

## **Public Reactions to the Case of Mary Wilson, The Last Woman to be Sentenced to Death in England and Wales**

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### **Abstract**

In 1958, 68 year old Mary Wilson became the last woman to be reprieved from the death penalty in England and Wales. She was convicted of the capital murders of two of her husbands, whom she poisoned. This article examines the discourses of capital punishment that were articulated in letters members of the public sent to Rab Butler, Home Secretary at the time, about Mary's case. It identifies discourses both in support of the death penalty and against it, and places them within their mid twentieth-century context. The article also explores how Mary's identity as an older working class woman shaped people's views regarding the acceptability of her punishment.

**Key Words:** death penalty, 1950s, punishment, discourse

### **Introduction**

This article explores public reactions to the case of Mary Wilson, who in 1958 became the last woman in England and Wales to be sentenced to death. She was reprieved by the Home Secretary of the time, Rab Butler, as he felt the execution of a 68 year old woman would be 'a shock to public opinion' (*National Archives, Conditional Pardon, HO291/241*). Her case is worthy of analysis because it provides a window on public views of capital punishment in the 1950s and how these views were shaped by Mary's identity as an older working class woman.

There has been scant attention to public views on the death penalty in twentieth-century England and Wales. Criminological and historical accounts of abolition tend to stress the importance of shifts in elite opinion regarding execution towards finding its use unpalatable in the modern era

(Rutherford, 1996; Pratt, 2002). However, the examination of public attitudes to capital punishment in the 1950s offers fertile ground for criminologists. Analysis of reactions to a case such as Mary Wilson's reveals the discourses of punishment that had currency amongst the wider population during this time. This highlights the expressive role of views of crime and punishment as reflections of everyday cultural sensibilities and demonstrates the symbolic importance of these issues (Garland, 1990; Girling et al., 2000; Lynch, 2002). People's reactions to death penalty cases do not merely represent views on punishment, but also wider contemporary fears, anxieties, beliefs and insecurities, which are indicative of their experiences of social change (Girling et al., 2000; Stalans, 2002; Maruna and King, 2004; Hutton, 2005).

### **The death penalty in mid-twentieth century England and Wales**

Until 1957, death was the mandatory penalty for murder in nearly all cases (the exceptions were children and pregnant women). However, the Home Secretary could grant a reprieve by exercising the Royal Prerogative of Mercy (Bailey, 2000), which happened in around 40% of cases involving men and 90% of cases involving women between 1900 and 1949 (Christoph, 1962). The campaign against the death penalty gathered speed in the 1920s, when interest groups such as the Howard League for Penal Reform and the National Council for the Abolition of the Death Penalty were formed. These organisations protested against capital punishment and monitored its application (*ibid*).

In 1930, a select committee on capital punishment recommended that it should be suspended for an experimental period of five years, although five members of the thirteen person committee refused to endorse this recommendation (Radzinowicz, 1999). A motion passed in the House of Commons in 1938 to suspend the death penalty in peace time for five years, but this was opposed by the Conservative government. The campaign to abolish capital punishment lost momentum during the Second World War and in its immediate aftermath<sup>1</sup>.

In 1948, the House of Lords overturned a vote won in the House of Commons to suspend capital punishment for five years (Bailey, 2000). Opinion polls demonstrated that approximately two thirds of British people disapproved of the proposed suspension, suggesting that abolition of the death penalty did not enjoy widespread public support (England, 1948). These results found that factors such as age and income made little difference to people's views on capital punishment, although which political party they voted for was significant. Labour voters were more likely to support the experiment to suspend the death penalty (*ibid*).

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<sup>1</sup> Bailey (2000) argues that the executions of leading Nazis in the mid 1940s, and the post-war moral panic over rising crimes rates, combined to dampen abolitionist fervour.

The government established a Royal Commission on Capital Punishment in 1949. The Commission's terms of reference were limited. It was to consider the laws surrounding homicide and whether use of capital punishment could be restricted, but discussion of abolition was outside its remit (Bailey, 2000). The Commission published its report in 1953. It recommended that murder should not be a capital offence in every instance, but that a life sentence should be available as an alternative punishment (Cmnd. 8932).

Three particularly notorious executions in the 1950s damaged the credibility of the State to administer the death penalty fairly and provoked public outrage. Timothy Evans was executed in 1950 for the murder of his wife and baby. However, in 1953 the remains of six women were found in and outside the flat of his neighbour, John Christie, casting severe doubt on Evans' guilt. Also in 1953, Derek Bentley was hanged for the murder of a policeman. His friend, Christopher Craig, a minor, shot the policeman and controversy surrounded whether or not Bentley had told Craig to pull the trigger (Block and Hostettler, 1997; Pratt, 2002).

