Dickens And Capital Punishment

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DICKENS AND CAPITAL PUNISHMENT

Submitted in partial fulfillment of the requirements for graduation with honors to the Department of English at Carroll College, Helena, Montana

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April 2, 1984
This thesis for honors recognition has been approved for the Department of English.

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April 2, 1984
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Oliver Twist: Scholastic Book Services PB 1969
Barnaby Rudge: Penguin PB 1975
A Tale of Two Cities: Penguin PB 1981
The Portable Dickens: Penguin PB 1983
Little Dorrit: Penguin PB 1973
The Mystery of Edwin Drood: Oxford University Press PB 1972
My decision to write on Dickens stems from a long-time admiration for television. As a young child I was introduced to Dickens at an early age with the movie of Dickens's classic, Oliver Twist starring Alec Guiness. From Oliver Twist I moved on to see the musical version "Oliver" and after seeing this movie I decided to read the book. Later I saw other Dickens's classics such as Great Expectations, A Tale of Two Cities, another remake of Oliver Twist starring George C. Scott, A Christmas Carol, David Copperfield and more recently, Nicholas Nickleby. A love of the visual soon led to a love of the language and I began to relish Dickens's works.

With the mention of an honors thesis, I immediately decided to write about Dickens. That was the easy part, deciding on a topic proved to be a more difficult task. By the time junior honors thesis titles were due, I still did not have a title. In order to get my application to the thesis director on time, I used an extremely verbose theme one of my teachers had used to discuss one of Dickens's greatest works, Bleak House. Since I knew that these titles were merely a beginning and not a fixed, rigid title, I decided that the present title would be appropriate enough to give me ample time to think of a subject that I would be interested in discussing.

When June arrived I still did not have a title. I had many suggestions but none that appealed to me. One day while skimming through a book about Dickens's life and works, I saw an interesting question
that raised some excellent possibilities: "Do you think that Dickens favored capital punishment?"

Once I decided on this topic, I began to do the major research required for such a lengthy discussion. I found an excellent source, *Dickens and Crime* by Philip Collins, which provided a solid foundation for the beginning steps to be taken. From there, I referred to works suggested by Mr. Collins: Charles Dickens's articles to the *Daily News* and *The Times*, letters of Charles Dickens collected by his sister-in-law and daughter and books written specifically about capital punishment with references to Dickens's works.

In this paper I discuss a brief history of capital punishment up till the time of Dickens. Presented throughout the paper are summaries of articles written by Charles Dickens which discuss his arguments against the death penalty and executions he witnessed in order to effectively criticize the death penalty.

When the death penalty ended in 1868 Dickens no longer believed in opposing capital punishment. Instead, an opposite reaction in favor of the death penalty occurred and I have presented some reasons suggesting why Dickens may have suddenly changed his mind.

Charles Dickens was born on 7 February 1812, the second of eight children of John and Elizabeth Dickens. Although John Dickens was hard-working, he was rarely able to live within his income and this brought the family under the shadow of social insecurity.

At the age of eleven, Dickens was taken out of school and sent to work in a London blacking warehouse, where his job was to paste labels on bottles for six shillings a week. His father was condemned to
Marshalsea Prison for unpaid debts and unwisely agreed that Charles should stay in lodgings and continue working while the rest of the family joined him in the jail. This three-month-separation caused Charles much pain; his experiences as a child alone in a huge, unfriendly city—cold, isolated, with barely enough to eat—haunted him for the rest of his life.

When the family fortunes improved, Charles went back to school, after which he became an office boy, a freelance reporter and finally an author. With the publication of *Pickwick Papers* (1836-1837) he achieved immediate fame. In a few years with the succession of *Oliver Twist* (1837), *Nicholas Nickleby* (1838-1839) and *The Old Curiosity Shop* (1840-1841) he became the most popular and respected writer of his time. His later novels *A Christmas Carol* (1843), *Bleak House* (1852-1853), *Hard Times* (1854) and *Little Dorrit* (1855-1857) further reveal his deep concern for the injustices of British society. *A Tale of Two Cities* (1859), *Great Expectations* (1860-1861) and *Our Mutual Friend* (1864-1865) complete his major works.
The psychology and punishment of murderers has always been a subject of interest for Dickens. Many of his articles and novels contain references to his attitudes regarding the all-too-frequent use of capital punishment in English law. As a philanthropist Dickens feels a deep concern for the lack of emotions witnessed and the inconceivable wickedness of the crowd during an execution. Through his opposition to capital punishment he hopes to develop a public conscience within society so that such a disgusting display could never happen again.

Before one begins a discussion of Dickens's crusade against the death penalty, it is important to know a brief history of the subject. According to The Oxford Companion to Law capital punishment is the infliction of death by a legal public authority as a punishment. The death penalty was recognized by such ancient systems as Babylonian, Assyrian, and Hittite. Ancient Hebrew law prescribed death for homicide and for some religious and sexual offences, including kidnapping, bearing false witness, sexual immorality, witchcraft, idolatry, blasphemy, and sacrilege. Greek law regarded homicide, treason, and sacrilege as capital. Roman law recognized the death penalty but regarded hard labor and banishment as lesser capital punishments, since banishment involved a serious loss of civil status.

In Anglo-Saxon England murder was punishable by a fine of which part went to the king and part to the relatives of the murdered victim. By the thirteenth century death was the common law punishment for all
felonies except mayhem and petty larceny.

Various methods of inflicting the death penalty have been employed. The Babylonians used drowning, the Hebrews stoning. The Greeks might allow a free man to take poison, but a slave would be beaten to death. Roman practices included hurling the condemned criminal from the Tarpeian rock (a cliff of the Capitoline hill in Rome), strangulation, exposure to wild beasts, crucifixion and, for patricide, the culeus (drowning a condemned man in a sack with a cock, a viper, and a dog). In both medieval and early modern Europe hanging and beheading were the usual ways; burning at the stake was used for religious heretics; breaking on the wheel and slow strangulation were also used.

England responded to the social evils caused by the Industrial Revolution by imposing the death penalty for more than 200 offenses, including stealing turnips, associating with gypsies, cutting down a tree, or picking pockets. Sir Samuel Romilly, who had begun his Parliamentary campaign to reduce the savagery of the law, said "There is probably no other country in the world in which so many and so great a variety of human actions is punishable with loss of life as in England."

Under this "Bloody Code" trivial or venial offenders were often hanged; at Chelmsford a man was hanged in 1814 for cutting down a cherry tree; a boy aged nine in 1831 for setting fire to a house. However, many of these offenders found guilty escaped detection or prosecution because either the police system was inefficient or juries were appalled at the thought of blood on their hands when such a savage punishment might be carried out for a trivial crime.
Public executions were surely one of the most revolting spectacles of the "good old days"; most of all because of the half-drunk mobs that crowded around the hanging bodies and the sporting gentlemen who bet and drank champagne as they watched the spectacle from more comfortable hired balcony seats. Oftentimes both the victim and the executioner were drunk and occasionally the job was bungled resulting in the hanging of the criminal two or three times. Afterwards the crowd streamed toward the corpse because it and the scaffold were believed to have powers of healing. Dickens was appalled by what he saw at such executions and fought for the abolition of these public horrors.

Two laws of 1832 and 1833 abolished the death penalty for various forms of theft, and in 1837 the number of capital offenses was reduced to fifteen. In 1861 there was a further reduction of offenses to four—murder, treason, piracy, and setting fire to dockyards and arsenals. The Capital Punishment Amendment Act of 1868 made executions private. Dickens urged this reform twenty years earlier and has been given credit for its adoption.

It is difficult to say when the crusade against the death penalty began. Protests against this form of punishment can be traced to Saint Augustine and the New Testament. Some would even say the crusade began in the Old Testament with the murder of Abel by Cain.

As soon as the death penalty was removed from all but the most serious crimes, men began to ask themselves if the punishment were necessary at all? This attitude was well expressed by Charles Dickens. In a letter written in 1845 to Macvey Napier, Dickens expressed alarm over the effect that executions had upon the public. This letter
addressed the two major questions that reflect the newer attitudes about the death penalty: "With such very repulsive and odious details before us, may it not be well to inquire whether the punishment of death be beneficial to society and would not the ends of justice be as well served?"\(^2\)

Dickens did not extend sympathy upon the criminal, for he wrote, "in a case of cruel and deliberate murder, he is already mercifully and sparingly treated."\(^3\) Dickens was much more concerned with the damage society suffered from the use of the death penalty and the gruesome curiosity that accompanied it:

I presume this to be the case in very badly regulated minds, when I observe the strange fascination which everything connected with this punishment, or the object of it, possessed for tens of thousands of decent, virtuous, well-conducted people, who are quite unable to resist the published portraits, letters, anecdotes, smilings, snuff-takings, of the bloodiest and most unnatural scoundrel with the gallows before him.

