

1. Title: Crime and punishment throughout European history: why and how did crime and punishment change over time?	
<p><b>2. Knowledge and didactic objectives</b></p> <p><b>Crime</b></p> <p>Students</p> <ul style="list-style-type: none"> <li>- understand what causes crime (the act) and name three factors that determine what constitutes a crime in a society</li> <li>- understand that crime changes over time</li> <li>- can apply three factors to explain (de)criminalization (the process of making something a crime) in a specific period</li> <li>- can use these factors to explain why a slave revolt was illegal in the Roman Empire</li> <li>- can make a cause-consequence diagram to explain a crime</li> </ul> <p><b>Punishment</b></p> <p>Students</p> <ul style="list-style-type: none"> <li>- can distinguish recurrent and time-specific causes of crime</li> <li>- can connect punishments to specific time periods</li> <li>- can name five factors that influence the continuity/change of punishments</li> <li>- understand that the way we punish changes over time, but that the mechanism and goal behind punishment stays mostly the same (punishment stayed mainly a tool of social control)</li> <li>- can use the concept of Enlightenment/modernity to explain what changed in the way punishment was administered in the early 19th century</li> <li>- can reflect on the question: To what extent have we become more modern/human punishers? They can give</li> </ul>	<p><b>3. Timing</b></p> <p><i>Duration of activity.</i></p> <p><i>Approximate sessions.</i></p> <p><i>Estimated time.</i></p> <p>Three or four lessons of about 90 minutes With some minor adjustments, each lesson can also function as a distinct activity</p>

arguments that punishment changed because of ideological reasons and practical reasons - can substantiate their own opinion about the 'humanity' of punishment with arguments based on information from reliable sources, considering possible counter-arguments	
<b>4. Grouping of students</b> The grouping (individual or in small groups) is given with the activities (see 6).	
<b>5. Historical thinking skills</b>  1. <i>Causes and consequences</i> : identify causes (political, economic, cultural); distinguish between cause, explanation, and consequence and illustrate with examples; set up a chain argument about cause and consequence; use a model to explain an explanation  2. <i>Change and continuity</i> : identify aspects of continuity and change; describe and interpret the process of change; situate a change in its historical context; identify causes and consequences of a change; making connections to other changes; describing the change; supporting claims about change and continuity with evidence (information from historical sources) or concrete historical facts/examples.  3. <i>Historical argumentation</i> : formulate a claim; substantiate claims with arguments supported by facts/examples from historical sources.	
<b>6. Development or sequence of the activity</b>  <b>Lesson 1.</b>  <i>The PowerPoint and text with background information for this lesson can be found in Annex Lesson 1.</i>  <i>Introduction:</i>  - The topic and activity can be introduced by giving different historical examples of	

crimes. With every given example the students decide if he/she/x considers the example a crime or not by standing/sitting. After the examples the teacher can discuss the examples with the students. The focus can be put on different angles such as; What is crime? Who decides? Why does it change over time? Why would anyone commit a crime? The main goal is that the students understand that crime changes over time.

*Step 1. What is crime? And why does it change over time?*

- 1a. The introduction made the student aware that crime changes over time. Now we will look at what causes crime.
- 1b. You can introduce this topic by asking; what is a cause? It can be explained by a flooding dike or another example. The goal is that the student understand; what a cause is (a reason why something happens), that there are always multiple causes that cause an event/process (rain, melting ice, climate change, the lack of maintenance of the dike) and that these causes are sometimes connected.
- 1c. Put the focus back on crime. What could be the causes for crime. You can use Mentimeter (<https://www.mentimeter.com/features/word-cloud>) or another online tool to create a Word cloud. Let students use their smartphone or laptop and let them add what they think causes crime. Ask who is willing to explain their choice. You can already make a distinction between causes that span different periods and time specific causes.
- 1d. Using a PowerPoint 'What is crime?' (see Annex Lesson 1), the teacher gives a brief explanation of why what we consider crime changes over time. The three main factors are: 1. Societal conditions (e.g.: new technology) 2. Change of thinking in society 3. Who has the power and makes the laws. The factors can be explained by using the factors on one of the discussed crimes in the introduction.

*Step 2: Making a diagram (together) to explain what causes a crime (the Spartacus slave revolt)*

- 2a. Read the text 'Roman time, slave revolt' with background information together with the students. The students mark difficult words. After the text is read the words are discussed.
- 2b. The students go through the text individually and underline what they think are causes for the slave revolt.
- 2c. Make groups of 2, 3 or 4 students.
- 2d. The students write the causes on post-its. The students can also think about the following questions; 1. What was the first cause? 2. Are some causes connected? 3. What is the most important cause?

- 2e. (Optional). A distinction can be made between economic, cultural and political causes. This can first be modelled by giving an example of each one and giving an explanation of why it belongs to this category. The students try to categorize the rest of the causes.
- 2f. Pose the question; are some causes connected? Ask if someone can give an example or give an example and explain the connection. Let the students organize the post-its. Causes that are connected are put together. In the mean time the teacher walks around to help or challenge students.
- 2e. Show different kinds of diagrams. What kind would be most useful to explain to an event or process? Explain the students that diagram 3 is maybe messy but the best way to explain causality because it shows: 1. Developments/causes through time. 2. Connections between causes.
- 2f. Model how to make a diagram. Ask what they see as the first cause (the wars of the Romans, arguably). Put this post-it on the left side of an A2 or A3 poster. The event they want to explain (the punishment of the slaves that revolted) they write on a post-it and they put this on the far right of the poster. Ask the students which other causes are connected to the wars. Model how a line can be drawn to one or multiple causes.
- 2g. The students try to organize the post-its and try to explain why the revolt took place. You walk around and help or challenge students.
- 2h. Take one or two posters and hang them before the class. Ask the students what is good and what can be improved on the poster. Often the students; 1. Don't make enough links between the causes. 2. Are not aware of time in their way of ordering. 3. Make wrong connections. Help the students with reorganizing the poster but also explain that different explanations are possible.
- 2i. Let the students reorganize their posters after the feedback. Walk around and help or challenge the students.

*Wrap up: Why is the slave revolt a crime?*

- 3a. Discuss the poster. Why is this useful?
- 3b. Ask what are three factors that define crime discussed in step 1.
- 3c. Use the factors on the case of the slave revolt. Why was it illegal for slaves to revolt during roman times?
- 3c: You can introduce this assignment by providing a definition of values?

## **Lesson 2.**

*The PowerPoint, texts and assignment for this lesson can be found in Annex Lesson 2.*

*Introduction:*

- As an introduction, it can be useful to activate the students and retrieve prior knowledge. Why was slave rebellion seen as a crime? Which factors contributed to that? Would we still see a slave rebellion as a crime? Why not? Explain the aim of the lesson. At the end of the lesson, the student can: give causes of crime that are specific to certain historical periods and more generic causes of crime.

*Step 1.*

- 1a. Put one of the diagrams that helped explain the Spartacus Revolt in front of the class. Ask the students; What steps should we take to explain an event?
- The students make groups of 3 or 4 people and make Activity 1 (see Annex lesson 2).
- 1b. Each group is given a case study from a different time. The steps listed below can be put on the board. You walk around to help or challenge students.
- 1c. The students read the text and underline the causes.
- 1d. The students distinguish between economic, cultural, and political causes by writing the letters E, C, and P on the post-its.
- 1e. The students try to find relations between the causes and organize the post-its.
- 1f. The students make a cause-effect diagram as modeled in the previous lesson.
- 1g. The students apply the three factors to the text. Why was their activity/crime criminalized in their historical period?
- 1h. They prepare a short presentation where they explain their diagram and factors.

