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Introduction

Patrick Low, Helen Rutherford, Clare Sandford-Couch

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In his diary entry of 23 August 1844 railway clerk Richard Lowry reflected on his attendance the preceding day at the hanging of Mark Sherwood on Newcastle's Town Moor. Lowry noted that the streets of Newcastle were 'literally crammed with people' and that there were 'countless thousands crowding' towards the Moor, to witness the spectacle of a public execution. Despite taking up a prime position some '20 yards from the gallows', Lowry was far from a proponent of capital punishment. He reflected: 'what will future ages say at such barbarous proceedings as this. A time is fast coming when such murder will be no longer perpetrated.'¹

In one sense Lowry was prophetic; the time was indeed fast approaching when public execution would be a distant and brutal relic. However, Lowry may have been astonished to find out that executions would continue in Britain for more than a century.² What was fast approaching was not the end of capital punishment, but the removal of the spectacle from public view. A punishment whose *raison d'être* had been its public expression would become 'hermetically sealed'.³ Such was the effect of the transition that in his diaries well over a century later, hangman Syd Dernley observed:

It is a curious thought that in early Victorian times there were probably very few people who had not seen an execution. Now, a mere hundred years later, there were very few who had.⁴

A conference

The first half of the nineteenth century witnessed increasing debate in Britain about the merits of public punishment and notable shifts in the staging of the execution, which culminated in the passing of the Capital Punishment Amendment Act 1868 (31 & 32 Vict. c.24) ('the Act'). The Act ended the execution as public spectacle: thereafter, hangings were to be 'carried into effect within the walls of the prison in which the offender is confined at the time of execution'.⁵ The crowd, previously central to the system of public punishment, was denied access as the

execution took place in private in front of a carefully controlled set of invitees. The Act transformed capital punishment in Britain, and yet, surprisingly little has been written on the impact of this legislation. To address this omission, in the summer of 2018, the editors of this volume organised a conference, *1868 – A Civilizing Moment? Reflecting on 150 Years since the abolition of Public Execution*.⁶ The absence of media coverage for what many scholars regard a ‘landmark’ Act was remarked upon at the conference.⁷ This is illustrated by an exchange on Twitter as the conference was taking place. In response to a tweet that lamented, ‘We missed a really important anniversary. 150 years since the Capital Punishment Amendment Act 1868’;⁸ many conference attendees replied that, ‘we’ve been marking it all day here in Newcastle @1868conference’.⁹

There is an inherent irony in a work prompted by an overlooked anniversary; one perhaps best captured in Alan Bennett’s *History Boys*, ‘There’s no better way of forgetting something than by commemorating it’.¹⁰ The charge is a valid one and one we, as editors, would be remiss to ignore. It is not in the simple act of commemoration that this collection claims its necessity: far from it. The 150th anniversary of the enacting of the legislation provided an ideal point to reflect more widely upon a period of dramatic change in punishment culture. As such, the chapters in this volume address the fundamental transformation in nineteenth-century Britain of how capital punishment was presented and to whom and consequently how it was reported and received.

An overview of the literature on capital punishment

One of the most dramatic transformations of the nineteenth century was the collapse of the ‘Bloody Code’, the over two hundred capital offences in the late eighteenth and early nineteenth century. Whilst recent scholarship has done much to question the universal application of these punishments,¹¹ particularly in the provinces where its operation has been described as a ‘dead letter’,¹² one thing is clear; by the late 1820s and 1830s the capital code had been reduced to such an extent that V.A. C. Gatrell declared there was ‘no more sudden revolution in English penal history’.¹³ By the 1830s execution was almost exclusively a punishment for murder.¹⁴ Post-mortem punishments of dissection and gibbeting were removed in 1832 and 1834 respectively.¹⁵ Increasingly imprisonment became the punishment of choice for the social and penal authorities of the age.

Given this fundamental transition in which the ‘corporal replaced ... the carceral’, it is remarkable how long capital punishment stayed in public view.¹⁶ Eighteenth-century scholars, most notably Cesare Beccaria, had long argued about the brutalising effect of public displays of violence and the hypocrisy inherent in a punitive system where ‘the laws, which detect and punish homicide, should, in order to prevent murder, publicly commit murder themselves?’.¹⁷ Why did the execution outlast all other public punishment? In part its longevity was maintained by transitions in the late eighteenth and early nineteenth century to more controlled sites in town and city centres, most frequently on the exterior walls or roofs of prisons.¹⁸ However, arguably it was the historical role of the public as a check on state violence that prolonged its presence. Emmeline Garnett noted the ‘liveliest mistrust of officials and bureaucracy’ in the nineteenth century and this was particularly apparent at the gallows.¹⁹ Without a public witness, who was to know justice had been done? As Michel Foucault argued,

Not only must people know, they must see with their own eyes. Because they must to a certain extent take part in it. The right to be witnesses was one that they possessed and claimed; a hidden execution was a privileged execution, and in such cases it was often suspected that it had not taken place with its customary severity.²⁰

The crowd’s role as witnesses, or indeed participants, of the execution spectacle was removed by the 1868 Act; however, the problem of the crowd did not disappear with their exclusion from the execution. Allowance for their admission, in some form, was fundamental to the debates around the Act, with numerous contributors to the Royal Commission on Capital Punishment (1864-66) calling for a limited number to be present or, at the very least, for the press to act as a ‘witness’ on the public’s behalf.²¹ In essence this was an acknowledgement of what has been termed the public’s continuing desire to remain ‘involved in the proceedings’.²² In order to understand the significance of this crucial transformation in execution culture it is important to first consider the wider historiography.

