**DEVELOPMENT OF CRIMINAL LAW IN AMERICA**

**INTRODUCTION**

It is an incontrovertible fact that the law of crimes has historically suffered from a kind of malign neglect in America. In other branches of the law, from the beginning there has been a tradition of willingness, if not eagerness, on the part of judges, legislators, and legal commentators to examine basic premises and to promote doctrinal change if they thought society required it. But the dominant attitude of the American legal profession toward the penal law seems in general to have been that if it needed improvement, it would somehow improve itself.

**1.The colonial period**

The [New England](https://www.encyclopedia.com/places/united-states-and-canada/miscellaneous-us-geography/new-england) colonies. It is appropriate to begin a discussion of the history of criminal law reform with the colonial period since that era witnessed the first efforts at improvement. All of the American colonies drew principally on the jurisprudence and laws of the mother country in fashioning their criminal law. Obviously, small bands of colonial settlers, few of them with any legal training, do not fabricate criminal codes out of nothing, but from the beginning, the colonists displayed a willingness to experiment with alterations in the English inheritance if their own values seemed to call for them.

 In the very first body of laws promulgated in British [North America](https://www.encyclopedia.com/places/oceans-continents-and-polar-regions/oceans-and-continents/north-america), the Plymouth Code of 1636, a notable divergence from the English model in the punishment of serious crimes was already apparent. Although the list of capital offenses in [England](https://www.encyclopedia.com/places/britain-ireland-france-and-low-countries/british-and-irish-political-geography/england) was long and comprehended almost all serious misdeeds, the death penalty in Plymouth was limited to treason, murder, arson, and several morals offenses. One should not attach too much importance to this document, since it was a rudimentary code of laws in many respects and Plymouth was a tiny settlement that was destined soon to fade into insignificance. Still, its modifications in the criminal law signaled a trend that was later to be followed by other colonies.

 **2. Due Process and Civil Rights**

 The civil rights movement in the mid-20th century brought attention to issues of racial discrimination and unequal treatment within the criminal justice system. Landmark Supreme Court decisions, such as Miranda v. Arizona (1966) and Gideon v. Wainwright (1963), expanded protections for individuals in criminal proceedings, ensuring due process and the right to legal representation.

**3. The Revolution and its aftermath**

The [American Revolution](https://www.encyclopedia.com/history/united-states-and-canada/us-history/american-revolution) stimulated several forays in the direction of criminal law reform, all of them interesting for the new attitudes toward punishment that they revealed, although only one produced any long-term results. In the aftermath of the break with [Great Britain](https://www.encyclopedia.com/places/britain-ireland-france-and-low-countries/british-and-irish-political-geography/great-britain), the newly independent colonies all faced the question of how much of the mother country's law they wished to retain. Some patriots urged that American criminal law was in particular need of change.

 Its harsh provisions, they argued, reflected a British rather than an American ethos. These arguments struck a responsive chord in certain state capitals. In [New Hampshire](https://www.encyclopedia.com/places/united-states-and-canada/us-political-geography/new-hampshire), the first state constitution (promulgated in 1784) exhorted the legislature to do something about the sanguinary penal laws with which the state was saddled. It opined that it was not wise to affix the same punishment to crimes as diverse as forgery and murder, "the true design of all punishments being to reform, not to exterminate, mankind" (art. 1, and 18). Regrettably, the legislature refused to respond to the invitation and the state's penal law changed in no significant respect. There were parallel developments in Virginia.

Jefferson's proposed reform of the penal law of Virginia. A few weeks after the signing of the [Declaration of Independence](https://www.encyclopedia.com/history/united-states-and-canada/us-history/declaration-independence), the General Assembly of Virginia passed an act for the revision of the Laws (ch. 9 (1776), Hening's Virginia Statutes at Large 175 (Richmond, Va., 1821)), with a view to bringing the state's laws into greater harmony with the spirit of republicanism. where he opened a law practice and quickly became involved in Louisiana politics. At the same time, most criminals were paupers, the prospect of free lodging and board in prison would be positively attractive to them.

The most signal success of the anti-capital punishment movement occurred in 1846, when the Michigan legislature voted to abandon the death penalty for all crimes except treason (Mich. Rev. Stat. tit. 30, chs. 152–153, 658 (1846)). [Rhode Island](https://www.encyclopedia.com/places/united-states-and-canada/us-political-geography/rhode-island-state) followed suit in 1852, and [Wisconsin](https://www.encyclopedia.com/places/united-states-and-canada/us-political-geography/wisconsin), in 1853. The movement crested with these events, however, and then began to lose vigor. By the eve of the [Civil War](https://www.encyclopedia.com/history/ancient-greece-and-rome/ancient-history-rome/civil-war) it had ceased to have much impact on the national consciousness.

Much later, during the Progressive Era, the anti-capital-punishment movement enjoyed a brief renascence, and a half-dozen states were persuaded to abolish the death penalty. Some of these triumphs were short-lived, however, as popular pressure forced most of these states to introduced the death penalty within a few years of abolition.

