Edexcel GCSE (9-1) History

Crime and punishment through time, c1000–present

Series Editor: Angela Leonard

Angela Leonard taught history in secondary schools for over 20 years and was also a teacher trainer at the University of London Institute of Education for over a decade. She has extensive experience as a senior GCSE examiner and as an author and series editor of history textbooks.

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History

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How to use this book

What's covered?

This book covers the Thematic study on Crime and punishment through time, c1000 to present. These units make up 30% of your GCSE course, and will be examined in Paper 1.

Thematic studies cover a long period of history, and require you to know about change and continuity across different ages and aspects of society. You will need to know about key people, events and developments and make comparisons between the different periods studied.

Linked to the thematic study is a historic environment that examines a specific site and its relationship to historical events and developments.

Features

As well as a clear, detailed explanation of the key knowledge you will need, you will also find a number of features in the book:

Key terms

Where you see a word followed by an asterisk, like this: Salient*, you will be able to find a Key Terms box on that page that explains what the word means.

Key term

Treason*

Betraying the king – for example, by helping his enemies, or plotting to kill or replace him.

Activities

Every few pages, you'll find a box containing some activities designed to help check and embed knowledge and get you to really think about what you've studied. The activities start simple, but might get more challenging as you work through them.

Summaries and Checkpoints

At the end of each chunk of learning, the main points are summarised in a series of bullet points – great for embedding the core knowledge, and handy for revision.

Checkpoints help you to check and reflect on your learning. The Strengthen section helps you to consolidate knowledge and understanding, and check that you've grasped the basic ideas and skills.

The Challenge questions push you to go beyond just understanding the information, and into evaluation and analysis of what you've studied.

Sources and Interpretations

This book contains numerous contemporary pictorial and text sources that show what people from the period, said, thought or created. You will need to be comfortable examining sources to answer questions in your Paper 1 exam.

Although interpretations do not appear in Paper 1, the book also includes extracts from the work of historians, showing how experts have interpreted the events you've been studying.

Source A

An engraving showing the execution of Guy Fawkes and his fellow conspirators, produced in 1606.

Interpretation 2

From *Victorian England, Portrait of an Age* by G.M. Young, published in 1936.

His frigid efficiency covered an almost passionate concern for the welfare of the people.

Extend your knowledge

These features contain useful additional information that adds depth to your knowledge, and to your answers. The information is closely related to the key issues in the unit, and questions are sometimes included, helping you to link the new details to the main content.

Extend your knowledge

The Tyburn tree

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

Exam-style questions and tips

The book also includes extra exam-style questions you can use to practise. These appear in the chapters and are accompanied by a tip to help you get started on an answer.

Exam-style question, Section B

Explain why the Normans made changes to crimes and punishments after the Norman Conquest.

You may use the following in your answer:

- the Forest Laws
- the murdrum fine.

You **must** also use information of your own. **12 marks**

Exam tip

The question tests your knowledge and your understanding of causation. You need to focus on factors that help explain why the Normans made changes to the definition of crimes and to punishments. You could use the examples given in the prompts to get you started, but don't forget to include plenty of your own ideas and specific points.

Recap pages

At the end of each chapter, you'll find a page designed to help you to consolidate and reflect on the chapter as a whole. Each recap page includes a recall quiz, ideal for quickly checking your knowledge or for revision. Recap pages also include activities designed to help you summarise and analyse what you've learned, and also reflect on how each chapter links to other parts of the unit.

THINKING HISTORICALLY

These activities are designed to help you develop a better understanding of how history is constructed, and are focused on the key areas of Evidence, Interpretations, Cause & Consequence and Change & Continuity. In the Thematic Study, you will come across activities on both Cause and Change, and in the Historical Environment on Evidence, as these are key areas of focus for these units.

The Thinking Historically approach has been developed in conjunction with Dr Arthur Chapman and the Institute of Education, UCL. It is based on research into the misconceptions that can hold students back in history.

THINKING HISTORICALLY Change and continuity (2a-b) — conceptual map reference

The Thinking Historically conceptual map can be found at: www.pearsonschools.co.uk/thinkinghistoricallygcse

WRITING HISTORICALLY

At the end of most chapters is a spread dedicated to helping you improve your writing skills. These include simple techniques you can use in your writing to make your answers clearer, more precise and better focused on the question you're answering.

The Writing Historically approach is based on the *Grammar for Writing* pedagogy developed by a team at the University of Exeter and popular in many English departments. Each spread uses examples from the preceding chapter, so it's relevant to what you've just been studying.

Preparing for your exams

At the back of the book, you'll find a special section dedicated to explaining and exemplifying the new Edexcel GCSE History exams. Advice on the demands of this paper, written by Angela Leonard, helps you prepare for and approach the exam with confidence. Each question type is explained through annotated sample answers at two levels, showing clearly how answers can be improved.

Pearson Progression Scale: This icon indicates the Step that a sample answer has been graded at on the Pearson Progression Scale.

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ActiveLearn Digital Service

About change

This course is about two things: it is about the history of medicine, and it is about **change**. You are going to look at a long period of time – over 750 years. Crime and punishment is the theme you will follow through these years. Concentrating on just one part of British life means you can also focus on how and why things change (and sometimes how and why they don't.)

This introduction is to help you understand the language and concepts historians use when they discuss change.

- **Change** – this is when things become different than they were before.
- **Continuity** – this is the opposite of change, when things stay the same, sometimes for a very long time.
- Change isn't always the same as **progress** – which is when things get better.
- The **rate of change** – change doesn't always happen at the same pace – sometimes things change very quickly, but sometimes they change slowly. Historians are interested in why this is.
- A **trend** is when there are a number of similar and related changes, continuing in the same direction, over a period of time – for example, the fact that there were 35 million people with smartphones in the UK in 2014 is part of the trend in the growing use of mobile phones.
- A **turning point** is when a significant change happens – something that is different from what has happened before and which will affect the future. For example, it was a turning point when Michael Harrison made the first ever mobile phone call in Britain on 1 January 1985.
- Historians are very interested in the **factors** that affect change. Some of them can be quite obvious, but others are more surprising. For example:
  - developments in science and technology, particularly around miniaturisation, have affected the development of the mobile phone
  - people's attitudes have also affected the development of the mobile phone. For example, text messaging (SMS) was not originally designed to be used – it was built in to help scientists test the first networks and phones. But users found out about it, liked it, and it has now become part of our world
  - less surprisingly, government has affected the development of mobile phones – with regulations about networks, laws about using them, and planning control of phone masts.

Look out for plenty more factors that affect change throughout the course.

Activities ?

1 Write your own definitions for each of the words in bold above, and explain your own example of each one.

2 Graphs can be a useful way to show change. Study the graph opposite.

- **a** Where would you put these two factors affecting change on the graph? i) Worries about the health effects of butter are common. ii) Government campaigns to get people to reduce the fat in their diet.
- **b** At the same time, bread sales fell by about 50%. Is this a factor affecting spread sales?

3 Study the table summarising Katy and Mel's journeys to school.

- **a** Draw a line graph, with two lines, showing Katy and Mel's independence in their journeys. On the x-axis have the school years from 1 to 11. On the y-axis, plot their independence. For each of them, score their two journeys (to and from school) and add the scores together. Going with a parent: scores 1 mark; using public transport: 2 marks; going by themselves: 3 marks. (Use half marks when they sometimes do one thing, and sometimes another: e.g. in Year 8 Katy scores 1½ for her journey to school, because she sometimes goes by car and sometimes goes by bus.)
- **b** Explain which period of time on the graph is the best example of continuity.
- **c** Does the rate of change vary? Explain your answer.
- **d** Is there a trend? If so, explain what it is.
- **e** Is there a turning point for either of them? If so, explain what it is.
- **f** Explain what factors you think affected the changes in their journeys to and from school.

4 Make a timeline or a graph to show change in your life over time. Show any trends or turning points, and places where the rate of change increases. Explain what factors have influenced these changes.

UK purchases of butter and spreads, 1974–2013

Journeys to and from school

School year	Katy	Mel
Years 1–6	Mel and Katy are twins; they went to a primary school that was about 10 minutes walk from home. Their Dad walked with them to school in the morning, and their Mum met them and walked home with them at the end of the day.	
Year 7	They now moved to a secondary school which was about three miles away. Their Mum took them to school in the car in the morning. They went to an after school club, and then their Dad picked them up in the car at about 5 o'clock.	
Year 8	Going to school, usually got a lift from her Mum in the car, but sometimes caught the bus with Mel and her friends. Stayed at the after school club until Dad picked them up in the car.	Caught the bus to school with her friends. Stayed at the after school club until Dad picked them up in the car.
Year 9	Cycled to school with her mates Aarav and Claire. Often stayed to do sport after school, and then cycled home.	Caught the bus to school with her friends. Usually stayed at the after school club until her Dad picked her up in the car. In the summer sometimes went home on the bus with her friends.
Year 10	Cycled to school with her mates. Often stayed to do sport after school, and then cycled home. In the summer developed a crush on one of Mel's friends, Callum, and started going in on the bus with Mel and her friends.	Caught the bus to school with her friends. Went home on the bus with her friends.
Year 11	Started going out with Callum. Usually met him on the bus in the mornings, and walked home with him after school.	Caught the bus to school with her friends. Went home on the bus with her friends.

Timeline: Crime and punishment, c1000–present

Anglo-Saxon | Norman | Late Middle Ages | Tudor | Stuart

Crime and definitions of crime

1494 Vagabonds and Beggars Act

1070 Murdrum fine introduced for killing Normans

1542 Witchcraft Act makes witchcraft punishable by death

1605 Gunpowder Plot

1072 Forest Laws set aside land for royal hunting

1559 Elizabeth I's Act of Uniformity makes attending church compulsory

1601 Poor Law

1534 Henry VIII declares himself head of Church of England

1066 William I crowned king

1000 | 1100 | 1200 | 1300 | 1400 | 1500 | 1600

1476 First printing press set up in England

1642–51 Civil War

1601 Houses of correction set up in each county

1150s–60s Henry II reorganises courts and tries to limit church's powers over crime and punishment

1615 Transportation to North America begins

1327 Justices of the peace appointed for all areas

1194 Richard I introduces coroners to investigate suspicious deaths

1645–47 Matthew Hopkins witch hunts

1215 Church forbids trials by ordeal

1688 Law lists 50 crimes punishable by death

Law enforcement and punishment

Georgian | Victorian | Edwardian | World Wars | Modern Era

1723 Black Acts make poaching game punishable by death

1735 Witchcraft Act defines witches as confidence tricksters

1831 Last reported case of highway robbery

1833 Tolpuddle martyrs

1837 Victoria crowned queen

1888 Jack the Ripper murders

1916 Military Service Act introduces conscription

1939–45 Second World War

1976 Domestic Violence Act makes domestic violence a crime

1967 Sexual Offences Act decriminalises homosexuality

2006 Racial and Religious Hatred Act makes racial abuse a crime

1700 | 1800 | 1900 | 2000

1685–1815 Enlightenment – new emphasis on science and reason

1914–18 First World War

1748 Fielding brothers set up Bow Street Runners

1777 John Howard's 'The State of Prisons' published

1778 Transportation to Australia begins

1810 Law lists 222 crimes punishable by death

1813 Elizabeth Fry begins visiting prisoners at Newgate

1829 Robert Peel sets up Metropolitan Police

1832 Punishment of Death Act reduces number of crimes punishable by death to 60

1842 Pentonville Prison opens

1857 Transportation abolished

1877 All prisons brought under government authority

1900 Borstals introduced for young offenders

1933 Execution of under-18s ends

1953 Execution of Derek Bentley

1965 Death penalty abolished for most crimes

01 c1000–c1500: Crime, punishment and law enforcement in medieval England

In the year 1000, the people of England and their rulers were Anglo-Saxon. Crime and punishment were dealt with by local communities, with some involvement of the king and the Church.

A dramatic change to everyday life came when the Normans invaded England in 1066. The arrival of the new Norman king, William I, and his nobles, changed England socially, politically and culturally. As they imposed their authority, they redefined some activities that had previously been legal as crimes and they also introduced new punishments and ways of dealing with crime.

The new regime also sparked challenges to government authority.

As the medieval period continued, the growth of towns led to a rise in crime rates in some areas. This stimulated new ideas about law enforcement.

Throughout this period, the Church played an important part in defining and enforcing the law.

Learning outcomes

By the end of this chapter, you will:

- understand how the king, the Church and local communities influenced attitudes to crime and punishment in Anglo-Saxon England
- know about common crimes and typical punishments in Anglo-Saxon England
- know how the law was enforced in village communities
- understand how changes in society, including the Norman Conquest, led to new definitions of crime
- understand the purpose of medieval punishment and why there was continuity throughout this period
- know about the changing methods used to enforce the law
- know how the Church influenced crime and punishment.

1.1 Crime, punishment and law enforcement in Anglo-Saxon England

Learning outcomes

- Know how the king, the Church, and ideas about family, influenced attitudes to crime and punishment in Anglo-Saxon England.
- Know about common crimes and typical punishments in Anglo-Saxon England.
- Understand how the law was enforced in village communities.

Timeline

Crime and punishment in England c1000–c1500

954 English kingdoms unite under one king

1066 William I is crowned King of England

1072 Forest Laws are introduced

1086 Domesday Book

1164 Constitutions of Clarendon

1194 Coroners are introduced

1215 Trial by ordeal ends

1348 Black Death reaches England

1485 Henry Tudor becomes King Henry VII

Figure 1.1 The kingdoms of Britain in c800, before the Norman invasion.

England's population in 1000 was between around 1,700,000 and 2,000,000 and about 90% of people lived in the countryside. Few lived in towns. In rural areas, people lived in small, scattered hamlets and on farmsteads. These communities were very vulnerable to the effects of warfare, bad weather, poor harvests and diseases like the plague. A powerful king and nobility made the law, but village communities and family ties were also strong and helped enforce the law at a local level. The Christian Church was another important influence on ideas about crime and punishment.

During the Anglo-Saxon period there were three important trends in crime and punishment:

- The power and influence of the king over crime and punishment grew. Penalties were increasingly decided by the king rather than local communities.

- The role of the Christian Church increased. The Church was concerned with giving those who had committed crimes opportunities to save their souls.
- The use of punishments, including capital punishment, increased. This was intended to help boost the visible power and authority of the king across the land.

The role of Anglo-Saxon kings

King Ethelred II ruled England from 978–1016. During his reign, there was ongoing conflict in the border areas between English and Scottish lands, and some regions were occupied by Viking settlers. In c1000, Ethelred attacked some Viking settlements and also tried to stop Viking attacks by making alliances with Normandy. These actions gave him more control over the kingdom.

Previously, communities had made their own laws, so the crime and punishment system was quite basic and relied on local customs. Now, as the authority of the Anglo-Saxon kings and the territory of England grew, it was increasingly accepted that the king would make and enforce laws. The king relied on advisers to help him govern the country, but he held overall authority, and it was his duty to keep the king's peace*.

Key term

King's peace*

Anglo-Saxons believed that it was the king's duty to take care of law and order, so people could go about their everyday lives knowing that the law would be upheld.

Figure 1.2 The main groups of Anglo-Saxon society.

Across Britain, there was a three-tiered social structure of nobles, freemen and serfs (see Figure 1.2). All three classes were subject to the king's authority. The king ruled in close connection with the noble families. Nobles did well out of this social structure, and they played an important role in keeping it going by backing laws that protected their interests. The king gave nobles land in return for their support.

Actions that threatened this social structure were classed as crimes. These could range from a serf starting a fight with a noble, to what many saw as the worst crime of all – treason*. Crimes of this type are known as 'crimes against authority'.

Key term

Treason*

Betraying the king – for example, by helping his enemies, or plotting to kill or replace him.

Crime in Anglo-Saxon communities: towns, villages, abbeys

In c1000, English towns were growing in importance, especially Hamwic (Southampton), Eoforwic (York), and Lundenwic (London). They grew thanks to settled populations, their trade contacts with Europe, and coined money, which made trade much easier. In these larger communities there were more opportunities to commit both crimes against the person* and crimes against property*. There were lots of people in close contact, and it was easier to get away with a crime in a busy town where people did not all know each other well. Also, the concentration of trade goods and money meant that there were plenty of valuable items to steal.

However, most people still lived in villages where everyone knew one another, making it easy to identify and catch a criminal. Local communities were expected to take collective responsibility* for upholding the law; and each area had a reeve* who carried out decisions made by local courts.

Other populations were based around church communities. Several great abbeys* were founded in c1000, as well as many smaller monasteries. In addition to monks and nuns, these communities required daily labourers to run the buildings and supply food and other necessities.

The institution of the Church was very powerful and had particular responsibility for stopping moral crimes* and crimes against the Church. The Church punished those who broke Church laws, for example, by stealing Church property. For more on the Church's role in crime and punishment during the Anglo-Saxon period see page 15.

Key terms

Crimes against the person*

Crimes, like assault or murder, that cause physical harm to another person.

Crimes against property*

Crimes, like theft, robbery and arson, that involve taking or damaging something that belongs to another person.

Collective responsibility*

Being responsible for the actions of other members of your group. In a village community, if somebody broke the law it was up to everyone in the village to take action.

Reeve*

A local official, appointed from the community.

Abbeys*

Communities of monks or nuns.

Moral crimes*

Actions that didn't physically harm anyone, or their property, but didn't match up to society's views on decent behaviour: for example, having sex outside marriage, or not sticking to the rules and customs of the Church.

Source A

Extracts from the *Doom Book*. This was the legal code issued by King Alfred the Great in c893, which was still in force in c1000.

If any one carry off a nun from a minster, without the king's or the bishop's leave, let him pay a hundred and twenty shillings, half to the king, half to the bishop and to the church who owns the nun...

If a man commit folk-leasing [making false accusations that harm somebody's reputation] and it be fixed upon him, with no lighter thing let him make bot [compensation] than that his tongue be cut out...

If any one plot against the king's life, of himself, or by harbouring of exiles, or of his men; let him be liable with his life and in all that he has; or let him prove himself according to his Lord's wer [monetary value of a man's life].

Anglo-Saxon laws

The Anglo-Saxon kings formally issued codes of law. With each new code, new laws could be introduced, existing laws could be altered, and laws that were being ignored could be strengthened.

Activities

1. Look at Source A. Write down examples of codes used to stop crimes against :
   - **a** the person
   - **b** property
   - **c** authority
2. What do these laws show about attitudes in society at the time? Make notes under the headings 'position of women', 'use of physical punishments' and 'challenges to authority'.
3. Using information from the last three pages, create a table summarising the influence of kings and the Church on crime and punishment. Use the hints to help you get started.

Anglo-Saxon kings	Anglo-Saxon Church
Create codes of law	Legal position of nuns
Keep the king's peace	Enforce Church laws
...	...

Anglo-Saxon law enforcement

The way that crimes were viewed – in particular, whether they were seen as minor or serious – was based on Anglo-Saxon ideas about justice and how society should be organised. Anglo-Saxons believed:

- the role of the local community in policing the behaviour of others was very important
- that God was the final judge of innocence or guilt
- the status and position of different groups should be clear in law.

The role of the community in enforcing the law

The Anglo-Saxons believed it was a victim's responsibility to seek justice if a crime was committed; but also that the whole community should play a part in delivering justice. Being loyal to your community was seen as a duty.

By the 10th century, English shires were divided into smaller areas called hundreds. Each hundred was divided into ten tithings. All the men (aged over 12) in a tithing were responsible for the behaviour of all the others. One man from each hundred, and one man from each tithing had to meet regularly with the king's shire reeve*. Their role was to prevent crime, particularly cattle theft, in their communities. When chasing a cattle thief a 'hundredsman' was entitled to take two 'tithingmen' with him.

Key term

King's shire reeve*

A man who was appointed locally to bring criminals to justice. The term 'shire reeve' later turned into the word 'sheriff'.

These developments made the community increasingly important in Anglo-Saxon law enforcement.

The whole community was also responsible for tracking down those suspected of crimes. Anyone who witnessed a crime could raise a 'hue and cry' – literally shouting for help. Everyone who heard it was expected to help chase and capture the suspects.

Taking oaths

Anglo-Saxon justice relied heavily on religion when deciding whether someone was guilty or innocent. Oaths* played an important part in proving a person's innocence. Hearings took place in public and the accused could swear their innocence under oath. They could also call upon others in the community to support their claims as 'oath helpers'.

In most cases the accused walked free. This may seem ineffective, but in such small, tight-knit communities it would be very hard for a criminal to get away with a repeat offence. If someone was a repeat offender, or had been caught 'red-handed', then they were not given the option of swearing an oath of innocence.

Key term

Oath*

A formal declaration of the facts, calling on God to witness that what is said is true. A typical oath could start, "I swear before God…"

Trial by ordeal

In cases where there was not enough evidence to prove that a person was guilty, the Anglo-Saxon Church had an important role to play. The accused could be tried by the Church authorities in a 'trial by ordeal'. A trial by ordeal was seen as a way of testing whether the accused was innocent or guilty in the eyes of God. The effect that the ordeal had on the accused was seen as God's judgement on their guilt or innocence.

Trials by ordeal included trials by hot iron, hot water, or cold water. For a trial by hot water or hot iron, heat was used to burn one of the accused's hands, which was then bandaged; if the burn healed well, this was seen as a sign that God judged the person to be innocent. In a cold water ordeal the accused was thrown into water with their arms tied; anyone who floated was judged guilty, while anyone who sank was judged innocent and hauled up again. This might seem unfair, but to the Church it made sense: an innocent person who sank had been 'accepted' by the water as pure – whereas the guilty had been 'rejected' by it.

Source B

A trial by boiling water, from a medieval manuscript dating from around 1350.

Christian thinking also had an influence on Anglo-Saxon ideas about some punishments. For some crimes including petty theft* the Church advised maiming*. The belief was that, unlike execution, this type of punishment gave the criminal time to seek forgiveness from God.

Key terms

Petty theft*

Stealing small, low-value items.

Maiming*

Causing physical harm. A criminal could be punished by having a hand or ear cut off, or their tongue cut out.

Figure 1.3 Possible outcomes in a trial by ordeal.

Anglo-Saxon punishments

Murder was sometimes punished by fines paid to the victim's family. These were seen as compensation for the loss of life. The fine was called the wergild – which literally translates as 'man price'. The system was intended to reduce blood feuds, in which members of the victim's family killed the murderer, whose family then killed his murderers, and so on – creating an ongoing cycle of violence.

Wergild was paid directly to a victim's family. The fines payable were decided by social status. As the table below shows, your class affected how much your life was judged to be worth.

Rank	Wergild
Prince	1500 shillings
Yeoman farmer	100 shillings
Serf	40 shillings

Capital and corporal punishment

Some crimes received capital* or corporal punishment*. These were a form of retribution*, but were also used as a deterrent*.

Key terms

Capital punishment*

The death penalty.

Corporal punishment*

A range of punishments that caused harm or pain to the body – including being beaten or having body parts removed.

Retribution*

A severe punishment, meant to match the severity of the crime.

Deterrent*

A punishment that is frightening or painful, and designed to put other people off committing the same crime.

Treason and arson (which was viewed as very serious as it damaged the land and property of the ruling classes) were punished by execution – usually by hanging.

For lesser crimes, corporal punishments, including mutilation, could be used. Corporal punishment was meant to act as a deterrent, to help stop other people from committing similar crimes. Punishments like eye-gouging, or removing a hand or foot, sound very harsh, but they were seen as a more lenient alternative to the death penalty. Also, criminals who survived these disfiguring punishments served an important function by reminding others of the consequence of committing crimes.

Source C

Skeletons found during an archaeological excavation at Walkington Wold in East Yorkshire. Archaeologists discovered 12 skeletons in total, all belonging to adults, and all missing their skulls. The skulls were later found buried nearby and had no jawbones. The archaeologists speculated that they had rotted away while the heads had been on public display. Although the bodies were found close together, they had been buried on separate occasions. The archaeologists concluded that they had uncovered an Anglo-Saxon execution cemetery.

The stocks and the pillory

Public punishments, using the stocks or pillory, were a combination of physical pain and discomfort and public humiliation. The pillory secured the arms and neck (the Anglo-Saxons called the pillory a 'catchneck'). Stocks secured the ankles. The stocks or pillory were placed outdoors, usually at the centre of a town or village, in full view of the neighbours. Those receiving the penalty would be exposed to bad weather, sometimes for several days. The public might also add to their humiliation by throwing rubbish or verbally abusing them.

Crime		Punishment
Crimes against the person	Murder Assault Public disorder	Wergild Maiming Stocks or pillory
Crimes against property	Theft Counterfeiting coins Arson	Fines or maiming Hand chopped off Hanging
Crimes against authority	Treason Betraying your lord	Hanging

Figure 1.4 A summary of Anglo-Saxon crimes and punishments.

Summary

- Anglo-Saxon kings ruled the unified kingdom of England. They wrote codes of law and enforced those laws.
- The king was supported by nobles who maintained the crime and punishment system.
- Anglo-Saxon society aimed to keep the peace through community law enforcement.
- Physical punishments and maiming were used as a deterrent.
- The wergild system of fines was introduced as an alternative to blood feuds.
- Some serious crimes were punished by the death penalty.
- The Church was also powerful. It was responsible for trials by ordeal.

Checkpoint

Strengthen

S1 What does 'wergild' mean?

S2 Describe two ways the community took part in enforcing the law.

S3 Give an example of an Anglo-Saxon punishment that varied according to the social standing of the victim.

Challenge

C1 What part did nobles play in enforcing the law?

C2 Explain what happened in a trial by ordeal.

C3 Choose two punishments from this chapter and for each explain in what ways it was a deterrent, and in what ways it was retribution.

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

1.2 Crime, punishment and law enforcement in Norman England

Learning outcomes

- Understand how the Norman kings increased their authority.
- Know about new laws introduced by the Normans, including the Forest Laws.
- Know about new punishments introduced by the Normans, including the Murdrum fine and trial by combat.

1066, the year of the Battle of Hastings, is one of the most famous dates in British history. Before this time, England's crime and punishment code was quite unified, and Anglo-Saxon kings, nobles and the Church all had important roles in ensuring law and order. After the Norman conquest of 1066, when William the Conqueror took the throne, the power of both the king and the Church increased relative to other parts of society.

Norman rule in England

William of Normandy (later known as William the Conqueror) said he had been promised the English throne by the old king, Edward the Confessor; but there were other claims to the throne and William had to take it by force. William's reign marked an important change in crime and punishment. During the Norman period, the influence of the king over the law increased. Punishment and law enforcement became more centralised and fewer decisions were taken by local communities. William's reign also saw an increased use of harsh punishments, including execution, which were intended to help boost the visible power and authority of the king across the newly conquered land.

Figure 1.5 The main factors influencing changing definitions of crimes and how crimes were punished during the Norman period.

Source A

An image from the Bayeux Tapestry, showing Norman soldiers setting fire to a Saxon house.

The increased powers of Norman kings

Rebellions and the Norman response

Between 1066 and 1087, William I took control of England. He was determined to establish his royal authority and a stronger and more centralised approach to crime and punishment. There was resistance from the Anglo-Saxons, including rebellions in York and East Anglia, and William used brutal means to force the people to submit and to unite England under his control. His decisions about how to deal with the rebellions show that his power as king was without limits. He could order extreme punishments for the rebels, and also punished large groups of people who were not directly involved, to show his power. For example, farmlands were destroyed and animals were

Source B

An extract from the Historia Ecclesiastica (Church History) by a priest called Orderic Vitalis, written between 1109 and 1141 to chronicle the history of England through that period.

In his anger he commanded that all crops and herds, chattels and food of every kind be brought together and burned to ashes with consuming fire… As a consequence… so terrible a famine fell upon the humble and defenceless people, that more than 100,000 Christian folk of both sexes, young and old alike, perished of hunger.

killed. Some estimates suggest that 100,000 people died of starvation as a result of food shortages caused by the punishments that William ordered.

Activities

1. What does Source B suggest about William's role in law and order?
2. In what ways were William's powers greater than those of Anglo-Saxon kings in maintaining law and order and establishing royal authority?

Norman castles

William and his supporters started a massive programme of castle building. Norman castles were placed in every part of the kingdom. Peasant* workers were made to build the castles in which Norman lords would live, and from where they would control the local population under Norman law. The castles were designed to keep a careful watch on communities and to look intimidating – reminding those who lived outside of their place in society. Castles represented the increasingly strong royal authority over law and order in England.

Key term

Peasant*

A poor person living in the countryside, who owns little or no land and works for others.

Source C

Dover Castle, one of the best-preserved Norman castles.

The feudal system

Norman society was organised around the feudal system – see Figure 1.6.

Figure 1.6 The feudal system in Norman England.

In the feudal system, everybody owed money or service to the class above them. Only the king was free to do as he wanted. Under this system, the Normans replaced the Anglo-Saxon nobles with those of Norman descent.

Anglo-Saxon serfs were legally bound to work for their lord and were not allowed to leave their village. Running away was a crime – if anyone tried, they would be hunted down and severely punished.

Interpretation 1

From *Inside The Medieval Mind*, a documentary presented by Professor Robert Bartlett in 2015.

Inequality and oppression were part of the natural order ordained by God. This was a class system of staggering extremes and every class had an exact price. Just like an animal, a human life could be measured exactly.

Murdrum – a new law

The Normans used the law to establish control over the Anglo-Saxon population. If a Norman was murdered by an Anglo-Saxon, and the murderer was not captured and executed, there was a special penalty known as the murdrum fine. This was a large sum of money paid by the hundred where the body was found. This was supposed to stop the increase in revenge murders that took place after the Norman invasion, and make it less likely that people would cover up the crime of a neighbour.

Although the Normans created this new law to protect their authority, the murdrum fine also shows continuity with the Anglo-Saxon system of shared responsibility for the behaviour of everyone in a tithing (see page 14)

Activities

1. Write a paragraph explaining how the murdrum fine was used. Use Interpretation 1 and Source D.
2. There are similarities and differences between the murdrum fine and wergild. Make a list of similarities and differences.
3. Now compare your list with a partner's. What did you agree on? What alternative points has your partner made? Write a short paragraph summarising all the points you have made between you.

and with the Anglo-Saxon idea of making a financial payment as compensation for loss of life.

Source D

The murdrum law, enacted by William I in 1070.

[If a Norman is killed] his murderer's lord shall capture the slayer within 5 days if he can; but if not, he shall start to pay me forty-six marks of silver... But when they are exhausted, the whole hundred in which the slaying occurred shall pay in common what remains.

William I's Forest Laws

William declared large stretches of the English countryside to be 'royal forests', which he would use for hunting. After a visit to Hampshire, William took control of what he called the 'Nova Foresta' (New Forest). Around 40 village communities were evicted from the forest in order to clear the new 'royal playground' for hunting.

Figure 1.7 Norman forests in England, c1200.

Source E

An illustration of a medieval hunting scene.

The Forest Laws meant that what had previously been common land – where peasants had the right to graze animals, take firewood, or catch a few rabbits – was now strictly controlled by the king. Only those who could afford to pay for hunting rights would now be allowed to hunt there. For peasants, it became illegal to carry hunting weapons or even take a fallen branch. Hunting wild animals for food was now treated as a crime called poaching*.

The Forest Laws led to much bitterness, as they took away people's access to natural resources, and took away what they saw as fundamental freedoms. Ordinary people saw the Forest Laws as unjust and unfair and, therefore, did not frown upon those who broke these laws.

The Forest Laws created what are known as 'social crimes' – actions that are technically against the law but which most people in society do not disapprove of.

The king hired men to work as foresters to enforce the Forest Laws, and catch poachers and anyone else who did not have permission to come into the forest. Anyone who was caught faced punishments, including hanging and corporal punishments such as castration and blinding. The punishments were deliberately harsh and intended to deter others from poaching.

Key term

Poaching*

Illegal hunting on land that belongs to someone else.

Source F

From the chronicles of Abbot Adam of Eynsham, written in the early 13th century.

The worst abuse in the kingdom of England was the tyranny of the foresters... For them violence took the place of law, extortion was praiseworthy, justice was an abomination and innocence a crime...

Activities

1. Choose two words or phrases from Source F that describe the behaviour of foresters, and explain what they mean. Look them up if you need to.
2. Why were the Forest Laws so resented by peasants? Give three reasons.
3. Why do you think William wanted to stop poachers?

Outlaws and the forest

Starting in the Anglo-Saxon period, any man, aged 14 or over, who tried to avoid trial and punishment by running away from his community, was declared an outlaw. Women who ran away were said to be 'waived'. Outlaws and waived women lost the protection of the law. They could be killed without any legal consequences for the person responsible.

Outlaws have strong links with the forest. The Robin Hood story, which first appears in written literature in the late 14th century, is set in the forests of Norman England. Robin and his outlaw gang are described as brave and heroic as they challenge the injustice of the Norman authorities.

In reality, outlaw gangs were very different to Robin Hood and his 'merry men'. For example, the Folville gang was a group of up to 50 outlaws, who operated in England in the 14th century. They carried out many serious crimes, including kidnaps, robberies, rapes, attacks and extortion of money, over a 20-year period. The gang's leader was Eustace Folville, whose father was a lord of the manor in the Midlands. It is likely that his wealthy and influential friends helped the gang avoid capture.

Source G

Woodcut of Robin Hood from the 16th century.

Exam-style question, Section B

Explain why the Normans made changes to crimes and punishments after the Norman Conquest.

You may use the following in your answer:

- the Forest Laws
- the murdrum fine.

You **must** also use information of your own. **12 marks**

Exam tip

The question tests your knowledge and your understanding of causation. You need to focus on factors that help explain why the Normans made changes to the definition of crimes and to punishments. You could use the examples given in the prompts to get you started, but don't forget to include plenty of your own ideas and specific points.

Punishments and law enforcement in Norman England

Continuity and change in Norman punishments

The Norman system of punishment continued to rely on a combination of physical punishments, fines and execution. However the system of wergild was ended by the Normans, and fines were now paid to the king's officials instead of to victims of crime and their families. This is a further example of the increasing centralisation of law enforcement, and the extended authority of the king in crime and punishment at this time.

The Norman system of law was based on the idea that all men should expect to be safe from crime, and to live peacefully in and around their homes, under the authority of the king. This idea was called the king's mund. Crime was seen as an attempt to disrupt the king's mund. This shows some continuity with the Anglo-Saxon idea of the 'king's peace', although the authority of the king was further extended under the Normans.

There was also an increase in the number of crimes that were punishable by death or mutilation. Under the new Forest Laws, poaching was punishable by death. As poaching was a social crime, many people at that time viewed the severity of these punishments as unjust. Mutilation was used as an alternative to the death penalty in some cases. This could include branding* or chopping off a body part.

Key term

Brand*

Make a mark on a criminal by burning their flesh with hot iron. The mark or brand was a long-term punishment permanently marking the person out as a criminal.

Source H

An 11th-century depiction of execution by hanging.

THINKING HISTORICALLY Cause and consequence

The language of causation

Study these words and phrases. They are useful in describing the role of causes and how they are related to each other and to events.

motivated	precondition	prevented	determined the timing	deepened the crisis	led to
exacerbated	allowed	triggered	impeded	catalyst	developed
underlying	created the potential	influenced	enabled	accelerated	sparked

1 Create a table with the following column headings: 'Word', 'Meaning', 'Timing'. Write out each word or phrase in a separate row of the 'Word' column.

2 Discuss the meaning of each word or phrase with a partner. For each word or phrase, write a short definition in the 'Meaning' column.

3 Is each word or phrase more likely to describe a short-term, medium-term or long-term cause? In the 'Timing' column, write 'short', 'medium' or 'long'.

4 Look at the following incomplete sentences. Write three versions of each sentence, using different words and phrases from the suggestions above to complete them. You can adjust the sentences by adding or changing words to make them work. For each sentence, decide which version is the best.

- **a** The desire to be more powerful …… . the king to make punishments more harsh.
- **b** The use of the hue and cry ……. villagers avoiding responsibility for keeping law and order.
- **c** The lack of a co-ordinated approach to law enforcement ……. the effective apprehension and detection of criminals.

5 You can also describe the importance of causes. Place the words below in order of importance. You should put words that suggest a cause is very important at the top of your list, and words that suggest a cause is less important at the bottom.

necessary	contributed to	added to	marginal	fundamental	influenced	supported	negligible

Minor crimes	Punishment	Purpose	Change from Anglo-Saxon system?
Stealing	Fines payable to the king Stocks or pillory Public beatings or flogging	King's authority reinforced Public humiliation Deterrent	Fines paid to king not victims of crime No change No change
Slander (making false statements about another person in public)	Tongue cut out	Retribution Deterrent	No change
Repeat offences	Beatings Maiming Hanging	Retribution Deterrent	No change
Serious crimes			
Poaching in the king's forests, murder, rebellion	Execution by hanging or beheading	King's authority reinforced Public humiliation Deterrent	Poaching is a new crime Murder and rebellion – no change

Figure 1.8 A summary of Norman crimes and punishments.

Trial by combat

Source I

Trial by combat depicted in a manuscript dating from around 1350.

Under Norman law, trial by ordeal continued as in Anglo-Saxon England. The Normans also introduced a new type of ordeal – trial by combat. This method was sometimes used to settle disputes over larger sums of money or land. The two people involved in the dispute would fight using swords, or sometimes large sticks. This was seen as a more dignified option for wealthier people.

Activity ?

Design a mind map to show how the Normans changed crime and punishment up to 1200. Use ideas from Figure 1.8 and add new ideas and details of your own.

In trial by combat, it's hard to draw the line between punishment and trial. The two combatants fought to the death – or until one gave in. Anyone who gave in was later put to death.

Norman changes to law enforcement

Local collective responsibility for preventing crime and apprehending suspects continued under the Normans. As with the Anglo-Saxons, every male over 12 had to belong to a tithing, and if one member of the tithing was accused of a crime, the rest of the group was expected to find that person and take them to the authorities.

The hue and cry was also still in use during the Norman period. If a suspect got away, all villagers had to hunt them down and deliver them to justice. As most people continued to live in small village communities, where everyone knew each other, community-based systems for enforcing the law continued to make sense.

Source J

Extract from the Statute of Westminster, passed in 1284.

Thus a passenger would be apprehended and detained all night, and if a suspected person, delivered to the sheriff, and upon an escape, the party is to be pursued with the hue and cry... Highways through every lordship are to be kept clear, for the space of 200 feet, from hedge to hedge, and no bushes, woods or dykes, in which felons [criminals] could be concealed.

Changes in...	Examples, c1000-c1150	Factor
Definitions of crime	**Poaching** – Becomes illegal to hunt in newly defined forest areas	King – wants exclusive hunting rights
	Leaving home – Becomes illegal for a serf to leave his lord's village	Change in society – introduction of Norman feudal system
Punishments	**Murdrum fine** – Fines for murdering a Norman are paid by community where body is found	King – wants to protect Normans against Saxon population
	Trial by combat – Used to settle disputes over land or money	Change in society – Norman noble custom introduced to England
Prevention	**Death penalty** introduced for poaching	King – wants exclusive hunting rights
No change	**Example, c1000–c1150**	**Factor**
Prevention	No change – **Hue and cry** system for catching criminals continues	No change in society – most people still live in close-knit villages

Summary

- Norman rule in England after 1066 had a significant impact on definitions of crime.
- William I's harsh response to Anglo-Saxon rebellion, and the building of numerous castles, helped him extend his authority over his new kingdom.
- The Normans introduced new laws such as the murdrum fine, which helped give Normans a superior position in society relative to Anglo-Saxons.
- The Forest Laws brought large areas of countryside under the king's direct control and made many activities, including hunting and gathering wood, illegal for ordinary people.
- The Norman system of punishments continued to rely on a combination of physical punishments, fines and execution. Trial by combat was introduced as a new type of trial by ordeal.
- Local responsibility for preventing crime and apprehending suspects, through the hue and cry and the tithing system, continued under the Normans.

Checkpoint

Strengthen

S1 Why did the Normans build castles in England?

S2 What legal obligations did peasants have to their Norman lords?

S3 How did the Forest Laws change life for Anglo-Saxon peasants in forest areas?

Challenge

C1 Name two aspects of law enforcement that did not change from the Anglo-Saxon to the Norman period. Why do you think they stayed the same?

C2 How was trial by combat different from trial by cold water and trial by hot iron?

C3 Analyse the following statement: 'Government law and control under the Normans was harsher and more severe than during the Anglo-Saxon period'. Use the table below to build an argument for 'considerable' or 'limited' change and explain why.

Considerable change		**Limited change**
After the Anglo-Saxon rebellions, William executed rebels and also caused many innocent people to starve to death.	*Or*	Rebels were also executed by Anglo-Saxon rulers.
The king gave the new Norman nobles possession of half the land in the country and ensured that the law protected their interests.	*Or*	Power was in the hands of the few, not the many, under the Anglo-Saxon aristocracy too.
New penalties, like the murdrum fine, show that Norman lives counted for more than Anglo-Saxon lives, in the eyes of the law.	*Or*	The Anglo-Saxon system of wergild meant nobles were always treated as superior in law.

How confident do you feel about your answers to these questions? If you're not sure you answered them well, discuss the answers with a partner and record your conclusions. Your teacher can give you some hints.

1.3 Crime, punishment and law enforcement in the later Middle Ages

Learning outcomes

- Know about new ways of enforcing the law including Justices in Eyre, Coroners and Justices of the Peace.
- Know about new laws defining new crimes, including heresy.
- Understand that a combination of old and new punishments was used in the later Middle Ages.

Changes affecting crime and punishment during the later Middle Ages include an increased role for government, and a more centralised legal system, introduced by Henry II.

The impact of Henry II

- Henry II became king in 1154 and introduced some important reforms to crime and punishment.
- In 1166, he reorganised the courts and set up prisons for those who were accused and waiting for trial. These changes were known as the Assize of Clarendon.
- Henry II ordered royal judges, known as Justices in Eyre, to visit each county twice a year to hear the most serious criminal cases. This increased the role of the king in legal matters, and meant stronger centralised control over the court system. Standard written instructions were issued to local sheriffs. This meant that the whole system was becoming more uniform across the country.