*Activity 2.*

- 2a. Each group makes a short pitch on crime from a specific time. Presentations are in chronological order.
- 2b. Students complete an answer sheet during the presentations. Which causes of crime recur more often and which are time-specific? The sheet can be found in Annex Lesson 2 (Activity 2).

*Wrap up:*

Reflection on the last slide of the Powerpoint. What causes do we see recurring in most periods? Which are time-specific? Who determines what crime is by period? Are the factors equally important per period? The goal is that the students become to understand that crime changes over time. Circumstances and power relations help shape what is considered a crime.

### **Lesson 3.**

*The PowerPoint and assignments for this lesson can be found in Annex Lesson 3.*

#### *Introduction:*

The topic and activity are introduced by giving different historical examples of punishment. The student is challenged to guess from which period the punishment is. Every student writes a period down for himself/herself. After the examples, the teacher facilitates a discussion with the students. The focus can be put on different angles such as; why do we punish people? What is humane punishment? What is an effective punishment (what do we want to achieve by punishing)? Why does it change over time? The goal is that the students understand what the goal of punishment is and that it changes over time. Main question lesson: Punishment through the ages. What remained the same? What changed?

#### *Activity 1.*

- 1a The students form pairs.
- 1b. Hand the sheets with sources out to the students. The students try to link the sources to the right period.
- 1c. Give the answers and discuss and give extra background information on the punishments during the different periods. Extra information is provided on the sheets.
- 1d. Facilitate a discussion. What changed in the way of punishing? What remained the same?

#### *Activity 2.*

- 2a. Hand out the sheet with the factors that change punishment over time (see Annex Lesson 3). The students mark difficult words. After reading, explain the words.
- 2b. The students make a ranking list. Which factor is most important?

#### *Activity 3.*

- 3a. The pairs choose one of the historical developments from activity 1. E.g.: the use of prisons or the abolishment of capital punishment.
- 3b. They use the sources from activity 1 and the factors from activity 2 to explain aspects of change and continuity

#### *Wrap up:*

- Punishment through the centuries. What remained the same? What changed?

What are the important factors causing the change?

#### **Lesson 4.**

*The PowerPoint and assignment for this lesson can be found in Annex Lesson 4.*

##### *Introduction*

- The goals of the introduction are to activate prior knowledge and expose preconceptions. A question that can be used: Why was the death penalty abolished in Europe? You can use Mentimeter (<https://www.mentimeter.com/features/word-cloud>) or another online tool to create a Word cloud. Let students use their smartphones or laptop and let them add what they think causes crime. Ask who is willing to explain their choice. Central in this lesson is the question: was the reform of punishment done from a moral standpoint or from a practical (means of power) standpoint?
- Main question: the Enlightenment as a tipping point. To what extent have we become more modern/human punishers?
- To activate the students you can show the video on the Magdalene Laundries <https://www.youtube.com/watch?v=ubCkusLAD6g>

##### *Explanation*

- 2a. Explain Enlightenment ideals + reform punishment

##### *Activity 1.*

- 3a. Reform punishment. Ideals or means of power?
- 3b The student will be given resources on the case study: abolishing Bloody Code.
- 3c The students read the sources and answer give arguments for both side of the question: was the reform done because of ideals or as a means of power?
- 3d The students who finish early can reflect on extra questions: Who are mostly punished by the bloody? Why?

##### *Activity 2.*

- 4a The students choose a case (punishment) that they find interesting. For example: fallen women / colonies benevolence / prison reform / concentration camps in colonies / mass surveillance.
- The students explore the internet on this crime. What do they think is the main goal of this punishment? They reflect on the questions again: To what extent have we become more modern/human punishment? Who is being punished? Who is not being punished? Why?

*Wrap up:*

- Main question: The enlightenment as a tipping point? To what extent have we become more modern/human in punishment?
- Let the students reflect on the answer they gave at the beginning of the lesson.

## **7. Assessment techniques and instruments**

The individual writing assignments in these lessons can be used for formative assessment. The last assignment 2 and of lesson 4 can both be used for summative assessment.

**8. Complementary resources** (web links, bibliography for students, visits to heritage elements, press news, videos, documentaries, etc..).

A set of resources accompanies this assignment. This set is included in the Annexes, including the links to the website where the images, videos or articles come from.

## **9. Annexes**

Background information about crime and punishment throughout history:

HistoryLab website: <https://historylab.es/persecuted-by-justice/>



## Annex Lesson 1

### **Background information Example *Roman time - Slave revolt***

In a few centuries, Rome grew from a small settlement to a global empire. At its peak, the Roman empire stretched from England to present-day Syria and held a strip of land around the entire Mediterranean Sea. The Romans had conquered so much territory through centuries of warfare, clever administration and a good economy.

Two major pillars of Rome's prosperity were agriculture and war. Agriculture provided food. The conquered territories provided the Romans with much, such as new soldiers, knowledge, resources and slaves. The soldiers used in these campaigns were often peasants. However, the campaigns lasted longer and longer and farmers had to serve longer and longer in the army. Their farms often went bankrupt and their lands were then bought up by wealthy Romans who used slaves to work the land.

Slaves were obtained through the many wars, trade and as descendants of slaves. Slaves were used throughout Rome for all kinds of work, from fieldwork to housework, teaching children reading, writing, music and other arts, and any other work they could perform. About a third of the inhabitants of the Roman Empire were slaves. They were forced to work hard, which created food surpluses. This allowed the Romans to specialise in other things such as warfare, administration, technological developments or art making.

Slaves were completely at the mercy of their master's will. The slaves were often treated so badly that a famous saying was; "So many slaves, so many enemies." According to Seneca, slaves were treated inhumanely: "We mistreat them as one mistreats animals, not even as one mistreats people. When we sit down at the table, one slave sweeps up the spit, another squats down to pick up the drunks' excrement." (Nardo, 51). Poor treatment of slaves was so widespread that it was considered natural, slaves were often seen as a lesser kind of human being.

Laws in Roman times were often made by the senate. The senate included the wealthiest inhabitants of Rome, so-called patricians. The patricians were often the ones with large farms and thus many slaves. When making laws and decisions, they often ensured that their farms could be expanded and their slaves replenished. The senate also often decided to send out armies to capture slaves and property. In addition, of course, laws were not passed to improve the lives of slaves. On the contrary, slaves were forced to work harder to increase revenues.

The fact that the slave population was so large shows that the Romans controlled slaves very well. Slaves were born into slavery and often also saw themselves as inferior. In addition, the senate had made strict laws; fleeing or revolting was punishable by death.

Nevertheless, a group of slaves decided to revolt. The slaves who were not used for domestic or agricultural work were used as gladiators in the arena. One of them was Spartacus. These gladiators had nothing to lose as they knew they would find their death in the arena and were treated badly. The gladiators were experienced fighters and decided to flee to Mount Vesuvius. Because the senate saw the slaves as inferior, they sent too-small armies several times to defeat Spartacus' army. Spartacus managed to win time after time and this increased the self-confidence of the slaves. This news spread quickly and many slaves from plantations across the country left their homes and joined Spartacus' army.

The slave army under Spartacus was initially successful but was eventually defeated. The 6,000 survivors of Spartacus' army were crucified along the Appia road from Rome to Capua and their bodies were left to rot there for years as a warning against future uprisings. Any slave who would revolt or run away from his/her master received the death penalty.

