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Tyburn's Martyrs: Execution in England 1675-1775

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James Sharpe

Andrea McKenzie begins her preface to *Tyburn's Martyrs* by attempting to locate the 18th-century Tyburn execution in the broader modern cultural context. It is, she contends, the most familiar and evocative image from that century, synonymous with the brutality of a past age and viewed as a grotesque spectator sport to which horror and disgust seem to be the sole appropriate responses for modern sensibilities. In one sense, that of the general reading public, she is correct. Yet, as she is fully aware, a number of historians have turned their attention to the phenomenon of the early modern English public execution and have developed a number of interpretations of its significance. Setting aside a piece of juvenilia by the present reviewer, we have Peter Linebaugh's massive book, which covers roughly the same period as does McKenzie's, but tells a very different story; an essay by T. W. Laqueur, which again adopts a different emphasis, stressing the 'carnavalesque' elements in the public execution; a number of incisive articles by Randall McGowen, which offer a set of emphases more in line with McKenzie's; and another massive and thoughtful book by V. A. C. Gatrell which in effect picks up the story where *Tyburn's Martyrs* ends. (1) What is obvious, not least on account of the very diversity of approaches and emphases offered by these and other historians, is that we are still a fair distance from really getting a grip on the cultural significance (or more accurately, significances) of the early modern English public execution. McKenzie's book, happily, is an important new work which develops a fresh approach to the topic, and moves us forward significantly towards a deeper understanding of the phenomenon.

Perhaps the first step towards understanding her approach is to ponder on her title. 'Tyburn's Martyrs', one suspects, appealed to the publisher, but it does place a certain onus on the author to explain in what ways the ordinary criminals - the murderers, rapists, thieves, burglars, robbers and forgers - executed at Tyburn can be classed as martyrs, especially as (unlike Linebaugh) she does not privilege the notion that these people were victims of the advance of capitalism, or conversely, of an unjust legal code. Rather she hopes to justify her book's title by demonstrating that:

the degree to which the language of martyrology, legitimation and resistance were intertwined in this period, and that traitors, martyrs, murderers and robbers alike drew from a common eschatology in which the 'good death' was not only an ultimate goal, but a powerful political and metaphysical statement (p. xvi).

McKenzie thus takes as her focus the religious rhetoric which has previously been noted by a number of historians as a defining feature of both the 'last dying speeches' made, or allegedly made, by condemned offenders on the scaffold and of the more general accounts of the fate of offenders. At the centre of her analysis is the concept of the offender as 'everyman' (or, when appropriate, 'everywoman'). Her argument (and it is difficult to explore it fully even in the context of a fairly lengthy review) is that, given the universalist concept of guilt present in contemporary thought which implied that everyone could be a sinner, everyone in turn could, potentially at least, be a criminal. This did not obscure the basic idea that persons of ill life had only themselves to blame if misfortune befell them, especially if they persisted in their wrongdoing in the face of human and divine warnings. Yet even the most reprobate of offenders, on the logic of contemporary popular theology, could save themselves from eternal torment if they made a 'full, free and ingenuous' confession in their final moments. Hence the 'last dying speech' acquired a profound importance: the statements made in these speeches, it was generally agreed, were unlikely to be feigned or dishonest. Men and women about to meet their maker were not going to dissemble. And, according to McKenzie, the assurance of salvation customarily expressed in these speeches 'could all too easily shade into the forms and conventions of martyrological literature, with ordinary criminals borrowing the words and gestures of sixteenth- and seventeenth-century martyrs and political prisoners' (p. 163). It was through this process that the ordinary criminals could be equated, on McKenzie's reading, with martyrs.

Although there may be doubts with McKenzie's extension of the status of martyrdom to the execution of run-of-the-mill murderers and thieves (in the period this book covers well over 80 per cent of those executed were property offenders) her thorough and imaginative exploration of the religious dimensions of public execution is welcome. Moreover, on her reading, it helps justify the period covered in her book. Like any historian, McKenzie is source-bound. Although she makes skilful use of a dazzling array of contemporary printed materials, the sources she uses most consistently, and certainly the one she discusses most, are the *Accounts*

