Crime and Punishment – Early Modern England

(c.1500 – c.1700)

Religious Changes (1500 – 1700)

In the 16th Century, religious developments in England led to the changes in definitions of certain crime:

* Treason (betraying or plotting to betray the ruling monarch) and Heresy (Speaking out against the Church or its beliefs) were still punishable by death. However, during the 16th Century England experienced several religious changes, as Catholic and Protestant monarchs changed the definition of treason and heresy many times.
* In 1534, Henry VIII passed the Act of Supremacy, making him the leader of the Church in England, and giving him religious authority in England. However, Henry punished both Catholics (for following the Pope) and Protestants (because Henry still held some Catholic beliefs).

Religious Laws changed depending on the Monarch

* Edward VI – Protestant, introduced mandatory Common Prayer book (Protestant Church services in English) in 1549, but there was only moderate punishment, with Henry’s version of the Treason and Heresy laws being rejected, and only 2 people being executed for these crimes.
* Mary I – Catholic, overturned Henry’s Act of Supremacy, banned Edward’s prayer book, and created more Heresy laws. Executed many Protestants for Heresy, many ordinary people and clergymen were burnt at the stake for practicing Protestantism.
* Elizabeth I – Protestant but created a Religious Settlement to satisfy Catholics and Protestants. She was the “Supreme Governor” of the Church, and made Protestantism was the official faith of England. Punishment was originally light, but after Catholic plots against here, some rules became stricter. **Note – For more information, see Elizabethan England Revision.**

Social and Economic Changes

Increase in Poverty

During the 16th Century, the population grew rapidly. In 1485 the population was estimated to be 2 million. However, by 1603, the population had doubled to 4 million. As a result of the rising population and poor harvests, there were many food shortages. This caused food price to rise rapidly between 1500 and 1560.

Changes to farming methods led to poverty and unemployment. Also, many farmers switched to farming sheep, as it was more profitable, meaning even more workers became unemployed.

In 1536, Henry VIII dissolved the monasteries and took their land and money. This removed some support for the poor, as the monasteries cared for and supported the poor.

Vagabondage

Vagabonds are people without steady unemployment who move around looking for work or begging. Vagabondage became a big issue in the 1500s because of the increase in poverty. To combat this, the government introduced a series of laws which changed poverty.

These laws gave help to those who needed it, like the sick and elderly. However, vagabondage was made illegal.

* From 1531, beggars who did not have a license would be punished by whipping or the stocks.
* From 1547-49, vagabonds would work as slaves for up to 2 years, but this was repealed.
* The Vagabond Act (1572-93) stated that vagabonds would have a hole burnt through their ear. Repeat offenders would be executed. However, this was also later repealed.
* In 1597, the Act for the Relief of the Poor was passed. It meant that Overseers of the Poor were responsible for organising relief for those who were considered deserving. However, vagabonds were still whipped.

Smuggling

During the 16th Century, Smuggling and Poaching were big issues. High import taxes were placed on most of the new goods arriving at England’s shores, which encouraged more smuggling. It was very difficult to prevent Smuggling, as huge areas of coast would have to be guarded. Eventually, small boat patrols and riding officers were setup. They were not very effective however, as there were not enough officers, and many Smugglers were prepared to resort to violence to escape arrest.

Poaching

During the 17th Century, only wealthy landowners were allowed to hunt, as you had to own private land. Poaching (hunting illegally on someone else’s land) was very common as poor people could not afford to feed their families. The authorities struggled to enforce poaching laws, as many people ignored them, and did not report poachers. Illegal black markets, where people trade for illegal meat, were very common.

Early Modern Law Enforcement

Old methods of Law Enforcement continued in this period, but some important changes were made.

There was still no professional police force in England, but local law enforcement introduced in the medieval period was still important.

* JPs ([Justices of the Peace](file:///C:\Users\R-J\OneDrive\Documents\School\Revision\History\Crime%20and%20Punishment\Medieval%20England%20(1000%20-%201500).docx#Law_Enforcement_JPs)) gained more responsibilities. They continued to imprison criminals and judge cases of petty crime, sometimes without a jury. But, towards the late 16th Century, capitol cases (cases involving the death penalty) were tried by traveling royal judges.
* Sheriffs lost some power as the JPs took over; however, they still played a role in policing communities and organizing trials.
* [Constables](file:///C:\Users\R-J\OneDrive\Documents\School\Revision\History\Crime%20and%20Punishment\Medieval%20England%20(1000%20-%201500).docx#Law_Enforcement_Constables) continued to arrest criminals and bring them to court and were still generally unpaid.

However, the local people were still important for catching criminals – the [Hue and Cry](file:///C:\Users\R-J\OneDrive\Documents\School\Revision\History\Crime%20and%20Punishment\Medieval%20England%20(1000%20-%201500).docx#Law_Enforcement_Hue_and_Cry) still existed, and constables would still lead it.

Growing Populations

The population of towns between 1500 and 1700 rose rapidly, as many people moved from rural areas to find work. This created challenged for law enforcement, as there were more people to police, and more opportunities for crime.

* Town constables would still arrest criminals, and [night watchmen](file:///C:\Users\R-J\OneDrive\Documents\School\Revision\History\Crime%20and%20Punishment\Medieval%20England%20(1000%20-%201500).docx#Law_Enforcement_Watchmen) still patrolled at night. However, it was harder to identify criminals, as most people no longer knew each other.
* To solve the shortage of night watchmen, every male houseowner was required to serve as a night watchman, although many rich people paid someone else to do it for them. By 1663, a small salary was introduced for watchmen in London, but they were unpaid elsewhere.
* “Thief takers” were paid (either by victims or government officials) to find and capture thieves. By the 1690s, the government offered fixed rewards to anyone who captured a thief, allowing some people to make a living from capturing criminals.

Changes to Religious Privileges

In the 16th Century, many restrictions were placed on the [benefit of the clergy](file:///C:\Users\R-J\OneDrive\Documents\School\Revision\History\Crime%20and%20Punishment\Medieval%20England%20(1000%20-%201500).docx#Trial_Church_Court). Any layman (non-clergyman) who committed certain crimes could not claim benefit of clergy. These offences were called “unclergyable”. By 1536, this extended to clergy member as well. The list of offences also grew to include other serious crimes such as rape.

The right to seek [sanctuary](file:///C:\Users\R-J\OneDrive\Documents\School\Revision\History\Crime%20and%20Punishment\Medieval%20England%20(1000%20-%201500).docx#Law_Enforcement_Sanctuary) was also removed for serious crimes in 1541. In 1623, sanctuary was abolished by James I.

Punishments

In the 16th and 17th Centuries, punishment was mainly focused on deterrence and retribution, as it had been for many years.

* Minor Offences – Flogging, the Stocks, Fines.
* Serious Crimes – Execution (Burning for Heresy).
* High Treason – Hung, Drawn and Quartered.