

2 Crime and Punishment, c.1250 to present

Page 31: Test yourself

- 1 Murder and stealing expensive goods (worth more than 12d)
- 2 Vagrancy, scolding, heresy
- 3 Gangs of robbers, outlaws
- 4 Heretics

Page 31: Practice questions

- 1 Any of: scolding, treason, vagrancy, heresy
- 2 Any of: justifiable homicide, homicide in self-defence, accidental homicide, suicide, murder
- 3 Any of: strip farming, people living too close to one another, handmade weapons to hand, no effective medical care, harvest time when pressure was high, poor harvests

Page 31: Spot the second-order concept

During the medieval period a number of different crimes were committed. However, homicide rates were particularly high because this crime included a range of offences such as suicide, homicide in self-defence as well as murder. [1] In addition, the medieval system of strip farming sometimes led to increased hostilities between people as it meant they worked closely alongside each other. [2] The situation was further worsened when harvests failed, as they did in 1315–16, as this led to famine and desperation. It was such situations that led to arguments and rising crime rates.

As attitudes and circumstances changed during this period, new crimes appeared. For example, the Black Death struck England in 1348 and killed over half of the population. [1] This led to a shortage of workers, which in turn led to vagrancy becoming a problem as some people wandered the country looking for work. [2] As a result, in 1351, Parliament passed a new act that stated all able-bodied men had to swear they would stay and work in their home village.

[1] Cause

[2] Change

Page 33: Complete the paragraph

Law and order was enforced in many different ways between 1250 and 1500. Although the king was in overall charge of police keeping he had a range of people to help him keep the peace within local areas. The sheriff was the king's chief law enforcer in each county. Parish constables were responsible for law enforcement in each village and would have to make sure their parish followed the correct procedure when crimes had been committed. For example, a victim of a crime raised the hue and cry to alert their neighbours, who would then have to stop whatever they were doing and help search for the criminal until caught. The constable organised the villagers and would usually deliver the criminal to court once captured. In towns, watchmen patrolled the streets at night; however this was an unpopular job and therefore not very effective, as there were usually too few to enforce order properly.

In addition to these law enforcement officers, there was a complex system of courts where criminal cases were heard. The royal courts heard the most serious crimes, and after 1293 royal judges visited each county a couple of times a year to hear serious crimes

from the counties. **However, Church courts dealt with crimes relating to religion**, such as failure to attend church. Most offences however were referred to the manor courts, where the local lord would act as judge and wealthy villagers made up the jury. Crimes like theft and fights were dealt with here.

Medieval juries were made up of local people but they were often unwilling to convict criminals of serious crimes. This was because jurors would usually know the accused well, and so would use their knowledge of the person's background and character when considering their verdict, rather than just considering the offence supposedly committed. Punishments were also harsh, so jurors tended to be lenient.

Page 33: Eliminate irrelevance

Medieval England was a very Christian country that followed Roman Catholic teachings. ~~Most people were Christians; however, there were some examples of people who did not believe in the Catholic faith. They were known as Lollards.~~ From the fourteenth century, this group challenged the teachings of the Roman Catholic Church and demanded to be allowed to read the Bible in English. Because religion was so important the Church was in charge of Church courts. People who were accused of offences that were un-Christian, such as failing to attend church or homosexuality, were tried in these courts. There were no juries in these courts and the priests heard the evidence and convicted the accused.

Page 33: Test yourself

- 1 The king's chief law enforcer in each county
- 2 The most serious criminal cases
- 3 Four times a year
- 4 They were selected from the same hundred as the accused, they used their local knowledge to reach a verdict, they had to know as much as possible about a case before it went to court.

Page 33: Practice question

[Sample answer] (18 marks)

'In the period 1250–1500, law and order was the responsibility of wealthy individuals.' How far do you agree with this statement? Give reasons for your answer. (18 marks)

On the one hand law and order was carried out by wealthy individuals between 1250 and 1500. It was the king's responsibility to keep the peace and he was supported by a range of wealthy individuals. For example, the sheriff was the king's agent in each county and he was often a powerful lord. Although he wasn't paid for this job, he did receive a cut of the property of convicted murderers, which would have added to his wealth. The sheriff was supported by two chief constables of the hundred, who were also often wealthy farmers, which supports the statement that law and order was carried out by wealthy individuals.