## Powerpoint

### What is crime?

- Which three factors determine what crime is?

### Crime changes over time

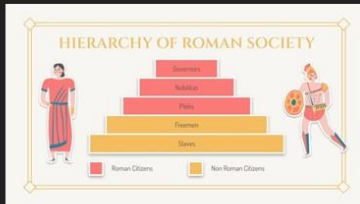
Change due to:

- Societal conditions (e.g.: new technology)
- Change of thinking in society
- Who has the power and makes the laws



## Why was a slave revolt seen as a crime in Roman times?

- Social conditions
- Attitudes in society
- Who has the power and makes the laws



## Who makes the law?

- In democracies -> the parliament
- Formerly -> king / nobility / regents / ....
- People in power often defend their own interests or act from their own perspective



## Laws often good for powerful groups in society Often not for:

- Women
- Poor / slaves / lower economic classes
- Minorities (Jews, Muslims, people of colour, roma, LGBTQ+)

Women were often scapegoated or/and had fewer rights



**Waarschuwing!**  
HH. WINKELIERS.  
Gelieve geen geld of goederen  
af te geven aan mijne Echtgenoo-  
te Mej. **C. L. KUYT**, aangezien  
deze **niet** betaald zullen worden.  
C. H. GLANSDORP,  
15549 10 45 Gaffelstraat 45.

Jews were excluded from participation in guilds / slavery  
was legal



Laws often favour those with power



## Annex Lesson 2

### Powerpoint

#### This lesson

- Each group makes a cause-and-effect diagram about a crime from a specific time
- Each group fits the three factors (what is crime) to their specific time/crime
- Presentations to the class
- Compare periods. What has changed in terms of crime? What has remained the same?

#### What steps do you take to create a cause-and-effect diagram?

- Read the text and find causes
- Divide the causes into (economic, cultural, political)
- Organise your causes. Which causes are related?
- Stick the post-it with the first cause on the far left and what you want to explain (the crime) on the far right
- Now try to explain the crime with causes / arrows / links



Crime through the ages. What remains the same? What has changed?

- Which causes do we see recurring in most periods? Which ones are time-specific?
- Who determines what crime is by period? Are the factors equally important per period?

**Activity 1 - Crime through the centuries: continuity and change**

1. Answer the following questions for one of the six cases.
  - a) Read the text and underline the causes. Write each cause on a post-it.
  - b) Distinguish between economic, cultural, and political causes by writing the letters E, C, and P on the post-its.
  - c) Try to find relations between the causes and organize the post-its.
  - d) Make a cause-effect diagram as modeled in the previous lesson.
  - e) Apply the three factors (what is a crime?) to the text. Why was their activity/crime criminalized in their historical period?
2. Prepare a short presentation in which you explain your diagram and factors.  
Give a short pitch on crime from a specific time. Presentations are in chronological order.
3. Complete the answer sheet (a table including each case) during the presentations. Which causes of crime recur more often and which are time-specific?
4. What has remained the same? What has changed? Use the table you completed.
  - a) Which crimes do we see recurring in most periods? Which ones are time-specific?
  - b) Who determines what crime is per period? Are the factors that determine what crime is by period equally important? Explain your answer.

## Activity 1 - Crime through the centuries: continuity and change

### Cases

#### Case 1 Early Middle Ages – Poaching

##### *Background information about poaching in the early middle ages*

In Roman times in Western Europe, the Roman authorities guaranteed the safety of citizens in all regions. After gradual crumbling of Roman authority, between 300 and 500 AD, gangs of robbers and wandering tribes were given free rein. The loss of central authority created many conflicts between local lords over inheritances and territory. This led to great insecurity and collapse of the money system. As a result, travel became dangerous and trade shrank considerably.

Much changed for peasants in the former Western Roman Empire. Production declined as they had less access to Roman techniques and tools to work the land. Many farmers lived off the food they grew and no longer engaged in trade. Manufacturing production also declined because raw materials could no longer be brought in. It also became more unsafe for farmers. This forced many farmers to leave their land and seek help and protection from large landowners.

As money became scarcer, it became more difficult for a king to pay for an extensive civil service and army. Henceforth, powerful landowners locally guarded their territories with a small army and gained complete control over the land. They established their own legal system, minted their own money and set their own taxes. In exchange for the land they had received from the king, the feudal lords had to pay rent and provide the king with knights for military service if/when he requested it. The feudal lords kept large parts of their land for their own use and divided the rest among their knights. Thus the feudal lords and their knights became very rich.

Free farmers, serf peasants and serfs lived on the feudal lord's land. Free peasants had their own land and paid taxes to the feudal lord. A serf peasant was tied to the land of the squire and worked without owning this land. They received protection from the feudal lord in exchange for their work, but were obliged to continue living and working on the land. The serfs were people without property who worked as servants and were completely in the power of the lord.

Due to declining trade and productivity, there was less food to distribute in the Western Roman Empire. The wealth was distributed by a small group of large landowners and the clergy. Especially in times of crop failure, war and disease, the peasants, serf peasants and serfs were vulnerable.

In these times, some farmers, serf peasants and serfs chose to withhold parts of the harvest or steal from other people's crops to survive. They also sometimes went hunting for game or fish on land that was not owned by them. Indeed, forests where they could hunt before the advent of feudalism were now owned by the feudal lord or king.

Illegal hunting is called poaching. For poaching or stealing crops, people in this era often received corporal punishment. A corporal punishment is a physical punishment where the punished person is hurt. Punishment for poaching included hanging, castration, gouging out the eyes or being sewn into a deerskin and then being chased by ferocious dogs. The punishment for stealing (crops) was usually cutting off a hand. These punishments were intended as a deterrent, to deter others from committing the same crime. These individuals were then a visible reminder to others in the community of what would happen if they committed the same crime.



## Case 2 Late Middle Ages – Heresy

### ***Background information about heresy in the late middle ages***

After the power of the Western Roman Empire crumbled in Western Europe, Christianity was able to spread rapidly. Because the Catholic Church was wealthy and well organised, Christianity spread rapidly across Europe during the Middle Ages.

When the Frankish king Clovis was baptised in 496, he converted to the dominant, Catholic version of Christianity. With this act, he could count on the support of the bishops in the former Roman cities, who had a lot of power at the local level. Thanks to the support of these bishops, Clovis managed to conquer the whole of Gaul. Once a king converted, it was customary for his subjects to do the same. Those who did not want to do so were forced to. Increasingly, kings and clerics worked together to increase their power.

For instance, the clergy often drafted documents for princes; since many of the rulers could neither read nor write. Moreover, it was often the same clerics who were sent on diplomatic missions to speak on behalf of a king. After all, a Christian monarch would not dare kill a servant of God, even if it was a messenger of an enemy monarch. In addition, the church legitimised the power of kings by emphasising that rulers were appointed by God and therefore had to be obeyed. In exchange for these duties, the clergy were under the protection of the king and land and other property was often given to clerics.

The Catholic church gained increasing power. Because the church was exempt from taxes, demanded a tenth of each believer's income and received money for ritual acts, the church became increasingly wealthy. In addition, the church sold indulgences. Buying an indulgence absolved your sins and made it easier to enter heaven. As a believer, of course, nothing was more important than getting into heaven! However, some noted that the clergy themselves lived rather comfortably and were mainly concerned with acquiring luxury items.

In the 8th century, the church took another step to increase its power by forging a document claiming that Constantine the Great had ceded his power to the leader of the church, the pope. Thus, kings had to obey the pope and power was only lent to the monarch who ruled at any given time. This allowed the church to form its own armies, fight wars, appoint key officials and force kings to obey the church.