Furthermore, Dickens believed, "all exhibitions of agony and death have a tendency to brutalize and harden the feelings of men." He also questioned the reactions of ignorant and morally corrupt persons "seeing that murder done, and not having seen the other, will not, almost of necessity, sympathize with the man who dies before them, especially as he is shown, a martyr to their fancy, tied and bound, alone among scores, with every kind of odds against him." Therefore Dickens suggested that it would be better "to substitute a mean and shameful punishment, degrading the deed and the committer of the deed," in place of the death penalty thus, "leaving the general compassion to expand itself upon the only theme at present quite forgotten in the history, that is to say, the murdered person."
Dickens's opinions about the death penalty were based on a fair amount of observation, reading, and discussions with officials from the prisons and the police. Although he witnessed several executions, he was not a morbid devotee of these happenings; he abhorred them. Perhaps the most crucial experience that began his protest against capital punishment was his attendance of the Courvoisier execution in July of 1840. The murderer was a foreigner and his victim was Lord William Russell, uncle of the Cabinet Minister. The trial had caused great excitement and forty thousand people watched the execution. Dickens was disgusted to learn that his brother Fred planned to join some journalists who were reporting the event:

At this, Charles looked annoyed. "What!" he said, "You're never going to be such an idiot! Whence comes this morbid craving to gloat over such a loathsome exhibition?"

"Oh, Thackeray is going," retorted Fred, "and I am joining a select circle of reporters."

On this Thompson (a friend of Dickens) observed, "Well you'll be squeamish for a couple of days afterwards."

"Have you ever seen a man hanged?" eagerly questioned Fred.

"No, but I've seen a man guillotined," replied Thompson.

Dickens gave a shudder and exclaimed, "Ugh! That's a messy business, all gore and sawdust. The inverted rope-dance is cleaner though less impressive. I'd keep away from such a hideous spectacle from principal. I'm not sure that we ought to dispose of even murderers in such barbarous ways."

Later that night Dickens decided to walk down to Newgate and see the preparations for the execution. His brother-in-law, Henry Burnett, and Maclise, the painter, accompanied Dickens to the execution. They hired a room overlooking the view, where they spent "a ghastly night in Hades with Demons."

After attending this execution, Dickens wrote a letter concerning the Courvoisier hanging to the Daily News on 28 February, 1846. This
letter was the first of a series of four long letters to the *Daily News* in which he advocated "the total abolition of the Punishment of Death, as a general principle, for the advantage of society, for the prevention of crime, and without the least reference to, or tenderness for any individual malefactor whatever." These *Daily News* letters (Feb. 28, March 9, 13, and 16, 1846) are exceptional. Dickens presents his case against capital punishment intelligently, and organizes extremely well several arguments against the death penalty. He uses psychological insight, emotional appeal, statistics, and specific references to literature relating to the subject.

Dickens's letter to the *Daily News* 28 February, 1846 alludes to his concern for society and the influences of capital punishment. He wonders about the fascination people have for such a "subject of a morbid interest and curiosity." Other men were also concerned from whence this horrible fascination comes; however, they suggested that this curiosity was the fault of the press because of the publicity it laid upon the forthcoming execution. Dickens corrects this foolish idea and remarks, "can there be any doubt, on cool reflection, that that whole blame rested on, and was immediately and naturally referable to, the punishment of death?"

When a person is condemned, he automatically becomes the talk of the town and the hero of the time. Everything the criminal does is noted down and published as a precious fact. The people read these accounts "even by hundreds and thousands of people who object to the publication of such details, and are disgusted by them." Dickens
believes these readings to be injurious to society because anything which awakened a false interest in these villains "must be vicious and bad, and cannot be wholesome reading."

Dickens also suggests that this fascination surrounds the crime instead of the punishment. He considers other crimes which have the same kind of interest that murder has but loses its major attraction when the death penalties are reduced. He writes:

Was Forcery interesting, when Forgers were hanged?... or Burglary, or Highway Robbery—did these crimes ever wear an aspect of adventure and mystery, and did the perpetrators of them ever become the town talk, when their offenses were visited with death? Now, they are mean, degraded, miserable criminals; and nothing more.

Dickens uses his experiences at the execution to provide a third reason on the harmful effects to society. He tells the reader that he was there at the execution from midnight of the night before; and saw the building of the scaffold, the gathering of the crowd, the hanging of the criminal, the cutting down of the body and the removal of it into the prison. He notices the crowd around him and does not see "any one emotion suitable to the occasion. No sorrow, no salutary terror, no abhorrence, no seriousness; nothing but ribaldry, debauchery, levity, drunkenness, and flaunting vice in fifty other shapes." He is repulsed by their actions and hopes the people will show some sign of sorrow, shock or horror. When he sees the people taking off their hats, he almost begins to brighten but he is disillusioned to discover that they have only removed their hats so they can see the execution better.

In the third paragraph of the article Dickens asks whether juries
justify their verdicts in evading their oaths rather than commit themselves to taking away a man's life. Instead of condemning a man to death they declare the prisoner to be insane. Many juries argue that if a man takes his own life, he is guilty of self-murder. In cases of murder this argument is then applied. That it is an evasion and not a very sound one results from the practice of capital punishment. Juries, for the most part, object to the punishment of death and will argue that all men are more or less mad and therefore claim the prisoner also to be mad. Dickens asserts that this is a great wrong to society; but it occurs because of the death penalty.

Dickens concludes his letter with two questions. He asks which is the greater wrong to society? To give the criminal the possibility of being mad, or to execute him? To answer this question Dickens places himself in the juries' position, and declares that if the evidence was strong enough to convict the criminal, he too, would find him mad rather than hang him.

Dickens's second letter to the Daily News 9 March, 1846 takes up the subject of "the effect of Capital Punishment on the commission of crime, or rather of murder." As an introduction to the topic, Dickens discusses the commonest motives for murder,

Some murders are committed in hot blood and furious rage; some, in deliberate revenge; some, in terrible despair; some (but not many) for mere gain; some, for the removal of an object dangerous to the murderer's peace or good name; some, to win a monstrous notoriety.

Through psychological insights Dickens illustrates the different reasons for murder and the effects the death penalty has on them.

On murders committed in rage, in despair, or for gain, Dickens believes
the death penalty has no effect at all.

In the first two cases, the impulse is a blind and wild one, infinitely beyond the reach of any reference to the punishment. In the last, there is little calculation beyond the absorbing greed of the money to be got.

As an example of a murder committed for gain Dickens refers to the execution he had seen and the occasion for his letter, the execution of Courvoisier. If Courvoisier had, for example, only robbed his master he might have had fewer chances of detection, than if he had not murdered him. But since, he thought only of the money he would gain and not the loss, it became impossible for him to balance the consequences.

On murders committed in deliberate revenge, a craving for notoriety or to remove stumbling blocks, Dickens asks if the punishment of death has an effect on incentives and impulses. Here, the murderer makes no secret of his guilt, "but boldly says, 'I killed him, I'm glad of it. I meant to do it. I am ready to die.'" Such an exclamation as this, Dickens observes is but,

a false arguing of the question, announcing a foregone conclusion, expressly leading to the crime, and inseparably arising out of the Punishment of Death. 'I took his life. I give up mine to pay for it. Life for life; blood for blood. I have done the crime. I am ready with the atonement. I know all about it; it's a fair bargain between me and the law. Here am I to execute my part of it; and what more is to be said or done?'

The punishment for murder he observes, sets life against life. It is the reasoning of a "stupid, weak, or otherwise ill-regulated mind (of such a murderer's mind, in short), to recognize in this set off, a something that diminishes the base and coward character of murder."

Another type of murderer feels more justified because he may be executed. Dickens provides the example of a relationship between
opposite sexes in which the man feels "a slow corroding, growing hate" of his woman. Violent quarrels full of reproof and recrimination, and in his exclaiming "that he wouldn't mind killing her, though he should be hanged for it." Present the death penalty to such a man who secretly has a fascination for such unwholesome thought and he will murder his victim under the "ever-beckoning shadow of the gallows."

At this point Dickens presents statistical evidence to show how the gallows lures a man and tempts him to commit capital crimes. He quotes the figures of the prison chaplain Roberts of Bristol:

Out of one hundred and sixty-seven persons under sentence of death in England, questioned at different times, in the course of years... there were only three who had not been spectators of executions.

We come now to murders committed with no other object than the acquirement of an infamous notoriety. It is obvious that many crimes are committed for this reason due to the great interest attached only to those criminals who are in danger of being executed. Dickens presents the case of Thomas Hooker as an example of a murder originating out of a desire for public recognition:

Here is an insolent, flippant, dissolute youth; aping the man of intrigue and levity; over-dressed, over-confident, inordinately vain of his personal appearance; distinguished as to his hair, his cane, snuffbox and singing voice; and unhappily the son of a working shoemaker.... How can he distinguish himself?... The stage? No, not feasible.... A murder, now, would make a noise in the papers! There is the gallows to be sure; but without that, it would be nothing. Short of that, it wouldn't be fame. Well! We must all die at one time or another.... They always die game at the Minor Theatres and the saloons.... Come, Tom, get your name up!... You are the boy to go through with it and interest the town.