Theoretical narratives

The study of the changing nature of punishment in the nineteenth century has a comparatively short history and, arguably, two theoretical narratives have come to dominate: these can be broadly defined as Foucauldian and Eliasian models.²³ It is not possible within the constraints of this introduction to address in detail these complex, often challenging theories, but for all

their theoretical differences, the two models have a key point of consensus at heart; namely the identification of a fundamental shift in the presentation of punishment from the public to the private arena both in Britain and further afield. However, much debate remains over the motivations behind the change.

Foucault set his history of punishment against a background of social transformation in France; as power shifted, from the aristocracy to the middle classes, from the eighteenth century, to the early to mid-nineteenth century. In the growth of the prison, and the move to a more private system of punishment, he identified increasing state control and an emergent political desire to increase state management of both the criminal's body and his soul. On this reading, therefore, the shift brought about by the 1868 Act could be seen not as motivated by any enlightened notion of increasing horror at public brutality, but instead as an attempt to bring order to a penal system that had lost its deterrent effect.

The counter narrative to Foucault came from an unexpected source. Writing in the late 1930s, Norbert Elias argued that there was an observable revolution in manners in post-medieval European society, brought about by the formation of states. Although Elias touched on punishment only in passing, scholars, most notably Pieter Spierenburg, saw in Elias's 'civilizing' model an explanation for the fundamental changes in the presentation of punishment across Western Europe.²⁴ Spierenburg attributed these changes to a growing societal distaste towards public displays of violence, a view that has remained influential.²⁵ Viewed in this light, the 1868 Act sits as a marker in what Leon Radzinowicz noted as a much longer observable 'growth in humanity'.²⁶

More recently, historians have often appeared to tread a delicate path between a Foucauldian questioning of the true intentions of the so-called 'civilizers', and a tacit acceptance that the end of public execution was a 'landmark in the more humane treatment of criminals'.²⁷ Nowhere is this unstable middle ground more apparent than in the work of Gatrell, who saw the steady removal of execution from public view as reflecting the Victorian elites' increasing squeamishness at displays of public violence, whilst simultaneously acknowledging that it was abhorrence of the behaviours and violent emotions of the crowd that ultimately led to its removal from public sight. He concluded: 'despite the rhetoric humanity was neither here nor there.'²⁸ Similarly, Randall McGowen has highlighted that the 1868 Act relied on the votes of

retentionists;²⁹ and James Sharpe has asserted that the legislation actually ‘did much to ensure that capital punishment survived’ for just under a century.³⁰

The build-up to the Act, and the campaign for the abolition of execution, have been well documented.³¹ The immediate aftermath and repercussions of the 1868 Act, and its impact upon execution culture in nineteenth-century Britain have been less well served, beyond passing reference in general criminal histories. Rather than being the focus of sustained study, the Act has featured as a symbolic end to major studies of the nineteenth century, or as a stepping-stone in legal or historical accounts.³² This can be seen in its inclusion as the ‘epilogue’ for Gatrell’s authoritative study of the gallows in England, *The Hanging Tree*.³³ As such, the impression given, until recently, was that public involvement with execution ended in 1868. However, in her compelling analysis of twentieth-century capital punishment Lizzie Seal rightly noted that the Act did not mean that the public ‘ceased to experience it, rather their experiences were transformed’ from a brutal spectacle publicly observed to one ‘largely experienced through representation and imagination’.³⁴ Despite the work of Seal and, amongst others, Richard Ward, aspects of execution culture in the nineteenth century in Britain still lack comprehensive coverage.³⁵ It is into this gap that this book steps. It is only by focusing on execution culture both leading up to and after the Act that a much-needed picture of both the Act’s intention and reception and how it was experienced can be established.

Furthering the debate

We wanted this volume to look beyond the Act, and therefore the chapters explore aspects of execution culture in Britain in the long nineteenth century more broadly.³⁶ However, the collection is not, nor is it intended to be, exhaustive. The editors and the authors of the chapters wish to stimulate debate and offer a variety of perspectives and approaches to encourage further consideration of the history of capital punishment in Britain. By focusing upon the cultural milieu in which executions took place across the country in the nineteenth century, the chapters aim to enhance knowledge and understanding of the death penalty in the UK during a time of profound change.

This focus will appeal to anyone interested in the history of capital punishment (and of crime and justice more generally). That there is vibrant academic interest in this area is evident in a number of recent publications, largely focused outside Britain.³⁷ A study based around the

history of capital punishment in Britain, and in particular on the increasing removal of executions from the public gaze is almost inevitably located at the point at which law and history interact. However, the topic is also important to the fields of criminology, sociology and politics. The multidisciplinary nature of study of capital punishment has led to chapters in the collection from academics in the fields of heritage and museum studies; history; law; legal history, and literary studies. The volume addresses several emerging themes in the history of capital punishment (and crime and justice in general), including the criminal body, ‘othering’, race and ethnicity in criminal justice, and the role of the media. Intentionally, the volume is a mix of new and established voices in the field; the authors represent a mixture of well-established academics, doctoral and post-doctoral researchers. This range will appeal to academics, students (both undergraduate and postgraduate), but also to readers beyond an academic audience.³⁸

The focus

As editors, we faced a choice between a wide-ranging survey and a more narrowly focused study. We have chosen a broader cross-disciplinary approach, which brings advantages and disadvantages. The key advantages are the opportunity to engage with a variety of aspects of nineteenth-century attitudes to capital punishment and to consider whether any trends or common themes emerge. The main disadvantage is that focusing broadly on general currents can make it difficult to explore fully any significant regional and local variations. In order to address this, we wanted the volume to offer specific examples from regions we regarded as often under-represented in the literature on capital punishment, and crime histories more broadly, from which more general themes may be discerned. The relatively wide geographical and chronological scope in relation to a complex topic has consequences for the approach. We aim for a broad discourse, supported by close study of specific aspects, from which to draw conclusions.

