




# Crime and Punishment

## Part 1



# Crime and Punishment before and after 1066.

 **Mission** : to use historical sources to gain a better understanding about Anglo-Saxon and Norman attitudes towards crime and punishment.

When the Romans were forced to leave British shores in around 400 CE they were replaced by groups of settlers from Germany and Scandinavia. At this point in history the people of Britain were referred to as Anglo-Saxons. In early Anglo-Saxon times often crimes were settled with a blood feud. This was essentially revenge or retribution and the expression 'an eye for an eye' explains this well. An example of a blood feud ; a murder takes place and the murdered identified. The family of the victim would then carry out the blood feud and kill the murdered themselves. However, as the Anglo-Saxon period progressed the concept of a blood feud was replaced by other forms of justice.

Note; during Anglo-Saxon times there was much fighting by various Saxon and Viking groups. This was to end in 1066 following the Norman conquest. 1066 marks the end of Anglo-Saxon rule and the leadership of the country was solidified under the new Norman ( French ) king.



## How did the Norman invasion change attitudes to crime and punishment during medieval times ?

The following sources and connected activities will help you understand how law and order was maintained under the Anglo-Saxons, how fair was the Anglo-Saxon and Norman justice system and what changes were made after the Norman Conquest in 1066.

The Wergild was a way of keeping order used during Anglo-Saxon times. It literally translates as blood money. Wergild was a bit like compensation for damage to a person. If you killed someone you owed a predetermined amount their family as Wergild, if you only took out their eye then you would still owe that person a Wergild but it would be of a smaller amount. There were set amounts for various parts of the body and these tariffs would be different from village to village.

**A**

**B**

Crime and Punishment School Revision Guide



**C** Trial by Ordeal



The majority of crimes in Saxon England were petty theft and damage to property. Violent crime was rare and was reduced further towards the latter part of the Saxon period as Blood Feuds stopped being used. These kinds of minor crimes tended to be dealt with using fines, oaths on the bible and public humiliation. Public humiliation was a way of punishing someone for a short period of time and allowing the whole community to see. The main reason that these types of punishment were used was because families and even villages tended to depend on each other to grow crops to survive. As such execution or imprisonment would have a negative effect on the whole family or community. This made humiliation and fines much more practical.

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A new Norman method of dealing with crime.

After the Norman Conquest in 1066 ALL LAWS were written in French. Changing the language prevented the Anglo / Saxon lords from fully understanding the legal system and from being able to help make new changes to them.

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History Teacher.

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Although not very common during Anglo-Saxon times major crimes like murder or treason were punished harshly. This could involve mutilation; the removal of a limb or other part of the body. Harsher capital punishments also included execution such as hanging or beheading.

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Some serious crimes carried the death penalty in Anglo-Saxon England – treason against the king or betraying your lord. This harsh capital punishment was intended to deter others and show people the importance of loyalty to the king, who Saxons believed was chosen by God. Re-offenders were also punished harshly if they were caught. Corporal punishment for regular offenders included mutilation, such as cutting off a hand, ear or nose or ‘putting out’ the eyes. This was intended to deter them from further offences.

School Textbook.

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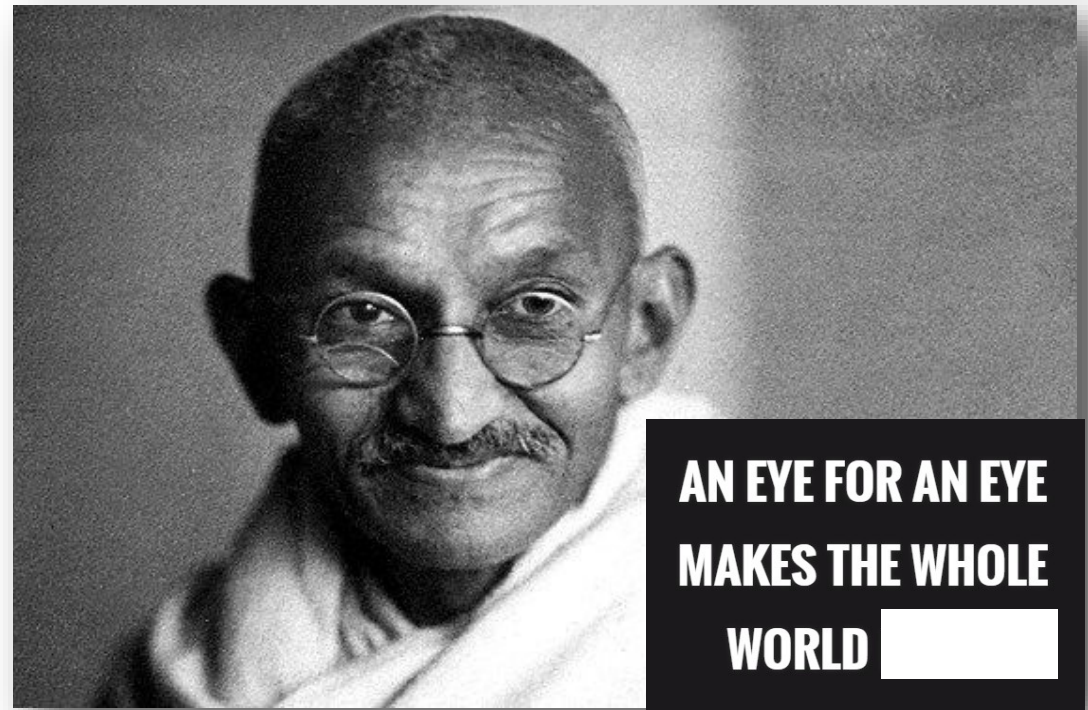
If a richer person did not want to be judged by an ordeal then you could pay for a ‘writ’ a document that allowed you to be heard in the king’s court and be tried by a 12 man jury (the basic model that we still use today). The Norman ruler, Henry II also did not like the power the Church had in making legal judgments; because of this in 1215 Henry II ended the system of trial by ordeal. This meant that all criminal cases had to be tried by a 12 man jury and because the need for a writ was not removed it made a lot of money for the king.

