Year 10

HISTORY REVISION

OPTION 1B - THE NATURE OF CRIME AND PUNISHMENT 1450 TO THE PRESENT DAY

Revision Booklet
THE LATER MIDDLE AGES 1100-1500

LAW AFTER THE NORMAN CONQUEST

How much continuity was there?

- Norman law was based on the idea of the mund – this was an area of land around every man's home in which peace and order should be allowed to exist.
- After 1066, because the king owned the whole country again, his mund covered everybody. William I was responsible for law and order throughout his kingdom.
- Law and order under the Normans was similar to that which had become established in Anglo-Saxon England.

What changes did Norman law bring?

Forest Laws

- As well as covering large areas of woodlands, the Forest Laws also included farms and villages and many of the more remote places of England.
- Trees could not be cut down for fuel or building.
- People were not allowed to own dogs or bows and arrows.
- Even if deer ate their crops, people could not do anything because the punishment for killing a deer was to be blinded.

Royal Law and Church Law

- In 1154 - Henry II became king and decided to restore peace by updating and codifying the laws of England.
- Henry II laid the basis of what became English Common Law.
- In 1164 - Henry issued the Constitutions of Clarendon, which summarised the existing law and legal procedures.

By the time of Henry II there were several systems of law operating in England.

- Anglo-Saxon law operated at the local level.
- Norman law as exercised by barons in their manor courts.
- Royal law which tried to bring greater equality or fairness to the operation of the law.
- Church law which began to use punishment to achieve the repentance and rehabilitation or reform of the individual.
POLICING

The Hue and Cry
- When a crime was committed the victim’s shouts would raise the hue and cry.
- If the villagers ignored this cry then the whole village would be fined a large sum of money by a court.
- Generally, if the person who committed the crime was known and the hue and cry was implemented quickly, there was a good chance he or she would be caught.

The Constable
- The hue and cry would be led by the constable.
- Constables were first appointed in the 1250s.
- They were not regular police – they were local people who by day did their usual jobs and tried to keep the peace in their spare hours.
- They were not paid and held the job for only a year at a time.
- In towns they were helped by the WATCH – citizens who kept watch for crime during the night and handed over any suspected wrongdoers to the constable in the morning.

The Sheriff and the Posse
- The sheriff’s job was to track down an imprison criminals.
- If the villagers did not catch the criminals in the hue and cry, then the sheriff and his POSSE would have to take up the pursuit.
- The full name of the posse was posse comitatus meaning ‘the force of the county’.
- Any male over the age of 15 could be summoned by the sheriff to join his posse to catch criminals or stop riots.
- The sheriff also investigated all other major crimes such as robberies.
- A local jury swore an oath identifying the person they thought had committed the crime and the sheriff had to try and track down the suspect.

Sanctuary
- Sanctuaries were safe areas in churches and cathedrals.
- Once a criminal reached sanctuary even the county sheriff could not take him out by force.
- A careful ritual was followed when someone claimed sanctuary.
- When someone knocked on the sanctuary door – the bell was tolled to let the townspeople know that someone had claimed sanctuary.
- While the person was in the cathedral they had to wear a black gown with a yellow cross on the shoulder.
- Sanctuary lasted for 40 days during which time the person had to decide whether to stand trial or leave the country in exile.
• On the way to exile the person had to carry a white cross, the mark of a sanctuary man.

**Why did they use these methods?**
• Medieval society was an extremely HIERARCHICAL society.
• Medieval kings relied on their nobles to keep order.
• Lords had great control over the peasants.
• They tried to impose law and order and did not think they needed a police force even though constables were a move in that direction.

**TRIALS**

**Courts**
• Under Norman rule shire courts continued but they were known as borough courts.
• To set up a new town, people had to get a charter from the king which allowed them to have their own borough court.
• The Normans made Latin the official language of the court records, and Norman French became the language for all court proceedings. This lasted until the 1650s.

**Royal Courts**
• Until the 1160s royal courts remained more or less the same as they had been in Saxon times and kept the same practices.
• From 1160s Henry II began a system whereby royal judges visited each county 2 or 3 times a year to hear the most serious cases.

**Quarter Sessions**
• The royal courts could not hear all cases.
• From 1363 local gentry and noblemen acted as judges in their own counties. They were known as Justices of the Peace (JPs)
• They held courts 4 times a year - hence the name QUARTER SESSIONS.
• These sessions were a vital part of the legal system.
• They took over some of the work of the royal judges so that cases did not have to wait so long before a trial took place.
• JPs dealt with all kinds of cases from murder to whether local landowners were paying their workers too much.

**Private Courts and Manor Courts**
• Were held by all landowners in their own villages or manors.
• The landowner was the judge.
• Proceedings were run by the reeve or steward.
• These courts dealt with workers who had not done enough work on the lord’s land or people who had broken other local rules.
• They also ordered that people who had committed serious crimes should be held in prison until they could be tried at one of the royal courts or quarter sessions.

Church Courts
• The church had its own courts to try priests and other churchmen which had been allowed by William I and was known as the 'benefit of clergy'.

Developments in the Later Middle Ages
• In 1178 Henry II set up the Court of Common Pleas in London to deal with important civil cases.
• Later he set up the Court of the King’s Bench to deal with the most serious criminal cases.
• Clear and standard written instructions (writs) were issued to sheriffs and had to be returned to show that they had been carried out. This process was overseen by the Court Exchequer and by the Justiciar.
• Approvers (informers) who had committed an offence could offer evidence against wrongdoers in return for a lighter sentence.
• New petty juries were increasingly used to decide on the guilt/innocence of accused people.

After Henry II
• Under Richard I a new legal official was introduced – the Coroner – who dealt with all suspicious deaths.
• The Coroner enquired into unnatural deaths with the help of a local jury and then informed the Sheriff of the county.
• After 1215 the system of trial by jury was extended during the 13th Century.
• In 1215 – Magna Carta (The Great Charter) added to the legal system and the laws to be enforced.
• In 1275 – the first Statute of Westminster imposed the punishment peine forte et dure (strong and secure) on those who refused a trial by jury.
• During the 14th Century – trial by jury became the normal method of deciding guilt. Decisions should be unanimous and no one could serve as a juror if the accused objected to them.

Trial by Ordeal
• William I did not change the trial by ordeal because he was a religious man and believed that God decided who was guilty.
• He did introduce **Trial by Combat** - the accused fought the accuser until one of them was killed or beaten. This way God had decided that loser was guilty and he was then hanged.
• By 1215 - trial by ordeal had been abolished because the Church was against it.

**PUNISHMENTS**

• Wergilds were no longer used. Serious crimes were punished by death and mutilation.
• Anyone who refused to attend court was outlawed.
• Executions took place in public as a warning to others.
• The stocks and fines were used as punishments in local manor courts.
• Execution was also used for minor offences such as stealing goods worth more than a shilling.

There were however ways of avoiding the death penalty in the late Middle Ages.

**Claim benefit of clergy**

• This was the most common way of avoiding execution as churchmen or priest could not be punished in the king’s courts.
• They were handed over to the local bishop for punishment and the church did not execute people for crimes.
• To prove you were a churchman you had to read aloud this passage from the Bible:
  ‘Oh loving and kind God, have mercy.
  Have pity upon my transgressions’ (Psalm 51, Verse 1).
• This verse became known as the 'neck-verse' because reading it saved the necks of many criminals.
• The theory behind this was that generally the only people who could read were churchmen.
• However, clever criminals learned the verse by heart even if they could not read.
• This option was only open to men as women could not become priests.
• Benefit of clergy did not get you off punishment altogether. - The church preferred mutilation to execution as it wanted to give the convict a chance to repent.

**Join the Army**

• Sometimes during times of war - criminals were spared execution on condition they joined the army.

**Buy a Pardon**

• Richer people could buy pardons because kings were usually desperate for money.
**Get Pregnant**
- Women who were pregnant could not be hanged.
- If they claimed they were pregnant they were examined and if pregnancy was confirmed their punishment was postponed and often **COMMUTED**.

