This thematic study can be split into three **sub-themes** which are closely related, but it is recommended that they are approached discretely by teachers.  Each of these sub-themes cover two key questions as outlined in the specification:

» **Crime**

- What have been the main causes of crime over time?

- How has the nature of criminal activity differed and changed over time?

» **Policing**

- How has the responsibility of enforcing law and order changed over time?

- How effective have methods of combating crime been over time?

» **Punishment**

- How have methods of punishment changed over time?

- Why have attitudes to crime and punishment changed over time?

To further facilitate teaching it is recommended that teachers divide the coverage of the long period of history into three historical eras:

- The Saxon and medieval era (c.500 -1500)

- The early modern era (c.1450 -1750)
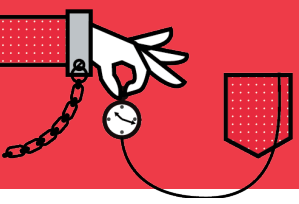
- The modern era (c.1700 to the present)

The purpose of this resource is to give teachers a basic grounding regarding **the depth of material** needed to cover this theme.  Three points need to be emphasised:

- this is a thematic unit - **there is no need to go into any aspect in depth**

- the key areas involve **breadth and overview** – not amount of detail

- **the key document is the accredited specification** – this resource is not a substitute for this

# CHANGING CRIMES AND THEIR CAUSES

In this section, it is important that students have an understanding of:

- the main causes of crime over time

- how the nature of criminal activity has differed and changed over time

**2E. Changes In Crime And Punishment In Britain, c.500 To The Present Day**
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## COMMON CRIMES IN THE SAXON AND MEDIEVAL ERA c.500 - 1500

The most common crimes in the Saxon and medieval periods would be very recognisable to people in the United Kingdom today.

Based on court records between 1300-1348, **the most common crimes were:**

- Theft: 73.5% of all offences

- Murder: 18.2%

- Receiving stolen goods: 6.2%

- Arson, counterfeiting coins, rape, treason and other crimes: 2.1%

### Problems in the Saxon and medieval period: poverty, famine and warfare

These crimes largely show that the main causes of crime during this long period were connected with **poverty**.  Medieval life was characterised by poverty for the vast majority of people who lived hard, short and brutal lives.  The constant poverty for most people was made worse by:

- Regular outbreaks of **famine and disease** which placed great pressure on largely agricultural communities (*egs: the Great Famine of 1315-17 and the Black Death  of the 1340s*)

- Government policies including **taxation** which led to frequent hardship and protests (*eg: the Poll Tax of the late 1370s*)

- The impact of **warfare** – both on destroying communities and in raising money to fight the wars (*egs: the Norman Conquest after 1066 and the Wars of the Roses from 1455-1485*)
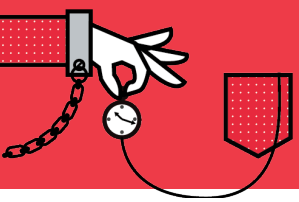
**These causes of poverty – and therefore of crime – were constant** throughout the medieval period even up to the industrialisation of the early nineteenth century.

### Common crimes in the Saxon and medieval period

Examples of crimes that were associated with poverty included the very common crime of **theft** of property but also other less common crimes such as **highway robbery** and outbreaks of **revolt and rebellion.**

As more trade and business began to develop later in the period, merchants and traders used the roads and tracks more often and this encouraged the growth of **highway robbery** and banditry.  Parliament started to make laws to deal with highway robbery around the fourteenth century asking lords to cut down all the trees and bushes for around thirty feet on each side of major roads so that robbers would have nowhere to lie in wait for passing travellers.

Royal and church control over society during the medieval period meant that **rebellion or revolt** was infrequent but as the period progressed more outbreaks of protest began to threaten the authorities.  Major outbreaks of revolt included:

**2E. Changes In Crime And Punishment In Britain, c.500 To The Present Day**
Eduqas GCSE History Component 2: Studies in Breadth

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- The Peasants' Revolt 1381

- Jack Cade's Revolt 1450

- The Cornish Rebellion 1497

There were local causes of these protests, but one common cause was dissatisfaction with high taxation. **These challenges to authority were to continue** into the Tudor period and were to peak with the outbreak of Civil War in 1642.

Besides poverty, the Saxon and medieval period was also characterised by two other features which had a major impact on crime:

- The power of royal government

- The frequent violence in peoples' lives

In the Saxon period (sometimes known as the Dark Ages), the laws were not very clear but in the decades before the Norman Conquest in 1066, **most of England** had become a well-organised society under the feudal system. Under feudal law, everyone, from the greatest baron to the poorest peasant, owed allegiance to the king. A criminal was defined as someone who by doing something wrong "had disturbed the king's peace".
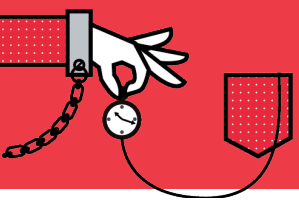
After the Norman Conquest, the system of laws was largely kept but the different monarchs that followed tried to introduce their own **codes of law** which highlighted offences against authority (crown and church) rather than crimes against individuals. These crimes which were regarded as serious included treason, revolt, sheltering criminals, blasphemy and heresy. The most notorious heretics were the **Lollards**, the followers of **John Wycliffe**, who challenged the teachings of the Catholic Church in the late fourteenth and fifteenth centuries.

One other thing that concerned medieval governments was **the amount of violent crime**. Court records also show that nearly 20% of all crimes in the period 1300 -1348 were for murder or manslaughter. This figure can be compared with later periods such as the nineteenth century where it was around 2% and today where it is a tiny proportion. Some historians believe that this is due to more men having access to dangerous weapons and farming tools.

There is evidence that murder of **women in medieval times** was very low. However, although assault and rape of women were serious offences punishable by death, both crimes had a very high acquittal rate, which may show the status of women in society at this time.

## SUMMARY OF CRIME IN THE SAXON AND MEDIEVAL PERIOD

- Most crimes in the Saxon and medieval period were connected with the effects of poverty

- The most common crime was theft

- Saxon leaders and medieval monarchs were keen to ensure that people didn't

challenge authority

- Violent crime was much more common than it is today

- These trends in the nature and causes of crime continued into the early modern ages after 1500

## CRIME IN THE EARLY MODERN ERA c.1450-1750: TUDOR AND STUART TIMES c.1500 - 1700

The sixteenth and seventeenth centuries were ruled by the monarchs of the Tudor and Stuart families. There were **some changes** in the causes and nature of crime, but many aspects **stayed the same**.

Court records show that crimes such as theft **remained** the most common (about 75% of all crimes) and that many people were convicted for crimes of violence (around 15%).

However, the sixteenth century in particular saw an increase in the crimes associated with **poverty** and also with **religious change**. There were two important trends associated with this increase:

- **general changes in society** created pressures which made people more desperate

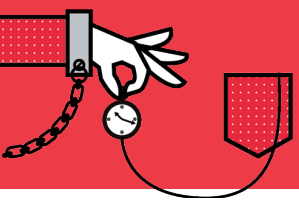- people's lives were adversely affected by **government policies**

Examples of both of these trends can be seen in this period.

### *The growth of economic pressures in the sixteenth century*

In the sixteenth century many people in society were affected by **a rise in poverty**. This had many causes. These included:

- **The population of England and Wales grew** from around 2.9 million in 1500 to 4.5 million by 1600. A rising population caused more demand for food, clothing, housing and work

- The economy was hit by **inflation** which meant that people's wages were worth less

- **Bad harvests** (especially in the 1550s and 1590s) caused a steep rise in the price of food

- Many farmers switched from growing crops to keeping sheep; this meant that **common land was enclosed** and there was less need for labourers

- Henry VIII's government had **closed all the monasteries** in England and Wales; this took away the vital role played by monasteries in helping the desperate

The combination of these factors caused many people to become poorer. While many struggled

on, others left and drifted away from their homes in the countryside to find work in nearby towns and cities.  Drifting away from your home to find work was called **vagrancy**.

### The growth of vagrancy in the sixteenth century

Often unable to find work, many vagrants were forced into **begging** for food and money and often resorted to petty stealing and fraud.  These were called **vagabonds** or **rogues** and their increasing presence became a real worry for Tudor monarchs, especially during the reign of Elizabeth I (1558-1603).

> The huge numbers of idle, wandering people are the chief cause of the problem because they do not work.  They spend double as much as the labourer does as they lie idly in the alehouses day and night, drinking and eating excessively.  The most dangerous are the wandering ex-soldiers and other sturdy rogues. Of these vagabonds there are up to three or four hundred in each shire, going round in little gangs of two or three.  Once a week they all meet up at a fair or market and cause great threat.
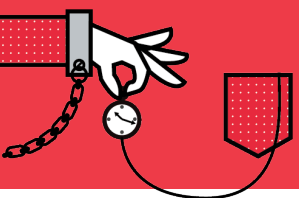
> Edward Hext, a magistrate, writing a letter to Lord Burghley, the Chief Minister of Elizabeth I (1596)

There were several examples of vagabonds and rogues who used **specialist tricks** to gain money from people.  These included:

- the angler – used a hooked stick to reach through windows and steal goods

- the counterfeit crank – dressed in tatty clothes and pretended to suffer from falling sickness



- the clapper dudgeon – tied arsenic to their skin in order to make it bleed and attract sympathy while begging

- Abraham man or Tom o'Bedlam – pretended to be mad in order to attract donations through pity

Illustration of a begger; Wikimedia Creative Commons
http://bit.ly/2nnyi4q

# 2E. Changes In Crime And Punishment In Britain, c.500 To The Present Day
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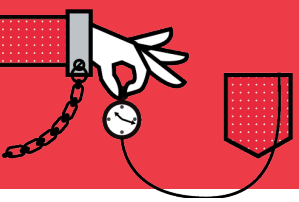Tudor governments dealt with the problem of vagrancy in various ways:

- in the earlier sixteenth century, attempts were made to scare people from becoming vagrants by **flogging or branding** them

- other governments tried to make it the job of different towns to tackle the problem. Towns like **Norwich** dealt well with its vagrants

- By the end of the century various laws had been passed to help desperate people. In 1598 and 1601, two **Poor Laws** were passed which made it the duty of each local parish to provide aid for its poor but also punished the lazy rogues and vagabonds.

## *The impact of religious change on crime*

The increase in crimes associated with religion shows how changing government policy can influence the crime rates. **Heresy** is holding a belief or opinion that is different to accepted religion. It was always regarded as a serious crime in medieval times, but it was rare for people to be accused or convicted of it in Britain. However, there was an increase in the crime of heresy in the sixteenth century, caused mainly by **religious change**.

Religious change came to dominate the reigns of the Tudor monarchs. At the beginning of the sixteenth century, all countries in Europe were ruled by Roman Catholic monarchs. However, there was a serious challenge to the practices and beliefs of the Catholic Church led by a German monk, **Martin Luther**, which resulted in the emergence of the Protestant branch of Christianity and **the Protestant Reformation** which spread from Germany all over Western Europe, including England and Wales. The later Tudor monarchs each changed the official religion of the country, a series of policies which had an impact on the nature of crime.

| Monarch | Religion | Features |
|---|---|---|
| Henry VIII | Henrician Catholicism | King replaced the Pope as Head of the Church<br>Church services and prayers remain in Latin<br>Priests not allowed to marry |
| Edward VI | Protestant | King is Head of the Church<br>Church services and prayers in English<br>Priests could marry |
| Mary I | Roman Catholic | Pope restored as Head of the Church<br>Church services and prayers returned to Latin<br>Priests had to separate from their wives |
| Elizabeth I | Protestant | Protestant Queen becomes 'Supreme Governor' of the Church<br>Church services and prayers returned to English<br>Priests allowed to marry |

Those individuals who refused to follow the official religion were accused of the medieval crime of **heresy**, a crime often punishable by death. The numbers involved were small by comparison with crimes like theft and assault, but these are worthy of note for several reasons:
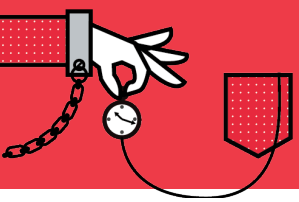
- religion was a fundamental part of people's lives in this period

- government change in religion made criminals of people who were merely worshipping as they always had done

- the method of punishment for heresy was to be burnt at the stake – the public and gruesome nature of this meant that the crime was perhaps seen as more common than it actually was.

| Number of people executed for heresy in England and Wales. | | |
|---|---|---|
| Monarch | Date | Executed |
| Henry VII | 1485-1509 | 24 |
| Henry VIII | 1509-1547 | 81 |
| Edward VI | 1547-1553 | 2 |
| Mary | 1553-1558 | 283 |
| Elizabeth | 1558-1603 | 4 |

## *The crime of treason*

In many ways, heresy can be seen as a crime of **treason**, the crime of betraying one's country, monarch or government. This was seen as probably the most serious crime of all. Treason was again quite rare in medieval times as support for royal and church control over society was strong but **challenges to authority** were to grow in the sixteenth century and peak with the Civil War of the mid seventeenth century.

Tudor and Stuart monarchs were well aware of the growing dissatisfaction of the people, whether this was caused by poverty, religious change or even a desire for more power. Governments employed **agents, spies and informers** to keep them informed of any dissatisfaction. This meant that most incidents of treason were anticipated and dealt with, usually quite brutally, as a deterrent to others.