As criminal psychology all this could be true enough, but as the article proceeds Dickens seems to have too teasing an interest in Hooker's
mind, presenting last acts and Hooker's personal feelings of elation.

Dickens concludes with Hooker's imitators and the statement:

So long as their attempts invested them with the distinction of being in danger of death at the hangman's hands, so long did they spring up. When the penalty of death was removed, and a mean and humiliating punishment substituted in its place, the race was at an end, and ceased to be.

Dickens's third letter considers the effect of capital punishment in the prevention of crime. To set the scene, Dickens lists the types of people who attend the executions. Included in this are two large classes of thieves—one class who go as if they would to a dog-fight, cock-fight or any other brutal sport, for the excitement and attraction of the event; the other who go for business, and mix with the crowd for the purpose of picking pockets. Add to these the drunken, the idle, the lonely, the morally corrupt, the unchaste—some moody and ill-conditioned minds—drawn by interest or curiosity—of whom the greater part are of an age with impressionable minds—and we have the basic element to the question—Does it prevent crime in those who attend executions?

To further explain the effect of capital punishment Dickens quotes at length Edward Gibbon Wakefield's work Facts Relating to the Punishment of Death. In the work Wakefield explains that the effect of capital punishment is to excite sympathy for the criminal and hatred of the law; and that many thoughts of crime occur while witnessing an execution.

In a conversation with a Newgate convict who had been "within an ace of being hanged", the convict unconsciously raises the question which the advocates of Capital Punishment would find difficult to answer.
"'Have you often seen an execution?' asked Mr. Wakefield.
'Yes, often.'
'Did it not frighten you?'
'No. Why should it?'
'What did you think then?' asked Mr. Wakefield.
'Think? —Why, I thought it was a—shame.'"

Instead of the fear of death, "disgust and indignation, or recklessness and indifference, or a morbid tendency to brood over the sight until temptation is engendered by it, are the inevitable consequences of the spectacle, according to the difference of habit and disposition in those who behold it." Therefore capital punishment does not act as a deterrent but merely excites sympathy for the criminal, and never with the law.

Is it efficient to prevent crime? In making some extracts from the Report of a New York State Select Committee, Dickens finds that it is not. The results of this report concludes "the greater the number of executions, the greater the number of murders; the smaller the number of executions, the smaller the number of murders."

Dickens in his detailing of violence, murder and retribution often contemplates the love of fear and even physical aspects of the fear, of those brought to retribution. In his last Daily News letter dated 16 March, 1846 he seems to recognize this when he suggests that judges are not the best witnesses to the virtue of capital punishment.

Dickens states that men often contract a liking for those things which they have studied at great cost of time and intellect. This proficiency has then led to their becoming distinguished and successful. Out of this feeling, Dickens concludes a passive blindness to their defects and a disposition to advocate and defend them results. Thus, all the legal fraternity enforced the death penalty with a rigor of
their own. They considered themselves the guardians, and they rallied to its defense.

Another and a stronger reason why a criminal judge is a bad witness in favor of the punishment of death pertains to the intense emotions they feel and excite when they pronounce sentence.

He is a chief actor in the terrible drama of a trial, where the life or death of a fellow creature is at issue. No one who has seen such a trial can fail to know, or can ever forget, its intense interest. I care not how painful this interest is, to the good, wise judge upon the bench. I admit its painful nature, and the judge's goodness and wisdom to the fullest extent—but I submit that his prominent share in the excitement of such a trial, and the dread mystery involved, has a tendency to bewilder and confuse the judge upon the general subject of that penalty.

We now come to a portion of the letter where Dickens presents a few illustrations of objection to the death penalty, namely those references to the possibility of mistake and the impossibility of reparation. There are on record numerous instances of mistake and Dickens quotes a lengthy report from the New York Reoprpt already referred to.

More than a hundred such cases are known, cases of supposed criminals being unjustly hanged; others in which people whose innocence was not afterwards established were put to death on circumstantial and doubtful evidence.

Such are the instances of wrong judgement which are known to us. How many more there may be, in which the real murderers never disclosed their guilt, or were never discovered, and where the odium of great crimes still rests on guiltless people long since resolved to dust in their untimely graves, no human power can tell.

In bringing the subject of these letters to a close, Dickens begs to be understood as "advocating the total abolition of the Punishment
of Death, as a general principle, for the advantage of society, for the prevention of crime, and without the least reference to, or tenderness for any individual malefactor whosoever."

He was infuriated by Macaulay's remark in the House of Commons in 1846 that those against the death penalty were afflicted by a "kind of effeminate feeling." To this remark Dickens inquired whether there was anything "especially manly and heroic in the advocacy of the gallows, or to express my admiration of Mr. Calcraft, the hangman, as doubtless one of the most manly specimens now in existence."

Until 1868 executions for murder could be public spectacles. Dickens himself had seen the execution of Courvoisier, one, or perhaps two, beheadings on the continent and the notorious execution of Mr. and Mrs. George Manning. As a protesting critic he had to know the facts of this national disgrace if he were to denounce it effectively. In 1845 while travelling through Italy, Dickens went to see a beheading in Rome. As the victim was being prepared, Dickens standing very close to the scaffold, watched the victim closely:

The young man knelt down below the knife. His neck fitting into a hole made for the purpose, in a cross-plank, was shut down by another plank above; exactly like the pillory. Immediately below him was a leathern bag. And into it his head rolled instantly.

The executioner was holding it by the hair, and walking with it round the scaffold, showing it to the people, before one quite knew that the knife had fallen heavily, and with a rattling sound.

There was a great deal of blood. When we left the window, and went close up to the scaffold, it was very dirty...A strange appearance was the apparent annihilation of the neck...the body looked as if there was nothing left above the shoulder."

After writing an account of what he had seen, Dickens commented sadly that "no one seemed to care, there was no manifestation of disgust,
pity, indignation, or sorrow; it was nothing but an ugly, careless, filthy, sickening spectacle."^{12}

Two months later he declined to witness a double hanging in Genoa. "I was afraid to go," he wrote, "for I know how they manage things here: and I knew I should be horrified. It was very dreadful, I understand... Roche went, and could eat nothing for a long time afterwards."^{13}

The other execution he saw was perhaps the most notorious of the century. On 13 November, 1849 Mr. and Mrs. George Manning were hanged together on top of Horsemonger Lane Jail—the first husband-and-wife execution since 1700. A sordid murder chiefly for gain, they had killed their lodger, Patrick O'Connor and buried him in quicklime beneath their kitchen floor in Bermondsey. There were thirty thousand other witnesses of the Mannings' execution—for which Mrs. Manning wore black satin and so banished that material from the London dress shops for almost thirty years.

Dickens planned in advance to witness the execution although he was indecisive about it. A week before the event he wrote to his friend Leech, an artist, that he had decided not to go: "I give in, about the Mannings. The doleful weather, the beastly nature of the scene, the having no excuse for going (after seeing Courvoisier) and the constantly recurring desire to avoid another such horrible and odious impression, decide me to cry off."^{14}

Leech, however, persuaded Dickens to go and on the eve of the execution Dickens wrote to him saying "we have taken the whole of the roof (and the back kitchen) for the extremely moderate sum of ten guineas, or two guineas each."^{15} He went, of course, in order to
strengthen his campaign against the demoralizing results of such exhibitions. This execution gave him the material for his most famous pronouncement on capital punishment—his letter to The Times. These letters attracted far more attention than the longer Daily News series. Arguing for a more limited change in the law, The Times letters discuss the possibilities of private executions.

Dickens's first letter to The Times dated 13 November, 1849 describes his reactions to the scene he has just witnessed. When he came upon the scene at midnight and heard the cries and howls of the children already assembled in the best places, he was appalled at their frightful behavior. As day dawned he saw "the dregs and offscourings of the population—thieves, low prostitutes, ruffians and vagabonds of every kind." He is surrounded by "fightings, faintings, whistlings, imitations of Punch, brutal jokes, tumultuous demonstrations of indecent delight when swooning women were dragged out of the crowd by the police with their dresses disordered."

After the criminals have been hung and their bodies have been left to swing in the wind, Dickens tells us:

There was no more emotion, no more pity, no more thought that two immortal souls had gone to judgement, no more restraint in any of the previous obscenities, than if the name of Christ had never been heard in this world, and there were no belief among men but that they perished like the beasts.

After such a display of contamination and corruption Dickens suggests that something should be done because a community cannot prosper where such a scene of horror and demoralization occurred.

