

# Capital Punishment in Popular Culture, Toys, Games, and Nursery Rhymes



# Capital Punishment in Popular Culture, Toys, Games, and Nursery Rhymes:

*Toying with Death*

By

Ellen Tsagaris

**Cambridge  
Scholars  
Publishing**



Capital Punishment in Popular Culture, Toys, Games, and Nursery Rhymes:  
Toying with Death

By Ellen Tsagaris

This book first published 2023

Cambridge Scholars Publishing

Lady Stephenson Library, Newcastle upon Tyne, NE6 2PA, UK

British Library Cataloguing in Publication Data

A catalogue record for this book is available from the British Library

Copyright © 2023 by Ellen Tsagaris

All rights for this book reserved. No part of this book may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without the prior permission of the copyright owner.

ISBN (10): 1-5275-0116-7

ISBN (13): 978-1-5275-0116-4

For Andy Axup and Harry Coin, Our Own Statler and Waldorf  
and for Aunt Connie Fanakos, (1930-2020)  
our Word Search Puzzles are Dedicated to You with Love

To My Cousin Chuck Fanakos,  
And to the memory of his sister, Linda Fanakos  
And to Jim, Tom, George, Steve and Marie Fanakos

My thanks to Larissa Pothoven for being our editor  
and proof reader, an honorable profession made famous  
by novelist Barbara Pym, that most Excellent Woman

As always, to my dear husband, Dino Milani, and to my parents,  
Jim and Clara Tsagaris

In Memoriam, Professor David Baldus,  
University of Iowa College of Law

*You condemn to the death penalty a guilty man, but you always  
carry out the  
Sentence on an innocent one.  
—Albert Camus.*

# TABLE OF CONTENTS

List of Illustrations .....	ix
List of Tables .....	xi
Foreword .....	xii
Preface .....	xiv
Introduction .....	1
Crime and Punishment/History of the Death Penalty	
Chapter 1 .....	9
Panorama of the Penal World	
Chapter 2 .....	17
An Overview of Toys, Games, and Artifacts/Executions	
Chapter 3 .....	31
The Middle Ages, the Renaissance, and the Seventeenth Century	
Chapter 4 .....	44
The French Revolution and the Reign of Terror v. the Age of Enlightenment	
Chapter 5 .....	59
Capital Punishment during the 18 <sup>th</sup> and 19 <sup>th</sup> Centuries in the UK and the Emergence of Childhood as We Know It	
Chapter 6 .....	73
The Seeds of American Death Penalty Law and Popular Culture	
Chapter 7 .....	81
Puritans, the European Witch Trials, and the Salem Witch Trials	

Chapter 8 .....	88
The Allure of Executions as Entertainment involving the Mentally Ill, Juveniles, and Women	
Chapter 9 .....	95
The Terrible Toys	
Chapter 10 .....	108
A Survey of Fine Art and Literature Featuring Capital Punishment	
Chapter 11 .....	132
Of Dolls and Murder	
Epilogue.....	138
Our Love for Serial Killers and Slasher Movies	
Appendices .....	141
References .....	207



## LIST OF ILLUSTRATIONS

1. Introduction-1: Jack the Doll
2. Introeciton-2: Original Jack the Doll, Glazed Head
3. Introducton-3: Sanitary Fair Project
4. Introduction-4: Living Dead Dolls Sybil
5. 1-1: Robert Ardrey
6. 1-2: Australopithecus
7. 1-3: "Christ on the Cross" by Velazquez
8. 2-1: Iron Maiden
9. 2-2: Edison Phonograph Doll
10. 3-1: Mid 19<sup>th</sup> Century Poupée Joan of Arc
11. 3-2: Joan of Arc in Full Armor
12. 3-3: Lady Arabella Stuart
13. 3-4: Images of Guy Fawkes
14. 3-5: Dutch Baby House
15. 3-6: *The Miniaturist*
16. 3-7: Only Known Portrait of Elizabeth Bathory
17. 3-8: Chief's Wife, Her Daughter and a Doll
18. 4-1: Marie Antoinette with Detachable Head
19. 4-2: Go to Hell the Game
20. 4-3: French Boudoir Doll
21. 4-4: Versailles Court Dolls by Robert Tonner
22. 4-5: Marie Antoinette Doll
23. 4-6: Heizer Marie Antoinette Doll
24. 4-7: Marie Antoinette Paper Doll
25. 4-8: German Porcelain Half Doll a la Marie Antoinette
26. 4-9: Kirsten Dunst as Marie Antoinette
26. 4-10: Marie Antoinette's Severed Head
27. 4-11: Marie Antoinette by Headless Historicals
28. 4-12: French Court Doll of Wood
29. 4-13: Pantins or Jumping Jacks
30. 6-1: Velvalee Dickinson Suspect Letter
31. 6-2: Velvalee's Store on Madison Avenue
32. 6-3: Velvalee Dickinson
33. 6-4: Ethel and Julius Rosenberg

