**18C: The Bloody Code**

Image will follow: we have a photo of a death warrant from the right period

The Bloody Code is a term applied to the English criminal code and its excessive and savage punishments before reform in the 19th century. The Bloody Code applied death sentences to a growing number of crimes, while others attracted cruel penalties of mutilation, burning and whipping. The 18th century had seen a marked increase in laws that demanded a capital sentence, leading to the adoption of the phrase, but the overwhelming majority of capital punishments continued to be applied to laws dating back to the Tudors. To keep the criminal code of the 18th century in context, it should be noted that the number of capital punishments carried out was greater in the late 16th and early 17th centuries; that it was the more detailed codification of specific offences, in 18th century legislation, that was responsible for the attribution of the term Bloody Code.[[1]](#footnote-1)

Public perception and recognition of the injustice of the Bloody Code was heavily influenced by the increase in the number of capital crimes that it represented. In 1688, the number of capital offences in English law was 50, and by the end of the Napoleonic Wars in 1815 this had risen to 215, including crimes such as sheep stealing, rabbit stealing, wrecking a fishpond, and having a blackened face at night when outside. In addition, many thefts came with a penalty related to the value of the goods stolen; pickpockets, for example, could be hung if the value of their ill-gotten gains was worth one shilling or more.

Whilst the reasons behind the increase in laws carrying the death penalty are a matter of some debate, the economic growth stemming from the agricultural and industrial revolutions saw the increasingly wealthy ruling classes enact more laws in defence of property. Questions of morality also lay behind the adoption of a cruel penal code, but it is perhaps the prioritising of poverty over humanity that led to reform. Evidence for this lies in the fact that some juries reduced the value of property involved in the crime they were trying, to avoid the imposition of a death sentence when finding the defendant guilty. Clive Emsley has noted that Judges connived in this practice and redirected juries accordingly, a judicial practice that acknowledged a loss in confidence in the criminal law as the Bloody Code took hold.[[2]](#footnote-2) In similar fashion, it is believed that many victims of theft refused to press charges against the accused, as they considered the death penalty for the scale of offence involved both immoral and unjust.

The criminal law was reformed and the Bloody Code abolished by the 1830s, following the work of the English lawyer and social reformer Sir Samuel Romilly. Romilly was an anti-slavery supporter of Wilberforce, and devoted his time as an MP to removing capital punishment for petty offences.

**Bibliography**

Emsley, Clive, \_*Crime and society in England 1750-1900\_* 4th Ed*.* Harlow: Pearson, 2010.

See also National Justice Museum at nationaljusticemuseum.org.uk

1. Emsley 264 [↑](#footnote-ref-1)
2. Emsley 207-8 [↑](#footnote-ref-2)