The medieval court system was also heavily reliant on wealthy individuals. Judges in the Royal courts, who were responsible for hearing the most serious criminal cases, were professional judges and they were paid. Similarly, justices of the peace, who were responsible for hearing cases in the quarter sessions, were educated and wealthy. In manor courts, the local landowner ran the court and juries were made up of the wealthier villagers, which further suggests law and order was the responsibility of wealthy individuals.

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However, the people were essential in keeping the peace. Adult men were grouped into tithings, which meant they were responsible for handing in to court any member of their tithing who committed a crime. Additionally, whenever a crime took place the victim called the hue and cry, which meant that people within each community had to drop down their tools and chase after the criminal. If anyone failed to do this they would face a huge fine, which would have encouraged most people to take part because, as villeins, they had little money to spare.

In towns watchmen patrolled the gates and walls at night in an effort to keep the peace and track down any criminals. It was an unpopular job as medieval towns could be very dark at night. Once they had caught someone the watchman would arrest them and then hand them over to the constable in the morning. Despite their lack of wealth, all of these individuals were essential in helping to keep the peace within local areas.

In conclusion, wealthy individuals played a key role in law enforcement during the period 1250–1500. Sheriffs acted as the king's agent in each county and their work was supported by a range of wealthy individuals, such as the well-educated justices of the peace. Despite this, ordinary, less wealthy people played an essential role in keeping the king's peace. Without the tithings, the hue and cry and the watchmen it is arguable that those wealthy people who were responsible for law and order would have had a much tougher job on their hands.

This is a low level 5 answer:

- It demonstrates strong knowledge of the key features of law enforcement in the medieval period.
- The explanation is consistently focused on the question and there is a clear line of reasoning.
- The answer shows a strong understanding of the second-order concept of significance.
- It reaches a well-supported judgement on the question.

Page 35: Develop the detail

Statements	Specific details
Punishments for petty crimes included fines, which were often payable to the rich, such as the lord	Punishments for petty crimes, such as gambling and stealing low-value goods, included fines payable to the rich. The king received fines at the hundred courts and quarter sessions, lords received fines from the manor courts, mayors and town leaders received fines imposed by borough courts, and the Church kept fines for sins such as gambling.
In the Middle Ages, land was the basis of all wealth and most people were poor	In the Middle Ages, land was the basis of all wealth and most people were poor. Prisons were used to keep debtors, and the prisoners had to pay the gaoler for bedding, food and drink, making it very difficult for such prisoners to escape the cycle of debt.
More violent crimes, such as murder and theft, were punished using a range of harsh methods. These methods included hanging, drawing and quartering, and burning alive	More violent crimes, such as murder and theft, were punished using a range of harsh methods. These methods included hanging for crimes such as murder and burglary, even if nothing was stolen. Hanging, drawing and quartering was used for common people committing treason or counterfeiting coins.

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	Being burned alive was to punish petty treason and heresy.
In the Early Middle Ages, there were variations on hangings	In the Early Middle Ages, there were variations on hangings. Before 1350, local variations included being thrown from the cliffs of Dover.
However, despite the harshness of these crimes, there were a number of ways in which criminals could be let off or could escape trial. They could seek sanctuary or they could work for the king by giving details of other criminals	However, despite the harshness of these crimes, there were a number of ways in which criminals could be let off or could escape trial. They could run away and join an outlaw gang or they could stay in a church for 40 days and nights and seek sanctuary. After this they could confess and abjure the realm. Alternatively, criminals could become a king's approver by giving details of other criminals. If they were found guilty the accuser would be let off their sentence.