Perhaps the most emotive execution of the 1950s was that of Ruth Ellis. In 1955, Ellis shot her ex-boyfriend, David Blakely outside a pub in London. Blakely's mistreatment of Ellis, and the fact that she was a mother, led many to believe she would be reprieved. Thousands of signatures were gathered through petitions but no reprieve was granted and she was hanged. A large crowd gathered outside the prison on the night before her execution chanting 'Evans - Bentley - Ellis' (Christoph, 1962; Block and Hostettler, 1997). Following these executions, the campaign for abolition in England and Wales was reinvigorated, with the founding of a new organisation that worked with abolitionist politicians (Rutherford, 1996).

The Homicide Act 1957 enacted the Royal Commission's recommendation that an alternative penalty to mandatory capital punishment should be introduced for murder. However, against the report's findings, the Act legislated for certain types of murder to be capital offences, such as those committed with a gun, or caused by an explosion. Murder in the course of a theft or robbery would also be punishable by death. The Act also established that anyone who committed murder on two or more separate occasions would be subject to execution (Edwards, 1957; Prevezer, 1957). This last type of capital murder was the one of which Mary Wilson was found guilty. The next section outlines the details of her case.

## **The case of Mary Wilson<sup>2</sup>**

Mary Wilson was a 68 year old woman (although the newspapers reported her age as 66) who lived in north east England. She was found guilty in 1958 of murdering two of her husbands by poisoning them with

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<sup>2</sup> Mary's case has been researched from files held in the National Archives, which relate to the prosecution case, an attempted appeal and her reprieve: *DPP2/2756, J92/195* and *HO291/241*.

phosphorus, which at the time could be found in rat and beetle poison. As she had committed murder on two separate occasions, she was sentenced to death. Mary applied for leave to appeal on two grounds: that the prosecution had not proved that the men did not die of natural causes, and that the judge should not have commented in his summing up on the fact she did not give testimony. Her appeal was rejected, as the Court of Appeal judgment did not accept either argument. Rab Butler, the Home Secretary, reprieved her, stating that although her crime was 'heinous', reprieve was the 'merciful course' as her age and gender made her execution undesirable (*Conditional Pardon, HO291/241*). Her sentence was commuted to one of life imprisonment.

Mary was born in 1890, and worked in domestic service before she married John Knowles, a chimney sweep, in 1914. She had six children, two of whom died during childhood. The remaining four were all adults by the time of her conviction. Mary's husband died in August 1955. They had been legally separated since 1945 but lived in the same house, which was not an unusual practice for working class people at the time. Mary had worked as a daily housekeeper for a painter and decorator, John Russell, since the Second World War and continued to do so after her husband's death. This man died in January 1956, aged 65. On 20 September of the same year, she married 75 year old Oliver Leonard and he died on 3 October. On the 28 October 1957 she married 76 year old Ernest Wilson, who died on 12 November.

Oliver and Ernest's bodies were exhumed on the 29 November 1957 due to suspicion they had not died of natural causes. Traces of phosphorus and bran were found in their intestines, indicating they had been poisoned with Rodine beetle poison. John Knowles and John Russell were also exhumed. No phosphorus was recovered from their bodies but the pathologist believed their deaths were caused by 'some noxious substance' (Summary, J92/195). Mary inherited some money from Oliver and was paid from Ernest's life insurance policies. She unsuccessfully attempted to withdraw £100 from Ernest's Co-operative Society account<sup>3</sup>.

## **Public views of Mary Wilson's reprieve**

Members of the public wrote to Rab Butler expressing views on Mary's case, or they wrote to their own MPs who forwarded the letters to the Home Office. These have been preserved in a National Archives file, reference *HO291/241*. This file contains letters that were sent both from people requesting that Mary be reprieved, and letters protesting against

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<sup>3</sup> The exact amount of money that Mary inherited from Oliver appears to be unknown; it is stated as being between £45 - £70. If this is added to Ernest's life insurance money, Mary appears to have received roughly the equivalent of £1,500 - £2000 in today's money. This was calculated using the National Archives historical currency converter (Available at: <http://www.nationalarchives.gov.uk/currency/results.asp#mid>). The £100 she failed to obtain would be equivalent to a little over £1,500.

the reprieve once it had been granted. Sixty eight letters request mercy, although some correspondents wrote a second time in order to endorse the reprieve. Twenty one letters complain about the decision to commute the death sentence. There is also a petition against the reprieve containing 31 signatures.