34. 9-1: Abby Borden's Body
35. 9-2: Lizzie Borden
36. 10-1: Judias Buenoano Card
37. 10-2: Ruth Snyder's Memoirs
38. 10-3: Ruth Snyder in the Electric Chair
39. 10-4: Ruth Snyder in Life
40. 10-5: Richard Speck's Victims
41. 10-6: Squirrel with Mistletoe by Richard Speck
42. 10-7: *Remember*
43. 11-1: Dresden Figure, Al Capone Collection
44. 11-2: German Meissen China Figure, Al Capone Collection
45. 11-3: Al Capone with Family
46. Appendix-1: The Execution of Lady Jane Grey
47. Appendix-2: Lady Jane Grey
48. Appendix-3: Lady Jane Grey Doll
49. Appendix-4: Anne Boleyn's Letter to her Father
50. Appendix-5: Puppet Terrors
51. Appendix-6: Hideous Girl
52. Appendix-7: Strawberry Girl

## LIST OF TABLES

Table 5-1: List of those Hanged at Tyburn

Table 8-1: Excerpt from Human Rights Watch

## FOREWORD

My interest in the death penalty began when I found out the Rosenbergs were executed on my birthday, June 19th, but as a child, I was surrounded by a culture that provided many examples of capital punishment. Weekend and afternoon movies dealt with stories of murderers sent to the electric chair and gangsters executing or “rubbing out” other gangsters. In *Johnny Guitar* and other films, men, and sometimes women, were frequently hanged. If not from the gallows, they were hanged from a tree, enabled by a galloping horse on which the condemned was seated. Movies like Susan Hayward’s *I want to Live* and Ingrid Bergman’s *Joan of Arc* told the tragic stories of condemned women. Even cartoons like “Blue Beard” on “Porky Pig” and farces like *The Three Stooges* alluded to death, the penal system, and punishment. One Sunday episode of the religious program *This is the Life* was about a condemned man who found redemption, but who was still executed. Newspapers reported all kinds of stories of murder, and trials where murderers were frequently sent to the electric chair.

All of this art and media conflicted with my Sunday school class teachings of “thou shalt not kill.” I was confused, and terrified, when I went to confession and was asked if I’d ever killed anyone. I thought of ants I had stepped on, and the occasional mosquito I had swiped into eternity, and I panicked. I was seven.

When I was around eight, my family used to talk about the case of Caryl Chessman, the Red Light Bandit, who hadn’t killed anyone, but was on death row longer than anyone else at the time. Chessman was an erudite man and a good writer who wrote about his experiences in a memoir. Many asked for clemency in his behalf, but Governor Edmund G. Brown, father of later Governor “Moonbeam” Gerry Brown, refused clemency and Chessman died in the gas chamber. I was working for the California courts when Bobby Harris was put to death in the gas chamber as well, again amid appeals and pleas for mercy. In my job, I reviewed papers on death penalty cases and made recommendations to the judges, and often, the death penalty statute left me no choice but to recommend a death sentence, even though I personally was not in favor of the death penalty.

At about age ten, I asked my mother about the death penalty. She tried to explain to me why people were in favor of it. I asked her why criminals were not put to death the way their victims were killed, and she basically explained to me why such a sentence would violate the 8<sup>th</sup> Amendment, even as she ironed the hand sewn outfits she had created for me to wear to school.

Much later, in law school, I had the privilege of studying under Professor David Baldus, whose study on race of the victim went before the U.S. Supreme Court in *McCleskey v. Kemp*, 481 U.S. 279 (1987). While I suspected how he might have felt, he was objective and thoughtful with us, his students. He added a touch of grim humor when he asked us to recite the facts of each case with, “and what did these lovely people do?” He had no illusions. In his class, I wrote a sixty page paper on brutalization effects of the death penalty on society. At the same time, I was studying and writing about dolls and toys and their role in society, and discovered that there were indeed macabre death penalty toys, games, and arts. The seeds for this book first took hold during those years.

## PREFACE

I run a nonprofit museum of toys, dolls, games, miniatures, and books. We represent everything from Prehistory to the present day, and we have toys that were inspired by capital punishment. Why preserve them? That's what museums and collectors do; we curate. We save things so future generations know what life was like. In a way, museum curators and collectors are like artist Alice Neel, who called herself a collector of souls when asked about her disturbing, stark, forthright portraits. Like the doll maker and toy maker, Neel also portrayed herself, even when the portraits were not self portraits, but of others.

Also, our possessions are our biographies. They tell successive generations about us. Civilization's artifacts are important to archeologists and to crime scene investigators and students of forensics. Just watch *Secrets of the Dead*; we understand people long dead by their things. Therefore, there are museums for kitchen appliances, televisions, rotary phones, washing machines, bobble heads, folk art, and dolls and toys. Why? Because we've become a throw away society; it may be generations before archaeologists and anthropologists want to study us. Current children know nothing about some of these things. That's why there are nostalgia Facebook groups and web museums that ask you to share photos if you remember percolators, adding machines, wind up toys, etc. No one under a certain age knows what they are.

