

# Mark Scheme (Results)

Summer 2022

Pearson Edexcel GCSE

In History (1HIA)

Paper 1: Thematic study and historic environment (1HIA/10)

Option 10: Crime and punishment in Britain, c1000–present

and

Whitechapel, c1870–c1900: crime, policing and the inner city

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Summer 2022

Question Paper P68664A

Publications Code 1HIA\_10\_2022\_MS

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## General Marking Guidance

- All candidates must receive the same treatment. Examiners must mark the first candidate in exactly the same way as they mark the last.
- Mark schemes should be applied positively. Candidates must be rewarded for what they have shown they can do rather than penalised for omissions.
- Examiners should mark according to the mark scheme not according to their perception of where the grade boundaries may lie.
- There is no ceiling on achievement. All marks on the mark scheme should be used appropriately.
- All the marks on the mark scheme are designed to be awarded. Examiners should always award full marks if deserved, i.e. if the answer matches the mark scheme. Examiners should also be prepared to award zero marks if the candidate's response is not worthy of credit according to the mark scheme.
- Where some judgement is required, mark schemes will provide the principles by which marks will be awarded and exemplification may be limited.
- When examiners are in doubt regarding the application of the mark scheme to a candidate's response, the team leader must be consulted.
- Crossed out work should be marked UNLESS the candidate has replaced it with an alternative response.

## How to award marks when level descriptions are used

### 1. Finding the right level

The first stage is to decide which level the answer should be placed in. To do this, use a 'best-fit' approach, deciding which level most closely describes the quality of the answer. Answers can display characteristics from more than one level, and where this happens markers must use the guidance below and their professional judgement to decide which level is most appropriate.

For example, one stronger passage at L4 would not by itself merit a L4 mark, but it might be evidence to support a high L3 mark, unless there are substantial weaknesses in other areas. Similarly, an answer that fits best in L3 but which has some characteristics of L2 might be placed at the bottom of L3. An answer displaying some characteristics of L3 and some of L1 might be placed in L2.

### 2. Finding a mark within a level

After a level has been decided on, the next stage is to decide on the mark within the level. The instructions below tell you how to reward responses within a level. However, where a level has specific guidance about how to place an answer within a level, always follow that guidance.

#### Levels containing two marks only

Start with the presumption that the work will be at the top of the level. Move down to the lower mark if the work only just meets the requirements of the level.

#### Levels containing three or more marks

Markers should be prepared to use the full range of marks available in a level and not restrict marks to the middle. Markers should start at the middle of the level (or the upper-middle mark if there is an even number of marks) and then move the mark up or down to find the best mark. To do this, they should take into account how far the answer meets the requirements of the level:

- If it meets the requirements *fully*, markers should be prepared to award full marks within the level. The top mark in the level is used for answers that are as good as can realistically be expected within that level
- If it only *barely* meets the requirements of the level, markers should consider awarding marks at the bottom of the level. The bottom mark in the level is used for answers that are the weakest that can be expected within that level
- The middle marks of the level are used for answers that have a *reasonable* match to the descriptor. This might represent a balance between some characteristics of the level that are fully met and others that are only barely met.

### Indicative content

Examiners are reminded that indicative content is provided as an illustration to markers of some of the material that may be offered by students. It does not show required content and alternatives should be credited where valid.

## Whitechapel, c1870–c1900: crime, policing and the inner city

Question	
<b>1</b>	Describe <b>two</b> features of the work of H Division in the policing of Whitechapel. <b>Target:</b> knowledge of key features and characteristics of the period. <b>AO1:</b> 4 marks.
Marking instructions	
Award 1 mark for each valid feature identified up to a maximum of two features. The second mark should be awarded for supporting information. e.g. <ul style="list-style-type: none"><li>• <i>Police from H Division would walk a beat within Whitechapel (1). They would patrol the streets, hoping that their presence would prevent crime but would also deal with drunks, traffic, accidents, etc. (1).</i></li><li>• <i>15 detectives from CID were assigned to H Division (1). Detectives would use investigative techniques to find out who had committed crimes (1).</i></li><li>• <i>Police from H Division were involved in trying to catch Jack the Ripper (1). Inspector Abberline was in charge of the investigation (1).</i></li></ul> Accept other appropriate features and supporting information.	

