Crime and Punishment – Medieval England

(c.1000 – c.1500)

**Anglo Saxons**

Crimes

In Anglo Saxon England, crime was taken very seriously, and punishments would be harsh. The king would issue a Law Code which contained a list of what they considered crimes, and what the punishments would be. These crimes can be split into 3 main categories:

* Crimes against the Person – Physically harmed the victim (Robbery)
* Crimes against Property – Theft or Damage of someone else’s property (Theft)
* Crimes against Authority – Challenged those in power such as the King (Treason)

The church also enforced its own laws against moral crimes such as blasphemy.

Punishments

The punishments in Anglo-Saxon England had two goals – to stop someone from committing further crimes (deterrence) and making the criminal pay for their crimes (retribution). They used three main forms of punishments:

* Corporal Punishments – Causing physical harm to the offender
* Capitol Punishments – Death by execution
* Humiliation – Shaming the offender and deterring others (Eg stocks or pillory)

Wergild was an early form of compensation. For some crimes, such as murder or assault, the criminal would pay a fixed fine to the victim or family. The amount of money was written in the king’s Law Code. This would help to prevent blood feuds, where opposing families would kill each other in revenge from crimes they committed.

Law Enforcement

The Earls were responsible for enforcing the law in the land they controlled. The did this with the help of Sheriffs who would govern land the size of a county (Eg bucks) on behalf of the earls. They could summon local men to help them catch criminals.

Reeves enforced the law in small areas of a county (for example several towns) and reported to the sheriff. They ran local courts and settled small disputes.

King

Earls

Sheriffs

Reeves

Local Community

The Local Community were very important in the justice system. Most villages were very small, and everyone knew each other. Because of this, everyone had a shared duty to catch criminals. When a crime was discovered, the “Hue and Cry” was raised – people would shout to alert others to the crime.

Everyone in the area was required to stop what they were doing and help search for the criminal.

Communities were also divided into tithings – small groups of men over the age of 12. Each member was responsible for everyone’s behaviour. If a tithing failed to bring a member to court, they were all fined.

Trials

Captured criminals were put on trial at a local court with a group of local men and the Reeve. They would listen to the case and decide the verdict. The accused and the victim would provide witnesses, but not any evidence or details. Because of the small communities, the members of the court would likely know both the victim and the accused.

However, if the court could not reach a verdict, a Trial by Ordeal would be used. This test was based on the belief that God was all-knowing and would reveal someone’s guilt or innocence. Before most ordeals, the accused would fast and pray for 3 days.

* Trial by boiling water – The accused would put their arm into boiling water. After three days, if the wound was healing well, they were innocent. If the wound wasn’t healing, they were guilty.
* Trial by cold water – The accused was tied up and thrown into a deep pool of cold water which had been blessed by a priest. If they floated, God was “rejecting” them, and they were guilty. If they sank, they were innocent. This trial was mainly used on men.
* Trial by hot iron – The accused must walk a short distance holding a red-hot iron bar. Like trial by boiling water, if the wound was healing well after 3 days, they were innocent. If not, they were guilty. This trial was mainly used on women.

**Normans**

Changes to laws

After the Normans defeated the Anglo-Saxons at the battle of Hastings in 1066, they took control of England. William I was now in charge of creating laws. After he came to power, there were many uprisings from 1068 – 1701. William reacted to these with great force, killing, burning houses and crops, and destroying livestock.

After the rebellions, William replaced many of the Saxon earls with his own nobles. However, he wanted people to view him as the rightful successor, so kept most things the same. The two major changes were:

* Murdrum – If a Norman was killed and the killer was not caught, the entire village had to pay a fine.
* Forest Law – Large areas of England were classified as “Royal Forests”. They were reserved as a hunting ground for the king and his nobles. Anyone else who hunted there could be found guilty of poaching.

The punishments for poaching were very harsh. Poachers could be blinded, have fingers removed or executed. However, the law was very unpopular with people, as they had been living off the land for many years before. Therefore, many poachers were not reported to the authorities.

Changes to Punishments and Trials

The Normans kept most of the Saxon’s corporal and capitol punishments. The main changes were the wergild system and punishments given by courts. After the changes, wergild fines were paid to the king, rather than the victims. This reflects the growing role of the king in law enforcement. Now, the Norman law codes suggested a range of punishment, and the court would choose one based on the severity of the crime.