Change and continuity in crime and law enforcement

In the 13th and 14th centuries, the growth of towns, like London (with an estimated population of 30,000) and York (11,000), meant there were many more opportunities for crime than in small village communities.

A more centralised approach was now needed to control crime, and the role of government began to increase. There was a shift away from local communities dealing with crimes in their area, towards a system where crime was dealt with by government-appointed officials. Because they were appointed centrally, similar law enforcement methods began to be used across different areas. However, older approaches remained in use too: townspeople were still expected to play their part in apprehending offenders, and towns were divided into areas called wards for that purpose (see page 30).

For less serious crimes, elements of old Anglo-Saxon practices continued at a local level. Manor courts had been used since Anglo-Saxon times to deal with disputes between the lord of the manor and local people – for example, if a person was accused of failing to carry out their duties for the lord – and these continued to be used. About the same time, the local officials known as 'tythingmen' during the Saxon period came to be known as 'constables'.

New laws creating new crimes

In the later Middle Ages, parliament* created two new crimes with new laws passed. The Statute of Labourers made it a crime to ask for higher wages; and new heresy laws made disagreeing with the teachings of the Church a crime.

Key term

Parliament*

In the 13th century this meant a gathering of powerful individuals who met with the king to discuss and introduce new laws.

The Statute of Labourers

The Black Death was a severe epidemic which hit England in 1348. About one third of the population died of plague*. With far fewer workers available in the wake of the Black Death, peasants could demand higher wages for their work. The ruling classes were worried about peasants becoming wealthier and more powerful, and they did not want to pay higher wages, so they used a new law to protect their interests.

Key term

Plague*

A number of related diseases spread by rat fleas. The bubonic strain caused victims' bodies to be covered with boils or buboes. The pneumonic strain affected the lungs. Almost everyone affected died within days.

Source A

Extract from the Cathedral Priory of Rochester chronicle, 1350.

There was such a shortage of servants, craftsmen, and workmen, and of agricultural workers and labourers… [that] churchmen, knights and other worthies have been forced to thresh their corn, plough the land and perform every other unskilled task if they are to make their own bread.

The Statute of Labourers was passed by parliament in 1351**.** The law introduced a *maximum* wage for workers and made it a crime to ask for more. It also made it illegal to move to a new area to look for better paid work.

The Statute of Labourers is an example of both change and continuity.

Continuity: In the Norman period the ruling class also introduced laws to protect their own interests at the expense of the peasants, for example the Forest Laws.

Change: Under the Normans, new laws were introduced by the king. However, by the later medieval period the role of parliament in law-making was growing. The Statute of Labourers was passed by parliament, not by the authority of the king alone, as it would have been during the Norman period.

The crime of heresy

In the 13th century and 14th centuries, a small number of people questioned the practices and beliefs of the Christian Church. They wanted the Church to be reformed, disagreed with the sacrament of bread and wine, and translated the Bible into English so ordinary people could understand it. The clergy* felt undermined and threatened by the new ideas, and medieval kings were keen to support the Church against the reformers.

Laws against heresy* were introduced in 1382, 1401 and 1414. People who committed heresy were known as heretics. Punishments for heresy were severe, and the 1401 law introduced burning at the stake. This was intended to symbolise purifying a corrupt soul, and to act as a powerful deterrent to others.

The law introduced in 1414 gave Justices of the Peace powers to arrest suspected heretics. This shows government officials and the Church authorities working together. Justices of the Peace were expected to take suspects to the Church courts for trial. If the Church courts found them guilty, they were taken back to the secular* authorities for the appropriate punishment to be carried out.

Key terms

Clergy*
People who work for the Church, including priests.

Heresy*
Holding a set of beliefs different to those of the established religion of the time.

Secular*
Non-religious.

Activities

1. In your own words write down the demands of the Lollards.
2. Write down reasons why the authorities introduced new laws against heresy, and used the punishment of burning at the stake.
3. Which factor had most influence in changing the law – changing attitudes in society, the church's reaction or the authorities' reaction?

Maintaining law and order in the later Middle Ages

During the later medieval period, Anglo-Saxon community-based policing was gradually changed. Some aspects were kept, and adapted to take account of the new situation, and other aspects were newly created. For example, the system of hue and cry was kept with some changes. Townspeople were still expected to play their part in apprehending offenders, and towns were subdivided into new areas called wards as part of this system. In addition, two new official roles were introduced – the coroner and the Justice of the Peace.

Coroners and Justices of the Peace

In 1194, King Richard I introduced coroners to deal with situations where there was a suspicious death – in other words, when there was no obvious natural explanation, such as an illness.

In 1195, Richard I appointed some knights as keepers of the 'king's peace' in areas that were seen as unruly, and where it was difficult for the community alone to maintain law and order.

Later, in 1327, Edward III extended the system to all areas, and men judged to be 'good and lawful' were appointed to the role. By 1361, they were known as Justices of the Peace (or JPs) and met four times a year to carry out their magistrate duties and enforce the law.

Rather than being assigned their role by their local communities, these men were appointed by the central authority of the king. This was an important shift towards a crime and punishment system imposed by a central government power base. They were selected on the basis of their status and wealth, and by the end of the Middle Ages they played an important part in local government and law enforcement. They had a reputation for being particularly harsh on poachers – because most of them were local landowners.

Activities

1. What can you learn about the authority of Justices of the Peace from Source B?
2. List three ways that the role of government was extended in law enforcement in the later Middle Ages.

Source B

Extract from a statute passed in 1344. 'Guardians of the Peace' was the original name for Justices of the Peace.

The most substantial persons in the counties shall be appointed Guardian of the peace by commission of the king and whenever need may require… [shall] hear and determine felonies and trespasses [major and minor crimes] against the peace, in the same counties, and inflict reasonable punishment.

Punishment in the later Middle Ages

Punishments in the later Middle Ages continued to rely on a mixture of fines, corporal punishment and execution.

A significant new punishment was introduced for the most serious crime of high treason*. A person convicted of high treason would be sentenced to be 'hanged, drawn and quartered'. He would be semi-strangled, then revived, his abdomen cut open, and his intestines drawn out. After death his limbs would be severed and transported to different areas of the country for display. This was a terrifying deterrent to others who might consider challenging the power of the king.

Key term

High treason*

Plotting to kill or betray the king. This was seen as a crime against God, as well as the king himself, and was the most serious crime against authority.

Continuity and change in punishment from c1000 –c1500

	Anglo-Saxon	Norman	Later medieval
Law enforcement	Community responsible for enforcing the law.	Community responsible for enforcing the law. Growing authority of the king and his officials.	Community enforcement continues alongside increasingly centralised systems for upholding the law.
Punishment	Fines, property confiscated, physical punishment, maiming, and execution by hanging or burning.	Fines, stocks, pillories, physical punishments, maiming. Increase in execution, usually by hanging, for some new crimes.	Fines, stocks, pillories, physical punishments, maiming, and execution, usually by hanging. Hanging, drawing and quartering introduced.

Summary

- Henry II centralised the legal system.
- Towns grew, creating more opportunity for crime and more need to police it effectively.
- The Statute of Labourers shows the determination of the authorities to use new laws to maintain the old order.
- Heresy and treason received harsh new punishments in the form of burning at the stake, and hanging, drawing and quartering – both designed as powerful deterrents to challenges to the authority of the Church and the monarchy.

Checkpoint

Strengthen

S1 How did the Statute of Labourers restrict peasants?

S2 List three ways in which law enforcement became more centralised.

S3 Describe how the role of Justices of the Peace developed.

S4 In what circumstances were coroners called upon?

Challenge

C1 Describe two new punishments introduced during the later Middle Ages, for heresy and high treason.

C2 Why were these punishments so harsh?

How confident do you feel about your answers to these questions? If you're not sure how to answer, discuss your ideas in a small group and decide which approach is best.

1.4 Case study: the influence of the Church on crime and punishment

Learning outcomes

- Understand that the Church was influential in all areas of life, including crime and punishment.
- Know about Henry II's efforts to reduce the Church's influence.
- Know how criminals could avoid punishment by claiming 'Benefit of Clergy' or 'Sanctuary'.

The power of the Church in the Middle Ages

Throughout the period c1000–c1500, the Church was an extremely powerful institution, which controlled peoples' thoughts and actions. For this reason, the Church was an important factor influencing change and continuity in crime and punishment. The clergy were often the most educated members of a community. Churches and cathedrals were the largest buildings in most villages, towns and cities. Their impressive architecture dominated the landscape for miles around and reminded people of God's power on earth. They were a clear reminder that the Church had the power to judge – but also to protect. The medieval Church taught that angels and demons battled for human souls, and that Christian saints were companions who could directly influence everyday life. These teachings had a strong hold on the minds of almost all members of society.

Source A

At Exeter, this cathedral building replaced the original Norman structure during the 13th century.

The Church was also involved in areas outside religion. It owned one fifth of the country's wealth and collected one tenth of all earnings in Church taxes. It even exercised control over members of other faiths. In the early 13th century, the growth of Islam, in Asia and Africa, made the Christian Church more worried about other religions and less tolerant. In the 1290s, English Jews were forced to convert to Christianity or be banished*. The Church was also involved in deciding whether people accused of crimes were guilty or innocent, and what punishment they should receive.

Key term

Banished*

Ordered to leave the country.

Figure 1.9 The main factors influencing change in crime and punishment during the later middle ages.

Extend your knowledge

Trial by consecrated bread

There was an additional form of trial by ordeal for priests. This was 'trial by consecrated* bread'. The priest had to pray, and ask that when he ate a piece of consecrated bread, the bread would choke him if had lied about the crime of which he was accused. The theory was that a sinner would choke on the consecrated bread. This was a much less dangerous trial than those used for non-clergy – though it could still be frightening for a priest who genuinely believed in God's power.

Key term

Consecrated*

Blessed, holy. The bread used in 'trial by consecrated bread' was the same bread used in Holy Communion at church services. It was believed to be the body of Christ.

The end of trial by ordeal in the early 13th century

The different forms of trial by ordeal – trial by hot iron, trial by hot water and trial by cold water – were described on page 16. The Church's role in administering these trials demonstrates the important role it played in determining the guilt or innocence of ordinary people in the Middle Ages.

In 1215, the Pope, who was head of the Church in all of Western Europe, including England, ordered that priests should stop helping to organise trials by ordeal. Without priests to organise the trials, the system quickly came to an end. There was nothing the secular authorities could do about the Pope's decision. An alternative way of deciding if somebody was guilty or innocent had to be found.

In England, the solution was trial by jury. The jury was a group of twelve men who observed the trial and decided whether the accused was guilty or innocent at the end. This system is still used at many trials in the present day.

Church courts and the king

Although trial by ordeal ended in the early 13th century, other aspects of the Church's influence on crime and punishment continued throughout the medieval period and beyond.

In the 11th century, William I had encouraged the Church to set up courts to deal with 'moral crimes'. Church courts worked on the principle that punishments should offer criminals an opportunity to reform and save their souls. They also believed that punishments motivated by retribution alone were wrong. Punishments like maiming were seen as better than execution, as they offered criminals a chance to think about their crimes and feel regret for them.

In the late 12th century, Henry II tried to limit the power of the Church. He was concerned that the separate Church courts challenged his authority as king, and undermined the more standardised crime and punishment system that he wanted to create. The king and the bishops met at the Council of Clarendon to discuss the problem. Henry wanted them to agree to a clear statement of the relationship between Church laws and the king's laws, called the Constitutions of Clarendon.

By the early 13th century, kings were still looking for ways to increase their authority over crime and punishment.

Benefit of clergy

One aspect of Henry II's dispute with the Church was a power struggle over how far the king's authority could be imposed on members of the clergy who were being tried for a crime. Senior Church officials successfully argued that members of the clergy should only be tried in Church courts. This right was known as 'benefit of clergy'.

Source B

An illustration from the 14th century, showing a nun and monk in the stocks.

The Church courts only rarely used the death penalty as a sentence, so they were seen as more lenient. Punishments imposed by the Church courts included enforced pilgrimage, or confession and apology at mass.

The system was open to abuse, as it was easy for anyone to claim to be a member of the clergy. As the clergy tended to be more educated than other people – who often could not read – the test was the accused's ability to read Psalm 51 in the Bible. Criminals could easily memorise the psalm, and recite the words in court to claim benefit of clergy. Psalm 51 became known as the 'neck verse' because knowing it could 'save your neck'. Reformers criticised these practices, which they believed allowed people to escape punishment for their crimes.

Offering sanctuary

Some churches offered sanctuary* to people accused of crimes. Sanctuary was not offered in all churches, just some that were considered particularly important – perhaps because they were on a pilgrimage route, or linked with an important religious event.

A person who claimed sanctuary could go to one of these churches and ask for the help of the clergy. The clergy then reported the crime in the usual way, but if the clergy agreed that it was fair to do so, the accused person was given the chance to swear an oath agreeing to leave the country within 40 days instead of going to court. Anyone who did not leave the country within the time limit would be outlawed (see page 23).

Offering sanctuary continued throughout the medieval period and only ended in 1536, during the reign of Henry VIII.

Key term

Sanctuary*

Safe place, hiding place. In the Middle Ages some churches offered people accused of crimes protection from the law.

Exam-style question, Section B

Explain why 'trial by ordeal' was used c1000–c1200.

You may use the following in your answer:

- trial by hot iron
- Church courts.

You **must** also use information of your own. **12 marks**

Exam tip

The question tests your knowledge and understanding of causation. You need to focus on reasons why the Anglo-Saxons and Normans used this method. Don't forget to cover your own ideas as well as the suggested ones.

Summary

- The Church was an extremely powerful institution and so an important factor influencing approaches to crime and punishment.
- The Church courts provided members of the clergy with alternative trials and punishments.
- Sanctuary and trial by ordeal demonstrate that medieval justice relied heavily on God as an individual's ultimate judge.
- Changes in Church law could sometimes have a direct impact on English law enforcement: for example, the end of trial by ordeal and the introduction of juries.

Checkpoint

Strengthen

S1 Explain the system of church sanctuary.

S2 Explain why it was easy to claim benefit of clergy even if you were not a priest.

Challenge

C1 List three ways the Church courts were different to secular courts. Think about the punishments they imposed and the thinking behind them.

C2 Describe two different ways in which the Church was involved in administering justice in the early 13th century.

C3 Why did the desire of medieval kings to establish more centralised control over the crime and punishment system lead to tension with the Church authorities?

How confident are you about your answers to these questions? Reread this section, then try answering them again.

Recap: c1000–c1500: Crime, punishment and law enforcement in medieval England

Recall quiz

1. Which three groups (apart from the king) made up the social structure of Anglo-Saxon England?
2. What were the groups of Anglo-Saxon villagers responsible for policing their communities known as?
3. Name two Anglo-Saxon methods for trial by ordeal.
4. What name is given to illegal hunting of wild animals?
5. Name one punishment that could be given for breaking the Forest Laws.
6. Define an 'outlaw'.
7. What law was introduced in 1351, restricting wages for peasant farmers?
8. What crime was punished by being hanged, drawn and quartered?
9. Whose decision brought an end to trial by ordeal in the 13th century?
10. What was the 'neck verse'?

Activity

Change over time

Make a large copy of the graph below on A3 paper.

The line shows the role of the king in crime and punishment.

Add two more lines to show:

- the influence of the Church in crime and punishment
- the role of local communities in law enforcement.

Once you have completed your lines, add notes naming **new laws, punishments and types of law enforcement** to explain change and continuity on each line of the graph.

Writing historically: a clear response

Every response you write needs to be clearly written. To help you achieve this, you need to signal clearly that your response is relevant to the question you are answering.

Learning outcomes

By the end of this lesson, you will understand how to:

- use key noun phrases from the question to make sure you give a direct answer
- write short statements to express your ideas and opinions clearly, using a subject-verb construction.

Definitions

Noun: a word that names an object, idea, person or place, e.g. 'William', 'king', 'law'.

Noun phrase: a phrase including a noun and any words that modify its meaning, e.g. 'the King of England', 'trial by ordeal'.

Verb: words that describe actions ('William made new laws'), incidents ('the hue and cry was raised') and situations ('William was king for 21 years').

Subject-verb construction: A noun or noun phrase combined with a verb telling you what the subject did or is doing.

How can I make sure I am answering the question?

Look at this exam-style question in which key nouns, noun phrases and verbs are highlighted:

> Explain why Anglo-Saxons used corporal punishments to deal with criminals. (12 marks)

Now look at the opening sentences of two different answers to this question:

Answer A

> *The authorities used corporal punishments to punish many crimes in Anglo-Saxon society. These painful punishments were used to discourage others from becoming criminals.*

Answer B

> *Anglo-Saxons used many different punishments. Some punishments were very painful.*

1. **a.** Which answer signals most clearly that it is going to answer the question?

   b. Write a sentence or two explaining your choice.

2. Now look at this exam-style question:

> Explain **one** way in which attitudes to poaching in the 11th century and the 17th century were different. (4 marks)

   a. Which are the key nouns, noun phrases and verbs in this question? Note them down.

   b. Write the first two sentences of your response to this question.

   c. In your opening sentences, highlight any key words from the question. Have you used them all? If not, try rewriting your sentences, including all the words and phrases to signal clearly that your response is answering the question.

How can I express my ideas more clearly?

One way to introduce your opinions and ideas clearly and briefly is by making short simple statements. Clear statements are often structured like this, using a subject-verb construction:

> *William built castles at Hastings and Dover. The castles were symbolic of his military strength.*

- The noun tells you who or what is the subject of the sentence.
- The verb tells you what happened.

3. Look again at Answer A's opening sentences:

> *The authorities used corporal punishments to punish many crimes in Anglo-Saxon society. These painful punishments were used to discourage others from becoming criminals.*

These short statement sentences express the writer's approach to the question clearly and briefly.

The writer could have written:

> *Due to the fact that corporal punishments cause pain and harm to the body, they were used by the Anglo-Saxons in many cases.*

or:

> *Many different punishments were used in the Anglo-Saxon period. Different punishments, including corporal punishments, were used depending on the crime.*

Which version do you prefer? Write a sentence or two explaining your choice.

4. a. Try rewriting the same information using different sentence structures to all of the versions above.

b. Can you make your version clearer or more concise than Answer A?

Improving an answer

Look at this exam question:

> Explain **one** way in which punishments for crimes against authority were different in the 11th century and in the 16th century. **(4 marks)**

Now look at this response to it:

> *In the early 11th century treason was seen as the most serious crime of all and it was punished by death. This was different to the 16th century when the Tudor monarchs used the brutal punishment of hanging, drawing and quartering to deter people from committing treason.*

5. Rewrite the response so that:

a. it includes an opening sentence that focuses on key words and phrases from the question

b. it includes a short statement sentence with a subject-verb construction to introduce the approach clearly to the question.

02 c1500–c1700: Crime, punishment and law enforcement in early modern England

Between c1500 and c1700, there were wide-ranging social, religious and political changes in England.

Religion became more volatile and dangerous after Henry VIII broke from Rome to create his own Church of England in the 1530s. The question of how to deal with religious division in England was a constant source of concern and led to many activities being viewed as new religious crimes.

The Gunpowder Plot – an attempt to destroy parliament, the king and the heart of the English state in 1605 – increased fears around religious conflict in England.

The English Civil Wars in the mid 17th century also led to great changes and instability.

The 17th century saw a dramatic increase in persecution for witchcraft – fuelled by social divisions, hatred towards women and political instability. This was coupled with an unstable economic situation in which the poor were increasingly vulnerable to powerful economic changes.

In this period, the ruling elite continued to use the law to protect their own position in society.

Punishments became harsher and more varied.

Learning outcomes

By the end of this chapter you will:

- know how changes in society led to new definitions of crime, c1500–c1700
- understand the extent of change and continuity in community law enforcement
- know why there were significant changes in punishments during this period
- understand the impact of the Gunpowder Plot of 1605, on crime and punishment
- know about the rise and decline of witchhunts – and, in particular, the role of Matthew Hopkins, 1645–47.

2.1 Changing definitions of crime, c1500–c1700

Learning outcomes

- Understand why the authorities' concerns about heresy and treason increased after c1500.
- Know about new definitions of crime including vagabondage and witchcraft.
- Know about laws introduced in the 1650s banning many traditional entertainments.

Between c1500 and c1700, attitudes towards many crimes were similar to those held in the Middle Ages. However, the changing religious situation in England led to many religious beliefs and activities being newly classed as crimes.

Religious change and changing definitions of crime

In the 16th century, Europe was rocked by religious instability and conflict. In 1517, a German priest called Martin Luther protested against what he saw as corruption in the Catholic Church. Luther's followers (like others who wanted church reform) became known as Protestants. Protestantism grew as more people came to believe the Catholic Church needed reform – this movement is known as the Reformation.

While some people, including Edward VI and Elizabeth I, followed Protestantism, others stayed committed to the Catholic Church. It was very important to these rulers that their subjects followed their religious lead.

The many changes to the law during this period show just how much power the monarch had in deciding what counted as criminal activity, and how the definition of a crime could change rapidly depending on the views of the person on the throne at the time. A change of ruler could make the everyday religious activities of Protestants or Catholics into criminal acts.

Heresy and treason

The two most serious crimes connected with the religious changes were heresy and treason.

Heresy was seen as a crime against the Church and an offence to God. Heretics (people who committed heresy) were seen as a danger to others – as they could persuade others to follow them in false beliefs.

Treason was a challenge to the authority of the ruler. It became connected with heresy in this period because all monarchs from Henry VIII onwards (except for Mary I) were head of the Church of England. Anyone who challenged the ruler's authority as head of the Church of England would be guilty of treason.

Henry VIII
Ruled – 1509–47
Religion – Catholic

Religious changes
In 1534, following arguments with the Catholic Church about his marriage and divorce, Henry declared himself head of the Church of England. Henry remained a Catholic to the end of his life but closed down Catholic monasteries and seized their wealth and land.

Crimes and religion
Both Protestants and Catholics were punished as criminals during Henry's reign. Protestants were executed for heresy. Catholics were executed for treason as they would not take the Oath of Supremacy, acknowledging Henry as head of the Church of England.

Edward VI
Ruled – 1547–53
Religion – Protestant

Religious changes
Edward was brought up as a Protestant. When he became king he introduced a prayer book written in English, allowed priests to marry and made church interiors plainer – all these actions are typically Protestant.

Crimes and religion
Some Catholic bishops were imprisoned in the Tower of London. Two people were executed for crimes of heresy.

Mary I
Ruled – 1553–58
Religion – Catholic

Religious changes
Like her husband, the Spanish king Philip II, Mary was a strict Catholic. She tried to restore the Catholic church in England and made the Pope head of the English Church once more.

Crimes and religion
Almost 300 people were executed as heretics for refusing to follow the Catholic faith during Mary's reign.

Figure 2.1a Religious change and changing definitions of crime in England, 1509–1625.

Burning at the stake – the punishment for heresy

Heretics were punished by being 'burned at the stake'. The person being executed was tied to a wooden post, or stake, while a fire was lit beneath them. Death was caused by breathing in fumes from the fire, or by the shock to the body caused by the burns.

Executions for heresy during the Tudor period

Monarch	Reign	Executions for heresy
Henry VIII	1509–47	81
Edward VI	1547–53	2
Mary I	1553–58	283
Elizabeth I	1558–1603	5

Source A

An illustration from the *Book of Martyrs*, a Protestant book about people killed for their religion, published in 1563. Three women and an unborn child are being burned at the stake.

Elizabeth I
Ruled – 1558–1603
Religion – Protestant

Religious changes
Elizabeth tried to find a 'middle way' in religion. She wanted to create a Protestant Church that was not too challenging to Catholic traditions, so English Catholics would feel comfortable as part of the Church of England, with her as its head.

Crimes and religion
In 1559 Elizabeth passed several new laws about religion:

- The Act of Uniformity said everyone had to go to church on Sundays and holy days or pay a fine. Those who refused were labelled 'recusants'. At first they were only prosecuted after refusing to attend church several times.
- The Act of Supremacy reintroduced the Oath of Supremacy. Catholics who refused to swear it were committing a crime.
- The harsh heresy laws introduced by Mary I were repealed.

In 1569 there was a Catholic rebellion in the north of England and in 1570 the Pope excommunicated* Elizabeth. After this many more Catholics were prosecuted for recusancy, and hundreds of rebels were executed.

James I
Ruled – 1603–25
Religion – Protestant

Religious changes
James was Protestant but was tolerant towards Catholics at first. However, the Gunpowder Plot in 1605 changed his attitude.

Crimes and religion
James introduced strict anti-Catholic laws. The 1605 Popish Recusants Act forced Catholics to swear loyalty to the King and pay heavy fines for not attending church.

Figure 2.1b Religious change and changing definitions of crime in England, 1509–1625.

Key term

Excommunicate*

Eject from the Catholic Church. By excommunicating Elizabeth I, the Pope was saying she was no longer a member of the Church.

Not everybody accused of heresy was burned at the stake. Most people took the opportunity to recant*. They were made to take part in a public display that involved carrying wooden sticks to the place where their burning would have taken place. The sticks were then burnt symbolically.

Key term

Recant*

Make a public statement that you have changed your religious beliefs.

Extend your knowledge

Fox's *Book of Martyrs* and Bloody Mary

The *Book of Martyrs*, by John Fox, was published in 1563, and described persecution of Protestants by the Catholic Church and English Catholic monarchs, including Mary I. The book calls her 'Bloody Mary' because of the large numbers of people killed during her brief five-year reign. In addition to the executions, more than 800 Protestant clergy were forced to flee abroad. Mary was married to the Catholic King of Spain and was influenced by Spanish attitudes to heresy. In Spain, heretics were investigated by the much-feared Spanish Inquisition, which punished Protestants using torture.

Activities

1. Explain briefly why holding religious beliefs that were different to the monarch's was treated as such a serious crime.
2. Why were heretics executed by being burnt at the stake?
3. Using information from Figure 2.2 and the table showing executions for heresy in the Tudor period, create two spider diagrams to explain Henry VIII's and Mary I's attitudes and actions towards heresy. Write a short paragraph comparing the two monarchs.

Figure 2.2 The treatment of two people accused of heresy in the reigns of Henry VIII and Mary I.

Changes in society and changing definitions of crime

Timeline

New definitions of crime c1500–c1700

- **1495** Vagabonds and Beggars Act: 'idle' people are put in stocks and sent back to their place of birth
- **1542** Witchcraft Act
- **1547** Vagrancy Act
- **1563** Act against Conjurations, Enchantments and Witchcraft
- **1597** Act for the Relief of the Poor classifies people as deserving help or not
- **1601** Poor Law sets up parish-based administration for organising poor relief; a house of correction is set up in each county to detain offenders
- **1604** Witchcraft Act
- **1671** Game Act

Vagabondage becomes a crime

In the Middle Ages, the vast majority of people never left the town or village where they were born. They lived, worked and died there. After 1500, this began to change. The growing population, falling wages, and rising food prices, meant that greater numbers of people left their villages in search of jobs. These unemployed, homeless people were known as vagabonds or vagrants.

When a vagabond arrived in a new village or town, it was not always easy for them to find work. With nowhere to live, and nothing to live off, it was inevitable that some would turn to crime. The better-off, settled population began to see all vagabonds as potential criminals.

A common view was that vagabonds were lazy, or had brought their troubles upon themselves.

A 16th-century pamphlet about the dangers of beggars listed many different types of beggar – and assumed that none was in genuine need. Categories included:

- dummerers – those pretending to be deaf and mute
- drunken tinkers – thieves using trade as a cover story
- priggers of prancers – horse thieves
- kinchin morts – girl beggars.

Source B

A 1536 woodcut showing a beggar being punished by public whipping.

New laws were passed to deal with this perceived threat.

The Vagrancy Act of 1547 included very harsh terms. An able-bodied vagabond, who was without work for more than three days, was to be branded with the letter V and sold as a slave for two years. This law was so severe that the punishments were not always carried out, and it was withdrawn after three years.

The 1597 Act for the Relief of the Poor included harsh punishments to act as a deterrent to vagrants – including whipping and burning the ear using a hot iron.

The 1601 Poor Laws aimed to make the system for dealing with vagrants more consistent. All local parishes were now supposed to provide poor relief* to anybody who was not physically fit to work. This group was known as the 'deserving poor' and included the elderly and disabled. The 'undeserving poor', who were fit to work, would be punished severely. They could be branded or whipped, or sent to one of the recently-opened houses of correction (see page 53) where they would be forced to work.

The Poor Law Act of 1601 created a long-lasting distinction between those who chose (or appeared to choose) poverty over work (sometimes known as sturdy beggars – and the problems of the infirm and disabled.

Key term

Poor relief*

Financial assistance for the poorest members of society.

Extend your knowledge

The end of the monasteries

In the early 1500s, the main sources of help for the poor (and sick) were the monasteries that were found all over England. After Henry VIII closed the monasteries in the 1530s, there was nowhere for poor travellers to turn. Vagabonds came to be seen as even more of a problem, and the poor and needy became more closely associated with crime.

Witchcraft

Most people in England at this time believed that witchcraft existed, and that they could do harm to others, and should be stopped and punished. Punishments became harsher during this period, as new laws were passed that meant those accused of witchcraft would be tried in ordinary courts, instead of the more lenient Church courts. For more on witchcraft in this period see Section 2.4.

Controlling the land – rural crimes

New farming and land management methods introduced in this period had serious consequences for the rural poor. Large areas of land which the poor had previously been able to access – to gather wild foods and firewood – were enclosed* by powerful landlords. The newly-enclosed land was used to graze sheep, whose fleeces could be sold for a good profit. Some landlords also fenced off large parklands to create more secluded and attractive settings for their homes.

Key term

Enclosed*

Fenced off for the exclusive use of the landowner.

Enclosure made it harder for village people to survive, and added to the flow of rural poor away from villages and into towns in search of paid work. In some areas local people tried to resist the enclosures by pulling down new fences and hedges.

Interpretation 1

From a description of enclosure in *The English Revolution*, by the civil war historian, Christopher Hill (1940).

Some of these poor tenants became vagabonds wandering the roads for bread, so laws were passed ordering vagrants to be branded or to be "whipped until his or her shoulders be bloody"... Legislation treated them as 'voluntary' criminals. Others became agricultural labourers working on the large estates. Others again provided a useful supply of cheap labour for expanding industries. Both these groups were without land to support them in independence in a bad year or when their employers went bankrupt.

Many poor people continued to hunt rabbits and hares, and to fish in rivers and streams, on enclosed land, in order to improve their meagre and monotonous diets. The 1671 Game Act made this illegal.

Opinions about this law were divided along class lines. The upper classes saw the poachers as trespassers and thieves, but many poor people felt sympathy for those found poaching. Poaching is an example of a 'social crime' as, although poaching was illegal, many people didn't think the law was fair and therefore didn't really care if it was upheld. This made it very hard for the authorities to stamp out poaching, as neighbours were unlikely to report a poacher for doing something that they did not see as a serious crime. In some cases, the new anti-poaching law made criminal activity worse, as men got together to poach in gangs, knowing this would make it harder for the authorities to capture them.

Source C

An extract from the Game Act, passed in 1671.

Every person... not having Lands and Tenements or some other estate [is] not allowed to have or keepe... guns, bowes, grey hounds, setting dogs, ferrets... snares or other engines aforementioned.

The rise of smuggling

In the 17th century, the government introduced import duties* on a range of goods, including some alcohol and tea (a new luxury product at this time). This meant there was a profit available to those who wanted to smuggle goods into the country and avoid the import duties. It also meant that there were plenty of people willing to buy these goods at a lower price from sellers who had not paid government taxes. Smuggling is another example of a law that was difficult to enforce, as many people benefitted from the crime and did not view it as serious.

Key term

Import duties*

Taxes payable on goods imported into the country.

THINKING HISTORICALLY Change and continuity (2b)

Events or historical change?

Change is an alteration to a situation. Events are when something happens.

Sometimes a situation can be very different before and after an event – this event marks a change. However, sometimes a situation is the same before and after an event, and sometimes a situation changes without a specific event taking place at all.

Study the following events and changes:

Oliver Cromwell became Lord Protector in 1653.	More people were burnt at the stake for heresy.	Vagabonds were punished harshly.	More poor people were forced to find work in new towns, and were treated as vagrants.	Henry VIII closed down the monasteries.
The Game Act of 1671 was introduced.	A number of 'moral crimes' were introduced to control behaviour.	Vagrancy laws were brought in by the government.	Severe punishments were introduced for poaching.	The Heresy Acts were reintroduced by Mary I.

1. Sort the points above into 'events' and 'changes'.
2. Match each event to a connected change.
3. In your own words, describe what the difference is between an event and a change.
4. Can you think of any historical change that has happened without there being a particular event associated with it? An example would be the increasing size of Britain's population,1500–1700.

Puritan rule – new 'moral' laws in the 1650s

Figure 2.3 Activities made illegal during the Protectorate.

After parliament's victory in the **English Civil War** and Charles I's execution, the leader of the parliamentary forces, **Oliver Cromwell**, took the title Lord Protector. He governed England from 1653 until his death in 1658. During this period, some activities and entertainments were made illegal. This is an example of how governments can have a central role in deciding what is classed as a crime. The bans were lifted in 1660 when the monarchy was restored.

Cromwell was a radical Protestant – or **Puritan**. This gave him a very strict outlook. He thought people should focus on religion and strive to have 'pure souls'.

This affected the laws passed by parliament during the Protectorate. Many activities that were previously quite ordinary were banned and became criminal acts (see Figure 2.3). The banned activities did not become legal again until the Protectorate was over.

Another change in the law at this time was the decriminalisation* of recusancy. The laws that said everyone must go to church or pay a fine were repealed in 1650.

Key term

Decriminalise*

Make an activity legal, or no longer a crime.

Summary

- Religious changes in the 16th century led to new and changing definitions of criminal activity – as each ruler tried to impose their own religious views.
- Increasing wealth in some sections of society led to new opportunities for old crimes.
- Economic changes led to a significant increase in the numbers of vagrants in the 16th and 17th centuries, and increasing fear and suspicion of the unemployed and poor.
- The Game Law of 1671 made it illegal for poor people to hunt. This 'social crime' was not viewed as serious by the public and the new law was hard to enforce.
- Cromwell brought in a range of moral laws for a brief period during the 1650s – demonstrating the role government can play in defining crimes.
- In the 17th century, the government introduced import duties on a range of goods. This meant there was a profit to be made for those who wanted to smuggle goods into the country.

Checkpoint

Strengthen

S1 Which new 'moral laws' were introduced by the Puritans?

S2 Draw a table to summarise the different vagrancy laws that were introduced in this period.

S3 Why was it difficult for the authorities to tackle crimes like poaching and smuggling?

Challenge

C1 Why did laws in Tudor England emphasise punishing beggars rather than helping them?

C2 Why can poaching be viewed as a 'social crime'?

How confident do you feel about your answers to these questions? Form a small group and discuss any questions you are not sure about. Look for the answers in this section. Now rewrite your answers as a group.

2.2 Law enforcement and punishment, c1500–c1700

Learning outcomes

- Understand how the growth of towns led to growing crime rates.
- Know about the increasing importance of town constables and the night watch.
- Know about the increasing use of the death penalty and the introduction of transportation.

Continuity and change in law enforcement, 1000–1700

Law enforcement in England, c1500–c1700, followed broadly the same pattern as it did in the Middle Ages. Village and town communities were still expected to take a leading role in apprehending and chasing down suspected criminals. However, the growth of towns meant that communities and the authorities had to find new ways of enforcing laws, as the traditional methods became less effective.

1000–1500	1500–1700	Continuity or change?
Witnesses to crime must step in to stop suspects or, if this isn't possible, report them to the authorities.	Witnesses to crime are still expected to try and stop suspects or report them to the authorities.	Continuity
Locals are expected to join the hue and cry to chase suspected criminals down and bring them to justice.	Locals are still expected to join the hue and cry.	Continuity
Town constables introduced.	Role of town constables expanded.	*Change*
Night watch introduced.	Role of night watch expanded.	*Change*
No thief takers.	Emergence of thief takers.	*Change*

Law enforcement in the towns

A dramatic increase in population between 1500 and 1700 helped bring new opportunities for criminals. The population of England in 1500 was around two and a half million, and by 1700 it was between five and six million. Many more people lived in urban areas: London's population increased to 50,000 and port cities like Liverpool and Bristol grew, as did a large number of new market towns.

Crimes like theft and fraud were more common in towns and cities, as life was more anonymous than in villages (where everyone knew each other) and there were more valuable goods readily available to steal. Also, as more people moved from the countryside to towns to look for work, the number of people with no reliable way of supporting themselves grew. In this situation, more people turned to crime, and it became harder for the authorities to prevent crime and catch criminals.

Figure 2.4 Opportunities for urban crime in 17th-century London.

Town constables and the night watch

The role of town constables and the night watch grew to cope with increasing crime rates.

Law enforcement at this time was still left to local initiative and was not nationally organised. This meant that standards varied greatly across towns and regions. Sometimes, wealthy householders who had been appointed as constables would hire someone else to do the work. In some richer areas householders joined together to hire armed guards to protect them and their property. These were early steps towards a professional paid police force.

Activity ?

Using Figure 2.4 and the preceding text, make a list of ways in which the growth of towns affected crime rates.

Night watchman

Work is overseen by town constable.

All householders are expected to serve as night watchman, as part of the duties of all male town citizens.

Carries a lamp to help with patrolling when it is dark.

Rings a bell at night to warn people to go home or risk being viewed as possible criminals.

Night watchmen take turns to patrol the local area between 10 p.m. and dawn.

Watchmen are unpaid volunteers who also have to do their normal jobs to earn a living in the day.

Town constable

Employed by the town authorities.

Appointed by local people with good standing in the community, including merchants whose businesses benefit from better law enforcement.

Expected to turn in serious criminals to the courts.

Expected to stop suspected criminals, break up fights and round up 'sturdy beggars'.

Has some powers to arrest suspects, without the need for a warrant from a Justice of the Peace.

Helps with local administrative issues like collecting payments for road cleaning.

Figure 2.5 The roles of the town constable and night watchman.

Activities

1. Write down the main duties of a constable and a night watchman.
2. In pairs, take it in turns to play the part of a constable. Interview each other about your duties.
3. What problems did constables face in enforcing the law?

Professional 'thief takers'

Constables and watchmen were not particularly effective at hunting down criminals, so some victims of crime resorted to using thief takers. The thief taker was paid a reward for catching a criminal and delivering them to the law. This method was open to corruption, as some criminals also operated as thief takers and informed on rival criminal gangs to make money.

Extend your knowledge

Jonathan Wild

The most infamous thief taker was Londoner Jonathan Wild, who secretly led a gang of thieves who claimed rewards when they handed in the stolen goods. In 1718, he assumed the title 'Thief Taker General' and became a well-known figure. Ultimately, his criminal activities were discovered and he was executed in 1725.

Punishment in early modern England

There was considerable continuity in the approach to punishment from the Middle Ages to the early modern period. The emphasis was still on deterrence and retribution, much as it had been 700 years earlier (see Chapter 1). However, by the late 17th century some new punishments were emerging too.

Crime	Punishment	Purpose
Fraud Selling goods for the wrong prices Assault Breaking legal agreements Not going to church (16th century)	Fines 	King or queen's authority reinforced Deterrent
Begging Drunkenness	Pillory or stocks 	Public humiliation Deterrent
Vagrancy Begging Theft (until late 17th century)	Corporal (whipping, maiming, branding) 	Retribution Deterrent
Repeated begging Theft (until late 17th century) Highway robbery Poaching Smuggling Witchcraft Murder Treason	Hanging Hanging, drawing and quartering	Retribution Deterrent
Heresy (16th century)	Burning 	King or queen's authority reinforced Deterrent
Most crimes (from 17th century)	Transportation to North America 	Retribution Deterrent

Figure 2.6 Typical punishments, c1500–c1700.

Early prisons

In the early 16th century, prisons often held petty criminals, vagrants and drunk and disorderly offenders. These prisons were not considered a punishment in their own right, but a holding area where people waited for their trials, or for a punishment to be carried out. Early prisons were usually not purpose-built: they were often just a secure room in the local castle or a gatehouse*.

Prison conditions at this time were very poor. Inmates had to pay the prison wardens for food and other basic needs like bedding. If they didn't pay, they went without. Women, men and children were housed together, and petty criminals and more violent offenders were kept in the same place. Younger prisoners were often bullied and abused, or schooled into becoming more serious criminals on their release. Prisons were dirty and unhealthy, with no proper sanitation, and many prisoners died of diseases like typhus.

In 1556, a new, more purposeful type of prison, or house of correction, was opened in the disused Bridewell Palace in London and was called Bridewell prison. It was used to punish poor people who had broken the law (for example, vagabonds) and to house poor children who were homeless and, often, orphaned. All inmates were made to do 'hard labour' (like breaking up rocks) to pay for their keep, and to encourage habits of hard work. During the 17th century, further similar prisons were opened in London and around the country.

Key term

Gatehouse*

Building forming a gateway at the entrance to a town or important house, with a room or rooms above.

Source A

From *Essays and Characters of a Prison and Prisoners* by Geffray Mynshull, published in 1618.

A Prison is a grave to bury men alive… a little world of woe, it is a map of misery… It is a place that hath more diseases predominant in it than the Pest-house in the Plague time, and it stinks more than the Lord Mayers dogge-house…

Capital punishment and the Bloody Code

During the 17th century, the number of crimes that carried the death penalty increased. There were 50 capital crimes* by 1688. The crimes punishable by death included some that today seem minor, like poaching rabbits or fish to eat. Historians call this harsh attitude to law-making the 'Bloody Code'. The intention at the time was to create a strong deterrent so that crime rates would be reduced – but the system was flawed and ineffective.

Key terms

Capital crime*

A crime that is punished with the death penalty.

Pardon*

When a person is let off punishment for a crime of which they have been convicted.