# 2E. Changes In Crime And Punishment In Britain, c.500 To The Present Day
**Eduqas GCSE History Component 2: Studies in Breadth**

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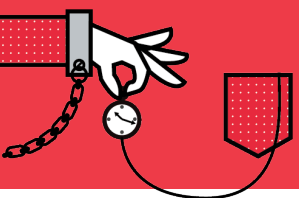**Examples of treasonable incidents** during the Tudor and Stuart period include:

| Event | Main causes | When | Leader |
|---|---|---|---|
| Pilgrimage of Grace | Religion | 1536 | Robert Aske |
| Wyatt's Rebellion | Religion | 1554 | Thomas Wyatt |
| Apprentice Riots | Economic | 1595 | Spontaneous |
| Gunpowder Plot | Religion / power | 1605 | Robert Catesby |
| Popish Plot | Religion | 1678 | Titus Oates |
| Monmouth Rebellion | Religion / power | 1685 | Duke of Monmouth |

## SUMMARY OF CRIME IN THE TUDOR AND STUART PERIOD

- The most common crimes in this period were associated with theft and violence – as they were in medieval times

- Economic change led to an increase in vagrancy in the sixteenth century

- Religious change led to an increase in heresy in the sixteenth century

- There were increasing attempts to challenge the authority of governments through the period

- Tudor and Stuart monarchs were keen to ensure that people didn't challenge authority and stamped down hard on people who challenged them

## CRIME IN THE MODERN ERA, 1700 TO THE PRESENT: PART A CRIME IN THE PERIOD OF INDUSTRIAL CHANGE AND URBANISATION c.1700 - 1900

The eighteenth and nineteenth centuries were an age of great industrial and agricultural change in Britain. Such economic and social change saw further changes in the type and causes of crimes seen in Britain. As was the case in earlier periods, both **theft and violent crime** continued to dominate as far as the volume of crime was concerned, but there were noticeable increases in certain types of crime. These crimes were not new but they did see an increase and often the specific causes were different.

Crimes associated with this period include:

- A rise in **smuggling**

- More instances of **highway robbery**

- **Riots and protests** caused by economic hardship

- Protests caused by a demand for more political rights

### *The growth of smuggling in the eighteenth century*

**Smuggling** is another example of a crime that had existed for many centuries. Smuggling is the **secret trade in goods** in a deliberate attempt to avoid paying customs duties. Smuggling had never really been seen as a major worry as it was largely localised and didn't pose a threat to the authorities. It is another example of a minor offence that was turned into a major crime by government policy.

Smuggling was usually associated with communities based in isolated settlements around **Britain's large coastline**. Smuggling had always made people considerable profit as they were able to sell goods much cheaper than in shops and markets. The Poldark series of novels, later dramatized for television, were based on smuggling communities in Cornwall and there was a thriving smuggling trade in West Wales as place names such as Brandy Cove near Swansea show.

> The common people of England in general fancy there is nothing wrong in the crime of smuggling. The poor feel they have a right to avoid paying any duty on their goods.
>
> John Taylor, the governor of Newgate Prison, in a report to the prison owners in 1747

The government clamped down hard on smuggling in the eighteenth century mainly because it needed the money that smugglers were trying to avoid paying. Throughout the eighteenth century **Britain was continuously at war**, mainly against France, and the government needed money to fight these wars. At this time, there was no income tax, so the government had to raise money in other ways, including enforcing and raising more **customs and excise duties** on popular imported goods such as chocolate, tea, wine, spirits, salt, leather and soap. Goods such as tea had a 70% tax on them, meaning that people were willing to buy the much cheaper smuggled goods which didn't have the tax on them.

Throughout the eighteenth century the government **customs and excise men** tried to control and catch the smugglers, but the activity was impossible to control especially as witnesses were often scared to come forward and many others in the communities were involved in smuggling themselves.

## 2E. Changes In Crime And Punishment In Britain, c.500 To The Present Day
### Eduqas GCSE History Component 2: Studies in Breadth

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> It is extremely dangerous for the Custom House officers to attempt to seize goods on the south coast because smugglers are very numerous there and can call on greater numbers if they need. Nine persons in ten in each area would give smugglers assistance and would lend them their horses to convey their goods.

> Abraham Walter, a tea dealer who had been a smuggler, giving evidence to a government Commission of Enquiry in 1748

As the increase in smuggling had been caused largely by a change in government policy over customs and excise duties, it was another change in policy that caused smuggling to decline as a crime. The government decided to tackle the problem **by reducing the duties** in order to make smuggling unprofitable. For example, the duty on tea was reduced from 119% to 12% in 1784. Further reductions followed over the next decades until smuggling was wiped out when the British government adopted a policy of **free trade** in the 1840s, with very few duties on any goods brought from abroad. There was no money left in smuggling.

### *The growth of highway robbery*

Another crime from medieval times that saw an increase in the eighteenth century was **highway robbery**. Laws had been made to tackle highway robbery as far back as the fourteenth century and while the crime hadn't died out, it again wasn't seen as a major worry. But as with smuggling, this crime began to rise and it was also largely associated with changes in trade and business.
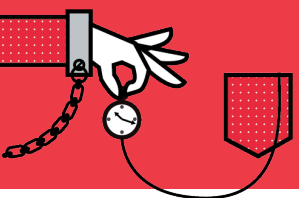
Reasons for the growth in highway robbery included:

- a general **increase in travel** as the industrial revolution began to improve trade

- improvements in **turnpike roads** encouraged more people to travel for business

- limited banking facilities meant more money being carried by road to pay for goods and services

The most frequent examples of highway robbery occurred on the heaths and commons around London, which was the most prosperous part of the country. Robbers who attacked pedestrians were called **footpads** but there were also **mounted highwaymen** who held up coaches and riders. These were often armed and worked in pairs. Some of the highway robbers were glamorised by the newspapers and broadsheets of the time including **Dick Turpin** and **John Rann**.

Like smuggling, the amount of highway robbery declined as the eighteenth century ended. The last recorded crime of highway robbery was in 1831. There were several reasons for this:

- many roads became much busier and isolated travellers less common

- there was a greater use of banknotes that had to be cashed-in and could be traced

- in London, a horse patrol was set up in 1805 to guard the main roads

## The pressures of industrial change and urbanisation

The increase in the crimes of both smuggling and highway robbery were associated with **the industrial changes which began in the eighteenth century.**

Other people were affected in different ways.  One of these changes was the process known as **urbanisation**. Many people were forced to move to towns and cities for work and where there were large amounts of people, there were more opportunities to commit crime and to take part in activities which became crimes.  By the nineteenth century, the amount of crime that was recorded in the United Kingdom was getting much higher.  Reasons for this increase in crime included:

- The population of the United Kingdom rose from 16 million in 1800 to 42 million in 1900. Most of the rising population lived in the growing industrial towns and cities of the United Kingdom.  For example, Manchester's population grew from 75,000 in 1801 to 300,000 in 1851.

- Living and working conditions in these growing towns and cities were squalid and insanitary.  Heavy concentrations of people living in small urban areas meant that there were more opportunities for petty crime

- There were many periods in the nineteenth century when the economy was weak such as after the Napoleonic Wars in 1815 and an agricultural depression in the 1870s.  Poverty often led to people committing petty crime

- Poor living and working conditions led many people to consider protesting.  Large towns and cities were ideal areas for protest groups to grow.  Agricultural depression also meant protests were seen in rural areas

## Crime connected with urbanisation

Common crimes such as stealing and assault continued to be regularly reported in the eighteenth and nineteenth centuries.  While crimes such as highway robbery had declined, new crimes, such as those connected with the new railway system after 1850 increased.  Over 90% of reported crimes were connected with some sort of theft.  One changing feature was that certain areas of growing towns and cities became notorious for criminal activities.  These were sometimes called **rookeries**. Examples were St Giles in central London and King Street in Southampton.  Certain criminal activities acquired nicknames such as:

- **Thimble-screwers** who stole pocket-watches from their chains

- **Prop-nailers** who stole pins and brooches from women

- **Drag-sneaks** who stole goods or luggage from carts and coaches

Writers such as Charles Dickens focused on the lives of the criminal classes in novels such as *Oliver Twist*.
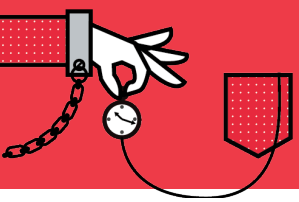
A coat is suspended on the wall with a bell attached to it and the boy attempts to take a handkerchief from the coat without the bell ringing.  Until he is able to do this proficiently, he is not considered well-trained.  Another way is that the trainer walks up and down the room with a handkerchief sticking out of his pocket and the ragged boys try to extract it without him noticing it has gone.

[John Binny, a social reformer, writing in a report London Labour and the London Poor in 1861]

## Industrial and agrarian disorder during the Industrial Revolution

As well as the growth in criminal activities, the nineteenth century also saw a growth in **social and political protest**.  Such protests were not uncommon but they had been less of an issue since the English Civil War of the mid seventeenth century.  Between 1790 and 1850 many ordinary people turned to protest as a means of showing how bad their lives were becoming.  The government tried to stop examples of protest by passing laws such as the **Combination Acts of 1799 and 1800** but often the anger of protestors resulted in outbreaks of violence and criminal activity.  Here are some examples:

| Protest | When | Where | Features |
|---|---|---|---|
| **Luddism** | 1812-1813 | Industrial towns in northern England | Handloom weavers protesting over new machine-woven cloth carried out attacks on factory machines |
| **Spa Fields Riot** | 1816 | London | A mass meeting about electoral reform turned into a violent riot |
| **Peterloo Massacre** | 1819 | Manchester | A mass meeting about electoral reform was broken up by cavalry officers, resulting in eleven deaths and multiple arrests |
| **Swing Riots** | 1830-1831 | South-east England | Agricultural labourers were angry about the introduction of new machinery and the effect on their work; there were attacks on farm machines and property was set on fire |
| **Rebecca Riots** | 1839-1843 | South-west Wales | Farmers were angry about increased rent and tolls to use roads; protesters disguised themselves as women and there were attacks on tollgates and workhouses |

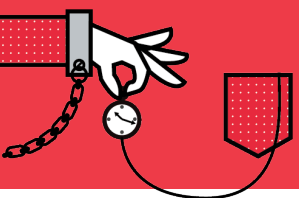| Protest | When | Where | Features |
|---------|------|-------|----------|
| **Chartism** | 1839-1848 | National | Series of marches and petitions campaigning for the right to vote for working people and fairer elections. A riot in Newport resulted in many deaths and multiple arrests for sedition |



Rebecca Riots; Wikimedia Creative Commons
http://bit.ly/2nnSMdv

## A STUDY OF THE HISTORIC ENVIRONMENT OF THE EAST END OF LONDON IN THE LATE NINETEENTH CENTURY

In studying the historic environment of the **East End of London** in the late nineteenth century, it is important to understand the historical context which links this area to the history of crime. The historical context involves understanding of:

• The main features of living conditions in the East End

• Understanding of poverty and the quality of housing

- Opportunities for crime in areas such as this

- Common types of crime such as theft, prostitution and assaults

- The ineffectiveness of law enforcement

A study of the historic environment should involve knowledge and understanding of **the main features of life in the East End**. These will include:

- In the last decade of the nineteenth century London's population expanded to four million, which spurred a high demand for cheap housing in areas that became known as **slums**. These were very similar to the rookeries of the previous century. The East End of London was one of these areas. They became notorious for overcrowding, unsanitary and squalid living conditions

- Many poor families lived crammed in accommodation **without sanitation and proper ventilation**. There were also over 200 common lodging houses which provided shelter for some 8000 homeless and destitute people per night

- In the last decades of the nineteenth century the East End of London was inhabited predominantly by the **working classes**, including the native English population, Irish immigrants and immigrants from Central and Eastern Europe, mostly poor Russian, Polish and German Jews. Most of these groups lived in real poverty
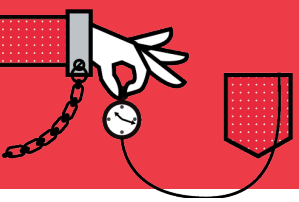
> The East End is London's poor quarter. It is also the area most identified with social problems. Life is hard for those living in its maze of tiny streets. Many of the overcrowded tenement buildings house up to thirty families, some of whom live directly above cess-pits. Many children die before they reach the age of five. Women who could not get "respectable" work prostitute themselves.
>
> From a report by a social reformer on life in the East End of London, 1890

- **Whitechapel** was the area at the heart of the East End. In the mid eighteenth century it had been a relatively prosperous district, but by the second half of the nineteenth century it was overcrowded and notorious for crime

- The term **'criminal classes'** was used to describe many of the people of the East End - used to suggest a social group stuck at the bottom of society

- Most offenders were young males and most offences were petty thefts, drunkenness and vagrancy. The most common offences committed by women were linked to prostitution and soliciting

> In 1856 in the most common parts of London 73,240 persons were taken into custody, of whom 45,941 were males, and 27,209 females; 18,000 of the apprehensions were on account of drunkenness, 8160 for unlawful possession of goods, 7021 for simple larceny, 6763 for common assaults, 2194 for assaults on the police; 4303 women were taken into custody as prostitutes.
>
> J. Ewing Ritchie, a social reformer, in his report The Night Side of London published in 1858

- Whitechapel was the venue of murders committed in the late 1880s on several women by the anonymous serial killer, called **Jack the Ripper**.  The national press, which reported the Whitechapel murders in great detail, also revealed to the reading public the appalling deprivation and dire poverty of the East London slum dwellers.

> The streets are desolate and deserted after nightfall.  Turn down this side-street, but tuck out of view any items of jewellery.  The street is oppressively dark though some shop fronts are lit.  Men are lounging in doorways smoking evil-smelling pipes, women are strolling about in twos and threes, or are seated gossiping on steps leading into even darker passages.  Round the corner is the notorious Wentworth Street, where it is said the police will only go in pairs.  It is late at night but gutters, doorways, passages and staircases seem to be teeming with children.

> From an article about Whitechapel in The Daily News, a newspaper which campaigned for social improvement, November 1888

Historic environments such as the East End of London were very **significant** in the history of crime and punishment. The criminal activity in the area was a **major cause of the spread of the new police forces** across London from the mid-1850s, a development which will be dealt with later. The new police had a positive impact on petty theft on the streets of the East End.
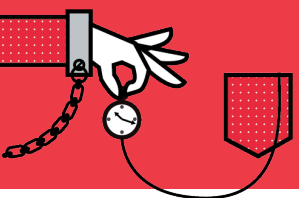
The degree of crime in the East End, and the amount of attention it got from the press, **led to improved social conditions**.  Social reformers and politicians began to tackle the roots of crime in these areas in a number of ways:

- Clearing slums by knocking down some areas and building new roads like Oxford Street

- Social projects by philanthropists like George Peabody and Angela Burdett-Coutts

- The introduction of compulsory elementary education in 1870

Due to these improvements, linked with the historic environment of the East End, the crime rate in areas like the East End of London started to decline by the end of the century.

