

Public Spectacles and Divine Justice: The Collapse of Public Executions in England 1730-1840

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During the eighteenth and nineteenth centuries, plebeian Londoners shared a common experience of gathering together to watch a condemned prisoner dance at the end of a rope in a show of judicial force. Public executions have a long history in England, stretching back centuries. The state delivered justice in front of a crowd, out of a sense of fairness and transparency. As personal wealth and property began to concentrate during the pre-industrial and industrial era in England, the severity of the criminal justice system rose in response to newly-found fears of a plebeian underclass with a criminal element. The number of crimes considered capital offenses in English law greatly increased, and executions increased correspondingly. This would never be the deterrent that the elite class desired, and instead became a form of popular entertainment, and a social gathering of the lower-class in London. The instances of public executions continued to skyrocket during the late-eighteenth century, spurred on by massive popular support among the underclass, as well as backing by one of the most influential segments of society, the Church of England, but eventually collapsed under societal pressure from the newly-formed middle class.

The spectacle surrounding public hangings in England in the eighteenth and nineteenth centuries has drawn the attention of researchers to the social sensibilities and class tension during the period. James B. Christophe linked the growth of the public execution with steadily rising capital offenses in Britain, and to the rise in poverty associated with the growth of the city of London and its quickly industrializing economy.¹ Christophe noted the many gruesome scenes of ‘justice’ that led to unease with public executions among the powerful in England, including the execution of children as young as seven. According to Christophe, however, certain

¹ James B. Christophe, *Capital Punishment and British Politics: The British Movement to Abolish the Death Penalty 1945-57* (Chicago: University of Chicago, 1962), 14.

influential segments of society during the eighteenth and early-nineteenth centuries supported the use of public executions to enforce societal rules and norms, including the Church of England, the judicial system and its judges, and moralists groups in England.

Building upon Christophe's research on the support for public execution, David D. Cooper explored the support for public executions among various classes in England. Cooper connects the popularity and staying power of public executions in England to widespread support among all classes of society, not just the lower- and working-class plebeians for whom the executions were ostensibly being performed.² Cooper argued that the factors that caused the end of public executions, although related to movements to abolish capital punishment entirely, had "an identity and history of its own."³ Cooper also tied together the idea that the continued existence of capital punishment in Britain until 1964 was largely tied to the decision by the legislators and judicial system to move executions to private venues in the mid-nineteenth century.⁴

Harry Potter, a former prison chaplain and scholar in the fields of history, theology, and law, focused on the Church of England as a major supporter of capital punishment and public execution in England in the eighteenth and nineteenth centuries. Potter argued that the teachings and practices of the Church lined up well with the political and social ideas about sin and punishment. Potter, arguing in agreement with Christophe and other scholars, also noted a sharp rise in property crime that led to public support for the usage of more draconian punishments during the eighteenth and nineteenth centuries in England. Potter traced the origins of this

² Ibid., ix-x.

³ David D. Cooper, *The Lesson of the Scaffold: The Public Execution Controversy in Victorian England* (Athens, OH: Ohio University Press, 1974), ix.

⁴ Ibid., x.

increase in executions to a newly found fear of crime held by the emerging bourgeoisie created by the economic growth of the early industrial revolution in England.⁵ This 'Bloody Code' as it came to be known, supported the use of capital punishment for crimes as small as petty theft, leading to a huge increase in public executions.

Moving away from the broader overviews of public executions, V. A. C. Gatrell instead shifted the focus to individual accounts and the English public's feelings about execution during the period surrounding the industrial revolution. A major piece of social history, Gatrell's article? focused on the contrasting social ideas about execution based in class differences exacerbated by the growing economy, finding support for public execution by the masses of working-class Englishmen, as well as support by the highest classes of society, such as the judicial leaders and the remains of the nobility. Gatrell argued that the support for ending public executions, and those in society who felt most distraught about the systems of punishment, belonged to the nascent middle class, and the growing idea about the sense of 'humanity' in society.⁶ This desire for a more gentle judicial system proved to be more powerful than continued support by the lower-class and the Church of England.

Most recently, historians Tim Hitchcock and Robert Shoemaker explored the justice system and the criminal world of London in the eighteenth century. Hitchcock and Shoemaker investigated the possibility that England's elite class, having realized that public executions were no longer working as a deterrent against crime, and in fact had become an extremely popular form of entertainment, led directly to the end of the public display of capital punishment. They

⁵ Harry Potter, *Hanging in Judgment: Religion and the Death Penalty in England* (New York: Continuum, 1993), 2-5.

