



CRIME AND PUNISHMENT THROUGH TIME

c.1000–present

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2 Crime and punishment in medieval England, c.1000–c.1500

2.1 Understanding medieval England, c.1000–c.1500

To understand crime and punishment in the Middle Ages, and the factors affecting it, we need a clear picture of medieval society, as shown in the boxes below.

The king



Medieval people believed their kings were chosen by God. The king was the most important person in the country as he controlled the land and decided how to share it out. The main tasks facing medieval kings were defending the country from attack and ensuring their subjects were protected by the law.

The nobles

The nobles were the king's main supporters and advisers. In return for land, the nobles provided the king with knights and military service in times of war. They were also expected to keep law and order in their own lands.



The Church



People in the Middle Ages saw this life as preparation for the eternal afterlife after death. They believed firmly in Heaven and Hell. Therefore, the Church was an important organisation

because it offered ways to help a person's soul get to Heaven. There was a priest in every village and everyone was expected to attend church and live by its rules. The Church ran its own courts for churchmen and offered **sanctuary** to criminals who took refuge in a church building. This sometimes brought the Church into conflict with kings who wanted to enforce royal justice on everyone without interference.

The peasants



Most people in medieval England were peasants – farmers who worked the land and lived in villages. For part of each week they worked on the land of the local lord. In their remaining time peasants worked on their own land to feed their families. People lived in close-knit communities and knew their neighbours well. As there was no police force, they were expected to look out for one another and ensure the village was a lawful place.

Medieval society

- 1 Who was responsible for upholding the laws in medieval England?
- 2 Why might the Church and the king have argued over upholding the law?
- 3 What advantages do you think criminals had in medieval England?



Visible learning

When were the Middle Ages?

This book deals with a thousand years of history. By far, the biggest chunk of this time was taken up by the medieval period. Although the medieval period began around c.400, when the Romans left Britain, we focus on the years c.1000–c.1500. However, 500 years is still a long time! Therefore, to make things clearer, we divide the period into Anglo-Saxon England (before 1066), Norman England (c.1066–c.1100) and the later Middle Ages (c.1100–c.1500). And one more thing – historians also call the medieval period the Middle Ages!

ASKING QUESTIONS ABOUT CRIME AND PUNISHMENT IN THE MIDDLE AGES ?

Learning to ask good questions is an important historical skill. Some questions are 'bigger' – more important – than others.

- Which of these four questions are the bigger ones for understanding the history of crime and punishment? What makes them bigger?
 - Who was the most powerful person in medieval society?
 - How can we explain the increase in harsh punishments during the early modern period?
 - What year was the first police force set up?
 - Why did it take so long for the first police force to be set up?
- Make a list of the questions you want to ask about crime and punishment in the Middle Ages. Divide your list into 'big' and 'little' questions. Use the question starters below to help you.

When ...?	How ...?	What effects ...?	Who ...?	What ...?
What happened ...?	How significant ...?	Did they ...?	Why ...?	
Where ...?	Did it really ...?			

Your Enquiry Question

Like you, we thought of lots of questions about crime and punishment in the Middle Ages. However, the one we settled on was:

We chose this question for three reasons. First, it's a 'big' question because it helps you understand a period of 500 years, half of all the chronology we cover in this course. Second, it helps you to understand how medieval society functioned and the different roles people played.

Who had the most influence on law and order in the Middle Ages – the Church, the king or local communities?

Good historians usually start answering a question by suggesting an initial hypothesis – a first draft answer. A hypothesis helps you to stay on track as you continue working, but remember that you can change it or add to it as you learn more.

- Based on what you have found out *so far* using pages 4–12, who do you think would have had the most influence on law and order in the Middle Ages – the Church, the king or the local community?

The next step is to research this topic and collect evidence that helps you to answer the Enquiry Question. We are going to use a Knowledge Organiser. This is to help you avoid the common mistake of making notes so detailed that you cannot see the main points that you need.

- Make your own large copy of the chart below. You will be instructed to add detail to it as you work through the rest of this section on the Middle Ages.

	Influence from the Church	Influence from the king	Influence from local communities
Enforcing the law: policing methods			
Enforcing the law: trials			
Punishment of criminals			

2.2 Criminal moment in time: Saxon village, c.1000

After the Romans withdrew from England in c.400, waves of settlers from Germany began to settle. These Angles and Saxons brought their own laws and customs as they established local kingdoms across England. These early Anglo-Saxon kings allowed victims of crime to punish the criminals themselves. If someone was murdered, the family of the victim had the right to track down and kill the murderer. This system, known as **'blood feud'**, was all about retribution and often led to more violence. Furthermore, it offered no justice for those unable or unwilling to use violence themselves.