The focus in this collection is on Britain and we sought contributors who could address execution culture from the provinces in England, from Scotland, and from Wales. There is a, perhaps overdue, recognition that detailed studies of regions outside London are needed in order, not least, to put London in context and also to build a picture of similarity and difference beyond what King and Ward described as, ‘a simple and largely unexplored dichotomy between the metropolis and the provinces’.³⁹ In many narratives of punishment, London has

been deemed the model on which change happened elsewhere.⁴⁰ This, we suggest, overlooks the myriad and complicated local factors that led to the changing presentation of punishment beyond England's capital.⁴¹ A variety of recent work on capital punishment during the eighteenth and early nineteenth century now focuses on the provinces, including Gwenda Morgan and Peter Rushton on the North East of England;⁴² John Tulloch on Lincolnshire;⁴³ Zoe Dyndor on Northampton;⁴⁴ Steve Poole on Surrey; Peter King on Cornwall;⁴⁵ John Walliss on Lancashire, Norwich and Wales;⁴⁶ and Rachel Bennett on Scotland.⁴⁷ Such important steps into regional studies of execution have shown that there is much more work to be done, particularly regarding the later nineteenth century. This edited collection is an important and timely contribution to what we hope will be a growing field of the study of regional experiences of execution.

Microhistory

This book is not - and is not intended to be - an empirical work. Rather, this volume focuses on the experiential and personal perspectives on the history of capital punishment, through cultural and qualitative analysis. As such, many of the chapters address the 'experiential' and offer particular or personal perspectives and narratives, to enhance appreciation of contemporary responses to the withdrawal of capital punishment from the public gaze. Many of the chapters in this collection may be broadly categorised as microhistories. There is no easy or agreed definition of microhistory and some overlap with local history, social history, cultural history, biography and narrative.⁴⁸ However, generally, microhistory may be said to be an historical investigation into individuals or discreet groups to provide perspectives lost in large quantitative studies. The editors believe that there is an important role for detailed examination of specific local or overlooked events, which enables exploration of the past without necessarily attempting to provide definitive answers to 'big questions' or relating them to grand narratives of history. As Richard D. Brown has noted, the 'glory of microhistory ... lies in its power to recover and reconstruct past events by exploring and connecting a wide range of data sources so as to produce a contextual, three-dimensional, analytic narrative in which actual people as well as abstract forces shape events.'⁴⁹ A micro historical approach is flexible and allows for an individual perspective that can bring the 'commentary and the "color" [sic]'.⁵⁰

Micro historians use fragments of archival material and a diverse selection of sources, including diaries, birth, marriage and death records, census returns and ephemera, from which stories can be drawn in order to illuminate an event or life.⁵¹ It is an especially useful approach for those investigating crime and criminals.⁵² As such, many microhistories, including chapters in this book, draw particularly on the reporting of crime and criminals in newspapers and other print media.⁵³ Newspapers and other periodicals were a vital source of information in the nineteenth century, news and entertainment and the reporting of murder trials and executions was particularly popular. It is, of course, unwise to generalise about ‘the press’ as a unified body. It is important to bear in mind the miscellanies of the press; different newspapers will inevitably take different approaches. And print media is not neutral; newspapers and periodicals bear witness to the journalistic ‘framing’ of stories, i.e. the selection and emphasis of certain aspects of a story over others.⁵⁴ However, this makes it more interesting and noteworthy when a single or similar narrative seems to emerge.

We conclude the introduction by summarizing each chapter and highlighting some of the interconnections and insights they provide. The discussions are not exhaustive and are designed to start a conversation around this fascinating area.

The chapters

The keynote chapter by James Gregory offers an excellent exploration of the public discourses around the introduction and aftermath of the 1868 Act, studying the last public execution and first few private executions to explore their presentation in the press.⁵⁵ In doing so, it addresses a number of important questions: how was the shift in 1868 explained in Victorian Britain, and what evidence, if any, is there for public attitudes towards it? He concludes by offering a broader perspective, assessing the impact and reception of the measure from a foreign and colonial viewpoint in which intramural execution, in some states and colonies, had already been affected.

The book is then divided into two sections. As with all edited collections these are, to an extent, arbitrary distinctions; some chapters could fit equally well in each section, and many raise issues of relevance to both parts; however, we offer the two parts as an organisational device, and to provoke questions. The chapters in Part 1 address aspects of observing and witnessing the nineteenth century execution from a variety of first-hand perspectives. Part 2 includes

chapters addressing the execution experience in print media from the nineteenth and into the twentieth century.

Part 1: ‘Going to see a man hanged’⁵⁶

This section explores the execution experience through the eyes of those who witnessed in person the event and the criminal body. Rachel Bennett offers a perspective from Scotland, exploring reported responses to the execution and the exhibited body of the last man to be hanged in chains in Scotland. In this chapter Bennett reveals that reported responses to the exhibited corpse of Alexander Gillan were reflective of both an ‘evident desire’ of the crowd to witness such spectacles and a broader increasing reticence towards the prolonged punishment of the criminal body and, in Gillan’s case, its continued visibility long after execution. She suggests that the disappearance of the gibbeted body thereafter marked an important step along the path towards removing the executed body from public view.

The execution crowd forms the subject of the next chapter. It has been argued that the behaviour of execution crowds was one motivation for enacting the 1868 Act.⁵⁷ In the only chapter to look specifically at London, Matthew White analyses a series of specific execution events in the mid-nineteenth century, challenging what Charles Dickens labelled the ‘inexpressibly odious’ behaviour of the nineteenth-century execution crowd. White argues that the London crowd is deserving of further consideration and confirms that the picture of the crowd was not as clear-cut as opponents of the execution spectacle chose to depict. His evidence reveals that execution crowds, on many occasions, could in fact be decorous and restrained, more truthfully characterised by their social diversity, orderliness and self-control. White’s stimulating chapter makes clear that there is still much to be discovered and analysed, even in London, which has attracted considerable scholarly attention.