I

If a criminal was caught and needed to be brought to justice then they would be brought before the local lord at a kind of court known as a 'folk moot'. The folk moot was a meeting of the local lord and members of the local community who knew the accused and could make a judgement on their innocence or guilt. If they made a decision of guilty then the lord would decide upon an a punishment. If the folk moot could not reach a decision the accused would then have to take a trial by ordeal.

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J



AN EYE FOR AN EYE  
MAKES THE WHOLE  
WORLD

**TRIAL BY ORDEAL** The trial by ordeal system essentially passed the judgement of innocence or guilt over to God. In the Saxon period there were four main ordeals that a person could be put through to allow God to either protect them ( if innocent ) or forsake them ( if guilty) . They were:

- 1. Trial by Fire** (or hot iron) in which the accused would hold a red hot iron bar and then have their wounds dressed. If after 3 days their wounds were healing it was considered that god had protected them and they were innocent, if their wounds were infected God had forsaken them.
- 2. Trial by Hot water** in which the accused would retrieve an object from the bottom of a pot of boiling water. Their wounds were then bound and inspected 3 days later.
- 3. Trial by Cold water** in which the accused was thrown into a local pond or lake. The water represented purity, therefore the guilty would be rejected and would float; unfortunately the innocent would be accepted into the pure water and could well drown.
- 4. Trial by sacrament** (or blessed bread) was mainly used for the clergy and involved the accused praying that if they were guilty they would choke on a slice of bread, they would then eat the bread and if they survived they were innocent.

( National Archives )

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Throughout the medieval period it was believed that the only way to keep order was to make sure that the people were scared of the punishments given for crimes committed. For this reason all crimes from stealing to murder had harsh punishments. Although there were gaols ( jails ) , they were generally used to hold a prisoner awaiting trial rather than as a means of punishment. Fines, shaming (being placed in stocks), mutilation (cutting off a part of the body) or death were the most common forms of punishment.

National Archives.

M



William also introduced the hated **Forest Laws**. These decreed that trees could not be cut down for burning and people in the forests could not own dogs or bows and arrows. The punishment for hunting the king's deer was to be blinded.

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William destroyed people's homes to make way for new castles and many Saxons suffered. Some Saxons became angry with the Norman conquerors and fought back, so William ordered that if any Norman was murdered, all the people of the region had to pay a hefty fine known as the Murdrum fine.

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P

Following the battle of Hastings in 1066 William Duke of Normandy had to do more than just sit on the throne to become the King of England. He had to ensure that he was in total control of its people. In order to gain control William the Conqueror did a number of things including building castles, surveying the whole country in the Domesday Book and changing many of those in positions of power to loyal Norman lords. The actions taken by William also had a significant impact on law and order.

**INTRODUCTION OF TRIAL BY COMBAT :** This was a new ordeal that was common in Normandy. For this ordeal the accused and the accuser would fight until either the death or one of the two gave in. The loser was considered to have been forsaken by God and was therefore guilty. For this ordeal people did not have to fight themselves, they could pay someone to fight for them. This put Norman lords who would have a lot more access to money in a stronger position than the average Saxon.

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### Case Study 1 ( National Archives )

The roots of local responsibility for crime prevention seem to lie in Anglo-Saxon customs. Many of these were continued after 1066 by the Norman rulers who needed a system to control the largely Anglo-Saxon population.

