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George Vass: the making and un-making of a criminal monster

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Abstract

This chapter explores how emotion was used to construct and deconstruct a narrative around the living body of a criminal, George Vass, a murderer who was to be the last man hanged in public in Newcastle upon Tyne in 1863. During his trial and sentence, contemporary newspaper accounts focused on Vass's lack of emotional response, many describing Vass as without feeling, a bad character: a 'monster', in effect. However, by the time of his execution, the press in Newcastle began to 'humanize' or 're-humanize' him as an emotional being, describing Vass as a 'wretched young man', nervous, caring, and making spiritual preparations for death.

In considering, through a legal historical lens, the perception and attribution of emotion as mediated or constructed in contemporary newspaper accounts, the chapter contributes to the growing field of studies into law and emotion. It suggests that emotions were deliberately employed in the newspaper rhetoric, which was performative, constructing a narrative and shaping a criminal subject, presented to the public as 'Vass'. The chapter concludes that exploring the connection between a nineteenth-century criminal trial and its expected or perceived emotional effect upon the individual reveals the significant role of the reporting of emotion in reinforcing the norms of the criminal justice system.

Keywords

Constructing criminal identity, law, emotion, newspaper reporting, Victorian, execution, capital punishment, monster.

Introduction

On Saturday morning, at eight o'clock, George Vass paid the last penalty of the law in front of the Gaol of this town ... in the presence of an immense crowd of spectators.¹

With these stark lines, the *Newcastle Daily Journal* opened its report of the climax to the events that followed the violent rape and murder of Margaret Docherty in the early hours of 1 January 1863. Later that day, a 19-year old labourer, George Vass, was charged with wilful murder. He was tried, and found guilty, at the Newcastle Spring Assizes on 27 February 1863. On 14 March 1863 Vass became the last man executed in public in Newcastle upon Tyne.

The *Newcastle Journal* emphasised the exceptional nature of the crime: a 'fatal outrage ... [caused by] brutality [which] exceeds almost any known', an 'evil... abominable crime ... [meriting] no ordinary description.'² The crime, trial and execution of Vass attracted great public interest, as the first capital case in Newcastle since 1850 that culminated in an execution. Contemporary accounts suggested that the execution crowd numbered at least twenty thousand people.³ Although some onlookers would have known Vass personally, many witnesses to the execution would have 'known' him only from the newspaper reports. Who did the crowd come to see hanged: a 'wretched' and 'unhappy' youth, or the 'stolid and unmoved' perpetrator of an 'atrocious' crime? According to shifting newspaper narratives, Vass was both. This chapter will examine how, and for what purpose, a criminal identity for George Vass was constructed and deconstructed over a period of weeks in several Newcastle newspapers.

The research is based on an analysis of contemporary local newspaper accounts to establish what is revealed about 'Vass' and by extension the construction of identity imposed upon a criminal body. With little, or no, first-hand knowledge of the man, newspaper reporters created, and manipulated, a persona for the accused. The construction of a criminal identity began as soon as Vass had been identified and arrested in January and continued to his trial and execution in March.⁴ This period enabled the newspapers to report the crime and the legal process in detail. The accounts in the local press referred specifically to Vass's 'brutish' physical appearance and lack of emotional response during his trial and sentence, and concluded that he was without feeling: a 'monster'; yet, by the time he faced execution, he was a 'wretched young man', capable of expressing fear, gratitude and love.

This chapter questions whether the evolving newspaper portrayal of Vass was supported by evidence of real change, or whether there was a character arc constructed for the gratification of readers, or perhaps for other reasons. It is not so much reading the criminal body for evidence of character, as exploring the shaping of a criminal character through narratives imposed upon the body by and through newspaper reporting. The chapter will suggest that Vass was a cypher, and that his physical characteristics and emotional responses during the legal process were deliberately employed by newspapers in Newcastle in the formation of Vass as a criminal subject. The chapter begins by briefly outlining the crime and its context, before discussing methodology and sources.

The Crime

The murder of Margaret Docherty and the conviction and execution of George Vass may appear a relatively straightforward – if tragic – case; however, micro-historical examination has revealed several unusual aspects to the crime and its aftermath.⁵ Murder can rarely be considered ‘ordinary’, but this case does not fit the profile of the majority of nineteenth-century murders of women by men: this was not a domestic homicide; the victim was not Vass’s partner; and there is no suggestion that she knew her killer.⁶ It was a murderous assault by a stranger, in a heavily populated area of a crowded industrial town in the early hours of the morning. Surprisingly little legal historical research has been carried out into random street violence culminating in the rape and murder of women unknown to the perpetrator in the nineteenth century.⁷ Most studies of violent crime in this period in England have addressed either male-on-male violence,⁸ or domestic violence by men against women.⁹ Martin J Wiener's *Men of Blood*, the preeminent study of the treatment of serious violence by men against women in the nineteenth century, focused on cases involving spouses or lovers, with rape discussed most often in the assault of female domestic servants.¹⁰ The specific nature of this violent crime - sexual assault and murder occurring outside the domestic sphere - makes it unusual.¹¹ Indeed, murder and manslaughter of women in Newcastle was rare: evidence from coroners’ returns shows that only one death was recorded as murder in 1861 and none in 1862.¹² The unusual brutality of the crime, and the scarcity of similar prosecutions in Newcastle, may have contributed, at least in part, to how – and why - the Newcastle newspapers constructed and deconstructed a specific narrative around the body of the criminal in this case.