Katherine Ebury, in chapter 4, brings a different perspective to eye witnessing the execution. Ebury explores executioners’ memoirs and considers how following the removal of execution from the public arena, the executioner became not merely the agent of punishment, but a privileged interpreter of it. The survival of these texts ensures that a hundred and fifty years since the end of public executions, and over fifty years since the final abolition of capital punishment, the recollections of the men who carried out the role of executioner continue to

offer a powerful witness to the death penalty. Her chapter adds to debates about the executioner's responsibility and the cultural legacy of execution.

In the final chapter in this section, chapter 5, Rhiannon Pickin offers a modern-day perspective on observing the execution spectacle, she discusses the experience of attendees at Nottingham's Museum of Justice and how they can 'become' part of the execution crowd. The chapter examines the representation of capital punishment history from the eighteenth to the twenty-first century at the museum and in exploring the ways in which prison museums present the history of crime and punishment makes a case for these sites to be more sensitive and responsible in their interpretations of capital punishment. Pickin suggests the competing needs to educate and entertain may have led to, or contributed to, problematic interpretations, and a possible unwillingness to challenge popular preconceptions of crime and punishment.

Part 2: 'One had better, however, narrate the circumstances as they occurred'⁵⁸

The second section includes chapters addressing execution culture and its representation in the long nineteenth-century print media. After the 1868 Act removed the opportunity for the crowd to witness the execution in person, an increasingly literate public could follow the trial and execution through the often very detailed local and national newspapers and periodical publications.

In the first chapter in this part Sam Saunders offers a perspective from English Literature, on the history of capital punishment. Saunders explores a connection between literature, the police, and public attitudes towards the execution spectacle. His discussion focuses on the growth of popular periodical and magazine journalism in the early- to mid-nineteenth century. Saunders argues that the development of the police force and their occupation of a liminal or threshold space between respectable society and criminality, as a first incarnation of what would come to be known as the 'thin blue line', in effect allowed the general population to distance itself from some of the harsher realities of the criminal justice system.⁵⁹ Saunders argues that the advent of policing can be shown to have had a direct impact upon periodical discourse. The chapter illustrates that a growing public distaste for gruesome physical punishment and execution spectacles was reflected in certain crime journalism.

The next two chapters address the role of the press reporting of the execution spectacle in shaping public perceptions of the ‘criminal other’. In chapter 7, Helen Rutherford and Clare Sandford-Couch explore how, through newspaper narratives, the criminal body may become the site of alternative readings and competing discourses. The chapter considers how the press constructed and deconstructed a narrative around the elusive character of the last man to be executed in public in Newcastle upon Tyne. Their research indicates that in the case of George Vass newspaper narratives created a convenient persona for the accused – which they then manipulated. Drawing on the concept of the ‘other’, it is argued that aspects of the reporting of the case in the local newspapers may have contributed to the construction of a changing narrative on and around Vass. In a sense the findings in the chapter confirm that the notion of a ‘Good Death’ and the possible redemption of the character of the prisoner - an age-old trope of the execution, from Ordinary’s Accounts and beyond - remained strong through to the mid-nineteenth century.

Patrick Low’s chapter addresses an area that to date has received relatively little academic attention: namely, the way in which executions were carried out after the 1868 Act.⁶⁰ Surprisingly little is known about who was admitted into the execution space within the prison, and this chapter assesses how ‘public’ executions were after 1868. Low focuses on the North East of England and discovers major local differences in whether and how the press was admitted, what access they were allowed and even how the executions took place. He argues that a lack of clarity over where power ultimately lay led to a sporadic and increasingly reactive application of the right of admission to the privatized execution.

Issues of race and ethnicity have recently started to be explored by historians of capital punishment, and Stephanie Brown’s chapter makes an important contribution to this emerging topic. Brown looks at a Welsh experience, by examining the portrayal in contemporary newspapers of eight foreign-born men hanged in Wales for murder. Local newspapers used local identity or sense of place to attract their readers. In doing so, they would selectively promote or ‘frame’ certain aspects while ignoring others.⁶¹ It is an aspect of this intentionally selective approach that is addressed in this chapter. Aled Gruffydd Jones argued that Welsh local papers contributed to the strengthening of Welsh national identity in the nineteenth century, self-consciously asserting nation status.⁶² It might be expected that national identity would have a part to play in the reporting of cases involving foreign-born men hanged in Wales, distinguishing the condemned men as outsiders from their Welsh readers. However, the

relevance of an ‘othering’ process is questioned by Brown. The question of whether issues of ethnicity and race were central to the cultural history of capital punishment (for the twentieth century at least) are a matter of ongoing debate.⁶³ Brown’s chapter is an important contribution to this debate in relation to the nineteenth century.

A warning for readers: this chapter has potentially sensitive content. Some of the quotations from contemporary press reports include racial slurs, including words which today are seen as derogatory, discriminatory and insulting. The author, editors and publisher are aware that some readers might be concerned about these words being used at any time, but after careful consideration it was decided that there is sufficient contextual justification for the inclusion of such quotations in full. However, we include this warning here, so readers can prepare themselves to engage or disengage as they choose.

Themes

In exploring changes in execution culture in the nineteenth century, this book addresses a number of broad issues or themes which thread through the chapters, and the two sections into which the volume is organized. These themes include several emerging currents in the history of capital punishment (and crime and justice in general), and we wanted to highlight some of the interconnections, insights and original contributions to the literature they provide, and the opportunities for further study that these offer.

