

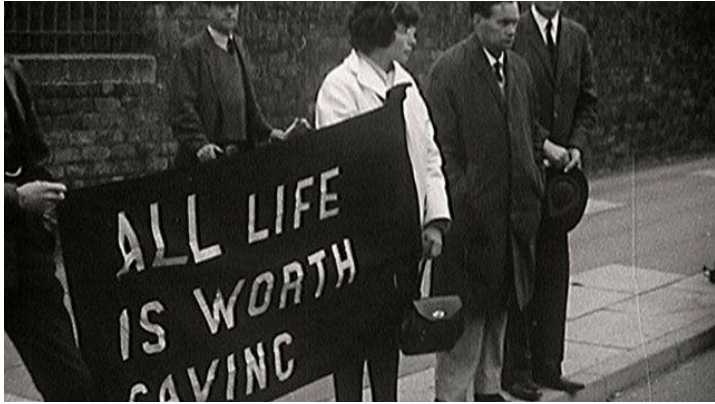
RECALL: 1700-1900

Remember, during this period, there was a *punishment revolution*.



Summarise this punishment revolution in no more than **50** words.

1.



2.



20th Century Britain

3.



4.



How might punishments
change again?

5.



Why did criminal punishments change so much in the 20th century?

To **know** how punishments changed in the 20th century

To **understand** why the death penalty was abolished

To **be able to** explain whether public opinion was the main reason for changes to the way criminals are punished



1. The abolition of the death penalty

- 1908 Children's Act ends hanging of under 16s
- 1922 Infanticide Act passed – mothers who kill newborn babies will no longer receive the death penalty
- 1933 Hanging of under 18s ends
- 1949 Royal Commission on Capital Punishment set up
- 1956 Death Penalty Abolition Bill passed by the House of Commons, but rejected by the House of Lords
- 1957 Homicide Act limits death sentence to 5 categories of murder (**see next slide**)
- 1965 Death Penalty abolished for most crimes
- 1998 High treason and piracy with violence no longer punishable by death
- 1999 Home Secretary signs 6th protocol of European Convention on Human Rights - formally ending the death penalty in Britain

QUESTIONS:

Why was the 1922 Infanticide Act passed?

Would you agree that the abolition of capital punishment was a gradual one?

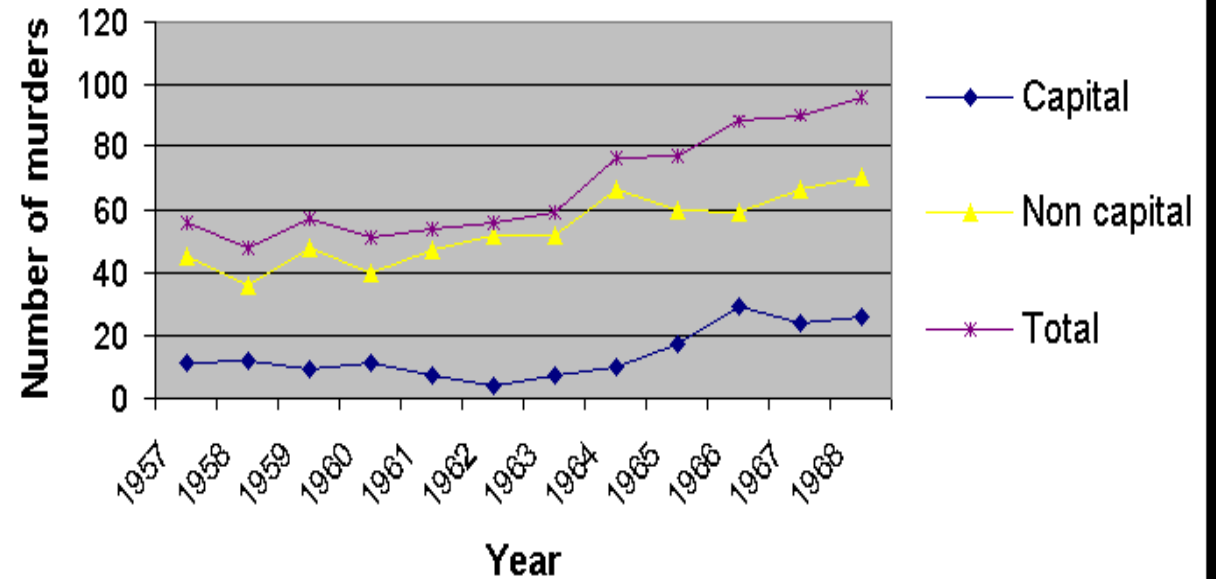
Capital Murder:

The Homicide Act of 1957 defined the crimes of capital murder as:

- Committing two murders on different occasions*
- Committing murder in the course of committing theft*
- Killing someone by shooting or an explosion*
- Killing someone whilst resisting arrest, or during an escape from the authorities*
- Killing a prison officer or a police officer*

Can you explain the thinking behind these 5 types of Capital murder?

Murder rate 1957 - 1968



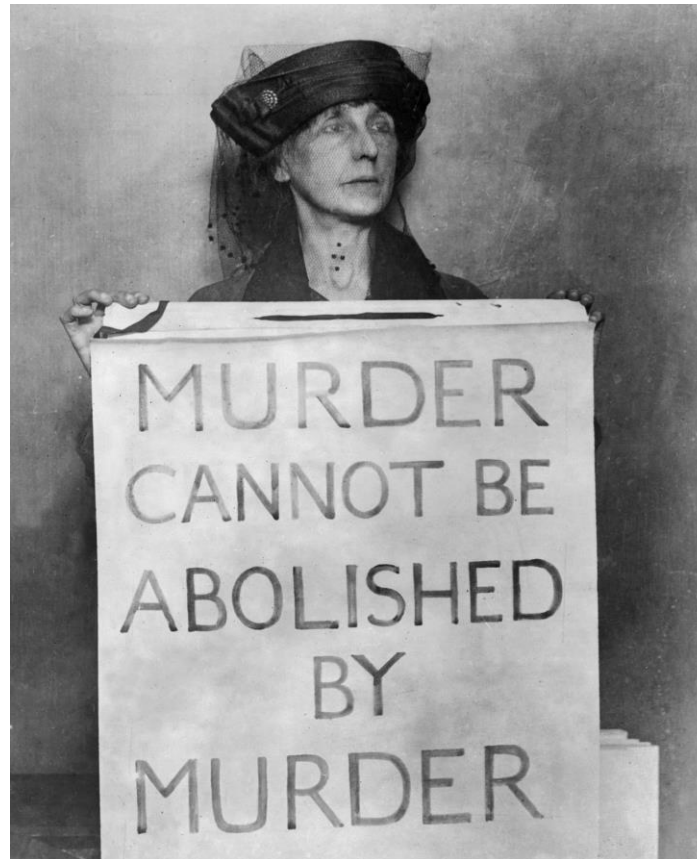
What can we learn from this graph about the legislation passed between the years 1957 and 1968?

1. The abolition of the death penalty

There was a long campaign against the death penalty, and eventually, in 1965, it was abolished, for an initial period of 5 years.

Can you make a list of 3 arguments, which may have been forwarded in 1965, for keeping capital punishment and for its abolition?

Use **1** and **2** to help you



1

'Licence to kill' if hanging ends

The Rev. A. Beale, Vicar of All Saints', Clapton, London, writes in his parish magazine that he does not view the prospect of an end to hanging with any enthusiasm. He feared it would be a "wholesale licence to kill."

"It seems to me that if a man shows that he is unfit to use the instrument of life which God has seen fit to let him borrow, then the community are justly and wisely acting for the good of the whole when they take that instrument of life from him."

2

Against Abolition of the Death Penalty

*Murder (Abolition of Death Penalty)
Act 1965*

CH. 71

**In support of abolition of the Death
Penalty**

ELIZABETH II



1965 CHAPTER 71

An Act to abolish capital punishment in the case of persons convicted in Great Britain of murder or convicted of murder or a corresponding offence by court-martial and, in connection therewith, to make further provision for the punishment of persons so convicted.

[8th November 1965]

We cannot do without the ultimate deterrent, violent crime will rise without it

We only execute 4 people a year, on average, and they have all committed cold blooded murder

The public will resort to lynch murders if we abolish the death penalty

Is it really fair on the victims' families to think of the murderer having a 'cosy' life in prison?