**Become a King's Approver**
- To become a king's approver meant that you would give evidence that would convict other criminals.

**Heresy and Heretics**
- Heresy was the holding of religious beliefs which were different from those taught by the church.
- Anyone accused of heresy could be arrested and tortured, and if found guilty, could be executed.

**Women and the Law**
- Norman law was harder on women than Anglo-Saxon law had been especially regarding property.
- *Once a woman married, all her possessions became the property of her husband.*
- Women could not inherit property when their fathers died.
- There were also special punishments for women, which did not apply to men. A woman could be accused by a neighbour or even her husband of being a scold or a nag. The punishment, if found guilty, was the ducking stool.
The work of the historian: the career of Jonathan Wild

- Jonathan Wild (1683-1725) was the most famous criminal in 18th Century Britain.
- He ran a successful gang of thieves and at the same time seemed to be the most successful policeman in the country.
- Wild kept the goods his gang stole - he waited for the newspapers to report the crime - then he would claim that his 'agents' had recovered the stolen items - he would then return these goods for a reward.
- As well as pretending to find stolen goods - he also 'caught' thieves. - these were really rivals or members of his own gang who had refused to obey him.
- In 1718 - Wild gave himself the title 'Thief Taker General of Great Britain and Ireland'.
- He claimed to have had over sixty thieves hanged.
- He became a popular figure in the newspapers.
- This popularity collapsed when his criminal activities were finally exposed - he was hanged at Tyburn, London in 1725.
VAGABONDS

Who were the vagabonds?

- Vagabonds were beggars, tramps and vagrants who wandered the country without a settled home or job.
- Some vagabonds were soldiers who had been demobbed, or criminals, but most were unemployed people moving to a new town or village looking for work.

The records of the town of Warwick, for example, list among the vagabonds:

- A girl from Cheltenham going to find work as a servant.
- A man from Henley-on-Thames who said that 'he had no trade to live on but is only a labourer and is come into the area to seek work but can find none'.
- A silk-weaver who had been to various places to seek work but was now heading for London.
- John Weaver of Stratford who had sold 'small-wares and was robbed of them and so was now forced to go abroad (elsewhere)'.

- In the Middle Ages people had not been very free to move around from place to place.
- By the 1500s these restrictions had been removed and there was a lot of travel from town to town.

How were the poor helped?

- Each village and town did try to help the genuine poor of their own parish.
- The aged, the sick and children of poor families received help to buy food, which was paid for out of the poor-rate, a local tax paid by the better-off residents.

Why did people think that vagabonds were a problem?

In the 1500s people became worried about vagabonds for three main reasons:

- People felt that idleness was wrong. Puritan religion taught that everyone should work hard so they did not have time to be tempted to commit sins. Not working was actually seen as a crime in its own right. Most people did not object to helping the genuine poor, who could not work because they were old or sick, but were suspicious
of outsiders asking for help, especially if they appeared to be healthy and fit enough to work.

- Vagrants were blamed for many crimes such as thefts, assaults and murders. It made sense to many people that vagrants were more likely to commit crime because that was the only way they could get money to buy food.

- Many people were worried about the cost. Each village and town raised poor-rates to help the genuine poor of their own parish. Local people did not want to spend their hard-earned money supporting the poor or idle from another parish. They wanted them to return to their own towns or villages.

- These worries were particularly acute at times of poverty when the number of unemployed and poor people, looking for work, naturally increased.

- Pamphlets that were produced about vagrants also added to people's fears.

How did they treat vagabonds?

Through the century governments took different measures against vagabonds.

- **1531** – Unemployed men and women found begging, or vagrants were whipped until their bodies 'be bloody' and returned to their birthplace or previous residence.

- **1547** – First offence - two years slavery. Second offence - slavery for life or execution.

- **1550** – The 1547 Act was repealed as being too severe. The 1531 Act was revived.

- **1572** – First offence - whipping and burning off an ear. Second offence - execution.

- **1576** – House of Correction to be built in every county to punish and employ persistent beggars.

- **1593** – The 1572 Act was repealed as too severe. The 1531 Act was revived.

- **1598** – Vagrants were to be whipped and sent home. If they did not mend their ways, the JPs could send them to a House of Correction, banish them from the country or execute them.

Were the vagabonds really such a problem?

- Many ordinary citizens did live 'in terror of the tramp'.

- The harshness of the laws against vagabonds tells us that landowners and the government believed that vagabonds were behind many crimes and were a serious danger to peace.

- Some vagabonds were undoubtedly criminals – CUT-PURSES, petty thieves and fraudulent beggars.
There were also some gangs.

**BUT most vagabonds were not a threat to law and order.**
- Most vagabonds were not criminals or the devious beggars they were made out to be.
- They were genuinely poor and unemployed people looking for work.
- As the population was increasing there simply was not enough work for everyone.
- In some areas, changed work patterns increased the problem.
- In years of good harvests many people could only just 'get by' so when the harvest failed, bread prices went up rapidly and the poor became desperate - then they would travel in search of any kind of work.
- In the same way, workers in trades might suddenly hit a bad time when their trade went through a recession - they would then have to get on the road and look for work.

**In normal years vagrancy was not a big problem.**
- The city with the greatest number of vagrants was London.
- It was the only large town in England in this period.
- Many people went there thinking that they would be bound to find work or that it offered good opportunities for crime.
- Even so, in 1560 the London Bridewell dealt with only 69 vagabonds.
- However, following the bad harvests of the 1570s the number of vagrants had grown to 209 per year.
- The late 1590s were years of even greater poverty - wages were at their lowest point since the year 1200.
- In 1600 the number of vagrants in London was up to 555.
- In normal years Oxford JPs dealt with 12 vagrants a year.
- In 1598 they dealt with 67.
- It was the same story in Salisbury where there were 96 vagrants in 1598 instead of the usual 20 or fewer.
Treason and Plot - why rulers felt under threat and the impact of this on the treatment of crime - Guy Fawkes.

Treason is not a common crime - but the Tudors were particularly concerned about it. This was because they had seized power by force and there were people who questioned their right to rule. Tensions increased when Henry VIII broke away from the Catholic Church. These religious tensions continued.

- On 5th November 1605, Catholic opponents attempted to murder King James I in the Guy Fawkes 'Gunpowder Plot'.
- The conspirators planned to blow up the king, his family and leading Protestant aristocrats at the state opening of Parliament.
- After this the plan was to start a rebellion and put a Catholic on the throne.
- There were a dozen leading conspirators - mostly from important Catholic families.
- Guy Fawkes was the explosive expert, responsible for igniting the large store of gunpowder concealed in a cellar beneath the House of Lords.
- The conspirators were betrayed, the leaders were sentenced to be hanged, drawn and quartered.
HIGHWAYMEN

Highway robbery was one of the most infamous and feared crimes of 18th Century. It was not a new crime, but it became much more frequent during this period because there were increased opportunities for travel and many people were wealthier.

Image

- **The popular view of highwaymen is a glamorous one**: daring, masked, well-dressed, ‘gentlemen of the road’.
- They were polite to their victims, especially women and did not use violence.
- Very few people resisted them - passengers were all too ready to hand over their purse and even carried two purses in case of robbery.
- Highwaymen could escape quickly on horseback.

Reality

- **In reality** - many of them were treacherous, cruel and violent.
- One highwayman’s mask slipped during a robbery and he was recognised by a woman. He cut out her tongue to stop her reporting him.
- Highwaymen were greatly feared by ordinary travellers.
- They were seen as a major danger by traders - largely because they disrupted trade.
- The worst areas for highway robbery were around London on the main routes to the capital.
- Highwaymen even ventured into the edge of the city.