> On the whole crime is decreasing especially crime with violence. People are less brutal than they used to be. I think the change is due to better teaching. The schools are turning out a large proportion who become respectable citizens. London seems a more law-abiding city nowadays than before and a less brutal and savage place as well.

> [Louis Vedy, a policeman in Kentish Town, in an interview with a social reformer, December 1897]

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## SUMMARY OF CRIME IN THE PERIOD OF INDUSTRIAL CHANGE AND URBANISATION

- The most common crimes in this period were still associated with theft and violence – as they were in medieval and Tudor and Stuart times

- While the nature of crimes stayed largely the same, the types of crime varied with smuggling, highway robbery and petty thefts seeing a rise

- The majority of crimes were associated with the effects of industrialisation and urbanisation

- Areas such as the East End of London became notorious for the amount of crime that took place

- There was a revival of attempts to challenge political authority throughout the period.  This took the form of both peaceful and more violent protest.

## CRIME DURING THE MODERN ERA, c.1700 TO THE PRESENT: PART B c.1900 TO THE PRESENT DAY
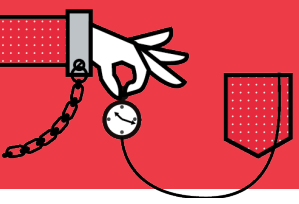
### Twentieth century pressures

Many of the crimes that were regularly seen in previous centuries such as theft, robbery and assault **continued to be very common** in the twentieth and twenty-first centuries.  Crime figures rose sharply after 1900 but this was not to say that crime itself had risen: it was more likely to be associated with the increased reporting and recording of crime, with improved police methods and also with more laws being brought in by government.

As in previous ages, changes in society continued to provide criminals with new opportunities for committing crime.  For example, the development of the **motor car** gave rise to a new wave of transport crimes, while technological change has led to a growth in **cybercrime**.  Other examples of crime that have become more high-profile in the modern centuries are more **violent crime**, including gun and knife use, and the increasing threat from **terrorism**.

### Crimes associated with the motor car

The mass production of the motor car began in the 1920s.  By 1939 the prices of cars had fallen enough to make them affordable to middle-class earners in the UK.  As the number of cars on British roads grew, many new laws were brought in to control their use and for safety.  As in previous centuries, new laws meant new crimes.  Here are some examples of new laws in relation to car use.
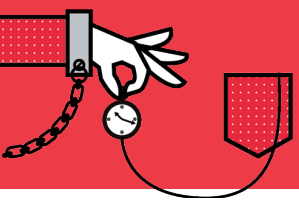
| When? | Legislation | Offence |
|-------|-------------|---------|
| 1930 | Compulsory motor insurance | Lacking correct documentation |
| 1934 | Speed limits introduced for the first time | Speeding offences |
| 1956 | First parking restrictions | Parking violations |
| 1967 | Breathalysers introduced to test for alcohol level | Drinking and driving |
| 1983 | Compulsory to wear a seat-belt when driving | Safety offences |
| 1986 | Public Order Act extended to drivers | Road rage offences |
| 1988 | Offence to drive a vehicle dangerously on a public road | Dangerous driving |
| 2003 | Use of hand-held mobile phone illegal | Safety offences |

Motoring offences have grown into the biggest category of offending for people in the UK. One feature is that **this type of offence affects people of all social classes**. Up to the mid-twentieth century, about 80% of all crimes involved working class offenders. Since the growth of the motor car, many more middle class people have committed a criminal act associated with driving.

As well as creating new crimes, the growth of the motor car has also **changed the nature of crimes** such as theft and robbery. Car and motorbike theft soared in the mid twentieth century, although greater security features have led to a recent decline. **Cars have also become a feature in many other crimes** being used as getaway vehicles or to transport illegal goods such as drugs or firearms.

## Crimes associated with computers

Another technological development that has caused an increase in a certain type of crime has been the dramatic increase in the **use of computers** since the 1980s. Computer technology can be used to carry out many forms of criminal activity. These are often categorised as **cybercrimes**. **Some activities are new** such as hacking or phishing – criminals committing crimes remotely without having to enter a victim's home or office. Other offences are **newer versions of older crimes**. Using another person's identity is really an example of the old crime of fraud.

| Examples of cybercrimes | |
|---|---|
| Hacking | Gaining unauthorised access to the private records of individuals or organisations |
| Phishing | Using bogus emails to trick people into revealing confidential information |
| Identity theft | Stealing a person's identity details and using this to withdraw money or order goods |
| Cyber bullying | Repeated threatening and hostile behaviour through computerised devices to intimidate and hurt others.  This is currently an offence under harassment laws |
| Sexual crimes | Grooming of minors through use of chatrooms and social networks; making and sharing of illegal images of children; sharing adult sexual images without consent |

The nature of the internet has changed crime in many ways.  It not only allows criminals to be located in a different country to the victim but the criminal can target many thousands of victims at once.  A phishing email can be sent easily to many people from one computer and a single person may infect millions of computers with malicious software.

From an official government document called Cyber Crime Strategy, 2010

Legislation has been brought in to regulate computer use, but the amount of people that have been convicted of crimes associated with computers is much less than those connected with motoring offences.

### Violent crime and anti-social behaviour

### Hooliganism

There is evidence that the later twentieth century has seen a rise in violent and anti-social behaviour which has often manifested itself through criminal behaviour.  One example of a criminal activity that grew in the twentieth century was that of violence connected with sport, particularly football.  This became known as **hooliganism**, a term first used in the nineteenth century to cover activities such as rioting and vandalism.

Earlier uses of the term 'hooliganism'

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'The avalanche of brutality which, under the name of 'hooliganism' has cast a dire slur on the society of south London.'

Daily Graphic newspaper commenting on the activities of gangs in 1898

'It seemed to be one of those senseless acts of hooliganism which occur from time to time, and it was reported to the constable on the beat as such.'

Arthur Conan Doyle, writing in the short story, The Adventure of the Six Napoleons, 1904

Hooliganism, as an opportunity to fight and riot, had been associated with football as that sport had grown in the early twentieth century. There was a riot at a Preston-Aston Villa match in 1885 and Millwall's ground was closed in 1920 and 1934 after disturbances. This kind of behaviour was not common, **but it became a serious issue to the authorities from around the 1960s.**

It is difficult to pinpoint the causes of the rise in football hooliganism but it is likely to be connected with a general lack of respect for authority that started in the 1950s and the emergence of a **generation gap**.

The wave of the criminal activity known as **football hooliganism** reached a peak in the 1970s and 1980s with gangs of rival supporters fighting each other or attacking property. Many of these gangs were well-organised and gave themselves names and common styles of dress. Of the many incidents associated with football hooliganism, one of the most notorious was the fighting between British and Italian fans at the Heysel Stadium in Belgium in 1985. 38 people were killed when a wall collapsed.

Football hooligans were often arrested and charged with public order offences, but the government decided to tackle this outburst of criminal activity in **different ways**, rather than making new laws. Such ways included:

- A Special Police Unit dedicated to dealing with football hooliganism

- Segregating fans before, during and after games

- Replacing terracing with seating at grounds

- Use of CCTV and banning orders

These kinds of methods have led to a great reduction in the extent of football hooliganism – an example of a crime that has been greatly reduced by policy change.

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> High- profile outbreaks of violence involving fans are much rarer today than they were 20 or 30 years ago. The scale of trouble now compared to then doesn't bear comparison – either in terms of the number of people involved or the level of organisation. Football has moved on thanks to banning orders and better, more sophisticated policing. There has also been a shift in the way people are expected to behave inside grounds. Offensive chants are still too commonplace but actual fighting doesn't happen very often.
>
> David Bond, a journalist speaking on the BBC news in 2003

## Gun and knife crime

Other examples of modern crimes that are associated with violence and anti-social behaviours are those connected with the use of **guns and knives** and **illegal drugs**. Sometimes these offences are connected.

The growth of such crimes is hard to explain. Several causes are centuries-old, others may be newer influences. These may include:
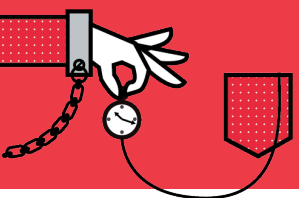
- Poverty
- Lack of opportunity
- A 'must-have-now' culture
- The growing divide between rich and poor, especially in large cities
- Breakdown of family values and discipline

Gun and knife crime is often associated with **juvenile gang culture**, particularly in inner cities, with members of gangs carrying weapons for protection and intimidation. The first decade of the twentieth century saw a large growth in recorded instances of gun crime, particularly connected with gang culture. Firearm offences increased by nearly 90% between 1999 and 2009, from 5,200 to nearly 10,000. In 2009 there were over 270 deaths from stabbing in England and Wales.

## The growth of crimes associated with drugs

**Drug abuse** is not new, and crimes associated with drug and alcohol abuse had been a serious issue in the nineteenth century, but it is another offence that became more prominent during the later twentieth century. The Dangerous Drugs Act of 1920 made possession of certain drugs illegal and various other laws during the century criminalised possession of various drugs including the Act of 1971 which categorised drugs into Categories A, B and C.

Banning possession of certain drugs for recreational purposes has resulted in an increase in the old crime of smuggling, often now described under the term '**trafficking**.' Planes, boats, trucks and people are used by gangs to smuggle illegal drugs into the UK. Drug gangs operate on their own 'turf' and use violence to protect their area from rival gangs. Often this involves use of guns and knives.

Additionally, **drug addiction is a contributory factor** in the increase of crimes such as burglary, mugging and robbery.

> The culture of drug-related violence now taking hold in British cities mirrors that which has already wreaked havoc on the streets of other cities like New York, Miami, and Kingston. The motivation and methods are the same. The principal activity is pushing crack cocaine and the operations are characterised by the use of extreme violence in pursuit of huge profits.
>
> From a report in the Sunday Times newspaper, October 1993

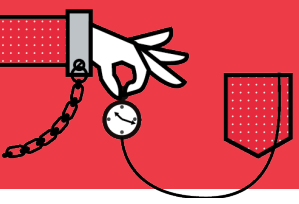### *The increasing threat from terrorist crimes*

The modern era has also seen a rise in the fear associated with the criminal act of **terrorism**. This offence had been seen in Britain on rare occasions in the past, examples being the Gunpowder Plot of 1605, the Cato Street Conspiracy of 1820 and the Fenian Rising in Ireland in 1867. Each of these groups was politically motivated and tried to use violence to secure their goals but each threat faded away in time. Another change is that each of the people associated with these incidents were found guilty of **treason**.

As with other violence related offences, the growth of **modern terrorism** began in the 1960s. Since this decade, Britain has lived with the constant fear of terrorist activity and various groups have carried out operations in the UK. This has led to the UK government passing various **specific laws connected with terrorism**. The first of these was passed in 1974, largely to deal with the IRA bombing campaign of the 1970s and a new wave of laws was passed from 2000 to try to deal with the global threat from terrorism.

In the mid twentieth century, the most serious terrorist threat to Britain came from **the IRA**, a largely Catholic group dedicated to ending British rule in Northern Ireland. This group was challenged by Protestant groups such as **the UDA** and over 3,500 people were killed in Northern Ireland between 1969 and 2001. The IRA also carried out numerous attacks on the British mainland including:

- Public house bombings in Birmingham in 1974 which killed 19 people

- The assassination of Airey Neave M.P. in the House of Commons car park in 1979

- The bombing of the Arndale shopping centre in Manchester in 1996 which injured over 200 people

As with other crimes, the rise in the offences was tackled by a political solution, the Good Friday Agreement which allowed power-sharing between Catholics and Protestants in Northern Ireland.

Bombing in Manchester 1996; Flickr Creative Commons
http://bit.ly/2nsJ85Z

The terrorist threat to Britain has continued into the twenty-first century but it is now associated more with global terrorists and their aims. An aeroplane explosion at Lockerbie in Scotland in 1988 killed over 250 people and was the activity of Libyan terrorists. More recently, the terrorist threat has come from groups linked with Islamist extremism; the most notorious were the 7/7 attacks in 2005 which were a co-ordinated series of suicide bombings on London's transport system. This was linked to the group **al-Qaeda**.

## SUMMARY OF CRIME IN THE MODERN ERA

- Many of the crimes that were regularly seen in previous centuries such as theft, robbery and assault continued to be very common in the twentieth and twenty-first centuries

- Crime figures have risen sharply since 1900 but this is not to say that crime has risen: it is more likely to be associated with the increased reporting and recording of crime, with improved police methods and also with more laws being brought in by government

- This latest period has seen governments faced with new types of crime associated with technology, including motor crime and cybercrime

- Many crimes have also been associated with violence

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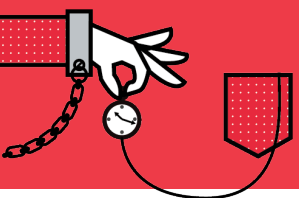Eduqas GCSE History Component 2: Studies in Breadth

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- While many crimes remain a problem, others have been tackled by new laws and government action

# CATCHING THE CRIMINAL

In this section, it is important that students have an understanding of:

- how the responsibility for enforcing law and order has changed over time

- how effective methods of combatting crime have been over time

## ENFORCING LAW AND ORDER IN THE SAXON AND MEDIEVAL ERA, c. 500 - 1500

### Communal and family responsibility in Saxon and medieval times

The idea of policing in Saxon and medieval Britain was very different to the system that has developed today.  Two key points were:
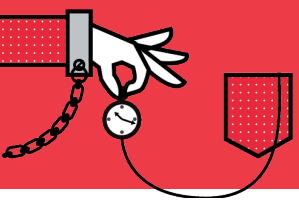
- The Saxon and medieval system of policing was based on **community action** where individuals were expected to aid their neighbours and protect their villages from crime. In effect, the people were the police themselves

- Society in this period was **hierarchical**.  Medieval kings relied on their nobles to keep order and they had great control over the peasants in the villages and towns

- Another organisation that held great power was the church.  Bishops and other senior churchmen had the power to hold their own **church courts** which dealt with religious issues such as non-payment of tithes and blasphemy

### Communal methods of combatting crime

People in the Saxon and early medieval periods used a system of **tithings**.  This system had several features:

- Groups of ten families were entrusted with policing minor problems such as disturbances, fire, wild animals and other threats

- Their leader was called a tithingman and he was expected to raise the **hue and cry** to assemble his followers when the community was threatened and pursue suspected offenders

- Ten tithings were grouped into a **hundred** and the hundredman dealt with more serious breaches of the law in the community

England was divided up into **shires** or counties during most of the medieval period.  The main person responsible for keeping order at shire level was the **shire reeve** (*sheriff*), a royal

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official who was responsible for public order in his area and had the authority to raise a **posse comitatus** to capture criminals that had escaped the tithing.

