Changes in Crime and Punishment

c. 1500 to the present day

Six modules and key questions:

1. **Causes of crime**: what have been the main causes of crime over time?

2. **Nature of crime**: How has the nature of criminal activity differed and changed over time?

3. **Enforcing law and order**: How has the responsibility of enforcing law and order changed over time?

4. **Methods of combatting crime**: How effective have methods of combatting crime been over time?

5. **Attitudes to punishment**: Why have attitudes to punishment changed over time?

6. **Methods of punishment**: How have methods of punishment changed over time?
Module 1: Causes of Crime

**Vagrancy** - Wandering from place to place without a settles home or job.

**Heresy** - Religious opinions or views that contradict the official religion of the country.

**Impotent poor** - those genuinely unable to work.

**Able-bodied poor** - those capable of work but who were unwilling to find employment

**Causes in a nutshell.....**

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16th and 17th centuries

2 main causes of crime: Economic (poverty) and religion

During the 16th century there was a sharp rise in poverty and in the number of people classified as poor. There were two types of poor, impotent and able bodied.

What caused the growth in poverty?

• Bad harvests
• Changes in farming methods
• Rack renting (rented land prices increased)
• Rural depopulation
• End of the foreign wars (demobilised soldiers looking for work)
• Changes in the cloth industry
• Rising population (more competition for jobs and land)
• Rising inflation (increased taxes to pay for foreign wars)
• Dissolution of the monasteries

Many left their homes in the countryside to find work in nearby towns, which is known as vagrancy. Unable to find work, many vagrants were forced into begging for food and money and often resorted to petty stealing and fraud. This became a serious problem during the reign of Elizabeth I.

There was also an increase in the crime of heresy. This was largely caused by the Protestant Reformation under Henry VIII. (The divorce crisis of 1529 was the catalyst for the Reformation.) Tudor monarchs changed the official religion of the country. People who refused to follow the official religion were accused of the crime of heresy.
# Changes in the official religion of England and Wales under the Tudors

<table>
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<tr>
<th>King</th>
<th>Religion</th>
<th>Key Events</th>
</tr>
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<tr>
<td>Henry VIII</td>
<td>Catholic to Protestant</td>
<td>King replaces Pope as Head of the Church, Church services remain in Latin, Prayers in Latin and Priests allowed to marry</td>
</tr>
<tr>
<td>Edward VI</td>
<td>Protestant</td>
<td>King is Head of the Church, Church services in English, New prayer book with prayers in English, Priests allowed to marry</td>
</tr>
<tr>
<td>Mary I</td>
<td>Catholic</td>
<td>Pope becomes Head of the Church again, Church services in Latin, New prayer book banned, Priests and their wives have to separate</td>
</tr>
<tr>
<td>Elizabeth I</td>
<td>Protestant</td>
<td>Queen becomes 'Governor' of the Church, Church services in English and Welsh, New prayer book in English and Welsh, Priests allowed to marry</td>
</tr>
</tbody>
</table>
Henry VIII introduced a set of treason laws which stated that those who said or wrote things against the monarch, displayed support for the Pope, or questioned his authority were guilty of treason. Political and religious opinions could now be classed as treason. The punishment was death.

**18th and 19th century**

The Agricultural and Industrial Revolutions had a significant impact (made a difference) upon causes of crime:

- Changes in agriculture caused many farm workers to lose their jobs and migrate to new industrial towns in search of work.
- Industrial towns such as Liverpool, Manchester and Merthyr Tydfil grew rapidly.
- This urbanisation changed the way people lived and worked.
- It resulted in overcrowding and squalid living conditions in many industrial towns.
- Disease, lack of infrastructure, open sewers and industrial accidents were common.
- This led to a rise in levels of crime and in the emergence of new types of crime.

This is industrialised **Merthyr Tydfil** in the 19th century. This is an example of the slum areas where the working class would live.
20th century

While crimes common in previous centuries such as theft, robbery, assault and murder continued into the 20th century, changes in society related to the development of technology provided criminals with new opportunities for crime.