Dick Turpin

- Born in 1705 in Essex and became involved in smuggling before joining a gang of housebreakers famous for their violence. Then he became a highwayman.
- He joined forces with another highwayman - Tom King - apparently after trying to hold him up.
- The two men worked so successfully together that a reward of £100 was offered for their capture.
- Turpin was ruthless - he robbed women alone and killed at least one man who tried to capture him.
- In May 1737 Turpin and King were cornered - Turpin escaped but King was killed by a shot from Turpin’s gun. This could have been an accident or a way of stopping King from talking.
- Turpin fled to Yorkshire and became a horse thief.
• He was arrested after an argument over shooting a cockerel.
• The authorities did not know who he was and allowed him to write to his brother for references to secure his freedom.
• Turpin did not send enough postage so his brother rejected his letter.
• This was to be his downfall - because the letter was returned to the postmaster who happened to be Turpin's old schoolmaster.
• He recognised the handwriting and informed the authorities they were holding the notorious highwayman.
• Turpin was executed for horse-stealing in York in 1739.
• After his death his life became glamorised in stories and poetry.

Why did highway robbery grow and then decline?
• Highway robbery grew because of increased travel and increased wealth.
• The interesting thing for the history of crime and punishment is why highway robbery declined. - How far was the Bloody Code responsible? - How far were other factors responsible such as better law enforcement?

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<tr>
<th>Factors Explaining the Development of Highway Robbery</th>
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<tbody>
<tr>
<td>There were many open, lonely areas outside towns where travellers could be held up.</td>
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<td>Handguns were easier to obtain and use.</td>
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<td>Highwaymen could hide and sell their loot in taverns.</td>
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<td>Horses became cheaper to buy.</td>
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<td>More people were travelling in their own coaches.</td>
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<td>There was no police force and local constables did not try to track highwaymen across counties.</td>
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<td>After wars ended, some demobilised soldiers became highway robbers because they could not find any other way of making a living.</td>
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<th>Factors Explaining the Disappearance of Highwaymen</th>
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<tr>
<td>Open land around London was built on as the population expanded. This cut down the chances to ambush a coach.</td>
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<td>Mounted patrols were set up around London and high rewards encouraged informers. Highwaymen had more of a chance of being caught.</td>
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<td>Travellers no longer carried large amounts of money as the number of banks grew and the banking system became more sophisticated.</td>
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<td>JPs refused to licence taverns that were known to harbour highwaymen.</td>
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<td>Stagecoaches were introduced to carry passengers around the country.</td>
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<td>Coaches became more frequent as road improved, reducing a highwayman's chances of stopping a coach for long.</td>
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SMUGGLING

- During the 17th Century, governments increased taxes on imported goods to raise extra money.
- These import duties were unpopular.
- They were also very hard to enforce. With several thousand miles of unguarded coastline around Britain, it was fairly easy to smuggle in goods and there was a ready market among people who did not see why they should pay higher prices.
- Like poaching there were many who did not see smuggling as a crime at all.
- Many thousands of people were involved in smuggling.
- Under the Bloody Code the government made smuggling a capital offence.

How smuggling was organised in Sussex

- They worked in gangs of 40-50 during the day loading teas, brandy and dry goods. At night their numbers increased.
- The smugglers would arrive in London about 2 or 3 in the morning and could sell between 1000 to 2000 pounds weight of tea and be out of London by 6 in the morning.
- Smugglers also sold their tea to 'duffers' who could carry up to a quarter of a hundred weight of tea in their specially adapted coats. They would take the tea to London and sell it to 'hawkers' who would carry it around town and sell it to the customers.
- Three million pounds worth of tea was smuggled into Britain each year - three times as much as was legally imported.
- There were not enough officers of the Customs to deal with the problem and the smugglers were not afraid of the army.
- If revenue officers or the army seized a cargo, smugglers very often got it back by force.
- Magistrates were very wary of committing offender to gaol as they feared the reprisals that would happen as a result.

Who were the smugglers?

- Over 70% of smugglers were labourers.
- Fewer than 10% were small farmers.
- The rest were tradesmen such as butchers and carpenters.
• Wealthy people also took part. Eg Robert Walpole (who later became Prime Minister) smuggled wine into the country while he was a government minister using a government ship.

Why did people become smugglers?

• For farm labourers it was a quicker (and more exciting) way to make money than farm labouring.
• A smuggler could earn six or seven times a farm labourer's daily wage in a night.
• Anyone who helped to carry goods from ship to shore could expect to earn nearly twice a labourer's daily wage. - This resulted in a shortage of labour in some places on the south coast.
• In Suffolk in 1749 and in the 1780s - the army put a temporary end to smuggling - as a result, smugglers turned to highway robbery and housebreaking rather than earn a living by farming.
• Not all smugglers were farm labourers - In Sussex some came from the declining cloth industry and from the fishing and mining industries that were also in decline.

Attitudes to smuggling.

• ".... the generality of the people on the coast are better friends to the smugglers that they are to the Custom House Officers."
• "It is extremely dangerous for the Custom House Officers to attempt to seize smuggled goods in the coast counties because smugglers are very numerous there and can assemble a great number whenever they need."
• “The common people of England in general fancy there is nothing in the crime of smuggling....the poor feel they have the right to shun paying any duty (tax) on their goods.”
• “I have often heard you say and with great truth, that the common people of this country have no notion that smuggling is a crime.”
POACHING

In the 1700s some of the most unpopular laws were those concerning poaching.

- Only landowners whose land was worth £100 a year could hunt and they could hunt anywhere.
- Other landowners, with land worth less than £100, could not even hunt on their own land.
- In 1723 the Black Act made hunting deer, hare or rabbits a capital crime punishable by death. Anyone found armed, disguised or with blackened faces in any hunting area was assumed to be poaching and could also be executed.
- Possessing dogs or snares that could be used for hunting was punished by a £5 fine or three months in prison.

Critics of these laws believed they were simply there to protect the interests of rich landowners.

- For many poaching was a 'custom of the manors' that they and their fathers had followed for many years, long before the landowners had acquired the land in the 16th Century.
- These new laws meant that gamekeepers were armed with the law and were attracted by rewards to capture the poachers.

As a result

- The poachers sometimes resorted to violence.
- Communities stuck together to allow suspects to escape.
- Some people however, seeking to claim a reward, revealed the names of poachers.

Most poachers were very poor and for some hunting had a great economic importance. Instead of being just a supplement to an ill-paid or irregular job, poaching became a trade itself. Any country inn-keeper could supply almost any quantity of game and the stage-waggoners acted as agents for city buyers.

The majority of men in rural England thought that the game laws were a great injustice. One writer commented that "Every magistrate knows that it is very hard that he should be punished for taking what he had as good a right to as any man."
Why have there been so many arguments about punishment and policing since 1900?

- In the second half of the 20th Century reported crime rose steeply.
- Crime and punishment became hot political issues with:
  - Some calling for harsher punishments
  - Others calling for better policing
  - Some blamed government policies for rising crime
  - Others blamed decaying moral values

Is there a crime wave?
- For 100 years, from 1850 to the 1940s - the recorded crime rate in Britain fell gradually.
- In the 1950s that trend reversed and crime began to rise.
- This increase has been much faster than the increase in population.

Has violent crime increased?
- Yes and no!
- Throughout the 20th Century about 5% of recorded crimes have involved violence or sexual assault - so as crime in general has risen, violent crime has risen with it.
- In recent years the proportion of violent crime has increased slightly to 6% of all crimes.
- On the other hand - the ratio of murders to population has actually fallen in the last 100 years.
- In the 1880s there were 15 murders per million people.
- In 1984, the figure stood at 11 murders per million - 25% lower than in the 1880s.

STATISTICS

Why is more crime reported?
- More people report house burglaries because they have to for insurance purposes.
- It is easier to report crimes because most people have a telephone - the easier it is to report a crime, the more will be reported.
- More people report violent crimes, such as rape or domestic violence - as they think more people will be sympathetic and take them more seriously than they did in the past.

Why is more crime recorded?
In the past some crimes reported to the police would not have been recorded. The problem would have been dealt with informally and 'off the record'.

The police now record more crime, more consistently - partly because computer technology has given them new efficient ways to do so - the easier it is to record crime, the more will be recorded.