Page 35: Test yourself

- 1 Women accused of scolding
- 2 Used for those awaiting trial or for debtors. Inmates had to pay the gaoler for bedding, food and drink. Rich prisoners stayed in luxury castles, whereas poor inmates were chained up outside.
- 3 It involved reading a verse from the Bible aloud while begging God for mercy. It was only allowed for priests, but illiterate criminals could learn the verse by memory.
- 4 A criminal who provided evidence against other criminals in the hope of being let off their crimes.

Page 36: Test yourself

- 1 Someone who wandered from place to place in search of work
- 2 Puritanism
- 3 Spirits in the form of small animals which fed on a witch's blood
- 4 They provided the money to pay for the goods from France or Holland.

Page 37: Spot the second-order concept

In the late sixteenth century, the population of England grew from 2.4 million people in 1520 to 4.1 million in 1600, which led to a rise in prices and therefore increased rates of poverty. The problem was worsened harvests failed because of bad weather or when there was a downturn in demand for English woollen cloth. As a result, many people had no choice but to leave their villages in search of work, begging and sometimes stealing to survive. These individuals were known as vagrants, who became of great concern to people in Elizabethan England. In addition to this, people's beliefs in the early modern period influenced what they considered to be a crime. For example, because people at that time believed in magic and the Devil, there were increasing numbers of witchcraft trials. People believed that the Devil gave the witch powers through familiars, which were often animals which fed on the witch's blood. In addition, the growth in Puritanism led many people to see immoral behaviour, such as sexual immorality, drinking and swearing, as crimes. In the seventeenth and eighteenth centuries, organised crimes became the major concerns.

Page 38: Test yourself

- 1 Serious crimes
- 2 Quarter sessions

- 3 Licensing ale houses, regulating sports games, arresting vagrants
- 4 Petty sessions

Page 39: Complete the paragraph

Many of the medieval systems of law and order continued during the early modern period. There was still no police force so the major aspects of law enforcement fell to the citizens. These citizens were very important in the early modern period as they were often called on to help in other ways. For example, local people were usually relied upon to give evidence against the accused in witchcraft trials, and crimes would normally only be investigated once the victim or neighbours began the process themselves. This meant that individual communities enforced the law with varying degrees of success across the country, depending on how active and energetic locals were in hunting and catching criminals.

The constable still raised the hue and cry. Law enforcement officers were often rich and they had to do the job unpaid and untrained for one or two years. There was still a range of different courts to deal with different types of crime. For example, the assizes dealt with serious offences, known as ‘capital offences’, such as murder, manslaughter, witchcraft and rape. These crimes were considered to be very serious and therefore they were punished very harshly by death. JPs dealt with more petty crimes, including theft of goods worth less than 12d, in the quarter sessions.

However, changes did occur. In the early modern period, the role of JPs increased to include more everyday duties; these could range from licensing ale houses to regulating local sports games or arresting vagrants. **As the seventeenth century progressed, these JPs began to meet more regularly in petty sessions in their local areas.** This was partly in order to share the workload, which increased with the new powers granted to them and as new crimes were defined, such as vagrancy. **In addition, Church courts and local manor courts declined in influence as the petty sessions developed;** this also added to the JPs’ responsibility and workload. The nature of accusations also began to change in the early modern period. For example, it became more common for wealthy people to make accusations against their poorer neighbours. Local officials themselves could sometimes be criminals too, therefore leading to corruption and injustice.

Page 39: Sorting into a table

Law enforcement officials	<ul style="list-style-type: none"> • The constable raised the hue and cry • Law enforcement administered by unpaid and amateur officials such as JPs, constables and church wardens
Role of the community	<ul style="list-style-type: none"> • No police force so local communities had to enforce law themselves
The assizes	<ul style="list-style-type: none"> • The country’s main courts for serious crimes • Dealt with capital offences such as murder, manslaughter, grand larceny, witchcraft and rape
Quarter sessions	<ul style="list-style-type: none"> • JPs met in the quarter sessions four times a year to try less serious crimes • In the seventeenth century, JPs began to meet in their local areas to cope with the workload

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Petty sessions	<ul style="list-style-type: none"> Took over the role of manorial courts in the seventeenth century
Manorial courts	<ul style="list-style-type: none"> Dealt with crimes committed by people on individual manors, such as letting animals astray
Church courts	<ul style="list-style-type: none"> Kept up church attendance and Christian behaviour. Declined after 1660

Page 40: Test yourself

- 1 Those who traded unfairly or committed sexual offences
- 2 Paraded around on a cucking stool then forced to wear a scold's bridle
- 3 As a result of vagrancy
- 4 A new system that increased the number of capital offences

Page 41: Support or challenge?