Question		
<b>2 (a)</b>		How useful are Sources A and B for an enquiry into workhouses in Whitechapel? Explain your answer, using Sources A and B and your knowledge of the historical context. <b>Target:</b> Analysis and evaluation of source utility. <b>A03:</b> 8 marks.
Level	Mark	Descriptor
	0	No rewardable material.
<b>1</b>	<b>1–2</b>	<ul style="list-style-type: none"> <li>A simple judgement on utility is given, and supported by undeveloped comment on the content of the sources and/or their provenance<sup>1</sup>. Simple comprehension of the source material is shown by the extraction or paraphrase of some content. Limited contextual knowledge is deployed with links to the sources.</li> </ul>
<b>2</b>	<b>3–5</b>	<ul style="list-style-type: none"> <li>Judgements on source utility for the specified enquiry are given, using valid criteria. Judgements are supported by developed comment related to the content of the sources and/or their provenance<sup>1</sup>. Comprehension and some analysis of the sources is shown by the selection and use of material to support comments on their utility. Contextual knowledge is used directly to support comments on the usefulness of the content of the sources and/or their provenance.</li> </ul>
<b>3</b>	<b>6–8</b>	<ul style="list-style-type: none"> <li>Judgements on source utility for the specified enquiry are given, applying valid criteria with developed reasoning which takes into account how the provenance<sup>1</sup> affects the usefulness of the source content. The sources are analysed to support reasoning about their utility. Contextual knowledge is used in the process of interpreting the sources and applying criteria for judgements on their utility.</li> </ul>
<p style="text-align: center;"><b>Notes</b></p> <p style="text-align: center;">1. Provenance = nature, origin, purpose.</p> <p><b>Marking instructions</b></p> <p>Markers must apply the descriptors above in line with the general marking guidance (page 3).</p> <p>No credit may be given for contextual knowledge unless it is linked to evaluation of the sources.</p> <p>No credit may be given for generic comments on provenance which are not used to evaluate source content.</p> <p><b>Indicative content guidance</b></p> <p>Answers must be credited according to candidates' deployment of material in relation to the qualities outlined in the mark scheme. While specific references are made in the indicative content below, this does not imply that these must be included; other relevant material must also be credited. The grouping of points below does not imply that this is how candidates are expected to structure their answers.</p> <p><b>Source A</b></p> <p>The usefulness could be identified in terms of the following points which could be drawn from the source:</p> <ul style="list-style-type: none"> <li>Source A is useful in the way it shows that workhouses offered some basic support for homeless poor.</li> <li>It is useful because it provides details about the daily routine and the food provided in a workhouse and suggests that the workhouse routine was monotonous.</li> <li>Source A provides useful insight into attitudes towards vagrants because it suggests that conditions in the casual ward were basic and punitive.</li> </ul> <p>The following points could be made about the authorship, nature or purpose of the source and applied to ascribe usefulness to material drawn from it:</p> <ul style="list-style-type: none"> <li>Jack London was talking to someone who had experienced those conditions and London spent time with others who had a wider experience of these conditions.</li> <li>London wrote a book about his experiences, suggesting he wanted to bring public attention to the harsh conditions.</li> </ul>		

Knowledge of the historical context should be deployed to support inferences and/or to assess the usefulness of information. Relevant points may include:

- Conditions in workhouses were deliberately severe to deter people from entering the workhouse, therefore reducing the costs to the parish.
- All people entering a workhouse were expected to complete work; women often did cleaning, sewing and laundry work.

### **Source B**

The usefulness could be identified in terms of the following points which could be drawn from the source:

- Source B is useful because it shows people in attitudes of despair, which suggests that entering the workhouse was a last resort.
- Source B shows a queue of people waiting to be admitted, including whole families and some people in rags, while others seem better dressed; this suggests that a large number of people needed support and poverty impacted on all types.
- The presence of a policeman, watching the queue, suggests that there was concern that crime and violence were linked to those who needed to enter a workhouse.

The following points could be made about the authorship, nature or purpose of the source and applied to ascribe usefulness to material drawn from it:

- The title of the drawing suggests it was intended to draw attention to the problems of the poor.
- The drawing was used in a newspaper article about workhouses; this suggests that the illustration was being used to attract readers and that the topic was widely seen as important.

Knowledge of the historical context should be deployed to support inferences and/or to assess the usefulness of information. Relevant points may include:

- Families were separated when they entered the workhouse.
- As well as casual wards, workhouses provided accommodation for the old and ill, who could not support themselves.

