

the Edinburgh Dungeon

Crime, Punishment and Justice

Background information

Our ideas about crime, punishment and justice are not fixed. What seems fair and right to one generation or culture may seem unfair to another. The Edinburgh Dungeon provides a good starting point for discussion of changing ideas of crime and punishment.

Until the end of the 18th century, there was surprisingly little violent crime in Edinburgh. The streets of the Old Town were policed by the Town Guard, a group composed of often-elderly ex-soldiers. They were based at the Tolbooth, Edinburgh's main jail on the High Street. Brass markers outside St Giles Cathedral and a stone heart set into the ground show where the Tolbooth used to be. As Scotland's cities grew, so did the crime rate. The Town Guard could no longer cope, and were disbanded in 1817. Organised police forces began to come into force from the early 1800s.

Punishments in the past seem harsh to us, with hanging used routinely for crimes which seem minor to us. In 1815 there were more than 200 crimes which could be punished by death. Public hangings, often in the Grassmarket, came to an end in 1868 after which they took place in prison. Sometimes after hanging, bodies were passed on to the medical schools for dissection – which was seen as an additional punishment for the convicted criminal. Capital punishment was used in Scotland until its abolition in 1965.

The themes of crime and punishment run through the Edinburgh Dungeon, with three areas of the Dungeon focusing explicitly on these themes:

- ☞ Judgement of Sinners
- ☞ Torture
- ☞ Maggie Dickson (introduction to the Drop Dead ride)

Dungeon Links

Crime and Punishment is a key topic which features throughout the Dungeon.

As society changes, so do some of our ideas about what criminal behaviour is. In the past people could be charged with witchcraft or for challenging political or religious beliefs. Not far from the Edinburgh Dungeon in Greyfriars kirkyard you can find a memorial to Covenanters who were killed for their religious beliefs in the 17th century. And on the Castle esplanade a small plaque commemorates the place where over 300 women were burnt at the stake, accused of being witches. These are no longer crimes in Scotland – though they may be in other parts of the world today.

TEACHER NOTES

ANSWERS: The text above provides the answers to Pupil Worksheet 1, Crime, Punishment and Justice.



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Classroom preparatory activities

- Introduce the theme of punishment for crimes, perhaps focusing on a topical case or historical case relevant to your classroom work. What was the crime? What was the punishment?
- Discuss with pupils what punishments for crimes they know about. List these on the board. They may include the following:
 - Paying a fine
 - Prison
 - Transportation (being sent abroad)
 - Electronic tagging
 - Community service (i.e. carrying out work for the community)
 - Being locked up in the stocks
 - Capital punishment (execution, hanging, electric chair, lethal injection)
 - Physical punishment (e.g. whipping, torture)
- Discuss with pupils why people are punished for crimes.
- If possible, keep this list to return to later.
- Explain that in the Edinburgh Dungeon, they'll see examples of lots of punishments from the past.

As you visit

- Challenge pupils to look out for the crimes featured, and how they were punished. How many can they spot? Remind them of this challenge as you enter the attraction.

Follow up activities

- Back in the classroom, what crimes and punishments did they spot? Get pupils to discuss in groups and to complete **Activity sheet: part 1**.

Activity 1:

Pupils may remember the following:

- Judgement of Sinners: crimes and punishments will vary.
- Sawney Bean: murder and cannibalism, punished by execution on the spot (no trial).
- William Burke and William Hare: accused of murder. Hare turned himself in and told on Burke, who was then punished by hanging. Hare went unpunished, and so did Dr Knox, who bought the bodies of the people they'd murdered.
- Maggie Dickson: accused of murdering her illegitimate baby; punished by hanging (though, unusually, she survived).
- Other punishments: stocks (at the beginning); torture instruments; hanging (Drop Dead).

Do they think these punishments are fair? Get them to discuss these in small groups, and to be able to justify their decision.

Return to the list of crimes. Now discuss with them which of these punishments are used in Scotland today. Most crimes in Scotland today are punished by using one of the following four punishments:

- **Fine:** often used for minor offences, such as parking in the wrong place. Often no need for a trial.
- **Community service:** for minor crimes (e.g. stealing things without hurting people). Community service means carrying out tasks which benefit the community (for example, cleaning graffiti).
- **Restricting movement or behaviour:** for example through an ASBO (anti-social behaviour order). This prevents offenders from doing particular things or going to particular places. These can be issued to people who have carried out offences such as vandalism or being drunk and disorderly, which upsets people in their community. There is also electronic tagging, where an electronic device beeps to alert authorities if the offender leaves a particular area.
- **Prison sentence:** for more serious or repeated crimes, like murder or attacking people.