Points	Supports the statement	Challenges the statement
The Bloody Code	Increased capital offences, e.g. poaching rabbit	The number of hangings decreased from the middle of the seventeenth century
Vagrancy	Led to an increase in whipping, branding and humiliation	Vagrancy had been a problem during the medieval period after the Black Death killed over half of the population
The pillory	Used for those who traded or committed sexual offences	Had been in place since the medieval period
Hanging, drawing and quartering	Used to punish common people for committing high treason	Had been in place during the medieval period
The cucking stool	Disorderly women, scolds and dishonest tradesmen were paraded around on a cucking stool	During the medieval period, cucking stools had been used for scolds
Bridewells	A new form of punishment where prisoners were forced to work or punished if they refused	Prisons had existed during the medieval period
Public penance	Accused forced to stand up in church and confess to their sins	Church courts had long been in charge of enforcing Christian behaviour
Stocks	Placed in a public place where members of the public could humiliate the accused	Had been in place since the medieval period
Scold's bridle	Heavy iron frame with a spike pushing down on a woman's tongue	Public humiliation had been a part of medieval punishment

Page 41: Spot the second-order concept

Although prisons continued to be used for debtors and those awaiting other forms of punishments, bridewells were a totally new form of punishment introduced in the early modern period **as a response to the new crime of vagrancy**. The accused were forced to work as punishment for their crimes, or, if they refused, they faced a physical punishment. In 1609, the Vagabond Act forced JPs in every county to build bridewells, which shows how their numbers increased in this period. In addition to this, from the late seventeenth century the government introduced the Bloody Code, which showed a big change in punishment. This was a series of laws that meant the number of offences which people could be hanged for significantly rose, and by 1820, 200 crimes were considered to be capital offences. These minor crimes included the poaching of deer, rabbit and fish. **The reason why these crimes were treated in such a harsh way was because there was still no police force in early modern England, so wealthy landowners had to take drastic steps to protect their wealth and property;** they hoped through introducing the Bloody Code that potential criminals would be frightened into becoming law-abiding citizens.

Page 43: Test yourself

- 1 Petty theft
- 2 The Napoleonic Wars ended and thousands of soldiers returned home to find rising prices and falling wages.
- 3 A radical thinker who made the link between crime and poverty
- 4 Argued that pubs left people without money, leading to gambling, prostitution and violence

Page 43: Practice questions

- 1 Any of: fare-dodging, vandalism on railways, stealing water from standpipes, failing to send children to school, white-collar crimes such as embezzlement.
- 2 Any of: poor home environment led to crime, bad moral habits such as drinking, some people chose to be criminals, physical characteristics reflected criminal behaviour.

Page 44: Test yourself

- 1 John Fielding
- 2 Sir Robert Peel
- 3 1878
- 4 1867

Page 45: Getting from A to B

A Policing in 1750: constables, watchmen and thief takers	1750s: Bow Street Runners introduced. Part-time, paid constables based in London	After 1775, Bow Street Runners extended to the rest of the country	1829: Robert Peel set up the Metropolitan Police paid for by the government	1878: introduction of CID	B Policing in the 1880s: detectives took photos of crime scenes
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Page 45: Complete the paragraph

At the start of the period, law and order was enforced as in the medieval and early modern methods; unpaid and part-time constables were still relied upon to catch and

deliver criminals to court, and local communities were still in charge of investigating crime. **However, as towns and cities grew as a result of the changes brought about by the Industrial Revolution, crime rates also grew, and it became clear that a more centralised system was needed. Early experiments with a paid police force were made by Sir Henry Fielding**, who set up the Bow Street Runners in the 1750s. These part-time constables patrolled London’s streets each night until midnight, and their numbers grew to 68 by 1800. Crime rates increased considerably after 1815 however, with many soldiers returning from the Napoleonic Wars to unemployment and high prices. Because of their small numbers and lack of resources, the Bow Street runners, constables and town watchmen were becoming overwhelmed and could not effectively prevent crime.