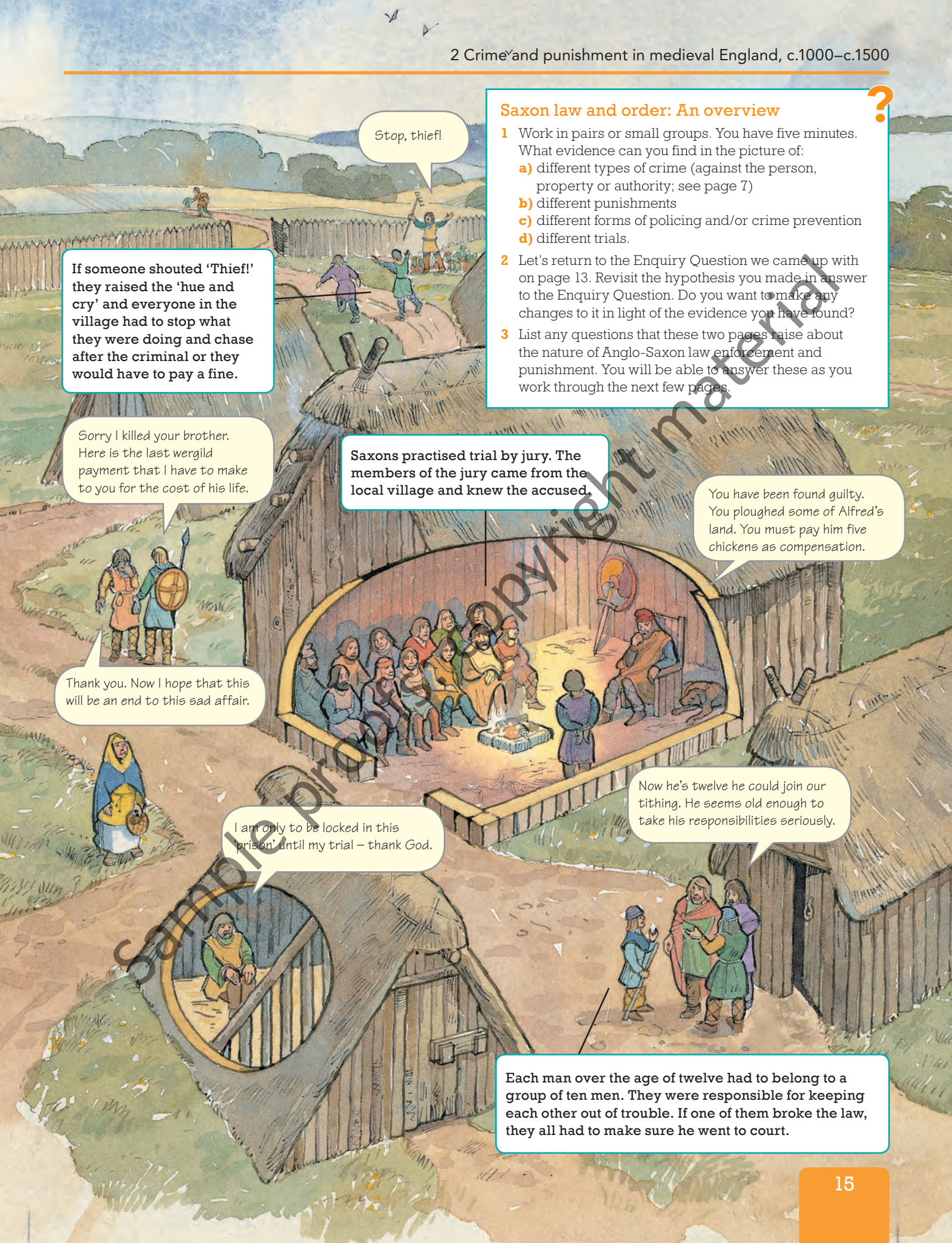
Your GCSE study begins in c.1000, by which time England had been united into a single Anglo-Saxon kingdom and blood feud had long been replaced by more effective ways of upholding the law. Anglo-Saxon society was based on close-knit farming communities who shared responsibility for maintaining law and order in the village. By far the most common crimes were against property, usually in the form of petty theft.

Maybe this will teach you to stop stealing. This is the fifth time you have been caught! May this be a lesson to all of you not to steal.

There was no evidence in this case, so God will decide. Bandage his hands and we will see if God has helped them heal in three days' time.

Saxons sometimes used trial by ordeal.

I drank too much and insulted my neighbour.



Stop, thief!

If someone shouted 'Thief!' they raised the 'hue and cry' and everyone in the village had to stop what they were doing and chase after the criminal or they would have to pay a fine.

Sorry I killed your brother. Here is the last wergild payment that I have to make to you for the cost of his life.

Saxons practised trial by jury. The members of the jury came from the local village and knew the accused.

You have been found guilty. You ploughed some of Alfred's land. You must pay him five chickens as compensation.

Thank you. Now I hope that this will be an end to this sad affair.

Now he's twelve he could join our tithing. He seems old enough to take his responsibilities seriously.

I am only to be locked in this 'prison' until my trial – thank God.

Each man over the age of twelve had to belong to a group of ten men. They were responsible for keeping each other out of trouble. If one of them broke the law, they all had to make sure he went to court.

Saxon law and order: An overview ?

- 1 Work in pairs or small groups. You have five minutes. What evidence can you find in the picture of:
 - a) different types of crime (against the person, property or authority; see page 7)
 - b) different punishments
 - c) different forms of policing and/or crime prevention
 - d) different trials.
- 2 Let's return to the Enquiry Question we came up with on page 13. Revisit the hypothesis you made in answer to the Enquiry Question. Do you want to make any changes to it in light of the evidence you have found?
- 3 List any questions that these two pages raise about the nature of Anglo-Saxon law enforcement and punishment. You will be able to answer these as you work through the next few pages.