Dickens's second letter to The Times 17 November, 1849 urges that executions should be private. He begins the letter by restating
his argument against public executions.

First, that they chiefly attract as spectators the lowest, the most depraved, the most abandoned of mankind, in whom they inspire no wholesome emotions whatever. Second, that the public infliction of a violent death is not a salutary spectacle for any class of people; but that it is in the nature of things that on the class by whom it is generally witnessed it should have a debasing and hardening influence.17

On the first argument Dickens refers back to his experience of the execution and shows that they have been the favorite site of convicts.

The second argument also refers to the execution but he concentrates more on the actions of the people. He describes how horrified he was to see the people react in this fashion. Dickens even expects some readers to doubt what he has been saying and anticipates their questions. As a reader we might suggest that this bizarre reaction the people display is the result of their terrible grief. Dickens, however, tells us if we had seen what he saw and heard what he heard, we would never have admitted the thought. He proves his point by exclaiming these were not the reactions of a grief-stricken crowd, "the whole was unmistakeably callous and bad." One woman became enraged and threatened to murder another woman so she could be like her namesake Mrs. Manning and be hanged on the gibbet with her. Her evil passions had been excited to the utmost because of the effect of the morbid spectacle they had come to see.

To prevent these terrifying events Dickens proposes that the death penalty be carried out within the prison walls. To strengthen his proposal he uses Fielding's words on the subject.

The execution should be in some degree private. And here
the poets will again assist us. Foreigners have found fault with the cruelty of the English drama, in representing frequent murders upon the stage. In fact, this is not only cruel, but highly injudicious; a murder behind the scenes, if the poet knows how to manage it, will affect the audience with greater terror than if it was acted before their eyes... The mind of man is so much more capable of magnifying than his eye....If execution, therefore, were so contrived that few could be present at them, they would be much more shocking and terrible to the crowd without doors than at present, as well as much more dreadful to the criminals themselves.

From the moment that a criminal is condemned Dickens proposes that the murderer be dismissed to obscurity. His execution would be conducted solemnly and a jury of twenty-four, the governor of the jail, the chaplain, the surgeon and other officers would be present. All these would then sign a certificate that the person was hanged in their sight. There should be another certificate from the officers of the prison that the person hanged was that person, and no other; a third that that person was buried.

With the conclusion of this article we are brought to a close on Dickens's journalistic activities concerning the abolition of capital punishment. And while these activities may have come to a close for a time, Dickens still continued to express his disdain for capital punishment in many of his fictional activities.
A philanthropist at heart, Dickens worked on society in a stealthy way. In his novels he emotionalizes his personal experiences and deals with examples of private suffering in a way that many people understood. He knew also of his power to move men to laughter or tears and he knew that if he could move them enough they would seek to remedy their conditions themselves.

The psychology and punishment of murderers had fascinated Dickens from his earliest days. And while such a view is prevalent throughout many of his periodicals, it is also evident in many of his novels. Since so many of Dickens's novels deal with crime and punishment, only four of his novels—Oliver Twist (1837-1839), Barnaby Rudge (1840-1841), A Tale of Two Cities (1859) and Great Expectation (1860-1861) have been discussed to demonstrate this fascination.

I.

In his preface to Oliver Twist Dickens expresses resentment with the practice in popular literature of portraying villains like Macheath in The Beggar's Opera as dashing figures "leading a life which is rather to be envied than otherwise." (p. 16) He considers such misrepresentations as a potentially harmful influence on impressionable minds. To dissuade people from this romanticized view of life, Dickens offers a glimpse of "such associates in crime as really did exist."(p.15) He creates a fictive world,

to paint them (criminals) in all their deformity, in all their wretchedness, in all the squalid misery of their
lives; to show them as they really were, for ever skulking uneasily through the dirtiest paths of life, with the great black ghastly gallows closing up their prospect, turn them where they might; it appeared to me that to do this would be to attempt a something which was needed and which would be a service to society. And I did it as I best could. (p.15-16)

**Oliver Twist** conclusively demonstrates Dickens' belief that the novel should be directed toward social reform. Throughout the novel he bitterly attacks the defects of existing institutions—government, education, the law and penal systems—with an unmerciful exposure of the injustice and wretchedness inflicted by them. Dickens' does not, however, offer alternatives or solutions to these problems. Instead he places all trust in the goodness that he feels to be inherent in human nature. To bring about improvements Dickens believes in the natural benevolent impulses of people that would manifest themselves if not stifled. For this reason he acknowledges that under the impact of evil influences the trait of goodness in humanity can be lost.

The story of *Oliver Twist* is a dark tale surrounded by vice, degradation, and terror. It takes place against a very unwholesome background.

The cold, wet, shelterless, midnight streets of London; the foul and frowzy dens, where vice is closely packed and lacks the room to turn; the haunts of hunger and disease; the shabby rags that scarcely hold together... (p.17)

The outcasts of society who lurk amid the crumbling ruins are expressive of the floundering institutions that have helped to deform their lives. The neglect of human values that has fostered this decay is then aptly reflected in the odious surroundings. This special attention to setting alludes to Dickens' concern for the effect of environment upon society. An environment of crime with frequent, violent executions
often made to appear glamorous "fed the warped, romantic dreams of the criminal mind, as well as feeding the unhealthy interests of the mob." 1

A key passage Dickens uses to sum up his position in the novel is evident in Chapter five when we are first introduced to Noah Claypole. Noah looks upon himself as Oliver's superior and assumes the privilege of maltreating Oliver. His actions "show us what a beautiful thing human nature may be made to be; and how impartially the same amiable qualities are developed in the finest lord and the dirtiest charity-boy." (p.65) Notice the key words in this passage, that "human nature may be made to be" and "qualities are developed."

After Oliver's recapture Fagin begins to work on the boy, crushing any resistance he may have towards a life of crime. Accordingly, Fagin first works on the boy's fears by graphically demonstrating to him that failure to conform may oblige him to render it "necessary that he should become the victim of certain evidence for the crown." (p.186) A period of solitary confinement makes the boy "prefer any society to the companionship of his own sad thoughts in such a dreary place..." (p.195) Fagin then subjects the boy to propaganda extolling the life of a thief,

At other times the old man would tell them stories of robberies he had committed in his younger days, mixed up with so much that was droll and curious that Oliver could not help laughing heartily and showing that he was amused in spite of all his better feelings. (p.195)

The process of indoctrination is approaching its designed goal; "he (Fagin) was now slowly instilling into his soul the poison which he hoped would blacken it and change its hue for ever." (p.195) The type of environment that Oliver is subjected to reflects Dickens's
protest against much of the literature concerning thieves and the
condemned criminal. A society exposed to an environment extolling the
life and execution of a criminal colors the reality of the criminal's
deeds. Such a "study of rude scenes," Dickens believes, "leads to the
disregard of human life, and to murder."²

As well as the express concern for society to reject the influences
of this type of environment, he still urges;

the public not to romanticize murderers, not to play into
the hands of vain exhibitionists like the notorious Palmer
the Poisoner, but to treat criminals as the dangerous but
contemptible scum they truly were.³

As Dickens stated in his preface to Oliver Twist, his purpose was
to portray the criminal as he really were and not the dashing figure as
some authors would have us believe. Throughout his novel Dickens's
criminals live under the shadow of the gallows in oppressive fear and
peril. Jack Dawkins and the other boys are characterized by a middle-
aged manner. Dawkins is described as a "snub-nosed, flat-browed,
common-faced boy enough and as dirty a juvenile as one would wish to
see, but he had about him all the airs and manners of a man." (p.91)
The other boys are depicted as "smoking long clay pipes and drinking
spirits with the air of middle-aged men." (p.96) It is as though
their lives of squalor and crime have robbed them of childhood and
youth, making them old in the experience of evil.