Question	
<p><b>2 (b)</b></p>	<p>How could you follow up Source A to find out more about workhouses in Whitechapel? In your answer, you must give the question you would ask and the type of source you could use.</p> <p><b>Target:</b> Source analysis and use (the ability to frame historical questions).  <b>AO3:</b> 4 marks.</p>
Marking instructions	
<p>Award 1 mark for selecting a detail in Source A that could form the basis of a follow-up enquiry and 1 mark for an appropriate follow-up question.</p> <p>e.g.</p> <ul style="list-style-type: none"> <li>• Detail in Source A that I would follow up: <i>'I would be given bread and skilly.'</i> <b>(1)</b>.</li> <li>• Question I would ask: <i>Why was the food in a workhouse so basic?</i> <b>(1)</b>.</li> </ul> <p>(No mark for a question that is <b>not</b> linked to following up Source A, e.g. <i>'because it would be an interesting question to ask.'</i>)</p> <p>Award 1 mark for identification of an appropriate source to use in a follow-up enquiry and 1 mark for an answer that explains how the information it contains could help answer the chosen follow-up question.</p> <p>e.g.</p> <ul style="list-style-type: none"> <li>• What type of source I would look for: <i>Workhouse financial accounts</i> <b>(1)</b>.</li> <li>• How this might help answer my question: <i>It would show how much money was available to be spent on meals per inmate and explain why the food was so basic</i> <b>(1)</b>.</li> </ul> <p>Accept other appropriate alternatives.</p>	



## Crime and punishment in Britain, c1000–present

Question		
<b>3</b>		<p>Explain <b>one</b> way in which attitudes towards the crime of poaching during the medieval period were similar to attitudes towards the crime of poaching the years c1700-c1900.</p> <p><b>Target:</b> Analysis of second order concepts: similarity [AO2];            Knowledge and understanding of features and characteristics of the period [AO1].  <b>AO2:</b> 2 marks.  <b>AO1:</b> 2 marks.</p>
Level	Mark	Descriptor
	0	No rewardable material.
<b>1</b>	<b>1–2</b>	<ul style="list-style-type: none"> <li>• Simple or generalised comment is offered about a similarity. [AO2]</li> <li>• Generalised information about the topic is included, showing limited knowledge and understanding of the periods. [AO1]</li> </ul>
<b>2</b>	<b>3–4</b>	<ul style="list-style-type: none"> <li>• Features of the period are analysed to explain a similarity. [AO2]</li> <li>• Specific information about the topic is added to support the comparison, showing good knowledge and understanding of the periods. [AO1]</li> </ul>
<p><b>Marking instructions</b></p> <p>Markers must apply the descriptors above in line with the general marking guidance (page 3).</p> <p>Performance in AO1 and AO2 is interdependent. An answer displaying <b>no</b> qualities of AO2 cannot be awarded more than the top of Level 1, no matter how strong performance is in AO1; markers should note that the expectation for AO1 is that candidates demonstrate both knowledge <i>and</i> understanding.</p> <p><b>Indicative content guidance</b></p> <p>Answers must be credited according to candidates' deployment of material in relation to the qualities outlined in the mark scheme. While specific references are made in the indicative content below, this does not imply that these must be included; other relevant material must also be credited.</p> <p>Relevant points may include:</p> <ul style="list-style-type: none"> <li>• In both periods, poaching was seen by many people as a social crime that did not actually harm anyone and was usually committed in order to provide food. In the medieval period, this was because people resented common land being reserved for the king's use and in the period c1700-c1900, landlords were often seen as selfish in preventing trespassing on their land.</li> <li>• In both periods, poaching was seen as a challenge to authority. Poaching involved trespass onto land; in the medieval period this challenged the Forest Laws and in the years c1700-c1900 it challenged the Black Acts.</li> </ul>		

