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# “The Live Dynamic Whole of Feeling and Behavior”: Capital Punishment and the Politics of Emotion, 1945–1957

*Claire Langhamer*

**E**arly on the morning of 16 October 1946, a crowd gathered outside Pentonville Prison where the double murderer, Neville Heath, was to be hanged.<sup>1</sup> Sixteen young girls from a local paint factory formed part of the unfolding drama. The girls were hoping for a speedy execution as their forewoman had warned that she would fetch them should they be late for work. Huddled together in a state of nervous excitement, they exchanged views and scraps of information:

“I wonder when they’re going to hang him.”

“And he went to the Home Secretary last night to plead with him that he should see his parents but he won’t.”

“And she tried to get in his cell.”

“She usually wears a black veil over her face.”

“I wonder what the cheeky Charlie had for breakfast.”

“If anybody ever deserves the rope he does.”

“He didn’t want to see his own mother.”

“He’s grumbled that they’ve kept him short of tobacco while he’s been in prison . . . that’s some nerve.”<sup>2</sup>

At 8:30, as threatened, the forewoman arrived and escorted the girls to their

**Claire Langhamer** is a senior lecturer in history at the University of Sussex. The author would like to thank Stephen Brooke, Lucy Robinson, Andy Wood, and the editors and reviewers at the *Journal of British Studies* for their insightful comments on this essay. Extracts from the Mass Observation Archive are reproduced with the permission of the Trustees of the Mass Observation Archive, University of Sussex.

<sup>1</sup> Neville George Cleveley Heath (1917–46) was sentenced to death on 27 September 1946 for the murder of Mrs. Margery Gardner in a London hotel.

<sup>2</sup> Mass Observation Archive (hereafter MOA), Topic Collection (hereafter TC) 72, Capital Punishment Survey, 1938–56, box 1, Survey on Capital Punishment, 1938–48, 72–1-A, “Opinions on Death Penalty, 1938–46,” “Heath’s Execution,” 1.

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workplace. Presumably to their disappointment, the execution had yet to take place.

Shortly after the departure of the young factory workers, Mrs. Violet Van Der Elst appeared on the scene. A self-made millionaire from a working-class background, Van Der Elst was a well-known and flamboyant campaigner against the noose. Her appearance on execution days in her signature black Rolls Royce was a well-established part of the spectacle. Before the war, Van Der Elst had intended to publicize her cause by flying an all-black airplane (“a big one, more like an RAF bomber”) with her name emblazoned on the side daily over London. This ambitious plan came to naught.<sup>3</sup> To the midcentury public, she nonetheless remained the face of abolition. On the morning of Heath’s execution, Van Der Elst duly appeared at Pentonville to distribute leaflets proclaiming “The New Evidence” that “this man was a possessed mad-man and should have been sent to Broadmoor.”<sup>4</sup> As four policemen bundled her back into her car, some members of the growing crowd cried out: “She’s as mad as mad-hatter,” while others exhorted the police to “Leave her alone you bloody rotters.”<sup>5</sup> Following the departure of the star turn, the execution notice was posted on the prison gate, the press took some photographs, and the crowd dispersed, discussing the murderer and his crimes. The hanging of Neville Heath was over.

Standing back from these events was a Mass Observation investigator, “L. B.,” who concluded her report thusly:

Summing up Inv. has no hesitation in saying that the scene outside Pentonville Prison made her feel thoroughly sick. It was revolting—cheap and sensational and the crowd themselves spontaneously being the actors in a cheap vulgar set-up. They were anxious for crumbs of limelight as witness the pushing and elbowing when the crowd was photographed in order to ensure they were in the picture. The press to a large extent were responsible for this. For instance when Mrs. Van Der Elst was being pushed into the car with the aid of four policemen and a shower of leaflets this was thought the grand occasion to take the photo and again when death notice was pinned on gate to get an attractive young girl to pose in the act of reading the notice. As regards to Heath himself the general opinion was that he deserved what he got.<sup>6</sup>

L. B.’s report survives among a miscellany of material on capital punishment, collected between 1938 and 1956, in the Mass Observation Archive. It includes two major national surveys of public opinion conducted through a stratified sample approach and detailed subjective understandings drawn from its self-selected panel of volunteer writers. The collection provides the most detailed, and nuanced, contemporaneously generated data on public attitudes toward hanging in existence for Britain.

Mass Observation was established in 1937 by a group of left-leaning intellectuals intent on creating a “science of ourselves.” It employed a diverse range of research methods, including the collection of diary entries and discursive responses to open-ended questionnaires, the observation of everyday practices, ethnography, ques-

<sup>3</sup> *Daily Mirror*, 25 April 1935, 3.

<sup>4</sup> MOA, TC 72, box 1, 72-1-A, Violet Van Der Elst, “The Fresh Evidence.”

<sup>5</sup> MOA, TC 72, box 1, 72-1-A, “Heath’s Execution,” 3.

<sup>6</sup> *Ibid.*, 5.

tionnaires, interviews, and competitions. It continued its work until the mid-1950s, although more than one volunteer continued submitting diaries into the 1960s. Among its preoccupations lay an interest in the mechanics of opinion formation, the compatibility of public and private viewpoints, and the relationships among thought, feeling, and action. Accessing the messiness of everyday attitudes necessitated a mixed method responsive to context. For Mass Observation, the qualitative and the quantitative were necessarily reconcilable approaches. Mass Observation was, in its own words, “a science but something more than science has hitherto been.”<sup>7</sup> Other postwar social scientists disagreed. Mark Abrams, for example, castigated Mass Observation’s methods as “inchoate and uncontrolled.”<sup>8</sup> He was particularly exercised by the “anarchy” of the qualitative interview, the use of “untrained” observers, and the status of the volunteer panel.<sup>9</sup>

In fact, as Joe Moran has recently argued in the pages of this journal, Mass Observation’s strength as both midcentury research organization and historical archive rests precisely in the “proto-interdisciplinary thick description” it practiced.<sup>10</sup> Mass Observation’s determination to understand the complexity of opinion formation on capital punishment distinguished it from other postwar pollsters who were satisfied with a yes/no response. In its 1949 survey *The Press and Its Readers* Mass Observation defended its use of statistics as a “means rather than an end,” declaring an interest in “the live dynamic whole of feeling and behavior.”<sup>11</sup> Feelings were in fact crucial: a 1948 internal report asserted that “the ‘how do you feel about. . .?’ question, by avoiding the issue of ‘why do you think this or that’ provokes the less-conscious, more purely self-expressionist reply.”<sup>12</sup> Mass Observation’s mapping of emotion included a study of happiness in 1938, research on fear in wartime, and sustained interest in love and courtship. When the organization inquired about hanging, it instinctively asked for public feelings on the topic.

And yet records of public thought and feeling of this type have been neglected by historians of modern British executions, who prefer to focus upon the abolitionist campaigns, parliamentary process, or specific types of cases.<sup>13</sup> While it is

<sup>7</sup> Charles Madge and Tom Harrison, *Mass-Observation* (London, 1937), 40.

<sup>8</sup> Mark Abrams, *Social Surveys and Social Action* (London, 1951), 112.

<sup>9</sup> Abrams, *Social Surveys*, 105–13.

<sup>10</sup> Joe Moran, “Mass-Observation, Market Research, and the Birth of the Focus Group, 1937–1997,” *Journal of British Studies* 47, no. 4 (October 2008): 827–51, quote at 835.

<sup>11</sup> Mass Observation, *The Press and Its Readers: A Mass-Observation Survey* (London, 1949), 8.

<sup>12</sup> MOA, file report (hereafter FR) 3028, “The Qualitative Approach to Market Research,” August 1948, 6a.

<sup>13</sup> See, e.g., Victor Bailey, “The Shadow of the Gallows: The Death Penalty and the British Labour Government, 1945–51,” *Law and History Review* 18, no. 2 (Summer 2000): 305–40; Anette Ballinger, *Dead Woman Walking: Executed Women in England and Wales, 1900–1955* (Aldershot, 2000); Brian P. Black and John Hostettler, *Hanging in the Balance: A History of the Abolition of Capital Punishment in Britain* (Winchester, 1997); John McHugh, “The Labour Party and the Parliamentary Campaign to Abolish the Military Death Penalty, 1919–1930,” *Historical Journal* 42, no. 1 (1999): 233–49; Harry Potter, *Hanging in Judgement: Religion and the Death Penalty in England from the Bloody Code to Abolition* (London, 1993). Hugh McLeod mentions the 1955–56 Mass Observation survey and provides a brief summary of its findings; see McLeod, “God and the Gallows: Christianity and Capital Punishment in the Nineteenth and Twentieth Centuries,” in *Retribution, Repentance, and Reconciliation*, ed. Kate Cooper and Jeremy Gregory (Woodbridge, 2004): 330–56, 353–54. The practice of capital punishment within British colonial Africa has also received recent scholarly attention. David Anderson has examined the widespread use of judicial hangings in the suppression of Mau Mau in

commonly asserted that a majority of the public supported the death penalty for murder even beyond abolition, there has been no serious attempt to understand the texture of this support in twentieth-century Britain.<sup>14</sup> Historians refer to the findings of pollsters in passing but fail to analyze the results. Those who held mixed views or who self-defined as “don’t know,” or even “don’t care,” are disregarded. No historian to date has placed public, rather than political or campaigning opinion, center stage. This is surprising given the cultural significance of the issue in the 1940s and 1950s and the dynamic nature of the public sphere in the wake of the People’s War. The inherently subjective material gathered by Mass Observation facilitates such an investigation. While it has its own limitations as historical evidence—no one set of data can hope to wholly capture national feeling—it provides a unique opportunity to interrogate the ideas and feelings of large numbers of ordinary men and women on an issue of national importance.<sup>15</sup> In this article, Mass Observation evidence is set alongside the more conventional sources of political history—press opinion, cabinet papers, and parliamentary discussion—to illuminate the hanging debate from a range of distinct, yet interlocking, angles.

In fact the public voice was subject to much contemporaneous attention, not least because it seemed to be increasingly easy to access. Opinion polls were a standard feature of the postwar press, feeding, in Adrian Bingham’s phrase, “an insatiable demand for information about the habits and opinions of the public.”<sup>16</sup> Nonetheless their validity was routinely questioned. The hanging issue offered pollsters, including Mass Observation, a chance to prove the utility of their method.<sup>17</sup> It offered the opponents of polling further opportunity to denounce the practice. While abolitionists and retentionists used the polls to claim support for their respective positions, they were quick to criticize the public voice as flawed if it did not match their own. When a public response was unwelcome, it was characterized as irrational. Both sides leveled the specific charge of emotionalism to denote an inferior, implicitly feminine, and inexpert form of knowing. In this way, a critique of popular feeling, and the methods through which it was accessed, lay at the heart of the postwar hanging debate.