Methodology

Philip Smith suggested that, ‘narratives can allocate identity and prompt emotional and cognitive responses’.¹³ This chapter suggests that the reporting of the trial process and its expected or perceived emotional effect upon the individual, and how emotion was constructed and used in contemporary newspaper accounts, contributed to the creation of a criminal identity.¹⁴ Drawing on the concept of the ‘other’, it is argued that aspects of the newspaper reporting contributed to the construction of a changing narrative on and around Vass. This analysis contributes to the growing area of interdisciplinary scholarship relating to law and emotion.¹⁵

Literature and scholarship in the field of law and emotion has developed over the last few years.¹⁶ A number of studies have utilized published crime reports in the popular press.¹⁷ Katie Barclay’s work has drawn on newspaper reports to explore how performances of emotion by men in criminal trials in early nineteenth-century Ireland were interpreted as a form of evidence in the courtroom.¹⁸ Indeed, much research in this area has focused on the courtroom as ‘a space or “emotional arena” in which particular emotions were performed, displayed, and prohibited’.¹⁹ This study looks beyond trial narratives, and events in the courtroom, to encompass reporting of the manner, appearance and emotions of the accused prior to the execution and so reveal the significant role of the reporting of emotion and emotional responses in reinforcing the norms of the criminal justice system and the criminal justice process. Like Barclay, emotion is interpreted as something that is ‘performed’ or ‘practiced’: a cultural expression of feeling created through performance. The consequence of this is that emotion can only be understood within specific cultural and social contexts. The descriptions in the newspapers cannot capture what was actually felt by Vass. What is presented is not neutral – it is mediated. The newspaper reports inevitably reflect the political and social prejudices of the reporters. As such, nineteenth-century newspapers can reveal contemporary attitudes towards what emotion was being ‘performed’.

The concept of the ‘criminal monster’ is also significant when analysing newspaper narratives relating to Vass. It is important to put the Vass trial in the context of nineteenth-century attitudes towards capital punishment. In 1823 the mandatory death penalty was abolished for crimes other than treason and murder.²⁰ The number of crimes subject to capital punishment reduced from over 200 in the early nineteenth century to around sixty in 1832. Consequently, a comparatively small number of people (350) were hanged in public between 1837 and 1868. At the time of Vass’s execution, there was a growing campaign for abolition of the death

penalty, and the abolitionist cause was helped by concerns that by the 1860s, public executions were perceived as ‘cruel and increasingly shocking’.²¹ 1863 saw twenty-one public executions in England, five of which (including that of Vass) were the last in the respective towns. Limiting the number of crimes subject to capital punishment had certain – possibly unforeseen – consequences. It led to an emphasis on the ‘higher tariff’ offenders, which almost inevitably ensured that those who committed such crimes were perceived as ‘the worst of the worst’. Only the criminal identified by Michel Foucault as the ‘monster’, one who committed ‘a deed of such enormity that it violated all the most respected laws’, would be hanged.²² This ‘monster’ is a cultural construct – a designation attached to a being. The meaning is imprecise: ‘The term monster is another name for hybridity ... and typically refers to a creature that is both, simultaneously, human and non-human’.²³ Whilst Foucault perceived this partly in a medical sense (for example, hermaphrodites, or conjoined twins), it may be argued that what distinguishes the ‘monster’ is that it is a human being who is also ‘non-human’, ‘abnormal’ or ‘other’. This idea necessarily implies a ‘norm’ or, to put it another way, an idea of the ‘normal’ also implies the existence of the abnormal; with, as Foucault suggested, the madman, the criminal and the deviant as the reverse of the ‘norm’. These categories offer a binary choice between the ‘norm’ and the ‘other’. Newspaper narratives could impose upon a criminal body an identity constructed by reference to these poles. This chapter suggests that Vass would be categorised or characterised as either a ‘monster’ or a ‘normal human being’, based on the words used in the Newcastle newspapers.

Sources

The chapter draws upon the reports of the crime and the criminal in the main Newcastle newspapers: three daily titles: the *Newcastle Chronicle*, *Newcastle Guardian* and *Newcastle Journal*; and a weekly title, *The Newcastle Courant*.²⁴ Unsurprisingly, these newspapers reported the events following the murder of Margaret Docherty in detail: the police investigation, the trial, and the execution were guaranteed to attract readers, and violence, especially with a sexual dimension, sold newspapers.

Using newspaper reports as the chief source of information in the Vass case came out of necessity because there is a curious lack of other sources. The National Archives hold official court papers, including inquest statements and trial depositions, but there is no ephemera (broadsides, Hangman’s tales, leaflets, etc.). Popular accounts would have contributed

significantly to the reconstruction of the criminal identity of Vass; however, if they did exist, they have not been preserved. The assize records include little about Vass himself.²⁵ Thus, he remains an elusive character and his ‘criminal identity’ can be reconstructed only through the newspaper reports.