Also worrisome is this "creepy doll" fad that seems to have emerged during the last ten years. There is a phobia associated with dolls called *Pediophobia*. Its concept is explored in Professor Masahiro Mori's *Uncanny Valley* studies. The *Uncanny Valley* theory suggests that the more an object resembles a human being, the more empathetic a person's emotional response will be. If the object, a robot, or a doll, is too "human" that empathy can become revulsion. Mori originally was inspired by the work of a German writer, Ernst Jentsch, cited in Max von Boehn's *Dolls and Puppets*. Later, Sigmund Freud, who himself collected figurines and doll-like objects, critiqued Jentsch in his essay "The Uncanny." As a parody, I suppose creepy doll culture can be funny and entertaining as are films like *Chucky* and *Annabelle*. When taken seriously, creepy doll culture is disturbing. In a film about The Branson Toy Museum, one

narrator recently called the Raggedy Ann exhibit, a display of Annabelles because the original film Annabelle from a museum of the supernatural was a Raggedy Ann. Children more and more seem to avoid dolls, claiming they frighten them. Haunted houses are full of doll rooms. It has hurt the antique doll industry, and even my museum was accused of being creepy by a fired NPR employee who had never seen the museum and who didn't contact me at all. I see this war against dolls, and even toys, as part of the current "cancel culture" movement, which is alarmingly reminiscent of The Cultural Revolution, ironic because many dolls and toys are made in China today.

Furthermore, Baudelaire wrote in "A Philosophy of Toys", that toys connect to art. We see this literally in the work of Jeff Koons, who uses toys as inspiration for his sculpture, and in the art of Jarvis Rockwell, David Levinthal, and others. Many artists also become doll makers, like Albert Marquet and Picasso. Doll artists use the doll form and motif to create works of fine art, never meant to be toys. Often, the same techniques used to create toys are later developed to create art. Think, for example, of Alexander Calder's mobiles and Joseph Cornell's doll house style shadow boxes.

Rocket scientists and inventors study toys to get ideas for other projects, including rocket ships and airplanes. Lonnie Johnson, an inventor and engineer, worked for NASA on the Galileo Mission to Jupiter, and on work involving the Stealth bomber and other similar projects ([invention.si.edu](http://invention.si.edu)).

Engineer Lonnie Johnson invented the Nerf Gun and SuperSoaker. As a child, he took apart toys and played with rockets. At one point, he even cooked up his own rocket fuel on the kitchen stove. One of his first of many inventions was a robot built from scraps called "Linex." These activities inspired him later in his professional work, but in the 80s, Johnson began to make toys; he came full circle with his Nerf and SuperSoaker toys. Both are among the most collectible and best selling toys of all time.

Toy robots inform and borrow from real robots, who just might take over the world one day. Yet, robots and other artifacts of artificial intelligence are wildly popular today in both the realm of children's toys and grown up industries.

In fact, toy weapons, automatons, and instruments of death have been popular for a long time. 200 plus years ago, the great poet Goethe asked

his mother to buy a toy guillotine for his son; she did not approve and wrote him so in stern language. Yet, children are influenced by what goes on around them, including criminal punishment. They learn by catching the news, as I did when I was six. I learned a lot about the Vietnam War, including news stories about Vietnamese dolls booby trapped with explosives. Children scan papers; they see references to the death penalty in their cartoons, their games, and in their toys. Toys and dolls emulate real life. Kids catch on fast.

In the history of toys, dolls, and popular culture, the toys, art, rhymes and games influenced by the death penalty deserve a place in the toy box. Death penalty history and gallows humor have their origins in very early concepts of punishment and morality. Public executions and human sacrifice are as old as humanity. Public executions were meant to deter and to teach moral standards. They were often held on Sunday after church so that people could learn the letter of the law in the wake of the biblical teachings of an eye for an eye and The Ten Commandments.

If children make up games that are influenced by contemporary current events, they are also capable, as Victor Hugo observed, of making a toy of almost anything. In 1897, G. Stanley Hall gave examples of the many materials and objects kids turned into dolls, including, old shoes, plants, puppies, kittens, and . . . meat. In the same way, adults can make a companion of almost anything. For example, Tom Hanks' character in *Castaway* talks to a soccer ball marooned with him; he calls it "Wilson", which is also its manufacturer. In a current documentary by Acorn about Australia's islands, hosted by Martin Clunes (Doc Martin), Clunes talks to Dave, the only inhabitant of Restoration Island. He's called a modern Robinson Crusoe, but like Hanks' character, he has to have a companion. When his long time girl friend left, Dave set up a female, fully dressed mannikin in his living room to keep him company.