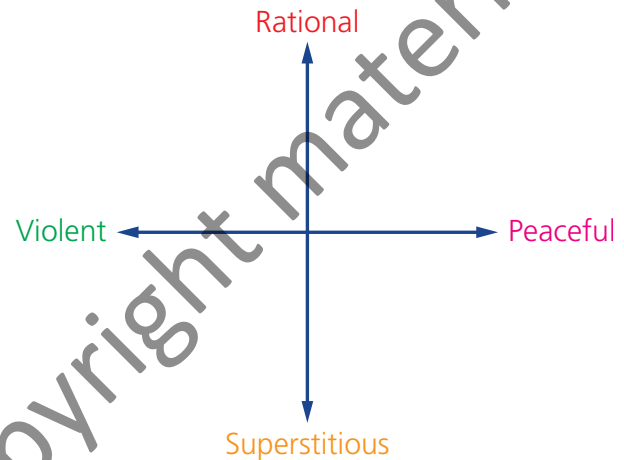
2.3 Was Anglo-Saxon justice violent and superstitious?

Novels, films and television often depict medieval justice as violent, cruel and superstitious, based only around retribution and deterrence. They give the impression of savage punishments based on ‘an eye for an eye’ and terrifying public executions to set an example. On these pages you will investigate Anglo-Saxon methods of enforcing the law and punishing criminals. Once you have made a judgement about whether these were violent and superstitious, we can return to the Enquiry Question on page 13 and use the information to formulate an answer.

MAKING A JUDGEMENT

You are going to use a judgement matrix to help you decide how harsh and superstitious Anglo-Saxon justice really was. This is another effective Knowledge Organiser which helps you summarise important information and show your thinking in a visual way.

- 1 Draw your own larger copy of the matrix on the right.
- 2 Use the information on pages 17–19 to make your own summary cards on each of the methods the Anglo-Saxons used to keep law and order (tithings; hue and cry; trial by local jury; trial by ordeal; wergild; capital and corporal punishment). Summary cards are meant to be clear and to the point. Look at the example below for guidance.



Tithings

How it worked

Why they used it

- 3 Discuss each card carefully with a partner. Where should it be placed on the judgement matrix?

Tithings

Anglo-Saxon England lacked anything that we would describe as a police force. People lived in small villages and knew their neighbours well. Law enforcement was based around the local community.

By the tenth century, Anglo-Saxon kings had set up a self-help system known as a tithing. Every male over the age of twelve was expected to join a tithing. This was group of ten men who were responsible for each others' behaviour. If one of them broke the law, the other members of the tithing had to bring him to court, or pay a fine.

Hue and cry

If a crime was committed the victim or witness was expected to raise the 'hue and cry'. This was more than just calling out for help. The entire village was expected to down tools and join the hunt to catch the criminal. If a person did not join the hue and cry then the whole village would have to pay a heavy fine.

Trial by local jury

The Anglo-Saxons used two types of trial. The first of these relied on the local community and used a form of trial by jury. The jury was made up of men from the village who knew both the accuser and the accused.

The accuser and the accused would give their version of events and it was up to the jury to decide who was telling the truth. If there was no clear evidence such as an eyewitness to the crime, the jury decided guilt or innocence based on their knowledge of the people concerned. If the jury felt that the accuser was more honest than the accused, they would swear an oath that the accused was guilty. This oath taking was called **compurgation**.

What do you think the advantages and disadvantages of the tithing system were? Why might it be difficult to use such a system today?

Now he is twelve he must take on his responsibilities to protect the peace of our village.

He looks like a good lad. We should be able to rely on him.

Yes, unlike someone else I could name. He's going to cause trouble soon if we don't keep a close eye on him.



▲ The tithing system in action

Trial by ordeal

The Saxons were a very religious society. If a local jury could not decide guilt or innocence, then the Saxons turned to trial by ordeal in the hope that God would help them. The diagram below helps you understand the different types of trial by ordeal and the role religion played in the process.

Trial by hot iron

- Usually taken by women.
- The accused picked up a red-hot weight and walked three paces with it.
- The hand was bandaged and unwrapped three days later.
- The accused was innocent if the wound was healing cleanly or guilty if it was festering.



Trial by hot water

- Usually taken by men.
- The accused put his hand into boiling water to pick up an object.
- The hand or arm was bandaged and unwrapped three days later.
- The accused was innocent if the wound was healing cleanly, but guilty if it was festering.

Trial by ordeal

- All ordeals (except cold water) took place inside a church.
- The accused had to fast for three days and then hear Mass as preparation.
- A priest was always present, as it was believed God would judge guilt or innocence.



Trial by blessed bread

- Taken by priests.
- A priest prayed that the accused would choke on bread if they lied.
- The accused ate bread and was found guilty if he choked.



Trial by cold water

- Usually taken by men.
- The accused was tied with a knot above the waist and lowered into the water on the end of a rope.
- If the accused sank below God's 'pure water' then he was judged innocent. If the accused floated, then he had been 'rejected' by the pure water and was found guilty.

Wergild

The Saxons relied heavily on a system of fines called wergild. Wergild was compensation paid to the victims of crime or to their families. The level of fine was carefully worked out and set through the king's laws.

Wergild, unlike blood feud, was not about retribution and so made further violence less likely. However, it was an unequal system. The wergild for killing a noble was 300 shillings; the wergild for killing a freeman was 100 shillings; while the fine for killing a peasant was even lower. Perhaps most outrageously, the wergild paid for killing a Welshman was lower still!