Utilizing newspaper reports affords a similar position to that occupied by the population of Newcastle in 1863. The community would have followed the case day by day, forming impressions of Vass from those reports.²⁶ Analysis of the accounts establishes a clear impression of contemporary responses to the crime and to Vass himself. Shani D’Cruze has suggested that ‘the manner and appearance of the accused as well as the circumstances of the case achieved a higher cultural visibility in the Victorian period.’²⁷ A defendant in a criminal trial in 1863 was not permitted to speak in his own defence. He could only enter a plea and address the court after sentence, leaving newspapers considerable scope to paint a picture for their readership. The reporters focused on not only the physical appearance or demeanour of the defendant but also upon emotional responses:

Representations of criminal trial proceedings showed the emotions of the victims, defendants, witnesses, and audience, as well as the legal professionals. Far from viewing these displays of emotion as inappropriate, it appears that many [from the C18th] held emotional expressions to be a key part of the trial process, and of natural justice, as well as the majesty of the law.²⁸

Newspaper reports ensured the criminal body became intelligible, through narratives centred on the ‘word portraits’ offered to their readership.²⁹ George Pavlich suggested that, via such narratives, the criminal body became the site of alternative readings and competing discourses – although, in the case of Vass, the newspaper narratives largely seemed to agree on the description of his emotional ‘journey’. The reports offered Vass as a hybrid: part monster, part damaged human being. This chapter suggests that this criminal identification came about through, ‘a creative process rather than one of discovery’.³⁰

Reporting before the trial

The first newspaper reports to describe the perpetrator came from the inquest, where the coroner's jury delivered a verdict of wilful murder, and from proceedings in the police court.

Pre-trial and the inquest - Physical descriptions

With no extant woodcuts or images, a physical impression of Vass can be formed only from the newspaper reports. The first opportunity for the reporters, and by extension the newspaper readership, to view Vass was at the hearing before the magistrates in the police court. The reports offered limited information about his hair colour, clothing, build and height; but, interestingly, went beyond factual reporting, with commentary or interpretation of Vass's appearance to paint a verbal picture for the reader.

He is a well-built young fellow, 19 years of age, and evidently possessed of great muscular power. He has no beard, and his jet-black hair was straightly parted and smoothed down. His countenance, though of a somewhat sinister and surly cast, is not positively ill-favoured.³¹

stupid looking and older than his age³²

The prisoner is a short, thick-set young man, said to be 19 years of age, and of rather unprepossessing features³³

Newspaper reporting participated in the identity construction of the accused, and through it, readers were invited to attribute meanings to Vass's appearance. It is difficult to deduce how the readership might have interpreted the information that his features were 'unprepossessing', and 'stupid looking'. Evidence of earlier beliefs linking physical beauty with good character, and ugliness as the manifestation of some moral flaw, underpinned theories of Phrenology and Physiognomy which were influential throughout the nineteenth century, although their popularity was beginning to wane in 1863. These 'sciences' suggested it was possible to determine character based on the physical features of the head (Phrenology)³⁴ and/or the face (Physiognomy).³⁵ Newspaper readers would have had some knowledge of the theories. Phrenology in particular had been highly popular in Newcastle.³⁶

There is a further point to be made on the question of physicality. Several phrases suggested that there was something ‘brutish’ about Vass; some reports described him in animalistic terms. Was this an attempt to ‘de-humanize’ him? An example of ‘othering’? Or did it reflect a contemporary perception of the type of men who committed violent acts? Wiener’s research into criminal justice in Victorian England identified a rising judicial and popular intolerance for violence, especially against women.³⁷ Men who failed to restrict their violent or sexually predatory impulses received increasingly harsh judgment over the course of the nineteenth century. Press narratives supported this trend. Wiener discovered that homicidal men were generally depicted to ‘shape a vivid negative archetype, which functioned as a cultural indictment of the possibilities of unchecked aggressive masculinity’.³⁸ Vass’s depiction as ‘brutish’ tapped into such concerns. It is also arguable the newspapers decided to depict him as a ‘monster’ to emphasise the exceptional nature of the crime, and, by extension, the nature of the man who could commit such a crime. Katja Franko Aas has explained that ‘categorical thinking is based on the binary either/or logic that puts people or objects into categories, while obscuring the ambiguities.’³⁹ Civilised humans did not commit ‘beastly’ crimes, and the physical descriptions of Vass indicated to the newspapers’ readers that he stood outside or apart from the community and therefore ‘othered’ or dehumanized him.

The newspaper accounts, whilst sparse on physical or personal details about Vass, created a persona for the accused, which they then manipulated. This process is most evident in their treatment of his emotions.

Emotional responses – inquest and police court

Reports of Vass’s emotional responses began at the inquest when he apparently, ‘walked coolly into the dock, and did not look as though he were apprehensive of serious consequences’, as ‘he listened with something akin to positive indifference to the evidence of the first witness’.⁴⁰ From the beginning, physical descriptions of Vass were enhanced by reports of his demeanour, and as the case progressed the newspaper accounts focused more on emotional response. With few words from Vass during the proceedings, reporters drew conclusions on his emotional responses from his appearance and manner. Nonverbal cues observed from body language are interpreted based upon cultural and/or societal influences, and as such are open to differing

interpretation. To one newspaper, Vass ‘wore an air of depression.’⁴¹ The *Newcastle Daily Chronicle* observed of Vass at the inquest:

... there was a perceptible change in his demeanour, and as the statements made became more and more telling against him his countenance fell ... towards the end of the examination ... he spoke very feebly and was almost inaudible... After this his voice was quite husky, and at the last he was scarcely able to articulate at all ... he was very pale ...⁴²

Yet the impression left from reading most reports from these first hearings is one of surly arrogance. The newspapers emphasised the unresponsive nature of his conduct. Even when the coroner’s jury delivered the verdict of wilful murder, a newspaper reported that: ‘The prisoner ... seemed very little affected by his position.’⁴³ There is a sense that the reporters observed him closely and hoped for some form of outward manifestation of emotion: without that physical manifestation, the newspapers would not credit Vass as having any form of affective response.

