

= Burning of women in England =

In England , burning was a legal punishment inflicted on women found guilty of high treason , petty treason and heresy . Over a period of several centuries , female convicts were publicly burnt at the stake , sometimes alive , for a range of activities including coining and mariticide .

While men guilty of heresy were also burned at the stake , those who committed high treason were instead hanged , drawn and quartered . The English jurist William Blackstone supposed that the difference in sentencing , although " full as terrible to the sensation as the other " , could be explained by the desire not to publicly expose a woman 's body . Public executions were well @-@ attended affairs , and contemporary reports detail the cries of women on the pyre as they were burned alive . It later became commonplace for the executioner to strangle the convict , and for the body to be burned post @-@ mortem .

In the latter half of the eighteenth century , changing attitudes to such public displays prompted Sir Benjamin Hammett MP to denounce the practice in Parliament . His bill , by no means the first such attempt to end the public burning of women , led to the Treason Act 1790 , which abolished the sentence .

= = Crimes punishable by burning = =

= = = Treason = = =

By the end of the thirteenth century , several offences against either one 's lord , or one 's king , were treasonable . High treason , defined as transgressions against the sovereign , was first codified during King Edward III 's reign by the Treason Act 1351 . It clarified exactly what crimes constituted treason , following earlier , somewhat " over zealous " interpretations of England 's legal codes . For instance , high treason could be committed by anyone found to be compassing the king 's death or counterfeiting his coin . High treason remained distinct though , from what became known as petty treason : the killing of a lawful superior , such as a husband by his wife . Though twelfth century contemporary authors made few attempts to differentiate between high treason and petty treason , enhanced punishments may indicate that the latter was treated more seriously than an ordinary felony .

As the most egregious offence an individual could commit , viewed as seriously as though the accused had personally attacked the monarch , high treason demanded the ultimate punishment . But whereas men guilty of this crime were hanged , drawn and quartered , women were drawn and burned . In his Commentaries on the Laws of England the 18th @-@ century English jurist William Blackstone noted that the sentence , " to be drawn to the gallows , and there to be burned alive " , was " full as terrible to the sensation as the other " . Blackstone wrote that women were burned rather than quartered as " the decency due to the sex forbids the exposing and publicly mangling their bodies " . However , an observation by historian Jules Michelet , that " the first flame to rise consumed the clothes , revealing poor trembling nakedness " , may , in the opinion of historian Vic Gatrell , suggest that this solution is " misconceived " . In The Hanging Tree , Gatrell concludes that the occasional live burial of women in Europe gave tacit acknowledgement to the possibility that a struggling , kicking female hanging from a noose could " elicit obscene fantasies " from watching males .

= = = Heresy = = =

Another law enforceable by public burning was De heretico comburendo , introduced in 1401 during the reign of Henry IV . It allowed for the execution of persons of both sexes found guilty of heresy , thought to be " sacrilegious and dangerous to souls , but also seditious and treasonable . " Bishops were empowered to arrest and imprison anyone suspected of offences related to heresy and , once convicted , send them to be burned " in the presence of the people in a lofty place " . Although the

act was repealed in 1533 / 34 , it was revived over 20 years later at the request of Queen Mary I who , during the Marian persecutions , made frequent use of the punishment it allowed .

De heretico comburendo was repealed by the Act of Supremacy 1558 , although that act allowed ecclesiastical commissions to deal with occasional instances of heresy . Persons declared guilty , such as Bartholomew Legate and Edward Wightman , could still be burned under a writ of de heretico comburendo issued by the Court of Chancery . The burning of heretics was finally ended by the Ecclesiastical Jurisdiction Act 1677 which , although it allowed ecclesiastical courts to charge people with " atheism , blasphemy , heresy , schism , or other damnable doctrine or opinion " , limited their power to excommunication .

= = Execution of the sentence = =

Public executions were normally attended by large crowds . For the killing in 1546 of Anne Askew , charged with heresy and tortured at the Tower of London , a " Substancyall Stage " was built to seat the various officials who presided over her burning . A witness to proceedings reported that Askew was so badly injured by her torture that she was unable to stand . Instead , " the dounge carte was holden up betwene ij sarjantes , perhaptes syttyng there in a cheare " .