- Many crimes were committed out of desperation – somebody with a starving child did not think about the consequences of stealing a loaf of bread.
- As the penalties were so severe, executions were not always carried out. Criminals could receive a pardon* if they could prove their previous good character, or give other reasons why they should not be executed. This made the message of the Bloody Code unclear.

Even more crimes were made capital offences in the 18th century, and the limitations of the Bloody Code became more obvious (see page 80).

Extend your knowledge

Plead for belly

Pregnant women condemned to death often made a 'plead for belly', asking to be allowed to live until the baby was born. The woman was examined by a doctor and if he saw the baby moving the punishment was delayed until after the birth. Often the woman was pardoned after the child was born. Many women escaped hanging in this way.

Transportation to North America

During the reign of James I (1603–25), transportation* , to the new English colonies* in North America, was introduced as a new form of punishment. Transportation was not as harsh as execution, but was still a severe punishment. Transported prisoners were taken in chains to the east coast of North America, where they would have to work for a fixed period doing tough manual labour – usually clearing trees or doing farm work. Those who were transported instead of being executed served for 14 years. Others, who had committed lesser crimes, served a seven-year sentence. At the end of their term, they would be freed; but with no money to pay for a return journey, they often spent the rest of their lives far from home, and might never see their friends or family again.

Key terms

Transportation*

Being sent away from England to serve a period of punishment in a colony abroad.

Colonies*

New settlements in foreign lands – often taken by force from the original inhabitants.

Transportation was favoured by the authorities because:

- it was seen as an effective deterrent
- England did not have an effective prison system – so prison was not a feasible alternative punishment
- England wanted to establish permanent colonies in North America – and convicts could be used to populate and provide manpower for these colonies

- some people were developing new ideas about punishment, that allowed for the possibility of rehabilitation*. It was thought that criminals should have the chance to reflect on their crimes and change their way of life
- criminals were taken far from the people and places that might have drawn them into a life of crime in the first place. It was claimed that the change of scene, especially for children and young people, might help them make a new start.

Source B

A 17th-century engraving showing people boarding a boat on the River Thames before being transported to North America.

Historians estimate that between 50,000 and 80,000 people were transported to America in the period up to c1770. These numbers included men, women and children – though the merchants who organised transportation on behalf of the government often preferred to take strong young men who would be worth more as labour when they reached America.

In the 17th century, James I gave permission for vagrant children in London to be arrested and sent for transportation. The homeless were blamed for spreading plague and the authorities were happy to find solutions that led to their permanent removal. Some children were also sent from Bridewell prison. These transported children were called 'duty boys' – although around a quarter of them were girls. While the authorities claimed this was an opportunity for the children to start a new life, in reality, many died, as conditions on board ship and in the colonies were extremely tough.

Key term

Rehabilitate*

Help someone return to normal life and society after they have committed a crime.

Activities

1. Look at Source B. Choose two individuals: a child and an adult. Write a conversation between them explaining their crimes, a description of the lives they are leaving behind in England, and their fears about transportation.
2. At the top of a piece of A4 paper write: 'Why was transportation to North America introduced?' Create a flow chart showing how these factors are linked:
   - Economics – government motivated by desire to expand abroad
   - Changing attitudes – new attitudes to rehabilitation
   - Continuity of attitudes – transportation seen as a deterrent
   - Opportunity – new colonies in North America
   - Lack of alternative – England does not have an effective prison system

Exam-style question, Section B

'In the period 1500–1700, the main aim of changes to punishments was retribution.'

How far do you agree? Explain your answer. You may use the following in your answer:

- the Bloody Code
- transportation to America.

You **must** also use information of your own.

12 marks

Exam tip

This question tests understanding of causation and motivation. You need to focus on reasons **why** changes to punishment were made. You should consider retribution (as the question suggests) and other possible explanations for changes. For example, 'transportation' prompts you to include the idea of rehabilitation and economic and political motives for expanding the colonies.

Summary

- Between 1500 and 1700, law enforcement was similar to how it had been in the Middle Ages. The community was still expected to take a leading role in stopping and finding suspects.
- Growth of towns and rising crime rates meant new ways of enforcing laws had to be found, and it was increasingly accepted that a more co-ordinated approach was needed.
- The earliest prisons were built in the 16th century – and after 1601, more 'houses of correction' were established.
- The usual punishments at this time were fines, corporal punishments and execution.
- During the reign of James I, transportation to America was introduced as an alternative to execution.

Checkpoint

Strengthen

S1 Explain two ways in which the growth of towns led to new opportunities for crime.

S2 List three problems with early prisons.

S3 Why do historians describe the punishment code in the 17th and 18th centuries as the Bloody Code?

S4 What types of criminals were transported to America?

Challenge

C1 In what ways was transportation a deterrent?

C2 How important were economic motives for using transportation as a punishment?

C3 How far did law enforcement change from 1100 to 1700?

How confident do you feel about your answers to these questions? Reread the section and then try answering the questions again. If you're still not sure, discuss them with your teacher.

2.3 Case study: The crimes and punishment of the Gunpowder plotters, 1605

Learning outcomes

- Know why the Gunpowder plotters decided to act against the Crown.
- Understand what crimes the plotters were accused of.
- Understand why they were punished so harshly.

Timeline

The Gunpowder Plot

1603 James I becomes King of England

1605 5 November: Gunpowder Plot

Thanksgiving Act says the events of 5 November should be commemorated each year

1606 Guy Fawkes and other conspirators executed

Popish Recusants Act forces Catholics to swear allegiance to the English crown

Source A shows the gruesome execution of Guy Fawkes – the most famous of the Gunpowder plotters – who was hanged, drawn and quartered in 1606. This type of execution was only used for those found guilty of committing the most serious crime – treason. Guy Fawkes and his fellow conspirators* had plotted to kill the king and therefore received the most severe punishment possible.

Key term

Conspirator*

Someone who is involved in a conspiracy – a secret plan to do something illegal.

Elizabeth I died in 1603, after reigning over England for 45 years. Catholics across the country were hopeful that the new king, James I, who was married to a Catholic, would allow them more religious freedom. However, over time, it became clear that James was prepared to introduce stricter anti-Catholic measures and so Catholics were disappointed.

As Protestant rulers, both Elizabeth and James were very wary of Catholic plots against the crown. Elizabeth even had her own cousin, Mary Queen of Scots, executed in 1587, when she suspected she was involved in an assassination plot.

Source A

An engraving showing the execution of Guy Fawkes and his fellow conspirators, produced in 1606.

Activities

1. Look at Source A and think about what those who were present at the execution could see, hear, smell and feel. Describe the scene.
2. What was the intended impact of this method of execution on onlookers and the general public?

The goals of the Gunpowder plotters

Guy Fawkes is the best-known of the gunpowder conspirators, but he was not the leading figure. That was Robert Catesby, who had a history of Catholic resistance. His father had been imprisoned for hiding a Catholic priest, and he had refused to take a Protestant oath, which meant he could not finish his university degree. He was responsible for recruiting the other Gunpowder plotters, including: Guy Fawkes, Thomas Percy (a royal bodyguard), Thomas Winton (Catesby's cousin) and Jack Wright. Some historians claim that the group viewed themselves as religious soldiers, who saw it as their duty to attack the English state.

The conspiracy aimed to set off an explosion that would kill the king, and those close to him, at the state opening of parliament on 5 November 1605. The elite of Protestant English society would attend this important official occasion. They included senior judges, Protestant bishops and members of the aristocratic ruling class. The plotters wanted to break up this powerful ruling group and replace James I with his daughter, Princess Elizabeth, who they would influence and control to promote their own political and religious aims.

Why did Catholics want to overthrow the king?

Protestantism had been the official religion in England since the Act of Uniformity was passed in 1559. In 1570, Queen Elizabeth I was excommunicated (disowned) from the Catholic Church by the Pope. The Pope called upon all loyal Catholics to depose (get rid of) Elizabeth because she was no longer a member of the Catholic Church.

Following Elizabeth's excommunication, Catholics in England were more actively prevented from practising their faith, and were punished if they continued to do so. Catholics were not allowed to hear mass, or be married or baptised by a Catholic priest. Attending the local, Protestant, parish church was compulsory, and Catholics who refused to go were treated as criminals and fined.

Activities ?

1. Make a list of reasons Catholics had to overthrow King James I. Rate each reason with a score from 1–10, with 1 being a minor reason and 10 a very strong reason.
2. Compare your scores with a friend and explain your reasons.
3. Write a short paragraph explaining why the Gunpowder plotters wanted to overthrow James I.

The plan

The conspirators first met on 20 May 1604, to begin organising the attack. They rented a house in central Westminster next to the parliament buildings. Guy Fawkes pretended to be a servant who was looking after the house while his employer was away. They then rented a cellar directly under the House of Lords and packed it with an estimated 36 barrels, holding at least one ton of gunpowder in total.

Source B

The members of the Gunpowder Plot in a 17th-century engraving.

The plot fails

On 20 October 1605, Lord Monteagle received a letter warning him not to attend the ceremonial opening of parliament. Monteagle gave the information to Robert Cecil, the king's spy master, who ordered that Westminster should be searched. It was in this raid that the gunpowder and Guy Fawkes were discovered.

Some historians argue that the authorities knew all about the plot in advance, but let it proceed so that Catholic rebellion would be brought into the open, and there would be clear justification for further Catholic persecution. During preparations for the attack Fawkes had travelled to Flanders to look for foreign assistance. His actions were monitored by English spies who informed Robert Cecil of what Fawkes was doing.

Questioning, trial and punishment

Torture was only legal in England if the king gave specific orders to use it in exceptional circumstances. Guy Fawkes and his fellow conspirators were tortured to extract confessions about their role in the plot. The most feared method of torture was known as the rack: a wooden frame that was used to stretch the body, forcing limbs apart at the joints. Guy Fawkes was questioned using this method of torture at the Tower of London as part of the investigation into the plot. At first he refused to confess, or give up the names of his co-conspirators; but on 17 November, 12 days after his arrest, he finally confessed.

Source C

An order sent by James I to the Tower of London on 6 November 1605, giving his permission to torture Guy Fawkes in order to extract his confession and persuade him to name his accomplices.

If he will not other wayes confesse, the gentler tortours are to be the first usid unto him... God speed youre goode worke. James.

Source D

Extract from Guy Fawkes' confession:

Catesby suggested... making a mine under the upper house of Parliament... because religion had been unjustly suppressed there... twenty barrels of gunpowder were moved to the cellar... It was agreed to seize Lady Elizabeth, the king's eldest daughter... and to proclaim her Queen.

Source E

Documents featuring Guy Fawkes's signatures before and after torture.

Activities

1. In groups, use the text and Sources A–D to create a storyboard showing the actions of the plotters and the response of the authorities. Remember their priority was deterrence – to reduce the threat of further attacks.
2. Compare your work with another group and discuss any differences in your approach.

After their capture, the conspirators' trial began in January 1606, and they were found guilty of treason. They were sentenced to death by being hanged, drawn and quartered. This meant that they were hanged then revived, had their genitals cut off and burnt, and were then disembowelled; finally, their limbs and heads were chopped off. The authorities were determined to make the punishment a deterrent to others who might want to plan a similar attack. At this time of religious instability, they were concerned that other Catholics might want to plot against the king. This extreme public punishment was viewed as the appropriate penalty for this type of crime.

Longer-term consequences of the plot

The 'King's book' published soon after the uncovering of the plot, included an account by James himself of the events of the plot, alongside Fawkes' confession. This helped encourage anti-Catholic attitudes.

In 1605, the Thanksgiving Act ordered that the events of 5 November should be commemorated each year, and Catholics were banned from working in the legal profession or becoming officers in the armed forces.

In 1606, a law called the Popish Recusants Act forced Catholics to take an oath of allegiance to the English crown. They were also forced to take part in Church of England services and rituals – or pay fines.

The plot continued to have an impact on Catholics in England for centuries after the event. They were restricted from voting, becoming MPs, or owning land. They were also banned from voting in any elections until 1829.

Summary

- English Catholics were persecuted in various ways and were not free to worship as they chose.
- The Gunpowder Plot, led by Robert Catesby, aimed to blow up the king and those close to him at the state opening of parliament in 1605.
- The plot was uncovered and the conspirators were found guilty of treason. They were sentenced to death by being hanged, drawn and quartered.
- Following the plot, Catholics experienced more persecution, and were excluded by law from voting and becoming MPs for many years.

Checkpoint

Strengthen

S1 Summarise the main complaints of English Catholics during the reign of Elizabeth I and James I.

S2 Why were Catholics hopeful that James I would introduce greater religious freedoms?

S3 List the main Acts of Parliament mentioned in this section and briefly explain what the new laws involved.

Challenge

C1 Why did it suit the Protestant authorities to uncover such a serious Catholic-led plot?

C2 Why was such a gruesome method of execution used?

C3 What were the long-term effects of the Gunpowder Plot?

How confident do you feel about your answers to these questions? Discuss any you are unsure about with a partner then try rewriting your answers together.

2.4 Witchcraft and the law, c1500–c1700

Learning outcomes

- Understand that in the period c1500-c1700 many people believed in witches and witchcraft.
- Know about the punishments for people accused of witchcraft.
- Know about the role of Matthew Hopkins in carrying out 'witch hunts' in the 1640s.
- Understand why witchcraft stopped being treated as a serious crime c1700.

Attitudes to witches, c1500–c1700

At the beginning of this period, in the early 16th century, people of all backgrounds believed in witches. Witches were believed to have made a pact* with the devil in return for special or magical powers – including flying and the ability to make people, or farm animals, sicken and die.

Witches were sometimes identified by their apparent associations with domestic animals. A cat, dog, or even a spider could be a witch's familiar – the devil in the shape of an animal, helping the witch do her evil work.

By the end of this period, c1700, attitudes towards witches were starting to change. They began to be seen as foolish and muddled, or tricksters trying to take advantage of the gullibility of others.

Key term

Pact*

A formal agreement.

Source A

A woodcut showing three witches and their familiars, c1754

The law on witchcraft

As associates of the devil, it was important to find witches out and punish them. In the Middle Ages, Church courts were used for witchcraft trials and penalties were generally not very severe. However, in 1542, Henry VIII changed the law and witchcraft became a very serious crime that could be punished by death. In 1563, Elizabeth I changed the law so that if a witch tried to kill someone through their witchery, or to raise dead spirits, they would receive the death penalty.

There are a number of reasons why witchcraft came to be viewed and punished more seriously by the authorities:

- During the late 16th century, there were economic problems, including falling wages and rising unemployment. Economic problems increased tensions between people in small communities. The death of livestock, or poor crop yields, were sometimes blamed on evil spirits and witchcraft, rather than bad luck or bad weather conditions.
- The rising fear of vagabonds made richer people increasingly suspicious of the poor – and many accusations of witchcraft were made by wealthy people against poor people.
- After Henry VIII became head of the Church of England, witchcraft was treated as a crime against the king and the state, not just a religious crime.

Laws against witchcraft

Year	Monarch	Law	Effects
1542	Henry VIII	Witchcraft Act	Witchcraft punished by death.
1563	Elizabeth I	Act against Conjurations, Enchantments and Witchcraft	Witchcraft tried in common court, not Church court – common court penalties more severe. Death penalty will be issued when harm caused to another person. Minor witchcraft, using charms and magic, punished by time in the stocks.
1604	James I	Witchcraft and Conjuration Act	Death penalty given to anyone summoning evil spirits.
1735	George II	Witchcraft Act	'Witches' seen as confidence tricksters, and punished with fines and imprisonment.

Religion and witchcraft

As in many other areas of life, religion and the Church played an important part in attitudes to, and definitions of, witchcraft – just as it had during the Middle Ages. Human existence was viewed as a struggle between good and evil – God and the devil.

Some historians argue that when Protestant thinking became more popular – after Henry VIII led the break away from the Catholic Church – people increasingly feared the 'old' religion, Catholicism. This fear led to attempts to 'cleanse' society by seeking out witches.

James I's *Demonologie*

James I was an enthusiastic witch hunter and shared his ideas through a book called *Demonologie*, published in 1597. The book was about the nature of Hell and called witches the 'detestable slaves of the devil'. It set out James's reasons for believing in witches, encouraged readers to find them out, and even included instructions on how to run witch trials. James supported the use of child witnesses in witchcraft trials, even though the law stated that only people aged 14 and over could swear under oath. He also argued that witchcraft was a crime not only against the king, but against God.

When James became King of England in 1603, he published a new edition of *Demonologie*, describing how witches had tried to drown him and his wife during a sea voyage.

In the aftermath of the Gunpowder Plot in 1605, James was extremely fearful of another Catholic rebellion and obsessed with uncovering threats and conspiracies against him. So, he continued to encourage witch hunts.

James's ideas need to be understood in the context of religious unrest at the time, and his genuine fear for his life. His ideas had an important influence on the wider belief in witches at this time.

Social upheaval

The English Civil Wars, which began in 1642, led to massive disruption and uncertainty. Many families were divided, as different members chose to support either the king or parliament. The economic and political chaos of the war years created a climate of fear in which people were more attracted to superstitious* ideas.

Key term

Superstition*

Belief based on old ideas about magic rather than reason or science.

Case study: Matthew Hopkins – Witchfinder General

In 1645, a former Essex lawyer and self-proclaimed 'Witchfinder General' set about the task of hunting down witches in the east of England.

Source B

An illustration from Matthew Hopkins's pamphlet '*The discovery of witches*', published in 1647.

In the 17th century, Justices of the Peace (JPs) were expected to identify religious threats and those who refused to conform to Protestant-led changes in the Church. They were also tasked with finding witches. Matthew Hopkins was employed by a JP in Essex and East Anglia to uncover witchery. There were significant financial rewards, as local magistrates could pay the equivalent of a month's wages for each accused witch.

The Hopkins witchcraft trials

Hopkins used a range of interrogation methods to secure confessions. These included restricting the accused's food to a starvation diet of bread and water, and depriving them of sleep.

In addition, physical evidence was sought by examining the accused's body to look for a 'teat' (nipple), which allowed them to suckle the devil's 'familiars' with their blood. A mole, birthmark or other unusual skin blemish, could all be used as evidence of guilt.

One of Hopkins's techniques ensured that he would always have more witches to try. A full confession was expected to include the names of other witches, supposedly to prove that the accused had truly renounced the devil and was ready to free him- or herself from the devil's influence.

Source C

Extract from the diary of Nehemiah Wallington, describing events in Essex in 1645. Wallington was a strict Puritan who recorded his sins and those of others in extensive notebooks. Here he describes a confession made by Rebecca West.

Shortly after when she was going to bed the Devil appeared unto her again in the shape of a handsome young man, saying that he came to marry her... Asked by the Judge whether she ever had carnal copulation [sex] with the Devil she confessed she had. She was very desirous to confess all she knew, which accordingly she did where upon the rest were apprehended and sent unto the Geole [prison]...

When she looked upon the ground she saw herself encompassed in flames of fire and as soon as she was separated from her mother the tortures and the flames began to cease whereupon she then confessed all she knew... As soon as her confession was fully ended she found her contience [conscience] so satisfied and disburdened of all tortures she thought herself the happiest creature in the world.

Extend your knowledge

Sink or swim

The most notorious method of judging guilt was the 'swimming test' which involved drowning the accused. The guilty would float and the innocent would sink – but, as a result of this method, it was believed that the innocents' souls were saved. This method was unofficial. It was used in some communities, but not demanded by the authorities, and was not used by Hopkins.

Punishments for witchcraft

Historians believe that up to 1,000 people were executed for witchcraft between 1542 and 1736. The most common type of execution for witches was hanging.

The witch hunts of 1645–47 were the most widespread episode of mass executions for witchcraft in English history. Hopkins's activities helped to feed a mass panic about witches, made worse by the disruption and lack of state authority during the Civil Wars.

Hopkins stirred up a panic that swept the region, with accusations against 117 people in Sudbury alone. His actions, along with those of his assistant John Stearne, led to an estimated 300 individuals being investigated for witchcraft. Around 112 of these were executed by hanging.

Attitudes to women

The position and treatment of women in society at this time helps to explain why, in most cases, accusations of witchcraft were made against women, not men. Ninety per cent of witchcraft accusations were made against females.

In the 17th century, the role of women was very restricted, and women were expected to focus on practical domestic duties. In law, a woman was viewed as the property of her father and, after marriage, her husband. Women who did not meet the expectations of society were treated with suspicion.

Many of the women accused were 'cunning' or 'wise women'. These were women who were the local authorities in their villages on health, well-being, pregnancy and child birth. Poor people, who could not afford to see doctors, relied on these wise women who were believed to have the power to heal. The authorities disliked these women having a respected position, so they attracted the attention of witch hunters.

Some women were accused simply because they were vulnerable. Those who were widowed, or had never married, were likely to be less well-off than others, and were particularly easy targets for the witch hunters.

Some historians also argue that religious attitudes meant that women were viewed as more susceptible to the temptations of the devil.

A decline in accusations of witchcraft

Even at the height of the witch trials in East Anglia, some people were prepared to question the evidence. Early critics did not challenge the existence of witchcraft, but demanded clearer evidence for conviction. John Gaule, an academic, wrote a critical publication at the height of the witch hunts (see Source D).

Extend your knowledge

The case of Jane Wenham, 1712

- 70 years old when put on trial for witchcraft.
- Her husband had left her and died soon after – she was blamed for causing his death by bewitching him.
- The Justice of the Peace was sceptical about the evidence presented, particularly allegations that she had been seen flying.
- She was given a death sentence, but was eventually pardoned by the queen, so the sentence was not carried out.

Activities

1. List three reasons why women were more likely than men to be accused of witchcraft.
2. Design a 17th-century poster asking people to look out for women who might be witches. Include key evidence to look for, such as: using magic powers, communicating with the devil, having familiars, and other characteristics you can find from the information in this section.
3. How does the case of Jane Wenham – accused of witchcraft in 1712 – show that attitudes can vary over time?

Source D

From *Select Cases of Conscience Touching Witches and Witchcraft* by John Gaule, published in 1646.

Every old woman with a wrinkled face, a furrowed brow, a hairy lip, a gobber tooth, a squint eye, a squeaking voice or scolding tongue, having a rugged coat on her back... a dog or cat by her side, is not only suspect but pronounced for a witch.

Matthew Hopkins is believed to have died of tuberculosis in 1647. The death of this high-profile figure would have begun to calm the hysteria about witches that he had helped to stir up.

In the second half of the 17th century, Enlightenment* ideas were becoming more common in England. There was an increasing demand for a more scientific and objective approach in all areas of life. The Royal Society was established in London in 1660, and brought together thinkers and scientists from a wide range of academic fields, including astronomy, medicine, physics, microbiology and mathematics. In 1662, the society was awarded a royal charter by King Charles II, demonstrating official royal support for its aims.

This was an important turning point between older theories of knowledge, based on faith and tradition, and modern scientific methods. The new thinking demanded higher standards of evidence in court to prove the guilt or innocence of the accused. It also led to a more rational approach to witchcraft in academic and more educated circles. Witchcraft began to be recognised as a superstitious idea, rather than a crime.

However, wider public attitudes were slower to change. Some more isolated rural communities continued to believe in witchcraft. There continued to be occasional cases of witchcraft accusations and trials after the main phase ended. The last recorded execution for witchcraft in England was in 1716.

Key term

Enlightenment*

Philosophical movement of the 17th and 18th centuries that focused on the use of reason to question and analyse ideas that were previously taken for granted.

Activities

1. What is Gaule's (Source D) main criticism of Hopkins's approach to evidence?
2. Describe how increasingly scientific thinking affected attitudes towards witchcraft as a crime.
3. Why do you think the attitudes of society as a whole towards witches were slower to change?

Figure 2.7 Estimated numbers of prosecutions for witchcraft, 1500–1700.

THINKING HISTORICALLY Change and continuity (3b)

Significant to whom?

Historians are interested in different aspects of the past – and ask different questions. The interest of the historian is a very important factor in their decision about what is significant and what is not.

Historian's focus	Religious historian	International historian	Cultural historian
What led to the rise and decline of the English witch craze 1645–47?	How did religious practice influence ideas about the existence of witches?	Were there similar witch hunts across Europe?	Why were more women than men accused of witchcraft?

Study the following changes and events during the witch craze:

The Royal Society was founded in 1660	Matthew Hopkins operated in Essex and East Anglia	The English Civil War led to greater religious divisions
In 1597, King James I wrote *Demonologie*	The European wars, 1580–1630, saw the peak of witch hunts in France	In 1542, Henry VIII introduced the Witchcraft Act, making witchcraft punishable by death
James Stuart became king of England in 1603	Witches were believed to suckle the devil	Witch trials in Austria led to 139 executions

For each type of historian, make a diagram to show the relative significance of changes and events that would interest them. Write the type of historian in the middle of the page, then add events and changes that would interest them – the more significant the event, the closer to the historian.

1. Look at the change or event of most interest to the religious historian. How important is it to the other historians?
2. Why would Austrian witch trials be of interest to the international historian and the cultural historian?
3. Would the international historian include the founding of the Royal Society or ignore it? Explain your answer.
4. How important is it for the reader to understand the interest and focus of a historian when reading their work?

Exam-style question, Section B

'The most important factor in explaining witch hunts in the years c1500–c1700 was religion'.

How far do you agree? Explain your answer. You may use the following in your answer:

- *Demonologie*
- the English Civil War.

You **must** also use information of your own.

12 marks

Exam tip

This question tests understanding of key features and causation. Focus on factors that help explain **why** the witch hunts came about and reached a new level of intensity at this time. You should make links between the reasons you give and consider other possible explanations for the rise of the witch craze: for example, political instability and the continuity of superstition during this time. Don't forget to include a judgement about which was the most important factor.

Summary

- There was a general belief in witchcraft fuelled by religious fears, James I's interest in witches, attitudes towards women, and the uncertainty created by the civil wars.
- In 1645, Matthew Hopkins, 'Witchfinder General', began hunting down witches in Essex and East Anglia.
- In the later 17th century, there was an increasing demand for a more scientific and objective approach to legal matters and evidence.
- Superstitious attitudes and witchcraft trials became less common over time, but there were still occasional cases of witchcraft accusations and trials after the main witch-hunting craze ended.

Checkpoint

Strengthen

S1 List three types of evidence used to identify witches.

S2 How were witches punished?

S3 How did religious tensions increase the numbers of witchcraft accusations?

Challenge

C1 Explain how the following factors can be connected to explain the rise in witchcraft accusations: Matthew Hopkins, the role of the Church, the turmoil of the English Civil War.

C2 Why were more women than men accused of witchcraft?

C3 How did the growth of modern scientific thinking affect the decline in witchcraft accusations in the later 17th century?

How confident do you feel about your answers to these questions? Reread the section, then try answering them again.

Recap: c1500–c1700: Crime, punishment and law enforcement in early modern England

Recall quiz

1. What did the punishment of hanging, drawing and quartering involve?
2. What did the 1601 Poor Law aim to do?
3. What was the role of night watchmen?
4. What was the name of the first house of correction?
5. Name one punishment that was used to humiliate criminals.
6. How many heretics were executed during the reign of Mary I?
7. What was the name of James I's book about witchcraft?
8. Where were convicts sent when transportation was introduced in the 17th century?
9. In what year was the Gunpowder Plot?
10. What title did Matthew Hopkins give himself?

Activities

1. Write ten more quick-fire questions of your own about this chapter.
2. Swap questions with another student and answer them.
3. Correct your partner's answers and discuss any you got wrong.

Activity

Make some 'flash cards' for revision. Use different colours to help identify the different factors that influenced crime and punishment in the period c1500–c1700. Use the examples below to help you get started.

INDIVIDUALS	NEW IDEAS	ECONOMICS
James I was fearful of conspiracy. He was highly superstitious and believed in witches. He was affected deeply by the attempt to kill him in the Gunpowder Plot.	The Royal Society was set up to promote new ideas in science and technology. A modern scientific approach demanded a greater reliance on evidence in identifying criminals.	Growth in trade led to more opportunity for robbery.
Matthew Hopkins…	The Reformation…	Enclosure…
Henry VIII…	Puritans…	Developing overseas colonies…

Writing historically: selecting vocabulary

The best historical writing uses carefully selected vocabulary to express ideas formally, clearly and precisely.

Learning outcomes

By the end of this lesson, you will understand how to:

- select nouns and verbs that can help you express your ideas more clearly and precisely
- use expanded noun phrases to help you convey information more clearly and briefly.

Definitions

Noun: a word that names an object, idea, person, place, e.g. 'Mary', 'heresy', 'noose'.

Noun phrase: a phrase including a noun and any words that modify its meaning, e.g. 'burning at the stake', 'able-bodied vagabond'.

Verb: words that describe actions ('James wrote a book'), incidents ('the plotters were arrested') and situations ('the population was growing').

Modifiers: words that add to the meaning of verbs and nouns, e.g. adverbs, adjectives ('the Bloody Code').

Clause: a group of words or unit of meaning that contains a verb and can form part or all of a sentence, e.g. 'The authorities arrested vagrant children'.

How can I add detail to my writing?

Explain why vagabonds were treated as criminals in the Tudor period.

(12 marks)

Look at the first sentence of a response to this exam-style question. The key nouns, verbs and modifiers have been highlighted.

Vagabonds wandered through loads of villages which allowed people to blame beggars for theft that happened.

1. How could you improve this sentence? Would you add more detail? Would you express the same information more formally and precisely? Or would you do both?
2. Rewrite the sentence using more precise nouns, verbs and modifiers. You could use the thesaurus extracts below to help you.

wandered through	**loads of**	**allowed**	**blame**	**beggars**	**theft**
travelled	a number of	ensured	condemn	vagrants	crime
walked	several	authorised	charge	homeless	loot
explored	plenty of	encouraged	accuse	poor	takings
journeyed	many	permitted	attribute	needy	

3. Now look at the next two sentences from the same response:

Prices were rising and some people were forced off the land so had no work. People wanted someone to blame for the problems.

a. Identify all the nouns, verbs and modifiers.
b. For each noun, verb or modifier, note down two or three alternative choices.
c. Rewrite the sentences above, using more formal and precise nouns, verbs and modifiers.

How can I make the information in my writing clear and concise?

One way in which you can make your writing more concise is by using **expanded noun phrases**.

Compare these two versions of the same sentence from a response to the exam-style question on the previous page:

> *Henry ordered that the monasteries should be closed and this caused serious problems for homeless and needy people who could not get any help.*
>
> *Henry's closure of the monasteries was a disaster for the homeless and needy.*

In the second sentence, each clause has been replaced with a more concise expanded noun phrase. The second sentence is shorter and clearer.

4. Look at another sentence from this response to the exam-style question on the previous page:

> *Many of the beggars were accused by the authorities of faking illness or disability and this meant people had another reason to punish them not help them.*

a. Experiment with different ways of rewriting the sentence by condensing the highlighted clause to form an expanded noun phrase.

b. Compare your rewritten sentences with the original version. Which version do you prefer? Write a sentence or two explaining your decision.

Did you notice?

5. In the examples above, the shorter noun phrase has been created by turning a verb into a noun. Copy and complete the table below, turning the verbs into nouns. The first two have been done to help you.

Verbs	Nouns
to build	*building*
to symbolise	*symbolising*
to introduce	
to create	
to submit	
to accept	

Improving an answer

6. Now look at the next section of this response:

> *Vagabonds were treated harshly. They were whipped in the streets. This intimidated the people who saw these punishments. In the end, people who were caught three times were hanged as a punishment to put others off committing the same crime.*

a. Improve the sentences by replacing nouns, verbs and modifiers with more formal and precise vocabulary.

b. Now experiment with different ways of rewriting the sentences, using expanded noun phrases to make them more concise. Start by looking at each verb and seeing whether you can convert it to a noun.

c. Look at all the different versions you have written of this response. Which version is clearest and most concise? Write a sentence or two explaining your decision.

03 c1700–c1900: Crime, punishment and law enforcement in the 18th and 19th centuries

From 1700 to 1900, there were many changes in society that had a significant impact on crime and punishment. Rapid population growth and urbanisation meant more opportunities for crime, as rich and poor now lived more closely together. Mass migration from countryside to town made enforcing the law more difficult, as it was harder to keep track of people, and extreme poverty in some areas of big cities, like London, saw the growth of a criminal underclass.

There were also important developments in ideas and attitudes that led to new ways of catching and dealing with criminals. For example, in the 19th century prisons were intended to reform criminals and not just lock them away.

A number of individuals had a significant impact on changes in law enforcement and punishment at this time, including: the prison reformer, John Howard; and the founder of the Metropolitan Police, Robert Peel.

Learning outcomes

By the end of this chapter you will:

- understand how increasing industrialisation and urbanisation in Britain led to changes in the nature of crimes against the person, property and authority
- understand how changing attitudes led to the end of witchcraft prosecutions, transportation, public executions and the Bloody Code
- know about the case of the Tolpuddle martyrs
- be able to explain the thinking behind the 'separate system' introduced at Pentonville Prison in the mid 19th century
- know about prison reform, including the influence of John Howard and Elizabeth Fry
- understand developments in law enforcement, including the work of the Fielding brothers and Robert Peel in the development of police forces and the beginning of the CID.

3.1 Changing definitions of crime, c1700–c1900

Learning outcomes

- Know about the growth in highway robbery, poaching and smuggling during this period.
- Understand why witchcraft stopped being prosecuted as a crime.
- Know about the case of the Tolpuddle martyrs.

Timeline

Changing definitions of crime, c1700–c1900

1690s Excise duty extended to salt, leather and soap

1690 Mounted customs officers introduced

1716 Last known execution for witchcraft – Mary and Elizabeth Hicks hanged

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

1735 Witchcraft Act

1850 Import taxes cut, large-scale smuggling reduced

Smuggling: continuity and change

In the 17th century, the government introduced import duties on a range of goods from abroad (see Chapter 2, page 47). Smugglers brought goods into the country and sold them on, without paying the new duties. They could sell their goods cheaper than traders who paid import duties, so were able to sell them more easily and make a bigger profit. In the 18th century, more goods – including cloth, wine and spirits – were taxed, and smuggling activity increased.

Another development in the 18th century was the growth of large smuggler gangs. The Hawkhurst Gang – named after the Kent village of Hawkhurst – controlled smuggling around long stretches of the south coast of England, from 1735 to 1749. They were far more organised and operated on a larger scale than earlier smugglers. The leaders of the Hawkhurst Gang – Arthur Gray and Thomas Kingsmill – were caught and hanged in 1748 and 1749, but, in general, the authorities found it difficult to tackle smuggling.

Smuggling was a 'social crime'. Many people benefitted from the cheaper smuggled goods and did not see it as serious wrongdoing. Some smugglers were even viewed as popular heroes, and plenty of locals in coastal areas collaborated with smuggler gangs, making money by helping unload boats and hiding goods until they were sold on. Many members of the powerful upper classes bought cut-price luxury goods from the smugglers, and so would help conceal their activities rather than report them. This popular support made it harder for the authorities to track down and arrest smugglers.

Other difficulties facing customs officers who were trying to track down smugglers were more practical. Smugglers often worked at night, unloading cargoes under cover of darkness. With miles of unpoliced coastline, smugglers could easily find a secluded cove where they could bring goods ashore in secret.

Some people argue that smuggling was a crime that the government created by introducing and extending import duties. By raising money in this way they created a financial incentive for people to break the law. In the end, smuggling became less common, not because the authorities cracked down on it, but because it became less profitable. First the prime minister, William Pitt, lowered import duties in the 1780s; then, in the 19th century, they were reduced again. Whereas previously, smugglers could offer a much better price than law-abiding traders, there was now less difference in price, so the extent of smuggling dropped dramatically.

Source A

From a report on smuggling, written in July 1743. The report, which was presented to the Treasury, explains the problems the Commissioners of the Customs faced when trying to stop smugglers.

Henry Dominy Mate of the Sloop [boat] in the Service of the Customs... in Hythe Bay, saw a Cutter [small boat] Commanded by one Jacob Peake, a Notorious Smugler, Close into the Shore at Brockman's Barn, and perceived [saw] a large Quantity of Tea on the Beach, on which he made to the Shore in his Boat and Crew, but were fired at by at least Forty Smuglers, who were Armed with Blunderbusses and other Fire Arms, who Beat off the said Dominy and his Crew - That the Customhouse Sloop coming up to their Assistance, was fired at by Peake's Cutter, and forcibly Beat off - There were on the Beach near the Tea One hundred Men with their Horses.

Activities

1. Use Sources A and B and the text on the preceding page to explain the methods used by smugglers.
2. What measures were introduced to try to stop smugglers?
3. In small groups, write and perform a short role play about smugglers' activities and how the authorities tried to catch them.

Source B

A court transcript from c1700, describing what happened when a customs officer tried to stop a smuggler gang.

Three of the gang seized Longly and by violence threw him overboard and tried to spike him... with handspikes.

Highway robbery: continuity and change

The crime of highway robbery involved threatening or attacking travellers and forcing them to hand over their valuable possessions. Highway robbery was a problem as far back as the Middle Ages, but it became more common in the 18th century for a number of reasons:

- As trade increased there was more need to move goods and money around. There were no cheques or debit cards, and only a few banks where money could be left for safe-keeping; so business people, and ordinary travellers, often carried large sums in cash.
- While towns were growing, the countryside was much less populated than it is today, so there were many isolated country roads where robberies could take place.
- Many roads were improved in the 18th century. Turnpike trusts improved the road surfaces, charging travellers a toll to pay for these improvements. This led to more travel, including regular stagecoach services, which meant there were many more people (and valuable items to steal) on the roads.

Highway robbers who operated on foot were known as footpads and those who travelled on horseback were called highwaymen. Some highwaymen were infamous in the early 18th century. In Derbyshire, 'Black Harry' robbed pack-mule trains. He was eventually caught and executed at Wardlow Mires.

Highway robbery was treated as a serious crime because:

- it disrupted travel between towns
- the crime was committed on the king's highway
- it could involve the theft of mail bags and so disrupted the postal service.

In 1772, in an effort to clamp down on the activities of highwaymen, the death penalty was introduced for anyone found armed and in disguise on a high road. Highway robbery continued into the 19th century, but after 1815 the crime became less common. The last reported case was in 1831.

One important factor contributing to the decrease in highway robbery was the use of mounted patrols on major roads in the 19th century. Another was the growth of the banking system, as it meant there was less need for people to carry large sums in cash.

Extend your knowledge

Highwaymen – heroes and villains

Highwaymen were hugely popular, despite the fact they committed violent crime. In 1724, thousands of admirers lined the street, from Newgate Prison to the gallows at Tyburn, to see the highwayman Jack Shepherd being taken to his execution. The onlookers threw flowers, and public houses gave out free pints of beer. Shepherd had been imprisoned and escaped four times, which led to his fame. He was so popular that, after his death, the authorities banned any plays that included his name in the title. The highwayman Dick Turpin is also remembered in fiction and legend as a brave and glamorous hero – although he committed many violent assaults and robberies.

Exam-style question, Section B

Why did the problem of highway robbery increase and decrease in the period 1700–1900?

You may use the following in your answer:

- increased wealth
- the death penalty

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

12 marks

Exam tip

This question tests understanding of key features and causation. First focus on factors that help explain **why** highway robbery came about, and then on factors that led to its decline. Try to make links between the factors.

Poaching: continuity and change

Poaching continued to be a widespread crime after 1700 and, as with smuggling, there was a rise in gangs operating on a large scale. Poaching raids prompted the authorities to make anti-poaching laws harsher. The 1723 Black Act was passed to try to deal with these gangs, by making poaching a capital offence. The act also made it illegal to blacken your face (a form of disguise) in a hunting area, and carrying snares, or even owning dogs that were suitable for poaching, could be punished by fines or a prison sentence.

Anti-poaching laws were heavily resented because they were viewed as unfair. Only landowners with land worth over £100 a year were allowed to hunt without restrictions. In 1823, the Black Act was repealed as part of a large number of legal reforms led by Robert Peel (see page 97). Poaching was still illegal but would no longer be punishable by death.

The decriminalisation of witchcraft

In 1736, during the reign of George II, a new Witchcraft Act was passed. This decriminalised witchcraft. People no longer believed in witches and witchcraft and those who claimed to be 'witches' were now seen as confidence tricksters trying to take advantage of others. The new act set out much less severe punishments of fines and imprisonments than people accused of witchcraft had faced in the past.

The Tolpuddle martyrs

A revolution in France, in 1789, had led to a temporary overthrow of the ruling classes, with thousands of members of the nobility executed. There were further popular uprisings in France in 1830. This made the authorities in Britain feel vulnerable, and contributed to them treating those who wanted political change as criminals.

The case of the Tolpuddle martyrs* shows how the government dealt with threats to authority at this time, and how changing attitudes could influence the government's approach to, and definitions of, crime.

Key term

Martyr*

A person who suffers for their beliefs and, often, is admired for it.

In February 1834, in the village of Tolpuddle in Dorset, a farm labourer called George Loveless was arrested as he was leaving for work. He and five others – Loveless's brother James, James Brine, James Hammett, Thomas Standfield and his son John – were accused of 'administering an illegal oath'. They had broken an old law intended to stop sailors in the Navy organising mutinies.

However, the real motive for their arrest was to stop their political activities. The men had sworn to do what they could to protect their wages and help each other. They had also formed a 'friendly society', an early form of trade union*. They wanted to protest about their low wages: six shillings a week, when the average wage for a farm labourer was ten shillings a week.

Key term

Trade union*

An organisation that represents workers to protect their rights.

Extend your knowledge

A time of change

Rapid urbanisation and industrialisation, at the end of the 18th and beginning of the 19th centuries, meant that many workers lived in poor conditions, working for low wages and with no legal protection as workers. As a result, some working people demanded changes to the political system, including the right to vote and the right to go on strike. Some workers formed trade unions to campaign collectively for greater rights and improved conditions. The authorities were concerned that this could lead to too much power in the hands of the workers.

Source C

This article about the trial of the Tolpuddle martyrs is from the *Caledonian Mercury* newspaper, published 29 March 1834.