So, has crime really risen since the Second World War?

- Yes, but not as quickly as some would suggest.
- The crime rate rises because of:
  - Increasing crime
  - Increased reporting of crime
  - Increased recording crime

Fear of crime

- Fear of crime affects punishment and policing.
- Until the 20th century it was difficult to measure the fear of crime.
- In a survey in 1984 - people were asked if they felt unsafe walking out at night - 12% of all Britons answered yes.
- In 1997 the same question was asked again - the figure had risen to 32% - in 13 years the figure had nearly trebled.
- Fear of crime was greatest in urban areas.
- Some fear of crime is ill-informed - the British Crime Survey of 1997 showed that pensioners believed that they were particularly at risk from violent crime - but the truth is that people under the age of 29 are 13 times more likely to be the victim of violent crime than an old person.

The media and crime

- In the 1600s broadsheets were popular as they entertained their readers with stories of murder.
- In the 1800s ‘penny dreadfuls’ attracted readers with lurid tales of violent crime.
- Today - crime sells newspapers and wins television viewers - the more sensational, the more interest there seems to be.
- Violent, dramatic crimes receive wide coverage and so do crimes where the victims are particularly vulnerable, such as the elderly or the very young.
- These crimes make the headlines almost every day so it is easy to think that we are living in a crime wave.
Motor Car Crime
- One hundred years ago the car had only just been invented. Nowadays car theft is one of the biggest categories of crime, particularly among teenage boys.
- Motor crime includes anything from drunk driving to traffic offences.
- It absorbs a massive amount of police and court time.
- In 1996 there were nearly 1.3 million motor crimes including theft of over half a million cars.

Terrorism
- From the 1960s Britain has lived with the constant threat of terrorist violence.
- Most commonly this has been the threat of bombings by the IRA who were trying to end British rule in Northern Ireland.
- Other terrorist groups have also operated in mainland Britain.
- The actual number of attacks and the casualties they caused remain small, but the threat to public order and the nuisance caused by added security has made terrorism an ever-present worry and constant drain on police resources.

Computer Crime
- Since so much business now depends on technology, computer crimes have become common.
- Computers have been used to steal money from bank accounts or to hack into the private records of individuals or governments to steal information.
- People have also deliberately introduced computer viruses to destroy vitally important information held on other computers which can lead to the ruin of a business.

Drug Crime
- Throughout history there has always been money to be made from smuggling or supplying banned goods.
- Drug smuggling and dealing is the most recent version.

Poaching
- In August 1997 a Yorkshire newspaper reported an increase in deer poaching: “Deer in nature reserves have been poached and so have deer on deer farms. Venison has become a fashionable food in restaurants and even supermarkets. Farms and reserves near motorways are particularly vulnerable because the poachers can make a speedy getaway.”
Towards a real police force: the work of Sir Robert Peel

- In 1829 - the Home Secretary - Sir Robert Peel, persuaded parliament to pass the *Metropolitan Police Act* which established the first permanent uniformed police force in London.
- Peel is an example of an individual who had a great effect on history.
- He believed that the best way for government to keep control was by carrying out policing in a way that did not add to tension in society - he did not want the new police to look like the army.
- As a well-respected politician, he was able to persuade parliament that this was the best approach to deal with crime and keep order on the streets.
- He was helped by being able to point to successful earlier attempts to create small police forces.
- While the new police did catch criminals - one of their main effects was to deter crime.
- Soon cities and counties around the country were copying the example of London in setting up a police force.
- Soon police patrols became an important deterrent to crime and uniformed policemen and detectives became skilled catchers of criminals.
- However until the use of fingerprints and other scientific aids in the 20th century, many crimes were very difficult to solve.
- Improved pay and training meant that the police developed a reputation for honesty - which increased public trust.
- Targeting uniformed patrols in high crime areas helped to reduce street crimes and disorder.
- In 1842 - a detective department was set up in London to solve crimes in 1878 this became known as the CID.
- In 1901 - the first Fingerprint Bureau was set up in Scotland Yard - which increased the numbers of crimes solved by the CID. This along with the use of photographs of suspects, assisted crime detection with new technology.
The Fielding Brothers and the Bow Street Runners

- Sir John Fielding was a famous magistrate and social reformer of the 18th century.
- He was also the younger half-brother of novelist and chief magistrate Henry Fielding.
- Despite being blinded in a navy accident John set up his own business and in his spare time studied law with Henry.
- Appointed Henry's personal assistant in 1750, John helped Henry to root out corruption and improve the competence of those engaged in administering justice in London.
- They formed the first professional police force - the Bow Street Runners.
- Through the regular circulation of a 'police gazette' containing descriptions of known criminals, Fielding also established the basis for the first criminal records department.
- When Henry died in 1754, John was appointed magistrate at Bow Street in his place - he became known as the 'Blind Beak' - and allegedly was able to recognise 3000 criminals by the sound of their voices.
- Throughout his life he continued to develop his ideas on crime prevention and youth employment.

Bow Street Runners

- The Bow Street Runners have been called London's first professional police force.
- They were founded in 1749 by John and Henry Fielding and originally numbered just 8.
- Similar to the unofficial 'thief-takers' (men who would solve petty crime for a fee) - they represented a formalisation and regularisation of existing policing methods.
- What made them different from the thief-takers was their formal attachment to the Bow Street magistrates' office and they were paid by the magistrate with funds from central government.
- They worked out of Fielding's office and court No.4 Bow Street and did not patrol but served writs and arrested offenders on the authority of the magistrates - travelling nationwide to apprehend criminals.
In charge was Saunders Welch - a former grocer elected High Constable of Holborn - he selected his men from former constables who had been discharged at the end of their year in office and were prepared to receive legal training and carry on the work.

John Fielding refined the patrol into the first truly effective police force for the capital and later added officers mounted on horseback.

Although the force was only intermittently funded in the years that followed - it did serve as a guiding principle for the way policing was to develop over the next 80 years.
How has policing changed since 1900?

By 1900 each area of Britain had its own local police force, but there were still problems.

- Police officers were badly paid and poorly trained. The only training was some military drill.
- Most of the police officer’s time was spent on the beat – walking around his local area – up to 20 miles per day.
- A policeman (they were all men) operated on his own, on foot, with just a whistle to call for help.
- There were more than 200 local police forces. Each had its own rules and ways of working.
- Local record keeping was poor and there were no centralised records of criminals. It was unusual and difficult for neighbouring forces to work together.

Changes in the 20th century

WEAPONS
- To distinguish them from soldiers, the first police were not armed. Nowadays, police can be issued with guns when necessary – the number of times this happens is increasing.
- Police now wear riot gear.
- Ordinary officers are still unarmed.
- In response to fears about police being vulnerable to attack, a different style of truncheon was introduced in the 1990s and police have a range of other weapons, such as portable canisters of CS gas, which can cause temporary blindness and special riot equipment.

TRANSPORT
- From the 1930s the car and motorbike improve police speed and effectiveness.
- In the 1970s the car had greater impact – the police changed their methods of working by replacing the ‘bobby on the beat’ with rapid response teams of police.
- Following a reaction – many forces reintroduced foot or even horse patrols as the public wanted the reassurance of seeing a police officer on the streets.

CRIME DETECTION
- In 1901 the existence of blood groups was discovered so chemical analysis of blood samples could help in detection. Also in 1901 the first national register of fingerprints was set up to help identify suspects. More recently, DNA samples have been used as evidence.
Security video recordings and national TV programmes have helped in identifying criminals.

TRAINING AND RECRUITMENT

- The police try to attract high-quality candidates. Pay is good. A National Police Training College started in 1947.
- All officers now have at least fourteen weeks' training before they start work, and local forces have their own specialists for continued police training.
- Women police officers were first appointed in 1920, to deal with women and young people. Increasingly they have taken on similar roles to male police officers, although there are still fewer female police officers.