Far from leading lives of bold and exciting adventures these
criminals exist in a world of violent death, arrest, imprisonment and
execution. Fagin does not shrink from threatening Oliver with fear
of the gallows for Oliver knew "that deeply laid plans for the
destruction of inconveniently knowing or overcommunicative persons
had been really devised and carried out by the old Jew on more occasions than one he thought by no means unlikely." (p.187) Sikes makes it clear to Fagin that he will betray him if he ever finds himself in an opportunity to do so. "'I've got the upper hand over you, Fagin; and, d—me, I'll keep it. There! If I go, you go; so take care of me.'" (p.157) To protect Oliver from a beating by the Jew, Nancy's first impulse is to scream her readiness to face the gallows with the rest of them if Fagin does not stop. "'I won't stand by and see it done, Fagin,' cried the girl. 'You've got the boy and what more would you have? —Let him be—let him be—or I shall put that mark on some of you that will bring me to the gallows before my time.'" (p.170) This is certainly a switch from the loyalty and honor among thieves that the public is often led to believe. Dickens satirizes this code with Fagin's comment regarding the removal of five potential threats by hanging:

What a fine thing capital punishment is! Dead men never repent; dead men never bring awkward stories to light. Ah, it's a fine thing for the trade! Five of 'em strung up in a row, and none left to play booty or turn white-livered! (p.99)

Dickens's depiction of Fagin's last days presents a tormenting picture of the ultimate penalty of a life of evil. Here, we have no dashing hero waving bravely before admiring crowds. Instead, we are presented with a courtroom and the accused bereft of all feeling except an uncomfortable awareness that no human being has an interest in him except to see him die:

As his (Fagin) eyes wandered to the gallery, he could see the people rising above each other to see his face, some hastily applying their glasses to their eyes and
others whispering their neighbors with looks expressive of abhorrence....But in no one face—not even among the women, of whom there were many there—could he read the faintest sympathy with himself or any feeling but one of all—absorbind interest that he should be condemned. (p.535)

One does not gather from Oliver Twist that he objected to the hanging of Fagin as an accessory to the murder of Nancy and a corrupter of youth, but he described with disgust the execution before a great multitude:

A great multitude had already assembled; the windows were filled with people, smoking and playing cards to beguile the time; the crowd were pushing, quarrelling, joking. Everything told of life and animation, but one dark cluster of objects in the center of all—the black shape, the crossbeam, the rope, and all the hideous apparatus of death. (p.545)

Dickens does not describe the hanging in specific details because not only would it be distasteful, but also the victim attracts excessive sympathy. Therefore he disposes of his villains quickly and tidily without the delay and tedium of a trial, and without exploiting the more sensational aspects of the execution.

Dickens does, however, continue to satisfy the reader's sense of justice. Most appropriate of all is the death of Bill Sikes, who hangs himself when trying to escape from the wild and angry mob. Ever since he has murdered Nancy he is pursued by an apparition of her; he is haunted by a vision, "as constant and more terrible than that from which he had escaped. Those widely staring eyes, so lustreless and so glassy" (p.489-490) of his victim. Now Sikes makes his way back to London. He rejoins three of his fellow criminals who have taken refuge on Jacob's Island. Soon officers begin pounding on the door. Sikes goes to the window and yells defiantly at the huge, wrathful
crowd:

"'Damn you!' cried the desperate ruffian, throwing up the sash and menacing the crowd. 'Do your worst! I'll cheat you yet!'" (p. 514)

There is wry irony in this yell from Sikes, for as the events develop Sikes indeed cheats the people out of a well-deserved hanging.

Hoping to escape the bloodthirsty crowd, Sikes ascends to the roof and ties one end of the rope to a chimney to lower himself from the house top. Just as he is about to put his arms through the loop he has made, he glances behind him:

threw his arms above his head and uttered a yell of terror.

'The eyes again!' he cried in an unearthly screech. (p. 518)

He loses his balance and tumbles over the parapet with the noose around his neck.

Of all the terrific yells that ever fell on mortal ears, none could exceed the cry of the infuriated throng...one loud furious roar...a cry of triumphant execration.... The cries and shrieks of those who were pressed almost to suffocation, or trampled down and trodden under foot in the confusion, were dreadful....The man had shrunk down, thoroughly quelled by the ferocity of the crowd, and the impossibility of escape. The noose was on his neck. It ran up with his weight, tight as a bowstring and swift as the arrow it speeds....There was a sudden jerk, a terrific convulsion of the limbs, and there he hung... (p. 518)

These scenes scattered throughout Chapter fifty in Oliver Twist are descriptions of the terrible scenes Dickens witnessed at public executions.

Sikes's attempt to cheat the gallows has by the traditional concepts of "poetic justice" been defeated by his vision of Nancy's eyes and he becomes his own hangman.

II.

Barnaby Rudge is the result of Dickens's early ambition to
write an historical novel about the "Gordon Riots" which took place in London in 1780.

Angus Wilson in his discussion of *Barnaby Rudge* divides the book into two parts. The first part gives a picture of England in 1775. We are introduced to the main characters and daily life of the people. At the end of Chapter thirty-two we are then told "and the world went on turning round, as usual, for five years, concerning which this Narrative is silent." (p.314) When Chapter thirty-three begins, the time is 1780 and we are in the year,

in which, inflamed by the teachings of the Protestant Association and of its half crazy zealot leader, Lord George Gordon, a mob overwhelmed authority in London for some days, and, beginning with Roman Catholic chapels and private houses, ended by destroying, with burning and looting, large areas of private property. In the course of the riots that symbol of law, Newgate jail was destroyed and the prisoners released. When authority gained control again, retribution was brutal and often arbitrary.

Beneath the Gordon riots, however, a deeper message can be found throughout the novel. Dickens speaks against the penal laws which made innumerable minor offences punishable by death. In the text and in the preface he presents the notorious case of Mary Jones who had been hanged in 1771 for shoplifting:

The woman's husband was pressed, their goods seized for some debts of his, and she, with two small children, turned into the streets a-begging....She went to a linen-draper's shop, took some coarse linen off the counter, and slipped it under her cloak; the shopman saw her and she laid it down; for this she was hanged...it seems there had been a good deal of shoplifting about Ludgate; an example was thought necessary; and this woman was hanged for the comfort and satisfaction of shop-keepers in Ludgate Street. (p.41-42)

Hugh the bastard's mother, abandoned by her aristocratic lover and hanged at Tyburn, for passing forged notes, is a fictional account of Mary
Jones. At times this theme lies concealed, but its presence is felt from beginning to end.

The character Edward Dennis, the public hangman, is direct propaganda against capital punishment. He embodies Dickens's concern with the social horror of hanging and his obsession with the man about to be hanged. The sadistic delight in the riots and hangings and the way he mixes authority with anarchy makes Dennis a direct social concern.

All the rioters, except Barnaby, give off the stench of filth and bloodlust, yet only Dennis is physically repulsive in every movement and every word he utters. And it is evident that this physical repulsion comes from the long years of indulged sadism he has known as public hangman.

We are introduced to Dennis in Chapter thirty-seven. He is described as:

a squat, thickset personage, with a low, retreating forehead, a coarse shock head of hair, and eyes so small and near together, that his broken nose alone seemed to prevent their meeting and fusing into one of the usual size. A dingy handkerchief twisted like a cord about his neck, left its great veins exposed to view, and they were swollen and starting, as though with gulping down strong passions, malice, and ill-will. (p.353)

Dennis loves his job and it is one very close to his heart. Despite his participation in the riots he feels he will escape punishment because he is "a constitutional officer that works for my living, and does my work creditable." (p.354) Gashford, the secretary to Lord Gordon, says they employ Dennis "for strictly peaceable and lawful purposes." (p.354) Dennis also believes his work is "sound, Protestant, constitutional, English work." (p.354) and discusses some hanging cases as "being the law and the practice of England, is the glory of England."
Dickens distrusted politics and this rebellious aspect of his makes itself heard throughout *Barnaby Rudge* in the remarks Dennis uses to describe his glorious work. Despite the lip-service he occasionally pays the government concerning Parliament and its laws, he makes it appear either ridiculous or cruel or both at the same time.

Dickens's icy contempt for Dennis is further illustrated in Dennis' professional eye:

"Did you ever, Muster Gashford," whispered Dennis, with a horrible kind of admiration, such as that with which a cannibal might regard his intimate friend, when hungry, --"did you ever"--and here he drew still closer to his ear, and fenced his mouth with both his open hands--"see such a throat as his? Do but cast your eye upon it. There's a neck for stretching, Muster Gashford!"

When Dennis meets his fellow conspirators Hugh and Simon Tappertit, they ask what he does for a living. Dennis, knowing the unpopularity of the hangman, makes an effort to keep his identity a secret. This proves to be rather difficult to do, for he sincerely loves his profession and cannot restrain himself from talking about it. A discussion of clothes comes up and it is discovered that every stitch of clothing Dennis has on has come from the dead men he has hanged. There is no mistaking the disgust Dickens has for this man, "who exists in abject and broken adherence to an order which has dehumanized him."

After the mob invades Newgate and the liberation of the prisoners is in progress, Dennis slips away to the condemned cells, locks them against the mob and stands guard over the inmates:

He sat in this way for some minutes, while the four men in the cells, who were certain that somebody had entered the gallery, but could not see who, gave vent to such piteous entreaties as wretches in their miserable condition may be supposed to have been inspired with:
urging, whoever it was, to set them at liberty, for the love of Heaven; and protesting, with great fervor, and truly enough, perhaps, for the time, that if they escaped, they would amend their ways, and would never, never, never again do wrong before God or man, but would lead penitent and sober lives, and sorrowfully repent the crimes they had committed. (p.590)

The cries of the condemned men express some of Dickens's arguments against capital punishment,

the terrible energy with which they spoke, would have moved any person, no matter how good or just...to have set them at liberty; and, while he would have left any other punishment to its free course, to have saved them from this last dreadful and repulsive penalty; which never turned a man inclined to evil, and has hardened thousands who were half inclined to good. (p.590)

Soon the mob attacks the condemned cells. Dennis tells the mob to leave the men for him. The mob refuses to comply, however, and Dennis is shocked to see his companions restrain him from performing a hanging:

"Four devils!" cried the hangman. "Don't you know they're left for death on Thursday? Don't you respect the law—the constitution—nothing? Let the four men be." (p.592)

Dennis's remarks are grotesque, but serious. It makes a pertinent comment on the penalties approved by the constitution and raises an important question: who could respect a law of which Dennis is a representative and guardian?