Research into public opinion on issues of crime and punishment has established its 'contradictory, nuanced and fragile' nature (Hutton, 2005:244). Public opinion is not monolithic and has different aspects, in that it comprises knowledge, attitudes and sensibilities (Johnstone, 2000; Maruna and King, 2004). Surveys and opinion polls have been the most frequently used method for gaining an understanding of public views on the death penalty. The questions asked in surveys and polls often do not provide people with the opportunity to express their emotional reactions, which are important in order to understand the symbolic and expressive role of punishment (Indermauer and Hough, 2002; Maruna and King, 2004). Although recent public opinion research has sought to remedy the shortcomings of traditional surveys through use of more sophisticated methods (Hough and Roberts, 1999; Johnstone, 2000; Stalans, 2002), these are clearly not a solution to uncovering a more nuanced picture of people's attitudes towards capital punishment in the 1950s. Oral history interviews with respondents who can remember capital cases would have the limitation that their views on the death penalty have inevitably been modified by the four decades since abolition<sup>4</sup>. They would not necessarily reflect specifically mid-twentieth century understandings.

The letters sent or forwarded to Butler about Mary Wilson have considerable advantages as a means of gleaning public opinions of capital punishment in the mid-twentieth century. They reflect people's emotions about the case, their attitudes towards the death penalty and wider discourses of anxiety, fear and injustice. Lynch (2002) analyses the views expressed on American pro-death penalty websites, and argues that this type of research can reach complexities not addressed by macro-level examinations of punishment. Similarly, the letters regarding Mary Wilson's case enable in-depth, 'thick' analysis of individuals' communication regarding capital punishment.

People's feelings about punishment are related to their views of particular offenders and are shaped by the specific details they know about a case. Research into public opinion on punishment, including the death penalty, indicates that people's attitudes vary depending on how much contextual information they have about the crime and the offender (Roberts and Stalans, 1997; Hough and Roberts, 1999; Roberts and Hough, 2002). Individuals who sent letters to Rab Butler were not necessarily 'for' or 'against' the death penalty and may not have had a fixed stance on whether it should be retained or abolished. Some letters are clearly from

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<sup>4</sup> The last executions in England and Wales took place in August 1964. The death penalty for murder was temporarily abolished in 1965, and finally abolished in 1969 (Rutherford, 1996; Radzinowicz, 1999).

people who held a strong position on the death penalty, either supporting its use or favouring its abolition. However, others were from people who did not have such an identifiable perspective. The opinions individuals expressed about Mary were often in relation to particular aspects of her identity as an older working class woman. Therefore, in addition to articulating views on capital punishment, the letters can also be analysed for their contemporary perceptions of social identities.

There are, however, limitations to using letters as sources for researching attitudes towards capital punishment in the 1950s. Some of these are practical constraints. The majority of the letters are handwritten, meaning that they are not always legible. This applies particularly to signatures. Some correspondents declined to give their name, and others signed themselves with initial and surname only. Lack of a name is a considerable drawback as the gender of the author cannot always be discerned. Other details, such as the writer's age and social class background, are not usually provided.

There are other limitations that are perhaps more significant from a methodological perspective. The people who chose to write to Butler constitute 'an eccentric sample of the nation at large', as Gatrell (1994:429) observes in relation to nineteenth century mercy campaigns. They cannot be regarded as representative, and not only because they were motivated to write to Rab Butler or their MP in the first place. People who wrote letters were likely to form a more literate and educated group than the general population, which means that views of people from working class backgrounds similar to Mary's own may not be represented.

Although not representative, and from people likely to feel more strongly about the case than most, the letters are valuable sources worthy of criminological attention. They are products of their time and inevitably reflect views that were 'thinkable' in 1950s England and Wales. This article refers to 'public' opinion, but the public is inevitably an invention, and one that does not include everyone (Gatrell, 1994). Nevertheless, letters sent to Rab Butler provide us with a window on the views of 'ordinary' people regarding capital punishment, rather than the opinions of politicians, well-known writers or patrician campaigners.