TRADES' UNIONS.—At the Dorchester Assizes on Monday, six labourers, named J. Loveless, J. Loveless, T. Stanfield, J. Stanfield, J. Hammett, and J. Brine, were indicted under the 57th Geo. III. c. 19, sec. 25, for having administered an unlawful oath to John Lock. The prisoners belonged to the "Friendly Society of Agricultural Labourers," which contained provisions among its rules, that if any master attempted to reduce the wages of his workmen, those who were members of the society should quit, and that no member should divulge any of the secrets, or violate the same; and that if he did, his crime would be communicated to all the lodges in the country, and he would be hunted from the society of the Unionists. Two men, named Lock and Legg, gave evidence that they had joined the Union, and that they were blindfolded in a room at a house in Tolpuddle, and sworn to strike for wages when others did, and to wish that their "souls might be plunged into eternity" if they divulged the secrets of the order. After the ceremony, the handkerchief was removed from their eyes, and they were told to look on the picture of a skeleton, some one exclaiming at the time, "Remember your end." Mr Baron Williams said, that if the Jury were satisfied that the oath was intended as an obligation on the conscience of the person taking it, it came within the meaning of the act, and the prisoners must be found guilty. The Jury returned a verdict of *Guilty*, and all the prisoners were sentenced to be transported for seven years.

Loveless and the other men were sentenced to seven years' transportation to Australia. Conditions on the ships and after arrival were extremely harsh. The sentence was the most severe available to the judge handing out the penalty. It was meant as a deterrent to others who might try to form a union.

The Old Crown Court in Dorchester was one of the earliest to have a press gallery. As a result, news of the conviction spread across the country very quickly. After the sentence was passed, mass protests were organised in support of the men. A demonstration was held in London, which was attended by up to 100,000 people, and a petition with 200,000 signatures was presented to parliament about their harsh punishment. However, Lord Melbourne, the home secretary*, refused to accept it, and the men were sent to Australia. While they served their sentence, trade unions supported their families with financial donations.

Four years later, the government pardoned and released the Tolpuddle martyrs and they returned home to a 'hero's welcome'.

The case of the Tolpuddle martyrs shows how public opinion could influence what was regarded as a crime, and how the authorities punished people. As with smugglers, changing attitudes were an important factor in determining what should be treated as a serious crime.

Key term

Home secretary*

The government minister with responsibility for law and order.

Source D

An 1834 print showing a demonstration against the sentences imposed on the Tolpuddle martyrs.

THINKING HISTORICALLY Change and continuity (3a)

Significant change

Things change all the time. Every second, something in the world is changing. If historians weighted every change as equal, they would never be able to write anything about the past that was useful. The decisions that historians make about what is historically significant, and what is not, is a very important part of their work.

The Tolpuddle martyrs

Early trade unions were set up in the 1830s.	The government was concerned about revolutionary ideas spreading from France to England.	Farm labourers in England were poorly paid.	The Tolpuddle martyrs were transported to Australia.
The government were prepared to manipulate the law to protect the interests of employers.	The harsh treatment of some workers deterred others from joining unions.	The Tolpuddle martyrs inspired many workers, in the long term, to fight for better workers' rights.	The Tolpuddle martyrs' punishment was repealed and they were pardoned.

Imagine you are investigating ways in which the British government treated trade union members as criminals in the 1830s.

1. With a partner, discuss what might make a change significant for this investigation: for example, how long the change lasted, or the wider consequences of the change, could affect how significant you think it was. Write down your top three criteria.
2. Discuss your choice of criteria as a class, writing down all the suggestions. Assess your own three factors again, and decide if you want to change any of them.
3. Using your three criteria for deciding significance, put the eight changes in the table above into order of significance, with the most significant change at the top.
4. Compare your list with that of another pair of students. Is the order similar?
5. Compare your original set of criteria affecting significance with that of the other pair.
6. Does this explain why you put the changes into different orders?
7. Write a short paragraph explaining what you think makes a change significant.

Summary

- Smuggling increased in the 18th century, while there were good profits to be made – then became less common in the 19th century, as it became less profitable.
- Highway robbery became less common as new mounted patrols clamped down on robbers.
- Increasingly harsh and unpopular laws were passed against poaching. They were repealed in the 1820s.
- The case of the Tolpuddle martyrs shows how changing attitudes changed what was viewed as criminal activity.

Checkpoint

Strengthen

S1 What crime was the Black Act meant to tackle?

S2 What crime was committed by the Tolpuddle martyrs?

S3 Why were the Tolpuddle martyrs eventually pardoned?

Challenge

C1 Why did smuggling grow and later decline?

C2 Why was poaching treated as such a serious crime?

C3 Why were highwaymen treated as heroes by some people?

How confident do you feel about your answers to these questions? Form a small group and discuss any answers you are not sure about. Look for the answers in this section. Now rewrite your answers as a group.

3.2 Changing attitudes to punishment, c1700–c1900

Learning outcomes

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

Timeline

Punishment c1700–c1900

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

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

1778 Transportation to Australia introduced

1810 222 crimes are capital offences

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

1822 Last hanging for shoplifting

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

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

1850 National Prison Department takes overall control of prison system

1868 Capital Punishment Amendment Act ends public execution

1902 Executions move from Newgate to Pentonville Prison

1902 Holloway Prison for women opens

Decline of the death penalty

By 1688, the number of crimes that carried the death penalty had increased to 50 and by 1765, to 160; by 1810, this had increased again to 222 crimes. During the early part of the 19th century the Bloody Code (see Chapter 2) was increasingly questioned, and many believed better and more effective punishments should be found. These included transportation and a reformed prison service. (For more on this, see page 97 on the work of Robert Peel.)

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

Transportation to Australia

Transportation began in around 1610, when convicts were sent to the new English colonies in North America. After 1783, as a result of the American War of Independence, England lost these colonies and prisoners could no longer be sent to America. Instead, convicts were transported to Australia, which had been claimed as part of the British Empire in 1770.

Transportation was a serious punishment that was seen as an effective deterrent, and a more humane alternative to the death penalty for petty crimes. Most criminals had been convicted of theft, not violent crimes. About 160,000 people were transported to Australia, of whom about a sixth were women.

Source A

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

COLONISTS AND CONVICTS.

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

Transportation had practical advantages:

- Britain's prisons were not designed to hold the large numbers of criminals being convicted in the courts. Transportation was an alternative to building new prisons.
- The prisoners would help to populate the new colony – which would help Britain secure its ownership.

A convict's journey

Following their trial, convicts were held in prison while they waited for the next ship to leave for Australia. As prison buildings were overcrowded, some were held in hulks – disused ships used as floating prisons just offshore. Conditions on the hulks were harsh and prisoners were kept in chains.

On the transport ship to Australia, convicts were kept below deck in dirty, cramped conditions. The journey could take three months. Once in Australia, convicts were sent to work for settlers. Their new masters provided basic food and housing.

When their seven-year sentence had been served, most convicts could not afford to return home, so remained in Australia.

The end of transportation

Transportation to Australia officially ended in 1868. Changing attitudes in Britain and Australia help explain this change.

In Australia:

- many people believed that ex-convicts were responsible for high crime levels in some Australian towns (see Source A)
- free settlers argued that convict workers meant there were fewer jobs for others, and that employers were able to pay lower wages overall.

In Britain:

- some British campaigners said conditions on the convict ships were inhumane*; others argued that transportation was too lenient
- Australia was becoming a desirable place to settle, especially after gold was discovered there, so transportation was less of a deterrent
- people were concerned about the costs of running the prison colony in Australia.
- new ideas about the use and purpose of prisons led to more prisons being built in Britain. With more prison places available at home, there was less need for transportation.

Key term

Inhumane*

Cruel, without compassion.

Exam-style question, Section B

Why was transportation used as a punishment in the period c1600–c1850?

- American colonies
- convict labourers

You **must** include information of your own. **12 marks**

Exam tip

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

The end of public executions

The Bloody Code was based on the idea that harsh punishments deterred criminals. Executions were made public events, and were supposed to be a spectacle that people would fear. However, in many cases executions attracted large crowds and there was a carnival atmosphere. In some towns, special train services were laid on to bring large numbers to the execution site, and some employers allowed workers time off to attend. Local traders and shopkeepers enjoyed extra trade on hanging days, which were treated as festive occasions.

Increasingly, reformers argued that public execution was inhumane, and that those condemned to death should have more dignity during their execution.

Other concerns surrounding public executions were that:

- the crowds that came to watch were often drunk and disorderly
- for most spectators, public executions were a fun spectacle, rather than a solemn occasion that would scare them into being law-abiding
- sometimes the crowds seemed to mock the authorities and treat the condemned criminal as a hero
- the large crowds that gathered at executions provided opportunities for further crimes, including pickpocketing and prostitution.

Public executions were stopped in 1868. Executions still took place but they were carried out away from public view.

Source B

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

Extend your knowledge

The Tyburn tree

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

Source C

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

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

Activities

1. Make a list summarising the reasons why public executions were banned in the 19th century.
2. Rewrite the list, placing the reasons in order of importance.
3. Write an interview with Charles Dickens about his opposition to public executions. Use information from the Sources and the text in this section.

THINKING HISTORICALLY Cause and Consequence (2a)

The web of multiple causes

Why was public execution abolished?

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

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

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

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

Answer the following:

5. Explain why it would be difficult to put the causes in the table above on a timeline.
6. Which of the causes have an effect on other causes? Which are linked directly to the outcome?
7. Can your diagram help you to work out which causes were more important?
8. Write a paragraph explaining why the government ended public executions. Make sure you mention all the causes in the table. Use the links you have identified between the causes to help you.

Prison reform

The changing role of prisons

Before the 18th century, prison was rarely used as a punishment in its own right. Prisons were mainly for holding a suspect in the run-up to their trial, or while they were awaiting execution or some other punishment. Conditions in prisons were very poor (see Chapter 2, page 53).

During the 18th and 19th centuries, the use of imprisonment as a punishment grew. The decline of the Bloody Code and concerns about transportation meant that by the mid-19th century, prison was viewed as a

suitable alternative punishment for offenders. Common views about prison were that:

- it was an opportunity to change or rehabilitate a person who had committed crime
- as well as punishing criminals, a prison term should deter others from crime
- prison sentences should involve hard work to pay back society
- prison made society safer by separating criminals from everyone else.

Not everyone agreed on whether the main purpose of prison should be rehabilitation or punishment. Those who favoured punishment thought prisoners should be kept in harsh conditions and perform hard labour. A common form of hard labour was the treadwheel: the prisoner walked up the wheel for ten minutes at a time, with a five-minute break before the next ten-minute stint. This went on for eight hours a day, and prisoners climbed the equivalent of over 2.5 km in every shift. Prisoners stood in separate booths at the wheel to ensure there was no communication between them. Power generated by the treadwheel was sometimes used in the prison, for example for pumping water.

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

Source D

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

Figure 3.2 The prison reformers John Howard and Elizabeth Fry.

Extend your knowledge

Humanitarianism

The school of thinking known as humanitarianism is based on the principle that all people are equal, and inhumane treatment of other human beings should be challenged. In the 19th century, many major social reforms were achieved by humanitarian reformers, including the abolition of slavery, improved children's rights and changes to the prison system. Small groups of reformers had a powerful influence on the authorities and on public opinion, using a range of methods, including public meetings, political writing and talking to MPs.

Growing government involvement

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

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

Timeline

Reorganising the prison system, 1815–77

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

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

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

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

1835 Gaols Act introduces inspection of prisons

1850 National Prison Department takes overall control of prison system

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

1877 All prisons are brought under government authority

Summary

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

Checkpoint

Strengthen

S1 List three changes to prisons that were campaigned for by Elizabeth Fry.

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

Challenge

C1 In what ways did criticisms of transportation differ in Australia and Britain?

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

C3 Was the end of public execution more the result of humanitarianism, or of demands for more effective punishments? Make notes to support both arguments.

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

3.3 Law enforcement, c1700–c1900

Learning outcomes

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

Crime prevention and catching criminals in the early 18th century

In the early 18th century, the law continued to be enforced using a combination of methods that had been used previously. These included:

- parish constables who dealt with disorderly behaviour, petty criminals and beggars
- watchmen, who were organised by parish constables and were responsible for protecting private property
- part-time soldiers who were used to dealing with rebellions or riots.

Some towns had salaried constables and watchmen, so in these places some features of a modern police force were already present. For example, there were regular foot-patrols by men who were employed to prevent crime and arrest suspects. They were more experienced than the part-time householders they replaced, but they were low-paid and the job had a low status. Some people were concerned that paid watchmen and constables had too close a relationship with the criminals they were supposed to police.

Timeline

Law enforcement, c1700–c1900

- **1748** Fielding brothers set up the Bow Street Runners
- **1792** Middlesex Justices Act
- **1829** Metropolitan Police Act
- **1835** Municipal Corporations Act
- **1839** Rural Constabulary Act
- **1856** Police Act makes it compulsory for all towns and counties to set up a police force
- **1869** National Crime Records established
- **1878** Criminal Investigations Department (CID) set up
- **1902** First conviction in court using fingerprint evidence

Origins of the Bow Street Runners, 1748

Source A

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

The Bow Street Runners were a crime-fighting team, established in London, in 1748, by the Chief Magistrate, Henry Fielding, who had offices at Bow Street.

Initially, Henry Fielding used a small team of volunteers to attend crime scenes and detect criminals. He was convinced that 'thief takers' (see page 52) should form a part of law enforcement, but also recognised they needed to be reformed and monitored to improve their effectiveness and questionable reputation. He appointed thief takers as 'principal officers' – who became known as Bow Street Runners. He also published descriptions of wanted persons in the local *Covent Garden Journal*.

In 1754, Henry's brother, John Fielding, took over the Bow Street Runners. At first the Fieldings charged fees for their services, and collected rewards from the victims of crime if successful convictions were secured. But by 1785, the Bow Street Runners were officially paid by the government and were the first modern detective force.

Significance of the Bow Street Runners

The Fielding brothers' approach was innovative in a number of ways:

- Their objective was to deter criminals by increasing the chances of them being caught and successfully prosecuted.
- They organised regular foot and horse patrols, by paid constables, along major roads.
- They understood the importance of collecting and sharing information about crime and suspects with other law enforcers. Their Bow Street office became a hub for a crime intelligence network.

The success of the Bow Street Runners led to more detective offices being set up in Middlesex and Westminster. In 1792, the Middlesex Justices Act set up further offices, each with six constables tasked with the job of detecting and arresting suspects.

Developments in police forces in the 19th century

The mixture of part-time constables, watchmen and Bow Street Runners was not sufficient to deal properly with law and order. But there was still strong opposition to the idea of a consolidated police force:

- Some people were worried about their personal freedoms and privacy.
- Some doubted it would really make a difference to law and order.
- Opponents thought it would be too expensive to fund.

Turning point: London's first professional police force, 1829

In 1829, England's first professional police force was established in London. The Metropolitan Police Act gave London a uniformed police force. Seventeen districts across London each had its own police division, with four inspectors and 144 constables. The emphasis was on deterring criminals by having a public presence on the street, with constables patrolling their beats to counter crime and catch any criminals that were 'caught in the act'. This new police force had far greater numbers than the Bow Street Runners and was better organised.

The Home Secretary, Robert Peel, was keen to ensure that the police force was viewed in a positive light, so they had a uniform of blue overcoats and top hats to identify them and distinguish them from the army. Despite Peel's attempts to make the new police force acceptable to the public, there was significant public concern that they could be used to prevent political protest or put down opposition to the government. For more on Robert Peel's reforms see Section 3.5.

Developments in police forces, 1829–56

Improvements in policing outside London were slow and by the mid-19th century there were still big differences between regions. While some areas had professional police forces, many still relied on the old system of parish constables.

The pace of change was slow for a number of reasons:

- The public were concerned about the potential costs involved.
- There was no co-operation between different areas.
- Development was optional, rather than enforceable by central government, so many local government organisations simply didn't bother with the reforms.

Developments in police forces, 1856–1900

The 1856 Police Act meant that all areas now had to have a professional police force that was centrally controlled. All police forces were now inspected by government officials and only received government financial grants if they were delivering their policing services efficiently. The act also established the principle of deterrence through detection of criminals – the idea that criminals would be less likely to commit crimes if they knew police officers were actively looking for them.

In 1869, the first National Crime Records were set up. This saw the use of new technology in policing. Telegraph communications meant that different police forces could communicate quickly and effectively to share information about crimes and suspects.

Crime detection and the start of the CID

In 1842, a regular detective branch was established at Scotland Yard with 16 officers. Instead of patrolling the beat in uniform, they focused on investigating crimes and wore ordinary 'plain clothes'. Their activities were viewed by some with suspicion, and accusations that they were no better than spies on the public.

Later, in 1878, the Criminal Investigations Department (CID) was set up. This employed 200 detectives. A further 600 were added in 1883. The CID developed new methods of detection. In the 1880s, they tried to identify Jack the Ripper by his handwriting in 1902 they secured the conviction of a burglar using fingerprint evidence left at the crime scene.

Act	Measure	Impact
1835 Municipal Corporations Act	Gave borough councils powers to set up a local police force.	Only 93 out of 171 had done so by 1837.
1839 Rural Constabulary Act	Allowed the 54 counties to organise a paid police force in their area. JPs were given powers to appoint chief constables and employ one police constable per 1,000 population.	Only 36 counties did so by 1850.
1856 Police Act	Forced the entire country to set up local police forces.	Start of the modern police service.

Exam-style question, Section B

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

Exam tip

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

Summary

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

Checkpoint

Strengthen

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

S2 Describe the impact of two new laws on policing across England.

Challenge

C1 Explain why the shift towards detection, rather than just deterrence, marks an important change in policing.

C2 Why were changes in approaches to policing slow and varied in this period?

C3 How was technology used to improve police methods at this time?

C4 Why was the public initially hostile towards the Criminal Investigation Department?

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

3.4 Case study: The separate system at Pentonville Prison

Learning outcomes

- Understand the ideas behind changes in the prison system.
- Know about the conditions experienced by prisoners at Pentonville when it first opened.
- Understand why Pentonville Prison was changed during the 19th century.

Timeline

Development of prisons in the 19th century

- **1816** Millbank Prison built in London
- **1823** Robert Peel's Gaols Act passed
- **1824** Prison Discipline Act – JPs ordered to inspect prisons
- **1835** Government inspectors appointed to check prisons
- **1839** Prisons Act advocates separate system in prisons
- **1842** Pentonville Prison built on the site of the old Millbank Prison
- **1865** Prisons Act emphasises retribution and deterrent purpose of prisons
- **1866** Howard Association is created to campaign on prison conditions
- **1877** All prisons brought under control of National Prisons Commission
- **1898** Prison Act emphasises rehabilitation and reform of prisoners

Key term

Prototype*

A new idea or design that is tried out before more versions are made.

The growth of the prison system in the mid 19th century

The Victorians were increasingly worried about rising crime rates: between 1800 and 1840 the number of crimes reported per year had risen from 5,000 to 20,000. In the 18th century, prison was not generally used as a punishment in its own right; but, through the 19th century, prison was increasingly seen as a viable alternative to transportation and execution. The era of private prisons with desperately poor conditions was ending, and reformers argued for a system that was tough, but not bad for prisoners' health.

The separate system at Pentonville Prison

Pentonville Prison was built in 1842 as a prototype* where the 'separate system' could be tested. Under this system, prisoners were kept apart as much as possible. They lived in separate cells and stayed there for up to 23 hours a day. Separate conditions were intended to:

- provide prisoners with an opportunity for individual improvement
- give prisoners solitude to encourage reform through religious faith and self-reflection
- ensure prisoners were not influenced by other criminals who might encourage them to commit even worse crimes
- deter people from committing crimes because of the serious nature of the punishment
- ensure retribution – making the criminal 'pay' for their behaviour by being punished.

The building

Every aspect of the new prison was designed to support the separate system. The building had five wings with a base for staff in the central area. Each wing was made up of dozens of individual cells, and altogether the prison could accommodate 520 prisoners.

The cells had a floor area of just 4m by 2m. There was a small high window at the end to allow some natural daylight in. The windows had thick glass and were fixed with iron bars for extra security.

The prison had a heating system and a mechanical ventilation system; and the cells featured some of the most up-to-date domestic technology, including piped water to each cell, a small basin for washing and a basic toilet. These measures were put in place to improve the health and living conditions of the prisoners, but also ensured that they would not have the chance to see or speak to each other, as they had no need to leave their cells.

Extend your knowledge

Joshua Jebb, Prison Surveyor General

Jebb was appointed Prison Surveyor General by the Home Office. He designed Pentonville as a 'model' prison in 1840–42. With a background in engineering, he ensured that the building included modern features such as ventilation, heating and piped water. Between 1842 and 1877, 90 new prisons were built or extended using the design ideas that Jebb introduced at Pentonville.

Source A

Architect's plans for the design of Pentonville Prison, 1842.

BIRD'S-EYE VIEW OF PENTONVILLE PRISON.
(From a Drawing in the Report of the Surveyor-General of Prisons.)

The living conditions

Living conditions in Pentonville were highly disciplined. The early ideas behind the separate system were focused on isolating prisoners to ensure that they had time to face up to their crimes. Every feature of the prison was designed to add to their isolation:

- The building's walls were thick to stop prisoners communicating between cells.
- Initially, prisoners worked in their cells to ensure they remained isolated through the day. The work was deliberately very boring and repetitive: for example, oakum picking, which involved unravelling and cleaning old rope.
- Prisoners were allowed out for a short period of exercise or to go to chapel, but there were elaborate systems in place to stop them from speaking to, or even seeing, one another. They wore face masks for exercise, and in chapel they sat in individual cubicles wearing masks made of brown sacking.

Source B

Separate cell at Pentonville Prison 1842. The cell housed a hammock-style bed and a mattress with a blanket. This cell had a weaving loom so the inmate could work without leaving the room.

The solitary conditions and lack of human contact meant many prisoners suffered from mental illness, including depression and psychosis*. There was also a high rate of suicide.

Key word

Psychosis*

A confused state where sufferers have hallucinations and delusions – seeing and imagining things that are not really there.

Source C

Prisoners at Pentonville during an outdoor exercise session. Face masks ensured that time outside their cells was still as isolated as possible.

Activities

1. List three methods used by the authorities to keep Pentonville inmates separate from each other.
2. Why were prisoners made to do boring and repetitive work?

Views of the separate system

Some prison reformers, including Elizabeth Fry, were concerned about the purpose and design of Pentonville Prison as a future model for other prisons. Reformers wanted prisoners to have the opportunity to change their ways and be rehabilitated, so that they would change for the better on their release from prison. The separate system could be used in this way, but many people in government were more concerned with deterring potential criminals and punishing wrongdoing, rather than rehabilitating prisoners.

Elizabeth Fry raised her concerns about the impact of the separate system with government authorities, including the Prison Surveyor General, Joshua Jebb.

Source D

From a letter written by Elizabeth Fry to Joshua Jebb, on the subject of Pentonville Prison, in 1841.

These cells appear to me calculated to excite such an awful terror in the mind... I am certain that separate confinement produces an unhealthy state, both of mind and body, and that, therefore everything should be done to counteract [balance] this influence... I consider light, air and the power of seeing something beyond the mere monotonous walls of a cell, highly important.

Activities

1. Summarise the points that Elizabeth Fry makes in her letter in Source D.
2. Why does she think that conditions at Pentonville could harm prisoners?
3. Write a letter from Joshua Jebb, in reply to Elizabeth Fry, covering each of the points she raises.

The late 19th century: increasingly harsh treatment of prisoners

In the latter half of the 19th century the regime at Pentonville Prison, and other prisons around the country, became harsher. The aim of the 1865 Prisons Act was to enforce a strict, uniform regime of punishment in all prisons. It did not aim to reform prisoners through religious faith or work.

The Assistant Director of Prisons, Sir Edmund Du Cane, declared that prisoners would get 'Hard labour, hard fare and hard board'. This meant:

- hard labour: physically demanding work for up to 12 hours every day
- hard fare: a deliberately boring and bland diet, with the same food served on the same day every week
- hard board: wooden board beds instead of the hammocks prisoners had slept on previously.

Source E

The writer Oscar Wilde was held in Pentonville Prison in 1898. This is an extract from a letter he wrote to the *Daily Chronicle* newspaper, urging reforms of the system.

Deprived of books, of all human intercourse [conversation], isolated from every humane and humanising influence, condemned to eternal silence... treated like an unintelligent animal... the wretched man who is confined in an English prison can hardly escape becoming insane.

Summary

- Pentonville was a prototype or model prison. The main concern for the authorities was to keep prisoners as separate as possible.
- The government was concerned with punishing wrongdoing and deterring others from crime by ensuring conditions were sufficiently harsh.
- In the latter half of the 19th century, the regime at Pentonville Prison became harsher.
- The aim of the 1865 Prisons Act was to enforce a strict, uniform regime of punishment in all prisons – not to reform prisoners.

Checkpoint

Strengthen

S1 Describe three aspects of the separate system that led prisoners to suffer mental illness.

S2 Why were inmates forced to do work like oakum picking?

S3 What was the purpose of making convicts do hard labour like climbing the treadwheel?

Challenge

C1 Do you think that hard labour would have made a prisoner change their behaviour after they were released from prison?

C2 How did the prison system become more severe from the 1860s?

C3 Why was Pentonville Prison criticised by some prison reformers?

How confident do you feel about your answers to these questions? If you're not sure you answered them well, discuss the answers with a partner and record your conclusions. Your teacher can give you some hints.

3.5 Case study: The reforms of Robert Peel

Learning outcomes

- Understand the main penal reforms led by Robert Peel.
- Know about the main changes in policing introduced by Robert Peel.

Robert Peel was prime minister from 1834 to 1835 and later from 1841 to 1846. During his earlier political career, Robert Peel had held a number of government posts and became home secretary in 1822. As home secretary, he was responsible for bringing in a wide range of changes to criminal law and for reforming prisons. Some historians claim that Peel should be seen as the 'father of modern policing' as he set up the Metropolitan Police Force, which became the model for other police forces across the country.

Robert Peel was a particularly effective politician. His key strengths were:

- he was well-informed and open to new ideas – for example, after Elizabeth Fry spoke to parliament about conditions in British prisons, Robert Peel took on board many of her suggestions in his work on penal reform
- he was skilful at seeing bills through parliament – carefully managing the reactions of other MPs
- he made the most of his senior positions as home secretary, and then prime minister, to implement his reforming ideas.

Peel's penal* reforms in the 1820s

Peel advocated a system aimed at preventing crimes and reforming criminals, rather than focusing on punishments as a deterrent. He reformed the penal code by reducing the number of crimes punishable by death by 100, and many minor crimes were punished more proportionately* as a result.

Peel also reformed prisons. He had some sympathy with 19th-century prison reformers like Elizabeth Fry. He also wanted to use the law more effectively, by bringing in a more logical and organised system of punishment, in which the same crime was always punished in the same way.

Peel persuaded parliament to pass the 1823 Gaols Act. This said that:

- prisoners should receive regular visits from prison chaplains
- gaolers should be paid (so they would not need to make money from prisoners)
- female prisoners should be watched over by female warders
- prisoners were not to be held in chains or irons.

The measures brought some improvement but had limited effect, as there were no paid inspectors to ensure the new laws were put into practice. There was no official prison inspectorate until the 1853 Prison Act was passed.

Key terms

Penal*

Involving punishment.

Proportionately*

In a fair and balanced way. A proportionate punishment would be harsher for a serious crime and less harsh for a minor crime.

Timeline

Peel's penal code reforms, 1822–27

- **1822** Last hanging for shoplifting
- **1823** Gaols Act
- **1825** Capital crimes reduced by 100
- **1827** Black Act repealed

Extend your knowledge

Policing the City of London

Peel was careful in the way that he constructed the Metropolitan Police bill. Police were not to have authority over the 'square mile' of the rich and influential City of London. The City was determined to preserve its independence and had blocked previous attempts at unifying London's policing. The Mayor and Corporation of the City of London refused to be part of the wider centralised force. Even in the 21st century, the City of London still has its own, independent police.

Source A

From a letter sent by Home Secretary Robert Peel to the new police commissioners in July 1829.

Hierarchy and pay structure

Superintendents – A yearly Salary of £200 each.

Inspectors – A yearly Salary of £100 each.

Sergeants – A daily pay of three shillings and sixpence each.

Police Constables – A daily pay of three shillings each.

The pay of the Sergeants and Constables will be subject to certain deductions, which may be hereafter directed.

I am Gentlemen, your most obedient humble Servant,

Robert Peel

Metropolitan Police Force formed, 1829

Robert Peel was already thinking about the policing of London in 1822, when he set up a parliamentary committee to look into the issue.

From 1826, there was an economic downturn. This led to unemployment and poverty, which resulted in a crime wave and rioting, and the army had to be called in to restore order.

Peel thought it would be better to have a centralised system for keeping the peace that did not rely on lethal weapons. He wanted a system that would ensure similar standards of policing were provided all across London. Some wealthy London parishes had good numbers of trained watchmen, while some poorer areas had very inadequate policing.

The first Metropolitan Police officers were appointed in September 1829.

What did the job involve?

All men of good character are invited to apply to become

METROPOLITAN POLICE OFFICERS

Duties

Prevention of crime and disorder
Carry out foot patrols (7-10 miles per day)

Character

Law abiding with no criminal record
Willing to use force (only when necessary)

Requirements

At least 5' 7" tall
Fit and in good health
Available to start September 1829

Uniform & equipment provided*

Blue tail coat and top hat
Truncheon
Handcuffs
Wooden rattle (to raise alarm of crimes and misdemeanours)
*cost deducted from your pay

Men employed in manual labour will find the rates of pay superior to their current employment

Figure 3.4 A job description for the new role of Metropolitan Police officer.

Activities

1 Using the table below, and information from this section, write a list summarising new features of the Metropolitan Police compared with the old night watch system.

2 Write a paragraph summarising which features of the Metropolitan Police were carried over from the watch.

Night watch	Police
• Responsible for lighting lamps in the street • Help with various public services like administering street cleaning • Expected to call out the time • Tasked with watching out for fires and raising the alarm • Prevent crime by patrolling the streets • Expected to capture criminals caught in the act	• Organised in a military-style hierarchy • Employed full-time with weekly pay funded through increased public taxation • Centrally organised, under one clear authority for London, answerable to the home secretary • Headquarters set up at Scotland Yard • Standardised training for all officers • 2,000 new recruits

Criticisms of the new police force

The new police officers faced a hostile attitude from the public and the press. Cartoons portrayed them, to some extent fairly, as poorly-trained, recruited from dubious backgrounds and having immoral tendencies. Early on, 2,800 recruits were signed up, but only 600 were retained for a year or more.

The most serious concerns people had about the new police force centred on fears of oppression. They thought the police would limit their individual liberties and worried that the police would be a military-style presence on the streets. They were also worried about French-style policing being introduced in Britain, as Paris had a notoriously repressive centralised police force. Some people were also concerned about the increased costs imposed on tax-payers for the new service.

Source B

Letter of complaint about a London policeman's conduct, written in April 1830.

Gentlemen,

We are all so deeply interested in the good management and efficiency of the New Police, that I feel myself reluctantly bound to inform you of the misconduct of the Superintendent in this division of Brixton by being on duty on Tuesday night in a state of intoxication.

Source C

A cartoon, titled '*Reviewing the blue devils, alias the raw lobsters, alias the bludgeon men*', published in 1833. It illustrates some common criticisms of police recruits. The captions read:

Please, Sir, may I go backwards.

Dam the varmint, ever since I've been in the force they have stuck to me as close as my police coat.

I say, you Po-*lice* man, get a little farther off.

By Jasus, I vish your honor would give us a few throats to cut for we have had enough of breaking heads.

Oh! My eye, you do that again now.

We'll do anything for money.

I've had a regular attack of the Influenza but its *dropping of* by degrees.

I vish as how you'd vipe your nose you nasty beast.

I vish I vos in the Vork-House once more vere they took me from.

I wish I was sweeping the crossing again, I used to get a wiper and other bits of articles now and then, of the passengers…

REVIEWING THE BLUE DEVILS, ALIAS THE RAW LOBSTERS, ALIAS THE BLUDGEON MEN.

Peel's attempts to reduce opposition to the police

Peel and his police commissioners understood the public concern about the introduction of the Metropolitan Police. The commissioners drew up and issued clear guidelines to all new police recruits. The principles included the following, which still provide the foundations for the modern policing in Britain today.

Activities ?

1. Match the following statements to Peel's nine principles in Figure 3.5.
   - **a** Effective policing is judged by the absence of crime
   - **b** Force is the last resort of a police officer
   - **c** Police should not overstep their authority
   - **d** Police are citizens in uniform
   - **e** Police should be role models representing the public
   - **f** Policing has to be by consent of the public not the government
   - **g** Policing must focus on maintaining law and order
   - **h** Police must be objective and professional
   - **i** Police need to foster public co-operation to be effective
2. Which of these principles would have been most reassuring to those who criticised the new police force?
3. Which of these principles would have been the most difficult to achieve?

1. The basic mission for which the police exist is to prevent crime and disorder.

2. The ability of the police to perform their duties is dependent upon public approval of police actions.

3. Police must secure the willing co-operation of the public in voluntary observance of the law to be able to secure and maintain the respect of the public.

4. The degree of co-operation of the public that can be secured diminishes proportionately to the necessity of the use of physical force.

5. Police seek and preserve public favour not by catering to the public opinion but by constantly demonstrating absolute impartial service to the law.

6. Police use physical force to the extent necessary to secure observance of the law or to restore order only when the exercise of persuasion, advice and warning is found to be insufficient.

7. Police, at all times, should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police; the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.

8. Police should always direct their action strictly towards their functions and never appear to usurp the powers of the judiciary.

9. The test of police efficiency is the absence of crime and disorder, not the visible evidence of police action in dealing with it.

Figure 3.5 A summary of advice given to new Metropolitan Police recruits.

Interpretations – was Peel a 'great humanitarian'?

Historians have offered a range of interpretations concerning Peel's motives for penal reforms. Some argue that he was at least partly driven by humanitarian motives, while others argue that he was concerned with setting up a punishment system that was more rational and effective, but not necessarily more humane. Interpretations 1 and 2 highlight these different positions, and the arguments about the impact of his reforms.

Interpretation 1

From *Sir Robert Peel: the Life and Legacy* by Richard Gaunt, published in 2010.

Peel's criminal law reforms were not designed to result in less punishment but in its more precise and efficient application. It follows from this that there would be no immediate down-turn in capital executions... He may not have been a 'great hangman', but nor was he 'a great humanitarian'.

Interpretation 2

From *Victorian England, Portrait of an Age* by G.M. Young, published in 1936.

His frigid efficiency covered an almost passionate concern for the welfare of the people.

THINKING HISTORICALLY Change and continuity (4a)

Significance

Look at Interpretation 1 and Interpretation 2 above.

1 In what ways does Gaunt think that Peel's ideas about efficiency might be significant?

2 How significant does Gaunt seem to think that Peel's penal reforms might be in the short and long term?

3 Compare this to Young. What significance does he ascribe to Peel's humanitarian motives?

4 Why do you think these views might differ?

Summary

- Robert Peel held a number of ministerial roles and became home secretary in 1822.
- During the 1820s, he brought in wide-ranging changes to criminal law and prison reforms.
- He had some sympathy with the arguments of 19th-century reformers, and also wanted to use the law more effectively and introduce a new penal code.
- In 1829, he introduced the first professional police force, which initially faced a hostile attitude from the public and the media.

Checkpoint

Strengthen

S1 Name two criticisms that people made about Peel's police force.

S2 Describe the uniform and equipment issued to the first Metropolitan Police officers.

S3 Write out two of Peel's policing principles (from Figure 3.5) and then explain what they mean in your own words.

Challenge

C1 Describe three differences between the work of a Metropolitan Police officer and a night watchman.

C2 Write a short paragraph to explain why Peel is sometimes called the 'father of modern policing'.

How confident are you about your answers to these questions? Reread this section, then try answering them again.

Recap: c1700–c1900: Crime, punishment and law enforcement in the 18th and 19th centuries

Recall quiz

1. What law was broken by the Tolpuddle martyrs?
2. What date did transportation to Australia begin?
3. What book was published by John Howard?
4. Which prison did Elizabeth Fry help to reform for women?
5. Define the term 'treadwheel'.
6. When was the police service brought under the control of national government?
7. Who started the Bow Street Runners?
8. What government position was held by Robert Peel before he became prime minister?
9. Which city was policed by the Metropolitan Police Force?
10. Name two famous highwaymen.

Activity

Matching pairs

Use pairs of A5 file cards, or pieces of A4 paper cut into two. On each card/piece of paper, write a name or topic from below, on the other add brief revision notes. Make more cards on other topics from this chapter. You could use different colours of paper or ink for the different categories: e.g. reformers, places.

Turn all the cards face down and turn them face up two at a time. Collect matching pairs: e.g. Robert Peel and the notes you made about his role. If you are playing with other people, as you take a pair, explain the details to the others.

Reformers	Places	Technology	Beginnings	Politicians and officials	Endings
John Howard	Bow Street	Fingerprinting	Metropolitan Police Act, 1829	Robert Peel	Abolition of public execution, 1868
Elizabeth Fry	Scotland Yard	Telegraph communication	Gaols Act, 1823	Joshua Jebb	End of transportation, 1868
Edmund Du Cane	Australia	Pentonville Prison	CID, 1877	Henry Fielding	Repeal of Black Act, 1814

Writing historically: using phrases to build detail

The best historical writing uses carefully structured phrases to incorporate a wealth of factual detail.

Learning outcomes

By the end of this lesson, you will understand how to:

- add factual detail to your writing using prepositional phrases
- express your ideas in more detail using adjectives and adverbials.

Definitions

Prepositional phrase: a phrase that starts with a preposition, e.g. 'in the 19th century', 'on Sunday', 'after several years'.

Adjective: a descriptive word that provides additional information about a noun, e.g. 'clear sentences', 'precise vocabulary'.

Adverbial: a descriptive word or phrase that provides additional information about a verb, adjective or another adverb, e.g. 'quickly', 'incredibly', 'such'.

How can I add factual detail to my writing?

Prepositions show the connections between other words or phrases in a sentence. They include words like:

in	*at*	*on*	*after*	*before*	*during*	*with*	*without*	*from*	*to*	*between*

Prepositional phrases can be used to add important information about the time and/or place in which events described in the rest of the sentence took place. For example:

During the Civil War...	*In the early 1800s...*	*Before Peel's reforms...*
With the building of the turnpikes...	*Without this knowledge...*	*From the beginning of this period...*

1. Look at the response to this exam-style question. Rewrite the response, adding more information using your own prepositional phrases. The highlighted sections show where the answer needs more information – usually, **when** or **where** these events happened.

> The role of reformers was the main reason why prison conditions improved in the 19th and 20th centuries. How far do you agree? **(20 marks)**

> *Prisons were of a very poor standard and the conditions were dirty and terrible for the prisoners' health. Some reformers argued that prisons had to be improved. Elizabeth Fry visited Newgate prison. Once conditions were known, the public and politicians were more willing to make improvements. The breakthrough came when the first 'model prisons', like Pentonville were developed. Others followed, but all were dependent on the ideas of reformers that prisoners should be reformed not just punished.*
>
> *The government's role became more significant. The introduction of prison inspections improved the standards.*

How can I add detail to my writing?

One way in which you can add more information to your answer is by adding adjectives, prepositional phrases and adverbials.

Compare these two versions of a sentence:

> *The work of reformers gave people access to better prisons. Without their new ideas criminals would have remained in bad conditions and politicians' opinions would not have changed.*
>
> *The work of reformers gave convicts, especially women and children, access to better prison conditions. Without their work, like publishing research on the unhealthy conditions for inmates, the focus on reform would not have come about for vulnerable prisoners like the young and ill. Furthermore, politicians like Peel would not have been so aware of the problems.*

In the second version, the writer has made the response more detailed by modifying some nouns with adjectives, prepositional phrases and adverbials.

Look at the copy of the second sentence below. Adverbials, adjectives and prepositional phrases have been highlighted.

> *The work of reformers gave convicts especially women and children access to better prison conditions. Without their work, like publishing research on the unhealthy conditions for inmates, the focus on reform would not have come about for vulnerable prisoners like the young and ill. Furthermore, politicians like Peel would not have been so aware of the problems.*

2. What kinds of information and detail can adjectives, prepositional phrases and adverbials add to historical writing?

Improving an answer

3. Now look at the next section of this response below. How could you use prepositional phrases, adjectives and adverbs to make the response more precise and detailed? Use your own ideas or look at the comments for help.

When did this happen?

Which children?

> *Before the prison improvements, prisoners were expected to pay their gaolers for food and bedding. When they improved men and women and children who were inmates were kept separately to stop the prison being a 'school of crime'.*

How was this done?

What did this involve?

When did this happen?

04 c1900–present: Crime, punishment and law enforcement in recent times

In the 20th century, society changed in many ways that affected crime, punishment and law enforcement. The role of the government in people's lives grew, largely as a result of the First and Second World Wars, and the role of the state in enforcing the law also grew. Social attitudes changed dramatically during the 20th century, which impacted heavily on how crimes were defined. This led to some activities being decriminalised, while others were made illegal for the first time – so creating new crimes.

Crime detection and prevention during this period changed significantly as a result of developments in science and technology. New communications technologies, in particular, have had an important impact on the types of crime carried out and on crime detection.

Changing attitudes about the rehabilitation of offenders, as well as greater concern for the welfare of more vulnerable groups of offenders, in particular young people, has also been an important feature of this period.

Learning outcomes

By the end of this chapter you will:

- be able to describe continuity and change in the nature of crimes, and changing definitions of crime – including driving offences, race crimes and drug crimes
- understand the role of the authorities and local communities in law enforcement
- know about changes to the police force, including: increasing specialisation, use of science and technology, and emphasis on crime prevention
- understand why major changes came about in the prison system, including the development of open prisons and specialised treatment of young offenders
- know about the treatment of conscientious objectors in the First and Second World Wars
- know about the abolition of the death penalty in Britain, and understand the significance of the Derek Bentley case.