The debate on capital punishment was itself part of a broader discussion concerning epistemology and the appropriate bases for decision making in the modern democratic age. The death penalty was an issue on which there were apparently starkly divergent views between so-called opinion leaders and ordinary citizens.

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1950s Kenya in his *Histories of the Hanged: Britain’s Dirty War in Kenya and the End of Empire* (London, 2005); see also Stacey Hynd, “Killing the Condemned: The Practice and Process of Capital Punishment in British Africa, 1900–1950s,” *Journal of African History* 49, no. 3 (2008): 403–18.

<sup>14</sup> Public feelings about hanging in the eighteenth and nineteenth centuries are examined in V. A. C. Gatrell’s *The Hanging Tree: Execution and the English People, 1770–1868* (Oxford, 1994).

<sup>15</sup> For a discussion of the criticisms made of Mass Observation’s methods over time and a compelling account of the archive’s potential as a source for British social history, see Tony Kushner, *We Europeans? Mass-Observation, “Race” and British Identity in the Twentieth Century* (Ashgate, 2004), 8–28. Kushner himself employs Mass Observation material “undefensively,” 5.

<sup>16</sup> Adrian Bingham, *Family Newspapers? Sex, Private Life and the British Popular Press, 1918–1978* (Oxford, 2009), 97.

<sup>17</sup> On the early history of opinion polling in Britain, see Laura Dumond Beers, “Whose Opinion? Changing Attitudes towards Opinion Polling in British Politics, 1937–1964,” *Twentieth Century British History* 17, no. 2 (2006): 177–205.

Its suspension in 1965 and abolition in 1969 have been viewed as a remarkable triumph for a minority of committed campaigners in the face of significant public opposition.<sup>18</sup> The act of abolition seemed to legitimate the authority of the modernizing political and professional classes over a public driven by feeling rather than rationality. Nonetheless, sentiment framed all aspects of this debate. Campaigners on both sides fed on emotion, treading a perilous line between its underutilization and overutilization. Too little emotion might risk failure to connect with the public; too much might seriously damage the activists' political credibility. Parliamentary voting on the abolition of capital punishment was a matter of individual conscience, not party policy, and opinions were held to be lodged in the heart rather than in political doctrine.<sup>19</sup> Defined by reformers as the moral issue of the immediate postwar years, the death penalty issue acted as a boundary marker within political culture. As such, debates on capital punishment within, as well as without, Parliament could not help but be touched by the subjective realm of feeling, destabilizing the discursive separation of "reason" from "emotion."

This article examines the emotional economy of hanging, an aspect of the issue that has not been developed in the current literature. It is situated within the burgeoning field of the history of emotion, a subdiscipline founded upon the assumption that feeling is framed by time and culture.<sup>20</sup> As medievalist Barbara Rosenwein suggests, "emotions themselves are extremely plastic . . . it is very hard to maintain, except at an abstract level that emotions are everywhere the same."<sup>21</sup> An early focus on dominant emotional standards has more recently been expanded to include the relationship between emotion and politics and the complex and contradictory ways people employ emotions, interact with dominant codes, and navigate between the "emotional communities."<sup>22</sup> The everyday experience and function of emotion is increasingly foregrounded.<sup>23</sup> Roper has directed attention to "the significance of the material, of bodily experiences, and of the practices of daily life in which emotional relations are embedded."<sup>24</sup>

This article draws on these insights, first, to historicize the ways in which ordinary people articulated their feelings about hanging. I will show that public opinion on hanging was more complex and reflexive than has previously been suggested. Those surveyed by Mass Observation understood their own position as emerging from a range of influences, including fear, compassion, faith, knowledge, personal experience, and a self-conscious sense of temporality. Individuals confronted the

<sup>18</sup> Capital punishment was abolished in Northern Ireland in 1973. It remained as a possible penalty for treason and piracy with violence until 1998.

<sup>19</sup> On conscience in the legislative process, see Peter G. Richards, *Parliament and Conscience* (London, 1970).

<sup>20</sup> For a recent survey, see Susan J. Matt, "Current Emotion Research in History: Or, Doing History from the Inside Out," *Emotion Review* 3, no. 1 (January 2011): 117–24.

<sup>21</sup> Barbara H. Rosenwein, "Writing without Fear about Early Medieval Emotions," *Early Medieval Europe* 10, no. 2 (July 2001): 229–34, quote at 231.

<sup>22</sup> The work of Peter Stearns, William Reddy, and Barbara Rosenwein has been particularly influential.

<sup>23</sup> Linda A. Pollock, "Anger and the Negotiation of Relationships in Early Modern England," *Historical Journal* 47, no. 3 (September 2004): 567–90.

<sup>24</sup> Michael Roper, "Between Manliness and Masculinity: The 'War Generation' and the Psychology of Fear in Britain, 1914–1950," *Journal of British Studies* 44, no. 2 (April 2005): 343–62, quote at 345, and "Slipping Out of View: Subjectivity and Emotion in Gender History," *History Workshop Journal* 59 (Spring 2005): 57–72.

intersections between emotion and reason (or constructions of these categories) in their responses, sometimes explicitly refusing to dichotomize these two ways of knowing. Support for hanging as a punishment for murder was contingent upon the type of murder committed and the identity of the murderer. The gender and age of both respondent and murderer were, unsurprisingly, key factors in a period increasingly portrayed by historians as one of sexual and generational instability.<sup>25</sup> Public feelings about executions by the state were also historically contingent. The public voice of 1948 had a slightly different texture to that of 1955–56. This shift adds further weight to a reading of the 1950s as a decade of instability rather than continuity.<sup>26</sup>

Second, this article interrogates the status of “emotion” within the postwar public sphere. Feelings lay at the heart of the debate on capital punishment, but the appropriate place for emotion within democratic decision making was deeply contested. Disney’s 1943 animated propaganda film *Reason and Emotion* had explicitly associated unfettered emotion with Nazism: “Reason has been enslaved while emotion is the master.”<sup>27</sup> One of the grounds for the contempt in which midcentury British analytic philosophy held continental philosophy was that the continentalists were, in Thomas Akehurst’s words, “peddling an emotional, rather than philosophical method.”<sup>28</sup> And yet war had necessitated the mobilization of emotion as well as personnel. With peace came the need to reconfigure the status of emotion within an expanded public sphere: an expansion evident in, among other things, the politics of consumer desire and the politicization of housewifery.<sup>29</sup> The hanging debate provides a case study in how emotion and its implied opposite, reason, were conceptualized and deployed within the expanded postwar public sphere. For many politicians, proper decision making was held to necessitate the suppression of feeling and the exercise of logic. There was a gendered element here; a distinctly masculinist discourse of emotional restraint within the male-dominated houses of Parliament was set against the uncontrolled emotion of the implicitly feminized world beyond. Classed conceptions of national character were also significant. Emotional control had long been seen as a marker of social status, as Martin Francis suggests: “The notion that self-restraint was a key component of national identity was a staple of impressionistic (and usually self-congratulatory) writings on the ‘English character’ that flourished in this period.”<sup>30</sup> This article

<sup>25</sup> See, e.g., Gillian Swanson, *Drunk with the Glitter: Space, Consumption and Sexual Instability in Modern Urban Culture* (London, 2007); Frank Mort, *Capital Affairs: London and the Making of the Permissive Society* (New Haven, CT, 2010); Bingham, *Family Newspapers?*

<sup>26</sup> Nick Thomas, “Will the Real 1950s Please Stand Up? Views of a Contradictory Decade,” *Cultural and Social History* 5, no. 2 (June 2008): 227–35.

<sup>27</sup> *Reason and Emotion*, film, director Bill Roberts, Walt Disney Productions/RKO Radio Pictures, 1943.

<sup>28</sup> Thomas Akehurst, *The Cultural Politics of Analytic Philosophy: Britishness and the Spectre of Europe* (London, 2010), 111.

<sup>29</sup> See, e.g., Matthew Hilton, “The Fable of the Sheep; or Private Virtues, Public Vices: The Consumer Revolution of the Twentieth Century,” *Past and Present* 176 (August 2002): 222–56; James Hinton, “Militant Housewives: The British Housewives’ League and the Atlee Government,” *History Workshop Journal* 38, no. 1 (Autumn 1994): 129–56.

<sup>30</sup> Martin Francis, “Tears, Tantrums, and Bared Teeth: The Emotional Economy of Three Conservative Prime Ministers, 1951–1963,” *Journal of British Studies* 41, no. 3 (July 2002): 354–87, quote at 362.



builds upon Francis's important study of the "emotional economy" of postwar political leadership to explore the meanings of public emotion within postwar political debate.



In November 1938, the House of Commons approved a five-year suspension of capital punishment.<sup>31</sup> That same month, the British Institute of Public Opinion asked a sample of 1,171 people, "Should the death penalty be abolished?"<sup>32</sup> Fifty-one percent said no, 37 percent said yes, and 12 percent had no opinion or failed to answer. The advent of war brought the abolitionist cause to a parliamentary standstill. Public opinion meanwhile seemed to harden. By May 1947, over two-thirds of those questioned by Gallup opposed abolition.<sup>33</sup> Clearly, the experience of war had changed things. Attitudes toward capital punishment were embedded in broader attitudes to life and death, and these had undoubtedly been destabilized during six years of war.<sup>34</sup> In the immediate postwar period, executions for crimes of collaboration had taken place across Europe; the German war crimes trials brought about 486 executions in the Western occupied zones.<sup>35</sup> Nuremberg provided a particular focus of public interest: ten of the major war criminals had been hanged only hours before Heath's execution on 16 October 1946. As Judt observes, "Death sentences were frequent at the time and provoked scant opposition: the wartime devaluation of life made them seem less extreme—and better warranted—than under normal circumstances."<sup>36</sup>

Nonetheless, the newly elected Labour government might have been expected to include abolition in its postwar program. Labour MPs had spearheaded the successful interwar campaign to abolish the military death penalty for cowardice and desertion, and the Labour Party Conference of 1934 had voted unanimously in favor of abolition in civil murder cases.<sup>37</sup> Legal reform was on the agenda, and a new criminal justice bill, to include implementation of the Cadogan Report

<sup>31</sup> Passed by 114 votes to 89. The Select Committee on Capital Punishment had recommended suspension for five years in 1930.