The church had a great influence on how medieval people thought in Europe. As a result, there was initially little resistance to the growing power of the church. The church created a population that could not imagine existence without it and exploited that population.

Gradually, the bishop of Rome, the pope, grew to become the most important person of the Christian faith. However, opposition to the pope's position also emerged, and in the 11th century the Eastern Orthodox Church separated from Rome. Throughout Europe, split-offs from the Catholic faith emerged in response to the church's corruption. Among others, the Ghibellines, Waldenses and the Cathars opposed the Pope. These groups were supported by people who were fed up with the church's corruption. There were also those who sided with these groups because they themselves wanted more power. The nobility welcomed an alternative to the powerful Catholic Church so that they could do more of their own thing.

The pope did not accept any criticism. Recognising any criticism would have required reforms, and the church had no interest in doing so. The pope and friendly rulers waged wars against these critical groups and their followers. In addition, so-called 'heretics' were persecuted by both churches and friendly kings.

Thousands of heretics ended up burned at the stake, exiled or tortured during the late Middle Ages for their criticism of the church. In the 17th century, accusations of heresy - and with them torture and death sentences - began to decline.

### **Case 3 16th/17th century - Vagrancy/stealing**

#### ***Background information about vagrancy / stealing in the 16th/17th century***

From the seventeenth century, Western Europe gradually began to see an increase in prosperity. Banking began to develop and new forms of credit emerged. Agriculture became more productive and, thanks to technical improvements, productivity also increased in other areas. More seaworthy ships were built, enabling trade and colonisation. These ships brought important raw materials to Europe.

Especially in areas such as Portugal, Spain, the Low Countries and England, prosperity increased rapidly. However, the increase in prosperity mainly benefited a small upper class and many poor people remained in these areas. The increase in poverty had several causes.

Around 1500, England had about 3 million inhabitants, by 1600 it was about 4.5 million. The rapid increase in population led to an increasing demand for food, housing, clothing and other goods. In addition, there were not enough jobs for everyone. After the War of the Roses, all standing armies were disbanded and even more people were looking for jobs. The shortage of food increased due to a number of crop failures. In the years 1556, 1596 and 1597, agricultural yields were low due to adverse weather conditions. If you did not work you did not get money and food. The rich upper class refused to share their wealth. Looking for work, many unemployed farm workers moved to the city, causing rents to rise in the cities.

Shortages caused higher prices. This was also compounded by several wars that made trade with other countries more expensive. English trading ships were hijacked or destroyed. In addition, wars were expensive as ships had to be built and soldiers paid. The British government increased taxes to pay for the wars, leaving people with even less money.

Henry VII had a conflict with the Catholic Church because the Pope did not allow him to divorce his wife. He decided to close all Catholic monasteries in England and keep the property of the monasteries for himself. This was because the monasteries were rich and the proceeds allowed Henry to pay for his wars. The poor English, often helped by the monks, now received no help from anyone. The monasteries often took care of the poor, elderly, sick and lepers. These people now often ended up on the streets. In addition, monasteries were a hiding place for criminals. In a monastery, a criminal could ask for forgiveness and live in the monastery. The English state could then no longer punish this person. Monks, the poor and criminals now also ended up on the streets and looking for work.

The increase in homelessness and vagrancy caused problems in the cities. Many of these vagrants begged or went out stealing to get money and food. They were often blackened and called vagrants or ruffians. Rich Englishmen sat in parliament and decided on laws. Instead of acting against growing poverty and inequality, the British parliament decided to pass several anti-vagabond laws. In 1495, the Vagabonds (vagrants) Act was passed and vagrants could be arrested and punished. Vagrants were flogged with whips or branded. However, it was not made clear in the Act what exactly a 'vagabond' was. Local governments punished large groups of people according to their own tastes just to keep out the poor and unemployed.

During the 16th century, punishments became increasingly severe. In 1593, it was decided that people who begged or refused to work could also be enslaved and were thus forced to work for rich Englishmen. Sometimes these people were also deported to new colonies. However, poverty meant that people continued to steal to survive. The rich English wanted to protect their property and parliament passed even stricter laws. From 1660, a number of laws were passed, later called the Bloody Code, which ensured that people could be sentenced to death for stealing just one loaf of bread.

### **Case 4 18th/19th century - Destruction of property**

#### ***Background information about destruction of property in the 18th/19th century***

Before 1750, most of the English population consisted of small farmers. Farmers mainly produced food for their own families, what they had left over they sold in the market. In quiet periods, farmers earned some money by spinning and weaving wool, which was brought to their homes by traders. This method of production is called cottage industry. Because there was so little food 'left over', England's population hardly grew in those years.

From 1750, great changes took place in England. This was because England was a world power with large colonies (such as India and North America). A lot of raw materials were taken from these colonies and the inhabitants of the colonies paid a lot of taxes. As a result, England's merchants and nobility got richer and richer.

In the 18th century, the rich merchants (and nobility) used some of their money to buy land from small farmers. This is how they became large landowners. Traditionally, land ownership in England was the way to gain influence, and of course the merchants wanted it! The new large landowners put their money not only into land, but also into smarter production methods. For example, a new plough was developed that worked better and faster. These new inventions increased agricultural yields and the population began to grow. At the same time, fewer and fewer farmers were needed.

Farmers who lost their land usually turned to cottage industries to earn their money. As the population grew, so did the demand for various fabrics. Spinning and weaving was a real craft (you had to be able to do something) and craftsmen therefore received a fixed (good) price for their products. Moreover, these artisans could work from home and organise their own time (they could combine it with seasonal work on the land of the large landowner, for instance).

But, developments did not stand still in cottage industries either. Here too, merchants used their money to invent new techniques. In 1764, for instance, James Hargreaves invented the 'Spinning Jenny'. This spinning wheel could weave as many as 8 (later even 130!) threads at a time. You can imagine what this did to the demand for workers! The machine was so big and expensive that it was no longer placed in the spinners' homes, but in a large hall, where there was always someone to operate the spinning wheel.

The position of 'old-fashioned' craftsmen came under even more pressure when the machines were powered by water or steam power instead of muscle power. In 1763, James Watt improved the steam engine and the first steam factory opened in 1774. With this, the industrial revolution really burst out. Machines and factories became bigger and faster. England had access to sufficient sources of energy to run the machines because there were huge coal fields in England.

To be allowed to work in a factory, you did not have to be able to do much, and population growth meant that there were always plenty of people available. The traders (now factory owners) pulled all the strings. Workers had to work long hours at low wages. The work was hard, dangerous and monotonous. Towns sprang up around the new factories, where workers lived together in slums.

The new group of factory workers could not exert any influence on politics in England. The nobility and rich factory owners were in control there too. And these people wanted as few rules as possible, in order to make as much profit as possible (capitalism). The country's leaders even made it impossible for workers to stand up for their rights. In 1799, a law was passed forbidding workers from organising in a trade union.

In 1811, the bomb burst. In Nottingham, a group of skilled craftsmen entered into talks with the factory owners who were in charge there. The artisans were willing to accept the arrival of new factories only if decent wages, pensions and reasonable working conditions were provided. The factory owners refused to cooperate. In revenge, the craftsmen, under the pseudonym Luddites, destroyed all the machinery in Nottingham's factories at night. In the years between 1811 and 1814, the Luddites were a veritable 'plague'. Thousands of factories and tools belonging to large landowners were destroyed.