Question		
4		<p>Explain why there were changes in the use of prison as a punishment in the period c1900-present.</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>You <b>may</b> use the following in your answer:</p> <ul style="list-style-type: none"> <li>• borstals</li> <li>• open prisons</li> </ul> <p>You <b>must</b> also use information of your own.</p> </div> <p><b>Target:</b> Analysis of second order concepts: causation/change [AO2]; Knowledge and understanding of features and characteristics [AO1].  <b>AO2:</b> 6 marks.  <b>AO1:</b> 6 marks.</p>
Level	Mark	Descriptor
	0	No rewardable material.
1	1-3	<ul style="list-style-type: none"> <li>• A simple or generalised answer is given, lacking development and organisation. [AO2]</li> <li>• Limited knowledge and understanding of the topic is shown. [AO1]</li> </ul>
2	4-6	<ul style="list-style-type: none"> <li>• An explanation is given, showing limited analysis and with implicit or unsustainable links to the conceptual focus of the question. It shows some development and organisation of material, but a line of reasoning is not sustained. [AO2]</li> <li>• Accurate and relevant information is included, showing some knowledge and understanding of the period. [AO1]</li> </ul> <p><i>Maximum 5 marks for Level 2 answers that do not go beyond aspects prompted by the stimulus points</i></p>
3	7-9	<ul style="list-style-type: none"> <li>• An explanation is given, showing some analysis, which is mainly directed at the conceptual focus of the question. It shows a line of reasoning that is generally sustained, although some passages may lack coherence and organisation. [AO2]</li> <li>• Accurate and relevant information is included, showing good knowledge and understanding of the required features or characteristics of the period studied. [AO1]</li> </ul> <p><i>Maximum 8 marks for Level 3 answers that do not go beyond aspects prompted by the stimulus points.</i></p>
4	10-12	<ul style="list-style-type: none"> <li>• An analytical explanation is given which is directed consistently at the conceptual focus of the question, showing a line of reasoning that is coherent, sustained and logically structured. [AO2]</li> <li>• Accurate and relevant information is precisely selected to address the question directly, showing wide-ranging knowledge and understanding of the required features or characteristics of the period studied. [AO1]</li> </ul> <p><i>No access to Level 4 for answers which do not go beyond aspects prompted by the stimulus points.</i></p>

### **Marking instructions**

Markers must apply the descriptors above in line with the general marking guidance (page 3).

Performance in AO1 and AO2 is interdependent. An answer displaying **no** qualities of AO2 cannot be awarded more than the top of Level 1, no matter how strong performance is in AO1; markers should note that the expectation for AO1 is that candidates demonstrate both knowledge *and* understanding.

The middle mark in each level may be achieved by stronger performance in either AO1 or AO2.

### **Indicative content guidance**

Answers must be credited according to candidates' deployment of material in relation to the qualities outlined in the mark scheme. While specific references are made in the indicative content below, this does not imply that these must be included; other relevant material must also be credited.

Relevant points may include:

- The feeling that young criminals were hardened by being included in adult prisons led to the creation of borstals specifically for youth offenders.
- The idea of reforming criminals and preparing them to earn a wage after leaving prison meant that training and education began to be offered in borstals and then in Young Offenders Institutes.
- The attempt to differentiate between those convicted of severe or petty crimes, and first-time offenders or habitual criminals, led to the classification of prisons and open prisons being established.
- The growing focus on rehabilitation meant open prisons could be used as preparation for the criminal to be reintegrated into society.
- A change in attitude towards punishment, with a move away from physically hard labour and demeaning prison conditions, led to improved facilities within prisons.
- Recognition that many crimes are rooted in poor education or in drug use, led to programmes being implemented in prisons with the intention of reducing the chances of criminals reoffending after their release.