Our next encounter with Dennis sees him as an informer, turning in his fellow conspirators, Barnaby and Hugh, to the police. He defends his actions by saying that Hugh forced him to the deed. "'You wouldn't respect the soundest constitutional principles, ...you went and violated the very framework of society.'" (p.626)

Another conspirator, the blind man Stagg, tries to run from the
constables. He is ordered to surrender and when he refuses, is fired upon. The bullet drops Stagg and he is pronounced dead by the arresting officers. Dennis, upon seeing one of his "vested interests" taken away, he bitterly complains he has been cheated.

"Do you call this constitutional? Do you see him shot through and through instead of being worked off like a Briton? Damme, if I know which party to side with. You're as bad as the other. What's to become of the country if the military power's to go a superseding the civilians in this way? Where's this poor feller-creetur's rights as a citizen, that he didn't have me in his last moments!" (p.627)

As guardian of law and order Dennis has become a living parody of legal tradition.

Dennis's information leading to the arrest of his former companions does not buy immunity for himself. He is arrested soon after and having been considered "a chief among the insurgents...was in a position of imminent danger and would do well to prepare himself for the worst." (p.663) Dennis, however, believes he has nothing to worry about for, when he remembered the great estimation in which his office was held, and the constant demand for his services; when he bethought himself, how the Statute Book regarded him as a kind of Universal Medicine applicable to men, women, and children, of every age and variety of criminal constitution; and how high he stood, in his official capacity, in the favor of the Crown, and both Houses of Parliament, the Mint, the Bank of England, and the Judges of the land; when he recollected that whatever Ministry was in or out, he remained their peculiar pet and panacea, and that for his sake England stood single and conspicuous among the civilized nations of the earth; when he called these things to mind and dwelt upon them, he felt certain that the national gratitude must relieve him from the consequences of his late proceedings, and would certainly restore him to his place in the happy social system (p.664)

But he is unable to free himself and he is finally hanged.

Dickens takes the character, Dennis, from history. The actual Edward Dennis was, in fact, the public hangman from 1771 to 1786.
During the Gordon riots, on Wednesday 7 June, he assisted with the burning of furniture from a shop in New Turnstile, Holborn, was recognized, arrested, tried at the Old Bailey on 3 July, and sentenced to death. He then fell on his knees and begged for mercy. He was imprisoned in the Tothillfields Bridewell, in a separate room. But he was reprieved and pardoned, "so that he could hang his fellow rioters." (p.754)

The real Edward Dennis is pardoned for the reasons the fictional Dennis quotes above. Dickens's Dennis does not, of course, escape justice. He ends on the gallows, the hangman hanged. A.O.J. Cockshut suggests that,

This is more than "poetic justice". It is also a parable of society's attitude to the enforcement of law. Those who are most convinced that hanging is a glorious part of the constitution do not therefore respect the hangman personally. Dickens seems to mean that the hangman was a scapegoat upon whom were loaded the conscious residue of suppressed impulses of cruelty and of guilt felt on account of that cruelty. To hang the hangman is a violent but scarcely exaggerated version of this widespread set of feelings.

At this point in the novel Dickens begins a direct attack on public executions which we know he especially loathed. As Dickens describes the crowd preparing for the execution he comments on the city and the natural beauty surrounding it,

A fairer morning never shone. From the roofs and upper stories of these buildings, the spires of city churches and the great cathedral dome were visible, rising up beyond the prison into the blue sky, and clad in the color of light summer clouds, and showing in the clear atmosphere their every scrap of tracery and fretwork, and every niche and loophole. All was brightness and promise, excepting in the street below, into which (for it yet lay in shadow) the eye looked down as into a dark trench, where, in the midst of so much life, and hope, and renewal of existence, stood the terrible instrument of death. It seemed as if the very sun forbode to look at it.

But it was better, grim and sombre in the shade, than when, the day being advanced, it stood confessed in the full glare and glory of the sun, with its black paint blistering, and its nooses dangling in the light like loathsome garlands. It was better in the solitude and gloom of midnight with a few forms clustering
about it, than in the freshness and stir of morning; the center of an eager crowd. (p.689)

John Lucas in his book, *The Melancholy Man*, makes a special note of the imagery contained in the passage. If we pay attention to the imagery of the passage we notice that it is extremely disquieting. Dickens tries to place this city into the natural order of things. Although he recognizes that a city among an instrument of violence can promise continuity and vitality (notice the spires of city churches and cathedral dome that rise into the blue sky and are the "color of light summer clouds"), he strongly admits that this city is a place of death. The gallows can only represent a ghastly parody of the natural order, its type of nature being only nooses like "loathsome garlands." This image savagely mocks the optimism the city associates with natural health.

At this moment the city is very ill. The hanging is about to begin and everywhere windows, roof-tops and public vehicles "were stuck full of staring eyes." (p.690) Even small children "were held up above the people's heads to see what kind of a toy a gallows was, and learn how men were hanged. It was terrible to see—if anyone in that direction of excitement could have seen—the world of eager eyes, all strained upon the scaffold and the beam." (p.690-691)

The morning of the execution finds Dennis a desperate man. He earnestly pleads with the governor and sheriffs to "have mercy upon a wretched man that has served His Majesty, and the Law, and Parliament, for so many years, and don't—don't let me die—because of a mistake." (p.691) Out of desperation for his life Dennis's sadistic nature quickly disappears. No longer does the execution bring pleasure and excitement. Newgate Jail is pronounced to be a "dreadful slaughterhouse" and the act of hanging itself, murder. Throughout the preparations for
the execution Hugh laughingly mocks Dennis with the phrase "See the hangman when it comes home to him!" And indeed it does.

III.

The year 1840 was an important year for Dickens in so far as it brought him under the influence of Thomas Carlyle. "The reading of Carlyle's Chartism and The French Revolution had already influenced Dickens in writing Barnaby Rudge, and now it was the apocalyptic Carlylean vision of insurgent Paris that Dickens allowed to shape the setting and influence the tone of the novel he planned." He had read The French Revolution repeatedly since its appearance in 1839, and it had made an impression on him, that he began carrying around a copy of the book in his pocket.

Dickens begins A Tale of Two Cities with a discussion of the time and events occurring in France and England. Appropriately entitled "The Period" Chapter one speaks of the legal situation of the two countries. In France the laws have become inhumane to its people. Dickens tells the reader that France:

entertained herself, besides, with such humane achievements as sentencing a youth to have his hands cut off, his tongue torn out with pincers, and his body burned alive, because he had not kneeled down in the rain to do honor to a dirty procession of monks which passed within his view, at a distance of some fifty or sixty yards. (p.36)

In England, Dickens remarks "there was scarcely an amount of order and protection to justify much national boasting." (p.36) Burglaries and highway robberies took place every night, prison brutality, riots and mobs, thieving and other such crimes were evident—"and nobody thought any of these occurrences much out of the common way." (p.37) In the
midst of all this the hangman still continues his horrible activites,
ever busy and ever worse than useless, was in constant requisition; now, stringing up long rows of miscellaneous criminals; now, hanging a housebreaker on Saturday who had been taken on Tuesday; now, burning people in the hand at Newgate by the dozen, and now burning pamphlets at the door of Westminster Hall; to-day, taking the life of an atrocious murderer, and to-morrow of a wretched pilferer who had robbed a farmer's boy of sixpence. (p.37)

In Book two entitled "The Golden Thread" Dickens refers to the laws and customs practiced in England. His description of how the law operates at the time leads to a discussion of Tellson's Bank—an excellent example of a legal institution at work. Tellson's Bank the reader is told lies directly across from Temple Bar. Temple Bar "was the gateway dividing the strand from Fleet Street and marking the western boundary of the City of London....After the execution of traitors, their heads were exposed on Temple Bar." (p.406) Dickens comments "at that time, putting to death was a recipe much in vogue with all trades and professions." (p.84) He argues "Death is Nature's remedy for all things, and why not Legislation's?" (p.84) To support this argument Dickens presents Legislation's solution for the crime of forgery,