The Normans introduced a new trial by ordeal – trial by combat. The accused and the victim would participate in a fight to the death. The loser would be determined to be guilty, whether they were killed in the fight or surrendered. Anglo-Saxons could choose between trial by combat or hot iron if they were accused of serious crimes by a Norman.

**Late Middle Ages**

Law Enforcement

In the late Middle Ages, law enforcement became more centralised. Most law enforcement was carried out by royal officials, helping to create a centralised system. In 1166 the court system was reorganised. Royal officials would travel the country, to hear the most serious cases in each area, which meant that all cases across the country were treated the same way.

The coroner position was created in 1194. They investigated suspicious deaths, and ensured that fines paid by criminals reached the king. From 1995, the king appointed “Keepers of the Peace” who were assigned to disorderly areas, to uphold justice.

By 1337, the “Keepers of the Peace” were assigned to all areas, and later became know as “Justices of the Peace” or JP’s. They had permission to imprison criminals, judge cases, and hang the guilty.

Local Law Enforcement

As towns grew, not everyone knew each other, and so the old system of community enforcement was not as effective. As a result, new roles were created to enforce the law:

* Parish Constables – Ordinary men who did this for a year without pay in their spare time. They would lead the “hue and cry”, and report criminals to the court.
* Watchmen – Assisted the Constable by watching for crimes at night. In the morning, they would hand over any criminals to him, so they could be taken to a court.

New Crimes and Punishments

In 1351, the Statute of Labourers was passed after a major social change. As a result of the Black Death, there was a shortage of land workers. However, the nobles did not want to pay their workers more than they had before. The Statute made it illegal to:

* Demand higher wages from your Lord
* Move away from a Lord’s land to seek higher wages elsewhere
* Work for more than a maximum wage

Another act passed that year was the 1351 Treason Act. It redefined high treason to include and attempt to overthrow and harm the king or his family. A new punishment – being hung, drawn, and quartered. Before this act was passed, there was no clear definition of treason – it was only decided by a judge.

Finally, the church passed a new law in 1382. Heresy – speaking out against the church or it’s beliefs would now be a crime. This was because the church felt threatened by heretics, so used their influence to make it illegal. The punishment for heretics who refused to give up their beliefs could be burnt at the stake.

The Influence of the Church

**Church Courts:**

* The Church ran its own courts to try people for moral crimes. However, to be tried there you had to prove you were a clergyman by reading a specific verse from the bible. This became known as the “neck verse” and some criminals memorised it to avoid being tried in regular courts.
* The Church used some secular (non-religious) punishments such as fines and humiliation. However, they did not execute criminals, and their punishments were often more lenient towards criminals to give them a chance to repent (show remorse).
* Whilst the benefit of the clergy was only accessible by priests and monks from 1172 when it was first introduced, by 1300 it was extended to anyone who could read.

**Sanctuary:**

* From the Anglo-Saxon times, criminals were able to seek sanctuary in Churches. This meant that the authorities could not arrest them because they were on holy land.
* Normally, in order to claim sanctuary, criminals would need to enter a church and ring a certain bell or knocker. Some Churches even had posts marking the sanctuary area.
* However, there were some limitations to sanctuary. In some cases, a criminal may have to pay a fine or give up property. Also, sanctuary only lasted 40 days. After that, they would either have to attend court, or leave the country.
* Although, some Churches had greater powers of sanctuary. For example, Westminster Abby had the authority to grant almost permanent sanctuary, and could hold hundreds of people at once.

**Trials by Ordeal**

* In 1215, the Pope decided that clergymen were no longer allowed to take part in “judicial tests”. The Pope was the head of the Catholic church, so his decision affected all English clergymen.
* As clergymen were no longer allowed to take part, trial by ordeal became a much less common trial. However, because trial by combat did not require the involvement of a clergyman, it was continued to be used.
* This shows the Church’s power over both religious and non-religious laws. Although the Pope did not outlaw trial by ordeal, it did mean that it could not be carried out properly. This meant that the Church affected how both the clergy and the rest of the country were tried.