

## 9.2 What were the main turning points in methods of punishment, 1700–1900?

### Methods of punishment during the eighteenth and nineteenth centuries

**Continuity** To begin with, the emphasis continued to be on physical punishment and public humiliation

**Change** A change of attitude during the Victorian period towards the functions of prisons and a growing feeling that the punishment should match the crime

### The development of transportation

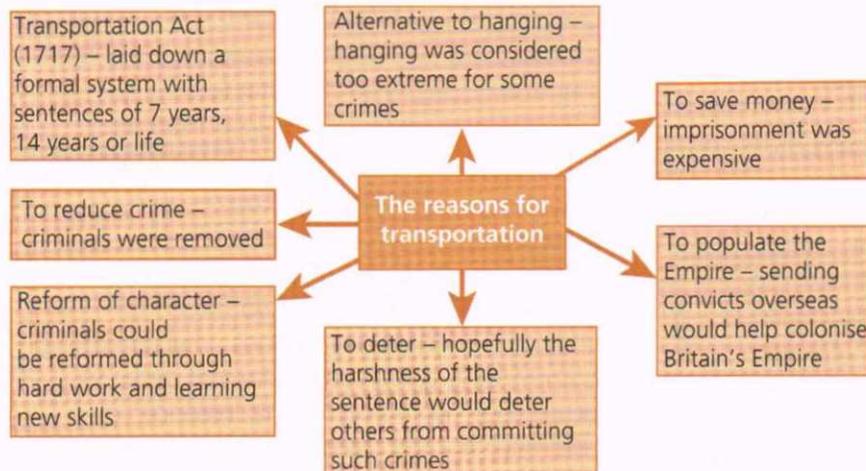
Revised

**Transportation** was introduced as an alternative to the death penalty. An Act of 1678 allowed **convicts** to be sent to British colonies in North America and the West Indies.

#### Key terms

**Transportation** – sending convicted criminals overseas for punishment

**Convict** – someone who is in prison because they are guilty of a crime



### The ending of transportation to North America and the use of hulks

Revised

- Between 1717 and 1776 over 30,000 prisoners were transported to North America but the outbreak of the American War of Independence ended this trade.
- A crisis developed as Britain's prisons became overcrowded following the end of transportation.
- **Hulks** were used as emergency prison accommodation while a new outlet for transportation was sought.
- Conditions on board the overcrowded hulks were terrible; at least 25 per cent of the prisoners died from the unclean environment or the outbreaks of violence.
- Captain Cook's discovery of Australia in 1772 offered an alternative location for convicts.

#### Key term

**Hulks** – ships used as prisons

### Transportation to Australia

Revised

- In May 1787, the first fleet of eleven ships carrying 736 convicts (including 200 women) set sail from Portsmouth on an eight-month voyage to Australia.
- The ships arrived at Sydney Cove (Botany Bay) in New South Wales on 26 January 1788; 40 of the 736 convicts died on the voyage.
- Between 1787 and 1867, as many as 162,000 convicts were transported to Australia – an average of 2000 convicts a year.

## Punishment and conditions in Australia

Revised

- Conditions in the new penal colony were harsh for prisoners and they were flogged for even minor offences.
- Those who did not conform were sent to the harsher penal settlements like Norfolk Island, working in chain gangs at stone-breaking and building roads.
- Early release was offered as a motive for good behaviour:
  - **ticket of leave:** early release after serving four years of a seven-year sentence
  - **conditional pardon:** granted after five years of a sentence, but the person could not return to Britain
  - **certificate of freedom:** granted after full sentence had been served; the person was allowed to return to Britain.

## The end of transportation

Revised

Changing attitudes to punishment, the expense of operating the system, and growing resentment from Australia at its use as a dumping ground for criminals resulted in the end of transportation:

- In 1840 transportation to New South Wales was stopped.
- In 1852 Tasmania refused to accept any more convicts.
- In 1867 Western Australia stopped taking convicts.

### Revision task

Using the information in this section, explain the part played by each of the following in the history of transportation:

North America      Hulks  
Australia

### Exam practice

Why was transportation an important development in punishment in the eighteenth and nineteenth centuries? **[8 marks]**

### Answers online

### Exam tip

In the 'importance' questions you need to identify two to three key reasons why something was important, using specific factual detail to back up your comments. In this instance you should refer to how transportation offered a new approach to punishment, how it benefited Britain by getting rid of our criminals, how it colonised the Empire and served as a deterrent by making the punishment harsh.

## Changes in public execution

By 1815 there were 225 **capital crimes** that were punishable by death and there was a growing feeling that there was a need to reform the **Criminal** or **Bloody Code**.

## Reform of the Criminal Code (1823)

Revised

The Criminal Code, or 'Bloody' Code as it was more commonly referred to, was criticised for its harshness. Even minor crimes like stealing sheep or rabbits were punishable by death. This meant that juries were often reluctant to convict people as the punishment did not reflect the crime.

The lawyer and MP Sir Samuel Romilly campaigned for the reform of the Criminal Code and put pressure on important figures such as the Home Secretary, Sir Robert Peel. The result was a series of reforms which ended the Criminal Code:

- In 1823 Peel abolished the death penalty for half of the capital crimes.
- In 1832 the number of capital crimes was cut by a further two-thirds.
- By 1861 the number of capital crimes had been reduced to just five – murder, treason, espionage, arson in royal dockyards and piracy with violence.

The crimes punishable by public execution were now limited to just two – murder and treason.