Crime figures suggest that crime increased during the 20th century but this was due to:

- Increased reporting of crime
- Increased recording of crime
- Increases in some types of crime

The reasons for the increase in crime are:

- Inner-city gang culture resulting in increased gun and knife related crime.
- Changes in technology such as cars, computers and the internet provide new opportunities for crime.
- The impact of television; sometimes people copy what they watch.
- Environment factors such as poor quality housing, high rise flats in inner-city areas.
- Quicker/faster communications.
- Misuse of drugs and alcohol.
- Break up of social structure and a decline in traditional values and moral standards.
- Lenient sentencing for some crimes by the courts.
- Poverty and deprivation forcing individuals into crime.
Continual changes in technology have provided new and greater opportunities for criminals. These include:

- **Car crime** - Increased car ownership has resulted in motor offence continually growing to become the biggest category of offending. Car crime involves people from across the social classes.

- **Computer crime** - In the 1980s more homes owned a computer and in the 1990s the introduction of the internet led to an increase in computer related crime from stealing computers and modern mobile devices themselves to internet fraud, as well as illegally downloading/streaming music and films.

- **Football hooliganism** - This has been a particular problem since the 1970s and is often associated with gang culture. It often results in fighting and/or the attacking of property.

- **Drug related crime** - Drug smuggling is an international problem. Gangs use planes, boats, drones, trucks and even people to smuggle drugs. Drug users often had to resort to crime to feed their drug habits.

- **Gun and knife crime** - This is often associated with drug related crime and also juvenile gangs. Members of the gang carry knives and sometimes guns for protection. This has happened because of lack of opportunity for young people and a breakdown of family values and traditions.

**21st Century**

The worst crime faced in the 21st century is that of terrorism. Terrorism is an act to cause chaos and is often associated with acts of violence/aggression to achieve political objectives. Although terrorism existed in the 20th century, the nationalist group, the IRA, carried out a number of attacks in Northern Ireland in a bid to end British rule. In recent decades there has been an increase in global terror with Al-Qaeda and ISIS at the forefront of many attacks.
Why do terrorist groups emerge and use violence to fulfil their aims?

- There is a belief in violent action to achieve a political aim.
- It is a form of direct action.
- Terrorist actions often attract widespread media attention.
- It is a way of putting pressure on governments and organisations.
- There has been a growth in fundamentalism resulting in the appearance of terrorist groups with strong beliefs.
- Terrorist groups have proved willing to work together.

**WELSH EXAMPLES**

**15th and 16th centuries**

Heresy - Rawlins White burnt by Mary I

Treason - John Penry executed by Elizabeth I

**17th and 18th centuries**

Industrial Revolution - Merthyr Tydfil rookery called 'China'

Smuggling - Lucas family

**20th and 21st centuries**

Terrorism - Welsh nationalist group, MAC or Sons of Glyndwr

Remember you **MUST** have Welsh examples from all **THREE ERAS** in the last question to gain top marks in your history!
Possible 20 mark essay question

How far have causes of crime stayed the same from Tudor times to the present day?

Conclusion

• The causes of crime have frequently changed over time, but there are elements that have remained the same.

• Even in modern society, poverty and greed continue to be causes of crime.

• In our growing urbanised population in the 21st century, there are more opportunities for crimes of all kinds to be committed and often the causes of crime may have the same root cause as in previous centuries – poverty and greed.
Module 2: The nature of crimes

Smuggling - The secret trade in goods to avoid paying customs duties (tax).

Highway robbery - Stopping people as they travel along a road, usually in a coach, and robbing them.

Industrial Revolution - A time of great technological change where people began to make goods in factories using machines.

Tithe - A tax paid by farmers of one-tenth of their produce/income.

Hooligan - A person who acts in a violent way and causes damage, often without thinking.

Mule (drug trafficking) - A person who agrees to carry illegal drugs into another country in return for payment.

16th and 17th century nature of crime

Vagrancy

- Rise in poverty increased vagrancy and people felt threatened by them.
- Types of vagabond included the 'angler' and the 'Abraham Man'.
- They were dealt with by flogging and branding (Vagrancy Act, 1547).
- Local parishes given the duty to aid their own poor. (Poor relief.)

Heresy

- After the Reformation, heresy increased.
- People refused to follow the official religion of the ruling monarch.
- Heresy was punishable by death.
- Some people fled abroad to exile whilst others were willing to die for their beliefs. (Some even pretended to conform.)
18th century

Smuggling

- This was the 'golden age of smuggling'.
- Goods were smuggled illegally and sold unofficially on the black market.
- Gangs employed 50 – 100 individuals and they were funded by investors.
- Each member would have a specific task: Venturer (investor), spotsman (directed ship to shore), lander (unloaded the cargo), tubsman (carried the goods) and batsman (protection).
- Smuggling increased due to change in customs and excise duty policies.
- Smuggling became unprofitable after the government reduced the duties (tax), watchtowers were built and a coast guard installed.