<sup>32</sup> J. Hinton, P. Thompson, and I. Liddell, *British Institute of Public Opinion (Gallup) Polls, 1938–1946* (Colchester, 1996), <http://www.esds.ac.uk/doc/3331/mrdoc/ascii/3811.txt>.

<sup>33</sup> Just 24 percent of those questioned by Gallup favored abolition, while the retentionists accounted for 69 percent of the sample (George H. Gallup, *The Gallup International Public Opinion Polls: Great Britain, 1937–1975*, vol. 1, 1937–64 [London, 1976], 156).

<sup>34</sup> Richard J. Evans asserts that "attitudes to capital punishment obviously reflect attitudes to death in a broader sense" (Richard J. Evans, *Rituals of Retribution: Capital Punishment in Germany, 1600–1987* [Oxford, 1996], 900).

<sup>35</sup> Donald Bloxham, "British War Crimes Trial Policy in Germany, 1945–1957: Implementation and Collapse," *Journal of British Studies* 42, no. 1 (January 2003): 91–118.

<sup>36</sup> Tony Judt, *Postwar: A History of Europe since 1945* (London, 2005), 51.

<sup>37</sup> McHugh, "The Labour Party"; Christie Davies, "The British State and the Power of Life and Death," in *The Boundaries of the State in Modern Britain*, ed. S. J. D. Green and R. C. Whiting (Cambridge, 1996): 341–74. On the execution of US soldiers in Britain during the Second World War, see J. Robert Lilly and J. Michael Thomson, "Executing US Soldiers in England, World War II: Command Influence and Sexual Racism," *British Journal of Criminology* 37, no. 2 (Spring 1997): 262–88.

recommendations on corporal punishment, was a legislative priority.<sup>38</sup> And yet within a postwar context of dislocation, insecurity, and a perceived increase in crime, a belief that the time was not right for death penalty reform took hold. Despite active support for abolition when in opposition, once in government, the party leadership was divided.<sup>39</sup> Following discussion in November 1947, the cabinet concluded with notable delicacy that

there was a substantial body of opinion which would support the view that, whatever convictions were held on their merits, it would be inopportune to introduce this experiment in the unsettled conditions following a major war, when a number of violent crimes was abnormally high and respect for the sanctity of human life had inevitably been impaired by the circumstances of war. It was difficult for the government to judge in present circumstances whether a majority of the electors desired that capital punishment should be abolished. Would it not be preferable, therefore, if the Government, while avoiding any expression of opinion on the merits, advised Parliament that this was not an opportune moment at which to make this important change in the law?<sup>40</sup>

Ministers were particularly keen to disentangle the abolition issue from the other reforms to the criminal justice system it was determined to implement.<sup>41</sup> But there were those among the Labour party rank and file who resisted this direction; in 1948, Sydney Silverman's clause for suspension met success in the Commons, though it was defeated in the Lords. A compromise government measure designed to limit the use of execution also fell in the Lords. Unwilling to use the Parliament Act on an issue of conscience (while anticipating its use in order to nationalize the iron and steel industry), the government instead appointed a royal commission.<sup>42</sup>

It was against this background that Mass Observation renewed its interest in a topic on which it had only previously touched. In the first instance, it turned to its established panel of volunteer writers for assistance. This was a self-selected group that certainly did not represent a stratified sample of the population of the United Kingdom. It has been suggested that the majority were men and women of the lower middle class, educated beyond elementary level, although working-class and middle-class observers were also included. Membership shifted over time, and by the end of the war 2,396 people had contributed at least one response. Around 300 of these responded consistently over time, and a subset of these also contributed personal diaries.<sup>43</sup>

Since 1938, the volunteer panel had provided discursive responses to thematic

<sup>38</sup> HMSO, *Report of the Departmental Committee on Corporal Punishment* (London, 1938), Cmd. 5684.

<sup>39</sup> McHugh, "The Labour Party"; Bailey, "The Shadow of the Gallows."

<sup>40</sup> The National Archives (hereafter TNA), CAB 128/10, Cabinet: Minutes (CM and CC Series), Cabinet Conclusions: 50 (47)–96 (47), Cabinet 89 (47), Conclusions, 18 November 1947, 110–11.

<sup>41</sup> TNA, CAB 128/10, Cabinet 61 (47), Conclusions, 15 July 1947, 114.

<sup>42</sup> The Royal Commission on Capital Punishment sat between 1949 and 1953. It was chaired by Sir Ernest Gowers and was instructed to consider mitigation, not abolition.

<sup>43</sup> There is, as yet, no comprehensive analysis of the social origins of Mass Observers stretching across the war and postwar period. On the social composition of the panel in its early days, see Nick Stanley, "The Extra Dimension: A Study and Assessment of the Methods Employed by Mass-Observation in Its First Period, 1937–40" (PhD thesis, Council for National Academic Awards, 1981).

open-ended questionnaires, called directives.<sup>44</sup> These were distributed monthly during the war and slightly less regularly once hostilities ceased. The topics covered were diverse, surprising, and occasionally troubling. Social class, the supernatural, lovemaking in public, and medicine cupboards all found a place within directive texts. Feelings were frequently elicited: “How do you feel about negroes?” “How do you feel about the recent bombing of Germany?” “How do you feel about blindness and blind people?”<sup>45</sup> In January 1944, panelists were even asked to maintain a “subjective mood chart.”<sup>46</sup> “Mass-Observation is particularly concerned with people’s behavior, their subjective feelings, their worries, frustrations, hopes, desires and fears,” its wartime director had claimed.<sup>47</sup> The relational nature of Mass Observation allowed it to develop ongoing bonds of trust with its writers, which facilitated the narration of such private worlds and intimate thoughts.

In January 1948, the panelists were asked, “How do you feel about capital punishment?”<sup>48</sup> Their responses support Mass Observation’s claim to offer access to the subjective realm of feeling. They also offer broad support to existing categorizations of the social origins of the panelists. A majority favored abolition, and most were well versed in the arguments concerning retribution and deterrence. Their responses were not, as we will see, typical of broader public opinion. A need to differentiate between different types of murder was a particular theme, with “cold-blooded” murders in pursuit of profit deemed to be significantly worse than crimes of passion. Gun crime featured as a particular concern. Faith in the potential of modern medical and scientific research to cure the murderous mind was surprisingly widespread: “We should try the Russian way of mending, not ending, the criminal,” suggested a fish salesman.<sup>49</sup> Reference to Christianity was less widespread. Solutions offered to the problem included the execution of lunatics and the deportation of all murderers “to some part of Africa.” The majority of panelists, both men and women, were nonetheless opposed to capital punishment on a range of grounds: its “barbarism,” perceived ineffectiveness, the risk of injustice, and the impact on those forced to administer it—chiefly the hangman—whose well-being was a particular concern.

Just as the impact of war and its aftermath framed the approach taken by the Labour Party leadership, it also informed the responses of the Mass Observation panel. A thirty-three-year-old married housewife summed up her feelings as follows:

I am not sure about capital punishment. I think I’m against it. I can’t help feeling that one has no right to condemn a man to death. “There but for the grace of God

<sup>44</sup> Publications drawing on Mass Observation’s directive responses include James Hinton, “The ‘Class’ Complex: Mass-Observation and Cultural Distinction in Pre-war Britain,” *Past and Present* 199, no. 1 (May 2008): 207–36; Claire Langhamer, “Love and Courtship in Mid-Twentieth-Century England,” *Historical Journal* 50, no. 1 (March 2007): 173–96; and Mike Savage, “Changing Social Class Identities in Postwar Britain: Perspectives from Mass-Observation,” *Sociological Research Online* 12, no. 3 (May 2007).

<sup>45</sup> MOA, directives, June 1939, December 1943, May 1947.

<sup>46</sup> MOA, directive, January 1944.

<sup>47</sup> Bob Wilcock, “Mass-Observation,” *American Journal of Sociology* 48 (January 1943), 450.

<sup>48</sup> MOA, directive, January 1948.

<sup>49</sup> MOA, directive, January 1948, directive response (hereafter DR), unnumbered. Married man aged 38. Wartime Mass Observers are allocated an identifying number by the Mass Observation Archive. Those who started writing in the postwar period do not currently have such a number.

go I” in fact. And yet since the war I’m not so sure. I can’t help feeling that it was better to get rid of the Nazi killers. Even though the criminal may be the product of forces over which he has no control one has to deal somehow with that product. In short I am in two minds about this subject. If I had to vote I guess I would be against it.<sup>50</sup>

She was not the only one to root her response in recent events. “For the traitors who during the German occupation of their country helped the enemy, spied on, betrayed, captured, tortured, murdered their countrymen,” wrote a student housewife who otherwise opposed hanging, “death is the only solution, not as a form of punishment, but because for these beings there is no room in this world.”<sup>51</sup> It was not just knowledge of war crimes that generated this response. The broader culture of war—life as fragile, death as ordinary—made state executions less noteworthy. “It is probably better than any alternative of penal servitude for life and not very out of place for a nation which periodically fights wars,” suggested a twenty-two-year-old male student.<sup>52</sup>

The directive requested feelings, and most responded in kind. “I am against it on sentimental grounds rather than logical,” asserted a jute salesman.<sup>53</sup> For some, an emotional response carried more epistemological weight than logical reasoning, something that mirrored the relationship between faith and reason but was not itself necessarily connected to religiosity. “I hate the thought of anyone losing their life. . . . I believe in the grain of goodness in every human being,” wrote a forty-six-year-old widow and mother.<sup>54</sup> Others strongly resisted the entry of emotion into the debate, irrespective of their particular position. “I have no time for the frothy sentimental musings of so called humanitarians,” wrote a hanging enthusiast and theological student.<sup>55</sup> A forty-year-old local government officer provided the riposte that “the eye for an eye attitude is an emotional anachronism,”<sup>56</sup> while a young female social worker castigated the “emotional attitude” of retentionists.<sup>57</sup> Although the mobilization of patriotic sentiment had underpinned the People’s War, Francis has argued that one challenge of postwar reconstruction was the restraint of excessive emotion in the face of trauma and dislocation; emotional, as much as economic, discipline had to be a foundation of peace.<sup>58</sup> Within this context, accusations of emotionalism could provide a powerful means of discrediting opposing views.