1. Every male over the age of 12 had to belong to a group of nine others, called a tithing. These ten men were responsible for the behaviour of each other. If one of them broke the law, the others had to bring that person before the court. The sanction, to make the system work, was that if they did not, they would all be held responsible for the crime. This usually meant paying the victim of a crime for their loss.
2. The community was also responsible for doing their best to chase after a criminal. If the victim of a crime "raised the hue and cry" - called out for help -- everyone nearby was supposed to join in the chase. Again, if they did not make an effort then the whole community was held responsible for the crime.
3. If the criminal got away, the king's representative, the sheriff, could call upon everyone to join a "posse comitatus" to pursue him. The system was obviously well-suited to a time when there were few government officials and everybody knew everybody else in small stable local villages.

R

National Archives.

S

The most common form of execution was hanging. A spectacular example of this is given in the Anglo-Saxon Chronicle from 1124, when forty-four thieves were hung in one mass execution. Women could expect to be burned to death, as Alice of Wheatley was in 1264 for the murder of her husband. Infanticides ( baby killers ) were tied to and then torn apart by four wild horses.



**T****Type of Trial ?**

The Anglo-Saxons used a form of trial by jury. The jury was made up of men from the village who knew both the accuser and the accused. The accuser and the accused would give their version of events and it was up to the jury to decide who was telling the truth. If there was no clear evidence such as an eyewitness to the crime, the jury decided guilt or innocence based on their knowledge of the people concerned.

**Edexcel Textbook.****W**

The Anglo-Saxons placed crime prevention squarely on the local community through the tithing, the Hue and Cry, and the posse comitatus. The tithing was a group of ten people. Everyone had to be a member of a tithing and each had to take responsibility for the others. Thus if any one member of the tithing broke the law the others had to take responsibility for getting the accused to court. If they failed, they would face punishment themselves. The hue and cry. This meant that anyone wronged could call upon everyone else in a community to chase a criminal simply by calling on them to do so. Again, if they did not respond all the community was in the wrong.

**National Archives****U**

The posse comitatus could be raised by the king's county official, the sheriff, to chase a criminal. Anyone called upon to join it had to do so. This system obviously has its roots in a time when the king -the government - has almost no paid officials. It also suited the Anglo-Saxons who seem to have had a strong sense of community responsibility. It worked when everybody lived in small, stable communities where everyone knew each other. This community-based system continued for some time after the Norman Conquest.

**National Archives****V****Capital or Corporal ?****X**

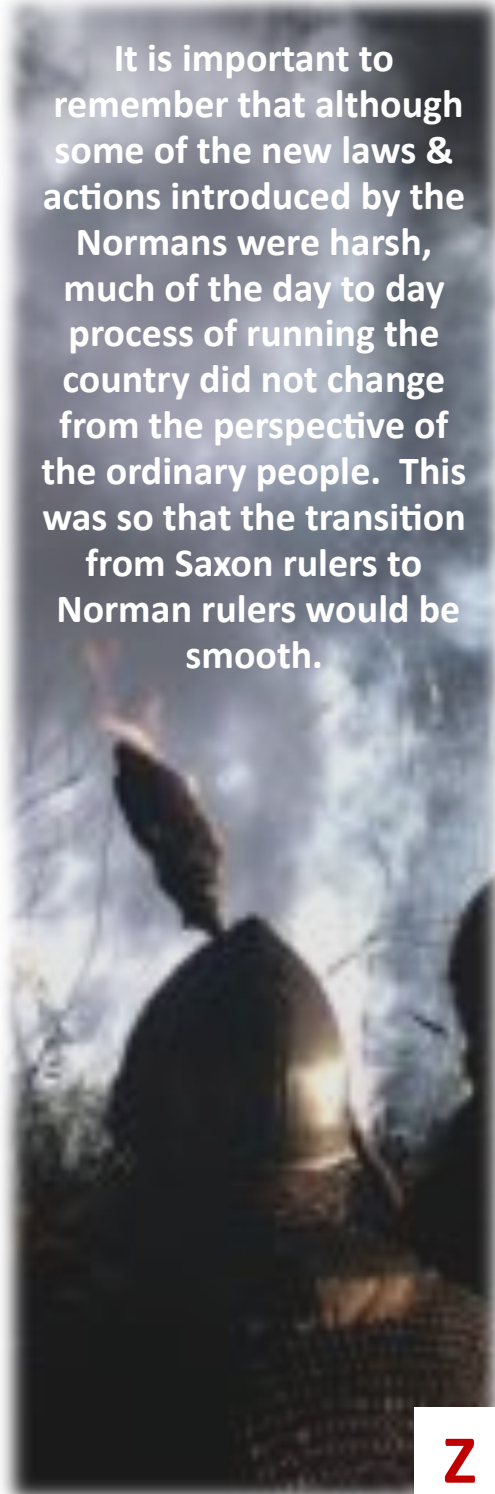


## The Normans Introduced a number of changes to law and order.

What did these laws state? Below is a modern translation of what they introduced.