Highway robbery

- Highway robbery became more common.
- Footpads attacked pedestrians.
- Mounted highwaymen attacked coaches and riders.
- Sometimes they were armed and worked in pairs.
• Roads became much busier.
• Banknotes had to be cashed in and could be traced.
• In London, a horse patrol was set up in 1805 to guard the main roads.
• Highway robbery declined as a result.

19th century

• During the Industrial Revolution people moved from rural to urban areas.
• Communities were overcrowded with a lot more opportunity for crime.
• Areas notorious for crime became known as 'rookeries' e.g. China in Merthyr Tydfil.
• Some criminals had nicknames such as 'thimble', 'prop-nailors' and 'drag-sneaks'.
• Poor living conditions, low wages and a need for political reform resulted in a real threat of revolution.
• Some protesters became angry during protests which resulted in outbreaks of violence.
• Examples of riots are Luddism, Swing Riots, Rebecca Riots, Merthyr Riot, Scotch Cattle and the Chartist protests in Wales.
• Criminal activity during protests included attacks on factories and machinery, attacking toll gates and attacking the property of industrialists.

20th and 21st Centuries

• Crime figures have risen sharply since 1900.
• There has been an increase in the reporting and recording of crime.
• Police methods have improved and the use of scientific technology to detect crime has also improved.
• Increased number of cars on the road led to new regulations.
• Speed limits were introduced (30mph on residential roads).
• Breathalyser introduced to reduce drink driving.
• No use of mobile phones whilst driving introduced to avoid distractions.
• Common motoring offences/crimes included dangerous driving, speeding, car theft, no car insurance, driving without a licence, no tax, no MOT, not wearing a seatbelt etc.
• There was also a rise in computer crime including cyberbullying, hacking, identity theft, phishing scams, sexual crimes, copyright infringement etc.
• Terrorism increased dramatically.
• Terrorists took/take part in hijacking, assassinations, hostages, bombings, suicide and arson attacks.
• Examples of terrorist groups are the IRA, MAC and the Sons of Glyndwr.
• Other forms of crime include hate crime, hooliganism, drug related crime and gun/knife crime.
**Module 3: Enforcing law and order**

**Hue and cry** - Raising the alarm by shouting out when a crime has been committed.

**Thief takers** - People who made money from collecting the rewards offered for the return of stolen goods or the capture of criminals.

**Bow Street Runners** - Part time paid constables who worked for the Bow Street Magistrates Court.

**Genetic fingerprinting** - The method of matching DNA samples found at a crime scene with a suspect.

**16th and 17th centuries**

The system in place was based on community action. All counties in England and Wales had a system that was headed by the JPs (Justice of the Peace). These groups had to oversee local parish constables and watchmen, monitor and control vagrants and beggars, administer the new Poor Laws and punish those who disobeyed government orders. They had to be elected every year and often served their communities for years. However, when the towns and cities began to experience rapid growth in the 17th century, this system proved to be ineffective. Cities such as London grew very quickly so this old system of community policing using unpaid local people became redundant. In 1663, Charles II passed an act which created a paid police force of watchmen to patrol the streets, however these were also considered ineffective due to their age.
18th and 19th centuries

Thief takers such as Charles Hitchen and Jonathan Wild acted as unofficial law officers or crime fighters. Both of these men were arrested for abusing their position. Hitchen died in prison and Wild was hanged for his crimes. However, during the second half of the 18th century, JPs began experimenting by setting up private police forces. Henry and John Fielding created a group known as the Bow Street Runners who were a small force of paid police officers. They developed the idea of 'preventative policing' and were successful in tackling crime.

After the Industrial Revolution, new systems of law were needed. Policing was now seen as the responsibility of the government. Some people opposed the idea of a national police force. They thought that it could limit individual freedom and that the government would interfere. They were worried that the police would gain too much power which they could use to limit the rights of individuals.