The most significant is in relation to witnessing. Of fundamental importance in the nineteenth century were questions of who should witness executions; how did (or should) people witness executions; and what was the significance of such witnessing. As John Durham Peters suggested: ‘Witnessing is an intricately tangled practice. It raises questions of truth and experience, presence and absence, death and pain, seeing and saying, and the trustworthiness of perception – in short, fundamental questions of communication’.⁶⁴ Removing execution from the public gaze in 1868 left a problem: who would then bear witness to ensure that the public could be assured that the execution had in fact taken place? This question provoked vexed discussion and concerns that public opinion would turn against what one parliamentarian termed ‘a secret act of assassination within the gaol’.⁶⁵ This collection contributes to this debate.

The chapters have looked at the question of witnessing from two perspectives: first-hand, or eye-witness accounts, and accounts mediated through the print media. These perspectives raise questions of presentation and representation, respectively. First-hand accounts, such as the diaries or memoirs of those who attended executions, whether as part of the execution crowd, or as active participants such as the hangmen considered in the chapter by Katherine Ebury, are a valuable resource for research. There is scope for further research too, for example in the recollections of sheriffs, under-sheriffs, coroners, or other officials attendant at executions both pre- and post-1868.

Despite the valuable work to date, there is much more to be done on the representation of execution culture in the Victorian print media. Press reporting during the nineteenth century played an increasing role in shaping public perceptions of the execution spectacle and the criminal body. The mid-nineteenth century was the beginning of the golden age of newspaper reporting, with a significant increase in the number of local newspapers after the repeal of taxes on newspapers in 1855.⁶⁶ The reading public were offered – and accepted – an increasingly wide option of reading material. Half of the population of Britain read penny weekly magazines such as the *London Journal*, *Family Herald*, *Reynolds's Miscellany* or *Cassell's Illustrated Family Newspaper* in the first half of the 1850s.⁶⁷ The printed media, especially the periodical press, were a vital source of information, news and entertainment and the reporting of murder trials and executions was particularly popular.⁶⁸ Newspapers constituted around seventy per cent of the periodicals market in the 1860s, and magazines accounted for thirty per cent.⁶⁹ The importance of the role of the media in crafting narratives around execution should not be underestimated and is addressed in the chapters by James Gregory and Sam Saunders.

Significantly for a volume focusing on the regions, the post-1855 provincial newspapers were often far more successful than London papers.⁷⁰ Indeed, for Andrew Hobbs, 'the national reach of the local press gave it a greater influence on Victorian culture than any other type of print'.⁷¹ He attributed this popularity of the provincial press in the second half of the nineteenth century at least in part to its building local and regional identities.⁷² This regional focus made local newspapers more varied across the nation, more open to local influences on their form and content.⁷³ The importance of such a local focus can be seen in the chapters by Stephanie Brown on Wales, and Helen Rutherford and Clare Sandford-Couch on Newcastle upon Tyne, and in the chapter by Patrick Low, which reveals how variations in local execution practice were reported upon and critiqued in the regional press.

There is a further point to be made here. It is accepted that journalists and their editors offered readers a mediated reality by choosing how to report these events and which stories to print; but what happened if the press had restrictions placed upon what they could report? The chapter by Patrick Low raises an interesting question: if reading a newspaper account of an execution was the only way in which the public could learn the details of what had been carried out in their name after 1868, what was to be read in those newspaper accounts – an eye-witness account by a reporter present at the execution, or an official report released to the press for presentation to their readers? Interestingly the modern-day example in the chapter by Rhiannon Pickin explores an opportunity to experience execution from two perspectives: as a first-hand experience of the machinery of execution in an interaction museum display, and by witnessing the events through accounts of execution mediated by the museum for presentation to its visitors. Pickin's findings remind us that the desire to experience the execution in some form is still very much alive, a point especially pertinent when considered alongside Matthew White's timely re-evaluation of the crowd.

Several chapters address a further significant theme in studies of nineteenth-century execution culture: othering and the criminal body. The complex notion of othering draws on several philosophical and theoretical traditions. Criminality violates social norms; as such, the criminal body is a stigmatised body, which raises notions of 'the other'. This stigmatisation can be clearly seen in the gibbeting of the criminal body, addressed in the chapter by Rachel Bennett. Othering has been described as 'the process whereby a dominant group defines into existence an inferior group'.⁷⁴ It can draw a line between those groups, between 'us' and 'them' and can play a part in identity formation. Language emphasising or exaggerating 'otherness' can create distance between the majority 'us' group and the 'other'. With no middle ground between 'us' and 'them', the 'othered' is marginalised. There is a sense that those who are othered are reduced to no more than negative characteristics. This in turn can lead to the 'other' being dehumanised and so significantly different to the 'norm', that can social exclusion, discrimination, subjection – even the imposition of capital punishment – can be justified. Aspects of an othering narrative being written upon the criminal body appear in the press reporting addressed in several chapters, including those of Helen Rutherford and Clare Sandford-Couch and of Stephanie Brown; this is an area which deserves further academic attention.

Conclusion

This introduction opened with the words of nineteenth-century diarist Richard Lowry reflecting on his experience at the Newcastle gallows. As residents of his ‘future age’, we should indeed question what could be learned from study and reflection on the execution culture of the past. A focus on execution culture in the long nineteenth century in Britain contributes to an understanding of the death penalty and its symbolism and power during this period, but it is not a study in isolation; it has important resonance beyond a historical interest.

Although this collection has an expressly British focus, it would be remiss not to acknowledge the continued utilization of capital punishment across the world. 2018 saw a ten-year overall record decline in executions; however, the imposition of the death sentence has risen in numerous countries.⁷⁵ Furthermore, where once the prison walls were a barrier to a prurient public, the internet has opened new avenues to give access to witnesses to state-sanctioned and other lethal violence. In the nineteenth century, a turnout of tens of thousands to a London hanging was met with almost universal reproach, but today a single online video of an execution may achieve hits in the millions: an appetite to witness execution has not disappeared.⁷⁶ It is important to understand the motivations and historical context for these phenomena in order to shed light on our present condition. This collection offers a much-needed study of a punishment that must not be viewed as a barbaric remnant of a distant past. It is a present concern.