Accordingly, the forger was put to death; the utterer of a bad not was put to Death; the unlawful opener of a letter was put to Death; the purloiner of forty shillings and six-pence was put to Death; the holder of a horse at Tellson's door, who made off with it, was put to Death; the coiner of a bad shilling was put to Death; the sounders of three-fourths of the notes in the whole gamut of Crime, were put to Death." (p.84)

Legislation hopes to use the death penalty as a deterrent but as Dickens remarks "Not that it did the least good in the way of prevention—it might almost have been worth remarking that the fact was exactly
Dickens once remarked that England's penal statutes were the most bloody and the most inefficient in the world. In Chapter two entitled "A Sight", we are presented with a vision of this fixed, conservative English law, which allows hanging and quartering. When Jerry Cruncher, the odd-job man for Tellson's Bank, criticizes the law for its barbarity, the ancient clerk whom Jerry has been addressing tells Jerry to "speak well of the law. Take care of your chest and voice, my good friend, and leave the law to take care of itself..." (p.90) According to Dickens the law seems to take care of itself by inflicting such "just" institutions as Tyburn where criminals were hanged; the pillory, "a wise old institution"; and the whipping-post, "another dear old institution, very humanizing and softening to behold in action." (p.90-91)

Dickens ends this discussion with a description of one of the most hideous punishments ever exacted for a crime—quartering, the penalty for treason. Such an execution as the one described reflects the cruelty of the government:

"he'll be drawn on a hurdle to be half hanged, and then he'll be taken down and sliced before his own face, and then his inside will be taken out and burnt while he looks on, and then his head will be chopped off, and he'll be cut into quarters." (p.91)

Years after he imparted his opinions to Mr. Frederick Pollock, "Place the people and the Government side by side and you will see barbarism belongs to the Government, civilization to the people."³

Dickens expresses legitimate grievances and neglect of the lower classes by the aristocracy throughout A Tale of Two Cities. Edmund
Wilson writes, "The French people, in Dickens's picture, have been given ample provocation for breaking loose in the French Revolution; but once in revolt, they are fiends and vandals." It is this reaction that Dickens speaks against; a daily increasing familiarity with the scaffold and with death upon it as it was wrought in France during the Revolution is an outcome everybody knows:

The sort of interest with which this man was stared and breathed at, was not a sort that elevated humanity. Had he stood in peril of a less horrible sentence—had there been a chance of any one of its savage details being spared—by just so much would he have lost in his fascination. The form that was to be doomed to be so shamefully mangled, was the sight; the immortal creature that was to be so butchered and torn asunder, yielded the sensation. Whatever gloss the various spectators put upon the interest, according to their several arts and powers of self-deceit, the interest was, at the root of it, Ogreish. (p.93)

The people are described as baffled blue-flies in search of other carrion whose only interests in their miserable lives are the pillory, gallows, whipping-post, and branding-iron. During the old Foulon incident in Chapter twenty-two, the mob becomes wild and frenzied when they discover a man supposed dead is still alive. Foulon was a notorious speculator who told the famished people that they might eat grass. The mob celebrates his capture with fiendish delight and tells him that he has reason now to fear them. The ferocity with which they cry for his blood is appalling:

Give us the blood of Foulon, Give us the head of Foulon, Give us the heart of Foulon, Give us the body and soul of Foulon, Rend Foulon to pieces, and dig him into the ground, that grass may grow from him. (p.252)

The horror of this scene is further described in the mob's hanging of Foulon,

Once, he went aloft, and the rope broke, and they caught him shrieking; twice, he went aloft, and the rope broke,
and they caught him shrieking; then, the rope was merciful, and held him, and his head was soon upon a pike, with grass enough in the mouth for all Saint Antoine to dance at the sight of. (p.254)

As we listen to the conversation between the wood-sawyer and Sydney Carton in Chapter nine of part three, his praise and delight at the skill and speed of the executioner reflects the grotesque behavior the people have become accustomed to during the outbreak of violence.

One of the most horrifying scenes and certainly the most remembered is the picture of the women knitting during the executions,

As the Vengeance descends from her elevation to do it, the tumbrils begin to discharge their loads. The ministers of Sainte Guillotine are robed and ready. Crash—A head is held up, and the knitting-women who scarcely lifted their eyes to look at it a moment ago when it could think and speak, count One.

The second tumbril empties and moves on; the third comes up. Crash—And the knitting-women, never faltering or pausing in their work, count Two. (p.402)

The callousness of the people is further illustrated by their jokes about the guillotine,

It was the popular theme for jests; it was the best cure for headache, it infallibly prevented the hair from turning grey, it imparted a peculiar delicacy to the complexion, it was the National Razor which shaved close who kissed La Guillotine, looked through the little window and sneezed into the sack.... (p.302)

Not only are these jests grotesque, they are horrifying as well. And yet Dickens makes a pertinent comment about the environment and its effects on society. The French people have become so used to the sights of these horrible deaths that their sense of compassion and mercy have been overshadowed.

Essentially what Dickens criticises throughout A Tale of Two Cities
are the wrong moral attitudes, the attitudes that allow social abuses to accumulate out of selfishness and a lack of compassion. Rather, Dickens points to a change in attitudes, ones that develop a proper sense of human decency and human brotherhood.

IV.

Although Great Expectations does not deal directly with capital punishment, Dickens in treating the law, prison and prisoners, must concern himself with condemned men and their executions.

As a young child and later as an adult Dickens had many experiences with prisons. When a child his father had been held in Marshalsea Debtor's Prison and as an adult he often visited the prisons, often incorporating these experiences into his novels. Of all the London prisons, Dickens knew Newgate the most intimately. As a journalist he wrote a long account of Newgate in Sketches by Boz and as a novelist he used the prison for scenes in both Barnaby Rudge and A Tale of Two Cities and Oliver Twist. Fagin is sent to Newgate, and it is destroyed by an angry mob in Barnaby Rudge. In Great Expectations Pip is shown the outside of the prison when "overcome by the heat and musty smell in Mr. Jaggers office, he is advised to take a turn round the Smithfield meat market;"

While I looked about me here, an exceedingly dirty and partially drunk minister of justice asked me if I would like to step in and hear a trial or so....As I declined the proposal, he was so good as to take me into a yard and show me where the gallows was kept, and also where people were publicly whipped, and then he showed me the Debtor's Door, out of which culprits came to be hanged; heightening the interest of that dreadful portal by giving me to understand that "four on 'em" would come out at that door the day after to-morrow at eight in the morning to be killed in a row. This was horrible, and gave me a sickening idea of London. (p.182)
Dickens shared Pip's revulsion as seen through his hatred of Newgate and public executions.

The two men Wemmick and Jaggers are highly disturbing creations and are products of Dickens's moral and social realism. When Pip asks about the two casts on the wall, Wemmick tells him that they were made in Newgate directly after the men were taken down. One of the men was a murderer, Wemmick explains and the other a forger, both of course were hung which Wemmick says is "quite the natural end here." (p.222) He is very proud of these casts because these criminals were famous clients and gave them a world of credit. It is ironic how this particular law firm prides itself on how many criminals they can condemn to the gallows.

This line of work proves to be a hardening influence on Wemmick and Jaggers; any feelings of concern are regarded as a "weak and unprofessional light." Their total absorption of the rottenness in this existence contaminates any compassion or pity they may still have inside.

Jaggers is even more disturbing. There is a real viciousness about him:

"A man can't help his feelings, Mr. Wemmick," pleaded Mike. "His what?" demanded Wemmick, quite savagely. "Say that again!" "Now, look here my man," said Mr. Jaggers, advancing a step, and pointing to the door. "Get out of this office. I'll have no feelings here. Get out." (p.460)

During the trial in Chapter fifty-six, Magwitch is sentenced to die, not for killing Compeyson but for returning from Tranportation, but in a fatal moment, yielding to those propensities and passions, the indulgence of which had so long rendered him a scourge to society, he had quitted his haven of rest and repentance, and had come back to the country where he
The appointed punishment for his return to the land that had cast him out, being Death, and his case being this aggravated case, he must prepare himself to Die. (p. 507)

As it happens, Magwitch dies before the sentence is carried out, though "Dickens conceals or ignores the fact that this offence had notoriously ceased to be de facto capital by the time when the action of the novel takes place." 10

When Dickens compromised on the hanging issue in 1849, he privately pointed out that he remained opposed to capital punishment; "he was merely proceeding on the principle of a practical reformer, that half-a-loaf is better than no bread." 11

A few years later, however, Dickens abandoned his opposition to hanging. It is uncertain when and why he changed his mind although a major point to consider concerns his dynamic personality. Since he was a man who changed his mind as his feelings burned within him, "he was rarely self-conscious or explicit about the sources or developments of his thought." 12

When public executions ended in 1868 "he uttered no sigh of relief or gratitude. As over several other issues and activities, a spell of keen enthusiasm was followed by indifference or boredom. By 1868 he no longer cared passionately about the ethics of execution." 13

Traces of this indifferent attitude had its beginnings in a letter dated 25 August, 1859. It involved the trial of a surgeon, Thomas Smethurst, found guilty of poisoning his bigamous "wife". The judge, Sir Frederick Pollock strongly believed in the verdict, but there was much concern among the public about its correctness, and the Home Secretary was urged to end or change the sentence. Dickens applauded
Pollock's stand on the issue and threatened to hang any Home Secretary (Whig, Tory, Radical, or otherwise) who should step in between that black scoundrel and the gallows. I cannot believe—and my belief in all wrong as to public matters is enormous—that such a thing will be done. 14

This unpleasant emotional note recurs in another letter dated a few years later concerning the murder trial of Franz Muller. "I hope that gentleman will be hanged," he wrote, "and have hardly a doubt of it, though croakers contrariwise are not wanting." The expression "croakers" is an unkind term Dickens uses to describe the party to which he had belonged not long before.