This aversion to sentiment did not, however, dissuade Mass Observation from continuing to solicit public feelings about hanging. A few months after the panelists were asked for their responses, Mass Observation conducted its first major national survey on capital punishment, asking a stratified sample of 6,114 British people

<sup>50</sup> MOA, January 1948, DR, unnumbered, woman, 33, married, housewife.

<sup>51</sup> MOA, January 1948 DR, unnumbered, woman, 40, married, housewife, and student.

<sup>52</sup> MOA, January 1948 DR, unnumbered, man, 22, single, student.

<sup>53</sup> MOA, January 1948 DR unnumbered, man, 43, married, jute salesman.

<sup>54</sup> MOA, January 1948 DR, unnumbered, woman, 46, widowed, interpreter.

<sup>55</sup> MOA, January 1948 DR, unnumbered, man, 30, married, theological student.

<sup>56</sup> MOA, January 1948 DR, unnumbered, man, 40, married, local government officer.

<sup>57</sup> MOA, January 1948 DR, unnumbered, woman, 23, single, social worker.

<sup>58</sup> Francis, “Tears, Tantrums, and Bared Teeth,” 360.

for their views.<sup>59</sup> The *Daily Telegraph*-sponsored survey was conducted at a time when suspension looked likely. "Have you heard that the death penalty for murder is going to be given up for five years?" people were asked in the spring and summer of 1948, and then, in characteristic Mass Observation style, they were asked, "How do you feel about it being given up?" The *Daily Telegraph* had commissioned a random survey of public opinion to rival those published by its competitors; Mass Observation undertook a study of feeling.<sup>60</sup> Other polls conducted that year were rather less open-ended in their questioning. The British Institute of Public Opinion poll published in the *News Chronicle* asked its sample the following question: "Parliament has decided to try the effect of not hanging anyone for murder for five years. Do you approve or disapprove of having this trial period?" Twenty-six percent of the 2,000-person sample approved; 66 percent disapproved; 8 percent "did not know."<sup>61</sup> A *Daily Express* poll of public opinion was rather more direct and not a little misleading: "Do you approve or disapprove of the decision to abolish the death penalty?" Fourteen percent of the 3,000–4,000-person sample approved; 77 percent disapproved, and 9 percent did not know.<sup>62</sup> Mass Observation's results were not significantly out of line with these other polls of the period: it found 13 percent approval and 69 percent disapproval for suspension. However, a full 18 percent of their sample, when asked for their feelings, did not fit into the one or the other category. Of these, 7 percent felt that the death penalty should be kept to punish some types of murder but not others, and 4 percent had reached a "mixed feelings" position.<sup>63</sup> One eighty-five-year-old woman admitted, "Sometimes I'm on one side, and sometimes I'm on the other. One way we'll have the murderers to keep, and they'll get out to do another one. Or we'll have their families to keep, and they don't do much for old age pensioners already, do they?"<sup>64</sup> Mass Observation itself used these results to celebrate the value of its open-ended approach to questioning, suggesting that the "mixed feelings" group accounted for the disparity between the other two surveys whose respondents felt obliged to choose between dichotomous answers.<sup>65</sup>

Notwithstanding the existence of this middle group, the poll unambiguously suggested that two-thirds or more of those questioned were against trial suspension. "Kill the buggers off" was a sentiment expressed by more than one interviewee.<sup>66</sup> Others suggested mitigations, such as a change of method: "Hanging is a horrible thing. It would be better to have something like the electric chair, like

<sup>59</sup> Mass Observation recorded that "this extremely large sample was taken at the special request of the *Daily Telegraph* to ensure that minority groups, such as Jews, Communists, etc., should be represented in adequate numbers for separate consideration" (MOA, FR 3001, "Three Surveys on Capital Punishment," May 1948, 4).

<sup>60</sup> Mass Observation's results were published in the *Daily Telegraph* on 28 May 1948. The survey was also published separately as "Capital Punishment: A Survey" (London, 1948).

<sup>61</sup> *News Chronicle*, 24 May 1948, 1. The *News Chronicle* was the first British newspaper to publish public opinion polls in Britain, starting in October 1938.

<sup>62</sup> *Daily Express*, 29 April 1948, 1. The *Express* Centre of Public Opinion was established in 1942.

<sup>63</sup> MOA, FR 3001, "Three Surveys on Capital Punishment," May 1948, 3.

<sup>64</sup> *Ibid.*, 6.

<sup>65</sup> Len England, "Capital Punishment and Open-End Questions," *Public Opinion Quarterly* 12, no. 3 (Fall 1948): 412–16. Mass Observation paid particular attention to the "don't knows" in its late 1940s research precisely because they were so often ignored in quantitative polling.

<sup>66</sup> MOA, TC 72, 72-1-F, man, 44, farmer. No address.

they do in America;”<sup>67</sup> or its application to certain types of murder only: “There is [*sic*] cases where it ought to be and where it ought not. Cases differ. I think its [*sic*] terrible to let them off that kills children. And them as does women and girls is as bad as them [*sic*]. I always feel for the parents,” stated a Grantham housewife.<sup>68</sup> The sense that it was the wrong time to act was as evident in these responses as it had been in the earlier directive replies: “I think it’s a bit risky at the moment, just at the end of the war.”<sup>69</sup> “Silly at a time like this. People have got to get out of their violent ways first.”<sup>70</sup> And “Wait until things settle down.”<sup>71</sup> These were not uncommon views. A concern that society was acculturated to both violence and the use of firearms permeated accounts: “Too many lethal weapons about,” a store assistant from Aston suggested.<sup>72</sup> The capital punishment issue constituted a space where a whole range of anxieties concerning the transition to the postwar world could be articulated. The potent mix of fear and optimism manifest in attitudes toward technology, the state, and international relations also underpinned the debate on hanging.

The National Opinion Poll results delighted the retentionists. Those in the Lords determined to delete the suspension clause from the criminal justice bill invoked the findings with undisguised relish. In the Lords debate of 2 June, the former home secretary, Viscount Simon, enthusiastically defended the “scientific use of group measurement” adopted by Gallup and Mass Observation.<sup>73</sup> Lord Winterton, drawing on the apparently widespread public view that a gun-fueled crime wave was undermining an unarmed and undermanned police force, described the bill as a “gangster’s charter.”<sup>74</sup> Survey results made less happy reading for the abolitionists. Some questioned the value of “Gallup polls of ill-informed public opinion,” prompting a spirited defense by pollsters and their advocates.<sup>75</sup> The malleability with which concepts of “emotion” and “reason” were deployed by retentionists and abolitionists alike underpinned these exchanges.

Polls were, in fact, “an index to the public mind and not a substitute for leadership,” according to the *News Chronicle*, which did, nonetheless, assert that “in a democratic society the voice of the people must be the ultimate arbiter.”<sup>76</sup> Here-with lay a tension that, as Laura Beers has shown, helps to explain the ambivalent

<sup>67</sup> MOA, TC 72, 72-1-F, woman, 70, housewife, Portsmouth.

<sup>68</sup> MOA, TC 72, 72-1-F, woman, 55, housewife, Grantham.

<sup>69</sup> MOA, TC 72, 72-1-F, woman, 56, housewife living alone with private means, Kidderminster.

<sup>70</sup> MOA, TC 72, 72-1-F, man, 42, chauffeur gardener, Cromer.

<sup>71</sup> MOA, TC 72, 72-1-F, man, 72, retired, Motherwell.

<sup>72</sup> MOA, TC 72, 72-1-F, man, 38, store assistant, Aston.

<sup>73</sup> Viscount Simon, “Speech to the House of Lords, 2 June 1948,” *Parliamentary Debates, Lords*, 5th ser., vol. 156 (1947-48), cols. 105-6.

<sup>74</sup> *Daily Mirror*, 17 April 1948, 4. Although crime statistics can never be taken at face value, reported crime rates did not in fact begin to rise significantly until the mid-1950s, and recorded homicide rates for England and Wales at least were lower in 1948 than they had been in 1946 and 1947 (P. Richards, “Homicide Statistics,” *House of Commons Research Paper 99/56*, [May 1999], 10-13).

<sup>75</sup> Mr. John Paton, “Speech to the House of Commons, 15 July 1948,” *Parliamentary Debates, Commons*, 5th ser., vol. 453 (1947-48), cols. 1472-74.

<sup>76</sup> *News Chronicle*, 3 June 1948, 2.

status of opinion polls within the political establishment right up until the 1960s.<sup>77</sup> What impact might polls have on a constitution founded upon parliamentary independence? What should the proper relationship be between the public voice and parliamentary opinion in a representative democracy? Had a People's War changed that relationship? As the polity was reconfigured around the postwar public, the measurement and possible co-option of public opinion was of potentially huge significance. This explains why a cabinet managing withdrawal from India and the creation of the welfare state spent so much time discussing the public voice. In this respect, the death penalty debate raised fundamental questions about the nature of postwar governance. James Chuter Ede had been an abolitionist in 1938, but the nature and status of "ordinary working class" opinion weighed heavily on him when he served as Labour's home secretary between 1945 and 1951. Chuter Ede had to accept that the public voice was for retention, as he indicated in the debate on abolition in 1948:

I am bound to say that in my conversations with people during the time since I spoke on the Second Reading of this Bill on 27th November, I have found among ordinary working class people—in which I include salary earners as well as wage earners—an increasing feeling that the time has not come for this reform to be made. I have been surprised, as my hon. Friend the Member for Wednesbury was, at the unanimity with which this feeling is expressed. I do not share the view of the hon. Member for Wood Green (Mr. Baxter) that there is anything derogatory if a Member of Parliament on a matter of this kind listens to views made calmly and in the course of ordinary conversation by people whose respect for the law has to be maintained if this country is to continue to be a law-abiding community.<sup>78</sup>

Eight years later Chuter Ede was again to invoke public feeling in a debate on capital punishment but this time as a reborn abolitionist.<sup>79</sup>



When the Royal Commission on Capital Punishment delivered its report in 1953, the political landscape had changed. A reforming Labour government had been replaced by Churchill's Conservatives, who might have been expected to be less than enthusiastic about any radical recommendations. In fact, the government rejected every major recommendation the report made—on raising the statutory

<sup>77</sup> Beers, "Whose Opinion?" After 1964 progressive groups increasingly used opinion polls to convince parliamentarians that voting for liberalization would not alienate voters. See, e.g., the use made of polls by the Abortion Law Reform Association (Keith Hindell, and Madeleine Simms, *Abortion Law Reformed* [London, 1971]).