Back to capital punishment and culture, soon, public executions became entertainment as well. Judging from the role capital punishment plays in popular culture, in toys, books, films, movies, and music, it still is. Death Penalty toys and culture are a way to laugh at death, much the same way gallows humor is. Good people can laugh nervously and the horror of death is also cathartic, but those killed are the "other"; it is an us and them mentality. We are not like them; bad things won't happen to us, but we laugh nervously just in case.



# INTRODUCTION

## CRIME AND PUNISHMENT/HISTORY OF THE DEATH PENALTY

Early on, this book will discuss what may be the first murder, the killing of a pre-Neanderthal humanoid, with a weapon. From there, the role of relevant artifacts, ancient dolls and idols and their evolution will be covered. Tomb figures and fetishes are included because they took the place of humans who were buried alive as human sacrifices to serve the deceased in the next world. The narrative will transition to theories of Deterrence, Retribution, the oldest theory justifying capital punishment, and Rehabilitation.

The discussion will also cover Isaac Ehrlich's, "*The Deterrent Effect of Capital Punishment A Matter of Life and Death*" and Earnest van den Haag's. "In Defense of the Death Penalty: A Legal, Practical, Moral Analysis."

An overview of rehabilitation of criminals follows. Next will be a discussion of brutalization effects of the death penalty. We'll answer the question, are death penalty toys and games cathartic, or symptomatic of brutalization effects which cause indifference to death and suffering and cheapen the value of human life?

It should be no surprise that children mimic executions in their seemingly innocent games. Children and their toys emulate what goes on around them, both good and bad events. Violence has been part of children's pastimes since the dawn of history. Toy weapons date to the ancient world, so do games involving killing the other party. From the 40s to 70s, kids played the now not politically correct game, cowboys and Indians. Toy guns abounded, including air rifles, e.g., *A Christmas Story*, water guns, cowboy outfits, you name it. War toys and toy soldiers have always been around. They were found in Egyptian tombs, and the Emperors life- sized Chinese soldiers, though not toys, reflected important cultural mores for their time.



Introduction-1: Modern version Jack the Doll. Public domain and Collection the Author.



Introduction-2: Possibly the original Jack, with a German glazed porcelain head. Public domain.

When Abraham Lincoln and his family occupied The White House, the Civil War was raging. Lincoln's children executed Jack the Doll on a regular basis. The children, all boys, were given a doll created for a Sanitary Fair. These events were held by North and South to buy medical and other supplies for the troops. There is a scene in *Gone with the Wind* where Scarlett and Melanie attend one and give away their wedding rings to aid the war effort. Scarlett scandalizes everyone because she is in mourning, yet dances with Rhett Butler.

Usually, the Sanitary Fair doll would be a beautiful lady doll of porcelain, wax, or papier mache. An extensive wardrobe complete with hats, shoes, accessories, and a trunk would be displayed, and then raffled off. The Lincoln doll was unusual because it represented a Zouave soldier with a colorful, red and blue costume, popular among Southern troops. We don't necessarily know what the original doll looked like outside his uniform, but a cloth version is available at the Lincoln Museum and Library, Springfield, IL.

The Lincoln children liked to try Jack the Doll, then execute him and bury him in The White House rose garden. The gardener became very upset, which is understandable. Lincoln officially pardoned Jack after several executions to save the rose garden and the rose gardener's sanity.



Introduction-3: Sanitary Fair Project. Public domain image.

Lincoln's children were not alone in creating games based on war and execution of prisoners. In Europe, during World War II, children living inside the concentration camps with their parents, or outside the camps in towns surrounding them, pretended they were executing prisoners. Some played games of torture. This is just as sick as children who torture insects

or animals; some become violent adults, even serial killers. Their macabre childhood games led to their adult violent pathologies.

By the same token, children interned in camps amused themselves however they could. There is a celluloid doll in The Holocaust Museum that a little girl who managed to survive carried. Thierzezenstadt camp held puppet shows. Thierzezenstadt had an active cultural life which included a library of over 60,000 volumes. Despite harsh conditions and the fact that the camp was used as a deportation center, there were lectures and concerts. Children drew pictures, engaged in puppet shows, wrote poetry, and attended school. Pictures children drew in the camp have survived. They are reproduced as posters and travel as exhibits to schools and other businesses. Other interred children played games, and drew pictures with whatever they could. These emergent toys and games are even more poignant. Many dolls and toys were taken from children when they were first interred. Over a million children who played these games were murdered.

War, terror, and homicide continue to inspire games, toys, and dolls. In a macabre turn on the educational toy, terrorists have used play to promote murder and mayhem. Recently, newspaper stories have surfaced detailing how various terrorist organizations were teaching children to behead people by using dolls as a prop. This, too, is not a new activity. When Mary I, aka Bloody Mary, was a young girl, she practiced beheadings by decapitating flowers. One is reminded of Morticia Addams, who beheaded her roses so that the thorns could flourish.

