



Crime and Punishment: Some overview ideas...



Crime, 1500-1750: Early Modern

Prisons - It was not until 1576 that local judges were required to build houses of correction in which beggars could be kept. *Early Modern prisons were mostly for holding people awaiting trial.*

Prevention of crimes:

- Making a group of 10 people (a **tithing**) responsible for each other's actions. If a crime was committed they had to hunt for the criminal (**Hue and Cry**)
- Detering people by threat of punishment
- Church teachings about right and wrong



Causes of Early Modern Crime...

Rising unemployment, rising prices, weak government and corrupt judges

There was no police force. By 1400, landowners were appointed as **Justices of the Peace** to hold local courts at least four times a year to deal with less serious offences

1500-1750

BEFORE: Changes in the economy in the late 14th and 15th century had increased the numbers of people wandering and looking for work.

SO: Changes in society led to a moral panic with beggars (often healthy) being thought of as criminals - and punished.

Reasons why the numbers of beggars increased during the 16th century:

- Closure of monasteries took away support for the poor
- Population increase put pressure on jobs and food
- Landowners kept sheep instead of growing crops. This needed fewer workers



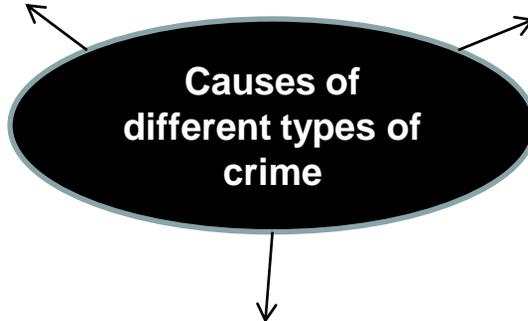
Reasons why begging was treated harshly and as a crime:

- The cost of supporting beggars was resented by communities they ended it up in
- Poor people were more likely to turn to other crimes such as theft
- Large numbers of travelling beggars seemed to be a threat to people who felt they should know their place within a community.

Despite the laws against begging, it was impossible to stop because it was brought on by wider social causes (e.g. population growth)

1500-1750: What beliefs affected attitudes towards crime and punishment?

Increased unemployment led to beggars wandering from town to town



Changes in religious beliefs led some to refuse to follow official religious beliefs

The improved quality of roads led to more highwaymen

Attitudes and beliefs

Divine right: It was believed that God gave power to kings and queens

Hierarchy: There was a strong belief that society had strict ordering with some groups above or below others in terms of power, wealth and rights

Property: The richest people owned most property and only wealthy people were represented in parliament, where laws were made.



What challenged this system?

- **Increased population:** In 1450 the population of England was 2 million. By 1750 it was 7 million.
- **Increased urban growth and unemployment:** Growing towns were harder to control.
- **Crimes against property:** Most crimes committed by the poor were crimes against property, not crimes against the person. Landowners were rich law makers. Also many landowners restricted access to their land for hunting etc.

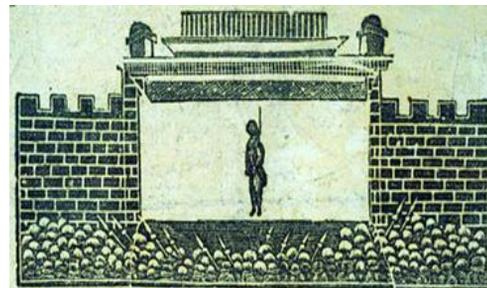
Law enforcement case study: JONATHON WILD

He was a Thief-taker - someone who makes a living from tracking down criminals and collecting rewards. Wild was a former criminal who set up innocent victims, tricked them into crime for the rewards. He was eventually found out and hanged. Afterwards there was a surge in robberies and other crimes in London. This was because Wild controlled many of the criminal gangs when he was alive. Yet people still thought it was too expensive for a police force, if one was set up it would affect their freedoms and that the answer lay in more bloodier punishments to control crime.

Punishments, 1500-1750

The Bloody Code

Historians use this phrase to describe how the number of crimes carrying the death penalty rose significantly in this period (including stealing sheep, smuggling and damaging trees).



Authorities reacted by:

Criminalising beggars

Punishments varied according to person's social group. Commoners were hanged, drawn and quartered. Nobles were beheaded.

The use of fear: authorities aim was a mixture of retribution (punishment) and deterrence (preventing crime), With no real prison system, the punishment was either removing them (execution), fining them, hurting or humiliating them in stocks or pillory).

