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The history of the English criminal justice system in the long eighteenth century has given birth to half a dozen subdisciplines and benefited from three generations of remarkable scholarship. *Execution, State and Society* makes an important contribution to the field as a whole. In it, Simon Devereaux traces the history of the death penalty in England from the murderous decades of the late seventeenth century, through the era of the "Bloody Code" and the crisis of the 1780s, and on to the dismantling of that code in the 1820s and 30s. This is very much a book concerned to understand why and how the English state sought to use public hanging (and drawing and quartering, burning, and anatomization), and to chart the state's eventual retreat from its use on the domestic stage.

The volume is divided into eight substantive chapters, addressing different themes and specific execution practices, arranged in a roughly chronological progression. It starts with two chapters beginning in 1660. The first is on executions for treason, detailing the gradual decline in the use of drawing and quartering, and burning at the stake, up through 1820 and the post-execution decapitation of the Cato Street conspirators. The second is on the role of religious belief in public thinking about capital punishment. These are followed by chapters on the changing dramaturgy of executions and attitudes toward the execution crowd; on the Murder Act of 1752, and its impact; and on the practice of gibbetting and "hanging in chains." The rest of the book focuses on the growing debates about the "Bloody Code" in the first two decades of the nineteenth century and its partial dismantling in the 1820s and 1830s. The last substantive chapter explores the Victorian state's continued commitment to execution as a form of punishment and the ways in which, in England, it was re-invented—brought indoors—and increasingly exposed to the public almost exclusively via the press.
To precis the argument, Devereaux suggests that up until the mid-eighteenth century executions were viewed in a religious light—as a natural form of punishment meted out by a confessional state. He argues that until then, most people readily accepted the necessity of regular public executions to the maintenance of good order and as a deterrent to crime. But in response to secularization, the rise of a new "culture of feeling," and new "urbane culture" spread through the press, the justification for hanging petty thieves and burglars lost its purchase. In a religious world, miscarriages of justice would be rectified in the next life; but in a secular one, in which both empathy and a growing sense of social differentiation affected the middling and upper classes, death as a punishment came to seem ever more cruel, and the possibility of an irreversible miscarriage of justice, more horrible. It is to these broad forces and evolving sensibilities that Devereaux attributes the increasing urgent process of reform, which saw execution in England essentially eliminated for all crimes bar murder, from 1837.

Execution, State and Society represents an impressive scholarly achievement. It provides a detailed account of the legal and administrative histories of England's use of the death penalty over two-and-a-half centuries, along with clear statistical data on executions in both London (the domestic capital of hanging) and throughout the rest of the country. Devereaux's accounts of the Murder Act—and the longer-term history of post-execution dissection and of the role of "hanging in chains"—are comprehensive and exemplary. His account of the reform movement and Robert Peel's legislative innovations of the 1820s and 1830s are clear and compelling. As a piece of archival research, it stands comparison to the work of John Beattie.

But there is a problem with this book, and arguably a problem with the wider field of British criminal justice history. In part, this problem stems from Devereaux's focus on administration, legal reform, and on middling sort attitudes. As a result, the central players—the hundreds of men and women executed in England in these centuries—are largely absent, their grotesque suffering and lived experience left unexamined. But more awkward still is Devereaux's insistence on attributing administrative and legal changes to abstract cultural forces. Repeatedly, the roles of newspapers and sentimentality, of supposedly new levels of empathy and a greater sense of feeling, and what Devereaux repeatedly describes as a newly "urbane culture" and a new "culture of feeling," are appealed to as the moving force in this history of change. It is to these abstract cultural phenomena that he ascribes the transition, in just over two generations, from an overwhelming reliance on hanging to the point where capital punishment was nearly eliminated from the tool chest of Victorian criminal justice. But to quote Devereaux—writing in relation to the work of Vic Gatrell—this appeal to broad and inchoate forces "threatens to drain the analytical narrative of explanatory force" (p. 375). Systems of criminal justice are about state power and the ways in which the state maintains and polices forms of social order. Hanging, drawing and quartering, burning at the stake, gibbetting, and all the horrific rituals of bodily desecration were used not because early modern English people were inherently cruel or unable to feel the pain of others, but because they served the purpose of maintaining power. Their decline was as much about the nineteenth-century demand for criminal labor and the rise of alternative forms of punishment as it was about the squeamishness of England's middle classes and elites.

By presenting a strategy of power designed to control a restive population as a history of emotions, Devereaux sidesteps the very real forces driving change, creating a space for a whiggish narrative in which the growing humanity and "urbane culture" of the English evolve ever more surely toward a tolerant and modern social world. The roles of criminal transportation (and its suspension), of the demand for labor, and of colonial-
ism are almost entirely ignored. In Devereaux’s analysis a green and pleasant land gradually divests itself of one of its more unpleasant characteristics because the English somehow became nicer.

The limitations of this approach are best illustrated by comparing this English story to the wider history of execution in the British Empire. While white settler colonies—particularly Australia and Canada—followed the pattern set in the metropole, abandoning the “Bloody Code” and gradually limiting the number hanged, in the rest of the empire hanging remained central to the exercise of power throughout the nineteenth and early twentieth centuries. In ex-slave colonies following emancipation, capital statutes for property crimes and crimes such as riot actually grew in number during precisely the same decades they were being eliminated in England.[1] Throughout the nonwhite empire racialized systems of law were imposed on unwilling populations, with alternative courts—and punishments—for white and nonwhite defendants. And throughout, nonwhite defendants continued to be hanged in large numbers. Urbane imperial administrators certainly decried the necessity of hanging people. Writing some fifty years after his decade as a magistrate in Ceylon (Sri Lanka), Leonard Woolf, that most feeling and urbane member of the Bloomsbury Group, was clearly appalled by the grotesque character of the semi-public hangings he personally oversaw, but he nevertheless gave the orders to kill half a dozen men.[2] At the time, he appears to have viewed this butchery as a necessary part of running an empire. And while Devereaux quite rightly identifies 1785 as the peak year for domestic English executions under the “Bloody Code,” in a wider imperial context the years between 1952 and 1957, within living memory, probably have a better claim. In Kenya alone, in that half-decade Britain hanged 1,090 Kikuyu, in public, from portable gallows, with minimal ceremony, and following dubious legal proceedings.[3]

This book is beautifully researched, clearly written, and the result of serious engagement with an extensive and sophisticated literature. And its faults are by no means those of the author alone. They are common to most of the field. But by choosing to write a narrowly focused history of domestic English practice without acknowledging a wider world in which the self-same Englishmen adopted radically different approaches to precisely the same phenomenon, is to undermine the significance of English and British history and to ignore the myriad ways it has helped shape the modern world.

Notes


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