After the Norman Conquest of 1066, the system of enforcing law and order remained quite similar. The system suited most medieval communities where most people knew their neighbours very well, but there was some gradual change. The roles of officials remained similar although their names changed and more and more power came to be given to these people.
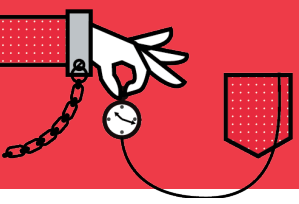
Changing features included:

- In 1326, **justices of the peace** were first appointed to assist the sheriffs in controlling the shires. They were gradually to take over the duties of the sheriffs and also held courts of law. JPs were usually local landowners who commanded respect through their position. These held trials and hearings in **manorial and royal courts**.

- **Parish constables** gradually replaced the hundredmen from around the thirteenth century and assisted the justices of the peace. The constable had to maintain law and order in communities and report to JPs on the state of roads and on public houses. Just as in Saxon times, if a hue and cry was raised by the constable, everyone had to join in. Usually a local person of some standing, **the parish constable was appointed for around five years**. The person appointed faced a heavy fine if he refused to serve as a constable. As the job was unpaid and often time-consuming and unpleasant, the person appointed constable could pay someone to do the job for him and this meant that, in some places, almost permanent 'professionals' were used to enforce law and order.

- In the thirteenth century, a watch system was developed to protect property in larger towns and cities. **Watchmen** patrolled at night and helped protect against robberies, disturbances and fire, reporting directly to the parish constable.

By 1500 this system of policing was pretty consistent all over England and was also introduced into Wales after the Acts of Union of the mid sixteenth century.

## SUMMARY OF POLICING IN THE SAXON AND MEDIEVAL PERIOD

- Policing in Saxon and medieval times was based on community responsibility

- This idea lasted throughout the period as it suited the kinds of societies that existed in England and Wales – small, rural and familiar

- Royal officials such as justices of the peace also played a major role in enforcing law and order

- As the period developed, additional officials were established to ensure that the law was obeyed in communities. These constables and watchmen were not always effective but were an important part of the system

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## CATCHING THE CRIMINAL IN THE EARLY MODERN ERA, c.1450-1750: TUDOR AND STUART TIMES c.1500 -1700

The country in the sixteenth and seventeenth centuries was ruled by the monarchs of the Tudor and Stuart dynasties. The sixteenth century was characterised by religious changes and economic pressures but the system of law and order stayed basically the same.

### The growth of civic and parish responsibilities

People in this period still tended to live in rural communities or small towns so **the late medieval policing system** of justice of the peace, constable and the occasional watchman **carried on**. However, by the end of this time frame, the system of policing was coming under increasing strain especially in large urban centres like London.

### The role and effectiveness of JPs and other parish officers

All counties and shires in England and Wales still had a system of maintaining law and order headed by **justices of the peace** (JPs). These were also sometimes known as **magistrates**. While their main role was to keep order and administer justice if laws were broken, the JP had a **crucial role in policing**.
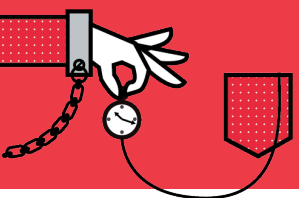
- The JP was responsible for overseeing and organising the local parish constables and watchmen and ensuring that they carried out their roles effectively.

- The JP had to monitor and control beggars and vagrants and administer the new Poor Laws after 1601

- The JP had to enforce government and local government orders and punish those who disobeyed

> The Justices of the Peace are those in whom the Queen puts special trust for the repressing of robbers, thieves and vagabonds and of dealing with conspiracies, riots and violence. Each JP has the authority to commit any persons who so disturb the peace to the prison. These JPs meet four times each year to hear about all the misdemeanours.
>
> Sir Thomas Smith, a Privy Councillor to Queen Elizabeth, in his book De Republica Anglorum, 1565

During the Tudor period in particular, the workload of the JP grew considerably. However, there is evidence that, on the whole and given the limited resources at their disposal, **they were effective in maintaining law and order at a local level.** Many JPs served their communities for many years and, as they were appointed each year, their position depended on them being effective.

To help them carry out their policing duties in particular, the JPs had still lesser officials such as **parish constables** and **watchmen** to assist them. Both offices had existed for many centuries and both were important in enforcing law and order. The **parish constables** were appointed by the JPs from local tradesmen or farmers living in the area. **This shows that the idea of community policing was still strong**.

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Parish constables held their unpaid post for one year and were expected to do this job as well as their day job.  As in medieval times, some wealthy individuals were prepared to pay others to take on the role for them, but others fulfilled their role quite effectively.  The duties of the constable were varied, but as far as policing goes, **their main role was to keep order in the area** and to catch and arrest those who broke the law.  The constable could call on the people of the area to give him assistance at any time people were duty-bound to help.  This is another example of **continuity**, using the same principle that existed in medieval times.
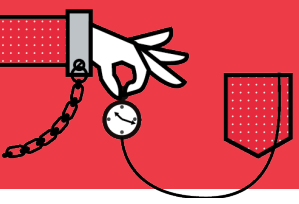
> Reporting to the Sessional Court instances of:Mr X refusing to keep watch;
> Mrs X for taking cattle distrained out of the common pound;
> Mrs Y swearing 52 times;
> Mrs Z for thieving from soldiers' baggage belonging to a troop of dragoons;
> Mr Y for erecting a building without four acres of land;
> Numerous persons for failure to repair the highway;
> The keeper of the County gaol for allowing prisoners to escape and for using scurrilous language;
> Numerous persons for failure to attend church.

> Examples of various arrests made by Parish Constables in Buckinghamshire in the 1670s

The **watchman** was another role that had existed for centuries, back to the reign of Edward I in the 1280s.  Since then, all larger towns had to be patrolled at night by a number of watchmen who had the power to challenge strangers and arrest criminals.  These were not paid, but all men in the town were expected to carry out this duty on a **voluntary basis**.  There was no uniform, but most carried a bell, a lantern and a weapon for protection.  It is impossible to judge how effective watchmen were but they may have deterred potential trouble-makers and provided some reassurance for people of the town.



Watchman in London; Wikipedia Creative Commons
http://bit.ly/2msTZeD

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By the mid seventeenth century, the city of London was growing so quickly that the old medieval method of using unpaid local people to enforce law and order was not as effective.  In 1663, Charles II passed an Act which created a force of paid watchmen to patrol the streets of the growing city. These became known as **Charleys**.  The pay was very low and the job was often taken by those that were incapable of finding work elsewhere.  The Charleys often became objects of ridicule and pity but the role is significant due to the fact that they were really **the first law officers that were paid by public money**.

By the end of this period, the system of law and order in England and Wales was little different to that which had existed in medieval times.  It was still based on Justices of the Peace, parish constables and some watchmen, but underpinning it all was the continuing idea that the people of towns and villages were responsible for maintaining law and order in their own areas.

## SUMMARY OF POLICING IN TUDOR AND STUART TIMES

- Policing in this period continued to be based on community responsibility

- This idea lasted as it still suited the kinds of societies that existed in England and Wales

- The roles of the JP, the constable and the watchman remained very important and their workload increased as the period progressed

- In the larger cities, the system of law enforcement began to be pressurised and there were early experiments with paid officials
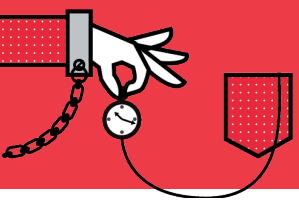
## POLICING IN THE MODERN ERA, c.1700 TO THE PRESENT: PART A POLICING IN THE PERIOD OF INDUSTRIAL CHANGE AND URBANISATION c.1700 -1900

The eighteenth and nineteenth centuries were an age of great industrial and agricultural change in Britain.  Two of the most important developments were:

- a huge rise in the population of Britain, from around 9 million in 1700 to 42 million in 1900

- the concentration of many of the new population in large towns and cities – the process known as urbanisation

With such changes, **the old medieval system of policing which had existed for centuries had to change**.  The new industrial towns had to have a new system of law enforcement. What also had to change was the idea that communities were responsible for their own law enforcement.  The idea gradually developed that policing should become a specialist job and that **enforcing law and order would have to become the responsibility of government**.  By the mid nineteenth century, the system of law enforcement in Britain was completely changed.

Due to its size and particular problems, most of the **initial experiments** in finding a more effective way of combatting crime took place in London.  The inadequacies of the old system

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were really obvious here with neither constables nor watchmen being effective in such a growing city. Another problem was the opportunist **'thief-takers'** who captured criminals for reward money or who negotiated the return of stolen goods for a fee. The most infamous of the 'thief-takers' were Charles Hitchen and Jonathan Wild, both of whom were also corruptly involved in arranging the crimes from which they made a profit.
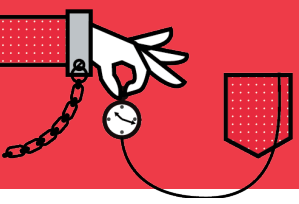

Gallows ticket; Chronicle / Alamy

### *The establishment and influence of the Bow Street Runners*

As London grew and as individuals such as Hitchen and Wild exploited the policing system, some leading JPs tried to find a solution to the growing crime rate in parts of London. Among the first was **Thomas de Veil** who set up his office in Bow Street in central London. He took an active part in assisting his constables in investigating crimes and his work paved the way for the more successful and organised schemes of the Fielding brothers.

The work of the Fielding brothers, although small in scale and range, was a real turning point in the history of policing. In 1748 **Henry Fielding** replaced Thomas de Veil as Chief Magistrate at **Bow Street**. He made a careful enquiry into rising crime in London, published in 1751 as An Enquiry into the Late Increase in Robbers etc. He claimed that the old medieval system of law enforcement was **not fit for purpose** and he tried a number of ways to tackle the problem in his area. These included:

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- Setting up a small force of full-time law officers who were properly trained and paid through a salary and rewards

- Keeping records of reported crimes

- Placing adverts for information in local newspapers

- Starting a magazine to pass on information about crimes and criminals

The officers did not wear a uniform so as to blend in on the streets but did carry a distinctive staff, similar to that used by parish constables.  At first they were known as 'Mr Fielding's People' but later became famous as the **Bow Street Runners**.

> **To the PUBLIC**
>
> All persons who shall for the future suffer by Robbers, Burglars etc are desired immediately to bring or send the best description they can of such Robbers etc with the time and place and circumstances of the fact to Henry Fielding Esq. at his house in Bow Street.
>
> An advertisement placed in London newspapers in 1749 by Henry Fielding
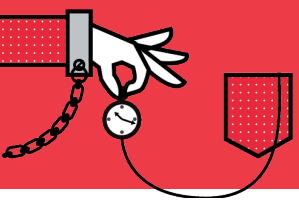
Following Henry's death in 1754, his blind half-brother, **John Fielding**, continued his work at Bow Street.  He began a **Horse Patrol** to tackle highway robbery and continued to publish a weekly newspaper, renamed **The Hue and Cry** in 1786, referring to the older medieval idea of everyone having a responsibility to assist in catching criminals.

As with most pioneers, both Fielding brothers were dead by the time that the full effects of their work were clear.  However, their legacy was carried on after their deaths by magistrates such as **Patrick Colquhoun**.  These developments included:

- The **Middlesex Justices Act** of 1792 which extended the Bow Street scheme by funding a similar arrangement in seven other areas of London

- As much of London's crime was based around the River Thames, a **River Police** was set up in 1798 with money from private businesses

- In 1805 the Horse Patrol was re-introduced with government money to patrol the highways around London and guard against highway robbery. The Horse Patrol was the first uniformed police force in the country and the distinctive colour of their waistcoat gave them the nickname **Robin Redbreasts**

The methods introduced by the Fielding brothers were very effective in tackling crime - if only in their local area.  **They are highly significant** in the history of policing as they were among the first to show government how to deal with crime effectively - by using a paid force of police officers to protect lives and property.  They also developed the idea of **'preventative policing'** by attempting to stop crime from being committed rather than dealing with crime after it has been carried out.

It should also be noted that the influence of the schemes being used in London was also seen in **other cities**.  In 1789 the Association for the Prosecution of Felons and Swindlers was set

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up in Nottinghamshire for the purpose of detecting crime, and bringing it the notice of the magistrates, who, it was said, "welcomed any assistance to stem the rising tide of lawlessness."