Poaching - People did this often out of necessity because of unemployment/money. Some also did this as a result of landowners closing off land. Law makers made it punishable by death.

Smuggling - The response of high taxes meant goods were often smuggled in. Most ordinary people didn't see it as a serious crime because they could benefit. Law makers made it punishable by death.

Why rulers felt under threat and how they reacted

Political changes between 1485 and 1750 caused rulers to feel under threat.

This led to an increase in accusations of treason (Guy Fawkes)

Earlier harsh punishments - designed to crush opposition to royal power (hung, drawn and quartering) - were increasingly used in this period.

Lessening of political tension after 1750 reduced the use of such punishments

1750-1900: Industrial Period

Overview

The 4 major changes in this period were:

- 1) By 1850 the Bloody Code had been swept away due to changing attitudes to punishment.
- 2) Prison sentences became the most common punishment.
- 3) Professional police forces were set up. Rising crime and the fear of it was a common factor at this time.
- 4) The government became increasingly involved in matters through intervention and greater wealth

Many immigrants moved into areas of terrible poverty with many turning to crime

Huge growth in towns led to increased street crime and burglary



The increased movement of the population meant it was harder to know and keep track of people

Growth in factories / Industrialisation led to anger at machines and employment issues

Summary

-Massive economic and social changes took place after 1750. This led to an increase in crime and disorder

- Many of these crimes were crimes against poverty and were committed by poor people struggling to survive.

- The violent state of the worst slums meant that crimes against people increased too.

Punishments, 1750-1900: Industrial Period

How did governments respond to threats to authority?

There were many challenges to authority including:

- The French Revolution encouraged some people to hope for similar change here
- Many people wanted more moderate demands such as the right to vote, right to strike etc.
- With no police until 1829, soldiers were used to put down uprisings

The government often dealt with it by using soldiers - this led to many deaths and unpopularity against them. They also used laws to control people who protested at how Britain was being run. This led to many people who demanded reform were treated as criminals. Reforms after 1850 meant that demands for change were no longer treated as crimes.

Protest case study: Tolpuddle Martyrs

In 1833, a peaceful group of Dorset farm workers from the village of Tolpuddle formed a trade union to try and stop their wages going down. They did not act violently but the local rich farmers and the government feared they might lose control of their workers. The authorities reacted by using a navy law from years before about breaking silence at meetings to arrest and transport them to Australia for seven years. After huge protests the Tolpuddle Martyrs were eventually released in 1836.

This case is a landmark as it shows how the authorities backed down.

Transportation: The deporting of convicted criminals.

The sentence of transportation could be a set number of years or for life.

It completely removed the criminal from society



By 1780s, many prisons were overcrowded. Petty crimes were also increasing in many towns and cities



This was seen as a more humane solution than execution when dealing with criminals who damaged or stole property

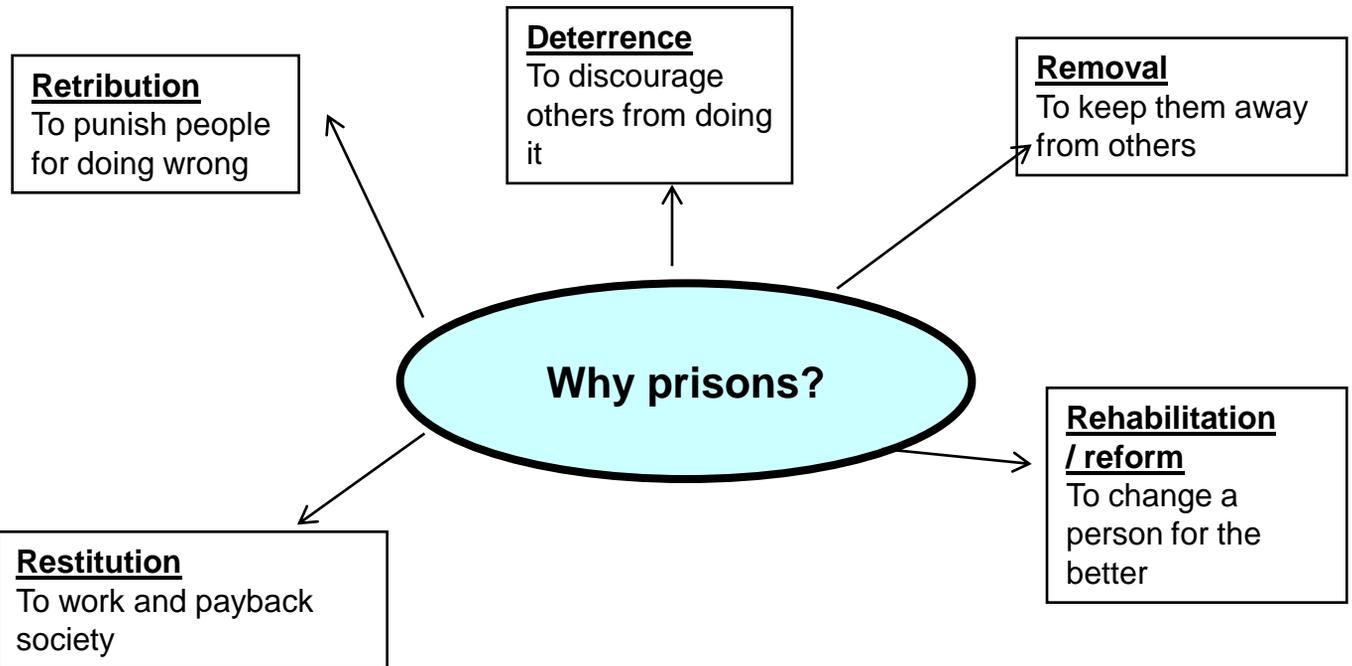
It ended (1860s) because of cost and that Australia was becoming independent and didn't want our criminals