## **Discourse analysis of the letters**

The letters sent to Rab Butler concerning Mary's case have been analysed for the discourses they contain in relation to capital punishment. Discourses both supporting and objecting to the death penalty have been identified. These have been generated from close examination of the letters, although they inevitably reflect broader understandings of punishment which have been iterated in different places and times. The correspondents wrote against a cultural background of existing views and opinions on the death penalty, which informs their perceptions.

Seven discourses of capital punishment will be discussed through quotations taken from the letters. Quotations have been selected for their representativeness of a particular discourse. Three discourses are in favour of the death penalty for Mary, and four are against. The seven discourses are not discrete but rather overlap and bleed into each other in places. More than one of them can appear within the same letter. Although this model of seven discourses offers a useful means of analysing views on the death penalty in relation to a specific case, it does not necessarily capture all the views on capital punishment, or on Mary's reprieve, that existed in 1958. Discourses in support of her execution and protesting against her reprieve will be explored first.

### **Discourses against a reprieve**

Rab Butler's reasons for reprieving Mary can be found in the Conditional Pardon held in *HO291/214*. However, at the time they would not have been released to the public. Home Secretaries did not publicly state why they had decided to reprieve someone, or why they had decided not to (Blom-Cooper and Morris, 2004). People who wrote to Butler expressing their disapproval for the reprieve he had granted were therefore surmising what the reasons for this might have been. The three pro-capital punishment discourses are: *retribution*; *deterrence and decline*; and *political conservatism*. These are familiar themes from death penalty research but the analysis locates them within their mid-twentieth century context, and explores how they were articulated in relation to Mary's case. All letters have the case file reference *National Archives HO291/214*.

#### *Retribution discourse*

Retribution is a recurrent theme in discussions of capital punishment (Garland, 2000). Correspondents who articulated this discourse argued that death was a fitting punishment for someone who had committed murder. They also contended that Mary's interlocking identities as an older, economically disadvantaged woman should not be taken into consideration as reasons for a reprieve. One author argued:

My puzzled friends point out that there was no recommendation to mercy by the jury, that the National Press reports of the case were so revolting as to destroy any pity any decent person might have had for an elderly woman in trouble.

The author makes reference to Mary's straitened circumstances by referring to her as 'an elderly woman in trouble' but rejects the idea that this should be taken into account when deciding whether to reprieve her. The writer also makes a moral point, suggesting that a 'decent' person would not have sympathy for Mary. Other letters articulated the *retribution* discourse in order to express their disapproval that Mary's gender might be

a factor in her reprieve. The following quotations have been taken from two separate letters:

There is strong feeling against the reprieve for this woman, Mrs Wilson. She is a calculating, cold and cruel murderess.

You want your head seeing to, giving Mrs Wilson a reprieve. It's a pity she should have her pretty little neck stretched, what about the poor men she 'did in' ... She deserves her neck stretched and you deserve yours stretched, you old fool for granting a reprieve.

These two quotations, particularly the second, reflect the discourse of *retribution*, but also display features of the gothic (Valier, 2002). The description of Mary as a 'calculating, cold and cruel murderess' exhibits a gothic sense of feminine evil. The second writer refers explicitly to the infliction of pain upon Mary's body that hanging would entail, sarcastically describing how 'her pretty little neck' would be 'stretched', as well as suggesting that Rab Butler deserved the same fate. Both correspondents are unequivocal that Mary's womanhood should not be a reason to reprieve her and suggest that, on the contrary, as an evil woman she deserves the bodily pain of hanging.

#### *Deterrence and decline discourse*

The concept of deterrence is a familiar justification for punishment and for use of the death penalty. The threat of the worst penalty, loss of life, is thought to dissuade people from violent crimes such as murder (Hudson, 2003). Letters sent to Rab Butler argued that reprieving Mary would lead people to think they could get away with murder. Authors who believed in the value of capital punishment as a deterrent linked this to the importance of maintaining standards of decency in British society. Allied to this was a sense of anxiety about the state of modern Britain and apprehension that it was a society in decline.

This feeling needs to be understood within the context of perceptions of post-war Britain. For some, it was a nation weakened by two world wars and losing status as its empire retracted (Marwick, 2003). This was not the only depiction of Britain in the 1950s. Other discourses constructed it as a country that was fairer due to the post-war welfare settlement, and as a modern, forward looking society (Vernon, 1997). However, letters exhibiting a *deterrence and decline* discourse displayed the former perception of a nation in decline. These correspondents articulated deep seated anxieties about the state of Britain:

If these reprieves go on no-one will be safe and in time, incipient fears, conscious or subconscious will slowly but surely change the face of our civilisation and way of life. Even now, parents fear for their children's safety everywhere.