Reporting at the Trial

The newspapers’ next opportunity to analyse Vass came on the day of his trial. Reporters attending court were well-placed to offer their first-hand impressions, aided by the lay-out of the Assize Court in Newcastle (see fig. 1), where the press sat to the left of the witness box, placing them almost within touching distance of the defendant. The area where the judge, jury, press and accused were housed allowed the ‘actors’ to be viewed from a raised public gallery. All participants in the trial, including the reporters, were in close proximity: any physical or emotional responses from the dock would have been evident.

[INSERT FIGURE 7.1 HERE]

The tone of the newspaper reports of Vass’s appearance on entering the court is illuminating. The *Newcastle Guardian* informed its readers: ‘The prisoner replied ‘Not Guilty’ to the charge in a faint voice. He appears to be slightly altered since his conviction before the magistrates, looking a little thinner.’⁴⁴ However, according to the *Newcastle Daily Chronicle*:

The prisoner Vass, though rather anxious looking as he glanced around the court ... did not appear to have lost condition, if his face formed any criterion, since his committal for trial. In one respect he was much improved, his person being clean, and his dress orderly, a striking contrast for his former slovenly appearance.⁴⁵

The tone is critical and the description of his clothing is nuanced. However, even this unsympathetic report offers some slight indication of the physical manifestation of the pressure Vass was under. It is unsurprising that he appeared anxious, facing a capital trial with, at this point, no legal representation. Vass could not give evidence in his own defence, but when his barrister presented his case he, at last, demonstrated emotion, although one reporter seemed unconvinced:

Vass maintained a callous aspect throughout, except when Mr Blackwell commenced his address [for the defence]. He then applied a handkerchief to his eyes, and appeared to be affected, but he soon resumed his former stolid demeanour, and this aspect he maintained until he was removed from the court.⁴⁶

In the newspapers studied, it is clear that a common narrative developed. The reports of Vass's demeanour as the jury returned their verdict and the death sentence was pronounced make this clear:

When the jury returned to the court, an anxious hush pervaded the vast assembly crowded within the limits of the hall, and every eye was turned towards the jury-box. The prisoner was, without doubt, the most composed person in court at this moment, for neither at this nor at any subsequent period – even when the awful sentence of the law was being passed upon him – did his stolid and apathetic expression alter in the slightest degree.⁴⁷

Other publications agreed with *The Newcastle Journal* when it noted Vass's lack of emotion at this critical point. *The Newcastle Guardian* reported Vass 'received the sentence without being at all affected, and indeed during the whole trial he manifested a perfect indifference to all that was going on'.⁴⁸ *The Newcastle Daily Chronicle* similarly noted, 'The prisoner did not evince any signs of emotion on hearing the dread sentence of death.'⁴⁹ This was a man accused and eventually convicted of an horrendous crime (a crime he denied) and sentenced to death;

and yet, according to the newspaper reports, he still appeared incapable of understanding or feeling - or, perhaps most significantly, demonstrating - an emotional response.

It is likely that social status impacted upon how a defendant's emotional responses were reported. Barclay noted how newspaper reports could portray the same lack of emotion in significantly different ways, depending – at least in part – on social class; while a lower-order defendant might appear 'unmoved', or 'characterised by apparent carelessness', other defendants, of a different social level, might have showed a 'resilient display of controlled humanity' or 'deep but disciplined feeling'.⁵⁰ As a labourer, who lived in a run-down area of Newcastle, Vass's 'stolid demeanour' and 'callous aspect' in court could have been similarly (mis)interpreted.⁵¹

Alternatively, Vass may have – consciously or sub-consciously – regulated his emotional responses to and in the courtroom. Barclay noted that often lower-order defendants did not 'emote for the court' and argued that the embodied experience of emotion was central to men's performance of masculine character in the court in early nineteenth-century Ireland. There were certain expectations of male behaviour, and a defendant could be judged against how well he met them. She suggested that some men could have withheld demonstrating emotion as a deliberate strategy to retain some sense of control, or to challenge the authority of the court, by denying it 'the expected performance of regret and contrition that justice demanded of the guilty ... a victory that should be demonstrated on the body of the prisoner'.⁵² There is no suggestion in the newspaper reporting that Vass deliberately withheld a display of his emotions to show defiance, or assert some level of agency, but manifesting indifference to the death sentence could be an example of 'surface acting', in which Vass sought to mask his real emotions by displaying another – in this case, a perceived indifference, rather than 'deep acting', i.e. manifesting the emotion onlookers would expect of someone in that position.⁵³

It is impossible to know what Vass felt or expressed in his trial, but what sort of emotional response might such a man, aged 19, have been prepared or able to perform or demonstrate in the courtroom, when on trial for his life? As Laura Kounine explained, 'Implicit and explicit judgments of emotions came to the fore in the legal arena: what kinds of emotions should people show on trial, and how was this dependent on gender, age, and social status?'.⁵⁴ Perhaps displays of emotions were not something young labourers in mid-nineteenth century Newcastle would have been comfortable expressing. It may be expected that emotional control would be

perceived as a 'good thing' for a man in 1863. Yet in this case, negative implications were drawn. The newspapers reported how Vass 'failed' to produce the emotional responses expected of someone in his position. Alongside newspaper descriptions of his 'brutishness', presenting a limited emotional response as a lack of what 'normal' people might show may have had a role to play in attributing 'otherness' to Vass.