### The concept of state police forces in the nineteenth century

Another turning point in the history of combatting crime in Britain is **the establishment of the Metropolitan Police in London in 1829**. This was not the first funded state police force in Britain. **This had been established in Glasgow in 1800** with a scheme organising the existing constables and watchmen into a force to protect the city. Like the Bow Street Runners, this was a small venture and the idea of a larger force in London was a much bigger project. The main reason for its establishment was that, despite the success of small-scale schemes such as those connected with Bow Street, London's crime rate continued to rise. MPs became convinced that an organised police force paid for by government was needed in London. This was a huge change in attitude and the man charged with organising it was **Sir Robert Peel,** the Home Secretary.
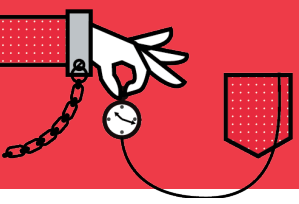
### Robert Peel and the setting up of the Metropolitan Police

While this solution may now seem sensible, it has to be remembered that the idea of a police force controlled by the government was **opposed by many people**. There were many reasons for this opposition:

- Many people still believed in the old idea of **people enforcing the law themselves:** this idea stretched back to medieval times and was still clung to in many less urbanised areas

- Many believed that a government-run police force would be an **invasion of privacy** and limit free speech

- Others strongly believed that the government could use the police force to **arrest and attack political opponents**

- Others believed that a state police force would be **expensive and cause taxes to rise**

Despite the opposition to the setting up of a state police force, Peel and many other politicians were convinced that **the existing police forces in London were old-fashioned, inefficient and inadequate** in their attempts to control crime in London. Peel was impressed with the local schemes set up by the Middlesex Justices Act in 1792 and felt that a similar scheme should be organised for the whole of central London. In 1829 t**he Metropolitan Police Act** set up a new police force in London under the control of Robert Peel. The new officers quickly gained the nickname s of '**Peelers' or 'Bobbies'** after their founder. The main features of the new force included:

- It was run by **two Commissioners** with equal authority – Charles Rowan and Richard Mayne

- The headquarters were at **Scotland Yard** in Westminster

**2E. Changes In Crime And Punishment In Britain, c.500 To The Present Day**
Eduqas GCSE History Component 2: Studies in Breadth

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- The police's authority covered **a radius of seven miles from Charing Cross** (but excluded the City of London area which kept the medieval system)

- There were **17 districts** each with a company of **144 police constables**

- Each constable had to be under 35 years old, at least 5 foot 7 inches (1.7 meters) tall and be able to read and write

- The constables were given a **distinctive uniform** consisting of a blue jacket, white trousers and a tall white hat.  Each carried a truncheon and a rattle

- Constables worked a seven day week, patrolling a set area

> The constable must make himself perfectly acquainted with all the parts of the streets, courts, thoroughfares and outhouses of the section of the metropolis making up his beat. He is also expected to possess such a knowledge of the inhabitants of each house as will enable him to recognise their persons.  He is further expected to see every part of his beat once every ten or fifteen minutes.
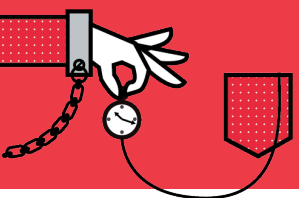>
> James Grant, a journalist, describing the duties of a constable in his book, Sketches in London, 1838

The establishment of such a police force was a radical change for the central part of London.  As mentioned earlier, there was a great deal of **suspicion and opposition** from various groups and additionally many JPs didn't like giving up their control of the constables to the Commissioners and at first seemed to take the side of criminals in some court cases.  There were even public meetings set up to organise people against the police.

Despite the opposition, within a few years the new Metropolitan Police Force had proved effective in reducing crime rates so was **expanded to cover more of London in 1839**.  This Act extended the police area to **a 15 mile radius of Charing Cross**. It also saw the River Police and Horse Patrol brought into the Metropolitan Police and saw the end of the Bow Street Runners and the control of JPs and magistrates over policing in London.



Chartist protest march in London in 1848; Pictorial Press Ltd / Alamy Stock Photo

## 2E. Changes In Crime And Punishment In Britain, c.500 To The Present Day
### Eduqas GCSE History Component 2: Studies in Breadth

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*The extension of police forces in the nineteenth century*

Once the Metropolitan Police had been established and proved effective in London, **the government moved to allow other regions of the country to introduce similar forces**. A number of Acts were passed to allow this. The most significant were:

- The **Municipal Corporations Act of 1835** which allowed police forces to be set up in larger borough towns

- **The Rural Police Act of 1839** which enabled police forces to be set up in more rural areas of the country

Both these Acts were **permissive** and it was not compulsory to set up a police force. Only around half the areas decided to set up their own force with most local authorities claiming they could not afford it. Even people in areas that did take advantage of the new laws had complaints at first.

> Our police can be criticised very easily. They can neither catch a thief nor keep him when he is caught. Of bone and muscle and fat and big sticks there is plenty and, to give them their due, they are docile and affable. What is wanted is not so much guts as brains and these they have not got. They cost us £1000 a year and their inadequacy must be seen by everyone.
>
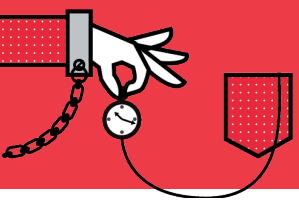> An article in a Wrexham newspaper criticising the Denbighshire police in 1855

Despite public concerns, the government was determined to have publicly funded police forces in every area. **The County and Borough Police Act in 1856** made it compulsory for a police force to be set up in every county that had not previously taken the opportunity to set one up. To make sure the law was obeyed, the government appointed Inspectors of Constabulary and offered a grant of 25% of running costs to those forces deemed efficient. Setting up a police force in different counties helped to tackle the fear that the government was in control. Within a few years, the old system that operated around JPs and constables was replaced in all parts of the country.

Despite initial concerns, as the police grew more successful at tackling crime, suspicion and hatred of the force died down and they became accepted and respected as **a crucial part of the community**. Rather than just seeing the police as the old 'thief-takers', communities came to rely on them to deal with all sorts of issues, most of which were not really criminal.

> The police are beginning to take that place in the affections of the people – not just the cooks and housewives but the public at large – that soldiers and sailors used to occupy. The blue coats are becoming the national favourites. Everyone has been charmed during this Great Exhibition by the way in which this new civil power has been effective.
>
> From an article in Punch magazine praising the Metropolitan Police, 1851

The idea of a state police force became an essential part of society as the nineteenth century progressed and the century also saw the origins of the more specialised and resourceful organisation that we are familiar with today. The following **specialised** parts of the modern

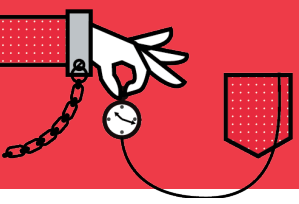**2E. Changes In Crime And Punishment In Britain, c.500 To The Present Day**
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police force had their origins in the nineteenth century.  Each county police force gradually introduced these into its area.

- **The Detective Branch** (1842): the uniformed police were meant to prevent crime but the detectives were used to investigate crimes; they dressed in plain clothes.  In 1878, this was replaced by the Criminal Investigation Department (C.I.D.)

- **The Special Branch** (1883): this was originally set up to deal with the threat from Irish terrorism, but was later expanded to protecting and investigating all potential terrorist threats

- **Photography** (1850s onwards): the police made great used of this developing technology to provide visual images of criminals for the various police forces and in newspapers and magazines

- **Fingerprinting** (1901): this record of establishing unique identity was introduced in 1901 after a series of trials.  A national register soon followed and the crime detection rate increased by over 400% in the first few years



Amela Dyer; Wikipedia Creative Commons
http://bit.ly/2nnIXfA

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### Eduqas GCSE History Component 2: Studies in Breadth

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The setting up of these specialist units is significant – they show the police as a progressive organisation, adapting to changes in society. The pace of change in crime enforcement for many centuries had been very slow: **now it was changing rapidly**.

## SUMMARY OF POLICING DURING THE PERIOD OF INDUSTRIAL CHANGE AND URBANISATION c.1700 -1900

- The old medieval system of policing which had existed for many centuries was gradually replaced during this period

- The main reasons for change were associated with population growth and the effects of urbanisation

- Many early attempts at changing the system were in large cities such as London and were based on the work of individuals such as the Fielding brothers at Bow Street

- A major turning point in crime prevention was the setting up of the Metropolitan Police in 1829 – the first large-scale publicly funded force

- The model of the Metropolitan Police was quickly dispersed to the rest of the country by 1856

- The idea of a government funded police force faced much opposition at first but gradually became accepted

## POLICING DURING THE MODERN ERA, c.1700 TO THE PRESENT: PART B POLICING c.1900 TO THE PRESENT DAY
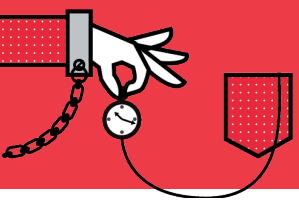
### The changing nature of policing in the twentieth and twenty-first centuries

Even though the pace of change quickened through the nineteenth century, some aspects of policing remained constant. **The basic role of the police remained the same** as those of the old JPs, sheriffs, constables and watchmen – the maintenance of public order (keeping the peace) and the prevention of crime. However, what was now to **change rapidly** were methods and resources available to the police including the advances in forensic science, the use of computer technology, the development of specialist units and skills and changes in transport and communication.

### Developments in policing in the twentieth and twenty-first centuries

One area that has seen much change is in **the size and scope of the police forces** in the UK. Areas to consider include:

**The number of police forces:** in 1900 there were nearly 200 separate police forces, many of which were small and increasingly inefficient. As the twentieth century progressed, the number of forces began to fall to 117 in 1964 and then to 43 in 2000. The main reasons for this reduction are the need to share information and communicate better, to spread manpower

**2E. Changes In Crime And Punishment In Britain, c.500 To The Present Day**
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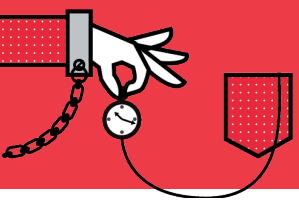and resources more effectively and to be more cost effective

**Police training:** in 1900 police pay was not that attractive, being similar to a skilled manual worker.  The job basically consisted of walking the beat and the only equipment was a whistle and truncheon.  There were huge changes in the twentieth century with pay rises aimed at attracting a wider range of applicants and carefully structured courses in specialist colleges.



Hendon Police; World History Archive / Alamy Stock Photo

**Women in the police force:** one major change from the nineteenth century has been the establishment of women in the police force.  In 2015 around 28% of police officers were women. Women were first used in the police force during World War I and the first official woman police constables were appointed in 1919.  Since then the role of women in the police force has evolved in the same way as the role and status of women in society has developed.  Key dates to consider include:

- 1946: from this date women police officers did not have to resign if they got married

- 1973: women were permitted to become detectives

- 1974: women police officers got equal pay with men

- 1999: women were no longer called WPCs

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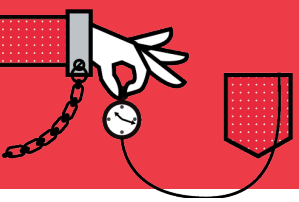### Eduqas GCSE History Component 2: Studies in Breadth

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Female Police; Flickr Creative Commons
http://bit.ly/2nF78lt

**The police and the community:** the nineteenth century police had worked hard to build trust and respect with local communities. This mutual relationship continued well into the twentieth century but the idea of the 'neighbourhood' policeman began to change. The police faced different pressures as the century progressed and there was the feeling that they were becoming too remote from the public. Towards the end of the twentieth century, the idea of community policing was given a boost by various initiatives designed to assist both the police and the community. These developments include:

- **Neighbourhood Watch Schemes**, first introduced in 1982, involving organised groups of local people working with the police to prevent crime in their neighbourhood

- **Police Community Support Officers**, first introduced in 2002 to help tackle minor crime and anti-social behaviour; by 2012 they made up 8% of the police force

- **Crime Prevention Schemes**, set up in the 1990s. These are run by the police and offer advice on personal safety and property security

### *Developments in transport and communication*

One of the biggest changes in policing during the twentieth century was connected with **improved methods of transport and communication**. The pace of change was fast, as criminals made great use of new technology so did the police. **Policing in 1900 was done**

**on foot** – the police patrolled their 'beat.'  As the century progressed this method of policing became less common as the need for faster transport got greater.  Key dates include:

- By 1904, there were **bicycles** being used in over 130 police forces, mostly in rural areas

- The first **police cars** were used from around 1919, but became more common in the 1930s.  The first police driving school was set up in 1935

- More common than cars in the 1930s were **motorbikes**, including those with sidecars, which greatly improved speed and effectiveness

- By the 1970s, the **police patrol car** had become an essential part of policing and the 'bobby on the beat' became less common

> Specially equipped Hillman Imp cars have been supplied to Dunbartonshire police for patrolling the congested holiday traffic routes along Loch Lomond. The cars will carry extensive special equipment and will operate in pairs linked by the latest radio telephones. A special blue and white colour scheme will make the cars very conspicuous.
>
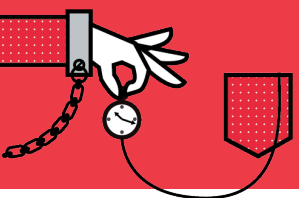> From an article in Autocar magazine, June 1967

- Since the 1980s the larger police forces have had access to **helicopters and light aircraft** which have helped in serious situations of surveillance and tracking

- It should be noted that since 2000, the ever-increasing use of modern technology has been slowed down as the police forces have increased their **foot patrols**, hoping that this would reassure local communities

Together with developments in transport, have come developments in the use of communications.  The police forces in the twentieth century became very pro-active in updating their methods of communication, leading to significant improvements in both prevention and detection of crime.

**Telegraph and telephones:** this type of communication was first used in the late nineteenth century with most police stations linked to their regional headquarters by telegraph by 1900.  **Telegrams** were commonly used in police work.  These gradually became replaced by telephone devices with blue police **telephone boxes** being introduced in the 1920s and the **999 emergency number** was available from 1937.   Since 2000, mobile telephones have revolutionised this kind of direct communication.

> Important fresh evidence to hand. McFarlane's guilt definitely established. Advise you to abandon case.
>
> A telegram sent by Inspector Lestrade to Sherlock Holmes in the short story, The Adventure of the Norwood Builder, 1903

**Radio:** wireless communication was highly significant in the development of police work. The radio was instrumental in the arrest of the infamous murderer **Dr Crippen** in Canada in 1910. The first experiments with mobile radio were in police cars in the 1930s but reception was often poor. However, by the 1960s all police cars had **two-way radio** (walkie-talkies) and most police officers were equipped with mobile radios – well before these became common in society.

