

Crime and Punishment in the Middle Ages

1. How did the villagers catch criminals?

- If a villager felt a crime had been committed, he would raise the "hue and cry" – in other words, he would shout out at the tops of his voice for help. Everyone had to stop whatever they were doing and run to help catch the criminal.
- The criminal would be caught in one of three main ways:
 - (a) **The Tithing**: Every villager was in a "tithing" – a group of ten people. If anyone within the tithing broke the law, the other nine had to bring him to justice.
 - (b) **The Constable**: Every village had its own law-enforcer called a Constable, a Beadle or a Reeve. It was his job to organise the villagers to catch the criminal.
 - (c) **The Sheriff**: If the criminal escaped from the parish (village) boundaries, the Sheriff in the shire (county) would raise a "posse" – a group of people on horseback to hunt the criminal down. Sheriff is short for "Shire Reeve".

Sometimes, the criminal was never caught. In this case he would be declared an "**outlaw**" which meant that anyone killing him would not face punishment. In many cases, the King would offer a reward to the person who killed the criminal or brought him back to face justice. Robin Hood and the Sheriff of Nottingham are famous examples of this idea.

HOW DID THE VILLAGERS DECIDE THAT SOMEONE WAS GUILTY?

<p>Ordeal by Battle</p> <p>If there was a dispute between two people of roughly equal strength, then they could agree to have a fight. It was believed that God would make the guilty person lose. As soon as one person either gave in or was knocked out, then they were arrested and punished.</p>	<p>Ordeal by fire</p> <p>If an ordeal by battle would clearly be unfair or inappropriate, the prisoner might be asked to carry a red hot iron in his hand and walk three steps. His hand would be badly burned. If the hand had gone bad in three days, God was saying that the man was guilty.</p>
<p>Ordeal by water</p> <p>If the prisoner was accused of a crime against God or the Church, she would be tied up and thrown into a river. The water would then be blessed by a priest. If she floated she was a witch because the water (and God) was rejecting her. If she sank she was innocent.</p>	<p>The Jury system</p> <p>King Henry II set up more courts with juries. In these courts the judge (often the king) and a jury of 12 men from the village listened to evidence about the case. Then they took a vote to decide if the prisoner was guilty or innocent.</p>

Task: put a coloured drawing behind the text of each box to symbolise the method of trial.

Extension: Do some research to find out if Robin Hood really existed.

Role Play Task: 1. Describing the Crimes

- You believe a crime has taken place in your village in the Middle Ages.
- You raised the hue and cry, and someone has been arrested.
- You now need to complete this complaint form.

- The following crimes might be ones you haven't heard of:

Recusancy: Failure to attend church on Sundays

Heresy: Challenging the beliefs of the Church

Witchcraft: Praying to and working with the devil

Trespass: Entering someone else's property without permission

(TIP: Your teacher may wish to allocate numbers out 1-12 to ensure different students come up with different crimes).

Complaint form				
A. Your name				
B. Who do you accuse of committing a crime? (*name of someone else in the "village" – ie class!)				
C. What type of crime has been committed (tick as appropriate)?	Crime against Property	Crime against a Person	Crime against the Church	Crime against the State (Treason)
D. What specific crime has been committed (e.g. theft, treason, murder)?	1. Theft 2. Trespass 3. Vandalism	4. Assault 5. Murder 6. Nagging	7. Witchcraft 8. Heresy 9. Recusancy	10. Spying 11. Plot to remove King 12. Plot to kill the King
E. Please provide full details of the case here. Focus on HOW and WHY you think the crime was committed.				
<p>Please note: If you are found guilty of making a false accusation in this form, you will face punishment yourself!</p>				

Role Play Task: 2. Preparing the Teams

1. Your teacher will now take the role of the King's Sheriff.
2. They will ask a random person (the "prosecutor") to sit at the front of the court.
3. The "prosecutor" must tell the rest of the "village" who they accuse of a crime.
4. That person (the "prisoner") must take a seat at the same table.
5. Both people now choose two people to help them prepare their case.
6. Repeat stage (2) until the whole class is in a "defence" or "prosecution" team.