After reading about the above examples, anyone needing proof that children can be violent and can invent their own war games, should watch the original *Toy Story*. Sid is the little boy who mutilates toys, his and his sister's. He uses doll parts and toy cars, tanks, and boats, and creates mutant toys, including a spider creature with a baby doll head. Other children fear him. Yet, I've been to literary conferences like the Midwest Modern Language Association convention, where Sid is seen as a genius artist who is misunderstood. Sid illustrates another idea of Baudelaire's, that when a toy no longer works, or no longer works as the child wants, the child exhibits rage. Certainly, there are many artists out there who use dolls, toys, and all parts in between to create art dolls, assemblage, robots, sculpture and more. One is Jarvis Rockwell, son of the famous Norman Rockwell, who also painted children, dolls and toys. Some of these were made into dolls themselves. One must also remember the words of noted

author and criminologist Colin Wilson who has said that the same energy that goes into creating a Beethoven goes into creating a Jack the Ripper.

Everyone has known a child like Sid who destroyed his and others' toys for some reason or other. For me, it was two sisters who lived up the block. The first day I brought my new walkie talkies over, the eldest sister broke off the antenna deliberately. She defaced her own dolls, too. One memorable day, we found an antique wall phone in their garage. They promptly took it apart and could not put it back together. I don't know their motives, jealousy, "humpty dumpty syndrome", meanness? All I know is that children can be violent and destructive.

Some argue that it is their video games that make children prone to violent behavior, or television, or a culture that allows war games and toy guns. Perhaps Robert Ardrey and others are correct that human beings, male and female, are violent. Anne Rice has pursued this thesis in her vampire, witch and werewolf novels, especially, *The Queen of the Damned*. In that book, Akasha, an Egyptian sovereign inhabited by a vampiric spirit, returns from the dead to wreak havoc on the world's men. Her plan is to destroy them while she and her female vampire warriors run the world. Unfortunately, they won't be able to do it in peace and harmony. The women are just as violent as the men. Female vampires literally bite the heads of men that they take prisoner, while other women stand by and cheer.

Historical, real women warrior societies will attest to women's potential violence. Masai women and other African women fought. Celtic women fought and ruled in their own right, especially Boudicca, Cartimandua, and Maeve. Ancient Scythian women had a female warrior culture. Artemesia was a female admiral in Ancient Greece. Anne Bonney, Grace O'Malley, and others, were pirates. Elizabeth I saw herself as a warrior equal to any man in her public role as Queen of England. Face it; the myths of the Amazons had to come from somewhere. Even ancient myth is often based on history, no matter how ancient and obscure.

Some writers and historians believe that violence can actually be beneficial. Also, public executions can be instructive, serving to teach morality and to deter others from committing capital crimes. Popular horror writer Stephen King believes that horror and violence in movies and novels is cathartic. It feeds the "alligators" inside all of us. By satisfying cravings for violence vicariously, it makes us all calmer, easier,

peace loving folks. Some argue aggressive contact sports serve the same purpose.

One of my teachers was a tightly controlled, soft spoken professor in class. Yet, on the faculty softball field, he was a fireball. He was of slight build and middle aged, too, but everyone got out of his way when he was up for bat. His whole demeanor changed, even his language became very blue.

Where violence is not cathartic, it may deter other violence. The film *A Clockwork Orange* (1971 Stanley Kubrick, Dir.), was based on a variation of the idea that violence can deter other violence. The film was based on Anthony Burgess's 1962 novel of the same title.<sup>1</sup> Alex de Large, the protagonist, is a young, violent sociopath who bludgeons a woman to death. He has robbed and assaulted others just to amuse himself. While imprisoned for murder, Alex undergoes violence aversion therapy. His eyes are kept open and he is forced to view one violent incident after another without being able even to blink. He's also been given a drug that causes nausea. When he watches the horribly violent films, he suffers terrible nausea, so that the thought of violence makes him sick, literally.

The film also inspired dolls. Living Dead Dolls by Mezco produced a doll inspired by Alex, protagonist of *A Clockwork Orange*. Living Dead Dolls also based Sybil, a Fashion Victim Doll, on *A Clockwork Orange*. The doll wears Alex's derby, and has the wide-eyed stare Alex achieved via false eyelashes.



Introduction-4: Sybil via YouTube a Public Domain Image

---

<sup>1</sup> I had to read the novel as part of my preliminary exams for a Ph.D. The night I was reading it, it was announced that Anthony Burgess had died.

Living Dead Dolls and Mezco don't stand alone. From *Dracula* to *Hell Raiser*, every character from every major film, play, book, or comic book that qualifies as a monster has been made into a doll or action figure. Anne Rice used to have a life sized figure of Pumpkin Head, inspired by the horror movie of the same name (1988), in her own doll collection. Mego has made figures of many horror film characters, while Aurora Plastics created model kits of The Universal Studios monsters. Paul Crees and Peter Coe created Lestat and other characters from Anne Rice's *Interview with the vampire*.