Question		
5		<p>'The idea of retribution was the main factor affecting methods of punishment during the medieval period.' How far do you agree? Explain your answer.</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>You <b>may</b> use the following in your answer:</p> <ul style="list-style-type: none"> <li>• Wergild</li> <li>• the stocks</li> </ul> <p>You <b>must</b> also use information of your own.</p> </div> <p><b>Target:</b> Analysis and evaluation of second order concepts: causation/consequence [AO2];  Knowledge and understanding of features and characteristics [AO1].  <b>AO2:</b> 10 marks.  <b>AO1:</b> 6 marks.</p>
Level	Mark	Descriptor
	0	No rewardable material.
1	1–4	<ul style="list-style-type: none"> <li>• A simple or generalised answer is given, lacking development and organisation. [AO2]</li> <li>• Limited knowledge and understanding of the topic is shown. [AO1]</li> <li>• The overall judgement is missing or asserted. [AO2]</li> </ul>
2	5–8	<ul style="list-style-type: none"> <li>• An explanation is given showing limited analysis and with implicit or unsustainable links to the conceptual focus of the question. It shows some development and organisation of material, but a line of reasoning is not sustained. [AO2]</li> <li>• Accurate and relevant information is included, showing some knowledge and understanding of the period. [AO1]</li> <li>• The overall judgement is given but its justification is asserted or insecure. [AO2]</li> </ul> <p><i>Maximum 7 marks for Level 2 answers that do not go beyond aspects prompted by the stimulus points.</i></p>
3	9–12	<ul style="list-style-type: none"> <li>• An explanation is given, showing some analysis, which is mainly directed at the conceptual focus of the question. It shows a line of reasoning that is generally sustained, although some passages may lack coherence and organisation. [AO2]</li> <li>• Accurate and relevant information is included, showing good knowledge and understanding of the required features or characteristics of the period studied. [AO1]</li> <li>• The overall judgement is given with some justification, but some criteria selected for the required judgement are left implicit or not validly applied. [AO2]</li> </ul> <p><i>Maximum 11 marks for Level 3 answers that do not go beyond aspects prompted by the stimulus points.</i></p>
4	13–16	<ul style="list-style-type: none"> <li>• An analytical explanation is given which is directed consistently at the conceptual focus of the question, showing a line of reasoning that is coherent, sustained and logically structured. [AO2]</li> <li>• Accurate and relevant information is precisely selected to address the question directly, showing wide-ranging knowledge and understanding of the required features or characteristics of the period studied. [AO1]</li> <li>• Criteria for the required judgement are justified and applied in the process of reaching the overall judgement. [AO2]</li> </ul> <p><i>No access to Level 4 for answers that do not go beyond aspects prompted by the stimulus points.</i></p>

### **Marking instructions**

Markers must apply the descriptors above in line with the general marking guidance (page 3).

Performance in AO1 and AO2 is interdependent. An answer displaying **no** qualities of AO2 cannot be awarded more than the top of Level 1, no matter how strong performance is in AO1; markers should note that the expectation for AO1 is that candidates demonstrate both knowledge *and* understanding.

The first two bullet points [*AO1 and AO2*] account for 3 of the 4 marks in the level and are equally weighted; the third bullet point [*AO2*] accounts for the remaining mark. Once the level has been found, there are two steps to follow to determine the mark within the level:

- Markers should consider bullet points 1 and 2 together. Strong performance (for the level) in both would be awarded all 3 marks, while 2 marks may be achieved by stronger performance in either bullet point; weak performance would be awarded 1 mark.
- The fourth mark in each level is allocated to the bullet point 3 and should be considered independently of the award of the other marks.

### **Indicative content guidance**

Answers must be credited according to candidates' deployment of material in relation to the qualities outlined in the mark scheme. While specific references are made in the indicative content below, this does not imply that these must be included; other relevant material must also be credited. The grouping of points below does not imply that this is how candidates are expected to structure their answers.

Relevant points that support the statement may include:

- Wergild was intended to exact retribution as the payment of a fine would punish the offender personally.
- Throughout the Anglo-Saxon and Norman periods, many punishments, such as the use of the stocks, were intended to inflict physical punishment and public humiliation, satisfying a demand for vengeance against the criminal.
- Different levels of fines, physical pain and humiliation meant that punishment could reflect the severity of the crime, and that it was appropriate retribution.
- The death penalty was used as the ultimate form of retribution, exacting vengeance for severe crimes that threatened society.

Relevant points to counter the statement may include:

- A purpose of Wergild was to compensate the victim's family, based on the social status of the victim.
- The idea that retribution was the purpose of punishment was undermined by the change from Wergild to Botgild, which suggests that fines were used as a way of raising money rather than as retribution.
- Deterrence was a key aspect of punishment; physical punishments were carried out in public so that the pain and humiliation would deter people from committing similar crimes.
- One reason for the use of the death penalty was to protect society by removing a criminal at a time when prison was not used as a punishment.