This writer is explicit in mentioning the importance of the death penalty to maintaining 'our civilisation and way of life'. Unease about the future is expressed by referring to parents fears for their children, the representatives and symbols of future Britain.

The *deterrence and decline* discourse constructed capital punishment as a necessary defence against the perils of the modern age. As such, it allowed the articulation of other concerns related to British society as the following quotations, taken from two different letters, attest:

It's bad enough having the damn blacks and foreigners foisted on to us, we are getting a bit sick [of] the way the country is being run.

Bring back hanging before a lot more innocent people get murdered. All countries know England is soft so all foreigners etc come here. Be tough and get rid of that woman before we all rise up and turn the whole lot of you out of office ... They know they can kill today and you are encouraging them. So let's get the gallows going and it will soon be better for all.

These authors articulate concerns about immigration from the Caribbean and South Asia, which had gathered pace during the 1950s (Goulborne, 1991) and the first quotation's reference to 'damn blacks' exemplifies the racism that was characteristic of these anxieties (Gilroy, 1987). Letters that utilise the discourse of *deterrence and decline* express fears about issues beyond those which might seem to be immediately connected with Mary's reprieve, such as non-white immigration. The correspondents quoted above interpreted Butler's mercy as indicative of a more general social malaise. For them, capital punishment figured as a potential remedy for society's ills.

#### *Political conservatism discourse*

The final discourse that was articulated in letters protesting against Mary's reprieve was one of political conservatism. Authors who expressed themselves through this discourse were Conservative voters who saw capital punishment as a constituent part of their political creed. They understood Butler's reprieve of Mary as having implications for how the Conservative government would be perceived, and for their own identities as Conservatives.

By reputation, Butler was a liberal leaning Home Secretary (Jarvis, 2005). He believed in reducing crime through rehabilitating criminals and in funding research into the causes of crime. The Institute of Criminology at Cambridge University and the Home Office Research Unit were established during his tenure (Ryan, 2003). Butler's views on criminal justice did not chime with the whole of the Conservative Party, especially the membership, many of whom believed in reinstating corporal punishment (Jarvis, 2005). Letters which include the *political conservatism* discourse frequently also draw on either *retribution* or *deterrence and decline* discourses. Authors

expressed their concern at Butler's chosen course of action, seeing it as counter to Conservative principles:

I really feel that my enquirers have the right to know what apparent infirmity of purpose infected the Home Secretary in connection with this creature. I must point out my friends are not bloodthirsty savages screaming for blood at a tribal ritual of vengeance, but decent honest Conservative citizens.

This male correspondent accuses Butler of cowardice and dehumanises Mary by referring to her as a 'creature'. He distances himself and his 'friends' from accusations of savagery or brutality, which were familiar criticisms of capital punishment, by stating they are not only 'decent' and 'honest', but also 'Conservative'. Letter writers also worried that the perception of a Conservative Home Secretary as unduly merciful would lose votes:

It has come to a point where the Tory party can no longer hope for the support at elections of the Tory populace, especially the women. By your so-called humanitarianism as Home Secretary, you are losing the next General Election.

This letter disparages the notion that reprieving an older woman from execution was a humane course of action. It also suggests that women especially would be dismayed by a putative unwillingness to use capital punishment. At the time, there was support amongst women in the Conservative Party for the reintroduction of flogging with the cat-of-nine-tails for sexual offences (Jarvis, 2005). This may be why the author thinks the reprieve could be damaging to female votes in particular. Other correspondents used a *political conservatism* discourse to describe their shaken faith in the government, sometimes also articulating their anger at the surrender of what they perceived as Conservative principles:

For many people like my self who have been staunch Conservatives all our lives the antics of the present Government have made us waverers, and your latest reprieve has clinched the matter as far as I am concerned. I am not a crank who writes to public [officials] often but your latest effort has made me "see red" if you are still with me.

These three anti-reprieve discourses represent enduring themes in pro-capital punishment arguments, namely retribution, deterrence and political conservatism. Analysis of the letters demonstrates how these themes were iterated in relation to specifically mid-twentieth century anxieties, such as declining imperial power and the fortunes of the Conservative Party at the time. The strong emotions, primarily anger, generated by the reprieve are apparent. The next section discusses the letters which opposed use of the death penalty in Mary's case.