Wergild was also used to settle cases of physical injury, with different body parts given their own price. For example, the loss of an eye was worth 50 shillings, whereas a broken arm could be settled with payment of only 6 shillings to the victim.

Capital and corporal punishment

Some serious crimes carried the death penalty in Anglo-Saxon England – treason against the king or betraying your lord. This harsh capital punishment was intended to deter others and show people the importance of loyalty to the king, who Saxons believed was chosen by God.

Re-offenders were also punished harshly if they were caught. Corporal punishment for regular offenders included mutilation, such as cutting off a hand, ear or nose or 'putting out' the eyes. This was intended to deter them from further offences.

USING YOUR KNOWLEDGE ? ORGANISER

Well done so far! You have learnt a lot about Anglo-Saxon justice but that does not mean you can forget about our Enquiry Question. Use your completed judgement matrix and the information on pages 17–19 to start to add key points to your Knowledge Organiser. You may want to reconsider or revise your original hypothesis.

Prisons were rarely used in Anglo-Saxon England because they were expensive to build and to run. Gaolers would have to be paid and prisoners fed. This was impossible at a time when kings only collected taxes for war. Therefore, prisons were only used for holding serious criminals before trial so that they could not escape. ▶



2.4 How far did the Normans change Anglo-Saxon justice?

Put yourself in the shoes of William, Duke of Normandy. It is 1066 and, victorious after the Battle of Hastings, you have replaced King Harold as ruler of England. The diagram below gives you an idea of the main issues that you, as the new king, have to consider.

The people of England have lived under Saxon control for many years. I must show them I am the rightful heir to Edward the Confessor* and that I respect his legacy.

I need money after my victory and must come up with new ways of raising revenue.

I have the support of the Pope and thank God for my victory! I want to ensure that England remains a godly realm and I will trust in the Lord at all times.

I have only 7,000 Normans in a country of nearly 2 million English. I must find ways of keeping the whole country under control.

I was tough on lawbreakers back in Normandy. I believe that crimes are committed against the king's peace rather than against the individual.

***Edward the Confessor (King Edward)**

- King of England from 1042 to 1066.
- William claimed that Harold took the throne illegally and he was Edward's rightful successor.

WHAT SHOULD THE NORMANS DO?

How might the issues facing William have affected the way the Normans dealt with justice?

- 1 Look back at the cards and judgement matrix that you made on page 16 showing the Anglo-Saxon system of justice. Discuss what William might have wanted to change and what he might have wanted to keep the same. Give your reasons.
- 2 Make a prediction (you will find out if you were right later on) about the amount of change the Normans made to Saxon justice:
 - a) Complete change: the Normans wiped out the old system.
 - b) Some change but also some important continuities.
 - c) Complete continuity: the Normans left the old system unchanged.
 - d) Your own more detailed theory.

What did the Normans actually do?

There is no doubt that the Normans made lasting changes to England. Castles sprung up all over England and many churches were built or rebuilt in the Norman style. Even the language changed. However, when it came to crime and punishment things were not quite so clear.

Source A: From the Laws of William the Conqueror, 1066

I command that all shall obey the laws of King Edward with the addition of those decrees I have ordained for the welfare of the English people.

The following boxes 1–10 give an outline of the Norman approach to justice. So how far did the Normans change existing definitions of crime, adapt law enforcement and alter punishments? Read the information carefully to help you with the tasks on page 22.

How does Source A on page 20 give the impression of both change and continuity?

1. The Normans built many castles to help control the land. Sometimes Anglo-Saxon homes were destroyed to make room. There was much anger and some Saxons fought back, killing Norman soldiers. William made a law that if a Norman was murdered, all the people of that region had to join together and pay an expensive **Murdrum fine**.

2. William decided to keep the majority of Anglo-Saxon laws as they were. The traditional laws of previous Saxon kings were retained.



3. Local communities were already effective at policing themselves. Therefore, the Normans kept the tithings and the hue and cry.

4. William introduced the much-hated **Forest Laws**. This changed the definition of crime and made previously legal activities into serious offences. Trees could no longer be cut down for fuel or for building and people in forests were forbidden to own dogs or bows and arrows. Anyone caught hunting deer was punished by having their first two fingers chopped off. Repeat offenders were blinded.



5. The Normans kept the religious ritual of trial by ordeal, but also introduced **trial by combat**. The accused fought with the accuser until one was killed or unable to fight on. The loser was then hanged, as God had judged him to be guilty.

6. William used capital punishment for serious crimes and for re-offenders.



7. Norman-French became the official language used in court procedures and all court records were kept in Latin. Most English people understood neither.

8. William used fines for lesser crimes. However, the Normans ended wergild – instead William ordered that fines should no longer be paid to the victim or their family, but to the king's officials.



9. The Anglo-Saxons gave women almost equal rights in law with men. Norman law was much harsher on women. A Norman legal text said, 'Women's authority nil. Let her in all things be subject to the rule of men.'

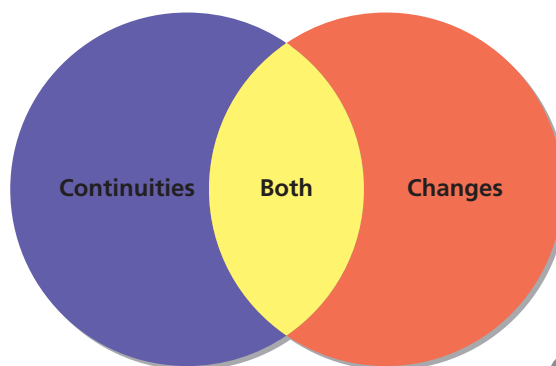
10. The Normans introduced Church courts (see page 28). These were separate courts used for churchmen and tended to be more lenient.