of the ordinary of Newgate - the clergyman whose responsibility it was to minister to those held in the prison. The ordinary also augmented his modest stipend with the profits from publishing in the *Accounts* stories of how convicted criminals went to their deaths. These *Accounts* began to appear regularly in something like a standard form around 1675 - a point at which, according to McKenzie, there was an explosion in literature dealing with the lives of criminals - until the 1770s when they apparently ceased to be regarded as a popular medium for describing the lives and execution of criminals. By this date, again on McKenzie's reading, some important changes were taking place in at least elite views on how the condemned criminal fitted into the broader Christian scheme of things. From the early 18th century onwards, Church of England clergymen were becoming increasingly unconvinced that a 'good death' compensated for a reprobate life, while for many the gallows confession smacked of the auricular confession which was one of the characteristics of Roman Catholicism. The first of these doubts challenged the view of the offender as 'everyman', a view which was eroded as the traditional Calvinist concept of free grace lost its hold, and with it the concept of universal human depravity, processes possibly accelerated among the elite by the spread of enlightenment notions of individuality and subjectivity. Among the population at large, the traditional views continued to prevail and were given a massive reinforcement by the spread of Methodism with its emphasis on the ready availability of grace: from the mid-18th century Newgate ordinaries found ministering to Methodist prisoners considerably more irksome than meeting the spiritual needs of Roman Catholic inmates.

Despite her assertion, at least for the years up to 1750, of the pervasiveness of the theological paradigm around the condemned which she has reconstructed, McKenzie is acutely aware of the ways in which that paradigm was contested by the conduct of at least some of those standing on the gallows. If the public execution was a theatre of punishment, certainly some of the *dramatis personae* were unwilling to play the roles allotted to them. Sometimes, of course, they played them too well. There were the five Jesuit priests executed in the time of the Popish Plot, whose conduct on the scaffold attracted approbation both from many members of the crowd assembled to see them die and from among contemporary commentators. In some cases attempts to deviate from the script were thwarted. Sir Henry Vane, executed for treason in 1662, attempted to read a speech on the gallows which *inter alia* questioned the legality of his sentence, only to have the sheriff order trumpets to be blown to mask his words, and have the same official tear the paper on which his speech was written out of his hands. This might be expected given the political nature of Vane's offence, but McKenzie traces a number of instances in which 'gallows censorship' was exercised against ordinary criminals. To complicate matters further, McKenzie, like a number of earlier historians, notes how the audiences at public executions might sometimes behave unpredictably, appropriating what was essentially an exercise in state authority for their own purposes.

Perhaps the greatest problem for McKenzie's conceptual framework, as it is for any historian stressing the normative objectives and impact of public executions, were those criminals who rejected the religious paradigm, showed little signs of contrition and died 'game' rather than repentant. It is perhaps instructive that the term 'dying game', on McKenzie's analysis, does not appear widely in print until the late 18th century. The first use of the term has been attributed to John Gay's *The Beggar's Opera* of 1727, although McKenzie was unable to trace it there, and her own researches reveal the first and isolated use of the term in an ordinary's *Account* of 1752. Much more commonly used was the expression 'die like a man', which was current throughout the 18th century and which, of course, carried heavily gendered overtones. 'Dying like a man' could embody a number of different slants on masculinity, but most frequently, in the context of the public execution, it involved dying with courage and without too overt a show of penitence (it should be noted that the overwhelming majority of the female condemned were depicted as dying penitently). Such conduct drew the opprobrium of contemporary observers: Henry Fielding declared that the 'day appointed by law for the thief's shame' became his or her 'day of glory'. Perhaps the most consistent strand of this opprobrium was held for those who died bravely and who consistently showed a total lack of religious feeling. Some men did show a surprising lack of concern on the gallows: Paul Lewis, a highwayman who died very game indeed in 1763, appalled the ordinary by going to his death singing 'if gold from the law can take out the sting', one of the most socially subversive airs from the *Beggar's Opera*.