## Letters asking for a reprieve

Letters requesting a reprieve constitute the majority sent to Butler about Mary Wilson. The four discourses identified from these are: *merciful humanitarian; civilisation; gender class inequality; and empathy/sympathy*. These also reflect themes which are familiar from death penalty research, but the analysis places them within their 1950s context. Mary's social identity was especially important to shaping these constructions.

### *Merciful humanitarian discourse*

This discourse framed granting a reprieve for Mary as the humanitarian response to her case. Capital punishment as inhumane is a well established anti-death penalty argument that has been iterated in different places and times (Sarat, 2005). Some of the correspondents who articulated the *merciful humanitarian* discourse mentioned God or thanked Butler for adopting a Christian approach in reprieving Mary:

As I told you I don't know her but whatever she has done may God have mercy on her soul.

In the 1950s, senior clergy in the Church of England supported abolition and the established church more broadly began to oppose the death penalty, along with traditionally abolitionist denominations such as the Quakers (Potter, 1993).

Letters sent before Mary had been reprieved often asked for mercy based on her identity as an older working class woman. They found the execution of a woman of her age to be morally reprehensible:

To pull off the head of an old woman aged 66 is unthinkable but it may happen if the woman accused of poisoning her two husbands is hanged as arranged on the 4th of June.

Whether women should be subject to the death penalty had been part of the discussion surrounding its use in the mid-twentieth century. The Royal Commission on Capital Punishment heard evidence on this issue, particularly in relation to the execution of Edith Thompson in 1923, which was regarded as troubling to public opinion (Royal Commission on Capital Punishment, Evidence and Papers, *H0301*)<sup>5</sup>. The hanging of Ruth Ellis in 1955 also reignited debate surrounding the application of the death penalty to women (Block and Hostettler, 1997).

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<sup>5</sup> Edith Thompson, along with her lover Freddie Bywaters, was executed for the murder of her husband. Controversy surrounded whether she had known Bywaters was going to stab her husband, and whether her execution was influenced by her 'loose' morals as an adulterous woman (Ballinger, 2000).

*Civilisation discourse*

Letters expressing the *civilisation* discourse argued either that the death penalty itself was barbaric and backward (Hudson, 2003), or that executing an old woman would be barbaric and backward. Appeals to 'civilisation' have been made in various places and times to justify or condemn different uses of punishment. Abolitionist movements in the mid-twentieth century argued that a civilised society was conditional on the absence of the death penalty (Pratt, 2002).

Like the *merciful humanitarian* discourse, the *civilisation* discourse often included reference to religion and criticised the death penalty as un-Christian and immoral:

Capital punishment is based on 'an eye for an eye' which is pre-Christian and anti-Christian, and no person claiming to be either Christian or civilised, can rightly support it.

In addition to this moral argument about civilisation, authors who utilised a *civilisation* discourse read Mary's death sentence as an indication that Britain was failing to modernise. Like the *deterrence and decline* discourse, the *civilisation* discourse framed Mary's case and capital punishment as symbols of the state of the nation. But instead of decline, the *civilisation* discourse was concerned with modernity. Mary's slated execution was represented as an indication of Britain's old fashioned values, which were understood to damage its standing in the world:

Execution is no deterrent. It is a barbaric relic of past ages. The sooner you do away with it once and for all, the sooner you will enable this country to play its part in this modern world without shame or remorse.

Similarly to the *merciful humanitarian* discourse, a *civilisation* discourse was affronted by the application of capital punishment to an older woman. This made the death penalty seem especially primitive and reflected particularly badly on Britain as a nation:

... the killing of an elderly woman, whose remaining days are probably relatively short anyway, would be a barbarous act well calculated to reduce our already depleted moral standing in the eyes of the world ... May we pray you Sir to act in this matter so that we need not feel ashamed of the outdated laws of our country.

Anxiety about the state of Britain as a nation and how it would be perceived suffused the *civilisation* discourse, as it did the *deterrence and decline* discourse. However, rather than being a discourse of decline, the *civilisation* discourse expressed anxiety about Britain's capability to modernise. Rather than fears about loss of global status, concerns about modernisation were related to the post-war optimism that Britain could

become a fairer society with prosperous citizens (Vernon, 1997). In the *civilisation* discourse the death penalty was a symbol of Britain's failure to become the 'new Jerusalem'.