Eventually the Metropolitan Police Force was set up in 1829. Communities grew used to the idea of police forces especially as some of them feared a revolution and feared crime itself. As the benefits of having an organised police force came to be appreciated, the reputation of the police steadily improved. By the end of the century, England and Wales had 46,800 policemen and 243 separate forces.
The role of the police by this time was to maintain public order and prevent crime. Between 1900 - 2000 police forces were reduced in order to become more cost effective. The police have experienced pay rises which encourage people to train as part of courses set up in specialist colleges. Women were first used in the police force during World War One and in 1946 women could remain in the police force even when married. IN 1973, women could become detectives. From 1982, Neighbourhood Watch schemes were set up to give community policing a boost. In 2002 PCSOs (Police Community Support Officers) were introduced to help tackle minor crime and anti-social behaviour.

In 1901 fingerprinting was used for the first time and a national register of fingerprints was set up. Scenes of Crime Officers (SOCOs) or forensic scientists attend crime scenes to examine and gather forensic evidence. Since the 1980s DNA and genetic fingerprinting have aided the police to solve crimes. The DNA National Database was established in 1995.

Although policing is effective, attitudes towards the police can change. Some people see the police as being too powerful or intrusive. They can sometimes be accused of ‘picking’ on certain sections of society such as ethnic minorities or young people. A few policemen have also been shown to be corrupt or dishonest.
Module 4: Methods of combatting crime

**Petty Sessions** - Local courts at which two or more JPs would sit and deal with minor criminal cases so as not to overwhelm the Quarter Sessions.

**Quarter Sessions** - Courts held every 3 months by JPs.

**House of correction** - A prison for beggars who refused to work.

**Bobby** - Nickname for a policeman, named after Robert Peel.

**CCTV** - Close circuit television used for surveillance.

**DNA** - Present in all living things and provides a unique genetic code or make-up for each individual body.

**How effective were JPs and other parish officers during the 16th and 17th centuries?**

JPs in the Tudor age were unpaid, but this probably didn't reduce their effectiveness as most were rich landowners who did the job for prestige and status rather than financial reward. Most did the job in a serious and professional manner. JPs had a key role in arresting and punishing offenders. Their powers increased in 1554, after which time they could arrest a suspect on suspicion of a crime and interrogate them for three days. This made them more effective.

The Parish Constable’s job was unpaid and done in addition to a person’s usual day job. This made some people reluctant to work hard. There was no training for Parish Constables and they had no uniform or weapons. Some people disliked having to keep a watch on and report their friends and family in the local community. Most constables were tradesman or farmers in the local area. As such they knew local people well. They would have also had some limited standing in the local community.
Watchmen were unpaid, and therefore many were reluctant to put in a lot of effort. Many were found asleep in pubs and many of them were old people, making them less effective. They became known as Charlies after 1663 when Charles II set up a force of paid watchmen to patrol the streets in all towns and cities. Charlies became the objects of fun, and children would attempt to bait them. In Georgian times, Charlies increasingly used watch- boxes and these would be an easy target.

**English Law Enforcement in Wales**

During Medieval times, Wales was governed by the laws of Hywel Dda. This remained unchanged until the Acts of Union were passed in 1536 and 1543. These acts enforced the English judicial system upon Wales. The country was divided into shires following the English model, and the English system of local government was introduced.

**How effective and influential were the Bow Street Runners?**

The crime rate in Bow Street fell whilst the conviction rates increased. The horse patrol was highly effective at reducing highway robbery. In fact, it was so successful the government stopped funding it because the robbery rate had fallen so much. The success of the Bow street Runners led to other initiatives following the deaths of the Fielding brothers.

- In 1792, the Middlesex Justices Act meant that seven other JPs were funded to extend the Bow Street scheme to their areas.
• In 1798, the River Thames Police was set up. This was the result of the influence of another JP, Patrick Colquhoun.

• In 1805, a horse patrol was set up again. This has 54 officers nicknamed Robin Redbreasts because of their red uniform.

However, the work and influence of the Bow Street Runners was limited to parts of London as the same old system of JPs and Constables remained in place everywhere else.

**The extension of the police force in the 19th century**

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<th>Act</th>
<th>Development</th>
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<tr>
<td>1835 Municipal Corporations Act</td>
<td>Gave towns outside of London the power to set up their own police force</td>
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<tr>
<td>1839 Metropolitan Police Act</td>
<td>Extended the area covered by the Metropolitan Police to a 15 mile radius from the centre</td>
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<tr>
<td>1839 County Police Act</td>
<td>Gave each county the power to set up their own police force</td>
</tr>
<tr>
<td>1856 County and Borough Police Act</td>
<td>Made it compulsory for all towns and counties in England and Wales to set up a proper full time, paid police force</td>
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As in England the setting up of police forces in **Wales** was piecemeal:

• During the 1840s five of the thirteen counties set up constabularies - Cardiganshire, Caernarfonshire, Denbighshire, Glamorganshire and Monmouthshire.
• Some boroughs also set up forces – Swansea, Neath and Pwllheli being among the first to do so.
• After 1855 constabularies were set up in the remaining areas.