Punishments, 1750-1900

How successful were 19th-century prison reformers?

3 major changes occurred in the way prisons were run:

- Imprisonment became the normal method of punishing criminals
- Reforming prisoners became the aim of punishment (Bloody Code had not worked)
- The huge increase in prisoners led to the government taking over and reforming the whole prison system (Rising crime at start of 1900s)



Reformers

John Howard: He toured prisons in Britain and wrote a book highlighting bad conditions and other issues. It highlighted problems in the system but reforms did not begin until after his death.

Sir Robert Peel (Home Secretary): He introduced acts that changed prisons including inspections of prisons, visits by doctors and basic education. Oversaw huge new prison building scheme. He also reduced the number of death penalty offences.

Elizabeth Fry: Fry introduced changes in Newgate women's prison and then in others including female warders, schools for women and children and clothing/furniture.

Prisons in the late 19th century were a compromise between rehabilitation and retribution. It also showed, just like the police, that the government got more involved in British society.

Policing / combating crime, 1750-1900

From prevention to detection: The Police

Before the Police: Parish constables dealt with minor disorders, beggars and petty criminals. Troops could be used to put down riots or rebellions.

Why the change? Constables did not have much chance of success in cities, especially London, where the crowded streets and houses provided ideal shelter for criminals. The system of law and order had been the same for centuries and couldn't cope with growing towns.

Timeline of change



London magistrates (lawyers) John and Henry Fielding:

- Set up a civilian horse patrol (1763) to stop highwaymen.
- Introduced Bow Street runners (1751), a team of thief-takers who patrolled the streets of London in the evening.
- Published 'Hue and Cry' newspaper (1772 / 1786) that contained details of crimes, criminals and stolen property. This helped pass on information about criminal activities.

Sir Robert Peel (Home secretary) set up the Metropolitan police force in London. It had 3200 men. He was able to set up a force because:

- Government had more money from taxes to spend.
- People feared protests
- Increased crime and the fear of it

Attitudes to the police

At first the police (peelers) got a lot of bad press including: there was not enough of them, and they did not have the right equipment (truncheons) to deal with criminals many of who were armed.

But by 1900 attitudes had changed. Improved pay and training meant that the police had developed a reputation for honesty. Targeting uniformed patrols in high crime areas helped to reduce street crimes and disorder. The use of photographs and fingerprints assisted crime detection.

Crime, 1900 to present day

Changes in policing and combating crime since 1900

The impact of technology on fighting crime:

- **Fingerprinting:** The Scotland yard fingerprint department was set up in 1901. In 1995 a computer system was launched allowed all English and Welsh police forces to compare fingerprints.
- **Radios:** Modern communications makes it easier to report issues and call for back up.
- **Computers:** Sorting information, finding patterns and matching evidence saves a huge amount of police time.
- **DNA evidence:** Can be used to identify victims and criminals from tiny quantities of hair, blood and skin.
- **Cars and motorbikes:** Greater mobility means police can get to crime scenes quicker.
- **CCTV:** Can be used to monitor peoples behaviour in real time or recorded.