But we owe most of our images of the unrepentant criminal dying vainglorious, drunken and impious to

hostile social critics like Mandeville or Fielding, rather than to sources like the ordinary's *Account*. As McKenzie shows, most of those dying game were still observing many of the conventions expected of them, even if they were doing so on their own terms; they were coping with the pain and shame of public execution, but doing so in ways which suited them. Some went to their deaths drunk, although many did not. Some, if they were able to evade the 'gallows censorship' of the sheriff or other officials, delivered a critique of the legal system which had brought them to their unhappy end. Many proved 'obstinate' in that, while observing the convention of accepting that their death was a just reward for their sinful life, they proved unwilling to confess the crime for which they had been convicted and professed their innocence. Most of them made it clear that they were neither unwilling nor afraid to die. And it is here, as on other occasions, that McKenzie leads us into the world of scaffold rituals, with the condemned dressing like bridegrooms, or wearing white cockades as a symbol of their innocence. Yet here as elsewhere, McKenzie is surely correct in arguing that, frequently, the condemned man who died game was not hurling defiance at officials and the crowd, but rather entering into a recognisable cultural discourse. Where I feel that McKenzie is mistaken (and this returns us to problems with the book's title), is her equation between dying game and martyrdom. Thus when she suggests that 'both in his cheerful demeanour and his refusal to succumb to tears - the traditional signs not just of penitence, but of an acknowledgement of guilt - the game criminal resembled not so much the penitent as the martyr' (p. 194), we are forced again to ask as the martyr to what, and to wonder if McKenzie is not stretching her conceptual framework just a little too far here.

To maintain a critical mode for a little longer, I hope I will be excused for making some observations on related issues (and I accept you can only get so much into one book) which perhaps might have been explored more fully in *Tyburn's Martyrs*.

The first of these, which McKenzie acknowledges briefly, is that, as with any work focusing on the late 17th- and 18th-century public execution, there needs to be due attention to the fact that levels of execution, above all for property offences, were running at a much higher level in the Elizabethan and early Stuart periods than they were for the century after 1675. The explanation for the massive drop in executions after the middle decades of the 17th century remains elusive, but perhaps the phenomenon needed more emphasis than it is given here, not least because it very much sets the scene for the early years of the period covered by McKenzie's study. A deeper exploration of the decades around 1600 might also have been useful on the grounds that the moral and theological universe in which the late Stuart and 18th-century condemned found themselves and which is so effectively evoked in this book was essentially constructed in that earlier period.

Second, a discussion in changes in non-capital punishments, and attitudes towards them, would have been welcome. This is a less well-explored theme than the public execution, but historians of crime and punishment are beginning to interest themselves in shifts in secondary punishments. Many of these (notably the pillory, whipping, and church-court penance) were public, and it would be interesting to see if the type of attitudes to punishment encapsulated in McKenzie's interpretation of public execution might also be operating in the field of public secondary punishments. Clearly, public execution was exceptional in its symbolic and practical importance: for the state to kill one of its citizens has greater impact on a variety of levels than putting them in a pillory or making them confess their faults in their parish church on a Sunday morning. Yet surely our future researches into the history of capital punishment must be informed by a consideration of these lesser punishments.

Lastly, there is the worrying concentration on punishment in the capital, which will become more marked as the fruits of research facilitated by having the Old Bailey Sessions Papers online are published. Again, McKenzie is aware of the problem, and does include some materials from outside London - it is especially gratifying to see Dick Turpin's execution at York being referred to occasionally. Of course one has to accept that there simply may not be the depth or density of sources available to make a full-scale regional study of capital punishment in 18th-century England possible. Yet as we consider future researches into the subject, it is obvious that such provincial materials as there are must be brought in to correct or confirm models which are founded primarily on metropolitan sources.

But this is for the future. For the present, McKenzie has provided us with an extremely original, very well-

documented, and consistently incisive book which adds deeply to our understanding of the early modern public execution and which will be essential reading for to any historian wishing to pursue the subject further. As such, it is an extremely welcome addition to publications on the history of punishment and will surely also be required reading for historians of religion in 18th-century England.

Notes

1. J. A. Sharpe, 'Last dying speeches: religion, ideology and public execution in 17th-century England', *Past and Present*, 107 (1984), 144-67; P. Linebaugh, *The London Hanged: Crime and Civil Society in the 18th Century* (London, 2003); T. W. Laqueur, 'Crowds, carnival and the state in English executions, 1604-1868', in *The First Modern Society: Essays in English History in Honour of Lawrence Stone*, ed. A. L. Beier, D. Cannadine and J. M. Rosenheim (Cambridge, 1989), pp. 305-56; e.g. R. McGowen, 'He beareth not the sword in vain: religion and the criminal law in 18th-century England', *18th-Century Studies*, 21 (1987-8), 192 - 211; V. A. C. Gatrell, *The Hanging Tree: Execution and the English People, 1770-1868* (Oxford, 1994). [Back to \(1\)](#)

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