¹ Tyne and Wear Archives Museum, Newcastle upon Tyne ('TWAM'), Diaries of Richard Lowry, August 23 1844, DF.LOW/1/11, pp. 298-301.

² Capital punishment was to continue in Britain until 1965 (*Murder (Abolition of Death Penalty) Act 1965*). Although no executions took place after 1965, the crimes of treason and piracy with violence remained capital offences until 1998 and the final abolition was not enacted until the ratification of the 13th Protocol of the European Convention on Human Rights; The Human Rights Act 1998 (Amendment) Order 2004.

³ 'The Dipton Murder', *Durham County Advertiser*, 1 January 1875. The phrase was also used to describe the modern American system of execution, see Annulla Linders, 'The Execution Spectacle and State Legitimacy: The Changing Nature of the American Execution Audience, 1833-1937', *Law & Society Review*, 36: 3 (2002), 607-656, (p.607).

⁴ Syd Dernley with David Newman, *The Hangman's Tale: Memoirs of a Public Executioner*, (London: Robert Hale, 1989), p. 83.

⁵ *Capital Punishment Amendment Act 1868*, s. 2.

⁶ *1868: A Civilizing Moment? A One-day Conference Reflecting on 150 years Since the Abolition of Public Execution*. Literary and Philosophical Society, Newcastle upon Tyne, June 6, 2018. <www.1868conference.wordpress.com>.

⁷ A notable exception was Eva O. Cathaoir, '150 Years Ago Today, a Fenian Became the Last Person to Be Publicly Executed in England', *The Irish Times*, 26 May 2018.

⁸ Rebecca Rideal, 'We Missed a Really Important Anniversary. 29th May Marked 150 Years since the Capital Punishment Amendment Act 1868, Which Put an End to Public Executions in the UK. Last Woman to Be Publically Hanged in Britain Was 25-Yr-Old Frances Kidder. Last Man, 26?-Yr-Old Michael Barrett.', (Tweet, @RebeccaRideal (blog), 6 June 2018), <<https://twitter.com/RebeccaRideal/status/1004320367438188544>> [accessed 14 February 2020].

⁹ Alison Pedley, 'We've Been Marking It All Day Here in Newcastle @1868conference', (Tweet, @AggieCrank (blog), 6 June 2018), <<https://twitter.com/AggieCrank/status/1004391900173029378>> [accessed 14 February 2020].

¹⁰ Alan Bennett, *The History Boys* (London: Faber and Faber, 2004), p. 25.

¹¹ See, for example, Peter King and Richard Ward, 'Rethinking the Bloody Code in Eighteenth-Century Britain: Capital Punishment at the Centre and on the Periphery', *Past and Present*, 228 (2015), 159-205, (p.166); and, John Walliss, *The Bloody Code in England and Wales, 1760-1830* (Cham: Palgrave MacMillan, 2018).

¹² King and Ward, p. 166.

¹³ V. A. C. Gatrell, *The Hanging Tree: Execution and the English People, 1770-1868* (Oxford: Oxford University Press, 1994).

¹⁴ James Sharpe, *A Fiery & Furious People: A History of Violence in England* (London: Random House, 2016), p. 398.

¹⁵ On the use of post-mortem punishment, see Sarah Tarlow and Emma Battell Lowman, *Harnessing the Power of the Criminal Corpse* (Cham: Palgrave Macmillan, 2018); Elizabeth T. Hurren, *Dissecting the Criminal Corpse Staging Post-Execution Punishment in Early Modern England* (London: Palgrave Macmillan, 2016); Peter King, *Punishing the Criminal Corpse, 1700-1840: Aggravated Forms of the Death Penalty in England* (London: Palgrave Macmillan, 2017).

¹⁶ David Garland, 'The Problem of the Body in Modern State Punishment', *Social Research*, 78:3 (Fall 2011), 767-798, (p. 767).

¹⁷ Cesare Beccaria, *An Essay on Crimes and Punishments. By the Marquis Beccaria of Milan. With a Commentary by M. de Voltaire. A New Edition Corrected*. (Albany: W.C. Little & Co., 1872), p. 53.

¹⁸ Simon Devereaux, 'Recasting the Theatre of Execution: The Abolition of the Tyburn Ritual', *Past & Present*, 202 (Feb. 2009), 127-174. For an example of the transition in North East England, see Patrick Low, 'The Changing Presentation of Execution in Newcastle Upon Tyne 1844-1863', *Law Crime and History*, 8:1 (2018), 38-52.