These dolls and toys are just the tip of the iceberg. Living Dead Dolls and similar figures are wildly popular today. Artists like Teri Long of Long Gone Dolls repaint ordinary dolls to create monsters, Day of the Dead Calaveras or Sugar Skull dolls, zombies, and vampires. Mattel has its Monster High line of dolls, representing various monsters with the message that it is OK to be different. There is even a special edition Lady Gaga zombie doll. Disney's Vampirina is a line of toys and dolls based on a comedy series about a little vampire girl and her friend. Children and adults love them, and there doesn't seem to be an end to their production.

The next chapter gives an overview of the penal world and its history, as well as including the artifacts related to penal culture.

#### Key Words:

Living Dead Dolls	Boudicca	Grace O' Malley
Toy Story	Maeve	Dracula
Action figure	Scythian	curate
Cathartic	women warriors	Holocaust
Celtic	Masai	celluloid
Cartimandua	Artemesia	Elizabeth I

## Puzzle

XARHLHGGMTWCMVFMOCPJXSANWLYZIOGQ  
 HMMMHAUVNJGCDOPJYMTJWGABRBWYFL  
 MTYXTASYTIJCSOTOXDVLITIAILTIPSEPARI  
 UDFWSTVQOJJOHBTJNIIMDGCQOIQIJNYRGR  
 GJCRVAIRUGCMWVNCFYBEUPHSCNCAUTEC  
 EQNGVISMZGWBADCCBDEUMNHYDCGRRBX  
 VTUAEPOZRSUWOCEWUBUGGHADOFHFALCV  
 ALEAIRETWAVXMXDCTLQYSROLD AEIIRZPA  
 DRKEVCTTARCTDRBXTGNLMAVVZNEFHTIAI  
 OFOILELACJOURTOSIGOUC LACNEEEUNAGU  
 ZHFHAJRS DLYRYVLQWYZFSTHHNJSTXSPW  
 FEAGCELLULOIDSC EYFYCYELIZABETHIPRSJ  
 XKCHYP

## Living Dead Dolls

Grace O'Malley  
 Cartimandua  
 Scythian  
 Toy Story  
 Maeve

## Women Warriors

Elizabeth I  
 Cathartic  
 Celtic  
 Dracula  
 Masai

## Action Figure

Holocaust  
 celluloid  
 Boudicca  
 curate

## Study Questions

1. Why do people enjoy horror films and violent entertainment?
2. What does Stephen King say about horror films?
3. Who is Robert Ardrey? What is his position on human beings and violence?
4. Why are horror characters like Dracula and Frankenstein made into dolls, toys, and action figures?



# CHAPTER 1

## PANORAMA OF THE PENAL WORLD

According to Sutherland and Cressey as cited in Steven Vago's *Law and Society*, "Punishment involves pain or suffering produced by design and justified by some value that the suffering is assumed to have." (Quoted in Vago 210). For centuries, capital punishment was a common punishment for all crimes. There were no prisons or jails as we know them, so prisoners basically were enslaved or killed. Execution was more practical and required fewer resources. While the modern United States limits death as punishment to murder in the first degree and treason at the federal level, many more crimes were punishable by death in ancient and not-so ancient societies. Heresy, theft, blasphemy, heresy, treason, adultery, rape, kidnapping, and many more crimes have all been punished by death. There were many reasons for such harsh treatment of criminals and political opponents. For one thing, there were no prisons and no penal system as we know it. There simply was nowhere to house offenders. For another thing, public executions were deemed moral lessons and entertainment. Witnesses learned what happened to those who violated the law. Public executions were meant to deter and to foster obedience to the law and respect for authority. English executioners, in particular, customarily held up the severed head of the person just beheaded for the crowd to see, while shouting simultaneously, "so die all traitors to His Majesty!" Scaffold speeches were often judged for entertainment value, and as we will see in later chapters, the condemned person often composed a poem or song to commemorate the occasion. There were also popular rhymes and folk songs circulating to help people remember the fate of wrongdoers. Finally, political executions were an effective means for those in power to maintain their grasp on the local populace. Religious heretics who suffered slow, horrific deaths often became martyrs to their own religious causes, but also examples of what could happen to anyone who questioned the State religion. Executing religious and political heretics was also a way to maintain order in times of domestic uproar and war. Joan of Arc was burned at the stake for heresy to ensure that the English would maintain the upper hand in their war against the French. She was too much of a military and political threat while alive. Mary I of England routinely

executed Protestants because they threatened her vision of a Catholic England. In these and other examples, deterrence was an important lesson to teach. In fact, even today, deterrence is one reason that the death penalty is still an accepted form of punishment for murderers.