4.1 Crime and definitions of crime, c1900–present

Learning outcomes

- Understand changes in criminal activity in this period.
- Be able to explain the ways in which definitions of crime have changed since 1900.
- Know how changes in society – like new technologies and changing attitudes – have impacted crime.

Changing social attitudes have caused changes in the law in every era, but this is particularly true of the 20th century – especially the 1960s. The 1960s was a decade when there were many changes in social attitudes; many activities that were formerly crimes were decriminalised, while some activities were newly defined as crimes.

Timeline

Changing definitions of crime in the 20th century

- **1967** Sexual Offences Act
- **1968** Abortion Act passed
  Race Relations Act passed
- **1976** Domestic Violence Act
- **1991** Law recognises rape within marriage as a crime
- **2000** Terrorism Act
- **2005** Criminal Justice Act raises severity of 'hate crimes'
- **2006** Racial and Religious Hatred Act
- **2015** Modern Slavery Act

Changing definitions of crime

Homophobic crime

Up until 1967, homosexuality was illegal in the UK. In that year the Sexual Offences Act decriminalised homosexuality for men aged over 21. Some historians describe the growing liberal attitudes towards sex in the 1960s as a sexual revolution. These new attitudes had an important impact on how laws changed.

In the 21st century, the Criminal Justice Act (came into force in 2005) gave courts new powers to issue more severe sentences for hate crime* including for homophobic* crimes. Until then, if a person was attacked for being gay, or because the attacker believed they were gay, it was treated the same as any other crime. This new law meant that such an attack would be classed as a hate crime and treated more seriously by the authorities.

Key terms

Hate crime*

A crime motivated by prejudice against the victim's race, gender, disability or sexual orientation.

Homophobic*

Prejudiced against people who are gay.

Race crime

In the 1950s, many people from Commonwealth countries (former colonies of the British Empire) moved to Britain to work. As Britain became more multicultural, some new laws were needed to ensure that people from different minority groups were treated fairly.

In 1968, the Race Relations Act made it illegal to refuse jobs, housing or public services to anyone on the basis of their race, ethnic background or country of origin. In this case increasing immigration led to the need for a definition of a new crime. In 2006, the law was extended to define spreading racial or religious hatred as a crime.

Domestic violence

During the 20th century, significant new laws were created to tackle violence and intimidation between people who were, or had been, in a relationship.

In the 19th century, the common view held in society, and reflected in the law, was that men were the dominant partners in relationships. If they were violent towards their wives or partners that was their personal business and the authorities had no place 'interfering'.

However, during the 20th century these attitudes changed. The campaign for women's votes at the beginning of the century, women's contribution to the First and Second World Wars, and 1960s campaigns for equal rights for women, all influenced the views of society.

In recent decades, new laws were passed that made violence and abusive behaviour in relationships a crime.

- The **Domestic Violence** Act was passed in 1976. It gave victims the right to ask for an injunction* against a violent partner.

Key term

Injunction*

An order issued by a court to forbid a particular action or behaviour. An injunction can include instructions to stay away from a person or place – for example, a former partner or a shared home.

- In the past the authorities had been reluctant to criminalise **rape within marriage**. Women were expected to accept the authority and sexual demands of their husband. However, in 1991, the law in Britain was changed to recognise rape in marriage; it became possible to prosecute a husband for raping his wife.
- In 2014, the law changed to make **controlling and coercive behaviour** (using force or threats) towards a partner a crime. This could include: telling a partner who they can see, what they can wear, stopping access to money, controlling their access to a phone, and controlling when they leave the home.

Despite laws to protect victims of domestic violence, two women in England and Wales a week are killed by their current or former partner.

Abortion

Sometimes, changes in society mean that some actions are no longer viewed as crimes, and the law is then changed to reflect that. When there is a range of views in society, and different opinions about whether the law should change or stay the same, changes to the law can be controversial.

Until 1967, terminating a pregnancy was illegal in Britain, with a few exceptions for strict medical reasons – for example, if it was likely that the mother might die as a result of the pregnancy. If a woman wanted to end a pregnancy for other reasons she would have to resort to a dangerous 'backstreet abortion' carried out by someone without proper medical training. Some women tried to end their pregnancies themselves, using alcohol, wire coat hangers or poisons, all of which were very dangerous to the woman's health, and some of which led to their death.

Growing liberalisation of attitudes in the 1960s led to protests from some people that the law should be changed. These protests, combined with health concerns and worries about the use of illegal abortions, resulted in MPs changing the law. The 1967 Abortion Act legalised abortion if certain conditions were met:

- The child was going to have serious disabilities.
- The mother was at risk of serious physical or mental harm if the pregnancy continued – this had to be agreed by two doctors independently.

In 1968, the legal limit for abortion (the latest stage of the pregnancy at which an abortion could be carried out) was 28 weeks, as babies born earlier did not survive outside the womb. However, with advances in medicine, the limit has been lowered over time.

However, many people still believe that abortion should be illegal in most cases – and both sides of the debate remain strong even today.

Attitudes towards social crimes

'Social crimes' are crimes that many people in society accept to some degree. Examples include tax evasion, using illegal drugs, copyright theft and minor driving offences. Smuggling and poaching are examples of social crimes which have existed for many years.

Source A

The entertainment industry campaigns to make illegal sales of copyright material socially unacceptable.

Most people in society would agree that smuggling drugs worth millions of pounds is wrong, and would support the authorities' aims to stop drug traffickers. However, fewer people might be worried about smuggling laws when buying tax-free cigarettes or alcohol that has been smuggled.

Another good example is copyright. Lots of people download music, games and films from the internet although they are subject to copyright laws (see page 111). Because they are widely and freely available on the internet most people do not view this behaviour as criminal. It is difficult to enforce laws when they are not supported by society, because often offenders are not reported.

Driving offences

Sometimes, society's attitudes about the seriousness of a crime can change dramatically over time. Drink driving and speeding are both good examples of this.

Driving a horse-drawn coach while drunk first became illegal in 1872. It became illegal to drive a car while drunk in 1925. In 1967, a new law set a maximum limit for the amount of alcohol a person could have in their bloodstream and legally drive. Despite these laws, it was considered normal to drive home after drinking quite large quantities of alcohol, as late as the 1970s. Public attitudes towards this type of behaviour were very lenient. Government advertising campaigns since the 1970s have highlighted the risks of drink-driving, and attitudes have changed considerably as awareness has grown. Today drink-driving is generally condemned by the public.

Attitudes towards speeding have also changed over time. Again, government advertising campaigns in the late 20th century, highlighting the dangers of speeding, have played a part in making speeding less acceptable to the general public.

Drug-taking

Many drugs first became illegal in 1971 when the Misuse of Drugs Act was passed. The legalisation of some classes of drugs is a controversial issue in society. Some people argue that taking a drug should be a personal choice as long as it does not harm others. Others argue legalisation is needed to help tackle crimes associated with illegal drug-dealing, including sex trafficking and gang-related violence.

New opportunities for old crimes

Some crimes may appear to be new, but are actually older crimes that are carried out using different means.

Terrorism

Terrorism is the use of violence, fear and intimidation to publicise a political cause. Terrorists want to recruit others who are sympathetic to their cause and intimidate those who do not share their views. In the 17th century, Guy Fawkes and the other Gunpowder plotters challenged the power and authority of the state using violence. A plot to blow up parliament with explosives today would be described as terrorism.

Throughout the 20th century, various terrorist organisations have operated in the UK. In the 1970s and 1980s, the best-known group was the IRA (Irish Republican Army), which used violence to campaign for Irish nationalism (political independence from the rest of the UK). In recent years, the prevention of terrorism has focused on Al-Qaeda and Isis which have been responsible for acts of terror in Europe. Modern-day terrorists use the internet to communicate and spread their message.

Other groups also use terrorism to further their causes: for example, animal rights activists seeking to end animal testing.

Source B

A photograph showing the aftermath of a terrorist attack on a London bus, 7 July 2005.

Source C

From a newspaper report about the July 2005 terrorist attacks, which appeared in the *Daily Telegraph*.

Jonathan Evans, the director-general of MI5 who has only been in the job a fortnight, said: "My service has never been complacent. The attack on 7 July in London was a terrible event. The sense of disappointment, felt across the service, at not being able to prevent the attack (despite our efforts to prevent all such atrocities) will always be with us.

"The reality is that, whilst we will continue to do everything in our power to protect the UK public, we must be honest about what can and cannot be prevented in a democratic society that values its freedoms."

Activity

Hold a class discussion on this question: 'Why is it difficult to prevent terrorist attacks in a society that values democratic freedoms?'

People-trafficking

This involves people from poorer countries being brought to the UK and being forced to work for very low wages, or no wages at all. Some women and children are forced into prostitution. Often criminal gangs control these people using physical confinement, blackmail, coercion and fear.

People-trafficking is not a new crime. In the 19th century poor girls were sold into prostitution. In the 1830s, the term 'white slave trade' was used to describe the victims of this crime.

Cybercrime

Cybercrime is any crime that is carried out using the internet and other digital technologies. Many of these crimes were previously carried out using different means. New technologies allow criminals to commit crimes on a much bigger scale than in the past. Sometimes their crime might be on a global scale, because the internet gives them access to people and businesses around the world.

Fraud

Fraud means impersonating other people or businesses to make money illegally – for example, posing as a bank or charity to get hold of an individual's bank details and steal their money. In the past this would have to be done by approaching an individual and tricking them into revealing their details. Today, however, it can be done by sending an email to a large number of people, and hoping that a few will reply with their bank or credit card details. The crime of fraud is much the same as it was in earlier periods, but the methods used to carry it out have changed.

Copyright theft

Copyright is the right of an artist or company to be recognised – and paid – as the creator of their work. Copyright applies to books, music, films and games. Earlier in the 20th century, before computer technology was

widespread, copyright theft could involve making a photocopy, or a cassette or video recording, without paying the creator.

In the 21st century, copyright theft is committed when people make available illegal downloads of music, computer games, films and television shows. The internet makes it much easier for people to access a huge selection of media more quickly and easily than ever before.

Extortion

Extortion involves making someone pay money by using threats or blackmail. In the past, this may have been done using letters, the telephone or in person. Nowadays, the internet enables criminals to make their threats on a wider scale, as they are able to communicate easily with people around the world. Some criminals extort money by threatening to hack businesses' computer systems and databases unless they pay.

Exam-style question, Section B

'Types of crimes have not changed since the beginning of the 19th century, only the methods used to commit them'.

How far do you agree? Explain your answer. You may use the following in your answer:

- fraud
- race crimes.

You **must** also use information of your own. **12 marks**

Exam tip

When answering this question, you need to look at crimes that existed in the 19th century but are now carried out using new methods or new technology. You should also try and include examples of genuinely new crimes. Remember to evaluate the points you make on both sides.

Summary

- Changing social attitudes have sometimes caused changes in the law. This can result in things that were previously legal being redefined as crimes.
- The 1968 Race Relations Act made it illegal to refuse jobs, housing or public services to anyone on the basis of their race, ethnic background or country of origin.
- During the 20th century there were significant changes to the laws on violence and intimidation between people who are, or have been, in a relationship.
- New technology and changing social attitudes have changed how driving offences are viewed and tackled.
- Digital technology has enabled criminals to carry out many old crimes in new ways.

Checkpoint

Strengthen

S1 What is a 'hate crime'?

S2 Give three examples of cybercrime.

S3 Write a definition for the term 'terrorism'.

Challenge

C1 Describe one way that changing social attitudes have led to the decriminalisation of a particular activity.

C2 Why are some 'social crimes' not viewed as 'real' by the general public?

C3 How has the growth of more open attitudes about sex and relationships in society affected definitions of crime?

How confident do you feel about your answers to these questions? Reread the section and then try answering the questions again. If you're still not sure, discuss them with your teacher.

4.2 Law enforcement, c1900–present

Learning outcomes

- Know about and understand developments in policing since 1900.
- Understand the impact of changes in science and technology on law enforcement.
- Know about the role of communities in enforcing the law.

Developments in policing since 1900

In 1900, every area across Britain had its own police force. The 200 separate forces had no central records on crime or criminals, and rarely shared information or worked together. For individual police officers, the majority of the working day was spent patrolling the local area – 'walking the beat'. They travelled on foot and used a whistle to call for assistance or raise the alarm.

During the 20th century, policing changed in many ways.

- Women were first recruited to join the police force in the 1920s. At first, they were mostly given roles working with child or female criminals or victims of crime.
- There was greater emphasis on training. In 1947, the Police Training College was set up to train new recruits. Previously, police officers were expected to learn on the job.
- Other important developments included: increased use of science and technology, more specialised departments and roles for police officers, and a move towards more crime prevention.

All these changes have added greatly to the cost of policing, which is now far higher than it was at the beginning of the 20th century.

Science and technology

1900s

In 1901, Fingerprint Branch is set up at the Metropolitan Police headquarters at New Scotland Yard. The National Fingerprint System keeps a record of fingerprints from everyone arrested, creating a database which all forces can use to identify criminals.

The fact that there are different blood types is discovered in 1901. Police can use blood samples from crime scenes to identify criminals.

Improved microscopes make it possible to find smaller quantities of blood at crime scenes to use as evidence.

Photography is used to record crime scenes.

In 1909, police bicycles are introduced, allowing officers to pursue criminals more quickly.

1930s

Police cars are now quite common. Two-way radios are installed in cars for better communication with the station and other officers.

999 emergency telephone number is introduced.

1960s

The Metropolitan Police first uses computers to process payroll and pensions.

1980

The Police National Computer is launched, capable of holding the records of 25 million individuals.

1988

First murder convictions based on DNA samples from the victims and the accused. DNA can be identified in tiny quantities of hair, skin or body fluids.

1995

National Automatic Fingerprint Identification System and National DNA Database set up to share information that can be used to identify criminals.

Figure 4.1 Technological milestones in policing in the 20th century.

Source A

A photograph of a 1950s police phone box, which was used to report crimes and ask for back-up.

Modern policing makes increasing use of new technology to solve and prevent crime. New technologies can make police work quicker and more reliable.

Activities

1. Look at the table. Find three examples of 21st century technology cutting down on the number of police needed to investigate crime, compared to the 1900s.
2. How could these technologies impact on individual freedoms? Make notes of your ideas, then discuss them in a small group.

Preventing crime	Solving crime
Breathalysers and speed cameras Breathalysers were introduced in 1967 and enabled traffic police to test drivers' blood alcohol level at the roadside. Speed cameras were introduced in 1992. These inventions make it possible to catch more criminals drink-driving and speeding, and act as a deterrent.	**Improved communications** Recording and sharing information directly at a crime scene, using digital technologies like tablets and smartphones.
Closed circuit television (CCTV) People are less likely to commit crime if they know they are being filmed.	**Forensic science** Forensic teams carry out highly detailed searches at crime scenes, looking for evidence such as DNA, fingerprints and objects left by criminals. DNA and fingerprint samples can be matched to criminals' records in the national databases.
Mass video surveillance Computer software allows private companies to analyse large amounts of footage and forecast acts of terrorism and other crimes.	**Data management** These are used to store and share information about crime: e.g. the National DNA Database held records of 5.7 million individuals' DNA profiles in 2015.
Biometric screening This uses unique body characteristics, like fingerprints or eye patterns, to restrict access to data, places and buildings.	**Improved computer software** New software can rapidly analyse video data to identify criminals. This would have taken far longer when a police officer had to watch the video in real time.

Source B

Police forensics team searching a crime scene.

Increasing specialisation of police roles since 1900

During the 20th century, police forces developed many specialist departments and units to tackle different aspects of their work. Specialist units help detectives tackle specific types of crime. They are often set up in response to changes in society and the emergence of new types of crime. For example, the Metropolitan Police Bomb Squad was set up in 1971 at a time when there was an increasing number of terrorist attacks by the IRA and other groups. A more recent example is the National Hi-tech Crime Unit, set up in 2001 to tackle online crimes, including hacking, credit card fraud and virus attacks.

Fraud Squad

The first specialist Fraud Squad was set up in London, in 1946, to tackle crime in business and the stock market. These areas required police officers with expert knowledge of finance and business to investigate crimes effectively. The Fraud Squad evolved to tackle other high-value crimes like art theft as well. Today the Fraud Squad is known as the Specialist, Organised and Economic Crime Command.

Specialist drug-trade units

In 1971, the Misuse of Drugs Act was passed. This made the use of various substances – including heroin, cocaine and cannabis – criminal offences. Drug crime is policed by special operations units that tackle drug crimes by:

- disrupting criminal activity and organisations
- monitoring known drug users
- preventing the further spread of drug use.

The National Crime Agency, set up in 2013, tackles drug-trafficking into the UK, and large-scale drug production within the UK. It uses intelligence and data on known criminal groups to predict and stop drug hauls reaching the country from abroad, and to disrupt supply networks for drugs manufactured within the UK.

All local police forces have special squads to deal with drug dealers in their areas. These squads try to disrupt the trade with raids on buildings where dealers store and supply drugs.

Source C

Part of a seizure of heroin smuggled into the UK.

Source D

Photograph of a 21st century police dog and handler.

Dog handling units

The first specially trained police dogs were Labradors and were used in south London, in 1938, to accompany police officers as they patrolled the local beat. A specialist dog section was established within the Metropolitan Police in 1946. By the 1950s, most police forces had dog units.

Even dogs have developed greater specialisms. Today, they are trained to:

- sniff out drugs
- find explosives
- track and catch criminals
- search for missing persons
- strengthen the police presence at major events.

Special Branch

Every police force has its own Special Branch to tackle threats to national security and terrorism. They work with MI5, the security service, to detect and prevent terrorists. Through extensive surveillance, they try to intercept possible terrorist acts and inform local police of potential threats.

Crime prevention

In the 21st century, police forces have increasingly focused on preventing crime. This type of policing can involve: working with schools to educate young people about avoiding risks that can lead to them becoming victims of crime; giving people advice on making their homes more secure from burglary; and involvement with neighbourhood watch schemes.

Police forces also make risk and threat assessments – predicting where crime might occur, and profiling types of people who might be more likely to commit crime – so they can better plan how to prevent and tackle crime.

Police Community Support Officers* have a particular focus on crime prevention. For example, they work on stopping anti-social behaviour and reducing the fear of crime. They can confiscate alcohol and remove abandoned vehicles. Their work is intended to help cut down on the factors that often lead to crime.

Key term

Police Community Support Officer (PCSO)*

Work with police officers and have some, but not all, of their responsibilities.

Neighbourhood Watch

A Neighbourhood Watch is a local committee of people who raise awareness about crime and encourage neighbours to keep an eye on each others' property. The UK's first Neighbourhood Watch was set up in 1982 and many more schemes followed. Some estimates say 3.8 million households are involved.

Aims include:

- helping the police prevent crime, by encouraging local vigilance*
- reducing fear of crime, by increasing community involvement
- reporting crime trends to the police.

In the early 1980s, the number of local Neighbourhood Watches rose from 1,000 to 29,000, but there was a lot of controversy over whether this initiative was effective in preventing crime.

Key term

Vigilance*

Keeping a careful watch for danger or possible criminal activity.

Origins of Neighbourhood Watch

During the 1980s the prime minister, Margaret Thatcher, led a Conservative government that wanted to increase the role and responsibility of the individual, and reduce the role of the state. In crime prevention the idea of active citizenship* was promoted as part of this government policy. Unlike community law enforcement from earlier periods, like the 'hue and cry', this system was entirely voluntary.

Key term

Active citizenship*

People taking an active role in their community in order to improve it.

Neighbourhood Watch was imported as an idea from the US where it was originally set up in Chicago and was believed to be successful in tackling crime.

Britain in the early 1980s saw a dramatic increase in crimes and society was keen to see the implementation of new ways to reduce it.

Source E

Sign showing that residents in this area participate in a Neighbourhood Watch scheme.

Source F

Bill Pitt MP, speaking about the Neighbourhood Watch scheme in a House of Commons debate on 28 February 1983.

We have reached a crux. Crime is growing and we are seen as losing the battle as Sir Kenneth Newman says... I welcome his suggestion that the community should play its part in conquering crime. I welcome the neighbourhood watch. I had strong reservations... because I wondered whether some people would set up vigilante [private individual who takes the law into their own hands to prevent crime] groups.

Source G

From the Police Commissioner, Sir Kenneth Newman's, Annual Report for 1986.

We have always sought public co-operation, but in the past we have relied largely on exhortation [sending encouraging messages]. Over the last four years, however, we have been deliberately organising a coherent structure within which the public will be enabled to work with us in a purposeful manner. The building blocks so far are consultative groups, neighbourhood watch schemes, business watch schemes, victim support schemes, crime prevention panels and estate policing projects. Neighbourhood Watch has increased the commitment of members to the quality of life in their neighbourhood.

Public attitudes towards Neighbourhood Watch schemes

Some people believed the scheme made a significant and positive change. Others claimed that the system was ineffective and did not prevent crime.

Activities

1. What does Bill Pitt say, in Source F, about the reasons why Neighbourhood Watch was needed?
2. What concerns did Bill Pitt have about the impact of Neighbourhood Watch schemes?
3. In what ways does Kenneth Newman, in Source G, claim that Neighbourhood Watch schemes were different to the previous relationship between the police and the local community?

Exam-style question, Section B

Explain one way that the system of community law enforcement in the 20th century was different from community law enforcement in the 16th century.

4 marks

Exam tip

This question tests knowledge and understanding of key features and difference. Remember to give one way community law enforcement in the 20th century was different from the 16th century system and then add details from both periods to show the difference.

Figure 4.2 Some common views of the Neighbourhood Watch scheme in the 1980s.

Summary

- Important developments in modern policing include increased use of science and technology, more emphasis on crime prevention, and increasing co-ordination and co-operation at a national level.
- In the 20th century there was increasing specialisation in police forces, with special divisions set up and better training.
- There was an increasing emphasis on crime prevention, including voluntary Neighbourhood Watch schemes.

Checkpoint

Strengthen

S1 Describe three new uses of technology introduced by the police in the 20th century.

S2 What is the role of forensic investigators?

S3 Describe two ways that the police work alongside local communities to prevent crime.

Challenge

C1 How has technology helped the police to focus more on crime prevention?

C2 Why was Neighbourhood Watch introduced in the 1980s?

How confident do you feel about your answers to these questions? Form a small group and discuss any questions you are not sure about. Look for the answers in this section. Now rewrite your answers as a group.

4.3 Changes in punishment, c1900–present

Learning outcomes

- Understand why the death penalty was abolished in the 20th century.
- Know about changes to the prison system, including specialised treatment of young prisoners and greater emphasis on rehabilitation.

Abolition of the death penalty

From Anglo-Saxon Britain to the 20th century, execution was used as the ultimate punishment. However, it was used less and less from the beginning of the 19th century, and by the 1830s murder and treason were the only crimes punished with the death penalty. Throughout the 19th century, politicians attempted to introduce new laws to end the death penalty, but they were unsuccessful.

At the start of the 20th century, capital punishment was still used – usually for the crime of murder. However, during this period, attitudes in society were changing, and a range of laws were introduced that meant the death penalty had been abolished* by the mid 20th century.

Key term

Abolished*

Banned or made illegal.

In the early 1950s, around 15 people a year were executed. However, the Homicide Act of 1957 restricted the death penalty to the most serious cases of murder, which were known as capital murders (see Extend your knowledge on the next page). After 1957, there was an average of four executions per year.

In 1965, the Murder Act suspended the death penalty for murder for five years. This decision was made permanent with an amendment to the act in 1969. A few crimes continued to carry the death penalty, including: espionage, arson in the royal dockyards, and piracy with violence; but the death penalty was not used for these crimes, and these were gradually added to the list of crimes that would not be punished by death. The death penalty was ended for all crimes in 1998.

Timeline

Decreasing use of the death penalty in the 20th century

- **1908** Children's Act ends hanging of under-16s
- **1922** Infanticide Act passed – mothers who kill newborn babies will no longer receive death penalty
- **1933** Hanging of under-18s ends
- **1949** Royal Commission on Capital Punishment set up
- **1956** Death Penalty (Abolition) Bill passed by House of Commons – but rejected by House of Lords
- **1957** Homicide Act limits death sentence to five categories of murder
- **1965** Death penalty abolished for most crimes
- **1998** High treason and piracy with violence no longer punishable by death
- **1999** Home secretary signs 6th protocol of European Convention on Human Rights – formally ending the death penalty in Britain

Activity

'The abolition of capital punishment was a gradual process'. Use three events from the timeline to explain this statement.

Extend your knowledge

Capital murder

The Homicide Act of 1957 defined the crimes of capital murder as:

- committing two murders on different occasions
- committing murder in the course of committing theft
- killing someone by shooting or an explosion
- killing someone whilst resisting arrest, or during an escape from the authorities
- killing a prison officer or police officer.

Source A

A newspaper headline announcing the abolition of capital punishment.

KIGU Gamepots

DAILY SKETCH

Tuesday, December 22, 1964 Price Fourpence ★★★ WEATHER: Sleet showers

ARCTIC FURS
GROUCH END LTD.
60 THE BROADWAY, N.8
Tel. MOU 1266
PRACTICAL FURRIERS, EST. 1896
REMODELLING, COLD STORAGE
CREDIT FACILITIES

Now fight is on for longer murder sentences

HANGING TO END—BUT 100 MPs DON'T VOTE

By JOSEPH TOBIN
Sketch Political Correspondent

THE Commons last night threw away the judges' black cap. By 355 votes to 170 they voted in favour of abolishing hanging.

It was a long, tough debate, full of passion and bitter argument.

After it Labour, Tory and Liberal MPs went into the "Aye" lobby together.

The majority in favour of the controversial measure: 185.

The big surprise was that 100 MPs did not vote—although the House had been packed all day.

From the fierce way in which some leading ex-Ministers opposed the Bill, it is clear it will not have an easy passage through Parliament.

The fight is now on to get the Bill through before Christmas. Some were longer terms of imprisonment—from 14 years to the end of a natural life.

These arguments will be fought out in the committee stage, which will be held in January. The committee stage is likely to last at least two weeks.

TENSION

Time is still on February before the Bill goes to the Lords.

If it is rejecting there, the Government will not move to help it any further. But it is widely believed that the feeling in the Lords is rapidly going their way.

What is clear is that the Bill will be much changed as its way through both Houses of Parliament—perhaps of a life sentence.

Tension rose in the House last night as the debate reached its final stages and the moment for the vote.

Among those who are believed to have abstained was former Chancellor of the Exchequer Mr. Reginald Maudling.

IN FAVOUR

No Labour MPs went into the lobby against the Bill.

Those who appeared to go into the lobby against the Bill included:

Mr. Quintin Hogg, Mr. Christopher Soames, Mr. Richard Wood, Mr. Ernest Marples, Mrs. Margaret Thatcher, Lady Davidson, Mr. Peter Griffiths, Mr. Peter Hardinge, Mr. John Rees, Mr. Cyril Osborne, Mr. Sir John Hobson, Mr. Peter Thorneycroft, Mr. Duncan Sandys.

As they decide—a murderer escapes

By REGINALD FOSTER

A REPRIEVED child murderer who escaped from Wormwood Scrubs yesterday was on the run last night.

THE MURDERER: 34-year-old Frederick Alfred Smith, sentenced to death 7½ years ago and reprieved only hours before he was due to hang.

In 1957, at Surrey Assizes, he pleaded guilty to killing seven-year-old Eileen Gull, who died from a fractured skull and shock after being found in a ditch, on the Hog's Back, near Guildford.

Her brother Leslie, seven, was lying dead by her side—killed by a blow from a hammer. Smith, at his trial in the Guildford Assizes, Mr. Justice Singleton and a second indictment charging Smith with the murder of Leslie would remain on the file.

FREEDOM ...

THE ESCAPE took place when Smith, once a window-cleaner, was with a working party in the grounds of Wormwood Scrubs.

He tied together two garden hose and a piece of lead pipe, learnt his "escape indoor" against the 18ft. high prison wall, pulled himself up and jumped to freedom.

At midnight detectives thought that Smith, with a gipsy background, might be seeking a lift to a country area outside London.

He is believed to have a smattering of Romany and could become accepted into a vagrant encampment.

Today a search will begin through gipsy encampments.

In homes near Wormwood Scrubs angry mothers said: Why weren't

Back Page

Frederick Smith after his arrest 17 years ago.

Back Page

Remember BARNARDO'S at Christmas

For over 5,000 Barnardo children Christmas is a lonely time. Children need more than just a happy Christmas. They need year-round care and attention—year-round food and clothing. Thousands of these children have spent their early years under constant attack from neglect, unhappiness, mental or physical handicaps, deprivation of love and care. Alone these children are defenceless. They need our help and yours. Help us to protect them at Christmas and all the year round.

£1 *will help to provide for one of our family of over 5,000 children.*

Please send all you can spare—5/-, £1 or £2 to help our children.

638 Stepney Causeway, London, E.1.

DR. BARNARDO'S HOMES

The role of government

In parliament, opinions about the death penalty were strongly divided. The House of Commons passed bills abolishing the death penalty in 1948 and 1956 – but these were blocked by the House of Lords.

When the death penalty was eventually abolished in 1965, the home secretary was Roy Jenkins. He had strong views about ending the death penalty, and his influence is often seen as playing a key role in this change in the law.

Changing attitudes

During the 20th century, children were increasingly shown more tolerance in the law. It was recognised that children did not have the same understanding of their actions as adults, so they should not be punished as severely. In 1908, the Children's Act said that under-16s could no longer be sentenced to death. Following the Young Person's Act of 1933 the age limit was raised to 18. The same act set the age of criminal responsibility* at eight years old. This was raised to ten years old in 1963.

Additionally, the Infanticide Act, passed in 1922, said that women would not be punished with the death penalty if they killed a child shortly after its birth. This more lenient treatment of women was due to increasing understanding that a woman's mental state could be affected by pregnancy and childbirth.

During the 1960s, the British government passed laws on a range of social issues that reflected a wider change in attitudes (see Section 4.1). Overall, the pace of change in the development of more liberal* attitudes to punishment was greater in Britain, in the 20th century, than it ever had been before.

Key terms

Age of criminal responsibility*

The age at which a person is judged to be mature enough to understand their actions. A person who has reached the age of criminal responsibility can be prosecuted and punished for their crimes.

Liberal*

Open to new ideas.

Interpretation 1

From an article by Liz Homans, published in *History Today* in 2008.

At 8am on August 13th, 1964, Peter Allen and Gwynne Evans were hanged – Evans at Strangeways in Manchester, Allen at Walton Prison in Liverpool. They were the respective hangmen's last jobs. The following year Parliament voted to abolish the death penalty. This reform is often seen as emblematic [a symbol] of the 1960s, part of a shift towards a more 'permissive' [open and tolerant] society. However, the abolition of capital punishment did not reflect any sea change in public opinion, which remained firmly opposed to abolition. For abolitionists, the vote had nothing to do with any permissive society; it was the successful end of a long, long campaign.

Controversial executions

In the 1950s, a series of controversial executions caused the public to question the death penalty more and more, and led to protests about the use of capital punishment. For more detail on the Derek Bentley trial, and its influence on the end of capital punishment, see Section 4.5.

1950	Timothy Evans	Hanged for murdering his wife and baby. Later evidence proved that they had been killed by a serial killer and Evans was innocent. There was a huge public outcry at the miscarriage of justice.
1953	Derek Bentley	Hanged for murder of a police officer. Bentley had learning difficulties and a low mental age. He had not fired the gun himself but was prosecuted nonetheless.
1955	Ruth Ellis	Hanged for the murder of her violent and abusive boyfriend. He had attacked her when she was pregnant and caused her to miscarry. Ellis was also the mother of a young child who was orphaned by her mother's execution. A petition, with 50,000 signatures asking for leniency, was ignored by the home secretary.

Source B

Crowds outside Holloway Prison, protesting about the execution of Ruth Ellis on 13 July 1955.

Activities

1. For each of the three cases in the table, explain why the use of the death penalty led to public opposition.
2. Look at Interpretation 1. Does Homans believe that the death penalty was abolished because of more liberal attitudes in society, or because politicians were determined to abolish the death penalty **despite** public opinion?

Changes in the prison system

The use of prison as a punishment has continued to increase since 1900. During the 20th century, ideas about the purpose of prison, and the type of treatment prisoners should expect, changed. The current cost of keeping a person in prison for a year is estimated at £40,000, and reoffending rates are very high. Therefore, questions continue to be asked about the use of prison as a punishment in modern society.

Year	New idea	Practical outcomes
1896	Mentally ill prisoners treated separately to other prisoners.	Broadmoor Hospital opened.
1902	Hard labour ended.	No more treadwheels in prison.
1907	Alternatives to prisons used.	Probation officers employed to check on offenders living outside prison.
1922	Increased focus on prisoner welfare.	Separate system of prisoners ended. New initiatives to improve conditions. Educational opportunities introduced.
1933	New focus on preparing prisoners for life after serving their sentence.	First open prison at New Hall, Wakefield. Open prisons offered a more relaxed regime. Prisoners were allowed out on day release to work and prepare for reintegration into society.

Source C

Vicky Pryce describes her experience of East Sutton Park open prison in an article published on the *Daily Mail* website in October 2013.

It was a far cry from what we had left behind. Even so, I was astonished to discover that Friday night was karaoke night in the pool room between 8.30 and 10.30 – which I went to on my first night. Saturday night was bingo night, for which you had to pay a fee of 50p, and bedtime was 11pm on weekdays and midnight on the weekends.

The Right-wing call for tougher regimes forgets one fact: for these women losing their liberty and their families is the most horrific thing to happen to them.

Figure 4.3 The UK prison population, 1930–2015.

Specialised treatment of young offenders

Since 1900, the treatment of young people who break the law has been affected by changing social attitudes, key individuals, and different political ideas put forward by government.

Timeline

Treatment of young offenders in the 20th century

- **1900** Borstals introduced
- **1933** Age of criminal responsibility raised to eight
- **1948** Criminal Justice Act passed
- **1963** Age of criminal responsibility raised to ten
- **1969** Specialised juvenile courts, care orders and supervision orders introduced
- **1983** Youth custody and youth detention centres replace prison and borstal for under 21s

Borstals

The first borstal was set up in Kent in 1902. This was a prison for boys only. Its purpose was to ensure that young convicts were kept entirely separate from older criminals.

In 1908, the Prevention of Crime Act created a national system of borstals. Those who designed the new system wanted borstals to emphasise education rather than punishment. The day was very structured and disciplined, and inmates took part in physical exercise, and education and work programmes that focused on learning practical skills. Some estimates suggest that reoffending rates were about 30% in the 1930s, compared to about 60% in the present day.

In 1982, the Criminal Justice Act abolished the borstal system and replaced borstals with youth custody centres.

Source D

Boys exercising at a borstal in 1937.

Youth justice reforms in the 1940s

The Labour government, which came to power after the Second World War, introduced many radical welfare and social reforms. These included reforms to the youth justice system. The Criminal Justice Act of 1948 reduced the use of prison for juveniles, and led to improvements in the probation service for young people.

Reforms introduced by the 1948 Criminal Justice Act included:

- a graduated system of prison, depending on the seriousness of the crime and the offender's record
- detention centres being introduced as a deterrent for young offenders – with a more relaxed regime compared to borstals
- attendance centres being used for young people who had committed minor crimes – young offenders attended the centres at weekends for rehabilitation, instead of being detained all week.

Individuals were also important in making changes. Between 1922 and 1947, a prisons commissioner called Alexander Patterson was influential in changing how young offenders were treated. The 1948 Criminal Justice

Act included many of his ideas. Patterson argued that probation and rehabilitation were essential.

Youth justice reforms in the 1960s

The Children and Young Persons Acts of 1963 and 1969 changed the treatment of young offenders in juvenile courts. The 1963 act focused on the importance of caring for and protecting young offenders and raised the age of criminal responsibility from eight to ten years. The 1969 law, brought in during Harold Wilson's Labour government, favoured care orders, and supervision by probation officers and social workers, over prison sentences.

Reform and rehabilitation

Changing attitudes in society mean that today, in comparison to the 19th century, many more people think prisoners should be given a chance to change – and not simply be punished. Modern courts often use alternative punishments to prison that focus on reform and rehabilitation.

Activities ?

1. Explain the purpose of borstals.
2. For each of the alternative punishments, write a sentence to explain how they could reform a person convicted of a crime.
3. Discuss prison reforms in a small group. In your opinion, which reform was the most radical?

Anti-Social Behaviour Order (ASBO)
A court order that places restrictions on what a person can do, e.g. where they can go or who they can talk to. They are usually issued to people who repeatedly behave in an anti-social way.

Community service
People convicted of minor offences are ordered to do supervised work to improve their local community.

Restorative justice
A criminal meets the victim of their crime, or a relative, to talk about what they have done and understand the impact it has had on others.

Drug and alcohol treatment programmes
People who have got involved in crime because of a problem with drugs or alcohol are offered help and treatment for their addiction.

Electronic tagging
The court orders a person convicted of a crime to wear an electronic tag. Using the tag, they monitor the criminal's movements. Although the person is not in prison, their movements and activities can be strictly controlled.

Figure 4.4 21st-century alternatives to prison.

Figure 4.5 Factors influencing changes in punishment since 1900.

Summary

- At the start of the 20th century capital punishment was still used, almost always to punish murder.
- In 1965, capital punishment for murder was abolished.
- The 1940s Labour government introduced many radical welfare and social reforms, including reforms concerning youth justice.
- During the 20th century there were many new ideas about the purpose of prison, and the treatment prisoners should expect in prison.
- Changing attitudes mean that modern courts use alternative punishments to prison for less serious offences.

Checkpoint

Strengthen

S1 Name three factors that contributed to the end of capital punishment for murder in 1965.

S2 What punishments other than prison are used in the present day?

S3 How are open prisons different to standard prisons?

Challenge

C1 What influence did controversial executions in the 1950s have on the abolition of the death penalty?

C2 In what ways are young offenders treated differently to other offenders in the 21st century?

How confident do you feel about your answers to these questions? Reread the section, then try answering them again.

4.4 Case study: Conscientious objectors in the First and Second World Wars

Learning outcomes

- Understand how the law on military service changed.
- Know and understand the punishments used against those who refused to fight.
- Be able to explain the extent of change in the treatment of conscientious objectors between 1916 and 1945.

Conscription in the First World War

Up until 1916, everyone was free to have their own personal beliefs on war and violence. But, in 1916, the Military Service Act was passed, introducing conscription in the UK for the first time. There was much debate about this new law in Parliament as it was such a big change. Compulsory service in the armed forces had never been used in Britain on this scale before and many politicians were concerned about the moral consequences. Previously the system had relied on men volunteering to fight, but this change made it illegal to avoid taking an active part in the war.

From March 1916, all unmarried men aged 18–41 were called up to join the armed forces. By May that year, married men were also included in the call-up; and in 1918 the upper age limit was raised to 51 years.

Conscientious objectors in the First World War

Some men refused to fight, because they said their conscience would not allow it. They were known as Conscientious Objectors (COs). Many refused to fight because their religious beliefs didn't allow it; others refused for political reasons, because they thought the aims of the war were wrong.

People who refused to support the war in any way were called absolutists: they believed that even indirect support for the war was wrong, as it meant the conflict could continue. Most absolutists were pacifists – people who feel that violence in all circumstances is immoral.

Others refused to carry weapons or serve in the military, but were prepared to support the war effort in other ways: these were known as alternativists. Some agreed to do jobs such as stretcher bearer, which was very dangerous work, at the frontline. Others undertook roles as ambulance drivers or other auxiliary (support) work, such as helping distribute food supplies.

Source A

A 1916 poster explaining the opportunity to seek exemption from conscription into the armed forces.

MILITARY SERVICE ACT, 1916

Every man to whom the Act applies will on Thursday, March 2nd, be deemed to have enlisted for the period of the War unless he is excepted or exempt.

Any man who has adequate grounds for applying to a Local Tribunal for a

CERTIFICATE OF EXEMPTION UNDER THIS ACT

Must do so BEFORE

THURSDAY, MARCH 2

Why wait for the Act to apply to you?

Come now and join of your own free will.

You can at once put your claim before a Local Tribunal for exemption from being called up for Military Service if you wish.

ATTEST NOW

Tribunals

The Military Service Act did allow for people objecting to joining the armed forces. It included a section called the conscience clause which allowed men to ask for exemption on the grounds of conscience. Some 16,500

men made this request, and had to appear before a special court, called a tribunal, to judge if their claims were genuine.

The tribunals did not always give COs a fair hearing, because:

- they were held locally and the judging panel was selected by the local authority, so there was wide variation from area to area
- members of the panels were generally too old to be called up themselves, but often had very clear views about other people's duty to fight.

Treatment of COs

Many absolutists who refused to support the war in any way were imprisoned. Sometimes they faced solitary confinement so they could not mix with other prisoners. The authorities hoped this would weaken their determination.

Some COs were punished by being sent to France, to the front line of the fighting. Once there, they were given orders, and if they refused to follow them they were sentenced by a military court. A small number were sentenced to death. The prime minister intervened to stop this happening, and reduced the punishment to ten years imprisonment.

Source B

COs in a quarry on Dartmoor. About 1,000 COs were imprisoned at the prison on Dartmoor and made to work in the local granite quarries.

Source C

Jack Foister, a CO in the First World War, describes being sentenced to death at a court martial on 14 June 1916. His sentence was later reduced to ten years imprisonment.

I was brought from the cell to the office and stood at attention in front of a table at which three officers were seated. The one in the centre lectured me quietly but firmly on the sin of disobeying orders on active service, said he was going to give me an order, if I did not obey, I should be court-martialled for disobedience, the punishment for which could be sentence of death. There was a soldier standing to attention in the same office. The order given me was to fall in behind this soldier for drill. "Right turn, quick march," came the order. There was no response. The greatest strain that I ever experienced was when that order was given because I knew it was the final point and I was the first one to be given the order and my mind went quickly round. Will the others do what I am going to do? But it was all in a flash you see. I didn't have minutes to think about it... a couple of seconds. I was not going to fall in. I was ready to do whatever happened.