However, people at the time were still not supportive of a larger police force that would be run and paid for by the government. This was because there was a fear that full-time, paid police could lead to brutal suppression of protests, and also because it seemed too expensive and was not considered to be the government’s responsibility. **Nevertheless, as crime rates continued to grow, Sir Robert Peel decided to introduce the Metropolitan Police force** in 1829 with 3000 officers. **It was the responsibility of these officers to prevent crime** by removing drunks, prostitutes and vagrants from the streets, and also by dealing with pubs that conducted illegal practices such as hosting banned sports. Through such activities, the police were able to prevent many offences, particularly theft and violence.

Although the greatest changes in crime detection would not occur until the twentieth century, these police officers were helped by some important developments. These were in both technology and in practice. Photographing crime scenes began in the 1880s, telegraphs could speed up communication from 1867, and after 1897 fingerprinting allowed police to identify criminals exactly. In terms of practice, the Metropolitan Police first used professional detectives in 1842 to investigate crimes, leading to the establishment of the Criminal Investigation Department in 1878.

Courts saw little development between 1750 and 1900 however, with JPs still dealing with most petty offences and the assizes being the main courts for serious crimes. One gradual change though was that it became increasingly common for lawyers to represent the prosecution and the defence, and trials became longer and more formal.

Page 47: Getting from A to B

<p>A In the late eighteenth century prisons were mainly used for debtors and were unsanitary places. Therefore, Britain had been transporting its prisoners whose crimes did not deserve the death penalty at first to America and then to Australia from the 1780s.</p>	<p>From the 1770s reformers such as John Howard and Elizabeth Fry began to highlight the grim conditions of prisons.</p>	<p>Millbank was the first prison, opening in 1816, though discipline was a huge problem and the prison failed.</p>	<p>By the 1830s transportation had come under criticism for the inhumane conditions prisoners were kept in but also because some thought it a ‘soft’ option.</p>	<p>Following the garrotting panic of the 1860s prisons were made harsher, emphasizing ‘hard labour, hard fare, hard board’.</p>	<p>B Further change to prisons was also brought about when the silent system replaced the separate system, because prisoners under the silent system were becoming mentally ill through lack of contact.</p>
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Page 47: Test yourself

- 1 In the 1780s, a more humane form of hanging was introduced where the condemned person fell through a trapdoor so dying more quickly. Introduced in 1872, the long drop calculated how much rope was needed to break the neck of the condemned.
- 2 It was unknown and might deter criminals; it would reduce crime and provide labour needed to build up Australia.
- 3 The State of the Prisons
- 4 Prisoners were allowed to work alongside each other but they weren't allowed to speak.

Page 47: Practice question

[Sample answer] (10 marks)

In the late eighteenth century, prisons were mainly used for debtors and were unsanitary places. Therefore, Britain had been transporting its prisoners, whose crimes did not deserve the death penalty, at first to America and then to Australia from the 1780s. The first fleet carrying 736 convicts set off in May 1787 and it took eight months for it to arrive. However, life on the penal colony was hard, with prisoners forced to undertake back-breaking work while wearing iron chains around their ankles. This led some people to criticise transportation as a form of punishment as humanitarians, encouraged by the Enlightenment, argued conditions were too harsh. Despite this, there were also those who thought transportation was actually a 'soft' option, and also those who resented having to pay for the families of the transported men. The Australian government also criticised the British for dumping their convicts on their country. Such criticisms led to the ending of transportation in 1868. In addition, there had been many changes to capital punishment in the late eighteenth century, again because many people were influenced by the humanitarian views of the Enlightenment. This led to a drop in the number of people who faced the death penalty. For example, 297 people were executed between 1830 and 1839, whereas this number had been 871 between 1800 and 1809. As a result of this drop in the number of executions and also the ending of transportation, new national prisons were developed. These changes to prisons were also brought about by reformers, such as Elizabeth Fry and John Howard, whose work highlighted the terrible conditions inside prisons. Further change was also brought about when the silent system replaced the separate system because prisoners under the silent system were going mad through lack of contact.

