Pierrepoint: The Last Hangman
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Introduction

*Pierrepoint: The Last Hangman* does not unfold a strong narrative, or a plot enlivened by twists and turns of dramatic tension. The film opens with a man undertaking some sort of practical interview for the job of hangman, and then traces some episodes in his experience of doing that job until the point where he decides to give it up. Rather what makes this film an important one is the careful and quietly provocative way it depicts an individual taking pride in his work and approaching his “clients” with professionalism, care and attention. Sensitively played by Timothy Spall, Albert Pierrepoint comes across as a real and, in some ways at least, decent and understandable person. The film also gives us a portrait of a social institution, that of the death penalty in the UK in the middle of the last century. It shows us vividly how executions were carried out, the locations, observers, victims, and something of the emotional life of an execution. We see nothing of the process of trial and conviction (like Pierrepoint himself, the film – on the surface at least – is not particularly interested in what happens there) but we do get a fairly realistic portrayal of the capital sentence being carried out. The ethical and philosophical interest of the film lies in the way this approach helps us to engage imaginatively with the question of whether the death penalty is justifiable, and allows us to observe in some detail the psychological pressures put on someone who seeks a kind of dignity in work, and a dignified relationship with those human beings whom it is his work to deal with, but whose job is to execute. By raising the question of whether a person could take pride in being a good executioner - the way that one might take pride in being a good doctor or teacher or journalist or lawyer - the film allows us to approach the morality of the death penalty in a new light.

The Social Control model of punishment

To set up the questions I would like to discuss, I will begin by sketching one very common and influential way of understanding our reason for having an institution of punishment at all: what I will call the Social Control model of punishment. We will then see how this model could in principle be extended to provide a justification of capital punishment. However, I will also be interested in how we should evaluate the Social Control model, whether we should agree that it does indeed provide a good justification. I will argue that the Social Control model leads to certain difficulties for those who are engaged in the work of the institution. In particular I will argue that the Social Control model is incompatible with the idea that punishment has a human side, or that punishment is a distinctively human interaction between two or more individuals who must look one another in the eye and understand one another. It is this contradiction that *Pierrepoint* brings to our notice. I will suggest that this is why it helps us think about the death penalty in a new light, and helps us think more broadly about how our institution of punishment in general could be reconceived.

The Social Control model can be explained quite simply. It sees punishment as a technique employed by the state in order to control the population and keep order. The Social Control model sees punishment as justifiable only if and when it is necessary for the maintenance of order (or, to put it another way, deterrence or the reduction of crime). The Social Control model is popular because it is widely, if not universally, accepted that the maintenance of order is one of the main functions of the state, one of the main reasons for us to support the state and maintain its existence. According to some influential philosophical stories about the reasons people came to form states in the first place, the
state possesses a “monopoly on coercion” in order that it can then provide security of life, liberty and property, features of social life without which one does not have to be Hobbes to agree that life would be “poore, nasty, brutish and short.” If we agree that the maintenance of order is important then we might agree that the state should have various powers, and indeed responsibilities, to influence or control our behavior to make it less likely that citizens will have their lives and livelihoods invaded in violent and illegitimate ways.

However, although social control may be an important state purpose, the question is whether punishment is justified through the need for social control. Punishment is the act of making someone suffer for some violation that they have committed. Punishment is morally problematic because it involves intentionally harming someone in some way (indeed, it might be said it can involve treating someone in the way that person is being punished for treating another, and which was supposedly wrong). The Social Control model seeks to justify this on the grounds that the act of harming someone is a way of getting to something that we all want and think is important, namely, the maintenance of social order. However, some theorists have doubted that the state is justified in intentionally harming its citizens regardless of the greater good that might bring about.

**Is the Social Control model a good justification of (capital) punishment?**

To see this, let us quickly look at how intentionally harming those who commit crimes might reduce crime. Firstly, the experience of unpleasant punishment might scare the offender off re-offending (individual deterrence). Secondly, the punishment of the offender might serve as an example to others and give them a strong incentive not to commit crimes they would otherwise have committed (general deterrence). Or thirdly, locking an offender up might physically prevent him or her from endangering other members of the community (incapacitation).

The objection to the first of these is that it sees punishment as merely the most basic sort of threat: as G. W. F. Hegel puts it, “like raising a stick to a dog.” The objection to the second is that it is problematic to use someone as an example to others. And the objection to the third is that it sees punishment simply as a kind of quarantine, as if the offender had a kind of illness that made him or her dangerous to others (perhaps through no fault of their own), rather than that they had intentionally (wickedly) done something to harm another person.