Dickens also wrote of his disbelief of abolition in two of his novels: *Little Dorrit* (1855-1857) and *The Mystery of Edwin Drood* (1870). In *Little Dorrit* when a Swiss pastor is discussing the Rigaud murder with the French landlady at the Break of Day Inn, Dickens expresses his beliefs in the depravity of some criminals. The Swiss pastor begs the landlady to have sympathy for the murderer:

"Hold there, you and your philanthropy," cried the smiling landlady,..."I know nothing of philosophical philanthropy. But I know what I have seen, and what I have looked in the face, in this world here, where I find myself. And I tell you this, my friend, that there are people (men and women both, unfortunately) who have no good in them—none. That there are people whom it is necessary to detest without compromise. That there are people who must be dealt with as enemies of the human race. That there are people who have no human heart, and who must be crushed like savage beasts and cleared out of the way." (p.25)

Finally, in 1870, he introduced an abolitionist for the first time in one of his novels. It was the distinguished "philanthropist" Mr. Honeythunder, who also represents other causes Dickens no longer supported.
You were to abolish military force, but you were first to bring all commanding officers who had done their duty, to trial by court-martial for that offence, and shoot them. You were to abolish war, but were to make converts by making war upon them, and charging them with loving war as the apple of their eye. You were to have no capital punishment, but were first to sweep off the face of the earth all legislators, jurists, and judges, who were of the contrary opinion. You were to have universal concord, and were to get it by eliminating all the people who wouldn't or conscientiously couldn't, be concordant. You were to love your brother as yourself, but after an indefinite interval of maligning him (very much as if you loved him), and calling him all manner of names.

Dickens does not present a very flattering picture of the abolitionists, for all the contradictions evident discredit the validity of their cause.

Dickens's acceptance of capital punishment in the 1850s reflects not only a change in his life and works but also a widespread change of opinion. Thomas Carlyle, an abolitionist in 1842, was no longer satisfied, eight years later, to protect the scoundrels—"the scoundrel that will hasten to the gallows, why not rather clear the way for him!"

W.M. Thackeray appalled by what he had seen at an execution wrote an harrowing account of it in "Going to See a Man Hanged". In his later and what his editor George Saintsbury terms his wiser days, he admitted that anti-capital punishment was only a fad and a wrong one at that. By the 1860s, that abolitionist movement was dead. In 1862 the Society for the Abolition of Capital Punishment temporarily suspended its activities owing to a lack of support. When the Richmond Report was published in 1866, recommending private executions, the Society was forced to disband. Other Societies for the Abolition of Capital Punishment since 1865 have been formed but for the most part have met
with little attention and public support.

Why then, this obsession with murderers and executions? If Dickens, who gave almost five years to the abolitionists cause was to change his mind as quickly as he opposed the death penalty there must have been a hidden motive in addition to changes in society. Some critics have determined that it is Dickens's fascination for violence, murder, and retribution that influence many of his works. Thus, his interest in the fate of prisoners went a good deal further than his memories of the debtor's prison or notes of a good court reporter. Dickens readily identified himself with the thief, and even more readily with the murderer. Edmund Wilson writes: "The man of powerful will who finds himself opposed to society must, if he cannot upset it or if his impulse to so is blocked, feel a compulsion to commit what society regards as one of the capital crimes against itself....With Dickens, it is usually murder." 17

Dickens's obsession with murderers works inside the tradition of the "Sensation Novelist". As a "Sensation Novelist" Dickens delighted in portraying violent and bloodthirsty incidents to horrify his readers. This gruesome imagination was without a doubt influenced by his outside activities—in the necrophilia which took him to the Paris Morgue, and sites of murders in England and in America. (Necrophilia is the fascination with the dead, specifically an obsession with and usually erotic attraction toward a corpse.)

In a sketch he wrote for The Uncommercial Traveller, Dickens tells of being obsessed by the image of a drowned and bloated corpse that he had seen in the Paris Morgue, "which for days kept popping up among
the people and things he encountered and sometimes compelled him to leave public places, though it eventually drove him back to the morgue."^{18}

On a second visit to America, Dickens went to the Cambridge Medical School to see the laboratories where Professor Webster, the Professor of Chemistry, had committed a murder in his laboratory and had continued to meet his classes with parts of the body under the lid of his lecture-table.

Back in England on a jaunt with some friends late in 1849 he took his friends to Norwich and Stanfield Hall. Norwich seems to have been chosen because only a month before, the Recorder of Norwich, who lived at the near-by Stanfield Hall, had been shot dead, and three members of his household wounded. When Dickens went there, he described the place as having "a murderous look that seemed to invite such a crime."

Nearer his home, his daily walks from Gad's Hill took him past the place where a lunatic named Dadd had murdered his father. Dickens would re-enact the whole scene with great passion and dramatic force.

Such a total immersion in the activities of criminals only served to reinforce his opinion that murderers are, by temperament, monsters of vice. He never realizes that many murderers are weak and stupid or temporarily over-wrought. Even in his abolitionist days, he had never accepted the plight of many criminals as an argument against capital punishment. For him, murderers were always heinous, never pitiful; one of his main objections to capital punishment was that hanging produced too much sympathy and compassion for the man about to die and the crowd would often forget the purpose of the execution.
Dickens refers to this point constantly throughout his works. To see that Dickens could make this statement shows how little he belonged to the abolitionist temperament. Philip Collins makes this analogy: "He resembled those opponents of blood-sports who think foxes a pest and do not mind how they die, but regard hunting as bad for the souls of its devotees." 19

In conclusion, Dickens was a man of passion who defiantly spoke against what he felt was wrong.

All the other people of his time are attacking things because they are bad economics or because they are bad politics, or because they are bad science; he alone is attacking things because they are bad. All the others are Radicals with a large R; he alone is radical with a small one. 20

Before the Capital Punishment Amendment Act was passed, the death penalty was undeniable cruel. As a court reporter Dickens witnessed the power a judge had over a man's life and the amount of dramatic tension evident in the courtroom. A man sentenced to death caused great excitement among the public instead of causing fear as legislation had proposed. The indifference and savage delight the public often displayed deeply disturbed Dickens. So, with a fixed purpose in mind, Dickens proposed the abolition of the death penalty. To prepare himself for his defense he witnessed a number of executions and clearly stated his views to the newspapers. These letters which are unusually long in comparison with other letters by Dickens, present effective arguments against the death penalty. His material is organized, he quotes statistics and literature pertaining to the subject and clearly states his reasons for opposing the death penalty.

Although many of Dickens's reasons for advocating the abolition
of capital punishment were for the welfare of society, he did not express any concern for the welfare of the criminal found in society. Dickens's belief in this traditional view of the criminal proved to be a downfall. This view prevented him from fully dedicating himself to the abolitionists' cause. With such a disdain for the criminal, it would be extremely easy to advocate capital punishment once public executions were terminated.

Dickens's change of opinion also reflects a widespread change. Many abolitionists, once they had seen hardened criminals and scoundrels escaping justice, began to retract their opinions and advocated the use of capital punishment.

Another reason for Dickens's indifference towards capital punishment stems from his association with the tradition of the "sensation novelist". Dickens had a fiendish enjoyment of portraying the most horrific details in his writings. Like his nurse, Mary Weller, who used to tell the Dickens children of macabre, ghoulish and sinister tales, he too, must admit, "I wants to make your flesh creep." The black horrors that Dickens could draw out of "the dark corners" of his mind made Dickens an unreliable ally for the abolitionists. He later turned against the campaign and the avidity with which Dickens pursued the death penalty does indeed, make one's flesh creep.


3 Tuttle, p.15.


7 Collins, p.226.


10 Dickens, p.49.


12 Pope-Hennessy, p.224.


14 Collins, p.235.

15 Collins, p.236.


NOTES TO PAGES 20-48


4 Wilson, p.147.


13 Collins, p.245.

14 Collins, p.246.

15 Collins, p.246.

16 Collins, p.247.

18 Wilson, p. 96.


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