Parliament passed a law that manufactured the death penalty for anyone who destroyed a machine. The army was deployed to track down the Luddites. Many Luddites received the death penalty and many former farmers and artisans who supported the Luddites were deported to the colonies or ended up in jail.

### **Case 5 20th century - Terrorism and sedition**

#### ***Background information on terrorism and sedition in the 20th century***

Overseas European explorations in the late 15th century to the 17th century led to the incremental colonisation of the Americas, Asia and Africa. In particular, Spain, Portugal, France, Britain, the Netherlands and later Belgium, Germany, Italy, Denmark, Sweden, Russia and the Ottoman Empire managed to bring large parts of the world under their control.

The emerging industrialisation and new inventions in the 19th century provided a new phase of colonisation. New technological developments, such as the steam engine, caused a huge increase in economic productivity. The raw materials to produce these products were taken from European colonies where indigenous slaves and workers were treated even worse than European workers. European powers were able to extend control over the colonies through inventions such as the steam train, the telegram, medicine and improved weapons. The colonised territories were annexed (officially made part of the European country) and the territories were governed so that as many resources as possible could be extracted.

In addition, moral considerations were along to colonise the territories. With increasing nationalism, many Europeans believed they were superior to the colonised 'races'. White Europeans felt they had the right to rule the world. However, that right also brought responsibilities. It was considered the job of 'the white man' to educate the indigenous peoples. Some indigenous groups collaborated with the Europeans to gain more power themselves. Of course, there was also resistance from the colonised peoples. However, resistance was often difficult against the Europeans with their superior weapons and technology. Especially when they collaborated with indigenous partners.

In the late nineteenth century, the Netherlands had colonies in the Dutch East Indies (now Indonesia), Suriname, the Netherlands Antilles and Dutch New Guinea. Around 1870, the Netherlands followed in the footsteps of other major colonial powers such as England and France. The Netherlands became increasingly involved in the colonies. Areas that only belonged to the motherland on paper were now really conquered. One of these wars was the Atjeh War (1873-1914). During this war, many war crimes were committed and more than 100,000 people were killed by the Dutch army. The Dutch did not call it war but talked about maintaining order or bringing peace.

In the early 20th century, thanks to education and the growing nationalism of the Indonesian people, a national consciousness emerged. More and more people began to feel Indonesian and wanted Indonesia to become independent. This self-confidence was fuelled by another Asian nation, Japan, successfully industrialising and defeating Russia in a war.

Through World War I, colonised people saw that Western society was less superior than it made itself out to be. Hunger and poverty also increased because of this war. Thus, Islamic, communist and nationalist organisations emerged in the Dutch East Indies. All wanted Indonesia to become independent. The Netherlands promised the Indonesians more independence but instead cracked down harder on the Indonesian organisations. This caused more discontent among the Indonesians.

The better roads, telegraph and telephone connections the Netherlands had built actually helped the nationalist groups. The nationalists could maintain faster and better contact and therefore organise themselves more efficiently. Using a successful Russian Revolution as an example, the PKI decided to organise a major communist uprising in 1926. The goal was an independent communist Indonesia. In several places in Java and Sumatra, revolutionaries took up arms and committed acts of sabotage.

The reaction of the Dutch government was fierce. A period of harsh repression followed: thirteen thousand people were arrested in the Dutch East Indies and put in labour camps. Sometimes these people were convicted by courts for "offences" such as sedition, terrorism or violence, but many were also sent to labour camps without trial. Also in the Netherlands in 1927, four students from the Dutch East Indies, including freedom fighter Mohammed Hatta, were rounded up in The Hague, Leiden and Amsterdam. They were charged, under the responsibility of Minister Donner and under the new anti-revolution law, with sedition and terrorism.

### **Case 6 21st century – Defaulters**

#### ***Background information about defaulters in the 21st century***

The 1990s was a time when Europe was doing well economically. The Berlin Wall had fallen and the communist Soviet Union had collapsed. As a result, confidence in capitalism was high. Even leftist labour parties believed in the capitalist free market, small government and few laws and regulations.

Trust in capitalism and the influence of big business on policy meant that there were few regulations on banks and businesses. Taxes were low and interest rates to borrow money were very low. Companies, banks, governments and ordinary people bought shares (pieces of companies) and/or houses with this cheap money. People with lower incomes could also borrow a lot. There were few rules and a mortgage (a loan to buy a house) was easy to get, even if you couldn't actually afford it. In short people had faith that things would always get better in the future, businesses and houses would always become worth more. So why not invest more and more?

This was going well until 2008 in America when house prices started to fall and confidence waned. It turned out that people had bought houses they really couldn't afford at all. Banks knew this but had used complicated names to put mortgages together and pretended they were good investments. The homeowners could no longer pay their debts. People sold their shares en masse, which lost their value as a result. Many banks, insurers, funds and governments that had invested heavily in shares and mortgages had lost their money.

Banks had financed debts with other debts. In other words, they had created money that wasn't there at all and gambled with this. Everyone wanted their money back from the banks, but the money was no longer there. The house of cards collapsed. The international credit crisis was born. If the banks failed, many businesses and people would lose their money. Also, people and businesses would no longer be able to borrow money. Governments wanted to prevent this and the banks were bailed out by giving them billions of taxpayers' money. This cost society a huge amount of money.

You would expect stricter rules for banks and big companies. They had played 'casino games' and lost a lot of money. However, the crisis was so complicated that few understood it and nothing changed. After the attack on the Twin Towers in New York (2001) and other terrorist attacks in European cities, many people and media were mostly concerned with Islam. Also in the Netherlands, many discussions were about migrants and cultural identity. Right-wing parties won the elections. They still wanted few rules for banks and low taxes for big companies. Because governments' debts had risen due to bailing out the banks, right-wing parties thought the government should spend less money. Cuts were made to social benefits, healthcare, education, libraries, organisations building cheap rental housing and other help mainly for people on lower incomes. While there were 250,000 indebted households in 2007, five years later there were 2.3 million.

At the same time, the idea arose that a lot of government help made people lazy. People had to roll up their sleeves themselves and turn to friends and family for help first. The idea was that many people were receiving benefits unfairly, for example, because they were wrongly reporting sick or that many foreign people were wrongly claiming benefits. Despite the fact that this was only a very small group, many people were still very angry about this.

This made the political parties apply much stricter rules to check that people were not committing fraud (applying for money wrongly). All sorts of laws came into being, such as the Fraud Act (2012), which ensured that citizens were checked more strictly. The government started strictly checking that people were not committing fraud. The problem was that after the 2008 crisis, governments fired many 'useless' civil servants who carried out these checks. Therefore, computers and algorithms were used to punish people. These algorithms checked people with lower incomes and people of colour more strictly. The Fraud Act stated that you were guilty until you proved yourself that you had not committed fraud. However, lawyers are expensive and it often took years before the tax authorities had time to hear a case.

In 2020, the so-called benefits affair revealed how this system worked. The tax authorities had identified some 30,000 people, who claimed childcare benefits, as fraudsters. As a result, benefits were stopped, allowances stopped, and recoveries started. Households ended up in large debts as a result. Many 'fraudsters' had to go to jail and children were placed out of home by the courts.

**Activity 2 - Crime through the centuries: continuity and change**

	Common crimes in this period	Economic causes	Cultural causes	Political causes	Causes that remained the same since the previous period	New causes during this period	Conclusion: change or continuity during this period?
Roman times							
Early Middle Ages							
Late Middle Ages							
Sixteenth and seventeenth centuries							
Eighteenth and nineteenth centuries							
Twentieth century							
Twenty-first century							



## Annex Lesson 3

### Powerpoint

What do you see here? Why are we doing this more in Europe?



