each other.

Areas where prisoners were sent for fresh air and exercise. They were masked to prevent communication.



Pentonville Prison, 1844

Each cell was 4m x 2m

Loom for working on



A cell in Pentonville Prison, 1862.

Small, barred window

Wash basin and a toilet

Bed, mattress and blanket



Prison chapel in 1862. It had individual cubicles so prisoners couldn't see each other.

Prisoners undertook monotonous and repetitive work that, to begin with, was done in their cells.

Reasons for the separate system

- 1 For rehabilitation: Solitude was thought to be the best way to provide prisoners with an opportunity to reflect on their crimes, turn to religion and therefore reform their ways. It also meant that prisoners could not be influenced by other criminals. The cell provided everything they needed so they didn't have to leave it other than for short spells of exercise.
- 2 For retribution: The isolation and boredom made the criminal 'pay' for their crime.
- 3 As a deterrent: It was a serious punishment and was therefore thought to act as a deterrent to committing crimes.

Strengths of the separate system

- 👍 Compared with previous prisons, it was clean and there was far less disease.
- 👍 Many people thought that it provided the right level of punishment – it was seen as harsh but not overly so.

Weaknesses of the separate system

- 👎 The continuous isolation led to mental illness and a high suicide rate.
- 👎 There was no education or instruction to provide new skills for prisoners to use when they were released.

Now try this

Give **three** examples of how the design of Pentonville Prison supported the separate system.

Robert Peel



Case study

Robert Peel had a huge influence on both punishment and law enforcement when Home Secretary during the 1820s. He ended the Bloody Code by reducing the number of death penalty offences and tried to reform the prison system. In 1829, he persuaded parliament to pass the Metropolitan Police Act, which set up the first professional police force in London.

Reforming the penal code

After 1810 there were an unprecedented number of capital crimes. According to the law, someone could receive the same punishment for murder as they could for petty theft – the death penalty.



Robert Peel, 1788–1850

In practice, the death penalty was rarely used for petty crime, as judges thought it was unfair, and transportation or prison was usually preferred, which meant the penal code made little sense. In 1825, Peel reduced the number of capital crimes by 100 because he wanted:

- less harsh punishments for petty crimes
- to try to reform petty criminals rather than kill them.

Prison reform

Partly due to the influence of reformers, such as Elizabeth Fry, Peel tried to improve conditions in prisons by persuading parliament to pass the 1823 Gaols Act which stated that:

- chaplains should regularly visit prisoners
- gaolers should be paid
- prisoners should not be put in chains.

There were no inspectors to enforce the act so the impact was limited.

The Metropolitan Police Act, 1829

In 1822, Peel set up a parliamentary committee to look into the issue of policing London, which helped him come up with the idea of a centralised police force across the whole city. The crime wave resulting from the economic downturn in 1826 helped Peel get the act through parliament.

Metropolitan Police officers

The central aim was to prevent crime and disorder and to be totally impartial and objective.

Recruits carefully selected and well trained. It was a full-time and fairly well-paid job.

Members had a uniform so they could be identified (and didn't look like soldiers).



Metropolitan Police officers (Peelers) patrolling a graveyard, 1829.

Members were usually unarmed and were trained to use minimum physical force only as a last resort.

Focused on patrolling areas where crime was high. Successfully reduced street crime and disorder.

Not popular at first, but soon recognised by the public as being honest and trustworthy.

Now try this

Give **three** reasons why the Metropolitan Police Force managed to reduce the crime rate.

Crime in modern Britain

As Britain has developed and changed since 1900, criminals have found new and different ways of committing 'old' crimes against the person, property and authority.

Continuity or change?

Some modern crimes may seem to show change from those committed in the past but there is a lot of continuity, too. For example, theft has always been a common crime. However, computers and modern transport have created new ways to steal. Violent crimes are nothing new either, but the weapons used in violent acts have changed. Other crimes that are sometimes seen as 'new' are often simply new versions of older crimes, such as drink-driving (driving a horse-drawn coach while drunk was made illegal in 1872).



A policeman questions a drunk man driving a cart in 1905.

Cybercrime

Most cybercrimes (crime committed over the internet) are new versions of old crimes. For example, online theft, fraud (deceiving someone to get money) or extortion (using threats to get money from someone). What is new is the scale, as thousands of people can be targeted at once, and perpetrators of cybercrime can be overseas, which causes new problems for police.

Smuggling

Smuggling legal and illegal items without paying tax has happened for centuries. In modern Britain, goods such as cigarettes, alcohol and illegal drugs are smuggled into the country. There has also been a growth in people-trafficking (smuggling people into the country illegally and selling them for prostitution and forced labour, or in exchange for a fee). As in the past, some types of smuggling, such as smuggling cigarettes and alcohol, are seen by some as less serious social crimes.

Terrorism

Terrorism is not new but modern weapons, transport and communications mean that more ordinary people are at risk (though the risk is extremely low).

On 7 July 2005 four suicide bombers, who claimed to be members of Al Qaeda, attacked central London. Three bombs went off on underground trains and one on a bus. Fifty-two people were killed and around 770 injured.

The Gunpowder Plot is an older form of terrorism, see page 11 for more on this.



The bus attacked by a suicide bomber in London, July 2005.

Now try this

Give **three** examples of 'new' crimes that are actually 'old' crimes using different means.

'New' crimes in modern Britain

Some genuinely 'new' crimes have emerged since 1900. This is due to factors including changing social attitudes, such as race crimes, and crimes related to modern technology, such as computer-hacking.

Changing society

In the 20th century, Britain developed into a society that was:

- multicultural, containing people of different races and religions
- more equal, as the position of women changed.

As attitudes changed, new laws were needed to ensure that all people were treated fairly and equally. Similarly, some activities that had previously been illegal were decriminalised.



Multicultural Britain.

Race crime

The 1968 Race Relations Act and the 2006 Racial and Religious Hatred Act both made certain acts race crimes. However, the Criminal Justice Act of 2005 gave criminal courts the power to give more severe sentences for other crimes, such as assault or murder, if they are classed as 'hate' crimes. In other words, if a crime is committed against someone because of their race, religion or sexuality, the criminal can receive harsher punishments than if the crime was committed for another reason.

Timeline

1967 Sexual Offences Act

– decriminalised homosexuality for men over 21.

2005 Criminal Justice Act

– allowed more severe sentences for hate crimes (against gay people or because of someone's race or religion).

1967 Abortion Act

– decriminalised abortion in certain situations.

1968 Race Relations Act

– illegal to discriminate against someone because of their race or ethnicity.

2006 Racial and Religious Hatred Act

– made spreading racial or religious hatred a crime.

As in the past new laws have been passed to deal with new crimes. Public pressure contributes towards making governments act to make these laws.

Drug crimes

Since the introduction of the Misuse of Drugs Act in 1971, taking or supplying some substances has been illegal in the UK. Drugs are classified according to how dangerous they are perceived to be. The criminalisation of drugs is controversial. Some think it's important for some drugs to be illegal to clarify that taking them is wrong, while others believe that drug-taking is a personal choice.

Driving offences

Many driving crimes are totally new due to the huge number of vehicles on today's roads and the technological advances of modern transport. For example:

- driving while under the influence of drugs
- driving without insurance, an MOT certificate or a valid driving licence
- speeding
- ignoring traffic lights, road signs, etc.
- driving while using a mobile phone.



It is now illegal to drive while using a mobile phone.

Now try this

Explain why (a) driving offences and (b) racial discrimination became crimes in the 20th century.