TEACHER NOTES

ANSWERS: The text above provides the answers to Pupil Worksheet 1, Crime, Punishment and Justice.

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Activity 2:

Look at the second part of the activity sheet. It features real crimes committed in Scotland in the 19th century. Pupils should discuss the crimes in groups, and decide what punishment they think a modern court would use. These crimes could be cut up and stuck on to card if necessary. It is the discussion that is valuable in this activity, rather than the actual punishment on which the pupils decide.

Contemporary accounts of most of these crimes can be found on SCRAN, in the Pathfinder Pack: Crime and Punishment in the 19th century (www.scran.ac.uk).

- ✔ **Crime 1:** All four men were hanged in public in 1819. Today prison sentences would be likely, given the previous history of the men.
- ✔ **Crime 2:** Margaret Kennedy was convicted to be hanged – even though the jury pleaded with the judge to be merciful. Today, using forged banknotes would normally attract a prison sentence.
- ✔ **Crime 3:** Edward Hand was sentenced to a public flogging, and was then transported, probably to Australia, for life. Today he would probably receive a lengthy prison sentence.
- ✔ **Crime 4:** Margaret Wishart was hanged. Today, convicted of murder, she would automatically receive a sentence of life imprisonment.
- ✔ **Crime 5:** Aikenhead was hanged – the last person in Scotland to be hanged for blasphemy. He would not be convicted at all today.

Further activities

1. Get pupils to collect examples of crimes and their punishments from the newspaper, both locally and internationally. Discuss the punishments. Do they think these are fair or unfair?
2. Ethical issues relating to punishment frequently appear in the news. Some examples you might like to look out for and discuss with pupils are:

- ✔ Punishment for blasphemy in some cultures
- ✔ Capital punishment
- ✔ Punishment for assisted suicide

Pupils could research the cases and prepare speeches either supporting or opposing the punishment. This could then be extended into a formal class debate.



TEACHER NOTES

ANSWERS: The text above provides the answers to Pupil Worksheet 2, Crime, Punishment and Justice.





Buying dead bodies

Bringing plague into a street

Murder

Having a baby without being married

Murder and cannibalism

People's ideas about what is fair or unfair can change. Long ago, punishments for some things were much harsher than they would be today.

1a) You heard about a lot of criminals in the Edinburgh Dungeon. What were each of their crimes? The crimes in the box opposite might help you.

Can you remember the punishment for each one? Work with a friend to fill in the punishment column.

1b) Do you think these punishments were fair? Discuss each one, and decide together if you think the punishment was fair. Mark each as fair or unfair.

Which crime do you think was the worst? Why?

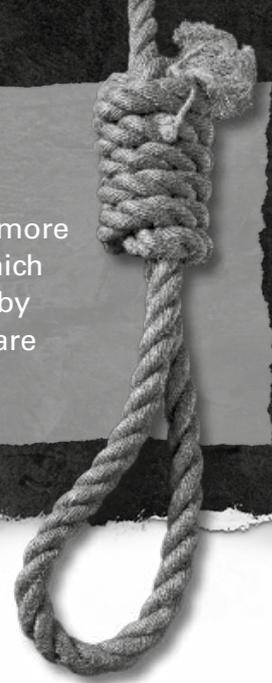
| The accused | Crime | Punishment | Fair or unfair? |
|--------------------------------|-------|------------|-----------------|
| Criminals in the court | | | |
| People being tortured | | | |
| The Sawney Bean family | | | |
| William Burke and William Hare | | | |
| Dr Robert Knox | | | |
| Maggie Dickson | | | |

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Did you know?

In 1815 there were more than 200 crimes which could be punished by death. Today there are none – in Scotland.



2) Look at each of these real crimes from the 19th century. If you were a judge and these crimes happened today, how would you punish them?

Crime 1:

In Glasgow in 1819, four men were found guilty of breaking into Bothwell Castle and stealing various items of gold and silver. All four men, William Buchanan, Robert McKinlay, Robert Guthrie and Alexander Forbes had previous convictions. What should their punishment be?

Crime 2:

In Glasgow in 1818 a 22-year old homeless widow called Margaret Kennedy was found guilty of using forged bank notes to do her shopping. What should her punishment be?

Crime 3:

In 1822 a man called Edward Hand was accused of attacking a 12-year-old girl. What should his punishment be?

Crime 4:

In 1827 in Forfar a woman called Margaret Wishart was convicted of murdering her blind sister by poisoning her porridge. What should her punishment be?

Crime 5:

In 1697 an 18-year-old student called Thomas Aikenhead was convicted of blasphemy, saying that the Bible wasn't true. What should his punishment be?