



**Execution and Empire:
A History of Judicial Killing Under British Colonial Rule, 1815-1980**

ESRC DTP Joint Studentship

University of Leicester and University of Warwick

[Full details of the academic content of the studentship - Execution and Empire: A History of Judicial Killing Under British Colonial Rule, 1815-1980](#)

This project is a comparative study of judicial execution across the British Empire, from the end of the Napoleonic Wars to the late twentieth century. Despite the enormous interest in punishment amongst historians, no inventory of British colonial punishment has yet been compiled, and nor has there been any analysis of the range and scope of judicial execution across space and over time.

The overall goal of the project is to assess the degree to which law, practices and perceptions of capital punishment in British colonies developed independently of metropolitan direction, and what this tells us about the transplantation and reception of British law in different parts of the world. We know, for example, that rates of execution in New South Wales in the 1820s stood at a staggering 1 in 7000 persons, while rates of executions in Britain's two major settler colonies, Kenya and Rhodesia, in the twentieth century were significantly higher than in other African colonies. The strength of this project is its timeliness and relevance. The retention of capital punishment in many nations of the British Commonwealth is rooted in their colonial histories, which are key to an understanding of the variance in the legislation and practice of capital punishment, and debates about abolition, today.

The key research question is: How do we explain differences in the law, the practice, and the perception of judicial execution in British colonies between 1815 and 1980? Subsidiary questions then define more specific areas for study: To what extent did the judiciary in Britain seek to direct the treatment of capital punishment in the colonies? How far did any colony draw upon the experience of other colonies in framing its legislation on capital punishment? What was the impact of on-going use of non-British law, in the former Dutch, Spanish and French colonies? In what circumstances, and with what effects, did public opinion militate in the practice of judicial execution? To what extent did indigenous legal practice, prior to colonisation, affect the conduct of judicial executions? And how far did alternative moralities, challenging the legitimacy of executions, emerge in the colonial context? At an empirical level, the project will quantify rates of execution and compare these across the territories of the British Empire, and over time, and consider how far categories of race, gender, class, caste and status affected the practice of punishment. The methods and mechanics of execution will also be examined, especially in those cases that diverge from metropolitan practice. The histories of movements for the reform of capital punishment will also be reviewed, both those that emanated from the metropole and those that originated in the colonies.

Methodology and techniques to be employed

The principal methodology will be one of archival research, with triangulation between divergent sources and comparative analysis across space and over time. The student will begin with an interdisciplinary literature review on the broad theme of capital punishment, straddling economic and social history,

politics, and theoretical penology. This will enable the student to identify both their own historical interests, as well as key gaps in both the historiography and current theoretical interpretations.

The student will then commence work on scoping: (a) Colonial Office records (e.g. governor's correspondence/ 'Blue Books' of statistics) held at The National Archives, Kew; (b) India Office judicial proceedings records held in the British Library; (c) archives in the countries formerly under British control. In consultation with their supervisors, they will then choose three case studies from within the colonial contexts identified above. A case study approach is favoured because it is a manageable approach to the topic, and will give the student substantial scope to shape the project according to their expertise and interests. Once the cases are selected, the process of refining the project's key research question and sub-questions can begin. These will form the comparative indicators that will cut across the case studies, and thus lend the project overall coherence. The student will also have to develop a good knowledge of the secondary literature on the specific case studies chosen.

The student will next collect material from relevant Colonial Office and/or India Office papers. This will include reports of criminal trials, official correspondence between London and the colonies, reports of executions, and newspaper clippings. Statistical material is readily available in a variety of annual reports, but has never before been assembled in a multi-colony comparison. The student will triangulate this material with sources from other UK and overseas repositories. The former will include local reports and debates, contemporary unpublished and published sources (e.g. private papers, memoirs), and other sources (e.g. drawings and photographs), and the latter newspaper sources (e.g. via available via TROVE, GALE) and British parliamentary papers. The difficulty of divergent legislations, as well as variant public opinion and policing practices, are likely to emerge as key issues in determining how far comparison can be developed.

In terms of overall design, the thesis will present findings on two distinct levels: first, the compilation of comparative data across the British imperial world, which will set the case studies in wider context and justify their selection; second, the case studies will each provide a detailed account of the evolution of capital punishment at colony level – presented thematically according to the comparative indicators of the sub-questions.

This project relates closely to current debates within the Commonwealth regarding the retention of capital punishment, which offers an opportunity to build an impact element into the research proposal. We therefore suggest that the student contribute two shorter written pieces in the final year of study, to demonstrate the relevance of the project findings for the debate on capital punishment – one piece for the online *History & Policy* forum, the other for *The Howard Journal* - and organise the workshop 'Empire and Judicial Killing'.