### Key terms

**Capital crime** – a crime punishable by the death penalty

**Criminal or Bloody Code** – the harsh laws gradually introduced between 1500 and 1750

## Problems with public executions

Revised

- Public executions like those at Tyburn, London, attracted large crowds and were viewed as entertainment.
- These large crowds were often the cause of lawlessness.
- Such executions could make heroes or martyrs out of those hanged.
- Public execution was sometimes a miscarriage of justice when an innocent person was hanged; Dic Penderyn was hanged following the Merthyr Rising in 1831 for a crime he did not commit.

## The end of public execution

Revised

A Royal Commission on Capital Punishment was set up in 1864 and recommended an end to public executions. Public executions were stopped in 1868. This represented a major turning point in attitudes to punishment. Between 1868 and the late 1960s, when executions ended, all hangings had to take place inside prisons.

### Revision task

Copy out the table below and use the information in this section to identify three factors for each column.

Criticisms of the Criminal Code	Criticisms of public executions
1	1
2	2
3	3

## The need for prison reform

The dramatic rise in the prison population following the ending of transportation to North America in 1776 caused some people to seek reform of the appalling conditions inside overcrowded prisons.

## The Jails Act (1823)

Revised

A major step in prison reform was the Jails Act of 1823. This ordered that JPs visit prisons on a regular basis to inspect conditions, that jailers were to be salaried, prisoners were to follow a reform programme, and that all prisoners had to be kept in secure and sanitary accommodation.

## The separate and silent systems

During the Victorian period there were several experiments in prisoners' treatment:

### The separate system

Revised

- Prisoners were kept in individual cells where they worked, prayed and were visited by clergymen.
- Prisoners were only allowed to leave their cells for religious services or for exercise, when they had to wear masks; this was to make them anonymous and take away their identity.
- By the 1850s over 50 prisons used the Separate System. The most famous was Pentonville Prison in London, which was built on a radial design with five wings radiating from a central point; this became the model design for all large prisons.
- Prisoners were put to work making boots, mats and prison clothes, and sewing mailbags and coal sacks.
- The separate system had a high death rate, with increased incidents of suicide and insanity.

### The silent system

Revised

- As with the separate system, this method of punishment resulted in increased levels of suicide and insanity.
- This system depended on fear and hatred, with prison life being made as unpleasant as possible.
- The tasks for prisoners were designed to be as boring and pointless as possible and included the **crank**, **shot drill**, **oakum picking** and the **treadwheel**.
- The aim was to make the prisoners hate the silent system so much they would not re-offend.

#### Key terms

**Crank** – turning a crank handle a set number of times in order to earn food

**Oakum picking** – untwisting lengths of old tarred rope so that it could be reused

**Shot drill** – heavy cannonballs were passed from one to another down a long line of prisoners

**Treadwheel** – a revolving staircase in which prisoners walked for several hours

## Later prison reform

Revised

Both the separate and silent systems failed to lower the re-offending rate. The high suicide and insanity rates led to further prison reform, which concentrated on harsh punishments:

- The 1865 Prisons Act (also known as the Penal Servitude Act) concentrated on a life of 'Hard labour, hard fare and hard board' inside prison; its aim was to impose strict punishment rather than reform.
- The 1877 Prisons Act brought all prisons under government control.

#### Revision tasks

Use the information in this section to complete the following.

1. Describe the key characteristics of the separate and silent systems.
2. Identify **two** differences between the systems.

## Exam practice

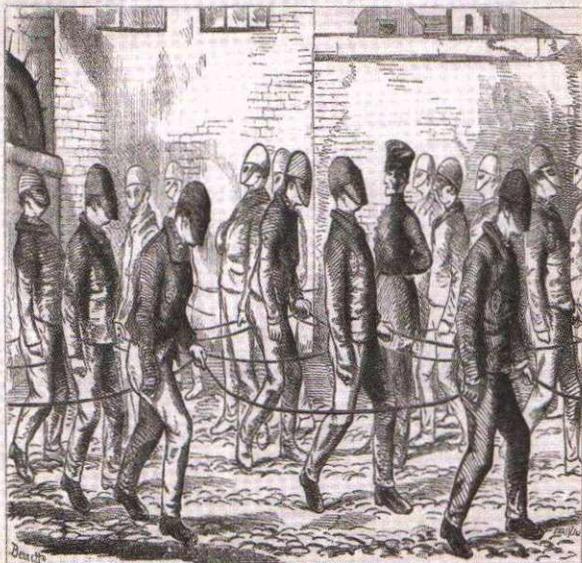
Use Sources A and B and your own knowledge to explain why prisons changed in the first half of the nineteenth century.

[6 marks]

**Source A:** Extract from a school textbook

'Elizabeth Fry visited Newgate Prison in London in 1813. She found men and women were mixed together. Conditions were overcrowded with 300 in one room. Some women worked as prostitutes in prison to afford food and many babies were born inside prison.'

**Source B:** The separate system in the 1840s



CONVICTS EXERCISING IN PENTONVILLE PRISON.

## Exam tip

In this type of question you need to identify 'change' or 'lack of change', making direct reference to the information in both sources linked to your knowledge of this topic area. In this instance you should mention that Source A notes that in 1813 men and women shared the same cells, which were overcrowded, and conditions for prisoners were terrible. This contrasts with Source B, which shows how conditions had changed by the 1840s. Prisoners were now kept in separate cells, they wore uniforms and had to hide their identity. These changes took place because of new Victorian attitudes to punishment.