**4. The twentieth-century developments**

By the 1920s, attention had shifted from improving the techniques of rehabilitating the individual offender to the control of criminal behavior in the aggregate. This was the period of the great national experiment of Prohibition, with its attendant rise in illegalities of all sorts. Citizens across the land, but especially in large cities, became increasingly agitated at what they perceived to be an alarming increase in crime and the seeming inability of the criminal justice system to deal with it. Some charged that the corruption of government officials by the criminal element was the root cause of the problem—and indeed, there were many instances of political corruption during the period. Others insisted that the system of criminal justice was itself at fault and was desperately in need of overhaul. There was a widespread demand for some kind of action.

 As the United States expanded westward, criminal law evolved to address new challenges. The emergence of organized crime, the enforcement of Prohibition laws, and the development of federal criminal statutes were significant factors influencing the growth and modernization of criminal law in America.

1. **The**[**Cleveland**](https://www.encyclopedia.com/places/united-states-and-canada/us-political-geography/cleveland)**survey.**

The city of Cleveland was the first to attempt to address the problem in systematic fashion. It had for several years been suffering from a rising crime rate, and a pall of distrust hung over the municipal criminal justice apparatus. Matters came to a head in the spring of 1920, when the chief judge of the city's municipal court was forced to resign because of complicity in an atrocious crime. A number of civic organizations, headed by the Cleveland bar, persuaded the Cleveland Foundation, a private philanthropic organization, to sponsor a survey of criminal justice in the city

1. **The Model Penal Code.**

 The American Law Institute, an organization of lawyers, judges, and legal scholars, was founded in 1923 for the purpose of clarifying and improving the law. One of the major causes that had led to its establishment was dissatisfaction with the state of the criminal law, and thus it is no surprise that criminal law reform occupied a high place on its agenda from the outset. However, it proved difficult to translate this concern into action. The institute was quick to decide that the method of restatement which seemed the appropriate way to proceed in other fields of law was inappropriate for the law of crime. As Herbert Wechsler, a leading theorist of penal jurisprudence, later explained, "The need . . . was less for a description and reaffirmation of existing law than for a guide to long delayed reform" (1974, p. 421). A proposal for a model penal code was advanced in 1931, but the project was large in scope, and the funding to carry it out was not forthcoming during the Depression years.

**Conclusion**

In conclusion various process has emerged during the development of the crime law , schoolers have tried to come up with better ideas on how to punish those who go against the la with various discussions and coming into agreement this has enhance fair treatment and judgement of of criminal regarding on the races they are coming from and this has promoted the world to become a peaceful place as a result of the new techniques introduced by scholars to deal with the criminals while there rights are reserved, this has promoted peaceful realationb in America regarding of the different races in it.

**Reference**

1. American Law Institute. *Model Penal Code: Proposed Official Draft.* Philadelphia: ALI, 1962.
2. Barnes, Harry Elmer. *The Evolution of Penology in Pennsylvania: A Study in American*[*Social History*](https://www.encyclopedia.com/social-sciences-and-law/sociology-and-social-reform/sociology-general-terms-and-concepts/social-6) (1927).
3. Beccaria, Cesare. *On Crimes and Punishments* (1764). Translated with an introduction by Henry Paolucci. [Indianapolis](https://www.encyclopedia.com/places/united-states-and-canada/us-political-geography/indianapolis): Bobbs-Merrill, (1963).
4. Boyd, Julian P., ed. *The Papers of*[*Thomas Jefferson*](https://www.encyclopedia.com/people/history/us-history-biographies/thomas-jefferson)*,* vol. (2.) Princeton, N.J.: [Princeton University](https://www.encyclopedia.com/social-sciences-and-law/education/colleges-us/princeton-university) Press, (1950).
5. "Colony of New Plymouth: Laws of (1636)." *The Compact with the Charter and Laws of the Colony of New Plymouth.* Edited by William Brigham. Boston: Dutton & Wentworth, (1836), pp. 35–57.
6. Goebel, Julius, Jr., and Naughton, T. Raymond. *Law Enforcement in Colonial New York: A Study in*[*Criminal Procedure*](https://www.encyclopedia.com/social-sciences-and-law/law/law/criminal-procedure)*(1664–1776)*(1944). Reprint. Montclair, N.J.: Patterson Smith, (1970).
7. Green, Thomas A. "Freedom and Criminal Responsibility in the Age of Pound: An Essay on Criminal Justice." *Michigan Law Review* 93 (1995): (1915–2053).
8. Hall, Jerome. "Edward Livingston and His Louisiana Penal Code." [*American Bar Association*](https://www.encyclopedia.com/sports-and-everyday-life/social-organizations/private-organizations/american-bar-association)*Journal* 22 (1936): 191–196.
9. Hall, Livingston. "The Substantive Law of Crimes: 1887–1936." *Harvard Law Review* 50 (1937): 616–653.