<sup>78</sup> Mr. Chuter Ede, "Speech to the House of Commons, 14 April 1948," *Parliamentary Debates, Commons, 5th ser.*, vol. 449 (1947–48), col. 1084. The cabinet discussed public opinion on the issue on many occasions across the period 1947–48. See, e.g., Ede's memorandum dated 8 July 1947, in which he drew attention to a Gallup poll of June 1947 showing high support for the death penalty. TNA, CAB/129/19, "Abolition of the Death Penalty, Memorandum by the Home Secretary," 8 July 1947, 3.

<sup>79</sup> This time his focus was upon the apparent miscarriage of judgment in the Timothy Evans case: "I have not met a single person who, in the course of conversation, has said that he believes that the execution of Timothy Evans was justified by the facts subsequently revealed" (Chuter Ede, "Speech to the House of Commons, 16 February 1956," *Parliamentary Debates, Commons, 5th ser.*, vol. 548 [1956–56], col. 2559).

age limit from eighteen to twenty-one, on amending the McNaughten insanity rules, and on granting juries discretionary power in individual cases—but was unable to draw a line under the issue. Parliamentary and press demands for a debate on the report won out, but in February 1955 another Silverman amendment was rejected by 245 votes to 214. Nonetheless, by the time of Mass Observation's second major survey on capital punishment at the end of 1955, the issue was again in a state of flux. In July, the execution of a twenty-eight-year-old woman for the shooting of her lover had attracted significant public outrage; in August, a major national abolition campaign had been launched on the pages of the *Manchester Guardian*.<sup>80</sup> A rally at Central Hall, Westminster, boasted speakers, including J. B. Priestley, Canon John Collins, and Gilbert Harding. Protesters again argued that hanging was “barbaric” and that the criminal justice system made mistakes. The execution of Timothy Evans for a murder subsequently believed to have been committed by serial killer John Christie provided powerful supporting evidence.

The changed dynamics of the hanging debate reflected shifts in the fabric of British society. As the memory of war dimmed, austerity had turned to affluence, for many if not all. The global context of the immediate postwar period had seemed to legitimate a discourse of revenge.<sup>81</sup> By the mid-1950s, a discourse of material acquisitiveness appeared to be fueling crime, although the boom years for offenses against property and person were actually after 1955.<sup>82</sup> Arguments based on deterrence rather than the retributive urge seemed to provide the most compelling underpinning to the retentionist case and appeared to move the debate onto grounds that could be evidenced. Nonetheless, sentiment seemed to act as a more, rather than as a less, powerful factor within the hanging debate. Francis has suggested that by the mid-1950s British emotional culture had begun to mutate from one that valued self-control to one that valorized self-expression, and he has shown how three prime ministers negotiated the shifting emotional economy of postwar politics.<sup>83</sup> Bingham has further developed this sense of the 1950s as a pivotal decade during which the boundaries between public and private began to crumble through his meticulous analysis of the popular press.<sup>84</sup> The death penalty debate was not only illustrative of this reconfiguration of political culture in the forties and fifties but also a crucial contributory factor.

Emotion inhabited an ambiguous space within the mid-1950s debate, deployed and denounced by abolitionists and retentionists alike. According to the retentionist *Daily Express*, those campaigning to reprieve Derek Bentley were “wallowing in sentiment.”<sup>85</sup> The abolitionist author Arthur Koestler denounced what he

<sup>80</sup> *Manchester Guardian*, 26 August 1955, 6. Letter from Victor Gollancz, Chairman, National Campaign for the Abolition of Capital Punishment. Ruth Ellis, a twenty-eight-year-old former nightclub hostess and mother of two, was hanged in July 1955 for the murder of her lover David Blakely. He was shot outside a London pub. The case attracted international attention and has been the subject of much controversy since.

<sup>81</sup> A British Institute of Public Opinion poll conducted in August 1948 had found a desire for retribution to be a key driver of popular support for the death sentence (Gallup, *The Gallup International Public Opinion Polls: Great Britain, 1937–1975*, 180).

<sup>82</sup> Terence Morris, *Crime and Criminal Justice since 1945* (Oxford, 1989), 91.

<sup>83</sup> Francis, “Tears, Tantrums, and Bared Teeth.”

<sup>84</sup> Bingham, *Family Newspapers?*

<sup>85</sup> *Daily Express*, 27 January 1953, 4.



saw as wild fluctuations in public opinion rooted in pity or malice: “When the vision of the gibbet appears on the nation’s horizon, opinion swings and twists like the body suspended from it; eyes bulge and reason is strangled. If the last victim happens to arouse pity—a feeble-minded boy for instance, unhinged by the movies, or a mother of two children, half crazed by gin and jealousy—up go the ‘nays’ of mercy like a flight of doves; if he is a cool customer like Christie, up go the ‘ayes’ like a swarm of vultures.”<sup>86</sup> The former home secretary, Lord Templewood, described the “clouds of emotion” that surrounded the issue for any government.<sup>87</sup> As we will see, it was not just the entry of emotion into the debate that such commentators deemed problematic; the identity of those publicly expressing their feelings, women and young people, was particularly troubling. It suggested that the public sphere might be in danger of becoming feminized or, perhaps, more precisely, demasculinized.

Indeed the “clouds of emotion” were not easily dismissed. It was no longer entirely clear whether sentiment was in itself a bad or a good thing on which to base a position. The models of reflexive selfhood that Peter Bailey, Frank Mort, and Carolyn Steedman identify as emerging in the 1950s celebrated self-expression.<sup>88</sup> A process that Nikolas Rose has described as the “psychologisation of experience” brought the language of interiority and personality development into everyday usage.<sup>89</sup> Certainly a number of actors within the drama of execution were willing to share their own feelings, and emotional suffering, during 1955 and 1956. In this way, emotion and feelings played not only a broad role in terms of public opinion but also a very precise, subjective one in the debate on capital punishment.

We have already seen that the Mass Observers of 1948 expressed concern for the well-being of the hangman. In 1949, former assistant hangman Henry Critchell had felt compelled to “tell the public a hangman’s feelings” (it was “the muddle that goes on beforehand” that disturbed him, rather than the hanging itself).<sup>90</sup> Intervening again amid the debate of February 1955, Critchell proclaimed himself against hanging if a more humane alternative could not be found. He did, nonetheless, worry about the consequences of abolition: “I feel that young, unhappily married men, for example, may be encouraged to murder their wives.”<sup>91</sup> He did not explain why young husbands would be particularly vulnerable in this regard. George Benson, Labour MP for Chesterfield, suggested that the feelings of prison governors, chaplains, and doctors should also be considered.<sup>92</sup> Former home secretary Chuter Ede shared his feelings about having signed the death papers of a

<sup>86</sup> Arthur Koestler, *Reflections on Hanging* (London, 1956), 163.

<sup>87</sup> *Star*, 16 February 1955, 5.

<sup>88</sup> Peter Bailey, “Jazz at the Spirella: Coming of Age in Coventry in the 1950s,” in *Moments of Modernity: Reconstructing Britain, 1945–1964*, ed. Becky Conekin, Frank Mort, and Chris Waters (London, 1999); Frank Mort, “Social and Symbolic Fathers and Sons in Postwar Britain,” *Journal of British Studies* 38, no. 3 (July 1999): 353–84; Carolyn Steedman, *Landscape for a Good Woman* (London, 1987).

<sup>89</sup> Nikolas Rose, *Inventing Ourselves: Psychology, Power and Personhood* (Cambridge, 1996), and *Governing the Soul: The Shaping of the Private Self* (London, 1999); see also Mathew Thomson, *Psychological Subjects: Identity, Culture and Health in Twentieth-Century Britain* (Oxford, 2006).

<sup>90</sup> Harry Critchell, “Even a Hangman Has Feelings,” *Daily Mirror*, 1 October 1949, 2.

<sup>91</sup> *Sunday Pictorial*, 20 February 1955, 1.

<sup>92</sup> *Manchester Guardian*, 3 September 1955, 4.

man—Timothy Evans—subsequently thought to be innocent.<sup>93</sup> Another former home secretary appeared on television to unburden himself about probable mis-carriages of justice under his watch,<sup>94</sup> while the home secretary who refused Edith Thompson's appeal in 1923 was reported by Judge Tudor Rees to have "never fully recovered from the awful experience."<sup>95</sup> Within this context, neither abolitionists nor retentionists could afford to dismiss sentiment, and both employed it as a campaign tool. The former mobilized feeling around two categories of murderer, women and young men, while simultaneously providing a critique of the selective celebrification of condemned persons. The latter sought to channel public sentiment toward the victims of crime, emphasizing in particular the killing of children, the elderly, and policemen.

Public opinion on hanging seemed to be particularly responsive to context in the mid-1950s. At the end of 1955, Home Secretary Gwilym Lloyd-George suggested that, "public opinion fluctuates according to the nature of the crimes which are in the public eye at the time" and "is, in my view, an unreliable basis for a policy."<sup>96</sup> A poll conducted in October 1953 showed 73 percent in favor of hanging;<sup>97</sup> in July 1955, a *Daily Mirror* poll of its readers claimed a two-to-one majority in favor of abolition.<sup>98</sup> By February 1956, Gallup found that only 30 percent wanted to keep the death penalty as it was.<sup>99</sup> Confronted with both renewed public interest in the issue and an apparent instability of opinion on it, politicians again pondered the relationship between parliamentary and public opinion and between their own sense of the public mood and the pollsters' findings. Lord Chancellor Kilmuir, for example, suggested to the cabinet in January 1956 that, in the event of a large Commons majority in favor of abolition, "the Government might have to accept that as evidence that public opinion was overwhelmingly in favor of abolition."<sup>100</sup> During the death penalty (abolition) bill debate in March 1956, Sydney Silverman rejected the validity of polling methods:

How is public opinion to be decided on such a matter? Does anyone think that we really get any useful guidance, any help, in such a matter by a number of well-meaning and, no doubt, responsible and experienced individuals, going about in buses, or public houses, or clubs, or at street corners, button-holing passers-by and asking—note-book and pencil ready in hand—"Are you for or against capital punishment?" and taking down the answer "Yes" or "No," then counting those answers and saying, "That is public opinion?" Surely not. In these, even more than in most discussions, it does not matter very much what a man's or woman's opinion is at the

<sup>93</sup> Chuter Ede, "Speech to the House of Commons, 10 February 1955," *Parliamentary Debates, Commons*, 5th ser., vol. 536 (1954–55), col. 2084.