This is a mid-level 4 answer:

- It demonstrates a sound knowledge of the key features of punishment in the industrial period
- It shows a strong understanding of causation
- The explanation is sustained and well supported.

Page 49: Test yourself

- 1 Some crimes are not reported while some crimes are reported more than others.
- 2 Air raids provided opportunities for looting.
- 3 1980s

Page 49: Practice questions

- 1 Any one of: car crimes, football hooliganism, race crimes, hate crimes, illegal drugs, cybercrime.
- 2 Any one of: CCTV, crowd control, high ticket prices.
- 3 Any one of: illegal downloads, phishing emails, computer hackers.

Page 50: Test yourself

- 1 58 per cent
- 2 1947
- 3 1902
- 4 The Crown Court and the magistrates' courts

Page 50: Eliminate irrelevance

Since 1900, police officers have continued to patrol neighbourhoods in an effort to prevent and investigate crime; however, officers today are more likely to patrol in cars than on foot because they have far larger areas to cover than in the past. ~~Police officers today aren't really respected like they used to be. For example, from the mid-1950s to the mid-1970s a television show called 'Dixon of Dock Green' showed how people felt great affection towards the police, and yet in 2005 only 58 per cent of the public said they trusted police officers. There are many reasons why people today are less trusting of the police, including the worry that fewer officers patrol the streets on foot and that some police officers have used violence when controlling huge crowds.~~ Officers today still carry a truncheon, as they did in 1900; however, they are more likely to now also carry pepper spray and tasers as a result of technological advancements. However, firearms are still only used by a minority of officers, with only five per cent of officers today being qualified to use them, which shows some continuity since 1900. Similarly, as in 1900, officers today continue to carry out a range of work. A survey carried out in 1993 showed that only eighteen per cent of calls to the police were crime related, and that much of a police officer's time includes carrying out work such as teaching the public and helping people who are locked out of their houses.

Page 53: Support or challenge?

Key events and examples	Supports the statement	Challenges the statement
The Bloody Code	Despite making 200 crimes capital offences, the number of hangings decreased from the mid-seventeenth century	It was introduced in 1688 and lasted until 1820 and made a huge range of offences punishable by death, including poaching rabbit
Community service	An alternative form of punishment introduced because statistics show most prisoners go on to reoffend	During the nineteenth century, prison officials had been looking for alternative forms of punishment in the hope of reforming prisoners, such as the separate and silent systems
John Howard	Following Howard's recommendations, prisons during the nineteenth century took a long time to get off the ground, e.g. Millbank failed	He recommended ground-breaking changes, such as gaolers should be paid a salary and each prisoner should have their own cell
Alexander Paterson	Responsible for major changes between 1922 and 1947, such as the relaxation of the silent system and more meaningful prison work	During the nineteenth century, officials had been experimenting with punishments such as hard labour, hard fare and hard board
Transportation	A brand new type of punishment	It did not last long, ending in

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	introduced from 1750	1868
Treatment of young offenders	In 1902, the first borstal was opened, replaced in 1988 by young offenders' institutions, where children would receive education and other support	Not all crimes are committed by children
Direct support for victims	Victims' rights set out in the Victims' Charter and victims could choose to write a VPS to explain how the crime had affected them	Some victims have never received the support, suggesting limited impact
Rehabilitation	Became a popular way of dealing with criminals in the twentieth century, leading to significant changes such as educating offenders	Officials had been experimenting with reform and retribution prior to the twentieth century

Page 53: Test yourself

- 1 Birching benches
- 2 1965
- 3 Alexander Paterson