COMMUNICATION

- Communications technology had revolutionised police methods.
- The first murder to be caught using radio communication was Dr Crippen in 1910 - British police were looking for him after they had found the body of his wife beneath the floor of his house. Crippen fled to Canada on a liner with his mistress, who was disguised as his son. The liner's captain became suspicious of this disguise and sent a radio message to Britain. The police were alerted and arrived in time to arrest Crippen as he disembarked.
- In the 1920s Morse Code transmitters were first installed in police cars and police telephone boxes (which were set up for police on patrol to call for help).
- Radios: modern communication makes it easier to report issues and call for back-up. The police first used radios in 1910 and the technology continues to develop today.

ORGANISATION

- By March 1998 the total number of police officers in Britain had increased to 126,856 - but the number of separate forces has been cut from about 200 to 41. All the forces work in a similar way and they work together on many aspects of law and order and crime prevention.
- Some people want a single, national police force - but this is consistently opposed.
- The reason for this opposition is a fear that a single national force would be too great a power in the hands of a government that wanted to use the police to enforce unpopular measures.

WORK

- The public still see the police as 'thief catchers' - but dealing with crime is only one part of police work.
- A 1933 survey revealed that only 18% of calls made to the police were crime related - the rest concerned such things as lost property and neighbourly disputes.
• A police officer is as likely to be called out to keep order at a football match, defuse an argument between a tenant and a landlord, or pick up a drunk as to try to catch a thief.

**COMPUTER RECORDS**
• Sorting information, finding patterns and matching evidence saves a huge amount of police time and can spot information people would miss.
• The Police National Computer was introduced in 1980 and holds records on 25 million people.
• It can alert police to criminals who have committed crimes similar to ones being investigated.
• Monitoring websites and emails allows the police to hunt for those planning acts of terrorism.

**CCTV**
• Allows people’s behaviour on the streets to be checked.
• CCTV security cameras were first used by the police during the IRA bombing campaign of the 1970s.
• CCTV cameras can be viewed as events are happening, but the cameras also record events that enable criminals to be captured at a later date.

**CARS AND MOTORBIKES**
• Greater mobility allows police to get to crime scenes faster.
• One of the biggest changes of the 20th century was taking police off the beat and putting them in cars.

**SPECIALISATION**
• The work of the police is so varied that it is impossible for he police to be skilled in all kinds of work they have to handle.
• Since 1945 the major crime prevention work has been dealt with by specialist national squads such as:
  The Fraud Squad (1946)
  The Anti-Terrorist Squad (1971)
  The Special Patrol Group (1965 – renamed in 1987 the Metropolitan Patrol Group) - which deals with inner city riots and disturbances and threats to public order.

**POWERS**
Basic powers have changed very little during the century.
• **Questioning** – A police officer can ask a suspect to accompany him or her to the police station for questioning. But the officer cannot force the suspect to do this without making an arrest.
• **Arrest** – Police officers have the right to arrest a person if they reasonably suspect the person is committing an offence. An ordinary citizen has the right to arrest offenders too!
• **Reporting** – Police cannot arrest someone for minor offences such as speeding or parking offences – but they can impose on-the-spot fines, or can report the suspect who will later be called to court.

• **Search** – Police normally need a warrant from a magistrate before they can search private property. The police have to convince the magistrate that the request is reasonable.

**Community policing in the 20th and 21st centuries.**

• Modern policing is not just about technology – the setting up of Neighbourhood Watch schemes involve local people in crime prevention.

• This is comparable with ways used to combat crime in the 15th century, which made local communities responsible for the behaviour of their neighbours and reporting crime – the difference is that the modern scheme is completely voluntary.

**Challenges facing policing in the 21st century.**

• Peel created a police force that had an immediate presence on the streets, although modern police often feel they are more effective in cars but – Many people want to feel the reassurance of a police officer walking down their street as a deterrent to crime.

• The threat of terrorism from groups such as the IRA in the 20th century means that police share intelligence across the world.

• Armed police often look like soldiers – This was exactly what Peel tried to avoid.

• The complexity of international crimes such as terrorism and fraud mean that there are questions about (a) how long the police should hold a suspect before they charge them and (b) whether ordinary people on a jury can always understand the evidence.
Changing patterns of crime since 1900

By the late 19th century, despite newspaper reports that suggested the opposite, violent crime figures were declining.

### CHANGING DEFINITIONS OF CRIME

- Racist crime has become an issue as Britain has become more of a multi-cultural country.
- As women’s and children’s rights have improved, the law has changed to punish domestic violence.
- Conscientious objectors were treated as criminals because they refused to fight in the war.
- Men accused of cowardice were shot in the First World War.
- Increased use of motor cars has led to punishment of those who drive badly. New laws have been created that cover speeding limits in different areas, alcohol levels and driving, and types of driving considered dangerous.

The Stephen Lawrence Inquiry

- The Stephen Lawrence Inquiry of 1999 highlighted the terrible nature of racist crime.
- Stephen Lawrence was a young black man brutally murdered in 1993 by a white gang.
- The inquiry accused the police of ‘institutional racism’ in not putting sufficient effort in catching the murderers and in the way it treated Stephen’s family.

Changing attitudes towards what constitutes a crime.

Ideas about what constitutes a crime change over time. This is nothing new. We have seen how begging became a crime in the 16th century and how workers organising themselves to protect their wages and conditions became a crime in the early 19th century. Since 1900, there have been examples of similar changes in what is regarded as criminal activity. Some of these did not turn out to be permanent attitudes. Others were part of long-term changes in society.

- **Conscientious Objection** – In 1916 conscription was introduced that forced men to the military in WW1. Those who refused became criminals and could receive sentences of up to two years imprisonment.

- **Cowardice in the face of the enemy** – Deserting your post has always been a crime in the military, but the terrible effects of modern war on soldiers in WW1 meant many of those who deserted their posts were suffering from a mental illness called ‘shell shock’. Today such men would receive mental health care but between 1914 and 1918 - 306 ‘deserters’ were executed.
Traffic crime - speeding, dangerous driving and using mobile phones while driving are all crime today but were not before the 20th century, due to the absence of motor cars or mobile phones. Changes in technology caused this change as it has been thought necessary to control how we use this technology in order to protect people. Changes in society have made drink-driving and dangerous speeding socially unacceptable - although some drivers still resent speed cameras if they feel there is no danger to others if they exceed the limit.

Race crime - The Race Relations Act (1968) made it illegal to refuse housing, employment or public services to a person on the grounds of colour, race, ethnic or national origins. Discrimination therefore became illegal. Continued racial abuse and violence towards members of minority groups has meant that 'racially motivated crime' is now explicitly punished whereas, before the middle of the 20th century, the racist motivation of such crime would not have been considered seriously.

Domestic violence - Violence in the home has often been ignored unless the crime involved murder or serious assault. It was often a hidden crime, but during the 20th century there has been an increased awareness of both the rights of women and children and the levels of violence that exist in some homes. This has led to changes in the law, which have been designed to punish such violence.

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

The increase in levels of crime since 1900
- The levels of crime have clearly increased since 1900.
- The number of offences per thousand people in the population in 1900 was 2.4 and in 1997 the figure was 89.1.
- A rising trend in reported crime began in 1954, when the figure was 9.7.
- This increase in crime in the 20th century is reflected in increases in the prison population.
- Previous periods of time such as the 18th century have also seen increases in the prison population due to changes in society and law enforcement.
Why have these changes occurred?
- It is clear that historians cannot simply assume that problems in the economy lead to increased crime.
- From 1901 to 1914 the crime trend was downwards despite increasing unemployment and industrial unrest.
- In addition, the prison population was at its lowest during the high unemployment of the 1930s.
- So, poverty on its own does not explain increases in crime.
- However, between 1946 and 1986 the average male prison population increased – this was at the same time that living standards were going up.
- Perhaps the answer lies in people having less respect for others and for authority and a consumer culture where people assume they can get what they want and are more likely to commit crime if they cannot.
- Better law enforcement and sentencing can result in more prison sentences (such as for burglary and car crime).
- Similar changes in policing and sentencing led to increased numbers of prisoners during the time period 1750-1850.
- Other factors affect the appearance of other crimes in national statistics – including the increased influence of the Women’s Movement since the late 1960s which has increased awareness of violence towards women.
- The same increased awareness has led to an increase in the reports of rape since the crime is now more sensitively handled by the police and courts.
- Also better law enforcement increases the numbers of criminals punished.