The construction of Vass as a criminal entity in the newspaper reporting was remarkably consistent, up to and including the trial and its verdict. Vass was drawn as emotionally unfeeling and justly condemned to death: a criminal 'monster'. Yet thereafter there was a marked change in the newspaper narrative.

Reporting after the Trial

Friday 27 February 1863, when Vass was taken from the court to Newcastle Gaol to await execution, was a turning point in the construction of 'George Vass'. Post-conviction, the condemned man occupied a liminal space between life and death. Imprisoned, he was withdrawn - or cast out - from public life, to wait in seclusion until his life was ended. The effect of the criminal justice process ritual was to resolve Vass's liminal state – from accused to convicted, from life to death. Whilst Vass remained in this transitional period, the newspapers could, by their changing narrative, create or shape a new criminal character in the name of 'Vass'. Here, Foucault's notion of the 'criminal monster' is relevant.

It is not possible here to address in detail Foucault's complex theories. Indeed, there are specific challenges in applying Foucault's concept of the 'monster' to English legal history.⁵⁵ However, it is possible to draw upon Foucault's notion of the monster or 'abnormal individual' when analysing the reporting of the trial and punishment of Vass. The first reports of the crime showed a clear emphasis on the exceptional 'worst of the worst' nature of the crime: 'fatal outrage ... brutality exceeds almost any known ... evil...abominable crime ... no ordinary description'.⁵⁶ The sense is that to have committed such an appalling crime, the perpetrator must have been in some way less than human. Opinion in 1863 was sharply divided on the continued use of capital punishment. It is possible that inculcating fear of 'Vass' as a criminal monster could justify his execution. Newspaper descriptions of his crime emphasised that it was serious, violent, rare – far outside the norm – and their narrative supported a view of Vass

as an ‘other’ from which the newspaper readership and the law-abiding population of Newcastle could distance themselves.⁵⁷ Newspaper accounts of his horrible crime – particularly one which took place in the shadows on a public street - could reinforce the need for the criminal justice process to effect due punishment. The more outrageous the crime, the more worthy was its perpetrator of the ultimate sanction of the law. There was a logic to portraying those guilty of murder as ‘monstrous’, to justify their execution before the crowd.

Paradoxically, after conviction, but before execution, there was a marked change in how newspaper accounts addressed the character and emotions of Vass. There was a clear shift in how he was described as the newspaper narratives moved inexorably towards the execution that indicated that the legal process was completed and the criminal had paid his debt to society. In the liminal period between trial and punishment, the newspaper accounts attempted to generate sympathy for Vass. After his conviction, when he was confined to gaol, Vass was described not as a monster, an ‘other’, but as a man with recognisable human characteristics. Where, pre-conviction, Vass was portrayed as godless and illiterate, on the eve of his execution, new details were published:

His education was not so defective as some have supposed...he went to day schools for about three years, and to a Sunday school for about the same period. He could read the Bible, knew the Lord’s Prayer, and could write his name pretty well.⁵⁸

This may be an example of the newspapers attempting to excite ‘sentiments of pity by means of a strong orientation towards the religious normative system’.⁵⁹ He also reportedly displayed other admirable characteristics, including good manners: ‘He shook hands with the chaplain... and he repeatedly manifested his gratitude not only to the Rev. gentleman ... but also to the Governor and other officials’.⁶⁰

A sense of sympathy was emphasised by reporting Vass’s engagement with his family: ‘the unhappy culprit ... had a most affecting interview with his parents and brothers and sisters, where he told his mother that he was quite ready for his end’.⁶¹ This telling description revealed Vass as capable of expressing emotion to and with his family, especially his mother. For the first time, the condemned man was presented as part of a family – the cornerstone of Victorian society, and something a majority of those reading the Newcastle newspapers would have been able to appreciate. The degree of empathy humans feel often depends on the extent to which

they perceive they belong to the same social group. This new narrative written on 'Vass' was in effect a reversal of the earlier othering process. In making the 'other' share emotions recognisable or similar to the 'norm', these later reports reduced distance between law-abiding society and the 'other', and so the 'other' was 'rehumanized'. These later descriptions reclaimed Vass as an emotional being. The embodied self of Vass was reconstituted, as a more identifiable character, far removed from the unfeeling monstrous figure in earlier reports.

Post-conviction, removal from the public gaze allowed the newspapers to establish a convenient narrative around Vass. His portrayal as a loving son and repentant sinner seemed to make him 'more human'. But this is quite challenging: by encouraging sympathy for Vass prior to his execution, the newspapers would seem to make the decision to inflict capital punishment more difficult to accept or justify.

Reporting the Execution

The Sheriff of Newcastle ... has fixed the execution of this unhappy young man to take place on today (Saturday) at eight o'clock in the morning.⁶²

An execution was part of a public and ceremonial system of punishment, and the culmination or resolution of the legal process ritual which began with the inquest into the death of Margaret Docherty. In reporting Vass's execution, the 'rehumanizing' process continued. There was a redemptive arc to this reporting: in portraying Vass as facing and accepting his destiny, his composure indicated bravery, and the possibility, after all, of a 'good' death.⁶³ The *Newcastle Chronicle* presented Vass's composure, formerly a negative quality and evidence of a lack of human feeling, in favourable terms:

Since the condemned man has been placed in the cell... his composure has been something astonishing – whether arising from constitutional stolidity or resignation to his fate we cannot presume to say – and so far from his impending fate causing him any uneasiness his appetite has been unimpaired, and his sleep sound and unbroken. He has reverently attended to the spiritual ministration of the gaol chaplain ... and has been earnest in preparing himself for his speedy passage from this world.⁶⁴

Vass's unimpaired appetite and ability to sleep soundly was not evidence of the 'brutishness' of an unfeeling monster, but rather an admirable quality. When his 'astonishing' composure broke, this too demonstrated his human feelings:

On Thursday the unhappy young man took his final leave of his parents and his brother and sisters ... The prisoner for some time maintained his composure, but the sight of his mother's overwhelming sorrow at last melted him, and he exhibited considerable emotion. He attempted as best he could to console his mother, for whom he seems to entertain a deep affection, by assuring her with much earnestness that he was quite prepared for his doom.⁶⁵

With such emotions, he appeared no longer monstrous. Similarly, for the *Newcastle Daily Journal*, Vass had become a 'wretched man' and 'an unhappy youth'.⁶⁶ And there was more: the newspaper reports introduced the notion of a man educated in the scriptures and making spiritual preparations for death:

The unhappy condemned man ... seemed to be very uneasy as his time on earth drew towards a close...the chaplain... visited him in his cell ... He seemed to be much affected at seeing him, and expressed his gratitude ... Mr Shepherd asked him if he felt himself fully resigned of God's will, to which he answered that he did. ... Vass said that he felt nervous as the hour approached, but that at the same time he was full of joy in the prospect of being with Christ for ever.⁶⁷

Vass had taken the chance offered by the criminal justice process to say goodbye to his family and to prepare spiritually for his execution. Religious belief offered hope of redemption.⁶⁸ The notion of contemporary newspapers crafting a narrative and shaping for Vass, with little or no involvement by the man himself, a journey from 'moral obtuseness' to ardent reader of improving religious tracts, is striking.

In reporting the execution, now-familiar tropes were presented in a positive light: Vass 'walked slowly, but with firm step ... The culprit must have had a wonderful command of nerve'.⁶⁹ Vass was presented as demonstrating what was required of him, his responses framed to accord with a contemporary culture of manly emotional control, which required 'a greater emphasis

on self-control and stoicism'.⁷⁰ When Vass expressed emotion on approaching the gallows, the newspaper reports portrayed not a monster, but a 'victim' and a 'poor creature',

without any appearance of fear, though he was pale and his lips slightly quivered; when, however, the hangman took away his collar and neckerchief, both the mute evidence of his mother's love, ... a shade visibly passed over his face.⁷¹

In other words, a very human emotion - his mother's love - brought Vass to visibly express his feelings: not self-pity, or fear about his execution, or his fate after death, but selfless, noble, behaviour.

Conclusions

cultural meaning attaches to different bodies in different ways, determining how people read them, respond to them, and perceive their power.⁷²

George Vass is a void in the official trial accounts, making his character open to interpretation. This chapter has revealed that contemporary newspapers became the vehicle for 'bestowing animation' upon the blank canvas. In the press treatment of Vass, there was a creative process in action; the newspapers both created and destroyed an unfeeling monster.

It is highly questionable whether the newspaper portrayal of Vass after his conviction as repentant sinner was supported by evidence of any real change, or whether it was a construct for the purpose of their readership to satisfy a public need. The newspapers and the narrative arc played a role in establishing the crime and the criminal as extraordinary in order to reassure the community that it was not a common threat. The newspapers could then re-humanise the monster, removing his power to terrorise. Finally, the reporters gave Vass a new status as a son and brother, who faced his just fate without fear; a man capable of expressing emotion and love, to be pitied and deserving of sympathy. His memory could then be re-assimilated into society as one who had fulfilled the requirements of the criminal justice process, involving law, custom, convention, and ultimately punishment ceremony.

Philip Smith suggested that, for certain criminals, by exhibiting good character at the time of their execution, ‘Their strong commitment to the dominant normative system was rewarded by a rehabilitation of their characters in the collective conscience’. In which case, Smith argued, ‘the supposedly punitive execution is re-narrated as a desired end, an opportunity and a gateway to a better life.’⁷³ Thus, by encouraging sympathy for Vass in the period leading to his execution, far from making the decision to inflict capital punishment more difficult to accept or justify, in their narrative arc, the newspaper accounts manufactured a form of redemption story for their readers. George Vass, in the new persona created for him by the Newcastle newspapers, and in receiving the due punishment of the law, found some awareness of his actions that could bring salvation, or succour to his soul – and perhaps to those of the newspaper reporters and readers.

¹ ‘The Execution of George Vass’, *Newcastle Daily Journal*, 16 March 1863, p. 2.

² ‘Frightful Outrage and Murder of a Woman in Newcastle’, *Newcastle Daily Journal*, 2 January 1863, p. 2.

³ ‘The Execution of George Vass’, *Newcastle Daily Journal*, 16 March 1863 (p. 3). Although the *Newcastle Daily Chronicle* estimated ‘probably not fewer than 5,000 persons present’, 16 March 1863, p. 3.

⁴ The murder of Margaret Docherty was committed after the Newcastle Winter Assizes, so although Vass was committed for trial in early January, his trial had to wait until the Spring Assizes in March. The Assizes, which heard the most serious crimes, were held before judges who were not based in Newcastle but who tried cases across the Northern Circuit.