**Camera and video technology:** since the mid nineteenth century photography had been extensively used in alerting the public about dangerous criminals, and from 1900 it became essential in investigating cases and providing evidence. The later twentieth century saw huge advances in video technology including CCTV and number plate recognition.

**Computer technology:** the police were also in the forefront of using computer technology to improve and cross-reference data and evidence across forces. **The Police National Computer** was set up in 1974 and was developed to hold huge amounts of data on fingerprints, DNA, motor vehicle records and missing persons. After 2000, the system was upgraded to play a major role in monitoring potential terrorist activity.

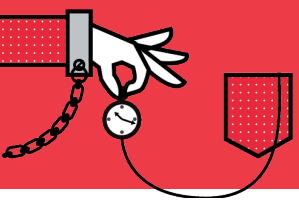## *The growth of police specialisation*

Another aspect of policing that has developed rapidly has been specialisation. Once the various police forces were established in the mid-nineteenth century, there were gradual attempts at arranging **specialised aspects**. The idea of training police officers in specialist work continued in the twentieth century, enabling the police to deal with a particular situation in a specialised way. The specialist branches of the police dealing with detecting crime (CID) and with terrorist threats (Special Branch) continued into the twentieth century but other specialist parts of the police force also developed. These included:

- **The Flying Squad (1919):** set up in London to deal with serious, organised crime

- **The Fraud Squad (1946):** many forces have branches that investigate fraud and other economic offence; since the growth in the internet, much of their work has been connected with identity theft

- **Dog Handling (1946):** trained officers use dogs to help trace people, property, drugs and detect explosives

- **Counter-terrorist Command (2006):** formed from a merger of other branches to prevent and counter the threat from global terrorism

The growth of specialist branches and sections is very important in police work. The nature and types of crime are becoming more varied and complex and the methods of prevention and detection have to also develop and change.

## *The increasing use of forensic science*

Another area where policing has developed is in the use of **forensic science.** The use of **fingerprinting** has continued to be a fundamental part of detection since 1901 and computer technology has seen this evolve until a National Automatic Fingerprint Identification System
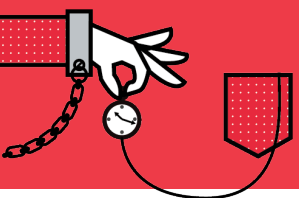
was set up in 1995 to enable police across all forces to compare records of fingerprints.

From the 1930s onwards, the police have increasingly come to rely on f**orensic scientists** to help gather evidence and link people to crimes. This is done by analysing hair, skin and fibres and traces of blood or other bodily fluids found at scenes of crime. **Specialist scenes of crime officers** gather this evidence and take it to laboratories for analysis. The Metropolitan Police Laboratory opened in 1935, followed shortly afterwards by others in Nottingham, Sheffield and Cardiff. One of the first cases where such forensic evidence was successfully used to convict a criminal in the UK was that of the murderer **Buck Ruxton** in 1936.



Buck Ruxton; Wikimedia Creative Commons
http://bit.ly/2n0csmF

While fingerprinting remains an essential tool in crime detection, since the 1980s the police have increasingly depended on forensic scientists being able to use **DNA** found at crime scenes. Sometimes called **'genetic fingerprinting'** the use of DNA in policing was first used to convict murderer **Colin Pitchfork** in 1988. Just as significant was that the DNA profiling was able to clear the prime suspect in the case who might have been wrongly convicted if not for DNA. In 1995, the National DNA database was set up to store DNA evidence.

# 2E. Changes In Crime And Punishment In Britain, c.500 To The Present Day
**Eduqas GCSE History Component 2: Studies in Breadth**

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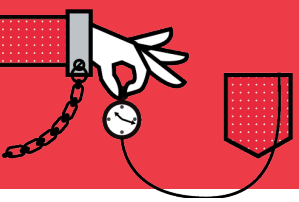## SUMMARY OF POLICING DURING THE MODERN PERIOD c.1900 TO THE PRESENT DAY

- The role of the police has remained the same since medieval times – to try to prevent crime and to catch criminals after crime has been committed

- It is still essential to the police to have the trust, respect and support of the public

- Since 1900 the pace of change in the methods of policing has been very fast – the modern police force has seen great changes in a number of areas

- There have been changes in the size and scope of the police forces

- There have been dramatic changes in the use of transport and communication technology

- The police have become more specialised and skilled in dealing with particular crimes

- The police have come to rely increasingly on forensic science to gather evidence and obtain convictions

## CHANGES IN PUNISHMENT OF OFFENDERS

In this section, it is important that students have an understanding of:

- the way in which attitudes to punishment have changed over time

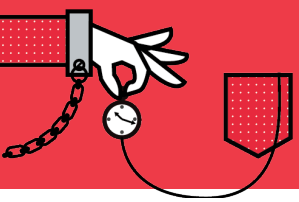- how methods of punishment have changed over time

Before studying methods of punishment and their particular aims, it would be worth considering briefly different attitudes to punishment over time. This table gives a brief introduction:

| Purpose of punishment | When | Explanation |
|---|---|---|
| Retribution | The oldest purpose of punishment, going back to pre-Christian times; retribution was an essential part of all punishments up to the twentieth century | Based on the Old Testament idea of 'an eye for an eye': the idea that punishment should fit the crime; often associated with physical punishment |
| Deterrence | Another aim of punishment which has existed since pre-Christian times and remains an essential part of punishment today | Based on the idea that the potential criminal is 'deterred' (scared) and so decides not to commit a crime: there is an argument that being caught is a bigger deterrent than being punished |
| Public punishment | Public punishment was very common from medieval times up to the eighteenth century; it died out in the mid-nineteenth century | Based on two basic ideas:<br><br>a deterrent so people could see what would happen to them<br><br>as the punishment was in public; there would be an element of humiliation for the criminal and the family |
| Banishment | Used mostly as a punishment from the later eighteenth century until the mid-nineteenth century | Also known as transportation, this was based on the idea of banishing criminals to British colonies in the United States and Australia |
| Rehabilitation | Usually associated with prison and became more common from the nineteenth century | Based on the ideas of instilling discipline and reforming offenders |
| Restitution | Has an element of continuity: it was a feature of Saxon punishment and has been revived in the twentieth century | Based on the idea that offenders should have to give something back to the society or victims that have been wronged |

## PUNISHMENT IN THE SAXON AND MEDIEVAL ERA, c. 500-1500

*The harsh nature of punishment in Saxon and medieval times*

The violence that characterised society can also be seen in the punishments used at this time. Saxon and medieval punishment had several **purposes**:

- **Deterrence:** throughout this period it was believed that the only way to keep order was to make sure that the people were scared of the punishments given for crimes committed.

- **Retribution:** this can also be seen as revenge – both for wider society and for the victims of the crime.  This was a very old idea that went back to Biblical law.

- **Keeping order:** the authorities were keen to maintain order and ordinary people in medieval times were also anxious to avoid unrest and the trouble it caused.

The punishments used in this period appear barbaric by modern standards but they were very common and were seen all over Britain.  Examples included:
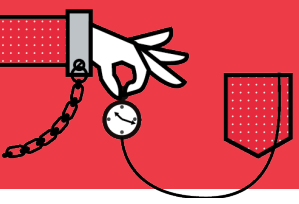
| Crime | Punishment |
|---|---|
| High treason | Hanging, drawing and quartering |
| Murder | Hanging |
| Heresy | Burning at the stake |
| Vagrancy | Flogging or whipping |
| Theft | Mutilation |
| Drunkenness | Stocks |
| Selling bad food | Pillory |
| Gossiping | Scold's bridle |

The majority of punishments were carried out in public.  This was to act as a deterrent and also to give the public reassurance that justice was being done.  Most towns had a gibbet where the corpses of executed criminals were left as a warning to others.

The level of violence used in these punishments can appear shocking but it was a constant feature of punishment in medieval times and was carried on into the Tudor and Stuart centuries.

## SUMMARY OF SAXON AND MEDIEVAL PUNISHMENT

- Punishment was based on deterrence and retribution

- Most punishments were carried out in public

- Most punishments were violent and barbaric

**2E. Changes In Crime And Punishment In Britain, c.500 To The Present Day**
**Eduqas GCSE History Component 2:  Studies in Breadth**

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## PUNISHMENT IN THE EARLY MODERN ERA, c.1450 - 1750: TUDOR AND STUART TIMES c.1500 -1700

The Tudor and Stuart period saw **little real change** in how criminals were punished.  Deterrence, retribution and keeping order remained the main purposes of punishment.  The increase in the crime rate meant that many **more punishments were carried out in public**, especially those given to vagabonds and to heretics.

Public punishment was important to the governments in the sixteenth and seventeenth centuries.  **The public could see the consequences** of wrong-doing which would hopefully act as a deterrent.
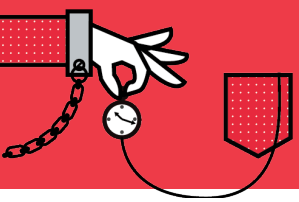
Minor offences were still dealt with by the medieval devices of **stocks and pillory**.  These were still used in each village or town to punish offences such as drunkenness, swearing and cheating customers.  Those put in the stocks and pillories were ridiculed by their neighbours and could be pelted with waste and rotten food.  These were largely effective at dealing with minor crimes and their use lasted until well into the nineteenth century.

More serious crimes were still punished by **flogging or whipping**.  Thieves were often flogged and the new Tudor laws against vagrancy meant that rogues and vagabonds could also be flogged through the streets of a town. Mutilation became less common, but **branding** was still used occasionally on persistent beggars.



Vagabond being punished in the 1530s; Wikipedia Creative Commons
http://bit.ly/2m0KSpP

**Public execution** also continued to be a common feature of punishment in the sixteenth and seventeenth centuries.  This was the accepted punishment for those crimes that the authorities considered to be serious or threatening to the order of society such as treason, riot, murder, and arson or counterfeiting.  Public execution was also used to punish those accused of heresy.

The most common form of execution continued to be **hanging** and most towns had gallows where hangings were carried out in public. Treason was punished by **hanging, drawing and quartering**. People of a higher class who had committed serious offences were sometimes beheaded.

> The greatest and most grievous punishment used in England for those who offend against the State is pulling from the prison to the place of execution upon an hurdle or sled, where they are hanged till they be half dead, and then taken down, and quartered alive; after that, their limbs and bowels are cut from their bodies, and thrown into a fire within their own sight.
>
> A Tudor politician writing in a report on punishments in the 1580s

During the reign of Queen Mary (1553-1558) nearly 300 Protestants were **burnt at the stake** for heresy and there were around 130 executions of both Catholics and Puritans under her sister Elizabeth (1558-1603). Executions for religious crimes were not common in the seventeenth century with the authorities often mutilating offenders. In the 1630s there were several high-profile mutilations of religious protestors who had their ears cut off including William Prynne in 1637.
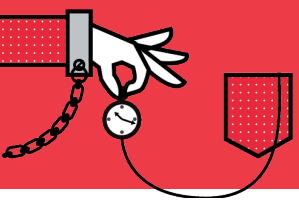
**Prisons** existed during the sixteenth and seventeenth centuries but they were mainly places of detention for holding offenders before other punishments would be carried out. These were often secure rooms or dungeons in castles or fortresses. The Tower of London was used as a prison to hold many opponents of the Tudor monarchs such as Sir Walter Raleigh. From the 1570s, beggars were sometimes held in **houses of correction** or Bridewells which aimed to reform them by making them do supervised work. There were several in London and also examples in Ipswich and Norwich.

## SUMMARY OF PUNISHMENT IN TUDOR AND STUART TIMES

- There was much continuity between this period and medieval times

- Punishment in this period continued to be based on retribution and deterrence

- Most punishments were still carried out in public.

- Punishments were often brutal and still used violence and humiliation.

- Prisons existed at this time but were mainly used for holding offenders before punishment

## PUNISHMENT IN THE MODERN ERA, c.1700 TO THE PRESENT: PART A PUNISHMENT IN THE PERIOD OF INDUSTRIAL CHANGE AND URBANISATION c.1700 -1900

During the first half of the eighteenth century, there was little change in either the purpose or the methods of punishment. However, there was a **gradual change** in attitude during this period which saw a shift away from brutal punishments to those based on the idea that punishment

**2E. Changes In Crime And Punishment In Britain, c.500 To The Present Day**
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should **fit the seriousness of the crime** and that it should also aim to **help criminals build better lives.**

## *The use of transportation*

One of the major changes in punishment in the eighteenth century was the introduction of **transportation**. This was based on the idea of banishing criminals from the country. It was introduced as an alternative to the death penalty. It was first used in 1678 when convicted criminals were sent to work in British colonies in North America and the West Indies. In 1717 an Act laid down a formal system of transportation with sentences of seven years, fourteen years or life. Convicts would be transported to **penal colonies** to work. Transportation was introduced for many reasons:
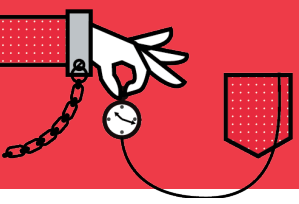
- Hanging was often the only punishment for many crimes that were not that serious such as theft; in cases like these judges would let off offenders. A more appropriate punishment was needed

- One option was to put offenders in prison, but building and maintaining enough prisons would be expensive

- Britain's overseas empire was growing; there was a need for workers to work on farms and plantations

- It was hoped that criminals would be reformed by the experience of hard work

- Transportation meant that dangerous and undesirable people were removed from the country

Between 1717 and 1776, over 30,000 criminals were transported to **North America** to work on plantations in areas like Virginia and Maryland. This only stopped when the American War of Independence broke out in 1776 and the American colonies refused to take any more British convicts. This caused problems in Britain as there was no real alternative to transportation for a few years. One solution was to use **hulks**. These were old and rotting ships anchored offshore in rivers and estuaries which were used as temporary prisons while a new place for transportation was sought. Workers were taken ashore to work but on board conditions in the hulks were appalling.