The fall of crime rates since 1992
- Reported crime was at its highest in 1992.
- Since then the amount of crimes committed appears to have gone down - this may be because a greater number of criminals have been imprisoned due to changes in court sentencing and because increased prosperity has discouraged some forms of property crime.

Why do many people think levels of crime are increasing?
- Many people's experience of crime comes from burglary and street violence and these have increased.
- Newspapers give a great deal of coverage to crime and make people think that the crime rate is worse than it really is.
Does Britain Need Capital Punishment?

The Countdown
- Despite being the ultimate punishment for hundreds of years, execution in Britain was declining from the late 1700s.
- The abolition of the Bloody Code in the 1830s meant that only a murder and treason were punishable by death.
- In 1868 public hanging ended.
- After 1840 there were around fifteen executions a year - all for murder.
- Attempts to abolish capital punishment altogether failed.
- Parliament voted against abolition in 1848, 1849, 1850 and 1928.
- In 1947 - the House of Commons voted for abolition - but the House of Lords threw it out. Exactly the same thing happened in 1956.
- In 1957 hanging was abolished for all murders except - murder of a police or prison officer - murder by shooting or explosion - murder while resisting arrest.
- As a result, executions in Britain fell to an average of only four a year - all for premeditated murders.

1965: The Year of Decision.
- In 1965 many people wanted to abolish execution altogether - but opinion was divided.
- The topic was regularly discussed in newspapers and on television; books were published and leading figures were asked whether they were for or against!
- Opinion polls were run to find out the attitudes of the people.

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<tr>
<th>ARGUMENTS FOR KEEPING CAPITAL PUNISHMENT</th>
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<tr>
<td>We cannot do without this ultimate deterrent. Murder and violent crime will rise.</td>
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<tr>
<td>Unless you literally keep a murderer in prison for life, that murderer can kill again when he is released. What would abolitionists say to the family of a victim who was murdered by someone who escaped execution only to kill again.</td>
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<td>The only alternative abolitionists suggest is to keep murderers in prison for life. This is expensive but it is also an inhuman punishment, more cruel than death. Some people serving life imprisonment and the guards who guard them say it would have been better for them to be executed. Their life is worth nothing. The head of the prison service said this in 1930 – that a lifetime in prison made someone’s life not worth living.</td>
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<td>Public revulsion against some crimes is so great that if we get rid of capital punishment there would be attempts to lynch murderers.</td>
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<td>This trial abolition won’t work either. Five years would not be long enough to really know the impact of the measure. They only want this trial period to bring in the faint hearted. We cannot really trial anything in that period.</td>
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<tr>
<td>We do not execute many people. On average, only four people a year! And they have all committed cold-blooded and premeditated murders.</td>
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<td>Capital punishment has police support. They believe that abolition will make criminals more likely to carry and use guns. It also has popular support. We cannot abolish capital punishment when the majority of the people in the country support it. We must reflect</td>
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</table>
public opinion, not try to move ahead of it.

The British legal system seldom makes mistakes. There may be a chance in a thousand of the innocent being convicted, but there are so many safeguards that that person would not be executed - look at the number that have been reprieved by the Home Secretary.

Some murders are so terrible that execution is the only way to show society’s contempt and to avenge the families of the victims. Could you really live with the idea of a multiple murderer getting away with a cosy life in prison, while the lives of the victims families are ruined for ever?

ARGUMENTS FOR THE ABOLITION OF CAPITAL PUNISHMENT

Human beings are fallible. Our legal system makes mistakes. The wrong person could be hanged. We have no right to inflict an irreversible penalty. Think about Timothy Evans. He was hanged for a murder he did not commit. Or Derek Bentley - does anyone now think he should have been hanged?

The abolition of the death penalty would actually increase the number of convictions for murder. Juries are reluctant to find people guilty because of the severity of the punishment. They would rather give people the benefit of the doubt rather than risk convicting an innocent person, who could be sentenced to death.

The death penalty places a permanent and undeserved stigma on the criminal’s family.

Execution is not really a deterrent to murderers because most murders happen on the spur of the moment.

Execution is barbaric, uncivilised and un-Christian. We fought a war to prevent these kinds of atrocities. Execution is the kind of thing you associate with Hitler’s Germany, not with Britain.

There is no evidence that the number of murders would rise following abolition. Look at the experience of other countries. For example, after Sweden got rid of the death penalty in 1920 the murder rate stayed the same. In the Netherlands it was abolished in 1870, but the murder rate was lower in the 1950s than before the abolition. Some people predicted crime would rise after the abolition of the Bloody Code but that did not happen.

The Home Secretary is reprieving more than half of all those sentenced to death. Execution is not being used. Between 1900 and 1954 there were 7454 murders. There were 1210 death sentences, but only 632 were carried out.

The morbid fascination with execution has all the wrong effects. It degrades the population.

Prisons have improved since the 1930s. Life imprisonment might be a reasonable punishment.

People who are executed become nationally famous for their crimes and for their punishment. If they were sent to prison they would become just another statistic.
EXTENDED UNIT TOPICS

You will need to study this in depth because they will be 15 mark questions at the end of your paper.

TOPICS

Witchcraft – 17th Century
Domestic Violence – 20th Century
Conscientious Objection – 20th Century

Focus on the influence of attitudes in society on crime and punishment.
You should understand attitudes in context.
Why attitudes changed and how this resulted in changes in the law.
How the authorities responded to these activities.
How those people involved were punished.
In the Middle Ages accusations of witchcraft had been dealt with by the church courts.

In the 1500s, in the middle of all the religious changes, it was made a criminal offence, punishable by death and was tried by ordinary courts.

There was no sudden increase of witchcraft cases but over the next 200 years up to 1000 people (mainly women) were executed as witches.

1645: The year of the witchfinder.

One day in 1645, Matthew Hopkins rode into the town of Manningtree in Essex.

For reasons unknown, Hopkins had begun scouring East Anglia for witches.

At Manningtree he names 36 women as witches and began to gather evidence against them.

Suspects were tortured (although torture was illegal and not used in other enquiries into witchcraft).

He kept his suspects standing up and forced them to walk until their feet blistered. He made sure they got no sleep. He humiliated the suspects by stripping them naked.

Worn down by these methods of torture - many suspects confessed.

Hopkins swore he had seen their ‘familiars’ - If a mouse, fly or spider found its way into a cell it was thought to be the witch's familiar, created by the Devil to do the witch’s bidding.

Any scar, boil or spot on the body of the accused was pronounced as being the mark of the Devil.

Of the 36 suspects - 19 were hanged and another 9 died of fever in gaol. 6 were still being held in prison three years later but their fate in unknown. Only one was acquitted and released - for providing evidence against her fellow suspects.

Following this, success led to success - or fear led to fear and news of so many witches led other towns and villages to summon Hopkins to rid them of witches.

Hopkins disappeared from the records in 1647.

Such witchhunts were rare. The more common pattern was a steady, but low, number of accusations that someone was a witch and had used supernatural powers to harm another person.

Most accusations were not the work of witchfinders like Hopkins, but of ordinary villagers accusing another person in their village of witchcraft.
A Typical Case

1. A villager, usually an old widow, asks for help from a better-off neighbour, but is refused. Often this followed years of suspicion and tension between the widow and the neighbour.

2. The widow walks away muttering and cursing quietly, maybe even uttering a threat. Both feel angry. The neighbour feels guilty.

3. Some time afterwards, something terrible happens to the neighbour or her family - an illness to her children or animals. Perhaps even a death.