### Crime -> punishment

- Punishment: A punishment is a sanction in which one intentionally makes a 'punished person' undergo an unpleasant experience. A punishment is imposed by a person or body that has the power and authority to do so.
- Crime and punishment change over time. In what way and why does the way of punishment change?
- Continuity and change

### Why punish?

- Deterrence
- Satisfaction
- Reform



## Assignment

- Read the sources and complete the chart

## Factors that influence attitudes towards punishment

- Government
- Social change
- Wealth and poverty
- The role of the media
- Ideas about punishment
- Make a ranking. Which factor is most important? Which is the least?

## Explain the process of ....

- Choose a development from assignment 1 that you find interesting (e.g. abolition of the death penalty)
- Use the factors to explain this development
- Use the sources from assignment 1

## Concluding

- Punishment through the ages. What remained the same? What changed?
- What are the important factors driving change?



**Activity 1 Sources on punishment****Teacher information**

Source 1 – 3	Roman period
Source 4 – 8	Medieval period
Source 9 – 13	Sixteenth and seventeenth century
Source 14 - 20	Eighteenth and nineteenth century
Source 21 - 25	Twentieth and twenty-first century

*Note: Years are not given at the citations. These can be found at the website.*

**Activity 1 - Punishment through the ages**

Read and review the sources for this activity. Link the sources to the correct period. Choose from:

- Roman period:
- Medieval period:
- 16th/17th century:
- 18th/19th century:
- 20th/21st century:

*Source 1 - Leopard attacking a criminal, Roman floor mosaic*



The death penalty was common in ancient Rome. It has been used for many crimes that would land someone in jail or even parole today. Crimes that could be executed in ancient Rome included leaving the army, escaping slavery, and even adultery in some cases. The most common punishment for malfeasance or minor misconduct is beating with a stick or whipping with a whip. Another punishment for petty crimes is carrying heavy logs in public. The perpetrator was forced to carry a heavy split log on his shoulders, with his arms outstretched in front of him and his hands tied to the end of a fork. He had to carry the log with him so other family members could see and warn him. Sometimes, if he struggled to

move, this punishment was accompanied by a flogging.

*Source 2 – Engraving of collared slaves*



Punishments were not the same for all Romans and varied according to status. If you were a wealthy noble, you could stand to receive much less punishment than a slave, not for exactly the same crime. In the Roman system, the sentence for a crime depended on your citizenship and social status. In general, the punishments for senatorial orders were milder than those for the ordinary citizen. In the Republic and at the beginning of the Empire, the punishment for a citizen was less severe than for a non-citizen, and citizens had a right of appeal open to pilgrims. If the person was a slave, the punishment was even more severe than for a free pilgrim.

*Source 3 – Woodcut. Title: the Death of Judas and the Crucifixion*



Crucifixion is a well-known form of Roman punishment. That's what the Romans (allegedly) did to Jesus. Christians were a group that was prosecuted by several Roman emperors. Tacitus wrote Christians, "were nailed on crosses...sewn up in the skins of wild beasts, and



exposed to the fury of dogs; others again, smeared over with combustible materials, were used as torches to illuminate the night."

After the slave revolt of Spartacus, it was said, slaves were nailed to crosses along the 100-mile long stretch of the Appian Way. Many of them remained there, it is said, until their bones were cleaned by vultures. Crucifixion was considered a form of humiliating punishment only for the Romans with a lower status. The punishment was used to send a message to the Roman society. The message was clear; if you break the law this can happen to you.

Source 4 – *A Jew was hanged in a special way: image of the execution attended by Johann Stumpf at Weißenstein in Swabia*



This punishment called hanging with the dogs was a punishment for Jews. The 'Jewish execution' (Judenstrafe) occurred from the thirteenth to sixteenth century in Germany. A Jew sentenced to death was hung upside down on the gallows with two dogs next to him. If the victim still converted to Christianity, he was detached from the gallows and, after a quick baptism and other religious formalities, beheaded. In the European legal system, Jews were considered foreigners for centuries. They were disadvantaged and punished more severely than Christians.

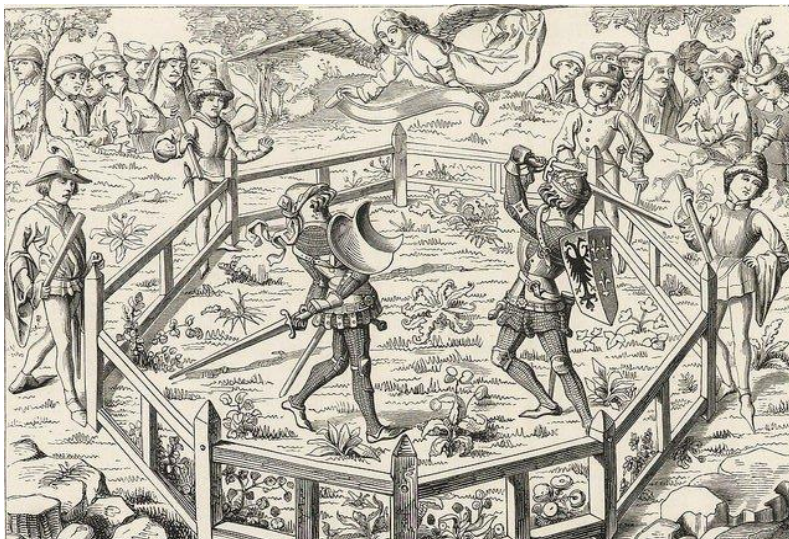
Source 5 - Dirk Bouts: The martyrdom of St Hippolytus



Source 6 - *The Song of Roeland*

'The horses are fast, of a fiery breed. Four servants drive them with a steady hand to a river winding through the land. Ganelon undergoes the severest punishment: his sinews are stretched and snapped and all the members tear from his body; his gleaming blood flows over 'green grass. He dies as befits a cowardly traitor.'

Source 7 – *The Duel between Guy of Steenvoorde and Iron Herman – Walter of Théroanne*



When the judicial duel to determine the case between Guy and his accuser Herman, nicknamed the Iron, began, Guy had the better of the first and second exchanges of blows and fell on Herman and crushed him the the ground under the immense weight of his body and their arms (for Guy, like Herman, was armed with a heavy hauberk and a helmet). Then Herman, strengthened by God's virtue, got up as if he no longer felt anything weighing on



him and, throwing down in turn him who, as was mentioned above, had previously had the upper hand, began to press him to confer the crime he had committed. What more can I say? He was ultimately vanquished by divine judgement and convicted of the crime of which he was accused and thus sentenced to die.

*Source 8 – A 'schaamfluit' (flute of shame) on display at the Foltermuseum in Amsterdam.*



*Source 9 – Contemporary woodcut showing a vagrant being whipped through the streets of a town (woodcut)*



*Source 10 – Quote from; A Description of England - William Harrison, a Catholic priest*

‘They (vagrants) are all thieves and extortioners. They lick the sweat from the true labourer’s brows and take from the godly poor what is due to them.’

*Source 11 – Burning of three "witches" in Baden, Switzerland, by Johann Jakob Wick*



Source 12 – Image scanned from Robert Chambers' *Book of Days*, 1st edition



The pillory was intended to shame and humiliate. It was used to punish crimes such as cheating at cards, persistent swearing and selling underweight bread. If the crowd disapproved of the crime they would pelt the offender with stones.