11. Medieval chronicles say England was a safer and more law-abiding place after the Norman Conquest. However, many ordinary people were prepared to break the Forest Laws. This is what historians call a '**social crime**'. The local community were willing to turn a blind eye to people hunting or collecting fire wood from the King's forests as they regarded the law as unfair.

IDENTIFYING CHANGES AND CONTINUITIES

- 1 Draw your own large version of the Venn diagram below. Read the boxes on page 21 and make notes on the diagram showing the things the Normans did. Be careful, some of the things they did were partly change and partly continuity. Put these in the overlap.



- 2 Now it is time to weigh-up the overall amount of change versus continuity. This is not as easy as simply counting the number of examples in each part of your Venn diagram. Some examples are more important than others. Put another way, some examples carry more 'weight'.
- a) Draw your own large copy of the scales below.



- b) Look again at your completed Venn diagram. Underline the different examples on your diagram using the key below:
- laws · policing methods · trials · punishments
- c) Now you must decide how much weight you will assign to the four areas above. For example, the Normans kept the traditional laws of previous Saxon kings. This was a big and important continuity so you might give LAWS a weight of 5 before placing it on the left side of the scales. However, some laws such as the Forest Laws were new. How much weight would assign to LAWS on the change side of the scales? Make sure you annotate each weight on each side of the scales to explain your thinking.
- d) Write a short conclusion to the question: How far did the Normans change Anglo-Saxon justice? Use your annotated weighing scales to help you make a decision. Don't sit on the fence!

USING YOUR KNOWLEDGE ORGANISER

What key details about the Normans could you add to the Knowledge Organiser you started on page 13 to help you with the Enquiry Question?

2.5 How far did kings change justice during later medieval England?

As we have seen, Anglo-Saxon and Norman kings had two main responsibilities during the Middle Ages. These were to keep the country safe from invasion and protect the people from lawbreakers. During later medieval England (c.1100 to c.1500), medieval kings took an even closer interest in laws, policing, trials and punishments. Let's start with a murder and find out what happened next ...

Murder in a medieval village

John the Shepherd's house looked empty. Roger Ryet had already walked past it once, glancing through the shutter, just out of curiosity. There wasn't much to see – a well swept floor, a couple of benches, a table. Hanging over the benches was a piece of cloth. 'Nice piece of cloth,' thought Roger. 'It will make someone a nice tunic.' He continued his journey, hoping that today he would get work on the lord of the manor's land and be able to buy his own new tunic.

Roger failed to find work that day. There were many idle hands in his village that year, all clamouring for work. By the time he arrived, others were already turning away disappointed. Roger cursed, knowing that his own scrap of land did not produce enough food for him to live on.

Now Roger was walking back past the John the Shepherd's house. The shutter stood invitingly open, the cloth still hung on the bench. There was no one nearby. The cloth was within arm's reach. Roger leant in, grabbed the cloth and started running.

'Thief!' shouted a man's voice. Roger reeled in shock. Where had the man come from? He had been sure there was no one about.

The man blocked Roger's path, and now he heard the footsteps of a woman at his heels. Roger hesitated as he gripped the cloth tightly. He had to move. He had to get away. In his other hand he held his knife. He moved forward, desperate to escape ...

Seconds later, John the Shepherd lay dead. His wife, Isobel, knelt screaming by his side.

WHAT HAPPENED NEXT?

- 1 This story above is based on a real murder that took place in Norfolk in the early 1300s. Your first task is to speculate on what happened after Roger Ryet killed John the Shepherd. The statements below list some possible ways that Roger might have been caught, put on trial and punished. Only some of them are correct. Make your prediction by choosing the statements you think are true. Keep a note of these, as the next few pages will reveal if you were right.
 - a) The local men chased Roger in the hue and cry led by the parish constable.
 - b) The Norfolk coroner held an inquiry into the death and the jury decided there was enough evidence to accuse Roger in court.
 - c) A message was sent to the local sheriff who took Roger off to prison.
 - d) When the king's judges arrived in Norfolk, Roger went before the court.
 - e) Roger faced trial by ordeal, plunging his hand into boiling water.
 - f) Roger paid Isobel the wergild of 200 shillings for her husband.
 - g) Roger was hanged by order of the judges.



FINDING OUT ABOUT THE LATER MEDIEVAL ENGLAND

1 Extracting detail from written accounts is an important skill for GCSE. You can make this easier by working in groups of three and deciding who is responsible for finding information in the story about:

- policing methods
- trials
- punishments.

As you read through the rest of the story on pages 24–26, write each piece of relevant information you find on a separate slip of paper or sticky note.

2 Compare your group's findings with others in the class. Who extracted the most information in the time available?

Escape

'Keep running, don't stop, can't breathe ... must breathe, got to keep on running,' thought Roger. He didn't know how long he'd been running, but it seemed like a very long time. Looking down he saw the cloth, still gripped tightly in his hand, but now spattered with the drying blood of John the Shepherd. He stopped to catch his breath in the woods north of the village. How had it come to this?