Our legal system makes mistakes. The wrong person could be executed

If we abolish the death penalty, juries will be more likely to convict for murder

Execution is barbaric, uncivilised and unchristian. It is the kind of thing you associate with Hitler's Germany

In Sweden and the Netherlands, where it has been abolished, the murder rates have not increased!

In the 1950s, there were a number of controversial executions which caused the public to question the death sentence more and more....

Read the two cases below and explain how each one gave weight to the arguments for abolition.

1. Timothy Evans 1950

Evans was hanged for killing his wife and baby. Later evidence proved that they had been killed by a serial killer, John Christie, and that Evans was innocent. There was a huge public outcry at the miscarriage of justice.



2. Ruth Ellis 1955

Hanged for the murder of her violent and abusive boyfriend. He had attacked her when she was pregnant and caused her to miscarry. Ellis was also the mother of a young child who was orphaned by her execution. A petition with 50,000 signatures, asking for leniency, was presented to the home secretary, who ignored it.



Bentley said to Craig "Let him have it Chris"

They still don't know today just what he meant by this

Craig fired the pistol, but was too young to swing

So the police took Bentley and the very next thing

Let him dangle

Let him dangle

Bentley had surrendered, he was under arrest, when he gave Chris Craig that fatal request

Craig shot Sidney Miles, he took Bentley's word

The prosecution claimed as they charged them with murder

Let him dangle

Let him dangle

They say Derek Bentley was easily led

Well what's that to the woman that Sidney

Miles wed

Though guilty was the verdict, and Craig had shot him dead

The gallows were for Bentley and still she never said

Let him dangle

Let him dangle

In 1953, 19 year old Derek Bentley was hanged for the murder of a policeman. In 1989, singer, Elvis Costello, wrote a song about the case.

What questions do the highlighted lyrics raise?

What theories do you have about why Bentley has been remembered for so long?