⁵ On microhistory as a methodology, see the Introduction to this collection. See also Clare Sandford-Couch and Helen Rutherford, “‘13 yards off the big gate and 37 yards up the West Walls’”. Crime scene investigation in mid-nineteenth century Newcastle-upon-Tyne’, in *Crime and the Construction of Forensic Objectivity from 1850*, ed. by Alison Adam (London: Palgrave Macmillan, Cham, 2020), pp.161-188; and, Helen Rutherford and Clare Sandford-Couch, “‘All That They Had Heard, All That They Had Read, All That They Had Seen’”: Questions of Fairness and Justice in the Trial of George Vass’, in *Microhistories of Injustice: Trials in Britain During the Age of Public Criticism, 1820-1940*, ed. by Anne-Marie Kilday and David Nash (London: Bloomsbury, forthcoming in 2020).

⁶ See Clare Sandford-Couch and Helen Rutherford, ‘From the Death of a Female Unknown to the Life of Margaret Dockerty: Rediscovering a Nineteenth Century Victim of Crime’, *Law, Crime and History*, 8:1 (2018), 21-37.

⁷ Although there has been much research into the crimes of the murderer known as Jack the Ripper, this most often explores the identity of the murderer: the Vass case raises significantly different issues.

⁸ John Archer, ‘Men behaving badly’?: masculinity and the uses of violence, 1850-1900’, in *Everyday violence in Britain, 1850-1950*, ed. by Shani d’Cruze (London: Routledge, 2000), pp.41-54.

⁹ Anna Clark, ‘Domesticity and the problem of wife beating in nineteenth-century Britain: working-class culture, law and politics’, in *Everyday Violence in Britain, 1850-1950* ed. by Shani d’Cruze (London: Routledge, 2000), pp. 27-40.

¹⁰ Martin J. Wiener, *Men of Blood: Violence, Manliness and Criminal Justice in Victorian England* (Cambridge: Cambridge University Press, 2004).

¹¹ Wiener found trials for murder of women by men from the mid-nineteenth century to 1905 were almost exclusively spousal murder: Martin J. Wiener, ‘Judges v. jurors: courtroom tensions in murder trials and the law of criminal responsibility in nineteenth-century England’, *Law and History Review*, 17:3 (1999), 468-506.

¹² Parliamentary Papers, 1862 [3025] LVI.491, *Return of Judicial Statistics of England and Wales, 1861*; Parliamentary Papers, 1863 [3181] LXV.437 *Return of Judicial Statistics of England and Wales, 1862*.

¹³ Philip Smith, ‘Executing Executions: Aesthetics, Identity, and the Problematic Narratives of Capital Punishment Ritual’, *Theory and Society*, 25:2 (1996), 235-261, p. 239.

¹⁴ Similar studies have used crime and judicial records to explore emotion in a legal historical context. For example, see Merridee L. Bailey, “‘Most Hevynesse and Sorowe’”: The Presence of Emotions in the Late Medieval and Early Modern Court of Chancery’, *Law and History Review*, 37:1 (2019), 1-28. On the different approaches

within law and emotion scholarship and the methodology employed, see Renata Grossi, 'Understanding Law and Emotion', *Emotion Review*, 7:1 (2015), 55–60.

¹⁵ 'The field of law and emotion draws from a range of disciplines in the sciences, social sciences, and humanities to shed light on the emotions that pervade the legal system': Susan A. Bandes and Jeremy A. Blumenthal, 'Emotion and the Law', *Annu. Rev. Law Soc. Sci.*, 8 (2012), 161–81 p. 162.

¹⁶ For a brief history of law and emotion scholarship, see Bandes and Blumenthal, pp. 162–163. For more in-depth histories, see *The Emotional Dynamics of Law and Legal Discourse* ed. by Heather Conway and John Stannard (London: Bloomsbury, 2016); Kathryn R. Abrams, and Hila Keren, 'Who's Afraid of Law and the Emotions?', *Minnesota Law Review*, 94:6 (2010), 2003–8; Terry A. Maroney, 'Law and Emotion: A Proposed Taxonomy of an Emerging Field', *Law and Human Behavior*, 30 (2006), 119–142, (pp. 120–23); Susan A. Bandes, 'Repellent Crimes and Rational Deliberation: Emotion and the Death Penalty', *Vermont Law Review*, 33:3 (2009), 489–518, (pp. 506–9); and, *The Passions of Law*, ed. by Susan Bandes (New York: NYU Press, 1999).

¹⁷ Katie Barclay, 'Performing Emotion and Reading the Male Body in the Irish Court, c. 1800–1845', *Journal of Social History*, 51:2 (2017), 293–312. See also, Gian Marco Vidor, 'The Press, the Audience and Emotions in Italian Courtrooms (1860s–1910s)', *Journal of Social History*, 51:2 (2017), 231–254; and, Daniel J. R. Grey, "'Agonised Weeping": Representing Femininity, Emotion and Infanticide in Edwardian Newspapers', *Media History* 21:4 (2015), 468–480.

¹⁸ Barclay, p. 296.

¹⁹ Laura Kounine, 'Emotions, Mind, and Body on Trial: A Cross-Cultural Perspective', *Journal of Social History*, 51:2 (2017), 219–230, (p. 224). For legal historical examples, see Randall McGowen, 'Forgers and Forgery: Severity and Social Identity in Eighteenth-Century England', in *Moral Panics, the Media and the Law in Early Modern England*, ed. by David Lemmings and Claire Walker (London: Palgrave, 2009), pp. 157–175; and, Bailey.

