This introduction covers the main themes in the development of crime and punishment from around 500 to the early 1500s.

While this period was important in the history of crime and punishment, the pace of change was slow and there was much continuity in attitudes and approaches to both catching and punishing criminals.

This resource attempts to provide an integrated approach to give an overview of the major trends in crime and punishment in the period before 1500.

It is then advised that centres following the WJEC Eduqas specification utilise the text book on Crime and Punishment published by CAA:

*Changes in Crime and Punishment in Wales and England c.1530 to the present day* [R.Paul Evans, Colin P.F.Hughes]

**MEDIEVAL CRIME**

The most common crimes in the medieval period (or Middle Ages) would be very recognisable to people in the United Kingdom today. This would not be the case with the methods of catching and punishing the criminal.

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

- Theft: 73.5% of all offences
- Murder: 18.2%
- Receiving stolen goods: 6.2%
- Arson, counterfeiting coins, rape, treason and other crimes: 2.1%

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

- Regular outbreaks of famine and disease placed great pressure on largely agricultural communities (egs: *The Great Famine of 1315-17 and the Black Death of the 1340s*)
- Government policies including taxation led to frequent hardship and protests (eg: *The Poll Tax of the late 1370s*)
- The impact of warfare – both on destroying communities and in raising money to fight the wars (egs: *The Norman Conquest after 1066 and the Wars of the Roses*)
These causes of poverty – and therefore of crime – were constant throughout the medieval period even up to the industrialisation of the early nineteenth century.

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

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

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

- The Peasants’ Revolt 1381
- Jack Cade’s Revolt 1450
- The Cornish Rebellion 1497

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

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

- The power of royal government
- The frequent violence in peoples’ lives

In the early medieval period (sometimes known as the Dark Ages), the laws were not very clear but in the centuries before the Norman Conquest, most of England was a well-organised society under the feudal system. Under feudal law, everyone, from the greatest baron to the poorest peasant, owed allegiance to the king. A criminal was defined as someone who by doing something wrong, “had disturbed the king’s peace”.

from 1455-1485)
After the Norman Conquest, the system of laws was largely kept but the different monarchs that followed tried to introduce their own codes of law which highlighted offences against authority (crown and church) rather than crimes against individuals. These crimes which were regarded as serious included treason, revolt, sheltering criminals, blasphemy and heresy.

The different principalities in Wales largely followed the laws of Hywel Dda, a prince of around 900, who had drawn up a list of laws based on common practice in Wales. These were based more on laws used in the community. These lasted up until the Acts of Union in the 1530s.

One other thing that concerned medieval governments was the amount of violent crime. Court records also show that nearly 20% of all crimes in the period 1300-1348 where for murder or manslaughter. This figure can be compared with later periods such as the nineteenth century where it was around 2% and today where it is a tiny proportion. Some historians believe that this is due to poor hygiene which meant that wounds did not heal properly and that more men had access to dangerous weapons and farming tools.

There is evidence that murder of women in medieval times was very low which may show their importance in their own communities. However, although assault and rape of women were serious offences punishable by death, both crimes had a very high acquittal rate, which may show the status of women in society as a whole.

**SUMMARY**

- Most crimes in the medieval period were connected with the effects of poverty
- The most common crime was theft
- Monarchs were keen to ensure that people didn’t challenge authority
- Violent crime was much more common than it is today
- These trends in the nature and causes of crime continued into the early modern ages after 1500
Introduction to Changes in Crime and Punishment in Britain c500 to the present day

MEDIEVAL POLICING

The idea of policing in medieval Britain was very different to the system that has developed today. Two key points were:

- The medieval system of policing was based on **community action** where individuals were expected to aid their neighbours and protect their villages from crime. In effect, the people were the police themselves.
- Medieval society was a **hierarchical society**. Medieval kings relied on their nobles to keep order and they had great control over the peasants in the villages and towns.