*Gender class inequality discourse*

Mary's age and gender were elements of *merciful humanitarian* and *civilisation* discourses. The *gender class inequality* discourse was more explicit in constructing Mary's interlocking identities as an older working class woman as significant to her predicament. The *gender class inequality* discourse regarded Mary's death sentence as unfair and a reflection of wider social inequalities (on this issue, cf. Sarat, 2005). Letters argued that a man, or someone who was wealthier, would not be executed for a similar crime, or that Mary's circumstances as an older working class woman should be considered in mitigation. This was slightly different from the suggestions articulated by the *merciful humanitarian* and *civilisation* discourses that executing an elderly woman was barbaric. Rather, the *gender class inequality* discourse contended that Mary's experiences of misfortune and poverty should be taken into account.

A letter signed by three women argued that hanging Mary would constitute discrimination on the grounds of gender and class:

... we understand that the death penalty has been abolished in this country? If so why is it retained in the case of a woman being the offender? ... we believe this attitude is dangerous, as it gives privilege to the man to sin. The penalty is either abolished or retained, we want no favourites on the grounds of sex, or of class.

This letter does not mobilise a moral argument against capital punishment itself, as found in *merciful humanitarian* and *civilisation* discourses. Rather, perceived unfairness in its application is attacked. The authors were mistaken about the legislation surrounding the death penalty, which had been limited, but not abolished, by the Homicide Act 1957. However, their protest reveals concern about the equal treatment of women and working class people by the criminal justice system.

Perceived inequality in the administration of justice as it related to men and women was a theme of other letters that displayed the *gender class inequality* discourse:

Ruth Ellis, for instance she did no more than hundreds of men who get off with light sentences ... Mrs Wilson is an ugly old woman with no one to fight for her ... Reprieve this woman, as you have reprieved many men Mr Butler! I am all for hanging criminals, so many of the Public are, but if you are going to let men off, then you must be consistent for all, that's all we ask.

This quotation expresses overall support for the death penalty, but argues that various aspects of Mary's identity, such as her gender, age and

appearance make her less likely to be reprieved. The writer states that Butler has reprieved men and so must consider Mary's case also, and refers to the execution of Ruth Ellis three years previously as another example of the unfair treatment of women by the criminal justice system. This indicates both the strength of feeling about Ellis' case and its influence on views of the State's moral authority over capital punishment (Pratt, 2002).

The concern over unequal treatment may have been based on a misperception of certain contemporary cases. In 1957-8, there were cases where men convicted of capital murders of children and young people had had their convictions reduced to manslaughter after successful appeals on the grounds of diminished responsibility (Blom Cooper and Morris, 2004). These were not reprieves, but instances where a successful appeal meant a conviction for a lesser offence. The writers of letters including *gender class inequality* discourse may not have understood this. However, even if mistaken about the details of homicide law, these letters questioned why Mary's case should result in the death penalty if the murder of children did not. The *gender class inequality* discourse also reveals mid-twentieth century dissatisfactions with perceived discrimination against women and working class people.

#### *Empathy/sympathy discourse*

The final discourse under discussion in relation to Mary's case is one where letter writers made a personal identification with Mary, either on the basis of her age and gender, or because they felt sympathy for her predicament. The *empathy/sympathy* discourse contains elements of other discourses such as *merciful humanitarian* and *gender class inequality* as in itself it is not a view on the use of capital punishment. Correspondence displaying *empathy/sympathy* discourse tended to be from female authors and reflects how capital punishment can figure as a sign to which meanings become attached. For instance, the following writer made an emotional identification with Mary as a grandmother:

The only time she has cried was when she received a letter from her grandchildren telling her how they loved her ... I have cried all the weekend with relief.

The 'relief' to which the correspondent refers was experienced upon learning about the reprieve. The theme of the importance of family relationships arose in other missives:

Surely it is all too obvious that she was driven crazy with loneliness and lack of affection. Any mother who has brought up a family has a right to expect their love and devoted care in her old age so that loneliness and heartbreak do not force her to seek solace in a public house and commit murder for a few paltry shillings - if she did!

This quotation exhibits *gender class inequality* discourse in its suggestion that Mary's case has compelling mitigating circumstances. However, its references to 'loneliness' and 'heartbreak' create a different tone from the letters that argued Mary was a victim of unequal treatment by society and the criminal justice system. It discusses Mary's misfortunes as being emotional, as well as financial, by mentioning her need for a relationship with her children.