Let’s put these objections on hold for a moment: we will consider their significance in more depth further on. First let’s think about whether the Social Control model would in some circumstances recommend capital punishment. Given that capital punishment would not provide the offender any incentive not to re-offend (!) there seem to be two possible social control reasons for punishment: firstly, that it serves as a drastic example to others of the fate they will meet if they break the law; or secondly, that it is the ultimate way of neutralizing the offender’s dangerousness. Once these supposed justifications are stated like this, we can see why some will feel uncomfortable with the claim that the Social Control model could provide a good justification for capital punishment. There seems something barbaric about killing the offender in order to make an example to others. But setting up an institution in order clinically to dispose of those deemed too dangerous to be let loose also looks in some uncomfortable way as though we would be “playing God”.
However, as I said, the Social Control model of punishment has proved remarkably influential, and there is some evidence to suggest that the official rationale behind the death penalty, during the period in which Pierrepoint is set, was indeed the incapacitation/neutralization view we have just mentioned. To take one source of such evidence, consider how one would carry the death penalty out if one were aiming either, on the one hand, to make an example of the offender or, on the other, simply to wipe him out. If one wanted to make an example it would make sense to make the execution as public as possible in order to make its horror as vivid as possible and to communicate its power as widely as possible. However, this is not how the enterprise Pierrepoint is engaged in is organized. That enterprise is rather characterized by hiddenness and secrecy. The executions themselves take place in the bowels of a prison, a place to which there is no public access. They are attended by no one but an inner circle of necessary officials. The identities of those officials are, at least until Pierrepoint’s fame (or notoriety) for presiding over the Nuremberg executions, not generally known. The fact that the execution has taken place is published, but the details are not. Part of the power of the film is the macabre glimpse it provides into this secretive world. The secrecy and hiddenness of the execution suggest rather that the rationale for the institution is not to make an example, but rather the clinical blotting out of someone deemed unfit any longer to participate in collective social life. It is an act of social hygiene, of social cleansing. The offender is simply disposed of, wiped out of existence.

To some, the problem with this is that it treats the offender as nothing more than a piece of social garbage. There is some dignity to humanity that is not properly recognized or respected when a person is put to death in the way a dangerous animal might be. When an animal is a danger we might weigh up the costs of isolating them and the probability of curing them. One might decide that, where the animal is incurable, it is a kindness to put it out of its misery rather than keep it in isolation for the rest of its life. In the same way, one might, under the Social Control model, make the same calculations about the offender. If the offender can be rehabilitated, then by all means that is what should happen. But for those cases where the risks of release are deemed too great … is the most humane thing perhaps simply to dispose of them in as painless a way as possible? As John Stuart Mill puts it in a defence of capital punishment delivered in the House of Commons in 1868:

“What comparison can there really be, in point of severity, between consigning a man to the short pang of a rapid death, and immuring him in a living tomb, there to linger out what may be a long life in the hardest and most monotonous toil, without any of its alleviations or rewards – debarred from all pleasant sights and sounds, and cut off from all earthly hope, except a slight mitigation of bodily restraint, or a small improvement of diet?” (quoted from P. Singer, ed. Applied Ethics, OUP 1986, pp. 98-9)

Admittedly the conditions in modern-day prisons might aspire to be more comfortable for long-term prisoners than those Mill had in mind. But the loss of hope, and the dreadful restriction of possibilities and opportunities, remains the same. If our only aim in punishment is the maintenance of order, won’t it be plausible that this is the humane thing to do?

However, this rationale for the death penalty, as I have said, causes problems for those who work in the institution. It wouldn’t cause problems for everyone, perhaps, but I think it does for someone committed, as Pierrepoint is, to treating his work, not just as a job, but as a vocation, taking pride in it, and treating those who come before him with a kind of respect or dignity. The contradiction arises when you have to look someone in the eye, see them as the human being they are, and yet dispose of them in the way the Social Control
model suggests. For the executioner, particularly for an executioner who is a basically
decent person like Pierrepoint, it is obvious that execution is not simply the destruction of a
piece of garbage, but a human interaction, an interaction where the person you are dealing
with might look at you in a questioning, even a pleading way, and where you have to have
something to say in response to that look in their eyes. You have to give them confidence,
help them through it. Therefore it is clear to an executioner like Pierrepoint that it is a
human being, however fallen, that we are dealing with. In order to make this point
persuasive, we need to consider the nature of Pierrepoint’s professionalism.