> In the very hot summer nights the heat between decks is so oppressive as to make the stench intolerable. It causes the miserable inmates to frequently strip off every scrap of clothing and gasp at the port-holes for a breath of fresh air.
>
> From a report written by a prison chaplain after visiting a hulk in the 1770s

Captain Cook's discovery of **Australia** in 1770 provided an alternative destination for transporting convicts and in 1787 the first fleet of eleven ships carrying 736 convicts (including 200 women) set sail on the eight month voyage to Australia. The ships arrived at **Botany Bay** in New South Wales in January 1788. Between 1787 and 1867 over 160,000 convicts were transported to Australia - around 2000 each year. As well as Botany Bay, there were penal colonies on Norfolk

**2E. Changes In Crime And Punishment In Britain, c.500 To The Present Day**
Eduqas GCSE History Component 2:  Studies in Breadth

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Island and in Queensland and Tasmania (Van Diemen's Land).  Hulks continued to be used as holding prisons for prisoners awaiting transportation.

## A STUDY OF THE HISTORIC ENVIRONMENT OF BOTANY BAY

In studying the historic environment of Botany Bay, it is important to understand the historical context which led to the setting up of the penal colony.  The historical context involves understanding of:
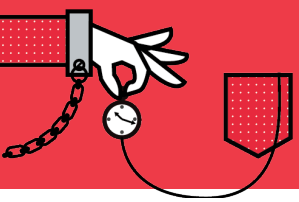
- The Transportation Act of 1717 which set up the system of sending convicts to penal colonies

- The need to find new destinations for criminals sentenced to transportation after 1776

- Overcrowding in prisons and hulks in Britain

- The need for workers to help cultivate and colonise isolated and unpopulated areas



Botany Bay; Wikipedia Creative Commons
http://bit.ly/2mte4C9

A study of the historic environment should involve knowledge and understanding of the main features of the penal colony.  These will include:

- The original settlement of Botany Bay was soon seen as too barren and lacking water for settlement.  The transported convicts were moved a few miles up the coast to **Port Jackson** where the colony was finally established

- On arrival, **convicts were assessed** for their health and skills.  Some worked within the penal colony, others were assigned to private individuals working in the area.  These were usually farmers and free-settlers, but some were ex-

convicts who had served their sentence and stayed on in Australia

- Examples of the **work undertaken** included farm labouring, domestic service and working in labour gangs. Those convicts with skills such as masonry or carpentry were regarded as the most valuable

> The number of women employed in the factory under Mr Oakes the superintendent is one hundred and fifty – they have seventy children. There is not any room in the factory that can be called a bed-room for these women and children. There are only 2 rooms and they are both occupied as workshops, over the gaol, almost 80 feet long and 20 wide. In these rooms there are forty six women daily employed, 24 spinning wheels on the common wheel and twenty two carding. There are also in them the warping machine etc. belonging to the factory.

Samuel Marsden, an inspector, describing a factory for female convicts in Parramatta in 1812
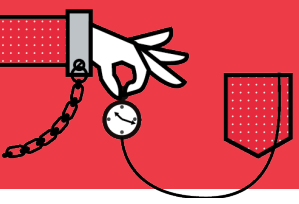
- **Conditions** in penal colonies like Botany Bay were generally poor. Food was usually bad and insufficient. Knives and forks were forbidden so convicts had to eat with their hands. They slept on wooden boards or shelves in huts or sheds. Punishment was extremely harsh with floggings and beatings for the most minor offences

- Convicts were transported under the Act of 1717 for periods of seven years, fourteen years or life. Convicts who had shown good behaviour and attitude could apply for a **Ticket of Leave** which gave them the freedom to work and live in another part of the colony

- Once the sentence of seven or fourteen years had been served, convicts were either granted a conditional **pardon** which set them free but not to return to Britain or an absolute pardon which gave them the right to return home

Penal colonies such as Botany Bay were very **significant** in the history of crime and punishment. Reasons for this include:

- Early experiments with the silent and separate systems were carried out in penal colonies in Australia

- The actual experience of transportation was the first real organised attempt at rehabilitating convicts

- Many convicts took the opportunity for self-improvement, either in Australia or back in Britain

### The ending of transportation

From around the 1830s, the British government was concerned over the punishment of transportation. The feeling was that it was an expensive punishment and that it was not enough of a deterrent. Also, the growing Australian state was beginning to resent having dangerous British criminals dumped on its territory. Transportation began to decline in the 1840s **and the last convicts arrived in Western Australia in 1868.** The focus of punishment now shifted

**2E. Changes In Crime And Punishment In Britain, c.500 To The Present Day**
Eduqas GCSE History Component 2:  Studies in Breadth

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largely to **prisons**.

## SUMMARY OF TRANSPORTATION

- This was based on the idea of banishing criminals from the country

- From 1717, prisoners were sent to penal colonies in North America

- After 1776, prisoners were detained on hulks

- From 1778-1868, prisoners were transported to Australia

- Transportation could be for seven years, fourteen years or life

- Transportation was the first real organised attempt at rehabilitating convicts

### The need for prison reform

The greatest change in punishment methods in the nineteenth century was the **increasing use of prisons**.  There were several main reasons for this change:

- the gradual abandonment of transportation

- the reduction in capital crimes – those for which a judge could give the death penalty

- a belief that most criminals could be reformed given the right punishment
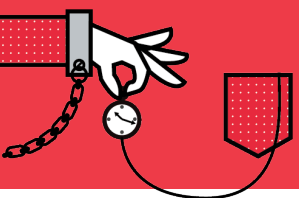
### Reform of the Criminal Code

The Criminal Code was basically the list of **crimes that were punishable by death**.  The number of these crimes had been built up from around 50 in 1500 until in 1815, there were over 220 of these including many minor offences such as stealing sheep or rabbits or pickpocketing goods worth more than 1 shilling.  The idea of having so many offences punishable by death was based on the concepts of deterrence and retribution but increasingly juries were unwilling to convict people as the punishment of death did not fit the severity of the crime.  Even if the person was convicted, the death penalty was not often carried out.  So in many cases, **justice was not being done**.

> A man who has picked a pocket of a handkerchief is punished with the same severity as if he had murdered a whole family.  No one should be punished with death except in cases of murder.
>
> Sir William Meredith, an MP in a speech in Parliament in 1770

A leading campaigner in reforming the Criminal Code was an MP, **Sir Samuel Romilly**.  His work started a process of reform which led to a great reduction of the number of capital crimes.

- In 1808 the death penalty was abolished for pick-pocketing

- In 1823 The Home Secretary, Robert Peel, abolished the death penalty for over 100 crimes

## 2E. Changes In Crime And Punishment In Britain, c.500 To The Present Day
### Eduqas GCSE History Component 2: Studies in Breadth

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- In 1832 the death penalty was abolished for another 100 offences

- By 1861, the number of crimes punishable by death had been reduced to just five: treason, murder, espionage, arson in royal dockyards and piracy with violence

## Changes in public execution

Serious crimes were still all punished by hanging in public, but another notable change **in 1868 saw an end to public execution**. Since medieval times, regular executions in public had always attracted large crowds and these often fought and behaved badly. There was also the fear that hangings in public, rather than acting as a deterrent, sometimes made heroes or martyrs out of those hanged. As the nineteenth century progressed, there was also the growing feeling that **hanging criminals in public was not civilised** and that the most extreme punishment should take place inside prisons only.

> Sir — I was a witness of the execution at Horsemonger-lane Gaol this morning. I believe that a sight so inconceivably awful as the wickedness of the immense crowd collected at that execution this morning could be imagined by no man. The horrors of the crime which brought the murderers to it faded in my mind before the atrocious looks and language of the assembled spectators. Thieves, prostitutes, ruffians and vagabonds of every kind, flocked to the ground, with every variety of offensive and foul behaviour. I do not believe that any community can prosper if such a scene of horror and demoralization as was enacted this morning outside Horsemonger-lane Gaol is allowed to be repeated.
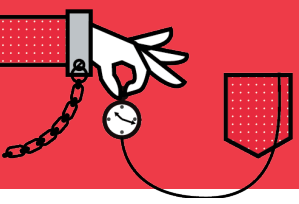
> Charles Dickens, the novelist, writing in a letter to The Times newspaper after attending the execution of Marie and Frederick Manning 13th November 1849

Dickens' attitude to public execution is linked with the gradual change in attitude regarding the general purpose of punishment. The idea that punishment should be associated with public humiliation was no longer commonly held. Many people began to believe that, with the correct punishment, **criminals could be turned into law-abiding persons**. This had been partly the idea behind the pardon system which formed part of transportation.

The gradual reform of the criminal code and the reduction in transportation together with the development of a more humane attitude to punishment can be seen together as reasons for the **increasing use of prisons** as the nineteenth century progressed.

## Prison reform

The greatest change in methods of punishment in the nineteenth century was the increase in the number of convicted criminals that were given **prison sentences**. While the main changes were actually seen in the mid nineteenth century, the pressure to use prison sentences more extensively had been building up for decades. A belief gradually evolved that as well as being used as a deterrent and as retribution, punishment should be more focused on instilling discipline and **rehabilitating (reforming) offenders**.

## 2E. Changes In Crime And Punishment In Britain, c.500 To The Present Day
### Eduqas GCSE History Component 2: Studies in Breadth

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One earlier way of trying to achieve this was through transportation and another was through the increasing use of prison sentences. The idea of using prisons as punishment was not new, but it took many decades before it was seen as a serious method to be used extensively.

Before the eighteenth century, prisons existed but these were seen not so much as a punishment but more as **a place to hold people** before they were tried, before they were punished, before they were released or if they owed money to others. Prisons were often called **gaols** and were run by **gaolers**. These received no salary and depended on forcing money from prisoners. Conditions were appalling and prisoners were brutally treated in most gaols. Towards the end of the eighteenth century some far-sighted people began to consider ways of reforming the whole prison system as a method of punishment. **Each of these individuals was significant** in changing attitudes to prisons and encouraging reform.
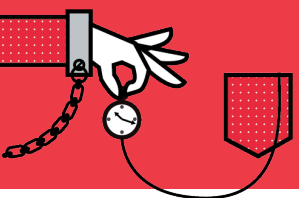
### *John Howard*

Howard was the High Sheriff of Bedfordshire and as part of his role he carried out a survey of the conditions of prisons. His influence saw a couple of minor acts passed to improve prisons in 1774, but these were not really enforced so he carried on his work. He published some of his shocking findings in 1777 in a book called The State of Prisons in England and Wales. Among his findings were that:

- **Prisoners were not separated** in many prisons; for example debtors were mixed with more serious offenders, there was rarely any separation by age or often by gender

- Prisoners were often forced to stay in prison even if they were found not guilty as they couldn't **pay the discharge fee** demanded by the gaoler

- Many prisoners and gaol staff died from **jail fever** – a form of typhus (John Howard himself died of this in 1790 after visiting a prison in Russia)

Howard believed that prisons should be used to reform criminals and that prisoners should be kept mostly in solitary confinement to prevent bad influences. **Howard's views were very influential** among politicians. The leading pressure group for penal reform today is called The Howard League for Penal Reform.

> I saw two dirty day-rooms and three offensive night-rooms: that for men was eight feet square; one of the women's, nine by eight; the other was only four and a half feet square. The straw, worn to dust, swarmed with vermin; there was no latrine court and no water accessible to prisoners. The minor offenders were chained in irons. At my last visit, eight prisoners were women.
>
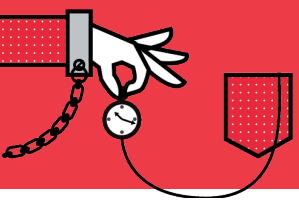> Part of John Howard's description of Abington Gaol in 1776

### Sir George O. Paul

One of the people influenced by Howard was George Paul, who was High Sheriff of Gloucestershire.  In 1784 he wrote a report called Thoughts on the Alarming Progress of Gaol Fever and he then went further than Howard and devised a reform system based on **the construction of a new type of prison**.  He employed the architect William Blackburn to design and build a prison at Gloucester based on four key principles:

- **Security:** the building was polygonal and surrounded by a five metre high wall

- **Health:** the prison had an isolation section to check for disease, an exercise yard and had good ventilation

- **Separation:** Paul agreed with Howard on the benefits of separation; the prison was divided into a gaol for those awaiting trial and a penitentiary for those found guilty; also males and females were separated

- **Reform:** prisoners were to be reformed through work, education and religion; the prison had a chapel and workrooms and prisoners were taught to read from religious books.

**The designs of Paul and Blackburn were highly influential** and later used to design and build many new prisons in England and Wales.

### Elizabeth Fry

**Prison conditions for women** were as bad as those for men. There was the same chaotic mixing of those awaiting trial and those convicted. Women prisoners were just as mistreated by gaolers. Fry was a devout Quaker who visited the women's section of **Newgate Prison** in London in 1813 and was horrified at the conditions she saw.  She began a campaign to improve prison conditions for women.  This campaign resulted in the appointment of female warders; the establishment of schools for women prisoners and their children and the introduction of work such as needlework.  Unlike John Howard, she was against the idea of solitary confinement, believing more in the benefits of being with others, but she agreed with Paul about the role of religion in changing people's lives. **Her views on work and religion were listened to by many people** and she is still a well-remembered person and commemorated on the modern £5 note.