⁶ V. A. C. Gatrell, *The Hanging Tree: Execution and the English People 1770-1868* (Oxford: Oxford University Press, 1994), viii-ix.

also note the changes in public executions that occurred during the time leading up to the end of the practice: speeding up the process of execution, introducing ‘drop’ hanging, and moving the executions from Tyburn to directly outside Newgate prison.⁷ This precipitated the eventual collapse of the public execution system, and showed the societal shift towards a more humane and less gruesome judicial system.

Although the use of public executions in England far predates the institution of the ‘Bloody Code’, the expansion of capital crimes during this period directly led a sharp increase in the number of executions in England. Andrea McKenzie, in her studies of Tyburn, the location of a great majority of public executions of London criminals in the eighteenth and nineteenth centuries, wrote, “the eighteenth-century English criminal code was notoriously harsh, with approximately two hundred capital statues, most of them property offenses, on the books.”⁸ This massive increase in the number of capital crimes obviously led to a corresponding increase in the number of executions taking place in front of throngs of entertainment-seeking lower and working class citizens. From a low of ninety-six criminals sentenced to die between 1700 and 1710, citizens of London would watch the number of public hangings increase each decade, until the period from 1810-1820, which saw sixteen hundred and seventy-three people sentenced to hang at the gallows, an average of one person every two days (see Table 1). Although nowhere near all of these criminals would be executed, as most would either be pardoned or have their sentence reduced, the prominence of death sentences in the English criminal justice system would cause wide-ranging effects on class relations and English society.⁹

⁷ Tim Hitchcock and Robert Shoemaker, *London Lives: Poverty, Crime, and the Making of a Modern City, 1690-1800* (Cambridge, UK: Cambridge University Press, 2010), 364-365.

⁸ Andrea McKenzie, *Tyburn’s Martyrs: Execution in England, 1675-1775* (London: Hambledon Continuum, 2007), 3.

⁹Gatrell, *The Hanging Tree*, 29.

Table 1. Criminals sentenced to death in London, 1700-1860.¹⁰

Decade	Criminals Sentenced to Death
1701-1710	96
1711-1720	491
1721-1730	530
1731-1740	474
1741-1750	393
1751-1760	508
1761-1770	515
1771-1780	770
1781-1790	1111
1791-1800	687
1801-1810	810
1811-1820	1569
1821-1830	1673
1831-1840	776
1841-1850	64
1851-1860	54

The increase in the number of criminals sentenced to death correlates with the increase in the number of crimes considered capital offenses under the ‘Bloody Code’. Between 1700 and 1770, the number of capital offenses tripled to nearly 150, leading to a corresponding rise in executions. More offenses would be added until in 1810, 220 crimes were considered eligible for capital punishment, sending the number of executions skyrocketing. Later, the dismantling of the bloody code in the 1840s and 1850s would see the immediate decline of executions, until

¹⁰Tim Hitchcock, Robert Shoemaker, Sharon Howard and Jamie McLaughlin, et al., *London Lives, 1690-1800* (www.londonlives.org, version 1.1, 24 April 2012).

only a handful of crimes (such as murder) were considered capital offenses. Public opinion, particularly among those in the legislature and judiciary, would eventually shift against the use of executions, leading to the abolition of public hangings in 1868.¹¹ The role of public executions as a form of criminal deterrence is noted in many scholarly works about this period, with historian V. A. C. Gatrell opining on the ever-present spectre of public execution, “gallows hangings were more than a symbolic device of justice. Until the collapse of the capital code in the 1830s, no ritual was so securely embedded in metropolitan or provincial urban life.”¹² In the eighteenth century there is clearly a great deal of support for executions among all classes of society, not just among the audience of lower class, and later working class, Englishmen who so willingly attended these regular public displays of judicial power.

Of all the power structures in England supporting the continued use of the death penalty, of note is the unwavering support for capital punishment by the Church of England. During this period there was a growing sense of a lost morality in society as a whole, and an attempt to enforce traditional morality was a large part of the ‘reformation of manners’ movement among the religious sects of English society in the eighteenth and nineteenth centuries.¹³ For many in the English elite, the use of public execution was integral to the bringing of religious and moral discipline back to England’s lower classes. Gatrell agreed, writing, “there is no doubt that executions had the capacity to implant the law’s presence, power, and moral messages in the collective mind.”¹⁴ The Ordinary’s accounts collected by Tim Hitchcock and Robert Shoemaker lend even more credence to the intended effect of these executions, with the Ordinary and the

¹¹Cooper, *Lesson of the Scaffold*, 75.

¹²Gatrell, *The Hanging Tree*, 29.

¹³Hitchcock and Shoemaker, *London Lives*, 34-37.