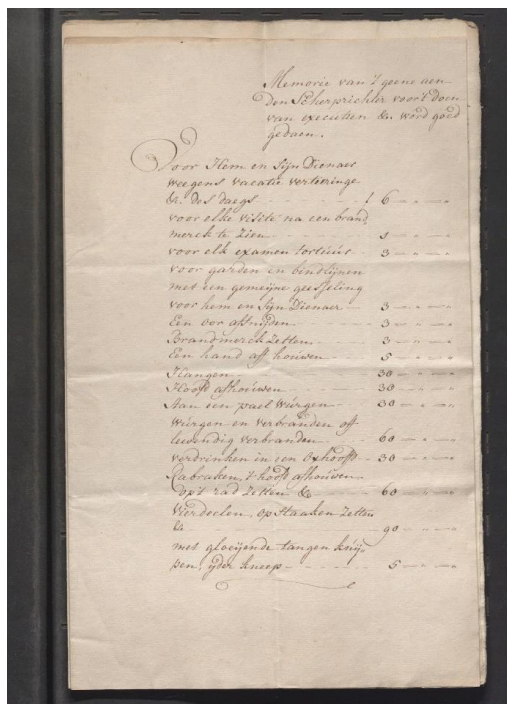


*Source 13 - The courtyard of the Breed House, Heiligeweg 19, during the distribution of food - Toornenburgh, P.*



This drawing shows the large courtyard of ‘*Het Rasphuis*’ (the Rasphouse), where Dutch prisoners grated wood into pigment powder. Logs lie there ready to be grated. The Rasphouse was set up because, towards the end of the sixteenth century, people had begun to think differently about keeping order. Criminals did not just have to be punished. The often poor criminals had never learned to lead a good, working life. They had to learn that in the institution before returning to society. The entrance gate, which still stands there, therefore read: ‘Wild beasts must be tamed’.

*Source 14 - Executioner's price list - Delft (Netherlands)*



An eighteenth-century price list of an executioner. The document shows which punishments the executioner carried out and the remuneration he received for them. For example,

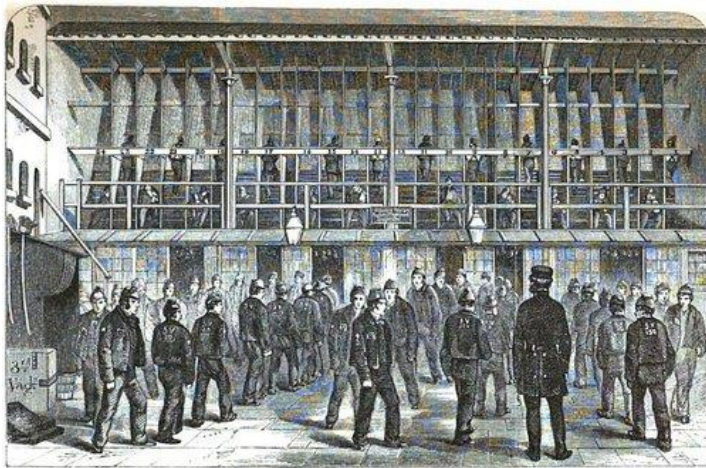
mutations (such as cutting off an ear, branding, etc.) were considerably cheaper than punishments followed by death (hanging, drowning, beheading, etc.). The most pricey was the quartering of a convict (usually by horses). That cost a sloppy 90 guilders (now converted to about €1000). Incidentally, this punishment was not often imposed but was mainly reserved for murderers of noblemen as well as for country traitors.

*Source 15 - Gallow ticket – London (England)*



An 18th-century gallow ticket to view the execution of Jonathan Wilde. Executions increased in the 1700s, in part because newspapers gave them more publicity. Some factories are even closed on execution days so workers can take part in entertainment. As the crowd grew, the government found it more difficult to maintain order. Criminals are always at risk of flight, especially when the crowd sympathizes or believes they are innocent. There was also an increased risk of protest riots if there were mass hangings when offenders had been sentenced to death for minor or social crimes.

*Source 16 - "Prisoners Working at the Tread-wheel, and Others Exercising, in the 3rd Yard Of The Vagrants' Prison, Coldbath Fields", in Henry Mayhew, The Criminal Prisons of London.*



*Source 17 – Gladstone Report*

Prison discipline should be designed to awaken prisoners' moral instincts, to train them in orderly and industrious habits, and, whenever possible, to turn them out of prison better men and women, physically and morally, than when they went in.

*Source 18 - From a speech in parliament delivered by Sir William Meredith, MP*

A man who has picked a pocket of a handkerchief worth of 18 pence is punished with the same severity as if he had murdered a whole family. None should be punished with death except in cases of murder.

*Source 19 - Observations upon the failings of the Criminal Code made by Cesare Beccaria in his book; Of Crimes and Punishments*

Current punishments do not stop crime. Instead of making a terrifying example (by hanging) a few criminals we should punish all criminals and punish them fairly. We need punishments that fit the crimes. Instead of relying on the death penalty, criminals should be imprisoned and do hard labour that is visible to the public.

*Source 20 - Deportation from Plymouth (South-West England) to nowadays Australia. Black-eyed Sue and Sweet Poll of Plymouth taking leave of their lovers who are going to Botany Bay London*





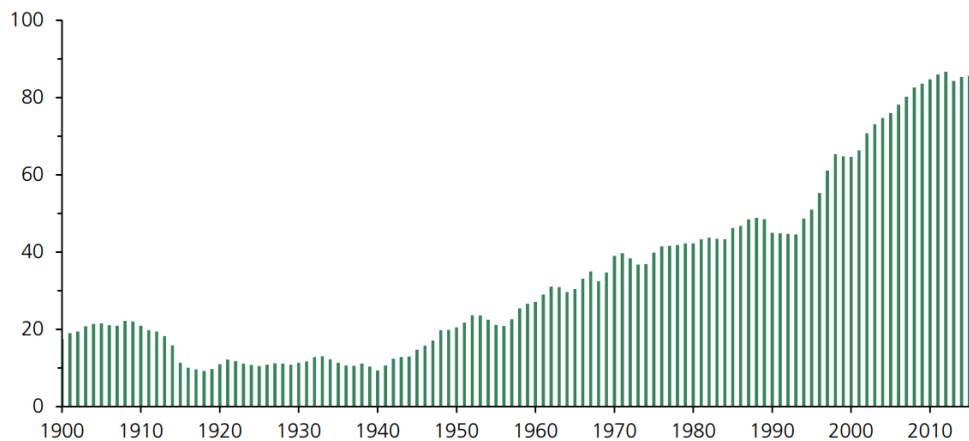
Source 21 - Actress Jane Birkin at a demonstration against the death penalty in Paris.



Actress Jane Birkin at a demonstration against the death penalty in Paris in November 1976. All EU countries have abolished the death penalty in accordance with the European Convention on Human Rights. Latvia was the last European country to abolish the death penalty in 1996.

Source 22 - Overview of the number of prisoners in England and Wales. *The Independent Newspaper*

Prison population in England &amp; Wales, 1900-2016 (000s)



From 2006 to 2014, the number of court cases for ‘vagrancy-related offenses’ in England increased by 70 percent. Rather than finding ways to accommodate the homeless, the government has instead sought to criminalize them. From old vagrancy laws to more recent Public Spaces Protection Orders, people have been fined simply for having no fixed abode.  
*Victoria Cooper and Daniel Mc Cullich - The Independent Newspaper*

Source 23 - Two men performing community service in the Netherlands



The picture shows two men doing community service. Someone who gets community service has to do unpaid work. For example, for the municipality, a care institution or the Forestry Commission. This includes work such as: helping in the kitchen of the old people's home, park service, picking dirt on the street, removing graffiti. In 2019, the courts in the Netherlands imposed community service 28,995 times.