Not many people thought that Bentley would hang

But the word never came, the phone never rang

Outside Wandsworth Prison there was horror and hate

As the hangman shook Bentley's hand to calculate his weight

Let him dangle

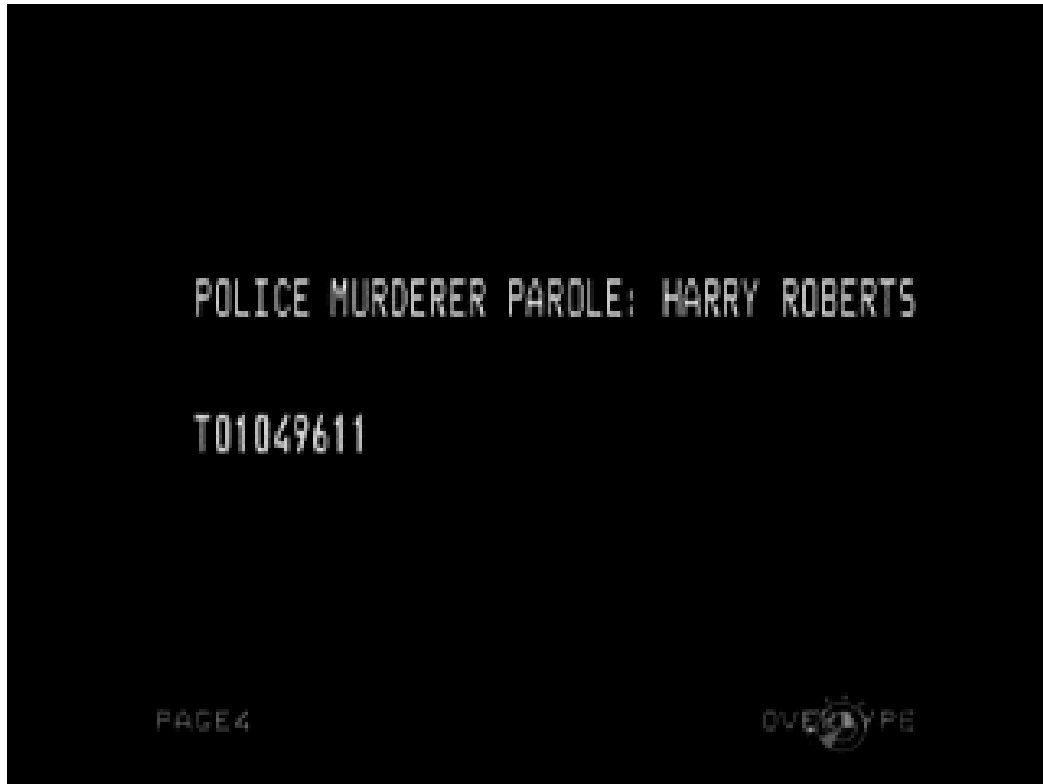




Read the story of Derek Bentley's crime and conviction from the Hodder text book, page 101.

- Can you explain the highlighted text in the song now?*
- The death penalty was abolished in 1965. In what ways might the Bentley case have played a role in this?*

How popular was the abolition?



There had been several high profile executions of people convicted on very thin evidence. Nevertheless, a survey in June 1966 suggested that barely 20% of the population supported the government. Sydney Silverman – the MP who put forward the bill - was opposed in his constituency by an independent pro-hanging candidate who won 5000 votes.

Harry Roberts and the Moors murderers....

Summing up: Why was the death penalty abolished in 1965?

Add a piece of precise support next to each factor

1. A declining trend in executions
2. The Government
3. More liberal attitudes in society (*think back to the lesson on changing definitions of crime in the 20th century*)
4. The Impact of the Second World War
5. High profile cases



Will my character be reformed in
a 20th century prison?

2. *Changes to the Prison system*
The separate system and pointless work
had disappeared from prisons by 1922.
Pointless work in 1902 and solitary
confinement in 1922.

What were these and why do you
think they had ended?

Do you think getting rid of these will
make reform more likely?

What other changes took place in prisons?



What other changes took place in prisons?

BEFORE 1947

1. Large arrowed uniforms have been abolished, along with the 'convict crop'
2. Diet, heating and conditions in the cells were improved
3. More visits allowed
4. Teacher employed in prisons to help inmates have a better chance of finding work when released
5. First Open Prison built in 1933 - more relaxed, with leave for prisoners to go to work

WHY?

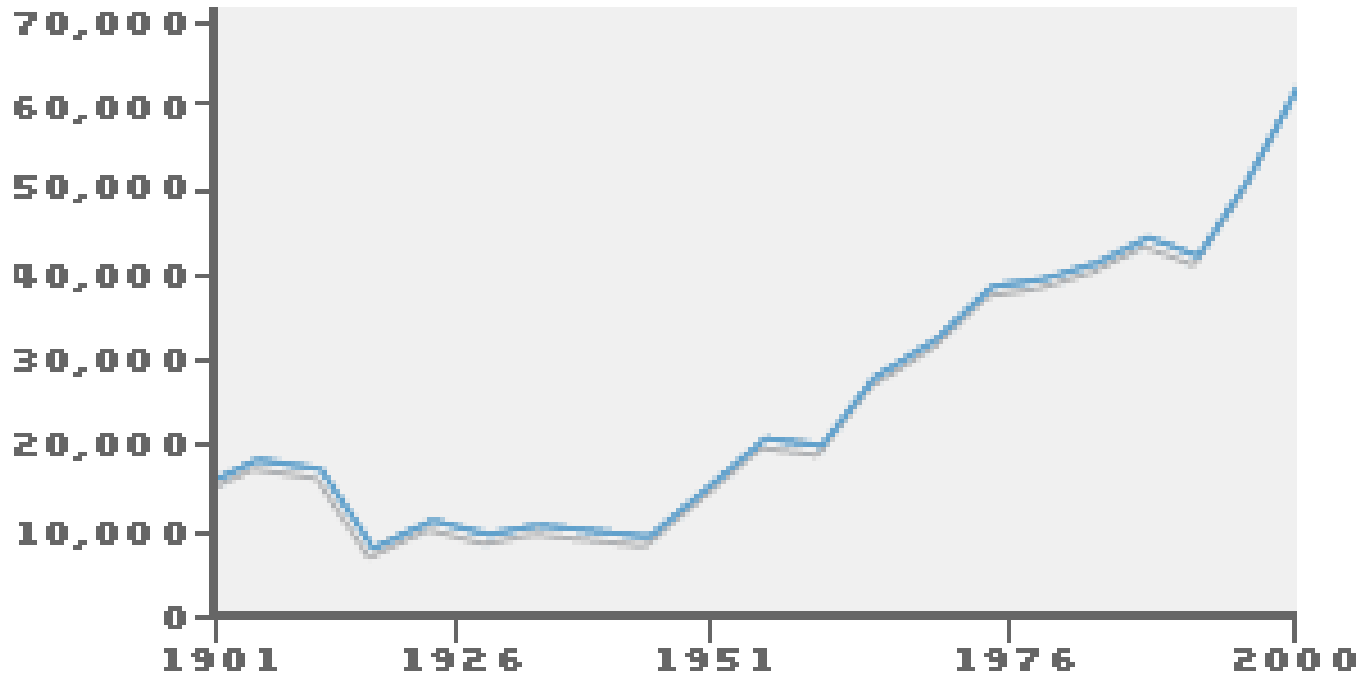
- Fear of crime declined
- Belief in Social Darwinism and the inevitability of crime also declined
- Police and arrest seen as enough of a deterrent