At first there was a lot of opposition to the new police forces, especially in poorer, working class areas such as the East End of London. Across the country there was resentment over the increased taxation required to fund the police. In some slum areas the police still had difficulties winning over the local population. In 'China' in Merthyr Tydfil several police officers were assaulted. One police officer noted, “I went into China and there arrested………but he was taken from me by the mob and I was left senseless.”

Despite crime rates increasing in the 19th century, it did not mean the police were ineffective. The whole country now had a full time, paid, trained, uniformed police force. The increasing specialisation and the use of technology was making the police more effective at catching criminals and preventing crime.

**Developments of policing in the 20th and 21st centuries**

During the 20th century, mobility of the police force changed. In 1900 – 1909, the police used bicycles to patrol the streets but in the 1930s police cars were commonly used and motorbikes were introduced. This greatly improved police speed and effectiveness. By 1970, the
'bobby on the beat' was replaced by patrol cars and rapid response teams. In the 1980s, the police helicopter and other light aircraft were introduced.

There were also major developments in communication and technology. In 1910 telegraph and radio were used. Police phone boxes appeared in the 1920s and the emergency number, 999, was introduced in 1937. In 1901 the first police photographer was employed, nowadays police cars and helicopters are fitted with cameras. New computer technologies came into use and the Police National Computer came into use in 1974.

**The specialisation of police services**

- The Metropolitan Police set up the Flying Squad in 1919, so named because they used cars to react quickly to crimes, especially robberies. They were later renamed the Central Robbery Squad.
- In 1946 the Fraud Squad was set up, and in 1965 the Special Patrol Group was set up to deal with major emergencies and inner-city disturbances.
- Since 1878, each force has a Criminal Investigation Department (CID) that are detectives wearing plain clothes.
- There are also specialist murder, bomb and vice squads in each force.
- The Dog Handling Squad was set up in 1946.
- The Counter Terrorism Command (SO15) was set up in 2006.
The effectiveness of modern-day police

Each year Police Forces and the Fire Service are inspected by Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS). The inspectorate complies and publishes a report on how effective each force is in certain key areas. Those forces seen as ineffective are given targets to improve.

Possible 20 mark essay question

Have methods of combating crime always been successful from Tudor times to the present day?

Conclusion

• Methods of combatting crime have improved greatly since Tudor times.

• The success of the Bow Street Runners in a small part of London was built upon by Sir Robert Peel, and by 1856, the County and Borough Police Act meant that the police covered the whole county, demonstrating great success.

• This success continued into the 20th century with the introduction of women police officers and the increased use of police specialisation.

• These changes ensured that methods of combatting crime always adapt to change and always achieve as much success as possible.
Module 5: Attitudes to punishment

Retribution - To receive a punishment for a crime committed.

Enlightenment - Intellectual movement which pushed forward the world of ideas in Europe during the 18th century.

Pillory - A wooden or metal frame on a post used to secure people’s heads and hands.

Stocks - Large hinged wooden boards used to secure people by the ankles.

Capital punishment - The death penalty. Crimes carrying this punishment are known as capital crimes.

Bloody Code - The harsh laws gradually introduced in the 17th and 18th centuries that made even minor crimes punishable by death.

Retribution and deterrence

Society generally punishes those who have committed a crime for several reasons:

- To deter
- To protect
- To discipline
- To reform

As society has changed so have attitudes towards punishment. A number of factors have influenced changing views:

- Attitudes to government
- Social change
- Ideas and attitudes to punishment
- Wealth and poverty
Harsh punishment

Before the creation of the organised police force, society thought the best way to maintain law and order was through punishing criminals harshly. It was hoped that this would deter others from committing similar crimes.