A pamphlet detailing the burning in April 1652 of Joan Peterson , the so @-@ called Witch of Wapping , also describes the execution of Prudence Lee , found guilty of mariticide . Lee was apparently brought on foot , between two sheriff 's officers and dressed in a red waistcoat , to the place of execution in Smithfield . There she confessed to having " been a very lewd liver , and much given to cursing and swearing , for which the Lord being offended with her , had suffered her to be brought to that untimely end " . She admitted to being jealous of and arguing with her husband , and stabbing him with a knife . The executioner put her in a pitch barrel , tied her to the stake , placed the fuel and faggots around her and set them alight . Lee was reported to have " desired all that were present to pray for her " and , feeling the flames , " shriek [d] out terribly some five or six several times . " Burning alive for murder was abolished in 1656 , although burning for adultery remained . Thereafter , out of mercy , the condemned were often strangled before the flames took hold . Notable exceptions to this practice were the burnings in 1685 and 1726 of Elizabeth Gaunt , found guilty of high treason for her part in the Rye House Plot , and Catherine Hayes , for petty treason . Hayes apparently " rent the air with her cries and lamentations " when the fire was lit too early , preventing the executioner from strangling her in time . She became the last woman in England to be burned alive .

The law also allowed for the hanging of children aged seven years or more . Mary Troke , " but sixteen years of age " , was burned at Winchester in 1738 for poisoning her mistress . An unidentified 14 @-@ year @-@ old girl imprisoned at Newgate was more fortunate . Found guilty in 1777 of being an accomplice to treason , for concealing whitewashed farthings on her person (at her master 's request) , she had been sentenced to burn . She was saved by the intervention of Thomas Thynne , 1st Marquess of Bath , who happened to be passing .

= = Changing attitudes = =

In 1786 , Phoebe Harris and her accomplices were " indicted , for that they , on the 11th of February last , one piece of false , feigned , and counterfeit money and coin , to the likeness and similitude of the good , legal , and silver coin of this realm , called a shilling , falsely , deceitfully , feloniously , and traiterously did counterfeit and coin " . Watched by a reported 20 @,@ 000 people , she was led to the stake and stood on a stool , where a noose , attached to an iron bolt driven into the top of the stake , was placed around her neck . As prayers were read , the stool was taken away and over the course of several minutes , her feet kicking as her body convulsed , Harris choked to death . About 30 minutes later , faggots were placed around the stake , her body was chained into position , and subsequently burned for over two hours .

Executions like this had once passed with little to no comment in the press . Historically , while fewer women than men were subjected to capital punishment , proportionately more were acquitted

, found guilty of lesser charges , or pardoned if condemned . In centuries past , these women were judged by publications such as The Newgate Calendar to have succumbed to their own perversions , or to have been led astray . But while 18th and 19th @-@ century women guilty of treasonable crimes were still seen as villains , increasingly , the cause of their descent was ascribed to villainous men . Those people concerned about the brutality inflicted on condemned women were , in Gatrell 's opinion , " activated by the sense that even at their worst women were creatures to be pitied and protected from themselves , and perhaps revered , like all women from whom men were born . " Commenting on Harris 's execution , The Daily Universal Register claimed that the act reflected " a scandal upon the law " , " a disgrace to the police " and " was not only inhuman , but shamefully indelicate and shocking " . The newspaper asked " why should the law in this species of offence inflict a severer punishment upon a woman , than upon a man " ?

Harris 's fate prompted William Wilberforce to sponsor a bill which , if passed , would have abolished the practice . But as one of its proposals would have allowed the anatomical dissection of criminals other than murderers , the House of Lords rejected it . Though sympathetic to reform of England 's Bloody Code , Lord Chief Justice Loughborough saw no need to change the law : " Although the punishment , as a spectacle , was rather attended with circumstances of horror , likely to make a more strong impression on the beholders than mere hanging , the effect was much the same , as in fact , no greater degree of personal pain was sustained , the criminal being always strangled before the flames were suffered to approach the body " .