Hue and cry

Roger already knew what would be happening back in the village. Isobel's screams would have alerted others and the hue and cry would have been raised. Every villager would have downed tools immediately in order to join the hunt for him. No one wanted to risk the fine for not joining in. They all knew Roger. These people were his neighbours; they lived and worked alongside both Roger and John.

The parish constable

Now deeper into the woods and leaning against a large oak tree, Roger stopped to catch his breath. He could hear the sounds of the villagers now, the crack of branches underfoot and voices raised in anger. One voice could be heard above the rest – it was Walter, the parish constable. Walter was a blacksmith by trade but had volunteered to be constable for that year. He was well-respected in the village and people looked up to him – the right man for the job. Walter had to keep the peace in his spare time, keeping an eye out for any crime that might take place, leading the hue and cry when it was needed. Roger's spirits sank. Walter took these responsibilities seriously, even though constables were unpaid. Roger knew it was only a matter of time before he would be caught.

But Roger was lucky. He heard the hue and cry start to move off in the wrong direction. He relaxed a little and sensed, for the first time, the deep hunger that had been with him these past few days. How could he have been so stupid? If only he hadn't acted in haste, he might be sitting down to a modest meal at home.

The coroner and the sheriff

Back at the village, eating was not a priority for Walter. The hue and cry had failed to track down Roger so now he had to inform the coroner about John the Shepherd's death (since 1190 all unnatural deaths had to be reported to the coroner). In this case it was clear what had happened and the coroner would be able to confirm events with Isobel, who had witnessed the whole thing. The coroner would then have to inform another royal official, the sheriff of the county, that a man had been murdered. If the hue and cry had still not found Roger then the sheriff would organise a **posse** to track down and capture him.



◀ A painting thought to be of King Edward I, c.1300. Edward I introduced parish constables in 1285. The parish was the smallest unit of local government in the country. Every parish was centred on a church.

Sanctuary

The sun was beginning to set and the daylight sounds of the woods gave way to the hoots of owls and other signs of approaching darkness. Roger had a plan. His best hope of escape was to reach the cathedral in Norwich. He would reach the church door and bang on the sanctuary knocker. Once a criminal had reached sanctuary, even the sheriff could not take him by force from a church. Roger would then have the choice to stand trial for his crime or leave the country within 40 days. He'd go to France he thought. Yes, that is what he'd do.

Sleep

On the second day Roger hid until nightfall. He moved slowly so no one could hear him, avoiding the country paths, crossing ditches and fields under the cover of darkness. The landscape seemed unfamiliar on this moonlit night and Roger soon felt himself hopelessly lost. Regrets flooded his mind. If only he had more land to grow enough food. If only he hadn't drawn his knife. If only he hadn't seen the damned cloth in the first place. There in the bracken Roger drifted off into a fitful sleep.

Rude awakening

'Get up cur! On your feet! He's over here – come quick!' Roger woke with a start. Looking up, he saw a finely dressed man, who must be the sheriff, towering above him. He was accompanied by several other men who had been summoned as part of the sheriff's posse to track Roger down. He recognised one of them as his cousin, a lanky boy of 15. Roger smiled to himself. He couldn't blame the lad – all men of that age could be summoned to join a posse.

It was light as they took Roger away, his hands bound with rope. On the horizon Roger spotted the tell-tale spire of Norwich Cathedral. He'd been so close to claiming sanctuary!



The royal court

Roger was accused of murder. After a week in the local gaol he was taken, by his tithing, before the royal court. The royal court dealt with the most serious crimes. As he walked in he saw a row of five judges raised up high and dressed in fine red robes. Just below them were the **scribes**, writing everything down on long scrolls of parchment. To his left Roger spotted the jury. Their faces were known to him as they had been selected from the villages in the local area.

‘If only she’d not seen me,’ thought Roger as he spotted Isobel weeping in the courtroom. Roger had been well-liked and trusted by his fellow villagers. Without any evidence against him they might have sworn an oath of innocence based on his good character. Isobel now stood and gave her eyewitness testimony. It was not surprising that the jury trusted Isobel’s description of events. Some of them even recalled hearing Isobel’s screams when Roger had stabbed her husband. The jury swore an oath that Roger was guilty.

◀ Royal courts like this one would have been similar to the one Roger attended. Royal judges were appointed by the king and visited each county two or three times a year to hear the most serious cases. Most other cases continued to be heard in manor courts before local juries who usually set fines as punishment (see page 8).

The noose

As a boy, Roger had listened to his grandfather scare him with stories of boiling cauldrons of water and God's divine judgement. Trial by ordeal had finally been abolished in 1215. 'At least I avoided that,' thought Roger. Then reality came crashing back into Roger's thoughts. Just last year he had witnessed one acquaintance being whipped and another placed in the **pillory** just for being drunk! Selling weak beer could land you a night in the **stocks** so what hope did he, a murderer, have? Roger knew he was bound to swing for his crime, to set an example and serve as a warning to others.

Of course, there were some ways of avoiding death but Roger could not afford to buy a pardon from the king. Nor was he able to read, which made claiming **benefit of the clergy** (see page 28) impossible. That would have involved him reading a verse from the Bible and being tried by the Church courts, who never executed people. 'If only there was a war on. I could avoid all of this by fighting in the army as my punishment,' thought Roger as the hangman tied the noose around his neck.