²⁰ *Punishment of Death, etc. Act 1832*.

²¹ V.A.C. Gatrell, *The Hanging Tree: Execution and the English People, 1770-1868* (New York: Oxford University Press, 1994), p. 590.

²² Michel Foucault, *Discipline and Punish: Birth of the Prison* trans. by Alan Sheridan (London: Allen Lane, 1977), p.92. Foucault's concept of the 'monster' was further explored in Michel Foucault, *Abnormal: Lectures at the Collège de France 1974-1975*. ed. by Antonella Salomoni Valerio Marchetti, trans. by Graham Burchell (London: Verso, 2003).

²³ Andrew Sharpe, 'Foucault's Monsters, the Abnormal Individual and the Challenge of English Law', *Journal of Historical Sociology*, 20:3 (2007), 384–403, p. 385.

²⁴ All are digitised on the British Newspaper Archive website. In 1863, Newcastle was served by three daily newspapers and five weekly titles: J. Collingwood Bruce, *Reid's Handbook to Newcastle upon Tyne* (London: Longman, Green, Longman, Roberts and Green, 1863) p. 150.

²⁵ The National Archives ('TNA'), Assizes: Northern and North-Eastern Circuit: Miscellanea, ASSI 47/47; TNA, Assizes: Northern and North-Eastern Circuits: Criminal Depositions and Case Papers, ASSI 45/74 and TNA, Assizes: Northern and North-Eastern Circuits: Indictment Files, ASSI 44/180.

²⁶ Reports of the Vass case were included (albeit sometimes in abbreviated form) in titles across Britain.

²⁷ D'Cruze, p. 104.

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- ²⁸ Amy Milka and David Lemmings, 'Narratives of Feeling and Majesty: Mediated Emotions in the Eighteenth-Century Criminal Courtroom', *The Journal of Legal History*, 38:2 (2017), 155-178, p. 157.
- ²⁹ George Pavlich, 'The subjects of criminal identification', *Punishment & Society*, 11:2 (2009), 171-190.
- ³⁰ *ibid*, p. 185.
- ³¹ 'The Death of a Woman From Brutal Violence in Newcastle', *Newcastle Chronicle*, 3 January 1863, p. 8.
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- ³⁵ Lucy Hartley, *Physiognomy and the Meaning of Expression in Nineteenth-Century Culture* (Cambridge: Cambridge University Press, 2001).
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- ³⁷ Wiener, 'Judges v. Jurors'.
- ³⁸ Wiener, *Men of Blood*, p. 135.
- ³⁹ Katja Franko Aas, 'From narrative to database: Technological change and penal culture', *Punishment and Society*, 6:4 (2004), 379–393, p. 386.
- ⁴⁰ 'The Death of a Woman From Brutal Violence in Newcastle', *Newcastle Chronicle*, 3 January 1863, p. 8.
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- ⁴⁷ 'George Vass', *Newcastle Daily Journal*, 28 February 1863, p. 3.
- ⁴⁸ 'The West Walls Murder', *Newcastle Guardian*, 28 February 1863, p. 8.
- ⁴⁹ 'The West Walls Murder', *Newcastle Daily Chronicle*, 28 February 1863, p.).
- ⁵⁰ Barclay, p. 306.
- ⁵¹ 'Frightful Outrage and Murder of a Woman in Newcastle', *Newcastle Daily Journal*, 2 January 1863, p. 2.
- ⁵² Barclay, p. 305-7.
- ⁵³ See Arlie Russell Hochschild, *The Managed Heart: Commercialization of Human Feeling* (Berkeley: University of California Press, 1983).
- ⁵⁴ Kounine, p. 223.
- ⁵⁵ See Sharpe, 'Foucault's Monsters'. See also, Andrew Sharpe, *Foucault's Monsters and the Challenge of English Law* (Abingdon: Routledge, 2010).
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⁵⁷ These ideas are explored in Cindy McCreery, 'A Moral Panic in Eighteenth-Century London? The 'Monster' and the Press', in *Moral Panics, the Media and the Law in Early Modern England* ed. by David Lemmings and Claire Walker (London: Palgrave, 2009), pp. 195-220.

⁵⁸ 'Execution of George Vass', *Newcastle Courant*, 20 March 1863, p. 2.

⁵⁹ Smith, p. 244.

⁶⁰ 'Execution of George Vass', *Newcastle Courant*, 20 March 1863, p. 2.

⁶¹ 'Execution of George Vass', *Newcastle Courant*, 20 March 1863, p. 2.

⁶² 'The Murderer George Vass', *Newcastle Chronicle*, 14 March 1863, p. 5.

⁶³ On the notion of the 'good death', see Allan Kellehear, *A Social History of Dying* (Cambridge: Cambridge University Press, 2007), pp. 87-104.

⁶⁴ *ibid.*

⁶⁵ *ibid.*

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⁶⁷ *ibid.*

⁶⁸ For the view that growing Evangelicalism in Victorian Britain increased the significance of the ideal of 'the good death', see Pat Jalland, *Death in the Victorian Family* (New York: Oxford University Press, 1996), pp.17-38.

⁶⁹ 'The Execution of George Vass', *Newcastle Daily Journal*, 16 March 1863, p. 3.

⁷⁰ Barclay, p. 303.

⁷¹ 'The Execution of George Vass', *Newcastle Daily Journal*, 16 March 1863, p. 3.

⁷² Barclay, p. 294.

⁷³ Smith, p. 244.

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