Why were COs treated so harshly?

The casualty rate of soldiers in the First World War was so high that the authorities were determined to stop pacifist ideas spreading. They needed to recruit lots of men, and wanted to prevent a wide resistance movement against the war from growing up.

The government presented fighting as a man's duty to his country. Refusing to fight was presented as 'unmanly' and even traitorous. The press also spread views of COs as cowardly and unpatriotic. The harsh punishments handed out to COs were publicised to put people off refusing to fight, and to make their harsh treatment more widely accepted.

Most people had close family and friends who were fighting and who had been killed or injured. They often felt that COs were unfairly shirking their responsibilities. Some COs and their families were isolated by friends and neighbours. Some received hate mail or white feathers in the post as a symbol of cowardice.

Source D

First World War postcard portraying COs as scared to fight and not 'real men'.

Key terms

Propaganda*

Deliberate mass persuasion.

Peace Pledge Union*

An organisation founded in the 1930s that opposed war and sought to find peaceful means to resolve conflicts around the world.

Changes in treatment of COs during the Second World War

During the Second World War (1939–45), COs were offered alternative occupations such as farm work. Prison was generally used as a last resort rather than as a standard deterrent to other potential objectors. However, the authorities still expected people to support the war and used lots of propaganda* to build support.

Those who actively campaigned against the war could find themselves in court. For example, members of an organisation called the Peace Pledge Union*, who posted anti-war posters, were put on trial, but their case was dismissed by the judge.

Changes in social attitudes

During the Second World War, official attitudes to COs were quite different from the First World War. In the Second World War people were being asked to unite against Hitler as a tyrant, and Nazism as a movement that persecuted minorities. In this context, harsh punishments for COs would have been seen as hypocritical.

On the other hand, public opinion could still be hostile towards those who refused to fight, when most people felt they were making great sacrifices for the war. Some COs were verbally abused in public – or even attacked. Others lost their jobs, because their employers disapproved of their actions.

Source E

Joyce Allen was a member of the Peace Pledge Union (PPU). Here she describes what happened after she decided to register at a CO.

"When conscription came in I was teaching. I could have asked for exemption, but I wanted to register as a CO... [Even though the school wanted to sack me they] didn't get rid of me: it was difficult to get staff then. I had over 40 supportive letters – the bulk of them from men in the RAF! I think they were scared out of their wits, these young chaps dropping bombs, and wished they could get out of it. The man who was giving me Latin lessons, though, refused to teach me. A member of the PPU offered to teach me instead, and she put the fee I paid her into the PPU funds."

Activities

1. Write down two headers – 'Positive reactions' and 'Negative reactions'. From Source E, identify reactions to Joyce's decision to be a conscientious objector, and note each under the relevant header.
2. Write a list of questions that Joyce could have been asked at the tribunal. They could cover her motives, her views about the war, and other war work that she would be willing to do instead.
3. Discuss with a partner how Joyce might have replied to each question.

Exam-style question, Section B

Explain one way in which treatment of witchcraft in the period 1500–1750 was similar to the treatment of conscientious objection in the 20th century. **4 marks**

Exam tip

For this question you should identify a similarity and add information from both periods to support it. You could show knowledge of the actions of either the authorities or the general public.

Summary

- Some men refused to fight in the war as they said their conscience would not allow it. After 1916 they were viewed as criminals.
- The Military Service Act included a section called 'the conscience clause' which allowed men to refuse conscription on the grounds of conscience. Very few were granted this exemption.
- Prison was the most common punishment for COs who refused war work in the First World War.
- In the Second World War, government attitudes to COs were less harsh, but public opinion was generally still hostile.

Checkpoint

Strengthen

S1 Name three punishments faced by COs in the First World War.

S2 What types of work were COs offered by the authorities in the First World War?

S3 What was the Peace Pledge Union?

Challenge

C1 What was the significance of the 1916 Conscription Law in changing the treatment of those who opposed fighting?

C2 Why did the government imprison absolutists during the First World War?

How confident do you feel about your answers to these questions? Discuss any you are unsure about with a partner then try rewriting your answers together.

4.5 Case study: The Derek Bentley case and the abolition of capital punishment

Learning outcomes

- Understand the main issues in the Derek Bentley criminal trial.
- Evaluate the role the Bentley case played in the debate about ending capital punishment in the UK.

During the 1950s, a number of controversial executions meant the public became increasingly critical of capital punishment. One of these was the case of Derek Bentley, a young man found guilty of murder and executed in 1953.

The Bentley case and public opinion

Many people in Britain disagreed with the sentence. On the night of the execution, 5,000 protestors met outside Wandsworth Prison chanting, 'Murder!' There were angry confrontations with police, and protestors ripped down and burned the death notice posted on the prison gates.

Derek Bentley's family used the media to promote their cause, and through songs, films and books his case became widely known. The Bentley family campaigned for over 40 years. Derek Bentley was eventually pardoned* in 1993, and in 1998 the conviction for murder was quashed.

Key term

Pardon*

To let a person off the punishment after they have been convicted of a crime; or, as in this case, an official acknowledgement that the punishment was unjust.

Source A

Derek Bentley's parents, sister and brother, on their way to an appeal hearing in London. The appeal was unsuccessful – and Bentley was hanged in 1953.

Source B

Photograph of PC Sidney Miles who was killed in 1952. Derek Bentley was executed for his murder.

Key term

Joint enterprise*

When an accomplice to a crime is held jointly responsible for the crime.

Extend your knowledge

Other controversial executions

Timothy Evans was executed in 1950 for the murder of his wife and baby. However, it was later discovered that a serial killer was responsible for their deaths.

In 1955, Ruth Ellis was hanged for the murder of her boyfriend. Many people believed Ellis should have been allowed to plead diminished responsibility because her boyfriend was violent and abusive, but this was not allowed for murder trials at the time.

Derek Bentley trial, December 1952

Victim – Sidney Miles, policeman, shot during an attempted burglary

Accused

Christopher Craig
16 years old, fired the gun that killed the policeman.

Derek Bentley
18 years old, there when the murder took place but did not fire the gun, mental age of 10.

Case for prosecution

- Craig fired the gun. Bentley shouted "Let him have it." This makes him jointly responsible for the murder as he encouraged Craig.
- Bentley has a history of criminality – has been in youth detention.
- Bentley has a low level of intelligence but was not insane and was aware of and responsible for his actions.

Case for defence

- "Let him have it" could mean, "Let the policeman have the gun." There are questions about whether he really said it.
- Bentley didn't have a weapon. Handed himself over to police.
- Bentley has a learning disability and a mental age of 10.

Jury

Finds Craig and Bentley guilty, recommends mercy for Bentley.

Judge's sentence

Craig can't be hanged as under 18. Sentenced to long prison term.
Bentley is guilty of the murder under joint enterprise law*.
Sentenced to death by hanging.

Figure 4.6 Outline of the Derek Bentley case.

Impact in parliament

David Maxwell Fye, the home secretary at the time of the Bentley trial, declared: 'There is no possibility of an innocent man being hanged in this country'. Nevertheless, 200 MPs supported a parliamentary motion calling for Bentley's reprieve, but before they could debate the motion the death sentence had been carried out.

In 1957, significant changes were made to the law regarding murder. The Homicide Act made allowances for defendants suffering from diminished responsibility* or who had been abused by the person they murdered. In these cases, the murder charge would be reduced to manslaughter, which was not punishable by death. In 1965, the death penalty for murder was suspended, and this change was made permanent in 1969.

Key term

Diminished responsibility*

Not being fully in control of your actions, for example, because of a mental illness.

THINKING HISTORICALLY Change and continuity (4b&c)

The bird's eye view

Development	Example of immediate changes	Example of change in the medium-term	Example of change in the long-term
The execution of Derek Bentley.		Increased interest and awareness of injustices as a result of the death penalty.	The death penalty in the UK has not been reintroduced despite significant public support for it to be brought back.

Imagine you are looking at the whole of history using a zoomed-out digital map. You have a general view of the sweep of developments and their consequences, but you cannot see much detail. If you zoom in to the time of the abolition of the death penalty, you can see the event in detail, but will know nothing of its consequences in the medium- or long-term in determining opinions about the role of capital punishment in the UK.

Look at the table above and answer the following:

1. What were the immediate changes brought about by the development? Write down at least two changes that could complete that column in the table.
2. Look at the medium-term changes and the long-term changes. How are they similar? How are they different?
3. Work in groups of three. Each take the role of the teacher for one of the above (the immediate changes, the medium-term changes or the long-term changes). Give a short presentation to the other two students in your group, explaining the key changes over your timescale. They may comment and ask questions.

Answer the following individually:

4. How was your explanation of change different to the other explanations? Write a short paragraph using examples from what you and the rest of your group said.
5. What happens to the detail, particularly of the medium- and short-term changes, when you zoom out to look at the long-term changes?
6. What are the advantages and disadvantages of zooming in to look at a specific time in detail?

Summary

- Derek Bentley and Christopher Craig were convicted of the murder of Sidney Miles, a policeman who was shot during an attempted burglary. Only Bentley was executed as Craig was too young.
- The case was controversial and led to an increase in the number of people questioning the death penalty.
- Many MPs at the time believed that Bentley should not be hanged.

Checkpoint

Strengthen

S1 Why was Christopher Craig imprisoned rather than hanged?

S2 How did the law on execution change after the Bentley case?

S3 Why was the Bentley case seen as controversial?

Challenge

C1 How did the Bentley case influence changes in the laws on capital punishment in 1957?

C2 How far was the Bentley case significant in bringing about changes to the law on the death penalty by 1965? Use Sections 4.3 and 4.5 to help you judge how important this case was compared to other factors.

Recap: c1900–present: Crime, punishment and law enforcement in recent times

Recall quiz

1. Name two types of driving offences.
2. Define the term 'hate crime'.
3. When did rape in marriage become recognised as a crime in law?
4. What is PCSO an abbreviation of?
5. Who were detained in borstals?
6. What were court hearings for conscientious objectors called?
7. When was Derek Bentley pardoned?
8. What does 'age of criminal responsibility' mean?
9. What is biometric screening used for?
10. Where was the first 'open prison' in the UK?

Activity

Graphic timeline

Create your own graphic timeline to revise this period. A graphic timeline illustrates the key events, changes and continuity by using mostly pictures with only a few words. You will need a large sheet of paper (A3 or larger). You could illustrate the timeline with pictures and symbols found in magazines or online, or draw your own.

Copy the timeline opposite. First work out what the pictures represent. Then add your own images to chart changes in attitudes to crime, definitions of crime, methods of punishment and law enforcement since 1900. You could do the same for the other chapters of this book to create a pictorial revision guide for the whole topic.

	Attitudes	Definitions of crimes	Law enforcement	Punishment
1900s				
1910s				
1920s				
1930s				
1940s				
1950s				
1960s				
1970s				
1980s				
1990s				
2000s				

Writing historically: a well-structured response

Every response you write needs to be clearly written and clearly structured. To help you achieve this, you need to signal the sequence and structure of your ideas.

Learning outcomes

By the end of this lesson, you will understand how to:

- use adverbials to sequence events and developments chronologically
- use adverbials to link your ideas and signal the sequence and structure of your argument.

Definitions

Adverbial: a word or phrase that can modify a verb, adjective or another adverb, e.g. 'quickly', 'incredibly', 'such'; or can be used to link ideas, e.g. 'similarly', 'consequently', 'therefore'.

Chronological: following the sequence in which events took place.

How can I signal the structure and sequence of chronological events?

When you explain or describe a process, for example the development of more humane punishments, you can use **adverbials** to signal the **chronological** order of events.

Look at this sequence of events:

From c1900 more alternatives to prisons were starting to be discussed.

In 1907 probation officers were employed to check on offenders living outside prison.

By 1922 there was an increased focus on prisoner welfare and education opportunities.

In 1933 there was new focus on preparing prisoners for life after serving their sentence.

The first open prison at New Hall, Wakefield was set up in 1933. Open prisons offered a more relaxed regime. Prisoners were allowed out on day release to work and prepare them to rejoin society.

1. Write a paragraph about the development of more humane punishments using some of the adverbials below to signal and link the order of events. Note that adverbials don't always need to go at the start of the sentence, e.g. 'The first open prison was eventually established in 1933.'

firstly… secondly… then… soon… next… meanwhile… eventually… finally…

2. You could use a wider range of adverbials to signal the timescale of the development of more humane punishments even more precisely. Look at the examples below. Use them to help you rewrite your paragraph, making it as clear and precise as possible.

initially… previously… before… during… after several years… within a decade…
eleven years later… in the following year… by 1933… from 1933 onwards…

3. Compare your answers to Questions 1 and 2. Which version do you prefer? Write a sentence or two explaining your decision.

How can I signal the structure and sequence of my argument?

You can use adverbials to link your ideas and guide the reader through your argument. For example:

similarly... for example... such as... however... therefore... consequently...

moreover... nonetheless... furthermore... on the other hand... in addition... above all... significantly... in conclusion...

4. Now look at these two extracts from responses to an exam-style question. Make a note of all the adverbials the writer has used to link their ideas and structure their argument.

'The impact of science and new technology since 1800 has revolutionised crime detection methods'. How far do you agree? **(16 marks)**

For most of the 19th century, police could do little to detect criminals and relied on catching criminals in the act. Consequently, traditional approaches such as relying on eye witness testimony remained common. However, scientific breakthroughs like the discovery of DNA meant that crime scenes could hold evidence to place a person at the crime location...

Science and technology were, therefore, a key factor in improvements in crime detection. There are, on the other hand, other factors to consider...

5. Adverbials can show different kinds of connections. Look at the adverbials at the top of this page. Make a copy of the table and write them in the right category.

Causation and consequence	
Addition	
Contrast	
Exemplification	
Emphasis	

Did you notice?

Adverbials can be positioned at a number of different points in a sentence.

6. At what point in the sentences above are most of the adverbials positioned?

7. Choose one sentence from the response above. Experiment with repositioning the adverbial at different points in the sentence. What impact does this have on the clarity of the sentence?

Improving an answer

Now look at the final paragraph of the response:

Both of these factors are interdependent and important. The scientific and technological breakthroughs of the 19th and 20th centuries (fingerprinting, computer data systems and DNA) were the more fundamental. The funding of the new police computer systems by government also had a huge impact on crime detection methods. Without it these breakthroughs would have had considerably less impact.

8. Rewrite this conclusion, using adverbials to signal the development of the argument clearly.

Preparing for your GCSE Paper 1 exam

Paper 1 overview

Your Paper 1 is in two sections, which examine the Historic Environment and the Thematic Study. Together they count for 30% of your History assessment.
The questions on the Thematic Study: Crime and punishment in Britain, c1000–present, are in Section B and are worth 20% of your History assessment. Allow two-thirds of the examination time for Section B. There are an extra four marks for the assessment of Spelling, Punctuation and Grammar (SpaG) in the last question.

History Paper 1	**Historic Environment and Thematic Depth Study**			**Time 1 hour 15 mins**
Section A	Historic Environment	Answer 3 questions	16 marks	25 mins
Section B	Thematic Study	Answer 3 questions	32 marks + 4 SpaG marks	50 mins

Crime and punishment in Britain, c1000–present

You will answer Questions 3 and 4, and then **either** Question 5 or Question 6.

Q3 Explain one way... (4 marks)

You are given about half a page of lines to write about a similarity or a difference. Allow five minutes to write your answer.

This question is worth just four marks so keep the answer brief. Only one comparison is needed. You should compare by referring to both periods named in the question – for example, 'xxx was similar because in the Middle Ages… and also in the 16th century…'

Q4 Explain why... (12 marks)

This question asks you to explain the reasons why something happened. Allow about 15 minutes to write your answer.

You are given two information points as prompts to help you. You do not have to use the prompts and you will not lose marks by leaving them out. Higher marks are gained by adding in a point not covered in the prompts.

You will be given at least two pages of lines for your answer in the booklet. This does not mean you should try to fill all the space. Aim to write an answer giving at least three well-explained reasons.

Q5 OR Q6 How far do you agree...? (16 marks + 4 marks for SPaG)

This question, including SPaG, is worth 20 marks – more than half the marks for the whole of the Thematic Study. Be sure to keep 30 minutes of the exam time to answer it and to check your spelling, punctuation and grammar.

You can choose between Questions 5 and 6. Before you decide, be clear what each statement in the questions is about, and what topic information you will need to answer it. You will have prompts to help as for Question 4.

The statement can be about the concepts of: significance, cause, consequence, change, continuity, similarity, difference. It is a good idea during revision to practise identifying the concept focus of statements.

You must make a judgement on **how far you agree** and you should think about **both** sides of the argument. Plan your answer before you begin to write, putting your points under two headings: 'For' and 'Against'. You should consider at least three points. Think of each point as a weight on one side of the argument or the other. Even if you make a point or two against the statement, if the 'For' side ends up with more 'weight', your judgement in your conclusion should be that you agree with the statement. This will give you a coherent answer that hangs together.

You must explain your answer. Be clear about your reasons (criteria) for your judgement. For example, is one cause more important than another? Did it perhaps set others in motion?

In this question, four extra marks are given for good spelling, punctuation and grammar. Use full sentences, paragraphs, capital letters, commas and full stops, etc. Try also to use specialist terms which are specific to your Thematic Study.

Paper 1, Questions 3 & 4

Explain **one** way in which conditions in prisons were different in the mid 19th and late 20th centuries. **(4 marks)**

Average answer

Conditions in prisons in the 19th century were very harsh. They used the separate system to punish prisoners. Then in the late 20th century prisoners were allowed to mix and some prisons were open-style prisons.

This answer identifies different treatment in prisons in each period but the examples are vague. The word 'then' shows some recognition of difference but the detail of the difference is not spelled out.

6th

Verdict

This is an average answer because:

- the candidate has provided very general comments about the differences in prisons between the two periods
- the candidate has not been clear about the difference – the answer says 19th century conditions were harsh but does not say they were less harsh in the 20th century.

Use the feedback to rewrite this answer, making as many improvements as you can.

Why were there changes in criminal activity in the years c1900 to the present day?

You may use the following information in your answer:

- *transport*
- *the internet.*

You **must** also use information of your own. **(12 marks)**

Average answer

From 1900 to the present day there were many changes in crime. For example, there is more car crime now and the internet was invented in the 20th century. One reason for crime changing is the internet and computers. Some people use computers to steal money. Other people use new transport for doing crimes. For example, they steal expensive cars to sell on or drive really fast and break speed limits. In the past they went by horse or walked and there weren't speed limits. Nowadays more people think it's wrong to speed because of accidents.

Since the internet was invented some people use it for stealing money from internet bank accounts or getting in touch with other criminals. So there has been some change in the types of crime people commit because of technology.

There should be more focus on the factors leading to change and less description. Factors of society's attitudes and new technology have been mentioned, but should be explained in more detail.

6th

There is an attempt to structure the answer, but it should be better organised – material on the internet is mentioned in two separate paragraphs.

Verdict

This is an average answer because:

- there is some focus on the concepts of the question but it needs to be more explicit
- there is accurate and relevant information but it is not precisely selected – some of it is not useful in explaining the reasons for change
- the answer does not fully develop a third factor – the student has not made a clear new point.

Use the feedback to rewrite this answer, making as many improvements as you can.

Paper 1, Questions 3 & 4

Explain **one** way in which conditions in prisons were different in the mid 19th and late 20th centuries. **(4 marks)**

Strong answer

In the mid 19th century conditions were harsh. Prisons like Pentonville used the 'separate' system. Prisoners lived in individual cells and were not allowed to talk to or even see each other. They were made to do hard work as a punishment and as a deterrent to other criminals.
In the late 20th century prisoners were allowed to talk to each other. They did work but this was to help them learn a trade so they could earn a living when they left, not a punishment. Conditions were much less harsh.

9th

This answer describes treatment in prisons in both centuries. It gives specific examples of treatment and points out the differences between the two periods.

Verdict

This is a good answer because it uses specific information about the topic to demonstrate differences in the prison system in both periods.

Why were there changes in criminal activity in the years, c1900 to the present day? **(12 marks)**

Strong answer

11th

A range of factors led to criminal activity changing over the last two hundred years: social attitudes, new technology and new types of transport have all been important.

This answer begins with a clear focus on the question.

New technologies have had a great impact on changing criminal activities. For example, new cars are much faster than previous transport. This has led the authorities to introduce speeding laws to make roads safer. Speeding became a crime in the 20th century. So another reason why criminal activity changed is that new laws criminalised activities.

The reasons for change are clearly shown. The answer combines new technology with the role of government action.

Social attitudes have also played a significant part. Previously violence and control of your wife was seen as acceptable. By the 1970s with the rise of the women's rights movement domestic violence was criminalised.

A new factor, not mentioned in the bullet points, is clearly explained.

So overall, transport, the internet and changing social attitudes have all played an important part in change in criminal activity. Social attitudes have led to changes in what is criminalised. The internet has revolutionised the methods by which criminals can operate on a large often international scale.

The candidate has addressed the question directly in the conclusion, distinguishing between different factors affecting change.

Verdict

This is a strong answer because:

- it has included only relevant information and used it to support valid points
- the explanation is analytical, related to the factors
- the line of reasoning is consistently developed throughout the answer.

Paper 1, Question 5/6

'Attitudes in society were the most important factor influencing how criminal activity was dealt with in the period c1500–c2000'.

How far do you agree? Explain your answer. You may use the following information in your answer:

- laws against witchcraft in the 16th century
- conscientious objectors in the 20th century.

You **must** also use information of your own. **(16 marks + 4 for SPaG)**

Exam tip

Consider points for and against the statement and make a judgement. Be clear about your reasons for agreeing or disagreeing. SPaG is also assessed. Take care with spelling, punctuation and the use of sentences, paragraphs and historical terms.

Average answer

8th

During the period c1500 to c2000 social attitudes were an important influence on how crimes were dealt with. The treatment of suspected witches changed a lot during this time. Social attitudes changed towards witchcraft. Around 1500, witches were not punished harshly. Sometimes they were treated as wise women who could help with medical problems and delivering a baby or giving advice, especially to poor villagers. Later social attitudes changed and people suspected of witchcraft were treated badly. More suspicion in society meant that in the mid 16th century, women in particular were singled out and accused of being witches.

Accurate information is given, although the point being made about criminal activity is unclear.

In World War I COs were affected by changes in social attitudes. COs were allowed to present their case to military tribunals to be excused from fighting. Alternativists worked as stretcher bearers or other non-fighting jobs but absolutists faced harsh treatment in prison and threats of execution. In society COs were treated as cowards and the public often supported harsh punishments for those who refused to fight. Public opinion was very harsh and COs who refused war work were sometimes disowned by their own friends and families.

There is some analysis of the importance of social attitudes, but the treatment is descriptive and not analytical.

Change in the way the law dealt with conscientious objectors in the Second World War is not included.

Other factors were also important. For the treatment of witches, the power of the king was important. James I was keen to hunt witches and wanted them punished harshly. He wrote a book called 'Demonologie' that said how to run a witch trial. Therefore, social attitudes were important but there were other factors too.

A stronger paragraph with good focus on the question. But the role of the king needs further development and the answer does not make an overall judgement, except for the last brief comment.

Verdict

This is an average answer because:

- it includes some valid information but does not provide enough specific examples or analyse factors enough to be a strong answer
- the answer does not go beyond the prompts given and it deals only with the beginning and end of the period
- there is some analysis of the question but this is not consistent throughout and the answer lacks a clear overall judgement based on clear criteria.

Use the feedback to rewrite this answer, making as many improvements as you can.

Paper 1, Question 5/6

'Attitudes in society were the most important factor influencing how criminal activity was dealt with in the period c1500–c2000'.

How far do you agree? Explain your answer. **(16 marks + 4 for SPaG)**

Strong answer

To be judged as the main cause of changing approaches to dealing with crime in the years 1500–2000, social attitudes should have affected law and punishment in a range of crimes over the period.

Social attitudes are significant in explaining how the crime of witchcraft was dealt with, but the role of the authorities is important too. They often work together. Society used to treat witches quite positively, viewing them as wise women who could give help and advice on childbirth or illness. However, the role of the monarch was important in changing this. In 1542 Henry VIII changed the law and made witchcraft a serious crime, punishable by death. James I was keen to hunt witches and wanted them punished harshly. He wrote a book called 'Demonologie'. Ordinary attitudes changed to reflect these changes in the law. Many ordinary people co-operated with Matthew Hopkins's witch hunts in the mid 17th century. Many people were tried for witchcraft and over a hundred were executed. This example shows that social attitudes combine with the role of government to explain how crimes were dealt with.

So to conclude, social attitudes had an important impact on how crimes were dealt with during this 500-year period. Although sometimes the role of government has been more important in influencing society's views, really the law can only work if social attitudes agree with it as the examples of smuggling and conscientious objectors show.

Government and social attitudes also disagreed over conscientious objectors (COs). During the Second World War the authorities made increased efforts to provide alternative work for COs. The war was a fight against Hitler's Nazism so using heavy-handed punishments would have been hypocritical and the government was more prepared to accept individual consciences. Although the authorities showed a more tolerant attitude to COs in some regards, society's attitude was largely unchanged and COs found it difficult to get work.

The answer begins with a clear focus on the question, and sets out criteria for making a judgement that are referred to throughout.

Good use of precise information to support a clearly-developed point.

The example goes beyond the bullet point prompts and the paragraph makes a clear, relevant point.

Individual paragraphs and the overall answer follow a clear structure. The conclusion gives clear criteria for judgement.

The evidence selected to support the analysis shows a strong grasp of the wider context.

Verdict

This is a good answer because:

- there is a consistently analytical focus, backed by a range of precise knowledge
- criteria for reaching the judgement have been set out and applied throughout
- there is a clear line of reasoning running through a well-organised answer.

05 Whitechapel, c1870–c1900: Crime, policing and the inner city

Living in Whitechapel – a district in the East End of London – in the last quarter of the 19th century, you were in a black hole at the heart of the British Empire: one that sucked in beggars, prostitutes, criminals and alcoholics.

The Great Depression, which began in 1873, brought widespread unemployment and poverty – in an age when being poor implied you were a bad person. Even if you had employment, you were among the most vulnerable: seeking labour on a day-by-day basis, hanging around for hours outside the factory gates in hope of work – just so you might put bread on the table for your family.

Shipping owner Charles Booth investigated East End squalor between 1889 and 1903, and found that 35.7% of East Londoners were living in utter poverty. This was not the result of idleness or drink – it was caused by low pay and unemployment.

Prostitution was often a necessity, not a choice – the workhouse a last resort.

Though there was often trouble, the police were rarely ready for it. According to the founder of the Salvation Army, the slums were 'a dark continent full of nameless loathing where lawlessness still reigns supreme'.

In 1888, serial killer Jack the Ripper focused national attention on Whitechapel. Lurking in the dark alleyways, he became a symbol for all the fears and worries of the residents. He seemed to represent what was wrong with the East End as a whole – a dangerous area where policing was ineffective.

This was the context in which H Division of the Metropolitan Police had to operate.

Learning outcomes

By the end of this chapter, you will:

- know about the context of national and regional policing in the late 19th century
- understand the local context and problems of Whitechapel in the late 19th century
- know about problems caused by immigration and a fluctuating population
- know about the organisation of policing in Whitechapel in the late 19th century
- know about methods of investigative policing available in the late 19th century
- understand how to use sources and ask appropriate questions in your enquiry into crime, policing and the inner city.

Sources, information and evidence

In the examination you will be given two sources, and you are asked to do two things with these sources:

- comment on the usefulness of both sources for an enquiry
- write about: a detail in one source that you would follow up; the new question it prompts you to ask; the type of source you would want to answer your new question; and why that source might help you answer it.

Because most of the marks in this section of the examination are for your work with sources, there are more sources in this chapter than in the rest of the book. Sources A and B in this section are examples to help you understand how the examination works.

Source A is about living conditions in the Spitalfields area of Whitechapel. It comes from a book by Howard Goldsmid, published in 1886, called *Dottings of a Dosser*. Goldsmid wanted to describe living conditions worse than any that had previously been reported in newspapers. The source describes the scene in Flower and Dean Street, Spitalfields.

Source B is about an event in 1887 known as 'Bloody Sunday' when the Metropolitan Police ('the Met') attempted to stop a demonstration in Trafalgar Square. The protestors were dissatisfied with government policy on a number of issues including unemployment. Public meetings like this had been banned by the home secretary just a few days before. Trafalgar Square is in central London, but many of the demonstrators and police officers, including members of H Division (the Whitechapel branch of the Met), came from Whitechapel.

Source A

From *Dottings of a Dosser* by Howard Goldsmid, published in 1886.

There is a level of society even lower than that of the poor people who herd together in noisy courts and filthy alleys full of human excrement [waste]. They are the unfortunates, whose only home is the doss house, who have for many years not known what it is to have the shelter of a room, except in a common lodging house. There is not yet a bitter cry from these as up to now they have found no spokesman to echo it in the ear of the public. In one house, called 'Little Wonder', all are as ill-looking as one could meet in a lifetime. The women are in many ways worse than the men. Their language is more obscene, their habits more filthy and they seem to enjoy this situation.

Source B

This pamphlet was printed by the Socialist League, after Alfred Linnell – a protestor at the Trafalgar Square demonstrations in 1887, who had been run down by police cavalry – died of his injuries.

SOLD FOR THE BENEFIT OF LINNELL'S ORPHANS.

ALFRED LINNELL

Killed in Trafalgar Square,

NOVEMBER 20, 1887.

A DEATH SONG,

BY MR. W. MORRIS.

Memorial Design by Mr. Walter Crane.

PRICE ONE PENNY.

Usefulness (utility)

No source is useful (or useless) until you have an enquiry. Our enquiry is: How useful are Sources A and B for an enquiry into the problems police faced in dealing with desperately poor people in East London in the 1880s?

To answer this question, you will need to explain the criteria* for your judgement, based on your analysis of:

- the content of the source
- the provenance* of the source
- the context* of the source – you might comment on how accurate it is, whether it is selective about what information it shares, or whether it represents a typical point of view.

How does this work in practice?

Content

Source A tells us that housing conditions were terrible and that the streets were just as bad, with alleyways filled with human waste. More significantly, it tells us that those who lived in these conditions did not have a leader to tell people about their situation, and hints that this lack of leadership might not last much longer.

Provenance

Source A is written by a person searching for compelling evidence to make an impact on readers of his book. Since we are told that Goldsmid was trying to find worse conditions than journalists had previously reported, he is probably selecting his evidence carefully. This selection may be part of an attempt to exaggerate conditions. These two things might make criteria for saying how useful the source could be, because they test the likely truthfulness of it.

Context

Your knowledge of the context helps you assess the source content and use criteria such as how accurate or typical the content is. When you have studied this topic a bit more, you could show how this source fits into your knowledge by pointing out that there were particularly bad areas in Spitalfields, but also some parts that had been rebuilt and improved. Or you could link Goldsmid's fears of what might happen if the people found leaders to speak for them, to the rise of a group of politicians who came to have influence over the first London County Council.

Key terms

Criteria* (singular: criterion)

Benchmarks by which you judge something. It is vital that you know your criteria before judging a historical source.

Provenance*

Where a source comes from – who made it, when and why.

Context*

The wider setting. Historical context means the other information available on the same topic.

Activities

1. In small groups, study Source B and make a list of criteria you could use to judge its usefulness.
2. Using the categories from Figure 5.1, make a list of sources that could be used to study your life.
   - **a** Give at least one example source in each category.
   - **b** Explain why each example would be useful.
3. Your enquiry is 'Policing poor people'.
   - **a** Copy Figure 5.1, leaving lots of space in the boxes on the bottom row.
   - **b** Look ahead at the sources in the rest of this chapter, and list, in the boxes on your diagram, one example of each type of source that could be used for your enquiry into policing poor people.

Following up on a source

Where possible, historians try to use as many different types of source as they can. There is a good reason for this. Each different type of source has different strengths and weaknesses.

The second question about sources asks you to pick a detail from one of the sources and then explain how you would follow up that detail with a different type of source. Figure 5.1 shows the range of different types of source a historian can use.

Source C

A dramatic depiction of the events of 'Bloody Sunday', 13 November 1887. It appeared in the *Illustrated London News*, a weekly newspaper, a few days after the events shown.

Figure 5.1 Types of source used by historians.

Provenance

Historians think very carefully about their sources. They test them to check whether they are really appropriate for the way they want to use them. The tests are:

What is its purpose?

When, where and why was the source created, and who by? When we read something about living in the 19th century by someone who was there, it helps to know if they wrote this at the time or 50 years later. But just because it was written at the time doesn't mean it is true. A policeman on the beat in Whitechapel might have written to his family a couple of days after being set upon with stones by a mob. When he described the event, he might have emphasised that he was helped by a colleague to arrest the ringleader. The purpose of the source might be to reassure his loved ones, rather than to tell the whole truth – that he had been badly hurt.

What is the standpoint of the author or artist?

This can grow out of thinking about provenance. Does the person have a particular point of view? For example, if you are reading a criticism of the Metropolitan Police, it might be useful to know whether it was written by an opponent or a supporter of the government, which was in charge of that police force. Sometimes the police were looked upon as agents of an unpopular government – a kind of government in uniform.

Propaganda is deliberately created to change people's views. It might be exaggerated, it might leave things out, or it might just not be true. This doesn't mean historians don't use propaganda – it provides much useful evidence – but the use might be revealing what the government wanted people to believe, rather than what really happened.

Is it part of the action or reflecting on the action?

What is the difference between a live radio commentary on a football match, and an account of that same game written years later in a player's autobiography? Both have their strengths – but they are very different.

Turning a source into evidence

A source is only useful, and it can only be turned into evidence, when you have a question or enquiry. For example, Source B is neither useful nor not useful in itself. If we have an enquiry into, for example, either: a) attitudes towards the police in the 1880s, or b) charitable work in London; then we can think about whether it is useful or not. In the case of enquiry a) it is useful, and in the case of enquiry b) it is not.

Source D

An eye witness account of 'Bloody Sunday' by the artist Walter Crane. He was well known for his support for working people and was a member of the Socialist League.

I never saw anything more like real warfare in my life – only the attack was all on one side. The police, in spite of their numbers, apparently thought they could not cope with the crowd. They had certainly exasperated [extremely annoyed] them, and could not disperse them, as after every charge – and some of these drove the people right against the shutters in the shops in the Strand – they returned again.

Source E

Henry Hamilton Fyfe recalls the events of 'Bloody Sunday' in his autobiography, written in 1935. Hamilton Fyfe was a member of the Conservative Party in 1887, but later changed his political views and stood as a Labour candidate in the 1929 General Election.

When the unemployed dockers marched on Trafalgar Square, where meetings were then forbidden, I enrolled myself as a special constable to defend respectable people against the masses. Wearing an armlet and wielding a baton, I paraded and patrolled and felt proud of myself. My old gentleman at the office [Fyfe's boss at The Times] was a Conservative who seemed to approve of violence. He would have had the unemployed shot down.

Judging sources

- Start with the **provenance** (the nature, origin and purpose of the source). Does this suggest strengths or weaknesses when using this source? For example, we don't know if Source C was drawn as propaganda to make a judgement about the police.
- Move on to **content**. What can you learn from the source that is relevant? What can you work out from it? Does it tell you new things, adding to your understanding?
- It is easier to use artists' sketches as sources if we know **why** they were drawn. The same is true of photographs taken. Often, we don't know why – so the best you can do is think carefully about the context and content of the drawing or photograph.

THINKING HISTORICALLY Evidence (1b&c)

The message and the messenger

There are many sources of information about the past. Historians use these sources to help them draw conclusions. When information is used to help you form a conclusion, it is used as evidence.

Study Sources B, C, D and E (pages 144 to 148) about a demonstration in Trafalgar Square in 1887. Now read Source F in Section 5.1 (page 154). In this source, Sir Charles Warren, the head of the Metropolitan Police, says a number of things. He was writing for a popular magazine that he knew would be:

a read by important politicians

b discussed by many people around the country

c available to his bosses at the Home Office (the government department in charge of the Met).

What information does the source contain? What was Sir Charles saying? Answer the following questions to find out.

1 Which group does he say have allowed many riots to occur?

2 What does he say has been the effect on peaceful citizens?

3 Who does he say has supported the rioters?

Historians are not usually interested in information for its own sake. Historians are interested in using information to work out answers to questions about the past. Use the information you have just extracted from the source, and the information about its context provided above the source, to try to work out answers to the following questions.

4 What do you think that Sir Charles wanted his bosses to think when they read his letter?

5 What can we tell about Sir Charles's views about politicians from the fact that he wrote these words for a public audience in 1888?

As a historian investigating the performance of the Metropolitan Police during the troubles of 1887–88:

6 what evidence might you look for in responses to Sir Charles's letter by the magazine's readers?

7 what other types of sources might you want to look at to gather evidence?

Activities

In groups, consider the enquiry: 'Was the treatment by police of the protesters in Trafalgar Square a reasonable response?' Study Source E.

1. Think about the provenance of Source E. When was it produced? Who by? What was its purpose?
2. Does the information in Source E have any relevance to police methods?
3. Was the writer of Source E there at the time, or is it a later account of the action?
4. Is any part of Source E propaganda?
5. Using your answers to these questions, is Source E useful for the enquiry above? Give reasons.

The point of these questions is to develop criteria – reasons for the judgements you make.

6. Compare your answers with those of another group (or with the whole class). Which answers to questions 1 to 4 make the strongest criteria for your answer to question 5?

THINKING HISTORICALLY Evidence (2a)

Information and evidence

Information only becomes evidence when we use it to make an inference (work something out) about an issue in the past. Information needs to be questioned before we can use it as evidence to draw conclusions. Without a question, information doesn't tell us very much.

Study the following questions about Bloody Sunday in Trafalgar Square:

1 How did Alfred Linnell die?	2 What sort of injuries did people in Trafalgar Square receive?	3 Why did the crowd come to Trafalgar Square that day?
4 Who led the protest?	5 How many police were injured?	6 What did people think about the actions of the Metropolitan Police?

Study Sources B to E (pages 144–148).

1. Which of the six questions would the sources not help us answer?
2. Which question is Source C most useful in providing evidence for?

Look at Source D. Draw up a table with three columns labelled 'Question', 'Inference' and 'Evidence'.

3. Write out the first question from the table above in the first column. Then use Source D to fill in the other two columns with inferences you can make that answer the question, and evidence from the source that backs up each inference.
4. Write out the sixth question in a new row, and add inferences and evidence from Source D.
5. Look at the inferences you've made from Source D. Are they the same for the two questions?
6. Write a new question that you could use Source D to help answer.
7. In your own words, explain how the question you ask affects what evidence you use in a source.

5.1 Context: Policing the nation

Learning outcomes

- Understand how police services were organised and controlled.
- Understand in what ways crime was recorded.
- Understand the nature of problems with crime statistics and evidence.

How police forces were organised

There were many different police forces at this time. Many counties had their own force, and within counties many cities and towns had separate forces. The home secretary, based in Westminster, had little control over local police forces outside London, which were usually run by watch committees*.

Key term

Watch committee*

A group of local politicians or law professionals set up to monitor the work of police forces.

The exception was the Metropolitan Police force in London, which reported directly to the home secretary, who also appointed the head of the force. The government was reluctant to give up this influential relationship. When the London County Council was set up, in 1889, there were discussions about giving it control over the Met; but the government resisted, because it feared the Met would fall under the influence of socialist members of the new council and others with close connections to the working classes.

Manpower

Police work was hampered by insufficient manpower. By 1885, the Met was made up of 13,319 men among a population of just over five million; but only 1,383 of those officers were available for duty at any one time.

Figure 5.2 Metropolitan Police manpower 1885 and 2016.

Using sources for an enquiry into policing

What sources could help you find out more about policing in Britain in the later 19th century?

Official statistics

Since 2009, the records of more than 1.4 million criminal trials held in England and Wales in the 19th century have been posted online. The National Archive also has statistics for crime and policing.

Figure 5.3 Recorded statistics for assault, burglary and theft in England, 1857–1900.

According to the Home Office archive, the detective force in London grew from 216 in 1878 to 294 in 1883, and the number of arrests they made rose from 13,000 to 18,000. For more figures from the archive, see Source A.

Source A

Home Office figures produced in 1881, comparing crime in 1880 with the annual average for 1875–79.

In examining the crimes in detail and selecting certain of the Indictable Offences for the purpose of a closer comparison, — the Annual Average of the 5 years ended December, 1879, and the Numbers for 1880 are taken. These with but two exceptions show a marked decrease.

The proportions, with the respective figures, are given in the following Table against each selected Offence: —

Crimes.	Annual Average for the 5 years 1875 to 1879.	Numbers for 1880.	Increase, or Decrease per Cent.
1. Murder	68	61	−10·2 per Cent.
2. Shooting at, Stabbing, Wounding with intent to maim, &c.	154	123	−20·1
3. Burglary	330	*425	+28·7
4. Robbery, Robbery with Violence, and Assaults to Rob	270	236	−12·5
5. Larceny from the person	1,256	1,116	−11·1
6. Larceny, simple	6,123	5,011	−18·1
7. Receiving stolen goods	452	414	−8·4
8. Assaults and inflicting bodily harm	902	740	−17·9
9. Other Offences	6,333	6,644	+4·9
Total	15,888	14,770	−7·0

Police and court records

Statistics from individual police stations are useful, but can be misleading. According to records, during the 1860s, a Middlesbrough policeman could be expected to be assaulted twice a year. But these statistics reflect only cases where the officer made an arrest or a report. Can you think of any reasons why an individual constable might not have done so?

Freedom licences – official release papers for prisoners – are valuable records of convictions and punishments, which are not covered by police station records.

There are also extensive archives of records from court cases. Many people arrested in Whitechapel found themselves tried at the Central Criminal Court in London – known as the Old Bailey. Source B shows extracts from one such case.

