

magistrates who gave legal sanction to such use. In so doing, Frank has made an important contribution to the legal history of nineteenth-century England.

Norma Landau

University of California at Davis

Paul Friedland, *Seeing Justice Done: The Age of Spectacular Capital Punishment in France*, Oxford: Oxford University Press, 2012. Pp. x + 334. \$65.00 cloth (ISBN 978-0-19-959269-2).

doi:10.1017/S0738248013000527

Paul Friedland's *Seeing Justice Done*, his account of capital punishment in France from medieval to modern times, is an ambitious contribution to the crowded field of books on the death penalty in Europe. His goal, he writes, is to draw upon a variety of approaches—anthropological, legal-historical, theoretical—in order better to untangle the dense layers of meaning and practice that constituted capital punishment. His initial insight, gained when he examined the execution of animals in the middle ages, taught him that punishment is not a monolithic institution. Rather it is “an agglomeration of theories, practices, and perceptions, each of which had its own separate historical trajectory” (15–16). From this starting point, he sets out to rewrite the history of capital punishment by closely examining several turning points when the ideas behind the execution changed and the relationship of various groups to the punishment altered.

Friedland's very long view permits him to identify a crucial moment in the transformation of punishment in France, the arrival of Roman Law in the twelfth century. If earlier forms of punishment had aimed at “payback” and expiation, it now became “corporeal and spectacular” (56). The ever more extravagant rituals aimed to produce “exemplary deterrence” (38). If the existence of such displays testifies to the belief of the authorities in the effectiveness of seeing justice done, Friedland suggests that in practice the goal was only partially realized at best. The crowds who attended the execution, even the elites, came for a variety of reasons having more to do with excitement or curiosity than with obedience. Over time, the spectacle became more entertainment than ceremony. “The sixteenth century witnessed the birth of an entirely new kind of spectator who, rather than participating in the traditional ritual of penance and communal redemption, instead purchased seats overlooking the scaffold in order to watch events unfold from a distance” (141).

Friedland's narrative enters more familiar territory when he describes the appearance of growing discontent with spectacular punishment in the eighteenth

century. As other authors have done, he locates the decisive shift in the rise within literary and philosophical circles of the cult of sensibility. This increasing discomfort boiled over in reaction to the execution of the regicide Damien in 1757. The enthusiasm to see punishment inflicted now gave way to a revulsion at the sight of horrific tortures. The reaction launched a search for a new way to impose capital punishment, a quest that culminated in the debates over the technology of execution during the revolutionary crisis in 1791. The outcome would be “a different kind of death penalty” (232). The guillotine sought to produce a different effect. “The spectacle of suffering was to be replaced by a kind of targeted surgical precision, excising the condemned from the social body as neatly as possible” (219). In making death invisible, the authorities inaugurated the modern regime of punishment, although, as Friedland suggests in his conclusion, not without leaving unsatisfied the public yearning to see justice done.

Friedland tells us toward the end of his book that he has written “a book about the ways in which France’s past epitomizes the penal past that is common to Western culture as a whole” (284). This claim would have been easier to justify, and his book might have gained precision, if he had entered more directly into debate with the extensive scholarly literature on the subject. His occasional references to the work of Richard Evans, Vic Gatrell, and Peter Spierenburg scarcely do justice to their important contributions. Despite his discussion of the reactions to the spectacle of punishment, Friedland operates as an intellectual historian grounded in legal sources and philosophical texts. He never provides us with statistics that might indicate the actual incidence of executions. He has nothing to say about the decisions made by judges and other legal authorities who employed the death penalty. He largely neglects the extensive debates among British legal and social historians such as Douglas Hay, John Langbein, or John Beattie about the politics of capital justice. As so much of his argument hinges upon an evaluation of how people saw the execution, his failure to analyze broadsides more carefully is particularly striking. His account would have benefited from some discussion of the work of Lisa Silverman or Andrea McKenzie. He is hardly the first author to have noticed the importance of works by The Earl of Shaftesbury Samuel Richardson, and Adam Smith to the promotion of a new understanding of and relationship to the spectacle of death. Finally, his sweeping claims for nineteenth and twentieth century punishment deserved more than the dozen pages he devoted to them. Friedland’s book is a sophisticated and provocative study of the early modern death penalty. It is unfortunate that he did not seize the opportunity afforded by his study to engage more directly with the work of other scholars.

Randall McGowen
University of Oregon