<sup>94</sup> *Daily Mirror*, 14 December 1955, 2.

<sup>95</sup> *Star*, 9 March 1956, 3. Posthumous serialization of Judge Tudor Rees, *Reserved Judgement* (London, 1956).

<sup>96</sup> TNA, CAB/129/78, CM (55) 202, 16 December 1955, "Capital Punishment: Memorandum by the Secretary of State for the Home Department and Minister for Welsh Affairs," 6.

<sup>97</sup> Gallup, *The Gallup International Public Opinion Polls: Great Britain, 1937–1975*, 308.

<sup>98</sup> *Daily Mirror*, 18 July 1955, 1. Thirty-nine percent wanted to maintain it for particular types of murders only, 21 percent to abandon it completely, and 10 percent "did not know." More approved of an experimental suspension than disapproved.

<sup>99</sup> Gallup, *The Gallup International Public Opinion Polls: Great Britain, 1937–1975*, 369.

<sup>100</sup> TNA, CAB/128/30, CM (56), "First Conclusions," 3 January 1956, 9.

beginning of the argument; the important thing is what he or she thinks at the end of the argument.<sup>101</sup>

In this reading, politics was a process in which emotion played a role but had to be shed, leaving the stage to rationality and reason. The debate about capital punishment raised fundamental questions about the sources and conditions of knowledge itself.



In 1955 and 1956, the intersection between perceptions of emotion and capital punishment intensified. In part, this was because of a series of high-profile executions; in part, it was about the interest of public opinion organizations and renewed parliamentary debate. In December 1955, the *Daily Telegraph* contracted Mass Observation to conduct an inquiry “as close as possible to that of 1948” into the death penalty question.<sup>102</sup> By this time, Tom Harrisson’s Mass Observation had become Mass Observation UK Ltd. under Len England and Mollie Tarrant, an organization with a narrower focus on market research than hitherto. Nonetheless, Mass Observation promptly surveyed what it believed to be a representative sample of 6,000 people in England, Scotland, and Wales, providing its report in January 1956. The *Daily Telegraph* reported the results in early February.<sup>103</sup> A letter from Mass Observation’s managing director that accompanied delivery of the final, clearly amended report is suggestive of areas of contention in the way the results were presented. “We have included one or two more quotations from those who appear to be arguing about capital punishment rather more rationally,” he reported, “but it is quite clear from the answers received that a great many people from all class groups consider the matter purely from an emotional point of view.”<sup>104</sup>

In broad terms, the second Mass Observation survey found a decline in definite support for the death penalty, although abolitionists remained in a minority.<sup>105</sup> Only 49 percent of those surveyed now unquestioningly approved of hanging; 7 percent approved of it for degrees of murder only, 18 percent disapproved of it completely, 25 percent had not made up their mind, and 1 percent gave mixed replies.<sup>106</sup> Mass Observation’s open-ended style of questioning again solicited a greater number of uncertain responses than did other polls conducted around the

<sup>101</sup> Sydney Silverman, “Speech to the House of Commons, 12 March 1956,” *Parliamentary Debates, Commons*, 5th ser., vol. 550 (1955–56), col. 39.

<sup>102</sup> MOA, TC 72, box 2: Capital Punishment Survey, 1956 (Mass Observation Survey no. 290), 72–2-A; letter from Colin R. Coote, editor of the *Daily Telegraph*, to Len R. England, Managing Director, Mass Observation Ltd, 12 December 1955.

<sup>103</sup> *Daily Telegraph*, 6 February 1956, 1, 9.

<sup>104</sup> MOA, TC 72, box 2: 72–2-A, letter from Len R. England to Michael Berry, *Daily Telegraph*, 31 January 1956.

<sup>105</sup> The first question posed was, “Generally speaking do you approve or disapprove of the death penalty for murder or haven’t you made up your mind?” Seven percent approved of it for degrees of murder only, 18 percent disapproved of it completely, 25 percent had not made up their mind, and 1 percent gave mixed replies.

<sup>106</sup> MOA, TC 72, box 2, 72–2-A, “A Report on Survey Results,” 2.

same time. The expression of feelings as well as opinions was again encouraged. Support for a trial suspension had increased over time, with 34 percent approval (plus 12 percent mixed views) in 1955–56 compared to only 13 percent in the 1948 survey.<sup>107</sup> Those who opposed the trial were far less likely to explain their opposition through recourse to historical context than they were in 1948. In fact, more than one person denounced the method of punishment itself as temporally incongruous. “Hanging is medieval,” thought a housewife from Romney Marsh, who suggested that shooting or an injection would be preferable.<sup>108</sup> Educational level, in 1948 the most important determinant of attitude, was no longer a factor. Party political loyalties, choice of newspaper, and religious affiliation remained influences. Differences in social class were, as in 1948, found to be insignificant. Sex and age had far more influence than previously. Women and those aged sixteen to twenty-four were now more likely to approve of a trial suspension than were older men. Mass Observation suggested that these groups were more open to the influence of recent events and publicity—more prone to sentimentality—than others. We might observe that older men were the group most likely to have experienced combat during the First or Second World Wars and to have seen violent death at close quarters.

In 1955–56, the capacity of capital punishment to act as a deterrent was the most common reason given for rejecting experimental suspension. “It could cause quite a crime wave. Anyone that wanted anyone out of the way wouldn’t think twice about murdering them—knowing they would not be hung,” warned a forty-one-year-old toolmaker. A fifty-eight-year-old housewife feared worse: “We should all be murdered ad lib I’m afraid, if we didn’t have it.” The dangers that abolition would pose to children and the old were frequently emphasized. The desire for retribution remained a strong, if declining, secondary reason underpinning continued support for hanging. Thoughts of revenge led some respondents to fantasize about additional punishments. “If they cosh someone, let them be coshed,” was one man’s prescription for Teddy Boy–related violence. In fact, Teddy Boys, youths, and armed robbery seemed to be inextricably linked in the minds of some: it was apparently only the threat of hanging that kept them in check. One newspaper employee believed that the hooligan problem merited the return of public hangings, while an engineer’s wife advocated the more general introduction of torture.<sup>109</sup>

Notwithstanding such imaginative engagement with the methodology of punishment, Mass Observation also noted a series of high profile cases that had stimulated outright opposition to hanging. The Timothy Evans case had persuaded some to question the system, identifying, by implication, the limits of human reason. “I think it is too absolute and too definite,” a bricklayer from Chepstow asserted, “there’s too much risk of making a mistake. I totally disagree with it.” The Ruth Ellis case of July 1955 “served as a particularly effective catalyst in the crystallization of opinion”; according to Mass Observation’s accompanying report,

<sup>107</sup> They were asked, “How would you feel about the death penalty for murder being given up for five years?”

<sup>108</sup> MOA, TC 72, box 2, 72–2-B, “Notes on Survey and Extracts,” woman, 47, housewife, farmer, Romney Marsh.

<sup>109</sup> MOA, TC 72, box 2, 72–2-A, “A Report on Survey Results.”

“women appeared to have been particularly influenced towards disapproval of capital punishment by the emotional influence of the case.”<sup>110</sup> Ellis was the last woman to be hanged in Britain; she was not, however, the last woman to be sentenced to death for murder.<sup>111</sup> The case of Derek Bentley, age nineteen, also weighed heavily upon some of the Mass Observation sample. Bentley was found guilty alongside sixteen-year-old Christopher Craig of the murder of a police constable in Croyden, but because of their respective ages, only Bentley was sentenced to hang. In fact, the fatal shot had been fired by Craig; Bentley was already in custody when the shooting began. The chant of “Evans! Bentley! Ellis!” heard outside Holloway in July 1955 demonstrates the extent to which these three cases had been linked in the public imagination.

If sex and age were important factors in framing responses to the death penalty question, the sex and age of the murderer were also significant, not least because some felt that the entry of sentiment into the debate was more legitimate, or more likely, where women or young men were condemned to be hanged. The Royal Commission on Capital Punishment, for example, had recommended that as a rule emotion be set to one side. The fact that “the idea of executing a woman is naturally repugnant” was not adequate reason for the law to differentiate on the grounds of sex, even if women murderers were a minority who tended to act under “the stress of strong emotion.”<sup>112</sup> However this rejection of sentiment was not consistently applied. In marked contrast to its findings on sex, the report suggested that the “feeling of repugnance” widely felt when a young person was executed really ought to be taken seriously. “The feeling is largely a matter of sentiment, but it is not on that account to be brushed aside. It is one of the considerations to which heed must be paid in considering what measures should be taken for limiting the use of capital punishment.”<sup>113</sup> A major recommendation was that the state should cease to hang convicted murderers under the age of twenty-one at the time of the offense.<sup>114</sup> Nonetheless, young men continued to be hanged with more regularity than women.

Certainly it was the hanging of a woman—Ruth Ellis—that did more to focus public and international attention on the British criminal justice system than any other execution. The day after her death, the *Daily Mirror* asserted that “yesterday was not a happy day in Britain. The sun shone but the nation was upset.”<sup>115</sup> The image of collective upset is powerful and historically distinctive, illustrative of the mid-decade shift in British emotional culture identified by Francis “as a conse-

<sup>110</sup> Ibid.

<sup>111</sup> The very last woman to be sentenced to death was Mary Wilson, the sixty-two-year-old “Widow of Wendy Nook,” who murdered at least two husbands. She had her sentence commuted.

<sup>112</sup> HMSO, *Report of the Royal Commission on Capital Punishment, 1949–1953* (London, 1953), Cmd. 8932, 65.

<sup>113</sup> HMSO, *Report of the Royal Commission on Capital Punishment*, 70. The 1930 “Report from the Select Committee on Capital Punishment” had also referred to murder as predominantly “the crime of men.” In fact it noted a greater tendency toward leniency in the treatment of women murderers in relation to insanity rulings and reprieves. “Sentiment,” it observed, drove some to protest the hanging of women if not men, but “if capital punishment is wrong for women, it is wrong for both sexes” (HMSO, *Report from the Select Committee on Capital Punishment* [London, 1930], 43–44).

<sup>114</sup> HMSO, *Report of the Royal Commission on Capital Punishment*, 213.