## 2E. Changes In Crime And Punishment In Britain, c.500 To The Present Day
### Eduqas GCSE History Component 2: Studies in Breadth

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Elizabeth Fry; World History Archive / Alamy Stock Photo
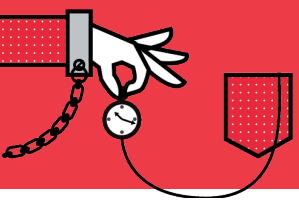
## SUMMARY OF THE BACKGROUND TO PRISON REFORM

- There were several factors that led to the increasing use of prison

- There was a gradual abandonment of transportation

- There was a reduction in capital offences

- The belief grew that most criminals could be reformed

- The work of several individuals was very influential in popularising prison reform

### *Attempts to reform prisons from the mid nineteenth century*

The pressure for reform of prisons began to grow during the nineteenth century. The first significant national change came in 1823 when Parliament passed a Prison Act in 1823. This made rules with regard to security and sanitation and gave a salary to gaolers. There were to be attempts to reform and classify prisoners. Prisons had to be inspected by local JPs who would report on their condition and progress. This Act was the first attempt at bringing some order to the prison system.

In the decades following the 1823 Act, **increasing amounts of convicts were sentenced to prison terms as punishment**. In prisons in England and Wales, two types of prison regimes became common. The basic idea behind each of these was to try and reform the prisoners and encourage them to live better lives. The two methods were the **Silent System** and the **Separate System.**

The **Silent System** was commonly used in many nineteenth century prisons.  As the name suggests, the prison sentence was to be largely spent in silence.  Prisoners were allowed to assemble together for food or for work but the main idea behind the Silent System was to prevent prisoners being a bad influence on each other.  Another feature of the Silent System was to give prisoners boring and pointless tasks.  Examples of these tasks included oakum picking, the treadwheel and shot drill.  This would make the prison experience as unpleasant as possible and act as a deterrent.

> A prisoner at each row end raises his hand and the passing of the heavy shot begins again.  One hundred prisoners shuffle back and fore in silence. There were no voices except those of the warders. 'Keep your knees straight', 'Hold the shot out from your body', 'Lay that shot down quietly', 'No supper for you tonight.
>
> A prisoner recalling shot drill in a prison in the 1860s

The Prison Act of 1839 preferred the new prisons to adopt the **Separate System**, the regime that had been proposed by reformers such as John Howard and George Paul.  In the Separate System, prisoners were kept in **individual cells** where they worked on machines such as the crank, and received religious instruction from a visiting clergyman.  It was believed that this would give prisoners time to think and reflect on the advice given.  Prisoners would only leave their cells for religious services or for exercise and on these occasions they wore masks and were silent.

The designs of William Blackburn continued to be an influence and a model prison for the Silent System was opened at **Pentonville** in London in 1842.  More than fifty others had adopted the system by the end of the 1850s.

As the nineteenth century progressed the high hopes that reformers had of using the prison system to reform prisoners faded.  Neither the Silent System nor the Separate System had delivered the results that were expected.  The rate of prisoners **re-offending** after release had not gone down and there was evidence of many prisoners committing suicide or going insane in prison.
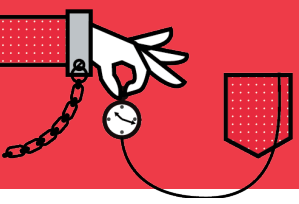
As the two systems became discredited, the government decided to abandon the idea of reform and returned to **deterrence by using harsh methods**.  In 1865 the Penal Servitude Act ruled that all prison sentences should be characterised by:

**Hard labour:** at least three months of hard, monotonous work

**Hard fare:** diet of mainly bread and water and corporal punishment for rule-breakers

**Hard board:** prisoners were to sleep on narrow board beds

The final change of the nineteenth century was the Act of 1877 which placed all prisons under the control of the government, becoming 'Her Majesty's Prisons.' Around 115 prisons could now be controlled centrally.

## SUMMARY OF PRISON REFORM IN THE NINETEENTH CENTURY

- The first effective prison Act was in 1823

- In the mid nineteenth century attempts were made to use prison systems to reform criminals

- Two common systems used were the Silent System and the Separate System

- These systems didn't work effectively and as the century progressed prisons concentrated on harsh conditions

- From 1877, all prisons were placed under the control of the government

## PUNISHMENT IN THE MODERN ERA, c.1700 TO THE PRESENT: PART B PUNISHMENT c.1900 TO THE PRESENT DAY

### Changing attitudes to punishment in the twentieth century

There were **major changes** in the attitudes to punishment in the twentieth century.  Prison **continued** to be used as a deterrent and as a way of isolating criminals from the society that they had wronged.  However, there was a **clear shift** in attitude away from the toughness of the systems used in the later nineteenth century.  The idea of punishment used for rehabilitation was not new, but it became much more common as the century progressed.  Features of this change in attitude included:

- The ending of corporal and capital punishment

- Different methods of dealing with young offenders

- Introduction of alternatives to prison sentences

### Abolition of corporal punishment

The idea that punishment should involve inflicting pain on the offender went back to Saxon and medieval times.  This was associated with the idea of retribution.  Earlier societies had encouraged whipping, branding and the use of the stocks and pillory.  While the use of the stocks and pillory had died out in the nineteenth century, the opportunity for judges to order offenders to be whipped carried on into the twentieth century.  Its use had been reduced drastically for adult men, but it was still sometimes ordered for robbery or violence. Meanwhile, juvenile male thieves could still be sentenced by local courts to whipping by **the birch** in many towns. These punishments were almost always combined with a term of imprisonment, and were carried out privately in prison.  In 1948, Parliament finally ordered that **whipping was ended** as a punishment option (although it was not banned as a punishment in schools until 1986).

## 2E. Changes In Crime And Punishment In Britain, c.500 To The Present Day
### Eduqas GCSE History Component 2: Studies in Breadth

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A sentence of six strokes of "the Cat" and seven years' penal servitude was passed at the Old Bailey this afternoon on William Howard, aged 23, a seaman, of Tottenham, for an armed raid on a South London public house. Mr. Justice Birkett, passing sentence, said: "The public must be protected from men like you. You must learn, and all of like mind must learn, that those who go about armed on lawless and violent adventures must expect no mercy when they are brought before a Court of Justice."

From a report in the London Evening News on May 8th 1947. This was one of the last cases of whipping being used as a punishment.

### Abolition of capital punishment

Since Saxon and medieval times, capital punishment – the use of **execution** – had been used for the most serious offenders. Attitudes to capital punishment had shifted during the nineteenth century leaving only murder and treason punishable by death by the end of the century. Some reformers at this time wanted to see an end to capital punishment but abolishing it was not really a well-supported idea as the twentieth century began.

Opposition to the use of capital punishment slowly grew with strong opinions on each side. Attitudes began to shift clearly in the mid twentieth century when there was huge media interest and popular discussion about particular cases each of which had involved use of the death penalty. Each case was unique in its own way and each case only heightened the call for execution to be abolished as a punishment. The cases involved:

**Timothy Evans (1950):** hanged for murders that he did not commit

**Derek Bentley (1953):** hanged for a murder carried out by his juvenile accomplice

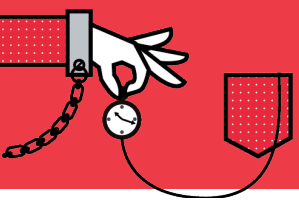**Ruth Ellis (1955):** hanged for the murder of her lover in circumstances some saw as a 'crime of passion'

Each of these cases and others highlighted by abolitionists strengthened the case for scrapping the death penalty. The last hangings in Britain were carried out in 1964 and in 1965 the **Abolition of the Death Penalty Act** was introduced for a trial period and made permanent in 1969. Capital punishment in Britain had finally been ended.

The brutal murder of John West in Cumbria in April 1964 was not a crime that many people would have heard about: those responsible were caught pretty quickly and there was not a major manhunt or anything like that. But the fact it led to the last two executions in the country makes it memorable and gives it its own place in our history.

Barry Lees, a lecturer in policing at the University of Cumbria, 2014

### Changing methods of dealing with offenders in the twentieth century

The debate over the use of prisons continued into the twentieth century. There were many reasons why the prison system had to develop further:

**2E. Changes In Crime And Punishment In Britain, c.500 To The Present Day**
Eduqas GCSE History Component 2:  Studies in Breadth

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- Whether prison should be used for punishment such as hard labour or whether it should be used to rehabilitate prisoners.

- What punishment should replace the death penalty for the most serious offences

- How young offenders should be dealt with

- Whether prison should be used for some offences at all

### Major changes in prisons in the twentieth century

Gradually, prisons have been divided into **several categories** depending on the age, gender and offence of the prisoners.  **Category A** prisons are for prisoners who require maximum security and whose escape would be highly dangerous to the public.  Prisoners who would have been given the death penalty are housed in these prisons. **Category D** prisons where prisoners can be trusted not to escape and where certain privileges are granted.

Category D prisons are often described as **'open prisons.'**  The idea of this type of prison began in the 1930s and continued after World War II as a way of relieving pressure on closed prisons that were getting overcrowded.  Open prisons are used for non-violent offenders with a low risk of trying to escape.  Their aim is to use work experience and education to resettle prisoners back into society.  While open prisons are much cheaper to run than closed prisons, they have been criticised for being a 'soft' form of punishment.
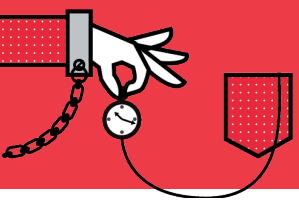
> I've got guys in here who have never actually seen pound coins. One prisoner was sentenced to life in 1959. We have to help them to deal with the massive changes in society since they have been in prison. If you think how much the world changes in 10, 15 or 20 years, we've got many people who have been inside longer than that. Those are the prisoners that open prisons serve best. It's about reintegrating them back into the community, breaking them back into society gently.
>
> Graham Batchford, governor of North Sea Camp open prison in Lincolnshire, 2011

**Women prisoners** were treated very differently in the modern age with many of the features being based on the ideas of nineteenth century reformers such as Elizabeth Fry.  Women are now housed in separate prisons or parts of prisons. Accommodation is secure but hygienic.  A variety of educational courses are now offered and family liaison is seen as a priority.  In contrast to the prison system as a whole, the treatment of women offenders is seen as a success.  In 1910 nearly 20% of prisoners were women: in 2010 this was down to 5%.

### Dealing with young offenders

Crime committed by young people or **juveniles** had been a problem for the authorities for many centuries.  Elizabeth Fry was also concerned with juvenile crime and popular literary works like Oliver Twist further publicised the problem.  Up until the nineteenth century juveniles were usually treated in the same way as adults, but from the 1850s there were a series of reforms that established **Reform Schools** which aimed to separate offenders aged 10-15 from their home environment.  These were later called **Approved Schools** and lasted until well into the

1970s when they were replaced by the use of **Community Homes**.

In 1902, an experimental school to try to reform repeating offenders aged 15-21 was started at **Borstal** in Kent. It was designed to be educational rather than punitive.  The focus was on routine, discipline and respecting authority.  The plan for more such schools, now all called Borstals, was extended in 1908.

There were mixed views about the effectiveness of such institutions and their regimes. Eventually Borstals were abolished in 1982 and replaced by a system of youth custody which was served in **Detention Centres** or later **Young Offenders Institutions**.  Depending on the seriousness of the offence and their age, young offenders can also be given a custodial sentence at Secure Training Centres or even in Juvenile Prisons.

The variety of establishments used in the twentieth century for punishing young offenders shows how many different methods have been used. However, while the system or the name of the institution may change, **the purpose remains largely the same**.  The system of dealing with young offenders is still designed to punish by removing liberty and separating from home environment, but is also designed to encourage self-respect and self-discipline and develop skills to prepare for employment on release.

### *Alternatives to prison*

Prisons as a punishment continue to be a vital part of the justice system but as the twentieth century has progressed these have faced increasing problems including those of overcrowding and expense.  These figures show how the overcrowding problem has got worse during this period.
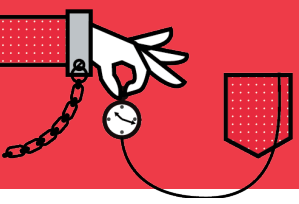
| Year | Number in prison |
|------|------------------|
| 1910 | 20,000 |
| 1935 | 12,000 |
| 1960 | 25,000 |
| 1985 | 42,000 |
| 2010 | 83,000 |

Official statistics from the Ministry of Justice, 2012

The increasing problems have made it difficult to reform or rehabilitate offenders and various governments in the later part of the twentieth century have tried different ways to punish offenders without sending them to prison or by reducing their sentence.  These include:

**Probation:** this was introduced in 1907.  The offender followed a set of orders, kept in touch with their probation officer and reported regularly to the police.  From the 1980s, offenders on probation also had to attend courses to discuss issues and get help.

**Suspended prison sentences:** introduced in 1967, the offender does not go to prison unless he or she commits another offence during the period of suspension.
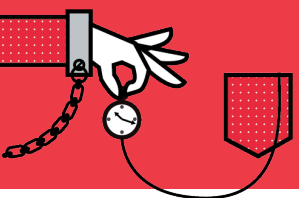
**Parole:** introduced in 1967. This allows a prisoner to be released before the end of their sentence as acknowledgement of their positive behaviour in prison. Prisoners on parole follow a similar set of orders as those on probation.

**Community Service:** this system was introduced in 1972. Offenders were required to do a number of hours of unpaid work to benefit the community. This could involve removing graffiti, removing rubbish and gardening projects.

**Electronic tagging:** this was introduced in the 1990s. Offenders are given certain conditions regarding their movements at certain times: they must wear an electronic tag which allows the police to monitor their exact movements. The idea of curfew is very old, going back to medieval times, and shows a strong element of continuity in this aspect of punishment.



Community Service; Graham Prentice / Alamy Stock Photo

**2E. Changes In Crime And Punishment In Britain, c.500 To The Present Day**
**Eduqas GCSE History Component 2: Studies in Breadth**

eduqas

## SUMMARY OF PUNISHMENT DURING THE PERIOD c.1900 TO THE PRESENT DAY

- The role of punishment has changed in the modern age: whilst it has to remain a deterrent, there is a great focus on reform and rehabilitation

- Both capital and corporal punishment have been abolished

- The modern prison system is facing huge pressures from overcrowding and expense

- There have been changes in the prison system including categorisation and ways of dealing with young offenders

- There have been many attempts to devise alternative methods of punishment to using prisons