<table>
<thead>
<tr>
<th>Type of punishment</th>
<th>What it involved</th>
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<tbody>
<tr>
<td><strong>Corporal punishment</strong></td>
<td>This involved whipping or flogging, often on market day in the town square, in full public view. It was used as a punishment for minor offences such as drunkenness, petty theft, begging and vagrancy.</td>
</tr>
<tr>
<td><strong>Public humiliation</strong></td>
<td>This was common in the 16th and 17th centuries. It was humiliating criminals for committing petty crimes. The main aim was to deter others from doing similar. The pillory was used until its abolition in 1837 and the stocks until its abolition in 1872.</td>
</tr>
<tr>
<td><strong>Capital punishment</strong></td>
<td>This was death by execution. Between 1688 and 1815 the number of crimes carrying the death penalty rose from 50 to 225. The list of crimes formed the Criminal Code which was</td>
</tr>
</tbody>
</table>
18th century and the use of transportation

During the 18th century, attitudes towards punishment changed, capital punishment was changed to transportation but only for some crimes. Transportation was not a lenient punishment, it was viewed as a middle punishment. The 1717 Transportation Act allowed for the banishment of criminals to North America and after 1787, Australia became the new destination.

The abolition of the 'Bloody Code'.

Sir Samuel Romilly and Sir Robert Peel were two MPs who are largely responsible for the abolition of the 'Bloody Code'.

There were a number of factors that contributed to the ending of the 'Bloody Code'. It was believed that public executions weren't working. They attracted large and unruly crowds. Prison and transportation were seen to be more effective. Juries were not willing to convict and capital punishment came to be seen as too excessive and out of proportion to the crime.
By 1861 the number of capital crimes had been reduced to just five:

- Murder
- Treason
- Espionage (spying to gain political or military information)
- Arson in the royal dockyards
- Piracy with violence

**19th century changes**

During the 19th century, attitudes towards punishment began to change. There was an increasing use of prisons, and greater belief in reforming prisoners. The ideas of retribution and revenge became less important in punishments.

In 1823, Sir Robert Peel abolished the death penalty for over 180 crimes. Further laws in 1832 and 1861 reduced the number of capital crimes to five.

This shows several developments in attitudes to punishments:

- A movement away from harsh physical and capital punishment.
- A movement towards the idea of fitting punishments to the seriousness of the crime.
- The realisation of the need for practicality, so courts would follow it.

The reduced desire for retribution can also be seen in the reduced number of corporal crimes. Only flogging remained as a physical punishment in this century. Judges could, and did, order offenders to be whipped until 1948 when an Act of Parliament ended it as a punishment. Punishments also began to be carried out more often in private, showing the reduced emphasis on revenge and deterrence. Public executions ended in 1868. After that, executions happened inside prisons out of the sight of the public. However, the 19th century
lawmakers still wanted punishments to be harsh enough to be a deterrent.  

**Capital and corporal punishments were still used.**

**20th and 21st centuries**

These days, punishments are still aimed at deterring criminals, but not through pain, humiliation or death. Loss of liberty through prison, fines and community service are now the main types of punishment. The modern attitudes towards punishments are to reform and rehabilitate prisoners and the aim is prevent reoffending.

A turning point was when the death sentence was abolished in 1965. This happened during the 20th century as the attitudes towards the abolition strengthened. However the death penalty remained for piracy and treason until 1998!

<table>
<thead>
<tr>
<th>Arguments in favour of abolition</th>
<th>Arguments against abolition</th>
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<tbody>
<tr>
<td>• An innocent person could be hanged</td>
<td>• Hanging is the ultimate deterrent</td>
</tr>
<tr>
<td>• It was not a deterrent as most murders happened impulsively</td>
<td>• A dead murderer cannot kill again</td>
</tr>
<tr>
<td>• Even the worst person may be reformed</td>
<td>• Keeping a murderer in prison is expensive</td>
</tr>
<tr>
<td>• The crime rate did not increase in countries which abolished capital punishment</td>
<td>• It satisfies the victim’s family and the public</td>
</tr>
<tr>
<td>• It can make martyrs of criminals and terrorists</td>
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</table>
Cases that boosted the support for the abolition of capital punishment:

- **WELSH** - Timothy Evans (1950) - hanged for murders that he did not commit.
- Derek Bentley (1953) - hanged for a murder that was carried out by his juvenile accomplice.
- **WELSH** - Ruth Ellis (1955) - hanged for the murder of her lover in circumstances that some saw as a ‘crime of passion’.