Role Play Task: 3. Preparing the Speeches

- Next, each "prosecution" and "defence" team must produce a short speech for the court outlining their version of events. The court will be voting later on which side they believe. They will reach their decision on how well they use key words from the Middle Ages:

Apprentice | Baliff | Becket | Black Death | Blacksmith | Charter | Fallow | Flagellants | Freeman | Guild | Hue and Cry | Jewish | Lord of the Manor | Manor Court | Miller | Minstrels | Monastery | Pilgrim | Reeve | Scribe | Sheriff | Stocks | Tithe | Tithing | Villeins

Role Play Task: 4. Conducting the Jury Trial

- Next, the trial itself will begin. Each case will be heard in turn. The teacher will start by reading out the details of the case again. Then, the prosecutor will read his / her speech (60 seconds maximum). The prisoner will then do the same. Finally, the class as a whole will vote like a jury as to whether the prisoner is guilty, or whether he is innocent.
- The verdicts should be recorded. **TWO** "black marks" should be put against the name of the prisoner if he is declared guilty, or against the name of the prosecutor if the verdict was "innocent" (because he was lying!).

Role Play Task: 6. Conducting the Other Trials (Battle, Water, Fire)

- **Trial by Battle:** The prosecutor and the prisoner should have an arm wrestle. The person who loses gets **ONE** black mark against their name.
- **Trial by Water:** A small amount of "holy" water will be thrown over the face of the prosecutor, then the prisoner. The person who flinches most (class vote) is "guilty" and has **ONE** black mark against their name. If one or both parties refuse to accept the water test, they automatically get a black mark.
- **Trial by Fire:** Both parties lie on their backs and lift their legs above a pile of books. Due to the fire test, both of them are quite weak – but which one is the weakest? Answer: the one whose feet touch the books first. Add **ONE** black mark against their name!

When the trial is completely finished, either the prosecutor or the prisoner will be declared "guilty" according to which one has the most black marks against their name. These names should be recorded so that the "guilt rating" of each person involved in a trial can be compared!

How did the villagers punish people they thought were guilty?

Task 1: Read through the following punishments. Take a vote on which punishment each "guilty" person from the role play should be given.

a. Burning

Someone committing a crime against the Church would be slowly burnt alive on a bonfire. The idea was that the guilty person would then be allowed into heaven by God rather than sent to hell – because they had already burned enough!

b. Mutilation

A person who stole a purse might have their hand cut off; a person who had spread vicious rumours could have their tongues cut out; a person found guilty of being a vagrant (tramp) would have a "V" burned into the forehead.

c. Hung, drawn and quartered

A person guilty of treason would first be hanged until they were blue in the face. They would then be cut down, and sliced open from the neck to the belly. Still alive, their guts would be pulled out and thrown into a cauldron of boiling water. Finally, they would be chopped into four pieces, from the legs upwards.

d. The Stocks

Tradesmen selling shoddy goods (e.g. watered-down beer, bread made with sawdust) would be locked into the stocks. The villagers would humiliate them by throwing rotten food at their faces and urinating over their heads.

e. Hanging

A working-class person found guilty of a serious offence could be hanged by the neck from a gibbet until they were strangled to death. If the rope broke, this was seen as a sign from God that the man was innocent and he would be set free.

f. Beheading

An upper-class person would have their heads chopped off by an axe. The victim gave a purse of money to the executioner as a "tip" to encourage him to take the head off with one clean blow. Queen Anne Boleyn had a French sword brought across to do the job; Mary Queen of Scots needed three axe-blows to die.

g. The Iron Maiden

A woman guilty of nagging would wear an "Iron Maiden" - an ugly metal mask which squashed the woman's tongue down to keep her quiet. She would have to wear this for several weeks until she had learned her lesson.

h. Banishment

Anyone insulting the village so much that they would never be welcome again were "banished" from it. If they returned, they would be arrested and executed.

Task 2:

The class will be divided into two groups. Half will focus on the "crimes" outlined in part (d) of the complaint form from the last activity; the other half will focus on the "punishments" listed on this page.

- Fold a piece of A4 paper in half. On the front of the "card" draw a picture to summarise the crime or punishment you have chosen or have been allocated (no words allowed!). Inside, write some details about it in full sentences.

Task 3 (Extension Questions):

A. What one word would you use to describe these types of punishments (examples – unfair, mean, soft, reasonable).

B. Explain why you chose the word that you did in as much detail as you can.

C. Do you think that it is right to have a death penalty (in other words, should we ever be able to execute people for their crimes)? Explain your answer by considering two sides to the case.