**Pierrepoint’s professionalism**

Pierrepoint’s professionalism as he goes about his role is striking. He has a kind of
detachment about what he is doing where it seems as though he is able to remain
unaware of the gravity of what he is doing and simply concentrate on it as a technical task
(of putting someone to death as “efficiently and humanely” as possible, to echo the words
of Field Marshal Montgomery from the film). It gives those he is dealing with an important
kind of confidence in him. This is the kind of detachment that one would need if one were,
say, a doctor or a dentist who needs to perform an intrusive examination, dealing with
someone’s body in a way that would normally be a sign of extraordinary intimacy. The
intimacy of the actions is something these practitioners have to blind themselves to, and
we would say that it was unprofessional of someone who inappropriately did treat the
examination as an occasion of intimacy. Professional detachment requires that one
concentrate on the necessary task in hand, and bracket or blot out other aspects of the
situation that one would normally have to be sensitive to. In a similar vein, then, we can
see Pierrepoint as determinedly remaining unaffected by what would normally be the
gravity of the situation in order to perform the allotted task.

How should we understand Pierrepoint’s detachment? What does it show about his
attitude to his work? It seems to me that there are three threads suggested by the film,
threads that coexist uneasily, but that ultimately pull part. The first way of understanding
Pierrepoint’s detachment, which seems partially correct, is to see Pierrepoint as someone
who takes his job to be his duty, and doesn’t bother himself with wider questions about
right and wrong. He says at one point that he leaves Albert Pierrepoint behind when he
enters the prison. The government wants these people executed, and it is his job to
execute them. It sounds from this as though it is not his place to make the decision. This
interpretation of Pierrepoint’s motivation, though, I think, incomplete, is certainly a strand in
the film. What Pierrepoint says at this point makes it almost sound as though his defence
of what he does is that he is “only following orders.” The juxtaposition, in the film, of these
lines with Pierrepoint’s involvement in the execution of participants in the running of
concentration camps at Nuremberg (where the plea that participants were only following
orders was rejected as a justification for involvement in murder and other horrendous
abuse) is subtle but, I think, pointed. As he says of the Nurembergers themselves, he is
not interested in what they have done: “They are human beings, and they’ve got to die.”
There is a tradition of thinking about the Nazi atrocities, of which Hannah Arendt is part,
according to which it is precisely this capacity for professional detachment, so distinctive of
modern society with its advanced division of labour and specialization of tasks, is precisely
the thing that made those atrocities possible. It is this capacity for detachment that leads to
what Arendt calls the “banality of evil”. Furthermore, the imagery of the camp where the
executions are carried out – particularly in the shots seen from outside the hangar – recall
the grim architecture of the concentration camps. The film is saying something here about
whether it is enough for Pierrepoint simply to keep his head down and leaving the moral thinking to the authorities.

However, this way of interpreting Pierrepoint’s thinking is incomplete. One of the points of interest in this film is that it delivers a portrait of someone who takes pride in their role in the institution: Pierrepoint’s aspiration to be a good executioner. He treats his work as a craft, as something more than just a means to make money. Anyone who treats their job as something more than just a source of money has to have some story, however inarticulate, about what it is that they are doing and why, about what makes it something worth doing. The characterization of Pierrepoint presents the inarticulacy but also the need, and shows some of Pierrepoint’s attempts at explaining the attractions of the role from the point of view of someone who occupies it. Although he closes down wider moral thinking about his role at some points, at others Pierrepoint does show that he thinks about these issues. Furthermore, Pierrepoint is portrayed as someone who gradually begins to be assailed by progressively more serious doubts about the moral quality of what he is doing; and that would not happen to someone who was not open to questions about the worth of the wider enterprise they were engaged in.

A second way of interpreting Pierrepoint’s motivation, then, is to say, not that he doesn’t think it his place to look for a deeper justification for what he does, but that he has such a justification and is, most of the time, happy with it: for instance, that he accepts the Social Control model and is simply trying to put his victims to death – to dispose of them – in as quick and painless a way as possible. After all, Pierrepoint is proud of his proficiency in estimating how long a piece of rope will be needed for the execution, and of his devising of a particularly efficient method of breaking the victim’s neck in such a way that he or she doesn’t feel a thing.

Again, I think that this second interpretation captures part of the truth of Pierrepoint’s character, but not all of it. It seems to capture part of the truth because it explains why Pierrepoint is shaken in quite the way he is by having to participate in the execution of his friend and drinking partner Tish. Pierrepoint is shaken, not just because he has had to be involved in putting an end to his friend’s life; although there is that, this event also sets in motion a reconsideration of his activities as an executioner. The film does not make this explicit, but we can read the thought-process into the events without doing any violence to the depiction. What Pierrepoint realizes is that Tish is not a dangerous person who it is too risky to the interests of innocent citizens to allow to roam free. Rather Tish has got himself mixed up in a “sordid case”, a case of killing out of twisted, vengeful passion and hurt. True, Tish showed himself to have the capacity to kill someone who, however hurtfully she had treated him, did not deserve to die; but it is the particular circumstances that explain his doing that. It is not as though he has suddenly become a wild beast who is a danger to all-comers.