Do prisons work?

What do you notice?

How can we explain what we see in this graph?

Male prison population 1901 - 2000



Source: Home Office

Government image

Sentences

Crimes

Remand

What problems will this have led to?

Summing up: Why has the prison system changed?

Add a piece of precise support next to each factor

1. The Government
2. Changes in definitions of crime
3. Changing attitudes towards criminals



Overcrowding and understaffing

Budget cuts and difficulties recruiting staff have meant that there are fewer staff looking after more prisoners. Deaths in custody have risen – reaching a record number in 2014.

There has been a decline in purposeful activity in prisons, such as work and education.

In 2014, OFSTED rated over 50% of prisons inadequate in terms of their educational provision.

Reoffending

Bad influences
inside

4 reasons why
prisons don't work

ADD DETAIL

Cost

Returning
home

Non Custodial punishments

1907

Probation and
probation officers

1914

More fines issued, with
longer to pay them



1967

Parole introduced

1967

Suspended sentences
introduced

1990s

Electronic tagging
Restorative Justice
Drug and alcohol treatment
Programmes
ASBOs
Parental fines

1972

Community Service Orders
introduced

How would each of these non custodial alternatives help solve some of the problems we have identified with the prison system?

Summing up: Why have non custodial alternatives been introduced?

Add a piece of precise support next to each factor

1. Overcrowding
2. Reoffending
3. Cost
4. Attitudes about reform

How has the way we treat young offenders changed?



In 1854, Edward Andrews was sent to Birmingham Borough Prison after being convicted of a minor crime.

He was placed in solitary confinement and expected to turn a crank 10,000 times every ten hours.

He refused.

He was soaked in cold water, put in a straight jacket and fed only bread and water.

Two months later, Andrews hung himself.

How do you think the treatment of young offenders might be different, 150 years later?

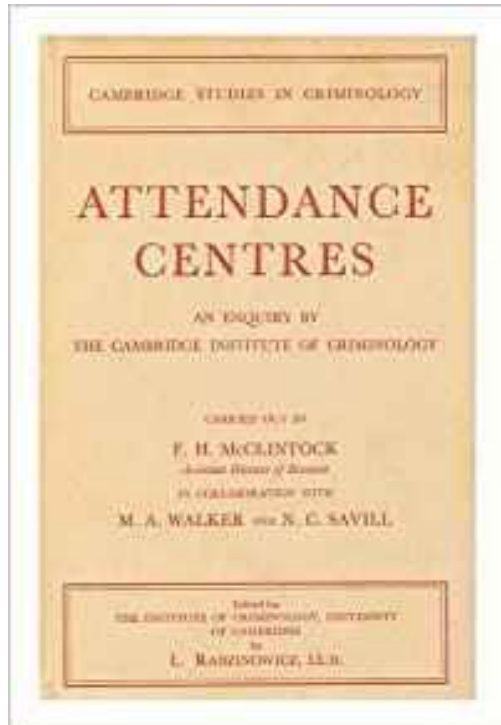
How has the way we treat young offenders changed?