<sup>115</sup> *Daily Mirror*, 14 July 1955, 1.

quence of increased affluence and changing conceptualizations of the self.”<sup>116</sup> The *Daily Mirror* used the occasion to launch its own opinion poll, which duly found a sizable majority in favor of abolition.<sup>117</sup> A crowd of up to one thousand waited outside Holloway on the morning of the execution. Teachers at a nearby school denounced it as a disturbing influence: “The school was in a ferment. There were some children who had waited outside the prison gates; some claimed to have seen the execution from their windows; others spoke with a fascinated horror about the technique of the hanging of a female. . . . Not only was Ruth Ellis hanged to-day, hundreds of children were a little corrupted.”<sup>118</sup> Ellis was herself the mother of two children, something that had been emphasized in the campaign for a reprieve.

However some, including convinced abolitionists, were driven to ask why this case more than any other had attracted such attention. In fact, the postwar period witnessed the hanging of four women: forty-three-year-old Margaret Allen (1949), forty-four-year-old Louisa Merrifield (1953), fifty-three-year-old Styllou Christofi (1954),<sup>119</sup> and Ellis, whose case has since become “an important fixture in British popular memory,”<sup>120</sup> popularly thought to have inspired the pro-abolition feature film *Yield to the Night*, released in 1956,<sup>121</sup> and providing the inspiration for the Shelagh Delaney-scripted film *Dance With A Stranger* thirty years later. In his autobiography, Albert Pierrepoint, the man who hanged Ellis and many others, described the public outcry as “the last great sentimental protest against capital punishment in Great Britain.”<sup>122</sup> Pierrepoint was keen to compare “the hysterical agitation for respite of the sentence against one reputedly glamorous woman” and the earlier case of Mrs. Christofi, “a grey-haired and bewildered grandmother who spoke no English,” on whose behalf there was “no great national outcry at all.”<sup>123</sup> Reporting on the new abolitionist campaign of August 1955, the *Yorkshire Observer* suggested that “if it serves to remind the public that capital punishment is an ever-present issue, and is not something to be faced only when a Ruth Ellis or a Bentley goes to the gallows, the campaign will overcome the suspicion that it is directed at the emotions rather than the facts.”<sup>124</sup> Keith Waterhouse, writing in the summer of 1955, reported that “five (men) murderers have been hanged in the past four weeks. No psalms were chanted. No questions were asked in Parliament. But what

<sup>116</sup> Francis, “Tears, Tantrums, and Bared Teeth,” 386.

<sup>117</sup> *Daily Mirror*, 18 July 1955, 1.

<sup>118</sup> *The Times*, 14 July 1955, 5.

<sup>119</sup> The cases of Allen, Merrifield, and Christofi, as well as those of the five other women executed after Edith Thompson, were examined in detail by Renee Huggett and Paul Berry in a book that went to print just after the execution of Ruth Ellis (Renee Huggett and Paul Berry, *Daughters of Cain: The Story of Eight Women Executed since Edith Thompson* [London, 1956]). On gender, race, and the criminal justice system, see John Minkes and Maurice Vanstone, “Gender, Race and the Death Penalty: Lessons from Three 1950s Murder Trials,” *Howard Journal* 45, no. 4 (September 2006): 403–20; and Ballinger, *Dead Woman Walking*.

<sup>120</sup> Marcia Landy, *Cinematic Uses of the Past* (Minneapolis, 1996), 208.

<sup>121</sup> The star of this film, Diana Dors, denied this link in her autobiography *For Adults Only* (London, 1978), 251.

<sup>122</sup> Albert Pierrepoint, *Executioner: Pierrepoint* (1974; Cranbrook, 2005), 207.

<sup>123</sup> Pierrepoint, *Executioner*, 208.

<sup>124</sup> *Yorkshire Observer*, 27 August 1955, 4.

would happen if we hanged five pretty women!”<sup>125</sup> Mocking the selective sympathy offered by the “Society to Abolish the Hanging of Famous Murderers,” he urged his readers to protest the killing of “nondescript men committing nondescript murders.”

Even the hangings of Waterhouse’s nondescript murderers were nonetheless public occasions, despite the fact that executions had not actually taken place in public since 1868. Richard Evans is right to suggest that “the abolition of public executions did not mean that executions became ‘private.’”<sup>126</sup> Hanging was an act that reverberated between public and private spheres; the ultimate gesture of public law was conducted in private but nonetheless provoked an intense public emotional response. As Mass Observer L. B.’s report on Heath’s execution demonstrates, execution days in midcentury Britain attracted crowds for a range of different reasons. The execution itself remained attended by sufficient ritual and spectacle to capture the popular imagination and under particular circumstances to encourage public agitation. From the courtroom donning of the black cap and the form of words used in sentencing, through the appeals process, to the final posting of the execution notice, the process was highly ritualized and grounded in tradition. The Royal Commission on Capital Punishment believed that anti-hanging demonstrations themselves helped to draw the crowds on hanging days.<sup>127</sup> Mrs. Van Der Elst, for example, was an old hand at turning execution day into a public event through methods including leafleting, brass bands, sandwich boards, and the occasional use of her Rolls Royce as a battering ram.<sup>128</sup> The posting of Derek Bentley’s execution notice at Wandsworth in 1953 caused particular unrest because a faulty hook on the prison door delayed its display. In response, Harold Scott of New Scotland Yard recommended the modernization of the public notification system: “We have done away with the black flag and tolling of the bell and the notice might well follow them,” he wrote to the Home Office. “The execution can be announced by your press officer to the press in a matter of minutes and so meet any reasonable demand for publicity.”<sup>129</sup> Sir Frank Newsom sympathized but pointed out that the posting of the notice was a specific requirement of the 1868 act.<sup>130</sup>

The new generation of campaigners in the 1950s was ostensibly keen to publicly disentangle the abolitionist cause from what they saw as the sentiment-laden execution day tactics of old. They explicitly rejected demonstrations outside prisons, for example. And yet their public appeal was rooted in the visceral as well as the apparently rational. The case of Edith Thompson, hanged in 1923 for the murder of her husband, attracted their sustained attention. Thompson was present when her husband was fatally stabbed by her lover Freddy Bywaters and was convicted

<sup>125</sup> Keith Waterhouse, “If We Hanged Five Pretty Women!” *Daily Mirror*, 25 August 1955, 2.

<sup>126</sup> Evans, *Rituals of Retribution*, 903.

<sup>127</sup> HMSO, *Report of the Royal Commission on Capital Punishment*, 273.

<sup>128</sup> In 1935, she was fined £3 with 5 guineas costs for careless driving during a protest outside Wandsworth Prison. A policeman had ordered her driver to stop; she had ordered him to drive on. When the chauffeur decided to obey the law rather than his employer, she took the wheel, accelerated sharply, and ran into the police officer whom she claimed not to have seen (*Daily Mirror*, 11 July 1935, 7).

<sup>129</sup> TNA, MEPO 2/9481, Metropolitan Police: Office of the Commissioner: Correspondence and Papers, letter from Harold Scott to Sir Frank Newsom, 29 January 1953.

<sup>130</sup> TNA, MEPO 2/9481, letter from Sir Frank Newsom to Harold Scott, 3 February 1953.

on the basis of love letters written to Bywaters. The prosecution claimed that these letters demonstrated her complicity in the crime. By the 1950s, Thompson's execution was well established as a cause célèbre, helped along by F. Tennyson Jesse's fictionalized account, *A Pin to See the Peepshow*.<sup>131</sup> In 1952, Lewis Broad published *The Innocence of Edith Thompson: A Study in Old Bailey Justice*, extracts from which were published in the *Sunday Dispatch*.<sup>132</sup> Strong evidence that the hanging of Thompson was a miscarriage of justice only partly explains the harnessing of her memory by the postwar abolitionists however. In the immediate aftermath of Thompson's execution, rumors had spread concerning her last moments, specifically that "something horrific" had happened to her body upon execution. An intense public response to the imagined rather than the witnessed spectacle developed, which campaigners were not slow to exploit. A clear narrative also developed around the impact of the hanging upon those who attended to it. The executioner, John Ellis, for example, eventually committed suicide; the guards were held to have been distraught, and the governor's appearance reputedly changed dramatically by mental suffering. The Thompson story therefore had significance beyond its status as a potential miscarriage of justice. It drew attention to the barbarism of the method by focusing on the apparent disintegration of the female body. It seemed to show the ill effect hanging had on those who carried it out. The Thompson "legend," as *The Observer* described it, therefore provided a cultural space for popular imaginings of the execution moment.<sup>133</sup> For these reasons, the uproar that attended Arthur Koestler's publication of details of her execution in March 1956 should not surprise, nor should the lengths to which the Home Office went to refute his claims.<sup>134</sup>

Many argued that Edith Thompson was innocent of murder; even had she been guilty, the type of murder committed was, by the 1950s, widely seen as less serious than others. As we have seen, the Mass Observation survey gave a clear indication that the British public was willing to differentiate between different types of murder as well as different types of murderer. "From what I have read about murder cases in papers I approve of the death penalty," a twenty-four-year-old farmer from Stafford asserted, "but only in extreme cases such as child murder or old people killed for sums of money, usual [*sic*] very brutal murders. Extreme cases only where great brutality or forethought used."<sup>135</sup> Part of the reason Ellis attracted so much attention was that the British public seems to have responded with particular empathy to crimes of passion. A waitress from Bootle opposed hanging for crimes such as these because "I remember throwing a knife at my husband in a nervous condition just after an operation. I might have killed him, and I worshipped the

<sup>131</sup> F. Tennyson Jesse, *A Pin to See the Peepshow* (London, 1934).

<sup>132</sup> Lewis Broad, *The Innocence of Edith Thompson: A Study in Old Bailey Justice* (London, 1952). On the Edith Thompson case itself, see Lucy Bland, "The Trials and Tribulations of Edith Thompson: The Capital Crime of Sexual Incitement in 1920s England," *Journal of British Studies* 47, no. 3 (July 2008): 624–48; Matt Houlbrook, "A Pin to See the Peepshow": Culture, Fiction and Selfhood in the Letters of Edith Thompson," *Past and Present* 207, no. 1 (May 2010): 215–49.

<sup>133</sup> *Observer*, 18 March 1956, 1.

<sup>134</sup> TNA, PCOM 9/1983, Prison Commission and Home Office, Prison Department: Registered Papers: series 2, Executions: parliamentary questions and debate arising from allegations about the execution of Mrs Edith Thompson in 1923, 1956.

<sup>135</sup> MOA, TC 72, box 2, 72–2-B, "Notes on Survey and Extracts," man, 24, farmer, Stafford.



ground he walked on.”<sup>136</sup> Significantly, while Ellis shot her male lover, the other three women hanged in the postwar period without too much public outcry murdered other women: a neighbor, an employer, and a daughter-in-law.