*Source 24 – A photo of a drone police unit in Benidorm*



Benidorm's local police started a collaboration with the startup company Quaternium, the company responsible for producing the HYBRiX drone. According to the Air Police Unit; "this way, the safety and protection of citizens can be increased in areas where previously it was not always possible to respond quickly."

*Source 25 – Quote Edward Snowden – Open letter*

"These [surveillance] programs were never about terrorism: they're about economic spying, social control, and diplomatic manipulation. They're about power. - Edward Snowden, Open letter.

## **Activity 2 Factors influencing attitudes towards punishment**

### ***The government***

Laws enacted by the government determine what crimes are and what punishments apply to them. Governments can change old laws and introduce new punishments when social changes occur.

### ***Social changes***

In the early modern era, the closure of monasteries and changes in agriculture led to an increase in poverty and hence an increase in crime. Later, industrialization led to huge population growth and urbanization. Class differences, urbanization, and individualization influenced the amount of crime.

### ***Wealth and poverty***

The increased poverty and secularisation of the early modern period led to increased circulation and the adoption of laws punishing circulation. Growing wealth in the 17th and 18th centuries led landowners to protect their property. An example is Bloody Code. The death penalty was associated with a wide range of crimes, especially property crimes

### ***The role of the media***

The increased circulation of newspapers in the 18th century led to more coverage of crime, creating the impression of an increase in crime. Newspapers had a strong influence on people's attitudes towards punishment, especially during the fierce debate on the abolition of the death penalty in the mid-20th century.

### ***Thoughts on punishment***

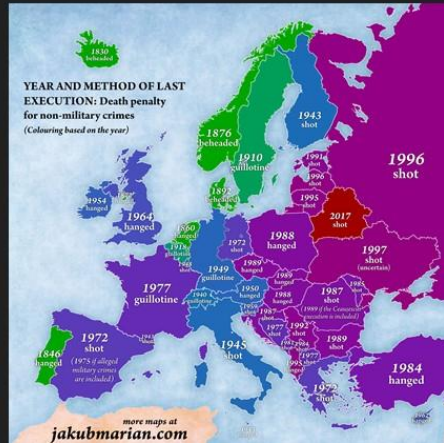
In medieval and early times, religion had a strong influence on the types of punishment. An example of heresy is punishable by the stake or the judgment of God. In the 18th and 19th centuries, some people were influenced by the progressive ideas of the Enlightenment. These included a more humane approach to punishment, leading to the belief that prisons were both educational and deterrent. These ideals also contributed to the abolition of capital punishment.



## Annex Lesson 4

### Powerpoint

Why was the death penalty abolished in Europe?



The enlightenment as a tipping point? To what extent have we become more modern/human punishers?



## The enlightenment



## Enlightenment & punishment

- Corporal punishment goes against universal human rights
- These 'barbaric' punishments belong to the 'ancien régime' and religious institutions
- Punishing things like witchcraft and heresy are irrational
- End of privileges -> receive the same punishment for the same offence
- Law applies to everyone (including the government) and control by independent judges

Cesare Beccaria (Italy, 1735-1794) published *On Crime and Punishment* in 1764 and can be seen as the founder of the rule of law.

*The legal system must contribute to the greatest happiness of the greatest number; it can never be the justification of the power of kings and nobility. Punishments must be humane, capital punishment and torture must be abolished.*

Rationality -> 'The greater the number of citizens who understand the text of the law and hold the rule book, the lower the crime rate.'





The punishment par excellence with which to threaten criminal behaviour was imprisonment. According to Beccaria - enlightened criminalist as he was - this punishment had the greatest preventive effect, because it deprived lawbreakers of what was most precious to them, their freedom. This punishment would certainly make residents prone to criminal behaviour, rational people as they were, realise that they had better stay on the straight and narrow.

### Detention as *enlightened* punishment

- Depriving freedom deters most
- Humane punishment, not physical
- Offender sees (rationally) in prison that crime does not pay
- Prison/workhouses/punishment colonies as possibility of re-education
- Isolate criminals from society
- Making prisoners productive

### Context (era of industrialisation and emancipation)

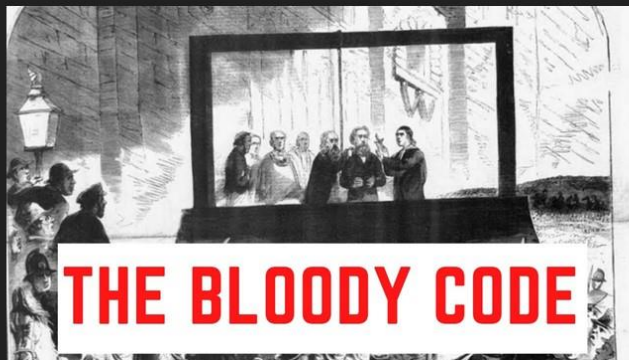
- Increase number of people in cities (urbanisation)
- Increase in number of unemployed due to industrialisation
- Increase in empowerment / resistance to authority
- Decline in power of the Ancien Regime
- Decrease in influence of religion/church and social control
- The masses are no longer impressed by executions / corporal punishment
- Bourgeoisie gains more and more power
- Increasing inequality between citizens

## Detention as a means of power

- Purpose of detention is social control and disciplining masses
- New system to deter theft of property
- On paper, everyone is equal
- In practice, going to court is expensive and time-consuming
- Detention as a revenue model

## De Bloody Code (1760-1830)

[https://www.youtube.com/watch?v=Fj\\_IVReO69Y](https://www.youtube.com/watch?v=Fj_IVReO69Y)



## Why was the bloody code abolished and imprisonment introduced?

- Ideals?
- Punishment as a means of power?
- Both?



## Punishment - Ideal or instrument of power?

Choose a case study:

- Fallen women
- Colony of benevolence / penal colonies
- Camps in the colonies
- Duties
- Mass surveillance
- To what extent have we become more humane in punishment?
- Who are being punished? Who are not being punished?



## Activity 1 Sources – Bloody Code

### Source 1

A man who has picked a pocket of a handkerchief worth of 18 pence is punished with the same severity as if hee had murdered a whole family. None should be punished with dead except in cases of murder. *From a speech in parliament delivered by Sir William Meredith, MP, 1770*

### Source 2

Current punishments do not stop crime. Instead of making a terrifying example (by hanging) a few criminals we should punish all criminals and punish them fairly. We need punishments that fit the crimes. Instead of relying on the death penalty, criminals should be imprisoned and do hard labour that is visible to the public. *Observations upon the failings of the Criminal Code made by Cesare Beccaria in his book; Of Crimes and Punishments (1767).*

### Source 3



*The Idle*

*'Prentice Executed at Tyburn: Industry and Idleness - Hogarth*

A public execution at Tyburn printed in 1747. London's magistrates admitted in 1783 that 'all the aims of public justice are defeated. All the effects of example, the terrors of death, the shame of punishment, are lost.' While executions were carried out, the crowds laughed and even drank. Such mass gatherings were perfect opportunities for pickpockets who could escape into the crowd. There was even the occasional risk of the condemned criminal being rescued by a sympathetic crowd.

Disclaimer

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