The Saxons of the early medieval period used a system of **tithings**. This system had several features:

- Groups of ten families were entrusted with policing minor problems such as disturbances, fire, wild animals and other threats.
- Their leader was called a **tithingman** and he was expected to raise **the hue and cry** to assemble his followers when the community was threatened and pursue suspected offenders.
- Ten tithings were grouped into a hundred and the **hundredman**, dealt with more serious breaches of the law in the community.

England was divided up into **shires** or counties during most of the medieval period. The main person responsible for keeping order at shire level was the **shire reeve** (sheriff), a royal official who was responsible for public order in his area and had the authority to raise a **posse comitatus** to capture criminals that had escaped the tithing.

After the Norman Conquest, the system remained quite similar. Roles remained similar although their names changed gradually. Features included:

- In 1326, **justices of the peace** were first appointed to assist the sheriffs in controlling the shires. They were gradually to take over the duties of the sheriffs and also held courts of law.
- **Parish constables** gradually replaced the hundredmen from around the thirteenth century and assisted the justices of the peace. The constable had to maintain law and order in communities and report to JPs on the state of roads and on public houses. Just as in Saxon times, if a hue and cry was raised by the constable, everyone had to join in. Appointed for around five years, the constable faced a heavy fine if he refused to serve. The person appointed constable could
pay someone to do the job for him and this meant that, in some places, almost permanent ‘professionals’ were at work.

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

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

**SUMMARY**

- Policing was based on community responsibility
- This idea was to last throughout the medieval period as it suited the kinds of societies that existed in England and Wales
- Royal officials also played a role in enforcing law and order
MEDIEVAL PUNISHMENT

The section above on types of crime showed that violence was part of medieval society and this is also shown in the use of trials by ordeal to assess whether criminals were guilty or innocent. These trials were based on the idea that God would help the innocent by performing a miracle on their behalf. Common forms of trial included ordeal by fire, ordeal by water and ordeal by combat, all of which involved some sort of pain or endurance. The trials by ordeal lasted until the thirteenth century when they were gradually replaced by trial by jury – a method of trial which still basically exists today. The violence that characterised society can also be seen in the punishments used in medieval times.

Medieval punishment had several purposes:

- Deterrence: throughout the medieval period it was believed that the only way to keep order was to make sure that the people were scared of the punishments given for crimes committed.
- Retribution: this can also be seen as revenge – both for wider society and for the victims of the crime. This was a very old idea that went back to Biblical law.
- Keeping order: the authorities were keen to maintain order and ordinary people in medieval times were also anxious to avoid unrest and the trouble it caused

The punishments used in medieval times appear barbaric by modern standards but they were very common and were seen all over Britain. Examples included:

<table>
<thead>
<tr>
<th>Crime</th>
<th>Punishment</th>
</tr>
</thead>
<tbody>
<tr>
<td>High treason</td>
<td>Hanging, drawing and quartering</td>
</tr>
<tr>
<td>Murder</td>
<td>Hanging</td>
</tr>
<tr>
<td>Heresy</td>
<td>Burning at the stake</td>
</tr>
<tr>
<td>Vagrancy</td>
<td>Flogging or whipping</td>
</tr>
<tr>
<td>Theft</td>
<td>Mutilation</td>
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<tr>
<td>Drunkenness</td>
<td>Stocks</td>
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<tr>
<td>Selling bad food</td>
<td>Pillory</td>
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<tr>
<td>Gossiping</td>
<td>Scold’s bridle</td>
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</tbody>
</table>

The majority of punishments in medieval times were carried out in public. This was to act as a deterrent and also to give the public reassurance that justice was being done. Most towns had a gibbet just outside where the corpses of executed criminals were left as a warning to others.
The level of violence used in medieval punishment can appear shocking but it was a constant feature of law enforcement in medieval times and was carried on into the Tudor and Stuart centuries.

**SUMMARY**

- Medieval punishment was based on deterrence and retribution
- Most punishments were carried out in public
- Most medieval punishments were violent and barbaric