Source B

From the court records of the Central Criminal Court,
12 May 1862.

CONRAD JAGER: I was at a public-house in Fieldgate-street, on Saturday, 22nd February – I left the house about 12 o'clock at night – as I was coming out these three men and Peter Conse fell on me – Eskucken laid hold of me, and Bartels struck me with a key, on the head – I then became insensible [unconscious].

PATRICK GARAGHTY (Policeman, H159): On this night, I saw the row outside the public-house – it was partly quashed [stopped] when I got up – there was another constable there – I saw Bartels go into his own house – I also saw Jager there – we separated them, and then got to the other end of the street, where there was another row, and there we found it necessary to apprehend [arrest] five.

Exam-style question, Section A

How could you follow up Source B to find out more about the problems of policing the Whitechapel neighbourhood in the period 1870–1900?

In your answer, you must give the question you would ask and the type of source you could use.

Complete the table below. **4 marks**

Detail in Source B that I would follow up:	
Question I would ask:	
What type of source I could use:	
How this might help answer my question:	

Exam tip

Tackle the question in four steps. First, pick a detail: e.g. there are serious disturbances almost every week. Next, choose a question: e.g. how frequent were the disturbances? Then suggest a type of source to use: e.g. accounts in local newspapers in a three-month period. Finally, say how this would help answer the question: e.g. newspapers would provide regular detailed accounts of serious disturbances.

Memoirs and reports

Another useful source of information is police memoirs*. James Bent and Richard Jervis were two Lancashire policemen who wrote accounts of their long careers. Memoirs need to be treated with care, as people tend to use them to present their lives in a positive way, but the Bent and Jervis memoirs do provide a vivid and detailed picture of police work in north-west England in the late 19th century. They show that violence between police and locals was common and that poachers (on PC Bent's rural beat) were often part of organised gangs.

Key term

Memoir*

An individual's account of his or her life. It may be based on diaries and other records, or on memory.

Recording crime

The way crimes were recorded is also important, as Source C shows.

Source C

From a report by a government committee on criminal statistics in 1895. The committee is reporting on problems in the police tables of crimes and convictions, which were published each year.

The figures have been prepared by the police with great care, but some forces have proceeded on one basis and others on another. The making of an attendance order [issued when a parent failed to send a child to school] was treated as a conviction by 121 police forces and excluded from the returns by 27. This alone added about 20,000 convictions a year to the tables, where there was in fact no conviction.

Crime rates seem to have gone down at the end of the 19th century. Perhaps criminals thought improvements to policing made it more likely that they would be caught. However, this is speculation and historians are careful about the conclusions they draw from statistics, as you can see in Interpretation 1.

Interpretation 1

From *Crime and Criminals of Victorian London*, by Adrian Gray, published in 2006.

There has been much debate among historians as to whether crime worsened during the Victorian period. Statistics are problematic. There were variations in statistical collection and an improving police force could lead to more arrests. Some activities became illegal that were not before as the State became more regulatory [made more laws]. However despite the occasional scare, there is general consensus that the crime trend in Victorian England was downwards.

Source D is from a Home Office memo that explains how difficult it is to interpret crime statistics.

Source D

A Home Office memo from the 1880s.

Population. The figures in the statistics are absolute figures of crime, without regard to population [i.e. the figures do not assess numbers of crimes against the size of the population]. In the period of 34 years now under review the population has increased about 50%. There has also been an unknown immigration from the countryside...

The media

One of the easiest ways of monitoring what happened is through local and national newspaper accounts. But these publications seemed to value 'getting a good story' ahead of the facts. The name of the *Illustrated Police News* suggests it was an official publication but in fact it was a sensationalist 'penny dreadful' and very anti-police. It was perhaps closest to the 'tabloids' of today. Like them, its most important purpose was to sell newspapers – rarely letting the truth get in the way of a 'good story'. So negative did some of the press become that, from the 1860s, police newspapers such as the *Police Review*, began to appear. These aimed to challenge negative views of local policemen in other papers.

During the Jack the Ripper murders, in October 1888, James Keating, Superintendent of Bethnal Green (a district immediately neighbouring Whitechapel) was asked about his own division's experiences for an article in the *Evening Argus*. Keating described just one serious incident, but left out others, including four stabbings, four robberies with violence, and two serious attacks on women. This example shows why police station statistics need to be consulted as well as newspapers.

Source E

An illustration published in a newspaper on 22 September 1888.

Activities

1. In Source B, what problems does the Old Bailey trial record reveal about policing in Whitechapel?
2. What problems associated with crime statistics are described in Sources C and D?
3. Do you think Source E is from a 'penny dreadful', or from a journal written for the police? Give reasons for your answer. (Answer on page 196.)

The Criminal Investigation Department

Although the main task of the police was to prevent crime, a detective department was added to the Metropolitan Police in 1842. It was tiny and ineffective and there was confusion over whether detectives were meant to prevent or detect crime.

After a serious police corruption scandal in 1877, a barrister called Howard Vincent was appointed to set up the Criminal Investigation Department (CID), in 1878, with 216 officers. This finally seemed to clear up confusions between crime prevention and crime detection. However, detection standards did not improve, as the Ripper investigation showed (see pages 173–182) and the problem of corruption in the service continued.

Commissioner Charles Warren

Following a series of strikes and demonstrations against government policy, the home secretary appointed a former general, Sir Charles Warren, as Metropolitan Police Commissioner in 1886. This was probably intended as a warning to those who were seen as troublemaking opponents of the government. It contributed to the idea of many that the police in London were simply the government in uniform.

It was Commissioner Warren who called in the army to control the protestors in Trafalgar Square on Bloody Sunday (see pages 144–149). The police action on that day added to a growing feeling that the police favoured the middle and upper classes against the poor. This made policing in poorer districts much more difficult.

Warren was also criticised by all sides for appearing to enjoy the action in Trafalgar Square. People who had previously supported the distinguished general now showed intense dislike for his bullying ways. When Jack the Ripper terrorised Whitechapel a year later, Warren paid for the police's failure to catch him by being forced out as Commissioner. He did himself no favours by sharing his views about public disorder in a popular magazine (Source F).

Source F

From a letter by Sir Charles Warren, published November 1888, in *Murray's Magazine*.

Successive governments have not made a stand against the more noisy section of the people representing a small minority, and have allowed many riots to occur that have brought terrorism to peaceful and law-abiding citizens. Leading Opposition politicians, opposed to the present Government, have used these riots to their own advantage by shamefully supporting the mob.

Summary

- Unlike other forces, the Metropolitan Police was controlled directly by the government.
- Following a series of scandals and accusations of incompetence, the CID was set up in 1878.
- Useful sources for investigating policing include: reports from individual police stations, records of court cases, memoirs, and national and local newspapers.
- There are drawbacks as well as advantages to each of these sources – particularly police station reports and newspapers.

Checkpoint

Strengthen

S1 Describe how the Metropolitan Police was controlled in the late 19th century.

S2 Give three examples of problems you might encounter when using records of Victorian criminal offences from local police stations or from memoirs by police officers.

S3 Describe the difficulties of using newspapers as sources to record the effectiveness of police officers in the late 19th century.

Challenge

C1 How did control and monitoring of the Met differ from that of other local police forces in England?

C2 Explain why there is a debate about whether crime worsened during the late 19th century.

How confident do you feel about your answers to these questions? If you are unsure, form a group with other students, discuss the answers then record your conclusions. Your teacher can give you some hints.

5.2 The local context of Whitechapel

Learning outcomes

- Know about the nature and impact of poor housing conditions.
- Know about attempts to improve housing and provision for the poor in workhouses.
- Understand the links between unemployment, inner-city poverty, immigration and crime.

In the late 19th century, Whitechapel, in the East End of London, was one of the capital's poorest districts, with gangs ruling its streets. Out of a population of 30,000, perhaps 1,000 were homeless. Long-established Londoners shared the district with more recent Irish and Jewish Eastern European immigrants. The difficult lives of the inhabitants contributed to high levels of crime.

Figure 5.4 Whitechapel in the 1880s, showing key locations mentioned in this chapter.

Features of Whitechapel	Associated problems and crimes	See pages
Overcrowded accommodation	Theft of personal property, domestic abuse	156–157
Unreliable work, unemployment	Stealing, disruptive behaviour	158
Prostitution	Assaults on women, gangs intimidating women	169
Alcoholism	Disorder on the streets, especially around public houses	152 (Source B), 169
Workhouses	Theft and other crimes committed by people desperate not to go to the workhouse	158–159
Orphans	Petty crimes, begging	160
Immigration	Tension and violence between longer-established residents and Irish and Jewish immigrants	161–163

Pollution and poor sanitation

London in the 19th century was a heavily polluted industrial city. The prevailing wind from the west carried smoke and stinking gas fumes that choked the maze-like streets of the East End. At times, it was not even possible to see your own hand in front of your face. In Whitechapel, sanitation* was very poor. There was little healthy drinking water and sewers ran into the streets.

Key term

Sanitation*

Conditions associated with public health, such as running water and sewerage systems.

Overcrowded housing

The majority of housing was in overcrowded slum areas – also known as 'rookeries' – characterised by dirt, disease and crime. Houses were divided into several apartments. There could be up to 30 people in one apartment, sharing beds so densely packed together that it was difficult to move about.

In 1877, one rookery contained 123 rooms, with accommodation for 757 people, where families hovered on the brink of starvation. The 1881 census shows the total population of Whitechapel District in 1881 as 30,709 – and there were only 4,069 occupied houses. One way of showing a snapshot of the density of housing at this time is to look at the census, which is available online. Source A shows the number of people living at the large, comfortable houses on St. James Street in the wealthy district of Westminster. Number 2 was home to a family of four and eight servants. By contrast, the census record for 3 Buck's Row in Whitechapel shows a family of two adults and eight children in their teens and twenties sharing one small house.

Accommodation was also offered in lodging houses that offered little more than a bed in squalid conditions. Some lodging houses had three eight-hour sleeping shifts a day, so beds could be used by the maximum number of people. The smell and heat in summer, coupled with the presence of rats, meant this form of accommodation was truly awful. It is estimated that there were over 200 lodging houses in Whitechapel at this time, where more than 8,000 people – about a quarter of the local population – lived.

Source A

Census record from 1881 for wealthy households in the West End.

Page 38] The undermentioned Houses are situate within the Boundaries of the

Civil Parish [or ~~Township~~] of St James | City or ~~Municipal Borough~~ of Westminster | Municipal Ward of Pall Mall | Parliamentary Borough of Westminster | Town or Village or Hamlet of | Urban Sanitary District of | Rural Sanitary District of | Ecclesiastical Parish or District of St James Parish Church

No. of Schedule	ROAD, STREET, &c., and No. or NAME of HOUSE	HOUSES Inhabited	HOUSES Uninhabited (U.), or Building (B.)	NAME and Surname of each Person	RELATION to Head of Family	CONDITION as to Marriage	AGE last Birthday of Males	AGE last Birthday of Females	Rank, Profession, or OCCUPATION	WHERE BORN	If (1) Deaf-and-Dumb (2) Blind (3) Imbecile or Idiot (4) Lunatic
222	28 St James's Pl.	1		Elizabeth Furnival	Servant	Unmd		51	Housemaid	Montgomeryshire Llantentfraid	
				Clara Howard	Servant	Unmd		27	Housemaid	Surrey Petersham	
223	29 do	1		Lord Randolph Churchill	Head	Mar	32		Member of Parliament	Middx Chelsea	
~~224~~				Lady Randolph Churchill	Wife	Mar		27	"	New York U.S.	
				Master Winston Churchill	Son	"		6	Scholar	Oxon Woodstock	
				Master John Churchill	Son	"		1	"	Dublin Phoenix Park	
				Charles Howard	Servant	Unmd	24		Butler Domestic Servant	Sussex Tunbridge Wells	
				Frederick Martin	do	Unmd	23		Footman	Somerset Canford	
				Elizabeth Everest	do	Unmd		21	Nurse	Kent Chatham	
				Amelia Legge	do	Unmd		30	Cook	Dorset Wimborne	
				Sarah Mitchell	do	Unmd		24	Housemaid	London Paddington	
				Rose Clark	do	Unmd		17	Kitchen Maid	Worcestershire Gilmorton	
				Bessie Gotton	do	Unmd		16	Nursery Maid	Notts Haighworth	
				Rebecca Secret	do	Unmd		14	Boy's Maid	Norfolk Alpington	
224	30 do	1		Stafford H Northcote	Head	Mar	42		Bart Brev Comr Mr P	Middx Bury Lebone	
				Cecilia F Northcote	Wife	Mar		57	"	Middx Hampstead	
				Margaret S Northcote	Daughter	Unmd		24	"	Devon Upton Pyne	
				Catherine Humphery	Servant	Unmd		50	Ladys Maid Domestic Servt	Middlesex Bury Lebone	
				Edward Staines	do	Mar	45		Butler	Middx Hackney Spa Fields	
				Arthur Smith	do	Unmd	24		Footman	Berks Bridgenorth	
				Henry Deane	do	Unmd	17		Footman	Middx Paddington	
				Charlotte Fretter	do	Unmd		35	Cook	Northampton Pytchley	
				Elizabeth Green	do	Unmd		22	Housemaid	Devon Buckfastleigh	
				Eliza Ridder	do	Unmd		30	Housemaid	Notts Little Cherwell	
				Charlotte Rudeshay	do	Unmd		18	Kitchen maid	Middx Stepney	
3	Total of Houses...	3			Total of Males and Females...		9	16			

NOTE.—*Draw the pen through such of the words of the headings as are inappropriate.*

Model housing – the Peabody Estate

Whitechapel housing wasn't all bad. In 1875, parliament passed the Artisans' Dwellings Act as part of London's earliest slum clearance programmes. In Whitechapel, a maze of narrow courtyards filled with cramped and unhealthy houses was replaced with 11 new blocks of flats. These were designed by architect Henry Darbishire, and paid for by George Peabody, a wealthy American who had moved to London.

The Peabody Estate opened in 1881 and provided 286 flats. Weekly rents started at a reasonable three shillings (15p) for a one-room flat and went up to six shillings (30p) for three rooms. The average weekly wage for a labourer at this time was 22 shillings and 6 pence (£1.12), and some poor working-class families spent as much as a third of this (8 shillings, or 40p, a week) on rent.

Exam-style question, Section A

Describe **two** features of working conditions in Whitechapel in the late 19th century. **4 marks**

Exam tip

For each feature identified, develop it with some supporting information.

Work in Whitechapel

Whitechapel's most famous factory was the Bell Foundry, where Big Ben was cast (see Source B). However, many residents worked in 'sweated' trades like tailoring, shoe-making and making matches. The work premises – known as sweatshops – were small, cramped and dusty, with little natural light. Hours were long (some sweatshop workers worked 20 hours a day and slept on-site) and wages were low.

Others worked in railway construction or as labourers in the London docks, where the amount of work on offer varied day to day – leaving families with an uncertain income. Not everybody found work – the economy became severely depressed in the 1870s and unemployment widespread.

Workhouses and orphanages

Source B

A photograph taken c1902, possibly to show a recent refurbishment at Whitechapel Workhouse. It shows a line of men waiting for admission to the 'tramps' ward.

Key term

Poor relief*

The system of giving benefits to the poor.

Workhouses had been set up earlier in the 19th century as part of the poor relief* system and were run by Poor Law administrators. They offered food and shelter to those too poor to survive in the general community. Inmates included the old, sick, disabled, orphans and unmarried mothers. Conditions were deliberately made worse than those that could be provided by a labourer for his family. The aim was to keep costs down by putting poor people off from entering the workhouse – except as a last resort.

Inmates were expected to do tough manual labour and wear a uniform. Families were split up and could be punished even for trying to talk to each other. Vagrants, who stayed just one or two nights, were held separately from long-term residents, as they were thought to be lazy and a bad influence on the others.

Source C

A typical workhouse floor plan. South Grove workhouse in Whitechapel was based on this plan.

Activities

1. How useful is Source C for an enquiry into the treatment of poverty at the beginning of the 20th century?
2. What problems might arise from the use of Source D as a source in an enquiry about the treatment of young people in the East End of London?
3. What other types of source might help you to understand the problems of children in late 19th-century Whitechapel?

Thanks to the work of Dr Thomas Barnardo, who trained as a doctor in the local hospital, many younger people who would previously have been sent to a workhouse found themselves in a kinder setting. Barnardo's first project was a school for children whose parents had died in an outbreak of infectious disease. One of his pupils, a boy called Jim Jarvis, wanted Barnardo to see what conditions for street children were really like. He took the doctor to a secret rooftop where hundreds of children gathered each day to avoid going to a workhouse. In 1870, Barnardo opened an orphanage for boys. He later opened a girls' home. By the time he died, in 1905, there were nearly 100 Barnardo's homes nationally, caring for an average of 85 children each.

Extend your knowledge

Dr Barnardo's commitment

One night, an 11-year-old boy was turned away from Barnardo's orphanage as it was full. Two days later, he was found dead. From then on, the home's motto was: 'No Destitute Child Ever Refused Admission'.

Source D

A photograph of Dr Thomas Barnardo, taken around 1870 to publicise his work.

Summary

- Poor housing, overcrowding and unemployment were commonplace in Whitechapel.
- Attempts to improve conditions included building new housing and providing orphanages.
- These solutions existed alongside traditional responses to poverty, such as the workhouse system.

Checkpoint

Strengthen

S1 Describe living conditions in a typical Whitechapel rookery.

S2 Describe the impact of the Artisans' Dwellings Act (1875) on housing in Whitechapel.

Challenge

C1 How could the types of work available cause difficulties for Whitechapel families?

C2 Why was the workhouse a last resort for the poor?

How confident do you feel about your answers to these questions? Discuss your answers with other students and record your conclusions. Your teacher can give you some hints.

5.3 Tensions in Whitechapel

Learning outcomes

- Understand the tensions arising from the arrival of Irish and Eastern European immigrants.
- Understand the changes in society arising from Jewish influences.
- Understand the nature and impact of anarchism.

Immigration

Irish immigrants

The Irish population expanded rapidly in the East End from the 1840s. The first immigrants were young men who came to London with plans to move on to America, but run out of money before they could find a ship to take them there. They settled into areas near the river and made their living as 'navigators', or 'navvies' who did labouring jobs on canals, roads and railways, or as dockers on the River Thames. Violence amongst them, especially when drunk, was commonplace and they were not well-liked.

Source A

A drawing from the *Illustrated London News* (1862) showing Irish 'navvies' (navigators) building the Metropolitan Railway through East London.

Fenians

In the mid and late 19th century Irish nationalists were demanding freedom from rule by the UK. The fight was led by the Fenians, a mainly Catholic group, who were seen as a fanatical, religious terrorist movement. When they organised a bomb attack on Clerkenwell Prison, in December 1867, there was a huge surge of anti-Irish and anti-Catholic sentiment. A new department of the Metropolitan Police, known as Special Branch, was formed to counter Irish terrorism. These events made life for Irish immigrants harder, as in the press, and popular imagination, they were all seen as probable Fenians and potential traitors.

Extend your knowledge

Dynamite Saturday

On a single day, 24 January 1885, the Fenians launched almost simultaneous attacks on a number of central London landmarks. They included London Bridge, the House of Commons and the Tower of London – all powerful symbols of Britain. Journalists referred to this day as 'Dynamite Saturday'.

Eastern European Jewish immigrants

Another wave of immigration, this time from Eastern Europe, came to Whitechapel in the 1880s.

In 1881, Tsar Alexander II of Russia was assassinated and a Jew was blamed. A wave of violence and abuse against Russian Jews followed, backed by the government. Jews fled pogroms* in Russia, and similar events in Poland and Germany. Many came to London, and by 1888 the Jewish population of parts of Whitechapel had grown to 95% of the total (see Figure 5.5). As a result, Whitechapel became a self-segregated community, where the Jewish settlers chose to live separately from others.

Key term

Pogrom*

A Russian word describing a government-supported attack on Jews.

Figure 5.5 East London, showing Jewish settlement (blue) in the Spitalfields area of Whitechapel at the beginning of the 20th century.

Source B

A report written by Charles Booth in 1889, entitled *Life and Labour of the People in London*. Booth was an English social researcher and reformer. He is famous for documenting working-class life in London.

The newcomers have gradually replaced the English population in whole districts. They were formerly in Commercial Street. Now the Jews have flowed across the line; Hanbury Street, Fashion Street, Pelham Street, Booth Street, Old Montague Street, and they have taken over many streets and lanes and alleys. They fill whole blocks of model dwellings [like the Peabody Estate]; they have introduced new trades as well as new habits and they live and crowd together and work and go their own way independent of the great stream of London life surging around them.

The Jewish settlers were widely resented by the local population. While resentment of Irish settlers was based on fear of the Fenians, resentment of Jewish settlers was based around cultural differences and conflicting attitudes to work and business.

- Compared to poor working-class locals, foreign Jewish workers seemed quick to find employment or set up businesses. The locals resented their success.
- Some established Eastern European immigrants preferred employing newer arrivals to locals. New arrivals were desperate for work and would accept lower wages.

- Many Jewish immigrants ran tailoring businesses on the sweatshop model. Businesses that followed government rules about fair working conditions had to charge more for their products, so couldn't compete with the prices charged by the sweatshop owners.
- Jewish people had their holy day on Saturday, so unlike local people they were free to work on Sundays. Local shopkeepers suspected Jewish demands for Sunday trading were an attempt to drive them out of business.
- Religious and cultural rules about food and clothing made the new immigrants stand out; and as the new immigrants settled near more established immigrants, there was no urgent need for them to learn English. Locals were suspicious of the unfamiliar customs and languages.

The growth of socialism and anarchism

Anarchists

From the middle of the 19th century, social and economic problems across Europe caused the growth of revolutionary political movements that thought the answer was to overthrow existing governments. Anarchy* was one of the most prominent movements, but there were many others. In 1871, anarchists and other revolutionaries briefly took control of Paris, but most attempts at revolution failed. When this happened, the leaders fled, and often headed for Britain, which was seen as more politically tolerant than most European nations.

Key term

Anarchy*

A political movement that opposes all forms of organised government.

Extend your knowledge

Mikhail Bakunin

One of the leading anarchists of the period was a Russian, Mikhail Bakunin. He encouraged anarchist workers' unions to fight for greater freedoms.

Source C

A photograph of the influential anarchist, Mikhail Bakunin.

Some began to feel that East London had become a refuge for other nations' terrorists. In 1893, Special Branch began an undercover operation to monitor the activities of Eastern European revolutionaries. The number of bombings and outrages that these people were supposed to have committed in Europe was exaggerated, and concerns were out of proportion to any actual threat. Just as the Irish were all suspected of being Fenians, anyone with an Eastern European accent or name was seen as a potential anarchist.

Socialists

Another potentially revolutionary group were the socialists*. The Social Democratic Federation (SDF), the first socialist party in Britain, was founded in 1881 to represent agricultural and industrial labourers, and the rights of women. Its leadership, sometimes known as Radicals, wanted a revolution to bring down the existing capitalist* system. The SDF was involved in the Trafalgar Square demonstration of 1887 that led to Bloody Sunday (see pages 144–149). They saw the police as the public face of a government that cared nothing for downtrodden people at a time of economic depression.

Key terms

Socialist*

Someone who believes that poor people would get a better deal if the government nationalised (took over) important industries and services and ran them for the good of all – not for profit.

Capitalist*

Someone who believes individuals should be free to own property and businesses and make a profit.

In the autumn of 1888, campaigning began for the first ever elections to the newly-formed London County Council. Whitechapel was thought to be a promising district to get an SDF councillor elected. The socialists hoped to show up the incompetence of the present government, by highlighting the stupidity of the police. They found an opportunity during the hunt for Jack the Ripper (see pages 175–183).

Rising tensions

By 1888, the high unemployment and acute housing shortage in the East End focused national attention on immigration. Two parliamentary committees were formed to look into it. One of them investigated the sweatshop system, in which many workers were newly-arrived Jewish immigrants (see Source C). Sweatshop conditions were against the law, but it was almost impossible for the police to deal with Eastern Europeans, as they spoke little English and the police spoke nothing but English (see Source D).

Source D

Evidence given to the House of Lords Committee on Sweated Trades in 1890, by Charles Freak, secretary of the Shoemaker Society, a trade union representing workers in the industry.

There is no feeling against these foreigners as foreigners. These Jew foreigners work in our trade at this common labour for 16 or 18 hours a day, and the consequence is that they make a lot of cheap and nasty stuff that destroys the market and injures us [because it is sold at such a low price]. The Jewish labourers cause the defeat of English workmen in their battle to attain higher wages. They do this by shameless blacklegging during disputes [working during strikes] and taking work out at any price.

As tension between immigrant and local populations over housing and jobs, everyday life and language increased, anti-semitic* attitudes and beatings of Jews became common. On streets where both Eastern European and Irish immigrants mixed, tensions were particularly high, and the police considered them to be especially violent areas.

Source E

From a memorandum by Superintendent Mulvaney of H Division, sent to Scotland Yard in 1904, suggesting his men should have lessons in Yiddish (a language spoken by Eastern European Jews).

Bills and circulars in this language are distributed and posted all over the division, but police know nothing of their purpose unless an interpreter is employed to translate them. As it is known that a number of these people are members of Continental Revolutionary Societies it would be very desirable to have members of the Service who could speak this language.

Conflict, always high in a run-down, mixed-race district, becomes almost inevitable in times of crisis. The Ripper murders (see page 175) are a perfect illustration. Anti-Jewish features in sensationalist* newspapers and satirical* journals like the *East London Observer* and the *Pall Mall Gazette* led to further harassment and street violence. Imaginary sketches of Jack the Ripper in local newspapers, like *Lloyd's Weekly News,* showed stereotyped* caricatures of Jews, with hooked noses, dark beards and dark felt hats.

The opinion was that no Englishman could possibly have committed the Ripper murders – so many people were convinced it must have been a Jew or an Irishman. The local police, while often sharing popular prejudices, soon became alarmed by the growth of race hatred. During the Ripper investigation, Whitechapel was filled with police reinforcements aimed at preventing the outbreak of a full-scale Jewish riot.

Key terms

Anti-semitic*

Prejudiced against Jews.

Sensationalist*

Describing events in a deliberately exaggerated style to shock and impress.

Satirical*

Using humour or exaggeration to mock current events.

Stereotyping*

Assuming all members of a group are alike – for example, looking similar, or having similar views.

Source F

Metropolitan Police H Division report by Superintendent Thomas Arnold, 6 November 1888.

On the morning of 30th Sept. last my attention was called to some writing on the wall [in] Goulston Sreet Whitechapel which consisted of the following words: "The Juwes are the men that will not be blamed for nothing." I knew that in consequence of a suspicion having fallen upon a Jew named 'John Pizer' alias 'Leather Apron' having committed a murder in Hanbury Street a short time previously, a strong feeling existed against the Jews generally. I was apprehensive [worried] that if the writing were left it would cause a riot. An Inspector was present with a sponge for the purpose of removing the writing when the Commissioner arrived on the scene.

Activities

1. Study Sources B, D and F. What similarities and differences can you identify between the three sources in discussing attitudes people held towards Jewish immigrants?
2. Study Source E. What do you think is the Superintendent's main concern?
3. Research the activities of Bakunin and the anarchists, and the Irish nationalist Fenians, at the end of the 19th century. Which posed the greatest threat to peace and stability in East London?

Summary

- By the 1880s, there had been two distinct waves of recent immigration into the Whitechapel District: Irish and Eastern European.
- In both cases, there were fears that the immigrants brought with them dangerous political views.
- Immigration seemed to be a threat to local people's options for housing and jobs.
- Immigrant groups were likely to be stereotyped as dangerous criminals.

Checkpoint

Strengthen

S1 Say how Sources B-E each show that public opinion was being manipulated or changed.

S2 Explain the hostility shown to the Irish immigrant community in Whitechapel.

S3 Explain the hostility shown to Eastern European immigrants in Whitechapel.

Challenge

C1 Explain which changes in public opinion from S1 would be particularly challenging to the Met.

C2 Draw up a table for Sources B, C and E with a column for each source. In each column, list three anxieties felt by local people about the immigrant community, supported with quotes from the sources.

How confident do you feel about your answers to these questions? Reread the text and try again. Your teacher can give you some hints.

Evaluating usefulness: COAT method

When considering how useful a source is to a particular enquiry, first:

- **identify** content specifically valuable to that enquiry, rather than just general information
- using that material, look carefully at the **provenance** of the source and consider the author's purpose.

First, think about the content: Is what the content says typical of what others are saying about the topic? Does the author have some reason to give an unbalanced view of his or her content? This will help show how useful the source is.

Consider the following criteria when evaluating the content:

How **COMPREHENSIVE** is the content? Does the author select material which is incomplete, for example, in order to create a false impression or to miss out material for some other reason?

How **OBJECTIVE** is the content? Is the standpoint of the author in some way unbalanced? Does the language or tone draw attention to a particular issue, or condemn or glorify a key point?

How **ACCURATE** is the content? Are there any deliberate factual errors?

How **TYPICAL** is the content compared with what other sources say about the enquiry? Do most other sources confirm the author's view?

Figure 5.6 The COAT method.

In summary, to work out how useful the content of a source is – put on your 'COAT'.

Consider this enquiry: 'How useful are Sources B and C (pages 162–163) for an enquiry into the problems encountered by the people of Whitechapel as a result of widespread immigration during the years 1881–90?'

Beginning with Source B, the material useful for the enquiry is:

1. "The newcomers have gradually replaced the English population in whole districts… "
2. "… they have taken over many streets and lanes and alleys. They fill whole blocks of model dwellings… "
3. "… they have introduced new trades as well as new habits… "
4. "… [they] go their own way independent of the great stream of London life… "

How **comprehensive** is this material? The content focuses on how Jewish people have taken over certain areas (1), including model dwellings (2), and have brought in new forms of employment and lifestyles (3). It also suggests that Jews do not integrate with existing Londoners (4). But Jewish people also brought a new diversity of culture, flourishing trade and a dedicated work ethic, which suggests that the source to some extent gives the wrong impression of the new immigration.

The author has also been selective in focusing on points of criticism, which is not a particularly **objective** approach. The author claims that Jewish people took over large sections of the very housing that had been built to improve the area at the expense of the existing residents – possibly an exaggeration. This might call into doubt the source's **accuracy**.

Nevertheless, there are parts of the source that are not wholly negative – new trades, for example. Does it reflect what other commentators wrote or said? How **typical** is the standpoint taken by the author?

To write a good response about the usefulness of a source's content, you need a working knowledge of the circumstances in which the author was writing. This is called the historical context – the information given in Section 5.3. Bring this to bear to estimate what weight to give a source in helping with the enquiry and use your own knowledge to decide whether the content is exaggerated or accurate.

Finally, remember that to make a full evaluation of the usefulness of a source, you also need to consider its provenance.

Activity ?

With your teacher's guidance, try the COAT approach on Source C (page 163).

5.4 Police organisation in Whitechapel

Learning outcome

- Understand the difficulties of policing the Whitechapel community.

H Division

The Metropolitan Police force was split into 20 divisions, each responsible for a district of London and named with a letter of the alphabet. Whitechapel was covered by H Division.

The division was run by a superintendent and a chief inspector, with the support of 27 inspectors and 37 sergeants. The sergeants supervised around 500 ordinary officers, or constables, who went out on the beat.

There were also 15 detectives assigned to H Division from CID.

On patrol – a beat constable's shift

- A typical day (or night) for an H Division beat constable began with him and his colleagues marching out into Whitechapel. When the constable reached his beat – the area he was to patrol – he dropped out of the marching column and started work.
- At night, stopping and questioning people to find out what they were up to was an important part of the policeman's task.
- At certain times, the constable would meet up with his beat sergeant to discuss what had happened so far, and this conversation was written down in his diary.
- If a beat constable was found to be away from his beat, or missed a crime committed on his beat – and could not give a very good reason – he could be fined or dismissed.
- The work was often boring and sometimes dangerous. Pay was not especially good. All these things meant that the quality of recruits was variable. Sergeants would follow constables to ensure they were doing their duty – not sleeping in doorways or idly chatting.

Source A

Extract from *The Times* newspaper in 1853.

The professional policeman, clothed as such, exhibits the strength of a dozen rioters and paralyses opposition by the power that is felt to be at his back, the English law.

Attitudes to H Division

By the mid 19th century, the Metropolitan Police, founded in 1829, were beginning to enjoy a respectable reputation as keepers of the peace and upholders of the law. In many areas, the policeman was seen as a reliable and helpful 'Bobby'. Most ordinary working people wanted respectability and good order in their streets, and while they may not have counted the local policeman as a friend, they did accept that the police were there to help protect that good order.

But in more deprived districts, like Whitechapel, the police were seen in a more negative light and attacks by violent gangs were relatively common (see Source B). The main reason for the unpopularity of the police was the economic

depression and widespread poverty of the 1870s–90s. When discontent boiled over into public protests and the police were called in, they were seen as upholders, not of the law, but of unpopular government decisions. In this situation, they soon got a reputation for heavy-handedness and violence – despite the fact that they didn't carry any weapon more lethal than a truncheon.

Source B

A story published in *The Illustrated Police News*, 2 June 1883, about a gang attack on a Whitechapel policeman.

Savage Attack Upon A Policeman

John Harris, Jane Reynolds and Alfred Lindsey were charged in committing a murderous assault on Dennis Mortimer, a constable... Constable Mortimer heard loud cries of 'Stop him!' and as he tackled Harris a mob of young ruffians collected around him and commenced pelting him with stones and hitting him with sticks. Mortimer made strenuous efforts to protect himself, but on drawing his truncheon, according to a witness, the female Reynolds wrenched it from his hand and struck him on the side of the head with it, and another girl also hit him about the head. The prisoner and his gang made their escape, leaving the constable unconscious.

Policing Whitechapel

Whitechapel was a breeding ground for crime – ranging from petty theft to murder. This made H Division's task particularly challenging. Many of the crimes committed were directly linked to the high levels of poverty and unemployment – people with no work would resort to crime rather than starve or go into the workhouse.

Prostitution

It was even harder for women to find work than men and many became prostitutes* in order to survive. While some worked in brothels* or could afford to rent a room, others walked the streets where they were vulnerable to assault and rape.

This required sensitive police management to enforce the law. Prostitution was not illegal, but it was seen as a social problem that needed to be monitored.

With no contraception available, abortions were common. They were performed in conditions that meant many women died from infection or surgical shock. Police turned a blind eye to the operations. The Victorian mentality was often that 'unfortunates' (as some middle-class commentators called prostitutes) got what they deserved. There was little understanding that the alternative to prostitution might be starvation.

By 1888, it was estimated that there were 62 brothels in Whitechapel and 1,200 prostitutes – a measure of the hard lives lived by its residents.

Alcohol

For many people living in Whitechapel, the only escape they had from their terrible lives was drink, and they quickly became helpless alcoholics. Very strong drink was affordable for all but the poorest and there pubs and gin houses on every corner. For example, in just one mile (1.5 km) of the Whitechapel Road there were no less than 45 buildings serving as pubs or gin palaces*, as well as a number of opium dens*. Drunkenness often turned to violence, and alcoholics could turn to crime to get the money to buy more drink.

Key terms

Prostitute*

A person who offers sexual activity in return for payment.

Brothel*

A house where one or more prostitutes work.

Key terms

Gin palace*

Extravagant, richly decorated gas-lit shop selling gin across a counter. Gin was a cheaply available, potent alcohol, popular with the poor. The light and splendour made a stark contrast with the dark, dirty streets.

Opium den*

A place where the drug opium was sold and smoked. Despite the name, the places could vary in appearance from an elegant bar room to a dark cellar.

Source C

A drawing in the *Illustrated Police News*, published on 2 June 1883. It accompanied the news report shown in Source B.

Many immigrants, in common with local people, found themselves without work and living in common lodging houses. Here, tensions between different nationalities could be at their highest and policing most difficult. The rookeries, narrow alleys and courts posed another problem for H Division. The confined spaces, poor lighting and multiple entrances and exits meant there were always corners where criminals could hide.

Protection rackets

Some of the violence in Whitechapel was stirred up by gangs like the Bessarabian Tigers and the Odessians, both made up of immigrants from Eastern Europe. These gangs demanded protection money from small business owners. Anyone who refused to pay would have their shop or market stall smashed to pieces. The gangs also attacked each other. Ordinary people were afraid to report gang members to the police in case the violence turned on them. As a result it was almost impossible to gather enough evidence to arrest gang members or put them on trial.

Because they were overstretched and understaffed, H Division made no attempt to shut down fights and other criminal activities in some areas of Whitechapel, which they would have acted against in other neighbourhoods. One policeman recalled being advised by an old Irishman to keep out of the slum of Ewer Street – if there was a fight, it was sensible to let them get on with it.

Police in the Whitechapel community

Local authorities tended to regard the constable as a kind of social worker. By the 1870s, there were 82 government laws describing what the Metropolitan Police should do when dealing with a wide range of issues, including: vagrancy, lunatics*, pubs, street traffic, sewage and litter, coinage, children, runaway horses, fires and accidents.

Key term

Lunatics*

In Victorian times this term was used to describe people with serious psychological disorders.

One of these laws was the Metropolitan Streets Act of 1867, which introduced further regulations concerning street trading and traffic control, and made the muzzling of dogs compulsory. This law was soon dropped as it was ignored by the public, including the well-off, respectable classes (Source D).

Some of these social work tasks brought the police into immediate conflict with Whitechapel residents.

- When they acted as poor relief officers – conducting people to the workhouse, or children to school – they met great hostility.
- Attempts to control prostitution were resented by women whose very lives depended on earning enough to escape starvation.

On the other hand, the poor people of Whitechapel could see that H Division also provided real benefits: hosting soup kitchens (often to try to get information from witnesses, as the Home Office discouraged offering money); looking after stray children; and stopping runaway horses. Most people felt that a police force was necessary – it was just their methods and priorities that were at fault.

Activities

1. Explain how far Sources C and D agree about the role of the beat constable in East London.
2. What differences do you note between the image (Source C) and the account published alongside it in the '*Illustrated Police News*' (Source B)?
3. In groups, discuss the benefits and drawbacks of each of these types of source for the historian.

Source D

A cartoon published in *Fun* magazine, 15 August 1868. *Fun* was a weekly magazine aimed at well-educated readers.

DOG AND DODGE.

Policeman :—"You must put that dog's muzzle on, sir!"

Wide-awake Party :—"Excuse me, Robert, you're mistaken. The order is that no dog shall be allowed in the streets *without* a muzzle. As you perceive, he has got a muzzle, but prefers carrying it!"

In general, many people felt that the police were rather too concerned with promoting good manners among the residents – at the expense of keeping them safe. Concern for crime prevention led police to be seen as interfering busybodies who were imposing what they believed to be 'civilised' behaviour. This role could be unpopular with residents, who thought their police should act less like teachers and more like criminal catchers.

Overall, poor people needed the police to defend them, and because they were figures of authority, they were able to do this. However, the fact that policemen were in authority was also the reason they were resented, as people did not like being told what to do in their everyday lives.

Activity

In groups, prepare to debate how far Sources A–D support this statement from the magazine *The Edinburgh Review*: 'In East London the police should be praised for their handling of public order and for an improvement in public peacefulness and decency'. The article was written in 1852, many years before the period we are looking at. Do you think the author would have taken the same view if he had been writing in 1888?

Summary

- Police were often seen as the government in uniform, representing unpopular laws. This made them unpopular and there were many physical attacks on them.
- Prostitution, alcoholism and the physical layout of the narrow streets gave the police particular challenges.
- Police numbers were too few to cope with lawlessness, so some rougher areas were left without police supervision.
- Many people believed the police were too concerned with enforcing irrelevant regulations at the expense of preventing serious crime.

Checkpoint

Strengthen

S1 Describe in detail the different kinds of opposition – suggested in Sources C and D – that the Metropolitan Police faced when they carried out their duties.

S2 Give examples to show that police could not always cope with lawlessness in the East End of London in the late 19th century.

Challenge

C1 Explain which of the different types of opposition you described in S1 would be the most difficult for the Metropolitan Police to overcome. Give reasons for your answer.

C2 Use evidence from the sources to justify the statement in the summary above that residents resented the police's interference on minor issues.

How confident do you feel about your answers to these questions? If you are unsure, go back to the text and reread the sources to find the evidence you need.

5.5 Investigative policing in Whitechapel

Learning outcomes

- Understand the problems posed for H Division by both the media and their rivalry with the City of London police, during the investigation of the Jack the Ripper murders.
- Know about the detective techniques used in the investigation.
- Understand how investigative methods changed as a result of the Ripper case.

The Jack the Ripper murders

In 1888, five women were murdered in and around Whitechapel. The victims were:

- Mary Ann Nichols, found in Buck's Row on 31 August
- Annie Chapman, found in the back yard of 29 Hanbury Street, Spitalfields, on 8 September
- Elizabeth Stride, found in Berners Street on 30 September
- Catherine Eddowes, found in Mitre Square, Aldgate, also on 30 September
- Mary Jane Kelly, found inside 13 Miller's Court, Dorset Street, Spitalfields on 9 November.

The police believed that all had been killed by the same person. The murderer was never caught but has been given the popular nickname 'Jack the Ripper'.

The investigation into the murders provides a case study within which to assess the challenges faced by the police, and methods of investigative policing at this time.

Source A

A drawing from *Famous Crimes Past and Present*, 1903. PC Neil discovers Nichols's body in Buck's Row.

Source B

An inquest sketch of the body of Catherine Eddowes by Frederick William Foster, showing details of extensive mutilation. Sketches were often used to illustrate the methods of violent criminals and to link incidents to previous murders.

Source C

A letter sent on 27 September 1888 to the Central News Agency was at first believed to be a hoax but was later reproduced on this poster, which appeals to the general public for information.

METROPOLITAN POLICE.

Fac-simile of Letter and Post Card received by Central News Agency.

Any person recognising the handwriting is requested to communicate with the nearest Police Station.