### **Deterrence. There are two types of deterrence – general and specific.**

**Specific Deterrence:** Whenever a particular murderer is executed, that person is specifically deterred from committing further crimes. For example, when Ted Bundy was executed, he could no longer murder people. Specific deterrence removed him from the general population. As Steven Vago writes, "individual or specific deterrence may be achieved by intimidation of the person, frightening him or her against further deviance, or it may be affected through reformation, in that the lawbreaker changes his or her deviant behavior" (211).

**General Deterrence.** With general deterrence, anyone who learns of or views the execution is presumed deterred from breaking the law. The theory is that people will be prevented from murdering each other if the shadow of lethal injection or the electric chair looms over them. Therefore, if I am so angry that I want to kill my no good husband or wife, I will be stopped if I realize that I could receive the death penalty for first degree murder. General deterrence, according to Vago, is the result of a warning to potential criminals, a warning by example of punishment "directed at a specific wrongdoer" which "aims to discourage others from criminal behavior by making an example of the offender being punished" (Vago 211).

Whether specific or general deterrence really works is a matter of dispute among criminologists. For example, Christopher Berry-Dee, author of *Monster* (about Aileen Wuornos) and *Female Serial Killers*, states he has not met any kind of murderer of either gender who was deterred by the possibility of receiving a death sentence while committing her or her crimes (268). Berry-Dee's *Monster* was also the basis of a film by the same name. He quotes a judge in *Female Serial Killers* who believes that the threat of a death sentence was no deterrent to any murderer that appeared before him (Judge Thomas M. Stark quoted in *Female Serial Killers* 268)

**Retribution** – Under this theory, execution is justified because the criminal is giving his life for the life that he has taken. It is the classic "eye

for an eye” Old Testament justification for capital punishment. In fact, criminal punishment itself is meant to “achieve the goal of retribution or social retaliation against the offender” (Vago 210).

**Rehabilitation** dictates that a person should not be executed. Instead, a person should be imprisoned and educated to learn why his actions were incorrect. The prisoner learns to modify his or her behavior so that s/he can return to society one day as a productive, law-abiding member. Of course, this theory behind rehabilitation begs the question of whether or not a serial killer or psychopathic and violent personality can be rehabilitated and safely returned to society as a law-abiding citizen. The popular books and television series *Dexter* seems to have the thesis that even a serial killer can be rehabilitated and/or work on the side of good and justice.

Political and religious crimes punished by death and torture do not seem to fit any of the above theories. The object of punishment in these cases seems to emphasize death of the accused, often without judicial process.

Where political crimes and religious crimes are concerned, the list of political martyrs is seemingly endless. Prominent men and women who appear on the list include King Tut [if we believe James Patterson], Cleopatra and various members of her family, Messalina and other noble Romans and Caesars, Jesus, St. Agnes, St. Lucy, St. Sebastian, St. Peter, John the Baptist, St. Thomas More, St. Cecilia, St. Valentine, John Huss, Joan of Arc, Anne Boleyn, Anne Askew, Thomas Cramner, Archbishop of Canterbury, William Tyndale, Louis XVI and Marie Antoinette, Charlotte Corday, The Salem “Witches” of 1692, Edith Cavell, Sacco and Vanzetti, The Rosenbergs, Nathan Hale, etc. These are people who were executed in large part for their political beliefs. They were often accused of heresy; many were the victims of dictatorships and tyrants, while others were accused religious heretics who rocked the foundation of the established state religion. Some were “discreetly” executed by assassins hired by the government in power, while others were tried by the authorities and executed as examples to others who might follow their lead. Special laws were applied to them; they were not common criminals and had not usually broken any penal laws, other than to hold different opinions, or just appear to live different lifestyles, from the Status Quo.

On the other hand, other criminals were executed and otherwise punished for violating the extant penal code. These are the criminals who were tried for theft, robbery, murder, fraud, arson, burglary, and the various other

common law crimes that became for the most part the modern crimes which have inspired our statute books and state and federal legislators. They are the crimes re-written by The Model Penal Code.

Literature meant to educate or entertain makes use of capital punishment based on religious and historical records. Folklore, Fairy tales, fables, Bible stories and myths use capital punishment on a regular basis to punish evildoers, but also to create sympathy for the heroine. So, the evil sister in "The Goose Girl" suffers a horrible death for stealing her mistress's identity; she is crammed into a nail-studded barrel and dragged by horse cart through the streets until she is dead. Yet, many a princess is saved at the last minute from the stake by her handsome prince, who realizes she has been falsely accused. What began as a funeral pyre ends as a joyful wedding bonfire. The most famous of these tales is perhaps that of Lancelot rescuing Guinevere from the pyre in the Arthurian Legends.

In The Bible, Cain is punished for slaying his brother, Abel. Only Noah and his family and pairs of animals survive when God punishes evil humanity by flooding the earth and its inhabitants. Isaac is about to be sacrificed by his father, until God intervenes. Lot's wife is turned into a pillar of salt for her disobedience. Pharaoh's soldiers drown when they try to chase Moses and his people through the Red Sea. Saints are tortured and martyred, and Jesus is crucified.