The last hanging in the UK took place on 13th August, 1964 when Peter Allen in Walton Prison, Liverpool, and Gwynne Evans in Strangeways Prison, Manchester were hanged after being found guilty of the murder of John Alan West.

**Modern attitudes to punishment - rehabilitation and restitution**

**Rehabilitation** is a term which means to restore someone to a normal crime-free life.

**Restitution** means to restore something that has been lost, or to compensate someone for something.

Prison, community service, fines and court orders all aim to rehabilitate offenders and prevent them from reoffending. Victims are more often compensated for crimes, and convicted criminals are given community service which aims to compensate the local community through helpful work.
Attitudes to young offenders in the 20th and 21st centuries

In previous centuries young offenders had been treated the same as adult offenders. However, this attitude began to change in the 20th century. Young offenders were given different trials through special youth courts and this continues today.

Young people do not go to adult prisons. Borstals were established in 1902 and later, Young Offender Institutions to deal with young people.

Since 1909, people below the age of 18 years old have been treated differently to adults and the youth justice system has developed separately from the adult criminal justice system. This evolved alongside as greater understanding of the development of the brain through neuroscientific and psychological research, and clinical practice in psychiatry and psychology.

Attitudes towards the age of the criminal responsibility have also changed. In 1908, an age of criminal responsibility was introduced for the first time at seven years old. This age was raised to eight years old, then ten years old and then fourteen in the mid-twentieth century. However, it is now ten years old.
Module 6 - Methods of Punishment

Flogging - Punishment by beating

Stocks - Large hinged wooden boards used to secure people by the ankles

Pillory - A wooden or metal frame on a post used to secure people’s heads and hands

Transportation - Sending convicted criminals overseas for punishment

Hulks - Ships used as prisons

Convict - Someone who is in prison because they are guilty of a crime

Chain gang - A group of prisoners chained together and made to do hard labour

Bridewell - A house of correction, or prison for persistent beggars

Debtor - Someone who owes money to another person

Jail (gaol) fever - Typhus, an infectious disease common in the 18th century prisons

Solitary confinement - When a prisoner is kept separate from other people

Crank - Turning a crank handle a set number of times in order to earn food

Shot drill - Heavy cannon balls were passed from one another down a long line of prisoners

Treadwheel - A revolving staircase in which prisoners walked for several hours

Birch - A type of cane used for punishment
Treatment of vagabonds in Tudor times

1495 - Vagrants were put into the stocks for three days. After that, they were sent back to the parish of their birth.

1531 - Vagrants were whipped and sent back to the parish of their birth. Repeat offenders were punished more harshly.

1547 - Vagrants caught begging were branded with a V on their forehead and enslaved for two years. Repeat offenders would be executed. This law was repealed after three years.

1601 - The Elizabethan Poor Law - local taxes were put in place to provide money to support the poor in the area and provide work for them. However, those who refused to work were whipped and sent to a house of correction. Beggars were whipped until their back bled, and were sent back to their place of birth.

The use of capital punishment up to the 19th century

Criminals were usually taken to the gallows on the back of a cart. On the way, people could throw things at the criminal and often shouted or jeered. A vicar would often encourage the condemned criminal to apologise for his or her crimes. The criminal would then be hanged and would die from strangulation. Often the criminal's relatives would pull on his/her feet to speed up the death.

Other methods of execution included burning at the stake, which was the punishment for heresy. Offenders would be tied to a stake and a fire
would be set around them. Often gunpowder would be put between the condemned person's legs of around the neck to speed up the death; this rarely worked.

Catherine Murphy, a counterfeiter, was the last woman in England to be officially burned at the stake on 18th March, 1789. She was actually strangled first as the act of burning to death was now distasteful. The punishment of burning at the stake, which at the time applied to women and not men, was abolished a year later.

The method of execution for the crime of treason was beheading or hanging, drawing and quartering. Royalty were beheaded with an axe, Mary, Queen of Scots was executed in this way in 1587.

Commoners (working class) found guilty of treason were hanged but cut down whilst still alive. They would then have their entrails (intestines) pulled out. They would then be beheaded and their body would be chopped into four parts (quartered). The traitor's lands and money would be confiscated by the monarch. Guy Fawkes was sentenced to be executed this way, but avoided it by breaking his neck after throwing himself from the platform in January 1606.