Other female writers reflected that they could find themselves in similar circumstances to Mary:

But I am minded that she was probably in a position financially in which I too may find myself someday ... such a position and the desire for security can play havoc with one's mind ... There is also of course, in this case, her age! In any case the poor creature has made a mess of the rest of her days ... I felt I must write something about the case as she is only 3 years older than myself and she looks such a poor type.

This author is explicit that similarities between Mary and herself inspired her to write to Butler. She exhibits both empathy and sympathy, commenting that Mary is a 'poor type'. Concerns about Mary's age and financial situation are combined with the author's own anxieties about the insecurities of old age.

Like the pro-death penalty letters, those in favour of a reprieve articulated anxieties about the state of post-war British society. They worried about its ability to modernise, and questioned whether greater fairness and equality had really been achieved. Emotional reactions consisted of revulsion and dismay at the thought of executing an old woman, and also feelings of empathy with Mary.

The conclusion reflects on the relevance of this examination of public attitudes towards the case of Mary Wilson to contemporary death penalty research and to current criminological understandings of cultures of punishment.

## **Conclusion**

Analysis of letters sent to Rab Butler about the case of Mary Wilson enable identification of the discourses of punishment that shaped public attitudes to the death penalty in mid-twentieth century England and Wales. These discourses have some continuity with iterations of views on capital punishment currently found in the United States, where the death penalty is still used in many states. Research identifies political and religious beliefs as an influence on people's views on this issue and appeals to humanitarianism and 'civilisation' continue to characterise abolitionist arguments (Soss et al., 2003; Sarat, 2005).

One notable absence from the Mary Wilson letters is a discourse of justice for the victims' families. Since the establishment of the victims' rights movement in the 1980s, this has been a significant aspect of American pro-death penalty discourse (Lynch, 2002). There is no suggestion at all in the letters that Mary should be executed in order to provide succour for her victims' surviving relatives. This is unsurprising as the English and Welsh criminal justice system of the 1950s ignored victimhood (Rock, 1990). However, it highlights an important change in the discursive terrain surrounding capital punishment and retribution.

None of the letters which ask for a reprieve make reference to human rights, an important aspect of present day worldwide arguments for abolition (United Nations General Assembly, 2007; Amnesty International, 2008). Although the Universal Declaration of Human Rights was adopted in 1948, the concept of human rights was not part of popular discourse in the 1950s. This was prior to the establishment of groups such as Amnesty International, which led to wider use of the term, particularly in relation to punishment. The *merciful humanitarian* discourse shares many of the concerns of human rights arguments, as does the *civilisation* discourse. However, articulations of these two discourses in the letters concentrate on the unacceptability of capital punishment, rather than Mary's rights *per se*.

The recent downward trend in the use of the death penalty in the United States has been accompanied by the increased success of abolitionist campaigning that emphasises the criminal justice system's capacity for error and unfairness (Sarat, 2005; Unnever and Cullen, 2005; Ogletree and Sarat, 2006). Such arguments do not require opposition to the death penalty on the grounds that it is barbaric or inhumane, but rather object to its unequal application and the danger that the innocent will sometimes be executed. The *gender class inequality* discourse is the closest match to these concerns to emerge from the letters. Writers who articulated the *gender class inequality* discourse did so at a time when the State's moral authority regarding the death penalty had been damaged, which suggests issues of unfairness can be highly significant to abolitionist arguments in the right historical moment.

The final discourse from the letters, *empathy/sympathy*, is worthy of further consideration by criminologists. Maruna and King (2004) note that little is known about what motivates public compassion, forgiveness or empathy. Analysis of the letters that display *empathy/sympathy* discourse suggests that personal identification, especially from individuals who could imagine themselves in similar circumstances to Mary, is significant. This discourse also underlines the importance of emotion to leniency, which needs to be understood alongside emotion as an aspect of punitiveness.

In their study of children's talk about punishment, Sparks et al. (2002) explore the 'imaginative force of the past' (p. 120) in relation to contemporary penal culture. The past's 'imaginative force' also exerts its pull on criminologists and is a compelling reason for turning criminological attention to public attitudes towards punishment in the mid-twentieth century. The foregoing discourse analysis of letters written in 1958 reveals



that the case of Mary Wilson became the focus for a range of diffuse fears and anxieties, from increased non-white immigration to personal worries about approaching old age. This suggests that the linkage of discourses of punishment to wider narratives of anxiety and insecurity is not solely a late-modern phenomenon (Garland, 2001), but happened in preceding eras too. This has implications for the arguments criminologists make about social change and its effects on contemporary cultures of punishment.

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