But a reason why this Social Control model interpretation doesn’t capture everything about Pierrepoint’s attitude to his work is that, for all his striving for efficiency, painlessness and speed, throughout the film he treats the criminals he puts to death as human beings. It is not his job to listen to their side of the story, or to hear a confession as a priest might. His job is rather to get them to the scaffold, to get the blindfold over their head, and get their head in the noose. But he gets them to come to it voluntarily, and not by forcing them to. He straps them up, of course. But he looks at them, and deals with them, asks them questions, makes requests, is basically decent and polite even in these grotesque and
highly charged circumstances. He respects their privacy, as when he refuses to divulge one victim’s last words (which are “between her and God”) even when asked to do so by a superior. As I explore in some more detail below, this is incompatible with thinking of the offenders simply as sources of risk or danger that need to be neutralized. This point will become clearer once we have looked at another reason why this second interpretation is incomplete, which is that Pierrepoint has some other things to say about his role as an executioner, things that refer to a quite different way of thinking about punishment from the Social Control model.

**Punishment as redemption**
The third way of interpreting Pierrepoint’s motivation also views him as having a certain justification for his vocation, but the justification is one couched in terms of the need for retribution rather than social control. Basically, retribution involves the idea that punishment is a necessary response to wickedness or evil or responsible wrongdoing, and that the punishment should be an answer to the initial wrong that in some way matches the gravity of the wrong (a simple version of which matching is “an eye for an eye”). There are two main strands of thinking about retribution. Retribution is often identified with revenge. But Pierrepoint, in the film, seems to see more to it than that (although in the retrospective quote provided at the end of the film, he does worry that the death penalty is nothing more than revenge). The other main tradition of thinking about retribution, then, involves not revenge but thinking of punishment as redemptive. This involves the idea that in punishment a person “pays the price” for what he has done, and, in doing so, is returned to a state of moral integrity as though prior to the offence. The idea of punishment (or penance) as redemptive is present in the importance given in a number of religions to repentance and atonement. But it also continues to form an integral part of our secular ritual of apology: for instance, we sometimes think that words are not enough, and that someone who has hurt another needs to do something to make amends.

It is integral to the ideology of punishment as redemption that the person being punished be seen as a free and responsible human being who has fallen as a result of his or her crime, but who can be returned to wholeness by the administration of due punishment. On this way of thinking about the death penalty, it is not that the victims are malfunctioning cogs in the social machine to be disposed of because they can't be fixed; rather they are members of the moral community, deserving of respect as such, but who have to be punished in order to pay for their wrongs.

That Pierrepoint subscribes to this ideology is shown in particular by two instances in which he insists on particular standards for the care of the dead. In the first, he is explaining his reasons for not merely allowing the mortuary staff to take care of the bodies of the hanged. He claims that they wouldn’t do it properly. Here we can see that Pierrepoint thinks that the deceased, even deceased criminals, need to be treated with respect. One can see that in the way in which he tends to the bodies, washing them. He has no macho sense that, while he does the executing, it is women’s work to cleanse the bodies before burial. For him it seems to be that both efficient execution and care thereafter are aspects of the respect due to those offenders as (fallen, then restored) human beings. “She is innocent now”, he says, tending to the body of one of those he had executed shortly before. The second instance concerns his insistence that all of the Nuremberg criminals should have coffins for their burial. He is clearly appalled by the suggestion that, out of convenience, one of them might just be buried without. For Pierrepoint the use of the coffin is clearly a mark of respect that one is required to give to a
deceased human being. And this seems to be unconditional, at least now that they have, as he puts it, paid the price. Murderers who piled Jewish bodies indiscriminately into mass graves are not allowed by Pierrepoint to go unmourned into the ground. These instances show Pierrepoint with a quite different understanding of what he is doing from either of the first two interpretations. He is not lacking a justification; but neither is his justification any thought about social control. Rather he is in the grip of a far more ritualistic conception, but one where the identity of the criminal as a responsible human being, one who has sinned and must pay for his sins, is paramount. While the criminal remains alive, according to this ideology, Pierrepoint is compelled to kill him, and does right in doing so. That is the only way to deal with this human being who has committed such crimes. But once they have been punished, their humanity requires a different sort of treatment: now the body must be tended, cleaned, cared for, in the way one does with one of one’s own kind.