4. The neighbour looks for an explanation of this terrible event. She knows the widow’s reputation as a strange woman and the rumours that she is a witch. She suspects these events could be a witch’s evil work.

5. She mentions her thoughts to friends who tell her about other examples of things that have gone wrong when they refused to help the widow. They decide to accuse the widow before any more harm is done.

Were witchcraft trials fair?

- Some aspects were like a normal trial.
- The accusers would present their charge and bring witnesses to support it.
- The accused would be asked to defend themselves - but 90% of those accused were women and most were elderly widows or spinsters who had no man to speak for them or defend them.
- Other aspects were nothing like a normal trial - eg. 'swimming' - was a throw-back to trial by ordeal.
- Many of the accused were found not guilty and only a small proportion of the accused were executed.
- Witches were usually only hanged if the court believed they had used their powers to kill someone, or to harm animals or damage property.
- It was not being a witch that was considered the main crime - it was using supernatural power to harm others.

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<thead>
<tr>
<th>ISSUE</th>
<th>POSSIBLE EXPLANATION</th>
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<tr>
<td>Why were accusations typically made by wealthier people against poorer people?</td>
<td>The accusations were a sign of increased inequality in the village. There was tension between the poor and those who were a little richer than them: the poor asked for help more often; the wealthy felt threatened by the demands of the poor. Remember that at this time the rich were also clamping down on the poor in the laws against vagabonds.</td>
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<tr>
<td>Question</td>
<td>Answer</td>
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<tr>
<td>Why were most of the accused old women?</td>
<td>This was a sign of social upheaval in village life. The old ties that bound people together as communities or as families were being loosened. Old women would once have been cared for and even respected as wise women. Now they were seen as threatening because they were different. It is one more example of the way that vulnerable or NON-CONFORMIST members of society are sometimes scapegoated as criminals.</td>
</tr>
<tr>
<td>Why did people become worried about witches in this period?</td>
<td>Because of religious change. Old beliefs and practices were being transformed. Extreme new beliefs were being preached. Protestants preached that the Devil and his servants were all around trying to draw good Christians away from God. This is backed up by the fact that accusations declined and witchcraft laws were repealed once religious belief became more settled.</td>
</tr>
<tr>
<td>Why did accusations tail off in the seventeenth century?</td>
<td>This was a time of increasingly rational thinking. Belief in witches didn't disappear, but educated people (who usually had to judge accusations of witchcraft) were less likely to believe charges of witchcraft than in earlier periods. Another reason was that people were becoming increasingly prosperous. This reduced the tensions in villages. The rich helped the poor more and there were probably fewer requests for help.</td>
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</table>
Domestic violence before 1970

During the 19th century some women had campaigned for equal rights for women and had achieved some success with regard to divorce, child custody, education and property ownership - but little had been done about the issue of domestic violence.

What is domestic violence?
- Domestic violence is generally understood to be the physical abuse of a wife or female partner by the husband or male partner.
- Hence the terms 'battered wife' or 'wife beating'.
- However many today would argue that this definition is too narrow as it takes no account of verbal bullying, mental abuse, abuse within gay or lesbian relationships or domestic violence against men by women.

Women and the common law
- Before the 20th century, it was generally accepted - both by the law and by many people - that husbands and fathers had a right to beat their wives and children.
- British common law once stated that it was legal for a man to chastise his wife 'in moderation'.
- Also, until the early 19th century, a woman who killed her husband could be found guilty of the more serious crime of 'petty treason' rather than murder.
- In other words the law considered that a woman who murdered her husband - even in self defence - had committed a much more serious crime than a husband who murdered his wife.
- There was a general 'rule of thumb' relating to what was considered to be an acceptable level of domestic violence from a husband against his wife - this was based on an alleged (although there is no actual evidence to support this) ruling of 1782 by Judge Sir Francis Buller that English law allowed a man to beat his wife with a stick, so long as it was no thicker than his thumb.

Powerless and silent victims
- Some women who suffered 'severe violence' from their husbands applied for a peace bond under civil law.
- These dated back to the 14th century and usually imposed a fine on particularly violent husbands - however only wealthy women could afford this.
In the 19th Century - laws were changed so that violence against wives was classed as criminal assault.

However judges often stuck to Common Law ideas that a husband had the right to 'moderately chastise' his wife.

Occasionally, men who 'went too far' were punished - but this was usually by the local community rather than by the law.

Newspapers during the 19th century did report particularly severe cases of wife beating.

There are many factors that explain why the authorities were so slow to act:-

- The general attitude was that the law should only apply to public life - the (male dominated) authorities did not want to interfere in private family matters.
- As a result - much male violence was either ignored or even accepted in certain circumstances.
- Men who were convicted of 'criminal assault' against their wives received very light punishments such as fines or short prison sentences.
- Before 1918, women had little political power - women did not have the vote and could not be elected to parliament themselves.
- Issues that were important to women were not really considered by politicians of the time.
- All the laws were made by men.
- The law was also enforced by men. - the all-male police force was often reluctant to intervene in what they saw as 'domestic incidents'
- Domestic violence was seen as part of the problem of 'drunkenness and disorder' among the working classes. Violence within middle- and upper-class households was rarely reported by the newspapers.
- Women themselves were often too scared to speak out and make complaints against their husbands.
Why did domestic violence become a ‘crime’ after 1970?

Forces for change
Various factors began to change attitudes towards domestic violence.

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<thead>
<tr>
<th>Campaign Groups.</th>
<th>The feminist ideas of the Women's Liberation Movement became a strong force in the 1960s. They created pressure for the changes to women's rights.</th>
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<tbody>
<tr>
<td>New ideas about the role of the state.</td>
<td>There was an increasing acceptance that the state could intervene in family life to improve the quality of life of its citizens. eg - laws in the early 20\textsuperscript{th} century were passed to protect children. In the mid 20\textsuperscript{th} century the National Health Service was developed to improve health care for all the family.</td>
</tr>
<tr>
<td>Power of the vote.</td>
<td>In 1918 some women were granted the vote and in 1928 women were granted equal voting rights with men. Women's concerns became increasingly important to those trying to win the female vote and women themselves could be elected to parliament.</td>
</tr>
<tr>
<td>Media.</td>
<td>Both broadcast and print media gave increasing coverage to domestic violence stories. More television programmes began to deal with this problem in dramas and 'soap-operas'. For example from 1993-1995 Brookside on Channel 4 ran a high-profile domestic violence storyline and similar story-lines have been used in the BBC’s long running 'soap' Eastenders.</td>
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Campaign Groups
- During the late 1960s and 1970s, women’s liberation groups and movements developed in Britain.
- They were determined to increase public awareness about the inequalities suffered by women - and wanted to change attitudes towards domestic violence.
- Women’s groups held public marches and rallies.
- Their activities began to interest the media and were covered by newspapers, radio and television.
- Women’s Aid groups campaigned to provide help for what became known as ‘battered wives’. 
• The first ever refuge for victims of domestic violence - Chiswick Women's Aid - was set up by Erin Prizzey in 1971. Soon there were 40 refuges across the country.
• In 1974 - the National Women's Aid Federation was established as the first national organisation concerned with domestic violence in the UK.
• It brought together all the refuge services across the country and helped improve support for women and children who experienced domestic violence.
• It also increased pressure on the government to change the law.

Voices in parliament
• In 1971 - the MP Jack Ashley raised the issue of domestic violence for the first time in parliament.
• Shortly afterwards - parliament set up the Select Committee on Violence in marriage to look into the problem and consider whether the law should be changed.

Resistance
• As well as increasing the pressure on the government for the laws to change - these different forces were also putting more pressure on the legal authorities to start to act on domestic violence.
• These authorities resisted this - with the Police Superintendents' Association and the Chief Police Officers' Association claiming that existing laws were sufficient for them to deal with the violence in the home.
• Various police and judicial representatives also argued that such violence was relatively insignificant when compared to 'more serious problems' such as theft and vehicle offences!
• The London Metropolitan Police were even concerned that involving the police in cases of domestic violence would place great strains on manpower and so prevent them from 'safeguarding other members of the public'.
Domestic Violence Becomes a Crime

In 1976 the Domestic Violence Act enabled victims to get two kinds of protection from the courts:
- Non-molestation orders
- Exclusion orders, which prohibited a violent abuser from returning to the home.