Question		
6		<p>'In the years c1600-c1900, the use of transportation had a greater impact on crime than the impact of the Bloody Code did.' How far do you agree? Explain your answer.</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p>You <b>may</b> use the following in your answer.</p> <ul style="list-style-type: none"> <li>• Australia</li> <li>• public execution</li> </ul> <p>You <b>must</b> also use information of your own.</p> </div> <p><b>Target:</b> Analysis and evaluation of second order concepts: significance/ consequence [AO2];  Knowledge and understanding of features and characteristics [AO1].  <b>AO2:</b> 10 marks  <b>AO1:</b> 6 marks.</p>
Level	Mark	Descriptor
	0	No rewardable material.
1	1–4	<ul style="list-style-type: none"> <li>• A simple or generalised answer is given, lacking development and organisation. [AO2]</li> <li>• Limited knowledge and understanding of the topic is shown. [AO1]</li> <li>• The overall judgement is missing or asserted. [AO2]</li> </ul>
2	5–8	<ul style="list-style-type: none"> <li>• An explanation is given showing limited analysis and with implicit or unsustained links to the conceptual focus of the question. It shows some development and organisation of material, but a line of reasoning is not sustained. [AO2]</li> <li>• Accurate and relevant information is included, showing some knowledge and understanding of the period. [AO1]</li> <li>• The overall judgement is given but its justification is asserted or insecure. [AO2]</li> </ul> <p><i>Maximum 7 marks for Level 2 answers that do not go beyond aspects prompted by the stimulus points.</i></p>
3	9–12	<ul style="list-style-type: none"> <li>• An explanation is given, showing some analysis, which is mainly directed at the conceptual focus of the question. It shows a line of reasoning that is generally sustained, although some passages may lack coherence and organisation. [AO2]</li> <li>• Accurate and relevant information is included, showing good knowledge and understanding of the required features or characteristics of the period studied. [AO1]</li> <li>• The overall judgement is given with some justification, but some criteria selected for the required judgement are left implicit or not validly applied. [AO2]</li> </ul> <p><i>Maximum 11 marks for Level 3 answers that do not go beyond aspects prompted by the stimulus points.</i></p>
4	13–16	<ul style="list-style-type: none"> <li>• An analytical explanation is given which is directed consistently at the conceptual focus of the question, showing a line of reasoning that is coherent, sustained and logically structured. [AO2]</li> <li>• Accurate and relevant information is precisely selected to address the question directly, showing wide-ranging knowledge and understanding of the required features or characteristics of the period studied. [AO1]</li> <li>• Criteria for the required judgement are justified and applied in the process of reaching the overall judgement. [AO2]</li> </ul> <p><i>No access to Level 4 for answers that do not go beyond aspects prompted by the stimulus points.</i></p>

## Marking instructions

Markers must apply the descriptors above in line with the general marking guidance (page 3).

Performance in AO1 and AO2 is interdependent. An answer displaying **no** qualities of AO2 cannot be awarded more than the top of Level 1, no matter how strong performance is in AO1; markers should note that the expectation for AO1 is that candidates demonstrate both knowledge *and* understanding.

The first two bullet points [*AO1 and AO2*] account for 3 of the 4 marks in the level and are equally weighted; the third bullet point [*AO2*] accounts for the remaining mark. Once the level has been found, there are two steps to follow to determine the mark within the level:

- Markers should consider bullet points 1 and 2 together. Strong performance (for the level) in both would be awarded all 3 marks, while 2 marks may be achieved by stronger performance in either bullet point; weak performance would be awarded 1 mark.
- The fourth mark in each level is allocated to the bullet point 3 and should be considered independently of the award of the other marks.

## Indicative content guidance

Answers must be credited according to candidates' deployment of material in relation to the qualities outlined in the mark scheme. While specific references are made in the indicative content below, this does not imply that these must be included; other relevant material must also be credited. The grouping of points below does not imply that this is how candidates are expected to structure their answers.

Relevant points that support the statement may include:

- Transportation to Australia had a huge impact on crime levels because it punished criminals by removing them from society.
- Transportation was a very effective deterrent because there was a big element of the unknown, and the punishment was feared.
- Public execution removed a criminal from society but was not an effective deterrent because many people treated an execution as an opportunity for a holiday and further crime was often committed.
- The Bloody Code had little impact on crime levels because many people saw the increase in capital crimes and harsh punishments, such as whipping, as unfair and the punishment as excessive. Therefore, many juries refused to convict, or the judge did not use the death penalty.

Relevant points to counter the statement may include:

- The Bloody Code greatly increased the number of capital crimes, deterring a wide range of petty crimes in addition to serious crimes.
- Many more people were affected by the Bloody Code and therefore it had a greater impact on crime, whereas transportation affected a relatively small number of criminals.
- Transportation had limited impact on crime because America declared its independence and then Australia refused to accept more criminals, so its use was ended in 1868.
- Transportation was not effective as a deterrent because some people wrote letters saying they were being well treated and were prospering, especially when there was a gold rush in Australia.