The problem of police and the media

Inspector Frederick Abberline and his CID team were assigned to the Jack the Ripper case by the Metropolitan Police, to assist the uniformed men of H Division. Almost immediately, their task was made much harder by more than 300 letters and postcards sent to them, or to the newspapers, by men claiming to be the murderer.

Source C helps to show the development of police methods in the Ripper inquiry. The police thought this 'Dear Boss' letter important enough to reproduce in newspapers and wall posters, hoping someone would recognise the handwriting.

The problem of police force rivalry

A short time after the discovery of Catherine Eddowes's body, PC Alfred Long of H Division discovered an important clue on Goulston Street – half a mile away. It was a piece of Eddowes's apron, smeared with blood and faeces (human waste). In the alleyway behind, there was a message scrawled in chalk on the wall: 'The Juwes are the men that will not be blamed for nothing'.

Source D

A newspaper image from the *Illustrated Police News*, published 13 October 1888. It shows a local resident and street trader, Louis Diemshutz, finding Elizabeth Stride's body.

Commissioner Warren ordered the message to be washed off before it could be photographed – apparently fearing a backlash against the Jewish community. But he may also have had another motive. One possible reason that has been put forward for the commissioner wanting to remove this piece of evidence, is that Eddowes was killed inside the boundaries of the City of London, which had its own police force, independent of the Met, and he did not want to be beaten to the capture of the serial killer by a rival force. This bitter rivalry between the forces was one of the biggest problems in police investigation in and around Whitechapel.

Activities

1. Study Sources A and D. What questions would you ask before using these two sources as pieces of evidence? What similarities and differences can you identify in the information provided in these two sources?
2. Study Source C. What problems does the source indicate were faced by detectives investigating the Ripper murders?
3. Study Source B. How useful would this sketch be to police investigating violent crime in Whitechapel in 1888?

Extend your knowledge

Murderous 1880s?

The first reported murder victim in London in 1888 was Elizabeth Gibbs on New Year's Day. By the end of the year, there were 122 cases reported from all parts of the city, of which 28 were classed as murder and the rest manslaughter. The population of Greater London in the 1880s was approximately five and a half million.

In 2013, when the population of Greater London was around seven million, there were 113 reported murders. However, just ten years earlier, in 2003, the murder rate was double that. So, murder rates in the capital are very variable, and it's difficult to say if 1888 was a particularly bad year.

The police investigation – developing techniques

In the early stages of the investigation, after the discovery of Mary Ann Nichols' body on 31 August, the police used the following methods in their inquiry:

Figure 5.7 Investigative methods during the Ripper inquiry.

Key terms

Post mortem*

A detailed examination of a person's body to try and discover the cause of death.

Dissecting*

Cutting an animal or human body into parts, usually as part of a scientific investigation.

- **Following up direct leads from the public:** There was a suggestion that a gang from nearby Bethnal Green, that stole money from prostitutes, was to blame, but this theory was quickly rejected.
- **Using evidence from post mortems*:** Local doctor, Rees Llewellyn, suggested that the cut marks on one of the victims indicated the killer was left-handed and must have some knowledge of anatomy (the workings of the body) and possibly experience of dissection*. For many weeks, inquiries were made at slaughterhouses and hospitals.

- **Following up indirect leads from articles by investigating journalists:** One example of this was the police follow-up on a report in the *Manchester Guardian*. The report suggested the murderer could be a local man, nicknamed 'Leather Apron'. This theory was quickly disproved when 'Leather Apron' was identified as John Pizer, who had solid alibis* for the time of Nichols's murder and Annie Chapman's a week later.
- **Following up on clues in the victims' possessions:** A fragment of an envelope found near Annie Chapman's body contained the seal of the Sussex Regiment. This was thoroughly investigated by Inspector Chandler, who eventually discovered that such seals could be bought in many post offices and so could not be used to identify a suspect. Officers also visited several pawnbrokers and jewellers shops to try to track down the rings missing from Annie's fingers.
- **Visiting lunatic asylums*:** Because the murders were so savage, it was assumed that the Ripper was insane, and could have escaped from an asylum, or been housed in one after his crimes.
- **Following up on coroners' reports:** Dr Wynne Baxter proposed a theory about the skills and motive of the murderer (Source F), which was challenged by detectives investigating later murders (Source G).
- **Interviewing key witnesses:** There were very few people who claimed to be eye witnesses to any of the events immediately surrounding the five murders. However, Elizabeth Long claimed to have seen a man talking to Annie Chapman a few minutes before she was discovered dead. Police ignored her evidence because it conflicted with the doctor's report about the time of death.
- **Setting up soup kitchens:** The Met were not allowed to offer money as a reward, as it might attract time-wasters, but local police encouraged poor people to come forward as witnesses by promising a hot meal.

Source F

From the coroner's report of Dr Wynne Baxter into the murder of Annie Chapman, 14 September 1888.

The injuries had been made by someone who had considerable anatomical skill and knowledge. There were no meaningless cuts. The organ [Chapman's womb] had been taken by one who knew where to find it. No unskilled person could have known this or have recognised it when found. For instance, no mere slaughterer of animals could have carried out these operations. It must have been someone accustomed to the post mortem room with a desire to possess the missing organ.

Following Dr Baxter's coroner's report on the death of Annie Chapman in September (Source F), the police became more interested in investigating hospitals and veterinary surgeons. However, expert opinion about the similarly savage attack upon Kate Eddowes left some room for doubt about the knife-wielder's skill (Source G) and 76 butchers and slaughterhouse workers were also questioned.

Key terms

Alibi*

Proof that an accused person was in some other place at the time a crime was committed.

Lunatic asylum*

The Victorian term for a psychiatric hospital.

Source E

A poster displayed by the police in September 1888.

GHASTLY
MURDER
IN THE EAST-END.
DREADFUL MUTILATION OF A WOMAN.

Capture : Leather Apron

Another murder of a character even more diabolical than that perpetrated in Buck's Row, on Friday week, was discovered in the same neighbourhood, on Saturday morning. At about six o'clock a woman was found lying in a back yard at the foot of a passage leading to a lodging-house in Old Brown's Lane, Spitalfields. The house is occupied by a Mrs. Richardson, who lets it out to lodgers, and the door which admits to this passage at the foot of which lies the yard where the body was found, is always open for the convenience of lodgers. A lodger named Davis was going down to work at the time mentioned and found the woman lying on her back close to the flight of steps leading into the yard. Her throat was cut in a fearful manner. The woman's body had been completely ripped open, and the heart and other organs lying about the place, and portions of the entrails round the victim's neck. An excited crowd gathered in front of Mrs. Richardson's house and also round the mortuary in old Montague Street, whither the body was quickly conveyed. As the body lies in the rough coffin in which it has been placed in the mortuary—the same coffin in which the unfortunate Mrs. Nicholls was first placed—it presents a fearful sight. The body is that of a woman about 45 years of age. The height is exactly five feet. The complexion is fair, with wavy dark brown hair; the eyes are blue, and two lower teeth have been knocked out. The nose is rather large and prominent.

Source G

From a report by Chief Inspector Swanson into the murder of Kate Eddowes, 6 November 1888.

There is no evidence of anatomical knowledge that suggested the killer was a qualified surgeon, otherwise the Police could have narrowed their enquiries down to certain classes of persons. On the other hand, as in the Metropolitan Police cases, the medical evidence showed that the murder could have been committed by a hunter, a butcher, a slaughterman, as well as a student in surgery or a properly qualified surgeon.

Despite all the different methods being used by the police, newspapers and the public were ever more critical of their apparent incompetence, especially after the 'Double Event', when two murders were discovered on 30 September. Emotions ran high, and thousands of people turned out to observe the post mortems of Stride and Eddowes.

To counter the criticism, Chief Inspector Swanson made public a Home Office report on Metropolitan Police methods, including:

- house-to-house searches
- questioning more than 2,000 lodging house residents
- distributing 80,000 handbills (Source J)
- getting help from the Thames River Police to question sailors in the docks, and neighbouring divisions of the Met to search opium dens.

Source H

The recollections of Inspector Frederick Abberline, reported in the *Pall Mall Gazette*, 24 March 1903.

I gave myself up to the study of the cases. Many a time, even after we had carried our inquiries as far as we could – and we made no fewer than 1,600 sets of papers about our investigations – instead of going home when I was off duty, I used to patrol the district until four or five o'clock in the morning. While keeping my eyes wide open for clues of any kind, many and many a time I gave those wretched, homeless women, who were Jack the Ripper's special prey, fourpence or sixpence for a shelter to get them away from the streets and out of harm's way.

Source I

From a report in the *East London Advertiser* newspaper, published 15 September 1888. The writer is commenting on Metropolitan Police Commissioner, Sir Charles Warren's decision to bring in soldiers to help police in Whitechapel.

The double stupidity of weakening his detective force and strengthening his ordinary police force from reserves and the military destroys two safeguards of a community. It deprives it of a specially trained force of men with brainpower specially adapted for detective work and it takes away the old community constable, to be replaced by a man with a few years' military service, but with no other qualification for serving the public. Nothing has indeed been more characteristic of the hunt for the Whitechapel murderer than the lack of local knowledge displayed by the police. They seem to know little of the dark alleyways of the neighbourhood and still less of the bad characters who swarm through them.

Activities

1. Study Source E. What does it tell you about police methods in the Ripper murder investigations?
2. Study Sources F and G. In what ways do these two sources agree about the likely identity of Jack the Ripper?
3. Study Sources H and I. What weight would you give to these sources as evidence of how efficient the CID were in 1888?

As well as criticising police methods the press made the investigation more difficult by publishing stories based on journalists' guesswork and unreliable interviews with locals. The police had to follow up on these stories, wasting valuable time.

The press frequently portrayed suspects as 'foreign', drawing heavily on negative stereotypes of Jewish immigrants, and this was a further distraction to the police investigation.

Investigative methods became increasingly bizarre. Some policemen adopted disguises: there were reports of men dressed as prostitutes to lure the Ripper into a trap – though they apparently refused to remove their moustaches! Some wore strips of rubber attached to their boots – hoping to sneak up quietly on the murderer.

The police also experimented with bloodhounds. The dogs, Barnaby and Burgho, performed well in tracking trials in London parks, but the police failed to pay their owner who then refused to work further with the police.

Source J

Handbill distributed by the Metropolitan Police, 30 September 1888.

POLICE NOTICE.

TO THE OCCUPIER.

On the mornings of Friday, 31st August, Saturday 8th, and Sunday, 30th September, 1888, Women were murdered in or near Whitechapel, supposed by some one residing in the immediate neighbourhood. Should you know of any person to whom suspicion is attached, you are earnestly requested to communicate at once with the nearest Police Station.

Metropolitan Police Office,
30th September, 1888.

Printed by M'Corquodale & Co. Limited, "The Armoury," Southwark.

Source K

A sketch for the *East London Observer*, 13 October 1888, on the training of bloodhounds.

SIR CHARLES WARREN'S NEW CRIMINAL TRACKERS: MR. BROUGH'S BLOODHOUNDS BEING TRAINED.

Obstacles to police success

Lack of forensic techniques

Compared to modern police forces, the Met had almost no scientific methods forensic* techniques to help them in their investigation. Their only hope, it seemed, was to catch the killer in the act. Without basic forensic* techniques their chances of success were severely limited:

- It would be another 12 years or so before fingerprinting was used to detect criminals.
- DNA evidence only began to be used in the later part of the 20th century.
- Scientists could not yet detect the difference between animal and human blood – let alone blood groups.
- There would eventually be a useful database of criminals' mug shots* at Scotland Yard, but this was not yet large enough to be effective.
- Crime-scene photography was only just beginning to be used to record evidence.

Key terms

Forensic*

Using scientific methods and techniques to investigate crime.

Mug shot*

A head-and-shoulders photograph, typically taken of a person after arrest.

The Vigilance Committee

Deeply frustrated by the police handling of the murder of Mary Ann Nichols, a group of Whitechapel businessmen and traders set up the Whitechapel Vigilance Committee on 10 September 1888. They were particularly annoyed by the failure of the police to offer a reward to residents for information leading to the killer's arrest.

The Home Secretary, Henry Matthews, would not allow financial rewards, as it encouraged 'time-wasters' to come forward with false leads. Over 300 hoax letters and postcards sent to police or press during the inquiry suggested he was right. The Vigilance Committee organised its own reward system, and took to the streets night after night, armed with burning planks of wood, whistles and hob-nail boots – determined to make as much noise as possible in the vain hope of catching the Ripper in the act of murder. It seemed counter-productive – and it certainly damaged the police investigation.

However, there may have been another motive in the minds of some of those patrolling the streets. They may have been SDF supporters (see page 163) who wanted to make the police and government look stupid in the run-up to elections for the new London County Council. It seems many supporters of the Vigilance Committee were determined to embarrass the police, sending them false leads, disrupting their work, and encouraging criticism in the 'penny dreadfuls'.

Exam-style question, Section A

Study Sources F and L

How useful are Sources F and L for an enquiry into the difficulties the police faced in trying to capture the East End serial murderer? **8 marks**

Exam tip

For each source, make sure that you develop your answer by testing how **comprehensive**, how **objective**, how **accurate** and how **typical** they are (COAT). In doing this, include some of your own contextual knowledge. Show also how the provenance of each source affects its usefulness.

Extend your knowledge

Royal intervention

Queen Victoria intervened personally in the Ripper investigation, sending two telegrams with practical advice. She said dark passageways should be lit, the murderer's clothes should be found and cattle and passenger ships should be searched. Her interest led to rumours that the royal family was involved in the case.

The police investigation – lessons learnt and improvements to 1900

Improvements in technique – the Bertillon System

The Bertillon system (see Source L), combined physical measurements, photography and record-keeping to identify repeat criminals. Physical measurements were reduced to a formula which, theoretically, would apply only to one person and would not change during their adult life.

The failure to catch the Ripper provoked a review of police record-keeping, leading to the adoption by the Met of the Bertillon System in 1894. Measurements of suspects were taken, their mug shots captured, and records stored in a central file. These unique identifiers could in theory be used to catch repeat criminals, but there is not much evidence of their successful use by the CID.

Physical measurements began to be replaced by fingerprint records during the following decade, but Bertillon's photographic methods are still used today.

Source L

From Bertillon's book *Identification Anthropométrique* (1893), explaining a system for taking measurements of suspects.

Improvements in communication

In 1888, police could only communicate from a distance by using a whistle. By the end of the century, the Met were beginning to benefit from the introduction of telephone lines (though they lagged far behind Glasgow, which introduced police telephone boxes in 1891). H Division did not have a telephone line to headquarters until 1901, and only installed a telephone exchange in their police station in 1907. Similarly, although the Kent Police introduced bicycles in 1896, and most rural forces had them by 1905, H Division waited until 1909.

In summary, it is doubtful whether the great public outcry at the time of the Ripper murders had much overall impact on improving detection. That had to wait for the scientific discoveries of the early years of the 20th century.

Improvements in the environment

The Whitechapel murders led to a change in thinking about the causes of crime. Attitudes changed as the link between living conditions and crime was seen more clearly, and less emphasis was placed on supposed defects in the character of the poor. The authorities began to improve health and housing in the district and its surrounding boroughs, and street lighting was improved.

The murders led to two important laws:

- **The Houses of the Working Classes Act (1890)** opened the way for the new London County Council to begin housing development schemes to replace slums with mass low-cost housing.
- **The Public Health Amendment Act (1890)** gave more powers to local councils to improve toilets, paving, rubbish collection and other sanitary services.

However, it was not all positive news. Though there were no more serial killings, murders continued to occur regularly in the 1890s. More immediately, hooliganism increased, as youths, pretending to be Jack the Ripper, frightened women. There was more violence against prostitutes and an increase in burglary in the early 1890s.

Activities ?

1. Given the resources available at the time, do you think that the police investigation into the Whitechapel murders could have been improved? If yes, then identify the ways it could have been improved. If no, then explain why you reached this conclusion.
2. Make a list of the methods that were used by the Metropolitan Police to try to arrest the East End serial killer in 1888. Divide them into methods that you think were sensible and those that you think were not. Compare your list with a partner. Do you agree?
3. What role did newspapers play in the investigations? Were they a help or a problem?

Summary

- The failure to deal with the Ripper murders in 1888 led to enormous criticism of H Division, the Metropolitan Police and the CID team at Scotland Yard.
- Police methods were inadequate, but criticism was often unfair and paid no attention to the severe obstacles faced in carrying out an effective investigation.
- Some lines of inquiry by the CID in 1888 were imaginative and resourceful, given their lack of scientific knowledge compared with modern day police forces.
- The Metropolitan Police were slow to learn the lessons of the failed Ripper investigation, and improvements in detection were modest up to 1900.
- There were considerable improvements in lighting, housing and health – all as a direct result of national concern about the East End serial killings.

Checkpoint

Strengthen

S1 For Sources B–E, list one way in which each source shows that police were making logical choices in their investigation of the Ripper case.

S2 Explain why the Vigilance Committee was such an obstruction to policing.

S3 Suggest three ways in which the Ripper murders led to better living conditions in Whitechapel.

Challenge

C1 Look at the difficulties the police faced in their Ripper enquiries. Which of these obstacles do you think was the most damaging to the police investigation? Explain your answer.

C2 How far do you agree that changes in the environment of the Whitechapel district were the most important outcome of the Jack the Ripper investigation?

How confident do you feel about your answers to these questions? If you are unsure, form a group with other students, discuss the answers and then record your conclusions. Your teacher can give you some hints.

Asking questions: Whitechapel workhouse

Historians ask themselves three sorts of questions: about content, provenance and context. Look at Source A.

Source A

A sketch showing residents of the Whitechapel workhouse at Christmas 1874.

CHRISTMAS IN THE WHITECHAPEL WORKHOUSE.

Content questions: What are you looking at? You have some important help from the caption, but even without that, you can see Source A shows the residents of some kind of communal residence at Christmas.

Provenance questions: Now you need the caption! Remember, for provenance, you need to break things down into nature, origin, and purpose.

- Nature – it's an artist's sketch.
- Origin comes from the caption – this was drawn, possibly at the Whitechapel workhouse, and possibly from memory, during the festive season in 1874.
- Purpose can be hard for a drawing such as this. Does it look like it was set up specially? Might it be for use as propaganda? In this case, it is fairly easy to think of a propaganda purpose. Perhaps it was drawn to record the excellence of charity provision to the poor by Londoners.

Context questions: You know several things that are relevant to Source A, including the following:

- The idea of the workhouse was that conditions should be worse than those that could be provided by a labourer for his family.
- Among residents of workhouses were the old, sick, disabled, orphans and unmarried mothers.
- Because the residents were made to wear a uniform they felt humiliated.

So, if you were asked how useful Source A is, you could say something like this, covering content, provenance and context:

'Source A is useful because it shows the residents of the Whitechapel workhouse being cared for at Christmas. Although we don't know why it was drawn, it is likely to have been for propaganda, because the Poor Law administrators wanted to show the workhouse system in a good light'.

What this does (and what you can do) is explain why the source is useful, using criteria based on the three types of question.

Activities

1. In small groups, study Source C (page 185). Answer the three types of question:
   - **a** content questions
   - **b** provenance questions
   - **c** context questions.
2. Compare your answers with others. You probably came up with some different answers. Does this mean one group has to be wrong?

Source B

From the novel *Captain Lobe* by Margaret Harkness, published in 1889. It features the new Whitechapel workhouse at South Grove.

The Whitechapel Union is a model workhouse; that is to say, it is the very purpose of the Poor Law made into stone and brick. The men are not allowed to smoke in it; the young women never taste tea, and the old ones may not have a cup during the long afternoons, only at half-past six o'clock morning and night, when they also receive a small hunch of bread with butter scraped over the surface, which is so dear to their hearts as well as their stomachs. The young people never go out, never see a visitor, and the old ones only get one holiday in the month. Then the aged poor people may be seen skipping like lambs outside the doors of this prison, while they jabber to their friends and relations. A little gruel morning and night, meat twice a week, that is the food of the grown-up people, seasoned with hard work and prison discipline. What shall we say of the woman, or man, hurt by misfortune, who must come there or die in the street? Why should old people be punished for their existence?

Source C

A photograph taken in the women's ward of Whitechapel workhouse infirmary in 1902.

Source D

From a survey of all London's workhouse infirmaries conducted in 1866 by the Poor Law Board. The Board consisted of elected officials who reported on conditions in workhouses in their areas. These comments are about the Whitechapel workhouse.

- Ventilation was inadequate and there was a problem with the drains in the male imbeciles' basement [where people with psychiatric illnesses were housed].
- There were insufficient nursing staff and the medical officers were overworked and underpaid.
- There was very little furniture in the sick wards other than the beds.
- The beds were inadequate in several respects.
- Only three roller towels a week were provided for a large ward, together with a pound of soap which was also used to wash the furniture. A single comb per ward was provided.
- The general sick had no games although dominoes were provided for the imbeciles.
- A separate ward for sick children should be provided.
- The labour ward should be moved so that screams could not be heard in adjacent wards.

The content of Source B is fairly easy to understand, but the provenance makes it a little more difficult to assess. Although you might think it is factual account of life in the workhouse, it is written in a novel, and is therefore fictional. It is likely to be based on the author's experiences of the area, but we cannot be sure it represents the true nature of South Grove workhouse.

Source C, on the other hand, is a photograph, preserving a moment in time from the past. We don't know all we might like to about the origin, but – since it is taken in the workhouse and its purpose is probably to show that conditions there are very good for sick people – this helps us to gain an understanding of workhouse life. We must be cautious, however, as such photographs are almost always posed to show life at its best.

One thing Source C does not tell you is how many people were resident in the infirmary. There is a reason for this. Those who were in charge of workhouses such as South Grove, knew only too well that living conditions

were overcrowded, and may be the subject of the kind of criticisms featured in Source D.

Source D is a good example of the way a source prompts the historian to ask new questions and look for new sources. Source D raises a question because of its detailed criticism, which the fictional account in Source B hints at, but which is completely ignored by Sources A and C. What were conditions really like? So the historian looks for another source: for example, records about workhouses at the National Archive. This adds detail: the age, gender and health of residents of the Whitechapel workhouse at this time, including lots of letters written by those who were in charge. This prompts another question: was this a typical Victorian workhouse? So the historian then compares the record for Whitechapel with that of other workhouses run by Poor Law administrators.

Asking questions in the exam

The exam gives you a start by asking questions. The best way to do well is to ask some more questions – to establish the criteria you will use to make and explain your judgements, and to help you work out the best answers. The criteria you use as the reasons for your answer are one of the main things you will get marks for. So:

- ask yourself the questions
- use the questions to help you decide the best criteria
- use the criteria to explain your answer.

Activities

1. In small groups, consider one bullet point of Source D each. Search online for the 1866 report on workhouses.
   - **a** Make notes on the details mentioned in your bullet point. Are these typical weaknesses or criticisms of all workhouses – or of Whitechapel in particular?
   - **b** Which of the things you discovered would you expect to find reported in a national newspaper?
2. Now look at Source E. It was drawn for inclusion in a local newspaper. How does this add to your understanding of the value of local newspapers?
3. Compare your answers with those of the other groups, then discuss these two questions:
   - **a** How useful is Source E for studying the lives of the poor children of Whitechapel?
   - **b** Are local newspapers a special type of source that tell you things other sources do not?

THINKING HISTORICALLY Evidence (3a)

The value of evidence

Look at Source B, then work through the tasks that follow.

1. Write down at least two ways in which the account is useful for explaining what conditions were like at South Grove.
2. Compare your answers with a partner, then try to come up with at least one limitation of the source for explaining what conditions were like at South Grove.
3. With your partner, decide how useful this source is for explaining the experiences of all residents at South Grove on a scale of 1 to 10 (10 being very useful).
4. What if the source was used to answer the question: 'How were young people cared for at South Grove?'
   - **a** Write down any ways in which the source is useful for answering this new question.
   - **b** Write down any limitations for answering the new question.
   - **c** Can you think of another enquiry about the South Grove workhouse for which this would be a useful source? Write it down and score the source on a scale of 1 to 10.
5. Compare your scores out of 10. How does the question being asked affect how useful a source is? Explain your answer.
6. Can you think of any other factors that might affect the usefulness of the source?

Local newspapers

Source E shows you some of the strengths and weaknesses of local newspapers as sources. The illustration shows a child escaping from the St Giles workhouse, not far from South Grove. Most national newspapers would focus on workhouse conditions in general; but, in a local newspaper, just about everybody who read it must have known that particular workhouse. A local newspaper shows the effects of unusual stories in a single area, and gives us insights into normal life. This account would certainly back up the experiences written in Margaret Harkness's novel (Source B), but might not be typical of workhouses as a whole.

Source E

A sketch from the *Illustrated Police News* (1882). It shows a boy escaping from a local workhouse.

Using the range of sources

In the examination, you are asked to suggest a possible question and a type of source that you could use to follow up another source. As an example, this is what you might do if asked this about Source D. The framework of the question helps you through the four-stage process.

a The detail you might follow up could be one of the problems listed, e.g. shortage of nursing staff.

b The question you might ask is: 'How common was this type of problem?'

c There are lots of different types of source in this unit. You could suggest any one of these:

- Evidence presented to parliament committees.
- Local newspapers.
- Official regulatory records.

d Lastly, you have to explain the reason for your choice:

- Parliamentary committee reports (because, if it was common, politicians and experts would probably write down the evidence before suggesting new laws to regulate workhouses).
- Local newspapers (because, if this survey was reported in a Whitechapel newspaper, such cases would probably always be written about, so you would see if there were other reports elsewhere).
- Official regulatory records (because Poor Law boards will have records, including lists of all the problems and suggestions for remedies).

Activities

Using the range of sources

1 On page 146 you started an exercise summarising the usefulness of different types of sources. Continue this for Sources A to E in this section.

2 Use your answers to Question 1 to help you select sources for each of the enquiries below. For each enquiry, first list types of source that appear in this chapter, then suggest one that isn't used and explain why that type would be useful.

Here's an example to show you what to do:

Enquiry a): Useful sources – a poster, propaganda drawings, a report on a demonstration, local newspapers (they might show more detail of events on the day). Additional source – a diary of someone who was there.

a Why did the police find it difficult to control public demonstrations?

b What was the nature of housing problems in Whitechapel?

c Why was there so much tension between East Enders and immigrants in the 1880s?

d What was the significance of a single event – such as the letter sent to the Central News Agency on 27 September 1888?

e What problems were faced by policemen on the beat?

f What was the impact on workers of the types of trades found in the Whitechapel district?

Recap: Whitechapel, c1870–c1900: Crime, policing and the inner city

There are three questions in this section of the exam paper. This recap section is structured around the demands of the three questions.

- The **Two features quiz** is designed to help you prepare for the first question, which is a factual recall question. However, this isn't the only time you'll need factual recall in the examination, so making sure you have a clear factual framework for 'Whitechapel, Crime, Policing and the Inner City' is important. When you are answering questions about the sources, you need to use your knowledge of the period and interpret the sources in the context of what was happening at that time.
- The **This source is useful for…** table helps you prepare for the second question in the exam, which gives you two sources and asks you how useful they would be for a particular enquiry.
- The **All about the details** activity helps you think about the types of source and how they can be used for new enquiries.
- Finally, the **Advantages and disadvantages of particular types of evidence** table helps to assess their strengths and weaknesses.

Two features quiz

For each topic below, list as many facts or features as you can. Aim to have at least two features for every topic.

1 Bloody Sunday, 1887
2 Whitechapel's 'rookeries'
3 'Model' dwellings
4 'Sweated' trades
5 'Unfortunates'
6 Workhouses
7 Dr Thomas Barnardo
8 Irish 'navvies'
9 Fenians
10 The Whitechapel Vigilance Committee
11 The work of Charles Booth
12 'Leather Apron'
13 The Illustrated Police News
14 Anarchists
15 The 'Dear Boss' Letter, 1888
16 The 'Double Event', 1888
17 The Bertillon System
18 The Social Democratic Federation
19 'Penny Dreadfuls'
20 Local watch committees

This source is useful for…

Copy and complete the table.

Sources	Enquiry	Historical context	One way the source is useful and one way it is not useful
5.1 A (page 151) and D (page 153)	Did crime rates go down in the late 19th century?	*Some historians have suggested that improving police forces led to lower crime rates.*	*Source A is useful because it shows official government figures that show offences were below average in the late 1870s, but you cannot tell if this is typical of the whole period of the enquiry. Source D describes the difficulties with gathering correct statistics, but it does tell us that the police were careful to compile accurate records.*
5.5 K (page 179)		*The Metropolitan Police tried some unusual techniques in the Ripper investigation.*	

All about the details

Copy and complete the table.

Source	Detail	Question I would ask	Type of source I would use	How this might help answer my question
5.1 F (page 154)	Leading opposition politicians, opposed to the present government, have used these riots to their own advantage by shamefully supporting the mob.	*Did opposition politicians support the mob?*	*Records of debates in parliament.*	*Parliament would record what opposition MPs were saying.*
5.3 D (page 164)				

Advantages and disadvantages of particular types of evidence

Copy and complete the table.

Type of source	Advantages	Disadvantages
Memoirs of policemen		*They may give a justification of their own actions. They may not recall events from long ago accurately.*
Records of the local court	*They are official documents detailing evidence from witnesses for both prosecution and defence.*	
H Division police station records		
Home Office statistics		
Newspapers		

Preparing for your GCSE Paper 1 exam

Paper 1 overview

Your Paper 1 is in two sections that examine the Historic Environment and the Thematic Study. Together they count for 30% of your History assessment. The questions on the Historic Environment: Whitechapel, c1870–c1900: crime, policing and the inner city are in Section A and are worth 10% of your History assessment. Allow about a third of the examination time for Section B.

History Paper 1	Historic Environment and Thematic Depth Study			Time 1 hour 15 minutes
Section A	Historic Environment	Answer 3 questions	16 marks	25 mins
Section B	Thematic Study	Answer 3 questions	32 marks + 4 SPaG marks	50 mins

Historic Environment: Whitechapel, c1870–c1900: crime, policing and the inner city

You will answer Question 1 and Question 2, which is in two parts.

Q1 Describe two features of... (4 marks)

You are given a few lines to write about each feature. Allow five minutes to write your answer. It is only worth four marks, so keep the answer brief and try not to add more information on extra lines.

Q2(a) How useful are Sources A and B... (8 marks)

You are given two sources to evaluate. They are in a separate sources booklet, so you can keep them in front of you while you write your answer. Allow 15 minutes for this question, to give yourself time to study both sources carefully. Make sure your answer refers to both sources.

It should **analyse** the sources:

- What useful information do they give? Only choose points that are directly relevant to the enquiry in the question.
- What can you infer? Work out what evidence they can provide that is not actually **stated** in the source.

You must also **evaluate** the sources.

- Use contextual knowledge – for example, to evaluate accuracy or completeness.
- Use the provenance (nature, origin, purpose) of each source to evaluate the strength of the evidence.
- Make **judgments** about the usefulness of each source, giving clear reasons. These should be based on the importance of the content of the sources, and should also take account of the provenance.

Analyse	+	Evaluate
Information points Inferences		Using knowledge Using provenance

Q2(b) How could you follow up Source B to find out more about...? (4 marks)

You are given a table to complete when you answer this question. It has four parts to it:

- the detail you would follow up
- the question you would ask
- the type of source you could use to find the information
- your explanation of how this information would help answer the question.

Allow five minutes to write your answer. You should keep your answer brief and not try to fill extra lines. The question is only worth four marks. Plan your answer so that all the parts link. Your answer will not be strong if you choose a detail to follow up, but then cannot think of a question or type of source that would help you follow it up.

Paper 1, Question 1

Describe **two** features of 'model' dwellings in the Whitechapel district in the late 19th century.
(4 marks)

Exam tip

Keep your answer brief. Two points with some extra information about each of them.

Average answer

Feature 1:
Model dwellings were new houses designed in the 1870s.
Feature 2:
Model dwellings were the first slum clearance programme in the Whitechapel district.

The answer has identified two features, but with no supporting information.

Verdict

6th

This is an average answer because two valid features are given, but there is no supporting information.
Use the feedback to re-write this answer, making as many improvements as you can.

Strong answer

Feature 1:
Model dwellings were new housing developments designed in the 1870s. The Peabody Estate consisted of new blocks containing nearly 300 flats.
Feature 2:
The Whitechapel Estate model dwellings were an example of the first slum clearance programme, encouraged by the Artisans Dwelling Act. The Estate was built where previously narrow courtyards filled with cramped and unhealthy houses had stood.

The answer has identified two features and describes them in more detail. The origin of the Estate is described very clearly. There is a description of what problems the new houses overcame.

Verdict

10th

This is a strong answer because it gives two clear features of 'Model' dwellings and gives extra detail to make the descriptions more precise.

Sources for use with Section A

Source A

From a report in the *East London Advertiser* newspaper, published 15 September 1888. The writer is commenting on Metropolitan Police Commissioner, Sir Charles Warren's decision to bring in soldiers to help police Whitechapel.

The double stupidity of weakening his detective force and strengthening his ordinary police force from reserves and the military destroys two safeguards of a community. It deprives it of a specially trained force of men with brainpower specially adapted for detective work and it takes away the old community constable, to be replaced by a man with a few years' military service, but with no other qualification for serving the public. Nothing has indeed been more characteristic of the hunt for the Whitechapel murderer than the lack of local knowledge displayed by the police. They seem to know little of the dark alleyways of the neighbourhood and still less of the bad characters who swarm through them.

Source B

A sketch for the *East London Observer*, 13 October 1888, on the training of bloodhounds.

SIR CHARLES WARREN'S NEW CRIMINAL TRACKERS: MR. BROUGH'S BLOODHOUNDS BEING TRAINED.

Paper 1, Question 2a

Study Sources A and B in the Sources Booklet (see page 192).

How useful are Sources A and B for an enquiry into the methods used in the police hunt for the Whitechapel murderer in 1888?

Explain your answer, using Sources A and B and your own knowledge of the historical context. **(8 marks)**

Exam tip

Consider the strengths and weaknesses of the evidence. Your evaluation must link to the enquiry and use contextual knowledge. Your reasons (criteria) for judgment should be clear. Include points about:

- What information is relevant and what can you infer from the source?
- How does the provenance (nature, origin, purpose) of each source affect its usefulness?

Average answer

Source A is useful because the 'East London Advertiser' tells us that Sir Charles Warren was stupid, because he took away from the murder inquiry the police with the best brainpower to solve it.

Some useful information is taken from the source. The answer suggests an inference –'best brainpower to solve it', but does not really explain or develop this.

Source A is also useful because Warren was the Metropolitan Police Commissioner, although it is also not useful because this was from a local newspaper that wanted to sell lots of copies when unusual events were going on. The author is describing a couple of things that were wrong with the inquiry. Other methods of trying to catch Jack the Ripper also went wrong, like washing evidence away off a wall.

Comments are made about the nature of the source, but they assume that a general need by newspapers to sell copies makes this unreliable. Additional knowledge shows an awareness of other failures of the police operation, but is rather undeveloped.

Source B is useful because the sketch shows that the police were using new ideas such as tracker dogs to try to hunt down Jack the Ripper. It is reliable because we know that Sir Charles Warren ordered an experiment to see if bloodhounds could follow a scent. The sketch shows police leading the dogs through Whitechapel, but the experiments never went further than public parks, so this makes it less useful.

Comments show that there is information that can be taken from the sketch. Knowledge is added to show that the sketch is reliable. It begins to make an inference ('using new ideas…'). It would be stronger with more developed evaluation.

Verdict

8th

This is an average answer because:

- it has taken relevant information from both sources and shown some analysis by beginning to make an inference (so it is not a weak answer)
- it has added in some relevant contextual knowledge and used it for some evaluation of both the sources – but this is not sufficiently developed
- it does not explain criteria for judgment clearly enough to be a strong answer. The evaluation using the provenance of the sources should be more developed.

Use the feedback to re-write this answer, making as many improvements as you can.

Paper 1, Question 2a

Study Sources A and B in the Sources Booklet (see page 192).

How useful are Sources A and B for an enquiry into the methods used in the police hunt for the Whitechapel murderer in 1888?

Explain your answer, using Sources A and B and your own knowledge of the historical context. **(8 marks)**

Exam tip

Consider the strengths and weaknesses of the evidence. Your evaluation must link to the enquiry and use contextual knowledge. Your reasons (criteria) for judgment should be clear. Include points about:

- What information is relevant and what can you infer from the source?
- How does the provenance (nature, origin, purpose) of each source affect its usefulness?

Strong answer

Source A is an account by the 'East London Advertiser', written during the Whitechapel murders in 1888. We can see that the writer has identified particular weaknesses in the police inquiry, such as pulling out detectives ('with brainpower') and replacing useful local police with random army types ('with no other qualification'). Newspapers were often critical of the inquiry and deliberately obstructed the police with fake letters, etc. However, this account is thoughtful and untypical of the unfair criticisms of journals known as 'Penny Dreadfuls'. It is accurate because Warren did take the steps described. But many sensible things had been introduced into the inquiry, including visits to several pawnbrokers' shops to try to track down missing rings from a victim. Owing to the murderer's savagery, police also visited several lunatic asylums. So Source A is a bit one-sided, ignoring good police work.

Good analysis of the source linked to relevant knowledge. Own knowledge is used to support the comments on the provenance of this source. It is compared with other similar sources.

Source B is useful because it shows a method of investigating the Whitechapel murders. Dated 13 October 1888, it is a reaction to the increasing desperation shown by the police to catch the Ripper. The portrayal is somewhat accurate because Warren ordered an experiment with bloodhounds in Hyde Park, but is unreliable because these tests never got beyond public parks and this sketch shows Whitechapel streets. As a local newspaper known for exaggeration, it is probably making gentle fun of the new police method. Because of this limited purpose, it does not say anything about logical police methods, but does show clearly one reason why the police were criticised.

Strengths and limitations of the source are shown and contextual knowledge is used in the evaluation, which also comments on the nature of the source, using details and inferences ('they might succeed'), taking examples from both the sketch and its caption.

Verdict

12th

This is a strong answer because:

- it has analysed both sources, making inferences from them
- it has used contextual knowledge in the evaluation of both sources
- the evaluation takes provenance into account and explains criteria clearly when making judgements.

Paper 1, Question 2b

Study Source A (see page 192).

How could you follow up Source A to find out more about the methods used in the police hunt for the Whitechapel murderer in 1888?

In your answer, you must give the question you would ask and the type of source you could use.

Complete the table below. **(4 marks)**

Exam tip

Make sure your detail to follow up, your question and your suggested type of source all link and that you explain how the source could help answer the question.

Average answer

Detail in Source A that I would follow up:

The local police were replaced by men with a few years' military service but no local experience.

Question I would ask:

How many local police officers were involved in the hunt for the Ripper?

The question is linked to the detail to be followed up.

What type of source I could use:

Police station records.

How this might help answer my question:

They would include reports from beat officers.

The choice of source is unspecific and the explanation does not show how the source would help answer the question.

Verdict

This is an average answer because the explanation of the choice of source is not developed.

Use the feedback to re-write this answer, making as many improvements as you can.

7th

Paper 1, Question 2b

Study Source A (see page 192).

How could you follow up Source A to find out more about the methods used in the police hunt for the Whitechapel murderer in 1888?

In your answer, you must give the question you would ask and the type of source you could use.

Complete the table below. **(4 marks)**

Exam tip

Make sure your detail to follow up, your question and your suggested type of source all link and that you explain how the source could help answer the question.

Strong answer

Detail in Source A that I would follow up:

The local police were replaced by men with a few years' military service, but with no local experience.

Question I would ask:

What proportion of the men assigned to the Ripper investigation had strong knowledge of the local community?

The type of source I could use:

Metropolitan Police records stored by Scotland Yard, showing the reports of, and beats patrolled by, H division officers, and the service history of the officers.

How might this help answer my question:

If most of the reports of daily activity, particularly beat reports, were from long-serving men in H Division this would show that the investigation was being carried out by men with local knowledge, but if many reports were from men recently recruited from the army, it would show up the weakness suggested in Source A.

The answer has given a question linked directly to the issue identified.

The explanation is linked back to the question for follow-up and the type of source chosen.

Verdict

This is a strong answer because connections between the source details, the question and the source chosen for follow-up are securely linked.

Answers to recap questions

Chapter 1

1. Nobles, freemen, serfs
2. Tithingmen
3. Two of: trial by boiling water, trial by hot iron, trial by cold water
4. Poaching
5. One of: blinding, castration, mutilation, hanging
6. Somebody who has run away to avoid being arrested or tried. There was no punishment for killing an outlaw.
7. Statute of Labourers
8. Treason
9. The Pope
10. A passage from the Bible. People who wanted a trial in a Church court had to read it to prove they were literate, but it was short and easy to remember so some criminals memorised it.

Chapter 2

1. The criminal was hanged, taken down before they were dead, their stomach opened and, finally, the body was cut into four parts.
2. Make the treatment of vagrants more consistent from parish to parish
3. Patrol the street at night to catch criminals in the act
4. Bridewell
5. Pillory, stocks
6. 283
7. *Demonologie*
8. North America
9. 1605
10. Witchfinder General

Chapter 3

1. Administering an illegal oath.
2. 1778
3. *The State of Prisons in England and Wales*
4. Newgate
5. A punishment in which prisoners walked on a revolving wheel.
6. 1856
7. Henry Fielding
8. Home secretary
9. London
10. Two of: Dick Turpin, Jack Shepherd, Black Harry

Chapter 4

1. Speeding, drink-driving
2. Verbal or physical abuse of somebody because of their race, gender, sexuality, or disability
3. 1991
4. Police Community Support Officer
5. Young offenders
6. Tribunals
7. 1993
8. Age at which someone can be prosecuted and punished for committing a crime
9. Limiting access to buildings and digital devices, for example, using body feature recognition
10. New Hall, Wakefield

Chapter 5

Activity 3, page 153: The sketch is from the *Illustrated Police News*, a 'penny dreaduful'.

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