Shortly after Mass Observation conducted its second major survey, a government motion to retain hanging but amend the law relating to the crime of murder was defeated in the Commons. “Emotion Wins,” proclaimed the *Daily Telegraph*; “Emotion in Command,” cried the *Daily Express*; “No more hangings,” announced the *Daily Mirror*, in what later transpired to be a rather premature headline.<sup>137</sup> Four months later, during the third reading of a bill to end hanging, Home Secretary Major Lloyd-George argued, “we cannot ignore the fact that public opinion is by no means convinced that abolition at this moment is right.”<sup>138</sup> The bill passed its third reading by 152 to 33. The House of Lords, as was expected, threw it out. A compromise measure, the Homicide Act of 1957, effectively abolished capital punishment for everything other than killing a police officer, killing by shooting, killing while resisting arrest, and killing more than once. An attempt to speak to the public willingness to differentiate between capital and noncapital murder, the Homicide Act was an unsatisfactory result for nearly everybody and did little to relieve the pressure for reform. In practice, it was inconsistent. The case of twenty-five-year-old scaffolder, Ronald Marwood, hanged for fatally stabbing a twenty-three-year-old policeman during a fight between rival gangs, drew considerable attention. One hundred and fifty MPs signed a petition urging an appeal, while protests inside and outside Pentonville attended his final hours. “Not since the execution of Derek Bentley six years ago has there been such a display of emotions and physical violence as took place outside the gates of Pentonville Prison in London yesterday when Ronald Marwood went to the gallows,” wrote the *Manchester Guardian*.<sup>139</sup>

However, to suggest, as abolitionists did, that the tide of feeling had turned their way would be inaccurate. According to Lord Parker, the Lord chief justice, it was only “the so-called ‘intellectual’ section of the population” that opposed capital punishment. He added: “If a referendum were to be held in Britain, you would find that the man in the street feels exactly the way I do. And you would find that they would go a step further by calling for the return of corporal punishment.”<sup>140</sup> Within the House of Commons, Conservative MP Cyril Osbourne attempted a rearguard action to reinstate capital punishment for poisoners, murderers of old people, and child killers. “For too long those of us who feel differently about capital punishment have kept silent. If there was a referendum on this issue

<sup>136</sup> MOA, TC 72, box 2, 72–2-B, “Notes on Survey and Extracts,” woman, 54, part-time waitress, widow, Bootle.

<sup>137</sup> *Daily Telegraph*, 17 February 1956, 6; *Daily Express*, 17 February 1956, 4; *Daily Mirror*, 17 February 1956, 1.

<sup>138</sup> *Daily Mirror*, 29 June 1956, 20.

<sup>139</sup> *Manchester Guardian*, 9 May 1959, 1.

<sup>140</sup> *Daily Mirror*, 21 August 1959, 5.

in the country we should have an overwhelming majority,” he told the House.<sup>141</sup> By December 1960, the National Campaign for the Abolition of Capital Punishment had launched a new campaign: within two years they could count the archbishop of Canterbury and many of his bishops as fellow abolitionists although not necessarily the rank-and-file clergy. The Reverend Keith Wood of St. Andrews church Basildon, for example, wanted more rather than less hanging. “Christians who feel that the death sentence is wrong should remember that Christ suffered capital punishment,” he apparently told his parishioners.<sup>142</sup> Throughout the 1960s, majority public opinion remained firmly opposed to abolition, but in the absence of Mass Observation’s qualitative approach, the polls reveal little about the texture of opinion and feeling on the matter. In November 1964, on the eve of suspension, just 21 percent of those surveyed by Gallup’s interviewees thought the death penalty should be abolished. Seventy-nine percent thought it should not—or were unsure.<sup>143</sup> The Murder (Abolition of Death Penalty) Act became law in November 1965. In 1969, the five-year suspension introduced by that act became a permanent abolition of the death penalty for murder.<sup>144</sup>



In April 1948, an editorial in *The Times* suggested that “consideration of the death penalty requires unemotional stock taking. The case for suspension of the death penalty is overwhelming, but there is evidence on both sides in the House of Commons that horror of murder and of its consequences—the corpse, the mourners, the black cap, the noose—was clouding dispassionate thought.”<sup>145</sup> Capital punishment was one of the defining ethical and political issues of the postwar period. While *The Times* urged “dispassionate thought” and “unemotional stock-taking,” discussion of the issue rarely lacked a subjective dimension.<sup>146</sup> As we have seen, sentiment was a dynamic force within this debate, no more so than when public opinion was invoked. The general public was held by the press, reformers, and legislators to be prone to sentimentality and easily swayed by the actual and imagined spectacle that surrounded the trial and execution process. Women and young people were believed to be particularly vulnerable, although assumptions about class also underpinned constructions of opinion as either “emotional” or “rational.” Nonetheless, both sides of the abolition debate deployed emotion as a tool. Sympathy toward the family of those murdered, and fear of becoming a victim oneself, underpinned the retentionist position. Public support for hanging was expressed as much through the powerful language of retribution as through claims that it acted as a deterrent. Reformers sought to mobilize emotion in a different way, sometimes attempting to prick the public conscience, sometimes sowing fear about unreliable convictions. Emotion was a double-edged sword: it

<sup>141</sup> *Daily Mirror*, 14 May 1959, 7.

<sup>142</sup> *Daily Mirror*, 28 March 1964, 19.

<sup>143</sup> Gallup, *The Gallup International Public Opinion Polls: Great Britain, 1937–1975*, 774.

<sup>144</sup> It remained on the statute book as the punishment for some other offenses. However, the last execution in Britain took place in 1964.

<sup>145</sup> *The Times*, 17 April 1948, 5.

<sup>146</sup> *Ibid.*

could undermine a case as well as build one. The careful management of emotion was therefore essential.

Huggett and Berry, writing in 1956, suggest that “all reforms have invariably developed from feelings. To attempt to retain or abolish the death penalty on logical grounds alone is to fail to grasp the true significance of the issue.”<sup>147</sup> The complexity of the relationship between these two ways of knowing—feeling and logic—is illuminated through this issue. Ostensibly, the debate rested on a simplistic opposition between “emotion” and “reason.” Both sides employed accusations of emotionalism as a way of discrediting their opponents. However the evidence presented here suggests that “emotion” and “reason” were multivalent categories within postwar Britain. For some Mass Observers, emotional response had deeper significance than a rational response; for some abolitionists, the possibility of wrongful conviction pointed out the limits of human reason. Not all emotion was bad emotion. Within the postwar public sphere, the emotional responses of some carried more weight than those of others. The political emotion of conscience and the passionate emotion of campaigners held more status than the responses of ordinary people. Feelings increasingly mattered in postwar Britain. But they mattered in different ways at different moments and in different contexts.

Perceptions of public emotion lay at the heart of the debate on capital punishment. The innovative approach adopted by Mass Observation allows us to consider not just whether men and women supported or opposed the noose but the subjective reasons for their position. The organization’s refusal to approach opinion and emotion as oppositional allowed their respondents to reverse the boundaries between public position and private feeling. The manner in which hanging was debated adds weight to recent suggestions that the boundaries between public and private were being actively undermined before the 1960s.<sup>148</sup> By comparing the survey results from 1948 with those from 1955–56, we can see that public feeling was framed by an unsteady social and economic context. In 1948, the experience of war cast a long shadow. By the mid-1950s, against a backdrop of gender and generational instability, the world of consumer goods brought its own anxieties. The volatility and tone of the public voice demonstrates the historicity of feeling as well as the plasticity of constructions of “emotion” and “reason.”

The debate on hanging also provides a window on relations between the ruled and their rulers in postwar Britain at a time when the very ideal of “public opinion” was contested and unstable. As Stephen Brooke shows, Labour revisionists, such as Anthony Crossland and Roy Jenkins, proposed the “civilization” of Britain through reform of the law on the death penalty as well as abortion and homosexuality.<sup>149</sup> Liberal figures within the Conservative Party, such as Rab Butler, also placed the humanizing of the criminal justice system at the center of their plans for “modernization.”<sup>150</sup> By the end of the century, the European Union had constructed abolition as a marker

<sup>147</sup> Huggett and Berry, *Daughters of Cain*, 244.

<sup>148</sup> Bingham, *Family Newspapers?* See also Adrian Bingham, “The ‘K-Bomb’: Social Surveys, the Popular Press, and British Sexual Culture in the 1940s and 1950s,” *Journal of British Studies* 50, no. 1 (January 2011): 156–79.

<sup>149</sup> Stephen Brooke, *Sexual Politics, Sexuality, Family Planning, and the British Left from the 1880s to the Present Day* (Oxford, 2012).

<sup>150</sup> Mark Jarvis, *Conservative Governments, Morality and Social Change in Affluent Britain, 1957–64* (Manchester, 2005).

of its moral leadership in the world and ethical superiority over those parts of the world—America included—that retained state executions.<sup>151</sup> And yet politicians of all parties found it difficult to gauge the proper status of the public voice on this matter. The rapid development of polling and market research provided more access to voter opinion than ever before, but this did not always help. Sometimes voters expressed contradictory views; more often than not their views differed from those of the political establishment. Hanging was a political pinch point where there was a marked difference between what parliament thought was best for the country and what the people demanded as best for themselves. The debate on the death penalty points to the fundamental tensions at the heart of liberal democracy at a junction point in its history.

Back in November 1938, Mass Observation had asked a small sample of London people, “Do you think capital punishment should be abolished?” Forty-nine percent had answered yes, but only 4 percent felt strongly about the issue. Many were uncertain—“I don’t know—my husband is out, he would know”—and some shut the door in the investigator’s face.<sup>152</sup> By 1957 much had changed. Strong feelings on capital punishment were common, particularly among women and the young. The politics of emotion framed the postwar debate whether through the imagery of national upset, the policing of gendered and classed distinctions between sentiment and reason, or the ambiguous epistemological status of “conscience.” The hanging debate therefore provides a means of testing not only the historicity of emotion but also the utility of the history of emotion to broader historical explanation.

<sup>151</sup> On the European/American comparison, see David Garland, Randall McGowen, and Michael Meranze, eds., *America’s Death Penalty: Between Past and Present* (New York, 2011), 72–79.

<sup>152</sup> MOA, TC 72, box 1, 72–1-A, “Opinions on Death Penalty, 1938–46.”