



Gruesome Spectacles. Botched Executions and America's Death Penalty

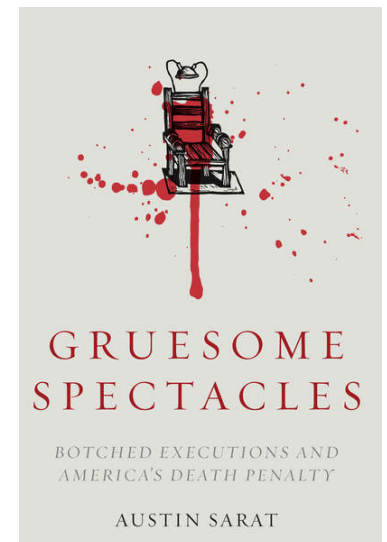
David Fazzino
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There is a very fine line between describing the United States of America's gruesome spectacles of botched executions in enough detail to situate them in a legal and cultural sense, and making a spectacle of them to be consumed. There is further risk of making a spectacle in providing extraneous details of the criminal acts that brought convicted people to meet their painful ends at the hands of the



state. Finally, there is a potential to depoliticise and dehumanise a history of state violence on criminals, to tell just the story of the executions themselves, how they were botched, how equipment or people failed rather than to question the underlying ideologies and structures of power that give the United States the ability to take life. Sarat is mostly successful in navigating these dangerous waters of describing the gruesomeness of botched executions without making them just a spectacle or systematic failure of people or equipment. His success is a result of balancing accounts from a variety of sources, situating his work in social sciences and legal studies.



Gruesome Spectacles builds upon Sarat's earlier works with his first and final chapter drawn from a previously published book and journal respectively. The first chapter highlights the primary focus of the book with an emphasis on the ideological justifications for executions couched in rationality, defence of society, and technological efficiency. The final chapter highlights what Sarat refers to as the "cultural reception of botched executions" (p.148) with an examination of changing approaches in newspaper reporting of botched executions from 1890-2010.

The middle four chapters deal with instruments of state sanctioned death in the United States of America, beginning with a discussion of hanging in Chapter 2, electrocution in Chapter 3, the gas chamber in Chapter 4, and finally lethal injection in Chapter 5. In these sections he describes a series of blundered



executions that call into question whether the method of execution is merely extinguishing life or rather inflicting unnecessary suffering. Each technology gives way to another supposedly more precise and modern form of killing, or as Sarat considers it, “What was high drama has been reduced to a matter of technique” (p.9). The increased technological sophistication supposedly allows for a more decent form of death and keeps capital punishment within the dictates of the Eighth Amendment of the U.S. Constitution and the Supreme Court’s determination that the death penalty cannot be “something more than the mere extinguishment of life”.

An interesting line of argument that runs its course through this text are references to the purported expertise of state actors in the context of administering the death penalty, particularly through the utilisation of what these same actors refer to as modern science.

This deployment of expertise offers assurances that the gruesome spectacles are the best alternative to dealing with criminals who have been deemed incapable of rehabilitation in the United States. This hegemony harkens back to Foucault’s 1977 *Discipline and Punish* wherein, historically, religious officials were called upon to help the viewing public come to terms with the horrific spectacle of death as a just and necessary conclusion. Similarly, the assurances of modern state actors thus work to convince publics that contemporary executions are: 1) done in a rational and scientific manner and 2) in the name of defending civility and a supposedly shared moral order. Indeed, in his opening chapter, Foucault begins with an account of the punishment of “Damiens the regicide” in 1757. Foucault quotes the account: “The spectators were all edified by the solicitude of the parish priest of St Paul’s who despite his great age did not spare himself in offering consolation to the patient” (*Pièces originales...*, 372-4 in Foucault 1977). Contemporary state actors rely on narratives of science and progress to justify the creation of more efficient ways to kill people. These methods and their brutality, readily apparent in the accounts of botched execution covered in chapters 2 to 5, are potentially made less so by reference to allegedly more



primitive and barbaric forms of execution.