It was his very last thought before he convulsed, legs kicking into thin air at the end of the rope.

CHANGES AND CONTINUITIES IN LATER MEDIEVAL ENGLAND

- 1 Look back at the predictions you made on page 23. Were you correct?
- 2 Law enforcement and punishment clearly did change during the later Middle Ages. Using the information that you collected from the activity on page 24, sort these into changes and continuities and use them to fill in your own copy of the table below.

	Situation by 1100	Changes made by kings	Continuities
Policing	<ul style="list-style-type: none"> • No police force • Tithings were organised to bring accused to court • Hue and cry used to catch criminals 		
Trials	<ul style="list-style-type: none"> • Local juries decided guilt or innocence • If jury could not decide then ordeal was used – God was judge • Royal courts for serious cases. Manor courts for others 		
Punishments	<ul style="list-style-type: none"> • The Normans ended wergild and fines were paid to king • Serious crimes and re-offenders were punished by death 		

- 3 Which of the statements below do you think best sums up how far law enforcement and punishment changed during the later Middle Ages?
 - a) By the end of the Middle Ages law enforcement and punishment had changed very little since 1100.
 - b) Key parts of law enforcement and punishment had remained the same since 1100. However, trials and policing methods had been improved.
 - c) By the end of the Middle Ages law enforcement and punishment had been almost totally changed. They were unrecognisable.
- 4 What key details about the late Middle Ages could you add to the Knowledge Organiser you started on page 13 to help you with the Enquiry Question? Refer back to your initial hypothesis and decide whether you need to revise it in any way.

2.6 Case study: Did the Church help or hinder justice in the early thirteenth century?

You have already begun to discover how the Church and religious beliefs played an important part in medieval law and order. God was firmly at the centre of trial by ordeal (see page 29) but this was not the only way in which the Church influenced justice. This influence had previously brought the Church into conflict with the king. The most infamous example of this came in 1170 with the brutal murder of Archbishop of Canterbury Thomas Becket. Becket had fallen out with King Henry II over the issue of Church courts, which Henry believed were allowing criminals to get off too lightly.

A description of events in July 1174, written a few years later by the monk Ralph Diceto:

King Henry made a hasty journey across England. When he reached Canterbury he leaped from his horse and took off his royal clothes. He put on simple clothes and went into Canterbury Cathedral. There he lay down and prayed for a long time. Then King Henry allowed each of the bishops to whip him five times. And after that the monks who were there (and there were a large number) each whipped the king three times.



As you can see from the illustration above, Henry was eventually forced to seek forgiveness for the death of Becket and the power and influence of the Church continued. In the eyes of Henry and some later kings, this challenged royal authority and hindered effective justice. How far was this still true in the early thirteenth century?

Church courts

The Church claimed the right to try any churchman accused of a crime in its own courts. This would be presided over by the local bishop. Unlike ordinary courts, Church courts never sentenced people to death, no matter how serious the crime committed. Church courts also dealt with a range of **moral offences** including failure to attend church, drunkenness, adultery and playing football on a Sunday.

Benefit of the clergy

Benefit of the clergy was when an accused person claimed the right to be tried in the more lenient Church courts. In theory, this right was intended only for priests. In practice, anyone loosely connected with the Church, such as church doorkeepers or gravediggers, used it to escape tougher punishments. To get around this problem, the Church used a test requiring the accused to read a verse from the Bible. The idea was to weed out the non-churchmen who, unlike priests, were usually unable to read. However, others learnt the verse by heart and it soon became known as the 'neck verse' because it could literally save your neck from the hangman's noose!

Sanctuary

If someone on the run from the law could reach a church, he or she could claim sanctuary. Once a criminal reached sanctuary, they were under the protection of the Church. Even the county sheriff could not remove them by force. The criminal then had 40 days to decide either to face trial or to leave the country. Those choosing to leave had to make their way, barefoot and carrying a wooden cross, to the nearest port and board the first ship heading abroad.

Trial by ordeal

Although it was ended by Pope Innocent III in 1215, trial by ordeal had long been used to judge guilt or innocence in the eyes of God (see page 18). It was used when juries could not reach a verdict and was based on the legally unreliable idea that God would decide a case. As such, it was possible that some guilty men and women escaped punishment while some innocent people were found guilty.



◀ The sanctuary knocker at Durham Cathedral. A criminal would grasp the knocker and hammer on the door to be let in. A church bell would be rung to alert the townspeople that someone had claimed sanctuary.

HELPED OR HINDERED?

Draw your own copy of the spectrum below to show how much of a help or hindrance to medieval justice each type of Church involvement was. We have done **trial by ordeal** for you as an example to get you started. Use the information on these two pages to mark and annotate **Church courts**, **benefit of the clergy** and **sanctuary**.



Trial by ordeal provided an outcome if a local jury could not reach a verdict. However, this outcome seemed to be based on luck rather than real guilt or innocence. Therefore, guilty criminals sometimes escaped punishment while innocent people could be punished.

USING YOUR KNOWLEDGE ORGANISER

What key details about the Church could you add to the Knowledge Organiser you started on page 13 to help you with the Enquiry Question?

2.7 Communicating your answer

Now it's time to write your answer to the Enquiry Question and ...

STOP! We have forgotten something very important.

Revise your hypothesis and get your summary answer clear in your mind before you begin writing.