¹⁴Gatrell, *Hanging Tree*, 90.

condemned often innately tying hangings to religious and moral failings and the need to warn the rest of society.¹⁵ This lesson was unabashedly aimed at the lower-class, and the Ordinaries often made note of this during the introduction to their accounts. One account, from May 27, 1772, speaks directly about this aim, “it is humbly hoped, that all of the lower class...will profit by the intention of it; and SERVANTS in particular will here see the fatal effects of [moral failings].”¹⁶ It is obvious that the intent to deter crime and increase moral behavior was present in the gross increase in the number of prisoners sentenced to die; whether or not this deterrent was effective is another issue entirely.

Despite the obvious intentions of the criminal justice system in putting on public hangings in England to deter crime, the executions themselves never truly served as a deterrent in the way many English elites hoped. Instead, the executions became community events, public spectacles, described by scholars as a “Roman-circus atmosphere”,¹⁷ and “an age old plebeian festival, always rowdy, often cruel, and increasingly shocking.”¹⁸ The public execution of English citizens in the eighteenth century, far from being a dire warning to those with criminal intent in their hearts, had become a spectacle that drew the masses together in a search for entertainment. This was spurred on by the newspapers, who quickly found a market for sensationalist accounts of both the crimes committed by the condemned prisoner as well as the execution itself.¹⁹ The increasingly literate English lower class consumed these stories and increased the circulation of the newspapers, which in turn led to even more coverage of the

¹⁵Old Bailey Proceedings Online (www.oldbaileyonline.org, version 7.2, 22 April 2017), Ordinary of Newgate's Account, July 1772 (OA17720708).

¹⁶Old Bailey Proceedings Online (www.oldbaileyonline.org, version 7.2, 22 April 2017), Ordinary of Newgate's Account, May 1772 (OA17720527).

¹⁷Cooper, *Lesson of the Scaffold*, 178.

¹⁸Gatrell, *Hanging Tree*, 590.

¹⁹Cooper, *Lesson of the Scaffold*, 75.

criminal justice system as a popular form of amusement. Gatrell stated that crowds for executions could range from a few thousand spectators up to a hundred thousand, and that execution crowds “matched or exceeded those attending famous political meetings.”²⁰

Those in the judicial system were not blind to this lack of effectiveness, and as the initial fears of increased criminality in the industrial age began to wane, legislators made changes to the form and standard protocol of public hangings in England. First, the judiciary eliminated the procession of the condemned through the city the morning of execution day in an attempt to prevent the creation of martyrs and to end public sympathy for the condemned.²¹ Then the judiciary introduced the “drop hanging”,²² a newer method of execution that led to the neck of the condemned prisoner snapping immediately, replacing a much more gruesome and slower method that was turned into a show of ‘dying game’ by the prisoner.²³ Eventually, executions in London would be moved from Tyburn, the traditional execution ground, to a location just outside of the Newgate prison, in an attempt to make the executions less accessible to the masses that usually attended the events at Tyburn.²⁴ The public executions would continue to take place outside the Newgate prison until their eventual abolition in 1868, when an Act of Parliament shifted executions to private affairs, and “the death penalty was essentially restricted to murder and memories of the Bloody Code receded.”²⁵ Never again would plebeian Londoners gather together to watch the spectacle of a convicted criminal hanged.

²⁰Gatrell, *The Hanging Tree*, 56.

²¹Hitchcock and Shoemaker, *London Lives*, 365.

²²Ibid., 365.

²³Andrea McKenzie, “Martyrs in Low Life? Dying ‘Game’ in Augustan England,” *Journal of British Studies* 42, no. 2 (April 2003): 167-205.

²⁴Hitchcock and Shoemaker, *London Lives*, 365.

²⁵James Gregory, *Victorians Against the Gallows: Capital Punishment and the Abolitionist Movement in Nineteenth-Century Britain* (London: I. B. Taurus, 2012), 33.

As the Industrial Revolution marched on and society as a whole in London began to modernize, the sense of the underclass as a dangerous and criminal element began to subside in favor of a softer view. Ideas about humanism and justice began to overtake traditional notions of crime and punishment, and the public execution was simply no longer a viable means of deterring criminal activity, and was instead causing public safety issues. Despite support by the Church of England, Londoners began to move away from such brutal shows of criminal justice, and the days of wild circus-attraction executions were put behind them, with new forms of private execution and imprisonment taking their place.

Chris,

The writing you exhibit in this paper is phenomenal. I found two issues that you should fix before the final submission of the paper. First, you intermix the past tense and literary present when referring to previous works. While the use of literary present is more a stylistic preference, simply use the past tense when referencing past scholars for the purposes of this journal. Second, your footnotes should be formatted with the indent on the first line of the note. Other than those few suggestions, the paper is great: interesting to read and very well written.

-Mike

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