One famous Welshman who was executed was Richard Lewis, otherwise known as Dic Penderyn. Dic was accused of injuring one of the soldiers sent to end the Merthyr Rising. He was hanged outside Cardiff Gaol in August,
1831. His last words were “O Arglwydd, dyma gamwedd” which translates as “Oh Lord, this is an injustice”.

**Capital punishment in Wales**

Most towns in Wales had gallows for public executions. Some were permanent fixtures and others would have been removed and rebuilt when needed. In Cardiff, convicts would walk from the castle gaol to the gallows in an area in Roath still known locally as Death Junction.

By the late 18th century, executions were more commonly held just outside the town prison or gaol, probably for convenience.

In Swansea, the last public execution was 18-year-old Robert Coe, who was hanged in April 1866 on sand dunes just outside the town gaol. Executions after this took place in private inside the prison. In Caernarfon, the hanging tower in the town wall was used for executions.

**The need for prison reform**

Three key people:

- John Howard (1726 – 90)
- Sir George O’Paul (1746 – 1820)
- Elizabeth Fry (1780 – 1845)

The work of these people helped influence the **Gaols Act of 1823**. This stated:

- A prison was to be established in every county and each large town
- JPs were to inspect the prisons and report their findings
- A system of discipline was to be enforced in all prisons
- Prisons had to be secure and healthy
• The gaoler was to receive a salary
• Prisoners to be classified

As a result, many new prisons were built. In Wales, John Nash designed new county jails in Carmarthenshire. During the second half of the 19th century, prisons began to experiment with separate and silent systems.

**Separate system**

• Work in individual cells
• Exercising in the yard wearing hoods
• Individual pews in the chapel
• Pentonville prison in London was radically designed around this idea

It was believed this system would help prisoners obtain work upon release, however it was very expensive and had a high death rate due to insanity.

**Silent system**

• Silence was enforced
• The treadmill
• Oakum picking
• The crank
• Shot drill

This was cheaper than the separate system and it was believed that prisoners would hate the silent system so much, it would deter them from committing further crime. However, silence and isolation led to insanity for many and some inmates found other ways to communicate.
**1865 Prisons Act**

The aim of this act was to enforce strict punishment, not to reform. About 80 small prisons were closed, leaving about 113 prisons in England and Wales under government control.

**1877 Prisons Act**

All prisons were now under Home Office control. 53 smaller prisons were closed and the system was now centrally organised and controlled.

**Modern prisons**

Prisoners are categorised as either A, B, C or D depending on:

- Severity of crime
- Age
- Level of threat they pose to the public
- Risk of escaping

Prisoners are then sent to a prison for their category:

<table>
<thead>
<tr>
<th>Category</th>
<th>Type of prisoner</th>
<th>Type of prison</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Most serious, a significant danger to society</td>
<td>Traditional closed prison, most secure</td>
</tr>
<tr>
<td>B</td>
<td>Serious crimes but do not require maximum security</td>
<td>Traditional prison</td>
</tr>
<tr>
<td>C</td>
<td>Not likely to escape but suited to open prisons</td>
<td>Traditional closed prisons</td>
</tr>
<tr>
<td>D</td>
<td>Low-risk first time offenders, minor crimes</td>
<td>Open prison</td>
</tr>
</tbody>
</table>
There are no category A prisons in Wales. HMP Belmarsh in London is a category A prison. HMP Cardiff is a category B prison while HMP Swansea is a category B/C prison. HMP Berwyn near Wrexham opened in February 2017 and is a category C prison. The largest prison in England and Wales can hold 2106 prisoners.

21st century punishments

Due to the massive increase in prison population, high reoffending rates, inmates influenced by contact with other criminals and the expense of running prisons, other alternative punishments have been introduced. These include:

- Parole
- Probation
- Suspended sentences
- Community service
- Electronic tagging
Possible 20 mark essay question

How far have methods of punishing offenders stayed the same from Tudor times to the present day?

Conclusion

- As society and people’s attitudes towards crime and criminals have changed, so have the punishments.
- Experiments with transportation and different prison systems in the eighteenth and nineteenth centuries were used in an attempt to find a more humane, but effective method of punishment.
- In the twentieth century, rehabilitation was considered key to changing the behaviour of criminals.
- Young people were punished differently from adults for the first time, and a variety of new punishments were used, such as suspended sentences and probation.
- However, some punishments have remained the same since Tudor times, such as fines, and community service can be considered a form of public punishment.
- However, due to the change in attitudes towards criminals over the centuries, then punishments have also had to change.