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- ¹⁹ Emmeline Garnett, 'Executions, the Sheriff, and the Press', *Transactions of the Historic Society of Lancashire and Cheshire*, 145 (1995), 96-115, (p. 99).
- ²⁰ Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. by Alan Sheridan (London: Penguin, 1991), p.58.
- ²¹ Parliamentary Papers, 1866 [3590] XXI.1, *Report of the Capital Punishment Commission; together with the minutes of evidence and appendix*.
- ²² Sarah Hodgkinson and Diane Urquhart, 'Prison tourism: exploring the spectacle of punishment in the UK', in *Dark Tourism Practice and Interpretation*, ed. by Glenn Hooper and John J. Lennon (Abingdon: Routledge, 2016), pp. 40-54, (p.41).
- ²³ Referring to the works of Foucault; and Norbert Elias, *The Civilizing Process*, 2nd edn, (Oxford: Malden, Mass: Wiley-Blackwell, 2000).
- ²⁴ Petrus Cornelis Spierenburg, *The Spectacle of Suffering: Executions and the Evolution of Repression : From a Preindustrial Metropolis to the European Experience* (Cambridge: Cambridge University Press, 1984).
- ²⁵ 'Spierenburg's counter-paradigm has achieved a good deal of success in swinging the historiographic pendulum back towards the traditional account of late eighteenth-century discontent with public executions.' Steven Wilf, 'Imagining Justice: Aesthetics and Public Executions in Late Eighteenth-Century England', *Yale Journal of Law & the Humanities*, 5:1 (2013), 51-78, (p.52).
- ²⁶ Leon Radzinowicz, *A History of English Criminal Law and Its Administration from 1750: The Movement for Reform, 1750-1833* (London: Macmillan, 1948), p. 352.
- ²⁷ David D. Cooper, *The Lesson of the Scaffold: The Public Execution Controversy in Victorian England* (Athens: Ohio University Press, 1974), p. 178.
- ²⁸ Gatrell, p. 591.
- ²⁹ Randall McGowen, 'Civilizing Punishment: The End of the Public Execution in England', *Journal of British Studies*, 33: 3 (1994), 257-82.
- ³⁰ James Sharpe, 'Civility, Civilizing Processes, and the End of Public Punishment in England', in *Civil Histories: Essays presented to Sir Keith Thomas*, ed. by Peter Burke, Brian Harrison and Paul Slack (Oxford: Oxford University Press, 2000), pp. 215-230 (p. 229).
- ³¹ See for example, Cooper; Harry Potter, *Hanging in Judgement: Religion and the Death Penalty in England from the Bloody Code to Abolition* (London: SCM Press, 1993); McGowen; Gatrell; James Gregory, *Victorians Against the Gallows: Capital Punishment and the Abolitionist Movement in Nineteenth Century Britain* (London: I.B.Tauris, 2011).
- ³² As, for example, in Judith Rowbotham, 'Execution as Punishment in England: 1750-2000', in *Histories of Crime: Britain 1600-2000*, ed. by Anne-Marie Kilday and David Nash (Basingstoke: Palgrave MacMillan, 2010), pp. 180-202.
- ³³ Gatrell, pp. 589-611.
- ³⁴ Lizzie Seal, *Capital Punishment in Twentieth-Century Britain: Audience, Justice, Memory* (London: Routledge, 2014), p. 3.
- ³⁵ *A Global History of Execution*, ed. by Richard Ward (Basingstoke, New York: Palgrave Macmillan, 2015).
- ³⁶ Although a detailed study of the Act would be a valuable piece of work, which, we hope, is undertaken in the near future.
- ³⁷ Interestingly, particularly on the French experience: See Paul Friedland, *Seeing Justice Done: The Age Of Spectacular Capital Punishment In France* (Oxford: Oxford University Press, 2014); Gregory Schaya, 'The Unruly Emotions of the Execution Crowd and its Critics in Late Nineteenth- and Early Twentieth-Century France', *Cultural History*, 8:1 (2019), 70-93; E. Morisi, *Capital Letters: Hugo, Baudelaire, Camus, and the Death Penalty* (Illinois: Northwestern University Press, 2020).
- ³⁸ There is wide public interest in the topic of capital punishment in the nineteenth century, indeed the subject is the focus of *Executions*, an exhibition forthcoming at the Museum of London. Television programmes such as

Murder, Mystery and My Family, BBC1; *Life and Death Row*, BBC Three; and numerous works for a more general readership, including; Gary Dodds, *A Date with the Hangman: A History of Capital Punishment in Britain* (Barnsley: Pen and Sword, 2019); Simon Webb, *Execution: A History of Capital Punishment In Britain* (Stroud: History Press, 2011); and Steve Fielding, *The Hangman's Record*, 3 vols (London: Chancery House Press, 1994-1996): a trilogy detailing the history of capital punishment in the UK between 1868 – 1964.

³⁹ King and Ward, pp. 160–61.

⁴⁰ Devereaux, 'Recasting the Theatre of Execution'.

⁴¹ See for example Steve Poole, "'For the Benefit of Example": Crime-Scene Executions in England, 1720–1830', in *A Global History of Execution*, pp. 77-101. On Scotland, Rachel E. Bennett, *Capital Punishment and the Criminal Corpse in Scotland, 1740–1834* (Cham: Palgrave Macmillan, 2018); on North East England, Low.

⁴² Gwenda Morgan and Peter Rushton, *Rogues, Thieves and the Rule of Law: The Problem of Law Enforcement In North-East England, 1718-1820* (London: Routledge, 2005).

⁴³ John Tulloch, 'The Privatising of Pain Lincoln newspapers, "mediated publicness" and the end of public execution', *Journalism Studies*, 7:3 (2006), 437-51.

⁴⁴ Zoe Dyndor, 'Death recorded: Capital punishment and the press in Northampton, 1780-1834', *Midland History Journal*, 33 (October 2008), 179-95.

⁴⁵ Peter King, *Crime and Law in England, 1750-1840: Remaking Justice from the Margins* (Cambridge: Cambridge University Press, 2006), pp. 255-280.

⁴⁶ John Walliss, "'The Great Portion of the Scum of Society"? Representations of Execution Crowds in the Lancashire Press, 1830-1868', *Law, Crime and History*, 6:2 (2016), 54-70; John Walliss, 'Representations of Justice Executed at Norwich Castle: A Comparative Analysis of Execution Reports in The Norfolk Chronicle and Bury and Norwich Post, 1805-1867', *Law, Crime and History*, 3:2 (2013), 30-51; and, John Walliss, 'Wales and the "Bloody Code": The Courts of Great Sessions, 1805–30', *The Welsh History Review*, 27:1 (1 July 2014), 28–52. See also Walliss, *The Bloody Code in England and Wales, 1760–1830*.

⁴⁷ Bennett, *Capital Punishment and the Criminal Corpse in Scotland, 1740–1834*.