When on 25 June 1788 Margaret Sullivan was hanged and burned for coining , the same newspaper (by then called The Times) wrote :

There is something so inhuman in burning a woman , for what only subjects a man to hanging , that human nature shudders at the idea . Must not mankind laugh at our long speeches against African slavery ? and our fine sentiments on Indian cruelties , when just in the very eye of the Sovereign we roast a female fellow creature alive , for putting a pennyworth of quicksilver on a half @-@ penny worth of brass . The savage barbarity of the punishment ? and the smallness of the offence in the eye of God are contrasts that should meet the consideration of Government .

The Gentleman 's Magazine addressed the Prime Minister , William Pitt the Younger :

the woman was brought out attended by a priest of the Romish persuasion , and as soon as she came to the stake she was placed upon a stool , which was instantly removed from under her , and she left suspended , when the faggots were placed around her , and being set on fire she was soon consumed to ashes . ? Mr. Pitt , himself a lawyer , ' tis hoped , will not suffer this cruel remain of savage legislation to escape his notice , and continue a disgrace to the enlightened sense of this country .

Although in his objections to Wilberforce 's 1786 bill Loughborough had noted that these women were dead long before they suffered the flames , many newspapers of the day made no such distinction . The Times incorrectly stated that Sullivan was burned alive , rhetoric which , in Dr Simon Devereaux 's opinion , could be " rooted in the growing reverence for domesticated womanhood " that might have been expected at the time . As many objections may also have been raised by the perceived iniquity of drawing and burning women for coining , whereas until 1783 , when the halting of executions at Tyburn removed ritualistic dragging from public view , men were simply drawn and hanged . A widening gulf between the numbers of men and women whipped in London (during the 1790s , 393 men versus 47 women) , which mirrors a similar decline in the sending of women to the pillory , may also indicate an imposition of commonly @-@ held gender ideals on English penal practices .

= = Abolition = =

The burning in 1789 of Christian Murphy , for coining , received practically no attention from the newspapers (perhaps owing to practical limitations on how much news they could publish across only four pages) , but it may have been enacted by Sir Benjamin Hammett , a former sheriff of London . Hammett was also an MP , and in 1790 he introduced to Parliament a Bill for Altering the Sentence of Burning Women . He denounced the punishment as " the savage remains of Norman

policy " which " disgraced our statutes " , as " the practice did the common law " . He also highlighted how a sheriff who refused to carry out the sentence was liable to prosecution . William Wilberforce and Hammett were not the first men to attempt to end the burning of women . Almost 140 years earlier , during the Interregnum , a group of lawyers and laymen known as the Hale Commission (after its chairman Matthew Hale) , was tasked by the House of Commons to take " into consideration what inconveniences there are in the law " . Among the proposed reforms was the replacement of burning at the stake with hanging , but , mainly through the objections of various interested parties , none of the commission 's proposals made it into law during the Rump Parliament . Hammett was confident though . He believed that public opinion was on his side and that " the House would go with him in the cause of humanity " . The change in execution venues , from Tyburn to Newgate , also attracted criticism . Following Phoebe Harris 's burning in 1786 , as well as questioning the inequality of English law The Times complained about the location of the punishment and its effect on locals :

When remission of burning was refused , the scene of inhumanity should have been changed ; the consequences have been serious ; several persons in the neighbourhood of Newgate lying ill , have been severely affected by the smoke which issued from the body of the unhappy female victim .

Another factor was the fate of Sophia Girton , found guilty of coining . Hammett 's bill was introduced only four days before Girton 's fate was to be decided , but a petition for her respite from burning , supported by another sheriff of London (either Thomas Baker or William Newman) and brought to King George III 's notice by William Grenville , proved successful . Devereaux suggests that her impending fate lent weight to the eventual outcome of Hammett 's bill , which was to abolish the burning of women for treason through the Treason Act 1790 . Christian Murphy , who at her execution in 1789 was " drest in a clean striped gown , a white ribbon , and a black ribbon round her cap " , was the last woman in England to be burned .