In 1991, rape within marriage was classed as a criminal offence in England and Wales for the first time (it was criminalised in Scotland in 1982).

In 1996, the Family Law Act gave extra protection to victims of violent partners and made arrest automatic in cases where violence had been used or threatened.

In 2004, the Domestic Violence, Crime and Victims Act gave all victims (male and female) the same protection. It also increased the powers of the police and the courts to act against abusers. Anyone breaking a non-molestation order could be charged with a criminal offence, punishable by up to five years in prison.

- The 1976 Domestic Violence Act was a beginning, but it had weaknesses, mainly because of the attitudes of the judges.
- The exclusion orders were rarely used as judges were reluctant to grant them unless the violence was severe.
- Judges were also reluctant to give police the power to arrest suspects who broke a court order - because it involved police in family matters.
- After centuries where violence in the home went largely ignored and unpunished – the position changed rapidly after 1976.
- A new crime had been defined and punishments for domestic violence became more severe.
- It is important to note that these changes in the law apply to men as well as women - but it would be fair to say that public attitudes towards 'battered men' are very different.
- Estimates suggest that over 30% of domestic violence is against men but very few male victims come forward.
- A study in 2004 found that one in four women and one in six men had been victims of domestic violence at some point in their lives.
**What is conscientious objection?**

In wars before the 20th century, professional armies were mostly made up of volunteers. This meant that no one who was opposed to war was forced to fight. Anyone objecting to war simply avoided joining up.

**Conscientious Objectors** are people who have religious, moral or political objections either to all wars or, less commonly, a particular war.

**Religious** – Some religious groups, most famously the Quakers, are opposed to all war. Such Christian groups point out the Ten Commandments in the Bible includes the phrase 'Thou shalt not kill', and that Jesus Christ advised his followers to 'turn the other cheek' when attacked.

**Moral** – People who believe that all war is morally wrong are called pacifists. They believe that war never solved problems but, in fact, creates new ones leading to yet another war.

**Political** – There are also people who object to particular wars for political reasons – eg. Many socialists and communists see most wars as being fought to protect or increase the wealth of big companies – so they refuse to fight in such wars.

**Why did conscientious objectors become a problem?**

- Opposition to war became a serious political and criminal issue in Britain in the 20th Century with the introduction of conscription (compulsory military service) for both the First and Second World Wars.
- Both of these were 'total' wars. They were so big that the government felt it necessary to involve the whole of society in the war effort.
- This meant that the state introduced a new law which said that everyone within a certain age group who was fit and healthy and not working in a job that was essential to running the country such as farming or mining was legally obliged to fight in one of the armed forces.
- Conscription was first introduced in 1916 because there were not enough people choosing to join the army, navy or air force.
- Unlike some other European countries, when the First World War ended so did conscription in Britain, but once the Second World
War began in September 1939, conscription soon followed in October.

- This meant that during these periods of conscription, people who refused to fight were breaking the law and could therefore be punished.

- This introduction of compulsory military services raised a series of legal and moral questions.

- On the one hand, it can be argued that a democratically elected government passes laws for the good of the people as a whole - in which case everyone should obey the law even if they object to it.

- However there is also the question of individual conscience. - what if the law goes against some fundamental moral, political or religious belief held by that individual? - Does the individual have the right to disregard a law that goes against their views? - In particular - what if the state asks you to kill someone else by getting you to fight in a war?
Conscientious Objection in the First World War

Attitudes of Society
During the First World War conscientious objectors (COs) were a group of protestors who aroused particular resentment and hostility.

- When the war began in 1914 the army at first relied on volunteers to sign up to fight.
- One significant group of people who objected to war were the Quakers (Society of Friends). They helped to organise the No-Conscription Fellowship - who tried to hold meetings and give support to those who wished to object to the war - their meetings were often violently broken up by the police and members of the public who, influenced by government propaganda, saw COs as cowards or even traitors.

- Conscription (or compulsory call-up) was introduced in 1916.
- The law which introduced this included a clause which was put in at the insistence of Quaker MPs - that those who objected to military service on the grounds on conscience could be excused.
- Although the law accepted that people had the right to conscientious objection - men who refused military service at this time were sometimes imprisoned and often treated harshly by their community.
- Special 'courts' known as military tribunals were set up to see which people could be excused military service.
- These tribunals were made up of army officers and local middle-class people such as doctors and clergymen.
- About 16,000 men refused to fight in the war for reasons of conscience even though it made them very unpopular with many members of the public.
- The military tribunals had the power to decide whether in their opinion, such people had 'genuine' reasons for objecting to being involved in the war.
- If the tribunals accepted the reasons - the COs were given Exemption certificates.
- However only 400 COs were given complete exemption on the grounds of conscience.

The 'alternatives'
- The majority of COs were known as 'alternativists'.
- The alternativists refused to do anything to kill or injure anyone - but were prepared to take part in the war in alternative ways by
doing non-combatant war work such as driving ambulances or being stretcher-bearers.

- Several COs won medals for bravery in carrying out their duties at the front.
- However – many employers refused to give jobs to such people and in the end the government had to set up its own work camps, such as quarries where COs crushed stone for use in road repairs.

The ‘absolutists’

- About 1,500 COs refused to do anything to assist in a war which they felt was fundamentally wrong.
- These ‘absolutists’ were treated as criminals and sent to prison – often military prisons at first.
- They received very harsh and often brutal treatment from the prison warders – and were usually forced to do hard labour.
- Some were taken to France, forced into military uniforms and threatened with execution if they did not obey military orders in a war zone.
- When this failed to change their minds, they were sent back to civilian prisons in Britain, or kept in military prisons in France – where punishments were often extremely brutal.
- During the First World War 10 COs died in prison and another 63 died shortly after their release. In addition 31 had mental breakdowns (often as a result of being put into solitary confinement.
- At the end of the war – all COs were denied the right to vote for 5 years and many found it impossible to get jobs.
- Some were beaten up when they returned home.
Conscientious Objection in the Second World War

Changing Attitudes
As the full horrors of the First World War emerged – many people turned to pacifism in the inter-war period. Such people included those who had previously won medals for bravery but who came to see the war as horrifically wasteful and not the best way of solving disputes. Therefore when the Second World War broke out in 1939 - there were many more COs and this time they were not persecuted by the authorities in the same way.

- The government made more of an effort to give COs jobs in farming or industry.
- It was rare for them to be sent to prison.
- As in the First World War – tribunals were set up to decide if people had legitimate reasons for refusing to be conscripted - this time though they were different - the military were not allowed to sit on them and the membership had to be representative of all social classes.

How many conscientious objectors were there in the Second World War?
- In all, 59,192 people (including women) claimed exemption.
- All except 12,204 were given complete or partial exemption - most of them were associated with the Central Board for Conscientious Objectors or the Quakers (Society of Friends) and co-operated with the authorities.
- About 29,000 did work in factories or on the land.
- Some agreed to do non-combatant work in the armed forces - very often acting as ambulance drivers or doing dangerous jobs such as bomb disposal.
- Many COs, though, were part of the Peace Pledge Union, which was opposed to war and which tried to encourage people not to fight. These tended to refuse to do any war-related activity - but unlike the treatment of COs during the First World War, the authorities were reluctant to send such people to prison.
- They were allowed to continue their campaign during the war, for instance, putting up posters to encourage people to refuse to fight.
- Although government attitudes towards the COs changed between the wars, the attitudes of the general public changed very little - and some members of the public were very hostile.
• COs were accused of being cowards and traitors - to their faces and in the newspapers.
• Some COs were physically attacked - others were sacked from their jobs.
• Generally though - COs did not suffer as badly in the Second World war as they had done in the First.