⁴⁸ See for example Carlo Ginzburg, John Tedeschi and Anne C. Tedeschi, 'Microhistory: Two or Three Things That I Know about It', *Critical Inquiry*, 20:1 (Autumn, 1993), 10-35; David Nash and Anne-Marie Kilday, 'Introduction', in *Law, Crime and Deviance since 1700. Micro-Studies in the History of Crime*, ed. by David Nash and Anne-Marie Kilday, (London: Bloomsbury, 2015), pp. 1-15; István M. Szijártó and Sigurður Gylfi Magnússon, *What Is Microhistory? Theory and Practice* (London–New York: Routledge, 2013).

⁴⁹ Richard D. Brown, 'Microhistory and the Post-Modern Challenge', *Journal of the Early Republic*, 23:1 (Spring 2003), 1-20, (p. 18).

⁵⁰ Martin J. Wiener, 'Judges v. Jurors: Courtroom Tensions in Murder Trials and the Law of Criminal Responsibility in Nineteenth-Century England', *Law and History Review*, 17:3 (1999), 467–506, (p. 467).

⁵¹ For example, Seal's use of letters to reveal what she termed the, 'everyday meanings and cultural life of capital punishment': Seal, p.2.

⁵² Martin J. Wiener, 'The Sad Story of George Hall: Adultery, Murder and the Politics of Mercy in Mid-Victorian England', *Social History*, 24:2 (May 1999), 174-195, (p.174).

⁵³ Digitisation of newspapers has provided a rich and readily accessible source of information.

⁵⁴ Andrew Hobbs, *A Fleet Street in Every Town: The Provincial Press in England, 1855-1900* (Cambridge: Open Book Publishers, 2018), p.27.

⁵⁵ We would like to record our thanks to Dr James Gregory, for delivering the Keynote Lecture at our 1868 Conference, and for his encouragement and support during the editorial process of this book.

⁵⁶ William Thackeray, *Fraser's Magazine* (1840).

⁵⁷ Gatrell, p. 610. Similar patterns have been identified in France, Germany and America. For France see, Gregory Shaya, 'The Unruly Emotions of the Execution Crowd and its Critics in Late Nineteenth- and Early Twentieth-

Century France', *Cultural History*, 8:1 (2019), 70-93. For Germany, see Richard J. Evans, *Rituals of Retribution: Capital Punishment in Germany, 1600-1987* (London: Penguin, 1997), pp. 405-47; For America, see Linders.

⁵⁸ *The Times*, 27 May 1868, in its report on the execution of Michael Barrett, the last public execution in England and Wales.

⁵⁹ For an analysis of how historians have interpreted the changing relationship between crime, policing and the state in nineteenth-century England, and the influence of what has been termed the state monopolisation thesis (the idea of the 'policed society'), see David Churchill, 'Rethinking the state monopolisation thesis: the historiography of policing and criminal justice in nineteenth-century England', *Crime, Histoire et Sociétés / Crime, History and Societies*, 18:1 (2014), 131-152.

⁶⁰ Notable exceptions here include Garnett; and Seán McConville, *English Local Prisons* (London, New York: Routledge, 1995).

⁶¹ Hobbs, p.265.

⁶² Aled Gruffydd Jones, 'The 19th Century Media and Welsh Identity' in *Nineteenth-Century Media and the Construction of Identities*, ed. by Laurel Brake, Bill Bell, and David Finkelstein (Basingstoke: Palgrave, 2000), pp. 310-325, (pp. 322-23).

⁶³ See the Leverhulme funded project 'Race, Racialisation and the Death Penalty in England and Wales 1900-1965', which aims to examine all cases of BME individuals sentenced to death in the twentieth century.

⁶⁴ John Durham Peters, 'Witnessing', *Media, Culture and Society*, 23 (2001), 707-723 (p. 707).

⁶⁵ House of Commons, *Hansard's Parliamentary Debates* (21 April 1868, vol. 191, col. 1057) per Mr. Denman, on the Capital Punishment Within Prisons Bill [BILL 36].

⁶⁶ On the Victorian Press, see Lucy Brown, *Victorian News and Newspapers* (Oxford: Oxford University Press, 1985).

⁶⁷ Andrew King, *The London Journal, 1845-1883: Periodicals, Production, and Gender* (Aldershot: Ashgate, 2004), pp. 88-89.

⁶⁸ An interesting if temporary decline in crime coverage during the late 1860s and early 1870s, is discussed in Christopher A. Casey, 'Common Misperceptions: The Press and Victorian Views of Crime', *Journal of Interdisciplinary History*, 41: 3, (Winter 2011), 367-391.

⁶⁹ Simon Eliot, *Some Patterns and Trends in British Publishing, 1800-1919* (London: Bibliographical Society, 1994), p. 83; cited in Hobbs, p.150.

⁷⁰ On the local provincial press, see Hobbs.

⁷¹ Andrew Hobbs, p. 4.

⁷² Hobbs, p. 10.

⁷³ Hobbs, p. 22.

⁷⁴ Michael Schwalbe, and others, 'Generic Processes in Reproduction of Inequality: An Interactionist Analysis', *Social Forces*, 79:2 (2000), 419-452, (p. 422).

⁷⁵ In their 2018 report on global capital punishment figures, Amnesty International identified Belarus, Japan, Singapore, South Sudan and the USA as countries in which they had documented increases in capital punishment. 'Global executions fell by nearly a third last year - new report', *Amnesty International* (April 10 2019) <<https://www.amnesty.org.uk/press-releases/global-executions-fell-nearly-third-last-year-new-report>> [accessed 14 January 2020]. For the full report see Amnesty International, 'Death Penalty 2018: Report', <<https://www.amnesty.org.uk/resources/death-penalty-2018-report>> [accessed 14 January 2020].

⁷⁶ Frances Larson, *Why public beheadings get millions of views*, online video recording, TEDGlobalLondon, September 2015, <https://www.ted.com/speakers/frances_larson> [accessed 17 December 2019].