1. Only one God will be worshipped throughout the whole of England and there will be only one faith. This will preserve peace between the English and the Normans.
2. All freemen will swear an oath that they will be loyal to the king. All freemen will swear to defend William against all of his enemies.
3. All those men who came to England with William in 1066 and after, shall be guaranteed their safety. If any of these men are killed, his murderer must be caught within five days if possible. His lord is responsible for this. If that lord fails to do this, that lord must pay me 46 marks of silver. If he cannot afford to pay this fine, those who live under his control must pay up to a total of 46 marks of silver.
4. All Frenchmen who shared in the customs of the English when Edward the Confessor was king shall pay what is called “scot and lot”.
5. No live cattle can be sold outside of cities. When cattle is sold in cities, there must be three witnesses to the sale. If this law is ignored, the person responsible shall be fined the same sum of money as was made in the sale.
6. If a Frenchman accuses an Englishman of murder, theft or perjury, that Englishman shall be allowed to defend himself either by ordeal through combat or by ordeal by hot iron. If that Englishman is too ill to do this, he will find another Englishman to do this in his place. If an Englishman accuses a Frenchman of a crime, and is unwilling to prove his case against the Frenchman by ordeal of combat or hot iron, the Frenchman will be acquitted if he swears an oath of innocence.
7. All the laws regarding land ownership introduced under Edward the Confessor, shall be kept alongside those land laws William has introduced.
8. Anybody who wants to be considered a freeman must swear an oath of loyalty. This oath must be guaranteed by others. If this man who has sworn an oath, breaks the law, those who have guaranteed his oath must pay any fine that is set against this man. Any problems should be sorted out in a court of law. If anybody who is summoned to court refuses to attend, he shall receive one warning; if he refuses to attend a second time, he shall have one ox taken from him. If he fails to attend a third time, he shall have another ox taken from him. If he fails to attend a fourth time, he shall pay a fine to the king and shall have taken from him goods to the value of the original charge against the accused.
9. No man is allowed to sell another man. Anyone breaking this law will pay a fine to the king.
10. No one shall be executed for crimes they have committed; but if they are guilty of a crime, they will be blinded and castrated. This law is not to be challenged.

William’s brutal clampdown on any opponents only occurred after the failed rebellion in the north of England which centred on an attack on York Castle. It was only after the English had seemingly betrayed William and his ‘generosity’ that he embarked on the “Harrying of the North” and the rule imposed on England became more brutal.



It is important to remember that although some of the new laws & actions introduced by the Normans were harsh, much of the day to day process of running the country did not change from the perspective of the ordinary people. This was so that the transition from Saxon rulers to Norman rulers would be smooth.


# Crime and Punishment Before and after the Norman Conquest.

 **Mission** : to compare the methods of punishment before and after 1066. ( Tick or color code both circles if relevant to both periods )

	<b>Briefly explain and or give an example</b>	<b>Anglo Saxon</b>	<b>Norman</b>	<b>Additional Notes ?</b>
Blood Feuds		<input type="radio"/>	<input type="radio"/>	
Trial by Jury		<input type="radio"/>	<input type="radio"/>	
Local Community		<input type="radio"/>	<input type="radio"/>	
Hue and Cry		<input type="radio"/>	<input type="radio"/>	
Posse Comitatus		<input type="radio"/>	<input type="radio"/>	
Trial by Ordeal		<input type="radio"/>	<input type="radio"/>	
Murdrum Fine		<input type="radio"/>	<input type="radio"/>	
Tithing		<input type="radio"/>	<input type="radio"/>	
Wergild		<input type="radio"/>	<input type="radio"/>	
Corporal Punish't		<input type="radio"/>	<input type="radio"/>	
Capital Punishment		<input type="radio"/>	<input type="radio"/>	
Laws in French		<input type="radio"/>	<input type="radio"/>	
Trial by Combat		<input type="radio"/>	<input type="radio"/>	



# Anglo-Saxon and Norman Attitudes to Crimes.

 Tasks : ( 1 ) decide if the punishment were Anglo-Saxon ( A ) Norman ( N ) or both ( B ) Then rank them in terms of their fairness.

## Types of Punishment

Rational Responses to Crimes

Superstitious Responses to Crimes

Violent Responses to Crimes

Peaceful Responses to Crimes

## How fair Rank ?

1

2

3

4

5

6

7

8

9