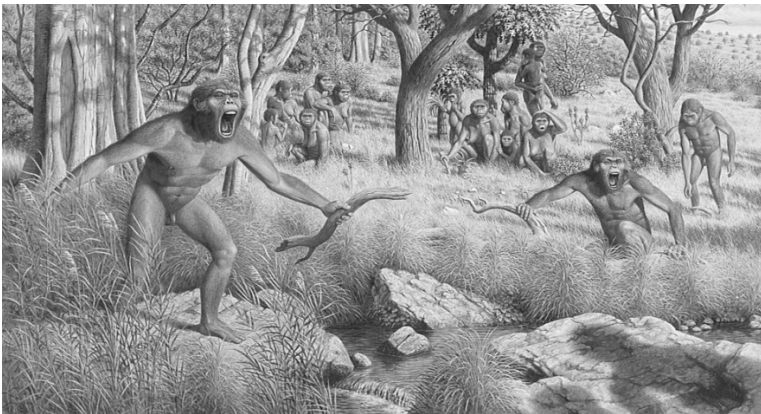
Clearly, violence and the death penalty were created along with humanity itself. One theory of evolution and human development dictates that one common human ancestor was a type of "killer ape" which may have engaged in combat with other apes because of clan and tribal warfare. Film maker and anthropologist Robert Ardrey writes that ". . . even in the first long days of our beginnings, we held in our hand the weapon, an instrument somewhat older than ourselves (1). Another theory states that the human ancestors, also known as early genus *Homo species*" killed and ate other apes because these creatures were omnivorous "(2). One early cranium of a human ancestor named by anthropologists *Australopithecus robustus* shows two punctures which could have been made by a weapon, or by the canines of a leopard.

In fact, Robert Ardrey has argued in *African Genesis* that human beings inherit a killer instinct and the desire to use weapons. The relatively recent discovery of a murder that occurred 500,000 years ago which may be one of the first ever homicides backs up Ardrey's assertion. Both perpetrator and victim were *Homo erectus* hominids who lived from 500,000 to

250,000 years ago. Ardrey, who was a careful researcher and humble enough not to want to start an evolutionary and scholarly revolution about the basic nature of humanity, based much of his research and conclusions on the question of whether humans are born innocent or good, on the research of Raymond Dart, a South African anthropologist. In 1949, Dart wrote a paper in the *American Journal for Physical Anthropology* which argued that the ape-like creature *Australopithecus africanus* “had gone armed” (alluded to in *African Genesis* 28). Dart studied fifty or so baboon skulls from areas in which the southern ape or man-ape *Australopithecus* also roamed. Dart’s findings showed that the baboons had “met sudden death at the hands of the southern ape; that the man-ape had used a weapon and that his favorite weapon had been the antelope humerus bone.” (29) Thus, claim Dart and Ardrey, “The use of weapons had preceded man” (29).



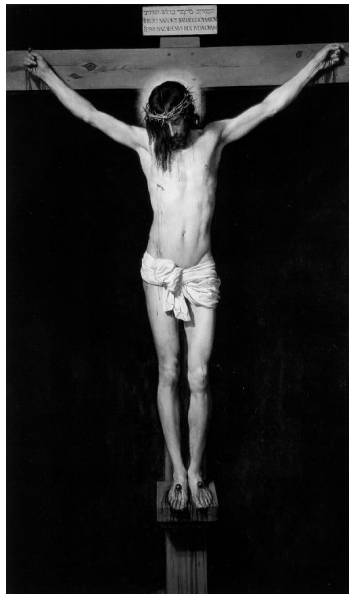
1-1: Robert Ardrey; Author of *African Genesis*. Public domain



1-2: *Australopithecus*. Public domain.

Despite suffering from attacks on his reputation by skeptical colleagues, Dart persevered and wrote in 1953 a paper in *The International Anthropological and Linguistic Review* titled “The Predatory Transition from Ape to Man.” Dart’s thesis was that “Man had emerged from the anthropoid background for one reason only; because he was a killer” (29). Dart continues on to write that perhaps even millions of years ago, a line of killer apes branched off from their non-aggressive primate relatives and in order to survive, became predators. Ardrey agrees with Dart that “We learned to stand erect in the first place as necessity of the hunting life” and “We learned to run in our pursuit of game.” Then, “lacking fighting teeth or claws, we took recourse by necessity to the weapon,” even if it were a simple rock, stick, or heavy bone. (29). The weapon, Dart and Ardrey conclude, “had fathered man” (29).

The discovery of prehistoric weapons and tools is also evidence that early humans felt an innate need to wield weapons and use tools with the need to invent useful objects. The two seem to be linked inextricably; witness the many tools invented by Thomas Edison, who also did work on creating the electric chair.



1-3: “Christ on the Cross.” Diego Velázquez. 1599-1660. Public domain.