**Reflection, justification and the experience of execution**

What we now need to consider is whether either of these justifications is sufficient to arm Pierrepoint against the effects of his own reflection about what he is doing. What I mean by that is that, as we have seen, Pierrepoint is not someone who is entirely satisfied by the thought that his job is his job, he is just trying to do it well, and it’s up to his superiors to think about whether he ought to be doing that job. Pierrepoint does have a sense of integrity, and reflects on the wider question of what the nature of the job is that he is doing. But the capacity for such reflection is a hostage to fortune. A person might start a job for various reasons – because his father did it, because it earns money, because he is good at it – without having thought out the implications of what the job involves. But if one has a tendency towards reflection, those implications might gradually dawn. And when they do, one will need to be armed with some account of what one is up to that can give a satisfying response to one’s doubts. If not, the prospect of anything from psychological unease to anomie to nervous breakdown threatens.

Pierrepoint is in a particularly vulnerable position for such psychological contradictions because of the experience of putting someone to death. As I have said, killing someone in the way that Pierrepoint does it is a human interaction. In this respect it is not like the electric chair, or lethal injection, where no one need actually deal with the offender in any face-to-face way as they die. These methods of execution are much more in line with the simple “disposal” model. But to hang someone one must either drag them kicking and screaming to the noose, or one must enter into a certain kind of relationship with them. One must ask them to follow, to stand on that spot, to move their head into the noose, etc.. Furthermore, one must look at them with the shared understanding between you that you are about to end their life. It is this shared understanding that seems to be the distinctive thing about inflicting the death penalty. During a break in the mass execution of the Nuremberg defendants, Pierrepoint and his army minder are led into reflection on how execution differs from, and is experienced as worse than e.g. the deliberate killing of soldiers in war. In both cases, one deliberately attempts to kill. But in both cases, those one is killing are not to be classified as morally innocent: they are to some degree, let us suppose, legitimate targets. The answer that the film provides is that with execution there is the absolute certainty that the target is going to die. But this seems an inadequate explanation of any supposed moral difference between the two, since one can have that absolute certainty in war too. Rather what one has in the death penalty is a) that one’s intention is not simply to repel an enemy attack, or take an enemy position, *if necessary* by killing (but where one’s action could be successful without the killing), but rather one’s intention is actually to kill (and hence the success of one’s action requires the target’s
death) and b) there is shared, reciprocal knowledge that that is what is about to happen (the victim is defenceless and is no threat to the executioner). Executioner and victim are in a certain kind of distinctively human relationship, both know that the target is going to die, and they both have to face one another with that knowledge. It is this that gives the death penalty its distinctive moral position.

This gives you, as the executioner, immense – even ultimate – power over the victim. But Pierrepoint doesn’t use his role as a power trip. He takes a strikingly humble and unostentatious approach to his job and doesn’t glory in the crushing of the criminal or his ability to play God. In some ways we might say that he approaches the criminal as an equal. This would make sense according to what I have called the ideology of punishment as redemption. On this view, we are all equal members of the moral community; the criminal has sinned of course, and that makes a difference; indeed the difference that it makes is that this person must die for what they have done; but more fundamental than that difference is our basic equality and human dignity as morally responsible agents.

At the same time, however, this puts Pierrepoint in a position that makes the search for a justification urgent. That means that Pierrepoint cannot rest easy with the first interpretation of his professionalism. As I have suggested, it seems as though it would also be difficult, perhaps impossible, when one engages in repeated executions, to sustain the view that the person you are dealing with in this distinctively human way is simply a risk that needs to be neutralized. Therefore the most promising way for Pierrepoint to resist the thought that what he is doing is itself a terrible crime would be if he could resort to the ideology of punishment as redemption. As I have said, I don’t think this ideology is entirely bankrupt: we seem to accept something like this ideology when we act as though it is important to make apologies and make amends. But two questions Pierrepoint, if he is relying on this ideology, must face are a) does anyone deserve to die for what they have done, i.e. is it only death that will fit the crimes they have committed, and b) does everyone who Pierrepoint is confronted with deserve to die. The case of Tish can again be seen as opening Pierrepoint’s eyes. Tish has done something terrible, taking a life. But is his evil so great that he must pay for it with his own life? Or is it rather that, although guilty, what he is guilty of has to be seen in the context of the life of a person who is basically decent and ultimately just wanted someone to care for, and to be loved by the woman he loved.