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Sarat grapples with whether the state is culpable, in both a legal and ethical sense, for the unnecessary suffering caused by botched executions. This is a central question in both the text as well as in the legal community. He traces the history of the controversies surrounding the use of particular methods of execution and the subsequent legal challenges levelled at them. Botched executions utilising lethal injection are addressed particularly well in the text as Sarat explains how state actors deflect the responsibility of the blunder from the state and place it firmly on the convicted, whose poor vein structure and diminished health result solely from the poor individual choices they made in life. This rhetorical move alleviates the state of responsibility: in essence, punishment extends not only to those actions for which the convicted is sentenced, but also becomes part and parcel of the necessary elimination of the threat of this individual from a properly functioning society. The intrinsically flawed nature of the individual results in poor and unacceptable decisions that fundamentally alter anatomy and physiology.

The body of the criminal is hence abhorrent like the criminal himself. His refusal to conform to society is replicated in his final act wherein the logic and scientific rationality of execution fails, not because of an inherent flaw in the design of the executory apparatus (in a broad sense), but rather the condemned must suffer through as he is poked and prodded his own failures.

In this way Sarat elucidates how the state explains away the pain and suffering of the convicted in the context of lethal injection; that is, it is the convict who is to blame rather than an imperfect mechanism of execution or the minimal training of the executor. Sarat provides numerous other examples of how the calculating rationale that death will come quickly is defied by supposed aberrations of the



convicted person's body. These examples include the remarkable "constitution" of the sentenced, that is, their seemingly super-human toughness in contrast to their imperfect physiology. This toughness is highlighted as an explanation for extended execution, including suffocating in hanging or having to be electrocuted more than once. Although Sarat does not specifically make the arguments, his discussion of botched executions can be read as a commentary on the lengths to which state actors will go to highlight the non-humanness of the condemned. Specifically, those condemned to death are viewed as inherently flawed in some psychological way, providing the necessary justification for state sanctioned execution, whilst at the same time they are anatomically or physiologically flawed, providing the explanatory framework for botched executions. Hence, the body of the condemned both literally and figuratively frames the parameters of the acceptable subject.



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Recent events in the United States have once again highlighted persistent issues of policing including militarisation and racial divides. Sarat does not address these directly, which might subject him to the critique of scholars focused on



various forms of violence along the lines of race, ethnicity, and class. Instead, he hints at issues of race in the importance of administering justice with one example of all white jurors returning the sentence of the death penalty for an African American in a matter of minutes. The lack of a systematic discussion of race, ethnicity, or class in the context of administering the death penalty does disappoint. Sarat provides a table of the number of executions in the United States and those botched by method in Appendix A, and information on each of the 276 botched executions in the United States from 1890 to 2010 in Appendix B, which includes the date, state, name of executed, method of execution, and how the execution was botched. In chapters 2 to 5 Sarat discusses the details of particular cases, sometimes mentioning race, and the associated botching of the execution. Still, the failure to systematically highlight racial disparities in the utilisation of the death penalty stands out as the book's most glaring omission.

Nevertheless, *Gruesome Spectacles: Botched Executions and America's Death Penalty*, delivers provocative accounts on a number of fronts and is crucial reading for: 1) academics, law students, lawyers, and activists seeking a broader understanding of the history of the death penalty, its ideological underpinnings, and its various forms of enactment; 2) journalists, anthropologists and others who examine the role of media reporting on public perception of key political issues; and 3) those interested in science and technology studies, professionalisation, the medical field, or issues of development for its discussion of scientific progress and rationality in developing "moral" and "efficient" ways to kill.

References Cited

Foucault, Michel. 1977. *Discipline and Punish: The Birth of the Prison*. Transl. Alan Sheridan. London: Allen Lane, Penguin.

Sarat, Austin. 2014. [*Gruesome Spectacles. Botched Executions and*](#)



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