This is a vital stage because a big mistake students make is starting to write without having the answer clear in their minds. The activities below help to clarify your thinking and work better if you do them with a partner.

- 1 Compare the information in your Knowledge Organiser (page 13) with your partner's. Make any necessary additions.
- 2 Rank the Church, kings and local communities in order of the influence they had in each of the following areas:
 - enforcing the law: policing methods
 - enforcing the law: trials
 - punishing criminals.

Now it's time to write your answer

Now it's time to write an answer to our question.

Who had the most influence on law and order in the Middle Ages – the Church, kings or local communities?

Use the following plan to help you structure your answer:

Paragraph 1 – Describe how policing methods worked and explain what, *if any*, role the Church, kings and local communities played.

Paragraph 2 – As above but consider trials.

Paragraph 3 – As above but consider punishments.

Paragraph 4 – Your conclusion should weigh up which group had the most influence overall.

Word Wall

A Word Wall identifies words that are useful for writing an answer. They also help you to think and talk about your answer. Add to your Word Wall each time you finish studying a new time period. This helps you to:

- understand the meaning of technical words and phrases
- communicate clearly and precisely when you describe or explain historical events – this definitely helps you do well in your exams
- spell these important words correctly (marks are lost in exams for poor spelling).

Here are some words and phrases to help you think about the Enquiry Question and medieval England. Make your own copy on a large sheet of paper and leave plenty of space so you can add to it.

Red – words related to the history of crime and punishment.

Blue – historical periods.

Black – words that make your arguments and ideas answers clear to a reader

Golden – words that help you to use evidence, explain and link your answer to the question being asked.

Practice questions

- 1 Explain why the Church sometimes hindered justice in the period c.1000–c.1500.
- 2 'The Norman Conquest saw little change to law enforcement and punishment in England.' How far do you agree? Explain your answer.

Some of your exam questions (such as question 4, 5 and 6 in the exam paper) will suggest two topics you could use in your answer. You can see examples on page 00. We have not included topics in the practice questions in this book to give teachers the opportunity to change these from year to year.

Anglo-Saxon	tithing	trial by ordeal	sanctuary	constable	coroner
Norman	hue and cry	Church courts	benefit of the clergy	manor court	sheriff
	medieval			Middle Ages	
little	very	important	continuity	factor	
quite	change	influential	reason		
for example	moreover	this meant	this led to	overall	
secondly	furthermore	this suggests	this resulted in		

2.9 Visible learning: Revise and remember



Just when you thought you might relax after answering the Enquiry Question, you discover there is something just as important still to do! The most successful students realise that revision is not something that you only do towards the end of the course and the start of your exams. By getting ready for revision now, you make life much easier for yourself later on. Here are some ideas how to revise so you can get started.

Technique 1: Using memory maps

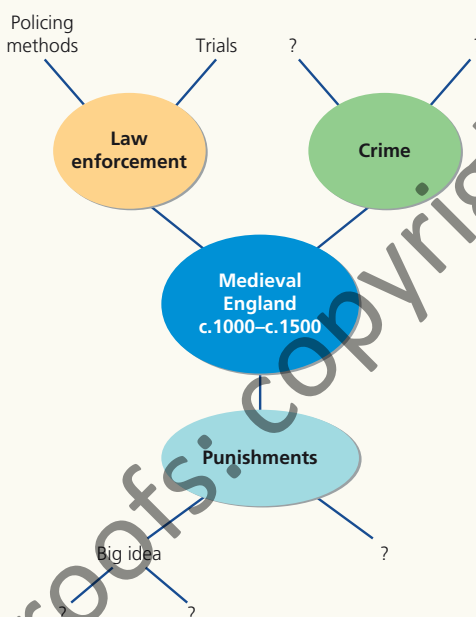
A memory map is another form of Knowledge Organiser that helps you focus on the key features without getting lost in too much unnecessary detail.

Step 1: Use plain A3 paper (or bigger if you have it). Turn it landscape to allow some space and to stop the whole thing looking cramped.

Step 2: Add information to the map using your notes and looking back at pages 12–29 if necessary. Use pencil so you can make corrections later. Remember:

- Use key words or phrases. Do not write in full sentences.
- Use pictures/images/diagrams to replace or emphasise words. This helps the information to 'stick'.
- PRINT important words to make them stand out.

Step 3: When you have finished, redraft your memory map to make sure everything is clear.



Technique 2: Test yourself

Making a memory map is itself a way of revising, but you can also use it to test yourself. Try covering up parts of the memory map. Then try to draw that missing part of the memory map from memory. Check this against the original and see what you have missed.

Technique 4: Writing the Big Story

It's really important that you keep the Big Story of crime and punishment clear in your mind, as this is a great help in the exam. Use the notes in your book or look back over pages 12–29 and write a brief story of crime and punishment in the Middle Ages. You should include the words used in Technique 3 as well as the following:

Change · Anglo-Saxons ·
This meant that ... · Continuity

Technique 3: Playing a game

In this game the contestant is given an answer and their task is to come up with the matching question. We have provided some answers below but it is your job to come up with suitable matching questions. Try to make each question as detailed as possible so that you are using your knowledge to help you word it.

Tithing	Benefit of the clergy	Sheriff	Trial by ordeal	Coroner
The Normans	Wergild	Oath of compurgation	1100	Sanctuary