CONTINUITY: Modern Neighbourhood Watch schemes involves local people in crime prevention. This is similar to the Early Modern Period, which made local communities responsible for the behaviour of their neighbours and reporting crime. *The difference is that the modern scheme is completely voluntary.*

Challenges facing policing in the 21st century are:

- **Terrorism (IRA an Al-Qaeda):** London suicide bombings by Al Qaeda. (radical Muslim terrorists) The IRA had launched attacks on Britain since the 60s. They wanted Northern Ireland to be independent from Britain and join Ireland international fraud
- * **International fraud (on computers, hacking computers etc).**

Changing definitions of crime

Since 1900 a number of new definitions of crime have led to the punishment of different groups of people who would not have been punished before including conscientious objectors (people who refused to fight in wars) and people who drive badly (due to the increase in motorised transport).

1900 to present day

Traffic Crime.

Speeding, dangerous driving and using your mobile phone while driving are all crimes today were not before the 20th century.

Race crime. Race relations act (1968) made it illegal to refuse housing and employment to a person on the grounds of race. Before this, racist motivation of crimes would not have been considered seriously.



Changing attitudes towards what constitutes crime

Conscientious objection. People who refused to go to war could be court-martialled and receive sentences up to 2 years imprisonment.

Cowardice in the face of the enemy has always been crime. Yet modern war (WWI etc) meant you were executed.

Domestic violence. Violence in the home has often been ignored unless the crime involved murder or serious assault.

Crime trends since 1900

- Crime has increased since 1900
- The prison population has increased since 1900
- However, the percentage of women in prison has fallen since 1900
- Since 1992 the level of crime has fallen
- Some newspapers, though, give the impression that the level of crime is increasing

1900 to present day

How new are 'new crimes'?

Possible new crimes and their links to older forms of crime	
OLD	NEW
Selling of poor girls into prostitution was a problem in 19 th century cities.	People trafficking. Many people from less economically developed countries are illegally bought to the UK and work in prostitution or for low wages.
In the 18 th century organised criminal gangs smuggled goods.	Drug smuggling is a multi-million pound industry.
Impersonating another person to steal money is an old crime, as is tricking money out of a person.	Computer crime is often used to commit fraud.
Street robbery and other forms of street crime have been a problem for centuries.	Street crime and anti-social behaviour causes great concern in many towns and cities.

- There are totally new crimes due to new technology such as 'speeding'.
- Changing attitudes can cause new definitions of crime. An example is driving while using a mobile phone, since people have realised over time that it leads to accidents.

Punishment, 1900 to present day

Why was capital punishment abolished?

If you murder someone you deserve to die

It gives justice to the victims families

Capital punishment does not deter murderers

What if the wrong person is convicted by mistake?

The abolition of capital punishment in the UK was not a sudden decision. Due to arguments like those above, it was gradual. In 1908 people under 16 were no longer hanged, but it took until 1933 for under 18s and 1965 until it was abolished for murder (made permanent in 1969).

Controversial executions

Timothy Evans, 1950

Hanged for killing his wife and baby. Later evidence revealed that another person living in the same flats had really committed the murders. Evans was pardoned in 1966.

Derek Bentley, 1953

19 year old Bentley was found guilty of armed robbery in which a policeman was shot dead by Bentleys partner Craig. Because Craig was 16 he was not executed (under 18). Bentley also had learning difficulties. He was pardoned in 1998.

Ruth

Ellis, 1955

Suffered violent abuse by her boyfriend who she eventually murdered. Jury had to sentence to death as no other alternative. Last woman to be hanged.

Changes to prisons. They had more functions such as officers trained to re-educate prisoners. 'Open' prisons for less dangerous criminals. Some prisoners on probation instead of straight inside.

Children and the prison system. From 1908 separate prisons were established for children. Recently there has been rising levels of violence in youth offending prisons and re-offending rates have been high. But governments remain under pressure to be seen 'doing something' about crime.

Changing punishments in the twentieth century

Women and prisons. Recent years has seen a dramatic rise in women sent to prison. They have always committed much less crime by men. Some women's prisons now allow them to spend some time with their children.

Alternatives to prison. Community sentences are now often used. Examples include drug or alcohol treatments, community projects (service) and charity work. Electronic tagging and ASBO's are other changes.