First **Borstal** opened in 1902. Borstals were young offenders prisons, for boys only. They were kept entirely separate from adults.

1908 Prevention of Crime Act created a national system of Borstals. Their aim was education and reform.

Borstals were abolished in 1982 and replaced with Youth Custody Centres



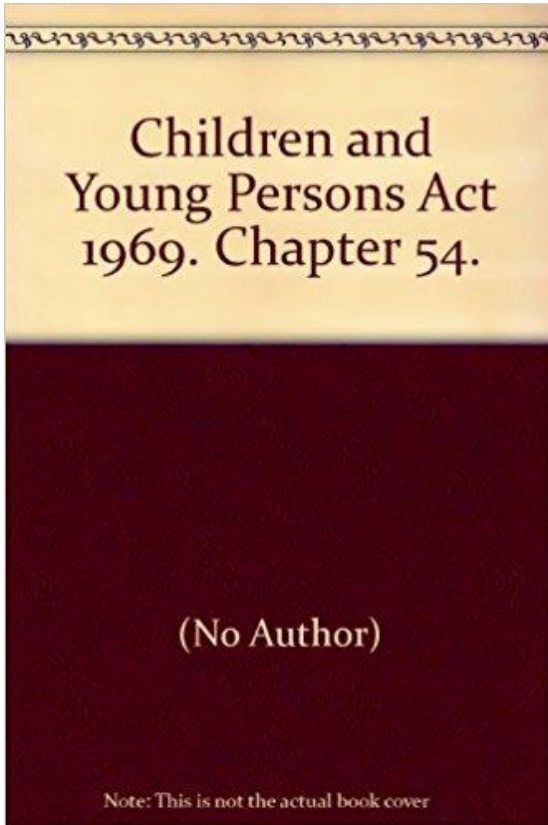
Labour's **1948 Criminal Justice Act** did the following:

Introduced detention centres which had a more relaxed regime than the borstals.

Introduced attendance centres which young offenders attended at weekends, rather than being detained all week.

Alexander Patterson, a prisons commissioner was incredibly instrumental in bringing this act about.

How has the way we treat young offenders changed?



1963, Young Persons Act - focused on caring for young offenders and raised the age of criminal responsibility from 8 to 10 years of age.

1969, Young Person Act - Favoured care orders and supervision by probation officers and social workers, over any kind of custodial sentence for young offenders.

1990s - Parental responsibility

Summing up: Why has the way young offenders are treated changed?

Add a piece of precise support next to each factor

1. Social attitudes towards the young
2. Government
3. Individuals

Checking understanding

Using your knowledge from today, write 5 true or false statements.

Exam Practice - Essay Question

AO2: 10 marks – explanation and second order concepts
AO1: 6 marks – detail and knowledge
SPAG: 4 marks – spelling, punctuation, grammar and historical terminology

Balance and judgement

1) *'Miscarriages of justice were the main reason why capital punishment was abolished in 1965'* How far do you agree? You may also include: **(20 marks)**

- **Changing attitudes**
- **The actions of the Government**

2) *'Changes in attitudes in society were the main reason for changes in punishment between c1900 and the present day'* How far do you agree? You may also include: **(20 marks)**

- **Science & Technology**
- **The role of the government**

Introduction:

- You need to give an overview of what happened/changed. You need to state whether you agree or disagree with the statement.

In each of the 3 paragraphs:

- Sign post the 'theme' of the paragraph in your opening sentence.
- Use precise detail – at least 3 pieces of evidence in each paragraph
- Link back to the question – explain how this contributed to the end of the death penalty/change in punishments?
- Link it to other factors– does this help you to judge how important that reason is?

Conclusion:

- So do you agree with the statement? Why? Use convincing evidence to justify your decision.

Structure

- Introduction – state your assertion
- X3 paragraphs on each factor
- Conclusion – justify your assertion

Exam Practice

Explanation

*Explain one way in which conditions in prisons were **different** in the mid 19th and late 20th centuries (4 marks, 1 paragraph of explanation)*

Balance and judgement

'Miscarriages of justice were the main reason why capital punishment was abolished in 1965' How far do you agree? (20 marks)

'Changes in attitudes in society were the main reason for changes in punishment between c1900 and the present day' How far do you agree? (20 marks)